

Alaska Judicial Council Recommendation

Justice Walter L. Carpeneti, Supreme Court

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

II. Summary of Evaluation Information. A survey of 2,860 attorneys in Alaska rated Justice Carpeneti on ten categories that are summarized in the adjacent graph. Attorneys rated Justice Carpeneti 4.5 on a scale of 5 on overall judicial performance. He scored highest (4.5) in the categories of "conduct free from impropriety," "courtesy," and "understanding and compassion." He scored 4.4 or better in all ten categories.

Summary Categories	Attorney Survey	Court Employee Survey
Legal Ability	4.4	---
Impartiality	4.5	4.8
Integrity	4.6	4.8
Temperament	4.6	4.8
Diligence	4.5	4.3
Overall	4.5	4.7

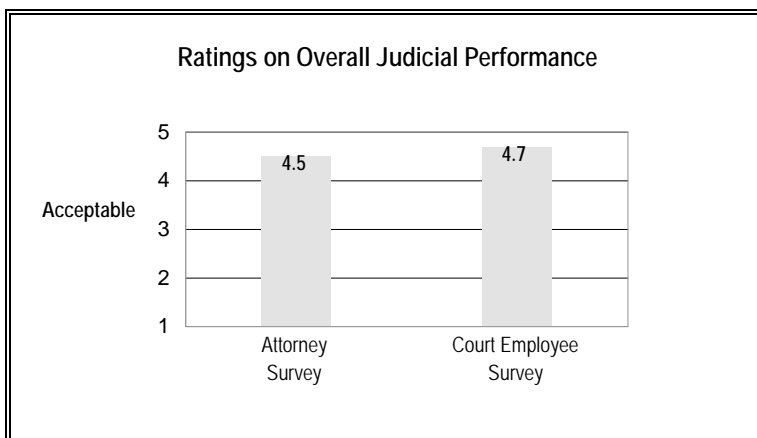
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

Rating Scale

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

A survey of all court employees rated Justice Carpeneti 4.7 on a scale of 5 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 justice. The Council actively encouraged the public to comment, both in writing and in a statewide public hearing teleconference.



Recommendation: Vote "YES" to retain Justice Carpeneti

Contact the Judicial Council at 1029 W. 3rd 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

November 2002



alaska judicial council

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EXECUTIVE DIRECTOR
Larry Cohn

Alaska Judicial Council Questionnaire

Appellate Judge 2002 Candidates for Judicial Retention

November 16, 2001

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ALASKA
JUDICIAL COUNCIL

NON-ATTORNEY MEMBERS
Eleanor Andrews
Katie Hurley
Gigi Pilcher

ATTORNEY MEMBERS
Geoffrey G. Currall
Robert B. Groseclose
Robert H. Wagstaff

CHAIR, EX OFFICIO
Dana Fabe
Chief Justice
Supreme Court

<u>Walter L. Carpeneti</u>	<u>Alaska Supreme Court</u>
Name	Court

1. Describe your workload during your present term.

- a) 82 % Civil Cases b) N.A. # of trials/year (as trial court judge)
8 % Criminal Cases
10 % Court Administrative
100 % Total

(I have included within "Court Administrative" the time I spend as chair of the Judicial Education Committee as well as other committee work.)

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

Court: Chair, Judicial Education Committee: responsible for overall planning for judicial education in Alaska. Plan and carry out two statewide judicial conferences per year.

(Continued on attached.)

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.

Attachment to:

Appellate Judge Questionnaire of Walter L. Carpeneti

Q.#2 (continued)

Develop master plan for judicial education, including new judge training, preparation of benchbooks, mentoring program and development of in-state judicial trainers.

Bar: Member, Alaska Bar Association Continuing Legal Education Committee. Member, Alaska Bar Association Gender Equality Section.

Q.#3:

I have found the position of a member of the Alaska Supreme Court to be the most challenging one I have ever held. Although it is daunting at times, I believe that I have learned a great deal in my three years as a member of the court. And I believe that what I have learned -- about managing the steady stream of cases coming in to be decided, about working with four highly intelligent and productive colleagues, about supervising and working with three new law clerks each year -- will help me to become more efficient in performing my job. It is my constant goal to decide cases more expeditiously while at the same time reaching the proper result.

