Alaska Judicial Council Recommendation

Judge Brian K. Clark, District Court, Anchorage

Judicial Council Recommendation

The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska constitution, evaluates judges on a number of criteria, including their legal ability, demeanor, their diligence, their ability to manage their caseloads, and their fairness and integrity. The Judicial Council finds Judge Clark to be *Qualified* and recommends unanimously that the public vote "YES" to retain him as a district court judge.

Judicial Council Evaluation

The Judicial Council surveyed 3,036 attorneys, 1,492 peace and probation officers, social workers/guardians ad litem, and child advocates, jurors, and court employees about the judges on the ballot. Respondents were asked to rate judicial performance and to submit comments. The Council also reviewed the ratings and observations of the Alaska Judicial Observers, independent community-based volunteers. The Council reviewed court system records concerning peremptory challenges, recusals, and appellate affirmance and reversal rates; any civil or criminal litigation involving the judge; APOC and court system conflict-of-interest statements; any disciplinary files; and whether a judge's pay was withheld for an untimely decision. The Council investigated judicial conduct in specific cases. The Council interviewed some judges, attorneys, court staff, and others. The Council held a statewide public hearing to obtain comments about judges.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	Social Workers Guardians ad Litem CASAs
Legal Ability	4.2				
Impartiality	4.4	4.5	5.0	4.5	
Integrity	4.5	4.6		4.5	
Temperament	4.4	4.5	5.0	4.6	
Diligence	4.4	4.5		4.5	
Overall	4.3	4.5	5.0	4.6	

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

Summary of Survey Information

Attorneys in Alaska rated Judge Clark on the six categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Clark on overall performance was 4.3. Peace and probation officers rated Judge Clark on five categories, using the 5-point scale above. They gave Judge Clark a rating of 4.5.

Four other groups also evaluated Judge Clark's performance, using the same 5-point scale with 5 as the highest rating. Jurors rated him 5.0, and court employees gave him 4.6. There were no responses from social workers, guardians ad litem and CASA volunteers. The Alaska Judicial Observers rated him 3.6.

Recommendation: Vote "YES" to retain Judge Brian K. Clark

Contact the Judicial Council at 1029 W. Third Avenue, 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



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ALASKA JUDICIAL COUNCIL

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NON-ATTORNEY MEMBERS

EXECUTIVE DIRECTOR Larry Cohn

Eleanor Andrews Bill Gordon Christena Williams

Alaska Judicial Council Questionnaire

ATTORNEY MEMBERS Douglas Baily Robert B Groseciose Susan Orlansky

Trial Judge 2006 Candidates for Judicial Retention

CHAIR, EX OFFICIO Alexander O Bryner Chief Justice Supreme Court

November 21, 2005

escribe your workload during your presence of the second o	b) 10 trials/year 4 Administrative Appeals
15 % Civil Cases 35 % Criminal Cases Court Administrative	b) 10±# of trials/year
<u> 考</u> の Criminal Cases	
100 /0 10141	
ease describe your participation on cou uring your current term of office.	rt/bar committees or other administrative activities
I am a member Criminal Pattern	Ilay Tustruction Com

3. 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.

I would assess my performance and
got satisfuction during this term as
Very good. Thave an extremely sold
back ground in criminal low and
my skill in the avil arena continues
to grow and develop.
I enjoy working by children
during law they and when light school
observers and in my court I always
Stee and answer questions if the
are any. I clways try to theat everyone
in my court room it respect and
attempt to maintain the dignity of
the count wom.
I have recently becam discussing
of other judges solvible ways
of other gudges cossible ways
efficient and I am logeful that
estected charges will be
effected.

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?
	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
	facts, case numbers and outcomes.
6.	Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2006 retention
	elections.

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) Case Number 1 3AN-05-7261 (R Case Name: Case Number: Attorneys Involved: Address 3/2 X St St. 520 99501 City, State, Zip 4nchistage Address City, State, Zip City, State, Zip Case Number 2 Case Attorneys Involved: 995Ul City, State, Zip. Anchorey Address City, State, Zip. City, State, Zip Case Number 3 Case _Case Number: Name: Attorneys Involved: Anchorage Lie 99501 City, State, Zip Address. City, State, Zip City, State, Zip.

