



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969
http://www.ajc.state.ak.us

(907)279-2526 FAX (907)276-5046
E-mail: postmaster@ajc.state.ak.us

RECEIVED

NOV 17 2011

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

Michael L. Wolverton

Anchorage Superior Court

Name

Court

1. Please estimate your workload during your present term.

a) <u>5</u> % civil cases	b) <u>4-20</u> # of jury trials/year
<u>95</u> % criminal cases	<u>2-5</u> # of non-jury trials/year
<u>0</u> % court administrative work	<u>12</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 one of the five Anchorage Superior Court criminal bench judges, I participate in the Anchorage bench/bar meetings. I have also volunteered to handle the IDP Plus calendar for probationers with mental health issues.

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.

When I wake up in the morning, I look forward to going to work, and for this I am truly thankful. I enjoy the people I work with in the justice system, and I enjoy the challenges of the job.

Despite the number of years that I have been on the bench, the work has never grown stale for me, and in some respects I feel that my daily courtroom performance has been better than ever. I have particularly enjoyed working with a new generation of attorneys as they develop their skills.

We are fortunate to have two judicial conferences every year where we receive training and information that is timely and useful. At these conferences, and in our daily work, we have the opportunity to interact and consult with judicial colleagues, making the learning process continual and productive.

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.

I went through divorce proceedings in 2006.

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: SOA **Case Number:** 3AN-11-7367 CR

v. Kyle Smith

Attorneys Involved:

Name: John Darnall

Name: Sidney K. Billingslea

Address: 310 K Street

Address: 134 West 15th Avenue

City, State, Zip: Anchorage, Alaska 99501

City, State, Zip: Anchorage, Alaska 99501

Name: Katie Summers

Name: _____

Address: 310 K Street

Address: _____

City, State, Zip: Anchorage, Alaska 99501

City, State, Zip: _____

Case Number 2

Case Name: SOA **Case Number:** 3AN-11-2363 CR

v. Richard Booth

Attorneys Involved:

Name: Joshua Kindred

Name: Erika Kahill

Address: 310 K Street

Address: 900 West 5th Avenue

City, State, Zip: Anchorage, Alaska 99501

City, State, Zip: Anchorage, Alaska 99501

Name: _____

Name: Catherine Boruff

Address: _____

Address: 900 West 5th Avenue

City, State, Zip: _____

City, State, Zip: Anchorage, Alaska 99501

Case Number 3

Case Name: SOA **Case Number:** 3AN-09-14900 CR

v. Jason Geisler

Attorneys Involved:

Name: Robert Henderson

Name: Adam Bartlett

Address: 310 K Street

Address: 745 West 4th Avenue

City, State, Zip: Anchorage, Alaska 99501

City, State, Zip: Anchorage, Alaska 99501

Name: Patrick Sherry

Name: _____

Address: 310 K Street

Address: _____

City, State, Zip: Anchorage, Alaska 99501

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: SOA **Case Number:** 3AN-08-9468 CR
 v. Steven Saepharn

Attorneys Involved:

Name: Robert Corbisier	Name: Rex Butler
Address: 310 K Street	Address: 745 West 4th Avenue
City, State, Zip: Anchorage, Alaska 99501	City, State, Zip: Anchorage, Alaska 99501
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: ITMO D.Z. **Case Number:** 3AN-10-77; 10-55; 09-95 DL
 v. _____

Attorneys Involved:

Name: Jay Fayette	Name: Chris Provost
Address: 310 K Street	Address: 900 West 5th Avenue, #525
City, State, Zip: Anchorage, Alaska 99501	City, State, Zip: Anchorage, Alaska 99501
Name: Patrick Bergt	Name: Matthew Widmer
Address: 310 K Street	Address: 900 West 5th Avenue, #525
City, State, Zip: Anchorage, Alaska 99501	City, State, Zip: Anchorage, Alaska 99501

Case Number 3

Case Name: SOA **Case Number:** 3AN-05-11345 CR
 v. Kenneth J. Dubie Jr.

Attorneys Involved:

Name: Alison Collins	Name: Pamela Dale
Address: P.O. Box 1363	Address: 814 West 2nd Avenue
City, State, Zip: Palmer, Alaska 99645	City, State, Zip: Anchorage, Alaska 99501
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: SOA Case Number: 3AN-07-6075 CR

v. Levar Taylor

Attorneys Involved:

Name: Paul Miovas	Name: Mark Cucci
Address: 310 K Street	Address: 900 West 5th Avenue, #525
City, State, Zip: Anchorage, Alaska 99501	City, State, Zip: Anchorage, Alaska 99501
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: SOA Case Number: 3AN-07-6076 CR

v. Bernie Moffit

Attorneys Involved:

Name: Paul Miovas	Name: Steve Wells
Address: 310 K Street	Address: 711 H Street, #450
City, State, Zip: Anchorage, Alaska 99501	City, State, Zip: Anchorage, Alaska 99501
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Due to the fact that my caseload consists almost exclusively of felonies, my staff and I cannot come up with a third case in this category.

