



alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

NOV 28 2011

ALASKA JUDICIAL COUNCIL

2012 Candidates for Judicial Retention

October 2011

Gregory Louis Heath

Name

Superior Court, Palmer

Court

1. Please estimate your workload during your present term.

a) <u>52</u> % civil cases	b) <u>9</u> # of jury trials/year
<u>43</u> % criminal cases	<u>43</u> # of non-jury trials/year
<u>5</u> % court administrative work	<u>0</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.

As a Superior Court Judge I have continued my work implementing and overseeing the Palmer Coordinated Resource Project (CRP). I have been involved with the CRP since I became a District Court Judge in 2003. The CRP is a therapeutic court that handles cases with defendants who have cognitive or mental disabilities. Since my time in Superior Court I have established a new program within CRP that works with felony level defendants who meet the qualifications for CRP. Working with felony level defendants in CRP has required me to take a new approach to ensure that defendants meet their probation requirements. CRP continues to be a major success in reducing recidivism and helping to protect our community. I look forward to continuing to work with this valuable program and similarly participating in a drug and alcohol court when one is established in Palmer.

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.

In December of 2011, I completed my second year as a Superior Court Judge and my eighth year as a judicial officer. It has been an honor to serve the Matanuska-Susitna community and the State of Alaska. I believe it is important to maintain a fair and impartial deliberation and temperament when presiding in the courtroom. Regardless of whether a person appearing before the court is an attorney or a self-represented party, as is often the case with family law issues, I treat everyone with the same respect and consideration. I ensure that people are given the time and access to the judicial system to make the court an open environment.

I understand that the issues I deal with in Superior Court have a wide-reaching effect. Especially in criminal matters, my decisions as a judge have serious ramifications for the defendants, victims and the community. Therefore I fully evaluate the issues and thoroughly research the law to ensure that I am making the correct decision. The community expects high standards from a judicial officer and I have upheld those standards the community expects.

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.

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.

I have been grateful to serve our community for 18 years, 10 as a practicing attorney, 6 years as a District Court Judge and 2 years as a Superior Court Judge. I am fully committed to continued service to the community.

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: 3PA-10-02058CR
 v. Renee L. Ellison

Attorneys Involved:

Name: <u>DA Melissa Howard</u>	Name: <u>PD Bruce Brown</u>
Address: <u>515 E. Dahlia Ave., Suite 1</u>	Address: <u>575 E. Dahlia Ave. Ste 100</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: <u>DA Trina Sears</u>	Name: _____
Address: <u>515 E. Dahlia Ave., Suite 1</u>	Address: _____
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska Case Number: 3PA-11-00614CR
 v. Eric Bryce Stoltze

Attorneys Involved:

Name: <u>DA Jarom Bangerter</u>	Name: <u>PD Jeffrey Bradley</u>
Address: <u>515 E. Dahlia Ave., Suite 1</u>	Address: <u>575 E. Dahlia Ave. Ste 100</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska Case Number: 3PA-11-01209CR
 v. Robert Wayne Snider

Attorneys Involved:

Name: <u>DA Trina Sears</u>	Name: <u>PD Jeffrey Bradley</u>
Address: <u>515 E. Dahlia Ave., Suite 1</u>	Address: <u>575 E. Dahlia Ave. Ste 100</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</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: Rebecca Van Bakel Case Number: 3PA-09-01125CI
 v. James Van Bakel

Attorneys Involved:

Name: <u>Kenneth Goldman</u>	Name: <u>Robin Taylor</u>
Address: <u>248 S. Alaska St.</u>	Address: <u>801 B St., Suite 505</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: ITMO: JN Case Number: 3PA-09-00047CN
 v. _____

Attorneys Involved:

Name: <u>AG Vennie Nemecek</u>	Name: <u>S. Jeff Carney (for Mother</u>
Address: <u>1031 W 4th Ave., Suite 200</u>	Address: <u>100 W Lakeview Avenue</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Wasilla, AK 99654</u>
Name: _____	Name: <u>PD Laurel Bennett (For Dad)</u>
Address: _____	Address: <u>515 E. Dahlia Ave, Ste. 100</u>
City, State, Zip: _____	City, State, Zip: <u>Palmer, AK 99645</u>

Case Number 3

Case Name: Christoper W. Dishman Case Number: 3PA-10-3038CI
 v. Laura Hunt

Attorneys Involved:

Name: <u>David A. Golter</u>	Name: <u>Michael McDonough</u>
Address: <u>348 S. Denali Street</u>	Address: <u>12110 Business Blvd.</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Ste 6139 Eagle River 99577</u>
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: State of Alaska Case Number: 3PA-09-03257CR

v. Joseph D. Packard

Attorneys Involved:

