



alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

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ALASKA JUDICIAL COUNCIL

2012 Candidates for Judicial Retention

October 2011

Daniel Schally

Name

Valdez District Court

Court

1. Please estimate your workload during your present term.

- | | |
|--------------------------------------|---|
| a) <u>40</u> % civil cases | b) <u>5</u> # of jury trials/year |
| <u>57</u> % criminal cases | <u>8</u> # of non-jury trials/year |
| <u>3</u> % court administrative work | <u>4</u> # of administrative appeals/year |
| 100 % Total | |

The numbers above are rough estimates. It is difficult to blend the numbers from the various courts I serve and of course the numbers change every year.

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

Fish & Game Bail Forfeiture Schedule Advisory Committee, appointed & reappointed by the Supreme Court since 2006.

Magistrate Training Judge, appointed & reappointed by the Supreme Court since 2009.

Judicial Conference Planning Committee, appointed by the Supreme Court, member since 2009.

Manage weekend & holiday judicial on-call schedule for Valdez, Cordova, Glennallen, & Sand Point.

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.

During my current term I have continued to work very hard to increase my effectiveness and efficiency. I continue to believe that all participants in our system of justice deserve not only a fair opportunity to be heard but also a fair and timely decision of their concerns as well as an explanation as to why the court has decided the matter in the way that it has. I believe I have largely succeeded in these endeavors.

As I approach the seventh anniversary of my appointment to the bench I can definitely say that I have grown as a person and as a judge. With every case that I handle I learn more and gain more experience that I can then put to use in improving the way I do my job. I have been pleased to be able to engage in more mediation and settlement conferences in an attempt to reach a better end result and to reach it in a more efficient way.

I continue to participate in training through the National Judicial College (including online training) and through the planning for, attendance and participation at Alaska Court System judicial conferences and Alaska Bar Association annual conventions.

Working as a magistrate training judge for the last two years has given me the opportunity to visit and interact with magistrates and other judicial officers in a variety of court locations. This exposure to different people and places allows me to impart knowledge to others but also to learn from them different ways of doing things that allow me to do my job more effectively.

During the last couple of years I have increased my participation with the Valdez Youth Court through teaching more training sessions. I have very much come to enjoy working with youth court participants. I also urge youth that I see in court to opt to have their cases referred to the youth court for sentencing.

Although my title is district court judge I continue to handle a full superior court caseload in Valdez, Sand Point, and Glennallen, and I continue to volunteer to handle cases from courts outside of those that I formally serve. Examples include volunteering to take on district court appeals, administrative agency appeals, and post-conviction relief cases from the Anchorage and Palmer Courts. I have also handled cases from farther afield including Barrow, where I presided over a civil jury trial last year. I have also handled an increasing number of matters for the Cordova Court.

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 2012 retention elections.

For questions 7 through 10 please do not list any cases that have pending issues in your court.

- 7. Please list your three most recent jury trials 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 trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: State of Alaska **Case Number:** 3GL-11-53CR
 v. Sarah Haller

Attorneys Involved:

Name: <u>Lindsey Burton, ADA</u>	Name: <u>Timothy Dooley</u>
Address: <u>515 E. Dahlia St, Ste 150</u>	Address: <u>921 W. 6th Ave, Ste 200</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3VA-11-71CR
 v. Timothy Barclay

Attorneys Involved:

Name: <u>Eric Senta, ADA</u>	Name: <u>Bryon Collins</u>
Address: <u>515 E. Dahlia St, Ste 150</u>	Address: <u>310 K St, Ste 200</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3GL-09-163CR
 v. John Chalstrom

Attorneys Involved:

Name: <u>Melissa Winger-Howard, ADA</u>	Name: <u>William R. Satterberg, Jr.</u>
Address: <u>515 E. Dahlia St, Ste 150</u>	Address: <u>709 Fourth Avenue</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

8. Please list your three most recent non-jury trials 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 trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: ITMO L.P. & J.W. **Case Number:** 3GL-10-7/8CN

v. _____

Attorneys Involved:

Name: Lisa Reynolds, AAG Name: Paul Maslakowski, OPA
Address: 1031 W. 4th Ave, Ste 200 Address: 1517 S Industr. Wy Ste 1
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Palmer, AK 99645

Name: Susan Heuer, GAL Name: _____
Address: 900 W 5th Ave Address: _____
City, State, Zip: Anchorage, AK 99501 City, State, Zip: _____

