

# Alaska Judicial Council Recommendation

## Judge Sen K. Tan, Superior Court, Anchorage

**I. Judicial Council Evaluation.** The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Tan 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 Tan was rated in the excellent range on overall judicial performance (4.0, see graph). He scored highest (4.4) in the categories of "conduct free from impropriety," "makes decisions without regard to possible public criticism," and "courtesy." He scored 3.7 or better in all sixteen categories.

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	CourtWatch Report
Legal Ability	4.0	---	---	---	---
Impartiality	4.3	3.9	4.8	---	4.1
Integrity	4.4	3.8	---	4.4	---
Temperament	4.3	3.9	4.9	4.5	3.8
Diligence	3.9	3.8	---	4.2	---
Special Skills	4.2	3.5	---	4.1	---
Overall	4.0	3.9	4.8	4.3	3.9

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

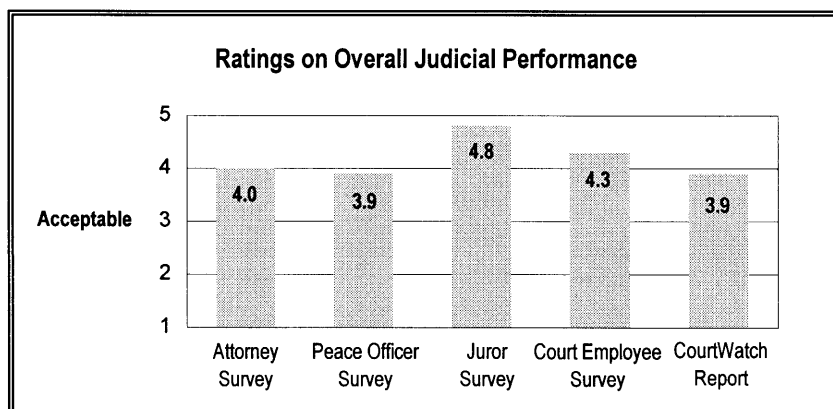
**Range Description**

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 Tan in the good range on overall judicial performance (3.9, see graph). He scored highest (4.0) in the categories of "conduct free from impropriety," "courtesy," and "ability to control courtroom." He scored lowest, but still acceptable (3.4), in the category of "consideration of all relevant factors in sentencing."

A survey of all jurors appearing before Judge Tan in 1998 and 1999 rated him in the excellent range (4.8) on overall performance. A survey of all court employees rated him in the excellent range (4.3) on overall performance. The independent CourtWatch Report gave Judge Tan 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 Tan**

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.jjc.state.ak.us](http://www.jjc.state.ak.us)



# alaska judicial council

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## Alaska Judicial Council Questionnaire

### Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

<u>SEN K. TAN</u>	<u>Superior Court</u>
Name	Court

1. Describe your workload during your present term.

- |                                 |                                   |
|---------------------------------|-----------------------------------|
| a) <u>95</u> % Civil Cases      | b) <u>16</u> # of trials/year     |
| <u>1</u> % Criminal Cases       | <u>6</u> # Administrative Appeals |
| <u>4</u> % Court Administrative |                                   |

100 % Total

Answers for 1(b) are based on my workload in 1999. It should be representative of 1997 and 1998. In 1999, I conducted five jury trials and eleven judge tried cases. For judge tried cases, I have included only formal trials and have excluded modification of custody proceedings, very short trials and default trials. If all trial type proceedings were included, the number of non-jury trials would probably double. For administrative appeals, I have included District Court appeals.

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

Civil Bench Bar Committee  
Informal committee on custody investigation  
Anchorage committee on drafting standard pre-trial order

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   x  .
  
- b) been involved in a nonjudicial capacity in any legal proceeding whether as a party or otherwise? Yes \_\_\_\_\_ No   x  .
  
- c) engaged in the practice of law (other than as a judge)? Yes \_\_\_\_\_ No   x  .
  
- d) held office in any political party? Yes \_\_\_\_\_ No   x  .
  
- e) held any other local state or federal office? Yes \_\_\_\_\_ No   x  .

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

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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.

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5. 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.)

