



Print

alaska judicial council

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Alaska Judicial Council Appellate Judge Questionnaire

2024 Candidates for Judicial Retention

Deadline: November 17, 2023

Timothy W. Terrell

Name

Court of Appeals

Court

1. Please estimate your workload during your present term.

a) _____ % civil cases

100 _____ % criminal cases

_____ % court administrative work

100 % Total

b) _____ # of trials/year (as trial judge, if any)

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

As a relatively new judge I have not yet been appointed to any court committees. As a line judge my administrative duties are those pertinent to running judicial chambers, i.e., supervision of my judicial assistant, two law clerks, and an assigned staff attorney, working to ensure that the workflow from my chambers meets the needs of the court. Additionally, every year I have co-presented (with Chief Judge Allard) the Alaska criminal law overview that is provided to our incoming law clerks during their orientation and training.

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

This July I attended the "New Appellate Judges Seminar" held at the New York University law school. This is a week-long seminar designed for federal court of appeals judges, state supreme court justices, and state intermediate appellate court judges who have been on the bench for less than three years, and is taught by a number of experienced appellate judges, appellate attorneys, and law professors. It was an extremely helpful opportunity to meet with judges from around the country and learn techniques for chambers and docket management and writing opinions.

I also attend the annual Alaska Judicial Conference and benefit from the ethics training and substantive presentations put on at the conference.

As to education that I have provided, at the 2022 Alaska Judicial Conference I served as a panelist with my colleagues in a "Roundtable Discussion with the Court of Appeals." For the bar at large, my colleagues and I have also presented on "Off the Record with the Court of Appeals" CLE. And as noted in my response to question two above, each year I co-present the Alaska criminal law overview during law clerk orientation.

4. Please describe any public outreach activities.

I have not given speeches to community organizations or engaged in other similar formal outreach efforts. Like many judges, I find myself to be the face of the judicial system when issues about courts arise during informal discussions in social settings, church groups, and other civic groups, and I endeavor to provide the best explanation that I can as to why certain things are the way they are in the law or judicial system, to do what I can to maintain public trust and confidence in the judiciary.

5. 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 a little over two and one-half years on the job, still within the 2-3 year window that it often takes new appellate judges to get fully up to speed. It has been quite a transition to go from being an appellate practitioner responsible for drafting 18 to 20 briefs a year to being an appellate court judge responsible for writing 50-60 decisions a year and sitting as a panel member on another 100-120 cases. I am getting there, but adjusting to this pace has been the biggest challenge I have faced.

I very much enjoy the work of being an appellate court judge and being able to make a direct contribution to the body of the law. The number of published decisions I have issued so far is low, which is partly due to a philosophical shift on this court in favor of issuing less published opinions, and partly to the fact that I am the newest judge on this court. Nonetheless, I have additional published opinions in the works, and am confident that over the years their number and percentage relation to the court's overall output will increase. And I believe that this court's memorandum opinions and summary dispositions play a critical role in reinforcing basics as to what the law is and how it applies, and have substantial value to trial court judges, the trial court bar, and litigants.

I view the ideal appellate judge as a person with a broad-ranging knowledge of the law and who is confident in their ability to apply it correctly, but who is also humble and willing to reconsider their position when a colleague or litigant shows why that position is incorrect. I believe that I have this kind of a temperament, and I work with colleagues that possess it too. The net result is that we have a harmonious court. We occasionally disagree about the law, but always without rancor. I feel extremely fortunate in that the critical feedback that I get from my colleagues, from our staff attorneys, and from our law clerks allows me to produce decisions that exceed what I would produce if I worked alone. I am grateful and hope to continue to producing work that justifies the confidence and efforts of everyone involved in the process and which justly resolves the claims of the litigants that come before the court.

6. 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
7. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers, and outcomes.

8. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2024 retention elections.

I am a late-career judge, having been appointed at age 56 and being currently just a few days shy of my 59th birthday. My 29-year practice career gave me a broad base of knowledge that informs my work today. In 11 years as counsel to the Department of Corrections, I handled administrative appeals, post-conviction relief actions, and civil rights actions, in state and federal court, and in the trial and appellate courts. After that I represented the State for 18 years in criminal appeals before this court and the Alaska Supreme Court. Serving as a judge has been an aspiration of mine since the very beginning of my career, and I am grateful to have received the opportunity to serve in this capacity. It is my goal to continue in this capacity until my retirement from the legal profession, which I envision as a distant ways off. My plan is to continue in this position so long as my health holds out and I am able to fully meet the demands of the position. I enjoy the work and the ability to serve the people of Alaska.

For questions 9 and 10, please do not list any cases that have pending issues in your court.

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

Case Number 1

Case Name: Jacob Roller

Case Number: A-13495 (2023 WL 7395421)

v. State

Attorneys Involved:

Name: Doug Miller

Name: Christopher Yandel

Address: P.O. Box 92873

Address: 1031 W. Fourth Ave., Suite 200

City, State, Zip: Anchorage, Alaska 99509

City, State, Zip: Anchorage, Alaska 99501

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 2

Case Name: Ryan A. Sargento

Case Number: A-13283 (2023 WL 7391932)

v. State

Attorneys Involved:

Name: Cynthia Strout

Name: Ann Black

Address: P.O. Box 221090

Address: 310 K St., Suite 700

City, State, Zip: Anchorage, Alaska 99502

City, State, Zip: Anchorage, Alaska 99501

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 3

Case Name: Asiagin D. Ahmaogak

Case Number: A-13960 (2023 WL 7015564)

v. State

Attorneys Involved:

Name: William R. Satterberg, Jr.

Name: Madeline M. Magnuson

Address: 709 4th Ave.

Address: 310 K St., Suite 700

City, State, Zip: Fairbanks, Alaska 99701

City, State, Zip: Anchorage, Alaska 99501

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 4Case Name: Don L. BakerCase Number: A-13831 (2023 WL 6933825)v. State**Attorneys Involved:**

Name: Paul E. Malin
Address: 2608 W. 32nd Ave.
City, State, Zip: Anchorage, Alaska 99517

Name: Kenneth M. Rosenstein
Address: 310 K St., Suite 700
City, State, Zip: Anchorage, Alaska 99501

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

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

Case Number 5Case Name: Spencer P. LaChappelleCase Number: A-13595 (2023 WL 5607861)v. State**Attorneys Involved:**

Name: Claire F. DeWitte
Address: 900 W. Fifth Ave., Suite 200
City, State, Zip: Anchorage, Alaska 99501

Name: RuthAnne Beach
Address: 310 K St., Suite 700
City, State, Zip: Anchorage, Alaska 99501

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

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

Case Number 6Case Name: Rorie C. MillerCase Number: A-13664 (2023 WL 3990550)v. State**Attorneys Involved:**

Name: Barbara Dunham
Address: 900 W. Fifth Ave., Suite 525
City, State, Zip: Anchorage, Alaska 99501

Name: Madison M. Mitchell
Address: 310 K St., Suite 700
City, State, Zip: Anchorage, Alaska 99501

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

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

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

Case Number 1

Case Name: Michael J. Mosquito

Case Number: A-13179 (504 P.3d 918)

v. State

Attorneys Involved:

Name: Rachel Cella

Name: Matthias Cicotte

Address: 900 W. Fifth Ave., Suite 200

Address: P.O. Box 1244

City, State, Zip: Anchorage, Alaska 99501

City, State, Zip: Caldwell, Idaho 83605

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: