

RECEIVED

JUN 18 2001

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council
Application for Judicial Appointment

Alaska Superior Court
Anchorage

Date: June 18, 2001

Position(s) for which you wish to be considered

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

PERSONAL

- 1. (a) State full name* Morgan Brenda Christen
Name as it should appear on bar survey: Morgan Christen
* 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
Brenda Christen

3. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 14 years 10 months
Total years 15 months 4

4. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 14 years 10 months
Total years 14 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.

Richmond College, London, England - September 1979 through January 1980

American College of Switzerland - January 1980 through June 1980

Nanjing Univ., People's Republic of China - June 1982 through August 1982

Univ. of Washington, B.A. International Studies, September 1980 - June 1983

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.

Golden Gate University School of Law, J.D. - September 1983 through June 1986

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

Selected for Law Review
American Jurisprudence Award - Evidence
American Jurisprudence Award - Constitutional Law

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

I have taken six to eight CLE's, including National Institute of Trial Advocacy Courses, in trial advocacy, depositions skills, mediation skills and negotiation skills.

MILITARY

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

If so, please provide the following information:

(a) Dates of service: N/A

(b) Branch of service: N/A

(c) Rank at time of discharge: N/A

(d) Type of military discharge: N/A

(e) Awards or citations:

N/A

(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.

N/A

NONLEGAL EMPLOYMENT

9. Describe major nonlegal working experience, if any.

My nonlegal work experience pre-dates my undergraduate studies. (I worked as a legal secretary in college and as a law clerk and intern in the Municipal Prosecutor's office in law school.)

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.***

Law Office of Bruce Krell 345 Grove Street, San Francisco, CA 94102	September 1984 through June 1985
Bruce Krell had a personal injury practice. As a second year law student, I primarily worked on discovery projects and research. I left this job at the end of the school term, to accept an internship in the Anchorage Municipal Prosecutor's office.	
Anchorage Municipal Prosecutor's Office 420 L Street, Suite 100, Anchorage, AK 99501	June 1985 through December 1985
My supervisor at this position was Jim Wolf, now deceased. Bruce Roberts in the current Municipal Prosecutor. He will be able to speak about my duties and performance, because he was the defense intern when I was the prosecuting intern. We appeared in Court daily, doing misdemeanor arraignments, bail hearings and trials.	
Judicial Law Clerk Honorable Brian Shortell 303 K Street, Anchorage, AK 99501	September 1986 through September 1987
Judge Shortell was assigned to complex civil litigation at the time I clerked for him.	
Preston Gates & Ellis LLP 420 L Street, Suite 400, Anchorage, AK 99501	September 1987 through present
I have a civil litigation practice, in state and federal court. I was one of the lawyers on the liability team for the State of Alaska in the Exxon Valdez Oil Spill case. My work as lead counsel has included representing plaintiffs in wrongful death and personal injury cases (commercial fisherman, commercial and private aviation fatalities, the wrongful death of an infant under the Vaccine Compensation Act). I have also represented corporate entities (defending a wrongful death claim arising from an avalanche at a construction site, commercial disputes on behalf of a pipeline inspection firm, defending two medical practice plans against whistleblower claims, pursuing a large embezzlement claim under accounting and banking malpractice theories, and handling employment claims under Title VII and the Equal Pay Act.	

Ms. Georgie Fisher:
Alaska Judicial Council
1029 West Third Avenue, Suite 201
Anchorage, AK 99501
Phone: (907) 279-2526
Fax: (907) 276-5046

Morgan asked me to forward the following additional information to you which you requested this morning via fax. Please let me know if you have further questions.

Current address:

Judge Brian Shortell
1328 West 12th Avenue
Anchorage, AK 99501
(907) 868-1850

Verification of Employment:

John R. Messenger
Preston Gates & Ellis LLP
420 L Street, Suite 400
Anchorage, AK 99501
(907) 276-1969

Thank you.

Sonja K. Amundsen
Secretary to Morgan Christen
Preston Gates & Ellis LLP
420 L Street, Suite 400
Anchorage, AK 99501
(907) 276-1969

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

Yes No

Describe: I always try to have a pro bono case.

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.

