

Alaska Judicial Council
Application for Judicial Appointment

RECEIVED

FEB 28 1996

ANCHORAGE SUPERIOR COURT

Date: 2/28/96

AK Judicial Council

Court(s) for which you wish to be considered

Office Telephone: _____

Home Telephone: _____

FAX: _____

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

PERSONAL

1. (a) State full name* MICHAEL LEE WOLVERTON
Name as it should appear on bar survey: MICHAEL L. WOLVERTON
* 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 _____

- (b) Current business address _____

- (c) Social Security Number _____
3. Date and place of birth 5/27/50 Mankato, Minnesota Age 45

4.

5.

6. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 15 years 1 months
Total years 15 months 1

7. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 17 years 7 months
Total years 17 months 7

** 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.
Mankato State University 1/69-6/72 B.A. English/Spanish Magna Cum Laude
Instituto Tecnologico, Monterray, Mexico, Summer 1970 (No Degree)
Gustavus Adolphus College 9/68-1/69 (No Degree)

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.
University of Minnesota School of Law 9/74-6/77 J.D.

10. (a) Did you receive any honors in law school or belong to any honorary societies or groups? No If so, please give details.

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

Yes No Please describe: National Judicial College:

- General Jurisdiction 1990; 1992

- Case Load Management 1992

- Advanced Evidence 1995

Presenter - Alaska CLE for Ethics, 1994 and 1995

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.

Factory worker - Continental Can Company (Seasonal) 1968-1973

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

n/a

Per Mike Wolverton 3/15/96:

Verification:
 Mr. Villagomez
 % Herb Soll
 Saipan, MP

→ Pro Tem D.C. Judge
 Elaine Andrews (also a Prof. Ref.)

→ PD - Dana Fabe (also a Prof. Ref.)

→ Dist. Ct. Judge
 P.J. Johnstone

LEGAL EXPERIENCE

14. Describe chronologically your legal employment; provide dates, name of employer, name of supervisor position, and a brief description of type of practice (i.e., insurance coverage, 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.

11/88-Present - DISTRICT COURT JUDGE
 Alaska Court System
 303 K Street
 Anchorage, AK 99501

COURT OF APPEALS PRO TEM - 1994/1995
 In addition to the normal duties of a District Court Judge, I have served as a Pro Tem Superior Court Judge on a frequent basis.

01/87-11/88 - ASSISTANT PUBLIC DEFENDER
 Alaska Public Defender Agency
 900 W. 5th Ave., Suite 200
 Anchorage, AK 99501

Staff Attorney, Anchorage Office 1/87-11/88
 Felony and misdemeanor trial work; appeals; felony intake.

Supervising Attorney, Palmer Office 10/83-10/84
 Felony and misdemeanor trial work, juvenile and family law.

Staff Attorney, Anchorage Office 7/80-12/82
 Misdemeanor and felony trial work

10/84-12/86 - DISTRICT COURT JUDGE (PRO TEM)
 Alaska Court System
 914 W. 4th Ave
 Anchorage, AK 99501

In addition to the normal duties of a District Court Judge, I served as DWI project judge.

LEGAL EXPERIENCE (Continued)

02/83-08/83 PRIVATE PRACTICE

Assisted in Offices of Ramon G. Villagomez,
Saipan, Commonwealth of the Northern Mariana
Islands.

01/80-06/80 SUPERIOR COURT LAW CLERK

Judge Victor D. Carlson
Alaska Court System
941 W. 4th Ave
Anchorage, AK 99501

(Current address: 1408 W. 10th Ave, Anchorage, AK 99501
Phone: 276-2359)

Reviewed Motions and cases for decision by Judge
Carlson who, in addition to serving as family law
judge, also had a civil and criminal caseload.