Case Number 2

Case Name: Jacqueline Olson **Case Number:** 3VA-09-38CI

v. Patrick Olson

Attorneys Involved:

Name: G.R. Eschbacher Name: Terri-Lynn Coleman
Address: 718 Barrow St Address: 750 8th Ave
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Fairbanks, AK 99701

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

Case Number 3

Case Name: State of Alaska **Case Number:** 3VA-09-246CR

v. William Wallis

Attorneys Involved:

Name: Kerry Corliss, ADA Name: Elizabeth Varela, Asst PD
Address: 515 E. Dahlia St, Ste 150 Address: 515 E. Dahlia St., Ste 100
City, State, Zip: Palmer, AK 99645 City, State, Zip: Palmer, AK 99645

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

I do not have very many non-jury trials involving lawyers. I asked Larry Cohn via email about how I might address this in this questionnaire and he told me to list more jury trials because the goal of these questions is to list attorneys from six recent trials. Regarding the cases listed on page 5, Case Number 1 is a non-jury trial (contested CINA Adjudication), Case Number 2 is a non-jury trial (divorce including property and custody disputes), and Case Number 3 is a jury trial.

- 9. Please list your three most recent cases, 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, 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: City of Valdez Case Number: 3VA-09-3CI
 v. Ak Mun League Jt Ins Assoc

Attorneys Involved:

Name: <u>Joseph Levesque</u>	Name: <u>Blake Call</u>
Address: <u>731 N St</u>	Address: <u>250 H St</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: ITMO PCR Enetta Rogers Case Number: 3AN-09-9968CI
 v. _____

Attorneys Involved:

Name: <u>John McConnaughy, III</u>	Name: <u>Aaron Jabaay</u>
Address: <u>733 W. 4th Ave, Ste 308</u>	Address: <u>310 K St, Ste 520</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: George Long Case Number: 3PA-08-2454CI
 v. State of Alaska

Attorneys Involved:

Name: <u>John C. Pharr</u>	Name: <u>Rachel Gernat</u>
Address: <u>733 W. 4th Ave, Ste 308</u>	Address: <u>248 S. Alaska St</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Regarding the cases listed on page 6...

Case Number 1 was a general civil litigation case involving a large sum of money and there were competing motions for summary judgment.

Case Number 2 was a post-conviction relief (PCR) matter in which I granted the government's motion to dismiss the amended application.

Case Number 3 was an appeal to the superior court from a district court criminal jury trial.

- 10. *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 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: _____

Alaska Judicial Council Recommendation

Judge Daniel Schally, District Court, Valdez

Judicial Council Recommendation 2012

The Alaska Judicial Council is a non-partisan citizens' commission established by the Alaska constitution. Alaskan law requires the Council to evaluate judges' performance and authorizes the Council to recommend to voters whether judges should be retained in office. The Judicial Council reviews judges' integrity, diligence, legal ability, fairness, demeanor, ability to manage their caseloads, and overall performance of their judicial responsibilities in and out of the courtroom. The Judicial Council finds Judge Schally to be **Qualified** and recommends unanimously that the public vote "YES" to retain him as a district court judge.

Judicial Council Evaluation

The Judicial Council surveyed thousands of Alaskans including peace and probation officers, court employees, attorneys, jurors, social workers and guardians ad litem about the judges on the ballot. Respondents were asked to rate judicial performance and to submit comments. The Council also reviewed the ratings and observations of the Alaska Judicial Observers, independent community-based volunteers. The Council reviewed the judge's peremptory challenge, recusals, and appellate affirmance and reversal rates; any civil or criminal litigation involving the judge; APOC and court system conflict-of-interest statements; any disciplinary files involving the judge; and whether a judge's pay was withheld for an untimely decision. The Council reviewed other court records and investigated judicial conduct in specific cases. The Council interviewed some judges, attorneys, and court staff, and held a statewide public hearing to obtain comments about judges.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	Social Workers Guardians ad Litem
Legal Ability	4.0	---	---	---	---
Impartiality	4.0	4.6	4.7	4.2	4.5
Integrity	4.2	4.8	---	4.2	4.5
Temperament	4.1	4.9	4.8	4.2	4.5
Diligence	4.1	4.8	---	4.2	5.0
Overall	4.0	4.7	4.7	4.3	4.5

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 = Poor

Summary of Survey Information

Survey respondents rated Judge Schally on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Schally on overall performance was 4.0. Peace and probation officers gave Judge Schally a rating of 4.7. Jurors rated him 4.7 overall, court employees gave him 4.3, and social workers and guardians ad litem rated him at 4.5.

