Alaska Judicial Council
Summary of Performance Evaluation for:

Justice Peter J. Maassen
Alaska Supreme Court

The Judicial Council finds Justice Maassen to be **qualified** and recommends unanimously that the public vote "**YES"** to retain him as a supreme court justice.

Summary

The Judicial Council's recommendation to vote "YES" on Justice Maassen is based on his overall performance, including: evaluations by attorneys and other professionals who have direct experience with Justice Maassen; public records; APOC files; and any disciplinary files.

The Council researched other aspects of Justice Maassen's performance, such as whether his pay was withheld for untimely decisions. Based on its review of all this information, the Judicial Council recommends a "YES" vote on Justice Maassen. Performance evaluation information about Justice Maassen is detailed below.

Details

1. **Biographical Information.** Justice Maassen has been a supreme court justice since 2012. This is his first retention election. For more biographical information about Justice Maassen, click **here**.

2. **Survey Ratings.** People who had direct experience with the justice took a survey to rate him on qualities such as legal ability, impartiality and fairness, integrity, judicial temperament, diligence, and overall performance. These survey participants used a 1 to 5 scale to evaluate the justice's performance, where 5.0 was "excellent," 4.0 was "good," 3.0 was "acceptable," 2.0 was "deficient," and 1.0 was "poor."

   Attorney Survey Results. Attorneys who responded to the Judicial Council's survey on Justice Maassen's performance gave him an average rating of 4.6 overall. For detailed attorney survey results on Justice Maassen, click **here**.

   Court Employee Survey Results. Court employees who responded to the Judicial Council's survey on Justice Maassen gave him an average rating of 4.8 overall. For detailed court employee survey results on Justice Maassen, click **here**.

3. **Salary Withholdings**. Alaska law requires a justice's pay to be withheld for unfinished work. No salary was withheld for Justice Maassen during this time. For general information about salary withholding, click **here**.

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Alaska Judicial Council
Appellate Judge Questionnaire

2016 Candidates for Judicial Retention

October 2015

Peter Maassen
Name

Supreme Court
Court

1. Please estimate your workload during your present term.

a) 80 % civil cases
15 % criminal cases
5 % 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.

1. I serve as co-chair of the Supreme Court's Access to Justice Committee, which is now part of the Access and Fairness Commission. The committee has approximately 15 members and meets 4-5 times a year to discuss access issues, air ideas for new projects, and decide how to support existing projects. I attend smaller ad hoc meetings throughout the year as well as an annual out-of-state conference for chairs.
2. I also chair the Judicial Conference Planning Committee, which meets monthly and plans educational sessions for the bi-annual (going forward, only annual)judicial conferences.
3. I am the judicial representative on the Alaska Bar Association's pro bono committee, whose mission significantly overlaps that of the Access to Justice Committee. The pro bono committee meets irregularly.
(Continued on separate sheet.)

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.

The learning curve was steep. Coming into the job I was immediately immersed in substantive areas of the law in which I had little experience: particularly criminal, domestic relations, and child-in-need-of-aid cases. But apparently I'm not too old to learn; I believe that I'm now conversant enough in the areas of substantive law regularly encountered here that I begin my analysis of most issues from a baseline of rough competence. I'm also becoming more comfortable with the daily handling of motions and petitions; with volume and experience, I'm (usually) able to deal with them substantively and efficiently without agonizing too long over each one. I still caution myself that every motion, petition, and appeal, no matter how routine, has great importance to somebody and deserves my whole and impartial attention.

I get great satisfaction from this job and can't imagine a better one for me. I'm very comfortable with the working atmosphere on the court. I love the variety of cases. I enjoy the exchange of views with my colleagues and the constant opportunities to learn from them and from the lawyers who appear before us. I greatly enjoy the writing process and only wish it went more quickly. I still have a lot to learn about time-management; I'm behind where I want to be in terms of getting my draft opinions circulating among the other members of the court.

I believe that my committee activities over the past three years (summarized above) have benefited the court system in important ways, and I hope to continue them.

I try to write opinions that are readable and clear, and I think I'm succeeding for the most part. Essentially, I hope to maintain throughout my career the court's existing high standards of fairness, personal integrity, and the clarity of judicial reasoning.

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 2016 retention elections.

I continue to be involved with the Anchorage Youth Court as a member of the Board of Directors. I'm in my third three-year term as a Board member, having served in the past as secretary and as chair. The mission of AYC --- restorative justice for the young offenders and building confidence and skills in the student attorneys and judges --- remains among my priorities.

