

Alaska Judicial Council Summary of Performance Evaluation for:

Justice Joel H. Bolger Alaska Supreme Court

The Judicial Council finds Justice Bolger to be **qualified** and recommends unanimously that the public vote “**YES**” to retain him as a supreme court justice.

Summary

The Judicial Council’s recommendation to vote “YES” on Justice Bolger is based on his overall performance, including: evaluations by attorneys and other professionals who have direct experience with Justice Bolger; public records; APOC files; and any disciplinary files.

The Council researched other aspects of Justice Bolger’s performance, such as whether his pay was withheld for untimely decisions. Based on its review of all this information, the Judicial Council recommends a “YES” vote on Justice Bolger. Performance evaluation information about Justice Bolger is detailed below.

Details

1. **Biographical Information.** Justice Bolger has been a supreme court justice since 2013. This is his first retention election as a justice, and his fourth retention election overall. For more biographical information about Justice Bolger, click [here](#).
2. **Survey Ratings.** People who had direct experience with the justice took a survey to rate him on qualities such as legal ability, impartiality and fairness, integrity, judicial temperament, diligence, and overall performance. These survey participants used a 1 to 5 scale to evaluate the justice’s performance, where 5.0 was “excellent,” 4.0 was “good,” 3.0 was “acceptable,” 2.0 was “deficient,” and 1.0 was “poor.”

Attorney Survey Results. Attorneys who responded to the Judicial Council’s survey on Justice Bolger’s performance gave him an average rating of 4.6 overall. For detailed attorney survey results on Justice Bolger, click [here](#).

Court Employee Survey Results. Court employees who responded to the Judicial Council’s survey on Justice Bolger gave him an average rating of 4.8 overall. For detailed court employee survey results on Justice Bolger, click [here](#).

3. **Salary Withholdings.** Alaska law requires a justice’s pay to be withheld for unfinished work. No salary was withheld for Justice Bolger during this time. For general information about salary withholding, click [here](#).



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OCT 27 2015

ALASKA JUDICIAL COUNCIL

alaska judicial council

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Alaska Judicial Council Appellate Judge Questionnaire

2016 Candidates for Judicial Retention

October 2015

Joel H. Bolger

Name

Alaska Supreme Court

Court

1. Please estimate your workload during your present term.

a) 85 % civil cases
10 % criminal cases
5 % court administrative work
100 % Total

b) 0 # of trials/year (as trial judge, if any)

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

I serve as Co-chair of the Criminal Justice Working Group a collaborative group of court personnel and criminal justice agency administrators. I also serve as a member of the Supreme Court Fairness, Diversity, and Equality Committee.

I have also participated in several subcommittees, subgroups, and special projects, including the Dual Status Initiative Committee (studying youth involved with both OCS and DJJ), the Prisoner Reentry Initiative Council, a Prisoner Transportation Subgroup (studying ways to decrease the cost of prisoner transportation), and a Therapeutic Court Standards Project (seeking to draft statewide standards for problem-solving courts).

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 have written over sixty opinions and memorandum decisions since I joined the Alaska Supreme Court. It has been a great honor for me to serve on a court of final jurisdiction and to consider legal issues of statewide significance. During this process, I have tried to maintain the proper deference to the opinions of my colleagues, to the importance of precedent, to the special competencies of legislative and executive branch officials, and to the factual determinations of lower courts and administrative agencies.

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 2016 retention elections.

Thank you for the time you volunteer for these important evaluations.

For questions 7 and 8, please do not list any cases that have pending issues in your court.

7. Please list your six most recent opinions 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 appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: Helen Wilson Case Number: S-15496
 v. Dep't of Law & Off. Pub. Adv.

Attorneys Involved:

Name: <u>Shelley Chaffin</u>	Name: <u>Laura Fox</u>
Address: <u>3216 Tayshee Circle</u>	Address: <u>1031 W 4th Ave, Ste 200</u>
City, State, Zip: <u>Anchorage, AK 99504</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Elizabeth Russo</u>	Name: _____
Address: <u>900 W 5th Ave, Ste 525</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: Matthew P. Case Number: S-15735
 v. Gail P.

Attorneys Involved:

Name: <u>Anthony Sholty</u>	Name: _____
Address: <u>8420 Airport Blvd, Ste 101</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Mark Horne Case Number: S-15337
 v. Belinda Touhakis

Attorneys Involved:

Name: <u>self-represented</u>	Name: <u>self-represented</u>
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 4

Case Name: Grant Miller & Whiting Aquafarm **Case Number:** S-15370
v. Dep't of Env'tl. Conservation

Attorneys Involved:

Name: <u>Teka Lamade</u>	Name: <u>David Jones</u>
Address: <u>202 B Katlian St</u>	Address: <u>1031 W 4th Ave, Ste 200</u>
City, State, Zip: <u>Sitka, AK 99835</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

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

Case Number 5

Case Name: George Jacko & Jackie Hobson **Case Number:** S-15516
v. State of Alaska & Pebble Ltd.

