

# Alaska Judicial Council Recommendation

## Judge Larry D. Card, Superior Court, Anchorage

**I. Judicial Council Evaluation.** The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Card to be *Qualified* and recommends unanimously (5-0) that the public vote "YES" to retain him as a superior court judge.

**II. Summary of Evaluation Information.** A survey of 2,860 attorneys in Alaska rated Judge Card on sixteen categories that are summarized in the adjacent graph. Attorneys rated Judge Card 4.0 on a scale of 5 on overall judicial performance. He scored highest (4.4) in the categories of "conduct free from impropriety," "courtesy," and "understanding and compassion." He scored 3.8 or better in all sixteen categories.

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	CourtWatch Survey
Legal Ability	3.8	---	---	---	---
Impartiality	4.3	4.5	4.9	4.6	---
Integrity	4.3	4.5	---	4.7	---
Temperament	4.4	4.6	4.9	4.7	---
Diligence	4.0	4.4	---	4.6	---
Special Skills	4.0	4.4	---	---	---
Overall	4.0	4.5	4.9	4.7	4.1

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

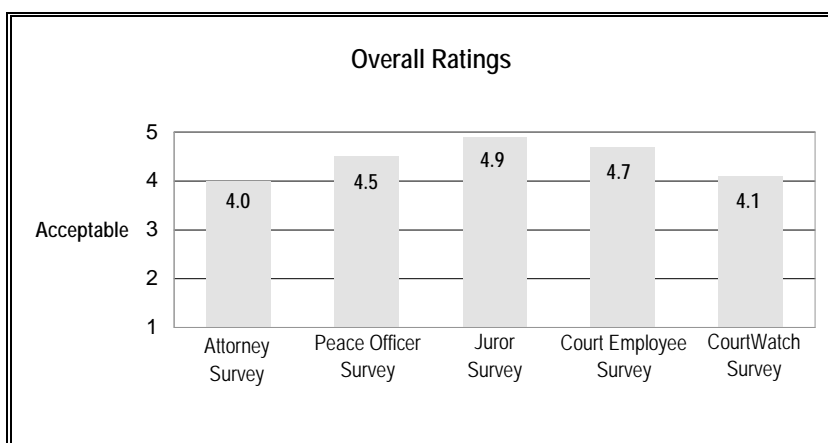
#### Rating Scale

5.0 = Excellent  
 4.0 = Good  
 3.0 = Acceptable  
 2.0 = Deficient  
 1.0 = Unacceptable

A survey of 1,704 peace and probation officers in Alaska rated Judge Card on twelve categories that are summarized in the adjacent graph. Peace and probation officers rated Judge Card 4.5 on a scale of 5 on overall judicial performance. He scored highest in "understanding and compassion" (4.7). He scored 4.4 or better in all categories.

A survey of all jurors appearing before Judge Card in 2000 and 2001 rated him 4.9 on a scale of 5 on overall performance. A survey of all court employees rated him 4.7 on a scale of 5 on overall performance. The CourtWatch Report prepared by Victims for Justice gave Judge Card a 4.1 overall rating on a scale of 5.

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 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 Card**

Contact the Judicial Council at 1029 W. 3<sup>rd</sup> Ave., 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](http://www.ajc.state.ak.us)

November 2002



# alaska judicial council

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http://www.ajc.state.ak.us

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EXECUTIVE DIRECTOR  
Larry Cohn

## Alaska Judicial Council Questionnaire

DEC - 4 2001

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Katie Hurley  
Gigi Pfligar

ALASKA JUDICIAL COUNCIL  
ATTORNEY MEMBERS  
Geoffrey G. Currell  
Robert B. Grosscloze  
Robert H. Wagstaff

### Trial Judge 2002 Candidates for Judicial Retention

CHAIR, EX OFFICIO  
Dana Febo  
Chief Justice  
Supreme Court

November 16, 2001

Larry D. Card	Superior Court-Anchorage
Name	Court

1. Describe your workload during your present term.

a) $\frac{5}{80}$ % Civil Cases $\frac{80}{15}$ % Criminal Cases $\frac{15}{100}$ % Court Administrative 100 % Total	b) $\frac{20}{15}$ # of trials/year $\frac{15}{15}$ # Administrative Appeals *
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\*The numbers fluctuate during each year. The numbers given are an average.

Anchorage has the only criminal division in the State of Alaska due to the number of criminal cases. Three judges from the superior court are currently assigned such duties, plus the presiding judge takes some criminal cases.

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

I have been on a few Bar/CLE Panels as faculty; I have served as a member of the family law rules committee, as well as a member, and now chair of the Criminal Pattern Jury Instructions committee. I am also the First Alternate member of the Three Judge Sentencing Panel. I often volunteer to talk to school children and college students who want to learn about our judicial system.

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.

3.

During my most recent term as a judge, I have worked very hard to insure that justice is occurring in my assigned courtroom at all times. I believe that I bring a positive perspective to the bench having been in private practice, and also having worked as a government attorney during my career. The public, as well as counsel expect trial judges to make informed decisions, but most importantly, to make reasonably quick decisions.

