



## 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.

University of Idaho, College of Law, 1977-1980, J.D.

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.

Phi Alpha Delta Legal Society, officer.  
I was also elected to student body office during my third year of law school.

- (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.

Public records and privilege review; Legal writing; Negotiation training; Avoiding conflicts of interest; Executive branch ethics; Masters in trial; Respectful workplace; State torts practice; Pro bono on the road; Ethics; Writing to persuade; Editing and feedback; Electronic discovery; Arbitration; Criminal case time accounting; Effective non-deposition discovery; Contracts and Design Build; Annual Fed/State Case Updates; Torts summary; 404(b) evidence; Evidence; Getting results; Evolution of victims rights

## 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.

During my high school and college summers, and during the summer between my first and second years of law school I had the following work experiences:  
pulling and stacking lumber in a sawmill,  
scale operator for an asphalt and paving company,  
sandblaster,  
insulation installer,  
silo construction worker,  
general construction laborer,  
forklift operator,  
facilitator for a painting contractor.

As a scholarship basketball player in college I also worked in the college work study program during my four years of college. This involved numerous tasks on the college campus such as laundry, athletic field maintenance, general labor, officiating, landscaping, minor construction work, gymnasium maintenance, and tutoring.

## Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates, name of employer, name of supervisor or person who can verify employment, addresses, 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.**

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:** Alaska Dept. of Law, Office of the Attorney General, Tort Section

Supervisor or name of contact person who can verify employment: Susan Cox

Current address of this person: P.O. Box 110300

City Juneau State AK Zip 99811

Dates of Employment: From October 2003 To Present, in Fairbanks, AK

Description: Defense of tort claims against the State of Alaska in both state and federal court. I also handle related appellate matters, and advise state agencies and officials on liability related issues. My clients include state employees that have been sued in their individual/personal capacity.

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

**Employer:** Alaska Dept. of Law, Fairbanks District Attorney's Office

Supervisor or name of contact person who can verify employment: Scott Mattern

Current address of this person: 455 3rd Ave., Suite 150

City Fairbanks State AK Zip 99701-4737

Dates of Employment: From February 1999 To Oct.'03, in Fairbanks, AK

Description: Senior felony trial attorney. Special assignments included complex white collar crimes, unemployment fraud, bank robbery and computer crimes.

Reason for Leaving: professional development and interest in tort defense

**Employer:** Gene L. Gustafson, Attorney at Law

Supervisor or name of contact person who can verify employment: self

Current address of this person:

City State Zip

Dates of Employment: From October 1996 To Feb.'99, Boise/Anchorage

Description: consultant on procurement, personnel and contractual issues; worked with one criminal defendant on post conviction and probation violation matters; limited employment law issues; limited real estate issues.

Reason for Leaving: to take employment with the Fairbanks District Attorney's Office

## Previous Employers (continued)

**Employer:** Boise City Attorney's Office

Supervisor or name of contact person who can verify employment: Thomas Watkins, Magistrate Judge

Current address of this person: Ada County Courthouse, 200 West Front Street, Room 2149

City Boise State Idaho Zip 83702

Dates of Employment: From January 1989 To Oct.'96, in Boise, ID

Description: Supervised misdemeanor criminal division consisting of seven assistant city attorneys and two fine/restitution enforcement officers. See Supplemental Page 1 for further description of city attorney employment.

Reason for Leaving: pursue private practice, and be closer to aging parents in Alaska.

**Employer:** Elmore County District Attorney's Office, elected District Attorney

Supervisor or name of contact person who can verify employment: George Hicks, Magistrate Judge

Current address of this person: Elmore County Courthouse, 150 South 4th East

City Mountain Home State Idaho Zip 83647

Dates of Employment: From April 1984 To Jan.'89, in Mt. Home, ID

Description: See Supplemental Page 1 for description of District Attorney employment.

Reason for Leaving: I completed my term of office and accepted employment with Boise City

**Employer:** Mountain Home City Council, elected city councilman

Supervisor or name of contact person who can verify employment: George Hicks, Magistrate Judge

Current address of this person: Elmore County Courthouse, 150 South 4th East

City Mountain Home State Idaho Zip 83647

Dates of Employment: From 1983 To April '84, in Mt. Home, ID

Description: Performed all duties of an elected member of the City Council.

