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JUN 24 2004

ALASKA  
JUDICIAL COUNCIL

Alaska Judicial Council  
Application for Judicial Appointment

Kenai, Palmer and Valdez  
District Courts

Date: June 21, 2004

Position(s) for which you wish to be  
considered

I. PUBLIC INFORMATION (Qs. 1-24 & 35)

PERSONAL

1. (a) State full name\* Margaret Lynn Murphy

Name as it should appear on bar survey: Margaret L. Murphy

\* 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.

3. How long have you been a resident of the State of Alaska immediately preceding the date of this  
application? \*\* 10 years 4 months  
Total years 10 months 4

4. How long have you been engaged in the active practice of law immediately preceding the date of this  
application? \*\* 11 years 1 months  
Total years 16 months 4

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

**NONLEGAL EDUCATION**

5. 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.

I attended Valparaiso University in Valparaiso, Indiana from August 1974 to December 1978. I received a Bachelor of Arts degree. I took one course at Bloomsburg University in Bloomsburg, Pennsylvania during the summer of 1976.

**LEGAL EDUCATION**

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

I attended Valparaiso University School of Law from August 1984 to May 1987. I received a Juris Doctor degree.

7. (a) Did you receive any honors in law school or belong to any honorary societies or groups? Yes. If so, please give details.

I graduated in the top 10% of my class from law school. I also received the Distinguished Student Award, the Corpus Secundum Award, the Honor Award for Legal Services Clinic, the Criminal Procedure Honor Paper, the Civil Procedure Honor Paper, and was listed in Who's Who Among American Law Students

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

I have taken numerous CLE courses on a variety of topics including family law, consumer law, ethics, and restorative justice. I have also attended conferences for Magistrates, Masters, and Clerks of Court. I also attended the Judicial Conference in October 2000.

**MILITARY**

8. Have you served in the armed forces (reserves or otherwise)? Yes.

If so, please provide the following information:

- (a) Dates of service: November 1979 to May 1983 and March 1988 to April 1994
- (b) Branch of service: US Army
- (c) Rank at time of discharge: May 1983--Sergeant; April 1994--Captain
- (d) Type of military discharge: Honorable discharge (both times)
- (e) Awards or citations:

Army Commendation Medal, Army Achievement Medal (2 awards), Army Good Conduct Medal, National Defense Service Medal, Overseas Service Ribbon (3 awards), Army Service Ribbon.

- (f) Have you ever been refused admission to or released from any of the armed services for reasons other than honorable discharge. If so, state the details.

I was not selected for accession into the US Army Judge Advocate General's Corps the first time I applied during my third year of law school.

**NONLEGAL EMPLOYMENT**

9. Describe major nonlegal working experience, if any.

I worked as a restaurant manager for a few months after graduation from college before I enlisted in the Army.

10. Describe major nonlegal business or professional experience, if any. If your association has been discontinued, please note whether there are unpaid debts or claims pending litigation.

None.

**LEGAL EXPERIENCE**

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

	April 1998 to Present
Employer	Alaska Court System
Supervisor	Judge Dale O. Curda
Address	P.O. Box 130 Bethel, Alaska 99559
Reason for Leaving	Career Advancement
Positions	Magistrate, Aniak and McGrath District Courts Acting Magistrate/Special Master, Bethel District Court Acting District Court Judge, Bethel District Court
	February 1994 to April 1998
Employer	Department of the Army
Supervisor	Lieutenant Colonel Jody M. Prescott
Address	Office of the Staff Judge Advocate 600 Richardson Drive, #5700 Fort Richardson, Alaska 99505-5700
Reason for Leaving	Accepted position as Magistrate
Position	Chief, Legal Assistance (practice consisted of family law, consumer law, taxes, and military administrative law)
	May 1993 to January 1994
Employer	Department of the Army
Supervisor	Major Marsha Sajer
Address	Office of the Staff Judge Advocate HQ, 2d Infantry Division Camp Stanley Legal Center, Unit 15564 APO AP 96257-0623
Reason for Leaving	Not selected for career status
Position	Trial Counsel (Prosecutor) and Officer-in-Charge (practice consisted of criminal law and military administrative law)
Lieutenant Colonel Sajer is no longer stationed in Korea. She has retired and I do not know her current address. Lieutenant Colonel (Retired) Eva M. Novak was the Deputy Staff Judge Advocate while I was stationed in Korea. She can verify my employment. Ms. Novak's current mailing address is 3318B Wilkins Drive, Falls Church, Virginia 22041-1720.	
Continued on attached pages.	

11. Legal Employment (cont.)

March 1993 to May 1993

I attended the Combined Arms Service and Support School in Fort Leavenworth, Kansas. I was not engaged in the active practice of law during this time period.

