

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 Montana School of Law. 9/90 to 6/93
Doctorate of Law with Honors

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.

- (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.

National College courses including General Jurisdiction, Advanced Evidence, Co-occurring Mental and Substance Disorders, and Managing cases involving persons with Mental Disabilities. National Judicial Institute on Domestic Violence course: Enhancing Judicial Skills in DV Cases. Yearly AK Bar Assoc Confs and AK Judicial Confs. Also: Therapeutic Justice Training Seminar - (Partners for Progress), Mental Health Courts and Beyond (BJA), National Gains Center Conference, CMHS (Center for Mental Health Serv)

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.

USDA Forest Service, Bigfork MT 7/76 to 11/84, Engineering Assistant, designed, built and maintained hiking trails, bridges, cabins in wilderness areas;
Carpenter/Contractor 1985 to 1990, Bigfork MR, Did all phases of home construction while attending college; Teaching Assistant 1990 to 1991, worked in a special needs classroom while completing undergrad degree in Missoula, MT

Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates, name of employer, name of supervisor or person who can verify employment, addresses, 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.**

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: State of Alaska

Supervisor or name of contact person who can verify employment: Teresa Shaw

Current address of this person: 435 S Denali Street

City Palmer State AK Zip 99645

Dates of Employment: From 12/03 To Present

Description: Responsible for all the duties of a district court judge. Criminal, civil, small claims, traffic, search warrants, domestic violence petitions, settlement conferences, FED hearings, pro tem superior court work, CRP court, jury and bench trials.

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

Employer: Alaska Public Defender Agency

Supervisor or name of contact person who can verify employment: Barbara K Brink

Current address of this person: 900 W 5th Ave Ste 200

City Anchorage State AK Zip 99501-2090

Dates of Employment: From 06/94 To 12/03

Description: 2000-2003 Office Supervisor/Felony/Juvenile cases, 1997-2000 Felony/Glennallen calendar/Juvenile/CINA, 1994-1997 Misdo case load

Reason for Leaving: Left to take District Court Judge position

Employer: State of Alaska

Supervisor or name of contact person who can verify employment: Presiding Judge Karl Johnstone

Current address of this person: 825 W 4th Ave

City Anchorage State AK Zip 99501

Dates of Employment: From 06/93 To 06/94

Description: Performed all the responsibilities of judicial clerk on a variety of cases both civil and criminal

Reason for Leaving: Left to take position with Public Defender Agency in Palmer

Previous Employers (continued)

Employer: Missoula County Courthouse

Supervisor or name of contact person who can verify employment: Karen Townsend

Current address of this person: 200 West Broadway

City Missoula State MT Zip 59802

Dates of Employment: From 04/92 To 05/93

Description: Prosecution of misdemeanor offenses. Intake of cases, screening of cases, pretrial motion practice, plea negotiation, and conducting bench and jury trials. Worked closely with law enforcement and victims

Reason for Leaving: Left to take position with Judge Johnstone

Employer:

Supervisor or name of contact person who can verify employment:

Current address of this person:

City State Zip

Dates of Employment: From To

Description:

Reason for Leaving:

Employer:

Supervisor or name of contact person who can verify employment:

Current address of this person:

City State Zip

Dates of Employment: From To

Description:

Reason for Leaving:

Employer:

Supervisor or name of contact person who can verify employment:

Current address of this person:

City State Zip

Dates of Employment: From To

Description:

Reason for Leaving:

Employer:

Supervisor or name of contact person who can verify employment:

Current address of this person:

City State Zip

Dates of Employment: From To

Description:

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	0
	<hr/>
	= 100%

Comment: _____

(b) Percent:

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

Comment: _____

(c) Of practice in state courts, percent:

Supreme Court	0
Court of Appeals	0
Superior Court	0
District Court	100
	<hr/>
	= 100%

Comment: District Court includes Pro Tem Superior Court work

(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 60 Non-Jury 40

Comment: _____

(g) Approximate number of appellate matters handled: 0

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) Have you undertaken any *pro bono* work through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.) during this period? Yes No

Describe:

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.

