Alaska Judicial Council Recommendation

Judge Ben Esch, Superior Court, Nome

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 Esch to be ***Qualified*** and recommends unanimously that the public vote **"YES"** to retain him as a superior 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	4.0	---	---	---	---
Impartiality	4.1	3.9	4.8	4.6	4.0
Integrity	4.4	4.1	---	4.4	5.0
Temperament	4.1	4.1	4.9	4.2	4.0
Diligence	4.2	4.1	---	4.5	5.0
Overall	4.1	4.0	4.9	4.4	5.0

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 Esch on the six categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Esch on overall performance was 4.1. Peace and probation officers rated Judge Esch on five categories, using the 5-point scale above. They gave Judge Esch a rating of 4.0.

Three other groups also evaluated Judge Esch's performance, using the same 5-point scale with 5 as the highest rating. Jurors rated him 4.9, court employees gave him 4.4, and social workers, guardians ad litem and CASA volunteers rated him at 5.0.

Recommendation: Vote "YES" to retain Judge Ben Esch

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

November 2006

alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
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Alaska Judicial Council Questionnaire

Trial Judge
2006 Candidates for Judicial Retention

November 21, 2005

Ben Esch — Name

Nome Superior — Court

1. Describe your workload during your present term.

   a) 30 % Civil Cases
   65 % Criminal Cases
   5 % Court Administrative
   100 % Total

   b) 8 # of trials/year
   1 # Administrative Appeals

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

I have participated on the following committees (1) Fairness & Access Implementation Committee (2) Mentoring Committee (3) VAWA Advisory Committee (4) Judicial Training Planning Committee. I am the training judge for the Second Judicial District. I was elected by the judges to serve on the Commission on Judicial Conduct and was elected to the position of Chair by the other members in 2005.

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 believe my judicial performance has matured during this term. My initial term was completed in 2000. At four years on the job I was still experiencing novel cases and new situations. The last six years have seen less of that and my judicial work seems much more repetitive. On the criminal side, the faces change but the crimes seem to impact the victims and their communities in a fairly uniform fashion. The sentencing options available to me seem to produce few significant changes in conduct. My CINA cases demonstrate a pattern of children from dysfunctional homes who age and enter relationships that are often impacted by substance abuse. They become parents and live in locations that have few options for effective remedial services. The resources of the Office of Children's Services assure that only the most intractable cases are triaged into the system. Termination of the parent-child relationship is often the least harmful option available to me. The civil docket presents the widest variety of cases. These matters continue to produce intellectual stimulation and challenge. However, in many of the cases significant time is spent resolving discovery disputes that could have been avoided if counsel acted in a more collegial fashion.

This sense of repetition has affected my job satisfaction. I believe that I perform the duties of my office with adequate administrative and technical skills but I find myself frustrated with the limited options at my disposal to resolve problems and effect positive change. I am happy to be in a smaller court because this allows the flexibility to devote more time to selected cases. Unfortunately, additional time often does not translate into a better outcome. I recognize that the position of judicial officer does not come with a magic wand that allows one to make things better for those who appears in court; nevertheless, it seems to me that the tools that I have are sometimes fairly ineffectual. I do not feel that this is a situation that additional education and training can help. I do find a great deal of satisfaction in the position of training judge. I am responsible for providing training to the four law-trained magistrates in the district and this also allows me to participate in training sessions given to the other judges at the spring and fall conferences. Conveying a message to someone who is willing to listen and who uses the information to change their actions in a positive way is the antithesis of much of my day to day professional existence.

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___.

5. If your answer to any of the questions above is "yes," please give full details, including dates, 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.

