

Alaska Judicial Council
Application for Judicial Appointment

RECEIVED

JUN 23 2008

ALASKA JUDICIAL COUNCIL

Position(s) for which you wish to be considered:

Superior Court Judge

Date: June 20, 2008

Ketchikan

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* William Barker Carey
Name as it should appear on bar survey: William Barker Carey
* Unless otherwise specified, this is how your name will appear on the bar survey.
- (b) Have you ever used or been known by any other name? If so, please identify.
No

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
28 years - months
Total 28 years - months
3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
25 years 6 months
Total 25 years 6 months

Nonlegal Education

4. State names and dates of attendance of all colleges and professional schools (other than law schools) ever attended and degrees and dates conferred. List any honors.

Brown University, Providence RI September 1972 - June 1976 A.B. Political Science

Although I received no academic honors, I was captain of Brown's Nationally 7th ranked Lacrosse team in 1976 and was named All Ivy League and All American. I am a member of the Brown Athletic Hall of Fame.

** See AS 22.10.090; see also 1984 Inf. Op. Atty. Gen. (July 19; 366- 624-84).

Legal Education

5. List all law schools, dates attended and degrees conferred. If you did not receive a degree from any law school, please indicate.

University of Denver College of Law
September 1976 - December 1977
January 1979 - September 1980; JD

6. (a) Did you receive any honors in law school or belong to any honorary societies or groups?
 Yes No If yes, please give details.

- (b) Have you taken any CLE (continuing legal education) courses during the past five years?
 Yes No

Please describe or list. Please do not attach individual certificates of attendance.

I generally take a full slate of CLE courses (at least 12 hours, including at least 1 hour of ethics) each year at out of town seminars or Bar Association Meetings. Most of these over the past several years have been sponsored by the National Association of Criminal Defense Lawyers (NACDL) or the Administrative Office of the U.S. Courts. Additionally over the past 5 years I have attended at least 24 hours of approved CLE sessions at the Federal Defender Office in Anchorage. The following is a (Continued on next page)

Military

7. Have you served in the armed forces (reserves or otherwise)? Yes No

If so, please provide the following information:

- (a) Dates of service: _____
(b) Branch of service: _____
(c) Rank at time of discharge: _____
(d) Type of military discharge: _____
(e) Awards or citations:

- (f) Have you ever been refused admission to or released from any of the armed services for reasons other than honorable discharge? Yes No If so, state the details.

6. (b) list of these programs that I have attended in the last 5 years:

Alaska Bar Association Convention, Anchorage May 30-May 3, 2008, 12 hrs CLE
including 3 hrs ethics.

Alaska Bar Association Convention, Fairbanks, AK. May 20-25, 2007.

NACDL Fall Meeting, Boston MA. October 19-21, 2006

NACDL Annual Meeting, Portland OR. August 3-6, 2005

Administrative Office of U.S. Courts, CJA Seminar, Boston, MA. May 20-22, 2004

Nonlegal Employment

8. Describe major nonlegal working experience. If you had a business or association that has been discontinued, please note whether there are unpaid debts or claims pending litigation.

I have not had a non-legal job since my first clerkship in law school in 1979, other than a brief stint as a piano mover around Christmas in 1980. Beginning in high school and through college and part of law school, I worked in the kitchen of a number of restaurants as a line cook as well as in other capacities.

Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates, name of employer, name of supervisor or person who can verify employment, addresses, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.) for each position listed below.**

The Council will ask for comments from your current and former employers about your employment and your judicial qualifications. You may choose to list other persons as character and professional references in response to Question 20 of this application.

If the supervisor or contact person asks (in writing) that the letter be shared with the governor, the Council will send designated letters for each nominee. The applicant should not request a copy of the letter from the reference. References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

Current Employer: Carey Law Office

Supervisor or name of contact person who can verify employment: _____

Current address of this person: 1502 W. 34th Ave.

City Anchorage State AK Zip 99503

Dates of Employment: From 1990 To Present

Description: Self-employed attorney

Previous Employers: *(In chronological order, most recent first)*

Employer: Vollintine and Carey

Supervisor or name of contact person who can verify employment: James Vollintine

Current address of this person: P O Box 113329

City Anchorage State AK Zip 99511

Dates of Employment: From 1987 To 1990

Description: Partner in a general practice law firm.

Reason for Leaving: Dissolution of partnership

Employer: Volintine, Taylor and Carey

Supervisor or name of contact person who can verify employment: James Vollintine

Current address of this person: See Above

City _____ State _____ Zip _____

Dates of Employment: From December 1982 To 1987

Description: Partner in general practice law firm

Reason for Leaving: One partner left to go on his own.

