



Print Questionnaire

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Alaska Judicial Council

alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

2022 Candidates for Judicial Retention

November 2021

Michael Jude Pate
Name

Sitka Superior Court
Court

1. Please estimate your workload during your present term.

- | | |
|---------------------------------------|---|
| a) <u>45</u> % civil cases | b) <u>12</u> # of jury trials/year |
| <u>45</u> % criminal cases | <u>12</u> # of non-jury trials/year |
| <u>10</u> % court administrative work | <u>1</u> # of administrative appeals/year |
| 100 % Total | |

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

Criminal Rules Committee
 Judicial Conference Planning Committee
 Newer Judge Conference Planning Committee
 Committee on Justice, Fairness, and Diversity
 Workplace Conduct Committee
 ad hoc judicial officers Title 47 Working Group
 Coastal Judges Group, Settlement Judge
 Hosting bench/bar meetings for Sitka and Prince of Wales

3. Please describe any judicial or legal education you have undertaken or provided during your current term in office.

2018, 2019, 2020 Statewide Judicial Conference
2019, 2020, 2021 Newer Judge's Conference
2019 & 2020 Coastal Judges Group educational programs
2021 Red Door Program.

4. Please describe any public outreach activities.

Color of Justice at Mt. Edgecumbe High School, 2018 & 2021. I help coordinate this two-day educational program promoting diversity in the legal and judicial fields.

I have served as assistant coach to Sitka High School mock trial team from 2018 to the present. I have also been working to reestablish a mock trial team at Mt. Edgecumbe High School.

I have been working to establish the Healing to Wellness Court, a joint state-tribal therapeutic court that offers an alternative to incarceration for non-violent offenders with substance abuse issues. The multi-disciplinary team should begin accepting our first program participants in early 2022.

I chair quarterly stakeholders mental commitment (Title 47) working group with hospital, health care/petitioners, law enforcement personnel in Sitka. I also chair a similar stakeholders Title 47 working group in Prince of Wales that has met once.

Administration of Oath of Office to graduates of the State Trooper's Public Safety Training Academy - semi-annual since 2018.

I have collaborated with tribal judges and tribal courts, most often Sitka Tribe of Alaska, to establish harmonious and efficient working relationships since 2018.

5. This question pertains to Superior Court judges only.

State law requires the Council to conduct an evaluation of judges standing for retention, and to provide information to the public about the judges. Under a provision added in 2013, the information the Council provides to the public "shall include the judge's consideration of victims when imposing sentence on persons convicted of felony offenses where the offenses involve victims" (see AS 22.10.150). Although the Council's evaluations address all aspects of judicial performance, including felony sentencing, they have not in the past explicitly solicited judges' thoughts on this topic.

Please submit a short statement about how you consider victims when imposing sentences in felony offenses.

In accordance with the constitutional and statutory rights of victims of crime, I take the following into consideration when imposing a sentence for a felony offense:

If the victim is not in attendance, I confer with the prosecution to ensure they have fulfilled their duty to provide the victim proper notice of sentencing. If there is any doubt that the efforts in this regard were adequate, I provide the prosecutor the opportunity to immediately contact the victim and/or continue the sentencing hearing to a later date.

If the victim is in attendance, I do my best to ensure that they are treated with dignity, fairness and respect during sentencing. I provide the victim with the opportunity to address the court, in a manner of their choosing – orally, in writing, with sworn or unsworn statements. I also inform the victim that I would be happy to hear what they have to say, but they are not required to speak. I inquire as to whether there are any representatives for the victim that would like to address the court.

In addition to the other criteria required by law, in crafting an appropriate felony sentence I consider the victim's trial testimony and/or statements provided during sentencing, the seriousness of the defendant's offense and the manner in which it has harmed the victim, the need to confine the defendant to prevent further harm to the victim, and any restitution the defendant must make to compensate the victim.

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

When I first took the bench, I was overwhelmed at times by the extremely busy caseload of a superior court judge, with nearly 20 jury trials my first full year. At times, I struggled to balance the need to efficiently manage an extremely busy caseload with the obligation to maintain a patient and kind demeanor.

As I have matured as a judge, I have come to understand that it is not only acceptable, but sometimes necessary, to slow things down during a hearing. Although taking more time can result scheduling conflicts with other hearings and delay issuing decisions, a premium must be put on patience and kindness.

Although I certainly have room for improvement in this regard, I believe this insight has improved both my job satisfaction and judicial performance over the last few years. Serving as a judge has been the most challenging, humbling, and rewarding experience in my professional career.

7. 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, the Alaska Court System, or any other agency that resulted in public proceedings or sanctions?
 Yes No

8. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers, and outcomes.

9. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2022 retention elections.

For questions 10 - 13, please do not list any cases that have pending issues in your court.

