

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

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APR 9 2009

ALASKA JUDICIAL COUNCIL

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

Superior Court

Third Judicial District at Anchorage

Date: April 9, 2009

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

**Personal**

1. (a) State full name\* Frank A. Pfiffner  
Name as it should appear on bar survey: \_\_\_\_\_

\* 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.  
\_\_\_\_\_

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? \*\*
- |       |                 |                 |
|-------|-----------------|-----------------|
|       | <u>34</u> years | <u>7</u> months |
| Total | <u>34</u> years | <u>7</u> months |

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? \*\*
- |       |                 |                  |
|-------|-----------------|------------------|
|       | <u>33</u> years | <u>10</u> months |
| Total | <u>33</u> years | <u>10</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.

Attended Loras College, Dubuque, Iowa, 1966-70. Received BA in May, 1970. Graduated Magna Cum Laude with a history honors major. Was one of only three students who completed an honors major in the May, 1970, graduating class.

Attended University of Iowa, Iowa City, Iowa, 1972-74. Received MA in history, August, 1974.

\*\* 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.

University of Iowa College of Law. Attended May, 1972, through August, 1974. Received a J.D., August, 1974.

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.

Graduated with distinction.

- (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.

Please see the attached list.

## 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: July 8, 1970, to January 9, 1972

(b) Branch of service: Army

(c) Rank at time of discharge: E-4

(d) Type of military discharge: Honorable

(e) Awards or citations:

NDSM, EXP M-16

- (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.

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6(b).

**2009**

Chief Justice Dana Fabe, "Operations of the Alaska Supreme Court," Federal Bar Association, Alaska Chapter, Anchorage, Alaska, March 10, 2009 (.75 hour).

"Discussion of a Recent Fairbanks Gold Mining Case," Defense Counsel of Alaska, Anchorage, Alaska, March 4, 2009 (1.0 hour).

"Perspectives from the Clerk's Office: Common Errors that Practitioners Commit and How We Can Make Life Easier for the Court and Personnel in the Clerk's Office," Federal Bar Association, Alaska Chapter, Anchorage, Alaska, February 10, 2009 (.75 hour).

Discussion of Recent Cases and Recent Changes to the Alaska Pattern Jury Instructions, Defense Counsel of Alaska, Anchorage, Alaska, February 4, 2009 (.75 hour).

"Audit Letters: Who, What, Why? Native Law Section," Alaska Bar Association, Anchorage, Alaska, January 21, 2009 (1.0 hour).

**2008**

Off the Record: An Informal Discussion with The Alaska Appellate Court, Alaska Bar Association, Anchorage, Alaska, December 17, 2008 (1.5 hours).

"It's A New World: Loss Prevention For Employment Practices and Management Liability Claims," ALAS Loss Prevention Program, video, Anchorage, Alaska, November 20, 2008 (1.0 hour).

"Ethics Jeopardy," Defense Counsel of Alaska, Anchorage, Alaska, November 19, 2008 (1.0 hour) (Ethics credit).

December 2008 Amendments to the Local Rules and Other Related Subjects, Federal Bar Association, Alaska Chapter, Anchorage, Alaska, November 18, 2008 (.75 hour).

Ethics Roundtable Discussion, ADR Section Meeting, Alaska Bar Association, Anchorage, Alaska, November 13, 2008 (1.0 hour) (Ethics Credit).

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“Loss Prevention for the 21<sup>st</sup> Century – Taking the Next Step,” ALAS Loss Prevention Program, video, Anchorage, Alaska, October 21 and 29, 2008 (3.0 hours).

“Rough Justice: The Courtroom Battles, Political Wars and Secret World of James Wickersham, the First Judge on the Yukon,” Alaska Bar Association, Anchorage, Alaska, October 15, 2008 (1.5 hours).

“Perils of Practice for Transactional Lawyers,” ALAS Loss Prevention Program, video, Anchorage, Alaska, September 18 and October 9, 2008 (1.5 hours).

“Successful Marketing of Your ADR Business,” ADR Section Meeting, Alaska Bar Association, Anchorage, Alaska, September 10, 2008 (1.0 hour).

