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Alaska Judicial Council
Application for Judicial Appointment

SEP 22 2008

ALASKA JUDICIAL COUNCIL

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

Superior Court Judge --- Kodiak

Date: September 19, 2008

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Steve William Cole
Name as it should appear on bar survey: Steve Cole

* 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.
Stephen William Cole

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application?
33 years 11 months
Total 33 years 11 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application?
26 years 10 months
Total 26 years 10 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.

- (1) Sept. 1970 to June 1972: Univ. of Calif. at Irvine (no degree; I transferred to the School of Business at UC Berkeley to seek a Bachelor's Degree there)
(2) Sept. 1972 to June 1974: Univ. of Calif. at Berkeley (received Bachelor of Science in Business Administration degree on June 15, 1974)
(3) Since moving to Kodiak in October of 1974, I have occasionally taken evening classes at the Kodiak College (Univ. of Alaska, Kodiak campus), mainly in computer education, Spanish, automotive maintenance and guitar-playing. These courses were taken out of general interest, and not in pursuit of any particular degree.

** 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.

In Sept. of 1978, I began law school at the University of Hawaii, Honolulu but transferred within a couple of weeks to the University of Colorado at Boulder, where I graduated with a Juris Doctor law degree on May 22, 1981.

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.

[Empty box for details]

(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.

2003-04:(as attorney), I took many CLE courses in Anchorage in ethics, family and criminal law, and attended CLE at the 2004 Bar Convention. As Magistrate (2/26/05 on), I went to the "Advanced Special Court Jurisdiction" course at the Judicial College in Reno(9 full days, May 16-26, 2005),the 2005 State Magistrate Conference (Sept. 27-29), 2006 State Magistrate and Master Confer. (Oct. 23-27), and 2007 State Magistrate Conference, earning CLE credits at all. I will be at the State Magistrate and Master Conference Sept.22-25, 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:

[Empty box for 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.

[Empty box for 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.

(1) In high school, I worked weekends with my parents at concession stands at San Diego State events and at a Woolworth cafeteria as a busboy/dishwasher. In college, I worked at Woolworth's for two years, then held various jobs as a laborer in factories, as a bookkeeper for a large car-washing business, and in my senior year in college, as an accounting intern for Ernst & Ernst in downtown San Francisco.

(2) From Oct., 1974 to Oct., 1976, I worked for the Kodiak Area Community Development Corp. (KACDC), first as a VISTA volunteer and then as Executive Director. I travelled to the six villages on the Island, find out what programs they needed (electricity, water, sewage, etc.) and wrote grants for those programs. In my spare time (late 1974 to 1976), I did "moonlighting" paralegal work for Matt Jamin, mostly ALSC Native land allotments. In the Summer of 1975, I was elected by the KACDC Board to be their Executive Director. I resigned in the Fall of 1976 to open up an ALSC office in Unalaska for Matt Jamin as a VISTA paralegal. I left for law school in 1978. Every summer, I returned to Kodiak to work for ALSC. In my last year of law school, I clerked for an attorney in Boulder who had a mixed criminal and civil practice.

(3) From 1991 to 1997, I was the varsity coach of Kodiak High School softball. During my last 2 years, it was a paid, part-time position. (4) In Sept. of 1995, I started the Kodiak Teen Court program in Kodiak, serving as Program Director, Legal Advisor and Classroom Instructor until June, 2004. Near the end, I was paid a small stipend. I am still on the Board. (5) In the late 1990's, I taught an evening law class at Kodiak College. It was a paid, part-time adjunct professor position with U of A. (6) For a few years in the mid 1990's, my wife and I were foster parents thru DFYS, and we were paid a small amount of money by the State for doing so.

***** WITH ALL OF THE ABOVE, NO UNPAID DEBTS, CLAIMS OR PENDING LITIGATION *****

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: State of Alaska -- Court System

Supervisor or name of contact person who can verify employment: Judge Morgan Christen or Wendy Lyford

Current address of this person: Anchorage courthouse, 825 W. 4th Ave.

City Anchorage State Ak. Zip 99501

Dates of Employment: From Feb. 16, 2005 To present

Description: As Magistrate/Standing Master: all misdemeanor and pre-indictment felonies, all juvenile delinquency cases, domestic violence/stalking, traffic trials, small claims and civil cases under \$10,000, dissolutions, adoptions, landlord-tenant cases and some felony grand jury returns and arraignments.

