



alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

Philip R. Volland

Name

Anchorage Superior Court

Court

1. Please estimate your workload during your present term.

a) 2 % civil cases

98 % criminal cases

 % court administrative work

100 % Total

b) 98 # of jury trials/year

 # of non-jury trials/year

2 # of administrative appeals/year

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

I am Deputy Presiding Judge for Criminal Matters in the Superior Court for the Third Judicial District. I am also a member of the Criminal Rules Committee.

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 am pleased with my work. I have received satisfaction in the fact that the Phoenix Project has obtained much success in managing the criminal trial case load in Anchorage. Our regular criminal bench/bar meetings have done much to improve relations in the criminal bar.

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 would be pleased to serve another term as a judge for the community of Anchorage.

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:** 3AN-08-2257CR & 2256CR

v. Binkley & Beruman co-defs

Attorneys Involved:

Name: <u>Taylor Winston</u>	Name: <u>Paul Maslakowski</u>
Address: <u>310 K Street, Suite 520</u>	Address: <u>1517 S. Industrial Way #1</u>
City, State, Zip: <u>Anchorage, Alaska 99501</u>	City, State, Zip: <u>Palmer, Alaska 99645</u>
Name: <u>Keri Ann Brady</u>	Name: _____
Address: <u>750 W Second Av Suite 104</u>	Address: _____
City, State, Zip: <u>Anchorage, Alaska 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3AN-10-07911 CR

v. Sandy Phan

Attorneys Involved:

Name: <u>Regan Williams</u>	Name: <u>Barrett Schultz</u>
Address: <u>310 K Street, Suite 520</u>	Address: <u>900 W. 5th Av #200</u>
City, State, Zip: <u>Anchorage, Alaska 99501</u>	City, State, Zip: <u>Anchorage, Alaska 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3AN-10-05982CR

v. Michael Phillips

Attorneys Involved:

Name: <u>Jason Gist</u>	Name: <u>Lisa Kelley</u>
Address: <u>310 K Street, Suite 520</u>	Address: <u>900 W. 5th Av #200</u>
City, State, Zip: <u>Anchorage, Alaska 99501</u>	City, State, Zip: <u>Anchorage, Alaska 99501</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: _____ 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: _____

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: YVONNE PERKINS-WILLIAMS Case Number: 3AN-08-09864CI
v. STATE OF ALASKA, HRC et al.

Attorneys Involved:

Name: Joseph P. Josephson Name: Lauri J. Adams
Address: 912 W 6TH AVE Address: 600 TELEPHONE AVE MS 65
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Anchorage, AK 99503

Name: William E. Milks Name: _____
Address: 123 4TH ST 6TH FLOOR Address: _____
City, State, Zip: Juneau, AK 99801 City, State, Zip: _____

Case Number 2

Case Name: Gina Weaver Case Number: 3AN-10-09839CI
v. Ak Dept of Revenue

Attorneys Involved:

Name: Gina Weaver Pro Se Name: Michael Barber
Address: 4110 Debarr Road #D-30 Address: PO BOX 110300
City, State, Zip: Anchorage, AK 99508 City, State, Zip: Juneau, AK

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

Case Number 3

Case Name: Charlie Parello dba Pulse Case Number: 3AN-09-12728CI
v. Alaska HRC

Attorneys Involved:

Name: Joan Wilkerson Name: William Milks
Address: 123 4th St 6th Floor Address: 123 4th St 6th Floor
City, State, Zip: Juneau, AK 99801 City, State, Zip: Juneau, AK 99801

Name: Joseph Josephson Name: _____
Address: 912 W 6th Ave Address: _____
City, State, Zip: Anchorage AK 99501 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 Philip R. Volland, Superior Court, Anchorage

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 Volland 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	4.3	---	---	---	---
Impartiality	4.3	4.4	4.9	4.5	---
Integrity	4.4	4.5	---	4.6	---
Temperament	4.3	4.6	5.0	4.4	---
Diligence	4.4	4.3	---	4.4	---
Overall	4.3	4.3	4.9	4.5	---

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 Volland on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Volland on overall performance was 4.3. Peace and probation officers gave Judge Volland a rating of 4.3. Jurors rated him 4.9 overall and court employees gave him 4.5. No social workers or guardians ad litem rated Judge Volland. The Alaska Judicial Observers rated him 3.76.

