

Alaska Judicial Council  
Application for Judicial Appointment

RECEIVED  
AUG 12 2004  
ALASKA  
JUDICIAL COUNCIL

Anchorage District Court

Date: August 12, 2004

Position(s) for which you wish to be considered

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

PERSONAL

1. (a) State full name\* James Patrick Hanley  
Name as it should appear on bar survey: Pat Hanley  
\* 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  
J. Patrick Hanley, James P. Hanley

3. How long have you been a resident of the State of Alaska immediately preceding the date of this application? \*\* 33 years 3 months  
Total years 33 months 3
4. How long have you been engaged in the active practice of law immediately preceding the date of this application? \*\* 8 years 0 months  
Total years 8 months 0

\*\* 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.

-Northern Arizona University, August, 1984-May, 1986. Dean's List.

-Pacific Lutheran University, August, 1986-December, 1988. Bachelor of Arts in Education, Magna Cum Laude. Major: Mathematics, Minor: Social Sciences.

-University of Alaska Southeast, Summer, 1990. \*See Attachment 1.

## 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 Utah College of Law. August, 1993-May, 1996. Juris Doctor.

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

Order of the Coif; Clyde Fellow (scholarship awarded to two entering students for high academic achievement and potential); William H. Leary Scholar; Am. Jur. awards in Contracts and Property; C.J.S. awards in Civil Procedure and Property; National Moot Court Team; Phi Alpha Delta Law Fraternity International.

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

Doing Business with Native Entities; Evictions; Restorative Justice; Victim/offender mediation; Top 10 Evidence Rules for Family Law with Judge Volland; Trial Evidence: Hearsay with Prof. Mauet; Most Misunderstood Evidence Rules with Judge Ashman; The Neurology of Addictions; Naltrexone as an Aid to Overcoming Alcoholism; \*See Attachment 2.

## Attachment 1

Nonlegal education, continued.

Seattle Pacific University, Autumn, 1991.

University of Alaska Anchorage, Summer, 1992, Spring, 2002, and Spring, 2004.

Alaska Pacific University, Summer, 2003 and Fall, 2003.

Note: Courses taken after graduation from Pacific Lutheran University were to fulfill continuing education requirements to maintain my Alaska teaching certificate. Some courses were taken on-campus, others by correspondence.

## Attachment 2

Community Gun Violence Initiatives (Portland, OR);

Prosecuting Drug Cases (San Francisco, CA);

District Attorney Conferences (annual), 1998 to present. Effective prosecution strategies, ethics, domestic violence education, recent legislation and court decisions.

**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.

-Whitney Fidalgo Seafoods, 1983-85 (summers). Cannery worker on docks of Ship Creek, working with Japanese salmon roe specialists.  
-Commercial Salmon Fisherman. Set netted in Cook Inlet family business, 1980-82 (summers); drift netted in Bristol Bay, 1986-94 (summers).  
-Hockey referee. Officiated diverse levels of play, from six-year olds to adults in Washington, Utah, and Alaska.

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.

-Public school teacher in rural Alaska. Taught Yup'ik Eskimos in villages of Red Devil, Kwigillingok, and Quinhagak, 1989-93. Courses taught included Alaska Native Claims Settlement Act, Alaska History, American Government, Computers, Math, Science, Physical Education, and others. Also coached basketball and volleyball.

## 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.***

-Alaska Court of Appeals, August, 1996-September, 1997. Law clerk to Judge Robert Coats. 303 K Street, Anchorage, AK 99501. Evaluated appellate briefs, conducted legal research, wrote legal memorandums, drafted decisions, performed technical editing, consulted with judges. Left because clerkship ended. To verify employment, contact Judge Robert Coats at the above address.

-Alaska Court of Appeals, January, 1998. Staff attorney for court. Evaluated briefs, conducted legal research, drafted decisions, consulted with judges. Left because obtained job at Anchorage Municipal Prosecutor's Office. To verify employment, contact Judge Robert Coats at 303 K Street, Anchorage, AK 99501.

-Anchorage Municipal Prosecutor's Office, February, 1998-October, 2000. Assistant Municipal Prosecutor. Represented the Municipality at arraignments, bail hearings, motion hearings, changes of plea, trials, sentencing, and traffic court. Left because obtained job at Anchorage District Attorney's Office. To verify employment, contact Municipal Prosecutor Bruce Roberts, Anchorage Municipal Prosecutor's Office, 632 W. 6th Ave., Suite 210, Anchorage, AK 99501.

-Anchorage District Attorney's Office, October, 2000 to present. Represent the State of Alaska in all phases of criminal prosecution, including trials, post-conviction relief, and sentence appeals. Have also travelled to Dillingham and Kenai and conducted trials. Have been assigned to the drug unit, property unit, and supervised the misdemeanor/rural unit. Currently assigned to the violent crimes unit handling felony assault, robbery, and homicide cases. To verify employment, contact District Attorney Bob Linton at 310 K Street, Anchorage, AK 99501.

