

# Alaska Judicial Council Recommendation

## Judge Gregory Motyka, District Court, Anchorage

**I. Judicial Council Evaluation.** The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Motyka to be *Qualified* and recommends unanimously (5-0) that the public vote "YES" to retain him as a district court judge.

**II. Summary of Evaluation Information.** A survey of 2,860 attorneys in Alaska rated Judge Motyka on sixteen categories that are summarized in the adjacent graph. Attorneys rated Judge Motyka 4.1 on a scale of 5 on overall judicial performance. He scored highest (4.2) in the categories of "integrity," "controls courtroom," and "ability for cases involving children and families." He scored 4.0 or better in all sixteen categories.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	CourtWatch Survey
Legal Ability	4.0	---	---	---	---
Impartiality	4.1	4.3	4.7	4.4	---
Integrity	4.2	4.4	---	4.4	---
Temperament	4.1	4.4	4.7	4.4	---
Diligence	4.1	4.4	---	4.3	---
Special Skills	4.1	4.3	---	---	---
Overall	4.1	4.3	4.7	4.4	4.2

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

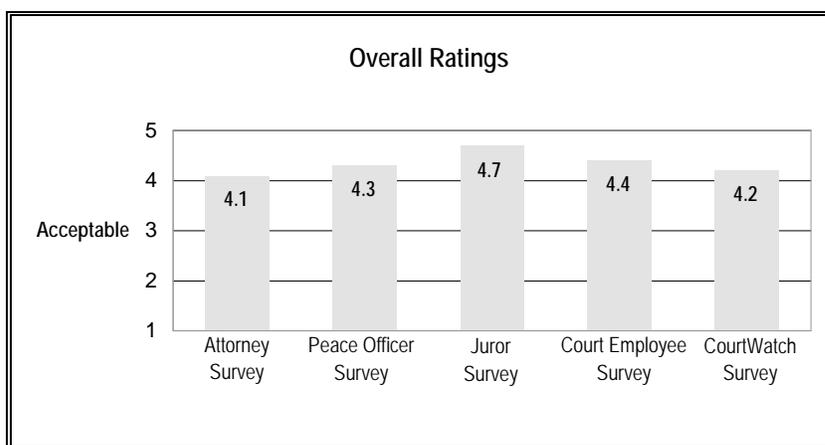
#### Rating Scale

- 5.0 = Excellent
- 4.0 = Good
- 3.0 = Acceptable
- 2.0 = Deficient
- 1.0 = Unacceptable

A survey of 1,704 peace and probation officers in Alaska rated Judge Motyka on twelve categories that are summarized in the adjacent graph. Peace and probation officers rated Judge Motyka 4.3 on a scale of 5 on overall judicial performance. He scored 4.3 or 4.4 in all categories.

A survey of all jurors appearing before Judge Motyka in 2000 and 2001 rated him 4.7 on a scale of 5 on overall performance. A survey of all court employees rated him 4.4 on a scale of 5 on overall performance. The CourtWatch Report prepared by Victims for Justice gave Judge Motyka a 4.2 overall rating on a scale of 5.

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 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 Motyka**

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

November 2002



# alaska judicial council

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EXECUTIVE DIRECTOR  
Larry Coffey

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## Alaska Judicial Council Questionnaire

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Eleanor Andrews  
Katie Hurley  
Gigi Pilcher

DEC - 7 2001

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Geoffrey G. Currall  
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ALASKA  
JUDICIAL COUNCIL

## Trial Judge 2002 Candidates for Judicial Retention

CHAIR, EX OFFICIO  
Dana Fabe  
Chief Justice  
Supreme Court

November 16, 2001

GREGORY J. MOTYKA

ANCHORAGE DISTRICT COURT

Name

Court

1. Describe your workload during your present term.

- a) 30 % Civil Cases                      b) 9 # of trials/year
- 65 % Criminal Cases                      0 # Administrative Appeals
- 5 % Court Administrative
- 100 % Total

Overall in the calendar years of 2000 and 2001, the number of jury trials that I have presided over has dropped significantly as Anchorage District Court has adopted a new Trial Call procedure. However, I filled that gap by being one of two District Court Judges handling Felony DWI cases.

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

During my current term, I have been managing a project designed to facilitate the scheduling of settlement conferences before the Anchorage District Court. I also have been on a committee charged with developing a video link between the Nesbett Courthouse and the new Anchorage Jail.

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.

September 13, 2001 marked my 10th year on the bench. Since my last retention election, I have become more involved with Felony DWI's and have dealt with complicated legal issues related to those trials. From an administrative standpoint, I am coordinating the scheduling of settlement conferences before available District Court Judges. For the first time, Superior and District Court cases are being selectively set for settlement conferences before a judge who has particular experience in the field that is the subject of the case. As a result, it appears that the success rate for settlement conferences is increasing.

Another activity that has given me a great deal of satisfaction has been my now regular role as a guest lecturer in college level classes on the Justice System. It has allowed me to reach people who would normally be outside of the legal system and inform them of how the system actually works.

