

# Alaska Judicial Council Recommendation

## Judge Jane F. Kauvar, District Court, Fairbanks

**I. Judicial Council Evaluation.** The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Kauvar to be *Qualified* and recommends unanimously (5-0) that the public vote "YES" to retain her as a district court judge.

**II. Summary of Evaluation Information.** A survey of 2,860 attorneys in Alaska rated Judge Kauvar on sixteen categories that are summarized in the adjacent graph. Attorneys rated Judge Kauvar 3.6 on a scale of 5 on overall judicial performance. She scored highest in the categories of "conduct free from impropriety" (3.9), "judicial temperament" (3.8) and "impartiality" (3.8). She scored lowest in "willingness to work diligently" (3.4).

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey
Legal Ability	3.6	---	---	---
Impartiality	3.8	4.0	4.8	4.1
Integrity	3.8	4.0	---	4.2
Temperament	3.8	4.0	4.8	4.3
Diligence	3.5	4.0	---	4.1
Special Skills	3.7	4.0	---	---
Overall	3.6	4.0	4.8	4.2

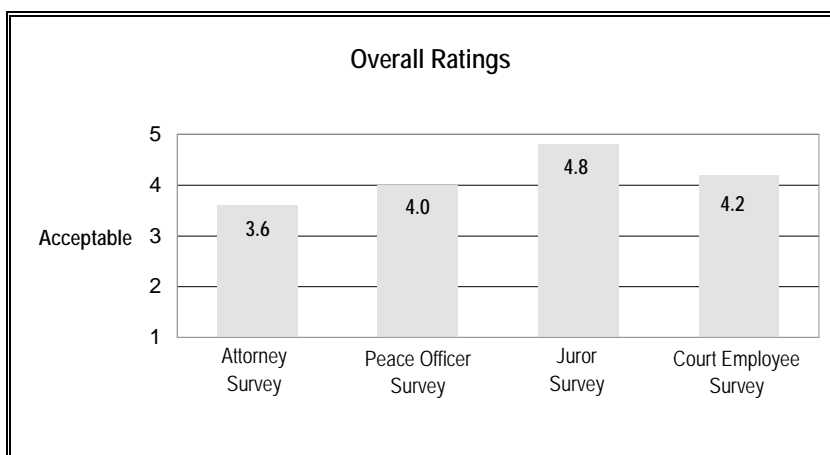
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

**Rating Scale**  
 5.0 = Excellent  
 4.0 = Good  
 3.0 = Acceptable  
 2.0 = Deficient  
 1.0 = Unacceptable

A survey of 1,704 peace and probation officers in Alaska rated Judge Kauvar on twelve categories that are summarized in the adjacent graph. Peace and probation officers rated Judge Kauvar 4.0 on a scale of 5 on overall judicial performance. She scored highest in the categories of "conduct free from impropriety" (4.1) and "understanding and compassion" (4.1). She scored 3.9 or better in all categories.

A survey of all jurors appearing before Judge Kauvar in 2000 and 2001 rated her 4.8 on a scale of 5 on overall performance. A survey of all court employees rated her 4.2 on a scale of 5 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 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 Kauvar**

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](http://www.ajc.state.ak.us)



# alaska judicial council

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EXECUTIVE DIRECTOR  
Larry Cohn

## Alaska Judicial Council Questionnaire

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### Trial Judge 2002 Candidates for Judicial Retention

November 16, 2001

Jane F. Kauvar	District Court
Name	Court

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ALASKA  
JUDICIAL COUNCIL

1. Describe your workload during your present term.

a) <u>30</u> % Civil Cases	b) <u>20-30</u> # of trials/year
<u>65</u> % Criminal Cases	<u>5</u> # Administrative Appeals
<u>5</u> % Court Administrative	
100 % Total	

The majority of the trials are criminal jury trials of both District and Superior Court cases. I also volunteer to do some of the Superior Court Administrative appeals as a pro tem. These appeals include license revocations, PFD denials, and workers' compensation cases.

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

I served as Presiding District Court Judge for three years until I went on sabbatical. I was appointed by Supreme Court to sit on the Time Standards Committee, to establish guidelines for the completion of different types of cases. I served on the building committee for the new Fairbanks Courthouse from the beginning of the project to its completion. Near the end of the project, I was also appointed to the art committee until we finished and disbanded.

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.

ADDENDUM TO  
ALASKA JUDICIAL COUNCIL QUESTIONNAIRE  
JUDICIAL RETENTION FOR  
JANE F. KAUVAR

2. (Continued)

Recently, I was appointed to be a member of the Federal Merit Selection Panel regarding the federal magistrate position. The former magistrate passed away and the committee interviewed applicants to assist the federal judges in their selection process.

3. This past term has been very interesting and rewarding for me for a number of reasons. Presiding Judge Ralph Beistline appointed me to continue as presiding district court judge to assist him with administrative matters. In that capacity, I have served on hiring committees, monitored leave requests, and answered policy questions of the magistrates and clerks on district court matters.

