

# Alaska Judicial Council Recommendation

## Judge Beverly Cutler, Superior Court, Palmer

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

**II. Summary of Evaluation Information.** A survey of 2,927 attorneys in Alaska rated Judge Cutler on sixteen categories that are summarized in the adjacent graph. Attorneys rated Judge Cutler 3.9 on a scale of 5 on overall judicial performance. She scored 3.8 or better in all sixteen categories.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	Alaska Judicial Observers
Legal Ability	4.0	---	---	---	---
Impartiality	4.0	3.5	4.8	4.1	---
Integrity	4.2	3.5	---	4.1	---
Temperament	4.0	3.8	4.8	4.1	---
Diligence	3.9	3.5	---	3.9	---
Special Skills	4.0	3.4	---	---	---
Overall	3.9	3.4	4.8	4.0	3.5

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

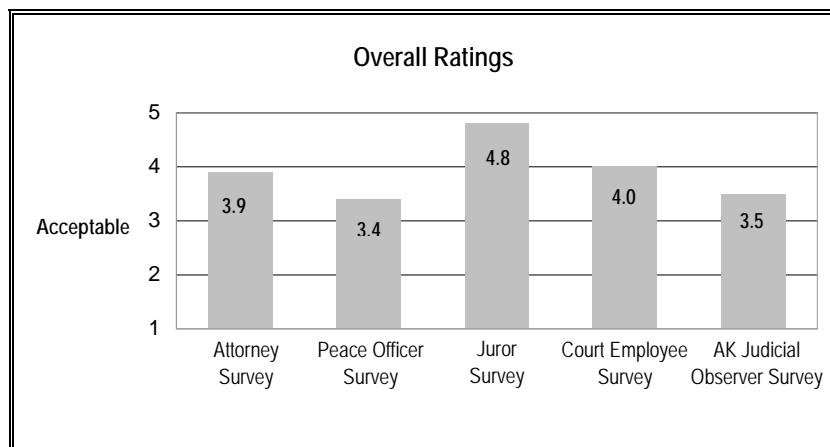
#### Rating Scale

5.0 = Excellent  
 4.0 = Good  
 3.0 = Acceptable  
 2.0 = Deficient  
 1.0 = Poor

A survey of 1,495 peace and probation officers in Alaska rated Judge Cutler on twelve categories that are summarized in the adjacent graph. Peace and probation officers rated Judge Cutler 3.4 on a scale of 5 on overall judicial performance. She scored 3.4 or better in all twelve categories.

A survey of jurors appearing before Judge Cutler in 2002 and 2003 rated her 4.8 on a scale of 5 on overall performance. A survey of all court employees rated her 4.0 on a scale of 5 on overall performance. The Alaska Judicial Observers, independent community-based volunteer court observers, gave Judge Cutler a 3.5 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 Beverly Cutler**

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)



# alaska judicial council

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EXECUTIVE DIRECTOR  
Larry Cohn

## Alaska Judicial Council Questionnaire

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NON-ATTORNEY MEMBERS  
Eleanor Andrews  
Bill Gordon  
Gigi Pilcher

ALASKA ATTORNEY MEMBERS  
JUDICIAL COUNCIL Jeffrey G. Currall  
Robert B. Groseclose  
Susan Orlansky

### Trial Judge 2004 Candidates for Judicial Retention

November 10, 2003

CHAIR, EX OFFICIO  
Alexander D. Bryner  
Chief Justice  
Supreme Court

Beverly W. Cutter Palmer, Superior  
Name Court

1. Describe your workload during your present term.

- a) 40 % Civil Cases
- 55 % Criminal Cases
- 5 % Court Administrative
- 100 % Total
- b) 20 # of trials/year
- 3-5 # Administrative Appeals

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

Administrative Judge - Palmer Trial Courts  
Criminal Pattern Jury Instruction Committee - (ACJ)  
Public Access to Court Records Committee (new ACJ committee)

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.

### Question 3

I am very satisfied with my judicial role most of the time. I still find the position stimulating and exciting after all of these years. The most challenging aspect is being a judge in a place where you are a “short order cook” on call constantly. It is a daily battle to balance the need to get serious in-depth work done in many cases with the demand to instantly review new cases that are on the front burner. In Palmer, this tension has existed for many years. I am always prioritizing and re-prioritizing what needs to be done next, or, even in the courtroom, what needs to be heard next.