“The Election of 1958: Alaska lawyers and the First State Election,” Alaska Bar Association, Alaska, August 14, 2008 (1.0 hour).

13<sup>th</sup> Annual Informal Discussion with the Ninth Circuit, Alaska Bar Association, Alaska, August 7, 2008 (1.0 hour).

“Hidden Tax Traps in Case Settlements: Protect Yourself & Your Client,” CLE, Anchorage, Alaska, July 29, 2008 (1.0 hour).

“Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics,” American Arbitration Association, Anchorage, Alaska (on-line), July 17, 2008 (2.5 hours).

“Pro Se: Managing Cases Involving Self-Represented Parties,” American Arbitration Association, Anchorage, Alaska (on-line), July 16, 2008 (2.5 hours).

“Aviation Liability 2008: The Montreal Convention,” DRI Defense Practice Teleconference Seminar, Anchorage, Alaska, June 18, 2008 (1.5 hours).

“Differences in Practice and Procedures between State and Federal Court,” Alaska Bar Association, Anchorage, Alaska, May, 2008 (1.25 hours).

“The Good, The Bad, and The Ugly: From Jury Selection Through Closing – Identifying and Assigning Roles for Jurors, Facts, and Witnesses in the Story of Your Case,” Alaska Bar Association, Anchorage, Alaska, May, 2008 (3.0 hours).

U.S. Supreme Court Opinions Update, Alaska Bar Association, Anchorage, Alaska, May, 2008 (3.0 hours).

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Alaska Appellate Update, Alaska Bar Association, Anchorage, Alaska, May, 2008 (1.0 hour).

“Recent Products Liability Trial and Recent Defense Verdicts in a Case Involving Defendant Charged with DWI,” Defense Counsel of Alaska Meeting, May, 2008 (1.0 hour).

Conversation with Justice Ginsburg, Alaska Bar Association, Anchorage, Alaska, May, 2008 (1.0 hour).

“Advanced Legal Writing and Editing,” Alaska Bar Association, Anchorage, Alaska, May, 2008 (3.0 hours).

Miscellaneous orders, NIED claims and UM/UIM issues, Defense Counsel of Alaska Meeting, Anchorage, Alaska, April, 2008 (1.0 hour).

**The American Law Institute**

***ALI Annual Meeting, May 18-21, 2008, Washington, D.C. (17.50 hours)***

Capital Punishment Report and Discussion, The American Law Institute, Washington, D.C., May, 2008.

Developments in Legal Ethics: Advance Waivers of Conflicts of Interest, The American Law Institute, Washington, D.C., May, 2008.

Principles of the Law of Aggregate Litigation, The American Law Institute, Washington, D.C., May, 2008.

Principles of the Law of Nonprofit Organizations, The American Law Institute, Washington, D.C., May, 2008.

Restatement of the Law Third, Restitution and Unjust Enrichment, The American Law Institute, Washington, D.C., May, 2008.

Restatement of the Law Third, Employment Law, The American Law Institute, Washington, D.C., May, 2008.

Principles of the Law of Software Contracts, The American Law Institute, Washington, D.C., May, 2008.

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**2007**

“Scientific Evidence: Ten Things You Need to Know!” Alaska Bar Association, video, December 26-28, 2007 (3.0 hours).

Historians Committee Annual Luncheon, “Privacy in Alaska,” Anchorage, Alaska, November 6, 2007 (1.5 hours).

“An ALAS Perspective on E-Discovery,” Attorneys’ Liability Assurance Society, Inc., Web Cast, October, 2007 (1.0 hour).

“Management Liability: Loss Prevention on the New Frontier,” Attorneys Liability Assurance Society, Inc., video, May 23 and 25, 2007 (1.5 hours).

“When Good Clients Go Bad,” Attorneys’ Liability Assurance Society, Inc., video, April 19 and 20, 2007, and May 22, 2007 (2.5 hours).

“Saying ‘No’ to Clients,” Attorneys’ Liability Assurance Society, Inc., video, April 17, 2007 (1.0 hour).

