

Alaska Judicial Council Recommendation

Judge Raymond Funk, District Court, Fairbanks

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

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Judge Funk was rated in the excellent range on overall judicial performance (4.2, see graph). He scored highest (4.4) in the categories of "conduct free from impropriety," "courtesy," and "human understanding and compassion." He scored 4.0 or better in all sixteen categories.

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

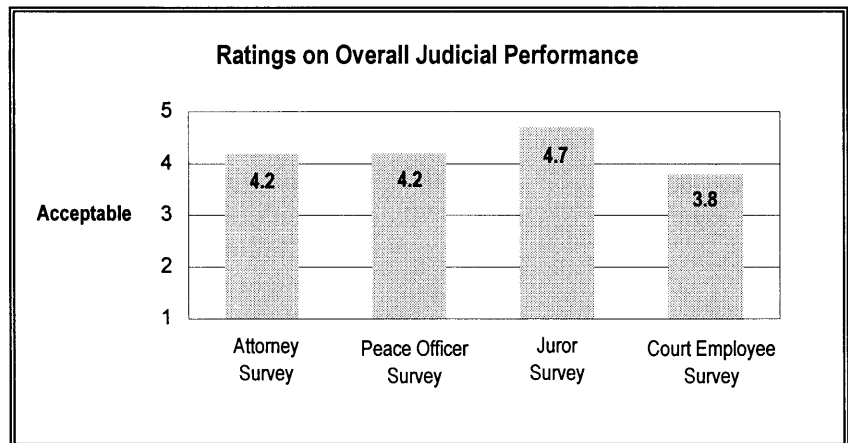
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

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 Funk in the excellent range on overall judicial performance (4.2, see graph). He scored highest in the category of "human understanding and compassion" (4.4). He scored 3.9 or better in all thirteen categories.

A survey of all jurors appearing before Judge Funk 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 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 Funk

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

Raymond M. Funk

District Court, Fairbanks

Name

Court

1. Describe your workload during your present term.

a) 25 % Civil Cases b) 30 # of trials/year
75 % Criminal Cases 3 # Administrative Appeals
-0- % Court Administrative
100 % Total

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

See attached memo.

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.

See attached memo.

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 XX.

- b) been involved in a nonjudicial capacity in any legal proceeding whether as a party or otherwise? Yes _____ No XX.

- c) engaged in the practice of law (other than as a judge)? Yes _____ No XX.

- d) held office in any political party? Yes _____ No XX.

- e) held any other local state or federal office? Yes XX No _____.

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. Matthew Renz</u>	<u>4FA-S99-2486CR</u>

Attorneys Involved

✓ Name: Corrine Vorankamp
Address: District Attorney Ofc.
604 Barnette St #247
Fairbanks, AK 99701
Name: _____
Address: _____

✓ Name: James Cannon
Address: Public Defender Agency
528 Fifth Ave
Fairbanks, AK 99701
Name: _____
Address: _____

2 <u>State v. Joshua Twogood</u>	<u>4FA-S99-2301CR</u>
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Attorneys Involved

✓ Name: Corrine Vorenkamp
Address: District Attorney Ofc.
604 Barnette St #247
Fairbanks, AK 99701
Name: _____
Address: _____

✓ Name: Marlin Smith
Address: PO Box 70321
Fairbanks, AK 99707
Name: _____
Address: _____

3 <u>State v. Linsey Spencer</u>	<u>4FA-S99-1846CR</u>
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Attorneys Involved

✓ Name: Lawrence Kao
Address: District Attorney Ofc.
604 Barnette St #247
Fairbanks, AK 99701
Name: _____
Address: _____

✓ Name: Allen Vacura
Address: 543 Second Ave
Fairbanks AK 99701
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>State v. John Kougl</u>	<u>4FA-S99-2371CR</u>

Attorneys Involved

✓ Name: Corrine Vorankamp
Address: District Attorney Ofc.
604 Barnette St #247
Fairbanks AK 99701
Name: _____
Address: _____

