

**Alaska Judicial Council
2008 Judicial Retention Performance Evaluation Materials
Judge Robert G. Coats
Alaska Court of Appeals**

The Alaska Judicial Council evaluates judges on a number of criteria, including legal ability, demeanor, diligence, ability to manage their caseloads, and fairness and integrity. The Judicial Council finds Judge Coats to be **Qualified** and recommends unanimously that the public vote **"YES"** to retain him as an appellate court judge.

Retention evaluation materials for this judge

1. Voter pamphlet page	2
This page will appear in the State of Alaska Election Pamphlet sent to each Alaskan household.	
2. Judge questionnaire.	3
The judge's response to a Judicial Council questionnaire.	
3. Survey scores in 2008	
<i>(To view survey scores for all judges on the ballot go to main 2008 retention page.)</i>	
a. Attorney scores	10
b. Court employee survey scores	16
4. Survey scores in previous retention evaluations.	17

Retention evaluation materials for all judges on the ballot

(To view these materials go to main 2008 retention page.)

1. Peremptory challenge memo	
Analysis of peremptory challenge rates for judges.	
2. Recusal memo	
Evaluation of judge's record of self-disqualification from cases, or "recusals."	
3. Appellate Review Memo	
Analysis of appellate decisions involving each trial judge's cases.	

Alaska Judicial Council Recommendation

Judge Robert G. Coats, Court of Appeals

Judicial Council Recommendation

The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska constitution, evaluates judges on criteria that include legal ability, demeanor, diligence, ability to manage their caseloads, and fairness and integrity. The Judicial Council finds Judge Coats to be **Qualified** and recommends unanimously that the public vote "YES" to retain him as a court of appeals judge.

Judicial Council Evaluation

The Judicial Council surveyed 2,884 attorneys together with court employees about the appellate judges on the ballot. Respondents were asked to rate judicial performance and to submit comments. The Council reviewed court system records concerning any civil or criminal litigation involving the judge; APOC and court system conflict-of-interest statements; any public disciplinary files; and whether a judge's pay was withheld for an untimely decision. The Council investigated judicial conduct in specific cases. The Council interviewed some judges, attorneys, court staff, and others, and held a statewide public hearing to obtain comments about judges.

	Attorney Survey	Court Employee Survey
Legal Ability	4.1	---
Impartiality	4.2	4.6
Integrity	4.4	4.7
Temperament	4.3	4.6
Diligence	4.1	4.6
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 = Poor

Summary of Survey Information

Attorneys in Alaska rated Judge Coats on the six categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Coats on overall performance was 4.2.

Court employees gave Judge Coats 4.6 on overall performance.

Recommendation: Vote "YES" to retain Judge Robert G. Coats

Contact the Judicial Council at 1029 W. Third Avenue, 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 2008

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ALASKA
JUDICIAL COUNCIL

**Alaska Judicial Council
Questionnaire**

**Appellate Judge
2008 Candidates for Judicial Retention**

November 20, 2008

Robert G. Coats Court of Appeals
Name Court

1. Please estimate your workload during your present term.
- a) % civil cases b) # of trials/year (as trial judge, if any)
- 100 % criminal cases
- % court administrative work
- 100 % Total

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

Fairness and Access Committee

Criminal Pattern Jury Instruction Committee

Chief Judge of the Court of Appeals

*Alaska Judicial Council
Appellate Judge Questionnaire
2008 Retention*

3. 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.

I have been a Judge on the Court of Appeals for the past 27 years.

I consider it a great honor to have had the opportunity to serve.

I have now reached a point where I can easily retire, but I enjoy the work and the people I work with. I think that I have a perspective now, simply through experience, that helps me to be better at my job than I have ever been. (It will be interesting to see if your investigation supports this.)

*Alaska Judicial Council
Appellate Judge Questionnaire
2008 Retention*

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
 - b) been involved in a non-judicial capacity in any legal proceeding whether as a party or otherwise? Yes No
 - c) engaged in the practice of law (other than as a judge)? Yes No
 - d) held office in any political party? Yes No
 - e) held any other local state or federal office? Yes No
 - f) had any complaints, charges or grievances filed against you with the Alaska Commission on Judicial Conduct, the Alaska Bar Association, or with the Alaska Court System that resulted in public proceedings or sanctions? Yes No

5. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers and outcomes.