I feel that the experience I have after more than 25 years on the bench is invaluable in helping me do this juggling act and in sorting out priorities such as when does testimony truly need to be taken, what to do when trials have crises, when do administrative matters need to be put on the front burner, notwithstanding the caseload, and so forth. I also find that each day I am humbled anew by what I don't know or understand. I hope that I never close my mind to possible new ways of sorting out controversies or serving the public better.

I am troubled that the public image of judges as created on TV and in the mass media is not always as supportive as I wish it were of how important it is for a judge to remain neutral, to not be involved in politics, to not be asked or required to be both the coach and the referee at the same time. I am concerned that some of the modern demand on judges to be more activist in solving problems or serving customers leads to a conflict between our neutral adjudicative responsibility and the responsibility being pushed on us to solve the problem by telling people what to do, coaching them through it, taking zero tolerance positions against such things as domestic violence or violations of the rights of children without remembering that we are here to protect everyone's rights, not those of any particular interest group or cause. I believe in upholding the laws and the rights of everyone to be free of injustice, but I do not believe judges should be joining the bandwagon of any particular societal group to accomplish any particular societal goal other than equal justice for all.

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>St vs Daniel Christiansen</u>	<u>3PA 03 - 893 CR</u>

**Attorneys Involved**

Name: <u>BEN HOFMEISTER, Asst. D.A.</u>	Name: _____
Address: <u>800 W. EVERGREEN, #102</u>	Address: _____
<u>Palmer, AK 99645</u>	_____
Name: <u>Josh FANNON, Asst. P.D.</u>	Name: _____
Address: <u>268 E. FIREWEED</u>	Address: _____
<u>Palmer, AK 99645</u>	_____

<i>Name of Case</i>	<i>Case Number</i>
<b>2</b> <u>Vernola vs. PALMER</u>	<u>3PA 02 - 660 CI</u>

**Attorneys Involved**

Name: <u>Michael Schneider</u>	Name: _____
Address: <u>880 N. Street, #202</u>	Address: _____
<u>Anchorage, AK 99501</u>	_____
Name: <u>Paul Waggoner</u>	Name: _____
Address: <u>632 CHRISTENSEN DR, #200</u>	Address: _____
<u>Anchorage, AK 99501</u>	_____

<i>Name of Case</i>	<i>Case Number</i>
<b>3</b> <u>St vs. Phillip Mielke</u>	<u>3PA03 - 1053 CR</u>

**Attorneys Involved**

Name: <u>Robert Collins, Asst. D.A.</u>	Name: _____
Address: <u>800 W. EVERGREEN #102</u>	Address: _____
<u>Palmer, AK 99645</u>	_____
Name: <u>JAMES FILMORE</u>	Name: _____
Address: <u>1029 W. 3<sup>rd</sup> AVE, #500</u>	Address: _____
<u>Anchorage, AK 99501</u>	_____

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** Barile v Barile 3PA 03-176 CI

**Attorneys Involved**

Name: Primo Barile, prose  
Address: P.O. Box 874393  
Wasilla, AK 99687

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

Name: Scott Dutton  
Address: 2600 Denali St, #460  
Anchorage, AK 99503

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

**2** In re. Kartin McKay 3PA 03-19CN

**Attorneys Involved**

Name: Allan Beiswenger ast a.g.  
Address: 1031 W. 4th Ave, #200  
Anchorage, AK 99501

Name: Erica Kracker, of A.L.  
Address: P.O. Box 1888  
Palmer, AK 99645

Name: Laurel Bennett, ast. PD  
Address: 268 E. Fireweed Ave  
Palmer, AK 99645

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

**3** In re Lonewolf Children 3PA 00-114/70/115 CP  
3PA 00-116/117/118 CP

**Attorneys Involved**

Name: Allan Beiswenger, ASst. Jg.  
Address: 1031 W. 4th Ave, #200  
Anchorage, AK 99501

Name: Stefan Otterson  
Address: P.O. Box 100572  
Anchorage, AK 99511

Name: Randall Luffberry  
Address: 268 E. Fireweed Ave  
Palmer, AK 99645

Name: John Pharr  
Address: 133 W. 4th Ave, #308  
Anchorage, AK 99501

Nancy Driscoll  
Sterling + DeArmond  
851 E. Westpoint, #201  
Wasilla, AK 99654

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** Atkinson v. Atkinson 3PA02-712CI

**Attorneys Involved**

Name: KEN GOLDMAN  
Address: 510 S. Alaska St.  
Palmer, AK 99645

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

Name: MIKE SILVERMAN, ALS  
Address: 3000 A Street, #300  
Anchorage, AK 99503

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

**2** Gildersleeve v. Gildersleeve 3PA01-45CI

**Attorneys Involved**

Name: GARY ESCHBACHER  
Address: 718 Barrow St.  
Anchorage, AK 99501

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

Name: ERIC CONARD  
Address: 510 S. Alaska St.  
Palmer, AK 99645

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

**3** Nelson v. Nelson 3PA 93-304DR

**Attorneys Involved**

Name: DAVE GOTTER  
Address: 4901 E. Mayflower Lane #44  
Wasilla, AK 99654

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

Name: JOHN PHARR  
Address: 733 W. 4th Ave, #308  
Anchorage, AK 99501

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.)

