



# alaska judicial council

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## Alaska Judicial Council Trial Judge Questionnaire

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ALASKA JUDICIAL COUNCIL

### 2012 Candidates for Judicial Retention

October 2011

Thomas G. Nave

District Court Juneau

Name

Court

1. Please estimate your workload during your present term.

|                                      |   |
|--------------------------------------|---|
| a) <u>10</u> % civil cases           | b) <u>5</u> # of jury trials/year         |
| <u>90</u> % criminal cases           | <u>150</u> # of non-jury trials/year      |
| <u>0</u> % court administrative work | <u>0</u> # of administrative appeals/year |
| 100 % Total                          |   |

The number of Non-jury trials is an estimate. They are primarily traffic matters and average 3-4 per week.

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

I am ending my first year as a judge. I have not served on any bar committees. I have attended three Judicial Conferences and Newer Judge Training. I am to be on a panel at the next Newer Judge Training on ethics issues.

3. Please assess, in one or two paragraphs, your judicial performance during your present term. Appropriate areas of comment could include: satisfaction with your judicial role, specific contributions to the judiciary or the field of law, increases in legal knowledge and judicial skills, or other measures of judicial abilities that you believe to be important.

I am comfortable with my performance as a judge during the past year. Before taking the bench, I had 34 years experience practicing in the court in which I sit so there have been few surprises. I seem to be well received by the bar and defendants seem to respond to me when I engage them. I try very hard to find the underlying reason or cause of a particular defendant's recidivism and address it. I feel I have had some successes but also disappointments. As a practicing lawyer, I would have been comfortable appearing before a judge with my attitude and demeanor.

Having been primarily a criminal and personal injury lawyer, there have been challenges addressing matters I have not experienced before. Small claims can present some interesting issues. Execution and exemptions took some study. I was surprised to consider issues of first impression in constitutional challenges to two state statutes unique to Alaska. Those issues have occupied some weekends. I am also surprised with the number of Criminal Rule 11 resolutions. Nearly 90% of the sentencing resolutions in criminal cases are pursuant to agreement. I expected to exercise more discretion than the agreements provide.

I am enjoying the job very much and hope to serve for years to come.

4. During your most recent term as a judge, have you:
- a) had a tax lien filed or other collection procedure instituted against you by federal, state, or local authorities?  Yes  No
  - b) been involved in a non-judicial capacity in any legal proceeding whether as a party or otherwise?  Yes  No
  - c) engaged in the practice of law (other than as a judge)?  Yes  No
  - d) held office in any political party?  Yes  No
  - e) held any other local, state or federal office?  Yes  No
  - f) had any complaints, charges or grievances filed against you with the Alaska Commission on Judicial Conduct, the Alaska Bar Association, or with the Alaska Court System that resulted in public proceedings or sanctions?  Yes  No
5. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers and outcomes.

I am the subject of a prior client's Petition for Post Conviction Relief. Merle Wilson vs. State. It is assigned to Judge Carey in Ketchikan. I represented Mr. Wilson in a felony assault that was resolved by charge reduction and Judge Weeks was lenient at sentencing. Mr. Wilson was later sued by his victim and he was estopped from defending on the basis that he was not guilty. He claims that I did not fully explain the significance of a "no contest" plea to him or that he would be denied the opportunity to challenge the facts underlying his conviction in civil court. That matter is scheduled for trial in February. Neither party has contacted me in preparation for trial.

6. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2012 retention elections.

For questions 7 through 10 please do not list any cases that have pending issues in your court.

- 7. Please list your three most recent jury trials including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

**Case Number 1**

**Case Name:** City and Borough of Juneau **Case Number:** 1JU-11-731 Cr.  
 v. Paul Canik

**Attorneys Involved:**

|  |  |
|--|--|
| <b>Name:</b> <u>August Petropolous</u>               | <b>Name:</b> <u>Campbell Jackson</u>                 |
| <b>Address:</b> <u>155 S. Seward St.</u>             | <b>Address:</b> <u>418 Harris St., Ste. 414</u>      |
| <b>City, State, Zip:</b> <u>Juneau, Alaska 99801</u> | <b>City, State, Zip:</b> <u>Juneau, Alaska 99801</u> |
| <b>Name:</b> _____                                   | <b>Name:</b> _____                                   |
| <b>Address:</b> _____                                | <b>Address:</b> _____                                |
| <b>City, State, Zip:</b> _____                       | <b>City, State, Zip:</b> _____                       |