As to contributions, I hope that I have decided cases fairly and well. I have worked my hardest to do so. As chair of the Judicial Education Committee, I have worked with the committee to prepare an overall plan for judicial education in the state, as well as planning and executing three statewide judicial conferences and a number of other programs. I am extremely gratified that those programs have been well received by my colleagues at all levels of the Alaska judiciary.

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.

N. A.

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.

4

Name of Case
Griswold v. City of Homer

Case Number
S-9627

Attorneys Involved

Name: William R. DeVries
Address: P.O. Box 2456
Homer, AK 99603

Name: _____
Address: _____

Name: Gordon J. Tans
Address: 1029 W. 3rd Ave., Ste. 300
Anchorage, AK 99501

Name: _____
Address: _____

5

Name of Case
Estate of Himsel v. State

Case Number
S-8640

Attorneys Involved

Name: Kermit E. Barker, Jr.
Address: 500 L St., Ste. 500
Anchorage, AK 99501

Name: Steven E. Aldous
Tom H. Davis
Address: 8911 Capital of TX Hwy N
Bldg. 2, Ste. 2110
Austin, TX 78759

Name: Gary M. Guarino
Address: 1031 W. 4th Ave., Ste. 200
Anchorage, AK 99501

Name: Robert Merle Cowan
Address: 909 Cook Ave.
Kenai, AK 99611

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Name of Case
Wongittilin v. State

Case Number
S-9251

Attorneys Involved

Name: Ted Stepovich
Address: 733 W. 4th Ave., Ste. 401
Anchorage, AK 99501

Name: _____
Address: _____

Name: Stephanie Galbraith Moore
Address: 1031 W. 4th Ave., Ste 200
Anchorage, AK 99501

Name: Jennifer M. Coughlin
Address: 420 L St., Ste. 400
Anchorage, AK 99501

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.)

Name of Case	Case Number
1 In re ANS Royalty Litigation (formerly "State of Alaska v. Amerada Hess, et al.")	1JU-77-

Attorneys Involved - lead counsel only

Name: Wilson E. Condon
Address: P.O. Box 110400
Juneau, AK 99811-0400

Name: William B. Rozell (ARCO)
Address: 617 Willoughby Ave.
Juneau, AK 99801

Name: Bruce Botelho
Address: P.O. Box 110300
Juneau, AK 99811-0300

Name: Barry Wertz (Exxon)
Address: 3200 One Houston Center
1221 McKinney St.
Houston, TX 77010-2009

*see below for additional counsel

Name of Case	Case Number
2 State of Alaska v. John Kenneth Peel	1JU-87-975 CR

Attorneys Involved - lead counsel only

Name: Maryanne Henry
Address: 310 K St., Ste 520
Anchorage, AK 99501

Name: Phillip Paul Weidner
Address: 330 L St., Ste. 200
Anchorage, AK 99501

Name: _____
Address: _____

Name: _____
Address: _____

Name of Case	Case Number
3 * additional counsel for #1	

Attorneys Involved

Name: _____
Address: _____

Name: James P. Murphy (B.P.)
Address: P.O. Box 407
Washington, DC 20044-0407

Name: _____
Address: _____

Name: _____
Address: _____

MEMORANDUM

TO: Judicial Council Members
FROM: Staff
DATE: April 24, 2002
RE: Comparison of Previous Survey Results - Walter L. Carpeneti

Walter L. Carpeneti is standing for retention in 2002. The tables on the following pages compare retention and selection survey scores for Justice Carpeneti. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

Justice Carpeneti previously stood for retention in 1984, 1990, and 1996. He was evaluated with the other non-retention judges in 1994 and 2000.

Justice Carpeneti applied for the Supreme Court in 1996 and 1998. He applied for the Juneau Superior Court twice in 1981. He was nominated for both Juneau positions and was appointed the second time. He was nominated and appointed to the Supreme Court in 1998.