Reason for Leaving: resigned to accept appointment as Elmore County District Attorney

**Employer:** Elmore County Assistant Attorney and private practice (both were part-time)

Supervisor or name of contact person who can verify employment: Michael McLaughlin, District Judge

Current address of this person: Ada County Courthouse, 200 West Front Street, Room 5144

City Boise State Idaho Zip 83702

Dates of Employment: From January 1981 To April '84, in Mt. Home, ID

Description: See Supplemental Page 2 for description of Elmore County Assistant Attorney and private practice employment.

Reason for Leaving: to accept appointment as Elmore County District Attorney.

**Employer:** McLaughlin Law Offices, Associate Attorney

Supervisor or name of contact person who can verify employment: Michael McLaughlin, District Judge

Current address of this person: Ada County Courthouse, 200 West Front Street, Room 5144

City Boise State Idaho Zip 83702

Dates of Employment: From August 1980 To Jan.'81, in Mt. Home, ID

Description: See Supplemental Page 2 for description of employment with McLaughlin Law Office. Also see Supplemental Page 2 for a previous instance of employment

Reason for Leaving: to assume duties as Assistant Elmore County District Attorney

Boise City Attorney Office continuation-

I retained a caseload of complex, high profile, and/or priority proceedings that involved extensive jury/court trial work, numerous related daily court appearances, motion practice, discovery practice, and appellate practice. I was also designated as a special conflicts prosecutor for the Ada County District Attorney's Office. Conflict matters that I handled included complex felony prosecutions, robberies, misdemeanor prosecutions, juvenile criminal prosecutions, child protection proceedings, and habeas corpus actions. I was also called on to be a hearing judge for the Boise City Employee's Grievance Board. I was involved in all aspects of personnel development, including recruitment, performance evaluation, and preparation of training materials. I was involved in the planning and preparation of departmental budgets, and the drafting and administrative approval of ordinances, policies and procedures. I acted as legal advisor to law enforcement officials, victim/witness coordinators, juvenile and adult probation officers/caseworkers and various city departments/officials.

Elmore County District Attorney's Office-

I was the elected District Attorney. I was initially appointed to the position upon the resignation of the previous District Attorney. I subsequently ran for and was elected to two terms as District Attorney. My office consisted of one deputy attorney, one child support enforcement specialist, and two administrative assistants. I was chief legal counsel for the county, and legal advisor for all county elected officials, county boards and county commissions. I attended and advised the Board of County Commissioners at all County Commissioner meetings. My civil duties included all aspects of litigation or administrative proceedings that involved the county, including discovery, motion practice, civil defense, trials, and appeals. I also acted as general counsel for the county hospital. I advised the county in medical indigency proceedings that involved disputes with health care service providers and disputes about Medicaid payment rates. I was also responsible for all stages of a major river channel alteration and dredging operation on the Boise River. This project included extensive work with federal agencies regarding licenses and permits, and extensive research into land ownership to secure landowner releases and consent for entry. I was also responsible for all county criminal (misdemeanor and felony) prosecutions, all county juvenile prosecutions, all county children proceedings, and other miscellaneous proceedings. I made daily appearances in criminal, civil, and juvenile matters, including child protection proceedings, criminal prosecutions (adult and juvenile delinquency), guardianships, mental commitments, termination of parental rights, establishment of paternity, child support enforcement, and appeals. I was also responsible for providing legal advice, instruction, and education to my staff, law enforcement officers, and county elected officials and employees. This education included training on personnel issues, contracting, discrimination, excessive force, inmate issues, and numerous other criminal/juvenile justice issues. I also advised county boards and commissions, which included planning and zoning, juvenile probation, highway districts, and fire districts. During my entire tenure as the Elmore County District Attorney I carried a pager 24 hours per day, 7 days per week. A normal week would include at least one after-hours call where I would either be called to a crime scene, or be requested to prepare an emergency search warrant. Emergency search warrant practice would entail responding to the office to draft the appropriate documents, and then a trip to the on-call judge's home for the issuance of the search warrant. I also provided outreach education to numerous civic organizations. I conducted numerous court and jury trials, and also successfully defended the county in at least one civil suit that was tried to the court.

