

Alaska Judicial Council
Application for Judicial Appointment

RECEIVED

JUL 10 1996

AK Judicial Council

Anchorage Superior Court

Date: July 9, 1996

Third Judicial District

Court(s) for which you wish to be
considered

I. PUBLIC INFORMATION (Os. 1-27 & 32)

PERSONAL

1. (a) State full name* Sen Kwang Tan
Name as it should appear on bar survey: Sen K. Tan
* 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
Tan Sen Kwang

(July 10, 1996)

6. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 13 years 11 months
 Total years 13 months 11
7. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 12 years 11 months
 Total years 12 months 11

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

NONLEGAL EDUCATION

8. 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.
- The University of Kent, Canterbury, Kent, England
Dates attended: June 1975 to June 1978
Degree conferred: Bachelor of Arts with Honors in Law
Date graduated: June 1978

LEGAL EDUCATION

9. List all law schools, dates attended and degrees conferred. If you did not receive a degree from any law school, please indicate.
- Northeastern University School of Law, Boston, Massachusetts
Dates attended: September 1979 to June 1982
Degree conferred: Juris Doctor
Date graduated: June 1982

APPENDIX B
CLE COURSES TAKEN DURING THE PAST FIVE YEARS

1. Effective Legal Communications. Lisnek & Associates.
Anchorage, 1996
2. Ethics for Government Attorneys. John Strait. Anchorage 1995
3. Appropriate Dispute Resolution, Options for Alaska, Paragon
Dispute Resolution Inc., Anchorage 1994
4. Revolutionizing Litigation Management. Corporate Counsel
Institutes. San Francisco, 1994.
5. The Future is Now: The New Alaska Rules of Professional
Conduct. Anchorage, 1993
6. Presenting Expert Testimony. National Institute for Trial
Advocacy. San Diego, 1992.

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

The Jessup International Law Moot Court Competition
Best Orator, Northeast Regional Competition, 1982

- (b) Have you taken any CLE (continuing legal education) courses during the past five years?

Yes x No Please describe: Please see Appendix B

MILITARY

11. 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.

NONLEGAL EMPLOYMENT

12. Describe major nonlegal working experience, if any.

N/A

APPENDIX C
CHRONOLOGICAL DESCRIPTION OF LEGAL EXPERIENCE

Law School Internships

Date: 1981 - 1982
Position: Legal Research and Writing Instructor
Employer: Northeastern University School of Law
400 Huntington Avenue, Boston, MA 02115.
Practice: Legal education. Instructed first year students
in legal research, writing and advocacy skills.
Supervisor: Professor Mary E. O'Connell
Departure: Graduation from law school
Verification: Professor Mary E. O'Connell
80 Cargill Hall
400 Huntington Avenue
Boston, MA 02115

Date: June - September 1980
Position: Law Clerk
Employer: American Association for the International
Commission of Jurists
777 U.N. Plaza, New York, NY 10017
Practice: International Law with emphasis on human rights.
Compiled and prepared a set of materials on human
rights violations in the Philippines and wrote a
draft paper on human rights violations in
Malaysia.
Supervisor: Ms. Nina Dodge
Departure: Northeastern University School of Law's co-
operative education program requires students to
work rotating quarters in the second and third
years of law school. Co-op clerkship ended.
Verification: A certified true copy of my law school transcript
will verify that I worked at the AAICJ. I can
provide a copy upon request, or a copy can be
obtained from the Registrar, Northeastern
University.

Date: December 1980 - March 1981
Position: Law Clerk
Employer: The Honorable Judge Patrick J. King
Boston Housing Court
Boston, MA 02108
Practice: Landlord and tenant disputes. Prepared memos on
issues of law. Organized files and assisted Judge
King in editing a book on housing law.
Supervisor: The Honorable Judge King
Departure: End of co-op clerkship

Verification: The Honorable Patrick J. King
Associate Justice, Massachusetts Superior Court
1112 New Courthouse
Boston, MA 02108

Date: June - September 1981

Position: Research Assistant

Employer: Alaska Judicial Council
Sentencing Guidelines Project

420 L Street, suite 500 Anchorage, AK 99501

Practice: Criminal and Sentencing law in Alaska. Analysis
and evaluation of felony sentencing practices in
Alaska, and prepared a report to the Alaska
Sentencing Guidelines Commission.

