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ALASKA  
JUDICIAL COUNCIL

Alaska Judicial Council  
Application for Judicial Appointment

Kodiak Superior Court  
Kenai Superior Court

Date: April 10, 2003

Position(s) for which you wish to be considered

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

PERSONAL

1. (a) State full name\* Joel H. Bolger  
 Name as it should appear on bar survey: \_\_\_\_\_  
 \* 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? \*\* 13 years 7 months  
 Total years 22 months 7

I lived in Seattle while my wife attended Seattle University, 1987-89.

4. How long have you been engaged in the active practice of law immediately preceding the date of this application? \*\* 24 years 7 months  
 Total years 24 months 7

\*\* 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 Iowa

September 1973--May 1976

Bachelor of Science Degree in Economics

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 Iowa

June 1976--August 1978

Juris Doctor Degree

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

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

Judicial Writing, National Judicial College, 2002; Leadership Institute in Judicial Education, Univ. of Memphis, 2001 & 2002; Ass'n of Family & Conciliation Courts Annual Conf., 2000; General Jurisdiction, NJC, 1998. I have also attended all of the annual Bar/Court System conferences.

**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.

No

**NONLEGAL EMPLOYMENT**

9. Describe major nonlegal working experience, if any.

During high school and college, I drove tractors, baled hay, welded machinery, fixed small engines, loaded trucks and poured concrete.

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.***

Sept. 1997-present: District Court Judge, Alaska Court System, PO Box 127, Valdez, AK 99686. Superior Court Judge Pro Tem and Administrative Judge for Valdez, Cordova and Glennallen. I judge the superior & district court cases filed in these three locations, manage the local courts and decide a regular assignment of administrative appeals from Anchorage.

Over the past three years, I completed several projects as a member of the Judicial Education Committee. I prepared a Bench Guide containing outlines and scripts for new judges, chaired the planning committee for the Fall 2002 Domestic Violence Institute for Judges and coordinated a panel on Pro Se Litigation for the Fall 2001 Judges Conference.

As a Magistrate Training Judge, I have trained and supervised two magistrates and three deputy magistrates in my area and presented several programs at statewide conferences, including Jury Trial Techniques, the Underage Drinking Law and Judicial Ethics. I also serve on the Supreme Court Family Rules Committee, which drafted new rules for the appointment of child custody investigators and guardians-ad-litem. Supervisor: Presiding Judge Dan A. Hensley, 835 West 4<sup>th</sup> Ave., Rm. 420, Anchorage, AK 99501.

Oct. 1982-July 1997: Private Practice, Jamin Ebell Bolger & Gentry, 323 Carolyn Street, Kodiak, AK 99615 (Jamin & Bolger 1982-85). Managing Attorney 1990-96. My primary client was the Kodiak Island Borough: I served as the Borough prosecutor and advisor to the Assembly, supervised all Borough litigation, drafted ordinances and contracts and enforced the Borough property tax and zoning ordinances. For other clients, I prosecuted and defended numerous superior court civil and criminal trials and appeals, mediated disputes, counseled on family law matters, and negotiated and drafted real estate and business transactions. I left when I was appointed to the bench. Supervisor: Matthew D. Jamin (use firm address).

Dec. 1981-Aug. 1982: Staff Attorney, Public Defender Agency, Barrow. Felony & misdemeanor trials & appeals. I left after nine months to enter private practice. Supervisor: Chief Justice Dana Fabe, Alaska Supreme Court, 303 K Street, 5<sup>th</sup> Floor, Anchorage, AK 99501.

Sept. 1978-Nov. 1981: Supervisor & Staff Attorney, Alaska Legal Services Corp., Kodiak & Dillingham. Family law and civil cases for low-income clients. I left for a higher-paying State job. Supervisor: Robert Hickerson (deceased). Verification: Michael Sturm, Controller, 1016 West 6<sup>th</sup> Ave., Suite 200, Anchorage 99501.

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

(a) Percent of your practice that was

Civil	<u>25%</u>
Criminal	<u>75%</u>
Other	<u>          </u>

= 100%

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

(b) Percent

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

= 100%

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

(c) Of practice in state courts, percent:

Supreme Court	<u>          </u>
Court of Appeals	<u>          </u>
Superior Court	<u>50%</u>
District Court	<u>50%</u>

= 100%

Comment: This is an estimate of my time allocation. There are many more district court cases but they take less time.

(d) Frequency of appearance in court: Regularly x; 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      x   31 or more

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

(f) Percent of these trials which were: Jury 40%    Non-Jury 60%

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

(g) Approximate number of appellate matters handled: 40;

Comment: Appeals from district court and administrative agencies.

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

Briefly describe type of matters heard:

But I have conducted several settlement conferences in family matters and civil cases.

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

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

Describe: Valdez Youth Court Instructor for the past four years.

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: Iowa (August 1978), Alaska (June 1979), Washington (June 1987).

Federal: District of Alaska (July 1979), Ninth Circuit (August 1980),

Western District of Washington (June 1987).

### PUBLIC SERVICE

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

Alaska Bar Association;

American Bar Association;

Washington State Bar Association; King County Bar Association;

Iowa State 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)
Valdez District Court	2/97	Y	Y
Palmer District Court	2/97	Y	N

17. Have you ever held public or political office, elective or appointive? Yes

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

District Court Judge, Valdez, appointment by Governor, 1997-present.

