



# alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969  
http://www.ajc.state.ak.us

(907)279-2526 FAX (907)276-5046  
E-mail: postmaster@ajc.state.ak.us

## Alaska Judicial Council Trial Judge Questionnaire

### 2012 Candidates for Judicial Retention

October 2011

Sen Kwang Tan

Anchorage Superior Court

Name

Court

1. Please estimate your workload during your present term.

- |  |   |
|--|---|
| a) $\frac{80}{0}$ % civil cases              | b) $\frac{2}{35}$ # of jury trials/year       |
| $\frac{20}{100}$ % criminal cases            | $\frac{5}{}$ # of non-jury trials/year        |
| $\frac{20}{100}$ % court administrative work | $\frac{5}{}$ # of administrative appeals/year |
| 100 % Total                                  |   |

For non-jury trials, I included domestic trials regarding motions to modify custody that were contested and took at least one one trial day.

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

- 1) Co-Chair, Child-In-Need-Of Aid Court Improvement Committee
- 2) Chair, Civil Pattern Jury Instruction Committee
- 3) Member, Family Law Self-Help Center Committee
- 4) Member, Fairness, Diversity & Equality Committee
- 5) Member, Alaska Supreme Court Committee on Domestic Violence
- 6) Instructor, Trainer, Mentor to New Judges and Magistrates
- 7) Bar Exam Tutor
- 8) Speaker, panelist at numerous Bar CLEs, most recently on Ethics

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 continue to be very satisfied with my job as a Superior Court Judge. The case loads have certainly increased, and domestic disputes now make up the majority of cases, with many self-represented litigants. Although the work can be at times daunting, emotional and chaotic, I find satisfaction in being able to resolve disputes, to help families in crisis, and to look out for the best interests of children. Needless to say, I continue to enjoy the complex, difficult cases with a multitude of legal issues.

Over the past term, I have been involved in improving the court's role in Child In Need of Aid (CINA) Cases and Domestic Violence cases. With the support of the Office of Children's Services, treatment providers, guardians ad litem, and attorneys, we started the Family Preservation Court. I am also the administrative and back-up judge for the Family Care Court. Both are therapeutic courts for CINA cases, with Family Preservation Court addressing the needs of those with short term needs and Family Care Court addressing those with more entrenched issues. The objective of both courts is to reunify families by providing substance abuse treatment to parents and wrap-around services to children.

In addition, through the CINA Court Improvement Committee I have been involved in improving family contact in CINA cases and improving substance abuse treatment, especially for women with children.

On the Domestic Violence front, I have been involved in addressing the need for safety for litigants when they come to court, such as security services on a 24-hour basis. Starting December 2, 2011, there will be security at the Boney Courthouse 24 hours a day.

I was also one of three judges on the settlement project, where we set aside one day each week to conduct settlement conferences for other judges' cases. On average, I did about one hundred settlement conferences per year with a success rate of about 85%. Recently, I took over the Early Resolution Project, where we screen cases with self-represented litigants in domestic cases, identifying those with discrete issues, and scheduling a settlement conference with pro bono attorneys providing unbundled legal services. So far, the project looks like a success.

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 was named as a defendant by Mr. Daniel DeNardo on two separate occasions: DeNardo v. Tan, 3AN-07-7774CI, and DeNardo v. Maassen et al., 3AN-06-11245CI. Both cases were dismissed. Mr. DeNardo was a most prolific litigant who sued everyone and anyone who crossed his path. He was also the first person to be declared a "vexatious litigant" by the Alaska Supreme Court. I listed his case below as one of the significant cases I dealt with this past term.

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.

Just recently I was appointed the Presiding Judge of the Third Judicial District. I look forward to serving in that capacity and addressing the many problems facing the judiciary and improving the administration of justice.

*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:** Solodon **Case Number:** 3AN-08-11744CI  
**v.** Coachmen Industries, Inc.