Recommendation: Vote "YES" to retain Judge Daniel Schally

For more information go to www.knowyouralaskajudges.com

Judge Daniel Schally: Detailed Information Responses Alaska Bar Association Members

	Legal Ability		Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation												
No Response		12		11		14		10		17		12
Direct Professional	4.0	97	4.0	99	4.2	95	4.1	100	4.1	94	4.0	98
Experience in last 5 yrs	4.0	90	4.0	91	4.2	87	4.0	92	4.1	86	4.0	90
Experience not in last 5 yrs	4.3	3	4.0	3	4.3	3	4.3	3	4.3	3	4.3	3
Professional Reputation	4.2	10	4.2	10	4.2	10	4.2	10	3.9	9	4.1	10
Other Personal Contacts	4.3	3	4.5	2	4.7	3	4.5	2	5.0	2	5.0	2
Type of Practice												
No Response		4		2		6		1		7		3
Private, Solo	3.9	15	3.8	17	4.2	15	4.0	17	4.2	16	4.1	17
Private, 2-5 Attorneys	4.1	20	4.2	20	4.3	18	4.3	20	4.3	19	4.2	20
Private, 6+ Attorneys	4.0	6	3.7	6	4.3	6	4.0	6	4.0	6	3.7	6
Private, Corporate Employee	--	0	--	0	--	0	--	0	--	0	--	0
Judge or Judicial Officer	4.2	25	4.2	24	4.2	25	3.9	25	4.1	21	4.1	24
Government	3.8	28	4.1	29	4.1	28	4.0	29	4.1	29	4.0	28
Public Service Agency/Org	2.0	1	2.0	1	2.0	1	3.0	1	3.0	1	2.0	1
Other	--	0	--	0	--	0	--	0	--	0	--	0
Years of Practice in Alaska												
No Response		4		1		6		1		7		2
5 Years or fewer	4.4	9	4.6	10	4.8	9	4.4	10	4.5	10	4.6	9
6 to 10 years	3.6	11	3.6	11	3.8	11	4.1	11	4.0	11	3.8	11
11 to 15 years	4.0	9	4.0	10	4.1	9	3.9	10	4.0	8	4.1	10
16 to 20 years	4.0	7	4.3	7	4.5	6	4.1	7	4.4	5	4.3	7
21 years or more	3.9	56	4.0	57	4.1	55	3.9	57	4.0	55	3.9	57
Gender												
No Response		4		2		6		1		7		3
Male	4.0	69	4.1	68	4.3	66	4.1	69	4.2	64	4.1	68
Female	3.8	26	3.9	29	4.0	27	3.8	29	3.9	28	3.9	28
Cases Handled												
No Response		4		2		6		1		7		3
Prosecution	4.0	10	4.3	10	4.2	10	4.3	10	4.3	10	4.1	9
Mainly Criminal	4.1	10	4.3	11	4.5	10	4.4	11	4.3	10	4.5	11
Mixed Criminal & Civil	3.9	47	3.8	46	4.0	45	3.8	47	3.9	43	3.8	46
Mainly Civil	4.2	26	4.3	27	4.4	25	4.3	27	4.4	26	4.2	27
Other	4.0	1	4.5	2	4.0	2	4.0	2	4.5	2	4.0	2
Location of Practice												
No Response		4		2		6		1		7		3
First District	3.8	6	3.8	6	3.8	6	3.7	6	4.0	5	3.8	6
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	4.0	74	4.1	76	4.3	73	4.1	77	4.2	72	4.1	75
Fourth District	3.5	13	3.4	13	3.8	12	3.6	13	3.5	13	3.4	13
Outside of Alaska	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1

Note: Ratings for only those respondents who reported direct professional experience with the judge.

Current and Prior Retention Scores

Daniel J.M. Schally

Appointed	Name of Court
1/17/2005	Valdez District Ct

Retention Attorney Bar Scores

Year	Legal Ability	Impartiality	Integrity	Temperament	Dilligence	Special Skills	Overall Performance
2008	4.1	4.1	4.3	4.1	4.2		4.1
2012	4	4	4.2	4.1	4.1		4

Peace and Probation Officer Survey Scores

Year	Impartiality	Integrity	Temperament	Diligence	Special Skills	Overall Performance
2008	4.5	4.6	4.6	4.5		4.5
2012	4.6	4.8	4.9	4.8		4.7

Distribution of Court Employee Ratings* 2012 Retention Evaluation Daniel Schally							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	22	8	11	3	0	0	4.2
Integrity	23	9	9	5	0	0	4.2
Judicial Temperament	24	10	8	6	0	0	4.2
Diligence	23	9	10	4	0	0	4.2
Overall Evaluation	23	9	11	3	0	0	4.3

* Ratings are based on direct professional experience.