In addition, I have enjoyed the challenges from my continued voluntary service as a superior court judge pro tem. A new experience for me was being appointed to preside over two first-degree murder cases. I also continued to handle other superior court criminal and civil matters as I have done for many years. In Fairbanks, the growing number of felony cases for driving while intoxicated are primarily handled by district court judges. Furthermore, at the district court level we are working to establish therapeutic courts, with the hope of offering defendants an escape from the cycle of constantly repeating court appearances. I have also been involved with a program started by the Department of Corrections to benefit the victims of crime.

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.

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Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2002 retention elections.

After serving as a judge for almost twenty years, the Alaska Supreme Court granted me a one year sabbatical, commencing December 1, 2000. During my sabbatical, I lived with my family in Brisbane, Australia (January-July, 2001). While there, my son attended one semester of high school and my daughter attended one semester of college at the University of Melbourne. I applied and was accepted into a Masters of Law program at the T.C. Beirne School of Law, University of Queensland. I have completed over one-half of the credits needed to obtain my masters degree and I hope to finish the course work next summer. My courses thus far have been Evidence Law, Issues in Constitutional Law, Comparative Law, and an independent study project. The opportunity to study other legal systems was very valuable and quite refreshing. I returned to the bench in time for the Fall Judicial Conference, with a broadened perspective on the role of the judge, which has continued to benefit me in my day-to-day work.

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>
<u>1</u> State v. Scott Matheny	4FA-S01-2253CR

*Attorneys Involved*

Name: Dana Merriman  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Jennifer Hite  
Address: Public Defender Office  
529 Fifth Avenue  
Fairbanks, AK 99701  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<i>Name of Case</i>	<i>Case Number</i>
<u>2</u> State v. Clint Knix	4DJ-S01-19CR

*Attorneys Involved*

Name: Jean Seaton  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Lori Bodwell  
Address: 712 8th Avenue  
Fairbanks, AK 99701  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<i>Name of Case</i>	<i>Case Number</i>
<u>3</u> State v. David Westfall and Don Baker	4FA-S01-2572CR and 4FA-S01-2617CR

*Attorneys Involved*

Name: David Burglin  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Marlin Smith  
Address: PO Box 70321  
Fairbanks, AK 99701  
Name: David Allen  
Address: Office of Public Advocacy  
100 Cushman St. #5  
Fairbanks, AK 99701

6. Please list the names and case numbers of the three most recent non-jury cases ~~tried~~<sup>held</sup> 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>
<u>1</u> Scott v. Small	4FA-01-1372CI

*Attorneys Involved*

Name: Charles Scott (ProSe)  
Address: 2625 Roland Rd.  
Fairbanks, AK 99709

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Travis & Keisha Small (ProSe)  
Address: 3030 Davis Rd. #C-25  
Fairbanks, AK 99709

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<i>Name of Case</i>	<i>Case Number</i>
<u>2</u> State v. Joseph Holtslag	4FA-S01-1471CR

*Attorneys Involved*

Name: Jean Seaton  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Larry Reger  
Address: PO Box 81054  
Fairbanks, AK 99708

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<i>Name of Case</i>	<i>Case Number</i>
<u>3</u> State v. Nathaniel Pinkney	4FA-S01-2283CR

*Attorneys Involved*

Name: Sara Gehrig  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Jennifer Hite  
Address: Public Defender Agency  
529 Fifth Avenue  
Fairbanks, AK 99701

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

NOTE: I ONLY DID ONE COURT TRIAL, SO THE OTHER TWO CASES ARE SUPPRESSION HEARINGS.

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>
<span style="border: 1px solid black; padding: 2px;">1</span> Gary v. Lutheran Hospital	4FA-96-1874CI

*Attorneys Involved*

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

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

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

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<i>Name of Case</i>	<i>Case Number</i>
<span style="border: 1px solid black; padding: 2px;">2</span> Roy v. Serro Scotty	4FA-97-689CI

*Attorneys Involved*

Name: Brett Cook  
Address: PO Box 72420  
Fairbanks, AK 99707

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Winston Burbank  
Address: PO Box 71109  
Fairbanks, AK 99707

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<i>Name of Case</i>	<i>Case Number</i>
<span style="border: 1px solid black; padding: 2px;">3</span> Miller v. Huelle	4FA-98-1794CI

*Attorneys Involved*

Name: Mike MacDonald  
Address: 1008 16th Avenue  
Fairbanks, AK 99701

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Barry Donnellan  
Address: PO Box 73795  
Fairbanks, AK 99707

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.)

<i>Name of Case</i>	<i>Case Number</i>
<span style="border: 1px solid black; padding: 2px;">1</span> State v. Dondi Cook	4FA-S00-1025CR

*Attorneys Involved*

Name: Terry Foster  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701

Name: Bill Spiers  
Address: Public Defender Agency  
529 Fifth Avenue  
Fairbanks, AK 99701

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<i>Name of Case</i>	<i>Case Number</i>
<span style="border: 1px solid black; padding: 2px;">2</span> State v. John Holloway	4FA-S99-1994CR

*Attorneys Involved*

Name: Jeffrey O'Bryant  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701

Name: Susan Carney  
Address: Office of Public Advocacy  
100 Cushman St. #5  
Fairbanks, AK 99701

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<i>Name of Case</i>	<i>Case Number</i>
<span style="border: 1px solid black; padding: 2px;">3</span> State v. Andrew Dayton	4FA-S98-2438CR

*Attorneys Involved*

Name: Patrick Doogan  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701

Name: Bill Murphree  
Address: 250 S. Cushman St. #500  
Fairbanks, AK 99701

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

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.)

