

SEP 25 2017

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Anchorage District CourtDate: September 25, 2017Anchorage Superior Court

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Alfred Andrew Peterson
 Name as it should appear on bar survey: Andrew Peterson
 * 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.
Andy Peterson
2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
- | | | |
|-------|-----------------|-----------------|
| | <u>12</u> years | <u>5</u> months |
| Total | <u>26</u> years | <u>5</u> months |
3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
- | | | |
|-------|-----------------|------------------|
| | <u>15</u> years | <u>11</u> months |
| Total | <u>15</u> years | <u>11</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.

University of Alaska, Anchorage (1988-1994) Bachelor of Arts in Economics, Cum Laude California State University of Chico - Fall 1990 through Spring 1991 Butte Community College - January 1992 through May 1992

** 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.

University of San Diego School of Law, 1998-2001

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 with honors - Cum Laude
San Diego Law Review - Lead Articles Editor 1999-2001
Recipient of USD 1999-2000 Academic Achievement Scholarship
First place appellate brief oral argument
Finalist in USD's Invitational Winters Competition for Oral Advocacy

- (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.

2012 - 14.75 hours of CLE credits (Annual DA's Conference and Crim. Practice Conf.)
2013 - 13 hours of CLE credits (Annual District Attorney's Conference)
2012 - 12 hours of CLE credits (Annual District Attorney's Conference)
2015 - 13.5 hours of CLE credits (Annual District Attorney's Conference)
2016 - 12 hours of CLE credits (Annual District Attorney's Conference)

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: December 1987 - 1991

(b) Branch of service: Navy

(c) Rank at time of discharge: E4

(d) Type of military discharge: Honorable

(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.

Co-owner and operator of a sport fishing guide service on the Kenai Peninsula called Kenai River Fly Fishing, LLC (KRFF) from 1999 to present. KRFF is licensed to guide sport fishermen through the Kenai National Wildlife Refuge by the U.S. Dept. of Interior. I drafted a business prospectus for the Dept. of Interior for the competitive permitting process to secure the permit, arranged for financing of start-up costs, and trained guides. KRFF takes approximately 500 clients annually on guided sport fishing trips. My wife and I are owners of KRFF, but we have hired a couple from Cooper Landing to work as employee managers of the business responsible for the day to day operations. There are no unpaid debts, claims, or pending litigation with respect to this business.

Sport fishing guide in Cooper Landing, Alaska from 1990 through 1999. I guided rafting and sport fishing trips on the Kenai River through the Kenai National Wildlife Refuge for both Alaska River's Company and Bruce Nelson's Float Fishing Service.

Sales Associate for Galyans Trading Post in Minneapolis, Minnesota from 1997 through 1998 in the outdoor clothing section.

Sales associate for Tena Companies in St. Paul, Minnesota from 1997 through 1998 responsible for conducting background checks on tenants and served as a sales contact for landlords.

Legislative aid in the Alaska State Legislature working for the Honorable Gary Davis in Juneau, Alaska from January through May 1997. Acted as the legislative liaison between the offices of Representative Davis and state agencies. Responsibilities included following legislation, responding to constituent concerns, and monitoring Representative Davis' personal legislation.

White water rafting guide for Ultimate Descents Rafting in Kathmandu, Nepal during the fall of 1994. Organized and led three one week long white water rafting and camping trips on the Kali Gandaki River in southwestern Nepal.

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, Dept. of Law, Office of Special Prosecutions

Supervisor or name of contact person who can verify employment: Robert Henderson

Current address of this person: 1031 W. 4th Ave., Suite 200

City Anchorage State AK Zip 99501

Dates and location of Employment: From April 2007 To Present City Anchorage State AK

Description:

Assistant Attorney General, Office of Special Prosecutions 2017; Director of the Medicaid Fraud Control Unit (2012-2017); and Fish and Game Prosecutor (2007-2012).

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

Employer: State of Alaska, Dept. of Law, Anchorage District Attorney's Office

Supervisor or name of contact person who can verify employment: Criminal Chief John Skidmore

Current address of this person: 1031 W. 4th Ave., Suite 200

City Anchorage State AK Zip 99501

Dates and Location of Employment: From April 2005 To April 2007 City Anchorage State AK

Description: Responsible for prosecuting misdemeanor and felony offenses in Anchorage and Unalaska.

