

FEB 02 2018

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Bethel District CourtDate: January 30, 2018Bethel Superior Court

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* William Thomas Montgomery
Name as it should appear on bar survey: Will Montgomery
* 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. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
- | | | |
|-------|----------------|------------------|
| | <u>6</u> years | <u>10</u> months |
| Total | <u>6</u> years | <u>10</u> months |
3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
- | | | |
|-------|----------------|-----------------|
| | <u>5</u> years | <u>8</u> months |
| Total | <u>5</u> years | <u>8</u> months |

Nonlegal Education

4. 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.

University of St. Thomas, Saint Paul, MN, 2003-2007, Bachelor of Arts in Criminal Justice, Minors in Spanish and Political Science.

Although I received no academic honors, I was a member of St. Thomas's nationally ranked baseball team. In 2005 and 2006 I was named Teammate of the Year. In 2007 I was named Pitcher of the Year; MIAC All Tournament Team; and NCAA All Region.

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

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.

William Mitchell College of Law, Saint Paul, MN, 2007-2010, 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.

Recognized for achievement in volunteer public service by the Minnesota Justice Foundation.

- (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.

I attended conferences put on by the Alaska Association of Criminal Defense Lawyers in Girdwood, AK. I attended the Alaska Bar convention put on by the Alaska Bar Association in Anchorage, AK. As part of the court improvement project, I attended the 2014 National Child Welfare, Juvenile, and Family Law Conference in Denver, CO. I also attended a CLE regarding Fetal Alcohol Syndrome in Bethel, AK.

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.

During high school and college I coached youths at baseball camps put on by my high school and college teams. While in law school I also coached youths in baseball and softball at Blue Chip Baseball & Softball Academy in Burnsville, MN.

During the summer months while I was in high school and college I worked as a laborer doing landscaping work. A typical job cite required removing/clearing/cleaning a portion of a homeowner's yard, filling in the cleared area with appropriate soils, planting a new garden, and finishing off the garden with decorative touches such as: boulders, mulch, and brick work for borders.

During the Minnesota State Fair I worked as an iceman for Gopher State Ice. My job duties included setting up ice chests for the various venders, delivering ice to the venders via a pull cart, and picking up the ice chests at the conclusion of the fair.

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: Office of Public Advocacy

Supervisor or name of contact person who can verify employment: Chad Holt, Director of OPA

Current address of this person: 900 W. 5th Ave., Ste. 525

City Anchorage State AK Zip 99501

Dates and location of Employment: From March 2013 To Present City Bethel State AK

Description:

Represent clients in criminal, CINA, juvenile, and probate matters at both the trial court and appellate levels.

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

Employer: Alaska Court System

Supervisor or name of contact person who can verify employment: Ron Woods, Area Court Administrator

Current address of this person: 101 Lacey St.

City Fairbanks State AK Zip 99701

Dates and Location of Employment: From July 2012 To Feb 2013 City Fairbanks State AK

Description: Law Clerk for Judge Michael MacDonald. Conducted legal research; drafted bench memorandums; and prepared jury instructions.

Reason for Leaving: OPA hired me to be an attorney in Bethel.

Employer: Alaska Court System

Supervisor or name of contact person who can verify employment: Natalie Alexie, Clerk of Court

Current address of this person: P.O. Box 130

City Bethel State AK Zip 99559

Dates and Location of Employment: From April 2011 To July 2012 City Bethel State AK

Description: Law Clerk of Judge Marvin Hamilton III. Conducted legal research; drafted bench memorandums; and prepared jury instructions. (continued)

Reason for Leaving: Judge MacDonald hired me to be his law clerk.

PREVIOUS EMPLOYERS

Alaska Court System, Law Clerk for Judge Marvin Hamilton III

Judge Hamilton unexpectedly passed away while I was clerking for him. His bench remained vacant for over a year and during that time I clerked for several judges that were handling his case load. Among the judges were: Judge Douglas Blankenship, Judge Jane Kauvar, Judge Ray Funk, Judge Natalie Finn, Judge Harold Brown, Judge Ethan Windahl, and Judge Dale Curda. During my time as a law clerk in Bethel I received the Alaska Court System's Customer Service Award, first quarter 2012.

Previous Employers (continued)

Employer: Nichols Kaster, PLLP
Supervisor or name of contact person who can verify employment: Michele R. Fisher, Partner
Current address of this person: 4600 IDS Center, 80 South Eighth Street
City Minneapolis State MN Zip 55402
Dates and Location of Employment: From Aug. 2010 To March 2011 City Minneapolis State MN
Description:

Document review for 30,000+ class-action lawsuit against a major telecommunications provider, motion work, and legal research.
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Reason for Leaving: I moved to Alaska to clerk for Judge Hamilton.

Employer: Legal Rights Center
Supervisor or name of contact person who can verify employment: Trudell Guerue
Current address of this person: 1062 Hall Ave.
City West St. Paul State MN Zip 55118
Dates and Location of Employment: From Aug. 2009 To Aug. 2010 City Minneapolis State MN
Description:

Student Certified Attorney. Represented indigent defendants in criminal proceedings. I also worked there from August 2008 to May 2009.
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Reason for Leaving: Hired by Nichols Kaster, PLLP, in August 2010. (cont'd)

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: _____

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: _____

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: _____

PREVIOUS EMPLOYERS

Legal Rights Center

Reason for Leaving: I left the Legal Rights Center in May 2009 to study abroad in Santiago, Chile, and returned to the Legal Rights Center in August 2009.

10. During your legal career, please indicate (approximately) the following:

(a) Percent of your practice that was:

Civil	50
Criminal	50
Other	0
	= 100%

Comment: _____

(b) Percent:

State	99
Federal	1
Other	
	= 100%

Comment: Federal experience while working at Nichols Kaster, PLLP.

