

Alaska Judicial Council Recommendation

Judge Peter A. Michalski, Superior Court, Anchorage

I. Judicial Council Evaluation. The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Michalski 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 Michalski was rated in the good range on overall judicial performance (3.9, see graph). He scored highest (4.3) in the categories of "conduct free from impropriety," "makes decisions without regard to possible public criticism," and courtesy." He scored 3.6 or better in all sixteen categories.

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	CourtWatch Report
Legal Ability	3.9	---	---	---	---
Impartiality	4.0	4.1	4.8	---	3.8
Integrity	4.3	4.2	---	4.3	---
Temperament	4.1	4.2	4.8	4.2	3.7
Diligence	4.0	4.0	---	4.3	---
Special Skills	4.0	4.0	---	4.2	---
Overall	3.9	4.1	4.7	4.2	3.7

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

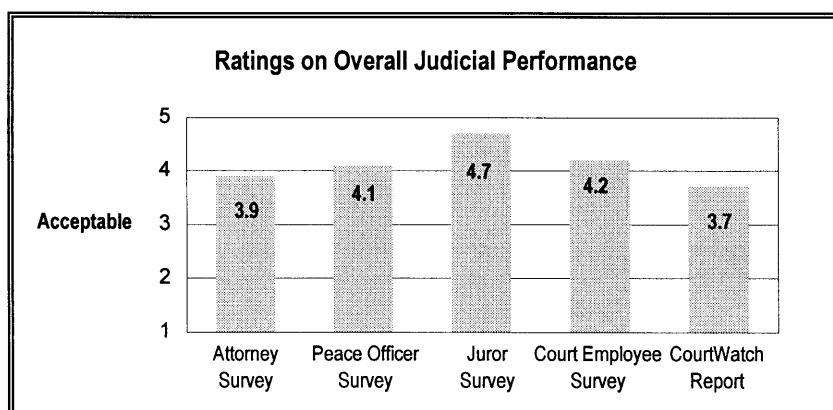
Range Description

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 Michalski in the excellent range on overall judicial performance (4.1, see graph). He scored highest (4.2) in the categories of "conduct free from impropriety," "courtesy," and "human understanding and compassion." He scored 4.0 or better in all thirteen categories.

A survey of all jurors appearing before Judge Michalski in 1998 and 1999 rated him in the excellent range (4.7) on overall performance. A survey of all court employees rated him in the excellent range (4.2) on overall performance. The independent CourtWatch Report gave Judge Michalski 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 Michalski

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



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alaska judicial council

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Alaska Judicial Council Questionnaire

Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

Peter A. Michalski Superior
Name Court

- Describe your workload during your present term.

a) <u>95</u> % Civil Cases	<u>4-5</u> # of trials/year (children's)
<u> </u> % Criminal Cases	<u>15</u> # of trials/year (domestic)
<u>5</u> % Court Administrative	b) <u>2-3</u> # of trials/year (civil)
100 % Total	<u>2-3</u> # Administrative Appeals

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

I have been involved with the Time Standards Committee and the CINA/Delinquency Rules Committee during this term. I have also been one of the training judges for the magistrates in the Third Judicial District.

- 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

ATTACHMENT TO NO. 3
Alaska Judicial Council Questionnaire
Trial Judge 2000 Candidates for Judicial Retention

During this term, I have been assigned to the civil division of the Superior Court in Anchorage. The bulk of my work has been on civil matters except for the rare criminal assignment or travel responsibility. During the last half of the term, I have been a training judge, so my travels are primarily to review the work of magistrates rather than personally handling the rural criminal calendar.

I have enjoyed my work and consider myself extraordinarily fortunate to be doing this work. I have actively engaged in the children's calendar throughout my judicial career, and have worked closely with the masters on interim decisions and issues that arise.

My continuing education has included material presented at judicial conferences, programs put on by the Alaska Bar Association, the National Judicial College in Reno, and the highly regarded Economics for Judges program of the University of Kansas.

It is always difficult to judge one's own performance objectively, but I think I have become a better judge over the course of my career. In addition to more effectively deciding issues that require decision, I think I have continued to practice a high level of courtesy and yet have provided appropriate direction and control within the courtroom.

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 X No _____.

- 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.

I was sued in Federal District Court by a defendant in a
child support action I handled as a judge. I do not recall
the name of the case offhand and was involved in the legal
proceeding in name only.