Elmore County Assistant District Attorney and private practice-

Both positions were part-time and ran concurrently. My private practice placed primary emphasis on personal injury, business, real estate, employment, and family law. My responsibilities as Assistant District Attorney consisted of lesser roles in those areas listed above under Elmore County District Attorney's Office (elected District Attorney). My tenure as Assistant District Attorney involved an active jury/court trial practice and daily appearances in court. My first jury trial as Assistant District Attorney took place within a week of beginning my employment, and was against multiple felony defendants represented by multiple veteran defense attorneys.

McLaughlin Law Offices-

McLaughlin Law Offices consisted of Michael McLaughlin and his father Robert McLaughlin. Michael McLaughlin had been elected as the Elmore County District Attorney, but was awaiting the expiration of his predecessor's term. I was hired by McLaughlin Law Offices as an associate attorney with the understanding that I would be Michael McLaughlin's Assistant District Attorney when he left the firm to assume his duties as the elected Elmore County District Attorney. We left together to assume our duties in the District Attorney's Office. My employment with McLaughlin Law Offices involved the general private practice of law. The first trial of my legal career was a jury trial where I assisted in the criminal defense of our client.

Intern in the Elmore County District Attorney's Office (summer of 1979)-

During the summer between my second and third years of law school I served as an intern in the Elmore County District Attorney's Office. My employment involved daily court appearances and numerous court trials. I left this employment to return to law school. A contact person to confirm this employment is retired Magistrate Judge John R. Sellman. His address is 1520 E. 8<sup>th</sup> North, Mountain Home, Idaho 83647.

Organizations and committees continued:

Mountain Home Volunteer Fire Department, active member 1982-1989, I wore an on-call pager 24 hours a day, 7 days a week as a volunteer fireman from 1982-89.  
Elmore County Public Defender Screening Panel.

Mountain Home Basque Association, local charitable organization, member.

Idaho Prosecuting Attorney's Association.

National College of District Attorneys.

Numerous committees in concert with my seat on the City Council.

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

(a) Percent of your practice that was:

Civil	<u>100%</u>
Criminal	<u>0%</u>
Other	<u>0%</u>
	= 100%

Comment: \_\_\_\_\_

(b) Percent:

State	<u>85%</u>
Federal	<u>15%</u>
Other	<u>0%</u>
	= 100%

Comment: \_\_\_\_\_

(c) Of practice in state courts, percent:

Supreme Court	<u>5%</u>
Court of Appeals	<u>0%</u>
Superior Court	<u>95%</u>
District Court	<u>0%</u>
	= 100%

Comment: \_\_\_\_\_

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

Comment: during first 23 years of career I appeared almost daily

(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: during career I have tried numerous cases to courts and juries

(f) Percent of these trials which were: Jury 100% Non-Jury 0%

Comment: 100+ career jury trials and hundreds of career court trials

(g) Approximate number of appellate matters handled: 5

Comment: these have included direct appeals and petitions for review

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

Briefly describe type of matters heard:

during first 23 years of career I participated in numerous administrative hearings. These included license/refusal/zoning hearings.

(i) Have you undertaken any *pro bono* work through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.) during this period?     Yes     No

Describe:

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, admitted 1997  
 United States District Court, District of Alaska, admitted 1997  
 United States District Court, District of Idaho, admitted 1980  
 Idaho State Courts, admitted 1980

**Public Service**

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

Alaska State Bar Association, recently elected to Board of Governors  
 Idaho State Bar Association, member  
 Tanana Valley Bar Association, member  
 Treasure Valley Bar Association in Boise, Idaho, member  
 Elmore County Bar Association, member, president in 1980 and 1981

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).

Domestic Violence training article for Boise City Police (1995)  
 Search and Seizure/Forcible Entry training article for Boise Police (1994)  
 Lawful use of force training article for Boise City Police (1993)

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)
Superior Court, Boise, Idaho	1995	Yes	No
Fairbanks Superior Court	2009	No	No
Fairbanks District Court	2009	Yes	No

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.

