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## **Foreword**

by

Larry Cohn, Executive Director, Alaska Judicial Council

The Alaska Judicial Council is a citizens' commission created by Alaska's constitution to nominate qualified persons for judgeships, to evaluate the performance of judges, and to make recommendations to improve the administration of justice. For the Council to fulfill its constitutional responsibility to evaluate judicial performance, it is essential for the Council to consider many sources of information, including surveys of peace and probation officers, attorneys, court system employees, social workers, jurors and others. The Council also conducts public hearings and encourages all forms of public comment.

The Judicial Council evaluates judicial performance so that it may make recommendations to the public who vote on whether to retain judges. The Council's evaluations are not only important because they educate the public, they are also important because they are used to help educate judges. The Council provides detailed feedback on how judges may improve their own performance.

As the process suggests, the Judicial Council values the perspective of those whose experience makes them uniquely qualified to comment on judicial performance. At the same time, it is important for the Council to consider that the role of a particular person or group may affect the perspective of that person or group. The value of someone's experience with a judge also depends on whether that experience comprises many and different types of court proceedings or is more limited.

The Judicial Council relies on the experience of Alaska Judicial Observers volunteers when it evaluates judicial performance. The experience of those who participate in the Alaska Judicial Observers program is particularly valuable. By volunteering, Alaska Judicial Observers participants show that they are keenly interested in a high level of judicial performance. The experience of most Alaska Judicial Observers volunteers is broad-based. The volunteers observe many different judges in many different types of proceedings. Alaska Judicial Observers volunteers are trained on the nature of judicial proceedings and on how to be a good observer of those proceedings. Finally, Alaska Judicial Observers volunteers play no role in the court proceedings other than observers. For these reasons, the Judicial Council appreciates the work of Alaska Judicial Observers volunteers as an independent and comprehensive source of information about judges.

## **Alaska Judicial Observers, Inc. Program Information**

Alaska Judicial Observers, Inc. (AJO) is not affiliated with any advocacy, defense, prosecution or civil liberties group. We are the only independent court observer program in Alaska and one of a handful in the United States. It is because of this independence that we are able to collect neutral, unbiased evaluations and provide to the Alaska Judicial Council and the people of Alaska a report that reflects the citizen's perspective of judicial performance.

This 2006 Biennial Report sets out the results of evaluations conducted by AJO's volunteers over the past two years. AJO shares this report with the Alaska Judicial Council.<sup>1</sup> Council members consider the report when they recommend whether voters should retain judges in office. The report is available to the public. This helps to enhance judicial accountability and promotes the public's understanding of the court system. AJO also provides the report to judges to help them improve their performance. Although AJO's primary function is to evaluate judges, we also evaluate attorneys and make their evaluations available to them upon request.

Volunteers are screened to ensure that they have not been a victim of a violent crime, have no criminal background and have no cases pending before the courts. Accompanied by the Executive Director or Assistant Director, each volunteer goes through approximately 40 hours of classroom and courtroom training. Neutrality and objectivity are emphasized, as are the role of the observer to maintain an impartial attitude and to never make a personal judgment of guilt or innocence.

The criteria used for AJO's judicial evaluations have been reviewed by the Alaska Judicial Council. An evaluation form is filled out by the observer following each proceeding and volunteers are encouraged to include comments that reinforce their ratings. These comments are meant to be constructive, to help better shape an efficient and professional process and to assist legal professionals in showing sensitivity to any special needs of the public.

Alaska Judicial Observers attend educational workshops. Workshop topics have included sentencing, bail bonding, electronic trial preparation, jail tours and a question and answer session with the Khabarovsk delegation.

AJO has also been honored to participate in the Community Connections Program at the American Russian Center at UAA and the Khabarovsk-Alaska Rule of Law Partnership by holding court observer training sessions for their delegations.

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<sup>1</sup> AJO received some funding from the Alaska Judicial Council in 2004-5 for its evaluation of judges.

## Data For Judges Appearing In 2006 Biennial Report

Table 1. Evaluation hours, number of individual observers and 2006 overall ratings.

| Judge's Name        | Evaluation Hours | Number of Individual Observers | 2006 Overall Rating |
|---------------------|------------------|--------------------------------|---------------------|
| Harold Brown        | 18.9             | 5                              | 3.49                |
| Larry Card          | 94.6             | 15                             | 3.75                |
| Morgan Christen     | 32.4             | 10                             | 3.92                |
| Brian Clark         | 16.9             | 9                              | 3.60                |
| Beverly Cutler      | 19.7             | 6                              | 2.98                |
| Sharon Gleason      | 13.3             | 10                             | 3.50                |
| Gregory Heath       | 10.1             | 4                              | 3.13                |
| Dan Hensley         | 32.8             | 14                             | 3.61                |
| Charles Huguélet    | 17.6             | 4                              | 3.33                |
| Stephanie Joannides | 30.9             | 11                             | 3.84                |
| John Lohff          | 25.2             | 10                             | 3.70                |
| Peter Michalski     | 25.2             | 8                              | 3.12                |
| William Morse       | 28.3             | 8                              | 3.49                |
| Gregory Motyka      | 25.8             | 9                              | 3.69                |
| Sigurd Murphy       | 29.7             | 8                              | 3.77                |
| Nancy Nolan         | 20.4             | 7                              | 3.42                |
| Stephanie Rhoades   | 17.1             | 11                             | 3.36                |
| Mark Rindner        | 14.8             | 7                              | 3.40                |
| Eric Smith          | 14.5             | 4                              | 3.35                |
| Jack Smith          | 20.6             | 13                             | 3.67                |
| John Suddock        | 15.5             | 4                              | 3.24                |
| Sen Tan             | 18.9             | 7                              | 3.76                |
| Phillip Volland     | 73.3             | 15                             | 3.61                |
| John Wolfe          | 15.3             | 4                              | 2.89                |
| Michael Wolverton   | 49.8             | 9                              | 3.48                |
| Total               | <b>681.6</b>     |                                |                     |

Table 2. Evaluations categorized by criminal or civil case type.

| Case Type      | Count | Percentage   |
|----------------|-------|--------------|
| Civil Cases    | 117   | 28.5         |
| Criminal Cases | 294   | 71.5         |
| Totals         |       | <b>100.0</b> |

Table 3. Evaluations categorized by case description.

| Case Description          | Count      | Percentage   |
|---------------------------|------------|--------------|
| Arraignment               | 26         | 6.3          |
| Change of Plea            | 24         | 5.8          |
| Civil Trial               | 56         | 13.6         |
| Criminal Trial            | 137        | 33.4         |
| Domestic Violence Hearing | 6          | 1.5          |
| Jury Selection            | 27         | 6.6          |
| Pre-indictment Hearing    | 6          | 1.5          |
| Pretrial Conference       | 10         | 2.4          |
| Sentencing                | 16         | 3.9          |
| Small Claims              | 8          | 1.9          |
| Trial Call                | 1          | 0.2          |
| Other Hearings            | 94         | 22.9         |
| Totals                    | <b>411</b> | <b>100.0</b> |

## Data For Judges Not Appearing In 2006 Biennial Report

In many locations magistrates, masters, judges pro tem and retired judges also hear District and Superior Court proceedings. The following is the amount of time observers spent in those proceedings.

Table1. Evaluation hours.

| Name             | Title                              | Evaluation Hours |
|------------------|------------------------------------|------------------|
| Eric Aarseth     | Judge (appointed 11/2005)          | 1.5              |
| Samuel Adams     | Judge (deceased)                   | 13.1             |
| Suzanne Cole     | Magistrate and Master              | 2.2              |
| Charles Cranston | Judge pro tem (deceased)           | 22.7             |
| William Estelle  | Judge                              | 2.2              |
| William Fuld     | Judge pro tem                      | 11.0             |
| Mary Anne Henry  | Judge (temporary appointment 2005) | 6.0              |
| Donald Hopwood   | Judge pro tem (retired)            | 2.1              |
| David Landry     | Judge (appointed 11/2004)          | 1.4              |
| John Reese       | Judge (retired)                    | 2.8              |
| Craig Stowers    | Judge (appointed 09/2004)          | 5.3              |
| James Wanamaker  | Judge (retired)                    | 1.0              |
| David Zwink      | Magistrate                         | 0.4              |
| Total            |                                    | <b>71.7</b>      |

## Data For All Judges Observed

The following data represents all activities by Alaska Judicial Observers volunteers from March 1, 2004 through February 28, 2006.

Table 1. Summary data.

|                         |        |
|-------------------------|--------|
| Total volunteer hours   | 1689.4 |
| Total evaluation hours  | 753.3  |
| Total evaluations       | 465    |
| Criminal evaluations    | 333    |
| Civil evaluations       | 132    |
| Average evaluation time | 1.6    |

## Judicial Evaluation Criteria

Judges are evaluated using ten criteria reviewed by the Alaska Judicial Council. Evaluations focus on our perception of the judge's behavior and attitude at the bench. Observers assign a numerical rating to the first eight criteria, while the ninth criteria is assigned a yes or no answer and the tenth criteria is assigned a choice of lenient, reasonable or severe. Numerical ratings range from one to five with the following meanings:

1 = poor      2 = deficient      3 = acceptable/average      4 = good      5 = excellent

### 1) Did the judge pay attention to the proceedings and participants?

- Did the judge watch for restless or napping jurors?
- Did the judge pay attention to the witnesses, attorneys, clerk, transport officers, defendants, plaintiffs, victims and the gallery?
- Did the judge pay attention during the proceeding?

### 2) Did the judge maintain control of the courtroom?

- Was the jury attentive?
- Was the gallery quiet?
- Did the judge make sure attorneys behaved properly?
- Were disruptions or outbursts of emotion controlled?
- Did a "short" break turn into a long break with no explanation?

### 3) Did the judge speak loudly and clearly?

- Did the judge mumble or do they enunciate?
- Could everyone hear the rulings and instructions?
- Did microphones in use work effectively?

### 4) Did the judge make remarks that were understood and that made sense?

- Did the judge speak in laymen's terms or legalese? If you can't understand what the judge means, then a juror, witness, plaintiff, victim or defendant may not understand either.
- Did the judge make sure that remarks were understood?

### 5) Did the judge show understanding and consideration to the plaintiff or victim?

- Did the judge pay close attention to testimony?
- Was the judge sensitive to the plaintiff's or victim's emotional situation?
- Did the judge display negative actions to the plaintiff or victim?
- Did the judge treat the plaintiff or victim with respect and courtesy?
- Did the victim (or their family) receive an explanation of their right to present an impact statement?

