



alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

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ALASKA JUDICIAL COUNCIL

2012 Candidates for Judicial Retention

October 2011

Paul R. Lyle

Name

Fairbanks Superior Court

Court

1. Please estimate your workload during your present term.

a) <u>74</u> % civil cases	b) <u>5</u> # of jury trials/year
<u>24</u> % criminal cases	<u>7</u> # of non-jury trials/year
<u>2</u> % court administrative work	<u>2</u> # of administrative appeals/year
100 % Total	

1.b) figures are estimated average over 3.5 years.

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

CLE for Judges at 2010 Judicial Conference -- Comity and Full Faith and Credit for Tribal Custody Orders (joint presenter with Judge DeVaney)

CLE for newer judges training on Judicial Ethics (panel member, prepared but unable to attend because of conflicting criminal trial)

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.

My areas of emphasis as a lawyer before being appointed to the bench in 2008 were government contract claims, the State Executive Branch Ethics Act and Indian law. While these areas of emphasis have had some carry over into my work as a judge, I primarily adjudicate domestic relations and criminal cases. I have, therefore, devoted a great deal of time to bringing myself back up to speed in criminal law and learning domestic relations law. I have also spent considerable time becoming more fluent in the rules of evidence, especially hearsay and character evidence.

Judges deal with broken relationships, whether that brokenness arises within a family or between an individual and society or between strangers thrust into a broken relationship when their automobiles collide. I have, therefore, tried to maintain a servant's attitude toward those who appear before me and have spent time thinking about how judicial temperament is woven into that servant role. As a servant, I try to ensure parties have the time they feel they need to present their cases, work hard to treat all litigants and lawyers with respect and compassion for their circumstances and schedules and attempt to provide detailed and quiet explanations for my rulings, especially where I must make adverse credibility determinations.

I enjoy the daily challenge of being a trial court judge, the never-ending work, the intellectual satisfaction of learning new areas of law and applying them and the fast pace.

I believe my performance has been satisfactory during the past three and one-half years. I am striving to improve in all of the areas in which I am evaluated as a judge. Careful assessment of each day's performance on and off the bench has helped me to improve my performance from year to year.

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.

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-10-1487 CR
 v. Lawrence Avery

Attorneys Involved:

Name: <u>Joseph Dallaire</u>	Name: <u>Steven Hansen</u>
Address: <u>455 Third Ave., Ste 150</u>	Address: <u>529 5th Ave., Ste 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-09-4098 CR
 v. Brett King

Attorneys Involved:

Name: <u>Elizabeth Crail, Esq.</u>	Name: <u>Jennifer Hite, Esq.</u>
Address: <u>455 Third Ave., Ste 150</u>	Address: <u>529 5th Ave., Ste 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: Susanne LaBrenz **Case Number:** 4FA-08-1865 CI
 v. Troy Burns, DDS

Attorneys Involved:

Name: <u>Joseph Paskvan</u>	Name: <u>John J. Tiemessen</u>
Address: <u>P.O. Box 7288</u>	Address: <u>411 Fourth Ave, Ste. 300</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: <u>Lisa Hanby</u>
Address: _____	Address: <u>411 Fourth Ave, Ste. 300</u>
City, State, Zip: _____	City, State, Zip: <u>Fairbanks, AK 99701</u>

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: Crystal Bear Case Number: 4FA-11-1401 CI
 v. Kenton Bear

Attorneys Involved:

Name: <u>Amy Tallerico</u>	Name: <u>Steven Elliott</u>
Address: <u>711 Gaffney Rd, Ste. 202</u>	Address: <u>100 Cushman St, Ste. 205</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: IMO: D.J.R. Case Number: 4FA-09-45 CN
 v. _____

Attorneys Involved:

Name: <u>Michelle McComb</u>	Name: <u>Robert Noreen</u>
Address: <u>100 Cushman St, Ste. 400</u>	Address: <u>100 Cushman St., Ste. 306</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: <u>Natasha Singh</u>	Name: <u>Amy Bennett</u>
Address: <u>122 First Ave, Ste. 600</u>	Address: <u>529 5th Ave., Ste 1</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>

Case Number 3

Case Name: Krausz Bentley Manager Case Number: 4FA-08-2970 CI
 v. ACS

Attorneys Involved:

Name: <u>John Foster Wallace</u>	Name: <u>Daniel C. Kent</u>
Address: <u>711 Gaffney Rd, Ste. 202</u>	Address: <u>1127 West 7th Ave</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Paul R. Lyle
Trial Judge Questionnaire
(2012 Candidate for Judicial Retention)**

Page 5, Question 8:

Case Number 2:

Attorney Involved:

Eric Bills
100 Cushman St., Ste. 502
Fairbanks, AK 99701

Mr. Bills is longer employed by OPA. He moved to Canada.