**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: \_\_\_\_\_

\_\_\_\_\_



## D. SUPERIOR COURT JUDGE BEVERLY CUTLER

### 1. ALASKA BAR ASSOCIATION

#### *Demographic Description of all Alaska Bar Association Respondents (N=425)*

a. <u>Type of Practice:</u>	Private, solo	24.5%
	Private, office of 2-5 attorneys	20.2%
	Private, office of 6 or more attorneys	17.2%
	Private corporate employee	1.9%
	State judge or judicial officer	10.4%
	Government	18.1%
	Public service agency or organization	1.9%
	Other	1.6%
	No Answer	4.2%
b. <u>Years of Experience:</u>	5 Years or fewer	5.2%
	6-10 Years	10.4%
	11-15 Years	10.4%
	16-20 Years	19.8%
	21 Years or more	50.6%
	No Answer	3.8%
c. <u>Gender:</u>	Male	67.3%
	Female	28.9%
	No Answer	3.8%
d. <u>Cases Handled:</u>	Prosecution	4.2%
	Mainly criminal	5.4%
	Mixed criminal and civil	24.0%
	Mainly civil	59.5%
	Other	2.6%
	No Answer	4.2%
e. <u>Location of Practice:</u>	First District	4.5%
	Second District	1.4%
	Third District	82.6%
	Fourth District	4.5%
	Outside Alaska	3.3%
	No Answer	3.8%

#### **Summary of Findings:**

Judge Beverly Cutler was evaluated by 352 Alaska Bar Association members who reported having direct professional experience with this judge. Of these 352 respondents, 122 (36.7%) had substantial and recent experience, 100 (28.4%) had moderate experience, 99 (28.1%) had limited experience, and 31 (8.8%) did not indicate level of experience. The mean score on the overall evaluation item was 3.9. The highest mean score was obtained on *conduct free from impropriety or appearance of impropriety* (4.2). The lowest mean scores were obtained on *reasonable promptness in making decisions* (3.8) and *settlement skills* (3.8). Details are presented in the two tables that follow.

**Evaluation of Superior Court Judge Beverly Cutler:  
Alaska Bar Association Members**

	<i>Poor</i>		<i>Deficient</i>		<i>Acceptable</i>		<i>Good</i>		<i>Excellent</i>		<i>Mean</i>
	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	
<b>Legal Ability</b>											
Legal and factual analysis	5	1.4	15	4.3	78	22.6	141	40.9	106	30.7	4.0
Knowledge of substantive law	5	1.5	10	3.1	60	18.5	143	44.0	107	32.9	4.0
Knowledge of evidence and procedure	3	0.9	9	2.8	53	16.7	129	40.6	124	39.0	4.1
<b>Impartiality</b>											
Equal treatment of all parties	9	2.6	21	6.1	62	18.1	128	37.3	123	35.9	4.0
Sense of basic fairness and justice	8	2.4	19	5.8	62	18.9	112	34.1	127	38.7	4.0
<b>Integrity</b>											
Conduct free from impropriety or appearance of impropriety	7	2.1	16	4.7	49	14.4	108	31.8	160	47.1	4.2
Makes decisions without regard to possible public criticism	7	2.2	11	3.5	59	18.7	103	32.6	136	43.0	4.1
<b>Judicial Temperament</b>											
Courtesy, freedom from arrogance	11	3.2	16	4.6	68	19.7	105	30.3	146	42.2	4.0
Human understanding and compassion	10	3.0	14	4.2	64	19.2	109	32.7	136	40.8	4.0
<b>Diligence</b>											
Reasonable promptness in making decisions	9	2.8	20	6.3	78	24.5	123	38.7	88	27.7	3.8
Willingness to work diligently; preparation for hearings	7	2.2	11	3.5	67	21.5	112	35.9	115	36.9	4.0
<b>Special Skills</b>											
Ability to control courtroom	3	1.0	7	2.3	58	18.7	132	42.6	110	35.5	4.1
Settlement skills	7	3.3	13	6.2	51	24.3	79	37.6	60	28.6	3.8
Consideration of all relevant factors in sentencing	6	3.1	5	2.6	38	19.9	73	38.2	69	36.1	4.0
Talent and ability for cases involving children and families	8	3.9	12	5.8	41	19.8	69	33.3	77	37.2	3.9
<b>Overall Evaluation</b>											
Overall evaluation of judge	10	2.9	18	5.3	68	20.0	131	38.5	113	33.2	3.9

NOTE: Results are based on respondents who reported having direct professional experience with this judge.

