

Alaska Judicial Council Recommendation

Judge Elaine M. Andrews, Superior Court, Anchorage

I. Judicial Council Evaluation. The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Andrews to be **Qualified** and recommends unanimously (6-0) that the public vote "YES" to retain her as a superior court judge.

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Judge Andrews was rated in the excellent range on overall judicial performance (4.4, see graph). She scored highest (4.5) in the categories of "conduct free from impropriety," "courtesy," "ability to control courtroom," "willingness to work," and "talent and ability for cases involving children." She scored 4.3 or better in all sixteen categories.

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	CourtWatch Report
Legal Ability	4.4	---	---	---	---
Impartiality	4.4	4.5	4.7	---	3.8
Integrity	4.5	4.5	---	4.4	---
Temperament	4.4	4.6	4.8	4.5	3.7
Diligence	4.4	4.5	---	4.4	---
Special Skills	4.5	4.5	---	---	---
Overall	4.4	4.6	4.7	4.5	3.7

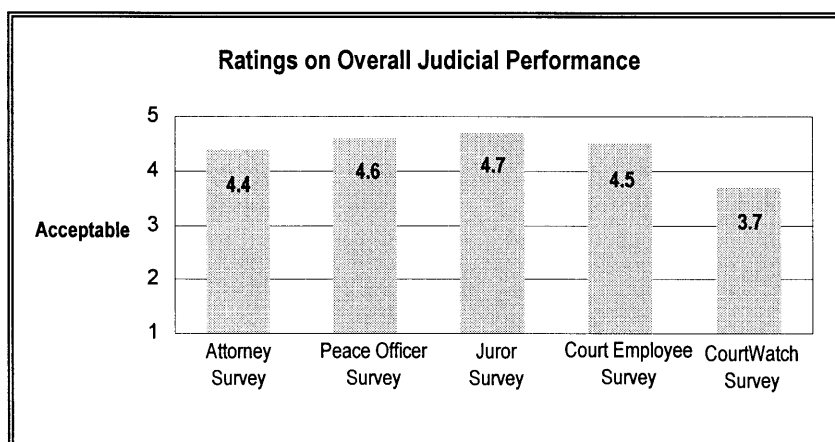
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

Range Description
 4.0 - 5.0 = Excellent
 3.5 - 3.9 = Good
 3.0 - 3.4 = Acceptable
 2.5 - 2.9 = Below Acceptable
 1.0 - 2.4 = Poor

A survey of all 1,890 peace and probation officers in Alaska rated Judge Andrews in the excellent range on overall judicial performance (4.6, see graph). She scored highest (4.6) in the categories of "conduct free from impropriety," "courtesy," and "human understanding and compassion." She scored 4.4 or better in all thirteen categories.

A survey of all jurors appearing before Judge Andrews in 1998 and 1999 rated her in the excellent range (4.7) on overall performance. A survey of all court employees rated her in the excellent range (4.5) on overall performance. The independent CourtWatch Report gave Judge Andrews a 3.7 overall rating.

The Council also completed a background investigation including a court records check, a disciplinary records check, a review of conflict of interest statements submitted to the court system, a review of any withheld salary warrants and a review of financial disclosure statements submitted to the Alaska Public Offices Commission. Attorneys, peace officers, court employees and jurors were asked to submit written comments about the judge. The Council actively encouraged the public to comment, both in writing and in a statewide public hearing teleconference.



Recommendation: Vote "YES" to retain Judge Andrews

Contact the Judicial Council at 1029 W. 3rd, Suite 201, Anchorage, AK 99501 (telephone: (907) 279-2526) for more detailed information, or review the information on our Internet site at:

www.ajc.state.ak.us



alaska judicial council

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Alaska Judicial Council Questionnaire

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AK Judicial Council

Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

Elaine M. Andrews

Superior

Name

Court

1. Describe your workload during your present term.

a) 30 % Civil Cases
45 % Criminal Cases
25 % Court Administrative
100 % Total

b) 25+ # of trials/year
4-5 # Administrative Appeals

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

Judicial Conduct Commission, CJAC, Criminal Rules, CINA,
~~Family Rules, Time Standards, Boney Building Remodel, Jail(new)~~
~~Criminal Bar/Bench, Civil Bar/Bench, Sexual Harrassment,~~

3. On a separate sheet of paper 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.

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 X.
- b) been involved in a nonjudicial capacity in any legal proceeding whether as a party or otherwise? Yes _____ No X.
- c) engaged in the practice of law (other than as a judge)? Yes _____ No X.
- d) held office in any political party? Yes _____ No X.
- e) held any other local state or federal office? Yes _____ No X.

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

N/A

Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2000 retention elections.

