



alaska judicial council

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Alaska Judicial Council

Retention Questionnaire

2026 Candidates for Judicial Retention

Full Name: Kirk Floyd Schwalm

Court: Fairbanks Superior Court

1a. Please estimate your workload during your present term:

- **Case work:** 95%
- **Administrative work, outreach, continuing education, etc:** 5%

1b. Superior Court Judges:

- **Criminal:** 23%
- **Delinquency:** 2%
- **Domestic Relations:** 17%
- **Child in Need of Aid:** 9%
- **Probate:** 41%
- **General Civil (Including Appeals):** 8%

1c. Number of jury trials/year: 9

1d. Number of non-jury trials/year: 12

1e. Any additional information you would like to provide about your workload?

The above numbers are based of the number of cases I am assigned to and do not necessarily reflect the workload of each category. Most of the work on the probate cases is primarily handled by Masters. If I were to estimate the workload it would be 33% each for criminal, CINA, and domestic relations--1% everything else.

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

Served on the Family Rules Committee and as a backup for Judge Bennett on the Civil Rules Committee.

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

Attended the two week general jurisdiction course at the National Judicial College in 2023. Attended the Alaska Court System's annual fall judicial conference. Attended the Alaska Court System's annual newer judge training. Attended several virtual trainings on CINA topics through the National Council of Juvenile and Family Court Judges. Attended case flow management virtual training through the National Center for State Courts.

4. Please describe any public outreach activities.

Volunteered as an elementary school science fair judge in 2023. Spoke to students participating in the Fairbanks Junior District Attorney program in 2024. Volunteered as a youth soccer coach in 2023 and 2024. Spoke to a high school government class in Tok, my assigned rural community, in 2025. Spoke to foster youth and parents participating in the court's foster care open house in 2025.

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.

Being a judge in my hometown is the best job I could have ever imagined. When I first took the bench I had limited experience in Child In Need of Aid cases. I worked hard to learn this area of law, it was a steep learning curve but I believe I handle these cases effectively. Overall I try to do my best to make sure every person that appears in my court is heard, treated fairly, and given a timely decision based on the law and the evidence.

I volunteer to preside over the court's Early Resolution Program hearings in Fairbanks. This program is designed to bring speedy resolution to relatively low conflict divorce and custody cases and it is rewarding to be part of the team that is improving access to justice in the interior.

5a. 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).

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

At every change of plea or sentencing hearing, immediately after calling the case I ask the prosecutor whether VRA has been complied with. If it has not been complied with, I continue the hearing to allow victim participation.

At the hearing, I tell the victim that they are not required to make a statement but have a right to address the court if they wish to. I have the victim make their statement right before the defendant's allocution to highlight its importance.

Alaska's Constitution Art. 1, § 12 provides that "Criminal administration shall be based upon [], the rights of victims of crimes, [and] restitution from the offender." Alaska Statute 12.55.005 requires the court to consider harm to the victim and the restoration of the victim when crafting sentence. Alaska Statute 12.55.045 requires the court to order restitution when supported by the evidence unless waived by the victim. I take these obligations under the law seriously, as I do all my obligations under the law.

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?

No

b) been involved in a non-judicial capacity in any legal proceeding whether as a party or otherwise?

Yes

c) engaged in the practice of law (other than as a judge)?

No

d) held office in any political party?

No

e) held any other local, state or federal office?

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?

No

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

Litigants in a probate case, In the Matter of the Estate of Richard Errol Wagner, 4FA-23-00055PR brought claims against myself, other judicial officers, and court employees in United States District Court in 4:23-cv-00013-SLG on June 23, 2023. I did not participate in the case in any manner but was a named defendant. The case was dismissed by the court on December 21, 2023

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.

none

Trial Judges: Questions 9a-9d please do not list any cases that have pending issues in your court.

9a. 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. (If there are additional pages, please email these to sdipietro@ajc.state.ak.us)

Jury Trial Cases

Case 1: State of Alaska v. Robert Douglas

(Case No: 4FA-25-02061CR)

Total Attorneys: 2

Atty 1: Charles Horton 510 2nd Ave Ste 200 Fairbanks, Alaska 99701	Atty 2: Megan Comolli 100 Cushman St Ste 502 Fairbanks, Alaska 99701
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Case 2: State of Alaska v. Gwenelle Paul

(Case No: 4TO-25-00033CR)

Total Attorneys: 2

Atty 1: Jeffrey Roe 510 2nd Ave Ste 200 Fairbanks, Alaska 99701	Atty 2: Valerie Tansey 100 Cushman St Ste 306 Fairbanks, Alaska 99701
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Case 3: State of Alaska v. Robert Geller

(Case No: 4TO-21-00089CR)

Total Attorneys: 2

Atty 1: Jeffrey Roe 510 2nd Ave Ste 200 Fairbanks, Alaska 99701	Atty 2: Steven Wells 431 W 7th Ave Anchorage, Alaska 99501
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Trial Judges: Questions 9a-9d please do not list any cases that have pending issues in your court.

9b. 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. (If there are additional pages, please email these to sdipietro@ajc.state.ak.us)

Non-Jury Trial Cases

Case 1: Danielle Reuter v. Max Reuter

(Case No: 4FA-23-02217CI)

Total Attorneys: 1

Atty 1: Craig Partyka 714 Fourth Avenue, Suite 200 Fairbanks, Alaska 99701
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Case 2: Trisha Brennan v. Joel Brennan

(Case No: 4FA-22-02135CI)

Total Attorneys: 1

Atty 1: Jason Doxey 100 Cushman St #310 Fairbanks, Alaska 99701
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Case 3: Heather Przybylek v. Thomas Przybylek

(Case No: 4FA-19-02344Ci)

Total Attorneys: 1

Atty 1: Mila Neubert 119 N Cushman St # 400 Fairbanks, Alaska 99701
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Trial Judges: Questions 9a-9d please do not list any cases that have pending issues in your court.

9c. 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. (If there are additional pages, please email these to sdipietro@ajc.state.ak.us)

Cases that Did Not Go to Trial

Case 1: State of Alaska v. Elizabeth Francis

(Case No: 4FA-25-00425CR)

Total Attorneys: 2

Atty 1: Elizabeth Crail 510 2nd Ave Ste 200 Fairbanks, Alaska 99701	Atty 2: Dustin Howie 529 5th Ave Ste 1 Fairbanks, Alaska 99701
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Case 2: Josie Baumgartner v. Colaska, Inc. et al

(Case No: 4FA-22-01509CI)

Total Attorneys: 4

Atty 1: Whitney Wilson 10950 O'Malley Centre Drive Suite C Anchorage, Alaska 99515	Atty 2: Laura Eakes 329 F Street, Suite 200 Anchorage, Alaska 99501	Atty 3: Brewster Jamieson 1600 A Street, Ste 304 Anchorage, Alaska 99501
Atty 4: Zane Wilson 714 Fourth Avenue, Suite 200 Fairbanks, Alaska 99701		

Case 3: Jimmie Rainer v. Tod Chambers

(Case No: 4FA-22-02544CI)

Total Attorneys: 2

Atty 1: Jason Ringstad 300 Barnette Street Suite 101 Fairbanks, Alaska 99701	Atty 2: Cheryl Graves 807 G Street Suite 250 Anchorage, Alaska 99501
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