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: Alaska Commercial Fishermen's ***v.*** City & Borough of Juneau ***Case Number:*** No. S-15676

Attorneys Involved:

Name: Bruce Weyrauch
Address: 114 S. Franklin St. Ste. 200
City, State, Zip: Juneau, Alaska 99801

Name: Christopher Orman
Address: 155 S. Seward, 3rd Floor
City, State, Zip: Juneau, Alaska 99801

Name: Larri Irene Spengler
Address: 4545 Thane Road
City, State, Zip: Juneau, Alaska 99801

Name: Amy Mead
Address: 155 S. Seward, 3rd Floor
City, State, Zip: Juneau, Alaska 99801

Case Number 2

Case Name: Snider ***v.*** Snider ***Case Number:*** No. S-15613

Attorneys Involved:

Name: Terry C. Aglietti
Address: 733 W. 4th, Suite 206
City, State, Zip: Anchorage, Alaska 99501

Name: Ian Wheeles
Address: 601 E. 57th Place, Ste. 101
City, State, Zip: Anchorage, Alaska 99518

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

Case Number 3

Case Name: Jennifer L. ***v.*** OCS ***Case Number:***

Attorneys Involved:

Name: WIlliam T. Montgomery
Address: 460 Ridgecrest Dr. Ste. 219
City, State, Zip: Bethel, Alaska 99559

Name: Janell Hafner
Address: P.O. Box 110300
City, State, Zip: Juneau, Alaska 99801-2035

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

Case Number 4

Case Name: Oakley Enterprises, LLC ***Case Number:*** No. S-15159

v. NPI, LLC

Attorneys Involved:

Name: David D. Clark
Address: 805 W. Fireweed Lane
City, State, Zip: Anchorage, Alaska 99503

Name: Jonathon Katcher
Address: 421 W. 1st Ave. Ste 220
City, State, Zip: Anchorage, Alaska 99501

Name:
Address:
City, State, Zip:

Name: Debra J. Fitzgerald
Address: 1954 Standford Dr.
City, State, Zip: Anchorage, Alaska 99508

Case Number 5

Case Name: Duenas-Rendon ***Case Number:*** No. S-15596

v. Wells Fargo Bank, N.A.

Attorneys Involved:

Name: Swan T. Ching
Address: 1563 E. Tudor Rd.
City, State, Zip: Anchorage, Alaska 99507

Name: Michael J. Parise
Address: 301 W. No.Lights Ste. 301
City, State, Zip: Anchorage, Alaska 99503

Name:
Address:
City, State, Zip:

Name: Michael B. Baylous
Address: 301 W. No.Lights Ste. 301
City, State, Zip: Anchorage, Alaska 99503

Case Number 6

Case Name: Geotek Alaska, Inc. ***Case Number:*** No. S-15449

v. Jacobs Engineering Group, Inc.

Attorneys Involved:

Name: Michael Jungreis
Address: 188 W. No.Lights Ste. 1100
City, State, Zip: Anchorage, Alaska 99503

Name: Robert J. Dickson
Address: 420 L St. Ste. 500
City, State, Zip: Anchorage, Alaska 99501

Name: Jason Hartz
Address: 188 W. No.Lights Ste. 1100
City, State, Zip: Anchorage, Alaska 99503

Name: Christopher Slottee
Address: 420 L St. Ste. 500
City, State, Zip: Anchorage, Alaska 99501

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, DHSS ***v.*** Gross ***Case Number:*** No. S-15330

Attorneys Involved:

Name: Kathryn Vogel
Address: 1031 W. 4th Ave. Ste. 200
City, State, Zip: Anchorage, Alaska 99501

Name: Mark Regan
Address: 3330 Arctic Blvd. Ste. 103
City, State, Zip: Anchorage, Alaska 99503

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

Case Number 2

Case Name: Alaska Fish & Wildlife Fund ***v.*** State ***Case Number:*** No. S-14516

Attorneys Involved:

Name: Michael C. Kramer
Address: 542 4th Ave. Ste. 207
City, State, Zip: Fairbanks, Alaska 99701

Name: Michael G. Mitchell
Address: 1031 W. 4th Ave., Ste. 200
City, State, Zip: Anchorage, Alaska 99501

Name:
Address:
City, State, Zip:

Name: John M. Starkey
Address: 701 W. 8th Ave. Ste. 1200
City, State, Zip: Anchorage, Alaska 99501

Case Number 3

Case Name: Brooks ***v.*** Horner ***Case Number:*** No. S-15341

Attorneys Involved:

Name: James M. Hackett
Address: 401 11th Ave.
City, State, Zip: Fairbanks, Alaska 99701

Name: James D. DeWitt
Address: 510 L St., Ste. 700
City, State, Zip: Anchorage, Alaska 99501

Name:
Address:
City, State, Zip:

Name: Gary A. Zipkin
Address: 510 L St., Ste. 700
City, State, Zip: Anchorage, Alaska 99501

ADDENDUM TO PETER MAASSEN'S RETENTION QUESTIONNAIRE

Question 2 (continued):

4. I prepare for and participate in the monthly administrative conferences that we have as a court. These involve discussions and decision-making with regard to budgets, personnel, rule-making, and other administrative tasks.