8. 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.)

	Case Number	1
Case	M	. 214-56-112/2 61
Name: _ v.	Merry Case Nu	mber: 31N-05-4363 C)
"-	Attorneys Involve	d:
Name	_	Name.
Address	11	address
City, State, Zip	Anchorage 97501 City, Sta	ate, Zip
	1/301	
Name.		Name
Address:	·	Address
City, State, Zip		ite, Zip
	Case Number	2
Case		0
_		mber: 3AN-0\$ - 4425 C/
ν	Alasha 4 hheef 1)r . W. Attorneys Involve	
Name		Name: Michelle Minor
	Ell Elloth A #C2	ddress 1/20 & Huffman Rd. Ste 664
	Anchorage 99504 City, Sta	to 7 to 1 to 500 2 995/5
,,,,	The City, sta	THE AMERICA STATE TO STATE OF THE STATE OF T
Name		Name:
Address	A	ddress
City, State, Zip.		te, Zip.
	Case Number	
Case		
Name:	n) 04 Case Nu	mber: 3AN-05- 1538 Cr.
ν	Jung Suh	,
Name	Attorneys Involve	
Address.	Junife Messick	Name Henry Gruper ddress 737 M St.
	ALLE WE AV. ST ALD A	13 11 51.
ony, state, zip	Anchorage A 99501 City, Sta	ic, zip 11000 Triegt 11301
Name		Name
Address	A	ddress
City, State, Zip.	City. Sta	te, Zip

9.

City, State, Zip

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) Case Number 1 Case Name: THIIS v. Mollica Attorneys Involved: Address 601 W 5 m Sunte 900 Address City, State, Zip City, State, Zip Case Number 2 Case Case Number: 3 AN - 04 - 8503 Settlement Co Attorneys Involved: 99503 City, State, Zip Androsas 99508 Address City, State, Zip City, State, Zip. Case Number 3 Attorneys Involved: 99511 City, State, Zip Address Address __

Please list the names and case numbers of the three most recent cases which did not go to

City, State. Zip

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.)

	Case Number 1	
Case Name:	Case Number:	
ν		
	Attorneys Involved:	
Name.	Name:	
Address:	Address.	
City, State, Zip	City, State, Zip	
Name	Name·	
Address:		
City, State, Zip:	City, State, Zip	
	Case Number 2	
Case Name:	Case Number:	
v		
	Attorneys Involved:	
Name	Name	1417
Address:		
City, State, Zip		
Name	Name	
Address		
C+- 6 7	City, State, Zip	
	Case Number 3	
Case		
	Case Number:	
ν,		
	Attorneys Involved:	
Name		
Address.		
City, State, Zip	City, State, Zip	
Name	Name	
Address	Address	
City, State, Zip	City, State, Zip	

48. DISTRICT COURT JUDGE BRIAN K. CLARK

A. Alaska Bar Association

Demographic Description (N=216)

		N	%
Type of Practice			
	No Response	1	0.4%
	Private, Solo	41	19.0%
	Private, 2-5 Attorneys	37	17.2%
	Private, 6+ Attorneys	28	13.0%
	Private, Corporate Employee	4	1.8%
	State Judge or Judicial Officer	21	9.7%
	Government	74	34.4%
	Public Service Agency or Organization (not govt)	4	1.8%
	Other	5	2.3%
Length of Alaska Practice			
	No Response	2	0.9%
	5 Years or fewer	34	15.8%
	6 to 10 years	34	15.8%
	11 to 15 years	33	15.3%
	16 to 20 years	32	14.8%
	21 years or more	80	37.2%
Gender			
	No Response	3	1.3%
	Male	133	61.8%
	Female	79	36.7%
Cases Handled			
	No Response	2	0.9%
	Prosecution	37	17.2%
	Mainly Criminal	27	12.5%
	Mixed Criminal & Civil	61	28.3%
	Mainly Civil	81	37.6%
	Other	7	3.2%
Location of Practice			
	No Response	1	0.4%
	First District	3	1.3%
	Second District	4	1.8%
	Third District	197	91.6%
	Fourth District	9	4.1%
	Outside of Alaska	1	0.4%

Evaluation of Judge Brian K. Clark: Alaska Bar Association Members

Summary of Findings

Judge Brian K. Clark was evaluated by 184 Alaska Bar Association members who reported having direct professional experience with the judge. The mean score on *overall evaluation* was 4.3. The highest mean score was obtained on *integrity* (4.5) and the lowest score was obtained on *legal ability* (4.2). Details are present in the two tables that follow.

