

Alaska Judicial Council Recommendation

Judge Mary E. Greene, Superior Court, Fairbanks

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

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Judge Greene was rated in the good range on overall judicial performance (3.9, see graph). She scored highest (4.4) in the categories of "legal and factual analysis," "knowledge of substantive law," "knowledge of evidence and procedure," and "willingness to work." She scored lowest, but still acceptable (3.3), in the category of "courtesy."

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey
Legal Ability	4.4	---	---	---
Impartiality	3.8	3.4	4.7	---
Integrity	4.2	3.5	---	4.4
Temperament	3.6	3.3	4.7	3.8
Diligence	4.2	3.7	---	4.3
Special Skills	4.1	3.4	---	4.1
Overall	3.9	3.3	4.7	4.0

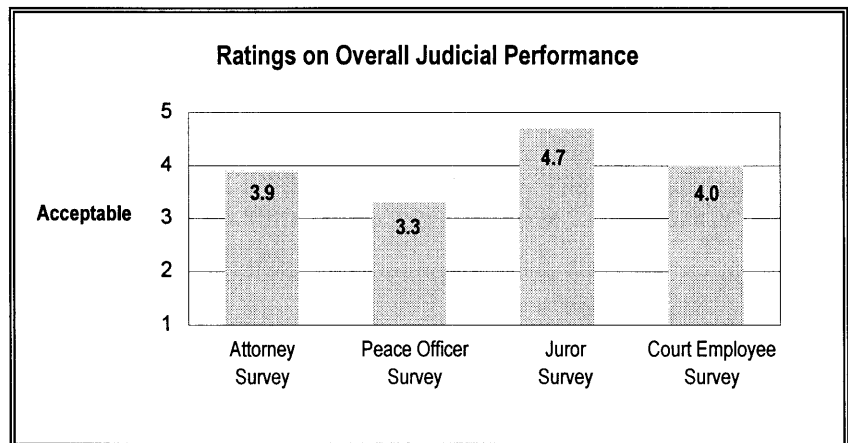
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

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 1,890 peace and probation officers in Alaska rated Judge Greene in the acceptable range on overall judicial performance (3.3, see graph). She scored highest (3.7) in the categories of "ability to control courtroom" and "willingness to work." She scored lowest, but still acceptable (3.0), in the category of "courtesy."

A survey of all jurors appearing before Judge Greene in 1998 and 1999 rated her in the excellent range (4.7) on overall performance. A survey of all court employees rated her in the excellent range (4.0) 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 Greene

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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Alaska Judicial Council Questionnaire

Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

MARY E. GREENE

SUPERIOR

Name

Court

1. Describe your workload during your present term.

a) $\frac{75}{20}$ % Civil Cases b) $\frac{35}{10}$ # of trials/year
 % Criminal Cases # Administrative Appeals
 5 % Court Administrative
 100 % Total

Sub par (a) is by number of cases not time and civil cases include children's cases.
Sub par (b) is an approximate average.

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

Criminal Rules, Chair; Fairness & Access Committee, Co-Chair;
Fairness & Access Implementation Committee, Co-Chair; Education
Committee; Magistrate Training Judge; Judicial Conduct Commission.

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

Retention Questionnaire
Question 3
Mary E. Greene

Years 9 to 15 of my career as a judge have provided many learning experiences. I continue to be challenged both legally and personally by the wide variety of work. There are few dull days. I continue to be challenged by the amount of work that must be done to stay on top of cases and provide parties and attorneys timely response to motions. I continue to grow in the job.

I believe that it is not enough for a judge to do his or her cases; I believe that it is our responsibility to contribute to the court system and the administration of justice. My principal efforts over the last 4 years have been on the Fairness and Access Committee and the Fairness and Access Implementation Committee. The investigation of how the court was providing justice to racial and ethnic minorities has involved stepping outside the system to look at it from an outsider's perspective. It has been enlightening. I was honored to have been requested to co-chair the implementation of the changes the original committee suggested. I am impressed with that the Supreme Court and the administration are taking those suggested changes very seriously and I hope that the courts will be improved as a result of our work.