Supervisor: Mr. Nick Maroules

Departure: End of co-op clerkship

Verification: Ms. Teresa W. Carns
1029 W. 3rd Avenue, Suite 201, Anchorage, AK 99501

Date: December 1981 - March 1982

Position: Law Clerk

Employer: Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo,
One Financial Center, Boston, MA 02111

Practice: Researched and wrote memos on construction law,
criminal law, constitutional law and insurance
law.

Supervisor: Mr. John R. Reiger

Departure: End of co-op clerkship

Verification: Mr. John R. Reiger
One Financial Center, Boston MA 02115

LEGAL EMPLOYMENT AFTER LAW SCHOOL

Date: July 1982 - July 1983

Position: Law Clerk

Employer: The Honorable Judge Brian C. Shortell
303 K. Street, Anchorage, AK 99501

Practice: General civil litigation. Prepared daily files
for judge's attention, researched and wrote
recommendations on motions, jury instructions and
appeals, drafted orders for judge's signature, and
responded to inquiries from the public.

Supervisor: The Honorable Judge Shortell

Departure: End of clerkship.

Verification: The Honorable Judge Brian C. Shortell
825 W. 4th Avenue, Anchorage, AK 99501

Date: August 1983 - August 1989

Position: Assistant Public Defender

Employer: Alaska Public Defender Agency

Practice: 900 W. 5th Avenue, Suite 200, Anchorage, AK 99501
Criminal law. First assigned to criminal trial caseload, and then to an appellate caseload. Conducted all facets of pre-trial, trial and post-trial work. Briefed over fifty appeals before the Alaska Supreme Court and Alaska Court of Appeals, and was attorney of record in thirty published opinions.

Supervisors: The Honorable Justice Dana Fabe
Mr. John Salemi, Public Defender
Ms. Susan Orlansky, supervisor, appellate section

Departure: Accepted a position with the Attorney General's Office.

Verification: Mr. John Salemi
900 W 5th Avenue, Anchorage, AK 99501
Ms. Susan Orlansky
Young, Sanders and Feldman
500 L Street, Suite 400, Anchorage, AK 99501

Date: August 1989 - December 1992
Position: Assistant Attorney General
Employer: State of Alaska, Department of Law
Oil, Gas and Mining section
1031 W. 4th Avenue, suite 200, Anchorage, AK 99501

Practice: Complex civil litigation concerning oil and gas, tax and royalty laws. Assembled and led a litigation team that prosecuted a tax case worth more than two hundred million dollars before state and federal administrative agencies and in court. Developed case strategy and worked on all facets of trial, including organizing over 500,000 document pages, conducting expert and witness depositions, and producing exhibits and testimony using computers and databases. Engaged in motion practice, selecting and deposing lay and expert witnesses, and presenting testimony at hearing. Coordinated and wrote parts of a 450 page post-hearing brief. The State won at hearing and the case settled while on appeal.

Supervisors: The Honorable Charles E. Cole, former Attorney General.
Mr. Mark Worcester, Supervisor, Oil Gas and Mining
Mr. William J. Bonner, Supervisor, Oil, Gas and Mining

Departure: I was promoted to section supervisor

Verification: Mr. Mark Worcester, ARCO Alaska Inc.,
700 G Street, Box 100360 ATO-2090, Anchorage, AK 99510
Mr. William J. Bonner, 431 W. 7th Avenue, Suite 105, Anchorage, AK 99501

Date: January 1993 - present
Position: Supervising Assistant Attorney General
Employer: State of Alaska, Department of Law
Oil, Gas and Mining section
1031 W. 4th Avenue, suite 200, Anchorage, AK 99501
Practice: Complex litigation concerning oil, gas, mining,
tax and royalty laws. Section clients include the
Alaska Department of Natural Resources, the Alaska
Department of Revenue, and the Oil and Gas
Conservation Commission. Principle duties:
Develop and execute complex litigation plans for
multi-million and multi-billion dollar oil and gas
cases; prepare and administer a ten plus million
dollar annual litigation budget; manage a staff of
22 and four contracting law firms, with oversight
of attorneys, paralegals, support staff and expert
consultants; actively engage in the day-to-day
litigation of a major tax cases; participate in
negotiating settlement with a cumulative total of
over two billion dollars; draft, review, and
testify on oil and gas legislation before the
Alaska legislature.
Supervisors: The Honorable Charles E. Cole, former Attorney
General.
The Honorable Bruce M. Botelho, Attorney General
Ms. Cheri Jacobus, Anchorage Office Chief, Civil
Section
Ms. Nancy Gordon, Anchorage Office Chief, Civil
Section
Verification: Ms. Nancy Gordon, 1031 W. 4th Avenue, Suite 200,
Anchorage, AK 99501

APPENDIX D
RESPONSE TO QUESTION 15

By this attachment, I am explaining my area of trial practice during the past five years. I have been actively engaged in civil trial practice, but because of the administrative nature of the proceedings, the trials I am involved in do not really fit into the categories set out in question fifteen.