“The Best Looking Guy Who Ever Hit Fairbanks: Bank Robber Dick Woodring and the Law,” Alaska Bar Association, April 5, 2007 (1.0 hour).

“Insurance Carriers as Legal Malpractice Plaintiffs,” DRI Defense Practice Seminar, teleconference, March 20, 2007 (1.5 hours).

**2006**

“Dealing with Delay Tactics in Arbitration,” American Arbitration Association (online), December, 2006.

“2006 HIPAA Update: The Top Issues You Need To Know Now,” Alaska Bar Association, December 5, 2006 (3.5 hours).

“Alaska’s Special Estate Planning Techniques For You and Your Clients,” Alaska Bar Association, Anchorage, Alaska, November 8, 2006 (3.5 hours).

“The New E-Discovery Amendments to the Federal Rules of Civil Procedure,” The American Bar Association, teleconference, October 2006 (1.5 hours).

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“Hiring a Lawyer in the U.S. – A European Perspective,” International Association of Defense Counsel, Annual Meeting, Rome, Italy, July 19, 2006 (1.5 hours).

“Civil Justice Reform – Update and Looking Ahead in 2006,” International Association of Defense Counsel, Annual Meeting, Rome, Italy, July 19, 2006 (1.0 hour).

“Comparative Legal Privilege: What You Thought Was Privileged May Not Be so on Foreign Soil,” International Association of Defense Counsel, Annual Meeting, Rome, Italy, July 18, 2006 (1.5 hours).

“International Construction: Dispute Resolution on the Mega-Project,” International Counsel of Defense Counsel, Annual Meeting, Rome, Italy, July 18, 2006 (2.0 hours).

“Surviving in the Wake of Storms of 2005,” International Association of Defense Counsel, Annual Meeting, Rome, Italy, July 17, 2006 (2.0 hours).

“Thinking Locally, Suing Globally: The New International Frontiers of Mass Tort Litigation,” International Association of Defense Counsel, Annual Meeting, Rome, Italy, July 17, 2006 (2.0 hours).

“Losses in Arts and Heritage,” International Association of Defense Counsel, Annual Meeting, Rome, Italy, July 17, 2006 (2.0 hours).

“The International Hodge Podge: Legal Liability Under the Warsaw and Montreal Convention,” International Association of Defense Counsel, Annual Meeting, Rome, Italy, July 16, 2006 (1.0 hour).

**2005**

“Ethics at the 11<sup>th</sup> Hour: Saying Goodbye! Closing, Leaving and Winding Down a Law Practice,” Alaska Bar Association, speaker, Anchorage, Alaska, December 13, 2005 (3.0 hours).

“Ten Ways to Lose an Arbitration,” AGC Annual Convention, speaker, Anchorage, Alaska, November 11, 2005 (2.0 hours).

“Arbitration Awards: Safeguarding, Deciding & Writing An Award,” American Arbitration Association (on-line), October 17, 2005.

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“Construction Law Seminar,” DRI, Las Vegas, NV, September 8-9, 2005 (16.75 hours).

“Panel Discussion of Rapp v. Lemanski & Lang,” Attorneys’ Liability Assurance Society, Inc., Banff Springs, Alberta, Canada, June 24, 2005 (3 hours).

“Rapp v. Lemanski & Lang: Ethics and Malpractice Issues,” Attorneys’ Liability Assurance Society, Inc., Banff Springs, Alberta, Canada, June 23, 2005 (4.5 hours).

**2004**

“A/E Issues,” Construction Superconference, Andrews Conferences, Inc., San Francisco, California, December 9-10, 2004 (13.5 hours).

“Arbitrator Ethics & Disclosure,” American Arbitration Association (on-line), April 24, 2004.

## 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.

None .

## Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates, name of employer, name of supervisor or person who can verify employment, addresses, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.) for each position listed below.**

The Council will ask for comments from your current and former employers about your employment and your judicial qualifications. You may choose to list other persons as character and professional references in response to Question 20 of this application.

