

**Alaska Judicial Council**  
**Application for Judicial Appointment**

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APR 12 2010

ALASKA JUDICIAL COUNCIL

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

District Court Judge – Juneau

Date: 4/8/10

**I. Public Information (Questions 1-24)**

**Personal**

1. (a) State full name\* Thomas G. Nave

Name as it should appear on bar survey: same

\* 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? \*\*

\_\_\_\_\_ years \_\_\_\_\_ months  
Total 33 years 3 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? \*\*

33 years \_\_\_\_\_ months  
Total 33 years \_\_\_\_\_ 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.

Oregon State University 9/68–6/72

\*\* 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.

Northwestern School of Law at Lewis and Clark College 9/72-6/76, took leave a portion of one year due to illness.

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.

2 sessions at the Judicial Ethics College in Chicago, 18 hours.  
General other local CLE's.

## 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.

I had various jobs in high school, college and law school that included: mill worker, house painter, orchard worker (smudging and thinning pears), dishwasher, bus boy, ski instructor, ice truck driver and more mill work (lumber and plywood).

I primarily put myself through law school by attending night school and working as a trust officer for U.S. Bank in Portland and for the United Good Neighbor's Fund. In 1974 I was interrupted by a serious bout of pneumonia and had to drop out of school. The following year, I transferred to full-time day school and finished as scheduled but with debt.

## 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:** Thomas G. Nave, Attorney at Law

Supervisor or name of contact person who can verify employment: self

Current address of this person: 227 7th Street

City Juneau State AK Zip 99801

Dates of Employment: From 1992 To present

Description: General practicee, primarily criminal.

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

**Employer:** Gullufsen & Nave, P.C.

Supervisor or name of contact person who can verify employment: Patrick Gullufsen

Current address of this person: P.O. Box 110300

City Juneau State AK Zip 99801

Dates of Employment: From 1985 To 1992

Description: Partner in general practice, primarily criminal.

Reason for Leaving: Mr. Gullufsen left to return to Attorney General's Office.

**Employer:** Public Defender Agency

Supervisor or name of contact person who can verify employment: Justice Dana Fabe

Current address of this person: 303 K Street

City Anchorage State AK Zip 99501

Dates of Employment: From 1981 To 1985

Description: Deputy Director of Agency - criminal.

Reason for Leaving: Private practice.

**Previous Employers (continued)**

**Employer:** Alaska Public Defender Agency  
Supervisor or name of contact person who can verify employment: Brian Shortell  
Current address of this person: 1328 W. 12th Ave.  
City Anchorage State AK Zip 99501  
Dates of Employment: From 2/79 To 1982  
Description: Assistant Public Defender Fairbanks and Juneau, criminal.

Reason for Leaving: Transfer to Juneau

**Employer:** Peter M. Page, Attorney at Law  
Supervisor or name of contact person who can verify employment: Peter Page  
Current address of this person: 16155 Point Lena Way  
City Juneau State AK Zip 99801  
Dates of Employment: From 1/78 To 2/79  
Description: General practice

Reason for Leaving: Mr. Page semi-retired.

**Employer:** Douglas Gregg  
Supervisor or name of contact person who can verify employment: Doug Gregg  
Current address of this person: 615 W. 12th Street  
City Juneau State AK Zip 99801  
Dates of Employment: From 7/76 To 1/78  
Description: General practice, primarily civil.

Reason for Leaving: Employment with Mr. Page, primarily criminal.

**Employer:** Birch, Horton, Bittner and Monroe  
Supervisor or name of contact person who can verify employment: Bruce Monroe  
Current address of this person: unknown  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Dates of Employment: From \_\_\_\_\_ To \_\_\_\_\_  
Description: Ghost writing while waiting for bar results.

