

Alaska Judicial Council Recommendation

Judge David Mannheimer, Court of Appeals

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

II. Summary of Evaluation Information. A survey of 2,860 attorneys in Alaska rated Judge Mannheimer on ten categories that are summarized in the adjacent graph. Attorneys rated Judge Mannheimer 4.2 on a scale of 5 on overall judicial performance. He scored highest (4.5) in the category of "preparation for appeals." He scored 4.1 or better in all ten categories.

Summary Categories	Attorney Survey	Court Employee Survey
Legal Ability	4.3	---
Impartiality	4.1	4.6
Integrity	4.3	4.7
Temperament	4.2	4.7
Diligence	4.5	4.7
Overall	4.2	4.6

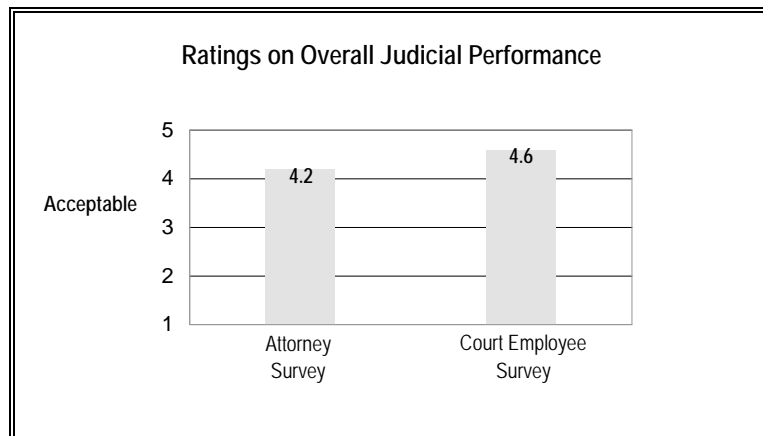
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

Rating Scale

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

A survey of all court employees rated Judge Mannheimer 4.6 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 judge. The Council actively encouraged the public to comment, both in writing and in a statewide public hearing teleconference.

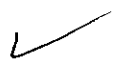


Recommendation: Vote "YES" to retain Judge Mannheimer

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

November 2002



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
Larry Cohn

Alaska Judicial Council Questionnaire

NON-ATTORNEY MEMBERS
Eleanor Andrews
Katie Hurley
Gigi Pilcher

RECEIVED

DEC - 7 2001

Appellate Judge 2002 Candidates for Judicial Retention

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

ALASKA
JUDICIAL COUNCIL

November 16, 2001

CHAIR, EX OFFICIO
Dana Fabe
Chief Justice
Supreme Court

David Mannheimer
Name

Court of Appeals
Court

1. Describe your workload during your present term.

- a) % Civil Cases
 - 90 % Criminal Cases
 - 10 % Court Administrative
 - 100 % Total
- b) 0 # of trials/year (as trial court judge)

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

see attached sheet

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.

Court / Bar Activities: 1994 - 2002

Alaska Bar Association Committee on Professional Responsibility

(1994 – present)

Supreme Court Standing Committee on Criminal Rules

(1994 – present)

Supreme Court Special Committee to Revise the Code of Judicial Conduct

(1994 – to spring, 1998)

Supreme Court Special Committee on Reducing Appellate Delay

(May 1999 – present)

Appellate Court Computerized Case Management System (3 committees):

Users Group (1994 – present); Technical Group (1994 – present);

Redesign Committee (Sept. 2001 – present)

Steering Committee, Khabarovsk - Alaska Rule of Law Forum

(November 2001 – present)

“Short Video Advisory Committee” — a special Court System committee to plan the production of a video describing criminal sentencing for the public

(February 2001 – present)

Self-Evaluation 1994-2002

In the eight years since I last stood for retention, my life has reached a different stage. I am now, beyond all argument, middle-aged.

My professional life has changed as well. In 1997, Alex Bryner was named to the Supreme Court and David Stewart was appointed to take his place on the Court of Appeals. On a three-judge court, a change of even one member can make a marked difference in the dynamics of the decision-making process. I find myself writing more concurring and dissenting opinions than I used to. I do not view this as a bad thing; it makes me work harder to define and articulate my analysis of the cases and my view of the law.

