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MAR 3 2000

AK Judicial Council

# Alaska Judicial Council Application for Judicial Appointment

Superior Court at Ketchikan

Date: March 1, 2000

Court(s) for which you wish to be  
considered

Office Telephone:           

Home Telephone:           

FAX:                           

E-mail:                   

## I. PUBLIC INFORMATION (Qs. 1-26 & 33)

### PERSONAL

1. (a) State full name\* Trevor Neal Stephens

Name as it should appear on bar survey: Trevor Stephens

\* 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. (a) Mailing address                           

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(b) Current business address

5. How long have you been a resident of the State of Alaska immediately preceding the date of this application? \*\* 40 years 5 months

Total years 40 months 5

6. How long have you been engaged in the active practice of law immediately preceding the date of this application? \*\* 14 years 3 months

Total years 14 months 3

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

**NONLEGAL EDUCATION**

7. 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.

Willamette University - August, 1977 to May, 1982. Bachelor of Science Degree in Economics and Political Science May, 1981. Teaching Certificate May, 1982. Mortar Board, Kappa Delta Pi, Dean's lists, Willamette University Activities Award, Kappa Sigma Scholarship and Leadership Award. Cumulative GPA app. 3.6

**LEGAL EDUCATION**

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

Willamette University, College of Law, August 1982 to May, 1985. Doctor of Jurisprudence May, 1985.

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

Willamette University Law Review (Associate Editor); Dean's lists (top 10%) two semesters; Willamette University College of Law High Paper Awards in Civil Procedure (1982), Constitutional Law (1983), and Copyright, Trademark & Patents (1985). Finished in top 20% of class.

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

See attached.

**MILITARY**

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

No

**NONLEGAL EMPLOYMENT**

11. Describe major nonlegal working experience, if any.

I started working at about age 9 as the custodian for my father's dental office. Prior to graduating from High School I had worked at the newspaper, a restaurant, a grocery store and a drug store. During undergraduate summers I worked either construction or at the pulp mill except the final summer when I worked at a book store. During law school I was a head resident and minority student tutor.

12. 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.

I served several semesters as an adjunct instructor at the University of Alaska Southeast Ketchikan campus in the mid-1990's. I taught business law and travel/hospitality law. Travel/Hospitality law was basically a survey course that covered torts, contracts, employment, ADA, laws related to places of public accomodation, OSHA and other federal requirements. There are no unpaid debts or claims pending litigation.

I have been a member of two non-legal partnerships. My wife Amanda and I operated a rental in a house we owned as "Stephens Rentals". We sold the house in 1994. There are no unpaid debts or claims pending litigation. I was also a partner in the Alaska Pacific Opportunity Partnership (APOP) from 1989 to 1993. APOP owned the building in which the Ziegler Firm was and is located. There are no unpaid debts or claims pending litigation.

LEGAL EXPERIENCE

13. 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.***

- |         |   |
|---------|---|
| 1983    | Summer research assistant to contracts Professor Carlton Snow. Willamette University, 900 State Street, Salem, Oregon 97301. Research for paper on collective bargaining. End of Summer.  |
| 1984    | Summer law clerk for the Ziegler Firm, 307 Bawden Street, Ketchikan, Alaska 99901. Charles L. Cloudy and John W. Peterson. Research regarding a variety of civil matters. End of Summer.  |
| 1985    | Clerk for Churchill, Leonard, Brown, Lodine & Hendrie, LLP, 605 Center Street, Salem, Oregon 97308. David H. Leonard. Research regarding a variety of civil matters. Graduated from Law School.   |
| 1985-88 | Associate with the Ziegler Firm. 307 Bawden Street, Ketchikan, Alaska 99901. Charles L. Cloudy and John W. Peterson. General practice including domestic relations, probate, wills, public interest litigation, criminal defense, insurance defense, counsel for institutional and business clients. I wanted to be in court and was interested in criminal defense.  |
| 1988-89 | Assistant Public Defender. Agency address is 900 West 5 <sup>th</sup> Avenue, Suite 200, Anchorage, Alaska 99501. Supervisor was Mary P. Treiber, Post Office Box 6257, Ketchikan, Alaska 99901. Criminal defense (felony and misdemeanor) delinquency cases, CINA cases, mental commitments. I received an unsolicited offer that I believed was too good to pass on.  |
| 1989-93 | Ziegler Firm. Associate 1989-90, Partner 1991-93. Same address and supervisors. General practice similar to prior experience except for an increased emphasis on general counsel work for a major firm client. The general counsel work included employment matters and federal contract claims. I believed that I would be a better lawyer with more courtroom experience and I still had an interest in criminal law.   |
| 1993-99 | State of Alaska, Department of Law, Criminal Division. I worked in the Ketchikan District Attorney's Office. Assistant District Attorney 1993-96, District Attorney 1997-99. Ben Herren was my supervisor 1993-96. His address is c/o OSPA, 310 K Street, Suite 308, Anchorage, Alaska 99501. Cynthia M. Cooper, the Deputy Attorney General in charge of the Criminal Division, was my supervisor while I was the District Attorney. Her address is 310 K Street, Suite 501, Anchorage, Alaska 99501. Criminal prosecution and delinquency cases. I enjoyed being in court and many aspects of the job but I did not want to spend the rest of my career as prosecutor or working exclusively in the area of criminal law. |
| 1999 -  | Faulkner Banfield, PC, 302 Gold Street, Juneau, Alaska 99801. Beth Chapman and Lach Zemp. I and another attorney opened a Ketchikan office on February 1, 1999. General practice with an emphasis on domestic relations, estate planning, probate, business formations and transactions, and insurance defense. We entered this arrangement with the understanding that I would likely apply for such a position when an opening occurred and the firm is very supportive of my decision to apply at this time. This judgeship would be the last job I ever have.   |



