



alaska judicial council

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ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

Frank A. Pfiffner

Name

Anchorage Superior Court

Court

1. Please estimate your workload during your present term.

a) 100 % civil cases

 % criminal cases

 % court administrative work

100 % Total

b) 9 # of jury trials/year

85 # of non-jury trials/year

17 # of administrative appeals/year

The jury trials listed above are for 2010-11. The non-jury trials are for 2011 only. The administrative appeals are for 2010-11.

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

I am a member of the American Law Institute. I attended ALI's 2011 annual meeting. I also participate in the ALI's member consultative groups for the Restatement of the Law Third, Torts: Economic Torts and Related Wrongs and Restatement of the Law Third: The U.S. Law of International Commercial Arbitration. Administratively, Presiding Judge Sharon Gleason has asked me to review certain court forms pertaining to domestic violence issues and compliance with federal law. She has also asked me to chair a sub-committee looking to develop a form for medical insurance reimbursements in divorce cases. I have performed the requested administrative functions.

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.

When I was sworn in as a judge at the beginning of 2010, a number of my peers said that "this is the best job you will ever have." I have found those words to be very accurate. I have received immense satisfaction from helping people resolve their legal disputes through what I hope have been fair and just decisions. I pride myself in working very hard and being prepared for every hearing. I am often the first person in the Nesbett Courthouse each morning.

I have contributed to the development of the law through my involvement in the American Law Institute. I have diligently attended approximately 180 hours of judicial continuing legal education in 2010 and 2011 in order to increase my legal knowledge and judicial skills. Because a large portion of my civil case load in Anchorage consists of divorce cases of which domestic violence is unfortunately a significant component, I have received specialized training in handling domestic violence issues by attending two national judicial DV training seminars and I have read extensively on the subject.

Finally, in my first two years on the bench, I have had the privilege of deciding a number of high profile cases often involving significant constitutional issues.

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: Cynthia Revels **Case Number:** 3AN-08-8884CI

v. Municipality of Anchorage

Attorneys Involved:

Name: <u>Moshe Zorea</u>	Name: <u>Isaac Zorea</u>
Address: <u>P.O. Box 210434</u>	Address: <u>P.O. Box 210434</u>
City, State, Zip: <u>Anchorage, AK 99521</u>	City, State, Zip: <u>Anchorage, AK 99521</u>

Name: <u>William Earnhart</u>	Name: _____
Address: <u>632 W. 6th Ave. #730</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: Elvis Tuata **Case Number:** 3AN-09-12642CI

v. Municipality of Anchorage

Attorneys Involved:

Name: <u>Anthony Banker</u>	Name: <u>Jeffrey Barber</u>
Address: <u>821 N St. #103</u>	Address: <u>821 N. St. #103</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>Joyce Weaver Johnson</u>	Name: <u>Pamela Weiss</u>
Address: <u>632 W. 6th Ave. #730</u>	Address: <u>632 W. 6th Ave. #730</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Case Number 3

Case Name: Dianna Gerondale **Case Number:** 3AN-09-6226CI

v. David Fiacco et al.

Attorneys Involved:

Name: <u>Marc June</u>	Name: <u>Wayne Watson</u>
Address: <u>807 G St. #150</u>	Address: <u>310 K St. #306</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</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: Amanda L. Christian **Case Number:** 3AN-09-12346CI
 v. William J. Christian

Attorneys Involved:

Name: <u>Jerald Reichlin</u>	Name: <u>Pamela Sullivan</u>
Address: <u>101 W. Benson Blvd #304</u>	Address: <u>745 4th Ave. #425</u>
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>Justin Kalmbach</u>	Name: _____
Address: <u>745 W. 4th Ave. #425</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: University Place Condo Assn **Case Number:** 3AN-07-10088CI
 v. Sara B. Rumble

Attorneys Involved:

Name: <u>Shane Osowski</u>	Name: <u>Daniel O'Phelan</u>
Address: <u>800 E. Dimond Blvd #3495</u>	Address: <u>P.O. Box 196</u>
City, State, Zip: <u>Anchorage, AK 99515</u>	City, State, Zip: <u>Seldovia, AK 99663</u>