**6) Did the judge show understanding and consideration to the defendant?**

- Did the judge pay close attention to testimony?
- Was the judge sensitive to the defendant's emotional situation?
- Did the judge display negative actions to the defendant?
- Did the judge treat the defendant with respect and courtesy?
- During sentencing, did the defendant receive an explanation of their right to give a statement?

**7) Did the judge take the time to explain the proceedings to participants?**

- Did you understand the judge's explanations and decisions, or did you leave feeling confused?
- Did the judge speak so rapidly that you couldn't understand the explanation?
- Did the judge ask the defendant whether they understood their rights?

**8) Did the judge treat all participants fairly and impartially?**

- Did the judge remain firm, fair and objective?
- Did the judge treat the attorneys with respect and as fellow professionals?
- Did the judge speak to all participants directly and appropriately?
- Was the judge's tone and actions impartial and professional?
- Were recesses called when emotions ran high?

**9) Did the judge appear to favor either side?**

- Did the judge remain impartial in decisions, statements, attitude and actions?
- Did the judge insult or undermine either side?
- Did the judge unfairly overrule one side continually in deference to the other?
- Did the judge allow each side equal opportunity to present their case?

**10) During sentencing, was the judge lenient, reasonable or severe?**

- When sentencing a first offender who is not subject to a presumptive sentence, did the judge's characterization of the offense (typical, least serious, or most serious) appear to match the defendant's behavior as convicted?
- When adjusting a presumptive sentence upwards, was the sentence in proportion to the aggravating factors?
- When adjusting a presumptive sentence downwards, was the sentence in proportion to the mitigating factors?
- Was the judge's explanation of sentencing reflected in the actual sentence?

## **Judicial Evaluations**

## The Honorable Harold Brown Kenai Superior Court

---

Appointed by Governor Knowles to Superior Court April 1996

| Evaluations            | Case Types                                  |
|------------------------|---|
| Evaluation Hours: 18.9 | Arraignment: 3    Pre-indictment Hearing: 0 |
| No. of Observers: 5    | Change of Plea: 0    Pretrial Conference: 0 |
| Positive Comments: 6   | Civil Trial: 1    Sentencing: 0             |
| Negative Comments: 3   | Criminal Trial: 0    Small Claims: 0        |
|                        | Domestic Violence: 0    Trial Call: 0       |
|                        | Jury Selection: 3    Other Hearings: 2      |
|                        | <b>Total Number of Evaluations: 9</b>       |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.50   |
| . . . maintain control of the courtroom?   | 3.13   |
| . . . speak loudly and clearly?  | 3.25   |
| . . . make remarks that were understood and that made sense?                         | 3.25   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.80   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.50   |
| . . . take time to explain the proceedings to participants?                          | 3.88   |
| . . . treat all participants fairly and impartially?                                 | 3.63   |
|  | <b>Overall Rating: 3.49</b>                  |

| Did the judge appear to favor either side? |                |
|--|----------------|
| Did not favor either side:                 | 8 evaluations. |
| Favored the defense:                       | 0 evaluations. |
| Favored the prosecution:                   | 0 evaluations. |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Brown:

---

- The judge can be very difficult to hear with so much noise in the gallery.
- The judge listened to each participant and made his decisions after careful consideration.
- The judge took his time making third-party custodian decisions. He was great to watch and easy to follow.
- I liked the judge's comment to jurors that they are "the judge of the facts." He did a great job of explaining each participant's role — that is a great idea since many prospective jurors have not been into court before.
- This was a slow, confusing and frustrating case in which the judge's patience was tested and he came through with flying colors.
- The judge had finally had enough of the defense attorney — she showed no respect and little ability to control herself. She pushed him too far. He finally took a break and came back as patient as ever. Good job.
- I am somewhat bothered by the lack of organization and confusion with names and upcoming dates by the judge today. These arraignments, trial calls and bail hearings were extremely slow moving, contentious and confrontational. There were incidents with both the district attorney and public defender today. The judge walked out during one of the incidents to cool down.
- This was not one of the judge's better days. He just didn't seem to be focusing well on what came before him.
- The judge was clear, concise and satisfactorily audible to all areas of the courtroom. He was clearly in control of the courtroom as he laid out the ground rules for the jury selection and upcoming trial to the attorneys.

## The Honorable Larry Card Anchorage Superior Court

---

Appointed by Governor Hickel to Anchorage Superior Court August 1993

| Evaluations        |      | Case Types         |    |                                     |           |
|--------------------|------|--------------------|----|-------------------------------------|-----------|
| Evaluation Hours:  | 94.6 | Arraignment:       | 0  | Pre-indictment Hearing:             | 0         |
| No. of Observers:  | 15   | Change of Plea:    | 3  | Pretrial Conference:                | 1         |
| Positive Comments: | 12   | Civil Trial:       | 0  | Sentencing:                         | 6         |
| Negative Comments: | 1    | Criminal Trial:    | 34 | Small Claims:                       | 0         |
|                    |      | Domestic Violence: | 0  | Trial Call:                         | 0         |
|                    |      | Jury Selection:    | 3  | Other Hearings:                     | 4         |
|                    |      |                    |    | <b>Total Number of Evaluations:</b> | <b>51</b> |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.78        |
| . . . maintain control of the courtroom?   | 3.80        |
| . . . speak loudly and clearly?  | 3.53        |
| . . . make remarks that were understood and that made sense?                         | 3.78        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.76        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.78        |
| . . . take time to explain the proceedings to participants?                          | 3.82        |
| . . . treat all participants fairly and impartially?                                 | 3.75        |
| <b>Overall Rating:</b>   | <b>3.75</b> |

---

### Did the judge appear to favor either side?

Did not favor either side: 51 evaluations.  
Favored the defense: 0 evaluations.  
Favored the prosecution: 0 evaluations.

---

### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
Reasonable: 9 evaluations.  
Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Card:

---

- In this felony case the judge was patient and took extra time with the pro per defendant.
- The judge showed concern toward the victim, asking if she needed a break during emotional testimony.
- The judge showed complete attention to the trial. If a question arose, he immediately had a bench conference.
- He uses appropriate humor to lighten the tension.
- The judge immediately cleared up any questions regarding evidence. Great job.
- The judge kept good control of the courtroom and especially the district attorney, who continually showed little respect for anyone in the courtroom.
- During this emotional victim impact statement the clerks were in and out of the courtroom. It was very distracting.
- The judge gave great explanations during this sentencing.
- This was an interesting and emotional sentencing. The judge was outstanding.
- The judge admonished a cameraman for getting out of the jury box during this sentencing. Finally!
- The judge seemed very attentive, thoughtful, fair and specific in his sentencing.
- He was very clearly in control of the courtroom. Before the trial started he explained to the defendant exactly what his rights were in regards to testifying. He was clear with the attorneys about what he expected and would or would not allow. He also had to become very active when some dissention erupted between the attorneys, sending the jury out and then handling it firmly, allowing each attorney to express themselves.
- The judge spoke to the attorneys, making sure everyone had the correct paperwork and determining how long closing arguments would take. He was informal but thorough and managed to insert a little humor.

## The Honorable Morgan Christen Anchorage Superior Court

---

Appointed by Governor Knowles to Anchorage Superior Court October 2001

| Evaluations        |      | Case Types                          |    |                         |           |
|--------------------|------|-------------------------------------|----|-------------------------|-----------|
| Evaluation Hours:  | 32.4 | Arraignment:                        | 0  | Pre-indictment Hearing: | 0         |
| No. of Observers:  | 10   | Change of Plea:                     | 0  | Pretrial Conference:    | 0         |
| Positive Comments: | 13   | Civil Trial:                        | 13 | Sentencing:             | 0         |
| Negative Comments: | 1    | Criminal Trial:                     | 0  | Small Claims:           | 0         |
|                    |      | Domestic Violence:                  | 1  | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 0  | Other Hearings:         | 4         |
|                    |      | <b>Total Number of Evaluations:</b> |    |                         | <b>18</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 4.00   |
| . . . maintain control of the courtroom?   | 3.72   |
| . . . speak loudly and clearly?  | 3.83   |
| . . . make remarks that were understood and that made sense?                         | 4.00   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.93   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.85   |
| . . . take time to explain the proceedings to participants?                          | 4.13   |
| . . . treat all participants fairly and impartially?                                 | 3.89   |
|  | <b>Overall Rating: 3.92</b>                  |

| Did the judge appear to favor either side? |                 |
|--|-----------------|
| Did not favor either side:                 | 18 evaluations. |
| Favored the defense:                       | 0 evaluations.  |
| Favored the prosecution:                   | 0 evaluations.  |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Christen:

---

- The judge was attentive and actively questioned the attorneys on both sides about the proposed settlement. Very interesting and emotional case — the judge did a wonderful job keeping everyone's emotions under control.
- She handled a sleeping juror with delicate ease.
- She does a great job moving things along. Very attentive to details.
- This judge is in charge of her courtroom. She questioned the attorneys and explained what needed to be done to end this case. She told the attorneys she appreciated the work they had both done and that it was nice to know that the case had not been sitting on a shelf.
- The judge followed the testimony closely, kept a watchful eye on the courtroom and participants, and showed adequate concern for the jury while they watched long and quite boring taped testimony.
- The judge made numerous rulings that seemed fair and impartial for both sides. The judge kept testimony on point.
- She is so good — she goes out of her way to make sure there is a clear understanding of her decisions.
- As an observer, I always seem to learn something in her courtroom.
- She was very attentive during the hours I observed this trial. She was clearly in control of the courtroom.
- She finally showed some impatience with an attorney — and it was much needed as he was disrespectful not only to the opposing attorney but the witness.
- One of the jurors hunkered down behind the wall panel and fell asleep with his head hidden in his hands. At one point another juror poked him but he didn't respond — this went on for quite some time without the judge noticing.
- The judge was very attentive and did everything possible to move the proceedings along. She was extremely patient and kept trying to get the attorneys to stay focused on relevant issues. She was very concerned about how long this trial was taking. She did an excellent job of showing restraint in what must have been a frustrating situation.