7. 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

Case Name: State of Alaska *Case Number:* 2NO-03-821 CR
v. Matthew Owens

Attorneys Involved:

Name: Richard Svobodny	Name: John Vacek
Address: P.O. Box 110300	Address: 4307 Vistosa St.
City, State, Zip: Juneau, AK 99811-0300	City, State, Zip: Davis, CA 95616
Name: James McComas	Name: Steven Wells
Address: 1227 W. 9th Ave., Ste. 210	Address: 268 E. Fireweed Ave., Ste.101
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Palmer, AK 99645

Case Number 2

Case Name: State of Alaska *Case Number:* 2KB-05-228 CR
v. Frank Kenworthy

Attorneys Involved:

Name: Paul Roetman	Name: Robert Lewis
Address: P.O. Box 349	Address: P.O. Box 61
City, State, Zip: Kotzebue, AK 99752	City, State, Zip: Nome, AK 99762
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

Case Number 3

Case Name: State of Alaska *Case Number:* 2KB-04-436/438, 2KB-05-34/35 CR
v. Leo, Cheryl, Johnnie & Mahlon Ferriera

Attorneys Involved:

Name: Andrea Russell	Name: Christa Maciolek
Address: 310 K St., Ste. 308	Address: 268 E. Fireweed Ave., Ste 101
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Palmer, AK 99645
Name: Joshua Fannon	Name: Greg Parvin
Address: HC01 Box 6388	Address: P.O. Box 61
City, State, Zip: Palmer, AK 99645	City, State, Zip: Nome, AK 99762

7.

CASE NUMBER 3

Michael Moberly
134 W. 15th Ave.
Anchorage, AK 99501

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 Name: In the Matter of ***Case Number:*** 2NO-03-16 CP
v. Patrick Takak

Attorneys Involved:

Name	John Earthman	Name:	Robert Lewis
Address	P.O. Box 160	Address:	P.O. Box 61
City, State, Zip.	Nome, AK 99762	City, State, Zip.	Nome, AK 99762
Name.		Name:	
Address:		Address:	
City, State, Zip.		City, State, Zip:	

Case Number 2

Case Name: In the Matter of: D.O. ***Case Number:*** 2NO-05-28 PR
v.

Attorneys Involved:

Name:	John Earthman	Name	Greg Parvin
Address:	P.O. Box 160	Address:	P.O. Box 61
City, State, Zip	Nome, AK 99762	City, State, Zip	Nome, AK 99762
Name		Name:	
Address:		Address	
City, State, Zip:		City, State, Zip	

Case Number 3

Case Name: Dennis ***Case Number:*** 2NO-02-152 CI
v. Dennis

Attorneys Involved:

Name	Judith DeMarsh	Name	Jonathon Lack
Address:	419 6th St., Ste. 322	Address:	508 W. 2nd Ave.
City, State, Zip	Juneau, AK 99801-1096	City, State, Zip:	Anchorage, AK 99501
Name:		Name	
Address:		Address	
City, State, Zip:		City, State, Zip:	

9. 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.)

Case Number 1

Case Name: State of Alaska *Case Number:* 2NO-04-100 CI
v. Crowley Marine Services

Attorneys Involved:

Name: Clyde Sniffen	Name: Mark Ashburn
Address: 1031 W. 4th Ave., Ste. 200	Address: 1130 W. 6th Ave., Ste.100
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Anchorage, AK 99501
Name: Douglas Serdahely	Name: Andrew Leman
Address: 601 W. 5th Ave., Ste. 700	Address: 255 E. Fireweed Ln., Ste. 200
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Anchorage, AK 99503

Case Number 2

Case Name: State of Alaska *Case Number:* 2BA-04-500/501 CR
v. Eltron & Lloyd Ipalook

Attorneys Involved:

Name: Helen Hickmon	Name: Lori Bodwell
Address: 455 Third Ave., Ste. 150	Address: 100 Cushman St., Ste. 306
City, State, Zip: Fairbanks, AK 99701	City, State, Zip: Fairbanks, AK 99701
Name: Susan Carney	Name:
Address: 100 Cushman St., Ste. 502	Address:
City, State, Zip: Fairbanks, AK 99701	City, State, Zip:

Case Number 3

Case Name: Rudisel *Case Number:* 2NO-04-84 CI
v. State of Alaska

Attorneys Involved:

Name: H. Conner Thomas	Name: Robert Auth
Address: P.O. Box 61	Address: 1031 W. 4th Ave., Ste. 200
City, State, Zip: Nome, AK 99762	City, State, Zip: Anchorage, AK 99501
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

9.

