

alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

Margaret L. Murphy	Homer District Court						
Name	Court						
Please estimate your workload during your	present term.						
a)25_% civil cases b)70_% criminal cases5_% court administrative work100 % Total	6 # of jury trials/year 30 # of non-jury trials/year 0 # of administrative appeals/year						
The number of non-jury trials includes matters. I also do approximately 40 to	only small claims cases and other civil 50 traffic trials a year.						
2. Please describe your participation on court during your current term of office.	t/bar committees or other administrative activities						
I was recently appointed to the Alaska I will attend my first meeting in Decem contributing in any way possible to comdrinking.							

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 continue to find my position as the Homer District Court Judge rewarding. I always treat everyone who appears before the court with courtesy and respect whether they are attorneys, litigants, or witnesses. I enjoy the diversity of work that is available, especially the work I am permitted to do with my pro tem appointment. I do my best to ensure that all my decisions are fair and impartial and based solely on the law applicable to the case. I believe that I have served the community well and I would be honored to have the opportunity to continue to provide judicial services to Homer and the surrounding area.									

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? \square Yes $ ot \!$
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
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 2012 retention elections.
Since almost all of my non-jury trials involved only pro se litigants, I have listed additional cases involving attorneys and a significant amount of work. I will provide information to contact pro se litigants involved in non-jury
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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:	3HO-11-345CR
ν,	Joshua V. Harringtor	ı		
		Attorneys I	Involved:	
Name:	Mr. Ben Jaffa		Name:	Ms. Joy Hobart
Address:	120 Trading Bay Dr,	Ste 200	Address:	130 Trading Bay Dr, Ste 390
City, State, Zip:	Kenai, AK 99611		City, State, Zip:	Kenai, AK 99611
Name:			Name:	
Address:			Address:	
City, State, Zip:			City, State, Zip:	
		.		
		Case Nu	mber 2	
Case Name:	State of Alaska		Case Number:	3HO-11-222CR
v.	Garret Brooks		_	
		Attorneys 1	nvolved:	
Name:	Ms. Regina Largent	•	Name:	Mr. Andrew Haas
Address:	120 Trading Bay Dr,	Ste 200	Address:	350 Bonanza Ave.
City, State, Zip:	Kenai, AK 99611		City, State, Zip:	Homer, AK 99603
Name:			Name:	
Address:			Address:	
City, State, Zip:			City, State, Zip:	
		Case Nu	mber 3	
Case Name:	State of Alaska		Case Number: _	3HO-11-340CR
v.	William Todd Johnso	n	_	
		Attorneys 1	nvolved:	
Name:	Ms. Regina Largent	•	Name:	Ms. Joy Hobart
	120 Trading Bay Dr,	Ste 200	Address:	130 Trading Bay Dr, Ste 390
	Kenai, AK 99611		City, State, Zip:	
•			-	
Name:			Name:	
Address:			Address:	
City Ctata Time			City Ct. t. 7th	

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 Nu	mber 1	
Case Name:	ITMO R.R.	Case Number:	3HO-10-03DL
v.			
-	Attorneys .	- Involved:	
Name:	Ms. Kelly Lawson		Mr. William Taylor
Address:	120 Trading Bay Dr, Ste 200	- Address:	130 Trading Bay Dr, Ste 390
City, State, Zip:	Kenai, AK 99611	City, State, Zip:	Kenai, AK 99611
Name:		Name:	
Address:			
City, State, Zip:		City, State, Zip:	
	On an Ma		
	Case Nu		
Case Name:	ITMO G.R., L.R., C.R., J.M.	_Case Number: _	3HO-09-01/02/03/04CN
v		_	
	Attorneys	Involved:	
Name:	Mr. Roger Rom	Name:	Ms. Elizabeth Leduc
Address:	1031 W. 4th Ave., Ste. 200		
City, State, Zip:	Anchorage, AK 99501	City, State, Zip:	Kenai, AK 99611
-	Ms. Shana Theiler	-	Ms. Terri Spigelmyer
Address:	220 Main Street Loop, Ste.B		350 Bonanza Ave.
City, State, Zip:	Kenai, AK 99611	_ City, State, Zip:	Homer, AK 99603
	Case Nu	mher 3	
C N			2HO 10 22EGD
•	State of Alaska	_Case Number: _	3HO-10-325CR
v. .	Adam L. Clay	_	
	Attorneys I		
Name:	Mr. Ben Jaffa	Name: _	Mr. Frederick Slone
Address:	120 Trading Bay Dr, Ste 200	Address:_	3003 Minnesota Dr, Ste 301
City, State, Zip:	Kenai, AK 99611	City, State, Zip:	Anchorage, AK 99503
λ/a		Name:	
Name: _ Address:			
City, State, Zip:		City, State, Zip:	
ony, onne, zip.		_ City, Diane, Elp	