## The Honorable Brian Clark Anchorage District Court

---

Appointed by Governor Murkowski to District Court January 2003

| Evaluations        |      | Case Types                          |   |                         |           |
|--------------------|------|-------------------------------------|---|-------------------------|-----------|
| Evaluation Hours:  | 16.9 | Arraignment:                        | 2 | Pre-indictment Hearing: | 2         |
| No. of Observers:  | 9    | Change of Plea:                     | 0 | Pretrial Conference:    | 0         |
| Positive Comments: | 8    | Civil Trial:                        | 0 | Sentencing:             | 0         |
| Negative Comments: | 1    | Criminal Trial:                     | 3 | Small Claims:           | 1         |
|                    |      | Domestic Violence:                  | 0 | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 0 | Other Hearings:         | 2         |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>10</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.80   |
| . . . maintain control of the courtroom?   | 3.60   |
| . . . speak loudly and clearly?  | 3.40   |
| . . . make remarks that were understood and that made sense?                         | 3.70   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.57   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.50   |
| . . . take time to explain the proceedings to participants?                          | 3.67   |
| . . . treat all participants fairly and impartially?                                 | 3.56   |
|  | <b>Overall Rating: 3.60</b>                  |

| Did the judge appear to favor either side? |                 |
|--|-----------------|
| Did not favor either side:                 | 10 evaluations. |
| Favored the defense:                       | 0 evaluations.  |
| Favored the prosecution:                   | 0 evaluations.  |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Clark:

---

- Much personal attention was given to individual defendants.
- The judge's voice is easily heard. He laid out the rules for testimony and further explained when necessary. When he ruled in favor of either side, he always gave a full explanation for his ruling.
- The judge refused to continue the case of a defendant who had 56 priors. The judge felt the defendant was not as deserving of a continuance as someone without priors.
- When the prosecutor was caught in a lie regarding telling another prosecutor not to testify, the judge did not admonish her in any way. I am just wondering why nothing was said in open court.
- The judge carefully watched witnesses during this emotionally charged domestic violence case. He handled the obnoxious defense attorney and ill-prepared prosecutor with a firm no-nonsense hand.
- The judge showed great control, gave good explanation of the law and was firm with the attorneys. He was very gentle when instructing the witnesses during this domestic violence case.
- The judge was very patient and did a great job with pre-indictment hearings today. He had an easy-to-understand explanation of Rule 5.
- The judge seemed very calm and in control. Despite the fact that there were many cases, he remembered details of earlier cases, which helped with what could have been some confusing situations.
- The judge gets through these arraignments with ease and efficiency.

## The Honorable Beverly Cutler Palmer Superior Court

---

Appointed by Governor Hammond to Superior Court October 1982  
Appointed by Governor Hammond to District Court August 1977

| Evaluations            | Case Types                                  |
|------------------------|---|
| Evaluation Hours: 19.7 | Arraignment: 4    Pre-indictment Hearing: 0 |
| No. of Observers: 6    | Change of Plea: 0    Pretrial Conference: 0 |
| Positive Comments: 2   | Civil Trial: 0    Sentencing: 5             |
| Negative Comments: 7   | Criminal Trial: 4    Small Claims: 0        |
|                        | Domestic Violence: 0    Trial Call: 0       |
|                        | Jury Selection: 0    Other Hearings: 0      |
|                        | <b>Total Number of Evaluations: 13</b>      |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 2.85   |
| . . . maintain control of the courtroom?   | 2.46   |
| . . . speak loudly and clearly?  | 3.08   |
| . . . make remarks that were understood and that made sense?                         | 3.15   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.17   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.08   |
| . . . take time to explain the proceedings to participants?                          | 3.08   |
| . . . treat all participants fairly and impartially?                                 | 3.00   |
|  | <b>Overall Rating: 2.98</b>                  |

| Did the judge appear to favor either side? |
|--|
| Did not favor either side: 13 evaluations. |
| Favored the defense: 0 evaluations.        |
| Favored the prosecution: 0 evaluations.    |

| During sentencings, the judge was . . . |
|---|
| Lenient: 0 evaluations.                 |
| Reasonable: 4 evaluations.              |
| Severe: 0 evaluations.                  |

## Comments

The following comments are a sampling of those made during observations of Judge Cutler:

---

- This was a rowdy courtroom. The defendants and people in the gallery were very disrespectful. She just can't seem to control her courtroom.
- The defendants were laughing and waving to people in the gallery. People in the gallery were swearing. It was pathetic and without control.
- The witness appeared to be sleeping while the jury listened to a tape. The judge asked a question and when the witness responded, the judge interrupted. Her explanations of her decisions were hard to understand.
- The judge had a lot of factors to consider in this sentencing. I think she did a good job of getting to a fair sentence.
- She just hasn't changed her inability to run or control her courtroom. I would not want her to be the judge in my criminal or civil case.
- While the judge spoke at length to the family and friends of the victim, she never had eye contact with any of them. At first I thought she was reading from notes when she addressed each of the participants (defendant, attorney, etc.), but I finally realized that she did not have eye contact with anyone in the courtroom. I found this to be very strange, particularly when she was sentencing the defendant.
- A little more eye contact might be nice.
- She seemed to be going down the same road a number of times, repeating ideas again and again. She did not look at any of the people involved while she was speaking, which took away from the care and personal consideration the victim's family and friends deserve.
- The judge gave a straight forward explanation of the victim's rights procedure and purpose.

## The Honorable Sharon Gleason Anchorage Superior Court

---

Appointed by Governor Knowles to Superior Court February 2001

| Evaluations        |      | Case Types                          |   |                         |           |
|--------------------|------|-------------------------------------|---|-------------------------|-----------|
| Evaluation Hours:  | 13.3 | Arraignment:                        | 0 | Pre-indictment Hearing: | 0         |
| No. of Observers:  | 10   | Change of Plea:                     | 0 | Pretrial Conference:    | 0         |
| Positive Comments: | 6    | Civil Trial:                        | 3 | Sentencing:             | 0         |
| Negative Comments: | 4    | Criminal Trial:                     | 0 | Small Claims:           | 0         |
|                    |      | Domestic Violence:                  | 1 | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 0 | Other Hearings:         | 8         |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>12</b> |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.50        |
| . . . maintain control of the courtroom?   | 3.58        |
| . . . speak loudly and clearly?  | 3.17        |
| . . . make remarks that were understood and that made sense?                         | 3.50        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.45        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.55        |
| . . . take time to explain the proceedings to participants?                          | 3.64        |
| . . . treat all participants fairly and impartially?                                 | 3.58        |
| <b>Overall Rating:</b>   | <b>3.50</b> |

---

### Did the judge appear to favor either side?

Did not favor either side: 11 evaluations.  
 Favored the defense: 0 evaluations.  
 Favored the prosecution: 1 evaluation.

---

### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
 Reasonable: 0 evaluations.  
 Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Gleason:

---

- The judge was patient and polite at all times regarding telephone testimonies and the use of a translator. Her voice was clear and easily understood. She was in control of the proceedings at all times, although at times she seemed impatient with the defense attorney. She made certain questions were relevant, and asked her own questions of witnesses. She was very thorough in making sure witnesses understood the proceeding.
- The judge had a great remark to the pro per plaintiff during this custody hearing. The plaintiff kept referring to the child as "my son" — the judge gently reminded the plaintiff to refer to the child as "our son" since both plaintiff and defendant are very involved parents.
- When an officer was needed to ensure protection of the plaintiff in court and to her car, the judge quickly took control of the situation. She attempted to have the participants in this domestic violence hearing come to an amicable agreement regarding custody. She does a great job in these types of hearings.
- The testimony was delayed since a translator was required.
- The judge fully explained the court's procedure to the pro per participant during this hearing regarding financial law and the disabled.
- Civil family cases must be so difficult, yet she keeps her courtroom calm and positive.
- The courtroom had a lot of people and local TV stations in the gallery — it was almost impossible to hear the judge.
- The judge spoke too softly and was very difficult to hear today.
- The judge started the trial exactly on time. She was attentive and well versed on the issue. At times she asked the defense attorney to clarify what kind of ruling he was requesting. She obviously was listening to every word. She also showed a sense of humor.
- The judge was clearly working for the benefit of the child. She commended both parents on their ability to work together so far.

## The Honorable Gregory Heath Palmer District Court

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Appointed by Governor Murkowski to District Court November 2003

| Evaluations        |      | Case Types                          |   |                         |          |
|--------------------|------|-------------------------------------|---|-------------------------|----------|
| Evaluation Hours:  | 10.1 | Arraignment:                        | 2 | Pre-indictment Hearing: | 0        |
| No. of Observers:  | 4    | Change of Plea:                     | 4 | Pretrial Conference:    | 0        |
| Positive Comments: | 3    | Civil Trial:                        | 0 | Sentencing:             | 0        |
| Negative Comments: | 1    | Criminal Trial:                     | 0 | Small Claims:           | 0        |
|                    |      | Domestic Violence:                  | 1 | Trial Call:             | 0        |
|                    |      | Jury Selection:                     | 0 | Other Hearings:         | 2        |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>9</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.22   |
| . . . maintain control of the courtroom?   | 3.00   |
| . . . speak loudly and clearly?  | 3.00   |
| . . . make remarks that were understood and that made sense?                         | 3.22   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.17   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.00   |
| . . . take time to explain the proceedings to participants?                          | 3.11   |
| . . . treat all participants fairly and impartially?                                 | 3.33   |
|  | <b>Overall Rating: 3.13</b>                  |

| Did the judge appear to favor either side? |                |
|--|----------------|
| Did not favor either side:                 | 9 evaluations. |
| Favored the defense:                       | 0 evaluations. |
| Favored the prosecution:                   | 0 evaluations. |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Heath:

---

- The judge had a lot of patience with a difficult defendant. He offered to recuse himself when the defendant said he had been a defendant in his court before.
- These domestic violence cases are tough for all participants. The judge was very fair to both extremely upset parties.
- The judge's voice was very low at times and his enunciation seemed poor — slurred and he mumbled. When he read the defendant her rights and conditions he spoke very quickly. This seems to be a common practice for judges — they are familiar with the rules but it may be the first time a defendant has heard them. More care should be given to insure that what the judge is saying has a chance of being understood.
- He was better today than the last time I observed him. His voice was loud and clear. He went to some trouble to make sure a victim in a domestic violence case had been properly notified before he made his ruling.