CASE NUMBER 1

Louisiana Cutler
420 L St., Ste. 400
Anchorage, AK 99501

10. 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:*** _____

v. _____

Attorneys Involved:

Name _____ Name: _____

Address: _____ Address: _____

City, State, Zip. _____ City, State, Zip: _____

Name: _____ Name: _____

Address: _____ Address. _____

City, State, Zip: _____ City, State, Zip: _____

Case Number 2

Case Name: _____ ***Case Number:*** _____

v. _____

Attorneys Involved:

Name: _____ Name: _____

Address: _____ Address. _____

City, State, Zip: _____ City, State, Zip: _____

Name: _____ Name. _____

Address: _____ Address _____

City, State, Zip _____ City, State, Zip: _____

Case Number 3

Case Name: _____ ***Case Number:*** _____

v. _____

Attorneys Involved:

Name _____ Name: _____

Address: _____ Address. _____

City, State, Zip _____ City, State, Zip _____

Name: _____ Name: _____

Address: _____ Address: _____

City, State, Zip: _____ City, State, Zip _____

33. SUPERIOR COURT JUDGE BEN ESCH

A. Alaska Bar Association

Demographic Description (N=343)

		N	%
Type of Practice			
	No Response	9	2.6%
	Private, Solo	73	21.2%
	Private, 2-5 Attorneys	58	16.9%
	Private, 6+ Attorneys	59	17.2%
	Private, Corporate Employee	7	2.0%
	State Judge or Judicial Officer	48	13.9%
	Government	65	18.9%
	Public Service Agency or Organization (not govt)	9	2.6%
	Other	15	4.3%
Length of Alaska Practice			
	No Response	8	2.3%
	5 Years or fewer	25	7.2%
	6 to 10 years	19	5.5%
	11 to 15 years	35	10.2%
	16 to 20 years	45	13.1%
	21 years or more	211	61.5%
Gender			
	No Response	8	2.3%
	Male	244	71.1%
	Female	91	26.5%
Cases Handled			
	No Response	9	2.6%
	Prosecution	20	5.8%
	Mainly Criminal	26	7.5%
	Mixed Criminal & Civil	97	28.2%
	Mainly Civil	177	51.6%
	Other	14	4.0%
Location of Practice			
	No Response	8	2.3%
	First District	19	5.5%
	Second District	17	4.9%
	Third District	258	75.2%
	Fourth District	36	10.4%
	Outside of Alaska	5	1.4%

Evaluation of Judge Ben Esch:
Alaska Bar Association Members

Summary of Findings

Judge Ben Esch was evaluated by 249 Alaska Bar Association members who reported having direct professional experience with the judge. The mean score on *overall evaluation* was 4.1. The highest mean score was obtained on *integrity* (4.4) and the lowest score was obtained on *legal ability* (4.0). Details are present in the two tables that follow.

	Poor		Deficient		Accept		Good		Excellent		
	N	%	N	%	N	%	N	%	N	%	Mean
Legal Ability	3	1.2%	7	2.8%	45	18.0%	121	48.5%	73	29.3%	4.0
Impartiality/Fairness	6	2.4%	13	5.3%	29	11.8%	91	37.1%	106	43.2%	4.1
Integrity	3	1.2%	5	2.0%	30	12.1%	70	28.4%	138	56.0%	4.4
Judicial Temperament	5	2.0%	12	4.8%	32	13.0%	90	36.7%	106	43.2%	4.1
Diligence	2	0.8%	4	1.6%	37	15.6%	96	40.5%	98	41.3%	4.2
Overall Rating	5	2.0%	10	4.0%	32	13.0%	96	39.1%	102	41.6%	4.1

Note: Ratings for only those respondents who reported direct professional experience with the judge.