Previous Employers (continued)

Employer: Erwin, Smith and Garnett
Supervisor or name of contact person who can verify employment: Robert C. Erwin
Current address of this person: 121 W. Fireweed Lane
City Anchorage State AK Zip 99503
Dates of Employment: From 1981 To 1982
Description: Law clerk.
Reason for Leaving: Left to concentrate on Bar Exam, begin practice

Employer: Birch, Horton Bittner, Etc.
Supervisor or name of contact person who can verify employment: William Bittner
Current address of this person: 1127 W 7th Ave
City Anchorage State AK Zip 99501
Dates of Employment: From September, 1980 To April 1981
Description: Law Clerk.
Reason for Leaving: Declined transfer to another office of firm.

Employer: Cook Inlet Native Association
Supervisor or name of contact person who can verify employment: John Christian Lyou
Current address of this person: 6446 West Circle
City Anchorage State AK Zip 99516
Dates of Employment: From June, 1980 To September, 1980
Description: Legal intern responsible for input on various (continued on next page)
Reason for Leaving: Internship expired.

Employer: Goldsmith & Luby, Denver Colorado
Supervisor or name of contact person who can verify employment: Thomas C. McCoy
Current address of this person: P O Box 134, 2 Union St.
City Manhawklin State NJ Zip 08050-3158
Dates of Employment: From Fall, 1979 To
Description: Law clerk at small firm in Denver
Reason for Leaving: Concentrate on School

Employer:
Supervisor or name of contact person who can verify employment:
Current address of this person:
City State Zip
Dates of Employment: From To
Description:
Reason for Leaving:

9. Legal Experience

Previous Employers:

Cook Inlet Native Association, June, 1980 – September 1980

Description

...legal issues affecting the Native community, including Indian Reorganization Act issues, drafting of employee manual and Indian Child Welfare Act Handbook, Indian Education Act and many other issues.

10. For the past five years, please indicate (approximately) the following:

(a) Percent of your practice that was: Civil 35%
Criminal 65%
Other _____
= 100%

Comment: _____

(b) Percent: State 80%
Federal 20%
Other _____
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court _____
Court of Appeals 5%
Superior Court 60%
District Court 35%
= 100%

Comment: _____

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All

Comment: _____

(e) Number of trials (by court or jury) you conducted in the past 5 years:
 None 1-5 6-15 16-30 31 or more

Comment: _____

(f) Percent of these trials which were: Jury 90% Non-Jury 10%
Comment: 1 - 2 Divorce trials, remainder were felony criminal trials.

(g) Approximate number of appellate matters handled: 5

Comment: _____

(h) Approximate number of arbitrations or administrative hearings:
 None 1-5 6-15 16-30 31 or more

Briefly describe type of matters heard:

I have represented clients in DMV hearings concerning driver's license revocations.

(i) Have you undertaken any *pro bono* work through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.) during this period? Yes No

Describe:

Iloilo v. Aumavae, Case 3AN-02-10903 CI, Client Elizabeth Aumavae
Hargrove, James L. v. Puaoi, Kuuipo T., 3AN-01-6688 CI, Client Kuuipo Puaoi
Both domestic cases involving child custody for AK Legal Services

11. List all the courts and administrative tribunals in the United States or elsewhere to which you are or have been admitted to practice, and the dates of admission.

U.S. District Court, District of Alaska, 1983
 Ninth Circuit Court of Appeals, 1983

Public Service

12. List bar associations, and sections and committees of which you are or have been a member or officer.

Anchorage Bar Association

13. List legal publications, if any (give title, subject and date of publications). Please include publications you have co-authored and the name(s) of the co-author(s).

n/a

14. Have you ever applied for a judgeship? Yes No

Please list dates and judgeships applied for, as well as whether you were nominated by the Judicial Council and appointed.

Judgeship	Date	Nominated By Council (Y/N)	Appointed By Governor (Y/N)
Sitka Superior Court	07/2007	Y	N

15. Have you ever held public or political office, elective or appointive? Yes No

If so, state office, manner selected, and when and where held.

Alaska Public Offices Commissioner 1989-1991, appointed by Gov. Cowper.

16. Please provide the Council with information that you would like the Council to consider about other legal and nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal organizations. Please indicate whether you participate in the organization's activities, or simply hold a membership. Your involvement in the community is one of the criteria the Council uses in its evaluations. The Council does not use affiliation with a particular group as a criterion except to the extent that it might raise questions of conflict of interest or would affect an applicant's ability to impartially apply the law.

