



# COURTWATCH

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## COURTWATCH 1996 REPORT MAY 1994 - MARCH 1996



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VICTIMS FOR JUSTICE

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AK Judicial Council

## DEDICATION

One definition of VOLUNTEER is "one who acts willingly and without reward". Many people gave of their time to help complete this report and we want to acknowledge their efforts. We hope that our gratitude to them for a job well done will, in some way, be a small reward.

Special thanks to Alan McKelvie, Research Analyst for Alaska Judicial Council, who updated, revised and customized the SPSS program to meet our CourtWatch needs. In past years we have benefited from students from the University for data input. This year, under Alan's guidance, our CourtWatchers, themselves have mastered the task. Our abundant thanks to Pat Rapp, Jane Miller and Sandy Burrell who spent long hours doing data input. Special thanks also to Rosemary Whitaker for researching and compiling data and to Pat Gallagher for input, narrative modification and her wonderful emotional support and encouragement.

To these people and to all our CourtWatchers who spend their time in the courts, we dedicate this report.

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FACT SHEET

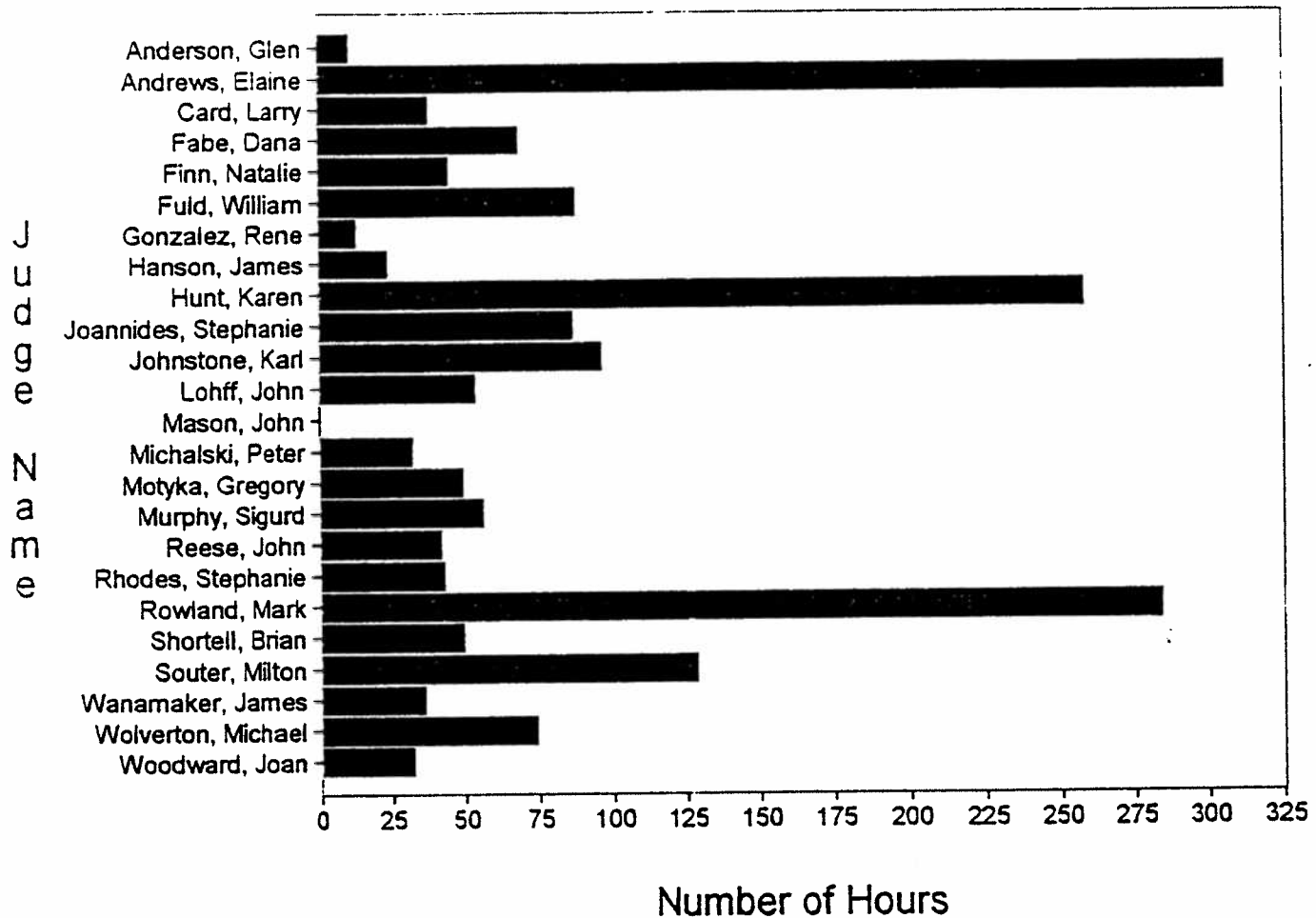
26 CourtWatchers  
 481 Court Cases Observed  
 1148 Observations Tallied  
 1920 Hours

NUMBER OF OBSERVATIONS	JUDGE	NUMBER OF HOURS
5	Anderson	11**
146	Andrews	306
21	Card	39
33	Fabe	70
34	Finn	45
68	Fuld	88
8	Gonzalez	13**
17	Hanson	24**
153	Hunt	258
55	Joannides	87
70	Johnstone	97
40	Lohff	54
12	Michalski	32
48	Motyka	50
43	Murphy	56
20	Reese	42
38	Rhoades	43
164	Rowland	284
25	Shortell	50
60	Souter	129
33	Wanamaker	36
40	Wolverton	74
13	Woodward	32

\*\*Evaluations are not tallied if there are less than 30 hours observation time.

# Judicial Observations

May 1994 - March 1996



MAY 1994 to MARCH 1996  
INTRODUCTION

Victims for Justice (VFJ) is a private, nonprofit organization which has implemented a much needed CourtWatch Program in Anchorage. The goal is to monitor and evaluate Alaska's criminal justice system from the public's point of view. We feel that our justice system needs more input from the community it serves.