## The Honorable Dan Hensley Anchorage Superior Court

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Appointed by Governor Knowles to Superior Court December 1996

| Evaluations        |      | Case Types                          |   |                         |           |
|--------------------|------|-------------------------------------|---|-------------------------|-----------|
| Evaluation Hours:  | 32.8 | Arraignment:                        | 4 | Pre-indictment Hearing: | 0         |
| No. of Observers:  | 14   | Change of Plea:                     | 0 | Pretrial Conference:    | 0         |
| Positive Comments: | 12   | Civil Trial:                        | 3 | Sentencing:             | 1         |
| Negative Comments: | 2    | Criminal Trial:                     | 3 | Small Claims:           | 0         |
|                    |      | Domestic Violence:                  | 0 | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 0 | Other Hearings:         | 13        |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>24</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.79   |
| . . . maintain control of the courtroom?   | 3.48   |
| . . . speak loudly and clearly?  | 3.36   |
| . . . make remarks that were understood and that made sense?                         | 3.81   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.75   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.50   |
| . . . take time to explain the proceedings to participants?                          | 3.57   |
| . . . treat all participants fairly and impartially?                                 | 3.59   |
|  | <b>Overall Rating: 3.61</b>                  |

| Did the judge appear to favor either side? |                 |
|--|-----------------|
| Did not favor either side:                 | 21 evaluations. |
| Favored the defense:                       | 0 evaluations.  |
| Favored the prosecution:                   | 2 evaluations.  |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 1 evaluation.  |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Hensley:

---

- Swift, organized and thorough during bail hearings today.
- The judge was clearly in charge, attentive and firm. He moved these hearings along quickly and with ease.
- The judge was very focused during this sentencing. He intently listened to arguments regarding the pre-sentence report, aggravators and mitigators. He was never distracted. He ruled fairly and explained his decisions.
- The judge moved things along but didn't sacrifice issues for speed. He requested more details on a defendant's other charges and denied third-party custodianship to a defendant's father who had an extensive criminal history.
- I got the impression that these hearings could be routine and thus moved along rapidly when one is experienced and familiar with the proceedings: But when the defendant's attorney raised questions regarding his client, the judge listened, took comments into consideration and was willing to review additional paperwork before coming to a decision.
- The courtroom was filled with people in these bail hearings. The judge was well organized and was a no-nonsense judge. A number of third party decisions were made and some denied based on the ability of the parties to meet the stringent requirements under the law.
- The judge held his head on his hand a lot. His speech was rather stumbling and he said "ah" a lot. He appeared short-tempered when speaking with the attorneys.
- The judge paid very close attention to both attorneys presenting their case. He asked both attorneys to watch their time during this oral argument.
- The judge kept court moving right along between various cases. He maintained a mostly quiet courtroom and made sure he could be heard. He made clear the conditions of his rulings and he had clear opinions as to appropriate action on cases.
- The judge maintained clear control of the courtroom. He showed consideration to the jury and asked them about breaks that might be needed. He spoke clearly and explained to the jury the requirements and what he expected of them during deliberations. Instructions were given as to how contact with the judge was to be handled. This part of the trial was very clear and left little room for uncertainties or questions.

## The Honorable Charles Huguelet Kenai Superior Court

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Appointed by Governor Murkowski to Superior Court September 2003

| Evaluations        |      | Case Types         |   |                                     |           |
|--------------------|------|--------------------|---|-------------------------------------|-----------|
| Evaluation Hours:  | 17.6 | Arraignment:       | 0 | Pre-indictment Hearing:             | 0         |
| No. of Observers:  | 4    | Change of Plea:    | 2 | Pretrial Conference:                | 0         |
| Positive Comments: | 10   | Civil Trial:       | 0 | Sentencing:                         | 0         |
| Negative Comments: | 3    | Criminal Trial:    | 2 | Small Claims:                       | 0         |
|                    |      | Domestic Violence: | 0 | Trial Call:                         | 0         |
|                    |      | Jury Selection:    | 2 | Other Hearings:                     | 4         |
|                    |      |                    |   | <b>Total Number of Evaluations:</b> | <b>10</b> |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.30        |
| . . . maintain control of the courtroom?   | 3.50        |
| . . . speak loudly and clearly?  | 3.00        |
| . . . make remarks that were understood and that made sense?                         | 3.60        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.43        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.30        |
| . . . take time to explain the proceedings to participants?                          | 3.50        |
| . . . treat all participants fairly and impartially?                                 | 3.00        |
| <b>Overall Rating:</b>   | <b>3.33</b> |

---

### Did the judge appear to favor either side?

Did not favor either side: 6 evaluations.  
Favored the defense: 0 evaluations.  
Favored the prosecution: 4 evaluations.

---

### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
Reasonable: 0 evaluations.  
Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Huguelet:

---

- A potential third-party custodian was questioned by both sides and then both sides presented their arguments for or against this person being the custodian. Without explanation, the judge declared the third-party custodian was not acceptable. When the defense attorney asked the judge for clarification, the judge said that he (the judge) had ruled. Persistence on the part of the public defender was NOT well received and the judge glared at him. Personally, I thought the judge's behavior was uncalled for.
- He is hard to hear most of the time. During this change of plea he finally moved the microphone closer so that he could be heard. It was a good move, but it also demonstrated that he chooses not to use the microphone most of the time.
- The judge moved the case along but didn't seem to care. To me he seemed to favor the prosecution — maybe because of a comfort level reached with the prosecutor?
- The judge was a bit irked by the public defender challenging him and remarked to her "That is enough; I have given you my criteria". Great job handling the situation.
- The judge made sure the defendant understood everything. In fact he made the defendant read the complaint while in court. He does not waste words and gets to the point quickly.
- The judge was not totally familiar with this case and took quite some time to read the paperwork. He made sure that everything was in order before he continued with the case.
- Better use of a microphone today and much easier to hear and follow.
- The judge did an excellent job of completely explaining a no contest plea to the defendant.
- He gave very clear instructions to all participants.
- After having seen this judge only once before I was pleasantly surprised to see his gentler side and to see that he has a sense of humor. He has an interesting and different method of dealing with peremptory challenges in jury selection.
- The judge clearly explained what the case was about and the jurors' roles in the process.

## The Honorable Stephanie Joannides Anchorage Superior Court

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Appointed by Governor Knowles to Superior Court April 2000  
Appointed by Governor Hickel to District Court October 1994

| Evaluations        |      | Case Types                          |   |                         |           |
|--------------------|------|-------------------------------------|---|-------------------------|-----------|
| Evaluation Hours:  | 30.9 | Arrestment:                         | 0 | Pre-indictment Hearing: | 0         |
| No. of Observers:  | 11   | Change of Plea:                     | 2 | Pretrial Conference:    | 0         |
| Positive Comments: | 14   | Civil Trial:                        | 1 | Sentencing:             | 1         |
| Negative Comments: | 3    | Criminal Trial:                     | 2 | Small Claims:           | 0         |
|                    |      | Domestic Violence:                  | 0 | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 5 | Other Hearings:         | 5         |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>16</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 4.33   |
| . . . maintain control of the courtroom?   | 3.87   |
| . . . speak loudly and clearly?  | 3.33   |
| . . . make remarks that were understood and that made sense?                         | 3.73   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.90   |
| . . . show understanding and consideration to the defendant (present or not)?        | 4.00   |
| . . . take time to explain the proceedings to participants?                          | 3.80   |
| . . . treat all participants fairly and impartially?                                 | 3.80   |
|  | <b>Overall Rating: 3.84</b>                  |

| Did the judge appear to favor either side? |                 |
|--|-----------------|
| Did not favor either side:                 | 15 evaluations. |
| Favored the defense:                       | 0 evaluations.  |
| Favored the prosecution:                   | 0 evaluations.  |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 2 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Joannides:

---

- She listened carefully to phone testimony by a social worker, maintained eye contact with all parties, smiled encouragingly at witnesses, kept things moving when plaintiff's attorney lost control of his witness and was fair to both sides.
- The judge moved the proceedings along smoothly. She did not reflect any leaning for either side on her face or in her words.
- She was attentive and involved in this very emotional hearing.
- The judge made a single announcement to all defendants about their rights. It was fast, lengthy and difficult to follow.
- The judge took care in explaining "sight and sound" to a potential third-party custodian.
- A very late start with no explanation for these change of plea cases.
- The judge has a soft voice and when she speaks while resting her head on her hands, it makes it even more difficult to hear and understand her.
- The judge showed extreme patience and understanding with a defendant who appeared to have a limited ability to understand his circumstances. She used vocabulary that would be easier for the defendant to grasp and she worked hard to ensure that he understood the conditions of his plea agreement and probation.
- The judge interrupted the line of questioning to clarify who was the authority figure in this case — a good point as the prosecutor seemed to think that she was running the show.
- The judge was very patient and thorough when reviewing the rights of the defendant. She made sure that he understood the court procedures and the entrance of his plea. She reviewed each point with the defendant and asked if he understood.
- The judge was active in questioning prospective jurors when it appeared she could facilitate the proceeding.
- Even though the judge has done jury selection many times, she still brings a fresh attitude and a desire to make it interesting and comfortable for the potential jurors.
- The judge treated everyone with dignity and sensitivity during jury selection today.

## The Honorable John Lohff Anchorage District Court

---

Appointed by Governor Hickel to District Court March 1991

| <b>Evaluations</b> |      | <b>Case Types</b>  |   |                                     |           |
|--------------------|------|--------------------|---|-------------------------------------|-----------|
| Evaluation Hours:  | 25.2 | Arraignment:       | 0 | Pre-indictment Hearing:             | 0         |
| No. of Observers:  | 10   | Change of Plea:    | 0 | Pretrial Conference:                | 1         |
| Positive Comments: | 11   | Civil Trial:       | 2 | Sentencing:                         | 0         |
| Negative Comments: | 1    | Criminal Trial:    | 5 | Small Claims:                       | 0         |
|                    |      | Domestic Violence: | 0 | Trial Call:                         | 0         |
|                    |      | Jury Selection:    | 0 | Other Hearings:                     | 7         |
|                    |      |                    |   | <b>Total Number of Evaluations:</b> | <b>15</b> |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.93        |
| . . . maintain control of the courtroom?   | 3.57        |
| . . . speak loudly and clearly?  | 3.50        |
| . . . make remarks that were understood and that made sense?                         | 3.79        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.60        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.75        |
| . . . take time to explain the proceedings to participants?                          | 3.64        |
| . . . treat all participants fairly and impartially?                                 | 3.79        |
| <b>Overall Rating:</b>   | <b>3.70</b> |

---

### Did the judge appear to favor either side?

Did not favor either side: 14 evaluations.  
Favored the defense: 0 evaluations.  
Favored the prosecution: 0 evaluations.