During this eight-year term, I have put substantial effort into improving my writing. An appellate court communicates with lawyers, clients, and trial judges almost exclusively through writing. Because our decisions affect people's lives (often irrevocably), and because our decisions set the rules for future cases, it is crucial that we explain ourselves clearly — so that everyone will know what we decided and, perhaps more important, *why* we decided the case that way.

The rule of law depends, in large measure, on the assurance that everyone who appears in court is entitled to be heard, entitled to a fair process, and entitled to be treated with dignity and respect. Because appellate court judges generally have the last word, we must explain our decisions so that everyone — but especially the losing side — knows that we understood their arguments, that we carefully considered them, and that we reached our decision based on the law.

During this term, I have also worked hard (in conjunction with the Judicial Council) to develop and maintain the appellate courts' computerized case management system. A major component of this system is our appellate court web site, where people can check on the status of their appeals. I am now serving on a committee to redesign the case management system, and one of my main goals is develop a way for lawyers and litigants to "talk" to the appellate system with their own computers — not just to view information, but to save money and time by being able to file motions and briefs electronically, and to receive notices and orders from the court electronically.

After eleven years as an appellate judge, I still love my work. I am grateful to have found a profession that is so personally rewarding and that allows me to contribute something important to society.

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 2002 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.)

1

Name of Case
See attached sheet

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: _____

4

Name of Case
See attached sheet

Case Number

Attorneys Involved

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

5

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

6

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Most Recent Opinions

Note: The Council's form asks for the names and addresses of the attorneys involved in my six most recent cases. By chance, one of my six most recent opinions was issued in a case where no one entered an appearance for the appellee. I am therefore listing my seven most recent cases.

1. *State v. Calvin Z. Cofey* File No. A-7752

Eric A. Johnson Assistant Attorney General Office of Special Prosecutions & Appeals 310 K Street, Suite 308 Anchorage, AK 99501	No Appearance for Appellee
---	----------------------------

2. *Alex Ceideberg v. State* File No. A-7849

Michael P. Heiser P.O. Box 23032 Ketchikan, AK 99901	Stephen R. West District Attorney 415 Main Street, Room 304 Ketchikan, AK 99901
--	--

3. *Clayton W. Gottschalk v. State* File No. A-7572

Sharon Barr Assistant Public Defender 900 West Fifth Ave., Suite 200 Anchorage, AK 99501	Douglas H. Kossler Assistant Attorney General Office of Special Prosecutions & Appeals 310 K Street, Suite 308 Anchorage, AK 99501
---	--

4. *Morris B. Stewart v. State* File No. A-7777
- | | |
|--|--|
| Lance C. Wells
733 West Fourth Ave., Suite 308
Anchorage, AK 99501 | John A. Scukanec
Assistant Attorney General
Office of Special Prosecutions & Appeals
310 K Street, Suite 308
Anchorage, AK 99501 |
|--|--|
5. *Andrew Bodnar v. Municipality of Anchorage* File No. A-7763
- | | |
|--|--|
| Jody Patrick Brion
310 K Street, Suite 200
Anchorage, AK 99501 | John E. McConnaughy, III
Assistant Municipal Prosecutor
420 L Street, Suite 100
Anchorage, AK 99501 |
|--|--|
6. *Johnny James Edwards v. State* File No. A-7728
- | | |
|--|--|
| Marcia E. Holland
Assistant Public Defender
529 Fifth Avenue, Suite 1
Fairbanks, AK 99701 | Scott L. Mattem
Assistant District Attorney
604 Barnette Street, Room 247
Fairbanks, AK 99701 |
|--|--|
7. *George C. Makris, Jr. v. State* File No. A-7790
- | | |
|--|--|
| James T. LaVecchia
1016 Second Street, # 1
Kenai, AK 99611 | Kim S. Stone
Assistant Attorney General
Office of Special Prosecutions & Appeals
310 K Street, Suite 308
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.)