✓ Name: Gary Stapp
Address: 715 Fourth Ave
Fairbanks AK 99701
Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>Sherman Trust v. Saunders</u>	<u>4FA-99-554CI</u>

Attorneys Involved

✓ Name: William Satterberg
Address: 709 Fourth Ave
Fairbanks AK 99701
Name: _____
Address: _____

✓ Name: David Leonard
Address: 100 Cushman St. #501
Fairbanks AK 99701
Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
3 <u>State v. Adam Dahlby</u>	<u>4FA-S98-3475 CR</u>

Attorneys Involved

✓ Name: Gene Gustafson
Address: District Attorney Ofc.
604 Barnette St #247
Fairbanks AK 99701
Name: _____
Address: _____

✓ Name: Eric Bills
Address: Public Defender Agency
528 Fifth Ave
Fairbanks AK 99701
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.)

1

Name of Case

Case Number

IMO: Howard Darling

4FA-96-75PR

(Settlement Conference)

Attorneys Involved

✓ Name: Art Robson
Address: 483 McKinley View Dr.
Fairbanks AK 99712

Name: _____
Address: _____

✓ Name: Allen Vacura
Address: 543 Second Ave.
Fairbanks AK 99701

Name: _____
Address: _____

2

Name of Case

Case Number

Erlendson v. Anthony

4FA-98-1250CI

Anthony v. Jensen

4FA-93-2045CI

(Settlement Conference)

Attorneys Involved

✓ Name: William Satterberg
Address: 709 Fourth Ave
Fairbanks AK 99701

✓ Name: Daniel Winfree
Address: 119 N. Cushman St. #400
Fairbanks AK 99701

✓ Name: George Lyle
Address: 510 L Street #700
Anchorage AK 99501

Name: _____
Address: _____

3

Name of Case

Case Number

Price v. Motorworks

4FA-99-223CI

(Settlement Conference)

Attorneys Involved

✓ Name: Joe Paskvan
Address: PO Box 73888
Fairbanks AK 99707

Name: _____
Address: _____

✓ Name: Chris Zimmerman
Address: 711 Gaffney Rd. #202
Fairbanks AK 99701

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.)

1	Name of Case	Case Number
	Zaverl v. Hanley	4FA-96-2281CI

Attorneys Involved

✓ Name: Joe Paskvan
Address: PO Box 73888
Fairbanks, AK 99707

Name: _____
Address: _____

✓ Name: John Tiemessen
Address: 1603 College Rd. #200
Fairbanks, AK 99709

✓ Name: Keith Brown
Address: 821 N Street #103
Anchorage, AK 99501

2	Name of Case	Case Number
	State v. Thomas Hillis	4FA-S98-823CR

Attorneys Involved

✓ Name: Sam Adams
Address: Alaska Court System
825 W Fourth Ave
Anchorage, AK 99501

Name: _____
Address: _____

✓ Name: William Satterberg
Address: 709 Fourth Ave.
Fairbanks, AK 99701

Name: _____
Address: _____

3	Name of Case	Case Number
	Gaugler v. Acred	4FA-96-1575CI

Attorneys Involved

✓ Name: Ted Hoppner
Address: PO Box 70767
Fairbanks AK 99707

Name: _____
Address: _____

✓ Name: Peggy Roston
Address: 3380 C Street #202
Anchorage AK 99503

Name: _____
Address: _____

ATTACHMENT TO JUDICIAL COUNCIL QUESTIONNAIRE FOR RAYMOND M. FUNK

2. In my first 18 months, I have only been engaged in a limited amount of administrative activities. I was a panelist at the May, 1999 Bar Convention program on scientific evidence. At the request of the Bar CLE staff, I was the judicial presenter for the September 1999 Mandatory Ethics CLE for new admittees. I have recently been made a member of a rural access subcommittee and very recently been asked to work with two other judges on a statewide review of forcible entry and detainer proceedings.

3. I have found these first 18 months as a judge to be challenging and rewarding. I have worked hard to be fair and expeditiously handle all the cases assigned to me.