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 2002 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>State v. Walter Ward</u>	<u>3AN-S99-00659 Cr.</u>

*Attorneys Involved*

Name: Patrick Hanley  
Address: 420 "L" Street, Suite 100  
Anchorage AK 99501

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

Name: Fred Sloan  
Address: 3003 Minnesota Dr, Suite 203  
Anchorage AK 99503-3673

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

<i>Name of Case</i>	<i>Case Number</i>
<b>2</b> <u>MOA v. Carlos Lujan</u>	<u>3AN-M01-02020 Cr.</u>

*Attorneys Involved*

Name: Joann Chung  
Address: 420 "L" Street, Suite 100  
Anchorage AK 99501

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

Name: Pamela Dale  
Address: 310 "K" Street, Suite 200  
Anchorage AK 99501

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

<i>Name of Case</i>	<i>Case Number</i>
<b>3</b> <u>MOA v. Joseph Rodak</u>	<u>3AN-M01-01741 Cr.</u>

*Attorneys Involved*

Name: John Darnell  
Address: 420 "L" Street, Suite 100  
Anchorage AK 99501

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

Name: Richard Kibby  
Address: 405 W. 36th Ave, Suite 102  
Anchorage AK 99503

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.)

1

*Name of Case* Marston Properties v. Sanchez *Case Number* 3AN-00-12386 Civ.  
Hernandez,

*Attorneys Involved*

Name: Steven Jones  
Address: 921 W. 6th Ave, Suite 200  
Anchorage AK 99501

Name: Pro Per  
Address: \_\_\_\_\_

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

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

2

*Name of Case* State v. Terrance Smith *Case Number* 3AN-00-05986 CR.

*Attorneys Involved*

Name: Windy East  
Address: P.O. Box 349  
Kotzebue AK 99752

Name: Judy Scherger  
Address: 900 W. 5th Ave, Suite 200  
Anchorage AK 99501

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

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

3

*Name of Case* MOA v. Larry Mayfield *Case Number* 3AN-M00-05933 Cr.

*Attorneys Involved*

Name: C. Levi Martin  
Address: 420 "L" Street, Suite 100  
Anchorage AK 99501

Name: Henry Graper, III  
Address: 737 "M" Street  
Anchorage AK 99501

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.)

	<i>Name of Case</i>	<i>Case Number</i>
1	<u>Renfrew v. Erickson</u>	<u>3AN-00-09616 Civ.</u>

*Attorneys Involved*

Name: Marshall Coryell  
Address: 4141 "B" Street, Suite 208  
Anchorage AK 99503-5938

Name: Suzanne K. Ishii Regan  
Address: 701 W. 8th Ave, Suite 700  
Anchorage AK 99501-3408

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

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

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

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

	<i>Name of Case</i>	<i>Case Number</i>
2	<u>Price v. Burt</u>	<u>3AN-99-10692 Civ.</u>

*Attorneys Involved*

Name: David Clark  
Address: 101 E. 9th Ave, Suite 12B  
Anchorage AK 99501

Name: Gordon Schadt  
Address: 2909 Arctic Blvd  
Anchorage AK 99503

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

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

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

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

	<i>Name of Case</i>	<i>Case Number</i>
3	<u>Mt. McKinley v. Budget</u>	<u>4EA-99-00564 Civ.</u>

*Attorneys Involved*

Name: Walter Featherly  
Address: 1031 W. 4th Ave, Suite 504  
Anchorage AK 99501

Name: David Clark  
Address: 101 E. 9th Ave, Suite 12B  
Anchorage AK 99501

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

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

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

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.)

1

*Name of Case*

*Case Number*

\_\_\_\_\_

*Attorneys Involved*

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

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

\_\_\_\_\_

2

*Name of Case*

*Case Number*

\_\_\_\_\_

*Attorneys Involved*

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

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

\_\_\_\_\_

3

*Name of Case*

*Case Number*

\_\_\_\_\_

*Attorneys Involved*

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

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

\_\_\_\_\_

## MEMORANDUM

**TO:** Judicial Council Members  
**FROM:** Staff  
**DATE:** April 24, 2002  
**RE:** Comparison of Previous Survey Results - Gregory Motyka

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Gregory Motyka is standing for retention in 2002. The table on the following page compares retention and selection survey scores for Judge Motyka. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Motyka previously stood for retention as a district court judge in 1994 and 1998. He was evaluated with the other non-retention judges in 1992.

Judge Motyka applied for the Anchorage District Court in January and June, 1991. He was appointed to the June position.

**Judge Gregory Motyka**  
Appointed to Anchorage District Court 07/26/91

	<b>2002 Retention</b>		<b>2000 Interim</b>		<b>1998 Retention</b>		<b>1996 Interim</b>		<b>1994 Retention</b>		<b>1992 Interim</b>		<b>06/91 Anchorage District</b>	<b>1/91 Anchorage District</b>
	<b>Ba r</b>	<b>PPO</b>	<b>Ba r</b>	<b>PPO</b>	<b>Ba r</b>	<b>PPO</b>	<b>Ba r</b>	<b>PPO</b>	<b>Ba r</b>	<b>PPO</b>	<b>Ba r</b>	<b>PPO</b>		
Legal Ability/Professional Competence	4.0	----	3.9	----	3.7	----	3.9	----	3.7	----	3.6	----	3.5	3.4
Impartiality/Fairness	4.1	4.3	3.9	4.5	3.9	4.3	----	----	3.9	4.3	3.7	4.3	3.5	3.5
Integrity/Good Character	4.2	4.4	4.1	4.5	4.0	4.3	----	----	4.0	4.3	3.8	4.3	3.6	3.5
Judicial Temperament	4.1	4.4	4.0	4.4	4.0	4.3	4.0	4.2	3.9	4.3	3.7	4.2	3.4	3.4
Diligence	4.1	4.4	4.0	4.4	3.9	4.4	4.0	4.2	3.9	4.3	3.7	4.0	----	----
Special Skills	4.1	4.3	----	----	3.9	4.4	----	----	3.8	4.2	3.6	4.0	----	----
Overall Performance	4.1	4.3	4.0	4.5	3.8	4.3	3.9	4.2	3.8	4.2	3.6	4.2	3.5	3.4