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 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 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. Bryan Leggieri</u>	<u>4FA-99-1724 Cr.</u>

Attorneys Involved

✓ Name: Jay Hodges, DAO
Address: 604 Barnette, Rm. 247
Fairbanks, AK 99701

Name: _____
Address: _____

✓ Name: Robert Noreen
Address: 402 7th Avenue
Fairbanks, AK 99701

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>State v. Cynthia Williams</u>	<u>4FA-98-3732 Cr.</u>

Attorneys Involved

✓ Name: Jay Hodges, DAO
Address: 604 Barnette, Rm. 247
Fairbanks, AK 99701

Name: _____
Address: _____

✓ Name: Susan Downie, APD
Address: P. O. Box 73872
Fairbanks, AK 99707

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
3 <u>State v. Merle Hall</u>	<u>4FA-99-2567 Cr.</u>

Attorneys Involved

✓ Name: Scott Mattern, DAO
Address: 604 Barnette, Rm. 247
Fairbanks, AK 99701

Name: _____
Address: _____

✓ Name: Ted Hoppner, Esq.
Address: P. O. Box 70767
Fairbanks, AK 99707

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 GVEA v. Alaska Industrial Develop Assn.	4FA-98-1094 Civ.

Attorneys Involved

✓ Name: Daniel Winfree, Esq.
Address: 119 N. Cushman St., #400
Fairbanks, AK 99701

✓ Name: Brian Bjorkquist, AGO
Address: 1031 W. 4th, #200
Anchorage, AK 99501

✓ Name: Charles Cole, Esq.
Address: 406 Cushman St.
Fairbanks, AK 99701

✓ Name: Ronald Saxton, Esq.
Address: 222 S.W. Columbia, #1800
Portland, OR 97201

✓ Gregory Harris, Esq.
601 Union St., #5450
Seattle, WA 98101

<i>Name of Case</i>	<i>Case Number</i>
2 Peters v. Dena Nena Henash	4FA-97-1986 Civ.

Attorneys Involved

✓ Name: James M. Hackett, Esq.
Address: 401 11th Ave.
Fairbanks, AK 99701

✓ Name: Michael Walleri
Address: Tanana Chiefs Conference
122 First Avenue, #600
Fairbanks, AK 99701

✓ Name: Thomas Daniel, Esq.
Address: 1029 W. 3rd Ave., #300
Anchorage, AK 99501

✓ Name: Jon S. Dawson, Esq.
Address: 701 W. 8th Ave., #800
Anchorage, AK 99501

<i>Name of Case</i>	<i>Case Number</i>
3 Despain v. Cole	4FA-97-1470 Civ.

Attorneys Involved

✓ Name: Thomas Wickwire, Esq.
Address: 2775 Hansen Road
Fairbanks, AK 99709

✓ Name: Paul J. Ewers
Address: City Attorney
800 Cushman St.
Fairbanks, AK 99701

✓ Name: Michael A. MacDonald, Esq.
Address: 1008 16th Avenue, #200
Fairbanks, AK 99701

✓ Name: Jon S. Dawson, Esq.
Address: 701 W. 8th Ave., #800
Anchorage, AK 99501

✓ Marilyn Stowell, City Attorney
800 Cushman St.
Fairbanks, AK 99701

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

Ray v. Tanana Valley Medical Group

4FA-97-2004 Civ.

Attorneys Involved

✓ Name: Brent Cook, Esq.
Address: 714 4th Ave., #200
Fairbanks, AK 99701

✓ Name: Randy Clapp, Esq.
Address: 1603 College Rd., #200
Fairbanks, AK 99709

✓ Name: Dennis (Skip) Cook, Esq.
Address: 714 4th Avenue, #200
Fairbanks, AK 99701

✓ Name: David Carlson, Esq.
Address: 1603 College Rd., #200
Fairbanks, AK 99709

2

Name of Case

Case Number

Weiss v. State
(Mental health lands case)

4FA-82-2208 Civ.

Attorneys Involved

✓ Name: David Walker, Esq.
Address: 417 Harris Street
Juneau, AK 99801

✓ Name: G. Thomas Koester, Esq.
Address: 2550 Fritz Cove Rd.
Juneau, AK 99801

✓ Name: James Gottstein, Esq.
Address: 406 G Street, #206
Anchorage, AK 99501

✓ Name: Phillip Volland, Esq.
Address: 24 H Street
Anchorage, AK 99501

SEE ATTACHED SHEET FOR CONTINUATION

3

Name of Case

Case Number

Rice v. Cole

4FA-95-1582 Civ.