The attached memo to presiding Judge Beistline summarized my first year on the job and things continue on the same pace. I continue to keep up with my district court caseload and the periodic assignments to handle superior court cases. I returned in mid-October from the three week course at the National Judicial College with renewed excitement for my role as a judge and a wider perspective on the challenges involved. I continue to do regular settlement conferences often once or twice a week and find them very rewarding.

MEMORANDUM

TO: Ralph Beistline, Presiding Judge
FROM: Ray Funk *RA*
SUBJECT: My First Year
DATE: June 11, 1999

I have completed a year on the job as a district court judge. I thought it might be useful to review with you a brief summary of my experience. First, I appreciate all the support I have gotten in the first year from courthouse staff. Most particularly, I believe that Judge Kauvar and Judge Wood have been continually supportive, always helpful and have made the first year a joy. Next, the two staff that I work most closely with have been my secretary, Mary Angell and my in-court, Karen Erickson. They too have made this a great first year. Both have worked very hard and have been excellent.

In terms of my activities, I have this year conducted over 30 trials. The majority of these have been misdemeanor jury trials, although I have done a couple court trials both civil and criminal. I have also done two divorce trials (one was short and one was a lengthy custody battle), four felony trials, and am completing as you know a four week medical malpractice wrongful death case. I am delighted to continue to serve as a superior court judge pro tem when asked.

I have also taken on a great number of settlement conferences, approximately 35 this year, including two all day ones in Anchorage. I have greatly enjoyed doing these and believe over the year honed my skills. The great majority of these have been successful. At present, I have a number scheduled throughout the summer and into the fall. I find few things as a judge as satisfying as settlement conferences and hope to continue to have them as an important part of my caseload.

I am scheduled to attend the Judicial College in Reno from September 22 to October 15. I look forward to this training opportunity. This year, I have participated on a panel discussion at the request of Justice Fabe at the last judicial conference on Judge as Gatekeeper and issues of scientific evidence. I am scheduled September 17 to be a presenter at a Bar CLE on legal ethics.

This coming year I will continue my commitment to helping out wherever needed. Please call me for anything for which you desire my assistance on.

cc: Judge Kauvar
Judge Wood
Ron Woods

MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: May 16, 2000

RE: Comparison of Previous Survey Results - Raymond Funk

Judge Funk is standing for retention for the first time in 2000. The table on the following page compares retention and selection survey scores for Judge Funk. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Funk applied for and was appointed to the Fairbanks District Court in 1998. He applied previously for judgeships in the Fairbanks Superior Court (1988 and 1997) and the Fairbanks District Court (1988 and 1990). He was nominated for the Fairbanks District Court positions in 1988 and 1990, and the Fairbanks Superior Court position in 1997, but was not appointed.

Judge Raymond Funk												
appointed to Fairbanks District Court 4/16/98												
	2000 Retention		1998 Fairbanks District Court		1997 Fairbanks Superior Court		1990 Fairbanks District Court		1988 Fairbanks Superior Court		1988 Fairbanks District Court	
	Bar	PPO	Score	Range	Score	Range	Score	Range	Score	Range	Score	Range
Legal Ability	4.1	---	4.1	Excellent	4.0	Excellent	4.0	Good	3.75	High Acceptable	3.91	High Acceptable
Integrity	4.3	4.0	4.3	Excellent	4.2	Excellent	4.2	Good	4.03	Good	4.11	Good
Fairness/Impartiality	4.3	4.1	4.2	Excellent	4.1	Excellent	4.1	Good	3.99	High Acceptable	4.07	Good
Judicial Temperament	4.3	4.3	4.1	Excellent	4.0	Excellent	3.9	High Acceptable	3.81	High Acceptable	3.92	High Acceptable
Experience	—	—	4.1	Excellent	3.9	Good	—	—	3.48	Acceptable	3.81	High Acceptable
Diligence	4.2	4.1	—	---	—	—	—	—	—	—	—	—
Administrative Skills	4.3	4.0	—	—	—	—	—	—	—	—	—	—
Overall Performance	4.2	4.2	4.1	Excellent	4.0	Excellent	4.0	Good	—	—	—	---