**Ratings on the “Overall Evaluation” Item for Superior Court Judge Beverly Cutler:  
Alaska Bar Association Members**

	<b>Total</b>		<b>Poor</b>	<b>Deficient</b>	<b>Acceptable</b>	<b>Good</b>	<b>Excellent</b>
	<i>n</i>	<i>Mean</i>	%	%	%	%	%
<b>Demographics</b>							
<b>Basis for Evaluation</b>							
No Answer	19	3.7	5.3	10.5	26.3	26.3	31.6
<b>Direct Professional Experience</b>	<b>340</b>	<b>3.9</b>	<b>2.9</b>	<b>5.3</b>	<b>20.0</b>	<b>38.5</b>	<b>33.2</b>
Professional Reputation	65	4.0	3.1	4.6	16.9	36.9	38.5
Social Contacts	4	4.8	-	-	-	25.0	75.0
<b>Type of Practice</b>							
No Answer	16	2.9	31.3	6.3	18.8	25.0	18.8
Solo	88	3.8	2.3	8.0	23.9	37.5	28.4
2 – 5 Attorneys	68	3.8	4.4	7.4	20.6	39.7	27.9
6+ Attorneys	55	4.1	-	3.6	16.4	49.1	30.9
Corporate	6	4.3	-	-	-	66.7	33.3
Judge or Judicial Officer	34	4.3	-	5.9	11.8	32.4	50.0
Government	63	4.1	-	1.6	25.4	34.9	38.1
Public Service	7	4.3	-	-	14.3	42.9	42.9
Other	3	5.0	-	-	-	-	100.0
<b>Years of Experience</b>							
No Answer	14	2.9	28.6	14.3	14.3	21.4	21.4
5 Years or fewer	18	4.1	-	-	27.8	33.3	38.9
6 – 10 Years	36	3.8	2.8	13.9	16.7	38.9	27.8
11 – 15 Years	38	3.8	2.6	7.9	21.1	44.7	23.7
16 – 20 Years	65	3.9	3.1	3.1	27.7	32.3	33.8
21 Years or more	169	4.1	1.2	3.6	17.2	41.4	36.7
<b>Gender</b>							
No Answer	13	3.0	30.8	7.7	15.4	23.1	23.1
Male	234	3.9	1.7	5.6	21.8	39.3	31.6
Female	93	4.1	2.2	4.3	16.1	38.7	38.7
<b>Cases Handled</b>							
No Answer	15	3.3	26.7	6.7	13.3	20.0	33.3
Prosecution	18	3.9	-	5.6	33.3	27.8	33.3
Criminal	22	4.2	-	9.1	4.5	45.5	40.9
Criminal and Civil	83	3.9	4.8	6	19.3	31.3	38.6
Civil	195	4.0	1.0	4.6	20.5	44.6	29.2
Other	7	4.1	-	-	42.9	-	57.1
<b>Location of Practice</b>							
No Answer	14	3.0	28.6	7.1	21.4	21.4	21.4
First District	11	4.0	9.1	-	18.2	27.3	45.5
Second District	4	4.8	-	-	-	25.0	75.0
Third District	290	3.9	1.7	5.5	20.3	41.0	31.4
Fourth District	11	4.5	-	-	9.1	27.3	63.6
Outside Alaska	10	3.9	-	10.0	30.0	20.0	40.0
<b>Amount of Experience</b>							
No Answer	31	3.9	9.7	-	16.1	41.9	32.3
Substantial	120	3.8	5.8	10.0	17.5	31.7	35.0
Moderate	96	4.0	-	5.2	21.9	40.6	32.3
Limited	93	4.1	-	1.1	22.6	44.1	32.3