06/77-06/79 OFFICE OF THE PUBLIC DEFENDER

Trust Territory Public Defender Offices

- Staff Attorney (Peace Corps Volunteer)
Civil and criminal trial and appellate work;
legislative drafting. (02/79-07/79)**
- Director - Legal Education Programs sponsored
by the Office of the Public Defender. (06/77-02/79)
- Instructor, Legal Writing and Analysis,
Pre-law school program for Micronesians. (1978 & 1979)

(**Herbert D. Soll, Supervisor, PO Box 5042, RR
No. CHRB, Saipan, MP 97950. Phone: (670) 322-4311

1975-1976

LAW CLERK/INVESTIGATOR

Blethen, Gage & Krause (Ray Krause, Supervisor)
127 S. 2nd
PO Box 3049
Mankato, Minnesota 56001
Phone: (507) 345-1166

General private practice, including both plaintiff
personal injury and insurance defense work,
criminal defense, estate planning and commercial
law.

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

- (a) Percent of your practice that was
- | | |
|----------|-----------------|
| Civil | <u>30</u> |
| Criminal | <u>70</u> |
| Other | <u> </u> |

= 100%

Comment: As Deputy Presiding Judge of the District Court from 1991-94, a significant amount of my time was devoted to administrative matters, in addition to my regular case-load.

- (b) Percent
- | | |
|---------|-----------------|
| State | <u>100</u> |
| Federal | <u> </u> |
| Other | <u> </u> |
- = 100%

Comment: _____

- (c) Of practice in state courts, percent:
- | | |
|------------------|---|
| Supreme Court | <u> </u> |
| Court of Appeals | <u>(In 1994, 100% for a 6-month period)</u> |
| Superior Court | <u>30</u> |
| District Court | <u>70</u> |

= 100%

Comment: In 1994 and 1995 I served as a Pro Tem appointment on the Court of Appeals on a full-time basis for six months.

- (d) Frequency of appearance in court: Regularly x; Occasionally _____;
Infrequently _____; Not at All _____

Comment: _____

- (e) Number of trials (by court or jury) you conducted in the past 5 years:
____None ____1 to 5 ____6 to 16 ____16 to 30 x 31 or more

Comment: This includes cases tried before me in my capacity as a District Court Judge or Superior Court Judge Pro Tem.

- (f) Percent of these trials which were: Jury 60 Non-Jury 40

Comment: Almost all of the criminal trials have been jury trials. Almost all of the civil trials have been non-jury trials.

- (g) Approximate number of appellate matters handled: 60;

Comment: I served full-time on the Court of Appeals for over 6 months in 1994.

- (h) Approximate number of arbitrations or administrative hearings: ____None
____1 to 5 ____6 to 16 x 16 to 30 ____31 or more

Briefly describe type of matters heard: I have served as a settlement judge for civil matters and domestic relations cases.

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

Yes _____ No x

Describe: _____

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.

Commonwealth of the Northern Mariana Islands - January 1984;
Federated States of Micronesia - March 1982;
State of Alaska - June 1980;
Federal District Court, Saipan, Northern Mariana Islands - April 1978;
Trust Territory of the Pacific Islands - April 1978

PUBLIC SERVICE

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

Alaska Bar Association - Former member of Board of Governors
- Former member of Ethics Committee

Commonwealth of the Northern Mariana Islands Bar Association

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)
Anchorage Superior Court	3/93	Y	N
Anchorage Superior Court	1/91	Y	N
Kenai Superior Court	3/90	Y	N
Anchorage District Court	5/87	Y	Y

Pro Tem District Court Judge 9/84 (Appointed by the Presiding Judge)

(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.

(Please see attached)

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.

In 1983, when I was the supervising attorney for the Palmer Office of the Public Defender Agency, I represented an individual named Robert Abel, who was subsequently convicted of murder. Although we had a seemingly good relationship during trial, he subsequently sued me in Federal District Court (Case No. A-88-266 Civ.). After that case was dismissed, he tried to sue me again on the same allegations in the U.S. District Court, Western District of Wisconsin. (Case No. 91-C-870-C). This case was also dismissed. Mr. Abel later attempted to pursue the same claim in the U.S. District Court in New Jersey, where the claim was once again dismissed.