1

<i>Name of Case</i>	<i>Case Number</i>
<u>Scott v. Small</u>	<u>4FA-01-1372CI</u>

*Attorneys Involved*

Name: Charles Scott (ProSe)  
Address: 2625 Roland Rd.  
Fairbanks, AK 99709

Name: Travis & Keisha Small (ProSe)  
Address: 3030 Davis Rd. #C-25  
Fairbanks, AK 99709

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

2

<i>Name of Case</i>	<i>Case Number</i>
<u>State v. Joseph Holtslag</u>	<u>4FA-S01-1471CR</u>

*Attorneys Involved*

Name: Jean Seaton  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701

Name: Larry Reger  
Address: PO Box 81054  
Fairbanks, AK 99708

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

3

<i>Name of Case</i>	<i>Case Number</i>
<u>State v. Nathaniel Pinkney</u>	<u>4FA-S01-2283CR</u>

*Attorneys Involved*

Name: Sara Gehrig  
Address: District Attorney Office  
604 Barnette St. #247  
Fairbanks, AK 99701

Name: Jennifer Hite  
Address: Public Defender Agency  
529 Fifth Avenue  
Fairbanks, AK 99701

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

## MEMORANDUM

**TO:** Judicial Council Members  
**FROM:** Staff  
**DATE:** April 24, 2002  
**RE:** Comparison of Previous Survey Results - Jane F. Kauvar

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Jane F. Kauvar is standing for retention in 2002. The tables on the following pages compare retention and selection survey scores for Judge Kauvar. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Kauvar previously stood for retention as a district court judge in 1982, 1986, 1990, 1994, and 1998. She was evaluated with the other non-retention judges in 1992, 1996, and 2000.

Judge Kauvar applied for and was appointed to the Fairbanks District Court in 1981. She applied for the Fairbanks District Court in 1980 and the Fairbanks Superior Court in 1984, 1988, 1992, and 1997.

**Judge Jane F. Kauvar**  
 Appointed to Fairbanks District Court 02/18/81

	<i>2002 Retention</i>		<i>2000 Interim</i>		<i>1998 Retention</i>		<i>1996 Interim</i>		<i>1994 Interim</i>		<i>1992 Interim</i>		<i>1990 Retention</i>		<i>1986 Retention</i>		<i>1982 Retention</i>	
	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>	<i>Ba r</i>	<i>PPO</i>
Legal Ability Professional Competence	3.6	----	3.6	----	3.3	----	3.3	----	3.2	----	3.6	----	3.6	----	3.6	----	3.8	----
Impartiality/Fairness	3.8	4.0	3.7	3.8	3.4	3.9	----	----	3.5	3.7	3.7	3.6	3.7	3.5	3.5	3.5	3.7	3.0
Integrity/Good Character	3.8	4.0	3.9	4.1	3.6	4.1	----	----	3.6	3.8	3.7	3.6	3.9	3.9	3.8	3.8	4.0	3.2
Judicial Temperament	3.8	4.0	3.8	4.0	3.4	3.9	3.5	3.6	3.5	3.7	3.7	3.6	3.6	3.6	3.5	3.5	3.7	3.1
Diligence	3.5	4.0	3.7	3.8	3.2	3.9	3.4	3.7	3.2	3.6	3.4	3.5	----	----	----	----	3.3	3.3
Special Skills	3.7	4.0	----	----	3.2	3.9	----	----	3.4	3.4	3.7	3.6	3.6	3.7	3.4	3.5	3.7	3.2
Overall Performance	3.6	4.0	3.7	3.8	3.3	3.9	3.3	3.6	3.3	3.7	3.6	3.6	3.6	3.6	3.4	3.4	3.6	2.9

<b>Judge Jane F. Kauvar</b>						
Appointed to Fairbanks District Court 02/18/81						
	<i>1997 Fairbank s Superior</i>	<i>1992 Fairbanks Superior</i>	<i>1988 Fairbank s Superior</i>	<i>1984 Fairbank s Superior</i>	<i>1981 Fairbank s District</i>	<i>1980 Fairbank s District</i>
Legal Ability/Professional Competence	3.4	3.4	3.5	3.6	3.9	3.9
Impartiality/Fairness	3.5	3.5	3.4	3.7	3.9	4.0
Integrity/Good Character	3.7	3.7	3.7	3.9	4.1	4.2
Judicial Temperament	3.4	3.3	3.3	----	3.7	3.8
Diligence	----	----	----	3.3	----	----
Freedom from Arrogance	----	----	----	3.5	----	----
Suitable Experience	3.4	----	----	3.7	----	----
Decisiveness	----	----	3.4	----	3.7	3.7
Overall Performance	3.3	3.4	----	----	3.7	----