---

### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
Reasonable: 0 evaluations.  
Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Lohff:

---

- All-around good job today.
- This case was 3½ years old. The judge kept the plaintiff's attorney focused on the issues at hand regarding claims for damages, fees and costs. He also demonstrated a sense of humor.
- The judge treated prospective and final jury members with courtesy and used humor to make a point. He fully explained "housekeeping" details. When a recess to go over motions went beyond the time he had estimated, he personally went to tell the jury. He asked the attorneys to be civil and cooperative with each other.
- This was an emotional presumptive death case. The judge showed compassion and I felt he really let the family and friends speak openly about their loved one. He did a wonderful job.
- The judge was encouraging and supportive.
- The judge's casual demeanor seems to put participants at ease. He is thoughtful, caring, patient and sympathetic. He calls for applause for each defendant who has made progress. This is a great way to handle cases of this type.
- The judge doesn't coddle the participants during the CRP Hearings. He firmly lets them know what is expected of them. Great job.
- The judge handled the CRP hearings in a very upbeat manner. I believe the defendants left the courtroom with a feeling of self worth. This type of court is a great concept. I was proud to see the system working.
- The judge seemed to enjoy this case — he showed flashes of good humor throughout. He stands when the jurors enter the courtroom — I see that as a sign of respect. He followed the testimony closely and kept recesses to a minimum, but enough to assure that the jurors were comfortable.
- The judge sometimes leans back in his chair with his hands behind his head. It doesn't look very judicial.
- The judge asked the prosecutor to turn her microphone so that she could be better heard.
- During these eviction hearings the judge listened carefully, asked for clarification when needed and gave clear examples of what was permissible.

## The Honorable Peter Michalski Anchorage Superior Court

---

Appointed by Governor Sheffield to Superior Court January 1985

| Evaluations        |      | Case Types                          |    |                         |           |
|--------------------|------|-------------------------------------|----|-------------------------|-----------|
| Evaluation Hours:  | 25.2 | Arraignment:                        | 0  | Pre-indictment Hearing: | 0         |
| No. of Observers:  | 8    | Change of Plea:                     | 0  | Pretrial Conference:    | 0         |
| Positive Comments: | 7    | Civil Trial:                        | 10 | Sentencing:             | 0         |
| Negative Comments: | 5    | Criminal Trial:                     | 0  | Small Claims:           | 0         |
|                    |      | Domestic Violence:                  | 0  | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 0  | Other Hearings:         | 5         |
|                    |      | <b>Total Number of Evaluations:</b> |    |                         | <b>15</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.20   |
| . . . maintain control of the courtroom?   | 3.27   |
| . . . speak loudly and clearly?  | 3.07   |
| . . . make remarks that were understood and that made sense?                         | 3.20   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.00   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.00   |
| . . . take time to explain the proceedings to participants?                          | 3.08   |
| . . . treat all participants fairly and impartially?                                 | 3.13   |
|  | <b>Overall Rating: 3.12</b>                  |

| Did the judge appear to favor either side? |                 |
|--|-----------------|
| Did not favor either side:                 | 14 evaluations. |
| Favored the defense:                       | 1 evaluation.   |
| Favored the prosecution:                   | 0 evaluations.  |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Michalski:

---

- The judge was leaning over onto the desk, supporting his head on his arm. He looked too casual and lazy. Before the 10:00 a.m. break, he became very short-tempered with both the pro per plaintiff and defense attorney. He raised his voice, just about yelling when speaking to both of them.
- Granted, the judge has probably read jury instructions hundreds of times, but this might be the first time some jurors have heard them. He read them with a blatant "I don't care" attitude.
- He is very involved in asking questions to clarify any misunderstandings.
- Breaks don't run over the time he has specified.
- He had an easy and calming presence today.
- The judge did a great job in moving this trial along.
- The judge is soft spoken. The attorneys finally told him they couldn't hear him. Isn't this a basic thing?
- A great exchange between the judge and plaintiff's attorney on case law and issues requiring clarification of a previous ruling.
- The judge appeared to be annoyed that this case could not be settled between the parties. He certainly tried.
- The judge was very attentive throughout the presentation. He ruled quickly on objections. He maintained eye contact with the attorneys, witnesses and jurors. I seldom see much humor in his courtroom, but today he had some smiles — which indicated he enjoyed his position and in my opinion, was determined to do a good job as a judge.
- The judge appears to be paying just a bit more attention than the two sleeping jurors.
- The judge appeared totally unconcerned and uninterested in the proceedings. He had his head on his hands or both hands on his head leaning back in his chair. The yawning was particularly troublesome. At the close of the hearing he made conditions which were exactly what the plaintiff requested in the first five minutes of her testimony. His overall behavior was that of a seventh-grader. Hardly reassuring for the participants.

## The Honorable William Morse Anchorage Superior Court

---

Appointed by Governor Knowles to Superior Court February 2002

| Evaluations        |      | Case Types                          |   |                         |           |
|--------------------|------|-------------------------------------|---|-------------------------|-----------|
| Evaluation Hours:  | 28.3 | Arraignment:                        | 0 | Pre-indictment Hearing: | 0         |
| No. of Observers:  | 8    | Change of Plea:                     | 0 | Pretrial Conference:    | 3         |
| Positive Comments: | 5    | Civil Trial:                        | 7 | Sentencing:             | 0         |
| Negative Comments: | 8    | Criminal Trial:                     | 1 | Small Claims:           | 0         |
|                    |      | Domestic Violence:                  | 0 | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 0 | Other Hearings:         | 3         |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>14</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.50   |
| . . . maintain control of the courtroom?   | 3.64   |
| . . . speak loudly and clearly?  | 3.29   |
| . . . make remarks that were understood and that made sense?                         | 3.46   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.58   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.50   |
| . . . take time to explain the proceedings to participants?                          | 3.56   |
| . . . treat all participants fairly and impartially?                                 | 3.43   |
|  | <b>Overall Rating: 3.49</b>                  |

| Did the judge appear to favor either side? |                 |
|--|-----------------|
| Did not favor either side:                 | 12 evaluations. |
| Favored the defense:                       | 0 evaluations.  |
| Favored the prosecution:                   | 2 evaluations.  |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Morse:

---

- The judge dealt with everyone evenly and there was often a calming aspect in his regard for problems. He took no nonsense from anyone but was very patient in explaining goals and procedures.
- The judge's posture throughout was very casual — the open-neck shirt and lack of a tie seems unprofessional.
- The judge was ready with the proposed draft during this very difficult custody case. He gave a great talk to all participants — congratulating all for working together. This encouragement is so positive for all concerned. Just plain, honest thoughts from the judge today. Great job.
- The judge was totally involved in the problem solving issues of a difficult custody case. Very creative and willing to accept comments from both sides. He complimented both attorneys for their efforts. Excellent job today.
- Great line to the ill-prepared defense attorney — "You have wasted a stunning amount of time." Good job of getting the attorney back on track.
- Considering the complexity of this case, both financially and medically for both parties, the judge was fair and showed great concern for the need to postpone this settlement conference.
- This judge has a very casual appearance. His demeanor seems gruff and when questioning a witness he came across as unprofessional.
- I finally saw some humor from this judge.
- I guess if the judge doesn't have to wear a tie the plaintiff's attorney can wear blue jeans. Very poor taste.
- I understood that male attorneys are required to wear ties to court — that doesn't apply to the judge?
- The judge must not have been feeling well as he seemed to get confused easily and was not prepared with the needed documents. He also seemed impatient with the defense attorney.
- I can't imagine a judge looking less interested in the case before him.
- The overhead visual aid was difficult to see from the gallery — it needed to be focused. Two jurors kept falling asleep and he didn't notice.

## The Honorable Gregory Motyka Anchorage District Court

---

Appointed by Governor Hickel to District Court July 1991

| <b>Evaluations</b> |      | <b>Case Types</b>  |   |                                     |           |
|--------------------|------|--------------------|---|-------------------------------------|-----------|
| Evaluation Hours:  | 25.8 | Arraignment:       | 2 | Pre-indictment Hearing:             | 0         |
| No. of Observers:  | 9    | Change of Plea:    | 0 | Pretrial Conference:                | 0         |
| Positive Comments: | 9    | Civil Trial:       | 0 | Sentencing:                         | 0         |
| Negative Comments: | 5    | Criminal Trial:    | 5 | Small Claims:                       | 3         |
|                    |      | Domestic Violence: | 0 | Trial Call:                         | 0         |
|                    |      | Jury Selection:    | 1 | Other Hearings:                     | 2         |
|                    |      |                    |   | <b>Total Number of Evaluations:</b> | <b>13</b> |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.42        |
| . . . maintain control of the courtroom?   | 3.75        |
| . . . speak loudly and clearly?  | 3.58        |
| . . . make remarks that were understood and that made sense?                         | 3.75        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.57        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.50        |
| . . . take time to explain the proceedings to participants?                          | 4.00        |
| . . . treat all participants fairly and impartially?                                 | 3.92        |
| <b>Overall Rating:</b>   | <b>3.69</b> |

---

### Did the judge appear to favor either side?

Did not favor either side: 12 evaluations.  
Favored the defense: 0 evaluations.  
Favored the prosecution: 0 evaluations.

---

### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
Reasonable: 0 evaluations.  
Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Motyka:

---

- The judge spoke very clearly and quickly and non-judgmentally. He addressed all before him with respect and with patience when needing to repeat instructions, very authoritative but kind.
- The judge displayed a flash of humor. Although it must seem repetitious to him, he manages to make his explanations to each defendant sound as though he's saying it for the first time.
- The judge was actively involved in this case. He listened well and made his decisions clear when objections were made.
- An obviously sleeping juror. Nothing was said.
- Clear instructions to the attorneys before jury selection began. He kept an eye on everything. Great job.
- During these hearings the judge's voice was loud and clear. He was polite and involved in all the procedures. Even though the courtroom was very busy there was very little extraneous noise. The judge worked with attorneys and defendants on choices and requirements. This judge was here for the participants, not just the process. Great job.
- The judge was well organized and handled the cases with dispatch. These hearings can get noisy and chaotic, but he kept the courtroom under control. A job well done.
- The judge did a great job explaining things to the victim — always smiling.
- It's very obvious that Judge Motyka enjoys his job. He did a good job explaining how one plaintiff could file paperwork to collect her judgment. He also explained the procedure to those who had gone through mediation.
- The judge was difficult to hear in the gallery today.
- The judge's 10 minute breaks run to 20 minutes.
- The judge needs to make sure that the witnesses and attorneys speak up and use the microphone.
- The judge had a lot of patience with a defense attorney who was very theatrical and took a lot of time over objections that dragged on.