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

(a) Percent of your practice that was

Civil	_____	3*
Criminal	_____	97
Other	_____	

= 100%

Comment: \* Post-conviction relief litigation, which is civil. \_\_\_\_\_

(b) Percent

State	_____	100
Federal	_____	
Other	_____	

= 100%

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

(c) Of practice in state courts, percent:

Supreme Court	_____	
Court of Appeals	_____	1
Superior Court	_____	34
District Court	_____	65

= 100%

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

(d) Frequency of appearance in court: Regularly ; Occasionally \_\_\_\_\_;  
Infrequently \_\_\_\_\_; Not at All \_\_\_\_\_  
Comment: Nearly every day, frequently more than once per day.

(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 \_\_\_\_\_31 or more  
Comment: I have conducted 32 trials since 1998.

(f) Percent of these trials which were: Jury 87 Non-Jury 13  
Comment: \_\_\_\_\_

(g) Approximate number of appellate matters handled: 4;  
Comment: \_\_\_\_\_

(h) Approximate number of arbitrations or administrative hearings: 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  X  No \_\_\_\_\_

Describe: Landlord/tenant clinic through the Anchorage Bar Association.

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.

Alaska State Court, June 1997.

U.S. District Court for Alaska, June, 1997.

### **PUBLIC SERVICE**

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

Alaska Bar Association.

American Bar Association.

15. List legal publications, if any (give title, subject and date of publications):

Alaska Law Review Article, entitled "Warrantless Searches for Alcohol by Native Alaskan Villages: A Permissible Exercise of Sovereign Rights or an Assault on Civil Liberties?" December, 1997, published by Duke University School of Law.

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:

<b>Judgeship</b>	<b>Date</b>	<b>Nominated By Council (Y/N)</b>	<b>Appointed By Governor (Y/N)</b>
I have not previously			
applied for a judgeship.			

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.)

- Anchorage Lutheran Church (actively participate).
- Co-youth director, Anchorage Lutheran Church (actively participate).
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- 
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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? 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.

I was issued a speeding ticket on December 31, 1995 in the Municipality of Anchorage. I paid the fine, which I believe was about \$70. I did not appear in court.

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.

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" to all questions above.

- (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" to both questions above.

## 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: Daniel A. Moore  
ADDRESS: P.O. Box 3528  
CITY/STATE/ZIP: Wilsonville, OR 97070-3528 PHONE: (503) 694-5607

(2) NAME: Honorable Brian K. Clark  
ADDRESS: 825 W. 4th Ave.  
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-0665

- (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: Michael Logue  
ADDRESS: Gorton & Logue, 737 M St.  
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 276-1942

(2) NAME: Honorable Nancy Nolan  
ADDRESS: 825 W. 4th St.  
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-0643

(3) NAME: Susan Parkes  
ADDRESS: 310 K St., Suite 507  
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 269-6379

**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 of Alaska  
v. Frank Guertin

**Case Number:** 3AN-S03-13088  
**Judge Name:** Hon. Dan Hensley

**Attorneys Involved:**

Name: Craig Howard (276-5727)  
Address: Richmond & Quinn, 360 K St.  
Anchorage, AK 99501

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

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

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

**2**

**Case Name:** State of Alaska  
v. Kovi Linden

**Case Number:** 3AN-S02-3873  
**Judge Name:** Hon. Larry Card

**Attorneys Involved:**

Name: Bill Bryson (276-8611)  
Address: 1015 W. 7th Ave.  
Anchorage, AK 99501

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

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

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

**3**

**Case Name:** State of Alaska  
v. Stephen Mullikin

**Case Number:** 3AN-S03-4139  
**Judge Name:** Hon. Gregory Motyka

**Attorneys Involved:**

Name: Andrew Steiner (269-3500)  
Address: 900 W. 5th Ave., Suite 525  
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 of Alaska  
v. Trey Smith

**Case Number:** 3AN-S03-8867  
**Judge Name:** Hon. Larry Card

**Attorneys Involved:**

Name: John Bernitz (334-4400)  
Address: 900 W. 5th Ave., Suite 200  
Anchorage, AK 99501

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

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

**2** **Case Name:** State of Alaska  
v. Eugene Bourdon III

**Case Number:** 3AN-S03-7572  
**Judge Name:** Hon. Phillip Volland

**Attorneys Involved:**

Name: Doug Moody (334-4400)  
Address: 900 W. 5th Ave., Suite 200  
Anchorage, AK 99501

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

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

**3** **Case Name:** State of Alaska  
v. Daniel Ornelas

**Case Number:** 3AN-S03-1128  
**Judge Name:** Hon. Michael Wolverton

**Attorneys Involved:**

Name: Sidney Billingslea (277-9119)  
Address: 733 W. 4th Ave.  
Anchorage, AK 99501

