



# alaska judicial council

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## Alaska Judicial Council Trial Judge Questionnaire

### 2012 Candidates for Judicial Retention

October 2011

Patrick S. Hammers

Name

Fairbanks District Court

Court

1. Please estimate your workload during your present term.

a) <u>40</u> % civil cases	b) <u>5</u> # of jury trials/year
<u>58</u> % criminal cases	<u>7</u> # of non-jury trials/year
<u>2</u> % court administrative work	<u>1</u> # of administrative appeals/year
100 % Total	

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

I have recently replaced Judge Funk as the Administrative Judge for the Fairbanks DUI Wellness Court. Judge Downes and I jointly share in the other responsibilities of the court including presiding over weekly court hearings.

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 worked in the legal profession for over 30 years having worn many different hats. I started serving the public in January of 1999 as a Committing Magistrate. I was promoted to Standing Master and then appointed by Governor Palin to the District Court Bench. Serving my community as a District Court Judge is without a doubt the most interesting, fulfilling and rewarding experience of my legal career. I love my job and work hard to keep it.

I have learned over the years that in order to be successful as a judicial officer, you must be prepared, patient and courteous. You do more than is asked or expected of you. In addition, one must pay close attention to detail, while still seeing the big picture. I am confident that the vast majority of the people who have appeared before me would relay to the Council that I routinely follow these principles.

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 2012 retention elections.

For questions 7 through 10 please do not list any cases that have pending issues in your court.

- 7. Please list your three most recent jury trials including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

**Case Number 1**

Case Name: State of Alaska Case Number: 4FA-11-1260 CR  
 v. Paul Peters

**Attorneys Involved:**

Name: <u>Andrew Baldock</u>	Name: <u>Michael Biderman</u>
Address: <u>455 Third Avenue, Suite 150</u>	Address: <u>529 Fifth Avenue, Suite 1</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

Case Name: State of Alaska Case Number: 4FA-10-3151 CR  
 v. Joseph Milliron

**Attorneys Involved:**

Name: <u>Arne Soldwedel</u>	Name: <u>Jennifer Hite</u>
Address: <u>455 Third Avenue, Suite 150</u>	Address: <u>529 Fifth Avenue, Suite 1</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

Case Name: State of Alaska Case Number: 4FA-10-4861 CR  
 v. David Smail

**Attorneys Involved:**

Name: <u>Andrew Baldock</u>	Name: <u>Yvette Soutiere</u>
Address: <u>455 Third Avenue, Suite 150</u>	Address: <u>529 Fifth Avenue, Suite 1</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

- 8. Please list your three most recent non-jury trials including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

**Case Number 1**

Case Name: Alaska Dail-A-Car, Inc. Case Number: 4FA-10-1435 CI  
 v. Linda Dawson

**Attorneys Involved:**

Name: <u>William Satterberg</u>	Name: <u>Defendant was pro se</u>
Address: <u>709 Fourth Avenue</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

Case Name: Elizabeth & Thomas Taube Case Number: 4FA-09-1523 CI  
 v. Paul & Kitty Craft

**Attorneys Involved:**

Name: <u>John Connors</u>	Name: <u>Defendants were pro se</u>
Address: <u>P.O. Box 73693</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99707</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

Case Name: McKinley Financial, Inc. Case Number: 4FA-09-1150 CI  
 v. Helen E. Schultz

**Attorneys Involved:**

Name: <u>Ryan Rolley</u>	Name: <u>Defendant was pro se</u>
Address: <u>P.O. Box 102480</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99510</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

9. Please list your three most recent cases, including case names and numbers, which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.). Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

**Case Number 1**

Case Name: IMO: Jean Lipscomb Case Number: 4FA-10-523 PR  
 v. \_\_\_\_\_

**Attorneys Involved:**

Name: <u>Barry Donnellan</u>	Name: <u>Danielle Gardner</u>
Address: <u>937 8th Avenue</u>	Address: <u>714 Fourth Avenue, #200</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>

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

**Case Number 2**

Case Name: Kevin Rice & Pamela Rice Case Number: 4FA-10-1520 CI  
 v. James Kevan

**Attorneys Involved:**

Name: <u>Shelby Mathis</u>	Name: <u>Jason Gazewood</u>
Address: <u>100 Cushman Street, #311</u>	Address: <u>1008 16th Avenue, #200</u>
City, State, Zip: <u>Fairbanks, AK 99707</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>

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

**Case Number 3**

Case Name: Ben Colbert Case Number: 4FA-07-1988 CI  
 v. Soils Alaska, P.C.