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 Michael L. Wolverton, 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 Wolverton 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	4.1	---	---	---	---
Impartiality	4.3	4.0	4.9	4.6	4.0
Integrity	4.4	4.1	---	4.5	4.0
Temperament	4.4	3.9	4.9	4.6	4.0
Diligence	4.0	4.0	---	4.5	4.0
Overall	4.2	4.0	4.9	4.6	4.0

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 Wolverton on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Wolverton on overall performance was 4.2. Peace and probation officers gave Judge Wolverton a rating of 4.0. Jurors rated him 4.9 overall, court employees gave him 4.6, and social workers and guardians ad litem rated him at 4.0. The Alaska Judicial Observers rated him 3.40.

Recommendation: Vote "YES" to retain Judge Michael L. Wolverton

For more information go to
www.knowyouralaskajudges.com

Judge Michael L. Wolverton: 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		5		5		9		5		15		3
Direct Professional	4.1	176	4.3	176	4.4	173	4.4	176	4.0	170	4.2	178
Experience in last 5 yrs	4.2	135	4.3	136	4.4	134	4.3	136	3.9	133	4.2	136
Experience not in last 5 yrs	4.1	40	4.4	39	4.5	38	4.5	39	4.1	36	4.3	41
Professional Reputation	4.2	48	4.3	48	4.5	47	4.4	48	4.1	45	4.2	48
Other Personal Contacts	4.3	7	4.3	7	4.4	7	4.3	7	4.5	6	4.4	7
Type of Practice												
No Response		3		3		5		2		8		1
Private, Solo	4.4	43	4.5	43	4.6	43	4.5	43	4.3	42	4.5	44
Private, 2-5 Attorneys	4.2	29	4.3	29	4.4	28	4.4	29	4.2	28	4.3	29
Private, 6+ Attorneys	4.3	10	4.8	10	4.8	10	4.7	10	4.6	10	4.7	10
Private, Corporate Employee	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2
Judge or Judicial Officer	4.5	31	4.7	31	4.8	31	4.6	31	4.2	29	4.5	31
Government	3.7	54	3.9	54	4.0	53	4.1	55	3.4	53	3.8	55
Public Service Agency/Org	--	0	--	0	--	0	--	0	--	0	--	0
Other	4.3	4	3.8	4	4.5	4	4.5	4	4.0	4	4.0	4
Years of Practice in Alaska												
No Response		3		3		5		2		9		1
5 Years or fewer	4.3	16	4.4	17	4.6	16	4.7	17	4.1	18	4.4	18
6 to 10 years	4.1	12	4.1	12	4.4	12	4.4	12	3.7	12	4.1	12
11 to 15 years	4.2	13	4.2	13	4.3	12	4.2	13	3.9	12	4.1	13
16 to 20 years	3.7	18	4.1	17	4.1	17	4.0	18	3.6	17	3.9	18
21 years or more	4.2	111	4.4	111	4.5	111	4.4	110	4.1	105	4.3	111
Gender												
No Response		3		3		5		2		8		1
Male	4.1	123	4.2	123	4.4	123	4.4	123	3.9	118	4.2	123
Female	4.3	50	4.6	50	4.5	48	4.4	51	4.3	50	4.5	52
Cases Handled												
No Response		3		3		5		2		8		1
Prosecution	3.9	22	3.8	22	4.3	22	4.2	22	3.2	22	3.8	22
Mainly Criminal	4.4	28	4.6	29	4.6	29	4.6	29	4.2	28	4.5	29
Mixed Criminal & Civil	4.3	53	4.4	53	4.5	52	4.5	53	4.3	52	4.4	53
Mainly Civil	4.0	64	4.3	63	4.4	62	4.3	63	3.9	60	4.1	65
Other	4.5	4	4.5	4	4.3	4	4.3	4	4.0	4	4.3	4
Location of Practice												
No Response		3		3		5		2		8		1
First District	4.0	4	4.0	4	4.3	4	4.3	4	3.8	4	4.0	4
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	4.2	162	4.3	162	4.4	160	4.4	162	4.0	156	4.2	163
Fourth District	4.0	4	4.0	4	4.0	4	3.5	4	3.3	4	3.8	4
Outside of Alaska	4.5	2	5.0	2	5.0	2	5.0	2	4.3	3	4.7	3