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

Employer: Law Office of Cole and Razo, LLC. (I was partner and 1/2 owner of firm)

Supervisor or name of contact person who can verify employment: Gregory P. Razo (other 1/2 owner)

Current address of this person: 23049 Whispering Birch Drive

City Chugiak State Ak. Zip 99567

Dates of Employment: From Jan. 1, 2001 To Feb. 15, 2005

Description: major felony and misdemeanor cases, juvenile delinquency, general civil cases, GAL work in CINA cases, divorces, appeals, personal injury, wills

Reason for Leaving: I was offered the Magistrate position with Kodiak court

Employer: Gray, Cole and Razo, PC (also known as Gray, McLean, Cole & Razo)

Supervisor or name of contact person who can verify employment: Steve Gray

Current address of this person: Law Office of Steve Gray, 326 Center Ave. - Suite 203

City Kodiak State Ak. Zip 99615

Dates of Employment: From May 31, 1990 To December 31, 2000

Description: General law practice: major felonies (incl. unclassified), misdemeanors, divorce & custody, personal injury, GAL work (CINA), writing appeals, juvenile delinquency cases, wills and probate, misc. civil work

Reason for Leaving: I wanted an ownership stake in my own law firm

Previous Employers (continued)

Employer: Law Office of Steve Cole
Supervisor or name of contact person who can verify employment: myself, as I ran the office w/o help
Current address of this person: P.O. Box 3542
City Kodiak State Ak. Zip 99615
Dates of Employment: From March 10, 1990 To May 30, 1990
Description: general criminal and civil law. Note: I was in private practice by myself (working out of my house) for only a couple of months before joining Gray, McLean and Razo (above)
Reason for Leaving: The law firm offered me a position, & I wanted to practice w/ others

Employer: Public Defender Agency (Kodiak office)
Supervisor or name of contact person who can verify employment: Chief Justice Dana Fabe (my boss then)
Current address of this person: Alaska Supreme Court, 303 K Street, 5th Floor
City Anchorage State Ak. Zip 99501
Dates of Employment: From Sept. 1, 1983 To March 9, 1990
Description: as Supervising Attorney, I handled all felony cases incl. trials & appeals
Reason for Leaving: I wanted to give private practice (and civil cases) a try

Employer: Alaska Legal Services Corporation (Kodiak office)
Supervisor or name of contact person who can verify employment: Michael Sturm, Controller
Current address of this person: Alaska Legal Services, 1016 W. 6th Ave., Suite 200
City Anchorage State Ak. Zip 99501
Dates of Employment: From Aug. 1, 1981 To Sept. 1, 1983
Description: as Staff Attorney, I handled all civil, poverty law cases assigned to me.
Reason for Leaving: offered Supervising Attny position in newly-opened Kodiak PD office

Employer: Alaska Legal Services (Unalaska: 9/76 to 8/78) (Kodiak: summers 1979, 1980)
Supervisor or name of contact person who can verify employment: Michael Sturm, Controller
Current address of this person: Alaska Legal Services, 1016 W. 6th Ave., Suite 200
City Anchorage State Ak. Zip 99501
Dates of Employment: From see above To
Description: VISTA paralegal: general civil work (wills, divorces, land allotments) Not sure what ALSC records will show, as VISTA paid me. Check w/ Matt Jamin?
Reason for Leaving: left 9/78 to start law school; left 8/79 and 8/80 to return to school

Employer:
Supervisor or name of contact person who can verify employment:
Current address of this person:
City State Zip
Dates of Employment: From To
Description:
Reason for Leaving:

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

(a)	Percent of your practice that was:	Civil	<u>50</u>
		Criminal	<u>50</u>
		Other	<u> </u>
			= 100%

Comment: above: as attny (before 2/16/05). As Magistrate: also 50%-50%

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

Comment: above: as attny (before 2/16/05). As Magistrate: 100% State

(c)	Of practice in state courts, percent:	Supreme Court	<u>2</u>
		Court of Appeals	<u>3</u>
		Superior Court	<u>65</u>
		District Court	<u>30</u>
			= 100%

Comment: above: as attny (before 2/16/05). As Magistrate, 100% Dist Ct.

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

Comment: almost daily as attny (before 2/16/05). As magistrate, 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: 1-5 as attorney (before 2/16/05). As magistrate, 31+

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

Comment: as attny (prior 2/16/05). As magistrate, 6 jury, 31+ non-jury

(g) Approximate number of appellate matters handled: 3-5 ?

