

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.