Case Number 2

Case Name: ITMO G.R., L.R., C.R., J.M. Case Number: 3HO-09-01/02/03/04CN

Attorneys Involved: (continued)

Name: Mr. Sam Severin Name: Mr. Chad Holt

Address: 425 G St., Ste. 600 Address: 900 W. 5th Ave., Ste. 702

City, State, Zip: Anchorage, AK 99501 City, State, Zip: Anchorage, AK 99501

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:	3HO-11-82CR
v.	Daryn K. Holmes		
•	Attorneys	_ Involved:	
Name:	Ms. Amy Fenske	Name:	Mr. Hatton Greer
Address:	120 Trading Bay Dr, Ste 200	Address:	130 Trading Bay Dr, Ste 390
City, State, Zip:	Kenai, AK 99611	City, State, Zip:	Kenai, AK 99611
·			
Name:		Name:	
Address:		Address:	
City, State, Zip:		City, State, Zip:	
	Case Nu	ımber 2	
Case Name:	State of Alaska	_Case Number:	3HO-10-147CR
v.	Arthur C. Aho		
•	Attorneys .	- Involved:	
Name:	Mr. A. Andrew Peterson	Name:	Mr. Ian Wheeles
Address:	310 K St., Ste. 403	– Address:	5700 Old SewardHwy,Ste204
City, State, Zip:	Anchorage, AK 99501-2064	City, State, Zip:	Anchorage, AK 99518
Name:		Name:	
Address:		Address:	
City, State, Zip:		_ City, State, Zip: _	
	2		
	Case Nu	imber 3	
Case Name:	State of Alaska	_Case Number: _	3HO-09-455CR
v.	George T. Babcock	_	
	Attorneys .	Involved:	
Name:	Mr. Ben Jaffa	Name:	Mr. Frederick Slone
Address:	120 Trading Bay Dr, Ste 200	Address:	3003 Minnesota Dr, Ste 301
City, State, Zip:	Kenai, AK 99611	City, State, Zip:	Anchorage, AK 99503
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:	
Addragos	4.11	
C*: C: 2*		
	Case Number 2	
Case Name:	Case Number:	
ν	****	
	Attorneys Involved:	
Name:	Name:	
Address:		
City, State, Zip:	City, State, Zip:	
Name:	Name:	
Addrage	Addrass	
	City Ctata Time	
	Case Number 3	
Case Name:	Case Number:	
v,		
	Attorneys Involved:	
Name:	Name:	
Address:	Address	
City, State, Zip:	Ch. Ch. Ch.	
Name:	Name:	
Address:	Address:	
City, State, Zip:	City, State, Zip:	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

Alaska Judicial Council Recommendation Judge Margaret L. Murphy, District Court, Homer

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 Murphy to be *Qualified* and recommends unanimously that the public vote "YES" to retain her 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 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	3.8				
Impartiality	3.9	3.5	4.8	4.0	4.3
Integrity	4.1	3.9		4.2	4.3
Temperament	3.8	3.9	4.8	3.9	4.7
Diligence	4.0	3.9		4.0	4.7
Overall	3.9	3.6	4.7	4.0	4.3

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 Murphy on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Murphy on overall performance was 3.9. Peace and probation officers gave Judge Murphy a rating of 3.6. Jurors rated her 4.7 overall, court employees gave her 4.0, and social workers and guardians ad litem rated her at 4.3.