Justice Walter L. Carpeneti				
	<i>February 1981 Juneau Superior Court</i>	<i>August 1981 Juneau Superior Court</i>	<i>1996 Supreme Court</i>	<i>1998 Supreme Court</i>
Legal Reasoning	4.53	4.58	----	----
Fairness	4.51	4.58	4.5	4.6
Freedom from Arrogance	4.52	4.54	----	----
Decisiveness	4.29	4.40	----	----
Willingness to Work	4.52	4.57	----	----
Integrity	4.69	4.66	4.6	4.7
Professional Competence	4.61	4.63	4.5	4.6
Good Character	4.66	4.66	----	----
Understanding/Compassion	4.59	4.59	----	----
Judgment	4.46	4.43	----	----
Reasonableness	4.45	4.49	----	----
Temperament	----	----	4.5	4.6
Suitability of Experience	----	----	4.5	4.6
Overall Performance	----	----	4.5	4.6

Justice Walter L. Carpeneti												
	2002 Retention		2000 Interim		1996 Retention		1994 Interim		1990 Retention		1984 Retention	
	Bar		Bar		Bar	PPO	Bar	PPO	Bar	PPO	Bar	PPO
Legal Ability	4.4		4.6		4.6	----	4.4	----	4.5	----	4.4	----
Impartiality/Fairness	4.5		4.6		4.6	4.4	4.4	4.2	4.5	4.2	4.4	3.7
Judicial Temperament	4.6		4.7		4.6	4.5	4.4	4.3	4.6	4.2	4.5	3.8
Integrity	4.6		4.7		4.7	4.4	4.5	4.3	4.7	4.5	----	----
Special Skills	----		----		4.6	4.1	4.3	4.2	4.3	4.1	4.2	3.6
Diligence	4.5		4.1		4.2	4.1	4.0	4.2	----	----	----	----
Overall Performance	4.5		4.6		4.5	4.3	4.4	4.2	4.5	4.2	4.4	3.6

MEMORANDUM

TO: Judicial Council Members

FROM: Larry Cohn

DATE: August 5, 2002

RE: Non-Confidential Salary Warrants: Justice Walter L. Carpeneti

Department of Administration Paycheck Holds

The Council requested information from the Alaska Court System about how many times the retention justices' and judges' paychecks were withheld for failure to issue decisions within six months. See AS 22.05.140(b), 22.07.090(b), 22.10.190(b), and 22.15.220(c). Justice Carpeneti's paycheck was withheld twelve times for 1-4 pay periods during his most recent term (nine times in 1999 and three times in 2000). Justice Carpeneti's explanation of the delayed issuance of his paychecks is set out below:

This situation was largely the result of my appointment to the supreme court when I was a superior court judge. I was appointed on November 5, 1998, sworn in on November 6, and assigned cases for the December oral argument calendar. But while I assumed a full supreme court justice's caseload immediately, it took substantial time for me to complete those superior court cases that were pending when I was appointed. In addition, delays resulted from the necessity for my law clerks to relocate from Anchorage to Juneau and for needed office reconstruction in Juneau. Finally, the demands of a new position and my concern that I carefully review each case before issuing an opinion led me to delay claiming my paycheck for several brief periods in 1999 and three times in 2000. The period of greatest stress -- six to eight months after my appointment -- reflects the period when the largest number of delayed paychecks occurred. I am happy to note on my salary warrant schedule that no checks have been delayed in almost two years now.

I feel badly when a decision entrusted to me is delayed. At the same time, I have never given less than my full effort to make certain that a decision was as good as I could make it, even when that meant that I had to forego my paycheck for a brief period of time.

Affidavit Review
Walter L. Carpeneti
 Alaska Supreme Court
 Appointed: 11/4/1998
 Last Election: First term in current position

1998

Payperiod End	When Paid	How Late
PP.22 - 11/15/98	On Time	
PP.23 - 11/30/98	On Time	
PP.24 - 12/15/98	On Time	

