



**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 New Mexico, JD, 1988

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.

American Jurisprudence Award, Indian Law  
American Jurisprudence Award, International Law

- (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.

Bankruptcy Act of 2005; Alaska Native Law 2004; Alaska Native Law Conference 2001; ATLA Ultimate Trial Advocacy Course 2001; Effective Non Deposition Discovery Methods 2005; Bankruptcy Ethics 2006; Ethics for Commercial Litigators 2006; Criminal Litigation: Jury selection, Sentencing, the Confrontation Clause and Hearsay.

**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.

### **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.

No non-legal employment since 1988. I have been involved in business for investment purposes but not as a paid employee. Prior to 1988, between college and law school, I worked for Western Airlines in flight services, ticket counter, and aircraft weight and balance. In college and for sometime thereafter I was a member of the laborers union working various seasonal highway construction projects.

**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:** MacDonald & Levegood  
Supervisor or name of contact person who can verify employment: Lynn Levegood  
Current address of this person: 1008 16th Ave  
City Fairbanks State AK Zip 99701  
Dates of Employment: From 1985 To present  
Description 

Successor firm to Downes, MacDonald & Levegood, and Law Offices of Robert B. Downes. I have gone from paralegal to associate to partner
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**Previous Employers: (In chronological order, most recent first)**

**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 

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Reason for leaving: \_\_\_\_\_

**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 

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Reason for leaving: \_\_\_\_\_

**Previous Employers (continued)**

**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: \_\_\_\_\_

**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: \_\_\_\_\_

**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: \_\_\_\_\_

**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: \_\_\_\_\_

**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: \_\_\_\_\_

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

(a) Percent of your practice that was:

Civil	40
Criminal	10
Other	50
	= 100%

Comment: Other: 40% bankruptcy law practice 10% business organizations

(b) Percent:

State	50
Federal	50
Other	= 100%

Comment: \_\_\_\_\_

(c) Of practice in state courts, percent:

Supreme Court	2
Court of Appeals	_____
Superior Court	65
District Court	33
	= 100%

Comment: Also administrative law practice before Labor Relations Agency

(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 10%    Non-Jury \_\_\_\_\_

Comment: \_\_\_\_\_

(g) Approximate number of appellate matters handled: 8

Comment: Superior Court, Court of Appeals, and Supreme Court

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

Briefly describe type of matters heard.

Over 900 bankruptcy cases, plus frequent Labor Arbitrations, ALRB hearings, DMV license revocations (DWI)

(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:

I have taken more than 55 pro bono bankruptcy cases in the last five years and in 2004 was honored by the Alaska Bar Association, Alaska Legal Services, Alaska Pro Bono Program, Alaska Network on Domestic Violence & Sexual Assault, and Catholic Social Services for "extraordinary commitment and contributions to equal justice in Alaska".

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.

Alaska, 1988  
 U.S. District Court Alaska, 1988.

**Public Service**

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

Alaska Bar Association, Tanana Valley Bar Association, American Trial Lawyers Association. Section memberships include bankruptcy section and professional negligence section.

13. List legal publications, if any (give title, subject and date of publications).

none

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)
Fairbanks Superior Court	10/06	Yes	No

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.

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.

Northland Children's Choir, Board Member (6 years)  
Arctic Lions Hockey Assn., Player Development Director, Coach (8 years)  
USA Hockey, Associate Coach in Chief, Northern Alaska, (2 years)  
Fairbanks Amateur Hockey Assn., Past Director, Coach (8 years)  
Midnight Sun Boy Scouts, Assistant Scoutmaster and Committee Member (7 years)  
North Star Little League, Past Board member, Coach and Asst. Coach (6 years)  
Fairbanks Hockey Hall of Fame, Officer and Director (3 years)  
Alaska Girls & Womens' Hockey, Inc. Officer and Director (1st year)  
Alaska lacrosse, Inc. Officer and Director (1st year)  
Downtown Athletic Club, Inc. Director (4 years)  
Knights of Columbus, Archbishop Seghers Council, Fairbanks, member (10 years)  
Sacred Heart Catholic Church, parishioner (21 years)

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.

