Alaska Judicial Council Recommendation Judge Dale O. Curda, Superior Court, Bethel

I. Judicial Council Evaluation. The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Curda to be *Qualified* and recommends unanimously (6-0) that the public vote "Yes" to retain him as a superior court judge.

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Judge Curda was rated in the acceptable range on overall judicial performance (3.4, see graph). He scored highest in the category of "courtesy" (4.0). He scored lowest, but still acceptable (3.3), in the categories of "legal and factual analysis," "knowledge of substantive law," and "knowledge of evidence and procedure."

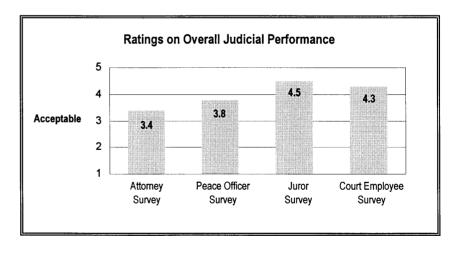
Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey
Legal Ability	3.3			
Impartiality	3.5	3.9	4.5	
Integrity	3.6	3.7		4.2
Temperament	3.7	4.1	4.5	4.5
Diligence	3.6	3.8		4.2
Special Skills	3.6	4.0		4.0
Overall	3.4	3.8	4.5	4.3

	igs are based on a one to five
	. 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
	2.4 = Poor

A survey of all 1,890 peace and probation officers in Alaska rated Judge Curda in the good range on overall judicial performance (3.8, see graph). He scored highest in the category of "human understanding and compassion" (4.3). He scored 3.5 or better in all thirteen categories.

A survey of all jurors appearing before Judge Curda in 1998 and 1999 rated him in the excellent range (4.5) on overall performance. A survey of all court employees rated him in the excellent range (4.3) 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, 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 Curda

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



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Alaska Judicial Council Questionnaire

Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

DALE O. CURDA

Name

BETHEL

Court

- 1. Describe your workload during your present term.
 - a) <u>40</u>% Civil Cases <u>40</u>% Civil Cases <u>50</u>% Criminal Cases 10 % Court Administrative 100 % Total

<u>|4</u> # of trials/year <u>O</u> # Administrative Appeals

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

Annual Training Judge for six Magistrates. Committee member and

co-chair of Rural Access Subcommittee, Report of the Alaska Supreme Helped develop grants for Court Advisory Committee on Fairness and Access.

the Cultural Navigator pilot project and the Roving Magistrate position in the Bethel Trial Courts. Involved with hiring, training and supervising

those positions. On a separate sheet of paper please assess, in one or two paragraphs, your 3. judicial performance during your present term. Appropriate areas of comment could include: satisfaction with your judicial role, specific contributions to the

1/20/00 Q#3 on Retention Questionnaire

The Bethel court has experienced explosive growth during my present term in all areas of the caseload. Given this overwhelming caseload in a single judge location, I would be less than honest to say I've been satisfied with my judicial role. All too often, at various times, I've realized in hindsight that many mistakes I've made are at least indirectly related to too many cases and not enough time. For example, we often have to go weekends and/or at night to finish cases because of calendar pressures. And, the children's calendar has grown so much that I could have a full calendar just on those cases alone and I now have a "children's week" similar to the traditional "felony week." One termination trial last year took a year to complete given lack of calendar time. These pressures also include being on-call weekends and holidays and 3 a.m. search warrant requests.

I have, however, learned and continue to learn a tremendous amount from these pressures and mistakes especially in what I consider "foundational" matters i.e. courtroom control, judicial temperament, supervisory responsibility, "userfriendly" court access, and community outreach and education. To these ends, have helped spearhead the Cultural Navigator and Roving Ι Magistrate positions, actively solicited input from court staff, the local bar and agencies, and developed and implemented a local Law Day program (mock trial, see attached 13 May 99 Tundra Drums article) long before it became court policy. I have also tried to take advantage of all relevant educational opportunities as I become aware of them. For example, a local attorney loaned me materials (including a videotape) from a CLE on Naltrexone/ReVia drug therapy (for alcohol treatment) which I watched and reviewed over a weekend and am now implementing as a part of my judgments.