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>Toliver v. RAM Investments,</u> et al.	<u>3AN-95-10812 CI</u>

Attorneys Involved

Name: William Toliver, pro se
Address: P.O. Box 102851
Anchorage, AK 99510

Name: _____

Address: _____

Name: Donna M. Meyers
Address: 1007 W. 3rd Ave., Ste. 400
Anchorage, AK 99501

Name: _____

Address: _____

	<i>Name of Case</i>	<i>Case Number</i>
2	<u>Alexander v. SOA, DOT</u>	<u>3AN-95-5906 CI</u>

Attorneys Involved

Name: Philip R. Volland
Address: 211 H Street
Anchorage, AK 99501

Name: _____

Address: _____

Name: Gary M. Guarino, Ass't A.G.
Address: 1031 W. 4th Ave., Ste. 200
Anchorage, AK 99501

Name: _____

Address: _____

	<i>Name of Case</i>	<i>Case Number</i>
3	<u>D&L Construction v. Tams</u>	<u>3AN-97-7362 CI</u>

Attorneys Involved

Name: Saphronia R. Young
Address: 745 W. 4th Ave., Ste. 502
Anchorage, AK 99501

Name: _____

Address: _____

Name: Joseph L. Reece
Address: 701 W. 8th Ave., Ste. 800
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>In the Matter of: S.F.</u>	<u>3AN-88-488 CP</u>

Attorneys Involved

Name: David A. Bauer, Ass't A.G.
Address: 1031 W. 4th Ave., Ste. 200
Anchorage, AK 99501

Name: Thom F. Janidlo
Address: 750 W. 2nd Ave., Ste. 205
Anchorage, AK 99501

Name: Benjamin C. Summit, Asst PD
Address: 900 W. 5th Ave., Ste. 200
Anchorage, AK 99501

Name: Marcia Honea, GAL
Address: 900 W. 5th Ave., Ste. 525
Anchorage, AK 99501

<i>Name of Case</i>	<i>Case Number</i>
2 <u>In the Matter of: G.V.</u>	<u>3AN-97-479 CP</u>

Attorneys Involved

Name: Jo-Ann M. Chung, Asst A.G.
Address: 1031 W. 4th Ave., Ste. 200
Anchorage, AK 99501

Name: Mark Andrews, Tanana Chiefs Conf
Address: 122 First Ave., Ste. 600
Fairbanks, AK 99701

Name: Chad W. Holt
Address: 733 W. 4th Ave., Ste. 303
Anchorage, AK 99501

Name: Shirley Perry, GAL
Address: 900 W. 5th Ave., Ste. 525
Anchorage, AK 99501

<i>Name of Case</i>	<i>Case Number</i>
3 <u>Harduar, Shirley v. Anthony</u>	<u>3AN-98-9650 CI</u>

Attorneys Involved

Name: Sharon L. Gleason
Address: 510 L St., Ste. 306
Anchorage, AK 99501

Name: Alexis G. Foote
Address: 640 Oceanview Dr.
Anchorage, AK 99515

Name: _____
Address: _____

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>Louie Alakayak, et al. v.</u> <u>All Alaskan Seafoods, et al.</u>	<u>3AN-95-4676 CI</u>

Attorneys Involved

Name: Phillip P. Weidner
Address: 330 L St., Ste. 200
Anchorage, AK 99501
(liaison counsel for pltfs.)
Name: _____
Address: _____

Name: Douglas J. Serdahely
Address: 1031 W. 4th Ave., Ste. 500
Anchorage, AK 99501
(liaison counsel for defts.)
Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>Jay Brause & Gene Dugan v.</u> <u>Bureau of Vital Statistics, et al.</u>	<u>3AN-95-6562 CI</u>

Attorneys Involved

Name: Robert H. Wagstaff
Address: 425 G St., Ste. 610
Anchorage, AK 99501
Name: Erik LeRoy
Address: 500 L St., Ste. 302
Anchorage, AK 99501

Name: John B. Gaguine, Ass't A.G.
Address: P.O. Box 110300
Juneau, AK 99811-0300
Name: Kevin G. Clarkson (Friend of Ct
Address: 310 K St., Ste. 601
Anchorage, AK 99501

<i>Name of Case</i>	<i>Case Number</i>
3 <u>In the Matter of the Estate of:</u> <u>F.S.</u>	<u>3AN-98-902 PR</u>