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

Yes X No \_\_\_\_\_

Describe: Informally. I'm a member of the Panel, awaiting cases.

15. 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 (all courts)	December 5, 1985
U.S. District Court for Alaska	January 6, 1986
United States Claims Court	August 6, 1992

**PUBLIC SERVICE**

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

Alaska Bar Association	CLE Committee (since 1993), Fee Arbitration Panel
	(since 1993), Family Law Section.
American Bar Association	
Ketchikan Bar Association	

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

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18. 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)
District Court - Ketchikan	1995	Y	N

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

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

20. 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.)

Ketchikan Area Arts & Humanities Council (participate, past President of Bd.)

KRBD FM (member, financial supporter)

First City Rotary (participate, President 1996-97)

Christmas in April \* Ketchikan, Inc. (participate, present Board member)

St. John's Episcopal Church (participate, present Board member)

Ketchikan Chamber of Commerce (participate, present Board member)

Area State Parks Advisory Board (participate, present Board member)

Amnesty Internation (member, financial supporter)

21. 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

22. (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 to each question.

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

No

- (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).

No

23. 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.

No to each question.

- (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.

No to each question.

**REFERENCES\***

24. (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: Kevin G. Miller, District Court Judge  
ADDRESS: 400 Main Street, Room 400  
CITY/STATE/ZIP: Ketchikan, Alaska 99901 PHONE: (907) 225-3197

(2) NAME: Clifford H. Smith, Esq.  
ADDRESS: 111 Stedman Street, Suite 201  
CITY/STATE/ZIP: Ketchikan, Alaska 99901 PHONE: (907) 225-9840

(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: Thomas M. Jahnke, Superior Court Judge  
ADDRESS: 415 Main Street, Room 402  
CITY/STATE/ZIP: Ketchikan, Alaska 99901 PHONE: (907) 225-3141

(2) NAME: Patricia A. Collins, Superior Court Judge  
ADDRESS: Post Office Box 114100  
CITY/STATE/ZIP: Juneau, Alaska 99811-4100 PHONE: (907) 463-4741

(3) NAME: H. Clay Keene, Esq.  
ADDRESS: 540 Water Street, Suite 302  
CITY/STATE/ZIP: Ketchikan, Alaska 99901 PHONE: (907) 225-4131

\* **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 case names and numbers. (*Attach additional pages if necessary.*)

**1**

<i>Name of Case</i>	<i>Case Number</i>
<u>State v. John Neil Ebling</u>	<u>1KE-S98-58/93 CR</u>

*Attorneys Involved*

Name: David W. Rosendin, Esq.  
Address: 320 Bawden Street, Suite 305  
Ketchikan, Alaska 99901

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

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

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

**2**

<i>Name of Case</i>	<i>Case Number</i>
<u>ITMO D.M.</u>	<u>1KE-88-8 CP</u>

*Attorneys Involved*

Name: David Seid  
Address: Public Defender Agency  
Box 110216, Juneau, Ak. 99811

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

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

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

**3**

<i>Name of Case</i>	<i>Case Number</i>
<u>State v. Harvey Skan</u>	<u>1KE-S97-608 CR</u>

*Attorneys Involved*

Name: Darrel Gardner, OPA  
Address: 900 West 5th Ave., Suite 525  
Anchorage, Alaska 99501

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

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

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

**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 case names and numbers. (*Attach additional pages if necessary.*)

**1**

*Name of Case*  
Giles v. Giles \_\_\_\_\_

*Case Number*  
1KE-99-69 CI \_\_\_\_\_

*Attorneys Involved*

Name: Mary E. Guss, Esq.  
Address: 320 Dock Street, Suite 200  
Ketchikan, Alaska 99901

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

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

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

**2**

*Name of Case*  
State v. Ronald Wendte \_\_\_\_\_

*Case Number*  
1KE-S97-99 CR \_\_\_\_\_

*Attorneys Involved*

Name: Louis James Menendez, Esq.  
Address: 227 7th Street  
Juneau, Alaska 99801

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

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

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

**3**

*Name of Case*  
State v. Patrick Foy \_\_\_\_\_

*Case Number*  
1KE-S97-1027 CR \_\_\_\_\_

*Attorneys Involved*

Name: Carmen L. Gutierrez  
Address: 14235 Hancock Drive  
Anchorage, Alaska 99515

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

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

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

**WRITING SAMPLE**

25. 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.
26. 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.

