

Alaska Judicial Council  
Application for Judicial Appointment

RECEIVED  
JUN 6 2000  
AK Judicial Council

\_\_\_\_\_ Date: June 6, 2000  
Anchorage Superior Court  
Position(s) for which you wish to be (907)  
considered (907)  
(907)

I. PUBLIC INFORMATION (Qs. 1-24 & 35)

PERSONAL

1. (a) State full name\* Mark Rindner  
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  
No

3. How long have you been a resident of the State of Alaska immediately preceding the date of this application? \*\* 20 years 10 months  
Total years 20 months 10
4. How long have you been engaged in the active practice of law immediately preceding the date of this application? \*\* 21 years 1 months  
Total years 21 months 1

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

**NONLEGAL EDUCATION**

5. State names and dates of attendance of all colleges and professional schools (other than law schools) ever attended and degrees and dates conferred. List any honors.

B.A., University of Pennsylvania, 1971

M.S.Ed., University of Pennsylvania, 1971

School of Education

University of Michigan, Graduate School of Education, 1973-1974 (no degree)

**LEGAL EDUCATION**

6. List all law schools, dates attended and degrees conferred. If you did not receive a degree from any law school, please indicate.

University of California at Berkeley, J.D., 1978

7. (a) Did you receive any honors in law school or belong to any honorary societies or groups?  
Yes  If so, please give details.

Member of California Law Review, 1976-1978; Head Research Editor and Member Board of Editors, California L. Review, 1977-1978

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

I have taken courses at the Bar convention the last 2 years, including courses on ethics, Supreme Court review, legal writing and Native law. I have attended various "off the record -- Bar/Bench CLEs involving the 9th Circuit and the local Bench. I took a several day seminar on (continued)

(continued)

products liability. I have attended several seminars on ANCSA. I took a CLE on scientific evidence and another on the discovery rules. I was on a CLE panel on settlement of cases. For the year 2000, I have attended the CLEs noted on the attached Alaska Bar Association Voluntary CLE Reporting Form.



# ALASKA BAR ASSOCIATION

## Voluntary CLE Reporting Form

P.O. Box 100279 • Anchorage, AK 99510-1279  
 Phone: 907-272-7469 • Fax: 907-272-2932  
 E-mail: [alaskabar@alaskabar.org](mailto:alaskabar@alaskabar.org)

Bar number: \_\_\_\_\_

Name: Mark Rindner

Period Covered: Sept. 2, 1999 - Dec. 31, 2000

Mailing Address: \_\_\_\_\_

I certify that the information below is an accurate record of my attendance.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

### ATTENDANCE INFORMATION (CLEs attended only - not taught)

CLE APPROVED PROVIDER	CLE ACTIVITY TITLE/TOPIC	DATES	HOURS OF APPROVED CLE	HOURS OF ETHICS
Alaska Bar Assoc	Off the Record/Bench-Bar	1/28/00	2.0	
Alaska Bar / Anch Bar	Domestic Violence & Child Protection	2/7/00	1.5	
Alaska Bar Assn.	Access to Funds	4/7/2000	3.25	
"	Settlement is Golden	6/8/2000	1.0	
"	Scientific Method - Law & Science	5/17/2000	2.0	
"	Ethics Practice Law in 21 <sup>st</sup> Century	5/17/2000	1.25	1.25
"	US Supreme Court Update	5/18/2000	3.25	
"	Recent Appellate Decisions in Tort Law	5/19/2000	3.25	

### HOURS OF PREPARATION AND TEACHING INFORMATION

CLE APPROVED PROVIDER	CLE ACTIVITY TITLE/TOPIC	DATES	HOURS OF REGULAR CLE TAUGHT	HOURS OF ETHICS TAUGHT	HOURS OF PREP TIME

**Return this form by February, 2001**

Please list all CLE even if hours do not meet minimum recommended guidelines.

*Remember to retain a copy of this form for your records.*

	SUB TOTAL STANDARD CLE	ETHICS	PREP TIME
<b>SUB TOTAL</b>			

Recommended 12 hours of approved CLE, one hour of which is ethics, per reporting period.

**TOTAL**  ADD SUB TOTALS TO GET TOTAL CLE CREDITS

**MILITARY**

8. Have you served in the armed forces (reserves or otherwise)? 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. If so, state the details.

N/A

**NONLEGAL EMPLOYMENT**

9. Describe major nonlegal working experience, if any.

Guidance Counselor, Philadelphia Public School System, 1972-1973, 1974-1975.

10. Describe major nonlegal business or professional experience, if any. If your association has been discontinued, please note whether there are unpaid debts or claims pending litigation.

None.

