

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.

Lewis and Clark Law School. August 2007 - May 2010. Juris Doctor.

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 magna cum laude.

Associate law review editor, Environmental Law.

Moot court alternate, Pace Environmental Law Moot Court.

- (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.

2021: Ethics Tonight, Nota-what now?!

2020: Becoming a Judge in Alaska: The Judicial Selection Process Explained,
Understanding and Addressing Unconscious Bias in the Legal Profession

2019-2018; 2015-2011: Annual convention.

2017: How to be more effective in jury trials, Exit row ethics, SB91 changes, Ethics of Legal
Mediation, The truth about our trusts

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 worked at and later was an owner of my family business, Down Under Guns, in Fairbanks, Alaska from 1994 to 2007. I started working in retail sales and through time became responsible for all aspects of the business operations. The business closed in 2007 and there are no unpaid debts or claims pending litigation.

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: Downes, Tallerico, & Schwalm Law Firm, LLC

Supervisor or name of contact person who can verify employment: Robert Downes

Current address of this person: PO BOX 72419

City Fairbanks State Alaska Zip 99707

Dates and location of Employment: From July 2015 To Present City Fairbanks State Alaska

Job title and description:

Partner. General litigation practice with emphasis on domestic relations and criminal defense.

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

Employer: Downes & Tallerico Law Firm, LLC

Supervisor or name of contact person who can verify employment: Robert Downes

Current address of this person: PO BOX 72419

City Fairbanks State Alaska Zip 99707

Dates and Location of Employment: From Jan. 2014 To July 2015 City Fairbanks State Alaska

Job title and description: **Associate Attorney. General litigation practice with emphasis on domestic relations and criminal defense.**

Reason for Leaving: Became a partner at Downes, Tallerico, & Schwalm Law Firm, LLC

Employer: State of Alaska, Department of Law, Natural Resources Section

Supervisor or name of contact person who can verify employment: Anne Nelson

Current address of this person: 1031 West 4th Avenue, Suite 200

City Anchorage State Alaska Zip 99501

Dates and Location of Employment: From Oct. 2012 To Jan. 2014 City Anchorage State Alaska

Job title and description: **Assistant Attorney General. Assigned to the Bd. of Game and ADF&G. Civil issues related to the AK constitution, statutes, and regulations.**

Reason for Leaving: To gain trial experience and return to Fairbanks.

Previous Employers (continued)

Employer: State of Alaska, Alaska Court System
Supervisor or name of contact person who can verify employment: Hon. Michael A. MacDonald
Current address of this person: 101 Lacey Street
City Fairbanks State Alaska Zip 99701
Dates and Location of Employment: From June 2012 To Oct. 2012 City Fairbanks State Alaska
Job title and description: Magistrate Judge. Presided over arraignments and felony first appearances, minor offense trials, preliminary hearings, and probation revocations.
Reason for Leaving: Temporary appointment ended.

Employer: State of Alaska, Alaska Court System
Supervisor or name of contact person who can verify employment: Hon. Daniel E. Winfree
Current address of this person: 101 Lacey Street
City Fairbanks State Alaska Zip 99701
Dates and Location of Employment: From Aug. 2011 To June 2012 City Fairbanks State Alaska
Job title and description: Law Clerk for Justice Winfree. Researched and drafted memorandums, opinions, and orders.
Reason for Leaving: Appointed as a temporary Magistrate.

Employer: State of Alaska, Alaska Court System
Supervisor or name of contact person who can verify employment: Hon. Michael P. McConahy
Current address of this person: 101 Lacey Street
City Fairbanks State Alaska Zip 99701
Dates and Location of Employment: From Aug. 2010 To Aug. 2011 City Fairbanks State Alaska
Job title and description: Law Clerk for Judge McConahy. Researched and drafted memorandums, opinions, and orders.
Reason for Leaving: Term ended.