No to each question.

**ADDITIONAL COMMENTS (Non-Confidential)**

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

The Ketchikan Superior Court's caseload is comprised primarily of criminal and domestic relations cases. Judge Jahnke's caseload includes cases filed in Craig on Prince of Wales Island (POW) and criminal cases arising in Metlakatla.

I have extensive experience, as a DA and defense attorney, in all aspects of criminal cases. I have participated in 35 jury trials, several court trials, and hundreds of other contested proceedings. I have tried cases ranging from littering to sexual assault and first degree murder. I estimate that I have presented over 200 cases to the grand jury. I have filed and responded to pleadings involving complex legal issues. I handled juvenile delinquency cases as DA and a PD. As a PD I handled CINA and mental commitment cases.

I was "the" DA for POW from 93-99, and was "the" PD for POW while with the PDA. I traveled to Craig monthly. I have tried several cases in Craig. I know the Magistrate and her staff well. I have visited several of the communities on POW. I worked hard to provide the people of POW with a high degree of service and attention. I have ideas as to how the Court could do more in this regard.

While the DA I went to Metlakatla to meet with elected officials, staff, the Magistrate, and social service personnel to discuss jurisdiction, their Tribal law and procedures, their programs, and how the community and the State can better cooperate with one another.

Approximately half of my career has been spent on civil matters. I have been involved in a variety of civil cases, ranging from defending individuals in small claims trials to divorces to working on federal contract claims worth millions of dollars. I have handled complex cases involving such things as the open meetings act, antitrust claims, and wrongful death claims. I have also handled a variety of non-litigation civil matters, including probate, estate planning, business formation, adoption, wills, employment, and private and public contracts. I have represented individuals, businesses, and governmental entities.

Since joining Faulkner Banfield my practice has had an increased emphasis on domestic relations. I have definite ideas as to how the Court may be able to improve the processing of such cases. I also have been focusing on the areas of estate planning, probate, business formations and transactions, and insurance defense. I have provided assistance to the other attorney in this office with criminal defense cases including an unclassified and other felonies. My practice focuses more on individuals than when I was with the Ziegler Firm.

In addition to my ongoing effort to expand my professional experience, I have tried hard to contribute to my community. In addition to the above, I have served on the boards of Big Brothers/Sisters, Community Connections, ADFY, Parks and Rec. Advisory Board, coached little league and volunteered for JA.

**CERTIFICATION AND WAIVER**

I hereby certify that, to the best of my knowledge, the information provided on this application is true and complete.

I hereby waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office which 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 which the Council may request.

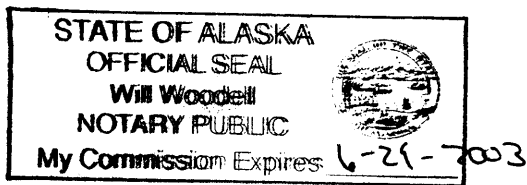
Trevor N. Stephens  
Signature of Applicant

Trevor N. Stephens  
Typed Name

March 1, 2000  
Date

Subscribed and sworn to before me this 1 day of March, 2000.

Will Woodell  
Notary Public, State of Alaska  
My Commission expires: 6-29-2003



## LEGAL EDUCATION

9(b)

1995-98 – Annual DA’s Conferences at Girdwood. Two days of CLE each October covering a variety of substantive topics and trial practice subjects.

1995-99 – Public Defender (usually David Seid) and I spend a school day speaking to every senior at Ketchikan High School as part of the “street law” curriculum.

1997 – Four day sexual assault case training (SART/SANE) in Sitka. Topics included substantive law, investigations, experts, and physical examinations.

1997-98 – I was a presenter for three programs concerning new domestic violence laws. One program was part of VPSO training in Juneau. One program was held in Klawock for law enforcement personnel on Prince of Wales Island. One program was in Ketchikan and was attended by law enforcement personnel from several locations in Southeast Alaska.

1999 – (June 10-11) ALI-ABA Estate Planning Techniques program in Anchorage.

1999 – ABA on-line CLE on estate planning.

1999 – I ordered and reviewed written Alaska Bar CLE materials for 13 CLE’s covering: Internet, Limited Liability Companies, Probate, Wills, Contaminated property, Domestic relations, Community property, Commercial Leases, Depositions, and Residential transactions. I also viewed the video of the depositions CLE.

1999 – I was a presenter during an estate planning seminar in Ketchikan in April.

1999 – I was a presenter during a sexual assault case training (SART/SANE) held in Ketchikan in November. I spoke on criminal procedure and substantive law. I also participated in a mock trial as the defense attorney.

2000 – I participate in the monthly Family Law Section meetings via teleconference.

2000 – I am presently registered for the following CLE programs: Evaluating Threshold Issues: Personal Injury and Medical Malpractice Cases – Ketchikan replay July 1, 2000; Civil Rules 90.6 and 90.7 – Ketchikan replay April 22, 2000; Impact of Domestic Violence on Your Legal Practice – March 20-21, 2000 in Anchorage. I have been the local CLE replay coordinator since 1993.