

Alaska Judicial Council Recommendation

Judge Joel H. Bolger, District Court, Valdez

I. Judicial Council Evaluation. The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Bolger to be **Qualified** and recommends unanimously (6-0) that the public vote "YES" to retain him as a district court judge.

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Judge Bolger was rated in the excellent range on overall judicial performance (4.5, see graph). He scored highest (4.6) in the categories of "conduct free from impropriety," "courtesy," "human understanding and compassion," "ability to control courtroom," and "consideration of all relevant factors in sentencing." He scored 4.3 or better in all sixteen categories.

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey
Legal Ability	4.4	---	---	---
Impartiality	4.5	4.5	4.6	---
Integrity	4.5	4.5	---	4.8
Temperament	4.6	4.6	4.7	4.7
Diligence	4.5	4.5	---	4.7
Special Skills	4.6	4.3	---	4.6
Overall	4.5	4.4	4.6	4.7

Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

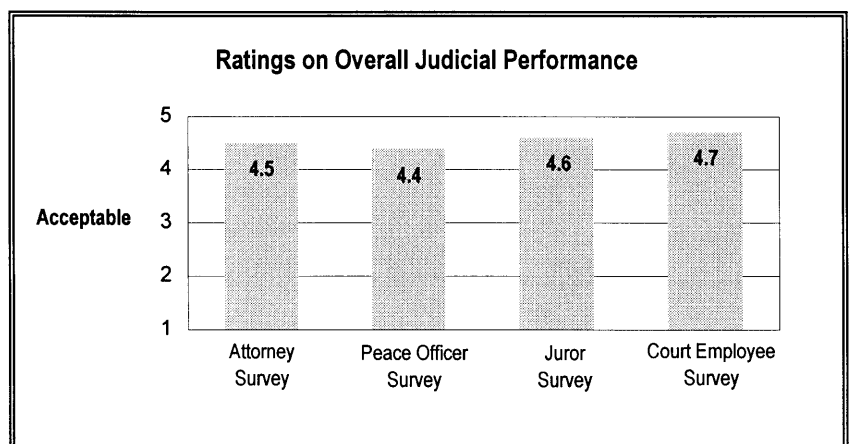
Range Description

4.0 - 5.0 = Excellent
 3.5 - 3.9 = Good
 3.0 - 3.4 = Acceptable
 2.5 - 2.9 = Below Acceptable
 1.0 - 2.4 = Poor

A survey of all 1,890 peace and probation officers in Alaska rated Judge Bolger in the excellent range on overall judicial performance (4.4, see graph). He scored highest (4.6) in the categories of "conduct free from impropriety," "courtesy," "human understanding and compassion," and "ability to control courtroom." He scored 4.3 or better in all thirteen categories.

A survey of all jurors appearing before Judge Bolger in 1998 and 1999 rated him in the excellent range (4.6) on overall performance. A survey of all court employees rated him in the excellent range (4.7) on overall performance.

The Council also completed a background investigation including a court records check, a disciplinary records check, a review of conflict of interest statements submitted to the court system, a review of any withheld salary warrants and a review of financial disclosure statements submitted to the Alaska Public Offices Commission. Attorneys, peace officers, court employees and jurors were asked to submit written comments about the judge. The Council actively encouraged the public to comment, both in writing and in a statewide public hearing teleconference.



Recommendation: Vote "YES" to retain Judge Bolger

Contact the Judicial Council at 1029 W. 3rd, Suite 201, Anchorage, AK 99501 (telephone: (907) 279-2526) for more detailed information, or review the information on our Internet site at:

www.ajc.state.ak.us



alaska judicial council

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Alaska Judicial Council Questionnaire

Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

Joel H. Bolger
Name

Valdez District Court
Court

1. Describe your workload during your present term.

a) <u>20</u> % Civil Cases	b) <u>25</u> # of trials/year
<u>75</u> % Criminal Cases	<u>8</u> # Administrative Appeals
<u>5</u> % Court Administrative	
100 % Total	

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

Family Law Rules Committee--Custody Investigator & GAL
Rule Project; Copper Valley Circle Sentencing Project;
Administrative Judge for Valdez, Cordova & Glennallen

3. On a separate sheet of paper 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

3. I have learned a great deal during the first two years of this appointment. My primary challenge has been assisting with the administration of courts in Valdez, Cordova and Glennallen. I am responsible for superior and district court cases in all three locations, including a traveling trial calendar each month in Cordova or Glennallen.

