



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969
http://www.ajc.state.ak.us

(907)279-2526 FAX (907)276-5046
E-mail: postmaster@ajc.state.ak.us

RECEIVED

NOV 22 2011

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

David L. Zwink

Name

Palmer District Court

Court

1. Please estimate your workload during your present term.

a) $\frac{25}{75}$ % civil cases	b) $\frac{10}{150}$ # of jury trials/year
$\frac{75}{0}$ % criminal cases	$\frac{150}{0}$ # of non-jury trials/year
$\frac{0}{100}$ % court administrative work	$\frac{0}{100}$ # of administrative appeals/year
100 % Total	

The vast majority of the non-jury trials are either traffic trials with only an officer and a pro se defendant or small claims with both sides usually being pro se litigants.

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

I have not been on any formal committees nor had any administrative duties thus far this term.

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.

I have been with the Palmer court for many years. This new position as a District Court Judge has its challenges, but it also gives me the opportunity to see cases all the way through. That has given me the ability to interact with parties in a manner which, at least I hope, has been beneficial in getting the parties to find solutions for the issues that brought them into court in the first place. This appears to be equally true in both the criminal and the civil contexts.

The opportunity to do more criminal cases from beginning to end has increased my legal knowledge significantly, particularly regarding evidence rules and the laws regarding police interaction with citizens.

Whether I have made any specific contributions to the field of law, I cannot say, but I do think that I have set a good tone in the courtroom by striving to treat each person, attorney or pro se litigant, with respect and dignity as an individual, not merely as a party in a case.

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.

I was a party in my divorce case.

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.

Having been with the Palmer Court since 1990, I have watched it grow from a small courthouse with 3 judicial officers to a very busy one with many employees and many more judges. I think that I have been able to be of substantial assistance to the newer people on the bench here as well as continued to be a good link between the clerk's office and the judiciary.

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:** 3PA-10-3120 CR
 v. Marjorie Labriola

Attorneys Involved:

Name: <u>Craig Sparks/ Eric Senta</u>	Name: <u>Jeremy Collier</u>
Address: <u>515 E. Dahlia St. #150</u>	Address: <u>550 S. Alaska St. #203</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3PA-10-3045 CR
 v. Timothy Crosslin

Attorneys Involved:

Name: <u>Lindsey Burton</u>	Name: <u>Hannah Thorssin-Bahri</u>
Address: <u>515 E. Dahlia St. #150</u>	Address: <u>515 E. Dahlia St. #100</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3PA-11-004 CR
 v. Melissa R. Mosquito

Attorneys Involved:

Name: <u>Shawn Traini</u>	Name: <u>Michael Horowitz</u>
Address: <u>515 E. Dahlia St. #150</u>	Address: <u>515 E. Dahlia St #100</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</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: Mike Pendergraft **Case Number:** 3PA-11-502 SC
 v. Larry and Susan Bowling

Attorneys Involved:

Name: <u>Danalyn Dalrymple</u>	Name: <u>Melinda D. Miles</u>
Address: <u>348 E. Elmwood Ave</u>	Address: <u>634 S. Bailey St. #105</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Caroline Zola **Case Number:** 3PA-10-603 SC
 v. Daniel Locke, et al.

Attorneys Involved:

Name: <u>Jennifer S. Henderson</u>	Name: <u>Wayne E. Watson</u>
Address: <u>807 G St. #250</u>	Address: <u>310 K. St. #306</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: James Peet **Case Number:** 3PA-10-1138 CI
 v. L. Noah-Vermillion, et al.

Attorneys Involved:

Name: <u>James Peet (pro se)</u>	Name: <u>Gregory S. Parvin</u>
Address: <u>HC 66, Box 28040</u>	Address: <u>1075 S. Check St #212</u>
City, State, Zip: <u>Nenana, AK 99760</u>	City, State, Zip: <u>Wasilla, AK 99654</u>
Name: <u>Rod R. Sisson</u>	Name: _____
Address: <u>1007 W. 3rd #206</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

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: Kristine Green Case Number: 3PA-10-1104 CI
 v. William Attwood

Attorneys Involved:

Name: <u>Patricia Hefferan</u>	Name: <u>Jon-Marc Petersen</u>
Address: <u>1451 W. Spruce Ave.</u>	Address: <u>360 N. Main St.</u>
City, State, Zip: <u>Wasilla, AK 99654</u>	City, State, Zip: <u>Wasilla, AK 99654</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Robert Nelson Case Number: 3PA-10-920 CI
 v. Sergey Oleynik