August 1991 to February 1993

Employer Department of the Army  
Supervisor Colonel James Kelly  
Address Office of the Command Judge Advocate  
HQ, 1<sup>st</sup> Personnel Command  
Unit 29058  
APO AE 09081

Reason for Leaving Transferred by the Army  
Position Command Judge Advocate (practice consisted of criminal law, military administrative law, and some family law)  
My office at 1<sup>st</sup> Personnel Command closed when I departed. I believe that Colonel Kelly has retired and I do not know his current address.

May 1990 to August 1991

Employer Department of the Army  
Supervisor Mr. John Simmons  
Address Office of the Judge Advocate  
HQ, US Army, Europe  
Unit 29351  
APO AE 09014

Reason for Leaving Transferred by the Army  
Position Chief, Client Services (practice consisted of family law, consumer law, taxes, and military administrative law)  
The Legal Assistance Division where I worked no longer exists. Mr. Simmons has retired and I do not know his current address. Brigadier General David P. Carey was the Executive Officer while I was stationed at Office of the Judge Advocate and 1<sup>st</sup> Personnel Command. He can verify my employment at both locations. Brigadier General Carey's current address is USA Legal Services Agency, Civil Law and Litigation Division, 901 North Stuart Street, Ballston Room 713, Arlington, Virginia 22203-1837.

October 1988 to May 1990

Employer Department of the Army  
Supervisor Colonel Waldo W. Brooks  
Address Office of the Staff Judge Advocate  
HQ, 2d Armored Division (Forward)  
Reason for Leaving Transferred by the Army  
Position Legal Assistance Attorney and Trial Counsel (Prosecutor)  
(practice consisted of family law, consumer law, taxes, criminal law, and military administrative law)

This unit no longer exists, so there is no current mailing address. Colonel Brooks' current mailing address is DAJA-PT, 10<sup>th</sup> floor, Rosslyn Plaza North, 1777 North Kent Street, Rosslyn, Virginia 22209-2194.

March 1988 to September 1988

I was at the Judge Advocate General's School in Charlottesville, Virginia. From March to July, I worked on the Army Lawyer and Military Law Review while waiting for my Basic Course to begin. I attended the Basic Course from July to September. My supervisors during this time have left the Army and I do not know their addresses. The address for the school is The Judge Advocate General's School, 600 Massie Road, Charlottesville, Virginia 22903-1781.

January 1988 to March 1988

Employer Hoepfner, Wagner & Evans  
Supervisor Ms. Katherine Gerken  
Address 103 E. Lincolnway  
Valparaiso, Indiana 46384  
Reason for Leaving Entry into the Army  
Position Legal Clerk (practice consisted of civil law)

August 1987 to December 1987

Employer Valparaiso University School of Law  
Supervisor Ms. Kathy Wehling  
Address Wesemann Hall  
Valparaiso, Indiana 46384  
Reason for Leaving Position only lasted one semester  
Position Admissions Recruiter (not engaged in the practice of law)

May 1987 to August 1987

Employer	Valparaiso University School of Law Clinic
Supervisor	Ms. Barbara Schmidt
Address	Heritage Hall Valparaiso, Indiana 46384
Reason for Leaving Position	To take position as Admissions Recruiter Clerk/Paralegal (not engaged in the practice of law)

January 1985 to May 1987

Employer	Valparaiso University of Law
Supervisor	Ms. Mary Persyn
Address	Wesemann Hall Valparaiso, Indiana 46384
Reason for Leaving Position	Graduated from Law School Student Librarian (not engaged in the practice of law)

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

(a) Percent of your practice that was

Civil	<u>15%</u>
Criminal	<u>80%</u>
Other	<u>5%</u>
	= 100%

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

(b) Percent

State	<u>100%</u>
Federal	_____
Other	_____
	= 100%

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

(c) Of practice in state courts, percent:

Supreme Court	_____
Court of Appeals	_____
Superior Court	<u>20%</u>
District Court	<u>80%</u>
	= 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 to 5 \_\_\_\_\_ 6 to 16 \_\_\_\_\_ 16 to 30  31 or more

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

(f) Percent of these trials which were: Jury 25% Non-Jury 75%

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

(g) Approximate number of appellate matters handled: 0;

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

(h) Approximate number of arbitrations or administrative hearings:  None  
\_\_\_\_\_ 1 to 5 \_\_\_\_\_ 6 to 16 \_\_\_\_\_ 16 to 30 \_\_\_\_\_ 31 or more

Briefly describe type of matters heard:

(i) Have you undertaken any pro bono work during this period?

Yes \_\_\_\_\_ No

Describe: \_\_\_\_\_

13. 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.

State of Alaska -- September 15, 1995

US District Court, District of Alaska -- February 4, 2000

State of Indiana; US District Courts, Indiana -- June 8, 1987

US Army Courts-Martial -- September 1988

**PUBLIC SERVICE**

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

Alaska Bar Association

Indiana Bar Association

American Bar Association

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

None.