- (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; 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).

I was sued in my capacity as a District Court Judge by a litigant in a civil matter which I had handled. This matter was subsequently dismissed pursuant to Civil Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

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: REVEREND WESLEY VEATCH
ADDRESS: 3015 Yale Drive
CITY/STATE/ZIP: Anchorage, AK 99508 PHONE: 258-7912

(2) NAME: JOHN B. SALEMI
ADDRESS: 900 W. 5th Ave., Suite 200
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-4412

(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
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-0622

(2) NAME: JUDGE ELAINE ANDREWS
ADDRESS: 303 K Street
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-0418

(3) NAME: JUDGE JOHN REESE
ADDRESS: 303 K Street
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 264-0401

* 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.*)

<i>Name of Case</i>	<i>Case Number</i>
1 <u>State v. Heimbuch</u>	<u>3WH-S95-012CR</u>

Attorneys Involved

Name: Cathy Shindler
Address: 310 K Street, Suite 520
Anchorage, AK 99501

Name: _____
Address: _____

Name: Herman Walker
Address: 900 W. 5th Ave., Suite 200
Anchorage, AK 99501

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>Municipality v. Glasson</u>	<u>3AN-M95-04058 CR</u>

Attorneys Involved

Name: Karen L. Hawkins
Address: PO Box 196650
Anchorage, AK 99519

Name: _____
Address: _____

Name: Kelly Gibson
Address: 737 M Street
Anchorage, AK 99501

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
3 <u>Municipality v. Terre Von Volkmar</u>	<u>3AN-M95-05746 CR</u>

Attorneys Involved

Name: John Richard
Address: 420 L Street, Suite 100
Anchorage, AK 99501

Name: _____
Address: _____

Name: Moshe C. Zorea
Address: 7540 E. 17th Ave
Anchorage, AK 99504

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>Josaitis v. Josaitis</u>	<u>3AN-94-09817 CI</u>

Attorneys Involved

Name: Sharon L. Gleason
Address: 360 K Street, Suite 300
Anchorage, AK 99501

Name: _____
Address: _____

Name: D. Scott Dattan
Address: 1400 W. Benson, Suite 110
Anchorage, AK 99503

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
2 <u>Bourque v. Sabani</u>	<u>3AN-94-09499 CI</u>

Attorneys Involved

Name: Barbara A. Norris
Address: 920 W. 6th Avenue
Anchorage, AK 99501

Name: _____
Address: _____

Name: Walter T. Featherly
Address: 301 W. Northern Lights Blvd.,
Anchorage, AK 99503 Suite 405

Name: _____
Address: _____

<i>Name of Case</i>	<i>Case Number</i>
3 <u>State v. Gravo</u>	<u>3AN-S94-06312 CR</u>

Attorneys Involved

Name: Daniel R. Cooper, Jr.
Address: 310 K Street, Suite 308
Anchorage, AK 99501

Name: _____
Address: _____

Name: Jeffrey M. Feldman
Address: 500 L Street, Suite 400
Anchorage, AK 99501

Name: _____
Address: _____

ADDITIONAL COMMENTS (Non-Confidential)

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

After nine years on the bench, I continue to enjoy the challenge and responsibility of being a decision-maker, and of managing a busy courtroom and court calendar.

In addition to my service as a district court judge, I have had extensive service as a superior court judge on felony matters, domestic relations cases, childrens' proceedings, and administrative appeals. I have been responsible for numerous travel calendars in Unalaska, Dillingham, Naknek, McGrath, Whittier, Kenai, and Homer, and for each calendar I have served as a pro tem superior court judge for all cases appearing on the docket. From 1990 to 1994 I also served as Deputy Presiding Judge of the Anchorage District Court, which has far-and-away the highest case load of any court in Alaska.

In 1994 I was given the opportunity to serve on a full-time basis as a pro tem judge on the Alaska Court of Appeals for over six months. This in-depth involvement with the appellate process has provided me with a breadth of experience that I find to be of great value as a trial court judge.