Many of the ideas of the program are based upon suggestions from a 1978 Alaska Judicial Project called "A Look Inside" and a Court Watch Kit designed by the Illinois League of Women Voters from their extensive and successful program. The implementation of CourtWatch was strongly suggested in the 1984 Anchorage Chamber of Commerce Crime Commission Report. The Alaska Judicial Council has also indicated its support for the project to provide crucial public input into the judicial process.

Victims for Justice is dedicated to supporting victims of violent crime and families of homicide victims, including the advancement of victims' rights. Although VFJ sponsors the CourtWatch Program, only the program director is associated with VFJ. We feel this promotes greater objectivity in the CourtWatch Program. A primary goal of the program is to observe that ALL parties are treated fairly: the victim, the witness, as well as the defendant.

VFJ established a CourtWatch program in order to observe the court procedures, atmosphere and participants. CourtWatchers make observations regarding the perceived skills and behaviors of the participants in the courtroom; i.e., judges, prosecutors and defense attorneys. CourtWatchers also record observations concerning the way the court system affects the lay people who enter it; i.e., victims, witnesses and defendants.

While CourtWatchers use evaluation forms and a rating system, the program is not designed to "grade" anyone. Forms are used to provide continuity and to establish points of comparison. Ratings also help to give structure and guidelines to the Court-Watchers.

This is the fifth Bi-annual CourtWatch Report and is the culmination of 24 months of CourtWatching in the Anchorage District and Superior Court rooms of Judges Anderson, Andrews, \*Card, Fabe, \*Finn, \*Fuld, Gonzalez, Hanson, Hunt, \*Joannides, Johnstone, Lohff, Mason, Michalski, Motyka, Murphy, Reese, Rhoades, Rowland, \*Shortell, Souter, \*Wanamaker, Woodward, and Wolverton.

Reports are made only on judges that have been observed a minimum of thirty hours. Those with an asterisk (\*) are currently up for 1996 Election Retention.

The introduction explains quite carefully our procedures, including: recruitment of CourtWatch volunteers, criteria and training, an explanation of the evaluation forms and how the results are tabulated. We trust that the observations made by CourtWatchers will help the judges better see how they are perceived by the public.

CourtWatchers are volunteers representing a cross section of the community. They come from a variety of backgrounds: mostly retired, including an engineer, elementary, high school and university teachers, a banker, bookkeepers, business professionals, a nurse, homemakers, a media programmer and others. They are all interviewed and screened by the Program Director before they are accepted into the program. Criteria used in selecting CourtWatchers include the following: They must be objective. Neither they nor members of their families have been recent victims of violent crime; have been arrested or convicted of a crime, or have a case pending before the courts.

Individuals are questioned about any previous experiences they have had in courtrooms. Many have served on juries in criminal cases. Beyond divorce proceedings, most of them have never been involved in major civil or criminal trials or litigation.

Volunteers are questioned extensively as to their opinions of the criminal justice system. Volunteers who have negative preconceived opinions of Alaska's criminal justice system are unacceptable.

The average age of CourtWatchers is 54 (83% are women and 17% are men). They are involved because they want to learn more about the criminal justice system. Wanting to make a positive contribution to the community CourtWatchers are concerned, curious, and hopeful of effecting a positive change in the system.

Volunteers are screened and given a trial observation session in court with a trainer. Then the actual 40 hour training session begins. The first session is held at the project office and focuses on the goals and responsibilities of the program. The background and foundation of CourtWatch is presented, as well as the relationship of the program with Victims For Justice, making the separation of the two, again clearly understood. Objectivity and impartiality are emphasized. They are taught to presume that the defendant is innocent unless the jury decides otherwise. Their role is not to pass judgment on the defendant, nor to side with the victim. They are instructed to maintain an impartial attitude and not display emotions in the courtroom. They are trained in proper courtroom etiquette, emphasizing courtesy and open-mindedness.

Training continues with an explanation of the judicial process itself from arraignment to sentencing. It is important that our CourtWatchers understand the philosophy of the criminal justice system, emphasizing the principles of law, not just the procedures. The roles of the judge, prosecutor, and defense attorneys are explained. Important legal terms and concepts, such as "preponderance of evidence, reasonable doubt, prejudice and defendant's and victim's rights" are defined.

The different phases of a trial are explained from the jury selection to the final summation. Training sessions are held in Court with supervision by an experienced CourtWatcher, aimed at exposing the trainee to each different procedure: arraignment, jury selection, hearings, trials and sentencing. Because most trainees volunteer once a week, it often takes up to three months for the trainee to receive certification and a CourtWatch badge.

When the trainees have an understanding of the basic proceedings and can complete the forms without assistance, they receive their CourtWatch Badge and become recognized CourtWatchers. CourtWatchers are instructed not to follow a case, rather they are to observe a half day session each week in a different courtroom setting. This is another means of promoting objectivity. We feel CourtWatchers will be less involved with cases if they observe only a portion. Monitors are there to evaluate the system and participants at that session only. In some longer cases they, of course, may attend the same case more than once.

Throughout the period of time covered by this CourtWatch Report, continuing education workshop meetings are held. The purpose of these meetings is to reinforce the goals of the program, to iron out the flaws, to further educate the CourtWatchers and to share information that would improve their efforts. Special speakers are invited to further inform the volunteers.

In this current Report 27 CourtWatchers (both experienced and trainees), spent between 3-8 hours a day in the courtroom, with a total of 1920 hours. There were 1148 observations made on 481 different cases during this 24 month period.

The schedule attempted to assure that every CourtWatcher watched each judge and that they observed different types of cases: drugs, theft, fraud, child abuse, rape and murder. During 1993, it was interesting to note that the District Attorney's office accepted 1600 cases and only 77 of those went to trial. That's 15% and, if any future indicator, a reason that fewer cases may be observed. During crowded scheduling times, priority was given to cases in which the offense was a crime against a person. CourtWatchers attended trials, hearings and sentencings, since the role of the judge, prosecutor and defense attorney tends to be different in each of these settings.