See Addendum

5. Please list the names and case numbers of the three most recent jury cases tried before you, identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

	<i>Name of Case</i>	<i>Case Number</i>
1	SOA v. Jerry Douglas	3AN-99-4292CR

Attorneys Involved

Name: Eric Aarseth
Address: 310 K Street, #520
Anchorage, AK 99501

Name: _____
Address: _____

Name: James Hopper
Address: 733 W. 4th Avenue, #300
Anchorage, AK 99501

Name: _____
Address: _____

	<i>Name of Case</i>	<i>Case Number</i>
2	SOA V. Olee Gilkey	3AN-97-3155CR

Attorneys Involved

Name: Deborah Greenberg
Address: 310 K Street, #520
Anchorage, AK 99501

Name: _____
Address: _____

Name: Vince Di Napoli
Address: PO Box 898
Cordova, AK 99574

Name: _____
Address: _____

	<i>Name of Case</i>	<i>Case Number</i>
3	SOA v. Delano Hall	3AN-98-1468CR

Attorneys Involved

Name: Leonard Linton
Address: 310 K Street, #520
Anchorage, AK 99501

Name: _____
Address: _____

Name: Craig Howard
Address: 900 W. 5th Avenue, #200
Anchorage, AK 99501

Name: _____
Address: _____

6. Please list the names and case numbers of the three most recent non-jury cases tried before you, identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

	<i>Name of Case</i>	<i>Case Number</i>
1	<u>ITMO J.S.</u>	<u>3AN-98-140CP</u>

Attorneys Involved

Name: Vinnie E. Nemecek
Address: 1031 W. 4th Ave, #200
Anchorage, AK 99501

Name: _____
Address: _____

Name: Linda Beecher
Address: 900 W. 5th Ave, #200
Anchorage, AK 99501

Name: Richard Kibby
Address: 405 W. 36th Avenue, Suite 102
Anchorage, AK 99503

	<i>Name of Case</i>	<i>Case Number</i>
2	<u>ITMO S.H.</u>	<u>3AN-96-105CP</u>

Attorneys Involved

Name: Dave Bauer
Address: 1031 W. 4th Avenue, #200
Anchorage, AK 99501

Name: Wayne Anthony Ross
Address: 327 E. Fireweed Lane, #201
Anchorage, AK 99501

Name: Barbara Malchik
Address: 900 W. 5th Avenue, Suite 525
Anchorage, AK 99501

Name: Mary Ellen Ashton
Address: 1101 W. 7th Avenue
Anchorage, AK 99501

	<i>Name of Case</i>	<i>Case Number</i>
3	<u>ITMO C.K.</u>	<u>3AN-99-40CP</u>

Attorneys Involved

Name: Kevin Williams
Address: 1031 W. 4th Avenue, #200
Anchorage, AK 99501

Name: Gayle Brown
Address: PO Box 221771
Anchorage, AK 99522

Name: Stuart Ross
Address: 310 K Street, #200
Anchorage, AK 99501

Name: Kathleen Wilson
Address: PO Box 104106
Anchorage, AK 99510

7. Please list the names and case numbers of the three most recent cases which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.), identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

<i>Name of Case</i>	<i>Case Number</i>
1 <u>Hauck v. Hauck</u>	<u>3AN-99-4990CI</u>

Attorneys Involved

Name: Wayne Anthony Ross
Address: 327 E. Fireweed Lane, #201
Anchorage, AK 99503

Name: _____
Address: _____

Name: Nicole Nelson
Address: 1016 W. 4th Avenue, #200
Anchorage, AK 99501

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>Stanley Vaska v. SOA</u>	<u>A-6312</u>

Attorneys Involved

Name: Renee Erb
Address: 310 K. Street
Anchorage, AK 99501

Name: _____
Address: _____

Name: Marji Mock
Address: 900 W. 4th Ave., Suite 200
Anchorage, AK 99501

Name: Michael Dieni
Address: 900 W. 4th Ave., St. 200
Anchorage, AK 99501

<i>Name of Case</i>	<i>Case Number</i>
3 <u>Sheffield v. Eide</u>	<u>3AN-98-4610CI</u>

Attorneys Involved

Name: Lynda Limon
Address: 742 K Street
Anchorage, AK 99501

Name: _____
Address: _____

Name: R. Scott Taylor
Address: 211 H Street
Anchorage, AK 99501

Name: _____
Address: _____

8. If you deem it helpful to the Council, please list the name, case number and attorneys' names and current addresses of any other cases during your judicial career in which you believe your work was particularly noteworthy. (Attach additional pages if necessary.)