**Attorneys Involved:**

Name: <u>Joe Paskvan</u>	Name: <u>John Tiemessen</u>
Address: <u>P.O. Box 73888</u>	Address: <u>411 Fourth Avenue, #300</u>
City, State, Zip: <u>Fairbanks, AK 99707</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>

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

10. *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, of each attorney involved in these cases. (Attach additional pages if necessary.)

**Case Number 1**

*Case Name:* Joshua Toennesen *Case Number:* 4FA-07-1205 CI  
*v.* Brandon Swibold

**Attorneys Involved:**

<i>Name:</i> <u>Joe Paskvan</u>	<i>Name:</i> <u>Wayne Watson</u>
<i>Address:</i> <u>P.O. Box 73888</u>	<i>Address:</i> <u>310 K Street, Suite 306</u>
<i>City, State, Zip:</i> <u>Fairbanks, AK 99707</u>	<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>

<i>Name:</i> _____	<i>Name:</i> _____
<i>Address:</i> _____	<i>Address:</i> _____
<i>City, State, Zip:</i> _____	<i>City, State, Zip:</i> _____

**Case Number 2**

*Case Name:* \_\_\_\_\_ *Case Number:* \_\_\_\_\_  
*v.* \_\_\_\_\_

**Attorneys Involved:**

<i>Name:</i> _____	<i>Name:</i> _____
<i>Address:</i> _____	<i>Address:</i> _____
<i>City, State, Zip:</i> _____	<i>City, State, Zip:</i> _____

<i>Name:</i> _____	<i>Name:</i> _____
<i>Address:</i> _____	<i>Address:</i> _____
<i>City, State, Zip:</i> _____	<i>City, State, Zip:</i> _____

**Case Number 3**

*Case Name:* \_\_\_\_\_ *Case Number:* \_\_\_\_\_  
*v.* \_\_\_\_\_

**Attorneys Involved:**

<i>Name:</i> _____	<i>Name:</i> _____
<i>Address:</i> _____	<i>Address:</i> _____
<i>City, State, Zip:</i> _____	<i>City, State, Zip:</i> _____

<i>Name:</i> _____	<i>Name:</i> _____
<i>Address:</i> _____	<i>Address:</i> _____
<i>City, State, Zip:</i> _____	<i>City, State, Zip:</i> _____

# Alaska Judicial Council Recommendation

## Judge Patrick S. Hammers, District Court, Fairbanks

### Judicial Council Recommendation 2012

The Alaska Judicial Council is a non-partisan citizens' commission established by the Alaska constitution. Alaskan law requires the Council to evaluate judges' performance and authorizes the Council to recommend to voters whether judges should be retained in office. The Judicial Council reviews judges' integrity, diligence, legal ability, fairness, demeanor, ability to manage their caseloads, and overall performance of their judicial responsibilities in and out of the courtroom. The Judicial Council finds Judge Hammers to be **Qualified** and recommends unanimously that the public vote "YES" to retain him as a district court judge.

### Judicial Council Evaluation

The Judicial Council surveyed thousands of Alaskans including peace and probation officers, court employees, attorneys, jurors, social workers and guardians ad litem about the judges on the ballot. Respondents were asked to rate judicial performance and to submit comments. The Council also reviewed the ratings and observations of the Alaska Judicial Observers, independent community-based volunteers. The Council reviewed the judge's preemptory challenge, recusals, and appellate affirmance and reversal rates; any civil or criminal litigation involving the judge; APOC and court system conflict-of-interest statements; any disciplinary files involving the judge; and whether a judge's pay was withheld for an untimely decision. The Council reviewed other court records and investigated judicial conduct in specific cases. The Council interviewed some judges, attorneys, and court staff, and held a statewide public hearing to obtain comments about judges.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	Social Workers Guardians ad Litem
Legal Ability	3.8	---	---	---	---
Impartiality	4.1	4.1	4.8	4.5	5.0
Integrity	4.2	4.2	---	4.5	5.0
Temperament	4.3	4.1	4.9	4.3	5.0
Diligence	4.1	4.4	---	4.3	5.0
Overall	4.0	4.1	4.8	4.4	5.0

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

Survey respondents rated Judge Hammers on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Hammers on overall performance was 4.0. Peace and probation officers gave Judge Hammers a rating of 4.1. Jurors rated him 4.8 overall, court employees gave him 4.4, and social workers and guardians ad litem rated him at 5.0.