Recommendation: Vote "YES" to retain Judge Philip R. Volland

For more information go to
www.knowyouralaskajudges.com

Judge Philip R. Volland: 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		7		6		11		6		24		4
Direct Professional	4.3	168	4.3	168	4.4	166	4.3	169	4.4	164	4.3	169
Experience in last 5 yrs	4.3	145	4.2	145	4.4	143	4.3	146	4.4	143	4.3	145
Experience not in last 5 yrs	4.6	20	4.5	20	4.7	20	4.6	20	4.4	18	4.5	20
Professional Reputation	4.5	64	4.3	66	4.5	64	4.3	64	4.5	53	4.4	66
Other Personal Contacts	4.3	11	4.5	10	4.7	9	4.3	11	4.3	9	4.5	11
Type of Practice												
No Response		3		3		5		2		7		2
Private, Solo	4.3	33	4.2	34	4.5	32	4.4	34	4.5	33	4.3	35
Private, 2-5 Attorneys	3.9	27	3.9	27	3.9	27	3.9	27	3.9	26	3.9	27
Private, 6+ Attorneys	4.5	15	4.1	14	4.5	14	4.3	14	4.6	14	4.4	15
Private, Corporate Employee	5.0	3	4.7	3	5.0	3	4.7	3	4.7	3	4.7	3
Judge or Judicial Officer	4.7	30	4.6	30	4.7	30	4.6	30	4.7	29	4.7	30
Government	4.3	51	4.3	51	4.3	51	4.3	52	4.4	50	4.3	50
Public Service Agency/Org	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Other	4.8	6	5.0	6	5.0	6	5.0	6	5.0	6	5.0	6
Years of Practice in Alaska												
No Response		3		3		5		3		9		1
5 Years or fewer	4.7	11	4.8	11	4.8	11	4.8	12	4.7	11	4.6	11
6 to 10 years	4.1	15	3.9	14	4.0	15	4.3	15	4.5	15	4.3	14
11 to 15 years	4.7	13	4.5	13	4.5	13	4.5	13	4.5	12	4.5	13
16 to 20 years	4.2	13	4.0	13	4.2	13	4.2	13	4.4	13	4.2	13
21 years or more	4.3	111	4.2	112	4.4	109	4.2	111	4.3	108	4.2	113
Gender												
No Response		3		3		5		2		8		1
Male	4.3	120	4.2	119	4.4	118	4.3	120	4.4	117	4.3	121
Female	4.5	47	4.4	48	4.5	47	4.3	48	4.5	46	4.5	47
Cases Handled												
No Response		3		3		5		2		6		2
Prosecution	4.7	20	4.9	20	4.8	20	4.8	20	4.8	20	4.7	20
Mainly Criminal	3.9	19	3.8	18	3.8	19	4.3	20	4.4	19	4.0	18
Mixed Criminal & Civil	4.3	54	4.1	54	4.4	53	4.2	53	4.3	52	4.2	54
Mainly Civil	4.4	70	4.4	71	4.4	69	4.3	71	4.4	69	4.3	72
Other	5.0	2	4.5	2	4.5	2	4.0	2	4.5	2	4.5	2
Location of Practice												
No Response		2		3		5		2		7		2
First District	5.0	5	5.0	5	5.0	5	4.8	5	5.0	5	5.0	5
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	4.3	150	4.3	149	4.4	149	4.3	150	4.4	145	4.3	150
Fourth District	3.6	9	3.6	9	3.9	7	3.8	9	3.8	9	3.8	9
Outside of Alaska	5.0	2	4.5	2	5.0	2	5.0	2	5.0	2	5.0	2

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

**Judge Philip R. Volland
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		1		2		3		2
Direct Professional	4.4	31	4.5	31	4.6	30	4.3	29	4.3	30
Experience in last 5 yrs	4.4	30	4.4	30	4.6	29	4.3	28	4.3	29
Experience not in last 5 yrs	4.0	1	5.0	1	5.0	1	4.0	1	4.0	1
Professional Reputation	3.6	9	3.9	9	3.8	9	4.0	9	3.8	9
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		0		0		1		2		1
State Law Enforcement Officer	4.4	10	4.3	10	4.8	9	4.3	9	4.3	9
Municipal/Borough Law Enforcement Officer	4.3	10	4.6	10	4.6	10	4.3	9	4.4	10
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.4	11	4.5	11	4.4	11	4.2	11	4.2	11
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		0		0		1		2		1
5 Years or fewer	4.4	7	4.1	7	4.4	7	4.3	7	4.2	6
6 to 10 years	4.9	7	4.9	7	4.9	7	4.9	7	4.9	7
11 to 15 years	4.5	4	4.5	4	4.5	4	4.5	4	4.5	4
16 to 20 years	3.9	7	4.1	7	4.5	6	3.7	6	3.9	7
21 years or more	4.2	5	4.6	5	4.8	5	4.5	4	4.4	5
Gender										
No Response		0		0		1		2		1
Male	4.3	17	4.5	17	4.8	16	4.4	15	4.4	16
Female	4.4	14	4.4	14	4.3	14	4.1	14	4.2	14
Location of Work										
No Response		0		0		1		2		1
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.4	31	4.5	31	4.6	30	4.3	29	4.3	30
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		0		0		1		2		1
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	4.0	2	5.0	2	5.0	2	4.5	2	4.5	2
Over 35,000	4.4	29	4.4	29	4.5	28	4.3	27	4.3	28

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

Distribution of Court Employee Ratings* 2012 Retention Evaluation Philip R. Volland							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	35	18	15	2	0	0	4.5
Integrity	36	23	11	2	0	0	4.6
Judicial Temperament	37	20	13	2	2	0	4.4
Diligence	34	18	13	2	1	0	4.4
Overall Evaluation	37	21	13	2	1	0	4.5

* Ratings are based on direct professional experience.

Juror Survey Results 2012 Retention Evaluation Philip R. Volland							
Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.9	209	14	0	0	0	223
Respectful/Courteous	5.0	213	9	1	0	0	223
Attentive during Proceedings	4.8	179	34	10	0	0	223
Control over Proceedings	4.9	206	16	0	0	0	222
Intelligence/ Skill as a Judge	4.9	210	12	1	0	0	223
Overall Evaluation	4.9	209	12	2	0	0	223

Current and Prior Retention Scores

Philip R. Volland

Appointed	Name of Court
11/14/2002	Anchorage Superior Ct

Retention Attorney Bar Scores

Year	Legal Ability	Impartiality	Integrity	Temperament	Dilligence	Special Skills	Overall Performance
2006	4.4	4.4	4.5	4.4	4.5		4.5
2012	4.3	4.3	4.4	4.3	4.4		4.3

Peace and Probation Officer Survey Scores

Year	Impartiality	Integrity	Temperament	Diligence	Special Skills	Overall Performance
2006	4.2	4.3	4.1	4.3		4.3
2012	4.4	4.5	4.6	4.3		4.3