Attorneys Involved

✓ Name: Thomas Wickwire, Esq.
Address: 2775 Hansen Rd., #1
Fairbanks, AK 99709

✓ Name: Marilyn J. Stowell, Esq.
Address: City Attorney
800 Cushman Street
Fairbanks, AK 99701

✓ Name: Edward Niewohner, Esq.
Address: P. O. Box 74490
Fairbanks, AK 99707

✓ Name: Kenneth Ringstad, Esq.
Address: 714 4th Ave., #301
Fairbanks, AK 99701

SEE ATTACHED SHEET FOR CONTINUATION

Retention Questionnaire
Mary E. Greene

Question No. 8(2) *AFAS 2-2208*
Weiss v. State
Attorneys Involved (Continuation):

- ✓ Tom Waldo, Esq.
325 4th Street
Juneau, AK 99801
- ✓ Phillip Blumstein, Esq.
1127 West 7th Avenue
Anchorage, AK 99501
- ✓ James H. Parker, Esq.
615 E. 82nd, #101
Anchorage, AK 99518
- ✓ Melinda D. Miles, Esq.
9170 Jewel Lake Road, #203
Anchorage, AK 99502
- ✓ James Leik, Esq.
1029 W. 3rd Ave., #300
Anchorage, AK 99501
- ✓ Peter Maassen, Esq.
711 H Street, #500
Anchorage, AK 99501
- ✓ Mark Davis, Esq.
405 W. 36th, #200
Anchorage, AK 99501
- ✓ Nathaniel Atwood, Esq.
Office of the Attorney General
1031 W. 4th Avenue, #200
Anchorage, AK 99501

Question No. 8(3) *95-1582 e v*
Rice v. Cole
Attorneys Involved (Continuation):

- ✓ Daniel Winfree, Esq.
119 N. Cushman St., #400
Fairbanks, AK 99701
- ✓ Cory Borgeson, Esq.
100 Cushman St., #311
Fairbanks, AK 99701
- ✓ John Eberhart, Esq.
800 Cushman St.
Fairbanks, AK 99701

MEMORANDUM

TO: Judicial Council Members
FROM: Staff
DATE: May 16, 2000
RE: Comparison of Previous Survey Results - Mary E. Greene

Mary E. Greene is standing for retention in 2000. The tables on the following page compare retention and selection survey scores for Judge Greene. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Greene previously stood for retention as a superior court judge in 1988 and 1994. She was evaluated with the other non-retention judges in 1990, 1992, and 1998.

Judge Greene applied for and was appointed to the Fairbanks Superior Court in 1984. She applied for the Alaska Supreme Court in 1996.

Judge Mary E. Greene												
Retention surveys												
	2000 Retention		1998 Retention Preview		1994 Retention		1992 Retention Preview		1990 Retention Preview		1988 Retention	
	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO
Legal Ability	4.4	—	4.3	—	4.2	—	4.1	—	4.3	—	4.2	---
Fairness	3.8	3.4	3.9	3.0	3.7	2.8	3.7	3.2	4.0	3.1	4.2	2.4
Integrity	4.2	3.5	4.3	3.4	4.1	3.0	4.0	3.3	4.3	3.3	4.3	2.8
Judicial Temperament	3.6	3.3	3.4	3.1	3.7	2.9	3.8	3.2	4.0	3.3	4.2	2.7
Diligence	4.2	3.7	—	—	4.1	3.2	4.0	3.6	—	—	4.5	2.8
Administrative Skills	4.1	3.4	—	—	3.9	2.8	3.8	3.3	4.2	3.4	4.3	2.8
Overall Performance	3.9	3.3	3.9	3.0	3.8	2.7	3.9	3.2	4.1	3.1	4.2	2.4

Judge Mary E. Greene			
appointed to Fairbanks Superior Court 1/4/85			
	1996 Supreme Court		1984 Fairbanks Superior
	Range	Score	
Professional Competence	4.1	Excellent	4.28
Integrity	4.1	Excellent	4.29
Fairness	3.6	Good	4.14
Judicial Temperament	3.2	Acceptable	---
Suitability of Experience	3.8	Good	---
Overall Performance	3.7	Good	---