I also believe that having been married over 32 years, and having served in the role of spouse, father, grandfather, foster parent and mentor that I am well versed in what is important to the public generally. I have not isolated myself, and I willingly go out into the community to interact with the public to let them know that judges are people too, and that we also live in the community in which we work.

I also enjoy teaching lawyers how to try cases, and I take every opportunity to be on a faculty discussing trial practice. Better trial lawyers means better justice, in the most efficient way. I receive a large number of law student applications to be my clerk, because those who want to be trial lawyers know that they will receive a great deal of instruction while they are here for a year. In summary, I feel that the superior court is the best of all of the judicial positions available in the State of Alaska and I truly enjoy the opportunity to serve in such a capacity.

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 X No \_\_\_\_\_
  - 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.

In 1986-87, I represented a Michael Simpson in a sexual abuse of a minor case. Sometime during the 1990's (I believe 95) his conviction was set aside, and a new trial was ordered. The State of Alaska decided not to re prosecute, and the defendant then sued me, his appellate lawyer, Office of Public Advocacy, and the State of Alaska. He also sued the Municipality of Anchorage, and as of this date has settled with everyone but OPA, the State of Alaska, and myself. I have asked for a jury trial if he does not either voluntarily or involuntarily dismiss the case. The case is assigned to Judge Smith in Palmer due to judges recusing themselves. I expect to be fully vindicated if the matter goes to trial. Case # 3AN 99-10538CV

**Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2002 retention elections.**

I love being a community "Dad" in that I often feel my role is much like that of a parent. In the family arena, one gets to know the most intimate secrets of a family, whether one wants to or not. In the criminal cases, we often see the same people time and time again after giving them warnings about their behavior, just like a parent. The analogy does not hold up so well in the average civil case, but people are still looking for fairness when they come to court.

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.)

1

**Name of Case** SOA vs Jeffrey Bortness **Case Number** 3AN S00-2652CR

**Attorneys Involved**

Name: Rex L. Butler  
Address: 745 W. 4th Ave., Suite 300  
Anchorage, AK 99501

Name: ADA(John Novak)  
Address: 310 K ST., Suite 520  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

2

**Name of Case** SOA vs Ajim Delolli **Case Number** 3AN S00-8205CR

**Attorneys Involved**

Name: Sam Fortier  
Address: 101 W. Benson Blvd., Ste. 304  
Anchorage, AK 99503

Name: ADA(James Fayette)  
Address: 310 K ST., Suite 520  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

3

**Name of Case** SOA vs Marlon Mack **Case Number** 3AN S99-3173CR

**Attorneys Involved**

Name: Leslie Heibert  
Address: Office of Public Advocacy  
900 W. 5th Ave., Suite 525  
Anchorage, AK 99501

Name: ADA(Adreinne Bachman)  
Address: 310 K ST., Suite 520  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

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.)

1

<b>Name of Case</b>	<b>Case Number</b>
SOA vs Jeffrey Bortness	3AN S00-2652CR

**Attorneys Involved**

Name: Rex L. Butler  
Address: 745 W. 4th Ave., Suite 300  
Anchorage, AK 99501

Name: ADA(John Novak)  
Address: 310 K ST., Suite 520  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

2

<b>Name of Case</b>	<b>Case Number</b>
SOA vs Ajim Delolli	3AN S00-8205CR

**Attorneys Involved**

Name: Sam Fortier  
Address: 101 W. Benson Blvd., Ste. 304  
Anchorage, AK 99503

Name: ADA(James Fayette)  
Address: 310 K ST., Suite 520  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

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<b>Name of Case</b>	<b>Case Number</b>
SOA vs Marlon Mack	3AN S99-3173CR

**Attorneys Involved**

Name: Leslie Heibert  
Address: Office of Public Advocacy  
900 W. 5th Ave., Suite 525  
Anchorage, AK 99501

Name: ADA(Adreinne Bachman)  
Address: 310 K ST., Suite 520  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

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.)

<b>1</b>	<b>Name of Case</b>	<b>Case Number</b>
	SOA vs Michael Avery	3AN S99-7648CR

**Attorneys Involved**

Name: Fred Dewey  
1101 W. 7th Ave.  
Address: Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: ADA(James Fayette)  
310 K St., Suite 520  
Address: Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<b>2</b>	<b>Name of Case</b>	<b>Case Number</b>
	SOA vs John Adalin	3AN S99-1197CR

**Attorneys Involved**

Name: Moshe Zorea  
P.O. Box 212043  
Address: Anchorage, AK 99521

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Eric Aarseth  
310 K St., Suite 407  
Address: Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

<b>3</b>	<b>Name of Case</b>	<b>Case Number</b>
	SOA vs Monaca Freimering	3AN S00-1248CR

**Attorneys Involved**

Name: Eugene Cyrus  
13135 Old Glen Hwy. # 205  
Address: Eagle River, AK 99577

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: ADA(Marcell McDannel)  
310 K ST., Suite 520  
Address: Anchorage, AK 99501

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.)

