

Alaska Judicial Council
Application for Judicial Appointment

RECEIVED
MAY 3 1999
AK Judicial Council

Ketchikan District Court

Court(s) for which you wish to be
considered

Date: April 28, 1999

Office Telephone: _____

Home Telephone: _____

FAX: _____

E-mail: _____

I. PUBLIC INFORMATION (Qs. 1-26 & 33)

PERSONAL

1. (a) State full name* Kevin Gray Miller
Name as it should appear on bar survey: Kevin G. Miller

* 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. (a) Mailing address _____

(b) Current business address _____

5. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 32 years 9 months
Total years 32 months 9

6. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 10 years 5 months
Total years 10 months 5

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

NONLEGAL EDUCATION

7. 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.
 B.A. Gonzaga University 1980-1984

LEGAL EDUCATION

8. List all law schools, dates attended and degrees conferred. If you did not receive a degree from any law school, please indicate.
 J.D. University of the Pacific McGeorge School of Law 1985-1988

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

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

MILITARY

10. 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

11. Describe major nonlegal working experience, if any.

Longshoreman for Boyer Alaska Barge Line from May 1984 through August 1985.

12. 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.

None

LEGAL EXPERIENCE

13. 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.***

A. Fred Miller
Attorneys at Law
A Professional Corporation
426 main Street
Ketchikan, Alaska 99901

Supervisor: A. Fred Miller

Clerked summers during law school.
Engaged in general practice of law after passing the bar in 1988.
Left position in September of 1996 to begin own practice.

September of 1996 to present, I have been engaged in the general practice of law in my own practice.

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

(a)	Percent of your practice that was	Civil	<u>50</u>
		Criminal	<u>40</u>
		Other	<u>10</u>
			= 100%

Comment: _____

(b)	Percent	State	<u>100</u>
		Federal	_____
		Other	_____
			= 100%

Comment: _____

(c)	Of practice in state courts, percent:	Supreme Court	<u>5</u>
		Court of Appeals	<u>0</u>
		Superior Court	<u>45</u>
		District Court	<u>50</u>
			= 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 to 5 6 to 16 _____ 16 to 30 _____ 31 or more

Comment: _____

(f) Percent of these trials which were: Jury 10 Non-Jury 90

Comment: _____

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

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:

DMV administrative hearings on license revocations.
CSED support hearings.

(i) Have you undertaken any pro bono work during this period?

Yes No

Describe: Currently one divorce/custody matter and one or two prior in last
five years.

15. 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.

United States District Court: Nov. 1988

PUBLIC SERVICE

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

American Bar Association member until approximately September of 1996

Alaska Bar Association

Ketchikan Bar Association

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

None

18. Have you ever applied for a judgeship? Please list dates and judgeships applied for, as well as whether you were nominated by the Judicial Council and appointed:

Judgeship	Date	Nominated By Council (Y/N)	Appointed By Governor (Y/N)
N/A			

19. Have you ever held public or political office, elective or appointive? No

If so, state office, manner selected, and when and where held.

20. 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.)

First City Rotary: Currently participating as club president

21. 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)? No
- (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.

22. (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

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

- (a) Are there any unsatisfied judgments against you? Have you ever defaulted in the performance of any court-imposed obligation, including payment of alimony or child support or compliance with another court order or decree? In each case, list the name and address of the creditor, the court which rendered the judgment, the case number, the date, the amount of the judgment, and the circumstances on which such claim was based. Has property owned by you been either judicially or non-judicially foreclosed? Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

No

- (b) Have you ever made an assignment for the benefit of creditors? Has any petition in bankruptcy ever been filed by you? If so, state the circumstances, case number, and the outcome.

No

REFERENCES*

24. (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: James Taylor
ADDRESS: 84 Moore Drive
CITY/STATE/ZIP: Ketchikan, Alaska 99901 PHONE: (907) 225-6403

(2) NAME: Teresa Hicks
ADDRESS: P.O. 966 Ward Cove, Alaska 99901
CITY/STATE/ZIP: Ward Cove, Alaska 99928 PHONE: (907) 247-7678

(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: Clifford Smith
ADDRESS: 111 Stedman, suite 201
CITY/STATE/ZIP: Ketchikan, Alaska 99901 PHONE: (907) 225-9840

(2) NAME: C. L. Cloudy
ADDRESS: 307 Bawden
CITY/STATE/ZIP: Ketchikan, Alaska 99901 PHONE: (907) 225-9401

(3) NAME: John W. Peterson
ADDRESS: 307 Bawden
CITY/STATE/ZIP: Ketchikan, Alaska 99901 PHONE: (907) 225-9401

* **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. The applicant should not request a copy of the letter from the reference.

