

Alaska Judicial Council Recommendation

Judge Kevin G. Miller, District Court, Ketchikan

I. Judicial Council Evaluation. The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Miller to be *Qualified* and recommends unanimously (5-0) that the public vote "YES" to retain him as a district court judge.

II. Summary of Evaluation Information. A survey of 2,860 attorneys in Alaska rated Judge Miller on sixteen categories that are summarized in the adjacent graph. Attorneys rated Judge Miller 4.3 on a scale of 5 on overall judicial performance. He scored highest (4.5) in the categories of "conduct free from impropriety," "courtesy," "controls courtroom," and "settlement skills." He scored 4.0 or better in all sixteen categories.

| | Attorney Survey | Peace Officer Survey | Juror Survey | Court Employee Survey |
|----------------|-----------------|----------------------|--------------|-----------------------|
| Legal Ability | 4.1 | --- | --- | --- |
| Impartiality | 4.3 | 4.8 | 4.8 | 5.0 |
| Integrity | 4.4 | 4.8 | --- | 5.0 |
| Temperament | 4.4 | 4.8 | 4.8 | 5.0 |
| Diligence | 4.3 | 4.6 | --- | 4.9 |
| Special Skills | 4.5 | 4.7 | --- | --- |
| Overall | 4.3 | 4.8 | 4.8 | 4.9 |

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

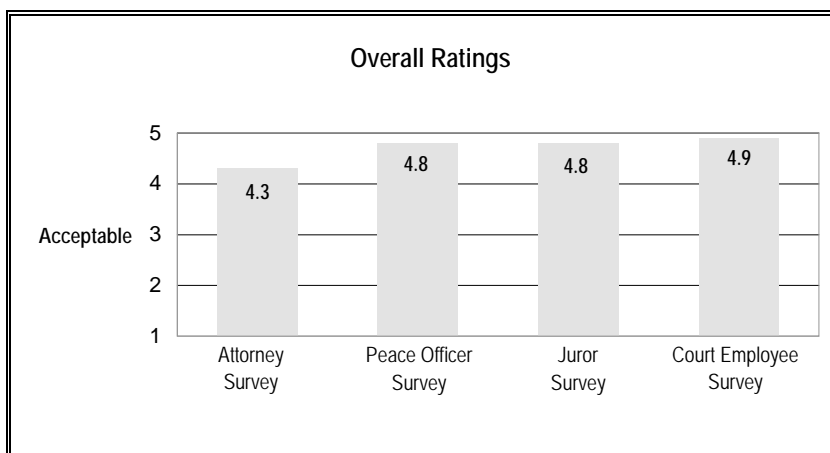
Rating Scale

- 5.0 = Excellent
- 4.0 = Good
- 3.0 = Acceptable
- 2.0 = Deficient
- 1.0 = Unacceptable

A survey of 1,704 peace and probation officers in Alaska rated Judge Miller on twelve categories that are summarized in the adjacent graph. Peace and probation officers rated Judge Miller 4.8 on a scale of 5 on overall judicial performance. He scored highest (4.9) in the categories of "courtesy" and "understanding and compassion." He scored 4.6 or better in all categories.

A survey of all jurors appearing before Judge Miller in 2000 and 2001 rated him 4.8 on a scale of 5 on overall performance. A survey of all court employees rated him 4.9 on a scale of 5 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 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 Miller

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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http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
Larry Cohn

Alaska Judicial Council Questionnaire

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ALASKA
JUDICIAL COUNCIL

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CHAIR, EX OFFICIO
Dena Fabre
Chief Justice
Supreme Court

Trial Judge 2002 Candidates for Judicial Retention

November 16, 2001

Kevin G. Miller
Name

District Court Ketchikan
Court

1. Describe your workload during your present term.

a) 70 % Civil Cases
30 % Criminal Cases
0 % Court Administrative
100 % Total

b) 108 # of trials/year (includes traffic)
0 # Administrative Appeals

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

None

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 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 .

- b) been involved in a nonjudicial 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 .

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 2002 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. McCloud</u> | <u>IKE-01-983 CR</u> |

Attorneys Involved

Name: James Scott
Address: 415 Main St, Rm 304
Ketchikan, AK 99901

Name: _____
Address: _____

Name: W. Clark Stump
Address: P.O. Box 7958
Ketchikan, AK 99901

Name: _____
Address: _____

| <i>Name of Case</i> | <i>Case Number</i> |
|--|----------------------|
| 2 <u>State v. Baines</u> | <u>151-01-243 CR</u> |

Attorneys Involved

Name: Jarinne Vorankamp
Address: P.O. Box 6308
Sitka, AK 99835

Name: _____
Address: _____

Name: Galen Paine
Address: 329 Harbor Drive Rm 203
Sitka, AK 99835

Name: _____
Address: _____

| <i>Name of Case</i> | <i>Case Number</i> |
|---|----------------------|
| 3 <u>State v. Lewis</u> | <u>IKE-01-810 CR</u> |