- 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: 4FA-10-774 CR
 v. Gareth Lolnitz

Attorneys Involved:

Name: <u>Elizabeth Crail, Esq.</u>	Name: <u>James H. Cannon</u>
Address: <u>455 Third Ave., Ste 150</u>	Address: <u>402 Seventh Ave.</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-10-2552 CR
 v. Troy Linnear

Attorneys Involved:

Name: <u>Elizabeth Crail, Esq.</u>	Name: <u>Jason A. Gazewood</u>
Address: <u>455 Third Ave., Ste 150</u>	Address: <u>1008 16th Ave. Ste.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 3

Case Name: State of Alaska Case Number: 4FA-10-2120 & 2121 CR
 v. K. Benson & J. Baldrige

Attorneys Involved:

Name: <u>Elizabeth Crail, Esq.</u>	Name: <u>William R. Satterberg, Jr.</u>
Address: <u>455 Third Ave., Ste 150</u>	Address: <u>709 Fourth Ave.</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: <u>Lawrence F. Reger</u>
Address: _____	Address: <u>100 Cushman St., Ste 205</u>
City, State, Zip: _____	City, State, Zip: <u>Fairbanks, AK 99701</u>

- 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: 23 Members Corinthian Chur. *Case Number:* 4FA-08-2838 CI
v. Flanagan et. al.

Attorneys Involved:

<i>Name:</i> <u>J. John Franich</u>	<i>Name:</i> <u>Gregory G. Silvey</u>
<i>Address:</i> <u>325 Baranoff Ave</u>	<i>Address:</i> <u>510 L. St, Ste 700</u>
<i>City, State, Zip:</i> <u>Fairbanks, AK 99701</u>	<i>City, State, Zip:</i> <u>Anchorage, AK 99501</u>
<i>Name:</i> _____	<i>Name:</i> <u>Matthew Cooper</u>
<i>Address:</i> _____	<i>Address:</i> <u>100 Cushman St. Ste 500</u>
<i>City, State, Zip:</i> _____	<i>City, State, Zip:</i> <u>Fairbanks, AK 99701</u>

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 Paul R. Lyle, Superior 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 Lyle 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 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	4.2	---	---	---	---
Impartiality	4.3	3.8	4.7	4.5	4.6
Integrity	4.4	3.9	---	4.6	4.6
Temperament	4.0	3.5	4.8	4.2	3.8
Diligence	4.3	3.8	---	4.7	4.4
Overall	4.2	3.6	4.7	4.4	4.2

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 Lyle on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Lyle on overall performance was 4.2. Peace and probation officers gave Judge Lyle a rating of 3.6. Jurors rated him 4.7 overall, court employees gave him 4.4, and social workers and guardians ad litem rated him at 4.2.

Recommendation: Vote "YES" to retain Judge Paul R. Lyle

For more information go to
www.knowyouralaskajudges.com

Judge Paul Lyle: 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		6		6		3		7		8		4
Direct Professional	4.2	88	4.3	89	4.4	89	4.0	90	4.3	89	4.2	90
Experience in last 5 yrs	4.2	82	4.3	83	4.5	83	4.0	84	4.4	83	4.2	84
Experience not in last 5 yrs	3.8	4	3.8	4	3.8	4	4.0	4	4.0	4	4.0	4
Professional Reputation	3.9	14	3.9	13	4.2	15	3.6	11	4.0	12	4.0	14
Other Personal Contacts	4.8	6	4.5	6	4.7	7	4.7	6	4.8	5	4.7	6
Type of Practice												
No Response		2		1		1		0		1		0
Private, Solo	4.4	13	4.3	13	4.6	12	4.3	13	4.5	13	4.2	13
Private, 2-5 Attorneys	4.7	14	4.7	14	4.8	14	4.3	14	4.5	14	4.7	14
Private, 6+ Attorneys	4.6	12	4.8	12	4.8	12	4.7	12	4.3	12	4.5	12
Private, Corporate Employee	--	0	--	0	--	0	--	0	--	0	--	0
Judge or Judicial Officer	4.3	14	4.4	14	4.5	15	4.1	15	4.4	14	4.3	15
Government	3.8	31	3.8	32	4.1	32	3.5	32	4.2	32	3.8	32
Public Service Agency/Org	3.5	2	3.5	2	3.5	2	4.0	2	4.0	2	4.0	2
Other	4.0	2	4.5	2	4.5	2	3.5	2	4.5	2	4.5	2
Years of Practice in Alaska												
No Response		2		1		1		0		1		0
5 Years or fewer	4.1	10	4.3	10	4.5	10	4.0	10	4.3	10	4.2	10
6 to 10 years	4.2	10	4.2	10	4.3	10	3.8	10	4.1	10	4.1	10
11 to 15 years	4.4	9	4.2	9	4.4	9	3.8	9	4.4	9	4.2	9
16 to 20 years	4.1	7	4.3	7	4.7	7	4.0	7	4.3	7	4.3	7
21 years or more	4.2	51	4.3	52	4.4	52	4.1	53	4.4	52	4.2	53
Gender												
No Response		2		1		1		0		1		0
Male	4.1	58	4.2	58	4.5	58	4.1	59	4.4	58	4.2	59
Female	4.3	28	4.2	29	4.3	29	3.9	29	4.2	29	4.1	29
Cases Handled												
No Response		2		1		1		0		1		0
Prosecution	2.6	10	2.8	10	3.5	10	2.3	10	3.6	10	2.8	10
Mainly Criminal	4.0	2	4.0	2	4.0	2	4.0	2	4.5	2	4.0	2
Mixed Criminal & Civil	4.2	27	4.2	27	4.4	28	3.9	28	4.3	27	4.1	28
Mainly Civil	4.5	43	4.6	43	4.6	42	4.4	43	4.5	43	4.5	43
Other	4.8	5	4.7	6	4.7	6	4.5	6	4.5	6	4.7	6
Location of Practice												
No Response		2		1		1		0		1		0
First District	--	0	--	0	--	0	--	0	--	0	--	0
Second District	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Third District	4.2	27	4.1	28	4.3	28	4.3	28	4.3	28	4.3	28
Fourth District	4.2	58	4.3	58	4.5	58	3.9	59	4.3	58	4.1	59
Outside of Alaska	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1

