

**Alaska Judicial Council**  
**Application for Judicial Appointment**

Anchorage District Court

Date: September 11, 2002

Position(s) for which you wish to be considered

**RECEIVED**  
SEP 11 2002  
ALASKA  
JUDICIAL COUNCIL

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

**PERSONAL**

1. (a) State full name\* Brian Kent Clark  
Name as it should appear on bar survey: Brian K. Clark  
\* 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? \*\* 29 years 0 months  
Total years 29 months 0
4. How long have you been engaged in the active practice of law immediately preceding the date of this application? \*\* 10 years 10 months  
Total years 10 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 Colorado at Boulder - B.A. in Linguistics  
September 1984-May 1988  
Honors: Dean's Scholar 1985

**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.

Willamette University, College of Law - Juris Doctor  
September 1988-May 1991

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

Trustees' Scholar, 1988-1991  
Honors in Trial Practice

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

CyberSleuth2: July 2002, investigation of computer crimes.  
DA's Conferences 1997-2002: Successful prosecution strategies, domestic violence education, new laws, ethics, etc.  
Drug Prosecution: October 1998, drug investigation, search warrants.

**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.

N/A

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.***

Oregon Department of Justice - June 1989-May 1991. Law clerk in civil trial division. Supervisors Ken Barnes, Thomas K. Elden. 1162 Court St. NE, Salem, Or 97301. Left because of graduation. Researched and wrote motions to dismiss and motions for summary judgment. To verify employment, contact Thomas K. Elden at the above address.

Alaska Court of Appeals - August 1991-August 1992. Law clerk to Judge David Mannheimer. 303 K St., Anchorage, Ak 99501. Left because clerkship ended and obtained new employment. Prepared memoranda by summarizing, researching and analyzing appellate briefs. Reviewed draft opinions for accuracy. To verify employment, contact Judge David Mannheimer at the above address.

Lane Powell Spears Lubersky - October 1992-August 1994. Associate. Supervisor Brewster Jamieson. 420 L St., Suite 300, Anchorage, Ak 99501. Left because wanted to do trial work and obtained job with DA's office. Insurance defense and coverage dispute work. To verify employment, contact Brewster Jamieson at the above address.

District Attorney's Office, Barrow - September 1994-August 1997. Sole Assistant District Attorney. Supervisor James "Pat" Doogan. Left because I had fulfilled my bush commitment and obtained job in Anchorage. Criminal prosecution. To verify employment, contact Pat Doogan through the Fairbanks DA's Office at 604 Barnette St., Anchorage, Ak 99701.

District Attorney's Office, Palmer - September 1999-January 2000. Assistant District Attorney. Supervisor Phil Moberly. Left because only assigned to Palmer for five months. Worked closely with MatSu Drug Task Force. Sent to establish screening and offer procedures in accordance with Anchorage procedures. To verify employment, contact Phil Moberly at 310 K St., Suite 520, Anchorage, Ak 99501.

District Attorney's Office, Anchorage - September 1997-September 2000. Assistant District Attorney. Supervisor Phil Moberly. Left for new employment. Misdemeanors for one year, then drug prosecution. To verify employment, contact Phil Moberly at the above address.

Office of Special Prosecutions and Appeals (OSPA) - October 2000-September 2001. Assistant Attorney General. Supervisor Eric Johnson. White collar crimes, police internal affairs, sensitive, complex or political prosecutions. Did not leave - was promoted to chief.

OSPA - October 2001-Present. Chief, Assistant Attorney General. Supervisor Pat Gullufsen. Chief of Special Prosecutions. In addition to carrying case load, supervise six statewide special prosecutor and staff. To verify employment, contact Pat Gullufsen at 310 K St., Suite 308, Anchorage, Ak 99501.