I have enjoyed two formal training sessions at the National Judicial College, one in General Jurisdiction and another involving training skills. I also had the pleasure of serving on the Family Law Rules Committee, on a project to redefine the rules for custody investigators and guardians ad litem. Currently, Judge Smith, Magistrate Wilkinson and I are working with the village councils in the Copper Basin area on a project to increase local involvement in sentencing decisions.

My sincere thanks to the Council for the hard work that will be necessary for the many evaluations that must be done this year.

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.

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 X.

- b) been involved in a nonjudicial capacity in any legal proceeding whether as a party or otherwise? Yes _____ No X.

- c) engaged in the practice of law (other than as a judge)? Yes _____ No X.

- d) held office in any political party? Yes _____ No X.

- e) held any other local state or federal office? Yes _____ No X.

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

Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2000 retention elections.

5. Please list the names and case numbers of the three most recent jury cases tried before you, identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

<i>Name of Case</i>	<i>Case Number</i>
1 <u>State v. Timothy Briggs</u>	<u>3CO-98-129 CR</u>

Attorneys Involved

Name: Douglas H. Kossler
Address: 310 K St., Suite 308
Anchorage, AK 99501

Name: _____
Address: _____

Name: Paul J. Nangle
Address: 101 Christensen Drive
Anchorage, AK 99501

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>State v. Jody Lyon</u>	<u>3VA-99-44 CR</u>

Attorneys Involved

Name: William L. Estelle
Address: 800 W. Evergreen, #102
Palmer, AK 99645-6695

Name: _____
Address: _____

Name: George B. Davenport
Address: 1800 Glenn Highway, #8
Palmer, AK 99645-6736

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
3 <u>State v. Michael Thompson</u>	<u>3CO-98-120 CR</u>

Attorneys Involved

Name: William H. Hawley, Jr.
Address: 310 K St., Suite 308
Anchorage, AK 99501

Name: _____
Address: _____

Name: Dan W. Allan
Address: 800 E. Dimond Blvd., #3-540
Anchorage, AK 99515-2028

Name: _____
Address: _____

6. Please list the names and case numbers of the three most recent non-jury cases tried before you, identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

	<i>Name of Case</i>	<i>Case Number</i>
1	<u>State v. Chrystal Hodge</u>	<u>3VA-99-101 CR</u>

Attorneys Involved

Name: Rachel K. Gernat
Address: 800 W. Evergreen, #102
Palmer, AK 99645-6695

Name: _____
Address: _____

Name: George B. Davenport
Address: 1800 Glenn Highway, #8
Palmer, AK 99645-6736

Name: _____
Address: _____

	<i>Name of Case</i>	<i>Case Number</i>
2	<u>Kozel v. Kozel</u>	<u>3VA-98-41 CI</u>

Attorneys Involved

Name: Maryann E. Foley
Address: 750 W. 2nd Ave., Ste. 203
Anchorage, AK 99501

Name: _____
Address: _____

Name: Michael J. Franciosi
Address: Box 1229
Valdez, AK 99686

Name: _____
Address: _____

	<i>Name of Case</i>	<i>Case Number</i>
3	<u>Matter of TJM & TM</u>	<u>3CO-99-1/2 CP</u>

Attorneys Involved

Name: D. Kevin Williams
Address: 1031 W. 4th Ave., Ste. 200
Anchorage, AK 99501

Name: Marshall Currey Cook
Address: 900 W. 5th Ave., Ste. 400
Anchorage, AK 99501