## LEGAL EXPERIENCE

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

\*Summer, 1976: Research Assistant, Childhood & Government Project, University of California Berkeley. Summer job. I do not recall my supervisor. (legal research)

\*June 1976-December 1976: Legal Researcher, The Research Group, Inc., Berkeley, California. I do not recall my supervisor. Part-time job which ended when company moved. (legal research)

\*Summer, 1977: Summer Intern, Skadden Arps Slate Meagher & Flom, 919 3rd Ave., New York, NY (corporate litigation), Supervisor: Barry Garfinkel. (Summer job)

\*September 1978-August 1979: Associate, Skadden Arps Slate Meagher & Flom, 919 3rd Ave., New York, NY (corporate litigation), Supervisor: Robert Zimet (left to take clerkship in Alaska)

\*September 1979-October 1981: Law Clerk to Honorable James M. Fitzgerald, United States District Judge, District of Alaska, 222 W. 7th Ave., Anchorage, AK 99513 (clerkship ended)

\*November 1981-March 1984: Assistant United States Attorney, Anchorage, 222 W. 7th Ave., Anchorage, AK 99501, Supervisor: Michael Spaan (left to go into private practice)

\*March 1984-March 1986: Associate, Munger Tolles & Olson, 550 W. 7th Ave., Anchorage (corporate litigation primarily for Cook Inlet Region, Inc.), Supervisor: Stephen Hillard<sup>1</sup> (firm was Alaska branch of Los Angeles law firm -- firm closed Alaska office)

\*July 1986-September 1986: Associate, Lane Powell & Barker (now Lane Powell Spears Lubersky) (insurance defense), Supervisor: Kermit Barker.<sup>2</sup> I took a leave of absence to do a special project for Cook Inlet Region, Inc.

\*September 1986-September 1987: General Counsel, The Native Lands Group. Acted as legal counsel for limited partnership formed by Cook Inlet Region, Inc., regarding a proposed land exchange. Supervisor: Margi Brown, 2567 Loussac Dr., Anchorage, AK 99517 (left after exchange work was completed except for congressional action)

\*September 1987 to present: Associate and then Partner at Lane Powell Spears Lubersky, 420 L St., Ste. 300, Anchorage. I specialize in defense litigation and work for CIRI. I am the current partner in charge of the Alaska office.

<sup>1</sup> Mr. Hillard is no longer with the firm -- verification can be obtained from William Temko, Munger Tolles & Olson, 355 S. Grand Avenue, 35th Floor, Los Angeles, CA 90071 (213 683-9100)

<sup>2</sup> Mr. Barker is no longer with the firm -- verification can be obtained from Dale House, Lane Powell Spears Lubersky, 420 L St., Ste. 300, Anchorage, AK 99501 (907 277-9511)

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

(a) Percent of your practice that was

Civil	<u>98</u>
Criminal	<u>2</u>
Other	<u>          </u>

= 100%

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

(b) Percent

State	<u>65</u>
Federal	<u>35</u>
Other	<u>          </u>

= 100%

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

(c) Of practice in state courts, percent:

Supreme Court	<u>10</u>
Court of Appeals	<u>0</u>
Superior Court	<u>90</u>
District Court	<u>0</u>

= 100%

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

(d) Frequency of appearance in court: Regularly ; Occasionally \_\_\_\_\_;  
Infrequently \_\_\_\_\_; Not at All \_\_\_\_\_

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

(e) Number of trials (by court or jury) you conducted in the past 5 years:  
\_\_\_\_ None  1 to 5 \_\_\_\_ 6 to 16 \_\_\_\_ 16 to 30 \_\_\_\_ 31 or more

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

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

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

(g) Approximate number of appellate matters handled: 5;

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

(h) Approximate number of arbitrations or administrative hearings: \_\_\_\_ None  
 1 to 5 \_\_\_\_ 6 to 16 \_\_\_\_ 16 to 30 \_\_\_\_ 31 or more

Briefly describe type of matters heard:

pro bono Social Security disability

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

Yes  No

Describe: Social Security disability; AK Permanent Fund Entitlement; Constitutional litigation involving Anchorage curfew. I received the Bar Association's Pro Bono Award at the 1998 Bar convention.

13. 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 6/20/80

New York 5/21/79

Federal: District Court - Alaska 1/29/81; SDNY 6/5/79; EDNY 6/5/79;

9th Circuit 3/15/82

### PUBLIC SERVICE

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

Alaska Bar Association; Chairman, Pro Bono Committee; Fee Arbitration

Committee, member, and member of the Executive Committee; member Alaska Bar Association Native Law, Natural Resources and Torts Sections; member from 1981-1990 of Law Examiners Committee. Recipient of Board of Governor's (Alaska Bar Association) Distinguished Service Award in 2000.

