



Print Questionnaire

alaska judicial council

510 L Street, Suite 450, Anchorage, Alaska 99501
http://www.ajc.state.ak.us

(907) 279-2526

FAX (907) 276-5046

E-mail: postmaster@ajc.state.ak.us

Alaska Judicial Council Trial Judge Questionnaire

2020 Candidates for Judicial Retention

November 2019

Jennifer S. Henderson

Anchorage Superior Court

Name

Court

1. Please estimate your workload during your present term.

a) 80 % civil cases

b) 3 # of jury trials/year

10 % criminal cases

200 # of non-jury trials/year

10 % court administrative work

10 # 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.

I currently preside over the Anchorage Centralized Competency calendar, which encompasses the majority of all Anchorage criminal matters in which there are questions about whether the defendant is competent to proceed to trial. In this capacity, I oversee the tracking of criminal matters through the competency process, preside over numerous competency-involved hearings, and make orders on competency. I also work to provide education to attorneys and others regularly involved in competency-related matters, as well as to other judges, regarding developments in the law on competency and strategies for addressing systemic challenges that have arisen in this area. In addition to this, I presided over the Anchorage Coordinated Resources Project (commonly referred to as mental health court) from September 2017 through March 2019, until transitioning those presiding duties this year to Judge Washington. Presiding over CRP Court involved overseeing the day-to-day administration of the Court, as well as participating in court hearings and pre-court sessions throughout two afternoons each week.

2. (Continued)

I also currently serve as a Training Judge for two Magistrate Judges. Being a Training Judge involves meeting with and evaluating assigned Magistrate Judges on a routine basis, as well as facilitating the training of those judges. Additionally, I serve on the Judicial Conference Planning Committee and on the Alaska Bar Association CLE Committee.

Finally, this year, I was one of a small team of judges, administrators, and stakeholders invited by Chief Justice Bolger to attend a Conference of Chief Justices and State Court Administrators Western States Summit focused on improvement in court systems' and related community systems' responses to individuals experiencing mental illness. The team that attended that summit is now planning a summit in Alaska in early 2020, geared toward educating judges and practitioners in Alaska about ongoing efforts to improve community systems' responses to individuals experiencing mental health issues and about ideas for preventing, or improving, those individuals' encounters with the criminal justice and civil commitment systems.

3. Please describe any judicial or legal education you have undertaken or provided during your current term in office.

During this term, I have attended both the Judicial Conference, and the Newer Judges' Conference on an annual basis. Those conferences provide education for judges regarding many topics, including judicial ethics, legal procedure, effective courtroom management, and a variety of substantive areas of law. In particular, recent conferences have focused upon laws and regulations governing Child in Need of Aid cases, effective handling of those cases, application of the Indian Child Welfare Act, awareness of individual and historical trauma as it may impact both litigants and court personnel, best practices in presiding over cases involving self-represented litigants, and a variety of issues related to judicial ethics and substantive areas of both civil and criminal law. Beyond these annual conferences, I have attended a more specialized conference related to best practices in presiding over Child in Need of Aid cases. I have also studied developments in criminal competency law on a more individual basis, related to my presiding over the Anchorage Centralized Competency calendar. Finally, I studied best practices related to the administration of mental health courts, also on an individual basis, as related to presiding over the Anchorage Coordinated Resources Project.

4. Please describe any public outreach activities.

Part of my work in public outreach occurs during the course of hearing cases, listening to litigants, and responding and explaining my rulings from the bench. This process not only allows me to gather necessary information and to make appropriate decisions, but promotes healthy participation by litigants in their cases, allows those litigants to know that they have been heard, and helps them to have a better understanding of the role of the Court System. Beyond this work, I have accepted invitations to speak with various groups of people, including attorneys and non-attorneys, about subjects such as the role of a judge, the judicial application process in Alaska, my general experience as a practitioner and then as a judge, and best practices for courtroom litigation. I have recently had the opportunity to speak with groups from the Anchorage Young Lawyers' Association, the Alaska Trial Lawyers, the Alaska Press Club, and the Anchorage Youth Court. I also volunteer to serve as a judge in junior high and high-school mock trial competitions at least annually.

5. 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.

Serving as a Superior Court is both incredibly challenging and immensely rewarding. As a Superior Court Judge in Anchorage, I preside primarily over a broad array of civil cases, including a variety of contract, personal injury, wrongful death, general tort, Child in Need of Aid, divorce, custody, domestic violence, civil commitment, guardianship/conservatorship, and trust, will, and estate matters. Additionally, as the judge presiding over the Anchorage Centralized Competency calendar, I conduct frequent hearings related to competency in criminal matters, and oversee the administration of that calendar. The significant volume of cases coming before the Court, the need to learn and apply widely varying areas of law, and the gravity of decision-making called for pose distinct challenges; however, the ability to actively listen to litigants in these cases, and to learn, apply, and explain the law, while reasoning through problems and reaching decisions for parties, provides an extraordinary opportunity to serve the community. Over this past term on the Superior Court, I have worked to more fully understand the numerous areas of complex law that apply in the cases before me, and especially to balance the need for efficiency and timeliness in addressing a large volume of cases with the at least equally significant need to afford parties the time and attention they deserve in litigating their matters. This is a balance that is difficult to strike and that I will continue to focus upon moving forward.

6. 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, the Alaska Court System, or any other agency that resulted in public proceedings or sanctions?
 Yes No

7. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers and outcomes.

8. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2020 retention elections.