Question 7 (continued):

In answering this question I included only cases in which both sides had attorney representation. Of my six most recent published opinions, two had self-represented litigants on both sides and one had no appearance for the appellee. They are:

Luker v. Sykes, 357 P.3d 1191 (Oct. 16, 2015) (both sides pro se)

Wells v. Barile, 358 P.3d 585 (Oct. 16, 2015) (both sides pro se)

Hope P. v. Flynn G., 355 P.3d 559 (Sept. 4, 2015) (appellant represented by John Parsi, 420 L St., Ste. 400, Anchorage, Alaska 99501; no appearance by appellee)

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Table 12
Peter J. Maassen
Demographic Description of Respondents

		n	%
	All respondents	**297**	**100.0**
Experience with Justice			
	Direct professional experience	192	64.6
	Professional reputation	68	22.9
	Other personal contacts	37	12.5
Detailed Experience*			
	Recent experience (within last 5 years)	174	90.6
	Substantial amount of experience	45	23.4
	Moderate amount of experience	89	46.4
	Limited amount of experience	56	29.2
Type of Practice			
	No response	4	1.3
	Private, solo	54	18.2
	Private, 2-5 attorneys	38	12.8
	Private, 6+ attorneys	50	16.8
	Private, corporate employee	8	2.7
	Judge or judicial officer	41	13.8
	Government	71	23.9
	Public service agency or organization	13	4.4
	Retired	12	4.0
	Other	6	2.0
Length of Alaska Practice			
	No response	6	2.0
	5 years or fewer	22	7.4
	6 to 10 years	14	4.7
	11 to 15 years	20	6.7
	16 to 20 years	23	7.7
	More than 20 years	212	71.4
Cases Handled			
	No response	3	1.0
	Prosecution	9	3.0
	Criminal	18	6.1
	Mixed criminal & civil	55	18.5
	Civil	184	62.0
	Other	28	9.4
Location of Practice			
	No response	3	1.0
	First District	26	8.8
	Second District	-	-
	Third District	243	81.8
	Fourth District	17	5.7
	Outside Alaska	8	2.7
Gender			
	No response	4	1.3
	Male	198	66.7
	Female	95	32.0

*Only among those respondents reporting direct professional experience with the justice.

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Table 13
Peter J. Maassen
Detailed Responses

	n	Legal Ability *M*	Impartiality/ Fairness *M*	Integrity *M*	Judicial Temperament *M*	Diligence *M*	Overall *M*
All respondents	297	4.6	4.7	4.8	4.7	4.6	4.6
Basis for Evaluation							
Direct professional experience	192	4.6	4.6	4.8	4.7	4.5	4.6
Experience within last 5 years	174	4.6	4.7	4.8	4.7	4.5	4.6
Experience not within last 5 years	14	4.5	4.6	4.6	4.6	4.6	4.6
Substantial amount of experience	45	4.7	4.7	4.8	4.8	4.6	4.7
Moderate amount of experience	89	4.7	4.7	4.8	4.8	4.6	4.7
Limited amount of experience	56	4.4	4.5	4.6	4.6	4.3	4.4
Professional reputation	68	4.6	4.6	4.7	4.7	4.5	4.6
Other personal contacts	37	4.6	4.7	4.9	4.8	4.7	4.7
Type of Practice*							
Private, solo	32	4.6	4.7	4.7	4.7	4.5	4.6
Private, 2-5 attorneys	29	4.3	4.4	4.6	4.6	4.3	4.4
Private, 6+ attorneys	39	4.8	4.7	4.8	4.8	4.7	4.8
Private, corporate employee	3	4.7	4.3	4.7	5.0	4.3	4.3
Judge or judicial officer	27	4.7	4.9	4.9	4.8	4.6	4.7
Government	44	4.5	4.5	4.7	4.6	4.4	4.6
Public service agency or organization	4	4.3	4.5	4.8	4.8	4.7	4.8
Retired	7	5.0	5.0	5.0	5.0	5.0	5.0
Other	3	5.0	4.7	5.0	4.7	4.7	5.0
Length of Alaska Practice*							
5 years or fewer	11	4.7	4.7	4.8	4.7	4.7	4.7
6 to 10 years	6	4.2	4.0	4.5	4.7	3.8	4.2
11 to 15 years	10	4.6	4.4	4.6	4.6	4.7	4.4
16 to 20 years	16	4.6	4.6	4.8	4.6	4.4	4.6
More than 20 years	144	4.6	4.7	4.8	4.8	4.6	4.7
Cases Handled*							
Prosecution	2	4.5	4.5	5.0	5.0	5.0	4.5
Criminal	13	4.2	4.4	4.4	4.2	4.3	4.2
Mixed criminal & civil	40	4.4	4.6	4.6	4.7	4.3	4.5
Civil	121	4.7	4.7	4.8	4.8	4.6	4.7
Other	13	5.0	4.9	5.0	4.8	4.8	5.0
Location of Practice*							
First District	13	4.3	4.5	4.6	4.6	4.3	4.5
Second District	-	-	-	-	-	-	-
Third District	159	4.6	4.7	4.8	4.8	4.6	4.7
Fourth District	13	4.2	4.3	4.4	4.5	4.1	4.3
Outside Alaska	4	5.0	5.0	5.0	5.0	5.0	5.0
Gender*							
Male	131	4.6	4.7	4.7	4.8	4.5	4.6
Female	57	4.6	4.6	4.8	4.7	4.5	4.6