**Recommendation: Vote "YES" to retain Judge Patrick S. Hammers**

For more information go to  
[www.knowyouralaskajudges.com](http://www.knowyouralaskajudges.com)



## Judge Patrick S. Hammers: 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
<b>Basis for Evaluation</b>												
No Response		7		8		7		7		17		5
<b>Direct Professional</b>	<b>3.8</b>	<b>74</b>	<b>4.1</b>	<b>72</b>	<b>4.2</b>	<b>72</b>	<b>4.3</b>	<b>71</b>	<b>4.1</b>	<b>66</b>	<b>4.0</b>	<b>74</b>
Experience in last 5 yrs	3.8	70	4.1	68	4.2	68	4.2	67	4.1	62	3.9	70
Experience not in last 5 yrs	4.3	3	5.0	3	5.0	3	5.0	3	5.0	3	5.0	3
Professional Reputation	4.0	10	4.2	12	4.1	11	4.1	12	3.9	9	4.1	12
Other Personal Contacts	4.3	6	4.6	5	4.6	7	4.4	7	4.8	5	4.3	6
<b>Type of Practice</b>												
No Response		1		3		3		4		9		1
Private, Solo	3.9	15	4.3	14	4.5	14	4.6	14	4.5	12	4.3	15
Private, 2-5 Attorneys	3.8	17	4.0	17	4.0	16	4.5	16	4.0	16	3.7	17
Private, 6+ Attorneys	4.3	7	4.3	7	4.4	7	4.4	7	4.3	6	4.4	7
Private, Corporate Employee	--	0	--	0	--	0	--	0	--	0	--	0
Judge or Judicial Officer	4.1	14	4.4	14	4.6	14	4.4	14	4.5	13	4.4	14
Government	3.2	17	3.8	16	3.8	17	3.6	16	3.5	15	3.4	17
Public Service Agency/Org	4.0	1	5.0	1	5.0	1	5.0	1	3.0	1	4.0	1
Other	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
<b>Years of Practice in Alaska</b>												
No Response		1		3		3		4		9		1
5 Years or fewer	3.8	11	4.0	11	4.0	11	4.3	11	4.2	11	3.8	11
6 to 10 years	2.8	8	3.6	7	3.6	8	3.8	8	3.6	7	3.3	8
11 to 15 years	3.7	7	3.9	7	4.1	7	3.9	7	3.8	6	3.9	7
16 to 20 years	3.8	12	3.9	12	4.5	11	4.6	11	4.4	11	4.0	12
21 years or more	4.0	35	4.4	34	4.4	34	4.4	33	4.1	30	4.1	35
<b>Gender</b>												
No Response		1		3		3		4		9		1
Male	3.9	45	4.3	43	4.3	44	4.3	43	4.1	39	4.0	45
Female	3.6	25	3.9	25	4.1	24	4.2	24	4.0	23	3.8	25
<b>Cases Handled</b>												
No Response		1		3		3		4		9		1
Prosecution	3.1	9	3.8	9	3.7	9	3.7	9	3.7	9	3.3	9
Mainly Criminal	4.5	4	4.5	4	4.5	4	4.5	4	5.0	4	4.5	4
Mixed Criminal & Civil	3.6	32	3.9	31	4.1	31	4.3	31	4.0	27	3.8	32
Mainly Civil	4.1	23	4.5	22	4.5	22	4.4	22	4.2	21	4.3	23
Other	4.0	4	4.5	4	4.5	4	3.7	3	3.7	3	4.0	4
<b>Location of Practice</b>												
No Response		1		3		3		4		9		1
First District	3.5	2	4.0	2	5.0	1	5.0	1	5.0	1	3.5	2
Second District	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Third District	4.1	19	4.3	19	4.4	19	4.4	19	4.4	18	4.3	19
Fourth District	3.7	50	4.0	48	4.1	49	4.2	48	3.9	44	3.8	50
Outside of Alaska	4.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1