Elmore County Assistant District Attorney, appointed, 1981-1984, Mountain Home, Idaho; Mountain Home City Councilman, elected, 1983-1984, Mountain Home, Idaho; Elmore County District Attorney, elected, 1984-1989, Mountain Home, Idaho; Assistant Boise City Attorney, appointed, 1989-1996, Boise, Idaho; Assistant District Attorney, appointed, 1999-2003, Fairbanks, Alaska; Assistant Attorney General, appointed, 2003-present, Fairbanks, Alaska.

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 recently elected to the Alaska Bar Association Board of Governors.

Alaska Barbecue Association, member of the Board of Directors and statewide director of competition judging. In 2008 the association cooked/served at the going away banquet for the deploying Stryker soldiers. From 2006 through present the Alaska Barbecue Association has volunteered to cook/serve Thanksgiving dinner for the homeless shelter. member 2006-present.

Tanana Valley Bar Association, every year I volunteer to cook for the annual picnic, member 1999-present.

Alaska State District Attorney's Association, member 1999-2003.

Prior to moving to Alaska in 1997, I was active in numerous organizations and committees in the State of Idaho:

Ada County Domestic Violence Task Force.

Idaho Supreme Court Criminal Jury Instruction Committee.

Idaho Supreme Court Misdemeanor / Infraction Rules Committee.

Boise City Employee's Grievance Board, Hearing Judge.

Region IV Council of the Governor's Commission for Children and Youth.

Fourth Judicial District Sexual Abuse Task Force.

Idaho Transportation Department D.U.I. Per Se Law Task Force.

Elmore County Juvenile Diversion Committee.

See Supplemental Page 2 for other Idaho organizations and committees.

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.

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).

dissolution proceeding, case no. CV DR 9702322D, Ada County, Idaho.  
dissolution proceeding, case no. 22361-D, Ada County, Idaho.

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: Terry Hall, retired attorney and retired federal magistrate

Address: 229 Sebastian Lane

City/State/Zip: Georgetown, Texas 78633 Phone: (907) 687-4765

Name: Jay Hodges, retired Fairbanks Superior Court Judge

Address: P.O. Box 71571, also a retired assistant district attorney

City/State/Zip: Fairbanks, Alaska 99707 Phone: (907) 474-0822/388-9822

- (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: David Floerchinger; attorney; Russell, Wagg, Gabbert & Budzinski

Address: 510 L Street, Suite 300

City/State/Zip: Anchorage, AK 99501-1952 Phone: 907-258-1747

Name: Honorable Ralph R. Beistline, U.S. District Judge, Anchorage

Address: U.S. District Court, 222 W. 7th Avenue, #4

City/State/Zip: Anchorage, AK 99513 Phone: 907-677-6257

Name: Harry L. Davis, Retired Fairbanks District Attorney

Address: 3154 Riverview Drive

City/State/Zip: Fairbanks, Alaska 99709 Phone: (907) 474-0133

**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:** Shirley Steward, et al **Case Number:** 4FA-07-02278CI  
**v.** State of Alaska **Judge Name:** Honorable Michael MacDonald

**Attorneys Involved:**

Name: <u>Michael Stepovich, 456-6600</u>	Name: <u>Allen Vacura, 456-6600</u>
Address: <u>543 Second Ave., Suite A</u>	Address: <u>543 Second Ave., Suite A</u>
City, State, Zip: <u>Fairbanks, Alaska 99701</u>	City, State, Zip: <u>Fairbanks, Alaska 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

**Case Name:** \_\_\_\_\_ **Case Number:** (no other cases tried in  
**v.** \_\_\_\_\_ **Judge Name:** last three years)

**Attorneys Involved:**

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

**Case Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_  
**v.** \_\_\_\_\_ **Judge Name:** \_\_\_\_\_

**Attorneys Involved:**

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

## 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:** Mary and James Johnson **Case Number:** 4:09-cv-00031-RRB  
**v.** Ron Wall, et al **Judge Name:** Honorable Ralph R. Beistline