If the supervisor or contact person asks (in writing) that the letter be shared with the governor, the Council will send designated letters for each nominee. The applicant should not request a copy of the letter from the reference. References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

**Current Employer:** Hughes Pfiffner Gorski Seedorf & Odsen, LLC

Supervisor or name of contact person who can verify employment: Steven S. Tervooren

Current address of this person: 3900 C Street, Suite 1001

City Anchorage State AK Zip 99503

Dates of Employment: From August 26, 1974 To Present

Description: Attorney and member of the law firm

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

**Employer:** None

Supervisor or name of contact person who can verify employment: \_\_\_\_\_

Current address of this person: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Dates of Employment: From \_\_\_\_\_ To \_\_\_\_\_

Description: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

**Employer:** \_\_\_\_\_

Supervisor or name of contact person who can verify employment: \_\_\_\_\_

Current address of this person: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Dates of Employment: From \_\_\_\_\_ To \_\_\_\_\_

Description: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

## Previous Employers (continued)

**Employer:** \_\_\_\_\_

Supervisor or name of contact person who can verify employment: \_\_\_\_\_

Current address of this person: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Dates of Employment: From \_\_\_\_\_ To \_\_\_\_\_

Description:

Reason for Leaving: \_\_\_\_\_

**Employer:** \_\_\_\_\_

Supervisor or name of contact person who can verify employment: \_\_\_\_\_

Current address of this person: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Dates of Employment: From \_\_\_\_\_ To \_\_\_\_\_

Description:

Reason for Leaving: \_\_\_\_\_

**Employer:** \_\_\_\_\_

Supervisor or name of contact person who can verify employment: \_\_\_\_\_

Current address of this person: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Dates of Employment: From \_\_\_\_\_ To \_\_\_\_\_

Description:

Reason for Leaving: \_\_\_\_\_

**Employer:** \_\_\_\_\_

Supervisor or name of contact person who can verify employment: \_\_\_\_\_

Current address of this person: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Dates of Employment: From \_\_\_\_\_ To \_\_\_\_\_

Description:

Reason for Leaving: \_\_\_\_\_

**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 100%  
Criminal \_\_\_\_\_  
Other \_\_\_\_\_  
= 100%

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

(b) Percent: State 80%  
Federal 15%  
Other 5%  
= 100%

Comment: Other includes representing parties in arbitrations\*

(c) Of practice in state courts, percent: Supreme Court 5%  
Court of Appeals \_\_\_\_\_  
Superior Court 90%  
District Court 5%  
= 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 1/2 Non-Jury 1/2

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

(g) Approximate number of appellate matters handled: 3

Comment: 2 Alaska Supreme Court matters, 1 9th Circuit Court of \*

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

Briefly describe type of matters heard:

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

Describe:

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10(b). and acting as a dispute resolution professional (arbitrator/mediator/hearing officer).

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10(g). Appeals matter.

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 Iowa, 1974; Supreme Court of Alaska, 1975; U.S. District Court for the District of Alaska, 1975; Ninth Circuit, 1975; U.S. Supreme Court 1990; U.S. Court of Federal Claims, 1994; Federal Circuit, 1994; U.S. Court of International Trade, 1994.

## Public Service

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

American Bar Association (since 1974): Tort Trial and Insurance Practice, Litigation, Public Contract Law, and Law Practice Management Sections and Forum Committee on Construction Industry; Alaska Bar Association (since 1975); ADR Section, Fee Arbitration Committee (2008-11); Iowa Bar Association (since 1974); Federal Bar Association (since 2008).

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).

See attached list.

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)
Supreme Court Justice	2007	N	N
Supreme Court Justice	2008	N	N

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13.

Co-authored with Robert J. Dickson, *Mechanics' Lien Law and Strategies in Alaska*, National Business Institute, Inc. (2001).

“Alaska State Competitive Bidding,” *Alaska Construction Law*, The Seminar Group (2000).

Co-authored with Robert J. Dickson and Michael C. Geraghty, *Construction Law: Can This Job Be Saved?* Lorman Education Services (2000).

Co-authored with Robert J. Dickson and W. Michael Stephenson, *Advanced Construction Law in Alaska*, National Business Institute, Inc. (2000).