CourtWatchers made interesting comments on what they observed in the courtroom. It is the program's intent that these observations will prove: to be constructive, not destructive; to help shape a process which is efficient, professional and sensitive to the needs of the public it serves; and to educate and inform the public about the way the criminal justice system is seen from a layperson's perspective.

#### THE EVALUATION FORMS

The CourtWatch evaluation forms were adapted from the Illinois League of Women Voters' Court Watch Program. There are several forms, each adapted to the individual proceeding. The initial part of each form deals with factual information about the case; i.e., name of the defendant, attorneys, judge, the extent of injuries, use of weapons, drugs/alcohol, location of offense, threats, etc.

The second part concerns a few personal details; i.e., the ages of defendant and victim, the ethnic origin of defendant and victim, and the gender and ethnic make-up of the jury. It includes details about race to help us examine how the system affects people from different cultural backgrounds. Following pages include evaluation criteria of the defense, prosecuting attorneys and the judges. The same criteria is used for both attorneys. There is additional explanation on the judge's evaluation later. The CourtWatcher uses the Lickert scale of 1-5 in evaluating the attorneys, 1-poor; 2-inadequate; 3-acceptable; 4-good; 5-excellent.

#### THE CRITERIA

PREPAREDNESS: 1 2 3 4 5

CourtWatchers were instructed to look for the following:

- Is the attorney familiar with police reports, expert witness reports and previous statements?
- Has the background of witnesses been researched?
- Is the evidence present and ready?
- Are witnesses present and ready?
- Is there familiarity with expert theories pertaining to the case?

PROFESSIONAL BEHAVIOR: 1 2 3 4 5

This category is obviously very subjective. We asked the CourtWatchers to base their responses on how they would reasonably expect a legal professional to behave. This behavior includes:

- Does the attorney get side-tracked?
- Is the point made with the examination?
- Is it repetitious?
- Are questions relevant?
- Are the questions too personal?
- Are questions asked that the witness is not in a position to answer?
- Does the attorney try to get the witness to:
  - draw conclusions?
  - make assumptions or give unfounded opinions?
  - relate hearsay?
- Are the questions leading?
- Is the attorney able to obtain the desired responses?
- Is control of the witness achieved?

In evaluating this category it is understood that on cross examination an attorney often asks leading questions, which may seem hostile to the witness. This is taken into account in the evaluation, but CourtWatchers do attempt to determine if an attorney "goes over the line" with a witness's testimony, to try to impeach their credibility or to catch them in a falsehood. A certain amount of "bullying" is to be expected.

SPEAKS WELL, EASY TO UNDERSTAND: 1 2 3 4 5

- Does the attorney enunciate or mumble?
- Can they be heard by you and the jury?
- Are the statements or questions confusing or, easy to follow?
- Do witnesses often ask for questions to be repeated or restated ?
- Is the vocabulary understandable? Are specific terms explained?

ORGANIZATION: 1 2 3 4 5

- Is everything within grasp? i.e., reports, statements, files, evidence, rule book, etc.
- In statements to jury, is the information organized?
- In examination, is information sought in an organized logical way?

SKILLFUL: 1 2 3 4 5

- Are examinations and redirects used well to establish and prove the case?
- Is evidence used effectively?
- Are charts, graphs, calendars, and diagrams used when they would be helpful? Are these neat and legible?
- In opening statements does the attorney draw in the jury? is the case outlined well? Is the outline followed?
- Is he/she generally effective?

DEMEANOR TOWARD VICTIM:

We are interested in the way attorneys behave toward victims. Our ratings reflect the attitudes we have observed and therefore expect from attorneys:

1) Totally Inconsiderate: Hounds and badgers victim without regard to victim's emotional state and well being, especially if the victim testifying is a child. Does the attorney purposely try to distort, obscure and confuse the victim's account of events or allow the victim to provide a full answer to the question?

2) Made No Effort: Completely disregards the victim's situation. Does not give the victim a chance to answer or think. Is not respectful of the victim.

3) Professionally Courteous: Treats victim with respect. Pauses when necessary to allow the victim to compose themselves. Tries to make the victim somewhat at ease with the situation.

4) Particularly Caring and Sensitive: Makes a real effort to make the victim comfortable and at ease. Cushions questions. Makes a special effort, i.e. dressing casually for children or trying to speak in familiar language. Gives victim full room and time to testify. Attempts to provide some comfort by offering water or tissue; or requesting a recess if the victim breaks down. Is careful to use a pleasant tone and sense of humor.

5) Exceptional Attitude: Takes extra steps to ensure that the victim's experience is the least traumatic possible, i.e. allowing the use of video equipment for children testifying.

DEMEANOR TOWARD WITNESS:

The defense attorney's obligation to the client is not overlooked here. Also, we understand that witnesses may have a poor attitude, may be hostile or may be lying, and therefore contribute to the atmosphere of the courtroom. In general the same standards as above are applied and also:

1) Totally Inconsiderate: Launches unfounded attacks against the character of the witness. Makes unfounded remarks as to the credibility of the testimony. Obviously distorts and obscures testimony. Badgers excessively.

2) Made No Effort: Badgers and distorts. Makes no attempt to treat the witness with any respect or courtesy.

3) Professionally Courteous: Introduces self, thanks the witness for coming. Allows witness to explain answers. Allows

review of statements and reports if needed. Takes time to explain. Puts witness at ease.

4) Respectful and Understanding: Does not badger or distort. Gives the witness full space to testify. Is patient and polite.

5) Exceptional Attitude: Highly professional. Extremely courteous. Friendly without coddling. Makes testifying easy.

#### DEMEANOR TOWARD DEFENDANT:

Here it is understood that the prosecutor may be hard on a defendant. However, rules of courtesy and fair play would still apply.

1) Rude and Condemning: Uses inappropriate body language and facial expressions to play to the jury. Makes especially derogatory remarks or unfounded accusations. Assaults defendant's character irrelevantly. Borders on prejudicial behavior. Distorts and obscures testimony.