Judge Ben Esch: Detailed Information Responses
Alaska Bar Association Members

	Legal Ability		Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Rating	
	Mean	**N**	**Mean**	**N**	**Mean**	**N**	**Mean**	**N**	**Mean**	**N**	**Mean**	**N**
Basis for Evaluation of Judge												
No Response	4.0	5	4.0	5	4.2	5	4.2	5	4.3	4	4.2	5
Direct Professional	**4.0**	**249**	**4.1**	**245**	**4.4**	**246**	**4.1**	**245**	**4.2**	**237**	**4.1**	**245**
Professional Reputation	3.9	77	4.1	75	4.1	74	4.0	72	3.9	68	4.1	75
Other Personal Contacts	4.1	12	4.2	12	4.3	12	4.2	12	4.1	10	4.0	11
Type of Practice												
No Response	3.8	5	3.6	5	4.0	5	3.6	5	3.8	5	3.8	5
Private, Solo	3.9	54	3.9	53	4.1	53	4.0	53	4.1	52	3.9	53
Private, 2-5 Attorneys	3.9	46	3.9	46	4.2	46	3.9	45	4.0	45	4.0	46
Private, 6+ Attorneys	3.8	43	4.3	43	4.5	43	4.5	42	4.2	40	4.2	41
Private, Corporate Employee	4.4	5	4.0	5	4.4	5	4.0	5	4.2	5	4.0	5
State Judge or Judicial Officer	4.5	37	4.6	37	4.8	37	4.7	36	4.6	35	4.7	37
Government	4.0	48	4.0	47	4.3	47	3.9	48	4.1	46	4.1	47
Public Service Agency or Organization (not govt)	4.0	6	4.3	4	4.2	5	4.0	6	4.8	4	4.0	6
Other	4.4	5	4.6	5	5.0	5	4.6	5	4.4	5	4.6	5
Years Experience												
No Response	3.8	4	3.3	4	4.0	4	3.5	4	3.8	4	3.8	4
5 Years or fewer	4.1	18	3.7	18	3.9	17	3.7	18	3.9	16	3.7	18
6 to 10 years	4.1	15	4.0	14	4.4	15	4.1	15	4.3	15	4.2	15
11 to 15 years	3.9	31	4.1	29	4.4	30	4.1	31	4.1	28	4.1	30
16 to 20 years	3.8	33	3.9	33	4.1	33	3.8	33	3.9	32	3.9	32
21 years or more	4.1	148	4.3	147	4.5	147	4.3	144	4.3	142	4.3	146
Gender												
No Response	4.3	4	4.0	4	4.5	4	4.0	4	4.3	4	4.3	4
Male	4.0	181	4.2	179	4.4	178	4.3	178	4.3	172	4.2	178
Female	4.0	64	3.9	62	4.2	64	3.8	63	4.0	61	4.0	63
Majority of Practice Consists of												
No Response	4.4	5	4.2	5	4.6	5	4.2	5	4.4	5	4.4	5
Prosecution	4.1	14	4.4	14	4.6	14	4.3	14	4.4	13	4.4	14
Mainly Criminal	4.1	19	3.7	18	4.1	19	3.6	19	4.1	18	3.7	19
Mixed Criminal & Civil	4.2	76	4.2	76	4.5	76	4.3	75	4.4	74	4.3	76
Mainly Civil	3.9	129	4.1	126	4.3	126	4.1	126	4.1	121	4.1	125
Other	4.0	6	3.8	6	4.7	6	4.0	6	3.8	6	4.0	6
Location of Practice												
No Response	4.0	4	3.8	4	4.5	4	4.0	4	4.3	4	4.3	4
First District	4.0	11	4.1	10	4.4	11	3.9	11	4.3	8	4.0	11
Second District	4.8	16	4.8	15	4.9	16	4.6	15	4.8	15	4.8	16
Third District	4.0	186	4.1	184	4.3	183	4.1	183	4.2	178	4.1	183
Fourth District	4.0	29	4.2	29	4.3	29	4.2	29	4.1	29	4.2	28
Outside of Alaska	5.0	3	5.0	3	5.0	3	5.0	3	5.0	3	5.0	3