In sum, I have not been particularly satisfied with my performance during the last term but have made the best of it within the above context. The court system, especially ACA Ron Woods and Stephanie Cole, have been supportive and done what they have been able to do to help and we have an excellent staff. We are moving into a new courthouse in February, so that should improve our facility and courtroom(s) situation. But we do need another judge here, and until we get one, we will continue to persevere and I will do what I can to minimize mistakes and continue to learn from them.

Page 3

their day in court Students have

or the Tundra Drums ly Chris Chon

evise a defense strategy for his ng bi ously sinped his latté the morn-The lead defense attorney nere the trial, trying to

s and, if convicted, could go to lance drum from school premisvas accused of stealing a Native lient. His client, Andrea Chingliak,

Alternative Boarding School. articularly ation, and served as an example veek, after two weeks of investiif justice to students everywhere, I did little to reduce the tension The fact that it was a mock tri-The case went to trial last the Bethel

> a legal battle in the Bethel courtdents from the school who waged Chris Chon or the 26 other stufor student attorney 19-year-old room.

get familiar with how the which is designed to help kids in preparation for the mock trial attorneys, public defenders and teaching I have not seen many American justice system works. Judge Dale Curda for two weeks "From my experience in The students met with district

teacher and long-time Bethel res Carrie Longpre, BABS English others exposing kids to law," said ident.

three mock trials to occur in This was the most recent of

See Court, page 19



Fed Horner/Tundra Drums

Lead defense attorney Chris Chon cross examines witness Alfred Clark in front of the student jury.

Yukon River summit meets in Mountain Village

ly John Active

rates of cancer among humans in Yukon River communities.

he Tundra Drums

leadwaters in Canada to the mouth ailes of the Yukon River, from the ities spanning the entire 2,000 Representatives from commu-

clean-up, education and fund rais-

looked at grassroots solutions for

This summit's participants

ing to care for the environment

with guidance from people who

live off the river using their tradi-

tional wisdom.

it the Bering Sea gathered in

Mountain Village last week to dis-

uss environmental concerns on

nter-Tribal Summit, which began he river. The four-day Yukon River

> involved in the regulation and along the Yukon River to be

much better for those who live

"It is our philosophy that it's

clean up of pollution problems

'They need to be aware that the water is our lifechemicals as much as possible. line and we need to keep it clean of harmful Clarence Alexander

ronment back to the pristine state said. "We want to bring the enviboring villages as well," Beans respective village, but our neighthat our ancestors enjoyed." and school children along the way. joined by community members of the Yukon River and were the local march down to the bank

Clarence Alexander, chair of the Council of Athahascan Thibal ** home and everyone poured their "future," said Tommy Benjamin Delegates at the meeting had

which those traditions depend. their traditions and the river on "We're borrowing from, our

By implementing these goals.

peoples in the Yukon River wateralso want to enhance communicaing tor people to operate it. They shed, and to get young people water testing laboratory and traintion among all governments and involved in taking care of the envi-

participants hope to restore both ronment.

Thursday, May 13, 1999

The Tundra Drums

Court

From page 3

since it first started back in 1993 were the organizers of this even Bethel. Judge Curda and Longpre "I started it because I thought

Judge Curda. school I didn't know much about it was an important part of eduthe legal system either," said on, and until I went to law

to prepare them for the day when even youth courts. It also helps the students will get called for 48, resulting in competitions and throughout Alaska and the Lower ing in popularity in schools jury duty or even pursue a careet in law. The mock trial has been grow-

stealing a \$1,000 Nunaniq dance court, Chingliak was accused of d⁻ m from the boarding school. In the case before the mock

case," the defendant said Chingliak was more confident that we were going to win the than her attorney. was excited because I knew

attorneys, public defenders and the judge were there to coach and tormed the trial, real-life district Although the students per-



Boarding School of Superior Court Judge Dale Curda during a recent mock trial held by the Bethel Alternative Student Judge Romona Nicori passes judgment in the Bethel courtroom under the watchful eye

But even the real-life lawyers keep control over the courtroom.

"We thought it would be fun-

had a little fun with the trial.

place to congregate while we are one we have such an unsightly waiting. Lastly, I have often wondered

son is because there's no butt can

lets all over the ground. The rea-

arette butts and used snuff pel-

From page 4

etters

them and love them

Inez Larsen

area hehind the fence looks like it their snuff pellets. The restricted tor people that want to dispose for cigarette butts or trash cans

Bethel, we don't get a free hotel

are canceled in Anchorage or why when Alaska Airline flights sorry.