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 20  
Criminal 75  
Other 5  
= 100%

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

(b) Percent: State 95  
Federal 5  
Other \_\_\_\_\_  
= 100%

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

(c) Of practice in state courts, percent: Supreme Court \_\_\_\_\_  
Court of Appeals \_\_\_\_\_  
Superior Court 40  
District Court 60  
= 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: \_\_\_\_\_

(f) Percent of these trials which were: Jury 100      Non-Jury \_\_\_\_\_

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

(g) Approximate number of appellate matters handled: 7

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:

Resolving underinsured motorist claims. DMV, DUI and Parole hearings.

(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.

Protective Order hearings for ANDVSA and consultations with AWARE clients and many other clients that I know could not afford counsel.

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.

Alaska Supreme Court  
 Alaska District Court (U.S.)

**Public Service**

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

Fee Arbitration  
 Discipline Hearings, Chairman  
 Torts Section  
 Criminal Law Section

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 outside the Public Defender Agency, in-house.

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 appointed?  Yes  No  
If so, state office, manner selected, and when and where held.

Alaska Judicial Counsel, 1992–1998  
Alaska Commission on Judicial Conduct, 2004–present

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.

After law school, I have been working exclusively as an attorney. I coached various of my children's teams over the years but have been primarily involved in the Juneau Ski Club as race crew and president of the club for four years. Those years were challenging in that we had a number of significant problems. Our hard-wired communications and timing line was vandalized at Eaglecrest. As a consequence, I raised \$10,000.00 to replace it and organized volunteers to install it. Five years ago, we were informed that we had to move our race room out of the lodge. I lobbied the city for a no interest loan to build a modest race training center. After management discovered that we had some facility to solve problems, they asked me to include in our design a separate floor for a new Ski Patrol Aid Room. We raised another \$285,000.00 for a total of approximately \$400,000.00 for that purpose. We have overcome many issues to allow us to build the new Race Training Center / Ski Patrol Building including briefs to Department of Justice on ADA issues, liability issues, Memoranda of Understanding, engineering, volunteer builders, business plan to repay the loan, DEC issues, Corp. of Engineers Permit, etc. Although not a "major" paid non-legal job, it has taken a great deal of my time away from practice but has been extremely rewarding. We expect to begin construction of the 4,000 square foot building this summer.

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).

Sued as a member of the Alaska Commission on Judicial Conduct by the Right to Life organization.

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: Peter M. Page  
Address: 16155 Point Lena Way  
City/State/Zip: Juneau, AK 99801 Phone: (907) 789-9224

Name: Patrick Gullufsen  
Address: 10757 Horizon Dr.  
City/State/Zip: Juneau, AK 99801 Phone: (907) 723-1103

- (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: Dana Fabe  
Address: 303 K Street, 5th Floor  
City/State/Zip: Anchorage, AK 99501 Phone: (907) 264-0622

Name: Michael Lessmeier  
Address: 3000 Vintage Blvd., Suite 100  
City/State/Zip: Juneau, AK 99801 Phone: (907) 796-4999

Name: Louis Menendez  
Address: 227 7th Street  
City/State/Zip: Juneau, AK 99801 Phone: (907) 586-5996

**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:** 1JU-03-1497 CR  
**v.** Jeff Trucano **Judge Name:** Judge Stephens

**Attorneys Involved:**

Name: <u>Jack Schmidt</u>	Name: <u>Louis J. Menendez</u>
Address: <u>P.O. Box 21627</u>	Address: <u>227 7th Street</u>
City, State, Zip: <u>Juneau, AK 99802</u>	City, State, Zip: <u>Juneau, AK 99801</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

**Case Name:** City and Borough of Juneau **Case Number:** 1JU-01-966 CR  
**v.** Deborah Cantrell **Judge Name:** Judge Froelich

**Attorneys Involved:**

Name: <u>James Douglas - Deceased</u>	Name: _____
Address: <u>155 S. Seward St.</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