Attorneys Involved:

Name: <u>Timothy McKeever</u>	Name: <u>Joanne Grace</u>
Address: <u>701 W 8th Ave, Ste 700</u>	Address: <u>1031 W 4th Ave, Ste 200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>Matthew Singer</u>	Name: _____
Address: <u>601 W 5th Ave, Ste 700</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 6

Case Name: Shirley Hagan **Case Number:** S-15479
v. Gunnar Strobel & Alan Skolnick

Attorneys Involved:

Name: <u>James Wendt</u>	Name: <u>Donna Meyers</u>
Address: <u>425 G St, Ste 610</u>	Address: <u>1007 W 3rd Ave, Ste 400</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

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

- 8. *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 appeals. (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: _____

Table 10
Joel H. Bolger
Demographic Description of Respondents

	<i>n</i>	<i>%</i>
All respondents	321	100.0
Experience with Justice		
Direct professional experience	240	74.8
Professional reputation	55	17.1
Other personal contacts	26	8.1
Detailed Experience*		
Recent experience (within last 5 years)	209	87.1
Substantial amount of experience	67	27.9
Moderate amount of experience	91	37.9
Limited amount of experience	82	34.2
Type of Practice		
No response	4	1.2
Private, solo	55	17.1
Private, 2-5 attorneys	33	10.3
Private, 6+ attorneys	48	15.0
Private, corporate employee	8	2.5
Judge or judicial officer	55	17.1
Government	87	27.1
Public service agency or organization	7	2.2
Retired	16	5.0
Other	8	2.5
Length of Alaska Practice		
No response	6	1.9
5 years or fewer	23	7.2
6 to 10 years	22	6.9
11 to 15 years	29	9.0
16 to 20 years	23	7.2
More than 20 years	218	67.9
Cases Handled		
No response	2	0.6
Prosecution	16	5.0
Criminal	28	8.7
Mixed criminal & civil	87	27.1
Civil	164	51.1
Other	24	7.5
Location of Practice		
No response	2	0.6
First District	28	8.7
Second District	5	1.6
Third District	253	78.8
Fourth District	29	9.0
Outside Alaska	4	1.2
Gender		
No response	4	1.2
Male	206	64.2
Female	111	34.6

*Only among those respondents reporting direct professional experience with the justice.

Table 11
Joel H. Bolger
Detailed Responses

	<i>n</i>	Legal Ability <i>M</i>	Impartiality/ Fairness <i>M</i>	Integrity <i>M</i>	Judicial Temperament <i>M</i>	Diligence <i>M</i>	Overall <i>M</i>
All respondents	321	4.5	4.5	4.7	4.6	4.5	4.6
Basis for Evaluation							
Direct professional experience	240	4.5	4.5	4.6	4.6	4.5	4.6
Experience within last 5 years	209	4.5	4.5	4.6	4.6	4.5	4.5
Experience not within last 5 years	29	4.7	4.7	4.7	4.6	4.7	4.7
Substantial amount of experience	67	4.6	4.6	4.7	4.6	4.7	4.7
Moderate amount of experience	91	4.5	4.5	4.6	4.6	4.5	4.6
Limited amount of experience	82	4.4	4.5	4.6	4.5	4.4	4.5
Professional reputation	55	4.4	4.5	4.6	4.7	4.5	4.5
Other personal contacts	26	4.5	4.7	4.9	4.8	4.5	4.8
Type of Practice*							
Private, solo	41	4.4	4.4	4.6	4.6	4.5	4.6
Private, 2-5 attorneys	27	4.2	4.3	4.4	4.4	4.2	4.2
Private, 6+ attorneys	37	4.6	4.6	4.9	4.8	4.7	4.6
Private, corporate employee	6	4.3	4.2	4.4	3.7	4.2	4.2
Judge or judicial officer	46	4.7	4.7	4.8	4.7	4.7	4.8
Government	61	4.5	4.5	4.5	4.5	4.5	4.5
Public service agency or organization	4	4.5	4.8	4.8	4.3	4.8	5.0
Retired	12	4.7	4.6	4.6	4.6	4.7	4.7
Other	4	4.5	4.8	4.8	4.8	4.0	4.8
Length of Alaska Practice*							
5 years or fewer	13	4.2	4.3	4.4	4.5	4.4	4.3
6 to 10 years	14	4.3	4.5	4.6	4.2	4.4	4.5
11 to 15 years	19	4.6	4.3	4.6	4.7	4.6	4.5
16 to 20 years	19	4.7	4.7	4.8	4.8	4.8	4.8
More than 20 years	170	4.5	4.5	4.6	4.6	4.5	4.6
Cases Handled*							
Prosecution	11	5.0	4.9	4.8	4.7	4.9	4.9
Criminal	24	4.3	4.0	4.2	4.3	4.5	4.3
Mixed criminal & civil	73	4.5	4.5	4.6	4.6	4.5	4.6
Civil	116	4.5	4.5	4.7	4.6	4.5	4.6
Other	15	4.7	4.8	4.8	4.7	4.6	4.8
Location of Practice*							
First District	19	4.3	4.3	4.5	4.5	4.3	4.4
Second District	3	4.7	5.0	5.0	4.0	4.7	4.7
Third District	193	4.6	4.6	4.7	4.7	4.6	4.7
Fourth District	21	3.7	3.9	4.1	4.1	4.0	3.8
Outside Alaska	3	5.0	5.0	5.0	5.0	5.0	5.0
Gender*							
Male	160	4.5	4.5	4.7	4.6	4.5	4.6
Female	78	4.5	4.5	4.6	4.5	4.5	4.5