**D. SUPERIOR COURT JUDGE BEVERLY CUTLER**

2. PEACE AND PROBATION OFFICERS

*Demographic Description of all Peace and Probation Officer Respondents (N=78)*

a. <u>Type of Work:</u>	State Law Enforcement Officer	46.2%
	Municipal/Borough Law Enforcement Officer	24.4%
	Village Public Safety Officer	1.3%
	Probation-Patrol Officer	20.5%
	Other	5.1%
	No Answer	2.6%
b. <u>Years of Experience:</u>	5 Years or fewer	24.4%
	6-10 Years	25.6%
	11-15 Years	12.8%
	16-20 Years	17.9%
	21 Years or more	17.9%
	No Answer	1.3%
c. <u>Gender:</u>	Male	75.6%
	Female	23.1%
	No Answer	1.3%
d. <u>Location of Work:</u>	First District	1.3%
	Second District	0.0%
	Third District	93.6%
	Fourth District	3.8%
	Outside Alaska	0.0%
	No Answer	1.3%
e. <u>Community Population:</u>	Under 2,000	2.6%
	Between 2,000 and 35,000	32.1%
	35,000 or over	64.1%
	No Answer	1.3%

**Summary of Findings:**

Judge Beverly Cutler was evaluated by 60 Peace and Probation Officers who reported having direct professional experience with this judge. Of these 60 respondents, 23 (38.3%) had substantial and recent experience, 13 (21.6%) had moderate experience, 19 (31.7%) had limited experience, and 5 (8.3%) did not indicate level of experience. The mean score on the overall evaluation item was 3.4. The highest mean score was obtained on *human understanding and compassion* (3.8). The lowest mean scores were obtained on *equal treatment of all parties* (3.4), *makes decisions without regard to possible public criticism* (3.4), *reasonable promptness in making decisions* (3.4), and *ability to control courtroom* (3.4). Details are presented in the two tables that follow.

**Evaluation of Superior Court Judge Beverly Cutler:  
Peace and Probation Officers**

	<i>Poor</i>		<i>Deficient</i>		<i>Acceptable</i>		<i>Good</i>		<i>Excellent</i>		<i>Mean</i>
	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	
<b>Impartiality</b>											
Equal treatment of all parties	4	6.9	6	10.3	20	34.5	16	27.6	12	20.7	3.4
Sense of basic fairness and justice	2	3.6	4	7.1	23	41.1	14	25.0	13	23.2	3.6
<b>Integrity</b>											
Conduct free from impropriety or appearance of impropriety	1	1.8	6	10.7	22	39.3	14	25.0	13	23.2	3.6
Makes decisions without regard to possible public criticism	4	7.1	3	5.4	25	44.6	13	23.2	11	19.6	3.4
<b>Judicial Temperament</b>											
Courtesy, freedom from arrogance	1	1.7	4	6.8	19	32.2	20	33.9	15	25.4	3.7
Human understanding and compassion	1	1.7	3	5.1	17	28.8	23	39.0	15	25.4	3.8
<b>Diligence</b>											
Reasonable promptness in making decisions	1	1.7	8	13.8	23	39.7	16	27.6	10	17.2	3.4
Willingness to work diligently; preparation for hearings	1	1.9	7	13.5	20	38.5	12	23.1	12	23.1	3.5
<b>Special Skills</b>											
Ability to control courtroom	3	5.3	7	12.3	23	40.4	12	21.1	12	21.1	3.4
Consideration of all relevant factors in sentencing	1	1.8	11	19.3	20	35.1	11	19.3	14	24.6	3.5
Talent and ability for cases involving children and families	1	2.4	5	11.9	15	35.7	11	26.2	10	23.8	3.6
<b>Overall Evaluation</b>											
Overall evaluation of judge	3	5.1	6	10.2	26	44.1	13	22.0	11	18.6	3.4

NOTE: Results are based on respondents who reported having direct professional experience with this judge.

