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alaska judicial council

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Alaska Judicial Council Appellate Judge Questionnaire

2024 Candidates for Judicial Retention

Deadline: November 17, 2023

Marjorie K. Allard
Name

Alaska Court of Appeals
Court

1. Please estimate your workload during your present term.
 - a) % civil cases
 - 85 % criminal cases
 - 15 % court administrative work
 - 100 % Total
 - b) # 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.

-- Alaska Court System Judicial Education Conference Planning Committee, member (2016-present)
 -- Alaska Supreme Court Fairness, Diversity, and Equality Committee, member (2016-present)
 -- Chief Judge, Alaska Court of Appeals (January 2019-present) (responsible for administrative workings of the court including supervision of staff attorneys and the majority of motion work before the court; work closely with the Clerk of the Appellate Courts and the Deputy Clerk; monthly administrative meetings with administrative staff, central staff attorneys, and law clerks; monthly meetings with Chief Justice and Court Administration Director; regular meetings with other presiding judges)
 -- National Association of Women Judges, member (2016-present)

In addition to the above, I have also represented the Court of Appeals in numerous judicial installations and Alaska Bar Association swearing-in ceremonies

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

Judicial Education Undertaken:
Alaska Court System Annual Judicial Conference (2016, 2017, 2018, 2019, 2020, 2022, 2023)
Alaska Bar Association Conference (most years)
National Judicial College, Advanced Skills for Appellate Judges (June 2018)
National Association of Women Judges, 39th Annual Conference (October 2017)

Judicial Education Provided
Presentation to the Judicial Conference (Post-Conviction Relief) October 2022
Presentation to the Judicial Conference (Probation Conditions) April 2022
Presentation to the Judicial Conference (Court of Appeals Roundtable) April 2022
Presentation to the Judicial Conference (Court of Appeals Roundtable) October 2019
Presentation to the Judicial Conference (A Conversation with Appellate Court Judges) October 2017
Presentation to the Newer Judges' Conference ("Try this case only once") January 2023
Presentation to the Newer Judges' Conference (Bail) January 2022
Presentation to the Newer Judges' Conference ("Try this case only once") January 2020
Presentation to the Magistrates' Conference (Bail) March 2022
Annual Appellate Court Law Clerk Training, presentation on Alaska criminal law (September 2016, September 2017, September 2018, September 2019, September 2020; September 2021; September 2022; September 2023)
Harvard Law School, guest speaker on state courts, Professor Adriaan Lanni's Criminal Adjudication class (generally every spring through zoom)
Yale Law School, Liman 20th Anniversary Colloquium, presentation on public interest law/judging, April 2017

4. Please describe any public outreach activities.

-- National Association of Women Judges, Color of Justice, Mentor Jet program, program mentoring high school students
-- National Association of Women Judges, Success Inside and Out program, program mentoring women incarcerated at Hiland Mountain Correctional Center
-- Public Interest Law Job Forum, program for young lawyers
-- Court of Appeals Off-the-Record (bench-bar CLE presented by Court of Appeals judges) September 2022
-- Court of Appeals Off-the-Record (bench-bar CLE presented by Court of Appeals judges) April 2019
-- KSKA "Hometown Alaska" Radio program, Interview with the Court of Appeals Judges, December 2019
-- National Association of Women Judges, Reception in Honor of the Court of Appeals Judges, August 2019
-- Alaska Judicial Council, From the Bar to the Bench, panelist
-- Harvard Law School, Clerking for State Courts, panelist April 2017

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.

This is my second retention election. I was originally appointed by Governor Sean Parnell in 2012 and I began serving on the Court of Appeals in January 2013. I was retained in my first retention election, which was November 2016.

It has been a great privilege and honor to serve on this Court. The Court of Appeals is a high-volume appellate court of exclusively criminal jurisdiction. We hear appeals from misdemeanor and felony cases, juvenile delinquency cases, probation and parole, and post-conviction relief cases. The workload is often overwhelming and challenging but also uniquely rewarding. Over time, I have learned how to manage the workload well and to assist others with their workloads.

I am most proud of the work that has been done on the Court since I was appointed Chief Judge in January 2019. At the time, the Court was facing a substantial backlog that had developed over a number of years as caseloads increased and the third-judge role was primarily filled by a series of temporary pro tem judges. I helped institute a number of administrative changes including creating summary dispositions that ensured that cases were heard sooner and the easier cases were dispensed with efficiently and expeditiously. More recently, I instituted a system of internal deadlines that have helped keep cases on track even when there are dissents or concurrences. These efforts at reform have been greatly assisted by the increased stability of the court and by the addition of a fourth judge in March 2021. I have also worked closely with the State of Alaska's Office of Criminal Appeals, the Alaska Public Defender Agency, and the Office of Public Advocacy to address the problem of briefing delay, which continues to account for a significant amount of the delay in most appellate cases. Although we have not solved the problem of appellate delay, I believe we have taken great strides forward in the last few years and the numbers are all trending in a more positive direction.

I am also very proud of the written work that the Court of Appeals produces. The hallmark of this court has long been its intellectual rigor and the clarity and thoroughness of its decisions. My colleagues and I strive to continue this tradition as best we can and we work collaboratively to ensure that our decisions are well-written and accessible to the different audiences who read them. I have grown tremendously as a judge in my years on the bench and my dedication and commitment to the job has only grown stronger over the years. I am honored to have been given this opportunity and hope to continue to serve the people of Alaska in this position.