Since 1989, I have worked in the Oil, Gas, and Mining Section of the Attorney General's Office. I became supervisor of that section in Anchorage in 1993. My focus has been planning and leading complex litigation in cases valued from several hundred million dollars to more than two billion dollars. The cases concerned taxes owed to the state by the major oil and gas producers for North Slope and Cook Inlet production.

Special procedures and rules about confidentiality govern this kind of tax litigation. Trials are conducted before Department of Revenue hearing officers. These hearings are confidential as a matter of state law, AS 43.05.100, and I am limited in discussing these proceedings because they involve taxpayer confidential information.

Large teams of lawyers, paralegals, and experts litigate these cases. My responsibilities for these cases included planning the litigation, supervising all the lawyers, participating in hiring private law firms and experts, and working on each case myself.

One trial I litigated is a matter of public record, because the taxpayer filed an appeal of the state's victory with the Superior Court. While on appeal, the case settled. That case involved suit by the state against Marathon Petroleum Company. The Alaska Civil Rules of Procedure were adopted in large part to define the rules of the case. Trial took 65 full trial days spanning a period of three months in 1991. It was in most respects, a civil bench trial. Although the technical rules of evidences were not mandated, they were generally applied. More than 50 fact witnesses testified during that trial, and more than a dozen expert witnesses were called. The record on appeal comprised approximately 66,000 pages of transcripts and exhibits. After the trial, the parties filed briefs with the hearing officer to argue their cases. Each party was given approximately 450 pages in which to summarize its argument.

Since then, I have been involved in many tax cases including two significant tax cases before the Department of Revenue. The case against British Petroleum is a matter of public record to

the extent that after substantial pre-trial work, the case settled in 1994 for \$1.4 billion. The other significant tax case is still ongoing, and the case remains confidential at this time. These cases are similar in all material ways to complex litigation brought in Alaska Superior Court. The significant difference is that they are tried without a jury.

With respect to appellate matters, since 1993, as section supervisor, I have reviewed and edited appellate briefs filed by section staff and assisted in the preparation of many briefs by the Department of Law in general.

I am attaching to Appendix D a memorandum detailing all Oil and Gas settlements from 1980 to the present. The cases I have personally worked on include taxpayer D, L, W, X, Y, Z, AE, AI, AJ, AL, AM, AR, AS, and AT. The total settlement value in those cases exceed \$2.3 billion dollars.

MEMORANDUM

State of Alaska

Department of Law

TO: Bruce M. Botelho
Attorney General

DATE: February 13, 1996

FILE NO.:

TEL. NO.: 465-3600

SUBJECT: Oil and Gas Settlements

FROM: Tina Kobayashi *TK*
Assistant Attorney General
Oil, Gas and Mining Section - Juneau

Attached are the most recent estimates of savings or payments to the state as a result of litigation efforts under the oil and gas BRU.

Please note that frequently the full benefit of the settlement is not reflected in the retroactive amount. Typically, the dispute was resolved prospectively as well. The 1985 settlement with Union and Marathon is an example of a case where the prospective benefit was probably greater than the retroactive benefit. In the 8(g) case, winning 27 percent of federal revenues in the 8(g) zone in 1986 opened the way to receiving \$323 million in 1987, and to 27 percent of future revenues as well.

This summary does not include savings in which attempts to interfere with state's revenue opportunities have been thwarted. For example, we successfully defended against vigorous efforts by ARCO and Exxon to have the U.S. District Court in Kansas enjoin tax claims potentially worth over \$100 million. We have, of course, also defended the state's oil and gas leasing program against various attacks.