N/A

6. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2008 retention elections.

N/A

*Alaska Judicial Council
Appellate Judge Questionnaire
2008 Retention*

7. Please list your six most recent opinions including case names and numbers. Please list the names, current address, including zip codes and suite numbers where applicable, and phone numbers of each attorney involved in these appeals. (Attach additional pages if necessary).

Case Number 1:

James Steven Howard v. State of Alaska

Appellate No. A-9447

Trial Court No. 4FA-04-2269 CR

Memorandum Opinion and Judgment No. 5284 (December 19, 2007)

Sharon Barr, Assistant Public Defender

900 West 5th Avenue, Suite 200

Anchorage, AK 99501

(907) 334-4454

Fax (907) 269-5476

W.H. Hawley, Assistant Attorney General

Office of Special Prosecutions and Appeals

310 K. Street, Suite 308

Anchorage, AK 99501

(907) 269-6250

Fax (907) 269-6270

Case Number 2:

Robert A. Carleson v. State of Alaska

Appellate No. A-8766

Trial Court No. 4BE-02-988 CR

Memorandum Opinion and Judgment No. 5283 (December 12, 2007)

Sharon Barr, Assistant Public Defender

900 West 5th Avenue, Suite 200

Anchorage, AK 99501

(907) 334-4454

Fax (907) 269-5476

Nancy R. Simel, Assistant Attorney General

Office of Special Prosecutions and Appeals

310 K. Street, Suite 308

Anchorage, AK 99501

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Fax (907) 269-6270

Case Number 3:

Stanley Mute v. State of Alaska

Appellate No. A-8894

Trial Court Nos. 4BE-01-0317 Civil, 4BE-97-0012 Civil, and 4BE-95-1287 Criminal
Memorandum Opinion and Judgment No. 5282 (December 12, 2007)

Averil Lerman, Assistant Public Advocate
Douglas Miller, Assistant Public Advocate
Office of Public Advocacy
1016 West 6th Avenue, Suite 100
Anchorage, AK 99501
(907) 269-6075
Fax (907) 269-0307

Michael Sean McLaughlin
Assistant Attorney General
Office of Special Prosecutions and Appeals
310 K. Street, Suite 308
Anchorage, AK 99501
(907) 269-6250
Fax (907) 269-6270

Case Number 4:

Byron E. Charles v. State of Alaska

Appellate No. A-9623

Trial Court No. 1KE-05-765 CR

Memorandum Opinion and Judgment No. 5277 (November 28, 2007)

Michael J. Zelensky
P.O. Box 23313
Ketchikan, AK 99901
(907) 225-4777
Fax (907) 225-2431

James Scott, Assistant District Attorney
415 Main Street, Room 304
Juneau, AK 99901
(907) 225-6128
Fax (907) 225-3917

Case Number 5:

Municipality of Anchorage v. Antone A. Simas, III

Appellate No. A-9731

Trial Court No. 3AN-05-11374 CR

Memorandum Opinion and Judgment No. 5270 (November 14, 2007)

Amy K. Doogan, Assistant Municipal Prosecutor

632 West 6th Avenue, Suite 210

Anchorage, AK 99501

(907) 343-4250

Fax (907) 343-6689

Henry E. Graper, III

Gorton, Logue & Graper

737 M. Street

Anchorage, AK 99501

(907) 276-1942

Fax (907) 279-0680

Case Number 6:

Harry E. Lewis v. State

Appellate No. A-9424

Trial Court No. 3AN-84-1725 CR

Memorandum Opinion and Judgment No. 5269 (November 14, 2007)

Harry E. Lewis, pro se

Red Rock Correctional Center

1752 East Arica Road

Eloy, Arizona 85231

Douglas H. Kossler, Assistant Attorney General

Office of Special Prosecutions and Appeals

310 K. Street, Suite 308

Anchorage, AK 99501

(907) 269-6250

Fax (907) 269-6270

*Alaska Judicial Council
Appellate Judge Questionnaire
2008 Retention*

8. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your past term in which you believe your work was particularly noteworthy. Please list the names, current addresses, including zip codes and suite numbers where applicable, and phone numbers of each attorney involved in these appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: _____ *Case Number:* _____
v. _____