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

**Judge Paul Lyle
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		0		1		0		1		1
Direct Professional	3.8	30	3.9	30	3.5	30	3.8	29	3.6	30
Experience in last 5 yrs	3.9	29	4.0	29	3.6	29	3.8	28	3.7	29
Experience not in last 5 yrs	3.0	1	3.0	1	2.0	1	3.0	1	3.0	1
Professional Reputation	3.3	3	3.5	2	3.3	3	4.3	3	3.3	3
Other Personal Contacts	5.0	1	5.0	1	4.0	1	5.0	1	--	0
Type of Work										
No Response		0		0		0		1		0
State Law Enforcement Officer	4.4	8	4.6	8	3.6	8	4.0	7	4.0	8
Municipal/Borough Law Enforcement Officer	3.9	9	3.9	9	3.8	9	4.2	9	3.9	9
Village Public Safety Officer (VPSO)	1.0	1	1.0	1	1.0	1	1.0	1	1.0	1
Probation/Parole Officer	3.7	12	3.8	12	3.4	12	3.6	12	3.4	12
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		0		0		0		1		0
5 Years or fewer	4.1	10	4.2	10	3.4	10	3.9	10	3.8	10
6 to 10 years	4.1	8	4.1	8	3.9	8	3.8	8	3.9	8
11 to 15 years	3.3	8	3.4	8	3.1	8	3.5	8	3.0	8
16 to 20 years	3.8	4	4.0	4	3.8	4	4.3	3	4.0	4
21 years or more	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		0		0		0		1		0
Male	3.9	20	4.1	20	3.6	20	3.9	19	3.8	20
Female	3.7	10	3.7	10	3.3	10	3.6	10	3.4	10
Location of Work										
No Response		0		0		0		1		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	--	0	--	0	--	0	--	0	--	0
Fourth District	3.8	30	3.9	30	3.5	30	3.8	29	3.6	30
Community Population										
No Response		0		0		0		1		0
Under 2,000	3.0	2	2.5	2	3.0	2	3.0	2	3.0	2
Between 2,000 and 35,000	4.1	9	4.1	9	3.9	9	4.2	9	3.9	9
Over 35,000	3.7	18	3.9	18	3.3	18	3.6	17	3.5	18

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

**Judge Paul Lyle
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	4.6	5	4.6	5	3.8	5	4.4	5	4.2	5
Experience in last 5 yrs	4.6	5	4.6	5	3.8	5	4.4	5	4.2	5
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	4.5	4	4.5	4	3.8	4	4.3	4	4.0	4
Guardian ad Litem	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		0		0		0		0		0
5 Years or fewer	5.0	2	5.0	2	4.0	2	5.0	2	4.0	2
6 to 10 years	3.0	1	3.0	1	2.0	1	2.0	1	3.0	1
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
Gender										
No Response		0		0		0		0		0
Male	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Female	4.3	3	4.3	3	3.3	3	4.0	3	3.7	3
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	--	0	--	0	--	0	--	0	--	0
Fourth District	4.3	3	4.3	3	3.7	3	4.0	3	4.3	3
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	4.5	4	4.5	4	3.8	4	4.3	4	4.0	4

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

Distribution of Court Employee Ratings* 2012 Retention Evaluation Paul Lyle							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	36	25	6	3	2	0	4.5
Integrity	36	26	5	4	1	0	4.6
Judicial Temperament	36	18	9	7	2	0	4.2
Diligence	36	28	5	2	1	0	4.7
Overall Evaluation	36	20	11	4	1	0	4.4

* Ratings are based on direct professional experience.

**Juror Survey Results
2012 Retention Evaluation
Paul Lyle**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.7	75	23	2	1	0	101
Respectful/Courteous	4.8	84	14	4	0	0	102
Attentive during Proceedings	4.7	76	24	2	0	0	102
Control over Proceedings	4.7	75	22	4	0	1	102
Intelligence/ Skill as a Judge	4.7	74	28	0	0	0	102
Overall Evaluation	4.7	74	25	3	0	0	102