



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969
http://www.ajc.state.ak.us

(907)279-2526 FAX (907)276-5046
E-mail: postmaster@ajc.state.ak.us

RECEIVED

NOV 10 2011

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

Keith B. Levy

Name

Juneau District Court

Court

1. Please estimate your workload during your present term.

- a) $\frac{35}{60+5}$ % civil cases
 60 % criminal cases
 5 % court administrative work
 100 % Total
- b) $\frac{12}{10}$ # of jury trials/year
 # of non-jury trials/year
 # of administrative appeals/year

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

Member, advisory committee for the Family Law Self Help Center

Chair, Newer Judge Training Committee

Judge member, Commission on Judicial Conduct

Member, steering committee for the Success Inside and Out program (a pre-release program for inmates at Lemon Creek Correctional Center)

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.

Since the last retention election I have continued to take advantage of educational opportunities, to meet the demands of the job on the bench, and to contribute to the administration of justice through activities off the bench. In addition to continuing to preside over the Juneau Therapeutic Court, I have been working with stakeholders to establish a mental health court in Juneau. This court will be a diversion program to provide coordinated treatment resources to individuals who are charged with misdemeanor offenses and suffer from mental illness. I have also begun a program of weekly compliance hearings for individuals who admit to violating probation by not completing treatment requirements. The program provides a structure to encourage completion of treatment and avoid additional jail time.

I was recently elected by my colleagues to serve as a judge member of the Alaska Commission on Judicial Conduct. I have also taken responsibility for organizing and putting on the annual Success Inside and Out Program at the Lemon Creek Correctional Center. This is a program to help inmates prepare for release into the community. I also continue to serve as chair of the Newer Judge Training Committee, putting on an annual training conference for judges who have been appointed within the preceding three years.

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
 - b) been involved in a non-judicial 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
 - f) had any complaints, charges or grievances filed against you with the Alaska Commission on Judicial Conduct, the Alaska Bar Association, or with the Alaska Court System that resulted in public proceedings or sanctions? Yes No

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 2012 retention elections.

For questions 7 through 10 please do not list any cases that have pending issues in your court.

- 7. Please list your three most recent jury trials including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: State **Case Number:** 1JU-10-1458CR
 v. Lavada Johnson

Attorneys Involved:

Name: <u>Angie Kemp</u>	Name: <u>Kevin Higgins</u>
Address: <u>P.O. Box 110300</u>	Address: <u>227 7th Street</u>
City, State, Zip: <u>Juneau, AK 99811</u>	City, State, Zip: <u>Juneau, AK 99801</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: City and Borough of Juneau **Case Number:** 1JU-11-715 CR
 v. Danette Fite

Attorneys Involved:

Name: <u>August Petropoulos</u>	Name: <u>Tom Wagner</u>
Address: <u>155 S. Seward Street</u>	Address: <u>417 Harris Street</u>
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: <u>Juneau, AK 99801</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: City and Borough of Juneau **Case Number:** 1JU-11-816 CR
 v. James Eylander

Attorneys Involved:

Name: <u>Robin Carlisle</u>	Name: <u>Tom Wagner</u>
Address: <u>155 S. Seward Street</u>	Address: <u>417 Harris Street</u>
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: <u>Juneau, AK 99801</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

- 8. Please list your three most recent non-jury trials including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: Hien A. Tran Case Number: 1JU-08-814 CI
 v. Daniel R. Paris

Attorneys Involved:

Name: <u>Paul Grant</u>	Name: <u>Eric Vang</u>
Address: <u>217 Second Street, Suite 204</u>	Address: <u>319 Seward St., Ste 9</u>
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: <u>Juneau, AK 99801</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: AK USA Federal Credit Union Case Number: 1JU-10-1045 CI
 v. Stewart Hallam

Attorneys Involved:

Name: <u>Wayne Dawson</u>	Name: _____
Address: <u>805 W. Fireweed Lane</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Bridgeview Condo. Ass'n Case Number: 1JU-09-1018 CI
 v. Rondi Smith

Attorneys Involved:

Name: <u>Robert Spitzfaden</u>	Name: _____
Address: <u>217 Second St., Ste. 204</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

9. Please list your three most recent cases, including case names and numbers, which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.). Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

Case Number 1

Case Name: City and Borough of Juneau Case Number: 1JU-10-661CR
 v. Willard F. Elliott

Attorneys Involved:

Name: <u>Robin Carlisle</u>	Name: <u>Louis J. Menendez</u>
Address: <u>155 S. Seward Street</u>	Address: <u>P.O. Box 114100</u>
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: <u>Juneau, AK 99811</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska Case Number: 1JU-10-1293CR
 v. Gordon Valle

Attorneys Involved:

Name: <u>David Brower</u>	Name: <u>Kevin Higgins</u>
Address: <u>P.O. Box 110300</u>	Address: <u>227 7th Street</u>
City, State, Zip: <u>Juneau, AK 99811</u>	City, State, Zip: <u>Juneau, AK 99801</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: STG Realty, Inc. Case Number: 1CR-10-26 CI
 v. City of Kasaan, et al