I maintain membership in a number of professional organizations, National Association of Criminal Defense Lawyers, etc. I am also president of a local non-profit corporation. As I travel and practice extensively in Southeast Alaska, and in particular Petersburg, I am a member of the Petersburg Elks and Moose lodges and contribute to their various causes. I have been a donor to "Operation Graduation" in Petersburg as well as the carving and erection of the two totem poles in that community. I have participated in "Law Day" activities in Petersburg. I have been a past mentor for the Alaska National Guard Youth Academy. I am presently involved in the startup of youth lacrosse in Anchorage.

17. Indicate (Yes or No) whether you have ever:

- (a) been arrested, charged with, pled guilty or *nolo contendere* to, or been convicted of the violation of any law or ordinance, or been requested to appear before any prosecuting or investigative agency in connection with any matter in any jurisdiction, including all traffic offenses, unless the fine was less than \$50 and there were no other sanctions?
 Yes No
- (b) failed to answer any summons or other legal process served upon you personally at any time? Yes No
- (c) as a member of any armed forces, been the subject of any charges which may have resulted in disciplinary action or court martial? Yes No

- (d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? Yes No

If your answer is "yes" to any part of this question, state the facts in detail. Give the name and place of the court or agency, dates of the beginning and end of any action or proceeding, case numbers, and the judgment or other disposition.

1977, District Court, Orleans MA. Charged with interfering with a police officer; case continued without a finding; case dismissed.
1979, District Court, Orleans MA. Charged with a violation of town noise ordinance; case continued without finding, case dismissed.
3AN-95-A1004676, careless driving; \$75.00 fine.
3AN-95-T865434, expired tags; \$50.00 fine.
I believe I also had a speeding ticket and another violation affecting my license more than 10 years ago for which I can find no record.

18. (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? Yes No

In particular, have you been the subject of any proceeding, criminal or civil, initiated against you by the Internal Revenue Service or a State Tax Office? Yes No
If so, give particulars, including case numbers.

Federal tax lien imposed in 1995 as I fell behind at that time. Lien released.

- (b) Have you ever been sued by a client? Yes No

If so, give particulars, including case numbers.

In 1996 I was sued by a former client who claimed that I had missed a statute of limitations, which I denied. Rowland v. Carey, 3AN-96-3605CIV. The case was settled for \$5000.00 for its nuisance value.

- (c) Have you ever been a party in any other legal proceeding? Yes No

If so, give the particulars. Include all legal proceedings in which you were a party in interest, including petitioner or respondent in dissolution or divorce proceedings; a material witness; a named co-conspirator or correspondent; and subject or witness in any grand jury proceedings. Do not list proceedings in which you were sued only in a representative capacity (e.g. guardian ad litem, or as Commissioner of Natural Resources).

State ex rel CS&ED v. Carey, 3AN-94-2008. A child support action involving a child born in 1987. Case was dismissed as I was not the the child's father.
Carey and Rice v. McCune & Arriaga, 3AN-00-1365. My wife and I recovered a judgment for damages against house sitters who did serious damage to our home and stole property.
Van Sandt v. Carey, 3AN-04-3463SC, suit based on a fender bender for which I did not dispute liability. My insurance company disputed extent of damages. (Continued on next page)

18. (c) ...Carey v. Tyrone Kito, 1PE-90-CIV, suit on debt, resolved amicably and dismissed.

Carey v. D. Albright, 1PE-91-136 CIV, case referred to fee arbitration and resolved.

19. State the nature and disposition of any of the following actions which apply to you:

- (a) Are there any unsatisfied judgments against you? Yes No
Have you ever defaulted in the performance of any court-imposed obligation, including payment of alimony or child support or compliance with another court order or decree?

Yes No

In each case, list the name and address of the creditor, the court which rendered the judgment, the case number, the date, the amount of the judgment, and the circumstances on which such claim was based.

Has property owned by you been either judicially or non-judicially foreclosed?

Yes No

Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

- (b) Have you ever made an assignment for the benefit of creditors? Yes No

Have you ever filed any petition in bankruptcy? Yes No

If so, state the circumstances, case number, and the outcome.

References and Counsel Questionnaires*

* **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. If the reference asks (in writing) that the letter be shared with the governor, the Council will send designated letters and counsel questionnaires for each nominee. The applicant should not request a copy of the letter from the reference. (You **should not** list the Chief Justice of the Alaska Supreme Court.)

