

SEP 14 2011

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

Position(s) for which you wish to be considered:

Anchorage Superior Court

Date: September 13, 2011

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Catherine Marie Easter

Name as it should appear on bar survey: Catherine M. Easter

* 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

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application?***

26 years 1 months
Total 26 years 1 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application?***

24 years 11 months
Total 24 years 11 months

Nonlegal Education

4. 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.

Seattle University, BA in French, 1976-1981

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

Legal Education

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

University of San Diego, 8/82-5/85, Juris Doctor

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

Member of the California Regulatory Law Committee overseeing the California Coastal Commission and the Bureau of Home Furnishings.

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

Please describe or list. Please do not attach individual certificates of attendance.

I have attended the annual Judicial Conference as well as the Alaska Bar conferences. I attended a two week general jurisdiction judicial training at the National Judicial College. I also attended a four day GAINS conference dealing with mental health courts.

Military

7. Have you served in the armed forces (reserves or otherwise)? Yes 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? Yes No If so, state the details.

Nonlegal Employment

8. Describe major nonlegal working experience. If you had a business or association that has been discontinued, please note whether there are unpaid debts or claims pending litigation.

N/A

Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates and location of employment, name of employer, name AND CURRENT ADDRESS OF supervisor or person who can verify AND COMMENT ON YOUR employment, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.) for each position listed below.** IF YOU ARE CURRENTLY A TRIAL COURT JUDGE, PLEASE LIST YOUR PRESIDING JUDGE. FOR PAST JUDGESHIPS, PLEASE LIST THE JUDGE WHO LAST PRESIDED DURING YOUR TIME ON THE BENCH.

The Council will ask for comments from your current and former employers about your employment and your judicial qualifications. You may choose to list other persons as character and professional references in response to Question 20 of this application.

If the supervisor or contact person asks (in writing) that the letter be shared with the governor, the Council will send designated letters for each nominee. The applicant should not request a copy of the letter from the reference. References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

Current Employer: District Court Judge/State of Alaska

Supervisor or name of contact person who can verify employment: Judge Sharon Gleason

Current address of this person: 825 W. 4th Avenue

City Anchorage State AK Zip 99501

Dates and location of Employment: From 10/08 To Present City Anchorage State AK

Description: Criminal and Civil District Court matters. Deputy Presiding District Court Judge for the Third Judicial District.

Previous Employers: (In chronological order, most recent first)

Employer: Office of Public Advocacy

Supervisor or name of contact person who can verify employment: Rachel Levitt

Current address of this person: 515 E. Dahlia Street, Suite 130

City Palmer State AK Zip 99648

Dates and Location of Employment: From 7/07 To 9/30/08 City Anchorage State AK

Description: Criminal defense practice.

Reason for Leaving: Appointed to the Anchorage District Court.

Employer: Alaska Public Defender Agency

Supervisor or name of contact person who can verify employment: Quinlan Steiner

Current address of this person: 900 W. 5th Avenue, Suite 200

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 10/86 To 7/07 City Anchorage State AK

Description: Criminal defense practice.

Reason for Leaving: Opportunity for a more diverse caseload.

Previous Employers (continued)

Employer: Judge Brian Shortell, State of Alaska
Supervisor or name of contact person who can verify employment: Retired Judge Brian Shortell
Current address of this person: _____
City Anchorage State AK Zip _____
Dates and Location of Employment: From 9/85 To 9/86 City Anchorage State AK
Description:

Clerkship assisting Judge Shortell with the handling of slow track civil cases. I also served as a small claims and traffic magistrate judge pro tempore.

Reason for Leaving: It was a one year clerkship.

Employer: Municipal Attorney's Office, Civil Division
Supervisor or name of contact person who can verify employment: Margaret Rawitz
Current address of this person: _____
City Anchorage State AK Zip _____
Dates and Location of Employment: From 1/84 To 8/84 City Anchorage State AK
Description:

Research and writing legal memoranda, drafting civil pleadings and motions and writing appellate briefs.
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Reason for Leaving: Return to finish third year of law school.