Note: Ratings for only those respondents who reported direct professional experience with the judge.

33. SUPERIOR COURT JUDGE BEN ESCH

B. Peace and Probation Officers

Demographic Description (N=34)

		N	%
Type of Work			
	No Response	--	0.0%
	State Law Enforcement Officer	10	29.4%
	Municipal/Borough Law Enforcement Officer	10	29.4%
	Village Public Safety Officer (VPSO)	--	0.0%
	Probation/Parole Officer	14	41.1%
	Other	--	0.0%
Length of Alaska Experience			
	No Response	--	0.0%
	5 Years or fewer	8	23.5%
	6 to 10 years	8	23.5%
	11 to 15 years	8	23.5%
	16 to 20 years	5	14.7%
	21 years or more	5	14.7%
Gender			
	No Response	--	0.0%
	Male	25	73.5%
	Female	9	26.4%
Location of Practice			
	No Response	--	0.0%
	First District	3	8.8%
	Second District	13	38.2%
	Third District	13	38.2%
	Fourth District	5	14.7%
	Outside of Alaska	--	0.0%
Community Population			
	No Response	--	0.0%
	Under 2,000	1	2.9%
	Between 2,000 and 35,000	21	61.7%
	Over 35,000	12	35.2%

Evaluation of Judge Ben Esch
Peace and Probation Officers

Summary of Findings

Judge Ben Esch was evaluated by 21 Peace and Probation Officers who reported having direct professional experience with the judge. The mean score on *overall evaluation* was 4.0. The highest mean scores were obtained on *integrity* (4.1), *judicial temperament* (4.1) and *diligence* (4.1) and the lowest score was obtained on *impartiality/fairness* (3.9). Details are present in the two tables that follow.

	Poor		Deficient		Accept		Good		Excellent		
	N	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**Mean**
Impartiality/Fairness	--	0.0%	2	9.5%	5	23.8%	7	33.3%	7	33.3%	3.9
Integrity	--	0.0%	2	9.5%	3	14.2%	7	33.3%	9	42.8%	4.1
Judicial Temperament	--	0.0%	1	4.7%	5	23.8%	5	23.8%	10	47.6%	4.1
Diligence	--	0.0%	1	4.7%	5	23.8%	6	28.5%	9	42.8%	4.1
Overall Rating	--	0.0%	1	5.0%	6	30.0%	5	25.0%	8	40.0%	4.0

Note: Ratings for only those respondents who reported direct professional experience with the judge.

