

# Alaska Judicial Council Recommendation

## Judge M. Francis Neville, District Court, Homer

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

**II. Summary of Evaluation Information.** A survey of 2,860 attorneys in Alaska rated Judge Neville on sixteen categories that are summarized in the adjacent graph. Attorneys rated Judge Neville 3.9 on a scale of 5 on overall judicial performance. She scored highest (4.5) in the categories of "conduct free from impropriety" and "courtesy." She scored 3.6 or better in all sixteen categories.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey
Legal Ability	3.9	---	---	---
Impartiality	4.0	4.3	4.7	4.5
Integrity	4.1	4.3	---	4.5
Temperament	4.1	4.4	4.6	4.5
Diligence	4.0	4.2	---	4.5
Special Skills	4.1	4.3	---	---
Overall	3.9	4.4	4.5	4.5

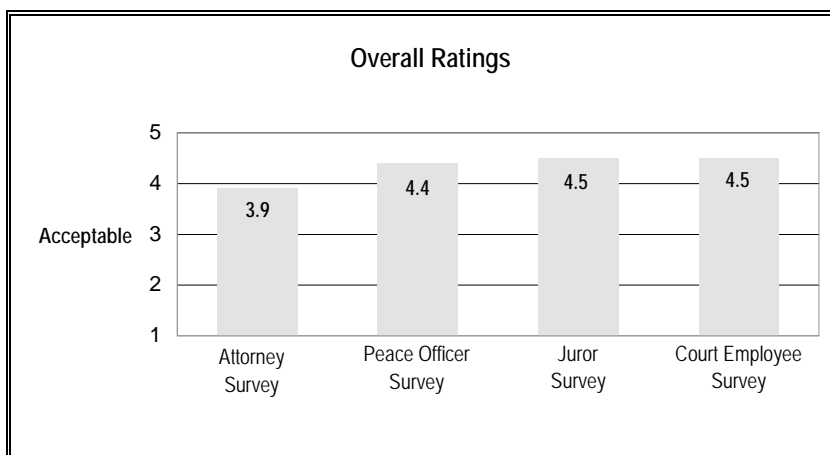
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

**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 Neville on twelve categories that are summarized in the adjacent graph. Peace and probation officers rated Judge Neville 4.4 on a scale of 5 on overall judicial performance. She scored highest (4.5) in the categories of "understanding and compassion" and "conduct free from impropriety." She scored 4.1 or better in all categories.

A survey of all jurors appearing before Judge Neville in 2000 and 2001 rated her 4.5 on a scale of 5 on overall performance. A survey of all court employees rated her 4.5 on a scale of 5 on overall performance.

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 Neville**

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)

DEC-14-2001 11:49

ALASKA JUDICIAL COUNCIL

276-045 P.03/09



# alaska judicial council

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## Alaska Judicial Council Questionnaire

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### Trial Judge 2002 Candidates for Judicial Retention

November 16, 2001

M. Francis Neville	District Court - Homer
Name	Court

1. Describe your workload during your present term.

a) <u>45 %</u> Civil Cases	b) <u>180</u> # of trials/year *
<u>45 %</u> Criminal Cases	<u>0</u> # Administrative Appeals
<u>10 %</u> Court Administrative	
<u>100 %</u> Total	

\*Includes small claims and minor offense trials as well as civil and criminal trials.

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

I continue to serve on the court Forms Committee which recently finalized pro se child custody forms. I was a member of a state team attending a conference on full faith and credit under VAWA for domestic violence protective orders. I attended a NHTA National Leadership Conference for judges.

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.

During my present term as district court judge in Homer, there have been a number of changes in my duties. Between 1991 and 1999, I was routinely scheduled into the Kenai court to handle uncontested domestic relations cases, district court civil cases, and misdemeanor cases where there was no consent to trial by magistrate. A superior court master position was created in the Kenai court in 1999 resulting in a reallocation of the Kenai caseload. I no longer travel to Kenai on a regular basis. Instead, I am now handling all the contested and uncontested domestic relations cases and all the juvenile delinquency cases in Homer. In 2000, the judicial officers on the Kenai Peninsula began sharing weekend duty. I now am on duty one weekend out of six, rather than six of six - a very welcome change!

Handling the disputed domestic relations cases and the juvenile delinquency cases has required me to expand my substantive legal knowledge and to acquire new skills in dealing with children. I believe that these changes have been beneficial to the local community. Divorce cases are receiving more prompt attention. Minors charged with crimes are always dealing with a judge in person, rather than often talking to a "speaker phone" judge. I continue to find my position both challenging and satisfying. One of the best aspects of being a "small town" judge is being able to see the success stories, the people who are able to make positive changes in their lives as a result of their experiences with the judicial system.

DEC-14-2001 11:50

AK JUDICIAL COUNCIL

2761046 P.04/09

Alaska Judicial Council  
Trial Judge Questionnaire  
2002 Retention

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 non-judicial 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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AK JUDICIAL COUNCIL

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Alaska Judicial Council  
Trial Judge Questionnaire  
2002 Retention

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.)