Employer: _____
Supervisor or name of contact person who can verify employment: _____
Current address of this person: _____
City _____ State _____ Zip _____
Dates and Location of Employment: From _____ To _____ City _____ State _____
Description:

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Reason for Leaving: _____

Employer: _____
Supervisor or name of contact person who can verify employment: _____
Current address of this person: _____
City _____ State _____ Zip _____
Dates and Location of Employment: From _____ To _____ City _____ State _____
Description:

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Reason for Leaving: _____

Employer: _____
Supervisor or name of contact person who can verify employment: _____
Current address of this person: _____
City _____ State _____ Zip _____
Dates and Location of Employment: From _____ To _____ City _____ State _____
Description:

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Reason for Leaving: _____

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

(a) Percent of your practice that was:

Civil	40
Criminal	60
Other	_____
	= 100%

Comment: _____

(b) Percent:

State	100
Federal	_____
Other	_____
	= 100%

Comment: _____

(c) Of practice in state courts, percent:

Supreme Court	_____
Court of Appeals	_____
Superior Court	_____
District Court	100
	= 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 1-5 6-15 16-30 31 or more

Comment: _____

(f) Percent of these trials which were: Jury 65 Non-Jury 35

Comment: _____

(g) Approximate number of appellate matters handled: N/A

Comment: _____

(h) Approximate number of arbitrations or administrative hearings:
 None 1-5 6-15 16-30 31 or more

Briefly describe type of matters heard:

(i) Please briefly summarize any *pro bono* work that you have done and indicate whether the work was done through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.) during this period.

CLE Panelist: "From the Bar to the Bench: Increasing Diversity in Alaska's Judiciary" and "Ethics Game Show"; Judge in Alaska High School Mock Trial Competition; Judge for "We the People"; Spoke to Boy Scout troop for citizenship badge.

11. 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.

California Supreme Court, 12/85
 Alaska Supreme Court, 5/86
 Washington Supreme Court, 11/86

Public Service

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

Alaska Bar Association, California Bar Association, Washington Bar Association

13. List legal publications, if any (give title, subject and date of publications). Please include publications you have co-authored and the name(s) of the co-author(s).

Co-authored an article with Timothy Will on the California Coastal Commission for the California Regulatory Law Reporter, 1983.

14. Have you ever applied for a judgeship? Yes No
 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)
Anchorage District Court	10/18/00	N	N
Anchorage District Court	9/11/02	Y	N
Anchorage District Court	12/26/06	Y	N
Anchorage District Court	12/13/07	Y	Y

15. Have you ever held public or political office, elective or appointive? Yes No
If so, state office, manner selected, and when and where held.

16. Please provide the Council with information that you would like the Council to consider about other legal and nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal organizations. Please indicate whether you participate in the organization's activities, or simply hold a membership. Your involvement in the community is one of the criteria the Council uses in its evaluations. The Council does not use affiliation with a particular group as a criterion except to the extent that it might raise questions of conflict of interest or would affect an applicant's ability to impartially apply the law.

Holy Family Catholic Church - member
Our Lady of the Snows Catholic Church - member
Anchorage West Little League - T-Ball coach
Nordic Skiing Association - member
Alyeska Ski Club - member
Chugach Optional Elementary School - parent coordinator/compiles yearbook
National Association of Women Judges - member
Success Inside and Out - member steering committee/chair of the planning committee

17. 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 in any jurisdiction, including all traffic offenses, unless the fine was less than \$50 and there were no other sanctions?
 Yes No
- (b) failed to answer any summons or other legal process served upon you personally at any time?
 Yes 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? Yes No

- (d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? Yes 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.

18. (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? Yes No
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? Yes No
If so, give particulars, including case numbers.

- (b) Have you ever been sued by a client? Yes No
If so, give particulars, including case numbers.