1978, Amherst Massachusetts, Failure to Follow Direction of Police Officer, SIS, Discharged (Cited by Univ. of Massachusetts Officer for arguing against the removal of a spectator friend from a sporting event)

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.

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

If so, give particulars, including case numbers

- (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).

Named party as owner of vehicle involved in minor auto accident. Anchorage case, approx. 1982. Judgement paid.

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: Johne Binkley  
Address: 5325 Chena Small Tracts  
City/State/Zip: Fairbanks, AK 99709 Phone: (907) 479-6006

Name: Larry D. Compton, Trustee  
Address: 400 D St. Suite 210  
City/State/Zip: Anchorage, AK 99501 Phone: (907) 276-6660

- (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: Hon. Robert B. Downes  
Address: 101 Lacy St.  
City/State/Zip: Fairbanks, AK 99701 Phone: (907) 452-9315

Name: Terrance W. Hall  
Address: 751 7th Ave., Suite A  
City/State/Zip: Fairbanks, AK 99701 Phone: (907) 452-4255

Name: James DeWitt  
Address: 100 Cushman St., Suite 500  
City/State/Zip: Fairbanks, AK 99701 Phone: (907) 452-8986

**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. (Applicants who are currently judges should list the three most recent trials they presided over.) List only those cases which 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:* Futrell *Case Number:* 4FA-04-1301  
*v.* Fairbanks Realty *Judge Name:* Hon. Raymond Funk

**Attorneys Involved:**

Name <u>pro se Plaintiff</u>	Name _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____
Name _____	Name _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____

**Case Number 2**

*Case Name:* Alaska USA *Case Number:* A02-00378DMD  
*v.* McCoy *Judge Name:* Hon. Donald MacDonald, IV

**Attorneys Involved:**

Name <u>Marshall Coryell (907)277-7679</u>	Name _____
Address <u>4141 B St., Suite 208</u>	Address _____
City, State, Zip <u>Anchorage, AK 99503-5939</u>	City, State, Zip _____
Name _____	Name _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____

**Case Number 3**

*Case Name:* State *Case Number:* 4FA-S05-561 CR  
*v.* Holmquist *Judge Name:* Hon. Randy Olsen

**Attorneys Involved:**

Name <u>Ben Seekins, Asst. D.A.</u>	Name _____
Address <u>555 3rd Ave.</u>	Address _____
City, State, Zip <u>Fairbanks, AK 99701</u>	City, State, Zip _____
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. (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 **Case Number:** 4FA-05-2203  
 v. Elliot **Judge Name:** Hon. Mark Wood

**Attorneys Involved:**

Name <u>Jeffrey O'Bryant (907) 451-5970</u>	Name _____
Address <u>455 3rd Ave, Suite 1</u>	Address _____
City, State, Zip <u>Fairbanks, AK 99701</u>	City, State, Zip _____
Name _____	Name _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____

**Case Number 2**

**Case Name:** Bennett **Case Number:** 4FA 03-2341  
 v. Bennett **Judge Name:** Hon. Richard D. Savell

**Attorneys Involved:**

Name <u>Christopher Zimmerman 452-2211</u>	Name _____
Address <u>711 Gafney Rd.</u>	Address _____
City, State, Zip <u>Fairbanks, AK 99701</u>	City, State, Zip _____
Name _____	Name _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____

**Case Number 3**

**Case Name:** Fairbanks Firefighters **Case Number:** 4FA 05-1326CI  
 v. City of Fairbanks **Judge Name:** Hon. Randy Olsen

**Attorneys Involved:**

Name <u>Herbert Kuss (907) 459-6750</u>	Name _____
Address <u>800 Cushman St</u>	Address _____
City, State, Zip <u>Fairbanks, AK 99701</u>	City, State, Zip _____
Name _____	Name _____
Address _____	Address _____
City, State, Zip _____	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. 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.