**Attorneys Involved:**

<b>Name:</b> <u>Robert Sato</u>	<b>Name:</b> <u>Jimmy White</u>
<b>Address:</b> <u>500 L St., Ste. 501</u>	<b>Address:</b> <u>3900 C St., Ste. 1001</u>
<b>City, State, Zip:</b> <u>Anchorage, AK 99501</u>	<b>City, State, Zip:</b> <u>Anchorage, AK 99503</u>

<b>Name:</b> <u>Laurel Peterson</u>	<b>Name:</b> _____
<b>Address:</b> <u>7551 Sportmen's Point Cr.</u>	<b>Address:</b> _____
<b>City, State, Zip:</b> <u>Anchorage, AK 99502</u>	<b>City, State, Zip:</b> _____

**Case Number 2**

**Case Name:** Thompson **Case Number:** 3AN-09-6600CI  
**v.** Cooper

**Attorneys Involved:**

<b>Name:</b> <u>Marc June</u>	<b>Name:</b> <u>Matthew Regan</u>
<b>Address:</b> <u>807 G St., Ste. 150</u>	<b>Address:</b> <u>701 W. 8th Ave., Ste. 700</u>
<b>City, State, Zip:</b> <u>Anchorage, AK 99501</u>	<b>City, State, Zip:</b> <u>Anchorage, AK 99501</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:** Patterson **Case Number:** 3AN-09-07384CI  
**v.** Wal Mart Stores, Inc.

**Attorneys Involved:**

<b>Name:</b> <u>N/A (pro per)</u>	<b>Name:</b> <u>Kenneth M. Gutsch</u>
<b>Address:</b> _____	<b>Address:</b> <u>360 K St., Ste. 200</u>
<b>City, State, Zip:</b> _____	<b>City, State, Zip:</b> <u>Anchorage, AK 99501</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:** Toomer **Case Number:** 3AN-04-03907CI  
**v.** Toomer

**Attorneys Involved:**

**Name:** N/A (defendant pro per) **Name:** Mary Ann Foley  
**Address:** \_\_\_\_\_ **Address:** 750 W. 2nd Ave., Ste. 203  
**City, State, Zip:** \_\_\_\_\_ **City, State, Zip:** Anchorage, AK 99501

**Name:** \_\_\_\_\_ **Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Address:** \_\_\_\_\_  
**City, State, Zip:** \_\_\_\_\_ **City, State, Zip:** \_\_\_\_\_

**Case Number 2**

**Case Name:** Walker **Case Number:** 3AN-11-06418CI  
**v.** Gonzales

**Attorneys Involved:**

**Name:** Lee D. Goodman, Jr. **Name:** Rhonda Butterfield  
**Address:** P.O. Box 112931 **Address:** 725 Christensen Dr., Ste 5  
**City, State, Zip:** Anchorage, AK 99511 **City, State, Zip:** Anchorage, AK 99501

**Name:** \_\_\_\_\_ **Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Address:** \_\_\_\_\_  
**City, State, Zip:** \_\_\_\_\_ **City, State, Zip:** \_\_\_\_\_

**Case Number 3**

**Case Name:** Waters **Case Number:** 3AN-07-07338CI  
**v.** Bridge

**Attorneys Involved:**

**Name:** Andrew J. Fierro **Name:** Marvin H. Clark, Jr.  
**Address:** 310 K St., Ste. 200 **Address:** P.O. Box 874088  
**City, State, Zip:** Anchorage, AK 99501 **City, State, Zip:** Wasilla, AK 99687

**Name:** Maurice N. Ellis **Name:** Patrick G. Ross  
**Address:** 731 I St., Ste. 103 **Address:** 2525 Blueberry Rd. Ste 102  
**City, State, Zip:** Anchorage, AK 99501 **City, State, Zip:** Anchorage, AK 99503

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: Marshall's Electric, Inc. Case Number: 3AN-10-4237CI  
 v. Anchorage School District

**Attorneys Involved:**

Name: <u>Michael Brain</u>	Name: <u>Michael Stephenson</u>
Address: <u>1407 W. 31st Ave, 7th Floor</u>	Address: <u>3000 A St., Ste. 300</u>
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: <u>Anchorage, AK 99503</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

Case Name: Regina Stephenson Case Number: 3AN-10-10326CI  
 v. HCA, Inc., et al.