If you have any questions, please do not hesitate to contact me.

cc: Dick Pegues, Director
Administrative Services Division

ATTACHMENT TO APPENDIX D

OIL AND GAS SETTLEMENTS

| Year Settlement <u>Signed</u> | Payment <u>Description</u> | Immediate <u>Payment</u> | Future <u>Benefit</u> |
|-------------------------------------|---|-----------------------------|--------------------------|
| Gas royalty settlements | | | |
| 1982 | Union Cook Inlet royalty settlement | \$848,000 | |
| 1984 | Phillips LNG royalty settlement | \$36,094,846 | |
| 1985 | Marathon LNG royalty settlement | \$4,256,000 | |
| 1985 | Union and Marathon royalty settlement | \$4,156,000 | |
| 1986 | ARCO, Chevron & Shell Cook Inlet gas royalty settlement | \$1,568,000 | |
| 1988 | Union royalty settlement | \$300,000 | |
| 1992 | Marathon Cook Inlet gas royalty settlement | \$1,298,865 | |
| 1995 | ARCO Alaska Inc., gas royalty settlement | \$50,000,000 | |
| 1995 | British Petroleum, gas royalty | \$81,000,000 | |
| 1995 | Exxon, gas royalty | \$20,000,000 | |
| | Subtotal | \$199,521,711 | |
| Oil royalty settlements | | | |
| 1985 | Tesoro Cook Inlet North Slope royalty case ¹ | \$1,000,000 | |
| | 1989 Amerada Hess | \$318,624 | |
| | 1990 ARCO Alaska | \$287,000,000 | |
| | 1990 Freeport-McMoRan | \$331,000 | |
| | 1991 Marathon | \$426,842 | |
| | 1991 British Petroleum | \$185,000,000 | |
| | 1991 Phillips | \$13,502,602 | |
| | 1991 LL&E | \$251,848 | |

OIL AND GAS SETTLEMENTS

| Year Settlement <u>Signed</u> | Payment <u>Description</u> | Immediate <u>Payment</u> | Future <u>Benefit</u> |
|-------------------------------------|-------------------------------|-----------------------------|--------------------------|
| 1992 | Mobil | \$10,000,000 | |
| 1992 | Texaco-Getty | \$3,200,000 | |
| 1992 | Chevron | \$4,888,130 | |
| 1992 | Exxon | \$128,000,000 | |
| 1992 | Shell | \$203,854 | |
| 1992 | Petro Star | \$2,095,000 | |
| 1993 | Tesoro | \$10,274,000 | \$115,500,000 |
| 1993 | Chevron | \$87,700,000 | |
| 1994 | RIK purchaser ² | \$3,900,000 | |
| 1994 | MAPCO | \$95,000,000 | |
| | Subtotal | \$833,091,900 | \$115,500,000 |

Tax settlements³

| | | |
|---------|------------|---------------|
| 1986 | Taxpayer A | \$243,000,000 |
| 1988 | Taxpayer B | \$172,288,000 |
| 1990 | Taxpayer C | \$28,100,000 |
| 1990 | Taxpayer D | \$5,525,000 |
| 1990 | Taxpayer E | \$32,800,000 |
| 1990 | Taxpayer F | \$1,005,000 |
| 1990 | Taxpayer G | \$595,984 |
| 1990 | Taxpayer H | \$12,585,748 |
| 1991 | Taxpayer I | \$1,554,473 |
| 1991 | Taxpayer J | \$2,075,000 |
| 1991 | Taxpayer K | \$39,702,535 |
| 1992/93 | Taxpayer L | \$165,000,000 |
| 1992 | Taxpayer M | \$82,862 |
| 1992 | Taxpayer N | \$3,174,000 |
| 1992 | Taxpayer O | \$851,000 |
| 1992 | Taxpayer P | \$13,573,000 |
| 1992 | Taxpayer Q | \$8,780,000 |
| 1992 | Taxpayer R | \$1,100,000 |
| 1993 | Taxpayer S | \$346,200 |
| 1993 | Taxpayer T | \$630,000,000 |
| 1993 | Taxpayer U | \$558,575 |