References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

20. (a) List the names, addresses, **including zip codes**, and **phone numbers** of two persons whom the Judicial Council may contact who can discuss your general character and background.

Name: John Christian Lyou
Address: 6446 West Circle
City/State/Zip: Anchorage, AK 99516 Phone: (907) 348-8845

Name: Nancy Phillips
Address: Alaska Court System Box 269
City/State/Zip: St. Mary's AK 99658-0269 Phone: (907) 438-2912

- (b) List the names, addresses, **including zip codes**, and **phone numbers** of three other persons whom the Judicial Council may contact who can discuss your professional competence and qualifications for a judicial position.

Name: Patricia Collins
Address: Juneau Superior Court, P O Box 114100
City/State/Zip: Juneau, AK 99811-4100 Phone: (907) 463-4741

Name: Phillip Pallenberg
Address: Juneau Superior Court, P O Box 114100
City/State/Zip: Juneau, AK 99811-4100 Phone: (907) 463-4742

Name: Dennis McCarty
Address: 306 Main St.
City/State/Zip: Ketchikan, AK 99901 Phone: (907) 225-2101

References and Counsel Questionnaires (continued)

(c) List the names, addresses, including zip codes, and suite numbers where applicable, and phone numbers of each attorney involved in your three most recent cases that have gone to trial. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent trials they presided over.) List only those cases that have gone to trial within the past three years. Please include the judge's name and case names and numbers. (Attach additional pages if necessary.)

Case Number 1

Case Name: State of Alaska **Case Number:** 1JU-04-1712CR; 1JU-05-64CR
v. David Ripley **Judge Name:** Superior Court Judge

Attorneys Involved:

Name: <u>William B. Carey</u>	Name: <u>Jack Schmidt, ADA</u>
Address: <u>1502 W 34th Ave</u>	Address: <u>P O Box 110300</u>
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: <u>Juneau, AK 99811-0300</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 1JU-05-173CR
v. Peter Church **Judge Name:** Hon. Patricia Collins

Attorneys Involved:

Name: <u>William B. Carey</u>	Name: <u>Jack S. Schmidt, ADA</u>
Address: <u>1502 W. 34th Ave</u>	Address: <u>P O Box 110300</u>
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: <u>Juneau, AK 99811-0300</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 1WR-S04-103CR
v. Duane Evans **Judge Name:** Hon. Larry Zervos

Attorneys Involved:

Name: <u>William B. Carey</u>	Name: <u>Stephen R. West, DA</u>
Address: <u>1502 W. 34th Ave</u>	Address: <u>415 Main St., Rm 304</u>
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: <u>Ketchikan, AK 99901</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

References and Counsel Questionnaires (continued)

(d) List the names, addresses, including zip codes, and suite numbers where applicable, and phone numbers of each attorney involved in your three most recent cases that did not go to trial but in which you did significant work. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent cases they presided over that did not go to trial but in which they did significant work.) Please include the judge's name and case names and numbers. (Attach additional pages if necessary.)

Case Number 1

Case Name: State of Alaska **Case Number:** 1JU-S06-135CR
v. Francis J. Richmond, III **Judge Name:** Hon. Patricia Collins

Attorneys Involved:

Name: <u>William B. Carey</u>	Name: <u>Douglas O. Gardner, DA</u>
Address: <u>1502 W 34th Ave.</u>	Address: <u>P O Box 110300</u>
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: <u>Juneau, AK 99811-0300</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 1PE-06-01CP
v. Kelsey McCay **Judge Name:** Hon. Michael Thompson

Attorneys Involved:

Name: <u>William B. Carey</u>	Name: <u>Gregg Olson, ADA</u>
Address: <u>1502 W. 34th Ave</u>	Address: <u>304 Lake St., Rm. 202</u>
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: <u>Sitka, AK 88835-7572</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: United States of America **Case Number:** 03-06 CR 00059-02 (RRB) (JDR)
v. Oreyal Jacquet **Judge Name:** Ralph R. Biestline, USDC Judge

Attorneys Involved:

Name: <u>William B. Carey</u>	Name: <u>Stephan Collins, Ass't US Aty</u>
Address: <u>1502 W. 34th Ave.</u>	Address: <u>222 W 7th Ave #9, Rm 253</u>
City, State, Zip: <u>Anchorage, AK 99503</u>	City, State, Zip: <u>Anchorage, AK 99513-7567</u>
Name: <u>Kevin F. McCoy (Rep. Co-Def)</u>	Name: _____
Address: <u>601 5th Ave., Ste 800</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Writing Sample

21. Attach one example of a brief, memorandum of law, or legal opinion or similar example of legal writing (10-20 pages in length; 15-25 pages for appellate positions) prepared solely by you within the last five years. Please choose a sample that reflects your ability to do legal research and analysis. If you do not have a good sample of this length, include an excerpt from a longer writing. Make sure the sample contains sufficient facts to make it understandable. (Some reply briefs may not meet these requirements.)