Class of 1999. As a member of behalf of my class, the senior I would also like to speak on

this class and also a leader, I have

rified the people behind the guns. my opinion, because I have gloway, I have no room to even base

Until last night, I have not

the shooting in our school. I am ever stood for, especially after

is not guns that kill people, it is

life. I have heard the saying, "It

people that kill people." Either

just to see how it is in the other ny to switch roles for the trial ---

future trials," Judge Curda said scope and more involvement from high school students for

which may now occur more than

"I hope to see an expanding

once a year.

examined by public defender witnesses, who were then crosscase and brought forward her Andrea Stevens, presented her jury box as the state's attorney. both BABS and Bethel Regional Chris Chon. High School JROTC students They patiently watched from the The jury was picked out from

the witnesses during cross-exam-(public defender) for badgering "We almost had to fine Chris

Nicori, with Judge Curda lookinations," said Judge Ramona The trial lasted all morning.

and after a quick deliberation, the jury found Andrea Chingliak not ing on.

guilty on all charges, due to a poor state investigation and confused witnesses.

help with future Law Days. ing experience. Judge Curda said the Bethel court is committed to trial to be a fun hands-on learn-The students found the mock coached the defense. attorney John Wolfe, who person's shoes," said district

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Alaska Judicial Council Appellate Judge Questionnaire 2000 Retention

> 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 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
 - d) held office in any political party? Yes _____ No \underline{X} .
 - e) held any other local state or federal office? Yes _____ No $\underline{\chi}$.

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.

Attached are the latest court statistics for you to review to put the position in context and compare Bethel to other single judge locations and multiple judge locations such as Fairbanks (five Superior Court Judges, three District Court Judges, Palmer (two Superior Court Judges, one District Court Judge), Kenai (two Superior Court Judges). Bethel has more sex registration cases than Anchorage combined, more general filings (note violent crimes) for a single Superior Court location. For example, I am also attaching my pending trial schedule for the week of January 24, 2000.

Jurisdiction	Judge	Total				
Anchorage	Card	6				
	Souter	6				
	Wolverton	6				
Barrow	Jeffery	3				
Bethel	Curda	21				
•	Fuld	4				
Dillingham	Torrisi	1				
Fairbanks	Beistline	2				
	Greene	1				
	Pengilly	5				
	Savell	1				
	Steinkruge	1				
Glennallen	Bolger	2				
Juneau	Collins	1				
	Weeks	3				
Kenai	Ashman	1				
	Brown	1				
	Link	3				
Ketchikan	Jahnke	3				
	Tompson	4				
Kodiak	Hopwood	1				
Kotzebue	Erlich	4				
Nome	Esch	6				
Palmer	Smith	6				
St. Paul	Hensley	1				
Valdez	Bolger	1				
Total		94				

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ONE SUPERIOR LOUR PARTS SIDES 1999									
	Violent	Property	Fraud/ Forgery	Drugs/ Alcohol	DWI	Other	Total		
Bethel	156	58	5	35	18	5	277		
Barrow	43	26	б	20	18	2	115		
Dillingham	21	9	5	1	4	0	40		
Kodiak	42	23	2	17	2	0	86		
Kotzebue	77	32	4	21	15	2	151		
Nome	60	29	0	27	6	2	124		
Sitka	8	4	1	3	6	1	23		

COMPARISON OF DOWESTER REPATIONS FILINGS									
	Divorce	Dissolution	Reciprocal	Other	Total				
Bethel	13	23	0	27	63				
Barrow	10	10	0	5	25				
Dillingham	2	7	0	6	15				
Kodiak	22	51	1	15	89				
Kotzebue	9	7	0	14	30				
Nome	13	18	1	13	45				
Sitka	12	40	0	7	59				

COMPARISON OF OTHER CITLE SILINGS									
	Admin. Review	Debt/ Contract	Pers. Injury/ Damages	Title/Relief/ Judgement	Other	Total			
Bethel	0	17	39	40	42	138			
Barrow	1	3	5	7	3	19			
Dillingham	0	0	9	4	4	17			
Kodiak	3	5	24	10	94	136			
Kotzebue	2	7	6	23	7	45			
Nome	1	2	б	11	4	24			
Sitka	4	2	2	9	1	18			