## The Honorable Sigurd Murphy Anchorage District Court

---

Appointed by Governor Hickel to District Court July 1992

| Evaluations            | Case Types                               |
|------------------------|--|
| Evaluation Hours: 29.7 | Arraignment: 0 Pre-indictment Hearing: 0 |
| No. of Observers: 8    | Change of Plea: 1 Pretrial Conference: 1 |
| Positive Comments: 17  | Civil Trial: 1 Sentencing: 1             |
| Negative Comments: 1   | Criminal Trial: 7 Small Claims: 4        |
|                        | Domestic Violence: 2 Trial Call: 0       |
|                        | Jury Selection: 0 Other Hearings: 3      |
|                        | <b>Total Number of Evaluations: 20</b>   |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.75   |
| . . . maintain control of the courtroom?   | 3.70   |
| . . . speak loudly and clearly?  | 3.65   |
| . . . make remarks that were understood and that made sense?                         | 3.80   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.88   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.72   |
| . . . take time to explain the proceedings to participants?                          | 3.90   |
| . . . treat all participants fairly and impartially?                                 | 3.80   |
|  | <b>Overall Rating: 3.77</b>                  |

| Did the judge appear to favor either side? |
|--|
| Did not favor either side: 20 evaluations. |
| Favored the defense: 0 evaluations.        |
| Favored the prosecution: 0 evaluations.    |

| During sentencings, the judge was . . . |
|---|
| Lenient: 0 evaluations.                 |
| Reasonable: 1 evaluation.               |
| Severe: 0 evaluations.                  |

## Comments

The following comments are a sampling of those made during observations of Judge Murphy:

---

- The judge easily maintains control of his courtroom. He asks questions and asks for explanations from both attorneys. Breaks are timely. Great talk to the 30 students that were in his courtroom observing.
- During these small claim cases, the judge calmly listens, asks questions and resolves issues. Even in heated disputes he is able to get the participants to calm down. Wonderful job.
- The judge was very patient and helpful to an inexperienced municipal prosecutor.
- The defendant was very agitated and disruptive. The judge quietly asked him a number of times to answer only the questions that were asked. He did a great job in not showing any reaction.
- The judge was paying careful attention to testimony that was being reviewed to ascertain whether or not the witness had been coached by the prosecuting attorney. He was polite to everyone. He was formal but pleasant. He went to great lengths to explain the time and effort he had put into deciding whether to declare a mistrial. He came across to me as concerned and thoughtful throughout the proceedings.
- When the prosecutor's witness was not at court the judge firmly and professionally admonished her. He reminded her that the defendant has rights also.
- The defense attorney was late and the judge spoke to him about his tardiness. Since the victim was not present the judge delayed this change of plea until the next day in hopes that the victim could be present. Good job.
- The judge gave great explanations. It was a joy to see such professionalism. These cases can be chaotic and he kept control.
- The judge encourages the participants in his veteran's wellness court to speak about their progress and their problems. Great job.
- He goes well beyond any other judge I have observed during domestic violence hearings. His assistance, patience, compassion and firmness are outstanding.
- This judge showed kindness and consideration to those who came before him in the veteran wellness hearings. He made many comments and stated his approval of the progress persons before him had made. Great job in a very new kind of court.

## The Honorable Nancy Nolan Anchorage District Court

---

Appointed by Governor Knowles to District Court February 2001

| Evaluations        |      | Case Types                          |   |                         |           |
|--------------------|------|-------------------------------------|---|-------------------------|-----------|
| Evaluation Hours:  | 20.4 | Arraignment:                        | 3 | Pre-indictment Hearing: | 1         |
| No. of Observers:  | 7    | Change of Plea:                     | 1 | Pretrial Conference:    | 2         |
| Positive Comments: | 9    | Civil Trial:                        | 3 | Sentencing:             | 0         |
| Negative Comments: | 3    | Criminal Trial:                     | 2 | Small Claims:           | 0         |
|                    |      | Domestic Violence:                  | 0 | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 0 | Other Hearings:         | 1         |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>13</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.54   |
| . . . maintain control of the courtroom?   | 3.08   |
| . . . speak loudly and clearly?  | 3.23   |
| . . . make remarks that were understood and that made sense?                         | 3.54   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.38   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.36   |
| . . . take time to explain the proceedings to participants?                          | 3.77   |
| . . . treat all participants fairly and impartially?                                 | 3.46   |
|  | <b>Overall Rating: 3.42</b>                  |

| Did the judge appear to favor either side? |                 |
|--|-----------------|
| Did not favor either side:                 | 13 evaluations. |
| Favored the defense:                       | 0 evaluations.  |
| Favored the prosecution:                   | 0 evaluations.  |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Nolan:

---

- The judge explains the procedure for a non-jury trial to the pro per parties. She asks that they stay calm and stick to the facts of the case.
- The judge was firm when asking the defendant not to speak with his attorney while the district attorney was speaking. She expressed concern that without ASAP and anger management for both parties there could be serious injury and/or death.
- The judge was helpful and took the time to read and review applicable law.
- The judge kept her eyes on the speaker, whether attorney or witness. She spoke quietly but firmly, resolved objections quickly and decisively and showed consideration no matter what the objection. The jury instructions were clear and specific. Overall, the judge showed a professional appearance and demeanor.
- The judge did seem attentive to the attorneys with whom she was working. She seems to have a good relationship with the participants in her courtroom.
- The judge quickly and efficiently moved these pretrial conferences along.
- The courtroom seemed a bit chaotic. There were many private conversations taking place between attorneys, clients and spectators. The judge spoke softly and with the other noises in the courtroom it was not always possible to hear her.
- To me this was a control issue — the municipal prosecutor talked over the judge throughout the hearing. Whose courtroom is it?
- Good explanations. The judge had patience with defendants, but was stern with others who seemed to need it.
- The judge was very efficient in dealing with more than 90 pre-indictment hearings today.
- The judge ran a smooth trial today. She gave great explanations of her rulings and kept the attorneys on track.
- While some judges just say whether an objection is sustained or overruled, this judge gave clear explanations, making it easy to understand her rulings.

## The Honorable Stephanie Rhoades Anchorage District Court

---

Appointed by Governor Hickel to District Court July 1992

| <b>Evaluations</b> |      | <b>Case Types</b>  |   |                                     |           |
|--------------------|------|--------------------|---|-------------------------------------|-----------|
| Evaluation Hours:  | 17.1 | Arraignment:       | 1 | Pre-indictment Hearing:             | 3         |
| No. of Observers:  | 11   | Change of Plea:    | 0 | Pretrial Conference:                | 0         |
| Positive Comments: | 11   | Civil Trial:       | 0 | Sentencing:                         | 0         |
| Negative Comments: | 4    | Criminal Trial:    | 5 | Small Claims:                       | 0         |
|                    |      | Domestic Violence: | 0 | Trial Call:                         | 0         |
|                    |      | Jury Selection:    | 0 | Other Hearings:                     | 7         |
|                    |      |                    |   | <b>Total Number of Evaluations:</b> | <b>16</b> |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.50        |
| . . . maintain control of the courtroom?   | 3.25        |
| . . . speak loudly and clearly?  | 3.19        |
| . . . make remarks that were understood and that made sense?                         | 3.50        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.00        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.75        |
| . . . take time to explain the proceedings to participants?                          | 3.44        |
| . . . treat all participants fairly and impartially?                                 | 3.25        |
| <b>Overall Rating:</b>   | <b>3.36</b> |

---

### Did the judge appear to favor either side?

Did not favor either side: 16 evaluations.  
Favored the defense: 0 evaluations.  
Favored the prosecution: 0 evaluations.

---

### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
Reasonable: 0 evaluations.  
Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Rhoades:

---

- The judge is thorough in the questioning and logistics with each participant. She addressed each participant in her CRP court as Mr. or Ms. Great job.
- The judge did a great job keeping the attorneys focused and on track.
- The judge firmly and fairly called the defense attorney to task for not having been prepared.
- The judge gave unconditional praise to all participants in the CRP hearings. She gave positive remarks to those that may have slipped a bit. Her humor was in top form this day.
- The judge is very proficient, speedy, and attentive and treats everyone equally.
- It was very difficult to follow these pre-indictment hearings.
- The judge needs to use the microphone as it is very difficult to hear the proceedings.
- The judge was attentive to responses from the defendants. She gave good explanations of legal issues as they relate to defendants. I thought she was very respectful of the rights of individuals.
- The judge did a great job in the CRP hearings. These are interesting to watch and I appreciate her efforts to keep these participants headed in the right direction.
- The judge calmed a very emotional and angry defendant.
- The judge wanted to get a time-line from the attorneys so she could expedite the trial. She kept control of the courtroom and kept the attention of the jurors.
- The judge did a great job with her explanation and patience with a defendant with a felony SIS offer.
- Although these hearings can be busy and somewhat confusing, these were just plain chaotic.
- The courtroom was noisy and chaotic, but somehow the judge managed to deal with the large amount of cases on the docket easily. In one case she cautioned a young man about accepting a plea agreement without guidance from an attorney. He took her advice and said he would retain one.

## The Honorable Mark Rindner Anchorage Superior Court

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Appointed by Governor Knowles to Superior Court October 2000

| Evaluations        |      | Case Types                          |   |                         |          |
|--------------------|------|-------------------------------------|---|-------------------------|----------|
| Evaluation Hours:  | 14.8 | Arraignment:                        | 0 | Pre-indictment Hearing: | 0        |
| No. of Observers:  | 7    | Change of Plea:                     | 0 | Pretrial Conference:    | 1        |
| Positive Comments: | 5    | Civil Trial:                        | 3 | Sentencing:             | 0        |
| Negative Comments: | 5    | Criminal Trial:                     | 0 | Small Claims:           | 0        |
|                    |      | Domestic Violence:                  | 0 | Trial Call:             | 0        |
|                    |      | Jury Selection:                     | 2 | Other Hearings:         | 2        |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>8</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.50   |
| . . . maintain control of the courtroom?   | 3.13   |
| . . . speak loudly and clearly?  | 3.25   |
| . . . make remarks that were understood and that made sense?                         | 3.25   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.57   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.43   |
| . . . take time to explain the proceedings to participants?                          | 3.63   |
| . . . treat all participants fairly and impartially?                                 | 3.50   |
|  | <b>Overall Rating: 3.40</b>                  |

| Did the judge appear to favor either side? |                |
|--|----------------|
| Did not favor either side:                 | 8 evaluations. |
| Favored the defense:                       | 0 evaluations. |
| Favored the prosecution:                   | 0 evaluations. |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Rindner:

---

- The judge stood by the jury box — no robe, no clerk — just as a person there to help. He spoke with both parties in a friendly and helpful manner. The judge discussed the proceedings and the good and bad values of a court regulated settlement. He was well spoken, almost counseling in tone. He was fair and polite to everyone in speech and attitude.
- He carefully and gently guided the pro per plaintiff through the procedures regarding evidence. Great job.
- He needs to be advised of his excessive use of "um".
- I just don't see his temperament as positive in a courtroom setting.
- The bantering between witnesses and attorneys went on much too long.
- The judge is firm and very involved in clearing up confusion caused by hypothetical questions asked by the plaintiff's attorney.
- He just doesn't seem to have much control of the courtroom. His facial expressions seem inappropriate.
- The judge gave careful consideration in determining his decisions regarding custody and visitations and insisted on follow-up reports by both parties. His decision was even handed and fair.
- The judge spoke quickly, and peppered his speech with "uh" or "um" pauses. I counted 15 in a single minute. At times it came across as almost moaning and it got very annoying very quickly.
- The judge managed the courtroom very well, considering the emotional feelings that were being exhibited at times. He demonstrated that he was well informed regarding the histories of the people involved and their previous times at court for divorce and other matters.