1

Name of Case

Case Number

See attached sheet

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: _____

Other Notable Opinions in the Past Year

1. *Randall E. David v. State* File No. A-7227

Margi A. Mock Assistant Public Defender 900 West Fifth Ave., Suite 200 Anchorage, AK 99501	Nancy R. Simel Assistant Attorney General Office of Special Prosecutions & Appeals 310 K Street, Suite 308 Anchorage, AK 99501
---	--

2. *Leonard P. Hurd v. State* File No. A-7571

Alan J. Hooper and Gloria Hanssen Hooper & Hanssen 535 Second Avenue, Suite 211 Fairbanks, AK 99701	Ben M. Herren Assistant Attorney General Office of Special Prosecutions & Appeals 310 K Street, Suite 308 Anchorage, AK 99501
--	---

3. *Harry Daniels v. State* File No. A-7835

Margi A. Mock Assistant Public Defender 900 West Fifth Ave., Suite 200 Anchorage, AK 99501	Eric A. Johnson Assistant Attorney General Office of Special Prosecutions & Appeals 310 K Street, Suite 308 Anchorage, AK 99501
---	---

4. *James A. Bradley v. State* File No. A-7501

Sharon Barr
Assistant Public Defender
900 West Fifth Ave., Suite 200
Anchorage, AK 99501

Maarten Vermaat
Assistant Attorney General
Office of Special Prosecutions & Appeals
310 K Street, Suite 308
Anchorage, AK 99501

5. *Andy N. Ritter v. State* File No. A-6983

Kathleen A. Murphy
Assistant Public Defender
900 West Fifth Ave., Suite 200
Anchorage, AK 99501

Marcelle K. McDannel
Assistant Attorney General
Office of Special Prosecutions & Appeals
310 K Street, Suite 308
Anchorage, AK 99501

MEMORANDUM

TO: Judicial Council Members
FROM: Staff
DATE: April 24, 2002
RE: Comparison of Previous Survey Results - David Mannheimer

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

Judge Mannheimer previously stood for retention as a Court of Appeals judge in 1990 and 1994. He was evaluated with the other non-retention judges in 1992 and 2000.

Judge Mannheimer applied for the Anchorage Superior Court in 1989. He was nominated but not appointed for that position. Judge Mannheimer applied for and was appointed to the Court of Appeals in 1990.

Judge David Mannheimer Appointed to the Court of Appeals 10/11/90						
	2002 Retention	2000 Interim	1994 Interim	1992 Interim	1990 Court of Appeals	1989 Anchorage Superior
Legal Ability/Professional Competence	4.3	4.4	4.2	4.2	4.1	4.2
Impartiality/Fairness	4.1	4.0	3.8	3.9	3.8	3.9
Integrity/Good Character	4.3	4.4	4.2	4.1	4.1	4.1
Judicial Temperament/Understanding Judgment/Reasonableness	4.2	4.2	4.1	4.1	3.8	3.8
Administrative Skills	----	----	----	----	----	----
Diligence/Willingness to Work	4.5	4.2	4.2	4.3	----	----
Suitable Experience	----	----	----	----	----	3.6
Overall Performance	4.2	4.2	4.0	4.1	3.9	3.9

MEMORANDUM

TO: Judicial Council Members

FROM: Larry Cohn

DATE: August 5, 2002

RE: Non-Confidential Salary Warrants: Judge David Mannheimer

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). Judge Mannheimer's paycheck was withheld five times for one or two pay periods during his most recent term (two times in 1996 and 1997, and one time in 1998). The Court of Appeals was quite busy in 1996 and 1997. From January 1, 1996 to January 31, 1998, Judge Mannheimer wrote 194 opinions. In the context of appellate work, the number of opinions authored by Judge Mannheimer over this period of time is considerable. Judge Mannheimer's paycheck has not been withheld in more than four years.