Judge Ben Esch: Detailed Information on Responses
Peace and Probation Officers

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Rating	
	Mean	**N**	**Mean**	**N**	**Mean**	**N**	**Mean**	**N**	**Mean**	**N**
Basis for Evaluation of Judge										
No Response	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
Direct Professional	**3.9**	**21**	**4.1**	**21**	**4.1**	**21**	**4.1**	**21**	**4.0**	**20**
Professional Reputation	4.1	9	4.2	9	4.2	9	4.0	8	4.1	9
Other Personal Contacts	4.5	2	4.5	2	5.0	2	4.5	2	5.0	2
Type of Work										
No Response	--	0	--	0	--	0	--	0	--	0
State Law Enforcement Officer	3.6	8	3.9	8	3.9	8	3.8	8	3.6	8
Municipal/Borough Law Enforcement Officer	4.0	6	4.3	6	4.3	6	4.3	6	4.2	5
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.1	7	4.1	7	4.3	7	4.3	7	4.3	7
Other	--	0	--	0	--	0	--	0	--	0
Years Experience										
No Response	--	0	--	0	--	0	--	0	--	0
5 Years or fewer	4.0	4	4.0	4	4.3	4	4.0	4	4.0	4
6 to 10 years	3.6	5	3.8	5	3.6	5	3.8	5	3.8	5
11 to 15 years	4.0	6	4.3	6	4.3	6	4.2	6	4.2	6
16 to 20 years	4.0	4	4.3	4	4.5	4	4.5	4	4.0	3
21 years or more	4.0	2	4.0	2	4.0	2	4.0	2	4.0	2
Gender										
No Response	--	0	--	0	--	0	--	0	--	0
Male	3.9	15	4.1	15	4.1	15	4.1	15	3.9	14
Female	4.0	6	4.0	6	4.2	6	4.2	6	4.2	6
Location of Practice										
No Response	--	0	--	0	--	0	--	0	--	0
First District	2.0	1	2.0	1	2.0	1	2.0	1	2.0	1
Second District	4.0	11	4.4	11	4.5	11	4.5	11	4.3	10
Third District	4.0	5	4.0	5	4.0	5	3.8	5	3.8	5
Fourth District	4.0	4	4.0	4	4.0	4	4.0	4	4.0	4
Outside of Alaska	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response	--	0	--	0	--	0	--	0	--	0
Under 2,000	2.0	1	2.0	1	2.0	1	2.0	1	2.0	1
Between 2,000 and 35,000	4.1	14	4.4	14	4.4	14	4.4	14	4.3	13
Over 35,000	3.8	6	3.8	6	3.8	6	3.7	6	3.7	6

Note: Ratings for only those respondents who reported direct professional experience with the judge.

33. SUPERIOR COURT JUDGE BEN ESCH

C. Social Workers, Guardians ad Litem, and CASA Volunteers

Demographic Description (N=1)

		N	%
Type of Work			
	No Response	--	0.0%
	Social Worker	--	0.0%
	Guardian ad Litem	1	100.0%
	CASA Volunteer	--	0.0%
	Other	--	0.0%
Length of Alaska Experience			
	No Response	--	0.0%
	5 Years or fewer	--	0.0%
	6 to 10 years	--	0.0%
	11 to 15 years	--	0.0%
	16 to 20 years	1	100.0%
	21 years or more	--	0.0%
Gender			
	No Response	--	0.0%
	Male	--	0.0%
	Female	1	100.0%
Location of Practice			
	No Response	--	0.0%
	First District	--	0.0%
	Second District	--	0.0%
	Third District	1	100.0%
	Fourth District	--	0.0%
	Outside of Alaska	--	0.0%
Community Population			
	No Response	--	0.0%
	Under 2,000	--	0.0%
	Between 2,000 and 35,000	--	0.0%
	Over 35,000	1	100.0%

Evaluation of Judge Ben Esch
Social Workers, Guardians Ad Litem, and CASA Volunteers

Judge Ben Esch was evaluated by one Guardian Ad Litem who reported having direct professional experience with the judge. The mean score on *overall evaluation* was 5.0. The highest mean scores were obtained on *integrity* (5.0) and *diligence* (5.0) and the lowest scores were obtained on *impartiality/fairness* (4.0) and *judicial temperament* (4.0). Details are present in the two tables that follow.

	Poor		Deficient		Accept		Good		Excellent		
	N	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**Mean**
Impartiality/Fairness	--	0.0%	--	0.0%	--	0.0%	1	100.0%	--	0.0%	4.0
Integrity	--	0.0%	--	0.0%	--	0.0%	--	0.0%	1	100.0%	5.0
Judicial Temperament	--	0.0%	--	0.0%	--	0.0%	1	100.0%	--	0.0%	4.0
Diligence	--	0.0%	--	0.0%	--	0.0%	--	0.0%	1	100.0%	5.0
Overall Rating	--	0.0%	--	0.0%	--	0.0%	--	0.0%	1	100.0%	5.0

Note: Ratings for only those respondents who reported direct professional experience with the judge.