## The Honorable Eric Smith Palmer Superior Court

---

Appointed by Governor Knowles to Superior Court April 1996

| <b>Evaluations</b> |      | <b>Case Types</b>  |   |                                     |          |
|--------------------|------|--------------------|---|-------------------------------------|----------|
| Evaluation Hours:  | 14.5 | Arraignment:       | 1 | Pre-indictment Hearing:             | 0        |
| No. of Observers:  | 4    | Change of Plea:    | 3 | Pretrial Conference:                | 0        |
| Positive Comments: | 3    | Civil Trial:       | 0 | Sentencing:                         | 0        |
| Negative Comments: | 1    | Criminal Trial:    | 3 | Small Claims:                       | 0        |
|                    |      | Domestic Violence: | 0 | Trial Call:                         | 0        |
|                    |      | Jury Selection:    | 0 | Other Hearings:                     | 0        |
|                    |      |                    |   | <b>Total Number of Evaluations:</b> | <b>7</b> |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.29        |
| . . . maintain control of the courtroom?   | 3.43        |
| . . . speak loudly and clearly?  | 3.14        |
| . . . make remarks that were understood and that made sense?                         | 3.29        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.50        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.40        |
| . . . take time to explain the proceedings to participants?                          | 3.43        |
| . . . treat all participants fairly and impartially?                                 | 3.29        |
| <b>Overall Rating:</b>   | <b>3.35</b> |

---

### Did the judge appear to favor either side?

Did not favor either side: 7 evaluations.  
Favored the defense: 0 evaluations.  
Favored the prosecution: 0 evaluations.

---

### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
Reasonable: 0 evaluations.  
Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Smith:

---

- The judge was very attentive during this trial. Great explanation regarding testimony of what someone else said versus what the witness heard or observed directly.
- The judge made his decisions very clear. He was accommodating to the defense attorney, yet very firm.
- The defendant was an amusing character and the judge had a hard time not showing reaction.
- The judge explained at length about his ruling on whether to admit testimony regarding excited utterance or hearsay. Jurors were allowed to submit questions at certain points in the trial. His explained which questions were allowed to be asked and that all questions would be kept in the record whether or not they were asked or answered. Very educational.

## The Honorable Jack Smith Anchorage District Court

---

Appointed by Governor Murkowski to District Court January 2003

| <b>Evaluations</b> |      | <b>Case Types</b>  |   |                                     |           |
|--------------------|------|--------------------|---|-------------------------------------|-----------|
| Evaluation Hours:  | 20.6 | Arraignment:       | 0 | Pre-indictment Hearing:             | 0         |
| No. of Observers:  | 13   | Change of Plea:    | 4 | Pretrial Conference:                | 1         |
| Positive Comments: | 11   | Civil Trial:       | 0 | Sentencing:                         | 0         |
| Negative Comments: | 2    | Criminal Trial:    | 8 | Small Claims:                       | 0         |
|                    |      | Domestic Violence: | 0 | Trial Call:                         | 0         |
|                    |      | Jury Selection:    | 1 | Other Hearings:                     | 5         |
|                    |      |                    |   | <b>Total Number of Evaluations:</b> | <b>19</b> |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.68        |
| . . . maintain control of the courtroom?   | 3.67        |
| . . . speak loudly and clearly?  | 3.58        |
| . . . make remarks that were understood and that made sense?                         | 3.74        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.63        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.59        |
| . . . take time to explain the proceedings to participants?                          | 3.83        |
| . . . treat all participants fairly and impartially?                                 | 3.68        |
| <b>Overall Rating:</b>   | <b>3.67</b> |

---

### Did the judge appear to favor either side?

Did not favor either side: 19 evaluations.  
Favored the defense: 0 evaluations.  
Favored the prosecution: 0 evaluations.

---

### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
Reasonable: 2 evaluations.  
Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Smith:

---

- The judge was very good with the pro per participant and the new attorney. Wonderful to observe.
- The judge made sure the pro per defendant knew about the appeals process.
- The judge was fair and impartial and willing to listen to all sides. His voice was low and he was often looking through the papers and the participants had to repeat their questions.
- The judge has a casual, laid-back approach.
- The judge handled these cases with dispatch.
- Good control of his courtroom. When he says there will be a 15 minute break, it is 15 minutes.
- When he said 10 minute break, he meant 10 minute break!
- The judge pressed attorneys for clarification of prior convictions and once a settlement was reached he made certain all prior and present fines and jail time were clarified and addressed.
- The judge had very little eye contact with any of the participants so it was difficult to tell to whom he was speaking.
- The judge's explanations of rights given up in a Rule 11 agreement are not clear. He spoke much too fast and used legalese.
- The judge was loud and clear and gave great explanations to the defendants.
- The judge was easy to hear and understand. He gave additional time and effort to make sure a minor understood what was happening and the consequences if his conduct continued.
- The judge clarified issues for the jury in an understandable language. Good job.

## The Honorable John Suddock Anchorage Superior Court

---

Appointed by Governor Knowles to Superior Court November 2002

| Evaluations        |      | Case Types                          |   |                         |           |
|--------------------|------|-------------------------------------|---|-------------------------|-----------|
| Evaluation Hours:  | 15.5 | Arraignment:                        | 0 | Pre-indictment Hearing: | 0         |
| No. of Observers:  | 4    | Change of Plea:                     | 0 | Pretrial Conference:    | 0         |
| Positive Comments: | 6    | Civil Trial:                        | 4 | Sentencing:             | 0         |
| Negative Comments: | 4    | Criminal Trial:                     | 4 | Small Claims:           | 0         |
|                    |      | Domestic Violence:                  | 0 | Trial Call:             | 0         |
|                    |      | Jury Selection:                     | 0 | Other Hearings:         | 2         |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>10</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.40   |
| . . . maintain control of the courtroom?   | 3.30   |
| . . . speak loudly and clearly?  | 3.10   |
| . . . make remarks that were understood and that made sense?                         | 3.30   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.22   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.22   |
| . . . take time to explain the proceedings to participants?                          | 3.20   |
| . . . treat all participants fairly and impartially?                                 | 3.20   |
| <b>Overall Rating:</b>   | <b>3.24</b>                                  |

| Did the judge appear to favor either side? |                 |
|--|-----------------|
| Did not favor either side:                 | 10 evaluations. |
| Favored the defense:                       | 0 evaluations.  |
| Favored the prosecution:                   | 0 evaluations.  |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Suddock:

---

- The judge asked questions and kept things running quick and smooth.
- In spite of all the time the participants had spent in the courtroom trying to settle this matter, the judge maintained a professional and courteous atmosphere.
- During one break one of the attorneys told this observer to give the judge good marks — he said that the judge had been fair and had done a great job. This was a first from an attorney about any judge!
- The judge thanked me for giving my time and effort by observing his courtroom today.
- Everyone in the courtroom was paying close attention to what was being asked and answered. The judge was never busy behind the desk, he was always paying attention. The jury was the most alert I have seen. The judge addressed the jurors comfort and time and explained the time table for the rest of the trial.
- His explanations of his decisions are hard to follow.
- Unless he is speaking directly into the microphone, he is difficult to hear.
- At times the judge was soft-spoken and hard to hear.
- The judge was obviously listening and attentive to testimony. He was also mindful of the jurors and their schedules since this trial had gone a week over expectations and was continuing into next week as well.
- Lots of notes going back and forth with his clerk during the closing arguments. It was quite distracting.

## The Honorable Sen Tan Anchorage Superior Court

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Appointed by Governor Knowles to Superior Court December 1996

| Evaluations            | Case Types                               |
|------------------------|--|
| Evaluation Hours: 18.9 | Arraignment: 0 Pre-indictment Hearing: 0 |
| No. of Observers: 7    | Change of Plea: 0 Pretrial Conference: 0 |
| Positive Comments: 11  | Civil Trial: 5 Sentencing: 0             |
| Negative Comments: 2   | Criminal Trial: 0 Small Claims: 0        |
|                        | Domestic Violence: 0 Trial Call: 0       |
|                        | Jury Selection: 0 Other Hearings: 9      |
|                        | <b>Total Number of Evaluations: 14</b>   |

---

### Did the judge . . .

(Each category is rated 1 - 5 by observers.)

|  |             |
|--|-------------|
| . . . pay attention to the proceedings and participants?                             | 3.79        |
| . . . maintain control of the courtroom?   | 3.62        |
| . . . speak loudly and clearly?  | 3.43        |
| . . . make remarks that were understood and that made sense?                         | 3.77        |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.75        |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.75        |
| . . . take time to explain the proceedings to participants?                          | 4.08        |
| . . . treat all participants fairly and impartially?                                 | 3.93        |
| <b>Overall Rating:</b>   | <b>3.76</b> |

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### Did the judge appear to favor either side?

Did not favor either side: 14 evaluations.  
 Favored the defense: 0 evaluations.  
 Favored the prosecution: 0 evaluations.

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### During sentencings, the judge was . . .

Lenient: 0 evaluations.  
 Reasonable: 0 evaluations.  
 Severe: 0 evaluations.

## Comments

The following comments are a sampling of those made during observations of Judge Tan:

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- The judge was very respectful towards the pro per defendant in an effort to assist her with proper procedures and motions schedules. He commended both parents for their efforts in the custody issues. He also commended the plaintiff's attorney for her patience and the respect she showed to the pro per defendant.
- The judge's demeanor was formal but not stuffy. He exhibited a good measure of control and gave generous consideration when dealing with rescheduling.
- The judge showed a continued interest in the testimony, watching over court and the participants.
- Very attentive judge. When the witness was being questioned regarding several exhibits, he caught the mis-numbered exhibits and quickly made the corrections.
- He is sometimes difficult to hear.
- The only distraction I observed today was the police officer that was chewing gum while testifying.
- This judge makes his decisions very clear.
- The judge was wonderful. He spoke clearly and actively engaged participants in open conversations for the benefit of everyone. He explained the aspects of settlement, pursued complete answers and gave consideration to all parties as far as scheduling. The judge was friendly and helpful. He gave a brief explanation of the forms and formulas for child support, one step at a time.
- The judge expressed difficulty in understanding defendant's argument as to disposition of property. The judge requested legal theory plus case law. I had the feeling I was in a classroom. Good job.
- He is no-nonsense. This is a judge I would want to handle my civil case.
- The judge watched the proceedings carefully. He gave clear instructions to the jury as to what schedule they could expect in the days to come. When the attorneys began bickering over revised jury instructions the judge stepped in forcefully. He was able to get the attorneys to agree on the instructions and showed a willingness to listen to the attorney's suggestions.

