

RECEIVED

Alaska Judicial Council Application for Judicial Appointment

JUL 28 2011

ALASKA JUDICIAL COUNCIL

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

Fairbanks District Court

Date: 07/22/11

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Bethany Spalding Harbison
 Name as it should appear on bar survey: _____
 * 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.
Bethany Prime Spalding
2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **

	<u>18</u>	years	<u>2</u>	months
Total	<u>18</u>	years	<u>2</u>	months
3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **

	<u>17</u>	years	<u>7</u>	months
Total	<u>17</u>	years	<u>7</u>	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.

Williams College, 1985-1989, BA 1989 cum laude
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** 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.

Harvard Law School, 09/1990-05/1993, JD

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.

graduated cum laude

- (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.

October 23-26, 2006 - Master/Magistrate Conference; May 2007- Bar Convention; October 30-November 1, 2007 - Magistrate Conference; September 22-25, 2008 - Magistrate Conference; May 2009 - Bar Convention; October 12-15, 2009 - Magistrate Conference; September 20-23, 2010 - Magistrate Conference; April 28-30, 2010 - Judicial Conference/Bar Convention; May 4-6, 2011 - Judicial Conference/Bar Convention

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.

I taught English Composition, English language, Western Culture, and Reading to doctors and graduate students at Sun Yat-Sen University of Medical Sciences in Guangzhou, China. I did this from August of 1989 to May of 1990. My position was funded by a grant from the Lingnan Foundation through Williams College.

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 Trial Court

Supervisor or name of contact person who can verify employment: Judge Douglas Blankenship

Current address of this person: 101 Lacey Street

City Fairbanks State AK Zip 99701

Dates and location of Employment: From 09/05 To present City Fairbanks State AK

Description:

I work as a Magistrate and Standing Master. In this capacity, I hear district court matters including criminal cases, minor offenses, and small (continued)

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

Employer: Alaska Public Defender Agency

Supervisor or name of contact person who can verify employment: Paul Canarsky

Current address of this person: PO Box 82207

City Portland State OR Zip 97282

Dates and Location of Employment: From March 1995 To July 2005 City Fairbanks State AK

Description:

I represented indigent clients in all levels of criminal cases (continued)

Reason for Leaving: accepted a position as Magistrate for the Alaska Court System

Employer: State of Alaska Trial Court

Supervisor or name of contact person who can verify employment: Judge Mary E. Greene

Current address of this person: PO Box 74871

City Fairbanks State AK Zip 99707

Dates and Location of Employment: From Aug. 1993 To March 1995 City Fairbanks State AK

Description:

I served as a law clerk for Judge Greene. I researched the issues and prepared memoranda in cases involving complex civil litigation. (continued)

Reason for Leaving: accepted a position as Assistant Public Defender

Previous Employers (continued)

Employer: Pierce Atwood Scribner Allen Smith and Lancaster
Supervisor or name of contact person who can verify employment: William Kayata
Current address of this person: One Monument Square
City Portland State ME Zip 04101
Dates and Location of Employment: From June 1992 To Aug. 1992 City Portland State ME
Description: I worked as a summer associate doing research and writing memoranda for the attorneys in the law firm.
Reason for Leaving: summer employment only - I returned to law school

Employer: Alaska Public Defender Agency
Supervisor or name of contact person who can verify employment: Paul Canarsky
Current address of this person: PO Box 82207
City Portland State OR Zip 97282
Dates and Location of Employment: From June 1991 To Aug. 1991 City Fairbanks State AK
Description: I worked as a summer intern doing research and writing memoranda.
Reason for Leaving: summer employment only - I returned to law school

Employer: University of Alaska Fairbanks - Tanana Valley Campus
Supervisor or name of contact person who can verify employment: Ed Husted
Current address of this person: 604 Barnette St.
City Fairbanks State AK Zip 99701
Dates and Location of Employment: From fall 2000 To spring 2005 City Fairbanks State AK
Description: I taught Criminal Law for the paralegal program as an adjunct faculty member for one semester each year.
Reason for Leaving: term ended, eventually chose not to return

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: _____

Question #9 (continued):

(continued job description for Magistrate and Standing Master)
claims. I also sit on cases involving requests for domestic violence protective orders. I do a variety of work as a standing master, including domestic relations cases, probate cases, and forcible entry and detainer hearings. I also conduct emergency hearings in child protection and juvenile delinquency cases.

(continued job description for Public Defender Agency)
(from homicide and sexual assault to disorderly conduct), child protection and juvenile delinquency matters, involuntary commitments, appeals, and parole board hearings. I conducted over 45 jury trials and numerous court trials while I was a public defender.

(continued job description for Law Clerk to Judge Greene)
Occasionally, I also worked on Judge Greene's criminal matters.

Question #10 (continued):

Question #10 (continued):

magistrate, I am very comfortable with jury trials. I conducted over 45 jury trials when I was a public defender.

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: December 20, 1993

Public Service

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

CINA/Delinquency Rules Committee: Served as member from 2007 to the present.
 Fairness, Diversity & Equality Committee: Served as member beginning April 2011.
 Alaska Legal Services Corporation: Served as alternate board member from November 26, 1996 through April 6, 2001. Served as regular board member from April 6, 2001 through October 29, 2002. Served as alternate board member from October 29, 2002 through October of 2003.