Name: <u>DA Trina Sears</u>	Name: <u>OPA Joseph Van De Mark</u>
Address: <u>515 E. Dahlia Ave., Ste 150</u>	Address: <u>900 W 5th Ave., Suite 525</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: _____	Name: <u>OPA Marcelle McDannel</u>
Address: _____	Address: <u>900 W 5th Avenue</u>
City, State, Zip: _____	City, State, Zip: <u>Anchorage, AK 99501</u>

Case Number 2

Case Name: State of Alaska Case Number: 3PA-09-02438CR

v. Larissa M. Earles

Attorneys Involved:

Name: <u>DA Rick Allen (now OPA)</u>	Name: <u>OPA Lyle Stohler</u>
Address: <u>900 W 5th Ave., Suite 525</u>	Address: <u>1517 S Industrial Way, #1</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Palmer, AK 99645</u>

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

Case Number 3

Case Name: State of Alaska Case Number: 3PA-10-2555CR

v. Robin L. Kling

Attorneys Involved:

Name: <u>DA Jarom Bangerter</u>	Name: <u>Joshua Fannon</u>
Address: <u>515 E. Dahlia Ave., Ste 150</u>	Address: <u>808 S Bailey St, Ste 101</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</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: _____ 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: _____

Alaska Judicial Council Recommendation

Judge Gregory Louis Heath, Superior Court, Palmer

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 Heath to be **Qualified** and recommends unanimously that the public vote "YES" to retain him as a superior 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 peremptory 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	3.7	---	---	---	---
Impartiality	4.0	4.5	4.9	4.5	3.7
Integrity	4.1	4.4	---	4.3	3.7
Temperament	4.2	4.6	4.9	4.6	3.3
Diligence	3.7	4.4	---	3.9	3.7
Overall	3.8	4.5	4.9	4.3	3.7

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 = Poor

Summary of Survey Information

Survey respondents rated Judge Heath on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Heath on overall performance was 3.8. Peace and probation officers gave Judge Heath a rating of 4.5. Jurors rated him 4.9 overall, court employees gave him 4.3, and social workers and guardians ad litem rated him at 3.7. The Alaska Judicial Observers rated him 3.24.

Recommendation: Vote "YES" to retain Judge Gregory Louis Heath

For more information go to
www.knowyouralaskajudges.com

Judge Gregory Louis Heath: 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		9		7		8		8		10		6
Direct Professional	3.7	65	4.0	67	4.1	66	4.2	67	3.7	65	3.8	68
Experience in last 5 yrs	3.7	63	4.0	65	4.1	64	4.2	65	3.7	63	3.8	66
Experience not in last 5 yrs	4.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Professional Reputation	2.9	7	2.7	7	2.9	7	2.9	7	2.7	7	2.9	7
Other Personal Contacts	4.5	2	4.0	2	4.5	2	5.0	1	5.0	1	4.5	2
Type of Practice												
No Response		3		1		2		1		3		0
Private, Solo	3.8	18	4.3	19	4.3	18	4.5	18	3.8	17	4.0	19
Private, 2-5 Attorneys	3.4	13	3.6	14	3.9	13	3.8	14	3.5	14	3.6	14
Private, 6+ Attorneys	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2
Private, Corporate Employee	4.0	1	5.0	1	5.0	1	4.0	1	4.0	1	4.0	1
Judge or Judicial Officer	4.1	14	4.5	15	4.5	15	4.5	15	4.4	14	4.3	15
Government	3.3	14	3.5	13	3.6	14	3.8	14	3.1	14	3.4	14
Public Service Agency/Org	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
Other	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Years of Practice in Alaska												
No Response		3		1		2		1		3		0
5 Years or fewer	4.3	4	4.3	4	4.7	3	4.3	4	4.5	4	4.3	4
6 to 10 years	3.7	6	4.0	6	4.0	6	4.2	6	3.2	6	3.7	6
11 to 15 years	3.5	8	3.9	8	3.8	8	4.0	8	3.4	7	3.6	8
16 to 20 years	3.3	12	3.9	13	4.1	13	4.2	12	3.5	13	3.7	13
21 years or more	3.8	34	4.1	35	4.2	35	4.2	36	3.9	34	3.9	36
Gender												
No Response		3		1		2		1		3		0
Male	3.7	42	4.0	43	4.2	42	4.1	43	3.8	42	3.9	44
Female	3.6	22	4.1	23	4.0	23	4.4	23	3.6	22	3.8	23
Cases Handled												
No Response		3		0		2		1		2		0
Prosecution	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Mainly Criminal	4.0	10	3.9	10	4.2	10	4.3	10	4.1	10	4.2	10
Mixed Criminal & Civil	3.5	25	4.0	28	4.1	26	4.0	28	3.8	26	3.8	28
Mainly Civil	3.7	25	4.1	25	4.2	25	4.3	24	3.4	24	3.7	25
Other	5.0	1	5.0	1	4.0	1	5.0	1	5.0	1	5.0	1
Location of Practice												
No Response		3		1		2		1		2		0
First District	--	0	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	3.7	60	4.1	62	4.2	61	4.2	62	3.8	61	3.9	63
Fourth District	3.0	3	3.7	3	3.3	3	3.7	3	3.0	3	3.0	3
Outside of Alaska	--	0	--	0	--	0	--	0	--	0	--	0