Co-authored with Robert J. Dickson, *Mechanics' Lien Law and Strategies in Alaska*, Lorman Education Services (1999).

Co-authored with Robert J. Dickson and Michael C. Geraghty, *Construction Law: Can This Job Be Saved?* Lorman Education Services (1999).

Co-authored with Robert J. Dickson and Michael E. Kreger, *Advanced Alaska Construction Law*, National Business Institute, Inc. (1998).

Co-authored with numerous others, “No Damage for Delay Clauses – 50 State Survey,” *Monograph of American Bar Association Construction Law Committee, Survey of State Laws Subcommittee* (Richard H. Lowe ed., 1997).

Co-authored with James M. Gorski and Frederick J. Odsen, *Digest of Commercial Laws of the World – State Variations – Alaska* (Lester Nelson ed., 1997).

Co-authored with Robert J. Dickson and Hal P. Gazaway, *Advanced Alaska Construction Law*, National Business Institute, Inc. (1995).

Co-authored with David M. Freeman, *Alaska Construction Law*, National Business Institute, Inc. (1994).

“Inns of Court,” *Monograph of International Arbitration Briefing Trip to London and Paris*, American Bar Association, Section of International Law & Practice, May 8-15, 1993.

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.

Appointed by U.S. District Court for the District of Alaska as Lawyer Representative to Ninth Circuit Judicial Conference (term 2008-2011).  
Listed in Best Lawyers in America (2009) in the areas of commercial litigation, professional malpractice, and construction law.  
American Law Institute. Elected member and annual meeting attendee; Members Consultative Group, Restatement of the Law Third, Torts: Economic Torts and Related Damages; Members Consultative Group, Restatement of the Law Third, The U.S. Law of International Commercial Arbitration.  
American Arbitration Association. Member of AAA National Panel of Arbitrators and occasionally serve as an arbitrator.  
National Arbitration Forum. National Panel Arbitrator and regularly serve as an arbitrator in consumer debt disputes.  
International Association of Defense Counsel. Active member and occasional annual meeting attendee.  
Defense Research Institute. Member.  
Defense Counsel of Alaska. Member.  
St. Elizabeth Seton Catholic Church, Anchorage, Alaska. Active Member.  
Worldwide Marriage Encounter of Alaska. Leadership position.  
St. Thomas More Society of Alaska. Active Member.

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

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17. When I was 18 or 19, I received a citation in Waukon, Iowa, for under age possession of an alcoholic beverage. I pled nolo contendere before a Justice of the Peace and received a \$100 fine plus \$4.00 court costs.

In May or June of 1996, I received a Municipality of Anchorage citation for traveling 24 mph in a 20 mph school zone. I pled nolo contendere and received a \$36 fine and lost two points off my driver's license.

- (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).

Briefly I was a third-party defendant in an action entitled Hughes Thorsness Gantz Powell & Brundin v. Dennis M. Bump, 3An-95-10504CI, a law firm partnership dispute with a former partner. The matter resolved amicably. I was named as a plaintiff in an action entitled Wilma Pffiffner, et al. v. Curtis Gramlich, et al., Court Case ID 01031 EQCV023411 brought in the District Court for Allamakee County, Iowa. This 2000 action was an easement dispute on an Iowa family farm where I have a remainder interest. The dispute was between the life tenants of\*

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18(c). the property and an adjoining landowner. The matter was resolved amicably.

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: Daniel W. Rietze  
Address: 13541 Tahoe Ridge Circle  
City/State/Zip: Anchorage, AK 99516 Phone: 907-345-1617

Name: Frederick J. Odsen  
Address: 3900 C Street, Suite 1001  
City/State/Zip: Anchorage, AK 99503 Phone: 907-263-8255

- (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: William M. Bankston  
Address: 601 W. 5th Avenue, Suite 900  
City/State/Zip: Anchorage, AK 99501 Phone: 907-276-1711

Name: Bruce E. Gagnon  
Address: 420 L Street, Suite 500  
City/State/Zip: Anchorage, AK 99501 Phone: 907-276-1700