16. Have you ever applied for a judgeship? 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)
Bethel District Court	Aug 2000	Y	N
Bethel Superior Court	Jan 2002	N	
Palmer District Court	May 2003	N	
Palmer District Court	Sep 2003	N	

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

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

18. List all other legal and any nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal. (Please indicate whether you participate in the organization's activities, or simply hold a membership.)

Member of Iditarod Trail Committee. I have participated as a volunteer at  
the Start, Re-start, and Finish. I expect to continue to volunteer in the  
future.

19. 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 other than minor traffic offenses (those for which a fine of \$50.00 or less, and no other sanctions were imposed)? Yes.
- (b) failed to answer any summons or other legal process served upon you personally at any time? 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? No.
- (d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? 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.

On March 16, 1979, I was arrested for Driving Under the Influence in Valparaiso, Indiana by the Valparaiso City Police. On April 4, 1979, I appeared in Porter County Court and pled guilty. I was sentenced to pay a fine of \$165.00 plus court costs. I was also ordered to attend Alcohol Abuse School and my driver's license was restricted for one year. Cause Number 79-Ccr-2513.

- (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? 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? If so, give particulars, including case numbers.

No.

- (b) Have you ever been sued by a client? If so, give particulars, including case numbers.

No.

- (c) Have you ever been a party in any other legal proceeding? If so, give the particulars. Include all legal proceedings in which you were a party in interest, including divorce/dissolution proceedings; a material witness; a named co-conspirator or correspondent; and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness. 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).

No.

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

- (a) Are there any unsatisfied judgments against you? 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? 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? Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

No.

- (b) Have you ever made an assignment for the benefit of creditors? Has any petition in bankruptcy ever been filed by you? If so, state the circumstances, case number, and the outcome.

No.

## REFERENCES\*

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

(1) NAME: Lita Marek-Siebert  
ADDRESS: P.O. Box 874464  
CITY/STATE/ZIP: Wasilla, Alaska 99687-4464 PHONE: (907) 376-0442

(2) NAME: Nick Russell  
ADDRESS: 3700 Sycamore Loop  
CITY/STATE/ZIP: Anchorage, Alaska 99504 PHONE: (907) 338-6661

- (b) List the names, addresses, 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. (You should not list the Chief Justice of the Alaska Supreme Court.)

(1) NAME: Dan Collins  
ADDRESS: 19612 Hiland Ridge Drive  
CITY/STATE/ZIP: Eagle River, Alaska 99577 PHONE: (907) 264-0759

(2) NAME: Patty Nieves  
ADDRESS: P.O. Box 2715  
CITY/STATE/ZIP: Bethel, Alaska 99559 PHONE: (907) 543-7368

(3) NAME: Andrea Russell  
ADDRESS: 310 K Street, Suite 308  
CITY/STATE/ZIP: Anchorage, Alaska 99501 PHONE: (907) 269-7949

**REFERENCES (continued)**

(c) List the names, addresses and phone numbers of attorneys 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.)

**1** Case Name: State of Alaska  
v. Patty A. Gregory

Case Number: 4AK-03-96CR  
Judge Name: Magistrate Murphy

*Attorneys Involved:*

Name: Kelly Cavanaugh  
Address: P.O. Box 170, Bethel, Alaska  
99559, (907)543-2055

Name: Holly Handler  
Address: P.O. Box 10, Bethel, Alaska  
99559, (907)543-2488

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**2** Case Name: State of Alaska  
v. Vivian M. Changsak

Case Number: 4AK-02-159CR  
Judge Name: Magistrate Murphy

*Attorneys Involved:*

Name: Michael Walsh  
Address: P.O. Box 170, Bethel, Alaska  
99559, (907)543-2055

Name: Holly Handler  
Address: P.O. Box 10, Bethel, Alaska  
99559, (907)543-2488

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**3** Case Name: State of Alaska  
v. Crim Yago Phillips

Case Number: 4AK-02-47CR  
Judge Name: Magistrate Murphy

*Attorneys Involved:*

Name: Michael Walsh  
Address: P.O. Box 170, Bethel, Alaska  
99559, (907)543-2055

Name: Marvin Hamilton  
Address: P.O. Box 10, Bethel, Alaska  
99559, (907)543-2488

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**REFERENCES (continued)**

(d) List the names, addresses and phone numbers of attorneys 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.*)

**1**

Case Name: State of Alaska  
v. Danny R. Turner

Case Number: 4AK-03-115CR  
Judge Name: Magistrate Murphy

**Attorneys Involved:**

Name: Jean Seaton  
Address: 120 Trading Bay Dr.#200  
Kenai, AK 99611, 283-3131

Name: Holly Handler  
Address: P.O. Box 10, Bethel, Alaska  
99559, (907)543-2488