*Ratings from only those respondents reporting direct professional experience with the justice.

Table 4
Joel H. Bolger
Description of Respondents' Experience

	<i>n</i>	%
All respondents	53	100.0
Experience with Justice		
Direct professional experience	42	79.2
Professional reputation	3	5.7
Other personal contacts	8	15.1
Detailed Experience*		
Recent experience (within last 5 years)	38	90.5
Substantial amount of experience	13	31.0
Moderate amount of experience	15	35.7
Limited amount of experience	13	31.0

*Only among those respondents reporting direct professional experience with the justice.

Table 5
Joel H. Bolger
Detailed Responses

	<i>n</i>	Impartiality/ Fairness <i>M</i>	Integrity <i>M</i>	Judicial Temperament <i>M</i>	Diligence <i>M</i>	Overall Evaluation <i>M</i>
All respondents	53	4.8	4.8	4.8	4.7	4.8
Basis for Evaluation						
Direct professional experience	42	4.8	4.9	4.8	4.8	4.8
Experience within last 5 years	38	4.9	4.9	4.8	4.8	4.8
Experience not within last 5 years	1	5.0	5.0	5.0	5.0	5.0
Substantial amount of experience	13	4.7	4.8	4.4	4.7	4.6
Moderate amount of experience	15	4.9	4.9	5.0	4.7	4.8
Limited amount of experience	13	5.0	4.8	4.9	5.0	4.9
Professional reputation	3	4.3	4.7	4.3	4.3	4.3
Other personal contacts	8	4.7	4.8	5.0	4.8	4.8



alaska judicial council

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Salary Warrant Withholding

Alaska law states: "A salary disbursement may not be issued to a [justice or judge] until the [justice or judge] has filed with the state officer designated to issue salary disbursements an affidavit that no matter referred to the [justice or judge] for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months." As soon as the judge completes or decides the matter and signs the affidavit, the salary warrant may be issued.

No appellate judge had any salary warrants withheld. The appellate judges on the 2016 ballot are Supreme Court Justice Peter Maassen, Supreme Court Justice Joel Bolger, and Court of Appeals Judge Marjorie Allard.

Of the sixteen superior court judges on the ballot in 2016, two had pay withheld during the evaluation period:

Judge Pallenberg had four salary warrants withheld during the evaluation period:

<u>Pay period</u>	<u>Regular warrant date:</u>	<u>Late Pay issued:</u>
2/29/2012	3/9/2012	3/13/2012
1/15/2013	1/25/2013	1/31/2013
2/15/2015	2/24/2015	3/2/2015
3/31/2015	4/9/2015	4/13/2015

Judge White had two salary warrants withheld during the evaluation period:

<u>Pay period</u>	<u>Regular warrant date:</u>	<u>Late Pay issued:</u>
10/31/2010	10/09/2010	11/24/2010
2/15/2011	2/24/2011	3/8/2011

Judges Eric Aarseth, Catherine Easter, David George, Bethany Harbison, Jane Kauvar, Kari Kristiansen, Michael MacDonald, Erin Marston, Dwayne McConnell, Anna Moran, Mark Rindner, Kevin Saxby, Jack Smith, and Trevor Stephens had no salary warrants withheld.

No district court judge appearing on the 2016 ballot had salary warrants withheld. The district court judges on the 2016 ballot are Matthew Christian, Patrick Hammers, J. Patrick Hanley, Jennifer Henderson, Margaret Murphy, Thomas Nave, Nathaniel Peters, Daniel Schally, Alex Swiderski, David Wallace, Pamela Washington, and David Zwink.