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

Note, 66 Calif. L. Rev. 282 (1978)

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

Judgeship	Date	Nominated By Council (Y/N)	Appointed By Governor (Y/N)
Federal Court	1990	N/A	N/A
Anchorage Superior Court (Judge Shortell position)	1999	Y	N

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

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

N/A
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18. List all other legal and any nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal. (Please indicate whether you participate in the organization's activities, or simply hold a membership.)

- Alaska Bar Association

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- Alaska Civil Liberties Union (member)

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- Trout Unlimited (member)

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- AARP

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- Alaska Flyfishers

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19. Indicate (Yes or No) whether you have ever:

- (a) been arrested, charged with, pled guilty or "nolo contendere" to, or been convicted of the violation of any law or ordinance, or been requested to appear before any prosecuting or investigative agency in connection with any matter other than minor traffic offenses (those for which a fine of \$50.00 or less, and no other sanctions were imposed)?           No.
  
- (b) failed to answer any summons or other legal process served upon you personally at any time?           No.
  
- (c) as a member of any armed forces, been the subject of any charges which may have resulted in disciplinary action or court martial?           No.
  
- (d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent?           No.

If your answer is "yes" to any part of this question, state the facts in detail. Give the name and place of the court or agency, dates of the beginning and end of any action or proceeding, case numbers, and the judgment or other disposition.

N/A

20. (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? In particular, have you been the subject of any proceeding, criminal or civil, initiated against you by the Internal Revenue Service or a State Tax Office? If so, give particulars, including case numbers.

No.

- (b) Have you ever been sued by a client? If so, give particulars, including case numbers.

No. (The firm has been sued over matters in which I had no involvement.)

- (c) Have you ever been a party in any other legal proceeding? If so, give the particulars. Include all legal proceedings in which you were a party in interest, including divorce/dissolution proceedings; a material witness; a named co-conspirator or correspondent; and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness. Do not list proceedings in which you were sued only in a representative capacity (e.g. Guardian ad litem, or as Commissioner of Natural Resources).

My wife and I were plaintiffs in a suit over an unpaid debt. We received a default judgment. Schleuss and Rindner v. Farnsworth, 91-4369 SC

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

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

None.

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

None.

**REFERENCES\***

22. (a) List the names, addresses, and phone numbers of two persons whom the Judicial Council may contact who can discuss your general character and background.

(1) NAME: Margi Mock  
ADDRESS: 900 W. 5th Avenue, Suite 200  
CITY/STATE/ZIP: Anchorage, Alaska 99501 PHONE: (907) 264-4437

(2) NAME: Ida Romack, Chief Deputy Clerk, United States District Court  
ADDRESS: 222 W. 7th Avenue, Box 4, Room 229  
CITY/STATE/ZIP: Anchorage, Alaska 99513 PHONE: (907) 271-5571

(b) List the names, addresses, and phone numbers of three other persons whom the Judicial Council may contact who can discuss your professional competence and qualifications for a judicial position. (You should not list the Chief Justice of the Alaska Supreme Court.)

(1) NAME: Mark Kroloff  
ADDRESS: c/o Cook Inlet Region, Inc., 2525 C Street, Box 93330  
CITY/STATE/ZIP: Anchorage, Alaska 99509-3330 PHONE: (907) 274-8638

(2) NAME: Louise Driscoll  
ADDRESS: 510 L Street, Suite 602  
CITY/STATE/ZIP: Anchorage, Alaska 99501 PHONE: (907) 272-7469

(3) NAME: Dale House, Lane Powell Spears Lubersky LLP  
ADDRESS: 420 L Street, Suite 300  
CITY/STATE/ZIP: Anchorage, Alaska 99501 PHONE: (907) 277-9511

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

**REFERENCES (continued)**

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

**1**

**Case Name:** State of Alaska  
v. PARN, et al.

**Case Number:** 1JU-96-1828  
**Judge Name:** Weeks

**Attorneys Involved:**

Name: Gary Foster (458-8083)  
Address: 3437 Airport Way  
Fairbanks, AK 99709

Name: Bruce Davison (563-6555)  
Address: 3351 Arctic Blvd.  
Anchorage, AK 99503

Name: Timothy Stone (277-8567)  
Address: 733 N Street  
Anchorage, AK 99501

Name: Traeger Machetanz (258-0106)  
Address: 745 W. 4th Avenue, Suite 502  
Anchorage, AK 99501 (cont'd)

**2**

**Case Name:** Mellott  
v. Stewart

**Case Number:** 3AN-88-5558  
**Judge Name:** Michalski

**Attorneys Involved:**

Name: Dan Hensley (now Judge)  
Address: 825 W. 4th Avenue, Room 420  
Anchorage, AK 99501 (264-0403)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**3**

**Case Name:** Stickney  
v. BP Exploration

**Case Number:** 3AN-93-6017  
**Judge Name:** Souter

**Attorneys Involved:**

Name: David Shoup (278-8533)  
Address: 508 2nd Ave., 3rd Floor  
Anchorage, AK 99501