2) Facetious and Sarcastic: Uses a tone or makes remarks which could lead to an unfounded negative bias. Tries to influence jury unfairly.

3) Professionally Courteous: Sticks to facts. Addresses defendant appropriately. Does not try to impeach the defendant unfairly.

4) Respectful: Gives defendant latitude to express self. Allows defendant to answer questions fully. Is non-emotional. Respects defendant's situation and feelings.

5) Exceptional Attitude: (generally defense attorney) Is friendly and understanding. Is sensitive without being overly protective.

#### PRESENTATION OF EVIDENCE

For these evaluations we simply asked for Yes, No.

Generally convincing? Yes No

For a Yes, the veracity of the evidence is unquestioned as is its origin. Chain of possession is established. Is directly related to the case.

Is it relevant? Yes No

For a yes, the evidence applies directly to the matter at hand. The attorney makes clear its connection. It is clearly important. For a yes, the evidence must be solid and firm. Is it subject to differing interpretations. Directly and strongly supports attorney's or witness's conclusions.

#### PRESENTATION OF WITNESSES/EXPERT WITNESSES

Generally convincing? Yes No

For a yes, the credibility is not convincingly questioned by opposing attorney. Witness appears to be cooperating to his/her best ability. There are no convenient lapses in memory in face of cross examination. No contradictions or inconsistencies with earlier testimony, depositions or statements.

Generally relevant? Yes No

For a yes, the testimony provided is directly related to the case at hand. Witness does not skip around or pad answers.

OVERALL IMPRESSION: 1 2 3 4 5

This category gives the CourtWatcher an opportunity to sum up an evaluation of an attorney's performance. This is an opportunity to emphasize or to criticize specific aspects of an attorney's style or ability. In this way CourtWatchers can give weight to issues they feel are important.

At the end of the evaluation, CourtWatchers are encouraged to make other constructive, complimentary or critical comments. These can be explanations of why they gave an attorney high or low numbers. They can emphasize specific points of interest. In the event that an attorney is rated a 1, 2 or No on any of the questions, the CourtWatcher is required to give a specific explanation.

## THE JUDGE'S EVALUATION

The judge's evaluation form is slightly different than the attorneys' forms. Questions focus on behavior and attitude at the Bench. The questions are different, but are still 1-5. The questions are:

Is the judge attentive? 1-5

Does he/she watch for restless, or napping jurors? Does the judge pay attention to everyone: witnesses, attorneys, clerk, guard, defendant, victims and spectators?

Does the judge maintain control? 1-5

Is the jury quiet and attentive? Is the gallery quiet and in order? Does judge make sure attorneys behave properly? Are disruptions or bursts of emotion controlled?

Does the judge speak loudly and clearly? 1-5

Does he/she mumble or enunciate clearly? Can everyone hear the rulings and instructions?

Are the judge's remarks understandable? 1-5

Does the judge speak English or legalese? If a CourtWatcher can not understand, then conceivably a juror, witness, victim or defendant might not understand. Were all present able to understand the remarks?

Do the judge's decisions make sense? 1-5

Is the judge logical? Does he/she weigh the arguments of both sides? Are the responses backed up? When appropriate is there reference to Court Rules or precedents?

Does the judge show human understanding and compassion? 1-5

Showing compassion and understanding of human nature, when appropriate is a desirable trait. Being able to determine lies and the truth, real tears and "Crocodile tears", and knowing the difference is a special quality of a good judge.

Does the judge make explanations to all parties? 1-5

How well does the judge explain decisions, procedure, instructions, verdicts, and rights to those involved? At jury selection, are important items explained to prospective jurors (i.e. preponderance of evidence). Are jury instructions clear and easy to follow? Is time taken to explain complicated questions to the witnesses, etc.?

## DEMEANOR TOWARD PARTICIPANTS

In this section the judge's attitude toward victims, witnesses, defendants, and both attorneys is evaluated. The factors for the first three are basically the same as they were in the attorneys' section. They are rated 1 to 5.

Toward the Victim: Does he/she pay close attention to testimony? Is he/she sensitive to the victim's emotional situation? Does he/she call a recess when a victim becomes emotional? Does he/she display negative reactions to the victim. Does he/she treat them with respect? Is he/she courteous? Does he/she make special provisions for sensitive situations like child victim/witness situations to reduce trauma? Is he/she sensitive without infringing on a defendant's rights, yet allow for victims to have their rights.

Toward the Witnesses: Same as above. Is he/she respectful and polite.

Toward Defendants: Does he/she remain firm and fair? Is he/she objective?

Toward Prosecutor and Defense Attorney: Does he/she treat them with respect and as fellow professionals? Is he/she courteous? Does he/she address them directly and appropriately?

Bias? For Defense or Prosecution? Does he/she remain impartial in decisions, statements, attitudes and action? Does he/she insult or undermine either side? Does he/she unfairly overrule one side continually in deference to the other? Does he/she allow each side equal room to present his/her case?

OVERALL IMPRESSION: 1 2 3 4 5

Is he/she an active participant in the courtroom? Is he/she fair? Is he/she open? Is his/her attitude positive and respectful? Does he/she uphold the dignity and decorum of the court?

Again, CourtWatchers were encouraged to make constructive, complimentary or critical comments regarding the judge's performance. Quotes that explain or exemplify the comments are encouraged. 1, 2 and No responses are to be explained carefully. These comments expressed by the court monitors are not necessarily the opinions of the CourtWatch program or Victims for Justice, but are statements of what and how individuals perceive personalities and procedures on any given day in court.