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)
Fairbanks Superior Court	2006	Y	N
Fairbanks Superior Court	2007	Y	N
Fairbanks Superior Court	2009	Y	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.

Alaska Association of Magistrates
Fairbanks Youth Soccer Association - coach
Fairbanks Women's Hockey Association - member/player
North Star Youth Court - volunteer
Barnette Magnet School Parent Teacher Association - member/participant
Tanana Valley Bar Association - member
First United Methodist Church - congregation/participant
Magistrate Training Judge - assist and assess the work of other magistrates and deputy magistrates

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 was convicted by a plea of no contest on June June 16, 1995 of speeding in violation of 13 AAC 02.275(b) - Case No. 4FA-95-T821443 (Fairbanks).

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).

Case No. 4FA-01-1193 CI: Change of name. I changed my name from Bethany Prime Spalding to Bethany Spalding Harbison.
Case No. 3AN-09-10004 CI: Divorce. A decree of divorce entered by stipulation on November 9, 2009.

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: Barbara Powell
Address: PO Box 81254
City/State/Zip: Fairbanks, AK 99708 Phone: 907-479-3757

Name: Elizabeth Sprankle
Address: 2665 Monteverde Road
City/State/Zip: Fairbanks, AK 99709 Phone: 907-457-4162

- (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: Judge Michael McConahy
Address: 101 Lacey St.
City/State/Zip: Fairbanks, AK 99701 Phone: 907-452-9311

Name: Judge Niesje J. Steinkruger
Address: 185 Frog Pond Circle
City/State/Zip: Fairbanks, AK 99713 Phone: 907-457-8733

Name: Marcia Holland
Address: 2616 Wedgewood Court
City/State/Zip: Missoula, MT 59808 Phone: (406) 543-6598

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: Yessika Gomez *Case Number:* 4FA-11-349 CI
v. Albis Gomez *Judge Name:* Bethany Harbison

Attorneys Involved:

Name: <u>Nick Gasca/Alaska Legal Svcs</u>	Name: <u>Heidi Andre/Borgeson & Kramer</u>
Address: <u>1648 S Cushman St. Suite 300</u>	Address: <u>100 Cushman St., Suite 311</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: IMO the Adoption of S.H. *Case Number:* 4FA-09-247 PR
v. _____ *Judge Name:* Bethany Harbison, master

Attorneys Involved:

Name: <u>Daniel Callahan</u>	Name: <u>Alex Koponen</u>
Address: <u>250 Cushman St. Suite 3D</u>	Address: <u>710 Chena Ridge Road</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99709</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: IMO the Necessity for the *Case Number:* 4FA-10-426 PR
v. Hospitalization of F.S. *Judge Name:* Bethany Harbison, master

Attorneys Involved:

Name: <u>Robin Fowler, AGO</u>	Name: <u>Rachel Cella, PDA</u>
Address: <u>100 Cushman St. Suite 400</u>	Address: <u>529 Fifth Avenue</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
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: Harry Dillon **Case Number:** 4FA-10-1320 CI
v. Nancy Dillon **Judge Name:** Bethany Harbison (continued)

Attorneys Involved:

Name: <u>Shannon Morgan</u>	Name: <u>Alicia Porter</u>
Address: <u>1008 16th Ave. Suite 200</u>	Address: <u>118 International Airport Rd</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Anchorage, AK 99511</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Kristopher Hall **Case Number:** 4FA-09-2131 CI
v. Ginger Hall **Judge Name:** Bethany Harbison (continued)

Attorneys Involved:

Name: <u>Danielle Foster</u>	Name: <u>Christopher Zimmerman</u>
Address: <u>100 Cushman Street Ste 513</u>	Address: <u>711 Gaffney Road Suite 202</u>
City, State, Zip: <u>Fairbanks, Ak 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 4FA-10-3908 CR
v. Glen Pitka **Judge Name:** Bethany Harbison

Attorneys Involved:

Name: <u>Jesse Mickels, PDA</u>	Name: <u>Joseph Slusser, DAO</u>
Address: <u>529 Fifth Avenue</u>	Address: <u>455 3rd Ave. Suite 150</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

References and Counsel Questionnaires (d) (continued):
I was the settlement judge on these cases.

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.

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.

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 Bethany Spalding Harbison

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

Fairbanks District Court

Please leave this area blank

Date: July 21, 2011

After college, I lived and worked in China and then enrolled in law school. In 1993, I graduated from Harvard Law School and began working as a law clerk for the Superior Court in Fairbanks.

From 1995 to 2005, I worked as an attorney for the Public Defender Agency on felony and misdemeanor cases, CINA and juvenile delinquency cases, and appeals.

After working as a public defender, I returned to the court system where I am a magistrate and standing master. I hear a variety of cases, including domestic violence protective proceedings, probate, domestic relations, small claims and criminal matters.

In the past, I taught criminal law for the University of Alaska and served on the Board of Directors for the Alaska Legal Services Corporation. Currently, I serve on the CINA/Delinquency Rules Committee and the Fairness, Diversity and Access Committee.

I am involved in sports and community organizations.