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.

Note: One fee arbitration.

**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 a wide range of experience that makes me well suited for the Superior Court. My client records show that I have handled more than 200 custody, divorce, domestic violence and adoption cases; 200 criminal cases; 1100 bankruptcies; 600 evictions; 1,000 collection actions; 100 personal injury cases; 200 wills and estates; 220 business/corporations matters; 60 real estate matters; and 250 civil matters.

In my first years of practice I worked primarily divorce, custody and criminal cases. I added other subject matters over time. In the past few years I have developed a significant bankruptcy practice driven largely by the absence of other attorneys in Fairbanks willing to develop an expertise in the area and the great need for bankruptcy services. I have handled many divorce and custody cases, felonies, juvenile delinquency proceedings, child in need of aid proceedings, quiet title actions, contested probate matters, contested adoptions, public safety labor cases, administrative appeals, and civil actions. My last Superior Court civil trial ended with a \$2,200,000 jury verdict in favor of my client. My last Superior court criminal trial ended with a felony aquital for my client. I have a sound understanding of all phases of trial practice and have experience in virtually all subject matters handled by the Superior Court.

**Additional Comments (Continued)**

I called Mr. MacDonald  
3/12/07. He requested  
his interview be  
in private session.  
SM.

24. Please prepare a brief biographical statement (limited to 150 words) about your background, legal education, and legal experience. 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.

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 Michael A. MacDonald

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

Fairbanks Superior Court

Date: December 22, 2006

I have a wide range of experience that makes me well suited for the Superior Court. My client records show that I have handled more than 200 custody, divorce, domestic violence, and adoption cases; 200 criminal cases; 1100 bankruptcies; 600 evictions; 1,000 collection actions; 100 personal injury cases; 200 wills and estates; 220 business/corporations matters; 60 real estate matters; and 250 civil matters. I have handled many divorce, custody cases, felonies, juvenile delinquency proceedings, child in need of aid proceedings, quiet title actions, contested probate matters, contested adoptions, public safety labor cases, administrative appeals, and civil actions. My last Superior Court civil trial ended with a \$2,200,000 jury verdict in favor of my client. My last Superior Court criminal trial ended with a felony acquittal for my client. I have a sound understanding of all phases of trial practice and have experience in virtually all subject matters handled by the Superior Court. I have filed more than 55 pro bono bankruptcy cases on behalf of elderly and disabled clients in the last five years and in 2004 was honored by the Alaska Bar Association for "extraordinary commitment and contributions to equal justice in Alaska". I graduated from University of New Mexico Law School in 1988 and Harvard College in 1978.

**Certification and Waiver**

I hereby certify that, to the best of my knowledge, the information provided on this application is true and complete; and that I am a citizen of the United States and of the State, and will be eligible to be licensed to practice law in Alaska at the time of expected appointment (Ak. Const. Art IV; § 4).

I waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Council may desire to obtain. I specifically authorize the Council to obtain and examine my personnel files from current and past employers, including all files maintained by the Alaska Court System, and to obtain information, records and documents regarding me from any credit reporting agency, any law enforcement agency, any bar association, any occupational licensing board, any educational institution, and any disciplinary body, including specifically the Alaska Bar Association and the Alaska Judicial Conduct Commission. I further authorize these institutions, organizations, and individuals, and any other institutions, organizations and individuals to make available to the Council all confidential and non-confidential documents, records and information concerning me that the Council may request.

mmde

Signature of Applicant

Michael A. MacDonald, AK Bar No. 8811193

Typed Name

December 22, 2006

Date

Subscribed and sworn to before me this 22 day of December, 2006.

Joyce Lloyd  
Notary Public, State of Alaska  
My Commission expires: 5/21/07

