

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.

Chicago Kent College of Law, Illinois Institute of Technology, Chicago, IL
August 1992-May 1995
Juris Doctorate

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.

Dean's List: Fall 1993, Spring 1994, Fall 1994, Spring 1995
Phi Alpha Delta member

- (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.

Special Courts Jurisdiction, National Judicial College, October, 2018
Alaska Magistrate's Annual Conference, April, 2017, 2018
District Attorney's Conference CLE, every October, 2010-2016
Prosecuting Sexual Assault in Indian Country, NDAA, 2015
Executive Office Management for Prosecutors, NDAA, 2014
Regional Sexual Assault Investigation, 2015
Advanced Strangulation Course, 2016
APEX CLE 30 hours, 2015 and 2017

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.

Archaeologist, 1988 to 1992: Field technician and physical anthropologist for various digs in Oregon, New York, Connecticut,

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: Alaska Court System

Supervisor or name of contact person who can verify employment: The Honorable Michael A. MacDonald, Judge

Current address of this person: 101 Lacey Street

City Fairbanks State AK Zip 99701

Dates and location of Employment: From May. 2017 To Present City Fairbanks State AK

Description:

Magistrate Judge in the District Court, Special Master for the Superior Court. Responsibilities include handling District Court criminal arraignments, minor offense court, domestic violence protective orders, probate matters including guardianships and conservatorships and estates, domestic relations including dissolutions and divorces and adoptions, and unclaimed body

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

Employer: State of Alaska, Department of Law

Supervisor or name of contact person who can verify employment: Greggory Olsen, District Attorney

Current address of this person: Fairbanks District Attorney's Office, 510 2nd Avenue, Suite 200

City Fairbanks State Alaska Zip 99701

Dates and Location of Employment: From Sep., 2010 To May. 2017 City Fairbanks State Alaska

Description: Assistant District Attorney prosecuting misdemeanor and felony crimes, primarily prosecuting sexual offenses for the final three years in that office.

Reason for Leaving: Selected to be a Magistrate Judge in the District Court, 4th Judicial District, Fairbanks, Alaska

Employer: University of Alaska Paralegal Studies Program

Supervisor or name of contact person who can verify employment: Deana Waters

Current address of this person: _____

City Fairbanks State AK Zip _____

Dates and Location of Employment: From Aug., 2015 To Dec. 2015 City Fairbanks State Alaska

Description: As adjunct faculty, co-taught Criminal Law and Procedure for paralegals

Reason for Leaving: Declining enrolment and budget restrictions reduced staffing to one instructor

Previous Employers (continued)

Employer: Ogle County State's Attorney's Office
Supervisor or name of contact person who can verify employment: Judge Ben Roe
Current address of this person: _____
City Oregon State IL Zip _____
Dates and Location of Employment: From July 2008 To Sept. 2010 City Oregon State Illinois
Description:

First Assistant State's Attorney prosecuting misdemeanor and felony crimes and civil forfeitures and post-conviction civil confinement proceedings
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Reason for Leaving: Moved to Alaska for career opportunities for my wife in teaching and myself in prosecution in Fairbanks, AK

Employer: DeKalb County state's Attorney's Office
Supervisor or name of contact person who can verify employment: Judge Ronald Matekaitis
Current address of this person: _____
City Sycamore State Illinois Zip _____
Dates and Location of Employment: From Aug. 1999 To July 2008 City Sycamore State Illinois
Description:

Assistant State's Attorney prosecuting misdemeanor and felony crimes and civil forfeitures
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Reason for Leaving: Accepted First Assistant State's Attorney position in Ogle County

Employer: Alvin W. Block and Associates
Supervisor or name of contact person who can verify employment: Alvin Block, Bernie Block, or Jerry Boyle
Current address of this person: _____
City Chicago State Illinois Zip _____
Dates and Location of Employment: From June 1994 To Aug. 1999 City Chicago State Illinois
Description:

Began as a clerk and upon graduating from law school and passing the bar became an associate attorney, practicing civil litigation in torts, family law, estates and class actions
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Reason for Leaving: Left to become a prosecutor in State's Attorney's Office

Employer: N/A
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. During your legal career, please indicate (approximately) the following:

(a) Percent of your practice that was:

Civil	40
Criminal	<u>60</u>
Other	<u> </u>
	= 100%

Comment: _____

(b) Percent:

State	95
Federal	<u>5</u>
Other	<u> </u>
	= 100%

Comment: Federal Court practice limited to civil practice 1995-1999

(c) Of practice in state courts, percent:

Supreme Court	<u>0</u>
Court of Appeals	<u>1</u>
Superior Court	<u>60</u>
District Court	<u>39</u>
	= 100%

Comment: _____

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All

Comment: As a prosecutor and now magistrate judge, I am in court daily.