Name: Keith Sanders (274-8638)  
Address: 2525 C Street, Box 93330  
Anchorage, AK 99509

Name: Jay Seymour (562-3134)  
Address: 1029 W. 3rd Ave., Suite 300  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

(continued)

*State of Alaska v. PARN, et al.*, Case No. 1JU-96-1828

William Cummings (465-3600)

P.O. Box 110300

Juneau, AK 99811-0300

Michael Spaan (277-4900)

1031 W. 4th Avenue, 5th Floor

Anchorage, AK 99501

**REFERENCES (continued)**

(d) List the names, addresses and phone numbers of attorneys involved in your three most recent cases that did not go to trial but in which you did significant work. (Applicants who are currently judges should list the three most recent cases they presided over that did not go to trial but in which they did significant work.) Please include the judge's name and case names and numbers. (Attach additional pages if necessary.)

**1**

Case Name: Chickaloon Moose Creek  
v. Native Association

Case Number: A97-430 Civil (JKS)  
Judge Name: Singleton

**Attorneys Involved:**

Name: David Crosby (586-6262)  
Address: 5280 Thane Road  
Juneau, AK 99801

Name: Bruce Landon (271-5452)  
Address: 801 B Street, Suite 504  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**2**

Case Name: Seldovia Native Ass'n  
v. U.S.

Case Number: A91-076 Civil (JKS)  
Judge Name: Singleton

**Attorneys Involved:**

Name: R. Collin Middleton (276-3390)  
Address: 421 1st Street, Suite 250  
Anchorage, AK 99501

Name: Bruce Landon (271-5452)  
Address: 801 B Street, Suite 504  
Anchorage, AK 99501

Name: David Crosby (586-6262)  
Address: 5280 Thane Road  
Juneau, AK 99801

Name: Elizabeth Barry (269-5100)  
Address: 101 W. 4th Avenue, Suite 200  
Anchorage, AK 99501

**3**

Case Name: Hanson  
v. The Hotsy Corp.

Case Number: 3KN-95-983  
Judge Name: Brown

**Attorneys Involved:**

Name: W. Michael Moody (276-1700)  
Address: 420 L Street, Suite 500  
Anchorage, AK 99501

Name: Greg Silvey (793-2200)  
Address: 510 L Street, Suite 700  
Anchorage, AK 99501

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**WRITING SAMPLE**

23. Attach as Appendix A one example of a brief, memorandum of law, or legal opinion or similar example of legal writing (10-20 pages in length; 15-25 pages for appellate positions) prepared solely by you within the last five years. If you do not have a good sample of this length, include an excerpt from a longer writing. **Please do not submit longer writing samples.** Make sure the sample contains sufficient facts to make it understandable. Please do not submit coauthored writing samples.
24. Has any **public** sanction been imposed against you in response to a complaint, charge or grievance brought against you as an attorney or a judge? Have formal grievance procedures been brought against you? See Bar Rule 22(b) & (e) concerning public grievance procedures against attorneys, and AS 22.30.011(b) and .060(b)(3) concerning public grievance procedures against judges. Have you ever been held in contempt of court? In each case, state in detail the circumstances and the outcome.

None.

**ADDITIONAL COMMENTS (Non-Confidential)**

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

\* I have conducted fee arbitrations for approximately the last 10 years, acting as a single arbitor or as the chairman of three-member panels. I have drafted approximately 15 fee arbitration decisions.

\* I am a member of the Advisory Committee to the Alaska Supreme Court on Civil Rules.

\* I am an at large member of the Alaska Access to Justice Task Force.

\* I have lectured for the last several years on civil procedure for the BAR/BRI Bar exam preparation course.

\* I received the Alaska Bar Association's Distinguished Service Award in 2000.

\* I received the Alaska Bar Association's Pro Bono award in 1998.

\* I was a swimming official and referee for several years.

**CERTIFICATION AND WAIVER**

I hereby certify that, to the best of my knowledge, the information provided on this application is true and complete; and that I am a citizen of the United States and of the State, and am licensed to practice law in Alaska (Ak. Const. Art IV; § 4).

I hereby waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Council may desire to obtain. I specifically authorize the Council to obtain information regarding me from any credit reporting agency, any law enforcement agency, and the Judicial Conduct Commission. I further authorize all of the aforesaid institutions, organizations, and individuals to make available to the Council all documents, records, and information concerning me that the Council may request.

Mark Rindner

Signature of Applicant

Mark Rindner

Typed Name

June 6 2000

Date

Subscribed and sworn to before me this 6<sup>th</sup> day of June, 2000.

Kami C. Gerke

Notary Public, State of Alaska

My Commission expires: 9/12/03