



Print Questionnaire

alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

2020 Candidates for Judicial Retention

November 2019

Andrew Guidi

Alaska Superior Court

Name

Court

1. Please estimate your workload during your present term.

a) 90 % civil cases

b) 4 # of jury trials/year

5 % criminal cases

35 # of non-jury trials/year

5 % court administrative work

4 # of administrative appeals/year

100 % Total

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

(1) I preside over the CINA Therapeutic Court (CTC), which sits every Tuesday afternoon for parents whose children are in the custody of OCS as a result of the parents' drug addiction. This work is in addition to my regular CINA caseload. CTC has administrative meetings approximately every 2 months and annual policy meetings. I also host team development meetings approx. twice yearly at my home.

(2) I sit on the CINA improvement committee (part of the CINA improvement project), which meets twice per year

(3) I am a member of the Civil Rules Committee, which meets twice yearly.

(4) I am a member of the E-filing committee, but it has not met in a number of years.

3. Please describe any judicial or legal education you have undertaken or provided during your current term in office.

*I attended an NJC course, "Judicial Philosophy" in Austin, TX two years ago. This seminar-style course, probably the most interesting I have ever taken, focused on different approaches to statutory and constitutional interpretation and required significant preparation, including written opinions on hypothetical cases.

*I attended an NADCP (National Ass'n of Drug Court Professionals) annual meeting in Houston, TX in 2018.

*I attended a day-long training session on new CINA regulations earlier in 2019.

*Annual training sessions as part of the Court System's judicial conferences.

4. Please describe any public outreach activities.

*Upon invitation, I have spoken to scout meetings.

Juror welcomes at the courthouse.

*Post-trial jury discussions about what we can do to make the process better; likes and dislikes.

5. 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.

(1) Contributions to the judiciary of the field of law: In *Donahue v. Legends I* synthesized, out of a number of disparate precedents, a test for determining the enforceability of pre-recreational activity liability waivers. The Alaska Supreme Court adopted verbatim the multi-factor test I developed.

(2) I am currently attempting to improve the presentation and efficiency of the property aspects of divorce trials by requiring a mandatory discovery device, which I call "mandatory reciprocal one-hour depositions." The theory behind the idea is that formal discovery is under-utilized by the divorce bar, partly owing to habit and partly to the economics of that particular practice. By allowing a one-hour depo of each party, back-to-back, without prejudice to a redeposition at a later date, the parties have a fairly inexpensive, and efficient means of obtaining information about their case and, more importantly, they actually hear the other side's view of the case before they show up for trial.

(3) Self-rating: I would rate myself brilliant on some days; so-so on others. Overall, reasonably good. Since September 2010 I believe my handling of jury trials has improved and become fairly streamlined (as much as that can be said about a process that is, by design, not supposed to be particularly efficient). My office operates fairly efficiently in terms of processing cases and rendering decisions in a timely manner. My largest frustration with the position is the lack of adequate time for deep reflection and deliberation. There are some decisions that really should be mulled over for a few weeks but that, all too often, must be decided in a matter of days or even hours. It appears that time is a luxury only the appellate judges can afford.

6. 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, the Alaska Court System, or any other agency that resulted in public proceedings or sanctions?
 Yes No

7. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers and outcomes.

With regard to 6.b., I was named on a witness list by one of my neighbors, Mike Ferris, in a civil action that arose when one of his dogs bit a passer-by. I didn't see the incident. I believe Mr. Ferris expected me to comment on his exercise of reasonable care in handling his dogs. I believe the trial was to occur a month or two ago. I assume the case has settled. I was not deposed.

8. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2020 retention elections.

Being a superior court judge is extremely challenging, humbling and rewarding. Challenging because you have to deal with an almost infinite variety of fact patterns, legal topics and personalities. Humbling because the moment you allow yourself to believe you have the job "solved" the case or parties throw you a curve and, to continue the baseball analogy, you feel like a rookie again. My job is rewarding because there's real satisfaction in finding one's way through a disorganized morass of facts to a just solution. In short, I'm up for another term.

For questions 9 - 12, please do not list any cases that have pending issues in your court.

- 9. 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: Weidner Investments LLC **Case Number:** 3AN-15-08984 CI
v. Tammie Guilford

Attorneys Involved:

Name: <u>Stacy Walker</u>	Name: <u>Mark Spooner</u>
Address: <u>329 F St. #200</u>	Address: <u>329 F St. #200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>Nicholas Kittleson</u>	Name: _____
Address: <u>9058 Dewberry St.</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99502</u>	City, State, Zip: _____

Case Number 2

Case Name: Anton Hopfinger **Case Number:** 3AN-17-04285 CI
v. Alice Rosoff, Alaska Dispatch Publishing

Attorneys Involved:

Name: <u>Jeffrey Robinson</u>	Name: <u>David Gross</u>
Address: <u>1227 W. 9th Ave., #200</u>	Address: <u>510 L St., Ste. 700</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: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3AN-19-07678 CR
v. Terry Allen Turner

Attorneys Involved:

Name: <u>Charles Agerter</u>	Name: <u>Daniel Lowery</u>
Address: <u>310 K St., Ste 520</u>	Address: <u>900 W. 5th Ave., #200</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: _____

- 10. 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: Troy Adams **Case Number:** 3AN-15-04843 CI
 v. Kimberly Adams

Attorneys Involved:

Name: <u>Ian Wheelles</u>	Name: <u>Jerald Reichlin</u>
Address: <u>601 E. 57th PI #101</u>	Address: <u>1600 A Street #101</u>
City, State, Zip: <u>Anchorage, AK 99518</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

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

Case Number 2

Case Name: Kyle Gadd **Case Number:** 3AN-19-05619 CI
 v. Michelle Gadd

Attorneys Involved:

Name: <u>Matt Chiklo</u>	Name: <u>Ryan Roley</u>
Address: <u>807 G St. #100</u>	Address: <u>8409 Mentra St.</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99508</u>

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

Case Number 3

Case Name: Michael Keenan, Delores Keenan **Case Number:** 3AN-12-08714 CI
 v. Jackson Meyer, Kandice Meyer

Attorneys Involved:

Name: <u>Donna Willard</u>	Name: <u>Debra Fitzgerald</u>
Address: <u>1120 Huffman Rd., Ste. 24, No. 231</u>	Address: <u>500 L St., #300</u>
City, State, Zip: <u>Anchorage, AK 99515</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>Robert Corbisier</u>	Name: _____
Address: <u>500 L St., #300</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

- 11. 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: Ahtna, Inc. **Case Number:** 3AN-08-06337 CI
 v. State of Alaska, Dept. of Transportation

Attorneys Involved:

Name: <u>Matthew Singer</u>	Name: <u>Jessica Alloway</u>
Address: <u>420 L St., Ste. 400</u>	Address: <u>1031 W. 4th Ave., #200</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: _____

Case Number 2

Case Name: Leah Stevens and Danielle Rehm **Case Number:** 3AN-16-09915 CI
 v. USAA Casualty Ins. Co.

Attorneys Involved:

Name: <u>Peter Sandberg</u>	Name: <u>Daniel Quinn</u>
Address: <u>813 W. 3rd Ave.</u>	Address: <u>360 K St. #200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Cheryl Graves</u>	Name: _____
Address: <u>807 G. St., Ste. 250</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 3

Case Name: Mark London, MD **Case Number:** 3AN-13-07550 CI
 v. State of Alaska, Alaska State Medical Board

Attorneys Involved:

Name: <u>John Tiemessen</u>	Name: <u>Kathryn Vogel</u>
Address: <u>411 4th Ave., #300</u>	Address: <u>1031 W. 4th Ave. #200</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Joan Wilson</u>	Name: _____
Address: <u>1031 W. 4th Ave., #200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

12. *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: University of Alaska, Federation of Teachers, Local 2404 **Case Number:** 3AN-14-04472 CI
v. Alaska Labor Relations Agency, United Academics

Attorneys Involved:

Name: <u>Kathleen Barnard</u>	Name: <u>Kimberly Rodgers</u>
Address: <u>18 West Mercer St. #200</u>	Address: <u>1031 W. 4th Ave., #200</u>
City, State, Zip: <u>Seattle, WA 98119</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Kim Dunn</u>	Name: _____
Address: <u>701 W. 8th Ave., #1200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	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: _____

(This question pertains to Superior Court judges only.)

State law requires the Council to conduct an evaluation of judges standing for retention, and to provide information to the public about the judges. Under a provision added in 2013, the information the Council provides to the public "shall include the judge's consideration of victims when imposing sentence on persons convicted of felony offenses where the offenses involve victims." (see AS 22.10.150). Although the Council's evaluations address all aspects of judicial performance, including felony sentencing, they have not in the past explicitly solicited judges' thoughts on this topic.

Please submit a short statement about how you consider victims when imposing sentences in felony offenses.

See attached letter.



Superior Court
State of Alaska
THIRD JUDICIAL DISTRICT

ANDREW GUIDI
Superior Court Judge

825 W. FOURTH AVENUE
ANCHORAGE, ALASKA 99501-2004

(907) 264-0826
FAX (907) 264-0720

February 28, 2020

Susanne DiPietro
Alaska Judicial Council
510 L Street, Suite 450
Anchorage, AK 99501

Ms. DiPietro:

The Council has asked how I consider victims when imposing sentences in felony offenses. To the best of my recollection, I have had only one felony sentencing to date. In that case the victim of a burglary received notice of the sentencing and attended the hearing. The victim was given an opportunity to be heard and invited to comment on the adequacy of the sentence recommended by the State and the sentence suggested by the defendant. This provided me an opportunity to take the victim's comments into account in formulating the defendant's sentence.

I believe it's very important that victims be given adequate notice of sentencing hearings and provided a fair opportunity to be heard. This is essential not only to inform the judge's decision but also to provide the victim a sense of restorative justice, that is, a sense of healing that only comes from a belief that the community cares about the harm suffered by the victim.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Guidi". The signature is fluid and cursive.

Andrew Guidi
Superior Court Judge