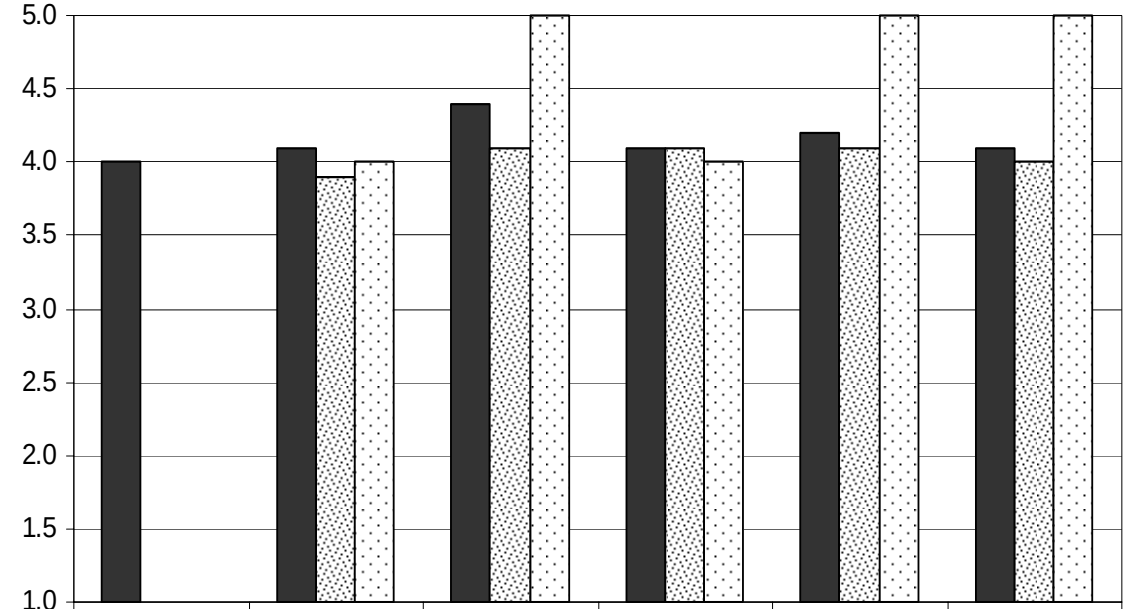
Judge Ben Esch: Detail Information on Responses
Social Workers, Guardians Ad Litem, and CASA volunteers

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Rating	
	Mean	**N**	**Mean**	**N**	**Mean**	**N**	**Mean**	**N**	**Mean**	**N**
Basis for Evaluation of Judge										
No Response	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Direct Professional	**4.0**	**1**	**5.0**	**1**	**4.0**	**1**	**5.0**	**1**	**5.0**	**1**
Professional Reputation	--	0	--	0	--	0	--	0	--	0
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response	--	0	--	0	--	0	--	0	--	0
Social Worker	--	0	--	0	--	0	--	0	--	0
Guardian ad Litem	4.0	1	5.0	1	4.0	1	5.0	1	5.0	1
CASA Volunteer	--	0	--	0	--	0	--	0	--	0
Other	--	0	--	0	--	0	--	0	--	0
Years Experience										
No Response	--	0	--	0	--	0	--	0	--	0
5 Years or fewer	--	0	--	0	--	0	--	0	--	0
6 to 10 years	--	0	--	0	--	0	--	0	--	0
11 to 15 years	--	0	--	0	--	0	--	0	--	0
16 to 20 years	4.0	1	5.0	1	4.0	1	5.0	1	5.0	1
21 years or more	--	0	--	0	--	0	--	0	--	0
Gender										
No Response	--	0	--	0	--	0	--	0	--	0
Male	--	0	--	0	--	0	--	0	--	0
Female	4.0	1	5.0	1	4.0	1	5.0	1	5.0	1
Location of Practice										
No Response	--	0	--	0	--	0	--	0	--	0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.0	1	5.0	1	4.0	1	5.0	1	5.0	1
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	--	0	--	0	--	0	--	0	--	0
Over 35,000	4.0	1	5.0	1	4.0	1	5.0	1	5.0	1