- (c) Have you ever been a party in any other legal proceeding? Yes No
If so, give the particulars. Include all legal proceedings in which you were a party in interest, including petitioner or respondent in dissolution or divorce proceedings; a material witness; a named co-conspirator or correspondent; and subject or witness in any grand jury proceedings. 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).

Brandon Condit v. Craig Howard & Catherine Easter, 3AN-06-13870 CI
Filed 12/29/06, voluntary dismissal filed 1/24/07 prior to an answer being filed.

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

- (a) Are there any unsatisfied judgments against you? Yes No
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?

Yes No

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?

Yes No

Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

- (b) Have you ever made an assignment for the benefit of creditors? Yes No
Have you ever filed any petition in bankruptcy? Yes No
If so, state the circumstances, case number, and the outcome.

References and Counsel Questionnaires*

- * **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. If the reference asks (in writing) that the letter be shared with the governor, the Council will send designated letters and counsel questionnaires for each nominee. The applicant should not request a copy of the letter from the reference. (You **should not** list the Chief Justice of the Alaska Supreme Court.)

References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

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

Name: Brian Doherty
Address: _____
City/State/Zip: Anchorage, AK Phone: _____

Name: Michelle Bittner
Address: _____
City/State/Zip: Anchorage, AK Phone: _____

- (b) List the names, addresses, **including zip codes**, 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.

Name: Judge J. Patrick Hanley
Address: 303 K Street
City/State/Zip: Anchorage, AK 99501 Phone: _____

Name: John B. Skidmore
Address: 310 K Street, Suite 308
City/State/Zip: Anchorage, AK 99501 Phone: _____

Name: Barbara Brink
Address: _____
City/State/Zip: Anchorage, AK Phone: _____

References and Counsel Questionnaires (continued)

(c) List the names, addresses, including zip codes, and suite numbers where applicable, and phone numbers of each attorney involved in your three most recent cases that have gone to trial. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent trials they presided over.) List only those cases that 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.)

Case Number 1

Case Name: State of Alaska **Case Number:** 3AN-S10-1773 CR
v. Kurt Lepping **Judge Name:** _____

Attorneys Involved:

Name: <u>Andrew Peterson</u>	Name: <u>Scott Engelhard</u>
Address: <u>310 K Street, Suite 308</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Seattle, WA</u>

Name: <u>Steven Wells</u>	Name: _____
Address: <u>1029 W. 3rd Avenue, Suite 110</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: Municipality of Anchorage **Case Number:** 3AN-M11-1975 CR
v. Richard B. Schulling **Judge Name:** _____

Attorneys Involved:

Name: <u>Herbert Viergutz</u>	Name: <u>Max Holmquist</u>
Address: _____	Address: _____
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: <u>Anchorage, AK</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Christina Childs **Case Number:** 3AN-09-4334 CI
v. Kyle E. Stevens **Judge Name:** _____

Attorneys Involved:

Name: <u>Michael Zahare</u>	Name: <u>Stacy Walker</u>
Address: _____	Address: _____
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: <u>Anchorage, AK</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

References and Counsel Questionnaires (continued)

(d) List the names, addresses, **including zip codes, and suite numbers where applicable**, and phone numbers of each attorney involved in your three most recent cases that did not go to trial but in which you did significant work. Please do not list cases pending in the trial courts. (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.)*

Case Number 1

Case Name: Francis Aguilar **Case Number:** 3AN-10-5934 CI
v. Howard T. Wilkerson, Roy Bowdre **Judge Name:** _____

Attorneys Involved:

Name: <u>Kneeland Taylor</u>	Name: <u>Wayne Watson</u>
Address: _____	Address: <u>310 K Street, Suite 306</u>
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>Donald Thomas</u>	Name: <u>David Bundy</u>
Address: _____	Address: <u>310 K Street, Suite 200</u>
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Case Number 2

Case Name: Municipality of Anchorage **Case Number:** 3AN-M10-14123 CR
v. Brandy Peterson **Judge Name:** _____

Attorneys Involved:

Name: <u>Seneca A. Theno</u>	Name: <u>Frederick T. Sloane</u>
Address: _____	Address: _____
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: <u>Anchorage, AK</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Mountain View Village **Case Number:** 3AN-10-4547 CI
v. Alexander Morris **Judge Name:** _____

Attorneys Involved:

Name: <u>Stephen H. Hutchings</u>	Name: <u>James J. Davis, Jr.</u>
Address: <u>1127 W. 7th Avenue</u>	Address: <u>1016 W. 6th Ave., Suite 200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Writing Sample

21. Attach 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. Please choose a sample that reflects your ability to do legal research and analysis. If you do not have a good sample of this length, include an excerpt from a longer writing. Make sure the sample contains sufficient facts to make it understandable. (Some reply briefs may not meet these requirements.)

Please do not submit: (a) coauthored writing samples, (b) samples with confidential information unless redacted to remove such information, (c) longer writing samples.

22. 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? Yes No
Have formal grievance procedures been brought against you? Yes No
See Bar Rule 22(b) & (e) concerning public bar grievance procedures against attorneys, and AS 22.30.011(b) and .060(b)(3) concerning public disciplinary grievance procedures against judges.
Have you ever been held in contempt of court? Yes No
Have you ever been fined or otherwise sanctioned by a judge? Yes No
In each case, state in detail the circumstances and the outcome.

Additional Comments (Non-Confidential)

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

Currently, I am a District Court Judge in Anchorage. I handle both criminal and civil cases. For much of my tenure on the bench, I have had a standing order to preside over Superior Court cases such as "C" felony cases, felony petitions to revoke probation and "B" felony cases on a case-by-case basis. As part of my civil caseload, I have presided over four civil jury trials. I have also conducted numerous settlement proceedings with a high rate of success. Such experience is a valuable asset for a Superior Court judge as there is a trend to mediate family law cases.

I have also presided over two therapeutic courts: CRP (mental health court) and the municipal wellness court. Both courts attempt to divert misdemeanor offenders with either mental disabilities or substance abuse issues away from jail and into appropriate community treatment in an attempt to reduce recidivism in the criminal justice system.

In January, 2011, I was appointed Deputy Presiding District Court Judge for the Third Judicial District. In that capacity, I handle administrative issues which arise for

Additional Comments (Continued)

the District Court and any other matters in other court divisions which affect District Court. I have been a member of the Boney court remodel committee in order to insure that the remodel addresses District Court needs and is functional for District Court proceedings.

My tenure on the District Court and the expanded duties and responsibilities that I have been given would serve me well on the Superior Court bench.

24. Please indicate whether you prefer to be interviewed in public session or in private session. Your choice of a public or private interview has no bearing on the Council's determination of your qualifications or on the questions the Council may ask. You may change your request in writing at any time before the interview starts.

Public Interview

Private Interview

25. Please prepare a brief biographical statement (*limited to 150 words*) about your background, legal education, and legal experience. Please do not list personal information about minor children. Your picture and a copy of this statement will be scanned and posted on the Council's website after the application deadline. In its bar survey, the Council will invite attorneys to review the information if they wish to become more familiar with your background and experience. Use the form on the following page for your biographical statement. Please leave the box at the top empty. The Council will use this space for your scanned picture. ***To be fair to all applicants, the Council will strictly enforce the 150 word limit.***

If you object to the posting of your picture on the Council's website, please indicate your objection below. If you object, we will not post your picture, although you still must submit twelve photographs of yourself with your application.

If you check this box we will not post your picture on the website.

Biographical Statement

Name Catherine M. Easter

Position(s) for which you wish to be considered:

Anchorage Superior Court

Please leave this area blank

Date: 9/13/11

I was born in Pasadena, California and raised in Seattle, Washington. I attended Seattle University where I received a BA in French. I received my law degree at the University of San Diego . After law school, I moved to Alaska and clerked with Superior Court Judge Brian Shortell for a year in Anchorage. After my clerkship, I worked for the Public Defender Agency and the Office of Public Advocacy in Anchorage. I am a District Court Judge in Anchorage. I am married and have two children.