

Alaska Judicial Council Recommendation

Judge Jonathan H. Link, Superior Court, Kenai

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

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Judge Link was rated in the good range on overall judicial performance (3.8, see graph). He scored highest (4.0) in the categories of "conduct free from impropriety," "courtesy," "human understanding and compassion," "ability to control courtroom," "settlement skills," and "consideration of all relevant factors in sentencing." He scored 3.8 or better in all sixteen categories.

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey
Legal Ability	3.8	---	---	---
Impartiality	3.9	4.5	4.8	---
Integrity	4.0	4.5	---	3.9
Temperament	4.0	4.5	4.9	4.0
Diligence	3.8	4.4	---	3.8
Special Skills	4.0	4.3	---	3.7
Overall	3.8	4.4	4.9	3.8

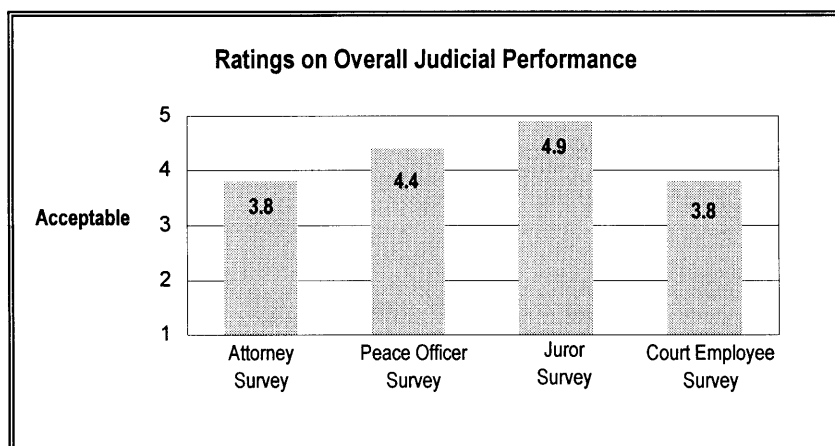
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

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 Link in the excellent range on overall judicial performance (4.4, see graph). He scored highest (4.5) in the categories of "sense of basic fairness," "conduct free from impropriety," "makes decisions without regard to possible public criticism," "courtesy," "human understanding and compassion," and "ability to control courtroom." He scored 4.3 or better in all thirteen categories.

A survey of all jurors appearing before Judge Link in 1998 and 1999 rated him in the excellent range (4.9) on overall performance. A survey of all court employees rated him in the good range (3.8) on overall performance.

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 Link

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

Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

Jonathan H. Link

Name

Kenai Superior Court

Court

1. Describe your workload during your present term.

- a) 45 % Civil Cases
- 40 % Criminal Cases
- 15 % Court Administrative
- 100 % Total
- b) 20-25 # of trials/year
- 19-20 # Administrative Appeals

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

Member, Alaska Commission on Judicial Conduct, February 1, 1995 - February 1, 1999
Administrative Judge for the Kenai Peninsula, 1991 - present

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

ASSESSMENT OF JUDICIAL PERFORMANCE DURING PRESENT TERM

My personal level of satisfaction with my judicial role grows with each passing year. I believe that this is a function of a corresponding increase in my ability to perform that function skillfully.

As administrative judge for the Kenai Peninsula, I continue to work with the local bar on issues important to the bar and the court. We meet twice monthly to discuss administrative matters and recent court decisions. We are currently attempting to expand our mediation resources by participating in court sponsored projects involving custody disputes and Child in Need of Aid cases. I have also been involved with the National Judicial College as participant in a focus group designed to help implement a scientific evidence course at the NJC. I look forward to continued work to make the judicial process less expensive, quicker and more accessible to the public we serve.

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.

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.

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 <u>State v. Craig Dolstad</u>	<u>3HO-99-211 CR</u>

Attorneys Involved

✓ Name: John Wolfe
Address: 120 Trading Bay Dr., Suite 200
Kenai, AK 99611

Name: _____
Address: _____

✓ Name: Diane Foster
Address: 130 Trading Bay Dr., Suite 390
Kenai, AK 99611

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>State v. Alexandria Lauritsen</u>	<u>3HO-99-192 CR</u>

Attorneys Involved

✓ Name: Mary Pieper
Address: 120 Trading Bay Dr., Suite 200
Kenai, AK 99611

Name: _____
Address: _____

✓ Name: Darin Goff
Address: 130 Trading Bay Dr., Suite 390
Kenai, AK 99611

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
3 <u>State v. Robert Freeman</u>	<u>3KN-98-1211 CR</u>