**Ratings on the “Overall Evaluation” Item for Superior Court Judge Beverly Cutler:  
Peace and Probation Officers**

	<b>Total</b>		<b>Poor</b>	<b>Deficient</b>	<b>Acceptable</b>	<b>Good</b>	<b>Excellent</b>
	<i>n</i>	<i>Mean</i>	%	%	%	%	%
<b>Demographics</b>							
<b>Basis for Evaluation</b>							
No Answer	12	3.6	-	8.3	41.7	33.3	16.7
<b>Direct Professional Experience</b>	<b>59</b>	<b>3.4</b>	<b>5.1</b>	<b>10.2</b>	<b>44.1</b>	<b>22.0</b>	<b>18.6</b>
Professional Reputation	17	4.3	-	-	17.6	35.3	47.1
Social Contacts	-	-	-	-	-	-	-
<b>Type of Work</b>							
No Answer	2	4.0	-	-	50.0	-	50.0
State Officer	27	3.2	7.4	7.4	51.9	25.9	7.4
Municipal/Borough	14	3.6	-	14.3	42.9	14.3	28.6
Village Public Safety Officer	-	-	-	-	-	-	-
Probation/Parole Officer	13	3.4	7.7	15.4	30.8	23.1	23.1
Other	3	4.0	-	-	33.3	33.3	33.3
<b>Years of Experience</b>							
No Answer	1	3.0	-	-	100.0	-	-
5 Years or fewer	17	3.6	5.9	5.9	41.2	17.6	29.4
6 – 10 Years	15	3.5	-	6.7	53.3	26.7	13.3
11 – 15 Years	6	3.8	-	16.7	33.3	-	50.0
16 – 20 Years	10	2.9	10.0	10.0	60.0	20.0	-
21 Years or more	10	3.2	10.0	20.0	20.0	40.0	10.0
<b>Gender</b>							
No Answer	1	3.0	-	-	100.0	-	-
Male	43	3.4	2.3	11.6	48.8	20.9	16.3
Female	15	3.5	13.3	6.7	26.7	26.7	26.7
<b>Location of Work</b>							
No Answer	1	3.0	-	-	100.0	-	-
First District	-	-	-	-	-	-	-
Second District	-	-	-	-	-	-	-
Third District	55	3.4	5.5	9.1	43.6	23.6	18.2
Fourth District	3	3.3	-	33.3	33.3	-	33.3
Outside Alaska	-	-	-	-	-	-	-
<b>Population in Community</b>							
No Answer	1	3.0	-	-	100.0	-	-
Under 2,000	1	3.0	-	-	100.0	-	-
2,000-35,000	17	3.2	5.9	11.8	58.8	5.9	17.6
Over 35,000	40	3.5	5.0	10.0	35.0	30.0	20.0
<b>Amount of Experience</b>							
No Answer	5	3.0	-	-	100.0	-	-
Substantial	23	3.3	13.0	13.0	30.4	17.4	26.1
Moderate	13	3.2	-	23.1	46.2	15.4	15.4
Limited	18	3.7	-	-	44.4	38.9	16.7

**D. SUPERIOR COURT JUDGE BEVERLY CUTLER**

3. SOCIAL WORKERS/GUARDIANS AD LITEM/CASA VOLUNTEERS

*Demographic Description of all Social Workers/GAL/CASA Respondents (N=7)*

a.	<u>Type of Work:</u>	Social Worker	28.6%
		Guardian ad Litem	0.0%
		CASA Volunteer	42.9%
		Other	28.6%
		No Answer	0.0%
b.	<u>Years of Experience:</u>	5 Years or fewer	28.6%
		6-10 Years	42.9%
		11-15 Years	28.6%
		16-20 Years	0.0%
		21 Years or more	0.0%
		No Answer	0.0%
c.	<u>Gender:</u>	Male	28.6%
		Female	71.4%
		No Answer	0.0%
d.	<u>Location of Work:</u>	First District	0.0%
		Second District	0.0%
		Third District	100.0%
		Fourth District	0.0%
		Outside Alaska	0.0%
		No Answer	0.0%
e.	<u>Community Population:</u>	Under 2,000	0.0%-
		Between 2,000 and 35,000	28.6%
		35,000 or over	57.1%
		No Answer	14.3%

**Summary of Findings:**

Judge Beverly Cutler was evaluated by a total of 5 Social Workers, Guardians ad Litem, and CASA volunteers who reported having direct professional experience with this judge. Of these 5 respondents, 2 (40.0%) had substantial and recent experience, 2 (40.0%) had moderate experience, 1 (20.0%) had limited experience, and 0 (0.0%) did not indicate level of experience. The mean score on the overall evaluation item was 4.0. The highest mean score was obtained on *ability to control courtroom* (4.4). The lowest mean scores were obtained on *courtesy, freedom from arrogance* (3.8), *reasonable promptness in making decisions* (3.8), *settlement skills* (3.8), and *talent and ability for cases involving children and families* (3.8). Details are presented in the two tables that follow.