Name: Ralph R. Beistline, U.S. District Court Judge  
Address: 222 W. 7th Avenue  
City/State/Zip: Anchorage, AK 99513 Phone: 907-272-9273

**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:* Lumbermens Mutual Casualty Co.      *Case Number:* 3:01-cv-00309-JWS  
*v.* Luciano Enterprises, LLC      *Judge Name:* John W. Sedwick

***Attorneys Involved:***

Name: <u>Paul D. Stockler 277-8564</u>	Name: _____
Address: <u>1309 W. 16th Avenue</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

*Case Name:* Timothy A. Arquette      *Case Number:* 3AN-05-5300 CI  
*v.* Last Frontier Adventures, Inc.      *Judge Name:* John R. Lohff

***Attorneys Involved:***

Name: <u>M. Gregory Oczkus 276-6550</u>	Name: _____
Address: <u>4325 Samuel Street, Suite 270</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99508</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

*Case Name:* \_\_\_\_\_      *Case Number:* \_\_\_\_\_  
*v.* \_\_\_\_\_      *Judge Name:* \_\_\_\_\_

***Attorneys Involved:***

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	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:** Arthur Ballot, et al. **Case Number:** 2KB-06-016CI  
**v.** Caterpillar Inc. **Judge Name:** Ben Esch

#### Attorneys Involved:

Name: <u>Phillip Paul Weidner 276-1200</u>	Name: <u>Roger F. Holmes 248-8013</u>
Address: <u>330 L Street, Suite 200</u>	Address: <u>3948 Clay Products Drive</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99517</u>
Name: <u>Robert L. Richmond 276-5727</u>	Name: <u>Craig S. Howard 276-5727</u>
Address: <u>360 K Street, Suite 200</u>	Address: <u>369 K Street, Suite 200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

### Case Number 2

**Case Name:** Dorothy May Henry, et al. **Case Number:** 2BA-07-23 CI  
**v.** Ukpeagvik Inupiat Corporation **Judge Name:** Michael I. Jeffrey

#### Attorneys Involved:

Name: <u>Frank J. Schlehofer 344-3434</u>	Name: <u>Peter C. Gamache 563-6969</u>
Address: <u>800 East Dimond Blvd.</u>	Address: <u>405 W. 36th Avenue</u>
City, State, Zip: <u>Anchorage, AK 99515</u>	City, State, Zip: <u>Anchorage, AK 99503</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 3

**Case Name:** Blues Electric, LLC **Case Number:** 3AN-08-07843CI  
**v.** ASRC Gulf States Constructors **Judge Name:** Gregory J. Motyka

#### Attorneys Involved:

Name: <u>R. Scott Taylor 272-3538</u>	Name: _____
Address: <u>500 L Street, 4th Floor</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</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.

My law practice involves handling complicated tort and commercial litigation matters with emphases on alternative dispute resolutions, construction, professional liability, negligence, products liability, and insurance issues. I also have significant experience in resolving similar legal issues through my professional work as an arbitrator, mediator, and hearing officer. I have a balanced practice that involves the representation of plaintiffs and defendants.

**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 twelve photographs of yourself with your application.

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

## Biographical Statement

Name Frank A. Pfiffner

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

Superior Court

Third Judicial District at Anchorage

Date: April 10, 2009

I joined Hughes Pfiffner Gorski Seedorf & Odsen, LLC in 1974 (the law firm was then known by a different name) after graduation from law school at the University of Iowa. I was admitted to practice in Alaska in 1975 and have practiced my entire career at the law firm in various capacities including Chairman of the firm's Management Group. My law practice focuses on tort and commercial litigation with emphases on alternative dispute resolution, construction, professional liability, negligence, products liability, and insurance issues. I also serve as an arbitrator, hearing officer, and mediator in commercial and construction disputes. I am active in numerous professional organizations including the American Arbitration Association, the American, Federal, Alaska and Iowa Bar Associations, the National Arbitration Forum, the International Association of Defense Counsel, and the American Law Institute. I am also one of the lawyer representatives for Alaska to the Ninth Circuit Judicial Conference.