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

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
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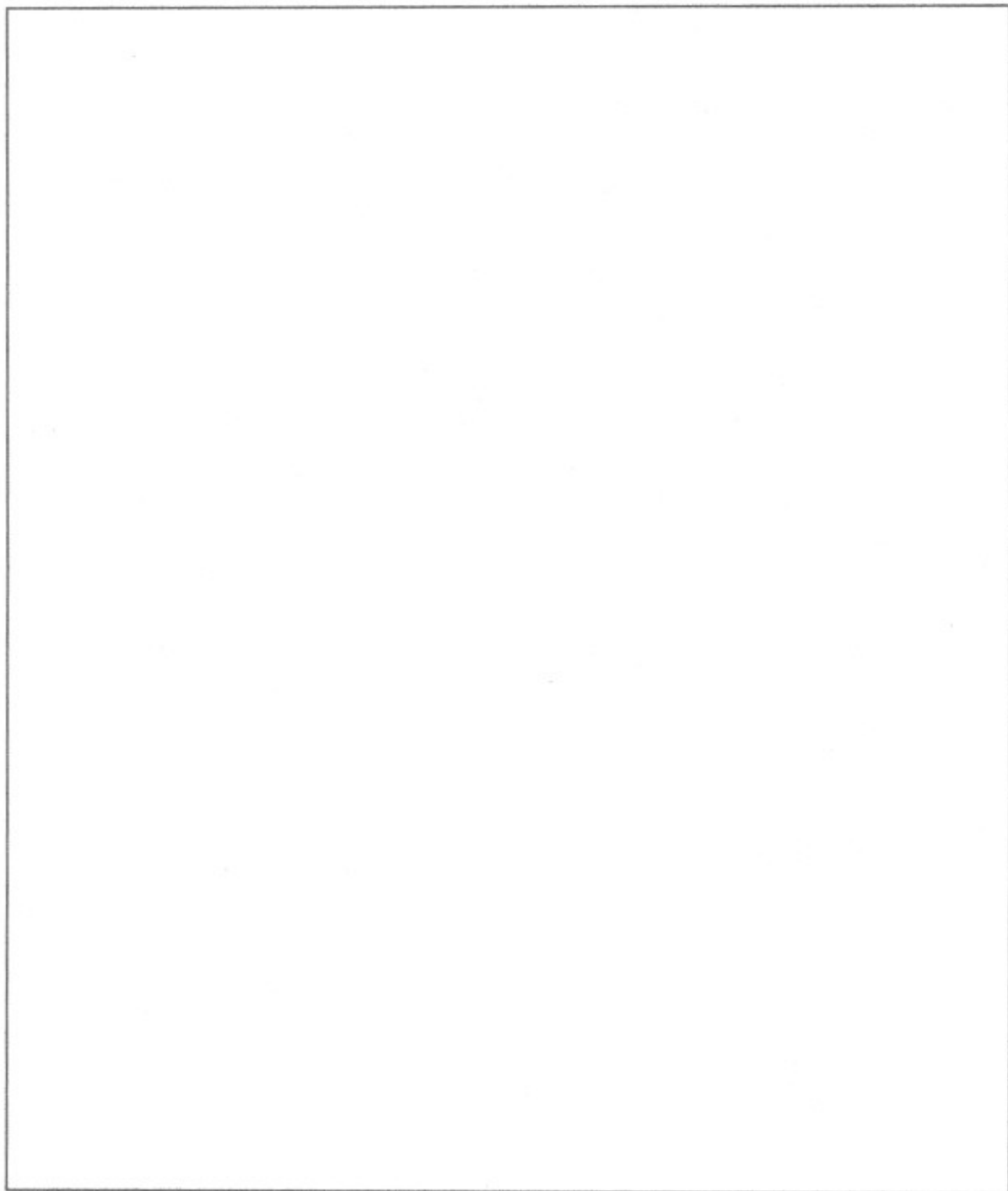
## WRITING SAMPLE

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" to each question.

**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.

A large, empty rectangular box with a thin black border, intended for the respondent to provide additional comments regarding their experience and suitability for the judgeship.

**CERTIFICATION AND WAIVER**

I hereby certify that, to the best of my knowledge, the information provided on this application is true and complete; and that I am a citizen of the United States and of the State, and am licensed to practice law in Alaska (Ak. Const. Art IV; § 4).

I waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Council may desire to obtain. I specifically authorize the Council to obtain and examine my personnel files from current and past employers, including all files maintained by the Alaska Court System, and to obtain information, records and documents regarding me from any credit reporting agency, any law enforcement agency, any bar association, any occupational licensing board, any educational institution, and any disciplinary body, including specifically the Alaska Bar Association and the Alaska Judicial Conduct Commission. I further authorize these institutions, organizations, and individuals, and any other institutions, organizations and individuals to make available to the Council all confidential and non-confidential documents, records and information concerning me that the Council may request.

James Patrick Hanley  
Signature of Applicant

August 12, 2004

\_\_\_\_\_  
Date

James Patrick Hanley  
\_\_\_\_\_  
Typed Name

Subscribed and sworn to before me this 12 day of Aug, 2004.

Vickie L. Varney  
Notary Public, State of Alaska  
My Commission expires: 12-19-2005

State of Alaska  
NOTARY PUBLIC  
VICKIE L. VARNEY  
My Commission expires: 12-19-05