	<i>Name of Case</i>	<i>Case Number</i>
<b>1</b>	<u>Blumhorst v. Berkbigler</u>	<u>3AN 97-4940 CI</u>

*Attorneys Involved*

Name: Joe Josephson  
Address: 750 W 2nd Ave #215  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: William Ingaldson  
James Boardman  
Address: 711 H Street  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<b>2</b>	<u>Johnson v. Marble</u>	<u>3AN 98-5974 CI</u>
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*Attorneys Involved*

Name: Ronald A. Offret  
Address: 733 W 4th Ave #206  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Daniel T. Quinn  
Address: 360 K Street #200  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<b>3</b>	<u>Loncar v. Gray</u>	<u>3AN 96-9792 CI</u>
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*Attorneys Involved*

Name: Marc W. June  
Address: 807 G Street #150  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: John W. Hendrickson  
Address: 3105A Lakeshore Dr #102  
Anchorage, AK 99517

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

6. 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.)

	<i>Name of Case</i>	<i>Case Number</i>
<b>1</b>	<u>Terri Lee Hall v. Douglas Hall</u>	<u>3AN 98-4274 CI</u>

*Attorneys Involved*

Name: Vanessa White  
Address: 711 H Street #460  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Peggy A. Roston  
Address: 3380 C Street #202  
Anchorage, AK 99503

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

	<i>Name of Case</i>	<i>Case Number</i>
<b>2</b>	<u>Tom Pittman v. Susan Pittman</u>	<u>3AN 98-8044 CI</u>

*Attorneys Involved*

Name: Peggy A. Roston  
Address: 3380 C Street #202  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Jeri D. Byers  
Address: 5731 College Dr  
Anchorage, AK 99504

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

	<i>Name of Case</i>	<i>Case Number</i>
<b>3</b>	<u>Sharon E. Stockard v. Thomas J. Berry</u>	<u>3AN 98-9845 CI</u>

*Attorneys Involved*

Name: Ryan R. Roley  
Address: 3621 Carleton #C  
Anchorage, AK 99517

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: David S. Houston  
Address: 517 W Northern Lights  
Anchorage, AK 99503

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.)

	<i>Name of Case</i>	<i>Case Number</i>
<b>1</b>	Atwood v. Odom	3AN 97-9844 CI

*Attorneys Involved*

Name: James N. Reeves  
Address: 1031 W 4th Ave #600  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Name: Kirsten A. Tinglum  
Address: 1130 W 6th Ave #100  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

	<i>Name of Case</i>	<i>Case Number</i>
<b>2</b>	Montgomery v. Carlson	3AN 99-5014 CI

*Attorneys Involved*

Name: Michaela Kelley  
Address: 821 N Street #206  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Name: Blake Call  
Address: 550 W 7th Ave #1100  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

	<i>Name of Case</i>	<i>Case Number</i>
<b>3</b>	Mower v. MOA	3AN 97-7364 CI

*Attorneys Involved*

Name: Peter Gruenstein  
Address: 500 L Street #401  
Anchorage, AK 99501

Name: Peter J. Maassen  
Address: 711 H Street #500  
Anchorage, AK 99501

Name: Bruce E. Gagnon  
Address: 420 L Street 5th Floor  
Anchorage, AK 99501

Name: Philip R. Volland  
Address: 211 H Street  
Anchorage, AK 99501

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**

Alaska Air v. MarkAir (Barstow trustee)

3AN 91-9329 CI

**Attorneys Involved**

Name: Heather H. Grahame  
Address: 1031 W 4th Ave #600  
Anchorage, AK 99501

Name: William M. Bankston  
Address: 550 W 7th Ave #1800  
Anchorage, AK 99501

Name: Kelly Corr  
Address: Corr Cronin LLP  
1001 4th Ave Ste 3700  
Seattle, WA 98154

Name: Marty Harper  
Address: Goodwin Raup PC  
3636 N Central Ave #1200  
Phoenix, AZ 85012

**2**

**Name of Case**

**Case Number**

Planned Parenthood v. Perdue

3AN 98-7004 CI

**Attorneys Involved**

Name: Christine S. Schleuss  
Address: 500 L Street #300  
Anchorage, AK 99501

Name: Lisa Kirsch (AAG)  
Address: PO Box 110300  
Juneau, AK 99811

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**3**

**Name of Case**

**Case Number**

Phipps v. Near & Safeway

3AN 96-8804 CI

**Attorneys Involved**

Name: Michael A. Brain  
Address: 1407 W 31st Ave 7th Floor  
Anchorage, AK 99503

Name: Charles G. Evans  
Address: 8401 Brayton Dr Ste 123  
Anchorage, AK 99507

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

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.)