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

**Judge Michael L. Wolverton
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		3		3		2		4		1
Direct Professional	4.0	35	4.1	35	3.9	36	4.0	34	4.0	37
Experience in last 5 yrs	4.0	32	4.1	32	3.9	33	4.0	31	3.9	34
Experience not in last 5 yrs	4.0	3	4.0	3	4.3	3	4.3	3	4.0	3
Professional Reputation	3.5	8	3.8	8	3.8	8	3.8	8	3.8	8
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		2		2		1		3		0
State Law Enforcement Officer	4.5	13	4.6	13	4.4	14	4.7	12	4.5	15
Municipal/Borough Law Enforcement Officer	3.3	9	3.6	9	3.6	9	3.4	9	3.3	9
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	3.9	13	3.9	13	3.8	13	3.8	13	3.7	13
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		2		2		1		3		0
5 Years or fewer	4.4	7	4.3	7	4.0	7	4.1	8	4.3	8
6 to 10 years	4.5	8	4.6	8	4.4	9	4.4	8	4.4	9
11 to 15 years	3.5	8	3.5	8	3.6	8	4.0	8	3.5	8
16 to 20 years	3.7	6	3.7	6	3.8	6	3.5	6	3.5	6
21 years or more	3.8	5	4.2	5	3.8	5	4.3	3	4.0	5
Gender										
No Response		2		2		1		3		0
Male	4.2	20	4.2	20	4.1	21	4.3	20	4.1	22
Female	3.8	15	4.0	15	3.8	15	3.6	14	3.7	15
Location of Work										
No Response		2		2		1		3		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.0	35	4.1	35	3.9	36	4.0	34	4.0	37
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		2		2		1		3		0
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	4.3	4	4.5	4	4.0	4	4.5	4	4.3	4
Over 35,000	4.0	31	4.0	31	3.9	32	3.9	30	3.9	33

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

Judge Michael L. Wolverton
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	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Experience in last 5 yrs	4.0	1	4.0	1	4.0	1	4.0	1	4.0	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
Type of Work										
No Response		0		0		0		0		0
Social Worker	--	0	--	0	--	0	--	0	--	0
Guardian ad Litem	--	0	--	0	--	0	--	0	--	0
Length of Experience										
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	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		0		0		0		0		0
Male	--	0	--	0	--	0	--	0	--	0
Female	--	0	--	0	--	0	--	0	--	0
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	--	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	--	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 Michael L. Wolverton							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	44	28	14	1	1	0	4.6
Integrity	44	27	13	3	1	0	4.5
Judicial Temperament	45	29	15	1	0	0	4.6
Diligence	43	27	11	4	1	0	4.5
Overall Evaluation	45	29	15	1	0	0	4.6

* Ratings are based on direct professional experience.

**Juror Survey Results
2012 Retention Evaluation
Michael L. Wolverton**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.9	130	14	1	0	0	145
Respectful/Courteous	4.9	137	7	1	0	0	145
Attentive during Proceedings	4.9	134	9	2	0	0	145
Control over Proceedings	4.9	130	13	2	0	0	145
Intelligence/ Skill as a Judge	4.9	126	17	2	0	0	145
Overall Evaluation	4.9	129	14	2	0	0	145

Current and Prior Retention Scores

Michael L. Wolverton

Appointed	Name of Court
8/26/1988	Anchorage District Ct
12/4/1996	Anchorage Superior Ct

Retention Attorney Bar Scores

Year	Legal Ability	Impartiality	Integrity	Temperament	Dilligence	Special Skills	Overall Performance
1990	4.2	4.4	4.5	4.4	4.2		4.3
1994	4.2	4.4	4.4	4.4	4.2		4.3
2000	4.1	4.3	4.3	4.3	4	4.2	4.1
2006	4	4.2	4.4	4.3	4		4.2
2012	4.1	4.3	4.4	4.4	4		4.2

Peace and Probation Officer Survey Scores

Year	Impartiality	Integrity	Temperament	Diligence	Special Skills	Overall Performance
1990	4	4.2	4.1	4		4
1994	4.1	4.1	4.1	4		4.1
2000	4.3	4.2	4.3	4.2	4.3	4.2
2006	3.6	3.9	3.6	3.6		3.6
2012	4	4.1	3.9	4		4