Reason for Leaving: Transferred to the Office of Special Prosecutions.

Employer: Sheppard Mullin, LLC

Supervisor or name of contact person who can verify employment: Colleen Syms

Current address of this person: 501 West Broadway, 19th Floor

City San Diego State CA Zip 92101

Dates and Location of Employment: From June 2003 To March 2005 City San Diego State CA

Description: Litigated all aspects of employment law under both state and federal law, drafted employment agreements, and immigration visa petitions.

Reason for Leaving: Relocated to Alaska to work for the Department of Law.

Previous Employers (continued)

Employer: Pillsbury Winthrop, LLP
Supervisor or name of contact person who can verify employment: Katie Dickson
Current address of this person: 501 West Broadway, Suite 1100
City San Diego State CA Zip 92101
Dates and Location of Employment: From Nov 2001 To June 2003 City San Diego State CA
Description:

Associate in the firm's litigation and employment law group. Also worked as a summer associate in 2000 and law clerk from January 01 - April 01.
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Reason for Leaving: Took a position offering more courtroom experience.

Employer: United State's District Court San Diego, Hon Judge Rudi M. Brewster
Supervisor or name of contact person who can verify employment: Judge Rudi Brewster
Current address of this person: Judge Brewster passed away in 2012.
City San Diego State CA Zip 92101
Dates and Location of Employment: From 09/2000 To 12/2000 City San Diego State CA
Description:

Legal internship through the University of San Diego School of Law. Researched and drafted memorandum concerning death penalty appeal.
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Reason for Leaving: Internship was for a single semester for college credit.

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:

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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:

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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:

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Reason for Leaving: _____

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.

California State Court (4/12/01); U.S. District Courts of California, Southern (12/4/01), Northern (10/14/03), Eastern 11/21/03), and Central (10/17/03); U.S. District Court for Alaska (1/20/10); and Alaska State Court (01/2006).

Public Service

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

Alaska Bar Association Examination Committee 2008 through 2014.

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).

(Empty box for legal publications)

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	05/2012	N	N
Anchorage District Court	05/2017	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.

Former member of the San Diego Inns of Court - Welsh Chapter. Recipient of the Wiley W. Manuel Pro bono Services Award by the State Bar of California in 2003.

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.

In 2003 I was cited for a minor offense in case 3KN-03-G700387 for violation of a park use permit. The permit required annual filing of documentation pertaining to use of the park. The report was filed late and a \$100 violation fine was assessed. A no contest plea was entered by paying the citation. I did not appear in court.

I received a traffic citation in 2012 for speeding 4-9 mph over the limit. Entered a no contest plea and paid a fine of \$70 without appearing in court.

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).

Approximately ten years ago a state court defendant filed a civil matter in federal district court naming approximately 20 individuals. Despite minimal involvement, I was named in the suit due to handling a bail hearing involving the plaintiff. The civil division of the State of Attorney General's Office handled the matter, which was ultimately dismissed.

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: Major Bernard Chastain, Alaska State Troopers
Address: 5700 E. Tudor Rd.
City/State/Zip: Anchorage, AK 99507 Phone: (907) 269-2054

Name: Honorable Judge Patrick J. Hanley
Address: 825 W. 4th Ave.
City/State/Zip: Anchorage, AK 99501 Phone: (907) 444-8882

- (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: Robert Henderson, Deputy Attorney General, Dept. of Law
Address: 1031 W. 4th Ave. Suite 200
City/State/Zip: Anchorage, AK 99501 Phone: (907) 269-6344

Name: Brent Cole
Address: 821 N. St. #208
City/State/Zip: Anchorage, AK 99501 Phone: (907) 277-8001

Name: Richard Payne, Denali Law Group
Address: 750 W. 2nd Ave
City/State/Zip: Anchorage, AK 99501 Phone: (907) 268-4193

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: State **Case Number:** 3AN-10-1773 CR
v. Lepping **Judge Name:** Hon. Catherine M. Easter

Attorneys Involved:

Name: <u>Scott Engeland</u>	Name: <u>Steven M. Wells</u>
Address: <u>119 First Ave. S., Suite 320</u>	Address: <u>711 H. Street, Suite 450</u>
City, State, Zip: <u>Seattle, WA 98104</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Kevin Fitzgerald</u>	Name: _____
Address: <u>813 W. 3rd Ave.</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: State **Case Number:** 3CO-10-175
v. Roberts **Judge Name:** Hon. Eric Smith

Attorneys Involved:

Name: <u>Chadwick McGrady</u>	Name: _____
Address: <u>457 S. 5th St.</u>	Address: _____
City, State, Zip: <u>Grand Junction, CO 81501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State **Case Number:** 2KB-09-130-132 CR
v. Koonuk, Hank, Miller, et. al. **Judge Name:** Hon. Richard H. Erlich

Attorneys Involved:

Name: <u>Jon Buchholdt</u>	Name: <u>Ella A. Anagick</u>
Address: <u>731 I Street, Suite 101</u>	Address: <u>525 W. 3rd Ave., Suite 104</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Brooke Browing</u>	Name: _____
Address: <u>P.O. Box 61</u>	Address: _____
City, State, Zip: <u>Nome, AK 99672</u>	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: State **Case Number:** 3AN-14-10591 and 10592 CR
v. Good Faith Services, et. al **Judge Name:** Honorable Judge Morse

Attorneys Involved:

Name: <u>Michael A. Moberly</u>	Name: <u>Chester Gilmore</u>
Address: <u>711 M. St. #2</u>	Address: <u>1007 W. 3rd. Ave.</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State **Case Number:** 3AN-14-03371CR
v. Dr. Shubu Ghosh **Judge Name:** Honorable Judge Volland

Attorneys Involved:

Name: <u>Ronald A. Offret</u>	Name: <u>Chester Gilmore</u>
Address: <u>733 W. 4th Ave. #206</u>	Address: <u>1007 W. 3rd. Ave</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State **Case Number:** 3AN-16-02897 CR
v. Cecelia De Leon Sobier **Judge Name:** Honorable Judge Corey

Attorneys Involved:

Name: <u>William F. Brattain II</u>	Name: _____
Address: <u>821 N. Street, Suite 101</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 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 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.

I believe that my experience as both a civil litigator and a criminal prosecutor over the past 15 plus years make me an ideal candidate for either of the vacant positions. As a civil litigator I worked on a wide variety of cases ranging from small Americans with Disabilities Act cases to more complex wage and hour class action employment law matters involving thousands of plaintiffs and multi-million dollar settlements. As a prosecutor, I have handled cases in almost every court in Alaska ranging from strict liability fish and game violation offenses to more complex white collar fraud, corporate prosecutions, and appeals. As the statewide fish and game prosecutor, I practiced before almost every district court in the State of Alaska handling complex district court matters. Over the past five years as the Director of the Medicaid Fraud Control Unit and now as the Chief Assistant Attorney General for the Office of Special Prosecutions, my practice focuses mostly on felony level cases in superior court. The cases I handle in superior court generally focus on white collar fraud against both individuals and corporations.

Additional Comments (Continued)

In prosecuting cases, I take the time to listen to defense counsel and to treat all defendants with respect and dignity. I believe that prosecutors are ethically obligated to treat all defendants in a fair manner when seeking justice on behalf of the people of the State of Alaska. I also believe that my approach to litigation was positively reflected on my past bar polls and is a style that will serve me well as a judge on either the district court or the superior court for the State of Alaska.

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 five photographs of yourself with your application.

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

Biographical Statement

Name Alfred "Andrew" Peterson

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

Anchorage District Court

Please leave this area blank

Date: May 5, 2017

I was born and raised in Montana. In 1987, my family moved to Alaska and started a family business. For ten years I worked seasonally as a fishing guide and in our family business.

I have lived in Alaska for approximately 21 years and have practiced law for over 15 years. My wife and I have been together for 25 years and we have two children.

I attended the University of Alaska, where I graduated with a degree in economics. I then attended the University of San Diego School of Law. I initially worked in San Diego as a civil litigator specializing in employment law. In 2005, I had the opportunity to return to Alaska and work for the Anchorage District Attorney's Office and later the Office of Special Prosecutions. This opportunity allowed me to serve the people of the State of Alaska in a position that I truly enjoy.