Please do not submit: (a) coauthored writing samples, (b) samples with confidential information unless redacted to remove such information, (c) longer writing samples.

22. Has any **public** sanction been imposed against you in response to a complaint, charge or grievance brought against you as an attorney or a judge? Yes No
- Have formal grievance procedures been brought against you? Yes No
- See Bar Rule 22(b) & (e) concerning public grievance procedures against attorneys, and AS 22.30.011(b) and .060(b)(3) concerning public grievance procedures against judges.
- Have you ever been held in contempt of court? Yes No
- In each case, state in detail the circumstances and the outcome.

Additional Comments (Non-Confidential)

23. Please make any additional comments that you wish to bring to the Council's attention about your experience and suitability for this judgeship.

I have now practiced law in Alaska for over 28 years. In that time I have been involved, to varying degrees, with many of the types of cases a Superior Court judge must deal with on a daily basis. I have extensive experience in criminal, domestic and other civil cases and have represented many individuals and small businesses in commercial transactions as well. I have been a criminal defense attorney who works hard and conscientiously for my clients, but I am not blind to the realities and necessities of criminal justice. I have generally developed excellent rapport with the District Attorneys and Assistant U.S. Attorneys I deal with on a regular basis. Many of them have expressed strong support for this application,

I have practiced extensively in Southeast Alaska beginning in 1984. I am something of a fixture in the court and community in Petersburg and, to a lesser degree, in Wrangell, Juneau and Ketchikan, as well as Sitka and Craig. I feel that I have a demonstrated ability to work and deal with all kinds of people in these communities, not the least being court personnel, police and attorneys. I know how the court system functions in those communities, and I feel that I have a good under-

Additional Comments (Continued)

standing of how people live and work in Southeast generally. I have learned something from all of the judges I have practiced before and I understand that in Ketchikan the bar has been set quite high by Judge Thompson for many years. I would strive to continue that tradition of legal competence and professionalism.

At this point in my life and career, I believe that I am well-suited to the bench in Ketchikan. I have the experience; I am quite familiar with Southeast and Ketchikan in particular. The position I am seeking has for many years been responsible for Petersburg where I have strong roots in the community. I care about the people of Southeast Alaska. I am under no illusion as to how much there will be to learn, but I have a solid base. I also have the mental and physical energy and temperament for this position, understanding the diverse nature of the job, including the travel involved. I look forward to your consideration of this application.

24. Please indicate whether you prefer to be interviewed in public session or in private session. Your choice of a public or private interview has no bearing on the Council's determination of your qualifications or on the questions the Council may ask. You may change your request in writing at any time before the interview starts.

Public Interview

Private Interview

25. Please prepare a brief biographical statement (*limited to 150 words*) about your background, legal education, and legal experience. Please do not list personal information about minor children. Your picture and a copy of this statement will be scanned and posted on the Council's website after the application deadline. In its Bar survey, the Council will invite attorneys to review the information if they wish to become more familiar with your background and experience. Use the form on the following page for your biographical statement. Please leave the box at the top empty. The Council will use this space for your scanned picture. *To be fair to all applicants, the Council will strictly enforce the 150 word limit.*

If you object to the posting of your picture on the Council's website, please indicate your objection below. If you object, we will not post your picture, although you still must submit twelve photographs of yourself with your application.

- If you check this box we will not post your picture on the website.

Biographical Statement

Name William Barker Carey

Position(s) for which you wish to be considered:

Superior Court Judge

Ketchikan

Date: June 19, 2008

I was born and raised in Framingham, Massachusetts, where I attended Framingham North High School. I was recruited to Brown University as a student athlete and graduated in 1976.

From law school at Denver University, I came to Alaska in 1980 as an intern with Cook Inlet Native Association. I never left.

I have been in private practice since 1982, with a mixed civil and criminal practice. For many years, the bulk of my practice has been based in Southeast Alaska.

I have been married to Kathleen Rice, formerly of Petersburg, since 1993.

I am an avid cook and reader (especially history) and I enjoy the Alaska backcountry: skiing, hiking, biking and fishing.

It would be a great honor to serve the people of Southeast Alaska on the bench in Ketchikan.