



alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

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ALASKA JUDICIAL COUNCIL

2012 Candidates for Judicial Retention

October 2011

Thomas G. Nave

District Court Juneau

Name

Court

1. Please estimate your workload during your present term.

a) <u>10</u> % civil cases	b) <u>5</u> # of jury trials/year
<u>90</u> % criminal cases	<u>150</u> # of non-jury trials/year
<u>0</u> % court administrative work	<u>0</u> # of administrative appeals/year
100 % Total	

The number of Non-jury trials is an estimate. They are primarily traffic matters and average 3-4 per week.

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

I am ending my first year as a judge. I have not served on any bar committees. I have attended three Judicial Conferences and Newer Judge Training. I am to be on a panel at the next Newer Judge Training on ethics issues.

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 am comfortable with my performance as a judge during the past year. Before taking the bench, I had 34 years experience practicing in the court in which I sit so there have been few surprises. I seem to be well received by the bar and defendants seem to respond to me when I engage them. I try very hard to find the underlying reason or cause of a particular defendant's recidivism and address it. I feel I have had some successes but also disappointments. As a practicing lawyer, I would have been comfortable appearing before a judge with my attitude and demeanor.

Having been primarily a criminal and personal injury lawyer, there have been challenges addressing matters I have not experienced before. Small claims can present some interesting issues. Execution and exemptions took some study. I was surprised to consider issues of first impression in constitutional challenges to two state statutes unique to Alaska. Those issues have occupied some weekends. I am also surprised with the number of Criminal Rule 11 resolutions. Nearly 90% of the sentencing resolutions in criminal cases are pursuant to agreement. I expected to exercise more discretion than the agreements provide.

I am enjoying the job very much and hope to serve for years to come.

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.

I am the subject of a prior client's Petition for Post Conviction Relief. Merle Wilson vs. State. It is assigned to Judge Carey in Ketchikan. I represented Mr. Wilson in a felony assault that was resolved by charge reduction and Judge Weeks was lenient at sentencing. Mr. Wilson was later sued by his victim and he was estopped from defending on the basis that he was not guilty. He claims that I did not fully explain the significance of a "no contest" plea to him or that he would be denied the opportunity to challenge the facts underlying his conviction in civil court. That matter is scheduled for trial in February. Neither party has contacted me in preparation for trial.

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: City and Borough of Juneau **Case Number:** 1JU-11-731 Cr.
 v. Paul Canik

Attorneys Involved:

Name: <u>August Petropolous</u>	Name: <u>Campbell Jackson</u>
Address: <u>155 S. Seward St.</u>	Address: <u>418 Harris St., Ste. 414</u>
City, State, Zip: <u>Juneau, Alaska 99801</u>	City, State, Zip: <u>Juneau, Alaska 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-11-717 Cr.
 v. Gottschlich

Attorneys Involved:

Name: <u>August Petropolous</u>	Name: <u>Thomas Wagner</u>
Address: <u>155 S. Seward St.</u>	Address: <u>417 Harris St.</u>
City, State, Zip: <u>Juneau, Alaska 99801</u>	City, State, Zip: <u>Juneau, Alaska 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-11-240 Cr.
 v. Duncan

Attorneys Involved:

Name: <u>Robyn Carlisle</u>	Name: <u>Campbell Jackson</u>
Address: <u>155 S. Seward St.</u>	Address: <u>418 Harris St., Ste 414</u>
City, State, Zip: <u>Juneau, Alaska 99801</u>	City, State, Zip: <u>Juneau, Alaska 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: State of Alaska Case Number: 1JU-11-416 Cr.
 v. Allen B. Walburn

Attorneys Involved:

Name: <u>A. Andrew Peterson</u>	Name: <u>Michael Stanley</u>
Address: <u>310 K Street</u>	Address: <u>P.O. Box 020449</u>
City, State, Zip: <u>Anchorage, Alaska 99501</u>	City, State, Zip: <u>Juneau, Alaska 99802</u>