Attorneys Involved

✓ Name: Dwayne McConnell
Address: 120 Trading Bay Dr., Suite 200
Kenai, AK 99611

Name: _____
Address: _____

✓ Name: Darrel Gardner
Address: 900 West Fifth Avenue, Suite 525
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>J. Michael Loomis v. Kim Loomis</u>	<u>3KN-93-440 DR</u>

Attorneys Involved

✓ Name: Peter F. Mysing
Address: 608 Petersen Way
Kenai, AK 99611

Name: _____
Address: _____

Name: Kimberly Andres, pro per
Address: PO Box 8347
Nikiski, AK 99635

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>ITMO: M.S., D.H.</u>	<u>3KN-98-65CP and 3KN-98-66 CP</u>

Attorneys Involved

✓ Name: Dianne Olsen
Address: 1031 W. Fourth Ave., Ste 200
Anchorage, AK 99501

✓ Name: Chris Cooklin
Address: 130 Trading Bay Dr., Ste 390
Kenai, AK 99611

Name: Charles Winegarden
Address: 100 Trading Bay Dr., Suite 8
Kenai, AK 99611

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
3 <u>ITMO: C.M.</u>	<u>3KN-98-73 CP</u>

Attorneys Involved

✓ Name: Susan Wibker
Address: 1031 W. Fourth Ave., Ste 200
Anchorage, AK 99501

Name: _____
Address: _____

Name: Allan Beiswenger
Address: 35401 Kenai Spur Hwy.
Soldotna, AK 99669

Name: _____
Address: _____

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>Richard Resnick et al., v. Phillips Petroleum et al.</u>	<u>3KN-96-167 CI</u>

Attorneys Involved

<p>✓ Name: <u>Richard E. Vollertsen</u> Address: <u>420 L Street, Fifth Floor</u> <u>Anchorage, AK 99501-1989</u></p> <p>✓ Name: <u>David Carter</u> Address: <u>550 W. Seventh Ave., Ste 1100</u> <u>Anchorage, AK 99501</u></p>	<p>✓ Name: <u>Theodore M. Pease, Jr.</u> Address: <u>810 N Street</u> <u>Anchorage, AK 99501</u></p> <p>✓ Name: <u>Patricia L. Zobel</u> Address: <u>943 West Sixth Avenue</u> <u>Anchorage, AK 99501-2033</u></p>
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(see attachment for additional name)

<i>Name of Case</i>	<i>Case Number</i>
2 <u>Craig Nelund v. Dale E. Curtiss</u>	<u>3KN-97-342 CI</u>

Attorneys Involved

<p>✓ Name: <u>Richard G. Haggart</u> Address: <u>2525 C Street, Suite 420</u> <u>Anchorage, AK 99503</u></p> <p>✓ Name: <u>Paul Waggoner</u> Address: <u>632 Christensen Dr., Ste 200</u> <u>Anchorage, AK 99501-2109</u></p>	<p>✓ Name: <u>Alfred Clayton</u> Address: <u>431 W. Seventh Ave., Suite 202</u> <u>Anchorage, AK 99501-3583</u></p> <p>Name: _____ Address: _____</p>
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<i>Name of Case</i>	<i>Case Number</i>
3 <u>ITMO: A.L.</u>	<u>3HO-98-6 PR/MS</u>

Attorneys Involved

<p>✓ Name: <u>Daniel Westerburg</u> Address: <u>3665 Ben Walters Ln., Ste C</u> <u>Homer, AK 99603</u></p> <p>✓ Name: <u>Leonard Anderson</u> Address: <u>405 W. 36th Ave., Ste 200</u> <u>Anchorage, AK 99503</u></p>	<p>✓ Name: <u>Ann Liburd</u> Address: <u>810 N Street</u> <u>Anchorage, AK 99501</u></p> <p>✓ Name: <u>Thomas Hause</u> Address: <u>431 W. Seventh Avenue, Ste 207</u> <u>Anchorage, AK 99501</u></p>
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Attachment to Trial Judge Questionnaire 2000 Retention

Question No. 7.

1. Additional attorneys involved in *Resnick v. Phillips Petroleum*
3KN-96-167CI

 / Brewster H. Jamieson
 420 L Street, Suite 300
 Anchorage, AK 99501-1937

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.)