OIL AND GAS SETTLEMENTS

| Year Settlement <u>Signed</u> | Payment <u>Description</u> | Immediate <u>Payment</u> | Future <u>Benefit</u> |
|-------------------------------------|-------------------------------|-----------------------------|--------------------------|
| 1993 | Taxpayer V | \$76,371 | |
| 1993 | Taxpayer W | \$50,273,000 | |
| 1993 | Taxpayer X | \$3,721,567 | |
| 1993 | Taxpayer Y | \$69,824,000 | |
| 1993 | Taxpayer Z | \$42,200,000 | |
| 1993 | Taxpayer AA | \$650,000 | |
| 1993 | Taxpayer AB | \$4,002,000 | |
| 1993 | Taxpayer AC | \$6,858,045 | |
| 1993 | Taxpayer AD | \$9,041,632 | |
| 1993 | Taxpayer AE | \$63,870,000 | |
| 1994 | Taxpayer AF | \$41,029 | |
| 1994 | Taxpayer AG | \$794,429 | |
| 1994 | Taxpayer AH | \$9,500,000 | |
| 1994 | Taxpayer AI | \$45,834,564 | |
| 1994 | Taxpayer AJ | \$60,198,483 | |
| 1994 | Taxpayer AK | \$15,966,953 | |
| 1994 | Taxpayer AL | \$19,343,638 | |
| 1994 | Taxpayer AM | \$92,400,000 | |
| 1994 | Taxpayer AN | \$6,700,000 | |
| 1994 | Taxpayer AO | \$12,865,000 | |
| 1994 | Taxpayer AP | \$300,000 | |
| 1994 | Taxpayer AQ | \$154,500,000 | |
| 1994 | Taxpayer AR | \$14,200,000 | |
| 1994 | Taxpayer AS | \$700,000,000 | \$700,000,000 |
| 1994 | Taxpayer AT | \$269,000,000 | |
| 1995 | Taxpayer AU | \$30,700,000 | |
| 1995 | Taxpayer AV | \$21,000,000 | |
| 1995 | Taxpayer AW | \$1,172,217 | |
| 1995 | Taxpayer AX | \$1,400,000 | |
| 1995 | Taxpayer AY | \$13,200,000 | |
| 1995 | Taxpayer AZ | \$3,303,038 | |
| | Subtotal | \$3,085,633,343 | \$700,000,000 |

Federal government revenue sharing

OIL AND GAS SETTLEMENTS

| Year Settlement Signed | Payment Description | Immediate Payment | Future Benefit |
|---|--|-----------------------------------|---------------------|
| 1986 | Congressional settlement | \$51,000,000 | \$135,000,000 |
| 1987 | Congressional authorization for state to receive its minimum "8(g)" share of Dinkum Sands escrow account | \$323,000,000 | |
| | Subtotal | \$374,000,000 | \$135,000,000 |
| Federal Energy Regulatory Commission proceedings | | | |
| 1984 | Kuparak I settlement | | \$6,000,000 |
| 1985 | Taps settlement ⁴ | \$250,460,000 | \$2,649,650,000 |
| 1990 | Milne Point settlement | | \$2,500,000 |
| 1991 | Kuparuk II settlement | | \$82,600,000 |
| 1993 | Endicott Pipeline | \$10,200,000 | \$3,800,000 |
| | Subtotal | \$260,660,000 | \$2,744,550,000 |
| TOTAL | | \$4,752,906,954 | \$3,695,050,000 |
| GRAND TOTAL | | <u>\$8,447,956,954</u> | |

¹ This amount only includes settlements for the past. It does not include estimates of future revenues to the state that will occur - without litigation - under a future formula agreed to by each of the parties who have settled.

² The name of the purchaser may not yet be disclosed as the matter is not fully resolved.

³ These cases do not include the state's victory in Atlantic Richfield Co. v. State, 705 P.2d 418 (Alaska 1985), in which the state's separate accounting methodology was upheld, thus voiding oil company claims of \$2 billion in tax refunds.

⁴ In addition, the state received approximately \$33.28 million in costs and attorney's fees paid into the general fund.

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

Yes _____ No x

Describe: I have not been called. However I have volunteered for the Alaska Legal Services pro bono program for the past five years.

16. 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 Courts, admitted to practice August 1983

PUBLIC SERVICE

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

Bar Examination Tutorial Program, 1986 to present
Minority Applicants Committee, 1992 - 1993
Joint State-Federal Gender Equality Task Force
Legal Professions Subcommittee, 1993 - 1994

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

19. 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) |
|-----------|------|----------------------------|-----------------------------|
| No | | | |
| | | | |
| | | | |
| | | | |

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

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

21. List all 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 Athletic Club - member

Alaska Chinese Association - active member, former director

Alaska Civil Liberties Union - member

Amnesty International - member

Anchorage Badminton Association - active member, former president

Anchorage Racket Club - member

Children's String Orchestra - member

KAKM - member

KSKA - member

NAACP - member

Northeastern University School of Law, alumni association - member

Roger's Park Elementary School PTA - active member

22. 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? N/A

(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.