**4**

**Name of Case**  
Scheffler v. Int'l Maritime  
Mgmt, Inc. et al.

**Case Number**  
3AN 97-9349 CI

**Attorneys Involved**

Name: Matthew W. Claman  
Address: 425 G Street #610  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Kenneth G. Schoolcraft, Jr.  
Address: 510 L Street #601  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**5**

**Name of Case**  
Planned Parenthood v. SOA

**Case Number**  
3AN 97-6014 CI

**Attorneys Involved**

Name: Joyce E. Bamberger  
Address: 1036 W 22nd Ave  
Anchorage, AK 99503

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: James P. Doogan Jr.  
Address: 604 Barnette St Rm 247  
Fairbanks, AK 99701

Name: Kevin G. Clarkson  
Address: 310 K Street #601  
Anchorage, AK 99501

**6**

**Name of Case**  
Bess v. Ulmer

**Case Number**  
3AN 98-7776 CI

**Attorneys Involved**

Name: Robert H. Wagstaff  
Address: 425 G Street #610  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: James L. Baldwin (AAG)  
Address: PO Box 110300  
Juneau, AK 99811

Name: \_\_\_\_\_  
Address: \_\_\_\_\_



## Alaska Judicial Council Questionnaire

### Answer to Question 3

I have been a judge for almost three years now. Much has happened during this time. The first two years was a period of intensive learning, as judging is different than all other legal work. The first few months presented challenges every day. There is a steep learning curve to learn how to conduct a jury trial, a non-jury trial, a hearing, or even how to write a decision.

By the second year, I had a better sense of the job, and was better able to take a broader view of the work, and to manage my caseload and implement systems to perform my duties with increasing efficiency. I have tried over the past two years to try to strike the balance between allocating enough time to in-court work and working on files. I believe that I have roughly achieved my objective, to set on trials and hearings without delay, as well as deciding motions within a reasonable time.

After three years, I am comfortable enough with my role as a judge to try some innovations. For example, at the pre-trial setting conference, I am attempting, with the assistance of counsel, to identify those cases that can be settled early and then conducting settlement conference before the parties have expended substantial funds in

litigation. I have also tried to steer the appropriate domestic dispute to early mediation.

Generally, I am very satisfied with my judicial role and believe my performance as a novice judge has been good. I have had some difficult cases and I have taken those in stride. Realizing that much of the Superior Court docket comprise of family law matters, I have tried to increase my knowledge in that area. I have attended courses and conferences dealing with children and child custody issues. I am also involved in an informal committee looking at the duties and performance of custody investigators.

**Answer to question 4 - any other pertinent information**

I have enjoyed my work at the Superior Court, and have tried to give each case an objective, efficient, and well-reasoned response. I view the duty of a Superior Court judge to apply the law of the state, under the appropriate statutory and decisional authority, and I have done that to the best of my ability.

## **MEMORANDUM**

**TO:** Judicial Council Members  
**FROM:** Staff  
**DATE:** May 16, 2000  
**RE:** Comparison of Previous Survey Results - Sen K. Tan

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Sen K. Tan is standing for retention in 2000. The table on the following page compares retention and selection survey scores for Judge Tan. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

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

Judge Tan applied for and was appointed to the Anchorage Superior Court in 1996.

<b>Judge Sen K. Tan</b>						
appointed to Anchorage Superior Court 12/4/96						
	2000 Retention		1998 Retention Preview		1996 Anchorage Superior	
	Bar	PPO	Bar	PPO	Score	Range
<b>Legal Ability</b>	4.0	—	4.2	—	4.1	Excellent
<b>Fairness</b>	4.3	3.9	4.3	4.0	4.1	Excellent
<b>Integrity</b>	4.4	3.8	4.5	4.0	4.2	Excellent
<b>Judicial Temperament</b>	4.3	3.9	4.5	4.0	4.0	Excellent
<b>Diligence</b>	3.9	3.8	—	—	—	---
<b>Administrative Skills</b>	4.2	3.5	—	—	—	---
<b>Suitability of Experience</b>	—	—	—	—	3.7	Good
<b>Overall Performance</b>	4.0	3.9	4.3	4.0	4.0	Good