REFERENCES (continued)

- (c) List the names, addresses and phone numbers of attorneys involved in your three most recent cases that have gone to trial. (Applicants who are currently judges should list the three most recent trials they presided over.) List only those cases which have gone to trial within the past three years. Please include case names and numbers. (*Attach additional pages if necessary.*)

1

<i>Name of Case</i>	<i>Case Number</i>
State v. Rhonda Wolfe	1KE-98-851 CR

Attorneys Involved

Name: Daniel Schally (225-6128)
 Address: 415 Main Street, Rm 304
 Ketchikan, AK 99901

Name: _____
 Address: _____

Name: _____
 Address: _____

Name: _____
 Address: _____

2

<i>Name of Case</i>	<i>Case Number</i>
Wilford v. Gadbois	1KE-97-366 CI

Attorneys Involved

Name: H. Clay Keene (225-4131)
 Address: 540 Water Street, Ste 302
 Ketchikan, Alaska 99901

Name: _____
 Address: _____

Name: _____
 Address: _____

Name: _____
 Address: _____

3

<i>Name of Case</i>	<i>Case Number</i>
Blasingame v. Blasingame	1KE-97-366 CI

Attorneys Involved

Name: W. Clark Stump (225-9818)
 Address: 306 Main Street, Ste 311
 Ketchikan, Alaska 99901

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 case names and numbers. (*Attach additional pages if necessary.*)

1

Name of Case	Case Number
<u>McConnell v. McConnell</u>	<u>1KE-97-327 CI</u>

Attorneys Involved

Name: Mary E. Guss (225-8909)
Address: 320 Dock Street, Ste 200
Ketchikan, Alaska 99901

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

2

Name of Case	Case Number
<u>City v. Clifton Ridley</u>	<u>1KE-98-1177 CR</u>

Attorneys Involved

Name: Steve Schweppe (228-5611)
Address: 334 Front Street
Ketchikan, Alaska 99901

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

3

Name of Case	Case Number
<u>Branda v. Branda</u>	<u>1KE-98-367 CI</u>

Attorneys Involved

Name: Randall P. Ruaro (225-4131)
Address: 540 Front Street, Ste 302
Ketchikan, Alaska 99901

Name: _____
Address: _____

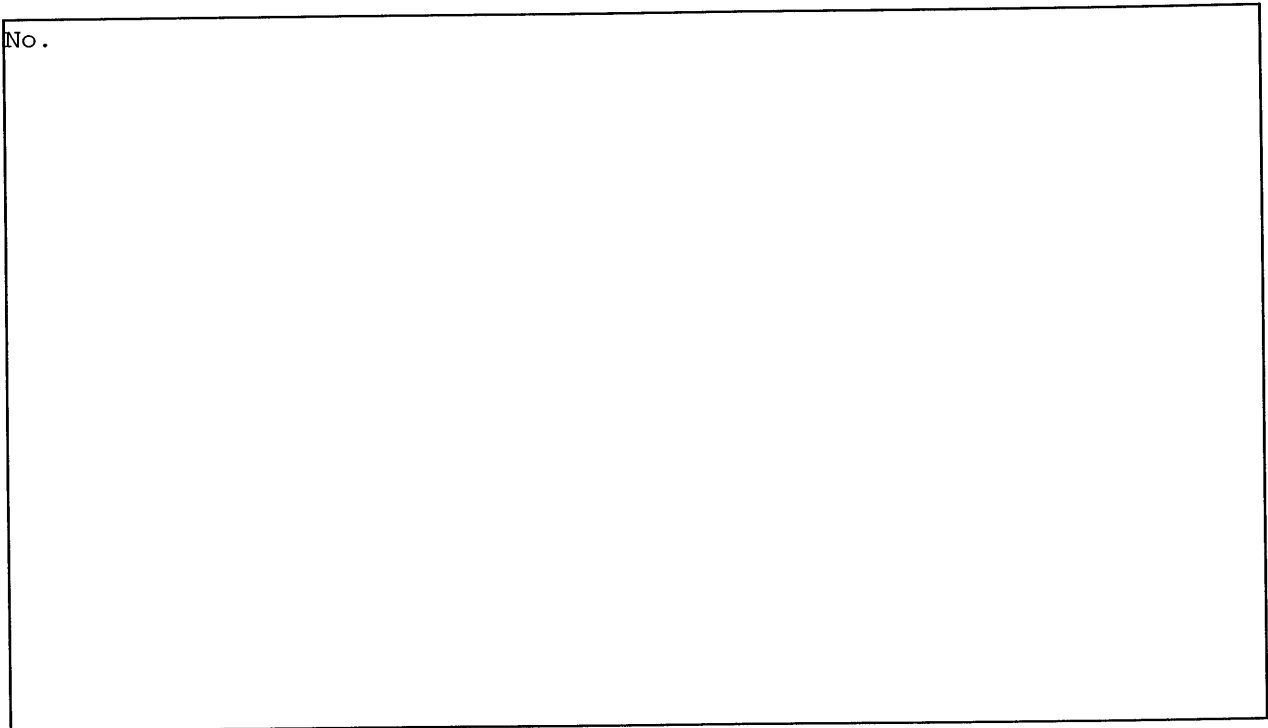
Name: _____
Address: _____

Name: _____
Address: _____

WRITING SAMPLE

25. 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.
26. 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 .



ADDITIONAL COMMENTS (Non-Confidential)

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

Long residence in Ketchikan
10 years of general practice with 3 years of solo practice
I have had a contract with the City of Ketchikan since 1990 to provide legal representation for indigent defendants.