JUDGE EVALUATIONS

The Honorable Elaine M. Andrews

Was the judge attentive?	4.6
Did the judge maintain control of the courtroom?	4.5
Did the judge speak loudly and clearly?	3.8
Were the judge's remarks understandable?	4.1
Did the decisions make sense?	4.4
Did the judge show human understanding and compassion?	4.4
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.5
Rate the judge's demeanor towards:	
The victim:	3.9
Witnesses:	4.2
Defendant:	3.6
Prosecutor:	3.7
Defense Attorney:	3.8
Overall Impression:	4.2
Did the judge seem to favor either side?	NO 95%
	YES 3%(Defense)
	YES 2%(Prosecutor)
Was the Judge: Lenient	- 17%
Reasonable	- 83%
Severe	- 0

1996 OVERALL SCORE: 4.1



The Honorable Larry D. Card

Was the judge attentive?	4.8
Did the judge maintain control of the courtroom?	4.6
Did the judge speak loudly and clearly?	4.6
Were the judge's remarks understandable?	4.6
Did the decisions make sense?	4.8
Did the judge show human understanding and compassion?	4.8
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.7
Rate the judge's demeanor towards:	
The victim:	4.3
Witnesses:	4.2
Defendant:	4.2
Prosecutor:	4.3
Defense Attorney:	4.3
Overall Impression:	4.6
Did the judge seem to favor either side?	NO 100%
	YES 0% (Defense)
	YES 0% (Prosecutor)
Was the Judge:	
Lenient	-
Reasonable	- 100%
Severe	-

**1996 OVERALL SCORE: 4.5**

The Honorable Larry D. Card

Judge Card is observed as very attentive, well prepared, patient, fair and in control of his courtroom at all times. He is quoted as saying, "The best interest of the child is easier for me than the best interests of the parents." Our CourtWatchers found this to be true every time they were in his court. "E" for excellent!

The following comments were recorded by 8 different CourtWatchers during 21 proceedings for a total of 39 hours. Judge Card had 12 positive comments and 0 negative comments by court monitors.

"Very attentive and well prepared."

"Always has best interests of children at heart during divorces."

"Emphasized he would be fair but follow the law regarding property settlements."

"Knowledge of the law and recall is great!"

"Extremely good and very patient."

"Gets E for Excellent."

"Fair to all and understood by all."

"Bent over backwards to accommodate all parties involved."

"Compassionate and attentive to emotional situation."

"Kept attorneys questions direct and led them back when they got off track of what was germane to the case."

"Very attentive and responded swiftly and with authority when necessary."

"Very compassionate and understanding."

The Honorable Dana A. Fabe

Was the judge attentive?			4.8
Did the judge maintain control of the courtroom?			4.8
Did the judge speak loudly and clearly?			4.6
Were the judge's remarks understandable?			4.7
Did her decisions make sense?			4.9
Did the judge show human understanding and compassion?			4.8
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?			4.6
Rate the judge's demeanor towards:			
The victim:			4.0
Witnesses:			4.1
Defendant:			3.9
Prosecutor:			4.1
Defense Attorney:			3.9
Overall Impression:			4.5
Did the judge seem to favor either side?	NO	100%	
	YES	0% (Defense)	
	YES	0% (Prosecutor)	
Was the Judge:	Lenient	-	
	Reasonable	- 100%	
	Severe	-	

1996 OVERALL SCORE: 4.4  
1994 Overall Score: 4.2  
1992 Overall Score: 4.1

The Honorable Natalie K. Finn

Was the judge attentive?	4.1
Did the judge maintain control of the courtroom?	4.0
Did the judge speak loudly and clearly?	3.2
Were the judge's remarks understandable?	3.5
Did her decisions make sense?	4.1
Did the judge show human understanding and compassion?	3.5
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	3.8
Rate the judge's demeanor towards:	
The victim:	3.3
Witnesses:	3.2
Defendant:	3.3
Prosecutor:	3.5
Defense Attorney:	3.5
Overall Impression:	3.5
Did the judge seem to favor either side?	No 94%
	YES 0% (Defense)
	YES 6% (Prosecution)
Was the Judge: Lenient	-
Reasonable	- 100%
Severe	-

1996 OVERALL SCORE 3.6  
1992 Overall Score 4.2

The Honorable Natlie K. Finn

Judge Finn is seen as being patient and eager to learn all facts before ruling. She has gone out of her way to help defendants find help in the court system. She still mumbles at times and reads jury instructions in a monotone, but is attentive in her courtroom.

The following comments were recorded by 9 different CourtWatchers during 34 observations for a total of 45 hours. The following comments are representative of the 6 positive and 10 negative recorded by the observers.

"She went out of her way to look up rules, laws, etc. that might help a defendant. Told him what actions to take and where to go in the court system for help."

"Very pleasant to attorneys and defendants."

"Mumbles badly - often talks with hand over her mouth."

"Courtroom seldom ran smoothly. Forgot to ask routine questions of attorneys."

"Concerned about the welfare of the child in domestic problem."

"Couldn't tell (if she was lenient, reasonable or severe) she went so fast and spoke so low."

"She rarely looked at the defendant (being arraigned)."

"Patient, eager to learn all facts before ruling on motions - composed through many unforeseen delays."

"Seemed very business-like today."

"Somewhat monotone in her presentation reading to the jury."

4 comments reflected "Hard to get a feeling of warmth or caring from her."

"Exceptionally precise with jury instructions re: keep open mind and avoid contact with anyone having anything to do with the trial."

The Honorable William H. Fuld

Was the judge attentive?	3.8
Did the judge maintain control of the courtroom?	3.8
Did the judge speak loudly and clearly?	4.0
Were the judge's remarks understandable?	3.8
Did her decisions make sense?	3.8
Did the judge show human understanding and compassion?	4.0
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.1
Rate the judge's demeanor towards:	
The victim:	3.4
Witnesses:	3.4
Defendant:	3.5
Prosecutor:	3.6
Defense Attorney:	3.6
Overall Impression:	3.8
Did the judge seem to favor either side?	No 93%
	YES 0 (Defense)
	YES 7%(Prosecution)
Was the Judge: Lenient	- 13%
Reasonable	- 87%%
Severe	-

1996 OVERALL SCORE: 3.7  
1992 Overall Score: 3.9

The Honorable William H. Fuld

Judge Fuld is observed as courteous, patient, compassionate and concerned. He is also described as inattentive; and lenient in sentencing. CourtWatchers report that although he looks bored at times, he is actually paying close attention and speaks clearly when ruling on objections. All CourtWatchers agreed his public image would be improved if he didn't slouch and close his eyes while on the bench. This gives the appearance that he is unconcerned and bored.