Employer: U.S. Attorney's Office
Supervisor or name of contact person who can verify employment: Neil Evans
Current address of this person: 1000 SW Third Ave, Suite 600
City Portland State Oregon Zip 99506
Dates and Location of Employment: From Aug. 2009 To May 2010 City Portland State Oregon
Job title and description: Environmental Prosecution Extern. Criminal prosecutions related to mining and forestry issues.
Reason for Leaving: Position ended upon graduation.

Employer: U.S. Army Corps of Engineers, Office of Counsel
Supervisor or name of contact person who can verify employment: Michael Gilbert
Current address of this person: PO BOX 6898
City JBER State Alaska Zip 99506
Dates and Location of Employment: From May 2009 To Aug. 2009 City Anchorage State Alaska
Job title and description: Legal Intern. Civil issues mostly related to government contracting and environmental law issues.
Reason for Leaving: Summer position ended.

Previous Employers (continued)

Employer: U.S. Attorney's Office
Supervisor or name of contact person who can verify employment: Stephen Cooper
Current address of this person: PO BOX 72815
City Fairbanks State Alaska Zip 99707
Dates and Location of Employment: From May 2008 To Aug. 2008 City Fairbanks State Alaska
Job title and description: Legal intern. Assist with a variety of civil and criminal matters.
Reason for Leaving: Summer position ended.

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 _____
Job title and description: _____
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 _____
Job title and description: _____
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 _____
Job title and description: _____
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 _____
Job title and description: _____
Reason for Leaving: _____

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

(a) Percent of your practice that was: Civil 60
Criminal 40
Other _____
= 100%

Comment: _____

(b) Percent: State 99
Federal 1
Other _____
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court 1
Court of Appeals 1
Superior Court 59
District Court 39
= 100%

Comment: _____

(d) Frequency of appearance in court (select one):
 Regularly Occasionally Infrequently Not at All
Comment: Almost daily.

(e) Number of trials (by court or jury) you conducted (select one):
 None 1-5 6-15 16-30 31 or more
Comment: _____

(f) Percent of these trials which were: Jury 2 Non-Jury 98
Comment: _____

(g) Approximate number of appellate matters handled: 8
Comment: _____

(h) Approximate number of arbitrations or administrative hearings (select one):
 None 1-5 6-15 16-30 31 or more
Briefly describe type of matters heard:

DMV driver's license revocations, OCS substantiation hearings, CSSD child support 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.).

None coordinated through a *pro bono* legal service provider.

I have participated in the annual Tanana Valley Bar Association Martin Luther King Day legal clinic.

I have represented individuals in criminal and domestic relations matters on a *pro bono* basis.

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.

State of Alaska, November 5, 2010.

United States District Court for the District of Alaska, June 13, 2011.

Public Service

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

Tanana Valley Bar Association, member past and current. Past Secretary and current Co-President.

Alaska Bar Association, member past and current.

Environmental and Natural Resources section, member past and current.

13. List publications, if any (give title, subject and date of publications). Please include online publications such as blogs or websites, and any publications you have co-authored and the name(s) of the co-author(s).

None.

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)
Fairbanks Superior/District Court	Oct. 20	N	N
Fairbanks District Court	Mar. 20	N	N
Fairbanks Superior Court	Jan. 19	N	N
Fairbanks Superior Court	Jan. 18	N	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.

Member, Fairbanks Fish and Game Advisory Committee. Elected October 8, 2014.
Reelected October 11, 2017 & November 2021. Secretary 2014-2018 by election and
volunteer. Chair November 2018 to present by election.

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 am a member of a variety of organizations but merely as a dues paying member. I have volunteered as a youth soccer coach for the Fairbanks Youth Soccer Association for the last three years.

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.

Failure to stop at a stop sign, 2009 in Cantwell. Case not listed in courtview. Pleaded no contest, \$100 fine.

Failure to stop for a red light, 2008 in Multnomah County Oregon. Records not available. Pleaded no contest, fine approximately \$280.

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).