#### Attorneys Involved:

Name: <u>Michael Stepovich, 456-6600</u>	Name: <u>Allen Vacura, 456-6600</u>
Address: <u>543 Second Ave., Suite A</u>	Address: <u>543 Second Ave., Suite A</u>
City, State, Zip: <u>Fairbanks, Alaska 99701</u>	City, State, Zip: <u>Fairbanks, Alaska 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 2

**Case Name:** Mary and James Johnson **Case Number:** 4FA-07-1345CI  
**v.** State of Alaska **Judge Name:** Honorable Douglas Blankenship

#### Attorneys Involved:

Name: <u>Allen Vacura, 456-6600</u>	Name: <u>Michael Stepovich, 456-6600</u>
Address: <u>543 2nd Ave., Suite A</u>	Address: <u>543 2nd Ave., Suite A</u>
City, State, Zip: <u>Fairbanks, Alaska 99701</u>	City, State, Zip: <u>Fairbanks, Alaska 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 3

**Case Name:** Michele Munro and Steve Rudolph **Case Number:** 4:07-cv-0013-RRB  
**v.** AST Sgt. Tim Schoenberg, et al **Judge Name:** Honorable Ralph R. Beistline

#### Attorneys Involved:

Name: <u>Frank Koziol, 258-7706</u>	Name: _____
Address: <u>618 Christensen Drive</u>	Address: _____
City, State, Zip: <u>Anchorage, Alaska 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	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 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?  Yes  No
- In each case, state in detail the circumstances and the outcome.

## 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 believe my varied background and experience makes me well suited for the current Fairbanks District Court vacancy. The District Court is required to preside over an extensive amount of trial and evidentiary hearing practice. During my career I have tried well over 100 cases to juries, many hundreds of cases to the court, and I have conducted countless evidentiary hearings. I have also conducted numerous child support enforcement proceedings, numerous children and juvenile delinquency proceedings, and numerous mental commitment proceedings. I have had significant exposure to all aspects of criminal law, both felony and misdemeanor. During the last eight years I have defended individuals and state agencies against a variety of civil tort claims. For approximately six years of my career I was engaged in private civil practice that included divorces, personal injury, real estate, business, employment, procurement, personnel, contracts and criminal defense. I have been a major felony crimes trial attorney, as well as a supervisor of seven trial attorneys that prosecuted nothing but misdemeanor criminal offenses. I have experienced a different perspective as an elected city councilman and as an elected District Attorney that was responsible for

## Additional Comments (Continued)

all aspects of civil and criminal law that might confront county government. I have also been general counsel for a hospital, and have served as a grievance judge. For approximately eight years I was on-call to law enforcement authorities via pager 24 hours per day, seven days per week, and for most of my career I appeared in court on almost a daily basis. I have had the honor and privilege of serving on numerous court and regional committees and task forces. I also had the distinct privilege and opportunity to serve as a volunteer fireman for a number of years.

Outside of work, my passions include my family, college basketball, barbecue, woodworking, and scuba diving. Over the years I have also enjoyed hunting and fishing. I am married, have three beautiful daughters, two great sons-in-law (sons), three wonderful grandsons, a beautiful granddaughter, and the distinct privilege of having a wife that is also my best friend.

My family and mentors have always stressed the virtues of public service, hard work, ethics, never giving up, looking out for the little guy, and always doing something the right way. I believe that the current District Court vacancy in Fairbanks presents a unique opportunity for me to put these virtues to use at yet another level of public service. I would sincerely appreciate the opportunity to do just that.

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 Gene L. Gustafson

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

Fairbanks District Court

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Date: July 25, 2011

My family and mentors have impressed in me the virtues of public service, hard work, ethics, never giving up, looking out for the little guy, and always doing something the right way. These virtues, and my varied background and experience, make me well suited for a position on the Fairbanks District Court.

I have tried well over 100 cases to juries, hundreds to the court, and have conducted numerous children's proceedings. I am currently an Assistant Attorney General responsible for defending tort claims against individually sued state employees and state agencies. For approximately six years I was in private practice that included divorces, personal injury, real estate, business, and criminal defense. I have also served as an elected District Attorney, an elected city councilman, an Assistant District Attorney, general counsel for a hospital, grievance judge, and volunteer fireman.

My passions include my family, college basketball, barbecue, woodworking, and scuba diving.