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**2**

Case Name: State of Alaska  
v. Gary S. Peltola

Case Number: 4AK-02-181CR  
Judge Name: Magistrate Murphy

**Attorneys Involved:**

Name: Jack Schmidt  
Address: P.O. Box 110300, Juneau,  
Alaska 99811, (907)465-3620

Name: Myron Angstman  
Address: P.O. Box 585, Bethel, Alaska  
99559, (907)543-2972

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**3**

Case Name: State of Alaska  
v. Nellie R. John

Case Number: 4AK-02-141CR  
Judge Name: Magistrate Murphy

**Attorneys Involved:**

Name: Duke Circle  
Address: P.O. Box 170, Bethel, Alaska  
99559, (907)543-2055

Name: Holly Handler  
Address: P.O. Box 10, Bethel, Alaska  
99559, (907)543-2488

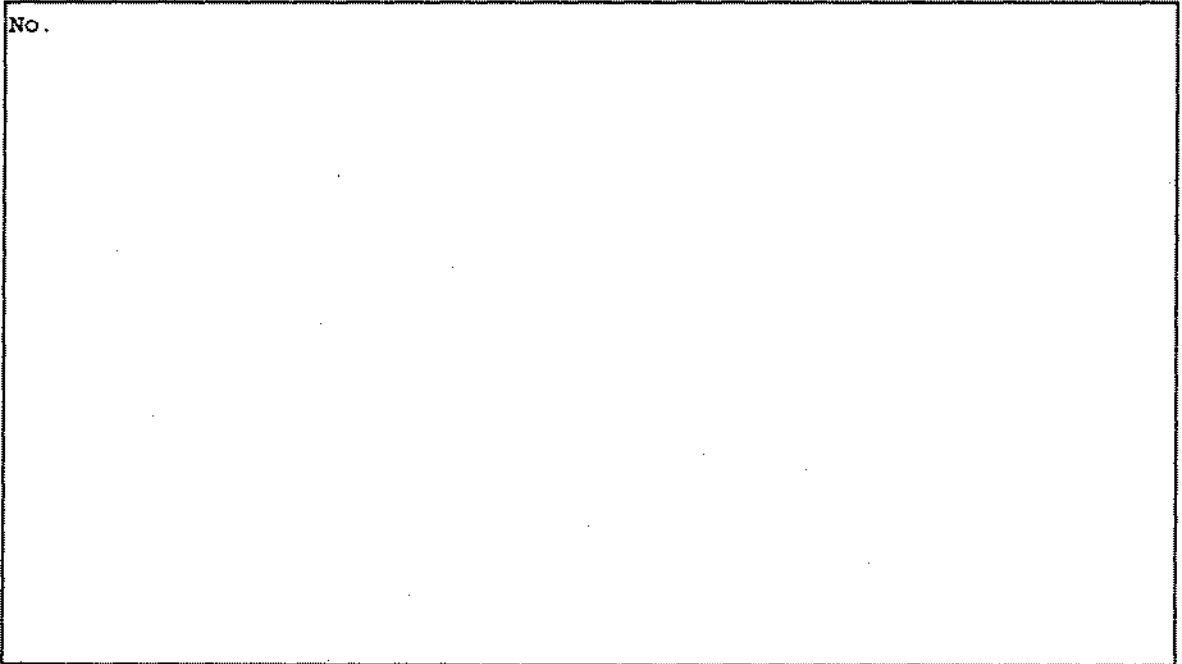
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**WRITING SAMPLE**

23. Attach as Appendix A 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. **Please do not submit longer writing samples.** Make sure the sample contains sufficient facts to make it understandable. Please do not submit coauthored writing samples.
24. 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? Have formal grievance procedures been brought against you? 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? In each case, state in detail the circumstances and the outcome.

No.



ADDITIONAL COMMENTS (Non-Confidential)

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

I was an Acting District Court Judge in Bethel for a year. I learned a great deal about the responsibilities of the position. I believe my experience as an Acting District Court Judge greatly enhances my suitability for the position of District Court Judge.

**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 am licensed to practice law in Alaska (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.

  
\_\_\_\_\_  
Signature of Applicant

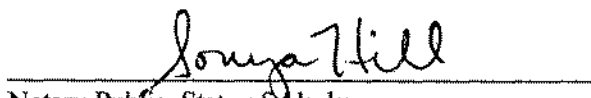
Margaret L. Murphy

\_\_\_\_\_  
Typed Name

June 21, 2004

\_\_\_\_\_  
Date

Subscribed and sworn to before me this 21 day of June, 2004.

  
\_\_\_\_\_  
Notary Public, State of Alaska  
My Commission expires: \_\_\_\_\_

**My Commission Expires  
September 12, 2005**