1

<i>Name of Case</i>	<i>Case Number</i>
<u>Sam McDowell et al v. Tesoro et al.</u>	<u>3KN-93-808 CI</u>

Attorneys Involved

✓ Name: Phillip P. Weidner
Address: 330 L Street, Suite 200
Anchorage, AK 99501

✓ Name: Wayne D. Hawn
Address: 330 L Street, Suite 200
Anchorage, AK 99501

✓ Name: Joseph Loescher
Address: 550 W. Seventh Ave., Ste 1100
Anchorage, AK 99501

✓ Name: Carl J.D. Bauman
Address: 550 W. Seventh Ave., Suite 1100
Anchorage, AK 99501

(see attachment for additional names)

2

<i>Name of Case</i>	<i>Case Number</i>
<u>Estate of S.E.B., Jr.</u>	<u>3KN-91-83 PR/MS</u>

Attorneys Involved

✓ Name: Donna C. Willard
Address: 124 E. Seventh Avenue
Anchorage, AK 99501

✓ Name: John S. Hedland
Address: 1227 West Ninth Avenue, Suite 300
Anchorage, AK 99501-3218

✓ Name: Paul L. Davis
Address: 510 L Street, Suite 270
Anchorage, AK 99501

✓ Name: Kenneth P. Jacobus
Address: 425 G Street, Suite 920
Anchorage, AK 99501

(see attachment for additional names)

3

<i>Name of Case</i>	<i>Case Number</i>
<u>Alaska Medical Providers v. Weaver</u>	<u>3KN-95-378 CI</u>

Attorneys Involved

✓ Name: Robert Cowan
Address: PO Box 1681
Kenai, AK 99611

✓ Name: James Gilmore
Address: 1029 W. Third Avenue, Suite 500
Anchorage, AK 99501

✓ Name: David Loutrel
Address: 8410 E. 32nd Avenue
Anchorage, AK 99504

Name: _____
Address: _____

Attachment to Trial Judge Questionnaire 2000 Retention

Question No. 8.

1. Additional attorneys involved in *McDowell v. Tesoro*
3KN-93-808 CI

✓ Teena J. Williams
550 W. Seventh Avenue, Suite 1100
Anchorage, AK 99501

✓ Ronald F. Black
510 L Street, Suite 270
Anchorage, AK 99501

✓ Paul L. Davis
510 L Street, Suite 270
Anchorage, AK 99501

✓ Craig J. Tillery
1031 W. Fourth Avenue, Suite 200
Anchorage, AK 99501

✓ Kenneth P. Jacobus
425 G Street, Suite 920
Anchorage, AK 99501

2. Additional attorneys involved in *Estate of S.E.B., Jr.*
3KN-91-83 PR/MS

Michael W. Flanigan
1029 W. Third Avenue, Suite 250
Anchorage, AK 99501

✓ Hugh G. Wade
4041 B Street, Suite 200
Anchorage, AK 99503

✓ Roger F. Holmes
3948 Clay Products Drive
Anchorage, AK 99517-1014

✓ Jeffrey M. Voluck
1500 Walnut Street
Philadelphia, PA 19102

✓ Clay Alex Young
1007 West Third Avenue, Suite 400
Anchorage, AK 99501

MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: May 16, 2000

RE: Comparison of Previous Survey Results - Jonathan H. Link

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

Judge Link previously stood for retention as a superior court judge in 1994. He was evaluated with the other non-retention judges in 1992 and 1998.

Judge Link applied for and was appointed to the Kenai Superior Court in 1990. He applied for the Bethel Superior Court in 1989. He was nominated but not appointed for that position.

Judge Jonathan H. Link								
Retention surveys								
	2000 Retention		1998 Retention Preview		1994 Retention		1992 Retention Preview	
	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO
Legal Ability	3.8	—	3.7	—	3.7	—	3.6	---
Fairness	3.9	4.5	3.8	4.2	3.9	4.3	3.9	4.5
Integrity	4.0	4.5	3.9	4.4	3.9	4.4	3.9	4.6
Judicial Temperament	4.0	4.5	3.9	4.1	4.0	4.4	3.9	4.6
Diligence	3.8	4.4	—	—	3.6	4.3	3.7	4.5
Administrative Skills	4.0	4.3	—	—	3.8	4.3	3.9	4.5
Overall Performance	3.8	4.4	3.8	4.2	3.8	4.4	3.8	4.6

Judge Jonathan H. Link			
appointed to Kenai Superior Court 7/20/90			
	1990 Kenai Superior		1989 Bethel Superior
	Score	Range	
Professional Competence	3.4	Acceptable	3.4
Integrity	3.5	High Acceptable	3.5
Fairness	3.6	High Acceptable	3.7
Judicial Temperament	3.4	Acceptable	3.5
Overall Performance	3.3	Acceptable	3.4