Attorneys Involved:

Name: <u>Michael Lessmeier</u>	Name: <u>William Wuestenfeld</u>
Address: <u>8390 Airport Blvd., Ste 104</u>	Address: <u>701 W.8th Ave., Suite 1100</u>
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Robert Blasco</u>	Name: <u>Charles Evans</u>
Address: <u>9360 Glacier Hwy., Ste. 202</u>	Address: <u>123 E. 11th Ave.</u>
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

10. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your past term in which you believe your work was particularly noteworthy. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (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: _____

Alaska Judicial Council Recommendation

Judge Keith B. Levy, District Court, Juneau

Judicial Council Recommendation 2012

The Alaska Judicial Council is a non-partisan citizens' commission established by the Alaska constitution. Alaskan law requires the Council to evaluate judges' performance and authorizes the Council to recommend to voters whether judges should be retained in office. The Judicial Council reviews judges' integrity, diligence, legal ability, fairness, demeanor, ability to manage their caseloads, and overall performance of their judicial responsibilities in and out of the courtroom. The Judicial Council finds Judge Levy 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 thousands of Alaskans including peace and probation officers, court employees, attorneys, jurors, social workers and guardians ad litem 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 the judge's preemptory challenge, 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 involving the judge; and whether a judge's pay was withheld for an untimely decision. The Council reviewed other court records and investigated judicial conduct in specific cases. The Council interviewed some judges, attorneys, and court staff, and 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
Legal Ability	4.5	---	---	---	---
Impartiality	4.5	4.1	4.9	4.5	5.0
Integrity	4.6	4.2	---	4.7	5.0
Temperament	4.5	4.4	4.9	4.5	5.0
Diligence	4.5	4.2	---	4.6	5.0
Overall	4.5	4.2	4.8	4.6	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

Survey respondents rated Judge Levy on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Levy on overall performance was 4.5. Peace and probation officers gave Judge Levy a rating of 4.2. Jurors rated him 4.8 overall, court employees gave him 4.6, and social workers and guardians ad litem rated him at 5.0.

Recommendation: Vote "YES" to retain Judge Keith B. Levy

For more information go to
www.knowyouralaskajudges.com

Judge Keith B. Levy: Detailed Information Responses Alaska Bar Association Members

	Legal Ability		Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation												
No Response		9		9		8		7		17		7
Direct Professional	4.5	101	4.5	102	4.6	101	4.5	102	4.5	94	4.5	103
Experience in last 5 yrs	4.5	94	4.5	95	4.6	94	4.5	96	4.6	88	4.5	96
Experience not in last 5 yrs	4.2	5	4.2	5	4.2	5	4.0	4	4.0	4	4.2	5
Professional Reputation	4.3	29	4.3	28	4.5	29	4.4	29	4.2	29	4.3	28
Other Personal Contacts	4.4	9	4.4	9	4.6	10	4.5	10	4.5	8	4.5	10
Type of Practice												
No Response		1		1		2		1		8		0
Private, Solo	4.6	19	4.6	19	4.7	19	4.5	20	4.5	19	4.6	20
Private, 2-5 Attorneys	4.1	20	4.3	20	4.5	19	4.3	19	4.4	18	4.2	20
Private, 6+ Attorneys	4.8	4	4.5	4	4.8	4	4.5	4	4.8	4	4.8	4
Private, Corporate Employee	5.0	3	4.7	3	5.0	3	5.0	3	4.7	3	4.7	3
Judge or Judicial Officer	4.9	29	4.9	29	4.9	29	4.8	29	4.9	25	4.9	29
Government	4.2	22	4.1	22	4.3	22	4.2	22	4.1	21	4.2	22
Public Service Agency/Org	4.0	2	4.0	2	4.0	2	4.0	2	4.0	2	4.0	2
Other	--	0	--	0	--	0	--	0	--	0	--	0
Years of Practice in Alaska												
No Response		1		1		2		1		7		0
5 Years or fewer	4.4	5	4.4	5	4.4	5	4.2	5	4.4	5	4.4	5
6 to 10 years	4.5	6	4.3	6	4.7	6	4.8	6	4.4	5	4.3	6
11 to 15 years	3.7	6	3.8	6	3.8	6	3.7	6	3.6	5	3.8	6
16 to 20 years	4.5	8	4.6	8	5.0	7	4.4	8	5.0	7	4.5	8
21 years or more	4.5	74	4.5	74	4.7	74	4.5	74	4.6	71	4.6	75
Gender												
No Response		1		1		2		1		8		0
Male	4.4	70	4.5	69	4.6	70	4.4	69	4.5	65	4.5	70
Female	4.7	29	4.6	30	4.8	28	4.6	30	4.7	27	4.6	30
Cases Handled												
No Response		1		1		2		1		8		0
Prosecution	3.6	5	3.4	5	3.8	5	3.6	5	3.4	5	3.4	5
Mainly Criminal	4.5	6	4.5	6	4.7	6	4.5	6	4.6	5	4.7	6
Mixed Criminal & Civil	4.4	39	4.5	38	4.5	38	4.3	39	4.5	34	4.5	39
Mainly Civil	4.6	45	4.6	46	4.8	45	4.7	45	4.7	44	4.7	46
Other	4.3	3	4.3	3	4.3	3	4.7	3	4.3	3	4.3	3
Location of Practice												
No Response		2		1		2		1		9		0
First District	4.5	49	4.5	50	4.6	49	4.4	51	4.6	47	4.5	51
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	4.5	39	4.5	39	4.7	39	4.6	38	4.6	34	4.6	39
Fourth District	3.9	9	3.9	9	4.2	9	3.9	9	4.0	9	4.1	9
Outside of Alaska	5.0	2	5.0	2	5.0	2	4.5	2	5.0	2	5.0	2