**Case Name:** State of Alaska **Case Number:** 1HN-S99-107 CR  
**v.** Norvel Nelson **Judge Name:** Judge Froelich

**Attorneys Involved:**

Name: <u>Tom Wagner</u>	Name: _____
Address: <u>417 Harris Street</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99801</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:** 1JU-09-1365 CR  
**v.** Tyler Emerson **Judge Name:** Judge Pallenberg

**Attorneys Involved:**

Name: <u>Douglas Gardner, DA</u>	Name: _____
Address: <u>P.O. Box 110300</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

**Case Name:** State of Alaska **Case Number:** 1JU-09-481 CR  
**v.** Marci Judson **Judge Name:** Judge Collins

**Attorneys Involved:**

Name: <u>Angie Kemp, ADA</u>	Name: _____
Address: <u>P.O. Box 110300</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99801</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

**Case Name:** City and Borough of Juneau **Case Number:** 1JU-C09-256, C09-743 CR  
**v.** Edward Boone **Judge Name:** Judge Levy

**Attorneys Involved:**

Name: <u>Robyn Carlisle</u>	Name: _____
Address: <u>155 S. Seward St.</u>	Address: _____
City, State, Zip: <u>Juneau, AK 99801</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 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.

Fortunately, this question is limited to experience and suitability for this judgeship rather than motivation and emotional attachment to the District Court. For the past approximately 34 years, I practiced primarily criminal defense law. Initially, it was in the form of private practice, then Assistant Public Defender, then Deputy Director of the Public Defender Agency, then my own practice (since 1985) with emphasis on criminal defense. That is not to say, however, that civil practice has not played an important part. Although criminal practice is where my heart lies, it has been personal injury cases that have purchased my houses and put my children through college. I have had thousands of criminal cases and hundreds of civil cases and believe that rounded experience places me among the number who have all the experience necessary to perform the function of District Court Judge. In short, nothing happens in District Court that I have not done thousands of times.

## Additional Comments (Continued)

Unfortunately, I know that you are looking for a glimpse into my soul. It is difficult to address what truly motivates me when, as a Judicial Council Member I read so many statements that were trite and platitudinous, even though they may be an accurate reflection of a candidate's true feelings. I will simply say this: I love being in that room. Over the years, I have witnessed habitual criminals turn because they were before a judge who exercised empathy, fashioned a creative sentence that provided the defendant the help that he needed in order to give him the tools not to re-offend and imposed a fair and expected sentence. The defendant felt fairly treated, helped and walked out with a positive attitude. I believe that it takes years of experience to fashion a sentence that is so balanced. District Court is more than routine. It is an opportunity to punish as well as assist. Many who appear before the District Court do not know how to help themselves out of their circumstance and that can breed only continued failure. Too often, it only takes someone to truly listen and see the light for them and then to show them where it is. In my experience, defendants will usually seek the light. For those who cannot, the Chaney Criteria is there for all.

I expect the question to arise, now that I turned 60, whether I want this job for the retirement benefits. The answer is no. I am not at all motivated by the salary or benefits. My wife, Susan Cox, and I are financially very comfortable. In an ordinary year, unlike the last three, the District Court position would represent a cut in pay. Being a Tier I state employee retired, I already have full medical coverage for the rest of my life. The potential of this job offers me nothing except the satisfaction of serving. I intend to stay a minimum of five years and, should other issues not intervene, five years more.

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 Thomas Nave

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

District Court Judge - Juneau

Date: 4/12/10

I was born in Medford, Oregon in 1950 where I completed school through the 12th grade. While in high school, I was National Merit Scholar, received honors, was Student Body President as well as named "all-state" in football. I also competed in Alpine Ski events for many years.

Private practice '77-'79; Asst. P.D. '79-'81; Deputy Director '81-'85; private practice '85 to present. With emphasis on, criminal law, personal injury and legal malpractice. I share office space with Julie Willoughby and Louis Menendez. I served on Judicial Council '92-'98 and the Alaska Commission on Judicial Conduct '04-present.

Married to Susan Cox with two wonderful college age children.