

Alaska Judicial Council Recommendation

Judge John R. Lohff, District Court, Anchorage

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

II. Summary of Evaluation Information. A survey of 2,860 attorneys in Alaska rated Judge Lohff on sixteen categories that are summarized in the adjacent graph. Attorneys rated Judge Lohff 4.0 on a scale of 5 on overall judicial performance. He scored highest (4.2) in the categories of "conduct free from impropriety" and "courtesy." He scored 3.8 or better in all sixteen categories.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	CourtWatch Survey
Legal Ability	3.8	---	---	---	---
Impartiality	4.0	4.4	4.8	4.4	---
Integrity	4.2	4.4	---	4.4	---
Temperament	4.1	4.5	4.8	4.4	---
Diligence	4.0	4.4	---	4.4	---
Special Skills	4.0	4.4	---	---	---
Overall	4.0	4.3	4.8	4.4	3.9

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

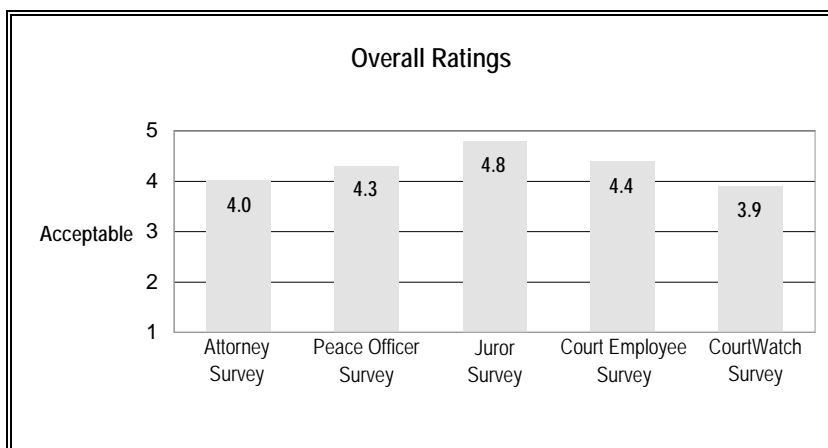
Rating Scale

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 Lohff on twelve categories that are summarized in the adjacent graph. Peace and probation officers rated Judge Lohff 4.3 on a scale of 5 on overall judicial performance. He scored highest (4.5) in the categories of "judicial temperament" and "ability for cases involving children and families." He scored 4.3 or better in all categories.

A survey of all jurors appearing before Judge Lohff in 2000 and 2001 rated him 4.8 on a scale of 5 on overall performance. A survey of all court employees rated him 4.4 on a scale of 5 on overall performance. The CourtWatch Report prepared by Victims for Justice gave Judge Lohff a 3.9 overall rating on a scale of 5.

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.

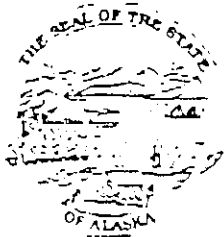


Recommendation: Vote "YES" to retain Judge Lohff

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

November 2002



Hand 12/17/01 delivered by [signature]

alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
Larry Conn

Alaska Judicial Council Questionnaire

NON-ATTORNEY MEMBERS
Eleanor Andrews
Katie Hurley
Gigi Pilcher

ATTORNEY MEMBERS
Geoffrey G. Curran
Robert B. Graseclose
Robert H. Wagstaff

CHAIR, EX OFFICIO
Dana Fabe
Chief Justice
Supreme Court

Trial Judge 2002 Candidates for Judicial Retention

November 16, 2001

John R. Lohff	Anchorage District
Name	Court

1. Describe your workload during your present term.

- | | |
|------------------------------|--------------------------------|
| a) <u>40</u> % Civil Cases | b) _____ # of trials/year |
| <u>60</u> % Criminal Cases | _____ # Administrative Appeals |
| _____ % Court Administrative | |
| 100 % Total | |

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

- a. Alaska Supreme Court Committee on Indigency Guidelines For Criminal Rule 39
- b. Alaska Supreme Court Committee on Time Standards
- c. Alaska Bar Association Committee on the Rules For Professional Responsibility
- d. Deputy Presiding Judge from July 1996 to January 2000.

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.

When I assess my judicial performance during the present term, I think it is characterized by two major themes. The first theme is steady performance of my duties with increased competence and hard work. The second theme is continued development and understanding of the many parts of society and our laws. In May of 2002 I will attend my fourth National Judicial College course in judicial education. Also every year since becoming a judge I eagerly attended all of the judicial education available with the court system. In addition I have independently developed a richer and far more complete understanding of substance abuse and mental health treatment programs available in Anchorage.