Name: Paul E. Malin
Address: 900 W. 5th Ave., Ste. 200
Anchorage, AK 99501

Name: _____
Address: _____

7. Please list the names and case numbers of the three most recent cases which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.), identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

<i>Name of Case</i>	<i>Case Number</i>
1 <u>Broyles v. L&M Motors</u>	<u>3AN-98-7262 CI</u>

Attorneys Involved

Name: Charles W. Coe
Address: 805 W. 3rd Ave., Ste. 100
Anchorage, AK 99501

Name: _____
Address: _____

Name: Trena L. Heikes
Address: 3380 C St., Ste. 202
Anchorage, AK 99503

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>Kennedy v. Kennedy</u>	<u>3VA-98-75 CI</u>

Attorneys Involved

Name: William Bixby
Address: Box 1229
Valdez, AK 99686

Name: _____
Address: _____

Name: Jennifer L. Holland
Address: 880 H St., Ste. 201
Anchorage, AK 99501-3450

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
3 <u>Tango Constr. v. AEA</u>	<u>3AN-96-2563 CI</u>

Attorneys Involved

Name: R. R. DeYoung
Address: 4041 B St., Ste. 200
Anchorage, AK 99503

Name: _____
Address: _____

Name: Stephen H. Hutchings
Address: 1127 W. 7th Ave.
Anchorage, AK 99501

Name: _____
Address: _____

8. If you deem it helpful to the Council, please list the name, case number and attorneys' names and current addresses of any other cases during your judicial career in which you believe your work was particularly noteworthy. (Attach additional pages if necessary.)

1 *Name of Case* State v. Dewell Pearce *Case Number* 3VA-94-139 CR

Attorneys Involved

Name: Roman J. Kalytiak
Address: 800 W. Evergreen, #102
Palmer, AK 99645-6695

Name: _____
Address: _____

Name: J. Randall Luffberry
Address: 263 S. Alaska St.
Palmer, AK 99645

Name: _____
Address: _____

2 *Name of Case* State v. Amy Neel et al. *Case Number* 3CO-98-64, 65, 66, 67, 68, 69 CR

Attorneys Involved

Name: Paul E. Malin
Address: 900 W. 5th Ave., Ste 200
Anchorage, AK 99501

Name: Scott A. Sterling
Address: 851 E. Westpoint Dr., #201
Wasilla, AK 99654

Name: Michael R. Smith
Address: 308 G. St., Ste. 324
Anchorage, AK 99501

Name: Chad Wynn Holt
Address: 733 W. 4th Ave., Ste. 303
Anchorage, AK 99501

Brenda Taylor, 31730 Tanglewood, St. Clair Shores, MI 48082

3 *Name of Case* _____ *Case Number* _____

Attorneys Involved

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: May 16, 2000

RE: Comparison of Previous Survey Results - Joel H. Bolger

Joel H. Bolger is standing for retention for the first time in 2000. The following table compares retention and selection survey scores for Judge Bolger. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Bolger applied for and was appointed to the Valdez District Court in 1997.

Judge Joel H. Bolger appointed to Valdez District Court 7/3/97						
	2000 Retention		1998 Retention		1997 Valdez District	
	Bar	PPO	Bar	PPO	Score	Range
Legal Ability	4.4	—	4.4	—	4.4	Excellent
Fairness	4.5	4.5	4.4	4.2	4.3	Excellent
Integrity	4.5	4.5	4.5	4.3	4.4	Excellent
Judicial Temperament	4.6	4.6	4.5	4.4	4.3	Excellent
Diligence	4.5	4.5	—	----	—	---
Administrative Skills	4.6	4.3	—	---	—	---
Suitability of Experience	—	—	—	—	4.3	Excellent
Overall Performance	4.5	4.4	4.5	4.3	4.3	Excellent