**Judge Daniel Schally
Peace and Probation Officers**

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation										
No Response		3		3		4		4		3
Direct Professional	4.6	14	4.8	14	4.9	13	4.8	14	4.7	14
Experience in last 5 yrs	4.5	13	4.8	13	4.9	13	4.8	13	4.7	13
Experience not in last 5 yrs	5.0	1	5.0	1	--	0	5.0	1	5.0	1
Professional Reputation	3.0	2	3.5	2	3.5	2	4.0	1	4.0	2
Other Personal Contacts	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2
Type of Work										
No Response		1		1		2		1		1
State Law Enforcement Officer	4.6	7	4.9	7	4.8	6	4.7	7	4.7	7
Municipal/Borough Law Enforcement Officer	4.5	4	4.5	4	5.0	4	5.0	4	4.5	4
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.7	3	5.0	3	5.0	3	4.7	3	5.0	3
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		1		1		2		1		1
5 Years or fewer	4.0	3	4.7	3	4.7	3	4.3	3	4.3	3
6 to 10 years	4.8	5	4.8	5	5.0	5	5.0	5	4.8	5
11 to 15 years	4.6	5	4.8	5	5.0	4	4.8	5	4.8	5
16 to 20 years	--	0	--	0	--	0	--	0	--	0
21 years or more	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Gender										
No Response		1		1		2		1		1
Male	4.5	13	4.8	13	4.9	12	4.8	13	4.7	13
Female	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Location of Work										
No Response		1		1		2		1		1
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.6	14	4.8	14	4.9	13	4.8	14	4.7	14
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		1		1		2		1		1
Under 2,000	4.0	2	4.5	2	4.5	2	4.0	2	4.0	2
Between 2,000 and 35,000	4.6	9	4.8	9	5.0	8	4.9	9	4.8	9
Over 35,000	5.0	3	5.0	3	5.0	3	5.0	3	5.0	3

Note: Ratings for only those respondents who reported direct professional experience with the judge.

Judge Daniel Schally
Social Workers and Guardians ad Litem

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation										
No Response		0		0		0		1		0
Direct Professional	4.5	2	4.5	2	4.5	2	5.0	1	4.5	2
Experience in last 5 yrs	4.5	2	4.5	2	4.5	2	5.0	1	4.5	2
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	--	0	--	0	--	0	--	0	--	0
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		0		0		0		1		0
Social Worker	--	0	--	0	--	0	--	0	--	0
Guardian ad Litem	4.5	2	4.5	2	4.5	2	5.0	1	4.5	2
Length of Experience										
No Response		0		0		0		1		0
5 Years or fewer	--	0	--	0	--	0	--	0	--	0
6 to 10 years	--	0	--	0	--	0	--	0	--	0
11 to 15 years	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
16 to 20 years	--	0	--	0	--	0	--	0	--	0
21 years or more	4.0	1	4.0	1	4.0	1	--	0	4.0	1
Gender										
No Response		0		0		0		1		0
Male	--	0	--	0	--	0	--	0	--	0
Female	4.5	2	4.5	2	4.5	2	5.0	1	4.5	2
Location of Work										
No Response		0		0		0		1		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.5	2	4.5	2	4.5	2	5.0	1	4.5	2
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		0		0		0		1		0
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	--	0	--	0	--	0	--	0	--	0
Over 35,000	4.5	2	4.5	2	4.5	2	5.0	1	4.5	2

Note: Ratings for only those respondents who reported direct professional experience with the judge.

**Juror Survey Results
2012 Retention Evaluation
Daniel Schally**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.7	30	8	1	0	0	39
Respectful/Courteous	4.8	32	6	1	0	0	39
Attentive during Proceedings	4.7	28	9	2	0	0	39
Control over Proceedings	4.8	32	7	0	0	0	39
Intelligence/ Skill as a Judge	4.7	29	10	0	0	0	39
Overall Evaluation	4.7	29	10	0	0	0	39