Attorneys Involved:

Name: <u>Gregory S. Parvin</u>	Name: <u>John R. Dean</u>
Address: <u>1075 S. Check St. #212</u>	Address: <u>1835 Bragaw #110</u>
City, State, Zip: <u>Wasilla, AK 99654</u>	City, State, Zip: <u>Anchorage, AK 99508</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska Case Number: 3PA-10-2964 CR
 v. Ernesto A. Sosa

Attorneys Involved:

Name: <u>Lindsey Burton</u>	Name: <u>Joshua F. Fannon</u>
Address: <u>515 E. Dahlia St. #150</u>	Address: <u>550 S. Alaska St. #203</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99654</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

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 David L. Zwink, District Court, Palmer

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 Zwink 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	4.2	---	---	---	---
Impartiality	4.3	4.3	4.9	4.7	3.5
Integrity	4.4	4.5	---	4.7	3.5
Temperament	4.3	4.4	5.0	4.6	3.5
Diligence	4.3	4.6	---	4.6	3.5
Overall	4.3	4.4	4.9	4.7	3.5

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 Zwink on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Zwink on overall performance was 4.3. Peace and probation officers gave Judge Zwink a rating of 4.4. Jurors rated him 4.9 overall, court employees gave him 4.7, and social workers and guardians ad litem rated him at 3.5. The Alaska Judicial Observers rated him 3.07.

Recommendation: Vote "YES" to retain Judge David L. Zwink

For more information go to
www.knowyouralaskajudges.com

Judge David Zwink: 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		5		4		5		3		12		6
Direct Professional	4.2	94	4.3	95	4.4	93	4.3	95	4.3	87	4.3	93
Experience in last 5 yrs	4.2	87	4.3	86	4.4	84	4.4	86	4.3	79	4.3	85
Experience not in last 5 yrs	4.0	6	4.4	8	4.5	8	4.4	8	4.1	7	4.1	7
Professional Reputation	3.3	10	3.3	10	3.4	10	3.3	10	3.4	10	3.3	10
Other Personal Contacts	4.0	5	4.2	5	4.3	6	4.5	6	4.0	5	4.2	5
Type of Practice												
No Response		2		1		3		1		8		3
Private, Solo	4.3	29	4.4	31	4.6	30	4.6	31	4.4	28	4.4	30
Private, 2-5 Attorneys	3.8	16	4.2	16	4.4	15	4.3	16	4.1	14	4.2	15
Private, 6+ Attorneys	4.5	2	5.0	2	5.0	2	5.0	2	4.5	2	4.5	2
Private, Corporate Employee	3.5	2	3.5	2	3.5	2	3.0	2	3.0	2	3.0	2
Judge or Judicial Officer	4.3	23	4.2	22	4.4	22	4.2	22	4.3	20	4.2	22
Government	4.1	15	4.3	15	4.2	15	4.3	15	4.4	15	4.2	15
Public Service Agency/Org	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Other	4.3	3	4.3	3	4.3	3	4.3	3	3.3	3	4.3	3
Years of Practice in Alaska												
No Response		2		1		3		1		7		3
5 Years or fewer	5.0	5	5.0	5	5.0	5	5.0	5	4.8	5	5.0	5
6 to 10 years	3.8	6	4.4	5	4.8	5	4.4	5	4.5	4	4.5	4
11 to 15 years	4.1	9	4.2	9	4.3	9	4.2	9	4.4	8	4.2	9
16 to 20 years	4.0	13	3.9	14	4.3	14	4.4	14	4.0	13	4.1	14
21 years or more	4.1	56	4.3	57	4.4	55	4.3	57	4.2	54	4.2	56
Gender												
No Response		2		1		3		1		9		3
Male	4.2	60	4.3	61	4.4	58	4.3	61	4.2	54	4.2	59
Female	4.2	32	4.3	32	4.5	33	4.4	32	4.3	31	4.3	32
Cases Handled												
No Response		2		1		3		1		9		3
Prosecution	3.5	2	3.5	2	3.5	2	3.5	2	4.0	2	3.5	2
Mainly Criminal	4.6	11	4.6	11	4.6	11	4.6	11	4.3	10	4.6	11
Mixed Criminal & Civil	4.2	43	4.2	42	4.4	42	4.3	42	4.3	38	4.3	41
Mainly Civil	4.0	33	4.3	35	4.4	33	4.3	35	4.2	32	4.2	34
Other	4.0	3	4.3	3	4.3	3	4.3	3	4.3	3	4.0	3
Location of Practice												
No Response		2		1		3		1		9		3
First District	3.7	3	3.7	3	3.7	3	3.7	3	3.7	3	3.7	3
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	4.2	83	4.3	84	4.4	83	4.4	84	4.3	77	4.3	83
Fourth District	3.5	6	4.2	6	4.4	5	4.2	6	4.4	5	4.4	5
Outside of Alaska	--	0	--	0	--	0	--	0	--	0	--	0