Affidavit Review					
David Mannheimer					
Alaska Court of Appeals					
Appointed:	10/11/1990				
Last election:	1994				
1994					
Payperiod End	When Paid	How Late			
PP.22 - 11/15/94	On Time				
PP.23 - 11/30/94	On Time				
PP.24 - 12/15/94	On Time				
1995			1996		
Payperiod End	When Paid	How Late	Payperiod End	When Paid	How Late
PP.1 - 12/31/94	On Time		PP.1 - 12/31/95	On Time	
PP.2 - 1/15/95	On Time		PP.2 - 1/15/96	On Time	
PP.3 - 1/31/95	On Time		PP.3 - 1/31/96	On Time	
PP.4 - 2/15/95	On Time		PP.4 - 2/15/96	On Time	
PP.5 - 2/28/95	On Time		PP.5 - 2/29/96	Payroll Error	
PP.6 - 3/15/95	On Time		PP.6 - 3/15/96	On Time	
PP.7 - 3/31/95	On Time		PP.7 - 3/31/96	On Time	
PP.8 - 4/15/95	On Time		PP.8 - 4/15/96	On Time	
PP.9 - 4/30/95	On Time		PP.9 - 4/30/96	On Time	
PP.10 - 5/15/95	On Time		PP.10 - 5/15/96	On Time	
PP.11 - 5/31/95	On Time		PP.11 - 5/31/96	On Time	
PP.12 - 6/15/95	On Time		PP.12 - 6/15/96	On Time	
PP.13 - 6/30/95	On Time		PP.13 - 6/30/96	On Time	
PP.14 - 7/15/95	On Time		PP.14 - 7/15/96	On Time	
PP.15 - 7/31/95	On Time		PP.15 - 7/31/96	On Time	
PP.16 - 8/15/95	On Time		PP.16 - 8/15/96	On Time	
PP.17 - 8/31/95	On Time		PP.17 - 8/31/96	On Time	
PP.18 - 9/15/95	On Time		PP.18 - 9/15/96	On Time	
PP.19 - 9/30/95	On Time		PP.19 - 9/30/96	On Time	
PP.20 - 10/15/95	On Time		PP.20 - 10/15/96	10/31/1996	2 Pay Periods
PP.21 - 10/31/95	On Time		PP.21 - 10/31/96	On Time	
PP.22 - 11/15/95	On Time		PP.22 - 11/15/96	On Time	
PP.23 - 11/30/95	On Time		PP.23 - 11/30/96	12/18/1996	1 Pay Period
PP.24 - 12/15/95	On Time		PP.24 - 12/15/96	On Time	

Affidavit Review
David Mannheimer

1997			1998		
Payperiod End	When Paid	How Late	Payperiod End	When Paid	How Late
PP.1 - 12/31/96	On Time		PP.1 - 12/31/97	1/20/1998	2 Pay Periods
PP.2 - 1/15/97	On Time		PP.2 - 1/15/98	On Time	
PP.3 - 1/31/97	On Time		PP.3 - 1/31/98	On Time	
PP.4 - 2/15/97	On Time		PP.4 - 2/15/98	On Time	
PP.5 - 2/28/97	On Time		PP.5 - 2/28/98	On Time	
PP.6 - 3/15/97	On Time		PP.6 - 3/15/98	On Time	
PP.7 - 3/31/97	On Time		PP.7 - 3/31/98	On Time	
PP.8 - 4/15/97	On Time		PP.8 - 4/15/98	On Time	
PP.9 - 4/30/97	On Time		PP.9 - 4/30/98	On Time	
PP.10 - 5/15/97	On Time		PP.10 - 5/15/98	On Time	
PP.11 - 5/31/97	6/23/1997	2 Pay Periods	PP.11 - 5/31/98	On Time	
PP.12 - 6/15/97	On Time		PP.12 - 6/15/98	On Time	
PP.13 - 6/30/97	On Time		PP.13 - 6/30/98	On Time	
PP.14 - 7/15/97	On Time		PP.14 - 7/15/98	On Time	
PP.15 - 7/31/97	On Time		PP.15 - 7/31/98	On Time	
PP.16 - 8/15/97	On Time		PP.16 - 8/15/98	On Time	
PP.17 - 8/31/97	On Time		PP.17 - 8/31/98	On Time	
PP.18 - 9/15/97	On Time		PP.18 - 9/15/98	On Time	
PP.19 - 9/30/97	On Time		PP.19 - 9/30/98	On Time	
PP.20 - 10/15/97	10/27/1997	1 Pay Period	PP.20 - 10/15/98	On Time	
PP.21 - 10/31/97	On Time		PP.21 - 10/31/98	On Time	
PP.22 - 11/15/97	On Time		PP.22 - 11/15/98	On Time	
PP.23 - 11/30/97	On Time		PP.23 - 11/30/98	On Time	
PP.24 - 12/15/97	On Time		PP.24 - 12/15/98	On Time	