**Attorneys Involved:**

Name: <u>Timothy M. Twomey</u>	Name: <u>Howard Lazar</u>
Address: <u>310 K St., Ste. 200</u>	Address: <u>1007 W. 3rd Ave., #400</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Roger F. Holmes</u>	Name: <u>Robert C. Bundy</u>
Address: <u>3948 Clay Products Dr.</u>	Address: <u>1031 W. 4th Ave, Ste. 600</u>
City, State, Zip: <u>Anchorage, AK 99517</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

**Case Number 3**

Case Name: Cheryl Hensel Case Number: 3AN-02-7154CI  
 v. Allstate Insurance Co.

**Attorneys Involved:**

Name: <u>Neil T. O'Donnell</u>	Name: <u>Gary A. Zipkin</u>
Address: <u>420 L St., Ste. 500</u>	Address: <u>510 L St., Ste. 700</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Dennis M. Mestas</u>	Name: _____
Address: <u>1015 W. 7th Ave.</u>	Address: _____
City, State, Zip: <u>Anchorage, Ak 99501</u>	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:** Tanana Tribal Council **Case Number:** 3AN-04-12194CI  
**v.** State of Alaska

**Attorneys Involved:**

<b>Name:</b> <u>Heather Kendall</u>	<b>Name:</b> <u>Andrew Harrington</u>
<b>Address:</b> <u>801 B St., Ste. 401</u>	<b>Address:</b> <u>100 Cushman St., Ste. 400</u>
<b>City, State, Zip:</b> <u>Anchorage, AK 99501</u>	<b>City, State, Zip:</b> <u>Fairbanks, AK 99701</u>

<b>Name:</b> <u>Peter Putzier</u>	<b>Name:</b> _____
<b>Address:</b> <u>1031 W. 4th Ave, Ste. 200</u>	<b>Address:</b> _____
<b>City, State, Zip:</b> <u>Anchorage, AK 99501</u>	<b>City, State, Zip:</b> _____

**Case Number 2**

**Case Name:** AIC **Case Number:** 3AN-05-7921CI  
**v.** PDI

**Attorneys Involved:**

<b>Name:</b> <u>See Attached Sheet</u>	<b>Name:</b> _____
<b>Address:</b> _____	<b>Address:</b> _____
<b>City, State, Zip:</b> _____	<b>City, State, Zip:</b> _____

<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:** Daniel DeNardo **Case Number:** 3AN-05-14472CI  
**v.** Peter Maassen, et al.

**Attorneys Involved:**

<b>Name:</b> <u>N/A (pro per)</u>	<b>Name:</b> <u>Peter Maassen</u>
<b>Address:</b> _____	<b>Address:</b> <u>813 W. 3rd Ave.</u>
<b>City, State, Zip:</b> _____	<b>City, State, Zip:</b> <u>Anchorage, AK 99501</u>

<b>Name:</b> _____	<b>Name:</b> _____
<b>Address:</b> _____	<b>Address:</b> _____
<b>City, State, Zip:</b> _____	<b>City, State, Zip:</b> _____

Alaska Judicial Council 2012 Retention  
Trial Judge Questionnaire  
Sen Kwang Tan

**Question 10**

**Case Number 2**

**Case Name:** Alaska Interstate Construction, LLC  
**v:** Pacific Diversified Investments, Inc.

**Case Number:** 3AN-05-7921CI

**Attorneys Involved:**

Tim Petumenos  
1127 W. 7th Ave  
Anchorage, AK 99501

Jahna Lindemuth  
1031 W. 4th Ave., Ste. 600  
Anchorage, AK 99501

Joseph Sheehan  
P.O. Box 70906  
Fairbanks, AK 99707

Paul Stockler  
1309 W. 16th Ave.  
Anchorage, AK 99501

Roger Holmes  
3948 Clay Products Dr.  
Anchorage, AK 99517

Erin B. Marston  
821 N St., Ste. 208  
Anchorage, AK 99501

Charles P. Flynn  
810 N St., Ste. 300  
Anchorage, AK 99501

Thomas P. Owens III  
810 N St., Ste. 300  
Anchorage, AK 99501