Attorneys Involved:

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: _____ *Case Number:* _____
v. _____

Attorneys Involved:

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: _____ *Case Number:* _____
v. _____

Attorneys Involved:

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

30. COURT OF APPEALS JUDGE ROBERT G. COATS**A. Alaska Bar Association****Demographic Description (N=199)**

	N	%
Type of Practice		
No Response	5	2.5%
Private, Solo	36	18.0%
Private, 2-5 Attorneys	31	15.5%
Private, 6+ Attorneys	20	10.0%
Private, Corporate Employee	3	1.5%
Judge or Judicial Officer	44	22.1%
Government	48	24.1%
Public Service Agency or Organization (Not Govt)	5	2.5%
Retired	7	3.5%
Other	--	0.0%
Length of Alaska Practice		
No Response	8	4.0%
5 Years or fewer	9	4.5%
6 to 10 years	15	7.5%
11 to 15 years	15	7.5%
16 to 20 years	20	10.0%
21 years or more	132	66.3%
Gender		
No response	5	2.5%
Male	138	69.3%
Female	56	28.1%
Cases Handled		
No Response	6	3.0%
Prosecution	8	4.0%
Mainly Criminal	24	12.0%
Mixed Criminal & Civil	77	38.6%
Mainly Civil	78	39.1%
Other	6	3.0%
Location of Practice		
No Response	4	2.0%
First District	23	11.5%
Second District	3	1.5%
Third District	141	70.8%
Fourth District	22	11.0%
Outside of Alaska	6	3.0%

**Evaluation of Judge Robert G. Coats:
Alaska Bar Association Members**

Summary of Findings

Judge Robert G. Coats was evaluated by 132 Alaska Bar Association members who reported having direct professional experience with the judge. The mean score on *overall evaluation* was 4.2. The highest mean score was obtained on *integrity* (4.4) and the lowest scores were obtained on *legal ability* and *diligence* (4.1). Details are presented in the two tables that follow.

	Poor		Deficient		Accept		Good		Excellent		Mean
	N	%	N	%	N	%	N	%	N	%	
Legal Ability	5	3.7%	4	3.0%	18	13.6%	46	34.8%	59	44.6%	4.1
Impartiality\Fairness	6	4.5%	4	3.0%	17	12.8%	33	25.0%	72	54.5%	4.2
Integrity	5	3.8%	1	0.7%	17	12.9%	28	21.3%	80	61.0%	4.4
Judicial Temperament	5	3.8%	3	2.2%	18	13.7%	30	22.9%	75	57.2%	4.3
Diligence	5	3.9%	7	5.5%	18	14.1%	40	31.4%	57	44.8%	4.1
Overall Evaluation	5	3.7%	6	4.5%	15	11.3%	41	31.0%	65	49.2%	4.2

Note: Ratings for only those respondents who reported direct professional experience with the judge.

Judge Robert G. Coats: Detailed Information Responses Alaska Bar Association Members