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 2024 retention elections.

In 2016, I had my pay withheld six times. At the time, the court was going through a significant transition and the workload was punishingly high because we were down to two permanent members of the court. The only other permanent member of the court had his pay withheld even more than I did and we were both working as hard as we could possibly work. Things improved on the court in 2017 after a third judge was appointed, but the workload continued to be extreme, in part, because of the backlog that had developed. My pay was subsequently withheld once at the end of 2017 and four times in 2018. Once again, I was working as hard as humanly possible but the caseload was overwhelming. At the end of 2019, Meredith Montgomery, Clerk of the Appellate Court, and I submitted a report on the Court of Appeals workload. Based, in part on that report, the Alaska Supreme Court determined that the workload warranted a fourth judge. The legislature subsequently approved a fourth judge, who joined the court in March 2021. I have not had my pay withheld since 2018 and, statistically speaking, I am now the fastest and the most productive judge on the court.

For questions 9 and 10, please do not list any cases that have pending issues in your court.

- 9. Please list your six most recent opinions from your current term in office including case names and numbers. Please list the names and 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: Lindsey Lee Preshaw Case Number: A-13891
 v. State of Alaska

Attorneys Involved:

Name: <u>Jane Martinez</u>	Name: <u>Madison Mitchell</u>
Address: <u>P.O. Box 113201</u>	Address: <u>310 K Street, Ste. 702</u>
City, State, Zip: <u>Anchorage AK 99511-3201</u>	City, State, Zip: <u>Anchorage AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Tessa Michael Hillyer Case Number: A-13901
 v. State of Alaska

Attorneys Involved:

Name: <u>Julia Bedell</u>	Name: <u>Donald Soderstrom</u>
Address: <u>900 W. 5th Ave., Ste. 200</u>	Address: <u>310 K Street, Ste. 702</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: _____

Case Number 3

Case Name: Helen Ann Olson Case Number: A-13519
 v. State of Alaska

Attorneys Involved:

Name: <u>Marjorie Mock</u>	Name: <u>Heather Stenson</u>
Address: <u>900 W. 5th Ave., Ste 200</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: _____	Name: <u>Madeline Magnuson</u>
Address: _____	Address: <u>310 K Street, Ste. 702</u>
City, State, Zip: _____	City, State, Zip: <u>Anchorage AK 99501</u>

Case Number 4

Case Name: Matthew Allen Taylor Case Number: A-13686
v. State of Alaska

Attorneys Involved:

Name <u>Renee McFarland</u>	Name <u>Nancy Simel</u>
Address <u>900 W. 5th Ave., Ste. 200</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 _____	Name _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____

Case Number 5

Case Name: Fred Michael Esguerra Case Number: A-13819
v. State of Alaska

Attorneys Involved:

Name <u>Melissa H. Goldstein</u>	Name <u>Kenneth Rosenstein</u>
Address <u>900 W. 5th Ave., Ste. 200</u>	Address <u>310 K Street, Ste. 702</u>
City, State, Zip <u>Anchorage AK 99501</u>	City, State, Zip <u>Anchorage AK 99501</u>
Name <u>Julia Bedell</u>	Name _____
Address <u>900 W. 5th Ave., Ste. 200</u>	Address _____
City, State, Zip <u>Anchorage AK 99501</u>	City, State, Zip _____

Case Number 6

Case Name: James J. Kuzma Case Number: A-13558
v. Municipality of Anchorage

Attorneys Involved:

Name <u>Michael D. Rhodes</u>	Name <u>Sarah E. Stanley</u>
Address <u>733 W. 4th Ave., Ste. 308</u>	Address <u>632 W. 6th Ave., Ste. 210</u>
City, State, Zip <u>Anchorage AK 99501</u>	City, State, Zip <u>Anchorage AK 99501</u>
Name _____	Name <u>Helen Poitra-Chalmers</u>
Address _____	Address <u>632 W. 6th Ave., Ste. 210</u>
City, State, Zip _____	City, State, Zip <u>Anchorage AK 99501</u>

10. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your current term in which you believe your work was particularly noteworthy. Please list the names and 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: Nick A. Frankson Case Number: A-13690
 v. State of Alaska

Attorneys Involved:

Name: <u>Renee McFarland</u>	Name: <u>Hazel Blum</u>
Address: <u>900 W. 5th Ave., Ste. 200</u>	Address: <u>303 K Street</u>
City, State, Zip: <u>Anchorage AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Claire DeWitte</u>	Name: _____
Address: <u>900 W. 5th Ave., Ste. 200</u>	Address: _____
City, State, Zip: <u>Anchorage AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: Chad Alan Zurlo Case Number: A-12805
 v. State of Alaska

Attorneys Involved:

Name: <u>Marjorie A. Mock</u>	Name: <u>Patricia Haines</u>
Address: <u>900 W. 5th Ave., Ste. 200</u>	Address: <u>101 Lacey Street</u>
City, State, Zip: <u>Anchorage AK 99501</u>	City, State, Zip: <u>Fairbanks AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: J.K. Case Number: A-13372
 v. State

Attorneys Involved:

Name: <u>Renee McFarland</u>	Name: <u>Nancy Simel</u>
Address: <u>900 W. 5th Ave., Ste. 200</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: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____