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

Case Number 3

Case Name: Susan B. McGaughey **Case Number:** 3AN-10-08609CI
 v. Michael R. McGaughey

Attorneys Involved:

Name: <u>Charles Gunther</u>	Name: <u>Edward Miner</u>
Address: <u>310 K St. #200</u>	Address: <u>327 E. Fireweed #201</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99503</u>

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: Antonio J. Herrera Case Number: 3AN-09-08969CI

v. Friedrich B. Wiese

Attorneys Involved:

Name: J. Mitchell Joyner

Name: Peter J. Maassen

Address: 810 W. 2nd Ave.

Address: 813 W. 3rd Ave.

City, State, Zip: Anchorage, AK 99501

City, State, Zip: Anchorage, AK 99501

Name:

Name:

Address:

Address:

City, State, Zip:

City, State, Zip:

Case Number 2

Case Name: Todd Christinson Case Number: 3AN-08-09565CI

v. Conrad Houston Ins.

Attorneys Involved:

Name: Kevin Fitzgerald

Name: Thomas Matthews

Address: 813 W. 3rd Ave.

Address: 431 W. 7th Ave. #207

City, State, Zip: Anchorage, AK 99501

City, State, Zip: Anchorage, AK 99501

Name:

Name:

Address:

Address:

City, State, Zip:

City, State, Zip:

Case Number 3

Case Name: Elba and Robert Fernandez Case Number: 3AN-09-10910CI

v. State of Alaska

Attorneys Involved:

Name: James J. Davis, Jr.

Name: Clyde E. Sniffen, Jr.

Address: 1016 W. 6th Ave #200

Address: 1031 W. 4th Ave #200

City, State, Zip: Anchorage, AK 99501

City, State, Zip: Anchorage, AK 99501

Name: Laura F. Fox

Name:

Address: 1031 W. 4th Ave. #200

Address:

City, State, Zip: Anchorage, AK 99501

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: Planned Parenthood *Case Number:* 3AN-09-09236CI
v. Craig Campbell

Attorneys Involved:

<i>Name:</i> <u>Jeffrey Feldman</u>	<i>Name:</i> <u>Joanne Grace</u>
<i>Address:</i> <u>500 L St. #400</u>	<i>Address:</i> <u>1031 W. 4th Ave #200</u>
<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>	<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>

<i>Name:</i> <u>Kevin Clarkson</u>	<i>Name:</i> _____
<i>Address:</i> <u>810 N St. #100</u>	<i>Address:</i> _____
<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>	<i>City, State, Zip:</i> _____

Case Number 2

Case Name: Alaska Democratic Party *Case Number:* 3AN-10-11621CI
v. Gail Fenumiai

Attorneys Involved:

<i>Name:</i> <u>Thomas M. Daniel</u>	<i>Name:</i> <u>Margaret Paton-Walsh</u>
<i>Address:</i> <u>1029 W. 3rd Ave #300</u>	<i>Address:</i> <u>1031 W. 4th Ave. #200</u>
<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>	<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>

<i>Name:</i> <u>Kenneth Kirk</u>	<i>Name:</i> <u>Scott Kendall</u>
<i>Address:</i> <u>3401 Denali St. #203</u>	<i>Address:</i> <u>701 W. 8th Ave #700</u>
<i>City, State, Zip:</i> <u>Anchorage, AK 99503</u>	<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>

Case Number 3

Case Name: John Does I and II *Case Number:* 3AN-10-12131CI
v. State of Alaska

Attorneys Involved:

<i>Name:</i> <u>Darryl Thompson</u>	<i>Name:</i> <u>Eric Ringsmuth</u>
<i>Address:</i> <u>841 I St.</u>	<i>Address:</i> <u>310 K St. #308</u>
<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>	<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>

<i>Name:</i> _____	<i>Name:</i> _____
<i>Address:</i> _____	<i>Address:</i> _____
<i>City, State, Zip:</i> _____	<i>City, State, Zip:</i> _____