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

**Judge Patrick S. Hammers**  
**Peace and Probation Officers**

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
<b>Basis for Evaluation</b>										
No Response		1		2		2		3		2
<b>Direct Professional</b>	<b>4.1</b>	<b>25</b>	<b>4.2</b>	<b>24</b>	<b>4.1</b>	<b>24</b>	<b>4.4</b>	<b>23</b>	<b>4.1</b>	<b>24</b>
Experience in last 5 yrs	4.1	24	4.2	23	4.0	23	4.4	22	4.1	23
Experience not in last 5 yrs	4.0	1	4.0	1	5.0	1	4.0	1	4.0	1
Professional Reputation	4.6	5	4.6	5	4.4	5	4.4	5	4.6	5
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
<b>Type of Work</b>										
No Response		0		1		1		2		1
State Law Enforcement Officer	3.5	12	3.6	12	3.3	11	4.0	10	3.3	11
Municipal/Borough Law Enforcement Officer	4.7	11	4.8	11	4.7	11	4.7	11	4.8	11
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.5	2	5.0	1	5.0	2	4.5	2	4.5	2
Other	--	0	--	0	--	0	--	0	--	0
<b>Length of Experience</b>										
No Response		0		1		1		2		1
5 Years or fewer	4.0	3	4.0	3	3.7	3	4.5	2	4.0	3
6 to 10 years	4.2	9	4.3	9	3.8	8	4.6	8	4.1	8
11 to 15 years	4.3	7	4.3	6	4.6	7	4.3	7	4.1	7
16 to 20 years	4.4	5	4.6	5	4.4	5	4.4	5	4.6	5
21 years or more	1.0	1	1.0	1	3.0	1	3.0	1	1.0	1
<b>Gender</b>										
No Response		0		1		1		2		1
Male	4.1	21	4.2	21	4.1	20	4.4	20	4.1	20
Female	4.3	4	4.3	3	4.3	4	4.7	3	4.3	4
<b>Location of Work</b>										
No Response		0		1		1		2		1
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.0	1	4.0	1	--	0	--	0	--	0
Fourth District	4.1	24	4.2	23	4.1	24	4.4	23	4.1	24
<b>Community Population</b>										
No Response		0		1		1		2		1
Under 2,000	3.7	3	3.7	3	4.0	3	3.7	3	3.3	3
Between 2,000 and 35,000	4.5	6	4.7	6	4.8	5	4.6	5	4.8	5
Over 35,000	4.1	16	4.1	15	3.9	16	4.5	15	4.0	16

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

**Judge Patrick S. Hammers**  
**Social Workers and Guardians ad Litem**

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
<b>Basis for Evaluation</b>										
No Response		0		0		0		0		0
<b>Direct Professional</b>	<b>5.0</b>	<b>1</b>	<b>5.0</b>	<b>1</b>	<b>5.0</b>	<b>1</b>	<b>5.0</b>	<b>1</b>	<b>5.0</b>	<b>1</b>
Experience in last 5 yrs	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	--	0	--	0	--	0	--	0	--	0
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
<b>Type of Work</b>										
No Response		0		0		0		0		0
Social Worker	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Guardian ad Litem	--	0	--	0	--	0	--	0	--	0
<b>Length of Experience</b>										
No Response		0		0		0		0		0
5 Years or fewer	--	0	--	0	--	0	--	0	--	0
6 to 10 years	--	0	--	0	--	0	--	0	--	0
11 to 15 years	--	0	--	0	--	0	--	0	--	0
16 to 20 years	--	0	--	0	--	0	--	0	--	0
21 years or more	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
<b>Gender</b>										
No Response		0		0		0		0		0
Male	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Female	--	0	--	0	--	0	--	0	--	0
<b>Location of Work</b>										
No Response		0		0		0		0		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	--	0	--	0	--	0	--	0	--	0
Fourth District	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
<b>Community Population</b>										
No Response		0		0		0		0		0
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	--	0	--	0	--	0	--	0	--	0
Over 35,000	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1

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

<b>Distribution of Court Employee Ratings*</b> <b>2012 Retention Evaluation</b> <b>Patrick S. Hammers</b>							
<b>Survey Category</b>	<b>Number of Responses</b>						
	<b>Total</b>	<b>Excellent</b>	<b>Good</b>	<b>Acceptable</b>	<b>Deficient</b>	<b>Poor</b>	<b>Mean</b>
<b>Impartiality/Fairness</b>	33	22	6	4	0	1	<b>4.5</b>
<b>Integrity</b>	35	25	6	2	1	1	<b>4.5</b>
<b>Judicial Temperament</b>	34	20	7	6	0	1	<b>4.3</b>
<b>Diligence</b>	32	18	9	3	0	2	<b>4.3</b>
<b>Overall Evaluation</b>	34	20	9	4	0	1	<b>4.4</b>

\* Ratings are based on direct professional experience.

**Juror Survey Results  
2012 Retention Evaluation  
Patrick S. Hammers**

<b>Survey Category</b>	<b>Mean</b>	<b>Excellent</b>	<b>Good</b>	<b>Acceptable</b>	<b>Deficient</b>	<b>Poor</b>	<b>Total Responses</b>
Impartiality/Fairness	4.8	45	9	0	1	0	55
Respectful/Courteous	4.9	50	3	1	1	0	55
Attentive during Proceedings	4.8	48	6	0	1	0	55
Control over Proceedings	4.9	47	8	0	0	0	55
Intelligence/ Skill as a Judge	4.8	45	9	0	1	0	55
Overall Evaluation	4.8	47	7	0	1	0	55