*Ratings from only those respondents reporting direct professional experience with the justice.

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Table 6
Peter J. Maassen
Description of Respondents' Experience

		n	%
	All respondents	**33**	**100.0**
Experience with Justice			
	Direct professional experience	26	78.8
	Professional reputation	3	9.1
	Other personal contacts	4	12.1
Detailed Experience*			
	Recent experience (within last 5 years)	25	96.2
	Substantial amount of experience	12	46.2
	Moderate amount of experience	9	34.6
	Limited amount of experience	5	19.2

*Only among those respondents reporting direct professional experience with the justice.

Table 7
Peter J. Maassen
Detailed Responses

	n	**Impartiality/ Fairness** *M*	**Integrity** *M*	**Judicial Temperament** *M*	**Diligence** *M*	**Overall Evaluation** *M*
All respondents	33	4.9	4.9	4.9	4.8	4.9
Basis for Evaluation						
Direct professional experience	**26**	**4.8**	**4.9**	**4.9**	**4.8**	**4.8**
Experience within last 5 years	25	4.9	4.9	5.0	4.8	4.9
Experience not within last 5 years	1	4.0	4.0	4.0	5.0	4.0
Substantial amount of experience	12	4.9	4.9	4.9	4.9	4.9
Moderate amount of experience	9	4.8	4.9	5.0	4.7	4.8
Limited amount of experience	5	4.8	4.8	4.8	4.8	4.8
Professional reputation	3	5.0	4.7	5.0	5.0	5.0
Other personal contacts	4	5.0	5.0	5.0	5.0	5.0

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Salary Warrant Withholding

Alaska law states: "A salary disbursement may not be issued to a [justice or judge] until the [justice or judge] has filed with the state officer designated to issue salary disbursements an affidavit that no matter referred to the [justice or judge] for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months." As soon as the judge completes or decides the matter and signs the affidavid, the salary warrant may be issued.

No appellate judge had any salary warrants withheld. The appellate judges on the 2016 ballot are Supreme Court Justice Peter Maassen, Supreme Court Justice Joel Bolger, and Court of Appeals Judge Marjorie Allard.

Of the sixteen superior court judges on the ballot in 2016, two had pay withheld during the evaluation period:

Judge Pallenberg had four salary warrants withheld during the evaluation period:

Pay period	Regular warrant date:	Late Pay issued:
2/29/2012	3/9/2012	3/13/2012
1/15/2013	1/25/2013	1/31/2013
2/15/2015	2/24/2015	3/2/2015
3/31/2015	4/9/2015	4/13/2015

Judge White had two salary warrants withheld during the evaluation period:

Pay period	Regular warrant date:	Late Pay issued:
10/31/2010	10/09/2010	11/24/2010
2/15/2011	2/24/2011	3/8/2011

Judges Eric Aarseth, Catherine Easter, David George, Bethany Harbison, Jane Kauvar, Kari Kristiansen, Michael MacDonald, Erin Marston, Dwayne McConnell, Anna Moran, Mark Rindner, Kevin Saxby, Jack Smith, and Trevor Stephens had no salary warrants withheld.

No district court judge appearing on the 2016 ballot had salary warrants withheld. The district court judges on the 2016 ballot are Matthew Christian, Patrick Hammers, J. Patrick Hanley, Jennifer Henderson, Margaret Murphy, Thomas Nave, Nathaniel Peters, Daniel Schally, Alex Swiderski, David Wallace, Pamela Washington, and David Zwink.

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