

SEP 14 2011

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Superior Court, Anchorage

Date: September 14, 2011

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Elizabeth Dawn Brennan

Name as it should appear on bar survey: Elizabeth Brennan

* 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. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
Total 22 years months
 years months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
Total 20 years 7 months
 years months

Nonlegal Education

4. 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.

University of California, Davis
September 1979 - December 1983
(I took Spring Quarter, 1983, off to travel)
B.A., Political Science (English Minor)

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

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.

Santa Clara University, J.D.
August 1986 to May 1989

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.

Associate Editor, Santa Clara law Review 1988 - 1989
Emery Scholarship Recipient, 1989

- (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.

I attend the Public Defender Agency's annual training conference each year and receive 12 units of CLE credit. I also attended the Child Maltreatment Conference that was a three day conference in Anchorage in 2008.

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.

After college I worked for Harvard University as a staff assistant. I worked in the Accounts Receivable Department for a year. During the second year, I worked at the Harvard School of Public Health supporting scientists working on an air pollution study.

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: State of Alaska

Supervisor or name of contact person who can verify employment: Linda Beecher

Current address of this person: 733 West Fourth Avenue, Suite 300

City Anchorage State AK Zip 99501

Dates and location of Employment: From December '94 To Present City Anchorage State AK

Description: My responsibilities have included representing clients at felony trials. Currently I represent parents in Child in Need of Aid cases and patients in API at involuntary commitment hearings.

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

Employer: State of Alaska

Supervisor or name of contact person who can verify employment: Andrew Haas

Current address of this person: Haas & Spigelmyer, 350 Bonanza Avenue, Homer AK

City Homer State AK Zip _____

Dates and Location of Employment: From May 1990 To Oct. 1994 City Bethel State AK

Description: I represented clients in both felony and misdemeanor cases as well as juvenile delinquents. I also wrote appeals.

Reason for Leaving: I wanted to start a family and did not want to do so in the Bush.

Employer: State of Alaska

Supervisor or name of contact person who can verify employment: Linda Beecher

Current address of this person: 733 West Fourth Avenue, Suite 300

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 10/89 To 5/89 City Anchorage State AK

Description: I worked as an intern representing clients at bail hearing and arraignments.

Reason for Leaving: I passed the bar and took a position in Bethel

Previous Employers (continued)

Employer: Osborne, Pond and Shjeflo

Supervisor or name of contact person who can verify employment: Walter Shjeflo

Current address of this person: 2000 Alameda De Las Pulgas, Ste 250

City San Mateo State CA Zip 94403

Dates and Location of Employment: From 2/88 To 10/10/88 City Belmont State CA

Description: I performed legal research and writing. I assisted attorneys the six attorneys in the office with their civil case loads.

Reason for Leaving: I moved from the Bay Area to extern for a judge in Sacramento.

Employer: Legal Aid of San Mateo County

Supervisor or name of contact person who can verify employment: Linda Burke

Current address of this person: unknown

City _____ State _____ Zip _____

Dates and Location of Employment: From 5/87 To 8/87 City Redwood City State CA

Description: I represented clients in uncontested divorce cases. I performed legal research and writing for attorneys in the office.

Reason for Leaving: It was a summer legal job in 1987.

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 _____

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 _____

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 _____

Description:

Reason for Leaving: _____

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

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

Comment: _____

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

Comment: _____

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

Comment: Uncontested CINA hearings and API cases are heard by masters.

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All

Comment: _____

(e) Number of trials (by court or jury) you conducted in the past 5 years:
 None 1-5 6-15 16-30 31 or more

Comment: _____

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

Comment: Only 1 commitment case was tried in front of a jury

(g) Approximate number of appellate matters handled: 0

Comment: I do write objections to Superior Court on API caes

(h) Approximate number of arbitrations or administrative hearings:
 None 1-5 6-15 16-30 31 or more

Briefly describe type of matters heard:

I do attend mediation meetings for my cases often.

(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.) during this period.

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.

Alaska State Courts

Public Service

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

Alaska Bar Association
 Member of the Law and Community Health Section
 Member, CINA/Delinquency Rules Committee
 Member, Involuntary Commitment Rules Committee
 California Bar Association

13. List legal publications, if any (give title, subject and date of publications). Please include publications you have co-authored and the name(s) of the co-author(s).

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)
Anchorage District Court	2001	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.

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 was President of Hillcrest Children's Center from 2000 - 2005. Hillcrest is a parent run day care center for children six weeks to kindergarten. I ran board meetings and supervised the executive director.

I was the secretary of the Montessori Advisory Committee in 2007/2008 and 2008/2009 at Denali Montessori Elementary School. I attended Board meetings, raised money for Montessori materials and organized school events.

I have become involved with Alaska Swimming this past year. I have been a co-Meet Director for several swim meets including the state championships that were held last April. I currently serve as secretary for the Aurora Swim Team's Booster Club and am a meet assistant at West High School.

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.

I had a traffic ticket for failing to yield to a red light in 2003.
I took a traffic school course and the ticket was dismissed.

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).