**Evaluation of Superior Court Judge Beverly Cutler:  
Social Workers/Guardians ad Litem/CASA Volunteers**

	<i>Poor</i>		<i>Deficient</i>		<i>Acceptable</i>		<i>Good</i>		<i>Excellent</i>		<i>Mean</i>
	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	<i>Num</i>	<i>%</i>	
<b>Impartiality</b>											
Equal treatment of all parties	-	-	1	20.0	1	20.0	-	-	3	60.0	4.0
Sense of basic fairness and justice	-	-	1	20.0	1	20.0	-	-	3	60.0	4.0
<b>Integrity</b>											
Conduct free from impropriety or appearance of impropriety	-	-	1	20.0	1	20.0	-	-	3	60.0	4.0
<b>Judicial Temperament</b>											
Courtesy, freedom from arrogance	-	-	-	-	3	60.0	-	-	2	40.0	3.8
Human understanding and compassion	-	-	-	-	2	40.0	1	20.0	2	40.0	4.0
<b>Diligence</b>											
Reasonable promptness in making decisions	-	-	2	40.0	-	-	-	-	3	60.0	3.8
Willingness to work diligently; preparation for hearings	-	-	-	-	2	40.0	-	-	3	60.0	4.2
<b>Special Skills</b>											
Ability to control courtroom	-	-	-	-	1	20.0	1	20.0	3	60.0	4.4
Settlement skills	-	-	1	20.0	1	20.0	1	20.0	2	40.0	3.8
Talent and ability for cases involving children and families	-	-	2	40.0	-	-	-	-	3	60.0	3.8
<b>Overall Evaluation</b>											
Overall evaluation of judge	-	-	1	20.0	1	20.0	-	-	3	60.0	4.0

NOTE: Results are based on respondents who reported having direct professional experience with this judge.



**Ratings on the “Overall Evaluation” Item for Superior Court Judge Beverly Cutler:  
Social Workers/Guardians ad Litem/CASA Volunteers**

<i>Demographics</i>	<b>Total</b>		<b>Poor</b>	<b>Deficient</b>	<b>Acceptable</b>	<b>Good</b>	<b>Excellent</b>
	<i>n</i>	<i>Mean</i>	%	%	%	%	%
<b>Basis for Evaluation</b>							
No Answer	-	-	-	-	-	-	-
<b>Direct Professional Experience</b>	<b>5</b>	<b>4.0</b>	-	<b>20.0</b>	<b>20.0</b>	-	<b>60.0</b>
Professional Reputation	2	3.0	50.0	-	-	-	50.0
Social Contacts	-	-	-	-	-	-	-
<b>Type of Work</b>							
No Answer	-	-	-	-	-	-	-
Social Worker	1	2.0	-	100.0	-	-	-
Guardian ad Litem	-	-	-	-	-	-	-
CASA Volunteer	2	5.0	-	-	-	-	100.0
Other	2	4.0	-	-	50.0	-	50.0
<b>Years of Experience</b>							
No Answer	-	-	-	-	-	-	-
5 Years or fewer	1	5.0	-	-	-	-	100.0
6 – 10 Years	2	4.0	-	-	50.0	-	50.0
11 – 15 Years	2	3.5	-	50.0	-	-	50.0
16 – 20 Years	-	-	-	-	-	-	-
21 Years or more	-	-	-	-	-	-	-
<b>Gender</b>							
No Answer	-	-	-	-	-	-	-
Male	1	2.0	-	100.0	-	-	-
Female	4	4.5	-	-	25.0	-	75.0
<b>Location of Work</b>							
No Answer	-	-	-	-	-	-	-
First District	-	-	-	-	-	-	-
Second District	-	-	-	-	-	-	-
Third District	5	4.0	-	20.0	20.0	-	60.0
Fourth District	-	-	-	-	-	-	-
Outside Alaska	-	-	-	-	-	-	-
<b>Population of Community</b>							
No Answer	1	5.0	-	-	-	-	100.0
Under 2,000	-	-	-	-	-	-	-
2,000-35,000	1	2.0	-	100.0	-	-	-
Over 35,000	3	4.3	-	-	33.3	-	66.7
<b>Amount of Experience</b>							
No Answer	-	-	-	-	-	-	-
Substantial	2	5.0	-	-	-	-	100.0
Moderate	2	4.0	-	-	50.0	-	50.0
Limited	1	2.0	-	100.0	-	-	-