**1** SOA vs John Phillips *Name of Case* 3AN S97-9388CR *Case Number*

**Attorneys Involved**

Name: Rob Hertz  
Address: 731 N St., Suite 203  
Anchorage, AK 99501  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Stephen Branchflower  
Address: 310 K ST., Suite 308  
Anchorage, AK 99501  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**2** Alakayak et.al. vs Alaskan *Name of Case* 3AN 95-4676CI *Case Number*  
Seafoods, et.al.

**Attorneys Involved**

Name: Douglas Serdahley  
Address: 1031 W. 4th Ave., Suite 1500  
Anchorage, AK 99501  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: Phillip Wiedner  
Address: 330 L ST., Suite 200  
Anchorage, AK 99501  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**3** SOA vs Dennis Hubbles *Name of Case* 3AN S00-6955CR *Case Number*  
James Surrells 00-6954CR

**Attorneys Involved**

Name: Leslie Heibert  
Address: 900 W. 5th Ave, Suite 525  
Anchorage, AK 99501  
Name: Rex L. Butler  
Address: 745 W. 4th Ave, Suite 300  
Anchorage, AK 99501

Name: Mark Avery  
Address: 420 L ST., Suite 100  
Anchorage, AK 99501  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_



8. Rather than try to list more cases, I feel that my management of the Alakayak case was not only very challenging, but also satisfying. The case was filed as a class action lawsuit, and after organizing the case with the Federal Complex Litigation Manual, we proceeded to organize. We had three or four meetings while I was still assigned the case, and myself and approximately seventy -five lawyers met to discuss how to best organize and proceed through the various stages of litigation. I appointed Mr. Serdahley and lead counsel for the defendants, and Mr Wiedner as lead counsel for the plaintiffs. Mr. Collin Middleton was appointed a discovery master. I wrote in excess of sixty pages to certify the class, and shortly thereafter the file was re-assigned to Judge Michalski since I was re-assigned to the criminal division. In summary, I really enjoyed the case because it was very challenging, with many challenging issues to be decided. At the time the case was re-assigned, I had instituted a docket system to keep track of the pleadings, and no other case file in the state court system had such a system. The case was turned over to Judge Michalski with approximately thirty volumes of filings.

## MEMORANDUM

**TO:** Judicial Council Members  
**FROM:** Staff  
**DATE:** April 24, 2002  
**RE:** Comparison of Previous Survey Results - Larry D. Card

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Larry D. Card is standing for retention in 2002. The table on the following page compares retention and selection for survey scores for Judge Card. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Judge Card previously stood for retention as a superior court judge in 1996. He was evaluated with the other non-retention judges in 1994 and 2000.

Judge Card applied for and was appointed to the Anchorage Superior Court in 1993.

<b>Judge Larry D. Card</b>									
Appointed to Anchorage Superior Court 08/13/93									
	<i>2002 Retention</i>		<i>2000 Interim</i>		<i>1996 Retention</i>		<i>1994 Interim</i>		<i>1993 Anchorage Superior</i>
	<i>Bar</i>	<i>PPO</i>	<i>Bar</i>	<i>PPO</i>	<i>Bar</i>	<i>PPO</i>	<i>Bar</i>	<i>PPO</i>	
Legal Ability/Professional Competence	3.8	----	3.7	----	3.6	----	3.6	-----	3.5
Impartiality/Fairness	4.3	4.5	4.3	4.5	4.0	3.8	4.1	3.3	3.9
Integrity/Good Character	4.3	4.5	4.4	4.6	4.2	4.0	4.1	3.5	4.0
Judicial Temperament	4.4	4.6	4.4	4.7	4.1	4.0	4.0	3.6	3.9
Diligence	4.0	4.4	4.0	4.6	3.8	4.0	3.9	3.5	----
Special Skills	4.0	4.4	----	----	3.9	3.9	3.9	3.6	----
Overall Performance	4.1	4.5	4.1	4.6	3.8	3.8	3.8	3.4	3.7

<b>Judge Larry D. Card</b>									
Appointed to Anchorage Superior Court 08/13/93									
	<i>2002 Retention</i>		<i>2000 Interim</i>		<i>1996 Retention</i>		<i>1994 Interim</i>		<i>1993 Anchorage Superior</i>
	<i>Bar</i>	<i>PPO</i>	<i>Bar</i>	<i>PPO</i>	<i>Bar</i>	<i>PPO</i>	<i>Bar</i>	<i>PPO</i>	
Legal Ability/Professional Competence	3.8	----	3.7	----	3.6	----	3.6	-----	3.5
Impartiality/Fairness	4.3	4.5	4.3	4.5	4.0	3.8	4.1	3.3	3.9
Integrity/Good Character	4.3	4.5	4.4	4.6	4.2	4.0	4.1	3.5	4.0

Judicial Temperament	4.4	4.6	4.4	4.7	4.1	4.0	4.0	3.6	3.9
Diligence	4.0	4.4	4.0	4.6	3.8	4.0	3.9	3.5	----
Special Skills	4.0	4.4	----	----	3.9	3.9	3.9	3.6	----
Overall Performance	4.1	4.5	4.1	4.6	3.8	3.8	3.8	3.4	3.7