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

(a) Percent of your practice that was

Civil	<u>0%</u>
Criminal	<u>100%</u>
Other	<u>0%</u>
	= 100%

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

(b) Percent

State	<u>100%</u>
Federal	<u>0%</u>
Other	<u>0%</u>
	= 100%

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

(c) Of practice in state courts, percent:

Supreme Court	<u>0%</u>
Court of Appeals	<u>0%</u>
Superior Court	<u>60%</u>
District Court	<u>40%</u>
	= 100%

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

(d) Frequency of appearance in court: Regularly X; Occasionally \_\_\_\_\_;  
Infrequently \_\_\_\_\_; Not at All \_\_\_\_\_  
Comment: As an ADA I appeared frequently; as an AAG, occasionally

(e) Number of trials (by court or jury) you conducted in the past 5 years:  
None 1 to 5 X 6 to 16 16 to 30 31 or more  
Comment: over my 10 year career, I have done 40+ trials

(f) Percent of these trials which were: Jury 95% Non-Jury 5%  
Comment: \_\_\_\_\_

(g) Approximate number of appellate matters handled: 2;  
Comment: \_\_\_\_\_

(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:

(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, October 1991

**PUBLIC SERVICE**

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

State of Alaska Bar Association

Criminal Prosecution Section

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)
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.)

Criminal Pattern Jury Instruction Committee (active)

National White Collar Crimes Center (member)

Digital DA (member)

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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?       N/A      

(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.

I believe I received a speeding ticket when I was 16 years old and the fine was over \$50. I also was cited for failure to yield or improper turning when I was approximately 17 years old, and I believe the fine was more than \$50. Both of these incidents were non-criminal traffic offenses.

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: Jill Farrell  
ADDRESS: 737 M. St.  
CITY/STATE/ZIP: Anchorage, Ak 99501 PHONE: 276-1942

(2) NAME: Ken Diemer  
ADDRESS: 310 K St., Suite 308  
CITY/STATE/ZIP: Anchorage, Ak 99501 PHONE: 269-6250

(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: Honorable Larry Card  
ADDRESS: 825 W 4th Av.  
CITY/STATE/ZIP: Anchorage, Ak 99501 PHONE: 264-0414

(2) NAME: Susan Parkes  
ADDRESS: 310 K St., Suite 520  
CITY/STATE/ZIP: Anchorage, Ak 99501 PHONE: 269-6300

(3) NAME: Andrew Lambert  
ADDRESS: 711 H St., Suite 450  
CITY/STATE/ZIP: Anchorage, Ak 99501 PHONE: 276-2135

\* **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: State  
v. Andrew Jackson

Case Number: 3AN-S01-6306 Cr.  
Judge Name: Honorable Natalie Finn

**Attorneys Involved:**

Name: Pamela Dale (264-6789)  
Address: 135 Christensen Dr.  
Anchorage, Ak 99501

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

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

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

**2** Case Name: State  
v. James Hill

Case Number: 3AN-S98-7703 Cr.  
Judge Name: Hon. Michael Wolverton

**Attorneys Involved:**

Name: David Reineke (334-4400)  
Address: 900 W 5th Av., Suite 200  
Anchorage, Ak 99501

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

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

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

**3** Case Name: State  
v. Yong Park

Case Number: 3AN-S98-5178 Cr.  
Judge Name: Hon. Elaine Andrews

**Attorneys Involved:**

Name: Craig Howard (334-4400)  
Address: 900 W 5th Av., Suite 200  
Anchorage, Ak 99501

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

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  
v. Whitewater Engineering

Case Number: 3AN-S01-5235 Cr.  
Judge Name: Honorable Dan Hensley

**Attorneys Involved:**

Name: Charles Cole (452-1124)  
Address: 406 Cushman St.  
Fairbanks, Ak 99701

Name: Susan Orlansky (272-3538)  
Address: 500 L St., Suite 400  
Anchorage, Ak 99501

Name: Jeff Feldman (272-3538)  
Address: 500 L St., Suite 400  
Anchorage, Ak 99501

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

**2** Case Name: State  
v. William Goldberg

Case Number: 3AN-S01-4854 Cr.  
Judge Name: Honorable Dan Hensley

**Attorneys Involved:**

Name: Ray Brown (277-5400)  
Address: 510 L St., Suite 603  
Anchorage, Ak 99501

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

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

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

**3** Case Name: State  
v. Thomas Rickard

Case Number: 3AN-S01-754 Cr.  
Judge Name: Honorable Larry Card

**Attorneys Involved:**

Name: Andrew Lambert (276-2135)  
Address: 711 H St., Suite 450  
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.
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