Alaska Judicial Council Recommendation

Judge Frank A. Pfiffner, Superior Court, Anchorage

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 Pfiffner 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 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	4.0	---	---	---	---
Impartiality	3.9	4.0	4.8	4.0	3.8
Integrity	4.2	4.5	---	4.1	4.3
Temperament	3.9	4.5	4.8	4.0	3.7
Diligence	4.2	4.3	---	4.1	4.2
Overall	3.9	4.0	4.7	4.0	3.8

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 Pfiffner on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Pfiffner on overall performance was 3.9. Peace and probation officers gave Judge Pfiffner a rating of 4.0. Jurors rated him 4.7 overall, court employees gave him 4.0, and social workers and guardians ad litem rated him at 3.8. The Alaska Judicial Observers rated him 3.34.

Recommendation: Vote "YES" to retain Judge Frank A. Pfiffner

For more information go to
www.knowyouralaskajudges.com

Judge Frank A. Pfiffner: 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		11		13		18		17		23		10
Direct Professional	4.0	189	3.9	188	4.2	183	3.9	184	4.2	182	3.9	190
Experience in last 5 yrs	4.0	177	3.9	176	4.2	171	3.9	172	4.2	170	3.9	177
Experience not in last 5 yrs	3.6	8	3.3	8	3.1	8	3.3	8	3.5	8	3.3	8
Professional Reputation	3.8	40	3.7	41	3.9	41	3.8	40	3.9	38	3.8	41
Other Personal Contacts	4.3	10	4.9	8	5.0	8	4.6	9	4.7	7	4.6	9
Type of Practice												
No Response		4		5		10		9		11		3
Private, Solo	4.2	53	4.0	53	4.1	52	4.1	52	4.3	53	4.1	54
Private, 2-5 Attorneys	3.9	40	3.7	40	4.1	40	3.9	40	4.2	38	3.8	41
Private, 6+ Attorneys	4.5	30	4.3	30	4.4	30	4.2	30	4.5	30	4.4	30
Private, Corporate Employee	2.8	4	3.0	4	3.7	3	3.0	4	3.0	4	2.8	4
Judge or Judicial Officer	3.8	24	3.8	22	4.0	23	3.6	22	3.9	21	3.7	23
Government	3.6	31	3.7	32	4.2	29	3.5	30	4.1	30	3.7	31
Public Service Agency/Org	2.5	2	2.5	2	3.0	1	3.0	1	3.0	1	2.5	2
Other	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Years of Practice in Alaska												
No Response		4		5		10		9		11		3
5 Years or fewer	4.8	5	4.8	5	4.8	5	4.5	4	5.0	3	4.8	5
6 to 10 years	3.6	10	3.2	10	3.6	9	2.9	10	3.6	10	2.9	12
11 to 15 years	3.9	9	3.8	9	3.8	9	3.9	9	4.2	9	3.9	9
16 to 20 years	3.5	20	3.5	20	3.7	20	3.7	19	3.7	19	3.6	20
21 years or more	4.1	135	4.0	134	4.3	130	4.0	132	4.3	131	4.0	134
Gender												
No Response		4		5		10		9		11		3
Male	4.2	139	4.0	139	4.3	134	4.0	136	4.4	133	4.1	140
Female	3.5	47	3.4	46	3.7	46	3.5	45	3.8	46	3.5	47
Cases Handled												
No Response		4		5		10		9		11		3
Prosecution	5.0	1	4.0	2	5.0	1	3.0	2	4.0	2	3.5	2
Mainly Criminal	4.3	3	4.0	3	4.0	3	4.0	2	3.0	2	4.0	3
Mixed Criminal & Civil	3.8	37	3.7	35	3.9	36	3.8	36	4.0	34	3.8	36
Mainly Civil	4.0	137	3.9	137	4.2	133	3.9	134	4.3	133	4.0	138
Other	3.9	7	3.6	7	4.0	6	3.8	6	4.3	7	3.6	7
Location of Practice												
No Response		4		5		10		9		11		3
First District	4.2	5	3.8	5	4.0	5	4.0	4	4.2	5	4.2	5
Second District	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
Third District	4.0	173	3.9	172	4.2	168	3.9	169	4.2	166	3.9	174
Fourth District	3.3	4	3.3	4	3.0	3	3.3	4	3.3	4	3.3	4
Outside of Alaska	5.0	1	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 Frank A. Pfiffner
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		2		2		3		2
Direct Professional	4.0	4	4.5	4	4.5	4	4.3	3	4.0	4
Experience in last 5 yrs	4.0	4	4.5	4	4.5	4	4.3	3	4.0	4
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	3.0	2	3.5	2	3.5	2	3.5	2	3.5	2
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		1		1		1		1		1
State Law Enforcement Officer	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
Municipal/Borough Law Enforcement Officer	1.0	1	3.0	1	3.0	1	3.0	1	1.0	1
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	--	0	--	0	--	0	--	0	--	0
Other	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Length of Experience										
No Response		1		1		1		2		1
5 Years or fewer	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
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	--	0	5.0	1
21 years or more	1.0	1	3.0	1	3.0	1	3.0	1	1.0	1
Gender										
No Response		1		1		1		2		1
Male	4.0	4	4.5	4	4.5	4	4.3	3	4.0	4
Female	--	0	--	0	--	0	--	0	--	0
Location of Work										
No Response		1		1		1		2		1
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.0	4	4.5	4	4.5	4	4.3	3	4.0	4
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		1		1		1		2		1
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	--	0	--	0	--	0	--	0	--	0
Over 35,000	4.0	4	4.5	4	4.5	4	4.3	3	4.0	4