**Case Number 2**

**Case Name:** City and Borough of Juneau **Case Number:** 1JU-11-717 Cr.  
 v. Gottschlich

**Attorneys Involved:**

|  |  |
|--|--|
| <b>Name:</b> <u>August Petropolous</u>               | <b>Name:</b> <u>Thomas Wagner</u>                    |
| <b>Address:</b> <u>155 S. Seward St.</u>             | <b>Address:</b> <u>417 Harris St.</u>                |
| <b>City, State, Zip:</b> <u>Juneau, Alaska 99801</u> | <b>City, State, Zip:</b> <u>Juneau, Alaska 99801</u> |
| <b>Name:</b> _____                                   | <b>Name:</b> _____                                   |
| <b>Address:</b> _____                                | <b>Address:</b> _____                                |
| <b>City, State, Zip:</b> _____                       | <b>City, State, Zip:</b> _____                       |

**Case Number 3**

**Case Name:** City and Borough of Juneau **Case Number:** 1JU-11-240 Cr.  
 v. Duncan

**Attorneys Involved:**

|  |  |
|--|--|
| <b>Name:</b> <u>Robyn Carlisle</u>                   | <b>Name:</b> <u>Campbell Jackson</u>                 |
| <b>Address:</b> <u>155 S. Seward St.</u>             | <b>Address:</b> <u>418 Harris St., Ste 414</u>       |
| <b>City, State, Zip:</b> <u>Juneau, Alaska 99801</u> | <b>City, State, Zip:</b> <u>Juneau, Alaska 99801</u> |
| <b>Name:</b> _____                                   | <b>Name:</b> _____                                   |
| <b>Address:</b> _____                                | <b>Address:</b> _____                                |
| <b>City, State, Zip:</b> _____                       | <b>City, State, Zip:</b> _____                       |

- 8. Please list your three most recent non-jury trials including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

**Case Number 1**

Case Name: State of Alaska Case Number: 1JU-11-416 Cr.  
 v. Allen B. Walburn

**Attorneys Involved:**

|  |   |
|--|---|
| Name: <u>A. Andrew Peterson</u>                  | Name: <u>Michael Stanley</u>                  |
| Address: <u>310 K Street</u>                     | Address: <u>P.O. Box 020449</u>               |
| City, State, Zip: <u>Anchorage, Alaska 99501</u> | City, State, Zip: <u>Juneau, Alaska 99802</u> |

|  |                         |
|--|-------------------------|
| Name: <u>trial on stipulated facts</u> | Name: _____             |
| Address: _____                         | Address: _____          |
| City, State, Zip: _____                | City, State, Zip: _____ |

**Case Number 2**

Case Name: None involving lawyers Case Number: \_\_\_\_\_  
 v. police vs. violators

**Attorneys Involved:**

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

**Case Number 3**

Case Name: \_\_\_\_\_ Case Number: \_\_\_\_\_  
 v. \_\_\_\_\_

**Attorneys Involved:**

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

- 9. Please list your three most recent cases, including case names and numbers, which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.). Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

**Case Number 1**

Case Name: Sgt. Matthew Dobson Case Number: 1JU-11-760 CI

v. Falaumoeloa L. Vakauta

**Attorneys Involved:**

Name: Kevin Saxby

Name: Bruce Weyhrauch

Address: 1031 W. Fourth Ave., Ste 200

Address: 114 S. Franklin St., Ste 200

City, State, Zip: Anchorage, Alaska 99501

City, State, Zip: Juneau, Alaska 99801

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

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

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

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

City, State, Zip: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

**Case Number 2**

Case Name: City and Borough of Juneau Case Number: 1HA-11-009 Cr.

v. Mary Gross

**Attorneys Involved:**

Name: Amy Williams

Name: David Mallet

Address: P.O. Box 110300

Address: 1588 Edwards Drive

City, State, Zip: Juneau, Alaska 99811

City, State, Zip: Point Roberts, Wash. 98281

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

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

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

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

City, State, Zip: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

**Case Number 3**

Case Name: State of Alaska Case Number: 1JU-10-1239 Cr.

v. Gregory Istris

**Attorneys Involved:**

Name: Richard Svobodny

Name: Kevin Higgins

Address: P.O. Box 110300

Address: 227 7th Street

City, State, Zip: Juneau, Alaska 99801

City, State, Zip: Juneau, Alaska 99801

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

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

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

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

City, State, Zip: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

- 10. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your past term in which you believe your work was particularly noteworthy. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

**Case Number 1**

Case Name: \_\_\_\_\_ Case Number: \_\_\_\_\_  
 v. \_\_\_\_\_

**Attorneys Involved:**

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

**Case Number 2**

Case Name: \_\_\_\_\_ Case Number: \_\_\_\_\_  
 v. \_\_\_\_\_

**Attorneys Involved:**

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

**Case Number 3**

Case Name: \_\_\_\_\_ Case Number: \_\_\_\_\_  
 v. \_\_\_\_\_

**Attorneys Involved:**

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |

|                         |                         |
|-------------------------|-------------------------|
| Name: _____             | Name: _____             |
| Address: _____          | Address: _____          |
| City, State, Zip: _____ | City, State, Zip: _____ |