

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.

Northeastern University School of Law, Boston, Massachusetts, 1984-1987, J.D.

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.

N/A

- (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.

2009-Bench/Bar (2.0); Investigating Excessive Force (7.0); Bus.Planning & Tax Issues (3.5); What Civil Judges Want You to Know (6.0); Ethics (3.0).
2008-Bench/Bar (2.0); Nonprofit Bylaws (2.0); Advanced Legal Writing (3.0); Bench/Bar (2.0); Assessing Reports of Abuse (3.25); Ethics (3.0).
2007-Bench/Bar (2.0); Ethics (6.0).
2006-Ethics (2.0--taught one portion of the course); Wilderness Recreation Law (6.0); Informal Discussion w/9th Circuit (1.0). 2005-Similar courses.

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: N/A
(b) Branch of service: N/A
(c) Rank at time of discharge: N/A
(d) Type of military discharge: N/A
(e) Awards or citations:

N/A

- (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.

N/A

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.

I worked in the Caribbean on charter sailboats (1974-1976); fought forest fires for the U.S. Forest Service on a 20-person crew (Washington, summers, 1976-1977); flight instructor (Pennsylvania, 1977-1978); was a bartender and worked as a waiter (Oregon, 1979-1980); and flew World War II bombers converted for aerial forest fire suppression ("retardant bombers") throughout the U.S. (summers, 1978-1984).

Since becoming an attorney (1987), I have not held any other paying jobs, nor have I owned or otherwise participated in any business other than my law firm, of which I am a shareholder. I have no unpaid debts; I have no claims pending litigation.

Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates, name of employer, name AND 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: Birch, Horton, Bittner and Cherot

Supervisor or name of contact person who can verify employment: William Bittner, Managing Partner

Current address of this person: 1127 West 7th Avenue

City Anchorage State AK Zip 99501

Dates of Employment: From June 1991 To Present

Description: Shareholder (since 1998). Litigation attorney w/broad experience in civil, criminal, appellate and administrative law; corporate law.

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

Employer: Jackl, Katzen, Hulchiy, Murray & Balamuth

Supervisor or name of contact person who can verify employment: James Jackl, Esq.

Current address of this person: 1080 Carol Lane, Suite 200

City Lafayette State Calif. Zip 94549

Dates of Employment: From October 1989 To May 1991

Description: Litigation associate in 13 person real estate and business law firm.

Reason for Leaving: Return to Alaska

Employer: Birch, Horton, Bittner and Cherot

Supervisor or name of contact person who can verify employment: William Bittner, Managing Partner

Current address of this person: 1127 West 7th Avenue

City Anchorage State AK Zip 99501

Dates of Employment: From March 1987 To September 1989

Description: Litigation associate-criminal defense, domestic relations law, probate, wills and trusts.

Reason for Leaving: Moved to California

Previous Employers (continued)

Employer: Honorable Mark Wolf, U.S. District Court
Supervisor or name of contact person who can verify employment: Honorable Mark Wolf
Current address of this person: U.S. District Court, 408 Atlantic Ave.
City Boston State MA Zip 02110
Dates of Employment: From September 1986 To November 1986
Description:

Law clerk for federal district court judge
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Reason for Leaving: End of three month clerkship

Employer: Gilmore & Feldman
Supervisor or name of contact person who can verify employment: Jeffrey Feldman, Esq.
Current address of this person: 500 L Street, Suite 400
City Anchorage State AK Zip 99501
Dates of Employment: From March 1986 To May 1986
Description:

Legal Intern

Reason for Leaving: End of three month internship

Employer: U.S. Attorney's Office, White Collar Crimes Unit, Boston, MA
Supervisor or name of contact person who can verify employment: Mark Robinson, Esq.
Current address of this person: U.S. Attorney's Office, 12 Northern Ave. (last known)
City Boston State MA Zip 02210
Dates of Employment: From September 1985 To November 1985
Description:

Legal intern

Reason for Leaving: End of three month clerkship

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

N/A

Reason for Leaving: _____

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

N/A

Reason for Leaving: _____

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

(a)	Percent of your practice that was:	Civil	<u>65</u>
		Criminal	<u>15</u>
		Other	<u>20</u>
			= 100%

Comment: "Other" = 10% Admin law, 10% transactional & business advice

(b)	Percent:	State	<u>70</u>
		Federal	<u>20</u>
		Other	<u>10</u>
			= 100%

Comment: "Other" = Admin law (FAA, NTSB, State Occupational Licensing

(c)	Of practice in state courts, percent:	Supreme Court	<u>10</u>
		Court of Appeals	<u>0</u>
		Superior Court	<u>85</u>
		District Court	<u>5</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 1-5 6-15 16-30 31 or more

Comment: Approximately 20 over my career

(f) Percent of these trials which were: Jury 40 Non-Jury 60

Comment: ---

(g) Approximate number of appellate matters handled: 3

Comment: 12-15 appellate matters total over my career

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

Briefly describe type of matters heard:

About ten administrative hearings over the past five years before the FAA/NTSB, and about ten for the Alaska Bar Assoc in which I was the arbitrator.