Attorneys Involved

Name: Dan Schally
Address: 415 Main St, Rm 304
Ketchikan, AK 99901

Name: _____
Address: _____

Name: Barbara Kisoner
Address: 415 Main St, Ste 204
Ketchikan, AK 99901

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 Seattle-Tacoma Box Co. v. T & E Enterprises | <u>IKE-01-5 C1</u> |

Attorneys Involved

Name: Roger Henderson
Address: 701 West 41st Ave, Ste 202
Anchorage, AK 99503

Name: W. Clark Stump
Address: P.O. Box 7958
Ketchikan, AK 99901

Name: _____
Address: _____

Name: _____
Address: _____

| <i>Name of Case</i> | <i>Case Number</i> |
|---|---------------------|
| 2 Alaska Comm. Divers, Inc v. Neumann | <u>IKE-01-16 C1</u> |

Attorneys Involved

Name: H. Clay Keene
Address: 540 Water St, Ste 302
Ketchikan, AK 99901

Name: Brian Hanson
Address: 408-Boja Way P.O. Box 98
Sitka, AK 99835

Name: _____
Address: _____

Name: _____
Address: _____

| <i>Name of Case</i> | <i>Case Number</i> |
|---------------------------|---------------------|
| 3 Peters v. Scheer | <u>IKE-01-16 SC</u> |

Attorneys Involved

Name: Michael P. Heiser
Address: 300 Mill St, Ste 20
Ketchikan, AK 99901

Name: R.W. Shaffer
Address: 320 Bowden St Ste 316
Ketchikan, AK 99901

Name: _____
Address: _____

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>Single v. PAGOZZINO</u> (Settlement Conf.) | <u>IKE-01-138 CI</u> |

Attorneys Involved

Name: Will Woodell
Address: 300 Mill St, Ste 22
Ketchikan, AK 99901

Name: H. Clay Keene
Address: 540 Water St, Ste 302
Ketchikan, AK 99901

Name: _____
Address: _____

Name: _____
Address: _____

| <i>Name of Case</i> | <i>Case Number</i> |
|---------------------------------|----------------------|
| 2 <u>State v. Barnes</u> | <u>IKE-01-526 CB</u> |

Attorneys Involved

Name: Stephen B. West
Address: 415 main st, Rm 304
Ketchikan, AK 99901

Name: Chris Paag
Address: 415 main St, Ste 204
Ketchikan, AK 99901

Name: _____
Address: _____

Name: _____
Address: _____

| <i>Name of Case</i> | <i>Case Number</i> |
|--|---------------------|
| 3 <u>Gateway v. Ketchikan</u> <u>Rec'd Mix! (Settlement Conf.)</u> | <u>IKE-01-31 CI</u> |

Attorneys Involved

Name: Daniel G. Bruce
Address: P.O. Box 32819
Juneau, AK 99803-2819

Name: H. Clay Keene
Address: 540 Water St, Ste 302
Ketchikan, AK 99901

Name: _____
Address: _____

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

Case Number

Attorneys Involved

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

2

Name of Case

Case Number

Attorneys Involved

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

3

Name of Case

Case Number

Attorneys Involved

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

MEMORANDUM

TO: Judicial Council Members
FROM: Staff
DATE: April 24, 2002
RE: Comparison of Previous Survey Results - Kevin G. Miller

Kevin G. Miller is standing for retention in 2002. The table on the following page compares retention and selection survey scores for Judge Miller. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

This is Judge Miller's first time to stand for retention. He was evaluated with the other non-retention judges in 2000.

Judge Miller applied for and was appointed to the Ketchikan District Court in 1999.

| Judge Kevin Miller | | | | | |
|--|---------------------------|------------|-------------------------|------------|--|
| Appointed to Ketchikan District Court 08/30/99 | | | | | |
| | <i>2002 Retention</i> | | <i>2000 Interim</i> | | <i>1999 Ketchikan District</i> |
| | <i>Bar</i> | <i>PPO</i> | <i>Bar</i> | <i>PPO</i> | |
| Legal Ability/Professional Competence | 4.1 | ---- | 3.8 | ---- | 3.7 |
| Impartiality/Fairness | 4.3 | 4.8 | 4.2 | 4.1 | 3.9 |
| Integrity/Good Character | 4.4 | 4.8 | 4.3 | 3.9 | 4.0 |
| Judicial Temperament | 4.4 | 4.8 | 4.3 | 3.0 | 3.7 |
| Diligence | 4.3 | 4.6 | 4.1 | 3.9 | ---- |
| Special Skills | 4.5 | 4.7 | ---- | ---- | ---- |
| Experience | ---- | ---- | ---- | ---- | 3.5 |
| Overall Performance | 4.3 | 4.8 | 4.2 | 4.1 | 3.6 |