1999

Payperiod End	When Paid	How Late
PP.1 - 12/31/98	1/22/1999	2 Pay Periods
PP.2 - 1/15/99	On Time	
PP.3 - 1/31/99	On Time	
PP.4 - 2/15/99	2/25/1999	1 Pay Period
PP.5 - 2/28/99	On Time	
PP.6 - 3/15/99	4/2/1999	1 Pay Period
PP.7 - 3/31/99	On Time	
PP.8 - 4/15/99	On Time	
PP.9 - 4/30/99	On Time	
PP.10 - 5/15/99	On Time	
PP.11 - 5/31/99	On Time	
PP.12 - 6/15/99	7/28/1999	3 Pay Periods
PP.13 - 6/30/99	7/28/1999	2 Pay Periods
PP.14 - 7/15/99	9/2/1999	4 Pay Periods
PP.15 - 7/31/99	9/2/1999	3 Pay Periods
PP.16 - 8/15/99	9/14/1999	3 Pay Periods
PP.17 - 8/31/99	9/14/1999	2 Pay Periods
PP.18 - 9/15/99	On Time	
PP.19 - 9/30/99	On Time	
PP.20 - 10/15/99	On Time	
PP.21 - 10/31/99	On Time	
PP.22 - 11/15/99	On Time	
PP.23 - 11/30/99	On Time	
PP.24 - 12/15/99	On Time	

2000

Payperiod End	When Paid	How Late
PP.1 - 12/31/1999	On Time	
PP.2 - 1/15/2000	On Time	
PP.3 - 1/31/2000	2/18/2000	1 Pay Period
PP.4 - 2/15/2000	On Time	
PP.5 - 2/28/2000	On Time	
PP.6 - 3/15/2000	On Time	
PP.7 - 3/31/2000	On Time	
PP.8 - 4/15/2000	On Time	
PP.9 - 4/30/2000	On Time	
PP.10 - 5/15/2000	On Time	
PP.11 - 5/31/2000	On Time	
PP.12 - 6/15/2000	On Time	
PP.13 - 6/30/2000	On Time	
PP.14 - 7/15/2000	On Time	
PP.15 - 7/31/2000	On Time	
PP.16 - 8/15/2000	On Time	
PP.17 - 8/31/2000	On Time	
PP.18 - 9/15/2000	On Time	
PP.19 - 9/30/2000	10/23/2000	2 Pay Periods
PP.20 - 10/15/2000	On Time	
PP.21 - 10/31/2000	11/15/2000	1 Pay Period
PP.22 - 11/15/2000	On Time	
PP.23 - 11/30/2000	On Time	
PP.24 - 12/15/2000	On Time	

Affidavit Review

Walter L. Carpeneti

2001			2002		
Payperiod End	When Paid	How Late	Payperiod End	When Paid	How Late
PP.1 - 12/31/2000	On Time		PP.1 - 12/31/2001	On Time	
PP.2 - 1/15/2001	On Time		PP.2 - 1/15/2002	On Time	
PP.3 - 1/31/2001	On Time		PP.3 - 1/31/2002	On Time	
PP.4 - 2/15/2001	On Time		PP.4 - 2/15/2002	On Time	
PP.5 - 2/28/2001	On Time		PP.5 - 2/28/2002	On Time	
PP.6 - 3/15/2001	On Time		PP.6 - 3/15/2002	On Time	
PP.7 - 3/31/2001	On Time		PP.7 - 3/31/2002	On Time	
PP.8 - 4/15/2001	On Time		PP.8 - 4/15/2002	On Time	
PP.9 - 4/30/2001	On Time		PP.9 - 4/30/2002	On Time	
PP.10 - 5/15/2001	On Time		PP.10 - 5/15/2002	On Time	
PP.11 - 5/31/2001	On Time		PP.11 - 5/31/2002	On Time	
PP.12 - 6/15/2001	On Time		PP.12 - 6/15/2002		
PP.13 - 6/30/2001	On Time		PP.13 - 6/30/2002		
PP.14 - 7/15/2001	On Time		PP.14 - 7/15/2002		
PP.15 - 7/31/2001	On Time		PP.15 - 7/31/2002		
PP.16 - 8/15/2001	On Time		PP.16 - 8/15/2002		
PP.17 - 8/31/2001	On Time		PP.17 - 8/31/2002		
PP.18 - 9/15/2001	On Time		PP.18 - 9/15/2002		
PP.19 - 9/30/2001	On Time		PP.19 - 9/30/2002		
PP.20 - 10/15/2001	On Time		PP.20 - 10/15/2002		
PP.21 - 10/31/2001	On Time		PP.21 - 10/31/2002		
PP.22 - 11/15/2001	On Time		PP.22 - 11/15/2002		
PP.23 - 11/30/2001	On Time		PP.23 - 11/30/2002		
PP.24 - 12/15/2001	On Time		PP.24 - 12/15/2002		