The following comments were recorded by 14 different CourtWatchers during 68 observations for a total of 88 hours and are representative of the 21 positive and 13 negative recorded by the observers.

"Praised the lawyers at end of case. He told each what he felt the good points were for each side (at this bench trial).

"Very inattentive. Allowed defense to drag jury questioning on for an inordinate length of time. Was very slow to enforce his own warnings to attorneys."

"Worked quickly, spoke clearly and still managed to give everyone time they needed to do their work."

"Very fair, compassionate, but firm, advising defendants of all possible repercussions if they failed to follow bail conditions or third party house rules."

"Very patient. Summary of facts and judgment was clear, thoughtful and concise."

"Very reasonable and understanding in this unusual case."

"Had grasp of all cases presented to him."

"Did not seem to take into account some of the victim's requests: i.e. an apology, counseling or required schooling."

"Very light sentences for repeat offenders".

Five comments reflected, "judge seemed bored and appeared to nod off on at least two occasions".

"As usual fast, efficient, precise and loud enough for all to hear."

The Honorable Karen L. Hunt

Was the judge attentive?	4.6
Does the judge maintain control of the courtroom?	4.7
Did the judge speak loudly and clearly?	4.6
Were the judge's remarks understandable?	4.6
Did her decisions make sense?	4.5
Did the judge show human understanding and compassion?	4.5
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.6
Rate the judge's demeanor towards:	
The victim:	3.7
Witnesses:	3.9
Defendant:	3.8
Prosecutor:	3.9
Defense Attorney:	3.9
Overall Impression:	4.5
Did the judge seem to favor either side?	No 93%
	YES 4% (Defense)
	YES 3% (Prosecution)
Was the Judge: Lenient	-
Reasonable	- 100%
Severe	-

1996 OVERALL SCORE: 4.3  
1994 Overall Score: 4.3  
1992 Overall Score: 4.3



The Honorable Stephanie E. Joannides

Was the judge attentive?	4.3
Did the judge maintain control of the courtroom?	4.4
Did the judge speak loudly and clearly?	4.4
Were the judge's remarks understandable?	4.3
Did her decisions make sense?	4.4
Did the judge show human understanding and compassion?	4.2
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.4
Rate the judge's demeanor towards:	
The victim:	3.8
Witnesses:	3.7
Defendant:	3.8
Prosecutor:	3.8
Defense Attorney:	3.8
Overall Impression:	4.2
Did the judge seem to favor either side?	No 98%
	YES 2% (Defense)
	YES 0% (Prosecution)
Was the Judge: Lenient	- 3%
Reasonable	- 97%
Severe	-

**1996 OVERALL SCORE: 4.1**

The Honorable Stephanie E. Joannides

Judge Joannides is a new judge, but has established herself as being in control of her courtroom and being very fair to both sides. She is focused, patient and attentive, although she appears timid and hesitant in making decisions at times. CourtWatchers found her to be very aware of what is going on in her courtroom! She makes sure defendants are very well informed.

The following comments were recorded by 11 different CourtWatchers during 55 observations for a total of 87 hours and are representative of the 37 positive and 8 negative recorded by the observers.

"Liked her courtroom demeanor, very focused and aware of who and what is going on in her courtroom."

"Judge appeared flexible dealing with requests from both P.D.'s and D.A."

"Used recesses to look up case histories to back her decisions."

"Maintained control but often timid and sometimes hesitated when making decisions."

"Made bail of \$5,000 cash only to protect community at large and defendant's sister in particular."

"Said defendant had to be held accountable for conduct and it had to be more than a "slap on the wrist."

"Thorough and precise - her decisions make excellent sense and she uses common sense along with precedents. Very impressive."

"Seemed to put words in lawyers' mouths, then stated she didn't want to micro-manage the case and tell them what to say."

"Gave me the feeling she wanted to be fair to all those involved in this emotional case."

"Many different P.D.'s in courtroom. Their noise drowned out judge many times - she looked at them often, but did not say anything to them."

"So good at arraignments. Takes her time with each defendant and helps them through the process. Seems very caring."

"Very determined she was not going to pass a sentence without a pre-sentence report, although both sides wanted the sentencing over with."

The Honorable Karl S. Johnstone

Was the judge attentive?	4.9
Did the judge maintain control of the courtroom?	4.7
Did the judge speak loudly and clearly?	4.3
Were the judge's remarks understandable?	4.6
Did his decisions make sense?	4.7
Did the judge show human understanding and compassion?	4.7
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.4
Rate the judge's demeanor towards:	
The victim:	4.3
Witnesses:	4.0
Defendant:	4.0
Prosecutor:	4.0
Defense Attorney:	4.0
Overall Impression:	4.6

Did the judge seem to favor either side?	No	100%
	YES	0 (Defense)
	YES	0 (Prosecution)

Was the Judge:	Lenient	-
	Reasonable	- 100%
	Severe	-

<b>1996 OVERALL SCORE:</b>	<b>4.4</b>
1994 Overall Score:	4.3
1992 Overall Score:	4.5
1990 Overall Score:	4.5
*1988 Overall Score:	3.7

\*4.0 HIGHEST SCORE - LIKERT SCALE NOT USED

The Honorable John R. Lohff

Was the judge attentive?	4.4
Did the judge maintain control of the courtroom?	4.3
Did the judge speak loudly and clearly?	4.4
Were the judge's remarks understandable?	4.4
Did his decisions make sense?	4.4
Did the judge show human understanding and compassion?	4.4
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.4
Rate the judge's demeanor towards:	
The victim:	3.8
Witnesses:	4.3
Defendant:	3.8
Prosecutor:	3.8
Defense Attorney:	3.9