For nearly half of my recent four year term, I served as deputy presiding judge for the Anchorage district court. During this term I helped promote the development of both the mental health court and a wellness court in Anchorage. These two courts are now receiving either state or national recognition for being on the cutting edge of the law as problem solving courts. My own work as one of the mental health court judges helped me gain a far richer understanding of the substance abuse and mental health treatment programs in Anchorage. Finally during more than six months in 2000 and 2001, I carried a full felony caseload or a superior court civil case load while Judges Souter and Hunt positions were being filled. These opportunities have given me a far more complete understanding of the role of the trial judge at all levels. I think I have continued to make a very valuable contribution to the Anchorage district court during my recent term. I know that I have gotten great personal satisfaction in my role as a district court judge.

*Alaska Judicial Council
Trial Judge Questionnaire
2002 Retention*

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 2002 retention elections.

During a major portion of the year 2000 I carried an additional felony criminal case load. From approximately September 1 to December 3, 2000 I handled the Superior Court criminal case load for retiring Judge Souter. For approximately three months in January through March 2001, I handled the Superior Court Civil case load for the judicial position filled by Sharon Gleason. I have also assisted in "Mental Health" CRP/JAS courts since the very beginning by doing one of the three afternoon calendars every week.

Alaska Judicial Council
Trial Judge Questionnaire
2002 Retention

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.)

1 MOA v. Edward Sadowski 3AN-01-5391 Cr.

Attorneys Involved

Name: Jo An Chung, MOA
Address: 420 L Street Suite 100
Anchorage, Alaska 99501

Name: _____
Address: _____

Name: James Gould, Defense
Address: 737 M Street
Anchorage, Alaska 99501

Name: _____
Address: _____

2 SOA v. Jerry McGlauglin 3AN-01-1705 Cr.

Attorneys Involved

Name: Stephen Priddell, DAO
Address: 310 K Street, Suite 520
Anchorage, Alaska 99501

Name: _____
Address: _____

Name: Andrew Josephson, Defense
Address: 750 W. 2nd Ave, Suite 215
Anchorage, Alaska 99501

Name: _____
Address: _____

3 MOA v. Allen Roberts 3AN-01-2109 Cr.

Attorneys Involved

Name: Joseph O'Connell, MOA
Address: 420 I. Street, Suite 100
Anchorage, Alaska 99501

Name: _____
Address: _____

Name: Henry Graper, Defense
Address: 737 M Street
Anchorage, Alaska 99501

Name: _____
Address: _____

Alaska Judicial Council
Trial Judge Questionnaire
2002 Retention

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>
<u>1</u> City of Kodiak v. Rodauche Christou	<u>3AN01-4454 Ci</u>

Attorneys Involved

Name Tom McDermott, Plaintiff
 Address 1127 W. 7th Ave
Anchorage, Alaska 99501

Name _____
 Address _____

Name Greg Oczkus, Defense
 Address 430 W. 7th Ave. Suite 202
Anchorage, Alaska 99501

Name _____
 Address _____

<i>Name of Case</i>	<i>Case Number</i>
<u>2</u> Jon P. Colman v. Absolute Environmental	<u>3AN-00-8905 Civil</u>

Attorneys Involved

Name Frank Cahill, Plaintiff
 Address 880 N. Street, Suite 203
Anchorage, Alaska 99501

Name _____
 Address _____

Name Roger Ost, Defense
 Address 16880 N.E. 79th Street
Redmond, Washington 98052

Name _____
 Address _____

<i>Name of Case</i>	<i>Case Number</i>
<u>3</u> Benjamin Rich, Jr. v. Amy E. Rich (Catiller)	<u>3AN-98-11439 Ci</u>

Attorneys Involved

Name Steven Pradell, Plaintiff
 Address 1009 W. 7th Ave
Anchorage, Alaska 99501

Name _____
 Address _____

Name Geoffrey J. McGrath, Defense
 Address 310 K Street, Suite 210
Anchorage, Alaska 99501

Name _____
 Address _____

Alaska Judicial Council
Trial Judge Questionnaire
2002 Retention

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>
<u>1</u> John E. Wilson & L. Ann Wilson v. Western Enterprises, Inc. etc.	3AN-99-4757 Civ

Attorneys Involved

Name: Reginald Christie, Plaintiffs
 Address: 3150 C Street, Suite 250
Anchorage, Alaska 99501