U.S. District Court for the District of Alaska	February 23, 1988
U.S. Court of Appeals for the Ninth Circuit	June 5, 1989
U.S. Claims Court	1993
Washington Bar (June 2001) and Alaska Bar (June 1988)	

PUBLIC SERVICE

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

Alaska Bar Association Ethics Committee
Lawyer Representative Ninth Circuit Judicial Conference
Chair of Federal Admiralty Rules Committee
Federal Merit Selection Committee (Federal Magistrate Retention)

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)
No			

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

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

N/A

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.)

- Anchorage Downtown Rotary - 1992 to present
- United Way Board of Directors - 1999 to present
- Big Brothers / Big Sisters: Board of Ambassadors and former big sister
- Y.W.C.A.
- United Methodist Church
-
-
-
-

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.

N/A

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).

No

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: Arliss Sturgelewski
ADDRESS: 3201 C Street, Suite 405
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 907/279-4939

(2) NAME: Julianna Guy
ADDRESS: 1084 Potlatch Circle
CITY/STATE/ZIP: Anchorage, AK 99524 PHONE: 907/272-2840

(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: Jeff Feldman
ADDRESS: 500 L Street, Suite 400
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 907/272-3538

(2) NAME: Fred Boness
ADDRESS: 2210 Banbury
CITY/STATE/ZIP: Anchorage, AK 99504 PHONE: 907/333-7130

(3) NAME: Brian Shortell
ADDRESS: 1328 West 12th Avenue
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 907/868-1850

* **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: _____
v. _____

Case Number: _____
Judge Name: _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

2

Case Name: _____
v. _____

Case Number: _____
Judge Name: _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

3

Case Name: _____
v. _____

Case Number: _____
Judge Name: _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

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: Ballantine
v. Bahr

Case Number: 3AN-01-5923
Judge Name: Rene J. Gonzalez

Attorneys Involved:

Name: Matt Jamin - 907/486-6024
Address: 323 Carolyn Street
Kodiak, AK 99615

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

2 Case Name: Burmeister
v. Anchorage School District

Case Number: 3AN-98-6001 Civil
Judge Name: Rene J. Gonzalez

Attorneys Involved:

Name: Brad Owens - 907/563-8844
Address: 3000 A Street, Suite 200
Anchorage, AK 99503

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

3 Case Name: Claiborne
v. Precision Airmotive

Case Number: A99-0046 (JKS) Civil
Judge Name: James K. Singleton, Jr.

Attorneys Involved:

Name: Jim Leik - 907/279-8561
Address: 1029 W. Third Ave., Suite 300
Anchorage, AK 99501

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 types of cases I have handled in my litigation practice are described briefly, above. My work has been civil litigation of tort and commercial disputes. I enjoy appearing in the state and federal trial courts very much and have been successful there. Because my experience has been in private practice, and given the economics of litigation, the bulk of my cases have been resolved short of trial. My approach has been to work very hard to aggressively pursue factual discovery and resolve questions of law through early motions practice in order to establish, or at least better define, the likely outcome of liability at trial. This approach usually leads to negotiated resolutions of damages at significantly reduced overall cost to my clients. Thus, though I am frequently in superior court, my appearances are more often motions practice and hearings than trial work. I have not had a case go to trial in the past three years, though two are scheduled to go to trial in July of this year.

I have served as lead counsel on all but a few of the cases I have handled in the past ten years of my practice, including products liability claims, Jones Act admiralty claims, contract disputes and claims involving significant expert testimony (such as a trial for the wrongful death of an infant as a result of an adverse reaction to a vaccine, geological and engineering testimony concerning the causes of a landslide and avalanche, and the professional standards for particular banking and accounting practices).

The responsibility of handling significant pieces of litigation in the private sector has taught me valuable lessons about the benefits to be had in our community when litigants leave the court system feeling that their concerns have been heard, and the further widening of personal and professional rifts that can result when litigants are not afforded that opportunity. I have been fortunate to have role models in Anchorage superior court judges who have shown me, in trial and in judicial settlement conferences, the tremendous power of taking time to allow a party to speak about what a claim means to him or her personally. The same is true of former judges who have mediated claims for me over the years.

I have not had a steady diet of criminal work since I worked at the Municipal Prosecutor's Office. However, my representation of two large medical practice plans has required very close work with criminal defense counsel because the allegations include exposure to both criminal and civil sanctions. This work has broadened my criminal law experience considerably.

Given the caseload handled by the superior court in Anchorage, it may also be helpful to know that, for the past six years, I have also handled about six family law matters per year.