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: Paula Inman
Address: 13308 Windrush Circle
City/State/Zip: Anchorage, AK 995516 Phone: 907-336-2120

Name: Elizabeth Goudreau
Address: 6700 Gloucester Place
City/State/Zip: Anchorage, AK 99504 Phone: 907-929-3419

- (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: Linda Beecher
Address: 733 West Fourth Avenue, Suite 300
City/State/Zip: Anchorage, AK 99501 Phone: 907-334-4438

Name: Mara Rabinowitz
Address: 900 West 5th Avenue, Ste. 525
City/State/Zip: Anchorage, AK 99501 Phone: 907-269-3514

Name: Blair Christensen
Address: 645 G Street, Ste 100-650
City/State/Zip: Anchorage, AK 99501 Phone: 907-345-5228

References and Counsel Questionnaires (continued)

(c) List the names, addresses, **including zip codes, and suite numbers where applicable**, and phone numbers of each attorney involved in your three most recent cases that have gone to trial. Please do not list cases pending in the trial 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. Please include the judge's name and case names and numbers. (*Attach additional pages if necessary.*)

Case Number 1

Case Name: ITMO: J.H. and D.H. *Case Number:* ITMO: 3AN-08-401/402 CN
v. _____ *Judge Name:* John Suddock

Attorneys Involved:

Name: <u>Steven Bookman</u>	Name: <u>Jennifer Swain non-atty GAL</u>
Address: <u>1031 W. 4th Avenue, Ste 200</u>	Address: <u>1101 W. 7th Avenue</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>James Hopper</u>	Name: _____
Address: <u>943 W. 6th Ave Ste 102</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501-2033</u>	City, State, Zip: _____

Case Number 2

Case Name: ITMO: A.K. *Case Number:* 3AN-08-282 CN
v. _____ *Judge Name:* Mark Rindner

Attorneys Involved:

Name: <u>Lisa Reynolds</u>	Name: <u>Marcia Honea non-atty GAL</u>
Address: <u>1031 W. 4th Ave Ste 200</u>	Address: <u>900 W. 5th Ave, Ste 525</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Kathleen Murphy</u>	Name: _____
Address: <u>943 W. 6th Ave Ste 102</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501-2033</u>	City, State, Zip: _____

Case Number 3

Case Name: ITMO: V.B., N.B. *Case Number:* 3AN-07161, 3AN-08-371
v. _____ *Judge Name:* Sharon Gleason/Sen Tan

Attorneys Involved:

Name: <u>Laura Hartz</u>	Name: <u>Leslie Need</u>
Address: <u>1031 W. 4th Ave Ste 200</u>	Address: <u>222 W.7th Ave, Rm 187, Box 46</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99513-1567</u>
Name: <u>Chad Holt</u>	Name: <u>Leslie Dickson</u>
Address: <u>900 W. 5th Ave, Ste 702</u>	Address: <u>1101 West 7th Avenue</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

References and Counsel Questionnaires (continued)

(d) List the names, addresses, **including zip codes, and suite numbers where applicable**, and phone numbers 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 pending in the trial 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: ITMO: K.M. *Case Number:* 3AN-09-59 CN
v. _____ *Judge Name:* Peter Michalski

Attorneys Involved:

Name: <u>David Noteboom</u>	Name: <u>Laura Hartz</u>
Address: <u>1031 West Fourth Ste 200</u>	Address: <u>1031 West Fourth Ave Ste 200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Corey Gillespie non atty GAL</u>	Name: _____
Address: <u>900 West 5th Ave, Ste 525</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: ITMO: R.H. *Case Number:* 3AN-10-22⁴⁵~~54~~ PR
v. _____ *Judge Name:* Frank Pfiffner

Attorneys Involved:

Name: <u>Laura Derry-Newton</u>	Name: _____
Address: <u>632 W. 6th Avenue #210</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: ITMO: C.A. *Case Number:* 3AN-08-61 CN
v. _____ *Judge Name:* Sharon Gleason

Attorneys Involved:

Name: <u>Carla Raymond</u>	Name: <u>Anita Alves</u>
Address: <u>1031 W. 4th Ave Ste 200</u>	Address: <u>900 West 5th Avenue, STE 500</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Gayle Brown</u>	Name: _____
Address: <u>750 W. 2nd, Ste 207</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	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.

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.

In Bethel I had a case where I made a motion to change venue on the eve of trial. The judge denied the motion and then sanctioned me \$50 for raising it in an untimely fashion even though we had not begun selecting a jury. I certainly have never been sanctioned in Anchorage.

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.

I have considerable trial experience. I have tried both felony and misdemeanor cases. I also have much experience trying cases in front of a judge. I have tried many cases where the Office of Children's Services is seeking to terminate my client's parental rights. I have litigated many and various custody issues during the course of a Child In Need of Aid (CINA) action. I also have a lot of experience working with mentally ill people. I have represented many clients while they have been at the Alaska Psychiatric Institute (API) and also in criminal and civil cases.

I lived in Bethel for four years. Living in a bi-cultural area was a wonderful experience. I have great appreciation for the Yupik culture and all other Alaska Native Cultures.

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.

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 twelve photographs of yourself with your application.

If you check this box we will not post your picture on the website.

Biographical Statement

Name Elizabeth Brennan

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

Anchorage Superior Court

Please leave this area blank

Date: September 14, 2011

I grew up in the San Francisco Bay Area but have been an Alaskan resident for 22 years. I have spent my legal career as a Public Defender first in Bethel from 1990 - 1994 and now in Anchorage. I have experience trying both misdemeanor and felony cases. I currently am a member of the Public Defender Agency's civil section and mostly represent parents in Child In Need of Aid cases. I currently serve as a member of the Children in Need of Aid (CINA)/Delinquency Court Rules committee and the Involuntary Commitment Rules committee. I am married to Doug Moody and we have three children.