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 Conference of Judges, Secretary 2002-03;

Valdez Rotary Club, Board of Directors 1998-2000, Paul Harris Fellow;

Epiphany Lutheran/Episcopal Church, Worship Pianist & Parish Call Committee;

Rotary Club of Kodiak, 1990-97, Rotary Foundation District Service Award for the Beyond the Call of Duty Scholarship Fund. I coordinated this college scholarship fund for the surviving children of the crewmembers who died in a 1986 Coast Guard medivac helicopter crash.

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

(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.

20. (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).

Iowa Savings Bank v. Alan Bolger, District Court, Carroll County, Iowa (1985): I owned a future interest in land the bank foreclosed to collect a farm mortgage. My brother paid the debt and the suit was dismissed.

Claire Grimm v. Carolyn Conner, District Court, Carroll County, Iowa (late 1970's): My aunt brought a partition action for sale of farm land in which I held a small inherited interest.

21. 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: Mr. David Dengel  
ADDRESS: PO Box 2747  
CITY/STATE/ZIP: Valdez, Alaska 99686 PHONE: 907-835-4313

(2) NAME: Mr. Tim Hurley  
ADDRESS: PO Box 864  
CITY/STATE/ZIP: Kodiak, Alaska 99615 PHONE: 907-486-4433

(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: Justice Walter L. Carpeneti  
ADDRESS: PO Box 114100  
CITY/STATE/ZIP: Juneau, Alaska 99811 PHONE: 907-463-4741

*emp/ps*  
(2) NAME: Presiding Judge Dan A. Hensley  
ADDRESS: 835 West 4th Ave., Rm. 420  
CITY/STATE/ZIP: Anchorage, Alaska 99501 PHONE: 907-264-0403

(3) NAME: Mr. Roman J. Kalytiak, District Attorney  
ADDRESS: 800 West Evergreen Ave., Rm. 102  
CITY/STATE/ZIP: Palmer, Alaska 99645-6695 PHONE: 907-745-5027

\* **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. The applicant should not request a copy of the letter from the reference.

**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: Guy Beedle & Kim Lamborn  
v. Timothy Miller

Case Number: 3CO-02-03 CI  
Judge Name: Bolger

*Attorneys Involved:*

Name: Charles W. Ray, Jr.  
Address: 711 H Street, Suite 310  
Anchorage, AK 99501

Name: Robert K. Reiman  
Address: 730 I Street, Suite 227  
Anchorage, AK 99501

Name: Phone: 907-274-4839  
Address: \_\_\_\_\_  
\_\_\_\_\_

Name: Phone: 907-258-1132  
Address: \_\_\_\_\_  
\_\_\_\_\_

**2**

Case Name: Jon Woodard  
v. State of Alaska

Case Number: 3AN-00-6982 CI  
Judge Name: Bolger

*Attorneys Involved:*

Name: Leslie A. Hiebert  
Address: 900 West 5th Ave., Suite 525  
Anchorage, AK 99501

Name: Mary Anne Henry  
Address: 310 K Street, Suite 520  
Anchorage, AK 99501

Name: Phone: 907-269-3500  
Address: \_\_\_\_\_  
\_\_\_\_\_

Name: Phone: 907-269-6300  
Address: \_\_\_\_\_  
\_\_\_\_\_

**3**

Case Name: In Re L.K. & M.K.  
v. \_\_\_\_\_

Case Number: 3VA-00-4,5 CI  
Judge Name: Bolger

*Attorneys Involved:*

Name: Allan D. Beiswenger  
Address: 1031 West 4th Ave., Suite 200  
Anchorage, AK 99501

Name: J. Randall Luffberry  
Address: 263 South Alaska Street  
Palmer, AK 99645

Name: Phone: 907-269-5140  
Address: \_\_\_\_\_  
\_\_\_\_\_

Name: Phone: 907-745-2400  
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:* Sharon Boyd  
*v.* Arctic Slope Native Corp

*Case Number:* 3AN-01-6359 CI  
*Judge Name:* Bolger

*Attorneys Involved:*

*Name:* Steven Costantino  
*Address:* 738 H Street, Suite 300  
Anchorage, AK 99501

*Name:* Theresa Hennemann  
*Address:* 701 West 8th Ave., Suite 700  
Anchorage, AK 99501

*Name:* Phone: 907-569-2667  
*Address:* \_\_\_\_\_  
\_\_\_\_\_

*Name:* Phone: 907-274-0666  
*Address:* \_\_\_\_\_  
\_\_\_\_\_

**2**

*Case Name:* Ronald Medley, RN  
*v.* Board of Nursing

*Case Number:* 3AN-00-3756 CI  
*Judge Name:* Bolger

*Attorneys Involved:*

*Name:* Linda Anna Webb  
*Address:* 310 K Street, Suite 400  
Anchorage, AK 99501

*Name:* Robert C. Auth  
*Address:* 1031 W. 4th Ave., Suite 200  
Anchorage, AK 99501

*Name:* Phone: 907-279-3581  
*Address:* \_\_\_\_\_  
\_\_\_\_\_

*Name:* Phone: 907-269-5200  
*Address:* \_\_\_\_\_  
\_\_\_\_\_

**3**

*Case Name:* Deborah Hartkopf  
*v.* Freedom Arms, Inc.

*Case Number:* 3VA-01-31 CI  
*Judge Name:* Bolger

*Attorneys Involved:*

*Name:* Michael J. Schneider  
*Address:* 880 N Street, Suite 202  
Anchorage, AK 99501

*Name:* James B. Wright  
*Address:* 500 L Street, Suite 301  
Anchorage, AK 99501

*Name:* Phone: 907-277-9306  
*Address:* \_\_\_\_\_  
\_\_\_\_\_

*Name:* Phone: 907-277-6175  
*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