Attorneys Involved

Name: Ame W. Ivanov
Address: 4325 Laurel St., Ste. 230
Anchorage, AK 99508
Name: Brian W. Durrell
Address: 1400 Benson Blvd., Ste. 370
Anchorage, AK 99503

Name: Mark R. Davis
Address: 405 W. 36th Ave., Ste. 200
Anchorage, AK 99503
Name: Michael T. Stehle
Address: 821 N St., Ste. 205
Anchorage, AK 99501

ATTACHMENT TO NO. 7.3
Alaska Judicial Council Questionnaire
Trial Judge 2000 Candidates for Judicial Retention

Kenneth R. Atkinson
420 L St., Ste. 500
Anchorage, AK 99501

Gregory A. Miller
1127 W. 7th Ave.
Anchorage, AK 99501

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>In the Matter of the Estate</u> of: V.H.	<u>3AN-98-59 PR</u>

Attorneys Involved

Name: Patrick Rumley
 Address: 1007 W. 3rd Ave., Ste. 301
Anchorage, AK 99501

Name: Richard G. Haggart
 Address: 2525 C St., Ste. 420
Anchorage, AK 99503

Name: Randall E. Farleigh
 Address: 405 W. 36th Ave., Ste. 210
Anchorage, AK 99503

Name: Trigg T. Davis
 Address: 405 W. 36th Ave., Ste. 200
Anchorage, AK 99503

Una S. Gandbhir
510 L St., Ste. 306
Anchorage, AK 99501
Case Number

Name of Case	Case Number
2 _____	_____

Attorneys Involved

Name: _____
 Address: _____

Name: _____
 Address: _____

Name: _____
 Address: _____

Name: _____
 Address: _____

Name of Case	Case Number
3 _____	_____

Attorneys Involved

Name: _____
 Address: _____

Name: _____
 Address: _____

Name: _____
 Address: _____

Name: _____
 Address: _____

MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: May 16, 2000

RE: Comparison of Previous Survey Results - Peter A. Michalski

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

Judge Michalski previously stood for retention as a superior court judge in 1988 and 1994. He was evaluated with other non-retention judges in 1990, 1992, and 1998.

Judge Michalski applied for and was appointed to the Anchorage Superior Court in 1985. He applied for the Supreme Court in 1994, and the Court of Appeals in 1980. He was not nominated for either of these vacancies.

Judge Peter A. Michalski												
Retention surveys												
	2000 Retention		1998 Retention Preview		1994 Retention		1992 Retention Preview		1990 Retention Preview		1988 Retention	
	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO
Legal Ability	3.9	—	3.5	—	3.4	—	3.5	—	3.6	—	3.5	---
Fairness	4.0	4.1	3.8	4.1	3.6	4.1	3.6	4.1	3.7	4.0	3.6	3.9
Integrity	4.3	4.2	4.1	4.1	3.9	4.1	3.8	4.1	4.0	4.1	4.0	4.2
Judicial Temperament	4.1	4.2	4.0	4.1	3.7	4.1	3.7	3.9	3.7	4.0	3.7	4.0
Diligence	4.0	4.0	—	—	3.4	4.1	3.5	3.8	—	—	—	---
Administrative Skills	4.0	4.0	—	—	3.5	4.1	3.3	3.8	3.7	3.8	3.7	3.9
Overall Performance	3.9	4.1	3.7	4.1	3.4	4.1	3.5	4.0	3.6	3.8	3.5	3.9

Judge Peter A. Michalski							
appointed to Anchorage Superior Court 1/31/85							
	1994 Supreme Court		12/1984 Anchorage Superior		9/1984 Anchorage Superior		1980 Court of Appeals
	Score	Range	Score	Range	Score	Range	
Legal Ability/Professional Competence	3.2	Acceptable	4.1	High Good	4.1	High Good	4.0
Integrity	3.9	High Acceptable	4.2	High Good	4.2	High Good	4.3
Fairness	3.5	High Acceptable	3.9	Low Good	3.9	Low Good	3.9
Judicial Temperament	3.5	High Acceptable	3.8	Low Good	3.8	Low Good	3.8
Diligence/Willingness to Work	—	—	4.0	High Good	4.0	High Good	4.1
Freedom From Arrogance	—	—	3.9	Low Good	3.8	Low Good	3.9
Decisiveness	—	—	3.8	Low Good	3.9	Low Good	3.8
Overall Performance	3.3	Acceptable	3.9	Good	3.8	Good	3.8

Comparison of Previous Survey Results - Peter A. Michalski

May 16, 2000

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