State of Alaska Court System

Public Service

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

Alaska 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).

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)
Palmer District Court Judge	12/03	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.

I have been an active member of Crossroads Community Church (CCC) since its conception in 1995. For six years, I was involved with youth ministry. This included hosting and facilitating weekly youth meetings at my home as well as counseling, mentoring, coaching, and befriending high school students and young adults throughout this valley. Similarly, I have chaperoned and led youth trips, retreats, and educational seminars.

In addition to my involvement in youth ministry, I have served, and am currently serving, as the Chairman of the Missions Board at CCC. My responsibilities as chairman include overseeing a budget which is used to support churches, orphanages, and other humanitarian projects in various international locations including water supply and purification projects in Kenya, an orphanage in Guatemala, feeding center in the Philippines and youth centers in Russia. An example project includes my family and I opening our home and assisting in sponsoring a young woman from Kenya to attend the University of Alaska Anchorage (UAA). She has now completed the UAA nursing program and is currently serving Alaskan communities.

In 2004, I was appointed to the Elder Board at CCC and am presently serving as the Chairman of this Board. As chairman, I administer the board meetings and help provide oversight for the governmental integrity of the church.

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).

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: Rachel Levitt

Address: 900 W 5th Ave Ste 525

City/State/Zip: Anchorage, AK 99501-2090 Phone: 907-269-3500

Name: Ken Kincaid

Address: PO Box 2444

City/State/Zip: Palmer, AK 99645 Phone: 907-745-1808

- (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 Eric Smith, Palmer Superior Court

Address: 435 S Denali St

City/State/Zip: Palmer, AK 99645 Phone: 907-746-8128

Name: Judge Jack Smith, Anchorage Superior Court

Address: 825 W 4th Ave

City/State/Zip: Anchorage, AK 99501 Phone: 907-264-0812

Name: Judge Joel Bolger, Court of Appeals

Address: 303 K Street

City/State/Zip: Anchorage, AK 99501 Phone: 907-264-0751

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:** 3PA-08-00452CR
v. Vincent Umholtz **Judge Name:** Gregory L Heath

Attorneys Involved:

Name: <u>Michael Perry (ADA)</u>	Name: <u>Jeff Bradley (APD)</u>
Address: <u>11921 Palmer-Wasilla Hwy</u>	Address: <u>268 E Fireweed Ste 102</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3PA-06-00410CR
v. Shannon Wolverton **Judge Name:** Gregory L Heath

Attorneys Involved:

Name: <u>Michael Perry (ADA)</u>	Name: <u>Jeff Bradley (APD)</u>
Address: <u>11921 Palmer-Wasilla Hwy</u>	Address: <u>268 E Fireweed Ste 102</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3PA-08-00271CR
v. Gary Lee Fairchild **Judge Name:** Gregory L Heath

Attorneys Involved:

Name: <u>Michael Perry (ADA)</u>	Name: <u>Michael Logue</u>
Address: <u>11921 Palmer-Wasilla Hwy</u>	Address: <u>737 M Street</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Anchorage, AK 99501</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: State of Alaska **Case Number:** 3PA-07-00123CR
v. Thomas Rosen **Judge Name:** Gregory L Heath

Attorneys Involved:

Name: Michael Perry (ADA)	Name: Joshua Fannon
Address: 11921 Palmer-Wasilla Hwy	Address: 808 S Bailey Ste 101
City, State, Zip: Palmer, AK 99645	City, State, Zip: Palmer, AK 99645
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3PA-07-01255CR
v. Sarah Dundas-Mock **Judge Name:** Gregory L Heath

Attorneys Involved:

Name: Michael Perry (ADA)	Name: J. Randall Luffberry
Address: 11921 Palmer-Wasilla Hwy	Address: 263 S Alaska St
City, State, Zip: Palmer, AK 99645	City, State, Zip: Palmer, AK 99645
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Amy Kaucic **Case Number:** 3PA-08-00517CI
v. Charles Kaucic, Sr **Judge Name:** Gregory L Heath

Attorneys Involved:

Name: Stacy Walker	Name: Carmen Spiropoulos
Address: 329 F St Ste 200	Address: 550 S Alaska Ste A-5
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Palmer, AK 99645
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 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? 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.