Affidavit Review
David Mannheimer

1999			2000		
Payperiod End	When Paid	How Late	Payperiod End	When Paid	How Late
PP.1 - 12/31/98	On Time		PP.1 - 12/31/99	On Time	
PP.2 - 1/15/99	On Time		PP.2 - 1/15/00	On Time	
PP.3 - 1/31/99	On Time		PP.3 - 1/31/00	On Time	
PP.4 - 2/15/99	On Time		PP.4 - 2/15/00	On Time	
PP.5 - 2/28/99	On Time		PP.5 - 2/28/00	On Time	
PP.6 - 3/15/99	On Time		PP.6 - 3/15/00	On Time	
PP.7 - 3/31/99	On Time		PP.7 - 3/31/00	On Time	
PP.8 - 4/15/99	On Time		PP.8 - 4/15/00	On Time	
PP.9 - 4/30/99	On Time		PP.9 - 4/30/00	On Time	
PP.10 - 5/15/99	On Time		PP.10 - 5/15/00	On Time	
PP.11 - 5/31/99	On Time		PP.11 - 5/31/00	On Time	
PP.12 - 6/15/99	On Time		PP.12 - 6/15/00	On Time	
PP.13 - 6/30/99	On Time		PP.13 - 6/30/00	On Time	
PP.14 - 7/15/99	On Time		PP.14 - 7/15/00	On Time	
PP.15 - 7/31/99	On Time		PP.15 - 7/31/00	On Time	
PP.16 - 8/15/99	On Time		PP.16 - 8/15/00	On Time	
PP.17 - 8/31/99	On Time		PP.17 - 8/31/00	On Time	
PP.18 - 9/15/99	On Time		PP.18 - 9/15/00	On Time	
PP.19 - 9/30/99	On Time		PP.19 - 9/30/00	On Time	
PP.20 - 10/15/99	On Time		PP.20 - 10/15/00	On Time	
PP.21 - 10/31/99	On Time		PP.21 - 10/31/00	On Time	
PP.22 - 11/15/99	On Time		PP.22 - 11/15/00	On Time	
PP.23 - 11/30/99	On Time		PP.23 - 11/30/00	On Time	
PP.24 - 12/15/99	On Time		PP.24 - 12/15/00	On Time	

Affidavit Review
David Mannheimer

2001			2002		
Payperiod End	When Paid	How Late	Payperiod End	When Paid	How Late
PP.1 - 12/31/00	On Time		PP.1 - 12/31/01	On Time	
PP.2 - 1/15/01	On Time		PP.2 - 1/15/02	On Time	
PP.3 - 1/31/01	On Time		PP.3 - 1/31/02	On Time	
PP.4 - 2/15/01	On Time		PP.4 - 2/15/02	On Time	
PP.5 - 2/28/01	On Time		PP.5 - 2/28/02	On Time	
PP.6 - 3/15/01	On Time		PP.6 - 3/15/02	On Time	
PP.7 - 3/31/01	On Time		PP.7 - 3/31/02	On Time	
PP.8 - 4/15/01	On Time		PP.8 - 4/15/02	On Time	
PP.9 - 4/30/01	On Time		PP.9 - 4/30/02	On Time	
PP.10 - 5/15/01	On Time		PP.10 - 5/15/02	On Time	
PP.11 - 5/31/01	On Time		PP.11 - 5/31/02	On Time	
PP.12 - 6/15/01	On Time		PP.12 - 6/15/02		
PP.13 - 6/30/01	On Time		PP.13 - 6/30/02		
PP.14 - 7/15/01	On Time		PP.14 - 7/15/02		
PP.15 - 7/31/01	On Time		PP.15 - 7/31/02		
PP.16 - 8/15/01	On Time		PP.16 - 8/15/02		
PP.17 - 8/31/01	On Time		PP.17 - 8/31/02		
PP.18 - 9/15/01	On Time		PP.18 - 9/15/02		
PP.19 - 9/30/01	On Time		PP.19 - 9/30/02		
PP.20 - 10/15/01	On Time		PP.20 - 10/15/02		
PP.21 - 10/31/01	On Time		PP.21 - 10/31/02		
PP.22 - 11/15/01	On Time		PP.22 - 11/15/02		
PP.23 - 11/30/01	On Time		PP.23 - 11/30/02		
PP.24 - 12/15/01	On Time		PP.24 - 12/15/02		