(e) Number of trials (by court or jury) you conducted:
 None 1-5 6-15 16-30 31 or more

Comment: _____

(f) Percent of these trials which were: Jury 70 Non-Jury 30

Comment: In Alaska all trials have been jury trials.

(g) Approximate number of appellate matters handled: 4

Comment: In Illinois, my appellate work was in drafting pleadings. In Alaska, I argued one case b

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

Briefly describe type of matters heard:

In civil court in Chicago, all matters went to mandatory arbitration.

(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.).

As a civil attorney in Chicago, I represented a state prisoner through our firm's appointment by the federal court for that prisoner's Sec. 1983 case. My employment as a State's Attorney, District Attorney, and Magistrate Judge precludes my working in a pro bono capacity.

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.

Alaska, June 2011
 Illinois, November 1995
 Northern District of Illinois (federal court), November 1995

Public Service

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

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).

None

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)
DeKalb Co. Assoc. Judge (IL)	2008	N/A	N/A
Kenai/Palmer Superior Courts (AK)	2016	No	No
Fairbanks Superior Court (AK)	2017	No	No

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.

Fairbanks North Star Borough School District Board Curriculum Advisory Committee, 2010 to present, active in reviewing and recommending curriculum to the School Board

ThriveAlaska Board of Directors (Head Start and local child care agency services agency), 2013 to 2017, active in monthly management of organization

Adjunct Instructor, University of Alaska Fairbanks CTC Paralegal Studies Program, criminal law instructor, Fall 2015, active teaching

Instructed Boy Scout Troop 92 scouts in completion of their law merit badge, 2015

Constitutional Rights Foundation (Chicago, IL), volunteer instructor to schools in the Chicago area, 1994-1999.

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.

June 1983, Jersey Village, Texas: Failure to stop at a stop sign, traffic violation. I was riding my motorcycle, and at a stop sign, only put one foot down at the stop and not two, according to the officer who ticketed me. I mailed in a check to pay the fine, which I think was \$75.

July 1989, someplace in West Virginia: speeding less than 10 mph over the limit. I was traveling from Virginia to Ohio to go to a wedding, and while driving through West Virginia I was stopped for speeding less than 10 miles over the limit in a 55 mph zone. I mailed in a check to pay the fine, which I think was around \$100.

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).

Peterson v. Reinken; DeKalb County Circuit Court 12 L 33; Plaintiff in auto-bicycle accident; case settled and closed 2014.

Buettner et al v. Killsmay; 4FA-14-2336CI; Co-plaintiff in action to vacate improperly filed lien, handled by State Attorney General on behalf of all state employees against whom the defendant filed an improper judgment. Illegal lien was vacated and case now closed.

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: Greggory Olsen, District Attorney, Fairbanks DAO
Address: Fairbanks District Attorney's Office, 510 2nd Street, Suite 200
City/State/Zip: Fairbanks, AK 99701 Phone: _____

Name: Romano DiBenedetto, Superior Court Judge, Nome Superior Court
Address: _____
City/State/Zip: _____ 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: Joe Dallaire, District Attorney, Fairbanks DAO
Address: 510 2nd Avenue, Ste. 200
City/State/Zip: Fairbanks, AK 99701 Phone: _____

Name: William Satterberg, attorney
Address: 709 4th Avenue
City/State/Zip: Fairbanks, AK 99701 Phone: _____

Name: Judge Robbin Stuckert, DeKalb County Circuit Court
Address: _____
City/State/Zip: Sycamore, IL 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:* 4FA-15-1105CR
v. Major Workman *Judge Name:* Jane F. Kauvar

Attorneys Involved:

Name: <u>Kirk Schwalm</u>	Name: <u>Robert Downes</u>
Address: <u>330 Barnette St., Ste. 201</u>	Address: <u>330 Barnette St., Ste. 201</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: In re the Matter of *Case Number:* 4FA-17-02223CI
v. James Thomas Hutchison *Judge Name:* Earl A. Peterson

Attorneys Involved:

Name: <u>Chad Hitchison</u>	Name: <u>Garry Hutchison (pro se)</u>
Address: _____	Address: _____
City, State, Zip: <u>Fairbanks, AK</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska *Case Number:* 4FA-14-00882CR
v. Claude Fowlkes *Judge Name:* Michael A. MacDonald