	Poor		Deficient		Accept		Good		Excellent			
	N	%	N	%	N	%	N	%	N	%	Mean	
Legal Ability	2	1.1%	2	1.1%	25	13.9%	77	43.0%	73	40.7%	4.2	
Impartiality/Fairness	1	0.5%	1	0.5%	16	8.7%	75	41.2%	89	48.9%	4.4	
Integrity	1	0.5%	1	0.5%	11	6.0%	67	36.8%	102	56.0%	4.5	
Judicial Temperament	2	1.0%	2	1.0%	14	7.6%	63	34.2%	103	55.9%	4.4	
Diligence	1	0.5%	3	1.6%	16	9.0%	70	39.5%	87	49.1%	4.4	
Overall Rating	1	0.5%	2	1.1%	18	9.9%	73	40.3%	87	48.0%	4.3	

Judge Brian K. Clark: Detailed Information Responses Alaska Bar Association Members

			Impar	tiality	/		Jud	icial			Ove	erall
	Legal .	Ability	y Fairness Integrity			grity	Tempe	rament	Dilig	ence	Rat	ting
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation of Judge												
No Response	3.5	4	3.8	4	4.0	4	4.0	4	4.0	4	4.0	4
Direct Professional	4.2	179	4.4	182	4.5	182	4.4	184	4.4	177	4.3	181
Professional Reputation	4.7	16	4.7	16	4.8	16	4.7	16	4.8	16	4.7	16
Other Personal Contacts	4.3	11	4.5	14	4.6	14	4.7	12	4.5	11	4.6	12
Type of Practice												
No Response	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
Private, Solo	4.0	35	4.1	36	4.3	37	4.2	38	4.3	36	4.2	36
Private, 2-5 Attorneys	4.0	36	4.2	36	4.4	36	4.5	36	4.3	35	4.2	35
Private, 6+ Attorneys	4.2	21	4.4	22	4.5	22	4.3	23	4.2	21	4.3	22
Private, Corporate Employee	3.5	2	3.5	2	3.5	2	3.5	2	3.5	2	3.5	2
State Judge or Judicial Officer	4.4	18	4.7	18	4.8	18	4.7	18	4.5	18	4.6	18
Government	4.4	62	4.6	63	4.6	62	4.5	62	4.5	60	4.5	63
Public Service Agency or												
Organization (not govt)	4.5	2	4.5	2	5.0	2	5.0	2	4.5	2	4.5	2
Other	4.5	2	4.0	2	4.5	2	4.5	2	4.5	2	4.5	2
Years Experience												
No Response	4.0	2	4.0	2	4.0	2	4.0	2	4.0	2	4.0	2
5 Years or fewer	4.4	24	4.5	25	4.5	25	4.4	26	4.4	23	4.5	25
6 to 10 years	4.5	27	4.5	28	4.6	27	4.6	28	4.7	26	4.6	28
11 to 15 years	4.1	30	4.3	30	4.3	30	4.4	31	4.3	30	4.3	30
16 to 20 years	4.2	25	4.3	26	4.4	26	4.3	26	4.2	26	4.2	25
21 years or more	4.1	71	4.4	71	4.5	72	4.4	71	4.3	70	4.3	71
Gender												
No Response	3.5	2	4.0	2	4.0	2	4.0	2	4.0	2	4.0	2
Male	4.1	113	4.3	115	4.4	116	4.4	117	4.3	112	4.3	114
Female	4.4	64	4.4	65	4.5	64	4.6	65	4.5	63	4.5	65
Majority of Practice Consists of												
No Response	4.0	2	4.0	2	4.0	2	4.0	2	4.0	2	4.0	2
Prosecution	4.4	33	4.6	33	4.6	33	4.5	33	4.5	32	4.5	33
Mainly Criminal	4.5	22	4.5	24	4.5	23	4.5	25	4.4	22	4.5	24
Mixed Criminal & Civil	4.3	56	4.4	56	4.5	56	4.4	56	4.4	56	4.4	56
Mainly Civil	4.0	62	4.3	63	4.4	64	4.4	64	4.2	61	4.2	62
Other	3.8	4	4.0	4	4.0	4	4.3	4	4.3	4	3.8	4
Location of Practice												
No Response	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
First District	4.0	1	5.0	1	5.0	1	5.0	1	4.0	1	4.0	1
Second District	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2
Third District	4.2	166	4.4	169	4.5	169	4.4	171	4.3	164	4.3	168
Fourth District	4.5	8	4.4	8	4.4	8	4.6	8	4.5	8	4.4	8
Outside of Alaska	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1