There is no additional information that I can think to provide, except to reiterate that I bring to my work a deep commitment to hearing and understanding the parties that come before me, and to fairly and evenly applying the law in all matters that I preside over.

For questions 9 - 12, please do not list any cases that have pending issues in your court.

- 9. 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: Cheryl Marks **Case Number:** 3AN-18-04855CI
 v. Jacob Plunkett

Attorneys Involved:

Name: Jeffrey J. Barber	Name: Wayne Watson
Address: 821 N Street, Ste. 103	Address: 310 K Street, Ste. 306
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Anchorage, AK 99501
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Kristen Yearsley **Case Number:** 3AN-14-10124CI
 v. Robert Ranson, Asefaa Tekw, & Countrywide Preferred Insurance Co.

Attorneys Involved:

Name: Stacy Walker	Name: _____
Address: 329 F Street, Ste. 200	Address: _____
City, State, Zip: Anchorage, AK 99501	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: All other jury trials have matters currently pending. **Case Number:** NA
 v. NA

Attorneys Involved:

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

10. 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: David P. Ash **Case Number:** 3AN-19-07476CI
v. Savannah M. Ash

Attorneys Involved:

Name: <u>Michelle V. Minor</u>	Name: _____
Address: <u>1120 East Huffman Rd., Ste. 664</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99515</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Graeme T. Hopewell **Case Number:** 3AN-18-09095CI
v. Dennis J. Hopewell

Attorneys Involved:

Name: <u>David S. Houston</u>	Name: <u>Richard A. Helm</u>
Address: <u>517 W. Northern Lights Blvd.</u>	Address: <u>721 Sesame St., Ste. 1B</u>
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: <u>Anchorage, AK 99503</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Ariane Ferguson **Case Number:** 3AN-18-11646CI
v. Jules Ferguson

Attorneys Involved:

Name: <u>Lori Ann Colbert</u>	Name: <u>Marc Chicklo</u>
Address: <u>1215 West 8th Ave.</u>	Address: <u>807 G Street, Ste. 100</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: _____

- 11. 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: James S. Salavea **Case Number:** 3AN-18-08459CI
 v. Vanessa E. Salavea

Attorneys Involved:

Name: Herbert A. Viergutz	Name: Evan Barrickman
Address: 912 Hawthorne 205	Address: 745 West 4th Ave., Ste. 250
City, State, Zip: Alexandria, MN 56308	City, State, Zip: Anchorage, AK 99501

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

Case Number 2

Case Name: ITMO: D.E. **Case Number:** 3AN-19-08549PR
 v. _____

Attorneys Involved:

Name: Steven Bookman	Name: Linda Beecher
Address: 1031 W. 4th Ave., Ste. 200	Address: 900 W. 5th Ave., Ste. 200
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Anchorage, AK 99501

Name: Chester Gilmore	Name: Lee Jones
Address: 1007 West 3rd Ave., Ste. 301	Address: P.O. Box 211933
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Anchorage, AK 99521

Case Number 3

Case Name: Mint Dental LLC **Case Number:** 3AN-17-05453CI
 v. Chambers Commercial Real Estate, Inc., et al.

Attorneys Involved:

Name: Nicole Colleen Cusack	Name: Michael L. Lessmeier
Address: 2665 East Tudor Rd., Ste. 202	Address: 8800 Glacier Hwy., Ste. 230A
City, State, Zip: Anchorage, AK 99507	City, State, Zip: Juneau, AK 99801

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

- 12. *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: Jessica A. Stauches-Moye **Case Number:** 3AN-14-04672CI
 v. Joseph J. Stauches

Attorneys Involved:

Name: <u>Jacob A. Sonnenborn</u>	Name: <u>Christina M. Alfonso</u>
Address: <u>421 West 1st Ave., Ste. 220</u>	Address: <u>205 E. Benson Blvd.</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99503</u>

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

Case Number 2

Case Name: Adam Fletcher **Case Number:** 3AN-13-10794CI
 v. Michelle Fletcher

Attorneys Involved:

Name: <u>Charles Gunther</u>	Name: _____
Address: <u>430 West 7th Ave., Ste. 100</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

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

Case Number 3

Case Name: Municipality of Anchorage **Case Number:** 3AN-17-00885CR
 v. Melissa L. Grady

Attorneys Involved:

Name: <u>Erin McCrum - Anchorage Municipal Prosecutor's Office</u>	Name: <u>Laura Newton - Denali Law Group</u>
Address: <u>632 West 6th Ave., Ste. 210</u>	Address: <u>750 West 2nd Ave., Ste. 104</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: _____

(This question pertains to Superior Court judges only.)

State law requires the Council to conduct an evaluation of judges standing for retention, and to provide information to the public about the judges. Under a provision added in 2013, the information the Council provides to the public "shall include the judge's consideration of victims when imposing sentence on persons convicted of felony offenses where the offenses involve victims." (see AS 22.10.150). Although the Council's evaluations address all aspects of judicial performance, including felony sentencing, they have not in the past explicitly solicited judges' thoughts on this topic.

Please submit a short statement about how you consider victims when imposing sentences in felony offenses.

Because I preside over a primarily civil caseload, I do not routinely make sentencing decisions in criminal matters. I have, however, imposed sentences in felony criminal matters while presiding over cases in our Mental Health Court. Whether in a therapeutic or more regular criminal court setting, consideration of a victim's account, perspective, and concerns is crucial to developing as full as possible an understanding of the events underlying criminal charges and/or convictions, and to appropriately applying the Chaney criteria. Victim participation also enhances the ability to provide for meaningful case planning in the therapeutic court setting.

Jennifer Henderson