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

**Judge Keith B. Levy
Peace and Probation Officers**

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation										
No Response		1		1		1		2		1
Direct Professional	4.1	21	4.2	21	4.4	21	4.2	20	4.2	21
Experience in last 5 yrs	4.1	21	4.2	21	4.4	21	4.2	20	4.2	21
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	4.3	4	4.8	4	4.8	4	4.8	4	4.8	4
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		1		1		1		2		1
State Law Enforcement Officer	4.2	5	4.2	5	4.4	5	4.4	5	4.2	5
Municipal/Borough Law Enforcement Officer	3.9	13	4.2	13	4.4	13	4.1	12	4.2	13
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.3	3	4.3	3	4.3	3	4.3	3	4.3	3
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		1		1		1		2		1
5 Years or fewer	3.7	3	3.7	3	3.7	3	3.7	3	3.7	3
6 to 10 years	4.6	5	4.8	5	4.8	5	4.4	5	4.8	5
11 to 15 years	4.0	7	4.4	7	4.7	7	4.7	6	4.3	7
16 to 20 years	3.8	6	3.8	6	4.0	6	3.8	6	3.8	6
21 years or more	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		1		1		1		2		1
Male	4.0	17	4.2	17	4.4	7	4.2	17	4.1	17
Female	4.3	4	4.3	4	4.5	4	4.3	3	4.5	4
Location of Work										
No Response		1		1		1		2		1
First District	4.1	21	4.2	21	4.4	21	4.2	20	4.2	21
Second District	--	0	--	0	--	0	--	0	--	0
Third District	--	0	--	0	--	0	--	0	--	0
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		1		1		1		2		1
Under 2,000	4.0	3	4.0	3	4.0	3	3.7	3	4.0	3
Between 2,000 and 35,000	4.1	17	4.3	17	4.5	17	4.3	16	4.2	17
Over 35,000	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1

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

Judge Keith B. Levy
Social Workers and Guardians ad Litem

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation										
No Response		0		0		0		0		0
Direct Professional	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Experience in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	2.0	1	4.0	1	4.0	1	3.0	1	3.0	1
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	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Length of 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	5.0	1	5.0	1	5.0	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	--	0	--	0	--	0	--	0	--	0
Location of Work										
No Response		0		0		0		0		0
First District	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Second District	--	0	--	0	--	0	--	0	--	0
Third District	--	0	--	0	--	0	--	0	--	0
Fourth District	--	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	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Over 35,000	--	0	--	0	--	0	--	0	--	0

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

Distribution of Court Employee Ratings* 2012 Retention Evaluation Keith B. Levy							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	30	17	12	1	0	0	4.5
Integrity	30	21	8	1	0	0	4.7
Judicial Temperament	31	20	8	2	0	1	4.5
Diligence	29	18	10	1	0	0	4.6
Overall Evaluation	33	21	11	0	1	0	4.6

* Ratings are based on direct professional experience.

**Juror Survey Results
2012 Retention Evaluation
Keith B. Levy**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.9	96	14	0	0	0	110
Respectful/Courteous	4.9	98	12	0	0	0	110
Attentive during Proceedings	4.8	90	17	2	1	0	110
Control over Proceedings	4.8	91	16	2	0	1	110
Intelligence/ Skill as a Judge	4.9	94	15	1	0	0	110
Overall Evaluation	4.8	91	18	0	1	0	110

Current and Prior Retention Scores

Keith B. Levy

Appointed	Name of Court
1/24/2005	Juneau District Ct

Retention Attorney Bar Scores

Year	Legal Ability	Impartiality	Integrity	Temperament	Dilligence	Special Skills	Overall Performance
2008	4.4	4.5	4.6	4.5	4.5		4.4
2012	4.5	4.5	4.6	4.5	4.5		4.5

Peace and Probation Officer Survey Scores

Year	Impartiality	Integrity	Temperament	Diligence	Special Skills	Overall Performance
2008	4.1	4.4	4.2	4.2		4.1
2012	4.1	4.2	4.4	4.2		4.2