23. (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

- (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

24. 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

- (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

REFERENCES*

25. (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: Judge Brian C. Shortell
ADDRESS: 825 W. 4th Avenue
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-0430

(2) NAME: Ms. Nancy R. Gordon, Chief of Anchorage A.G.'s Office
ADDRESS: 1031 W. 4th Avenue, Suite 200
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 269-5100

(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: Justice Dana Fabe
ADDRESS: 303 K Street, 5th Floor
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-0622

(2) NAME: Mr. Bruce M. Botelho, Attorney General
ADDRESS: Box 110300
CITY/STATE/ZIP: Juneau, AK 99811-0300 PHONE: 465-3600

(3) NAME: Mr. Charles E. Cole
ADDRESS: 406 Cushman Street
CITY/STATE/ZIP: Fairbanks, AK 99701 PHONE: 452-1124

* **Please Note:** Letters of reference from these persons are confidential and will not be given to either the Governor or 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 *Name of Case* None *Case Number* _____

Attorneys Involved

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

2 *Name of Case* _____ *Case Number* _____

Attorneys Involved

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

3 *Name of Case* _____ *Case Number* _____

Attorneys Involved

Name: _____
Address: _____

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 trials 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.*)

| | |
|--|---------------------------|
| <i>Name of Case</i> | <i>Case Number</i> |
| 1 <u>Please refer to Appendix E</u> | _____ |
| <i>Attorneys Involved</i> | |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |

| | |
|----------------------------------|---------------------------|
| <i>Name of Case</i> | <i>Case Number</i> |
| 2 _____ | _____ |
| <i>Attorneys Involved</i> | |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |

| | |
|----------------------------------|---------------------------|
| <i>Name of Case</i> | <i>Case Number</i> |
| 3 _____ | _____ |
| <i>Attorneys Involved</i> | |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |

APPENDIX E
ATTORNEYS INVOLVED IN THREE MOST RECENT CASES

1. IN THE MATTER OF ATLANTIC RICHFIELD AND COMBINED
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APPENDIX F
ADDITIONAL COMMENTS

There are five points I would ask the Judicial Council to consider in judging my suitability for this position. First, I have diverse experience in both criminal and civil law. My civil case experience at the Attorney General's Office has spanned a range from small cases (such as litigation against individuals violating oil, gas and mining laws) to some of the largest litigations nationwide (cases brought against major oil and gas producers for liability exceeding two billion dollars). At the Public Defender Agency, I worked not only on criminal trial and appellate cases, but also in children's court, in cases such as child in need of aid cases, and in representing clients in involuntary commitment proceedings to the Alaska Psychiatric Institute. My experience has included a considerable amount of appellate litigation, which has sharpened my understanding of the trial and appellate functions of the Superior Court. Further, my appointments first in the Public Defender Agency and now in the Attorney General's office have given me the opportunity to view the role of law from different perspectives.

Second, I have a commitment to public service, and a deep commitment to the Rule of Law. A short summary of my life experiences will provide some insight into my legal philosophy. I was born and raised in Malaysia, where I spent the first twenty years of my life. I received my post-secondary education in England before I emigrated to the United States in 1978. I became a naturalized citizen of the United States in 1985. I know from personal experience that an independent judiciary is one of the cornerstones of a free society. I know what it means when the rights of the individual are not protected, and where justice is reserved only for the privileged few. I am dedicated to working for the public good, and to a strong independent legal system.

Third, I have had considerable experience living and working in a cross-cultural setting. From a personal level, I understand the need to be aware of and to respect the cultural values of others. I have the ability to listen conscientiously to others and to communicate effectively with diverse groups of people. This should be an asset, as the bench in Alaska must hear the voices of the many peoples of the state.

Fourth, I have leadership, supervisory, and administrative skills and I enjoy working with people. In my present position, I supervise 22 employees, and have had the pleasure of leading a diverse, talented group of individuals towards common goals. As

supervisor of the Oil, Gas and Mining section, I have had to supervise and co-ordinate with as many as four law firms at a given time. This has given me the opportunity to work side by side with private practitioners and to really understand the nature of private practice. I have prepared and administered an annual budget of many millions of dollars. The tasks of coordinating different groups has required the ability to motivate individuals to work together, to minimize their differences, and to emphasize commonalities. These skills have also been helpful in negotiating settlements and avoiding unnecessary litigation.

Lastly, I believe I have very good judgment and the ability to make difficult decisions. In addition to being a good listener, I am a careful but flexible thinker, and can consider as many options as are available to arrive at a fair and equitable decision. Where there is controversy, I always try to consider the other person's point of view to understand fully what the other positions may be. I enjoy problem solving, and I am not afraid to make a decision even where that decision may not be popular. I strive in all of my dealings to be honest and principled.

The responsibilities of a Superior Court judge require intelligence, pragmatism, integrity, and hard work. I believe that my work record supports my application for this position, and greatly appreciate the Judicial Council's consideration.