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA FOURTH JUDICIAL DISTRICT AT BETHEL

)

)

STATE OF ALASKA,

Plaintiff,

vs.	Rule 45 ends	Case Number)	
Gregory Evan	01-24-00	4BE-97-1083CR)	Misd.
Darrin Smith	01-27-00	4BE-99-1052CR)	Felony
Andrew Abraham	02-06-00	2CH-99-142CR)	Misd.
David Middleton	02-08-00	4BE-99-1226CR)	Felony
Michael David Jr.	02-09-00	4BE-99-553CR)	Felony
Benjamin Charles	02-10-00	4BE-99-1350CR)	Felony
Joseph Ashepak	02-11-00	4BE-99-1030CR)	Felony
Joe Hawk	02-11-00	4BE-99-1064CR)	Felony
Antone Deacon	02-12-00	4BE-99-271CR)	Felony
Mary Shorty	02-12-00	2EM-99-212CR)	Misd.
Pete Zaukar	02-12-00	4BE-99-1075CR)	Felony
Yong Suk Lee	02-15-00	4BE-98-1129CR)	Felony
Soon Ja Lee	02-15-00	4BE-98-1130CR)	Felony
Walter Hawk	02-16-00	4BE-99-1107CR)	Misd.
Walter Hawk	02-16-00	4BE-99-1057CR)	Misd.
Cornelius Woods	02-16-00	2CH-99-143CR)	Misd.
Joseph Carawan	02-16-00	2CH-99-144CR)	Misd.
Peter Pitka	02-19-00	4BE-99-994CR)	Felony
David Stern	02-20-00	4BE-99-1120CR)	Misd.
Walter Hawk	02-23-00	4BE-99-1130CR)	Misd.
Paul Francis	02-24-00	4BE-99-1270CR)	Misd.
Kevin Sam	02-25-00	4BE-99-1143CR)	Misd.
David Simon Jr.	02-25-00	2CH-99-149CR)	Misd.
Stuart J. Olrun	03-04-00	4BE-99-1147CR)	Misd.
Robert Hooper	03-07-00	4BE-99-1179CR)	Misd.
Lee Roy Moore	03-07-00	4BE-99-1048CR)	Misd.
Tsotoke Lonewolf	03-09-00	4BE-99-1193CR)	Misd.
Robert Lake	03-12-00	2CH-99-155CR)	Misd.
Nelson R. Nicholai	03-26-00	4BE-99-1252CR)	Misd.
Robert Hooper	03-29-00	4BE-99-1229CR)	Misd.

Defendants.

ORDER SETTING TRIAL SEQUENCE

During calendar calls on January 12, 2000, the court stated it would do a written trial order with trials beginning at 1:00 p.m. on Monday, January 24, 2000. The parties are to be present at noon.

The above order lists trial sequence. Any objections to the court's Rule 45 calculations must be filed with the court in writing on or before Noon, Tuesday, January 18, 2000 or will be Based upon the above listing, once one case is waived. completed, the parties shall be prepared to proceed with jury selection on the next case. If a case is to be a change of plea or otherwise handled without a trial, the parties shall immediately notify the court and, with the concurrence of the court and the parties, the case will remain as scheduled for the plea/proceeding or set on at a later date with Rule 45 tolled.

IT IS SO ORDERED.

Dated at Bethel, Alaska on January 14,

2000. HONORA Superi

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ŊΑ PDA I certify that on copies of this form DPA COOKE AО CFA DMM Jury Cleric CAM DIX

trial order 01/14/00

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.)

Name of Case <u>Gluria Anuil, ET. AL</u> JUN E. Choi Case Number E.99.05CI VS Attorneys Involved Name: R.N. SUTHIFF Address: 125 CARISTENSEN DR. #1 ANCHORAGE, AK. 99501 Name: JIM VAICARCE Address: BOX 555 Bethel, 99559 Name:__ Name: Address: Address: Name of Case. Case Number 4BE · 98 · 124 CR ST. VS HArold SAKAR 2 Attorneys Involved Scott Sid John Wolfe , DA PO BOX 755 Address: PD Rox 99559 99559 Bethel, AK. Name[.] Name: Address: Address: Name of Case Case Number St. VS. William Roberts HBE-599-141 CP 3 Attorneys Involved

Name:

Address:

DIERS

99559

LOCKWOOD

AK

99559

Name: _____

Name:

Address:

Bethel

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.)