My prior family business, mother, and stepfather were defendants in Callison v. Down Under Guns et al, 4FA-00-01864CI, a personal injury case. I was not a named party and did not have an ownership interest in the business at the time. I was a witness and was deposed. The case settled prior to trial.

- (d) Has a court ever found you to have provided ineffective assistance of counsel? Yes No
If so, provide the particulars including petitioner and case number.

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: David Kilbourn
Address: _____
City/State/Zip: Fairbanks, Alaska 99709 Phone: _____

Name: Gale Vick
Address: _____
City/State/Zip: Fairbanks, Alaska 99709 Phone: _____

- (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: Amy Tallerico
Address: 29 College Road
City/State/Zip: Fairbanks, Alaska 99701 Phone: _____

Name: David Buettner
Address: 510 2nd Avenue, Suite 200
City/State/Zip: Fairbanks, Alaska 99701 Phone: _____

Name: William Satterberg
Address: 709 4th Avenue
City/State/Zip: Fairbanks, Alaska 99701 Phone: _____

References and Counsel Questionnaires (continued)

(c) List the names, addresses, including zip codes, and suite numbers where applicable, of each attorney involved in your three most recent cases that have gone to trial. Please do not list cases with any pending issues in the trial or appellate 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. If you have no cases that have gone to trial within the past three years, you may include cases that went to trial before that date, or may provide up to six cases in response to the next subsection, 20(d). Please include the judge's name and case names and numbers. (Attach additional pages if necessary.)

Case Number 1

Case Name: Kenneth McLeod Case Number: 4FA-15-01238CI
v. Jocelyn Holt Judge Name: Bennett

Attorneys Involved:

Name: <u>Margaret Rogers</u>	Name: _____
Address: <u>100 Cushman Street, Suite 513</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Elizabeth Ryan Case Number: 4FA-19-02343CI
v. Timothy Ryan Judge Name: Haines

Attorneys Involved:

Name: <u>Mila Neubert</u>	Name: _____
Address: <u>PO BOX 80867</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99708</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Eunah Meaux Case Number: 4FA-15-02803CI
v. Daniel Meaux Judge Name: _____

Attorneys Involved:

Name: <u>Teka Lamade</u>	Name: _____
Address: <u>100 Cushman Street, Suite 500</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</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, 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 with any pending issues in the trial or appellate 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: Timothy Brannan Case Number: 4FA-20-02571CI
v. Angelia Brannan Judge Name: Lyle

Attorneys Involved:

Name: <u>Mila Neubert</u>	Name: <u>A.L. Rasley (Mediator)</u>
Address: <u>PO BOX 80867</u>	Address: <u>PO BOX 80981</u>
City, State, Zip: <u>Fairbanks, AK 99708</u>	City, State, Zip: <u>Fairbanks, AK 99708</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska Case Number: 4FA-21-00145CR
v. James Gelvin Judge Name: Seekins

Attorneys Involved:

Name: <u>Kathryn Mason</u>	Name: _____
Address: <u>510 2nd Avenue Suite 200</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska Case Number: 4FA-20-02574CR
v. Christopher Pate Judge Name: Christian

Attorneys Involved:

Name: <u>Janet Romig</u>	Name: _____
Address: <u>510 2nd Avenue Suite 200</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</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, (d) samples from open cases including cases on appeal.

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.

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 (select one).

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 Kirk Schwalm

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

Fairbanks Superior Court

Please leave this area blank

Date: December 30, 2021

I was born and raised in Fairbanks. While working in my family business I attended the University of Alaska Fairbanks, where I received a degree in B.B.A. I later changed career paths, attending Lewis & Clark Law School.

I returned to Fairbanks to clerk for Judge Michael McConahy and Justice Daniel Winfree. I then received a temporary appointment as a Magistrate Judge in Fairbanks. After a brief time in Anchorage at the Department of Law I returned to Fairbanks and entered private practice. My current law practice involves a variety of legal areas.

My wife and I have two children. When not practicing law I enjoy time with family and in the outdoors.