48. DISTRICT COURT JUDGE BRIAN K. CLARK

B. Peace and Probation Officers

Demographic Description (N=37)

		N	%
Type of Work			
	No Response		0
	State Law Enforcement Officer	14	37.8%
	Municipal/Borough Law Enforcement Officer	21	56.7%
	Village Public Safety Officer (VPSO)		0
	Probation/Parole Officer	2	5.4%
	Other		0
Length of Alaska Experience	•		
	No Response		0
	5 Years or fewer	8	21.6%
	6 to 10 years	9	24.3%
	11 to 15 years	11	29.7%
	16 to 20 years	3	8.1%
	21 years or more	6	16.2%
Gender			
	No Response		0
	Male	29	78.3%
	Female	8	21.6%
Location of Practice			
	No Response		0
	First District		0
	Second District	2	5.4%
	Third District	35	94.5%
	Fourth District		0
	Outside of Alaska		0
Community Population			
	No Response		0
	Under 2,000		0
	Between 2,000 and 35,000	5	13.5%
	Over 35,000	32	86.4%

Evaluation of Judge Brian K. Clark Peace and Probation Officers

Summary of Findings

Judge Brian K. Clark was evaluated by 30 Peace and Probation Officers who reported having direct professional experience with the judge. The mean score on *overall evaluation* was 4.5. The highest mean score was obtained on *integrity* (4.6) and all other areas obtained a score of 4.5. Details are present in the two tables that follow.

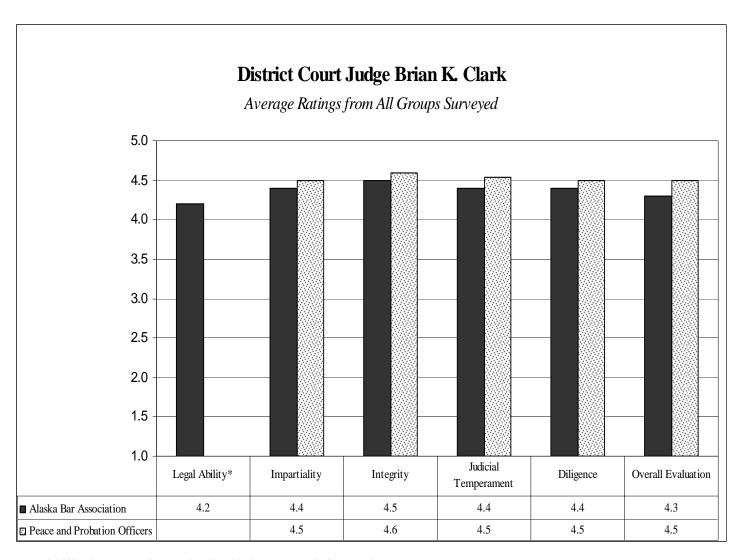
	Poor		Deficient		Ac	cept	G	Food	Ex		
	N	%	N	%	N	%	N	%	N	%	Mean
Impartiality/Fairness		0		0	1	3.3%	13	43.3%	16	53.3%	4.5
Integrity		0		0		0	12	42.8%	16	57.1%	4.6
Judicial Temperament		0		0	1	3.4%	12	41.3%	16	55.1%	4.5
Diligence		0		0	1	3.5%	12	42.8%	15	53.5%	4.5
Overall Rating		0		0		0	14	46.6%	16	53.3%	4.5

Judge Brian K. Clark: Detailed Information on Responses Peace and Probation Officers