Recommendation: Vote "YES" to retain Judge Margaret L. Murphy

For more information go to www.knowyouralaskajudges.com

Judge Margaret L. Murphy: Detailed Information Responses Alaska Bar Association Members

	Lega		Imparti		Turkson	Judic Integrity Tempera			Dilias		Over	
	Abili Mean	ity N	Fairn Mean	ess N	Mean	rity N	Temper Mean	ament N	Dilige Mean	nce N	Evalua Mean	ation N
Basis for Evaluation												
No Response		9		10		10		9		16		9
Direct Professional	3.8	78	3.9	77	4.1	77	3.8	78	4.0	72	3.9	78
Experience in last 5 yrs	3.7	72	3.8	71	4.0	71	3.7	72	4.0	66	3.8	72
Experience not in last 5 yrs	4.5	4	4.5	4	5.0	4	5.0	4	5.0	4	5.0	4
Professional Reputation	3.5	11	3.5	11	3.6	11	3.6	11	3.6	10	3.5	11
Other Personal Contacts		0		0		0		0		0		0
Type of Practice												
No Response		2		3		3		2		8		2
Private, Solo	3.9	17	4.4	17	4.7	17	4.5	17	4.4	16	4.3	17
Private, 2-5 Attorneys	3.9	9	4.1	9	4.0	9	4.2	9	4.0	9	4.0	9
Private, 6+ Attorneys		0		0		0		0		0		0
Private, Corporate Employee	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Judge or Judicial Officer	3.7	27	3.5	26	3.7	26	3.3	27	3.7	22	3.6	27
Government	3.6	19	3.7	19	4.0	19	3.7	19	4.1	19	3.7	19
Public Service Agency/Org		0		0		0		0		0		0
Other	4.0	2	4.0	2	4.0	2	3.5	2	4.0	2	4.0	2
Years of Practice in Alaska												
No Response		2		3		3		2		8		2
5 Years or fewer	3.4	5	3.8	5	3.8	5	3.6	5	4.2	5	3.6	5
6 to 10 years	4.0	6	4.2	6	4.5	6	4.2	6	4.8	6	4.3	6
11 to 15 years	3.9	13	4.1	13	4.4	13	4.2	13	4.2	11	4.2	13
16 to 20 years	3.5	6	3.8	6	3.7	6	3.5	6	3.8	6	3.8	6
21 years or more	3.7	45	3.8	44	4.0	44	3.7	45	3.9	41	3.7	45
Gender												
No Response		2		3		3		2		8		2
Male	3.8	51	3.9	50	4.2	50	3.9	51	4.0	45	3.9	51
Female	3.6	25	3.7	25	3.8	25	3.6	25	4.0	25	3.8	25
Cases Handled												
No Response		2		3		3		2		6		2
Prosecution	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
Mainly Criminal	4.1	10	4.2	10	4.3	9	4.4	10	4.6	10	4.2	10
Mixed Criminal & Civil	3.6	36	3.6	35	3.9	36	3.5	36	3.8	32	3.6	36
Mainly Civil	3.8	22	3.9	22	4.1	22	4.0	22	4.0	22	4.0	22
Other	2.8	5	3.8	5	3.6	5	3.4	5	4.0	5	3.4	5
Location of Practice												
No Response		2		3		3		2		7		2
First District	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Second District		0		0		0		0		0		0
Third District	3.7	64	3.9	63	4.1	63	3.8	64	4.1	60	3.8	64
Fourth District	3.7	10	3.5	10	3.9	10	3.5	10	3.7	9	3.8	10
Outside of Alaska		0		0		0		0		0		0