Note: Ratings for only those respondents who reported direct professional experience with the judge.

Superior Court Judge Ben Esch

Average Ratings from All Groups Surveyed



	Legal Ability*	Impartiality	Integrity	Judicial Temperament	Diligence	Overall Evaluation
Alaska Bar Association	4.0	4.1	4.4	4.1	4.2	4.1
Peace and Probation Officers		3.9	4.1	4.1	4.1	4.0
Social Workers/ GALS/CASA Volunteers		4.0	5.0	4.0	5.0	5.0

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

Juror Survey Results
2006 Retention Evaluation
Ben Esch

		Distribution of Ratings										
Survey Category	**Mean**	**Excellent**		**Good**		**Acceptable**		**Deficient**		**Poor**		**Total**
		%	**(n)**	**%**	**(n)**	**%**	**(n)**	**%**	**(n)**	**%**	**(n)**	**Returned = 31**
Impartiality/Fairness	**4.8**	84%	26	16%	5	0%	0	0%	0	0%	0	31
Respectful/Courteous	**4.9**	90%	28	10%	3	0%	0	0%	0	0%	0	31
Attentive during Proceedings	**4.8**	84%	26	16%	5	0%	0	0%	0	0%	0	31
Control over Proceedings	**4.8**	84%	26	16%	5	0%	0	0%	0	0%	0	31
Intelligence/Skill as a Judge	**4.9**	90%	28	10%	3	0%	0	0%	0	0%	0	31
Overall Evaluation	**4.9**	90%	28	7%	2	3%	1	0%	0	0%	0	31

Court Employee Survey Results
2006 Retention Evaluation
Ben Esch

		Distribution of Ratings										
Survey Category	**Mean**	**Excellent**		**Good**		**Acceptable**		**Deficient**		**Poor**		**Total**
		%	**(n)**	**%**	**(n)**	**%**	**(n)**	**%**	**(n)**	**%**	**(n)**	**Returned = 39**
Impartiality/Fairness	**4.6**	59%	23	26%	10	8%	3	0%	0	0%	0	36
Integrity	**4.4**	56%	22	31%	12	8%	3	3%	1	0%	0	38
Judicial Temperament	**4.2**	39%	15	44%	17	13%	5	3%	1	0%	0	38
Diligence	**4.5**	64%	25	26%	10	8%	3	3%	1	0%	0	39
Overall Evaluation	**4.4**	49%	19	33%	13	10%	4	10%	4	0%	0	36

Judge Ben J. Esch
Prior Scores Summary
Retention 2006
Appointed 02/16/96 to Nome Superior Court

Bar Survey

	Legal Ability	Impartiality	Integrity	Judicial Temperament	Diligence	**Overall Performance**
2006 Retention	4.0	4.1	4.4	4.1	4.2	4.1
2004 Interim	4.1	4.2	4.3	4.2	4.1	4.2
2000 Retention	4.0	4.2	4.2	4.2	4.2	4.0

Peace & Probation Officer Survey

	Impartiality	Integrity	Judicial Temperament	Diligence	**Overall Performance**
2006 Retention	3.9	4.1	4.1	4.1	4.0
2004 Interim	4.2	4.4	4.3	4.2	4.2
2000 Retention	4.5	4.5	4.5	4.4	4.5