Attorneys Involved:

Name: <u>Frank Spaulding (OPA-contract)</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: <u>Fairbanks, AK</u>	City, State, Zip: _____
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: State of Alaska

Case Number: 4FA-11-4262CR

v. Tara Leighton

Judge Name: Bethany Harbison

Attorneys Involved:

Name: William Satterberg

Name: _____

Address: 709 4th Avenue

Address: _____

City, State, Zip: Fairbanks, AK 99701

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 2

Case Name: State of Alaska

Case Number: 4FA-13-00509CR

v. Matthew Bagley

Judge Name: Jane Kauvar

Attorneys Involved:

Name: Brent Bennett (OPA)

Name: _____

Address: 100 Cushman Street, Ste. 201

Address: _____

City, State, Zip: Fairbanks, AK 99701

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 3

Case Name: State of Alaska

Case Number: 4NE-13-00120CR

v. Curtis Call

Judge Name: Bethany Harbison

Attorneys Involved:

Name: Justin Racette (PD)

Name: _____

Address: 529 5th Avenue, Ste. 1

Address: _____

City, State, Zip: Fairbanks, AK 99701

City, State, Zip: _____

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.

While my tenure in Alaska is now just over eight years, I have worked as a litigation attorney for over twenty-one years, in both state and federal courts, and almost two years as a state court magistrate judge. As a litigator, most extensively as a prosecutor, I had a reputation as a thorough, fair and reasonable prosecutor, tough but not hell-bent on retribution. I take personally also my responsibility to ensure that victims receive their rights and their recourse through the system, and believe that my standing with my colleagues at the Office of Victim Rights would so reflect. My trial experience though is not confined to criminal law. At the outset of my legal career, I worked in civil litigation in Chicago, in a range of matters, from complex class actions to contracts, estates, family law, and personal injury cases. In federal court, I handled litigation on violations of the automatic stay in bankruptcy and Section 1983 cases. After moving to prosecuting criminal cases though, I carried on some civil matters by representing the government in civil forfeitures derivative of criminal conduct. Thus, my experience is not as narrow as one might think, if one only

Additional Comments (Continued)

considers my work as a litigator. Since May of 2017, I have worked as a District Court Magistrate Judge in Fairbanks. That experience has given me broad experience in areas once well in my rearview mirror (estates and domestic relations), and allowed me to develop new areas (guardianships) and polish skills I now use frequently (criminal procedure). And every day, I do my best and my utmost to provide a fair and just forum for those before me to have their cases and claims heard, and I consider it a privilege to serve my fellow Alaskans, doing something that I love. In addition, while my time in Alaska has been relatively recent, it will be nine years in September, my breadth of ex-patriot experience I believe is a bonus. Having grown up in other lands and other cultures, and studied and trained as an anthropologist, I am acutely sensitive to cultural differences and different cultural perceptions. This is, I have seen, often at play in events in Alaska, a state with a significant cultural spectrum. Further, Alaska's population is one built upon migrants and natives, one that is often in flux, very similar to the circumstances of my communities growing up in Asia and Europe. I would thus bring a heightened awareness of cultural differences and how they interact in a society, and be sensitive to that as a Superior Court Judge in this community. Overall, I am not a one-dimensional candidate, but a multi-faceted and experienced attorney and magistrate judge seeking to move to now the Superior Court in Fairbanks and continue my growth in my career. I bring extensive criminal and significant civil law experience, and a socio-cultural perspective that would, I believe, serve well the citizens and residents of the State of Alaska.

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 five photographs of yourself with your application.

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

Biographical Statement

Name Earl Peterson

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

Fairbanks Superior Court

Please leave this area blank

Date: January 4, 2019

Though born in Oklahoma and raised around the world, for the last eight years Alaska has been my home. I came to the law after exploring anthropology, going far in graduate school and working as an archaeologist. I went to law school in Chicago and practiced in northern Illinois for fifteen years before venturing to Alaska with my wife and four children, when she was hired to teach in Fairbanks. For twenty-three years I was first a civil litigator, and then a prosecutor in north-central Illinois and in Alaska, and am now a magistrate judge. I have lived around the world: Asia, Canada, Europe. I majored and went to graduate school in anthropology. I serve the school district reviewing curriculum, and was on the board of ThriveAlaska, a child care services agency. I am an overactive athlete. Sometimes I write short plays for short play competitions.