(c) Of practice in state courts, percent:

Supreme Court	3
Court of Appeals	2
Superior Court	70
District Court	25
	= 100%

Comment: _____

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All
 Comment: I am in court on almost a daily basis.

(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 40 Non-Jury 60
 Comment: _____

(g) Approximate number of appellate matters handled: 10
 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 participated in mediations for CINA and probate matters.

(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.).

n/a due to my work as an Assistant Public Advocate.

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.

Supreme Court of the State of Alaska (June 29, 2012)
 Federal District of Alaska (October 21, 2012)

Public Service

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

Member of the Alaska Bar Association.
 Appellate Law, Juvenile Justice (former), and New Lawyers (former)

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)

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 coached youth baseball/softball in Bethel. However, the league fell apart due to lack of participation.

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.

Around Christmas of December 2005 or 2006 I drove home to my parents' house following baseball practice. I was pulled over for turning right at an intersection that had a "no turn on red" sign. I was unable to produce my driver's license for the officer because I left my wallet in my baseball locker. I was also unable to produce proof of insurance because I drove my parents' car and was unable to find where they kept the insurance card. I was, however, able to produce the vehicle's registration. At the end of the day, I was cited for failure to provide a valid driver's license, proof of insurance, and a moving infraction for turning right on red. (Continued)

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).

PUBLIC SERVICE

Continued Explanation of Question 17(a)

The citations for failure to provide a valid driver's license and proof of insurance were dismissed when I showed up to the courthouse the following day with both items in hand. I paid fine for the moving violation, which was approximately \$75.

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: Amanda Harber
Address: P.O. Box 10
City/State/Zip: Bethel, AK 99559 Phone: (907) 543-2488

Name: Natalie Alexie
Address: P.O. Box 130
City/State/Zip: Bethel, AK 99559 Phone: (907) 543-2298

- (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: Lori Bodwell
Address: P.O. Box 633
City/State/Zip: Clemmons, NC 27012 Phone: (907) 378-1007

Name: Richard Allen
Address: 310 K Street, Suite 520
City/State/Zip: Anchorage, AK 99501 Phone: (907) 269-6300

Name: Judge Michael MacDonald
Address: 101 Lacey Street
City/State/Zip: Fairbanks, AK 99701 Phone: (907) 452-9277

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:** 4SM - 16 - 00019CR
v. Nathan Agwaik **Judge Name:** Dwayne McConnell

Attorneys Involved:

Name: <u>Dara Gibson (907)543-2055</u>	Name: _____
Address: <u>P.O. Box 170</u>	Address: _____
City, State, Zip: <u>Bethel, AK 99559</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 4BE - 15 - 00350CR
v. Olie Olrun, III **Judge Name:** Nathaniel Peters

Attorneys Involved:

Name: <u>Bailey Woolfstead (907)465-3620</u>	Name: _____
Address: <u>P.O. Box 110300</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99811-0300</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 4BE - 15 - 00388CR
v. Carl Harp **Judge Name:** Nathaniel Peters

Attorneys Involved:

Name: <u>Bailey Woolfstead (907)465-3620</u>	Name: _____
Address: <u>P.O. Box 110300</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99811-0300</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:** 4BE - 16 - 00539CR
v. Alexander Evan **Judge Name:** Dwayne McConnell

Attorneys Involved:

Name: <u>Robert Schiesser (585) 721-5447</u>	Name: <u>Jared Karr (907) 543-2744</u>
Address: <u>P.O. Box 931</u>	Address: <u>P.O. Box 409</u>
City, State, Zip: <u>Twisp, WA 98856-0931</u>	City, State, Zip: <u>Bethel, AK 99559</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 4BE - 14 - 00063CR
v. Roderick Manutoli **Judge Name:** McConnell and Peters

Attorneys Involved:

Name: <u>Bailey Woolfstead (907) 465-3620</u>	Name: _____
Address: <u>P.O. Box 110300</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99811-0300</u>	City, State, Zip: _____

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: ITMO: A.S. **Case Number:** 4BE - 15 - 00062DL
v. _____ **Judge Name:** Charles Ray, Jr.

Attorneys Involved:

Name: <u>Robert Schiesser (585) 721-5447</u>	Name: _____
Address: <u>P.O. Box 931</u>	Address: _____
City, State, Zip: <u>Twisp, WA 98856-0931</u>	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.

I understand how the Bethel Court works. I worked behind the bench as a law clerk for a year and a half. And for the past five years I have appeared before the Court as an Assistant Public Advocate, representing clients in criminal, juvenile, CINA, and probate matters. My current caseload is well-suited for either the Superior Court or the District Court.

Additional Comments (Continued)

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 two photographs of yourself with your application.

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

Biographical Statement

Name William Montgomery

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

Bethel District Court

Bethel Superior Court

Please leave this area blank

Date: February 1, 2018

Limit your text to 150 words

I was born and raised in the Twin Cities. During law school I developed a travel bug while studying abroad in Prague, Czech Republic, and Santiago, Chile. Since then I've been all over the world, from Russia to Australia, from South Africa to Iceland, and several other countries in between.

After law school, I moved to Alaska to clerk for Judge Hamilton III. Following my clerkship, I took a job with the Office of Public Advocacy in Bethel. My wife is also an attorney with OPA and a JAG in the Air Force.

We own a house in Bethel where we raise our two children and our dogs. We look forward to sending our children to the Yup'ik immersion school. We are committed to this community because we enjoy living in Bethel.

I would be honored to serve the people of the YK-Delta as a judge.