## The Honorable Phillip Volland Anchorage Superior Court

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Appointed by Governor Knowles to Superior Court November 2002

| Evaluations            | Case Types                               |
|------------------------|--|
| Evaluation Hours: 73.3 | Arraignment: 3 Pre-indictment Hearing: 0 |
| No. of Observers: 15   | Change of Plea: 1 Pretrial Conference: 0 |
| Positive Comments: 24  | Civil Trial: 0 Sentencing: 0             |
| Negative Comments: 8   | Criminal Trial: 30 Small Claims: 0       |
|                        | Domestic Violence: 0 Trial Call: 0       |
|                        | Jury Selection: 4 Other Hearings: 3      |
|                        | <b>Total Number of Evaluations: 41</b>   |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.63   |
| . . . maintain control of the courtroom?   | 3.41   |
| . . . speak loudly and clearly?  | 3.29   |
| . . . make remarks that were understood and that made sense?                         | 3.68   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.59   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.59   |
| . . . take time to explain the proceedings to participants?                          | 3.89   |
| . . . treat all participants fairly and impartially?                                 | 3.76   |
|  | <b>Overall Rating: 3.61</b>                  |

| Did the judge appear to favor either side? |
|--|
| Did not favor either side: 41 evaluations. |
| Favored the defense: 0 evaluations.        |
| Favored the prosecution: 0 evaluations.    |

| During sentencings, the judge was . . . |
|---|
| Lenient: 0 evaluations.                 |
| Reasonable: 0 evaluations.              |
| Severe: 0 evaluations.                  |

## Comments

The following comments are a sampling of those made during observations of Judge Volland:

---

- During these change of pleas there were two attorneys talking constantly — there was so much extraneous stuff going on that it was hard to follow.
- When the judge read the indictment he explained the presumption of innocence and the courtroom was attentive during his explanation of court rules and procedures. Great job.
- The judge gave a very thorough explanation of juror responsibilities and court procedures.
- The judge questioned six of the jurors before opening statements regarding remarks that were overheard in the hall. He handled the situation well and tried to put the jurors at ease.
- His calm demeanor keeps the courtroom professional.
- The judge paid close attention to the defendant when she broke down during closing arguments during this very emotional trial.
- The judge might work at keeping his hands away from his face — at times, he is difficult to hear.
- There were napping jurors during closing arguments today, but nothing was said. The jurors were restless during the defense closing.
- The judge clarified issues on 403 evidence and was explicit about jurors' responsibility to evaluate the evidence.
- I am impressed with the quiet way he handles himself.
- I know the family of the victim needs to be in the courtroom, but the judge went beyond the necessary accommodations. There were two small children that were crying and very disruptive.
- While there were many spectators who were eating, whispering and snickering at some testimony, he didn't admonish anyone. He is usually in better control than he was today.
- When it was clear that the district attorney's office was delaying providing a potential witness's location to the defense team, the judge set him straight immediately. This seems to happen quite often and it is refreshing to see a judge show no tolerance for this behavior.
- The judge is very much in control of the courtroom. He reinforces this quite clearly and evenhandedly. There is considerable gamesmanship between the attorneys, but the judge remains above it.

## The Honorable John Wolfe Palmer District Court

---

Appointed by Governor Murkowski to Palmer District Court November 2004

| Evaluations        |      | Case Types                          |   |                         |          |
|--------------------|------|-------------------------------------|---|-------------------------|----------|
| Evaluation Hours:  | 15.3 | Arraignment:                        | 0 | Pre-indictment Hearing: | 0        |
| No. of Observers:  | 4    | Change of Plea:                     | 3 | Pretrial Conference:    | 0        |
| Positive Comments: | 1    | Civil Trial:                        | 0 | Sentencing:             | 1        |
| Negative Comments: | 7    | Criminal Trial:                     | 0 | Small Claims:           | 0        |
|                    |      | Domestic Violence:                  | 1 | Trial Call:             | 1        |
|                    |      | Jury Selection:                     | 1 | Other Hearings:         | 0        |
|                    |      | <b>Total Number of Evaluations:</b> |   |                         | <b>7</b> |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 2.86   |
| . . . maintain control of the courtroom?   | 2.57   |
| . . . speak loudly and clearly?  | 2.86   |
| . . . make remarks that were understood and that made sense?                         | 3.00   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.00   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.00   |
| . . . take time to explain the proceedings to participants?                          | 3.00   |
| . . . treat all participants fairly and impartially?                                 | 2.86   |
|  | <b>Overall Rating: 2.89</b>                  |

| Did the judge appear to favor either side? |                |
|--|----------------|
| Did not favor either side:                 | 7 evaluations. |
| Favored the defense:                       | 0 evaluations. |
| Favored the prosecution:                   | 0 evaluations. |

| During sentencings, the judge was . . . |                |
|---|----------------|
| Lenient:                                | 0 evaluations. |
| Reasonable:                             | 0 evaluations. |
| Severe:                                 | 0 evaluations. |

## Comments

The following comments are a sampling of those made during observations of Judge Wolfe:

---

- This is my second observation of this judge and he is chewing gum again.
- This is the first that I have observed this judge. He expresses his concern for the defendant's rehabilitation and financial burdens.
- The judge spent a lot of time writing, sometimes for as long as 10 minutes. Could this have been taken care of prior to using court time? A cell phone went off in the courtroom and he did not react.
- The domestic violence hearings were very boisterous. The judge should have tried to control the participants before it got out of hand. There was a lack of consideration to the people in one case: He stopped to take care of other court business, and then told them there would be a 15 minute break. More than an hour later he came back and told them to come back the next day. He gave no explanation and those participants were clearly upset.
- The judge is so difficult to hear. I have this problem with every visit to his courtroom.
- This judge is very difficult to hear.
- The judge was chewing gum today — that is a first for me to observe. Very unprofessional.
- During jury selection, which became very emotional when a potential juror discussed her own domestic violence experience, the judge was talking to his clerk instead of listening.

## The Honorable Michael Wolverton Anchorage Superior Court

---

Appointed by Governor Knowles to Superior Court December 1996  
Appointed by Governor Cowper to District Court August 1988

| Evaluations            | Case Types                               |
|------------------------|--|
| Evaluation Hours: 49.8 | Arraignment: 1 Pre-indictment Hearing: 0 |
| No. of Observers: 9    | Change of Plea: 0 Pretrial Conference: 0 |
| Positive Comments: 12  | Civil Trial: 0 Sentencing: 1             |
| Negative Comments: 4   | Criminal Trial: 19 Small Claims: 0       |
|                        | Domestic Violence: 0 Trial Call: 0       |
|                        | Jury Selection: 5 Other Hearings: 1      |
|                        | <b>Total Number of Evaluations: 27</b>   |

| Did the judge . . .  | (Each category is rated 1 - 5 by observers.) |
|--|--|
| . . . pay attention to the proceedings and participants?                             | 3.52   |
| . . . maintain control of the courtroom?   | 3.44   |
| . . . speak loudly and clearly?  | 3.30   |
| . . . make remarks that were understood and that made sense?                         | 3.48   |
| . . . show understanding and consideration to the plaintiff/victim (present or not)? | 3.45   |
| . . . show understanding and consideration to the defendant (present or not)?        | 3.41   |
| . . . take time to explain the proceedings to participants?                          | 3.67   |
| . . . treat all participants fairly and impartially?                                 | 3.59   |
|  | <b>Overall Rating: 3.48</b>                  |

| Did the judge appear to favor either side? |
|--|
| Did not favor either side: 26 evaluations. |
| Favored the defense: 1 evaluation.         |
| Favored the prosecution: 0 evaluations.    |

| During sentencings, the judge was . . . |
|---|
| Lenient: 0 evaluations.                 |
| Reasonable: 1 evaluation.               |
| Severe: 0 evaluations.                  |

## Comments

The following comments are a sampling of those made during observations of Judge Wolverton:

---

- Good, concise explanation to the attorneys regarding why he reached his decision.
- Attentive to proceedings — especially to the ability of the defendant to comprehend questions. The judge helped to clarify the defense attorney's relentless, repetitive questioning and use of verbiage that appeared incomprehensible to the defendant's impaired condition from a car accident.
- Carefully explained the rights of the defendant including the right not to testify. Very clear and understandable.
- The judge did a great job explaining the standards of reasonable doubt and preponderance of evidence.
- The judge asked the defense attorney to limit his questioning as he was asking laborious questions that sometimes seemed misplaced.
- The judge had a polite and mild tone when speaking which carried over to the witnesses and attorneys.
- The judge appeared to be restless during closing argument of the defense attorney but showed great patience with him.
- The judge did not notice the police officer talking to students in the gallery during most of the defense's cross-examination of a witness. There were also people eating, drinking and constantly making noise and nothing was said. Both were very distracting. Jurors obviously noticed.
- The judge was definitely in charge of the courtroom.
- There are again discovery issues on the prosecution's side. I have yet to see a judge admonish them for this continuing problem and nothing was said.
- The judge did a great job explaining the proceeding — I learned more about our judicial process today.
- Sometimes the judge's voice is too low to hear clearly.
- I thought the judge favored the defendant in almost every case during these arraignments.
- Sometimes jury selection can be a bit unruly, but this judge's courtroom was in order.

## **Acknowledgements**

by

Kathleen Rice, Executive Director

There have been so many people that kept this program thriving during these past two years. When our legislative funding was completely cut July 1, 2005, we were worried about keeping our doors open and having the ability to continue educating the public and increasing public awareness of our judicial system. We have survived through the dedication of our volunteers and Board of Directors. Without funding we were not able to hold our biannual training sessions that would have replaced volunteers who moved or were forced to resign because of personal issues, but our volunteers showed us that their commitment is unshakable and we managed to keep the office open.

On behalf of the Board of Directors I want to personally thank Senator Con Bunde and Representative Max Gruenberg for their support in restoring our funding. They worked tirelessly to advocate for us and we appreciate their assistance and their belief in this program.

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### **Alaska Judicial Observers, Inc. Volunteers**

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This 2006 Biennial Report is dedicated to the memory  
of

Ms. Annie Lawrence

Ms. Suzanne Alexander

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Ms. Carol Jensen

The Honorable Samuel Adams

The Honorable Charles Cranston