Case Number Name of Case 4BE-94-1168CR) ST. YS LARRY LUMONT 1 Attorneys Involved Scott Sidell GREGA DISON Name: Name: Address: Bethe AK 99559 Name: Name: Address: Address: Name of Case Case Number 4BE -91-16 CP R.K.J. ITMO: 2 Attorneys Involved Scott Sider Name: Name: Address *x 755* Bethel, AK. 99554 559 Bethel. Name: Name: Address: Address: **Case Number** 4BE - 98 - 273 CI Name of Case US AVAIOS 3 Anvil Attorneys Involved ichelle Powers Name Addres Address. <u>99559</u> the ethel Name: Name: Address: 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.)

Name of Case Case Number LTMN: S. 11 HBE-98-42 CP Attorneys Involved Na Address Bethe 9955 Name: Name. Address: Address: Name of Case NEIMEYER IVAN VS CALISTA 4BE-98-332 CI Attorneys Involved PRESTON GATES & Ellis LLP PRECLERICIC H. <u>Bones</u>s ANGSTMAN Name: h. STRPPT 400 Adda *aa*c Anchoracie, A Name: Name: Address: Address: Name of Case Case Number David Prince ST 4RE-99-747CR) 3 VS Attorneys Involved NONT N ockwoon Name: Address: 99559 99559 Name: Name: Address: 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 4BE - 92 - 28 PA
	Attorneys.	Involved
	for Name: ERIC Smith Appellant Address: 435 South Denal; Palmer, AK, 99645	Name:Address:
	for Name: <u>MARY Ellen Ashton Apelle</u> e Address: <u>1101 W. 7th Ave</u> <u>Anchorage, AK. 99501</u>	Name: Address:
2	Name of Case Jesse I. Evan vs State of AlASKA Attorneys	Case Number 4BE-93-812CR)
	Name: JAKE Metcalfe Address: PO BOX 755 Bethel, AK, 99559	Name: <u>SCOH SIDEII</u> Address: <u>P.O. BOX 718</u> Bethel, AK. 99559
	Name:	Name:Address:
3	Name of Case <u>FLYNN) VS Dy PONT</u> Remington ARMS CO, Attorneys	Case Number <u>4BE-91-170CT</u> Involved
	Name: <u>Phillip Paul Weidner</u> Address: <u>330 L. ST. Suite 200</u> <u>Anchorage, AK. 99501</u>	Name: JOHN M. CONWAY Address: <u>420 L. STREET, SUITE 50</u> 0 <u>ANCHORUYE, AK, 99501</u>
	Name: Address:	Name:Address:
3	Name:	Name:

MEMORANDUM

TO:	Judicial Council Members
FROM:	Staff
DATE:	May 16, 2000
RE:	Comparison of Previous Survey Results - Dale O. Curda

Dale O. Curda is standing for retention in 2000. The table on the following page compares retention and selection survey scores for Judge Curda. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Curda previously stood for retention as a superior court judge in 1994. He was evaluated with the other non-retention judges in 1992 and 1998.

Judge Curda applied for and was appointed to the Bethel Superior Court in 1989.

Judge Dale O. Curda appointed to Bethel Superior Court 12/15/89										
		2000199819941992RetentionRetention PreviewRetentionRetention Preview								1989 Bethel Superior
	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Score	Range
Legal Ability	3.3	_	3.4	_	3.4	_	3.4	_	3.7	High Acceptable
Fairness	3.5	3.9	3.7	4.1	3.7	4.0	3.6	3.3	4.0	Good
Integrity	3.6	3.7	3.9	4.3	3.8	3.9	3.7	3.1	4.1	Good
Judicial Temperament	3.7	4.1	3.9	4.3	3.9	4.0	3.8	3.8	4.0	Good
Diligence	3.6	3.8	_	_	3.6	3.8	3.4	3.3	_	
Administrative Skills	3.6	4.0	_	_	3.6	3.9	3.5	3.3	_	
Suitability of Experience	_		_	_		_	_		3.9	High Acceptable
Overall Performance	3.4	3.8	3.6	4.0	3.6	4.0	3.5	3.4	3.8	High Acceptable