Name: _____
 Address: _____

Name: Michael Corey, Defense
 Address: 701 W. 8th, Suite 1100
Anchorage, Alaska 99501

Name: _____
 Address: _____

<i>Name of Case</i>	<i>Case Number</i>
<u>2</u> Greg Durand, v. The Fishing Co. of AK	3AN-00-8331 Civ

Attorneys Involved

Name: Lanning Trueb, Plaintiff
 Address: 821 N Street, Suite 205
Anchorage, Alaska 99501

Name: _____
 Address: _____

Name: John R. Neeleman, Defense
 Address: 1450 5th Ave, Suite 4100
Seattle, Washington 98101

Name: _____
 Address: _____

<i>Name of Case</i>	<i>Case Number</i>
<u>3</u> Alaska Exchange Corp v. J.W. Diamond	3AN-98-9341 Civ

Attorneys Involved

Name: Kathryn Black, Plaintiff
 Address: 1127 W. 7th Avenue
Anchorage, Alaska 99501

Name: _____
 Address: _____

Name: Peter Ginder, Defense
 Address: 601 W. 5th Avenue, Suite 901
Anchorage, Alaska 99501

Name: _____
 Address: _____

Alaska Judicial Council
Trial Judge Questionnaire
2002 Retention

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>
1 State v. Lamont Venning	3AN-00-2448 Cr.

Attorneys Involved

Name Elizabeth Baker, DAO
Address 310 K Street, Suite 520
Anchorage, Alaska 99501

Name _____
Address _____

Name Heather, O'Brien, Defense
Address 900 W. 5th Ave, Suite 525
Anchorage, Alaska 99501

Name _____
Address _____

<i>Name of Case</i>	<i>Case Number</i>
2 State v. Nicholas Loutzenheiser	3AN-99-8797 Cr.

Attorneys Involved

Name David Wallace and Ben Herren, DAO
Address 310 K Street, Suite 520
Anchorage, Alaska 99501

Name _____
Address _____

Name Randall Cavanaugh
Address 711 H Street, Suite 450
Anchorage, Alaska 99501

Name _____
Address _____

<i>Name of Case</i>	<i>Case Number</i>
3 _____	_____

Attorneys Involved

Name _____
Address _____

Name _____
Address _____

Name _____
Address _____

Name _____
Address _____

MEMORANDUM

TO: Judicial Council Members
FROM: Staff
DATE: April 24, 2002
RE: Comparison of Previous Survey Results - John R. Lohff

John R. Lohff is standing for retention in 2002. The table on the following page compares retention and selection survey scores for Judge Lohff. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Lohff previously stood for retention as a district court judge in 1994 and 1998. He was evaluated with the other non-retention judges in 1992, 1996, and 2000.

Judge Lohff applied for the Anchorage District Court and the Anchorage Superior Court in 1991. He was nominated for both positions and was appointed to the Anchorage District Court.

Judge John R. Lohff
Appointed to Anchorage District Court 03/08/91

	<i>2002 Retention</i>		<i>2000 Interim</i>		<i>1998 Retention</i>		<i>1996 Interim</i>		<i>1994 Retention</i>		<i>1992 Interim</i>		<i>1/91 Anchorage District</i>	<i>1/91 Anchorage Superior</i>
	<i>Ba</i>	<i>PPO</i>	<i>Ba</i>	<i>PPO</i>	<i>Ba</i>	<i>PPO</i>	<i>Ba</i>	<i>PPO</i>	<i>Ba</i>	<i>PPO</i>	<i>Ba</i>	<i>PPO</i>		
Legal Ability/Professional Competence	3.8	----	3.8	----	3.7	----	3.6	----	3.6	----	3.7	----	3.3	3.1
Impartiality/Fairness	4.0	4.4	4.0	4.4	4.0	4.2	----	----	3.9	4.1	4.0	3.8	3.5	3.4
Integrity/Good Character	4.2	4.4	4.2	4.5	4.1	4.2	----	----	4.0	4.2	4.1	3.9	3.6	3.6
Judicial Temperament	4.1	4.5	4.1	4.6	4.0	4.3	4.0	4.0	3.9	4.1	4.0	3.6	3.4	3.2
Diligence	4.0	4.4	4.1	4.3	3.9	4.1	3.8	3.9	3.8	4.1	3.8	3.2	----	----
Special Skills	4.0	4.4	----	----	3.8	4.2	----	----	3.8	4.0	3.8	3.9	----	----
Overall Performance	4.0	4.3	4.0	4.4	3.9	4.2	3.8	3.9	3.7	4.1	3.8	3.6	3.3	3.2