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

**Judge Gregory Louis Heath
Peace and Probation Officers**

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation										
No Response		1		2		1		1		0
Direct Professional	4.5	20	4.4	19	4.6	20	4.4	21	4.5	21
Experience in last 5 yrs	4.5	20	4.4	19	4.6	20	4.4	21	4.5	21
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	3.7	3	4.0	3	4.0	3	5.0	2	3.7	3
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		1		2		1		0		0
State Law Enforcement Officer	4.6	7	4.4	7	4.6	7	4.4	8	4.6	8
Municipal/Borough Law Enforcement Officer	4.4	7	4.7	6	4.7	7	4.7	7	4.6	7
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.3	6	4.2	6	4.3	6	4.0	6	4.2	6
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		1		2		1		0		0
5 Years or fewer	4.3	4	4.3	4	4.3	4	4.0	4	4.0	4
6 to 10 years	4.8	5	4.6	5	4.8	5	4.8	6	4.8	6
11 to 15 years	4.2	6	4.3	6	4.5	6	4.3	6	4.3	6
16 to 20 years	5.0	1	5.0	1	5.0	1	4.0	1	5.0	1
21 years or more	4.5	4	4.3	3	4.5	4	4.3	4	4.5	4
Gender										
No Response		1		2		1		0		0
Male	4.5	17	4.5	15	4.7	17	4.4	17	4.5	17
Female	4.0	3	4.0	4	4.0	4	4.3	4	4.3	4
Location of Work										
No Response		1		2		1		0		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.5	20	4.4	19	4.6	20	4.4	21	4.5	21
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		1		2		1		0		0
Under 2,000	5.0	1	5.0	1	4.0	1	5.0	1	5.0	1
Between 2,000 and 35,000	4.3	12	4.3	13	4.5	12	4.2	13	4.4	13
Over 35,000	4.7	7	4.6	5	4.7	7	4.6	7	4.6	7

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

Judge Gregory Louis Heath
Social Workers and Guardians ad Litem

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation										
No Response		0		0		0		0		0
Direct Professional	3.7	3	3.7	3	3.3	3	3.7	3	3.7	3
Experience in last 5 yrs	3.7	3	3.7	3	3.3	3	3.7	3	3.7	3
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
Type of Work										
No Response		0		0		0		0		0
Social Worker	3.0	1	3.0	1	3.0	1	3.0	1	3.0	1
Guardian ad Litem	4.0	1	4.0	1	3.0	1	4.0	1	4.0	1
Length of Experience										
No Response		0		0		0		0		0
5 Years or fewer	3.5	2	3.5	2	3.0	2	3.5	2	3.5	2
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	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		0		0		0		0		0
Male	--	0	--	0	--	0	--	0	--	0
Female	3.5	2	3.5	2	3.0	2	3.5	2	3.5	2
Location of Work										
No Response		0		0		0		0		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	3.5	2	3.5	2	3.0	2	3.5	2	3.5	2
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
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	3.5	2	3.5	2	3.0	2	3.5	2	3.5	2

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

**Juror Survey Results
2012 Retention Evaluation
Gregory Louis Heath**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.9	44	6	0	0	0	50
Respectful/Courteous	4.9	46	4	0	0	0	50
Attentive during Proceedings	4.9	45	5	0	0	0	50
Control over Proceedings	4.9	45	4	1	0	0	50
Intelligence/ Skill as a Judge	4.8	43	6	1	0	0	50
Overall Evaluation	4.9	45	5	0	0	0	50

Distribution of Court Employee Ratings* 2012 Retention Evaluation Gregory Louis Heath							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	15	8	6	1	0	0	4.5
Integrity	16	7	8	0	1	0	4.3
Judicial Temperament	16	9	7	0	0	0	4.6
Diligence	15	5	4	5	1	0	3.9
Overall Evaluation	16	8	6	1	1	0	4.3

* Ratings are based on direct professional experience.

Current and Prior Retention Scores

Gregory Louis Heath

Appointed	Name of Court
11/25/2003	Palmer District Ct
7/9/2009	Palmer Superior Ct

Retention Attorney Bar Scores

Year	Legal Ability	Impartiality	Integrity	Temperament	Diligence	Special Skills	Overall Performance
2006	3.9	4.1	4.2	4.1	4		4.1
2012	3.7	4	4.1	4.2	3.7		3.8

Peace and Probation Officer Survey Scores

Year	Impartiality	Integrity	Temperament	Diligence	Special Skills	Overall Performance
2006	3.9	4.2	4	3.9		3.9
2012	4.5	4.4	4.6	4.4		4.5