**1** Name of Case State v. McCowan Case Number 3HC-01-202 CR

**Attorneys Involved**

Name: John Wolfe  
Address: 120 Trading Bay Dr. #200  
Kenai, AK 99611-7716

Name: Nathan McCowan (pro se)  
Address: General Delivery  
Anchor Point AK 99556

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

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

**2** Name of Case State v. Kvasnikov Case Number 3HC-01-218 CR

**Attorneys Involved**

Name: John Wolfe  
Address: 120 Trading Bay Dr. #200  
Kenai, AK 99611-7716

Name: Joel Rothberg #390  
Address: 130 Trading Bay Dr.  
Kenai, AK 99611

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

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

**3** Name of Case State v. Paige Case Number 3HC-01-391 CR

**Attorneys Involved**

Name: John Wolfe  
Address: 120 Trading Bay Dr. #200  
Kenai, AK 99611-7716

Name: Joel Rothberg #390  
Address: 130 Trading Bay Dr.  
Kenai, AK 99611

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

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

DEC-14-2001 11:50

AK JUDICIAL COUNCIL

2765046 P.06/09

Alaska Judicial Council  
Trial Judge Questionnaire  
2002 Retention

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 Schmoke v. Barcu Case Number 3HO-00-152 CI

**Attorneys Involved**

Name: Kevin Koch  
Address: 35477 Kenai Spur Hwy  
Suite 207  
Soldotna, AK 99669

Name: Johnny G. Gibbons  
Address: 1330 E. 15th Ave.  
Anchorage AK 99501

**2** Name of Case Woodman v. Moran Case Number 3HO-93-246 CI

**Attorneys Involved**

Name: Claire Stefens  
Address: P.O. Box 10847  
Anchorage, AK 99510

Name: Mary Moran (pro se)  
Address: 400 Peppertree Loop  
Anchorage, AK 99504

**3** Name of Case Wallace v. MacCoy Case Number 3HO-96-48 CI

**Attorneys Involved**

Name: Peter Mysir  
Address: 608 Petersen Way  
Kenai, AK 99611

Name: Robert Mahoney  
Address: 717 K St. Suite 201  
Anchorage, AK 99501

DEC-14-2001 11:50

AK JUDICIAL COUNCIL

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Alaska Judicial Council  
Trial Judge Questionnaire  
2002 Retention

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, mediation work, etc.), identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

1

**Name of Case**  
Fisk v. Fisk

**Case Number**  
3HO-00-111 CI

**Attorneys Involved**

Name: Earl Fisk, Jr (pro se)  
Address: P. O. Box 437  
Anchor Point, AK 99556

Name: Terri Spigelmyer  
Address: 350 Bonanza Ave.  
Homer, AK 99603

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

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

2

**Name of Case**  
Roderick v. Roderick

**Case Number**

3HO-00-97 CI

**Attorneys Involved**

Name: Michael Houg  
Address: 3691 Ben Walters Ln. #2  
Homer, AK 99603

Name: Peter Mysing  
Address: 608 Petersen Way  
Kenai, AK 99611

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

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

3

**Name of Case**  
Eisenberg v. Shadle

**Case Number**

3HO-01-17 CI

**Attorneys Involved**

Name: Terri Spigelmyer  
Address: 350 Bonanza Ave.  
Homer, AK 99603

Name: Charles Tulin  
Address: 529 W. Third Ave.  
Anchorage, AK 99501

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

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

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AK JUDICIAL COUNCIL

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*Alaska Judicial Council  
Trial Judge Questionnaire  
2002 Retention*

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.)

**Name of Case :** \_\_\_\_\_ **Case Number** \_\_\_\_\_

**Attorneys Involved**

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

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

**Name of Case :** \_\_\_\_\_ **Case Number** \_\_\_\_\_

**Attorneys Involved**

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

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

**Name of Case :** \_\_\_\_\_ **Case Number** \_\_\_\_\_

**Attorneys Involved**

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

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



## MEMORANDUM

**TO:** Judicial Council Members  
**FROM:** Staff  
**DATE:** April 24, 2002  
**RE:** Comparison of Previous Survey Results - M. Francis Neville

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

Judge Neville previously stood for retention as a district court judge in 1994 and 1998. She was evaluated with the other non-retention judges in 1992, 1996, and 2000.

Judge Neville applied for and was appointed to the Homer District Court in 1990.

**Judge M. Francis Neville**  
 Appointed to Ketchikan District Court 11/30/90

	<i>2002 Retention</i>		<i>2000 Interim</i>		<i>1998 Retention</i>		<i>1996 Interim</i>		<i>1994 Retention</i>		<i>1992 Interim</i>		<i>1990 Homer District</i>
	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	
Legal Ability/Professional Competence	3.9	----	3.8	----	3.8	----	4.0	----	3.7	----	3.8	----	3.8
Impartiality/Fairness	4.0	4.3	3.8	4.5	4.0	4.3	----	----	3.9	3.9	3.9	3.6	3.8
Integrity/Good Character	4.1	4.3	4.1	4.6	4.1	4.3	----	----	4.0	3.9	4.0	3.7	4.0
Judicial Temperament	4.1	4.4	4.0	4.5	4.1	4.3	4.3	4.4	4.0	4.0	3.9	3.6	3.7
Diligence	4.0	4.2	3.9	4.3	4.0	4.1	4.1	4.2	4.0	3.9	4.0	3.5	----
Administrative Skills	4.1	4.3	----	----	3.9	4.1	----	----	4.0	3.8	3.5	3.0	----
Overall Performance	3.9	4.4	3.9	4.5	3.9	4.3	4.1	4.3	3.8	3.9	3.8	3.2	3.8