I began my legal career as a prosecutor in Montana. During that time, I first experienced the virtues and rewards of a legal career that serves the community. When my family and I moved to Alaska we made our new home in Palmer. I clerked for a year for Judge Johnstone in Anchorage. My desire was to eventually work and serve in the valley. As my clerkship was ending an opportunity opened in the Palmer Public Defender Office and I was hired. I believe that my experience of practicing law as both a prosecutor and defense attorney has been beneficial in developing a balanced perspective.

I served as an attorney at the Public Defender Office for nine years and handled some of the most difficult and emotional criminal cases this community has seen. I am proud of the way I represented my clients and the manner in which I interacted with all the other participants in the process. I have always treated everyone with dignity and I believe my reputation among court personal and local judges speaks highly of these qualities both in my personal demeanor and my ethical standards.

In addition to serving the Matanuska-Susitna Valley as a public defender, it has been

Additional Comments (Continued)

my honor to serve both my community and the State of Alaska as a district court judge. In the district court, most Alaskans experience their first contact with the judicial system. It is my belief that all individuals who come before the court deserve to be treated with honor and respect. Therefore, I have diligently worked to enhance the administration of justice and the accessibility of the system to the public. It is imperative to the integrity of the system and the individuals involved that every case be reviewed with acute attentiveness and conscientious consideration. My ultimate goal is to demonstrate assiduous care as I listen and assess criminal and civil cases. I hope that each person who appears in my court walks away from the process feeling they had an opportunity to express their state of affairs and knowing that I regarded them with respect.

During the last four years as district court judge, I have managed Palmer's only therapeutic court. This court, known as the Palmer Coordinate Resource Program (CRP), is a therapeutic court that handles cases with defendants who have cognitive or mental disabilities. The court is proving to be a major success in reducing recidivism and has received national recognition as a model for mental health courts. My involvement not only includes managing the court procedures but also educating the community concerning the value of CRP. I look forward to assisting the valley judges in establishing other therapeutic courts.

I am an ideal candidate for this judgeship. I have served the Matanuska-Susitna Valley as both an attorney and a judge and will apply the wisdom and insight I have obtained in these positions when performing the responsibilities of a superior court judge.

I have handled all types of criminal, CINA, civil, juvenile, and domestic violence cases and have an insider's knowledge of how the court system in Palmer operates. I have developed good working relationships with court employees, fellow judges, the department of corrections, juvenile authorities, judicial services, several law enforcement agencies, local treatment providers, and other governmental agencies. I am an excellent student of the law and have the experience, knowledge, and temperament to be an excellent superior court judge. I am committed to serving this valley for the long term and will bring vision, energy, and hard work to make our community a better place to live.

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 Gregory L Heath

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

Palmer Superior Court Judge

Date: 02-12-09

I was born and raised in San Diego, California. In 1976, I moved to Montana where after a career with the USDA Forest Service I earned a B.A. in political science and a J.D. from the University of Montana.

In 1993, I accepted a law clerk position with Judge Johnstone. My wife and I, together with our four children, left Montana and began our Alaskan adventure.

Since that time, it has been my honor to serve the Matanuska-Susitna community and the State of Alaska as both a public defender, 1994-2003, and currently as a district court judge. I diligently work to enhance the administration of justice which includes oversight of the Palmer Mental Health Court. As a superior court judge, I would continue to carefully assess criminal and civil cases while regarding all individuals who come before the court with dignity and respect.