Name: <u>trial on stipulated facts</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: None involving lawyers Case Number: _____
 v. police vs. violators

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: _____

- 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: Sgt. Matthew Dobson Case Number: 1JU-11-760 CI

v. Falaumoeloa L. Vakauta

Attorneys Involved:

Name: Kevin Saxby

Name: Bruce Weyhrauch

Address: 1031 W. Fourth Ave., Ste 200

Address: 114 S. Franklin St., Ste 200

City, State, Zip: Anchorage, Alaska 99501

City, State, Zip: Juneau, Alaska 99801

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 2

Case Name: City and Borough of Juneau Case Number: 1HA-11-009 Cr.

v. Mary Gross

Attorneys Involved:

Name: Amy Williams

Name: David Mallet

Address: P.O. Box 110300

Address: 1588 Edwards Drive

City, State, Zip: Juneau, Alaska 99811

City, State, Zip: Point Roberts, Wash. 98281

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 3

Case Name: State of Alaska Case Number: 1JU-10-1239 Cr.

v. Gregory Istris

Attorneys Involved:

Name: Richard Svobodny

Name: Kevin Higgins

Address: P.O. Box 110300

Address: 227 7th Street

City, State, Zip: Juneau, Alaska 99801

City, State, Zip: Juneau, Alaska 99801

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

- 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 Thomas G. Nave, 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 Nave 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 peremptory 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	4.4	---	---	---	---
Impartiality	4.4	3.8	4.9	4.9	---
Integrity	4.5	3.9	---	5.0	---
Temperament	4.5	4.1	4.9	4.9	---
Diligence	4.4	4.0	---	4.8	---
Overall	4.5	3.9	4.9	4.9	---

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 Nave on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Nave on overall performance was 4.5. Peace and probation officers gave Judge Nave a rating of 3.9. Jurors rated him 4.9 overall and court employees gave him 4.9. No social workers or guardians ad litem rated Judge Nave.

Recommendation: Vote "YES" to retain Judge Thomas G. Nave

For more information go to
www.knowyouralaskajudges.com

Judge Thomas G. Nave: 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		7		8		8		9		17		8
Direct Professional	4.4	62	4.4	61	4.5	62	4.5	61	4.4	56	4.5	62
Experience in last 5 yrs	4.4	52	4.5	51	4.5	52	4.6	51	4.4	47	4.5	52
Experience not in last 5 yrs	4.2	9	4.1	9	4.3	9	4.0	9	4.4	8	4.2	9
Professional Reputation	4.3	36	4.4	36	4.5	36	4.5	36	4.3	34	4.4	36
Other Personal Contacts	4.3	6	4.8	6	4.8	5	4.6	5	4.3	4	4.2	5
Type of Practice												
No Response		0		1		0		1		6		0
Private, Solo	4.4	14	4.6	14	4.5	14	4.4	14	4.5	12	4.5	14
Private, 2-5 Attorneys	4.3	12	4.4	12	4.5	12	4.4	12	4.3	12	4.3	12
Private, 6+ Attorneys	5.0	2	4.0	2	5.0	2	4.5	2	5.0	2	5.0	2
Private, Corporate Employee	--	0	--	0	--	0	--	0	--	0	--	0
Judge or Judicial Officer	4.5	19	4.7	19	4.6	19	4.7	18	4.5	16	4.6	19
Government	4.2	13	3.9	12	4.1	13	4.2	13	4.2	12	4.2	13
Public Service Agency/Org	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Other	--	0	--	0	--	0	--	0	--	0	--	0
Years of Practice in Alaska												
No Response		0		1		0		1		5		0
5 Years or fewer	5.0	3	5.0	2	4.7	3	5.0	3	5.0	3	5.0	3
6 to 10 years	4.0	3	4.0	3	4.0	3	4.0	3	3.5	2	4.0	3
11 to 15 years	4.3	4	4.8	4	4.8	4	4.8	4	4.7	3	4.5	4
16 to 20 years	3.8	4	3.8	4	3.8	4	3.8	4	3.8	4	3.8	4
21 years or more	4.4	46	4.5	46	4.5	46	4.5	45	4.4	43	4.5	46
Gender												
No Response		0		1		0		1		6		0
Male	4.4	44	4.6	44	4.6	44	4.5	43	4.4	40	4.6	44
Female	4.4	17	4.1	16	4.2	17	4.4	17	4.3	15	4.2	17
Cases Handled												
No Response		0		1		0		1		5		0
Prosecution	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2
Mainly Criminal	4.3	3	3.0	2	3.7	3	4.3	3	4.3	3	4.0	3
Mixed Criminal & Civil	4.3	29	4.5	29	4.4	29	4.4	28	4.3	26	4.5	29
Mainly Civil	4.5	24	4.6	24	4.7	24	4.6	24	4.5	22	4.6	24
Other	5.0	1	5.0	1	5.0	1	5.0	1	4.0	1	5.0	1
Location of Practice												
No Response		0		1		0		1		6		0
First District	4.5	32	4.7	31	4.7	32	4.7	31	4.5	30	4.7	32
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	4.3	20	4.1	20	4.2	20	4.2	20	4.3	16	4.2	20
Fourth District	4.1	8	4.1	8	4.4	8	4.1	8	4.1	8	4.3	8
Outside of Alaska	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1