(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.

Represented the Iditarod Air Force for the past two years in obtaining exemptions from the FAA; represented two charter schools in matters before the Department of Education and Anchorage School District; I typically devote about 50 hours per year to various *pro bono* matters on minor criminal offenses, with the CSED, breach of contract and collection matters, employment matters, and small business advice. I previously took cases through Alaska Legal Services, but my *pro bono* work these past several years has been via word-of-mouth. I have given two presentations to the Alaska State Troopers on aviation law.

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.

1. Alaska Supreme Court -- 1987
2. U.S. District Court for Alaska -- 1987
3. California Supreme Court -- 1988
4. Ninth Circuit Court of Appeals -- 1993

Public Service

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

1. Alaska Bar Association -- Fee Arbitration Committee, Disciplinary Committee, Mediation Committee, Aviation Committee (no longer in existence)
2. California 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).

N/A

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)
N/A			

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.

N/A

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.

1. Board, American Cancer Society (about 1994-1997; Vice President in 1997)
2. Board, Aquarian Charter School (1998-2003; Chair 2001-2003)
3. Panel Attorney -- Aircraft Owners & Pilot Association (1998-present)
4. Board, Frontier Charter School (2004-2008)
5. Board, Gold Nugget Triathlon (2009-present; currently president)
6. National Transportation Safety Committee Bar Association (2007-present; Regional Vice President)
7. Member, Iditarod Air Force (2009-present)
8. Attorney for Anchorage Police Department Employees Association on use of force and sexual assault matters (2009-present)
9. Member, Anchorage Triathlon Club, Arctic Bicycle Club, and US Triathlon Association (2006-present)

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.

N/A

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.

N/A

- (b) Have you ever been sued by a client? Yes No

If so, give particulars, including case numbers.

N/A

- (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).

N/A

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.

N/A

- (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.

N/A

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: William Compton, MD
Address: 17112 Laoana Drive
City/State/Zip: Eagle River, AK 99577 Phone: 907-229-8207

Name: Jill McLeod, Esq.
Address: c/o ConocoPhillips, 700 G Street, ATO 2084
City/State/Zip: Anchorage, AK 99501 Phone: 907-265-6844

- (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: Howard Martin, Esq.
Address: FAA Office of Regional Counsel, 222 W 7th Ave., #14
City/State/Zip: Anchorage, AK 99513-7587 Phone: 907-271-5272

Name: Aaron Sperbeck, Esq.
Address: DA's Office, Special Assaults Unit, 310 K St., Ste. 520
City/State/Zip: Anchorage, AK 99501 Phone: 907-269-6300

Name: Stanley Lewis, Esq.
Address: Birch, Horton, Bittner & Cherot, 1127 W 7th Ave.
City/State/Zip: Anchorage, AK 99501 Phone: 907-276-1550

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: City of Wasilla **Case Number:** 3AN-02-13590 CI
v. Gary Lundgren **Judge Name:** Peter Michalski**

Attorneys Involved:

Name: <u>Steven Tervooren, Esq.</u> Address: <u>3900 C Street, Suite 1001</u> City, State, Zip: <u>Anchorage, AK 99503 907-274-7522</u>	Name: <u>** The trial portion was with</u> Address: <u>Special Master Fred Ferrara</u> City, State, Zip: _____
Name: <u>Gregory Fisher, Esq.</u> Address: <u>1127 W 7th Ave. 907-276-1550</u> City, State, Zip: <u>Anchorage, AK 99501</u>	Name: _____ Address: _____ City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 2KB-S05-565 CR
v. Tony Richardson **Judge Name:** Donald Hopwood

Attorneys Involved:

Name: <u>Paul Roetman, Esq.</u> Address: <u>11921 Palmer-Wasilla Hwy</u> City, State, Zip: <u>Palmer, AK 99645 907-745-5027</u>	Name: <u>Max Garner, Esq.</u> Address: <u>1127 W 7th Ave. 907-276-1550</u> City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____ Address: _____ City, State, Zip: _____	Name: _____ Address: _____ City, State, Zip: _____

Case Number 3

Case Name: David Throop **Case Number:** 4FA-03-835 CI
v. Air Logistics of Alaska, Inc. **Judge Name:** Randy Olsen

Attorneys Involved:

Name: <u>William Schendel, Esq.</u> Address: <u>250 Cushman St., Ste 500</u> City, State, Zip: <u>Fairbanks, AK 99701 907-4516500</u>	Name: <u>Zane Wilson, Esq.</u> Address: <u>714 4th Ave., Ste. 200</u> City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____ Address: _____ City, State, Zip: _____	Name: _____ Address: _____ 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:** 3AN-07-12165 CR
v. Sean Turner **Judge Name:** Philip Volland

Attorneys Involved:

Name: <u>Aaron Sperbeck, Esq., ADA</u>	Name: <u>Max Garner, Esq.</u>
Address: <u>DA's Office, 310 K St, Ste 520</u>	Address: <u>c/o Birch Horton, 1127 W. 7th</u>
City, State, Zip: <u>Anchorage, AK 99501; 269-6300</u>	City, State, Zip: <u>Anchorage, AK 99501; 276-1550</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Lisa and Erik Fellows **Case Number:** 3HO-08-10 CI
v. Triple M, LLC, et al. **Judge Name:** Charles Huguelet

Attorneys Involved:

Name: <u>Peter Ehrhardt, Esq.</u>	Name: <u>Timothy Lynch, Esq.</u>
Address: <u>215 Fidalgo Ave., Ste. 201</u>	Address: <u>425 G St., Ste. 420</u>
City, State, Zip: <u>Kenai, AK 99611; 907-283-2876</u>	City, State, Zip: <u>Anchorage, AK 99501; 276-3222</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: KeyBank National Association **Case Number:** 3AN-06-10847 CI
v. Marc Marlow, et al. **Judge Name:** Morgan Christen

Attorneys Involved:

Name: <u>Brian Stibitz, Esq.</u>	Name: <u>Paul Nangle, Esq.</u>
Address: <u>500 L St., Ste. 300</u>	Address: <u>101 Christensen Dr.</u>
City, State, Zip: <u>Anchorage, AK 99501; 222-7100</u>	City, State, Zip: <u>Anchorage, AK 99501; 274-8866</u>
Name: <u>Robert Reiman, Esq.</u>	Name: <u>Michael Parise, Esq.</u>
Address: <u>619 E. Ship Creek Ave., #250</u>	Address: <u>301 W. Northern Lights, #301</u>
City, State, Zip: <u>Anchorage, AK 99501; 258-1132</u>	City, State, Zip: <u>Anchorage, AK 99503; 277-9511</u>

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.

N/A

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 have had a very broad experience during my 22 years as an attorney: minor and major criminal matters in state and federal courts (from misdemeanors to first degree sexual assault and kidnapping); domestic relations (including custody disputes); drafting of wills and trusts; probate litigation; administrative hearings and appeals before state and federal agencies; appeals to the Alaska Supreme Court and the Ninth Circuit Court of Appeals; business and transactional matters; and a great variety of civil matters, both large and small.

My civil litigation experience has encompassed, amongst other matters, business torts and dissolutions; defense of personal injury cases (and three plaintiff PI cases); residential and commercial landlord/tenant matters; breach of contracts; wrongful termination; wage and hour claims; construction disputes; negligent bailment; defamation; lender liability cases; misrepresentation/fraud cases; quiet title actions; real estate nondisclosure; trespass; restrictive covenants; eminent domain; wrongful death; and medical malpractice.

Additional Comments (Continued)

I have a specialty in aviation law, which includes everything from defense of pilots in FAA actions and aeromedical licensing issues; personal injury actions involving airplane accidents; assisting clients in buying/selling aircraft (from small aircraft to bizjets, and even a 737); purchase/sale of maintenance facilities and even an airline; formation of corporations and LLCs; formation and representation of medevac air ambulance companies; and virtually all other aviation matters.

I have been the chair of three-person arbitration panels for the Alaska Bar Association in fee arbitrations and disciplinary matters, and it is my understanding that the Bar calls me for its more difficult matters. I helped teach an ethics course for the Bar Association, and I organize my law firm's annual in-house ethics CLE. I was recently retained as an expert in a legal ethics case.

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 A. Miller

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

Anchorage Superior Court

Date: January 8, 2010

I was born in Southern California. I am 56, married 22 years to Nancy Meade, and we have two high school children. I have practiced law for 22 years. Before law school I have lived in the Caribbean and worked on sailboats, flight instructor, and flew converted WWII bombers that dropped retardant on forest fires. More recently, I have run the Ironman Triathlon once per year for the past three years, and I fly for the Iditarod Air Force.

I am a partner at Birch, Horton, Bittner and Cherot. My practice is broad: civil (virtually any type of case a superior court judge will handle, both plaintiff and defense), criminal (misdemeanors to first degree sexual assault and kidnapping), administrative law, appeals, corporate and transactional. Long ago I handled domestic relations cases.

I am an arbitrator for the Alaska Bar Association on fee arbitrations and disciplinary matters.