	Impartiality/ Fairness		Integ	wits:	Judi Temper		Dilige	onco	Over Rati	
	Mean	N	Mean	N N	Mean	N	Mean	N	Mean	N
Basis for Evaluation of Judge	1120011		1110411		1,10411		1120012			
No Response	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Direct Professional	4.5	30	4.6	28	4.5	29	4.5	28	4.5	30
Professional Reputation	3.2	6	3.0	6	3.2	6	3.3	6	3.2	6
Other Personal Contacts	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Type of Work										
No Response		0		0		0		0		0
State Law Enforcement Officer	4.6	12	4.7	11	4.6	12	4.5	11	4.7	12
Municipal/Borough Law Enforcement Officer	4.4	18	4.5	17	4.5	17	4.5	17	4.4	18
Village Public Safety Officer (VPSO)		0		0		0		0		0
Probation/Parole Officer		0		0		0		0		0
Other		0		0		0		0		0
Years Experience										
No Response		0		0		0		0		0
5 Years or fewer	4.6	5	4.4	5	4.4	5	4.4	5	4.6	5
6 to 10 years	4.6	8	4.7	7	4.6	8	4.7	7	4.6	8
11 to 15 years	4.6	9	4.6	8	4.6	8	4.6	9	4.6	9
16 to 20 years	4.3	3	4.7	3	4.7	3	4.5	2	4.3	3
21 years or more	4.2	5	4.4	5	4.2	5	4.2	5	4.4	5
Gender										
No Response		0		0		0		0		0
Male	4.5	25	4.6	24	4.5	24	4.5	23	4.6	25
Female	4.4	5	4.3	4	4.4	5	4.4	5	4.4	5
Location of Practice										
No Response		0		0		0		0		0
First District		0		0		0		0		0
Second District	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Third District	4.5	29	4.6	27	4.5	28	4.5	27	4.5	29
Fourth District		0		0		0		0		0
Outside of Alaska		0		0		0		0		0
Community Population										
No Response		0		0		0		0		0
Under 2,000		0		0		0		0		0
Between 2,000 and 35,000	4.3	3	5.0	3	4.7	3	4.5	2	4.3	3
Over 35,000	4.5	27	4.5	25	4.5	26	4.5	26	4.6	27

48. DISTRICT COURT JUDGE BRIAN K. CLARK

C. Social Workers, Guardians ad Litem, and CASA VolunteersThere were no responses from this group for Judge Brian K. Clark.



^{*}Legal Ability items are only completed by Alaska Bar Association members.

Juror Survey Results 2006 Retention Evaluation Brian K. Clark

		Distribution of Ratings										
Survey Category	Mean	Excellent % (n)		Good % (n)		Acceptable % (n)		Deficient % (n)		Poor % (n)		Total Returned = 52
Impartiality/Fairness	5.0	98%	51	2%	1	0%	0	0%	0	0%	0	52
Respectful/Courteous	5.0	98%	51	2%	1	0%	0	0%	0	0%	0	52
Attentive during Proceedings	4.9	92%	48	6%	3	2%	1	0%	0	0%	0	52
Control over Proceedings	4.9	94%	49	4%	2	2%	1	0%	0	0%	0	52
Intelligence/Skill as a Judge	5.0	96%	50	2%	1	0%	0	0%	0	0%	0	52
Overall Evaluation	5.0	96%	50	4%	2	0%	0	0%	0	0%	0	52

Court Employee Survey Results 2006 Retention Evaluation Brian K. Clark

		Distribution of Ratings										
Survey Category	Mean	Exce %	llent (n)	Go %	od (n)	Acce	ptable (n)	Defice %	cient (n)	Pc %	oor (n)	Total Returned = 46
Impartiality/Fairness	4.5	50%	23	46%	21	0%	0	0%	0	0%	0	44
Integrity	4.5	52%	24	46%	21	0%	0	0%	0	0%	0	45
Judicial Temperament	4.6	63%	29	30%	14	4%	2	0%	0	0%	0	45
Diligence	4.5	54%	25	35%	16	7%	3	0%	0	0%	0	44
Overall Evaluation	4.6	59%	27	39%	18	2%	1	0%	0	0%	0	46