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

**Judge Thomas G. Nave
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		2		4		2		4		2
Direct Professional	3.8	19	3.9	17	4.1	19	4.0	17	3.9	19
Experience in last 5 yrs	3.8	19	3.9	17	4.1	19	4.0	17	3.9	19
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	4.4	5	4.6	5	4.6	5	4.6	5	4.6	5
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		1		3		1		3		1
State Law Enforcement Officer	3.3	6	3.4	5	3.7	6	3.7	6	3.3	6
Municipal/Borough Law Enforcement Officer	4.1	12	4.2	11	4.3	12	4.2	10	4.2	12
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		1		3		1		3		1
5 Years or fewer	4.0	4	4.0	3	3.8	4	4.0	4	4.0	4
6 to 10 years	3.8	4	3.8	4	4.5	4	4.3	3	3.8	4
11 to 15 years	3.8	6	3.8	5	4.0	6	3.8	5	3.8	6
16 to 20 years	3.8	5	4.2	5	4.2	5	4.0	5	4.0	5
21 years or more	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		1		3		1		3		1
Male	3.8	15	3.9	14	4.1	15	3.9	14	3.9	15
Female	4.0	4	4.3	3	4.0	4	4.7	3	4.0	4
Location of Work										
No Response		1		3		1		3		1
First District	3.8	19	3.9	17	4.1	19	4.0	17	3.9	19
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		3		1		3		1
Under 2,000	3.5	2	3.5	2	4.0	2	4.5	2	3.5	2
Between 2,000 and 35,000	3.9	16	4.0	14	4.1	16	3.9	14	3.9	16
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.

Distribution of Court Employee Ratings* 2012 Retention Evaluation Thomas G. Nave							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	21	19	2	0	0	0	4.9
Integrity	21	20	1	0	0	0	5.0
Judicial Temperament	20	18	2	0	0	0	4.9
Diligence	20	16	4	0	0	0	4.8
Overall Evaluation	22	20	2	0	0	0	4.9

* Ratings are based on direct professional experience.

Juror Survey Results 2012 Retention Evaluation Thomas G. Nave							
Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.9	7	1	0	0	0	8
Respectful/Courteous	4.9	7	1	0	0	0	8
Attentive during Proceedings	4.8	6	2	0	0	0	8
Control over Proceedings	4.9	7	1	0	0	0	8
Intelligence/ Skill as a Judge	5.0	8	0	0	0	0	8
Overall Evaluation	4.9	7	1	0	0	0	8