	Legal Ability		Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation												
No Response	4.8	4	4.8	4	4.8	4	4.8	4	4.8	4	4.8	4
Direct Professional	4.1	132	4.2	132	4.4	131	4.3	131	4.1	127	4.2	132
Professional Reputation	4.2	51	4.2	51	4.2	51	4.1	49	4.2	46	4.1	51
Other Personal Contacts	4.8	9	4.7	10	4.6	11	4.5	10	4.9	7	4.6	10
Type of Practice												
No Response	3.5	4	3.5	4	4.0	4	4.5	4	3.8	4	4.0	4
Private, Solo	4.0	21	4.0	21	4.1	21	4.0	21	3.9	20	3.9	21
Private, 2-5 Attorneys	3.7	19	3.8	19	4.1	19	4.1	19	3.7	18	3.9	19
Private, 6+ Attorneys	4.1	9	3.9	9	3.9	9	4.0	9	3.9	9	3.9	9
Private, Corporate Employee	--	0	--	0	--	0	--	0	--	0	--	0
Judge or Judicial Officer	4.5	36	4.8	36	4.8	36	4.6	35	4.6	34	4.6	36
Government	4.2	33	4.1	33	4.4	32	4.4	33	4.1	32	4.2	33
Public Service Agency or Organization (Not Govt)	3.8	4	3.8	4	3.8	4	4.0	4	3.5	4	3.8	4
Retired	4.3	6	4.3	6	4.3	6	4.0	6	4.0	6	4.2	6
Other	--	0	--	0	--	0	--	0	--	0	--	0
Years of Practice in Alaska												
No Response	3.9	7	4.0	7	4.4	7	4.7	7	3.9	7	4.3	7
5 Years or fewer	4.0	4	3.5	4	4.0	4	4.0	4	4.0	4	4.0	4
6 to 10 years	4.4	10	4.4	10	4.5	10	4.5	10	4.4	10	4.5	10
11 to 15 years	4.1	9	4.3	9	4.2	9	4.2	9	4.0	9	4.2	9
16 to 20 years	4.3	12	4.4	12	4.5	12	4.5	12	4.3	12	4.4	12
21 years or more	4.1	90	4.2	90	4.3	89	4.2	89	4.0	85	4.1	90
Gender												
No response	3.3	4	3.3	4	3.8	4	4.3	4	3.5	4	3.8	4
Male	4.1	89	4.2	89	4.3	89	4.2	88	4.1	84	4.1	89
Female	4.2	39	4.3	39	4.5	38	4.4	39	4.1	39	4.3	39
Cases Handled												
No Response	3.8	6	3.8	6	4.3	6	4.7	6	4.0	6	4.2	6
Prosecution	4.6	5	4.4	5	4.8	5	4.6	5	4.4	5	4.4	5
Mainly Criminal	4.0	21	4.1	21	4.2	21	4.2	21	4.0	21	4.1	21
Mixed Criminal & Civil	4.0	60	4.1	60	4.3	59	4.1	59	4.0	56	4.0	60
Mainly Civil	4.3	37	4.5	37	4.5	37	4.4	37	4.3	36	4.4	37
Other	4.7	3	4.3	3	4.7	3	5.0	3	4.3	3	4.7	3
Location of Practice												
No Response	4.3	3	4.3	3	4.3	3	5.0	3	4.3	3	4.7	3
First District	4.5	16	4.6	16	4.8	16	4.6	16	4.6	15	4.6	16
Second District	4.0	3	4.3	3	4.7	3	4.7	3	4.0	2	4.0	3
Third District	4.1	89	4.2	89	4.3	88	4.2	89	4.0	87	4.1	89
Fourth District	4.1	16	3.9	16	4.1	16	4.0	15	3.9	15	4.0	16
Outside of Alaska	4.0	5	4.2	5	4.2	5	4.2	5	4.0	5	4.0	5

Note: Ratings for only those respondents who reported direct professional experience with the judge.