Overall Impression: 4.3

Did the judge seem to favor either side?	NO	100%
	YES	0 (Defense)
	YES	0 (Prosecutor)

Was the Judge:	Lenient	-
	Reasonable	- 100%
	Severe	-

1996 OVERALL SCORE: 4.2

The Honorable Peter A. Michalski

Was the judge attentive?	3.8
Did the judge maintain control of the courtroom?	4.3
Did the judge speak loudly and clearly?	3.5
Were the judge's remarks understandable?	3.8
Did his decisions make sense?	3.8
Did the judge show human understanding and compassion?	4.0
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.2
Rate the judge's demeanor towards:	
The victim:	3.4
Witnesses:	3.4
Defendant:	3.6
Prosecutor:	3.7
Defense Attorney:	3.6
Overall Impression:	3.8

Did the judge seem to favor either side?	No	93%
	YES	7% (Defense)
	YES	0% (Prosecution)

Was the Judge:	Lenient	-
	Reasonable	- 100%
	Severe	-

1996 OVERALL SCORE: 3.8  
1994 Overall Score: 3.6  
1990 Overall Score: 3.8  
\* 1988 Overall Score: 3.3

\*1988 - 4.0 HIGHEST SCORE - LIKERT SCALE NOT USED

The Honorable Gregory J. Motyka

Was the judge attentive?	4.4
Did the judge maintain control of the courtroom?	4.5
Did the judge speak loudly and clearly?	4.7
Were the judge's remarks understandable?	4.5
Did his decisions make sense?	4.4
Did the judge show human understanding and compassion?	4.6
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.6
Rate the judge's demeanor towards:	
The victim:	3.9
Witnesses:	4.1
Defendant:	3.9
Prosecutor:	4.0
Defense Attorney:	4.0
Overall Impression:	4.4
Did the judge seem to favor either side?	No 98%
	Yes 2% (Defense)
	YES 0% (Prosecution)
Was the Judge: Lenient	- 3%
Reasonable	- 97%
Severe	-

**1996 OVERALL SCORE: 4.3**

The Honorable Sigurd E. Murphy

Was the judge attentive?	4.7
Does the judge maintain control of the courtroom?	4.6
Did the judge speak loudly and clearly?	4.7
Were the judge's remarks understandable?	4.7
Did his decisions make sense?	4.6
Did the judge show human understanding and compassion?	4.8
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.8
Rate the judge's demeanor towards:	
The victim:	3.9
Witnesses:	4.0
Defendant:	4.1
Prosecutor:	3.9
Defense Attorney:	3.9
Overall Impression:	4.6
Did the judge seem to favor either side?	No 100%
	YES 0% (Defense)
	YES 0% (Prosecution)
Was the Judge: Lenient	- 2%
Reasonable	- 98%
Severe	-

1996 OVERALL SCORE: 4.4  
1994 Overall Score 4.5

The Honorable John E. Reese

Was the judge attentive?	4.3
Does the judge maintain control of the courtroom?	4.4
Did the judge speak loudly and clearly?	4.3
Were the judge's remarks understandable?	4.3
Did his decisions make sense?	4.2
Did the judge show human understanding and compassion?	3.8
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.3
Rate the judge's demeanor towards:	
The victim:	3.3
Witnesses:	3.1
Defendant:	3.4
Prosecutor:	3.8
Defense Attorney:	3.6
Overall Impression:	4.2
Did the judge seem to favor either side?	No 93%
	YES 7% (Defense)
	YES 0% (Prosecution)
*Was the Judge:	Lenient
	Reasonable
	Severe
*Insufficient data available	

1996 OVERALL SCORE: 3.9  
1994 Overall Score 4.0



The Honorable Stephanie Z. Rhoades

Was the judge attentive?	4.2
Did the judge maintain control of the courtroom?	4.2
Did the judge speak loudly and clearly?	4.5
Were the judge's remarks understandable?	4.2
Did her decisions make sense?	4.2
Did the judge show human understanding and compassion?	4.0
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.3
Rate the judge's demeanor towards:	
The victim:	3.9
Witnesses:	3.6
Defendant:	3.9
Prosecutor:	3.9
Defense Attorney:	3.8
Overall Impression:	4.1
Did the judge seem to favor either side?	No 100%
	YES 0% (Defense)
	YES 0% (Prosecution)
Was the Judge: Lenient	-
Reasonable	- 100%
Severe	-

1996 OVERALL SCORE: 4.1  
1994 Overall Score 3.9

The Honorable Mark C. Rowland

Was the judge attentive?	4.4
Did the judge maintain control of the courtroom?	4.5
Did the judge speak loudly and clearly?	3.8
Were the judge's remarks understandable?	4.2
Did his decisions make sense?	4.3
Did the judge show human understanding and compassion?	4.6
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.4
Rate the judge's demeanor towards:	3.9
The victim:	4.1
Witnesses:	3.6
Defendant:	3.7
Prosecutor:	3.7
Defense Attorney	4.2
Overall Impression:	4.2
Did the judge seem to favor either side?	No 97%
	YES 3% (Defense)
	YES 0% (Prosecution)
Was the Judge: Lenient	- 3%
Reasonable	- 95%
Severe	- 2%

1996 OVERALL SCORE: 4.1  
1994 Overall Score: 4.1  
1992 Overall Score: 3.9  
1990 Overall Score: 4.0

The Honorable Brian C. Shortell

Was the judge attentive?	3.9
Does the judge maintain control of the courtroom?	4.0
Did the judge speak loudly and clearly?	3.7
Were the judge's remarks understandable?	4.0
Did his decisions make sense?	4.0
Did the judge show human understanding and compassion?	3.9
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.2

Rate the judge's demeanor towards:

The victim:	3.2
Witnesses:	3.4
Defendant:	3.3
Prosecutor:	3.3
Defense Attorney:	3.2

Overall Impression: 3.7

Did the judge seem to favor either side?	No	98%
	YES	0% (Defense)
	YES	2% (Prosecution)

Was the Judge:	Lenient	-
	Reasonable	- 100%
	Severe	-

1996 OVERALL SCORE:	3.7
1994 Overall Score:	4.1
1992 Overall Score:	3.6

The Honorable Brian C. Shortell

Judge Shortell hears mainly civil cases and maintains a strict schedule, keeping his jurors alert and fine tuned. He is observed as a truth seeker and explains his courtroom procedures precisely so there are no misunderstandings. Although at times he needs to speak up and may appear bored. Judge Shortell does a good job of keeping attorneys focused.