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

Judge Frank A. Pfiffner
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	3.8	6	4.3	6	3.7	6	4.2	6	3.8	6
Experience in last 5 yrs	3.8	6	4.3	6	3.7	6	4.2	6	3.8	6
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	2.0	2	2.0	2	2.0	2	2.0	2	2.0	2
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		0		0		0		0		0
Social Worker	2.0	1	3.0	1	1.0	1	2.0	1	2.0	1
Guardian ad Litem	4.2	5	4.6	5	4.2	5	4.6	5	4.2	5
Length of Experience										
No Response		0		0		0		0		0
5 Years or fewer	3.0	1	3.0	1	4.0	1	4.0	1	3.0	1
6 to 10 years	3.7	3	4.3	3	3.3	3	3.7	3	3.7	3
11 to 15 years	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
16 to 20 years	--	0	--	0	--	0	--	0	--	0
21 years or more	4.0	1	5.0	1	3.0	1	5.0	1	4.0	1
Gender										
No Response		0		0		0		0		0
Male	4.0	2	4.0	2	4.5	2	4.5	2	4.0	2
Female	3.8	4	4.5	4	3.3	4	4.0	4	3.8	4
Location of Work										
No Response		0		0		0		0		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	3.8	6	4.3	6	3.7	6	4.2	6	3.8	6
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	--	0	--	0	--	0	--	0	--	0
Over 35,000	3.8	6	4.3	6	3.7	6	4.2	6	3.8	6

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

Distribution of Court Employee Ratings* 2012 Retention Evaluation Frank A. Pfiffner							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	36	13	14	6	2	1	4.0
Integrity	38	13	17	6	1	1	4.1
Judicial Temperament	38	12	16	8	1	1	4.0
Diligence	37	15	13	7	1	1	4.1
Overall Evaluation	38	11	17	8	1	1	4.0

* Ratings are based on direct professional experience.

**Juror Survey Results
2012 Retention Evaluation
Frank A. Pfiffner**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.8	85	15	2	0	0	102
Respectful/Courteous	4.8	88	12	2	0	0	102
Attentive during Proceedings	4.4	62	23	16	1	0	102
Control over Proceedings	4.7	80	17	3	2	0	102
Intelligence/ Skill as a Judge	4.7	80	17	5	0	0	102
Overall Evaluation	4.7	77	20	5	0	0	102