

Alaska Judicial Council Recommendation

Judge Dan A. Hensley, Superior Court, Anchorage

I. Judicial Council Evaluation. The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Hensley to be **Qualified** and recommends unanimously (6-0) that the public vote "YES" to retain him as a superior court judge.

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Judge Hensley was rated in the excellent range on overall judicial performance (4.3, see graph). He scored highest in the category of "conduct free from impropriety" (4.5). He scored 4.3 or better in all sixteen categories.

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	CourtWatch Report
Legal Ability	4.3	---	---	---	---
Impartiality	4.3	4.6	4.9	---	3.9
Integrity	4.4	4.5	---	4.5	---
Temperament	4.4	4.5	4.9	4.6	3.8
Diligence	4.3	4.6	---	4.4	---
Special Skills	4.4	4.7	---	4.4	---
Overall	4.3	4.5	4.9	4.5	3.9

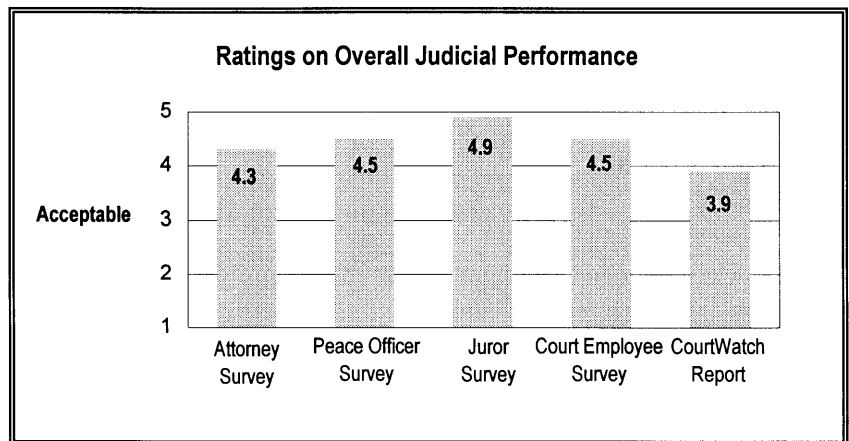
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

Range Description
 4.0 - 5.0 = Excellent
 3.5 - 3.9 = Good
 3.0 - 3.4 = Acceptable
 2.5 - 2.9 = Below Acceptable
 1.0 - 2.4 = Poor

A survey of all 1,890 peace and probation officers in Alaska rated Judge Hensley in the excellent range on overall judicial performance (4.5, see graph). He scored highest (4.7) in the categories of "settlement skills" and "talent and ability for cases involving children." He scored 4.4 or better in all thirteen categories.

A survey of all jurors appearing before Judge Hensley in 1998 and 1999 rated him in the excellent range (4.9) on overall performance. A survey of all court employees rated him in the excellent range (4.5) on overall performance. The independent CourtWatch Report gave Judge Hensley a 3.9 overall rating.

The Council also completed a background investigation including a court records check, a disciplinary records check, a review of conflict of interest statements submitted to the court system, a review of any withheld salary warrants and a review of financial disclosure statements submitted to the Alaska Public Offices Commission. Attorneys, peace officers, court employees and jurors were asked to submit written comments about the judge. The Council actively encouraged the public to comment, both in writing and in a statewide public hearing teleconference.



Recommendation: Vote "YES" to retain Judge Hensley

Contact the Judicial Council at 1029 W. 3rd, Suite 201, Anchorage, AK 99501 (telephone: (907) 279-2526) for more detailed information, or review the information on our Internet site at:

www.ajc.state.ak.us



alaska judicial council

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Alaska Judicial Council Questionnaire

Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

DAN A. HEWSLEY
Name

SUPERIOR COURT - ANCHORAGE
Court

1. Describe your workload during your present term.

a) 90 % Civil Cases
6 % Criminal Cases
4 % Court Administrative
100 % Total

b) 45 # of trials/year (jury + non-jury)
5 # Administrative Appeals

2. Please describe your participation on court/Bar committees or other administrative activities during your current term of office.

Informal custody investigator committee; Beach/Bar
off the record (x2); Bar Assn. Family Law speaker (x2)

3. On a separate sheet of paper please assess, in one or two paragraphs, your judicial performance during your present term. Appropriate areas of comment could include: satisfaction with your judicial role, specific contributions to the

judiciary or the field of law, increases in legal knowledge and judicial skills, or other measures of judicial abilities that you believe to be important.

4. During your most recent term as a judge, have you:

- a) had a tax lien filed or other collection procedure instituted against you by federal, state, or local authorities? Yes _____ No .
- b) been involved in a nonjudicial capacity in any legal proceeding whether as a party or otherwise? Yes _____ No .
- c) engaged in the practice of law (other than as a judge)? Yes _____ No .
- d) held office in any political party? Yes _____ No .
- e) held any other local state or federal office? Yes _____ No .

If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers and outcomes.

Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2000 retention elections.