**Table 5:  
Juror Survey Results for Beverly Cutler  
2004 Alaska Judicial Council Retention Juror Survey**

<b>Question</b>	<b>Excellent % (n)</b>	<b>Good % (n)</b>	<b>Acceptable % (n)</b>	<b>Deficient % (n)</b>	<b>Unacceptable % (n)</b>	<b>Mean</b>	<b>Total returned = 68</b>
Was the judge fair and impartial to all sides in the case?	82% 56	15% 10	3% 2	0% 0	0% 0	4.8	68
Was the judge respectful and courteous?	87% 59	12% 8	0% 0	2% 1	0% 0	4.8	68
Was the judge attentive during proceedings?	72% 49	22% 15	6% 4	0% 0	0% 0	4.7	68
Did the judge exercise appropriate control over the proceedings?	84% 57	13% 9	3% 2	0% 0	0% 0	4.8	68
How would you evaluate the judge's intelligence and skill as a judge?	82% 56	15% 10	3% 2	0% 0	0% 0	4.8	68
How would you evaluate the judge overall?	82% 56	15% 10	3% 2	0% 0	0% 0	4.8	68

**Table 4: Court Employee Survey Results for Beverly Cutler  
 2004 Alaska Judicial Council Retention Court Employee Survey**

<b>Question</b>	<b>Excellent % (n)</b>	<b>Good % (n)</b>	<b>Acceptable % (n)</b>	<b>Deficient % (n)</b>	<b>Poor % (n)</b>	<b>Mean</b>	<b>Total returned = 45</b>
Does this judge treat court staff with respect?	46% 20	30% 13	16% 7	9% 4	0% 0	4.1	45
Does this judge treat other people with respect?	52% 22	19% 8	19% 8	7% 3	2% 1	4.1	42
Does this judge manage the caseload and staff capably and effectively?	34% 13	29% 11	26% 10	3% 1	8% 3	3.8	38
Does this judge work diligently and act promptly on matters that need attention?	49% 19	18% 7	23% 9	3% 1	8% 3	3.97	39
Does this judge act with integrity?	52% 22	19% 8	19% 8	5% 2	5% 2	4.1	42
Does this judge act with fairness and impartiality?	55% 22	15% 6	23% 9	3% 1	5% 2	4.1	40
Does this judge have the ability to control the courtroom?	57% 20	14% 5	23% 8	6% 2	0% 0	4.2	35
Overall evaluation of the judge's performance.	52% 22	14% 6	24% 10	2% 1	7% 3	4.0	42



# alaska judicial council

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## MEMORANDUM

**TO:** Judicial Council Members

**FROM:** Staff

**DATE:** April 22, 2004

**RE:** Comparison of Previous Survey Results - Beverly W. Cutler

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Judge Cutler is standing for retention in 2004. The table on the following page compares Judge Cutler's retention survey scores.

Judge Cutler previously stood for retention in 1978 (scores attached), 1982, 1986, 1992 and 1998. She was evaluated with the other non-retention judges in 1990, 1996 and 2002.

Judge Cutler applied for and was appointed to the Anchorage District Court in 1977. She applied for and was appointed to the Palmer Superior Court in 1982. The Judicial Council did not conduct Bar surveys before 1980.

<b>Judge Beverly W. Cutler</b>																		
Appointed to Palmer Superior Court 10/28/82																		
	2004 Retention Superior Ct.		2002 Retention Preview Superior Ct.		1998 Retention Superior Ct.		1996 Retention Preview Superior Ct.		1992 Retention Superior Ct.		1990 Retention Preview Superior Ct.		1986 Retention Superior Ct.		1982 Retention District Ct.		1978 Retention District Ct.	
	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO
Legal Ability	4.0	--	4.0	--	4.0	---	4.0	---	4.0	---	3.9	---	3.8	---	4.0	---	3.6	---
Impartiality	4.0	3.5	3.8	3.4	4.0	3.3	---	---	3.9	2.8	4.0	3.1	3.9	3.6	4.0	2.9	3.6	2.8
Integrity	4.2	3.5	4.2	3.6	4.1	3.6	---	---	4.1	3.1	4.3	3.5	4.2	4.0	4.3	3.4	4.3	3.2
Judicial Temperament	4.0	3.8	3.9	3.4	4.1	3.7	4.1	3.7	3.9	3.0	4.1	3.4	4.0	3.8	4.1	3.2	3.8	3.3
Diligence	3.9	3.5	3.9	3.6	3.9	3.6	3.8	3.5	---	---	---	---	---	---	4.2	3.4	4.1	3.5
Special Skills	4.0	3.4	--	--	4.0	3.5	---	---	4.0	3.3	4.0	3.3	3.9	3.7	---	---	3.7	3.0
Overall Performance	3.9	3.4	3.9	3.4	4.0	3.4	3.9	3.4	4.0	2.9	4.0	3.1	3.9	3.7	4.0	3.0	3.8	2.8