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JUN 25 2004

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council
Application for Judicial Appointment

Valdez District Court

Date: 6-23-04

Position(s) for which you wish to be considered

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

PERSONAL

- 1. (a) State full name* Daniel J.M. Schally
Name as it should appear on bar survey: Daniel Schally
* 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
Daniel J. Schally

3. How long have you been a resident of the State of Alaska immediately preceding the date of this application? 6 years 10 months
Total years 6 months 10

4. How long have you been engaged in the active practice of law immediately preceding the date of this application? 6 years 10 months
Total years 6 months 10

** 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.

University of Minnesota - Duluth, 1986-87

University of Minnesota - Minneapolis, 1987-90; B.A. 1990

University of Minnesota, Graduate School - Minneapolis, 1990-91

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.

University of Minnesota Law School, 1994-97; J.D. 1997

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 cum laude.

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

Ethics and other areas, primarily but not exclusively credit granted for subject matter at the annual District Attorney's Conference.

MILITARY

8. Have you served in the armed forces (reserves or otherwise)? 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. If so, state the details.

NONLEGAL EMPLOYMENT

9. Describe major nonlegal working experience, if any.

West Publishing, 1987-92
Minneapolis Police Department, 1992-94

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.

N/A

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.***

City & Borough of Juneau Law Department, Juneau, AK, May - August 1996
Prosecution Intern - prosecuted all misdemeanor cases for period of internship, including one jury trial.

Supervisor: Asst. City & Borough Attorney John Leque
155 South Seward, Juneau, AK 99801, 907-586-5242

Alaska Court System, Kodiak, AK, August 1997 - August 1998
Law Clerk for Superior Court Judge Donald D. Hopwood
Research and writing for Judge Hopwood, law librarian, trial bailiff.
Supervisor: Hon. Donald D. Hopwood (retired)

State of Alaska, Dept. of Law, Ketchikan, AK, August 1998 - present
Assistant District Attorney
Hired by then-District Attorney Trevor N. Stephens (currently Hon. Trevor N. Stephens, 415 Main Street, 4th Floor, Ketchikan, AK 99901, 907-225-3195).
Supervisor since 1999: District Attorney Stephen R. West
415 Main Street, Rm 304, Ketchikan, AK 99901, 907-225-6128
Prosecution of all types of criminal cases - felonies, misdemeanors, violations, including fish & game cases; I handle all Prince of Wales Island cases (court location: Craig) and one third of Ketchikan cases; I've prosecuted approx. 53 jury trials including one murder and one attempted murder; I hire and supervise summer interns; additionally, I handle both appeals and post-conviction relief (PCR) cases.

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

Yes _____ No

Describe: not as such; I provide training to youth courts & Fire/EMS

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.

Alaska 1997

Minnesota 1998

PUBLIC SERVICE

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

Alaska Bar Assn. sections: Native Law, Crim.Pros. (when it existed)

Minnesota State Bar Assn.

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

N/A

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)
N/A			

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.)

Alaska State Prosecutors Association (member)

Community Connections (member, Bd of Directors, 1999 - present)

(past Bd. president, past vice president, current treasurer)

KRBD Community Radio (member/contributor; elected member Bd of Directors,
2003 - present)

University of Minnesota Raptor Center (contributor)

The Nature Conservancy of Alaska (contributor)

Ketchikan Area Arts & Humanities Council (contributor/member)

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)? No

(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

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.

N/A

- (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: Janet (Bess) Clark
ADDRESS: 201 Deermount
CITY/STATE/ZIP: Ketchikan, AK 99901 PHONE: 907-225-7825

(2) NAME: Susan M. Crocker
ADDRESS: 415 Main Street, Second Floor
CITY/STATE/ZIP: Ketchikan, AK 99901 PHONE: 907-228-8950

- (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: James T. Scott
ADDRESS: 415 Main Street, Rm 304
CITY/STATE/ZIP: Ketchikan, AK 99901 PHONE: 907-225-6128

(2) NAME: Mark Habib
ADDRESS: P.O. Box 25
CITY/STATE/ZIP: Craig, AK 99921 PHONE: 907-826-3330

(3) NAME: Dennis McCarty
ADDRESS: 300 Mill Street, Suite 22
CITY/STATE/ZIP: Ketchikan, AK 99901 PHONE: 907-225-2101

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: <u>State of Alaska</u>	Case Number: <u>1KE-S03-1442CR</u>
	v. <u>Wayde King</u>	Judge Name: <u>Kevin G. Miller</u>
Attorneys Involved:		
Name: <u>Samuel McQuerry</u>		Name: _____
Address: <u>415 Main Street, 2nd Floor</u>		Address: _____
<u>Ketchikan, AK 99901</u>		_____
Name: _____		Name: _____
Address: _____		Address: _____
_____		_____

2	Case Name: <u>State of Alaska</u>	Case Number: <u>1CR-S03-201/205CR</u>
	v. <u>William B. Heacock</u>	Judge Name: <u>Kevin G. Miller</u>
Attorneys Involved:		
Name: <u>Samuel McQuerry</u>		Name: _____
Address: <u>415 Main Street, 2nd Floor</u>		Address: _____
<u>Ketchikan, AK 99901</u>		_____
Name: _____		Name: _____
Address: _____		Address: _____
_____		_____