30. COURT OF APPEALS JUDGE ROBERT G. COATS

B. Peace and Probation Officers

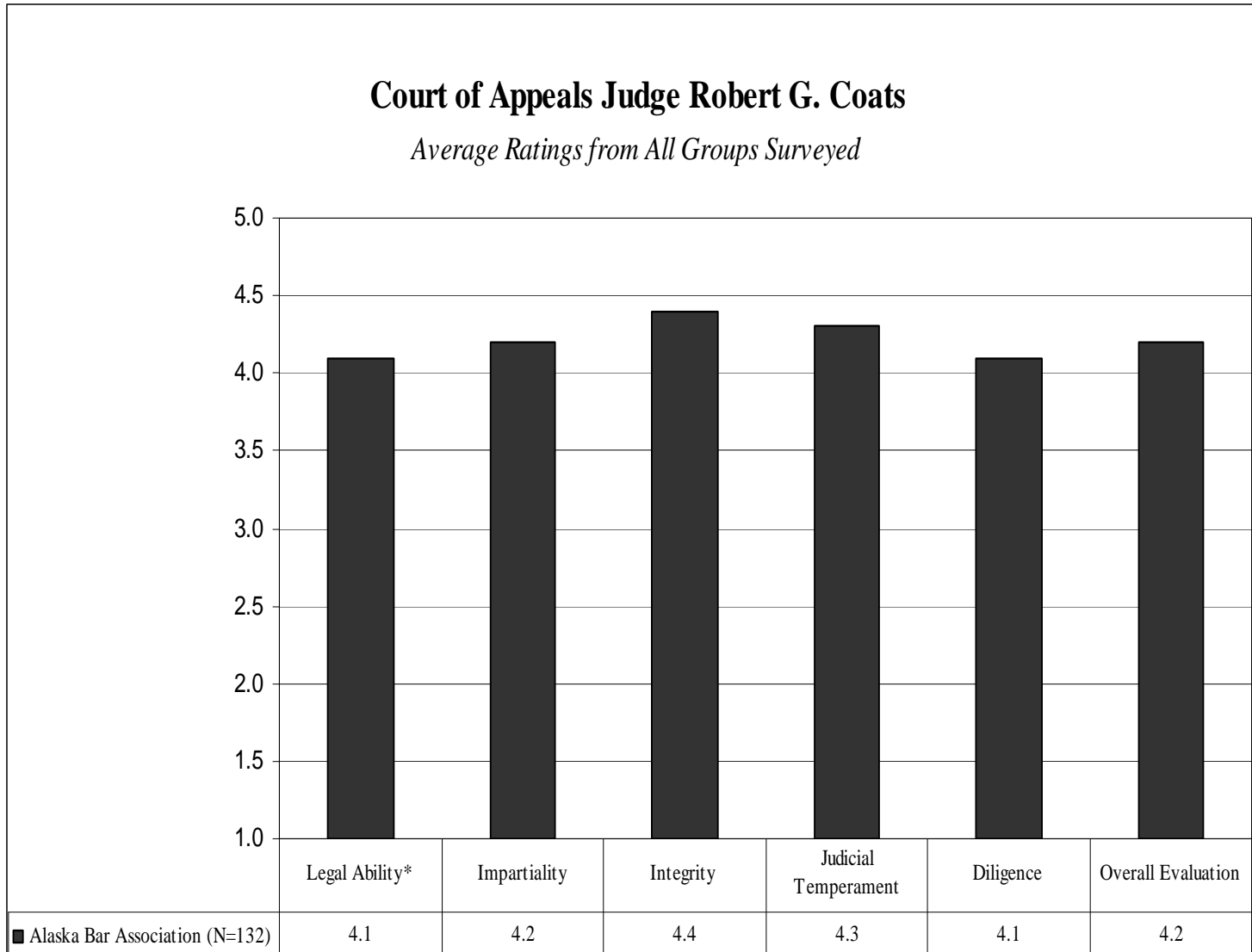
Peace and probation officers were not surveyed on this judge.

30. COURT OF APPEALS JUDGE ROBERT G. COATS

C. Social Workers, Guardians ad Litem, and CASA Volunteers

Social workers, guardians ad litem, and CASA volunteers were not surveyed on this judge.

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*Legal Ability items are only completed by Alaska Bar Association members.

Court Employee Survey Results 2008 Retention Evaluation Robert G. Coats												
Question	Excellent		Good		Acceptable		Deficient		Poor		Mean	Total Returned = 32
	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)		
Impartiality/Fairness	70%	19	19%	5	11%	3	0%	0	0%	0	4.6	27
Integrity	71%	20	25%	7	4%	1	0%	0	0%	0	4.7	28
Judicial Temperament	70%	21	23%	7	7%	2	0%	0	0%	0	4.6	30
Diligence	68%	19	25%	7	7%	2	0%	0	0%	0	4.6	28
Overall Evaluation	67%	18	30%	8	4%	1	0%	0	0%	0	4.6	27

Judge Robert G. Coats
 Court of Appeals: Retention 2008
 Appointed 07/30/80

Bar Survey						
2008 Retention	4.1	4.2	4.4	4.3	4.1	4.2
2000 Retention	3.7	3.9	4.1	3.9	3.8	3.8
1998 Interim	3.6	3.6	3.8	3.7	3.5	3.6
1992 Retention	3.6	3.8	3.8	3.7	3.8	3.7
1990 Interim	3.7	3.8	4.0	3.8	N/A	3.7
1984 Retention	3.5	3.8	4.2	4.0	4.0	N/A
	Legal Ability	Impartiality	Integrity	Judicial Temperament	Diligence	Overall Performance