

Alaska Judicial Council Recommendation

Justice Warren W. Matthews, Supreme Court

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

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Justice Matthews was rated in the excellent range on overall judicial performance (4.1, see graph). He scored highest in the category of "conduct free from impropriety" (4.4). He scored 3.9 or better in all ten categories.

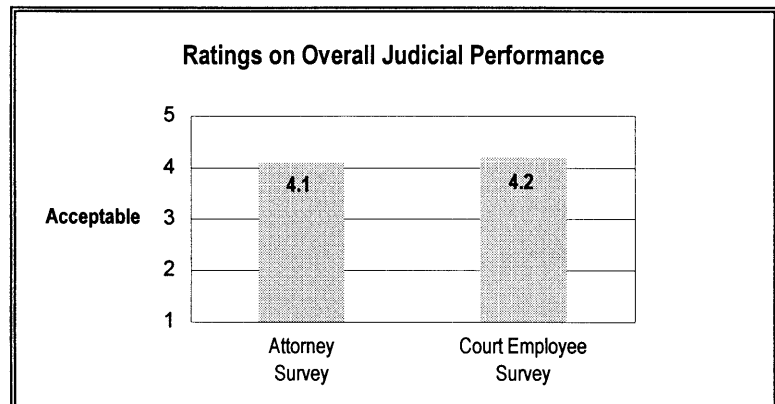
| Summary Categories | Attorney Survey | Court Employee Survey |
|--------------------|-----------------|-----------------------|
| Legal Ability | 4.2 | --- |
| Impartiality | 4.1 | --- |
| Integrity | 4.3 | 4.3 |
| Temperament | 3.9 | 4.4 |
| Diligence | 4.2 | 4.1 |
| Overall | 4.1 | 4.2 |

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 court employees rated Justice Matthews in the excellent range (4.2) 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 and court employees 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 Justice Matthews

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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Chief Justice
Supreme Court

Alaska Judicial Council Questionnaire

Appellate Judge 2000 Candidates for Judicial Retention

November 19, 1999

| | |
|--------------------|---------|
| Warren W. Matthews | Supreme |
| Name | Court |

1. Describe your workload during your present term.

- a) 55 % Civil Cases b) N/A # of trials/year (as trial court judge)
10 % Criminal Cases
35 % Court Administrative
100 % Total

The high percentage of court administrative time is due to my current service as chief justice.

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

I do not serve on any bar court committees.

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.

(See attached sheet)

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 six most recent opinions issued by 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 | Osborne v. Buckman | S-8466 |

Attorneys Involved

Name: Robert C. Erwin
Address: 4041 B Street, # 210
Anchorage, AK 99503

Name: _____
Address: _____

Name: Lawrence A. Pederson
Address: 101 Christensen Drive
Anchorage, AK 99501

Name: _____
Address: _____

| | <i>Name of Case</i> | <i>Case Number</i> |
|----------|--|--------------------|
| 2 | International Investors v. Business Park Fund | S-8648 |

Attorneys Involved

Name: (See attached sheet)
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

| | <i>Name of Case</i> | <i>Case Number</i> |
|----------|-------------------------------|--------------------|
| 3 | Stone v. Fluid Air Components | S-8472 |

Attorneys Involved

Name: Steven D. Smith
Address: 1029 W. Third Ave., #250
Anchorage, AK 99501

Name: Randall J. Weddle and
James E. Hutchins
Address: 550 W. 7th Ave., #1000
Anchorage, AK 99501

Name: Donna Meyers and Clay Young
Address: 1007 W. Third Ave., #400
Anchorage, AK 99501

Name: _____
Address: _____

4

Name of Case

Bess v. Ulmer

Case Number

S-8811

Attorneys Involved

Name: (See attached sheet)

Address:

Name:

Address:

Name:

Address:

Name:

Address:

5

Name of Case

Universal Motors v. Neary

Case Number

S-8349

Attorneys Involved

Name: Scott J. Nordstrand
Address: 1500 W. 33rd Ave., #200
Anchorage, AK 99503

Name:

Address:

Name: Roger E. Holl
Address: 1500 W. 33rd Ave., #100
Anchorage, AK 99503

Name:

Address:

6

Name of Case

Ruggles v. Grow

Case Number

S-7986

Attorneys Involved

Name: Patricia R. Hefferan
Address: 351 W. Swanson Ave., #3
Wasilla, AK 99654-6892

Name:

Address:

Name: Paul W. Waggoner
Address: 632 Christensen Drive #200
Anchorage, AK 99501

Name:

Address:

6. 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: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

2

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

3

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Alaska Judicial Council Questionnaire
(continuation from original form)

Warren W. Matthews

3. I will leave it to others to assess the quality of my judicial performance. I can say that I continue to find the work interesting and intellectually challenging.

5.2. International Investors v. Business Park Fund, S-8648
Attorneys involved:

James N. Reeves
1031 W. 4th Ave., #600
Anchorage, AK 99501

Richard A. Helm and
Andrew D. Steiner
810 N Street, #200
Anchorage, AK 99501

Tonja J. Woelber
711 H Street, #330
Anchorage, AK 99501

John R. Strachan
1500 W. 33rd Ave., #100
Anchorage, AK 99503

Steven S. Tervooren
500 W. 7th Ave., #1100
Anchorage, AK 99501

5.4. Bess v. Ulmer, S-8811
Attorneys involved:

Robert H. Wagstaff
425 G Street, #610
Anchorage, AK 99501

James L. Baldwin
Box 110300
Juneau, AK 99811-0300

Kevin G. Clarkson
310 K Street
Anchorage, AK 99501

Allison E. Mendel
845 K Street
Anchorage, AK 99501

Jay Alan Sekulow
P.O. Box 64429
Virginia Beach, VA 23467

John Tuskey
1000 Regent Univ. Drive
Virginia Beach, VA 23467

Kevin Theriot
415 Beckrich Road, #210
Panama City, FL 32407

Robert B. Flint
717 K Street
Anchorage, AK 99501

MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: May 16, 2000

RE: Comparison of Previous Survey Results - Warren W. Matthews

Warren W. Matthews is standing for retention in 2000. The table on the following page compares retention and selection survey scores for Justice Matthews. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Justice Matthews previously stood for retention as a supreme court justice in 1980 (survey scores attached) and 1990. He was evaluated with the other non-retention judges in 1998.

Justice Matthews applied for and was appointed to the Supreme Court in 1977.

| Justice Warren W. Matthews | | | |
|---|---------------------------|-----------------------------------|---------------------------|
| Retention surveys appointed to the Supreme Court 5/26/77 | | | |
| | 2000 Retention | 1998 Retention Preview | 1990 Retention |
| Legal Ability | 4.2 | 4.2 | 4.1 |
| Fairness | 4.1 | 3.9 | 3.9 |
| Integrity | 4.3 | 4.2 | 4.3 |
| Judicial Temperament | 3.9 | 3.9 | 3.9 |
| Diligence | 4.2 | — | --- |
| Overall Performance | 4.1 | 4.0 | 3.9 |