- 10. Please list your three most recent jury trials during your current term in office including case names and numbers. Please list the names and 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: 1PW-21-141 CR
 v. Sarah Lynn Yates

Attorneys Involved:

Name: Kristian Pickrell
 Address: 415 Main Street, Suite 304
 City, State, Zip: Ketchikan, Alaska 99901

Name: Anna Ambrose
 Address: P.O. Box 110216
 City, State, Zip: Juneau, Alaska 99811

Name: Josh Carson
 Address: 415 Main Street, Suite 206
 City, State, Zip: Ketchikan, Alaska 99901

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

Case Number 2

Case Name: State of Alaska Case Number: 1PW-21-101 CR
 v. Joshua Yates

Attorneys Involved:

Name: Kristian Pickrell
 Address: 415 Main Street, Suite 304
 City, State, Zip: Ketchikan, Alaska 99901

Name: Anna Ambrose
 Address: P.O. Box 110216
 City, State, Zip: Juneau, Alaska 99811

Name: Josh Carson
 Address: 415 Main Street, Suite 206
 City, State, Zip: Ketchikan, Alaska 99901

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

Case Number 3

Case Name: State of Alaska Case Number: 1PW-20-196 CR
 v. Aimee Demmert

Attorneys Involved:

Name: Kristian Pickrell
 Address: 415 Main Street, Suite 304
 City, State, Zip: Ketchikan, Alaska 99901

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

Name: Bryan Schulz
 Address: 307 Bawden Street
 City, State, Zip: Ketchikan, Alaska 99901

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

- 11. Please list your three most recent non-jury trials during your current term in office including case names and numbers. Please list the names and 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: Erik Bahrt Case Number: 1SI-19-90 CI
 v. Erica Bahrt

Attorneys Involved:

Name: <u>Brandon Marx</u>	Name: _____
Address: <u>408 Oja Way, Suite B</u>	Address: _____
City, State, Zip: <u>Sitka, Alaska 99835</u>	City, State, Zip: _____

Name: <u>Corrie J. Bosman</u>	Name: _____
Address: <u>P.O. Box 6005</u>	Address: _____
City, State, Zip: <u>Sitka, Alaska 99835</u>	City, State, Zip: _____

Case Number 2

Case Name: Diane Chong Case Number: 1SI-19-209 CI
 v. Kelsea Colliver-Johnson

Attorneys Involved:

Name: <u>James McGowan</u>	Name: _____
Address: <u>202 A Katlian Street</u>	Address: _____
City, State, Zip: <u>Sitka, Alaska 99835</u>	City, State, Zip: _____

Name: <u>Brian Heady</u>	Name: _____
Address: <u>205 E Benson Blvd, Suite 102</u>	Address: _____
City, State, Zip: <u>Anchorage, Alaska 99503</u>	City, State, Zip: _____

Case Number 3

Case Name: In the Matter of N.F. Case Number: 1SI-20-10 CN
 v. _____

Attorneys Involved:

Name: <u>Jay Hochberg</u>	Name: <u>Anna Ambrose</u>
Address: <u>5901 Gannet Ave.</u>	Address: <u>P.O. Box 110216</u>
City, State, Zip: <u>Ewa Beach, Hawaii 96706</u>	City, State, Zip: <u>Juneau, Alaska 99811</u>

Name: <u>Zachary Reeder</u>	Name: _____
Address: <u>P.O. Box 110300</u>	Address: _____
City, State, Zip: <u>Juneau, Alaska 99811</u>	City, State, Zip: _____

- 12. Please list your three most recent cases during your current term in office, 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 and 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: In the Matter of C.L. **Case Number:** 3KO-20-12 CN
 v. _____

Attorneys Involved:

Name: <u>Elizabeth Russo</u>	Name: <u>Katie Stephenson</u>
Address: <u>900 West 5th Avenue, Suite 525</u>	Address: <u>900 West 5th Avenue, Suite 200</u>
City, State, Zip: <u>Anchorage, Alaska 99501</u>	City, State, Zip: <u>Anchorage, Alaska 99501</u>

Name: <u>Linda Beecher</u>	Name: <u>Carla Erickson</u>
Address: <u>900 West 5th Avenue, Suite 200</u>	Address: <u>1031 West 4th Avenue, Suite 200</u>
City, State, Zip: <u>Anchorage, Alaska 99501</u>	City, State, Zip: <u>Anchorage, Alaska 99501</u>

Case Number 2

Case Name: Tammy Sivertsen **Case Number:** 1PW-19-6 CI
 v. Ivy Rasmussen & Bradley Ring

Attorneys Involved:

Name: <u>Kristina Kuhnert</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Name: <u>Brian Heady</u>	Name: _____
Address: <u>205 E Benson Blvd., Suite 102</u>	Address: _____
City, State, Zip: <u>Anchorage, Alaska 99503</u>	City, State, Zip: _____

Case Number 3

Case Name: Donald Kluting **Case Number:** 1SI-14-41 CI
 v. Karen Kluting

Attorneys Involved:

Name: <u>James McGowan</u>	Name: _____
Address: <u>202 A Katlian Street</u>	Address: _____
City, State, Zip: <u>Sitka, Alaska 99835</u>	City, State, Zip: _____

Name: <u>Ian Wheelles</u>	Name: _____
Address: <u>601 E 57th Place, Suite 101</u>	Address: _____
City, State, Zip: <u>Anchorage, Alaska 99518</u>	City, State, Zip: _____

- 13. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your current term in which you believe your work was particularly noteworthy. Please list the names and 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: _____