



alaska judicial council

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Alaska Judicial Council Appellate Judge Questionnaire

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ALASKA JUDICIAL COUNCIL

2012 Candidates for Judicial Retention

October 2011

Daniel E. Winfree
Name

Supreme
Court

1. Please estimate your workload during your present term.

- a) 75 % civil cases b) N/A # of trials/year (as trial judge, if any)
 15 % criminal cases
 10 % court administrative work
 100 % Total

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

Co-chair, Alaska Supreme Court Fairness & Access Committee
Member, Alaska Bar Association Historian's Committee
Member, National Conference of Bar Presidents
Speaker, Western States Bar Conference (March 2011)

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.

Growing up in Fairbanks, I realized many "regular" people were making decisions shaping Alaska. As a teenager, I dreamed of one day becoming one of those people. My dream came true with my appointment to the Alaska Supreme Court in November 2007. I walk into my chambers every morning humbled by the faith placed in me, thrilled to be a member of the court, and driven to be the best justice I can be. I love every minute of every day, even on a long, hard day.

The court's primary focus is issuing decisions, and I spend the majority of my time on that process. Preparation for oral argument and law conference is time-consuming, but I believe I am always well-prepared and able to contribute meaningfully by (1) asking appropriate questions at oral argument and (2) actively discussing the case's merits with my colleagues. I have been fascinated by how differently each of us may approach an issue, but at the same, how we take each other's views into account to come to a consensus on even the most difficult questions. I have often found myself persuaded away from my preliminary thinking by views expressed by my colleagues. I have considerable faith in our decision-making process.

A secondary focus is the consideration of petitions for hearing or review to take up discretionary legal issues in the absence of an automatic right of appeal. Each of us takes a share of these petitions; we circulate recommendations to accept or deny each petition. I work very hard to get recommendations out to my colleagues within a week or so of the assignment; this is often a challenge with petitions for hearing because criminal law is an area where I work harder to build my knowledge base.

I also work very hard to vote promptly on other justices' opinions or petition recommendations, sometimes to the detriment of getting my own draft opinions circulating in a timely fashion. Occasionally I think there is time to do everything except work on my opinions, but I am trying to adjust my work schedule accordingly.

Administrative duties are a lesser portion of my work load. As currently the only justice not previously a trial court judge, I have the least working knowledge of the court system. But I have learned a lot in the past four years, and I anticipate taking on more administrative duties in the future. I do co-chair, with Justice Fabe, the court's Fairness & Access to Justice committee. Because of my previous long-time involvement with the Alaska Bar Association, I still participate in court/bar matters. This past March I spoke on an access to justice panel at the Western States Bar Conference, an annual conference in which the Alaska Bar Association actively participates; I was president of the Conference in the latter part of the 90s and still enjoy attending the meetings.

In short: I love the work; I think I'm doing a good job; I'm working hard to do a better job.

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.

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.

Please see attached.

Appellate Judge Questionnaire — Alaska Judicial Council 2012 Retention

Question 6.

Prior to joining the court, I was active in community organizations and events. Although I've had to withdraw from much of my previous activities, I continue to make myself available to speak at Chamber of Commerce, Rotary, University of Alaska Fairbanks legal classes, local high school classes, and any other groups that would like to hear about us. I enjoy being a representative of the Alaska Court System, particularly the Alaska Supreme Court, and explaining what we do and how we do it.

Lastly, I have to comment on the wonderful opportunity of working with the great young men and women who come to clerk for our court. In many ways it is much like my private practice experience with young associate attorneys working for me, but some differences make the experience more meaningful. The law clerks give up a year of their life right after law school to work with us; they are very smart and hard-working; they love learning about the law and helping us shape it; and I love teaching them everything I have to offer about the law, life, and Alaska. It is so incredibly satisfying when one of them stays in Alaska; aside from their future contributions to the Alaska bar, which will be no small thing, it's like having additional children to watch from afar.

For questions 7 and 8, please do not list any cases that have pending issues in your court.