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

**Judge David Zwink
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		0		1		0		1		0
Direct Professional	4.3	31	4.5	30	4.4	31	4.6	30	4.4	31
Experience in last 5 yrs	4.4	29	4.6	29	4.5	29	4.6	29	4.5	29
Experience not in last 5 yrs	3.0	2	4.0	1	3.0	2	5.0	1	3.0	2
Professional Reputation	--	0	--	0	--	0	--	0	--	0
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		0		1		0		1		0
State Law Enforcement Officer	4.3	16	4.6	15	4.3	16	4.5	15	4.3	16
Municipal/Borough Law Enforcement Officer	4.3	12	4.5	12	4.5	12	4.8	12	4.5	12
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.3	3	4.3	3	4.7	3	4.3	3	4.3	3
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		0		1		0		1		0
5 Years or fewer	4.7	3	5.0	3	4.7	3	4.7	3	4.7	3
6 to 10 years	4.6	9	4.4	9	4.6	9	4.8	9	4.6	9
11 to 15 years	3.8	10	4.2	10	4.1	10	4.3	10	4.1	10
16 to 20 years	5.0	2	5.0	2	5.0	2	4.5	2	5.0	2
21 years or more	4.3	7	4.8	6	4.3	7	4.7	6	4.3	7
Gender										
No Response		0		1		0		1		0
Male	4.3	27	4.5	26	4.4	27	4.6	26	4.4	27
Female	4.5	4	4.5	4	4.5	4	4.5	4	4.5	4
Location of Work										
No Response		0		1		0		1		0
First District	4.0	1	4.0	1	4.0	1	5.0	1	4.0	1
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.3	30	4.6	29	4.4	30	4.6	29	4.4	30
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		0		1		0		1		0
Under 2,000	3.5	2	4.5	2	4.0	2	4.5	2	4.0	2
Between 2,000 and 35,000	4.3	17	4.4	17	4.5	17	4.5	17	4.4	17
Over 35,000	4.4	12	4.7	11	4.3	12	4.7	11	4.4	12

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

Judge David Zwink
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		0		0
Direct Professional	3.5	2	3.5	2	3.5	2	3.5	2	3.5	2
Experience in last 5 yrs	3.5	2	3.5	2	3.5	2	3.5	2	3.5	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		0		0
Social Worker	--	0	--	0	--	0	--	0	--	0
Guardian ad Litem	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
Length of Experience										
No Response		0		0		0		0		0
5 Years or fewer	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
6 to 10 years	--	0	--	0	--	0	--	0	--	0
11 to 15 years	--	0	--	0	--	0	--	0	--	0
16 to 20 years	--	0	--	0	--	0	--	0	--	0
21 years or more	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		0		0		0		0		0
Male	--	0	--	0	--	0	--	0	--	0
Female	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
Location of Work										
No Response		0		0		0		0		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		0		0		0		0		0
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	--	0	--	0	--	0	--	0	--	0
Over 35,000	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1

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

Distribution of Court Employee Ratings* 2012 Retention Evaluation David Zwink							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	26	21	3	1	0	1	4.7
Integrity	27	21	5	0	0	1	4.7
Judicial Temperament	27	19	6	1	0	1	4.6
Diligence	27	20	6	0	0	1	4.6
Overall Evaluation	27	21	5	0	0	1	4.7

* Ratings are based on direct professional experience.

**Juror Survey Results
2012 Retention Evaluation
David Zwink**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.9	80	6	1	0	0	87
Respectful/Courteous	5.0	85	1	1	0	0	87
Attentive during Proceedings	4.9	81	5	1	0	0	87
Control over Proceedings	4.9	82	4	1	0	0	87
Intelligence/ Skill as a Judge	4.9	83	3	1	0	0	87
Overall Evaluation	4.9	83	3	1	0	0	87