3	Case Name: <u>State of Alaska</u>	Case Number: <u>1KE-S03-1421CR</u>
	v. <u>John Keller</u>	Judge Name: <u>Kevin G. Miller</u>
Attorneys Involved:		
Name: <u>Michael Heiser</u>		Name: _____
Address: <u>300 Mill Street, Suite 20</u>		Address: _____
<u>Ketchikan, AK 99901</u>		_____
Name: _____		Name: _____
Address: _____		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. Nathan Olsen

Case Number: 1KE-S03-1354CR
Judge Name: Larry C. Zervos

Attorneys Involved:

Name: Amanda Skiles
Address: 415 Main Street, Second Floor
Ketchikan, AK 99901

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

2

Case Name: State of Alaska
v. Larry Eaton

Case Number: 1KE-S03-1237CR
Judge Name: Trevor N. Stephens

Attorneys Involved:

Name: David Mallet
Address: 725 Dixon Avenue
Juneau, AK 99801

Name: _____
Address: _____

Name: alternate address:
Address: 740 N. Swallow Lane
Higley, AZ 85236

Name: _____
Address: _____

3

Case Name: State of Alaska
v. Gary Prentice

Case Number: 1KE-S02-1457/1765CR
Judge Name: Trevor N. Stephens

Attorneys Involved:

Name: William Carey
Address: 1502 W. 34th Avenue
Anchorage, AK 99503

Name: _____
Address: _____

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.

The vast majority of cases filed with the Valdez District Court are criminal or quasi-criminal (traffic, minor offense). I have extensive experience in all aspects of criminal cases (screening, charging, presenting to grand jury, prosecuting jury and court trials, appeals, post-conviction relief). As one of just three prosecutors working from Ketchikan, I have prosecuted virtually every conceivable type of criminal case - from fish and game cases through first degree murder. In the last six years I have prosecuted cases in Ketchikan, Prince of Wales Island (court location: Craig) and Wrangell. In addition, I sometimes handle juvenile delinquency cases both in Ketchikan and Craig.

As an assistant district attorney, I have prosecuted all criminal cases on Prince of Wales Island during my tenure (excluding the first few months when I only handled misdemeanors). I have worked very closely with the Craig District Court (then-District Court Judge Patricia Collins, District Court Judge Kevin Miller, Magistrate Chris Ellis) and I enjoy traveling to Craig on at least a monthly basis. I have tried many cases in Craig (approx. 20 jury trials of the 53 jury trials I have prosecuted). Over the last six years I have visited nearly every community on Prince of Wales (Craig, Klawock, Hydaburg, Hollis, Naukati, Thorne Bay, and Coffman Cove). Along with either Judge Collins, Judge Miller, or Magistrate Ellis, and a public defender, I have visited several elementary and secondary schools on Prince of Wales Island (Hydaburg, Klawock, Naukati) and participated in presentations about our criminal justice system and question and answer sessions with students. I believe that court outreach to small, rural communities is vital to maintaining and growing an inclusive system of justice.

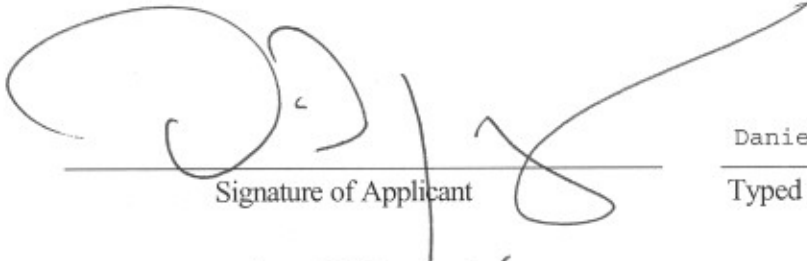
In addition to participating in schools as noted above, I have also provided training to both the Ketchikan Youth Court and the then-extant Klawock Youth Court. I have also provided training to members of the Ketchikan Fire Department and EMS/EMT. Over the years, I have also provided training to VPSOs in various communities on Prince of Wales Island. I also endeavor to provide ongoing assistance to all of the law enforcement departments with whom I work (Ketchikan Police, Ketchikan Troopers, Craig Police, Klawock Police, Klawock Troopers, Wrangell Police, Metlakatla Police, and VPSOs in Hydaburg, Thorne Bay, and Naukati).

I believe in public service. I come from a family with a long tradition of public service (grandparents and parents) and prior to working as a prosecutor I worked as a law clerk and a civilian employee with the Minneapolis Police Department and, many years ago, as a summer employee of a state prison in Stillwater, Minnesota. Beyond my ongoing work in the public sector, I have tried to participate in and contribute to my community. In addition to the above, I currently serve on the boards of both Community Connections and KRBD Community Radio. I am a strong believer in volunteering one's time and talents.

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

Daniel J.M. Schally

Typed Name

6-23-04

Date



Subscribed and sworn to before me this 23 day of June, 2004.



Notary Public, State of Alaska

My Commission expires: 12-19-06