7. Please list your six most recent opinions 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 appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: Melvin Gillis **Case Number:** S-13620

v. Aleutians E. Borough & DNR

Attorneys Involved:

Name: <u>J.P. Tangen</u>	Name: <u>Lawrence V. Albert</u>
Address: <u>1600"A" Street, #310</u>	Address: <u>P.O. Box 200934</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99520</u>

Name: <u>Joseph N. Levesque</u>	Name: <u>John T. Baker</u>
Address: <u>731 "N" Street</u>	Address: <u>1031 W. Fourth Ave., #200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Case Number 2

Case Name: Robert Stevens **Case Number:** S-13436

v. ABC Board & Mat-Su Borough

Attorneys Involved:

Name: <u>Christine S. Schleuss</u>	Name: <u>John J. Novak</u>
Address: <u>632 Christensen Dr., #200</u>	Address: <u>310 "K" Street, #403</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>John Aschenbrenner</u>	Name: <u>Lisa Thomas</u>
Address: <u>350 E. Dahlia Ave.</u>	Address: <u>350 E. Dahlia Ave.</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>

Case Number 3

Case Name: David F. Stone **Case Number:** S-13524

v. State of Alaska

Attorneys Involved:

Name: <u>Beth Lewis Trimmer</u>	Name: <u>Michael Sean McLaughlin</u>
Address: <u>1016 W. Sixth Ave., #100</u>	Address: <u>310 "K" Street, #308</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

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

Case Number 4

Case Name: State of Alaska, DOC **Case Number:** S-13602
 v. Anita Hendricks-Pearce

Attorneys Involved:

Name: <u>Dale W. House</u>	Name: <u>Ted Stepovich</u>
Address: <u>1031 W. Fourth Ave., #200</u>	Address: <u>841 "I" Street</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

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

Case Number 5

Case Name: State, Division of Insurance **Case Number:** S-13499/S-13520
 v. Alyeska Pipeline Service Co.

Attorneys Involved:

Name: <u>Signe P. Andersen</u>	Name: <u>Kenneth P. Eggers</u>
Address: <u>1031 W. Fourth, #200</u>	Address: <u>2600 Cordova Street, #110</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99503</u>

Name: <u>Sarah A. Badten</u>	Name: _____
Address: <u>2600 Cordova Street, #110</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: _____

Case Number 6

Case Name: Lewis-Walunga & Soule **Case Number:** S-13825
 v. Municipality of Anchorage

Attorneys Involved:

Name: <u>Michael W. Flanigan</u>	Name: <u>Erin K. Egan</u>
Address: <u>1029 W. Third Ave., #250</u>	Address: <u>510 "L" Street, #300</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

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

8. *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 appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: State of Alaska **Case Number:** S-13332
 v. Native Village of Tanana

Attorneys Involved:

Name: <u>Peter K. Putzier</u>	Name: <u>Heather Kendall-Miller</u>
Address: <u>1031 W. Fourth Ave., #200</u>	Address: <u>801 "B" Street, #401</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>Lloyd B. Miller</u>	Name: <u>Andy Harrington</u>
Address: <u>900 W. Fifth Ave., #700</u>	Address: <u>1648 Cushman Street, #300</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>

Case Number 2

Case Name: Pebble Ltd. P'Ship **Case Number:** S-14404
 v. Lake & Peninsula Borough

Attorneys Involved:

Name: <u>Aisha T. Bray</u>	Name: <u>Matthew Singer</u>
Address: <u>100 Cushman Street, #500</u>	Address: <u>3000 "A" Street, #300</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Anchorage, AK 99503</u>

Name: <u>Scott Kendall/Tim McKeever</u>	Name: <u>Additional names attached</u>
Address: <u>701 W. Eighth Ave., #700</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 3

Case Name: Jack Beltz **Case Number:** S-12775
 v. State of Alaska

Attorneys Involved:

Name: <u>A. Lee Petersen</u>	Name: <u>Terisia Chleborad</u>
Address: <u>P.O. Box 286</u>	Address: <u>310 "K" Street, #308</u>
City, State, Zip: <u>Willow, AK 99688</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

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

Appellate Judge Questionnaire — Alaska Judicial Council 2012 Retention

Question 8.

Nancy Wainwright & Victoria Clark
1026 W. Fourth Ave., #201
Anchorage, AK 99501

John Baker & Joanne Grace
1031 W. Fourth Ave., #200
Anchorage, AK 99501