58. Please list the names and case numbers of the three most recent ~~non~~-jury cases tried before you, identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

1 MIDDLETON V. ALLSTATE 97-7331 CI

Attorneys Involved

Name: WILLIAM WALKER
Address: 750 W 2nd #215
ANCH AK 99501

Name: MARK WILKERSON
Address: 310 K STREET #405
ANCH AK 99501

Name: _____
Address: _____

Name: _____
Address: _____

2 FLEEDEL V. BOYLES 97-6910 CI

Attorneys Involved

Name: WILLIAM GRANT CALLOW
Address: 425 G STREET #610
ANCH AK 99501

Name: PAUL WAGGONER
Address: 632 CHRISTIANSEN #200
ANCH AK 99501

Name: _____
Address: _____

Name: _____
Address: _____

3 SHELL V. LAUREL STREET 97-6541 CI

Attorneys Involved

Name: MARC JUNE
Address: 807 G #150
ANCH AK 99501

Name: KELLY FISHER
Address: 800 E. DIMOND #3-620
ANCH AK 99515

Name: _____
Address: _____

Name: _____
Address: _____

non

6 B. Please list the names and case numbers of the three most recent jury cases tried before you, identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

1 DURANT V DURANT 98-6081 CI

Attorneys Involved

Name: SANDRA SAVILLE
Address: 601 W. 5th #500
ANCH AK 99501

Name: STEVE COLE
Address: 326 CENTER #203
KODIAK AK 99615

Name: JANICE BANTA
Address: 900 W 5th #525
ANCH AK 99501

Name: _____
Address: _____

2 ITMO: E.O. 96-207 CP

Attorneys Involved

Name: KARI KRISTIANSON
Address: 1031 W 4th #200
ANCH AK 99501

Name: CYNTHIA RABE
Address: 900 W 5th #200
ANCH AK 99501

Name: STIRLEY PERRY
Address: 900 W. 5th #525
ANCH AK 99501

Name: _____
Address: _____

3 BARRETT V BARRETT 99-7321 CI

Attorneys Involved

Name: WILLIAM FORD
Address: 745 W 4th #501
ANCH AK 99501

Name: DAVID HOUSTON
Address: 517 W NORTHERN LIGHTS
ANCH AK 99503

Name: _____
Address: _____

Name: _____
Address: _____

7. Please list the names and case numbers of the three most recent cases which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.), identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

1 ITMO: F.L. 91-427 CP

Attorneys Involved

Name: DAN ROBINSON
Address: 1031 W. 4th #200
ANCH AK 99501

Name: CYNTHIA RABE
Address: 900 W 5th #200
ANCH AK 99501

Name: JIM PARKER
Address: 900 W. 5th #525
ANCH AK 99501

Name: _____
Address: _____

2 GALLON V. ROSS 99-4279 ci

Attorneys Involved

Name: SUSAN CARSE
Address: 750 2nd #210
ANCH AK 99501

Name: ROBERT FRENZ
Address: 310 K #507
ANCH AK 99501

Name: _____
Address: _____

Name: _____
Address: _____

3 SERRATO V. MCKINLEY 99-5501 ci

Attorneys Involved

Name: MICHAEL N. WHITE
Address: 1227 W. 9th
ANCH AK 99501

Name: J.L. MCCABREY
Address: 3301 C STREET #500
ANCH AK 99503

Name: _____
Address: _____

Name: CARL CIOCHON
Address: ONE MARITIME PLAZA 18th FLOOR
SAN FRANCISCO CAL
94111

8. If you deem it helpful to the Council, please list the name, case number and attorneys' names and current addresses of any other cases during your judicial career in which you believe your work was particularly noteworthy. (Attach additional pages if necessary.)

1

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

2

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

3

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

ASSESSMENT OF JUDICIAL TERM

I am satisfied with my first judicial term. Because of my prior trial and hearing officer experience I made a relatively easy transition to presiding over trials.

The most challenging aspect of my term was in family and children's matters. I devoted extra energy to these cases to make up for my limited exposure to them in private practice. These cases also proved to be the most rewarding, because I often have direct contact with parents and children and because my decisions have a direct impact on their lives.

I also did considerable work in mediation. I conduct 2-3 settlement conferences a week, and believe that the parties and their lawyers appreciate this extra effort to help them resolve their disputes short of trial.

MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: May 16, 2000

RE: Comparison of Previous Survey Results - Dan A. Hensley

Dan A. Hensley is standing for retention in 2000. The tables on the following page compare retention and selection survey scores for Judge Hensley. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

This is Judge Hensley's first time to stand for retention. He was evaluated with the other non-retention judges in 1998.

Judge Hensley applied for and was appointed to the Anchorage Superior Court in October 1996. He previously applied for the June 1996 Anchorage Superior Court vacancy. He was nominated but not appointed for that vacancy.

Judge Dan A. Hensley				
Retention Surveys				
	2000 Retention		1998 Retention Preview	
	Bar	PPO	Bar	PPO
Legal Ability	4.3	—	4.3	---
Fairness	4.3	4.6	4.3	3.0
Integrity	4.4	4.5	4.4	3.0
Judicial Temperament	4.4	4.5	4.4	3.0
Diligence	4.3	4.6	—	---
Administrative Skills	4.4	4.7	—	---
Overall Performance	4.3	4.5	4.3	3.0

Judge Dan A. Hensley				
appointed to Anchorage Superior Court 12/4/96				
	October 1996 Anchorage Superior		June 1996 Anchorage Superior	
	Score	Range	Score	Range
Professional Competence	4.1	Excellent	4.0	Excellent
Fairness	4.0	Excellent	4.0	Excellent
Integrity	4.1	Excellent	4.1	Excellent
Judicial Temperament	4.0	Excellent	4.0	Excellent
Experience	4.0	Excellent	3.8	Good
Overall Performance	4.0	Excellent	3.9	Good