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JUN 28 2002

ALASKA
JUDICIAL COUNCIL

Alaska Judicial Council
Application for Judicial Appointment

Anchorage Superior Court

Date: June 26, 2002

Position(s) for which you wish to be considered

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

PERSONAL

1. (a) State full name* Philip R. Volland
 Name as it should appear on bar survey: Philip R. Volland
 * 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? ** 26 years 1 months
 Total years 26 months 1

4. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 25 years 1 months
 Total years 25 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.

Oberlin College

1968-1972

B.A. 1972

Senior Scholar

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.

New York University School of Law

1973-1976

J.D. 1976

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

Root-Tilden Scholar

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

See attached pp. 2.a and 2.b

MILITARY

8. 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

9. Describe major nonlegal working experience, if any.

None.

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.***

June-August 1974
Alaska Legal Services Corp.*
Fairbanks Office
Eric Triesman
Return to Law School
Law Clerk - Civil

June-August 1975
Alaska Legal Services Corp.*
Anchorage Office
Michael J. Frank
Return to Law School
Law Clerk - Civil

June 1976-June 1980
Alaska Legal Services Corp.*
Anchorage Office
James Grandjean
Enter private practice
Civil Litigation

*Verification of my employment with Alaska Legal Services Corp. may likely be obtained by contacting its current director, Andrew Harrington, at 1016 W. 6th Avenue, Suite 200, Anchorage, AK 99501

June 1980 - Present
Volland & Taylor, P.C.
211 H Street
Anchorage, AK 99501
Civil Litigation

Verification of employment at Volland & Taylor may be obtained from R. Scott Taylor, 211 H Street, Anchorage, AK 99501

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

Yes _____ No X

Describe: The firm has, but I have not individually.

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 1977

U.S. District Court 1977

U.S. Supreme Court 1997

PUBLIC SERVICE

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

'96-Present Member, Civil Rules Cte; 6/90-5/96 Member Bd of Gov Ak Bar Assc;

'93-'94 President Ak Bar Assc; 6/93-1/94 Member, Jt State/Fed Ct Gender

Equality Task Force; '92-'94 Member Spec Supreme Ct Cte to review Code of

Judicial Conduct; '90-'93 Vice Chair Ak Sentencing Cte; '87-'90 Chair Law

Related Education Cte Ak Bar Assc

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

Survey of State Class Action Law (Alaska section only)

Thomas R. Grande, Robert Vance, and C. Timothy Corcoran III, Editors

American Bar Association (January 2001)

The survey is published as a supplement to Newberg on Class Actions.

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) |
|--------------------------|-------------|---|--|
| Anchorage Superior Court | 1996 | Yes | No |
| | | | |
| | | | |
| | | | |

17. Have you ever held public or political office, elective or appointive? Yes

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

Commissioner
Alaska Public Offices Commission
1997-2000

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 Trial Lawyers Association (participant)

American Bar Association (member only)

American Judicature Society (member only)

American Trial Lawyers Assoc. (member only)

ACLU (member only)

AKPIRG (member only)

KSKA (member only)

American Hockey Assoc. (member only)

Anchorage Museum Assoc. (member only)

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.

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.

Yes. Reeves vs. Volland and Reese, Rice and Volland (Case No. 3AN-88-10893 CI, Anchorage Superior Court). Alleged malpractice in divorce case for failure to secure adequate child and spousal support and college expenses for children. Settled prior to trial.

- (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).

Yes. Horowitz et al. vs. Alaska Bar Association, 609 P.2d 39 (Alaska 1980).
One of named plaintiffs in case alleging that Bar Association meetings
violated open meetings statute.

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.

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*

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: Honorable John Reese
ADDRESS: 825 W. 4th Ave, Room 524
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-0401

(2) NAME: Vicki Otte
ADDRESS: Cook Inlet Region Inc., 2525 C Street, Suite 500
CITY/STATE/ZIP: Anchorage, AK 99503 PHONE: 265-4515

- (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: Jeffrey Feldman
ADDRESS: 500 L Street, Suite 400
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 272-3538

(2) NAME: Julian Mason
ADDRESS: 8101 White Drive
CITY/STATE/ZIP: Anchorage, AK 99516 PHONE: 346-3326

(3) NAME: Karen Hunt
ADDRESS: 1079 Potlatch Circle
CITY/STATE/ZIP: Anchorage, AK 99503 PHONE: 274-7240

* **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:** In re 2001 Redistricting
v. _____

Case Number: 3AN-01-8914 CI
Judge Name: Hon. Mark Rindner

Attorneys Involved:

Name: See attached p. 11.a

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

2 **Case Name:** Duane Alexander
v. State of Alaska

Case Number: 3AN-95-5906 CI
Judge Name: Hon. Peter Michalski

Attorneys Involved:

Name: Gary Guarino

Address: Assistant Attorney General

1031 W. 4th Av, Anchorage AK

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

3 **Case Name:** _____
v. _____

Case Number: _____
Judge Name: _____

Attorneys Involved:

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

22(c)[1]. In re Alaska Redistricting Cases - 3AN-97-7364 CI.

Attorneys involved

James Baldwin, AAG
Box 110300
Juneau AK 99811

Jeffrey Feldman
500 L St #400
Anchorage AK 99501

Myra Munson
318 W. 4th St
Juneau AK 99801

Robert Blasco
801 W. 10th St #300
Juneau AK 99801

Thomas Klinkner
1127 W. 7th Ave
Anchorage AK 99501

Douglas Serdahley
601 W 5th Avenue #700
Anchorage AK 99501

Charles Cole
406 Cushman St
Fairbanks AK 99701

Kenneth Jacobus
425 G St #920
Anchorage AK 99501

William Walker
550 W. 7th #1850
Anchorage AK 99501

Kenneth Eggers
3201 C St #400
Anchorage AK 99503

Joseph Levesque
550 W 7th Av #1850
Anchorage AK 99501

Michael White
601 W 5th Avenue #700
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:* Daisy Johnson
v. United States

Case Number: A99-567 CV (HRH)
Judge Name: Hon. Russel Holland

Attorneys Involved:

Name: Richard Vollertsen
Address: 420 L Street, Suite 500
Anchorage AK 99501

Name: _____
Address: _____

Name: Kenneth Roosa
Address: Asst U S Attorney
222 W 7th #9 Rm 308, Anch AK

Name: _____
Address: _____

2 *Case Name:* Jeffrey Poehler
v. Cordova Electric Coop

Case Number: 3AN-99-4181 CI
Judge Name: Hon. Eric Sanders

Attorneys Involved:

Name: Cynthia Ducey
Address: 1007 W 3rd Av #400
Anchorage, AK 99501

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

3 *Case Name:* Louis Mower et al.
v. MOA

Case Number: 3AN-97-7364 CI
Judge Name: Hon. Sen Tan

Attorneys Involved:

Name: Peter Gruenstein
Address: 500 L St Suite 401
Anchorage AK 99501

Name: Bruce Gagnon
Address: 420 L St Suite 500
Anchorage AK 99501

Name: Peter Maassen
Address: 813 W 3rd Av
Anchorage AK 99501

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.

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|-----|
| No. |
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