Name of Case	Case Number
1 <u>Alaska Air v Mark Air</u>	<u>3AN-91-9329CI</u>

Attorneys Involved

Name: <u>William Bankston</u>	Name: <u>Jon Givens</u>
Address: <u>550 W. 7th Ave., Suite 1800</u>	Address: <u>550 W. 7th Avenue, Suite 1800</u>
<u>Anchorage, AK 99501</u>	<u>Anchorage, AK 99501</u>
Name: <u>Kelly Core</u>	Name: <u>Heather Grahme</u>
Address: <u>2 Union Square</u>	Address: <u>1031 W. 4th Ave, Suite 600</u>
<u>Seattle, WA 98101-2346</u>	<u>Anchorage, AK 99501</u>
<u>Bogle & Gates - Seattle</u>	

Name of Case	Case Number
2 _____	_____

Attorneys Involved

Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____

Name of Case	Case Number
3 _____	_____

Attorneys Involved

Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____

ADDENDUM

3. From 1991 to 1993 I handled a caseload that was almost exclusively non-jury domestic relations and developed my settlement skills and knowledge of the substantive law in that area. In March of 1994 I took over a criminal rotation, handling almost exclusively felony level jury trials. I presided over many complex and relatively long-term trials, which allowed me to renew my jury trial skills.

In July 1996 I was appointed presiding judge of the Third District. As presiding judge, I have come to appreciate the complexity of the administrative task of keeping the courts staffed with qualified Alaskans. I have placed an emphasis on providing, in increasingly innovative ways, meaningful and efficient access to justice services. Additionally, during my tenure there will have been a turn over of more than half of the Superior Court in Anchorage alone. Managing change of this magnitude has been a challenge. As a result of my administrative duties I have a somewhat reduced but highly diversified calendar of civil, domestic, criminal and children's cases. I routinely offer settlement conferences to litigants who are scheduled for trial before other judges.

I love my job. It is exciting and interesting work and I believe I do a good job. I have had the privilege of working at every level of court (save the Supreme Court) and with a wide variety of cases. I continue to learn on a daily basis. I think most of the judges and court staff appreciate my open and responsive style of management. After almost twenty years on the bench, I look back with a deep sense of satisfaction and gratitude.

4. Particular cases are difficult to find over a six-year period. I think a better approach is to question lawyers who have had significant contact with me over the term either by way of trial, settlement, or committee work. The following attorneys are in that category:

Crim. Defense	Prosecution	Civil	Domestic Relations
Barbara Brink	Susan Parkes	Jim Reeves	Allan Bailey
Craig Howard	Leonard Linton	Jeff Freidman	Mary Anne Foley
Rex Butler	Eric Aarseth	Howard Trickey	Sharon Gleason
Sid Billingslea	James Fayette	George Kopalchak	Allison Mendel
Mike Dieni	Mary Ann Henry		

MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: May 16, 2000

RE: Comparison of Previous Survey Results - Elaine M. Andrews

Elaine M. Andrews is standing for retention in 2000. The tables on the following page compare retention and selection survey scores for Judge Andrews. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Andrews previously stood for retention as a district court judge in 1982, 1986, and 1990. She stood for retention as a superior court judge in 1994, and was evaluated with other non-retention judges in 1992 and 1998.

Judge Andrews applied for and was appointed to the Anchorage District Court in 1981. She applied for and was appointed to the Anchorage Superior Court in 1991.

Judge Elaine M. Andrews														
Retention surveys														
	2000 Retention		1998 Retention Preview		1994 Retention		1992 Retention Preview		1990 Retention		1986 Retention		1982 Retention	
	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO
Legal Ability	4.4	---	4.4	---	4.2	—	4.2	—	4.1	—	4.0	—	3.9	---
Fairness	4.4	4.5	4.4	4.7	4.2	4.3	4.2	4.2	4.2	4.1	4.1	3.9	4.1	3.7
Integrity	4.5	4.5	4.5	4.7	4.3	4.3	4.3	4.2	4.4	4.4	4.4	4.2	4.2	3.9
Judicial Temperament	4.4	4.6	4.4	4.6	4.3	4.4	4.2	4.2	4.3	4.3	4.1	4.0	4.2	3.8
Diligence	4.4	4.5	—	—	4.2	4.2	4.2	4.1	—	—	—	—	4.3	3.8
Administrative Skills	4.5	4.5	—	—	4.3	4.2	4.2	4.1	4.2	4.1	4.2	3.9	4.2	3.8
Overall Performance	4.4	4.6	4.4	4.7	4.2	4.3	4.2	4.2	4.2	4.2	4.1	4.0	4.1	3.7

Judge Elaine M. Andrews			
appointed to Anchorage Superior Court 3/8/91			
	1991 Anchorage Superior		1981 Anchorage District
	Score	Range	
Professional Competence	4.2	Good	4.3
Integrity	4.4	Good	4.5
Fairness	4.2	Good	4.3
Judicial Temperament	4.1	Good	4.3
Diligence	—	—	4.3
Freedom from Arrogance	—	—	4.3
Decisiveness	—	—	4.2
Overall Performance	4.2	Good	—