The following comments were recorded by 9 different CourtWatchers during 25 observations for a total of 50 hours and are representative of the 18 positive and 6 negative recorded by the observers.

"The judge was remarkably alert and had a sense of humor when three attorneys for the plaintiff stood all together to object. He replied, "Sustained, sustained, sustained."

"Listens closely, shows little emotion and rules quickly on objections."

"Very good about explaining inner workings of a trial."

"Hard to hear and understand; voice is soft and he does not articulate well."

"Judge was not swayed by eloquent pleas and did not reduce bail or custody arrangements for any defendants. Excellent job."

"Very sharp regarding exact wording of objections."

"Seemed rather bored at first."

"Maintains strict schedule."

"Did excellent job explaining duties of third party custodians to two people taking on this duty."

"Didn't want victim's parents to testify as to funeral expenses, etc. of son. "I think we can stipulate as to the expenses. I don't want to put any undue stress on them."

The Honorable Milton M. Souter

Was the judge attentive?	4.2
Did the judge maintain control of the courtroom?	4.3
Did the judge speak loudly and clearly?	4.0
Were the judge's remarks understandable?	4.2
Did his decisions make sense?	4.3
Did the judge show human understanding and compassion?	4.3
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.4
Rate the judge's demeanor towards:	
The victim:	3.2
Witnesses:	3.2
Defendant:	3.5
Prosecutor:	3.5
Defense Attorney:	3.4
Overall Impression:	4.2
Did the judge seem to favor either side?	NO 91%
	YES 0% (Defense)
	YES 9% (Prosecutor)
Was the Judge: Lenient	- 6%
Reasonable	- 94%
Severe	-

1996 OVERALL SCORE: 3.9  
1994 OVERALL SCORE: 4.1  
1992 OVERALL SCORE: 3.6

The Honorable James N. Wanamaker

Was the judge attentive?	4.1
Did the judge maintain control of the courtroom?	4.0
Did the judge speak loudly and clearly?	3.8
Were the judge's remarks understandable?	3.8
Did his decisions make sense?	3.8
Did the judge show human understanding and compassion?	4.9
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.1
Rate the judge's demeanor towards:	
The victim:	4.2
Witnesses:	4.5
Defendant:	3.6
Prosecutor:	3.5
Defense Attorney:	3.6
Overall Impression:	3.8
Did the judge seem to favor either side?	NO 91%
	YES 9% (Defense)
	YES 0% (Prosecutor)
Was the Judge: Lenient	- 15%
Reasonable	- 85%
Severe	-

1996 OVERALL SCORE: 4.0

The Honorable James N. Wanamaker

Judge Wanamaker is observed as being patient and attentive. He tends to mumble at times and does not have an assertive presence in the courtroom.

The following comments were recorded by 12 CourtWatchers during 33 observations for a total of 36 hours and are representative of the 9 positive and 8 negative recorded by the observers.

"Put in a lot of effort fashioning conditions/agreement for bail of a man so as not to interfere with progress he had made in alcohol rehab."

"Very understanding of one defendant's predicament..."

"Reading of jury instructions was not very animated and he was very soft spoken at times."

"Rulings and decisions were all in favor of defense."

"Truly had the patience of Job in dealing with someone defending himself..."

"Very attentive, seems to be very efficient..."

"He fashioned a sentence that took into account both the defendant's criminal record and the victim's impact statement, and promised to do the maximum to get restitution for the victim."

"The judge made sure every defendant knew their rights."

"Had difficult time getting the plaintiff's attorney to listen to him."

"Did not present a dominant presence in the courtroom."

"Three defendants were disruptive during proceedings. Judge never ordered them to be quiet."

"The judge has a good sense of "dry" humor."

"Great judge, he just tends to mumble!"

The Honorable Michael L. Wolverton

Was the judge attentive?	4.4
Did the judge maintain control of the courtroom?	4.4
Did the judge speak loudly and clearly?	4.5
Were the judge's remarks understandable?	4.4
Did his decisions make sense?	4.2
Did the judge show human understanding and compassion?	4.2
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.4
Rate the judge's demeanor towards:	
The victim:	3.6
Witnesses:	3.7
Defendant:	3.8
Prosecutor:	3.9
Defense Attorney:	4.0
Overall Impression:	4.2
Did the judge seem to favor either side?	NO 89%
	YES 11% (Defense)
	YES 0% (Prosecutor)
Was the Judge: Lenient	-
Reasonable	- 100%
Severe	-

1996 OVERALL SCORE: 4.1  
1994 Overall Score: 4.2



The Honorable Joan M. Woodward

Was the judge attentive?	4.4
Did the judge maintain control of the courtroom?	4.5
Did the judge speak loudly and clearly?	4.1
Were the judge's remarks understandable?	4.1
Did her decisions make sense?	4.1
Did the judge show human understanding and compassion?	4.5
Did the judge take the time to make explanations to the jury, the victim, the witnesses and the defendant?	4.4
Rate the judge's demeanor towards:	
The victim:	3.7
Witnesses:	4.3
Defendant:	3.8
Prosecutor:	3.8
Defense Attorney:	3.9
Overall Impression:	4.2
Did the judge seem to favor either side?	NO 100%
	YES 0% (Defense)
	YES 0% (Prosecutor)

\*Was the Judge:      Lenient  
                          Reasonable  
                          Severe

\*Insufficient data available

**1996 OVERALL SCORE: 4.1**  
1994 Overall Score: 3.9  
1992 Overall Score: 3.1  
1990 Overall Score: 3.7

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## COURTWATCHERS

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