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

Judge Margaret L. Murphy Peace and Probation Officers

	Impartiality/			Judicial					Overall	
	Fairn Mean	Fairness Mean N		Integrity Mean N		ament N	Dilig Mean	ence N	Evaluation Mean N	
Basis for Evaluation	Mean	111	Mean	11	Mean	11	Mean	11	Mean	
No Response		3		3		3		4		4
Direct Professional	3.5	27	3.9	27	3.9	27	3.9	26	3.6	26
Experience in last 5 yrs	3.5	26	3.8	26	3.9	26	3.8	25	3.5	25
Experience not in last 5 yrs	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Professional Reputation	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Other Personal Contacts		0		0		0		0		0
Type of Work										
No Response		1		1		1		2		2
State Law Enforcement Officer	3.7	17	4.0	17	3.9	17	4.2	17	3.8	17
Municipal/Borough Law Enforcement Officer	3.1	9	3.4	9	3.8	9	3.1	8	3.0	8
Village Public Safety Officer (VPSO)		0		0		0		0		0
Probation/Parole Officer	4.0	1	5.0	1	5.0	1	5.0	1	4.0	1
Other		0		0		0		0		0
Length of Experience										
No Response		1		1		1		2		2
5 Years or fewer	3.7	6	4.0	6	3.7	6	3.8	6	3.3	6
6 to 10 years	3.8	8	4.4	8	4.6	8	4.1	8	3.9	7
11 to 15 years	3.3	4	3.5	4	4.0	4	4.0	4	3.5	4
16 to 20 years	2.8	4	3.0	4	3.3	4	3.3	4	3.3	4
21 years or more	3.8	4	3.8	4	3.8	4	4.0	3	3.8	4
Gender										
No Response		1		1		1		2		2
Male	3.5	27	3.9	27	3.9	27	3.9	26	3.6	26
Female		0		0		0		0		0
Location of Work										
No Response		1		1		1		2		2
First District	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Second District		0		0		0		0		0
Third District	3.4	24	3.8	24	3.8	24	3.8	23	3.4	23
Fourth District	4.0	2	4.0	2	4.5	2	4.5	2	4.5	2
Community Population										
No Response		1		1		1		2		2
Under 2,000	4.0	2	4.5	2	5.0	2	5.0	2	4.5	2
Between 2,000 and 35,000	3.4	23	3.7	23	3.7	23	3.7	22	3.4	22
Over 35,000	4.5	2	5.0	2	5.0	2	4.5	2	4.5	2

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

Judge Margaret L. Murphy Social Workers and Guardians ad Litem

	Impartia		T .	Judicial			D.		Over	
	Fairne Mean	ess N	Integr Mean	ity N	Tempera Mean	ment N	Dilige i Mean	nce N	Evalua Mean	tion N
Basis for Evaluation	Wican	- 11	Wican	11	Wican	11	Wican	- 11	Wican	
No Response		0		0		0		0		0
Direct Professional	4.3	3	4.3	3	4.7	3	4.7	3	4.3	3
Experience in last 5 yrs	4.3	3	4.3	3	4.7	3	4.7	3	4.3	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		Ü				Ü				
No Response		0		0		0		0		0
Social Worker	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2
Guardian ad Litem	4.0	1	4.0	1	5.0	1	5.0	1	4.0	1
Length of Experience		-		-	2.0	-	2.0	-		-
No Response		0		0		0		0		0
5 Years or fewer		0		0		0		0		0
6 to 10 years	4.0	1	4.0	1	5.0	1	5.0	1	4.0	1
11 to 15 years	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
16 to 20 years	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
21 years or more		0		0		0		0		0
Gender										
No Response		0		0		0		0		0
Male	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Female	4.5	2	4.5	2	5.0	2	5.0	2	4.5	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	4.3	3	4.3	3	4.7	3	4.7	3	4.3	3
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	4.3	3	4.3	3	4.7	3	4.7	3	4.3	3
Over 35,000		0		0		0		0		0

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

Distribution of Court Employee Ratings* 2012 Retention Evaluation Margaret L. Murphy

		Number of Responses										
Survey Category	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean					
Impartiality/Fairness	26	12	8	2	2	2	4.0					
Integrity	26	13	8	2	2	1	4.2					
Judicial Temperament	28	9	11	5	2	1	3.9					
Diligence	26	11	9	3	2	1	4.0					
Overall Evaluation	27	12	8	4	2	1	4.0					

^{*} Ratings are based on direct professional experience.

Juror Survey Results 2012 Retention Evaluation Margaret L. Murphy

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.8	52	13	1	0	0	66
Respectful/Courteous	4.8	53	10	3	0	0	66
Attentive during Proceedings	4.7	49	14	3	0	0	66
Control over Proceedings	4.7	47	16	3	0	0	66
Intelligence/ Skill as a Judge	4.7	49	11	6	0	0	66
Overall Evaluation	4.7	46	14	6	0	0	66

Current and Prior Retention Scores

Margaret L. Murphy

Appointed	Name of Court		
4/20/2005	Homer District Ct		

Retention Attorney Bar Scores

Year	Legal Ability	Impartiality	Integrity	Temperament	Dilligence	Special Skills	Overall Performance
2008	3.6	3.7	3.9	3.4	3.7		3.5
2012	3.8	3.9	4.1	3.8	4		3.9

Peace and Probation Officer Survey Scores

Year	Impartiality	/ Integrity	^r Temperamer	nt Diligence	Special Skills	Overall Performance
2008	4.1	4.5	4.3	4.3		4.4
2012	3.5	3.9	3.9	3.9		3.6