Comment: above: as attorney (before 2/16/05). As magistrate, none

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

Briefly describe type of matters heard:

as attorney (before 2/16/05), I probably did about 5+ administrative hearings, all DMV. As magistrate, I don't believe I've done any.

(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:

as attorney (before 2/16/05), I did a few ASLC-referred divorce and custody cases within the past 5 years. I also started up the Kodiak Teen Court program here, volunteering hundreds of hours in doing so.

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.

(1) State of Alaska courts (November 5, 1981)
(2) U. S. District Court (August 18, 1982)
(3) 9th Circuit Court of Appeals (January 28, 1983)

Public Service

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

(1) Alaska Bar Association (1981 to present). While as an attorney (prior to Feb. 16, 2005), I was a member of the Family Law and Criminal Defense sections. As a Magistrate, I am not in any section.
(2) Kodiak Bar Association (1981 to present). This is an informal group of attorneys and court system personnel that meet for lunch once in awhile.

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).

none

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)

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.

I was appointed District Court Magistrate in Kodiak in late 2004, closed down my private practice and came onto the bench on Feb. 16, 2005. It is my understanding that the decision to appoint (hire) me was made by Judge Dan Hensley (then Presiding Judge), Wendy Lyford (ACA) and Judge Joel Bolger.

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.

While I have previously served on the Board of Directors of the Alaska Legal Services Corporation (ALSC), the Alaska Pro Bono Corporation and the Kodiak Little League, and I was a Kodiak High School (KHS) varsity softball coach for 6-7 years, the only organization that I am involved in right now to any major degree is Kodiak Teen Court. I started the program in the Fall of 1995, modeling it after Anchorage Youth Court, and teaching KHS students how to be judges, prosecutors and defense attorneys. In Feb., 1996 we began to take on real juvenile delinquency cases. I initially served as Program Director, Legal Advisor and Classroom Instructor, but by June, 2004, I passed those duties on to new adult volunteers. I am still on their Board of Directors. I have not had any conflicts of interest with my Teen Court involvement while on the bench as a Magistrate, although it is conceivable that one could arise if a teen defendant referred to Teen Court did not follow through with the sentence handed down by the teen judges, the case was referred back into my court and there was a dispute whether the teen did or did not do their Teen Court sentence. The potential conflict has yet to arise as a Magistrate and is less likely to occur as a Superior Court Judge.

As noted earlier, I am a member of the Alaska Bar Association and the Kodiak Bar Association. While I was technically appointed as "President for Life" of the local Bar, it was an informal vote made at a luncheon and no weight should be given it. Also, I just joined AARP (as I am 55 years old).

I DO NOT FORESEE ANY CONFLICTS ARISING FROM ANY PAST OR PRESENT ASSOCIATION WITH ANY OF THESE GROUPS, EXCEPT AS MENTIONED WITH TEEN COURT.

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 *See explanation on next page.*
- (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.

Note to 17(a): 38 years ago, in the Fall of 1970 while a freshman at the Univ. of Calif. at Irvine, I attended an off-campus party thrown by my dorm. I was 18 years old (the legal drinking age then). Some police came to the house and gave everyone outside, including me, a citation. While I am unsure, I think it was for Drinking in Public and it later got dismissed. I have no idea of the date, the court or case #.

About 35 years ago (1973-74?), I got a speeding ticket somewhere on a long stretch of Interstate 5 between San Francisco and L.A. I think, but am unsure, I was going 60-65 mph (speed limit: 55 mph), the fine was under \$50, and I paid it by mail. I have no idea of the date, what court between S.F. and L.A. the money was sent to, the ticket # or \$ fine. If I can find out more about either incident, I will update the Council.

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.

The IRS put a tax lien on our home and property on 7/31/2002 because of back taxes we owed, but they released the lien on 11/9/2005. The lien was never made the subject of any court proceeding, criminal or civil, initiated against us by the IRS. We do not owe any taxes right now to the IRS, and there are no liens on our property. We have one primary mortgage only (with Wells Fargo), and we do not have any second mortgage.

- (b) Have you ever been sued by a client? Yes No

If so, give particulars, including case numbers.

n/a

- (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).

As Magistrate in 1995, I entered a default against Cherie/Lee Roberts, who refused to pay their Kodiak Island Borough property taxes and did not file an Answer in the Small Claims case the KIB filed against them in 3KO-05-72 SC. The Roberts sued me and the KIB clerk in Federal court in A05-0032 MI (JWS). The Roberts argued they were "Freeman" and that under "God's Common Law of the Land" and the "doctrine of Sovereignty", the govt. did not own the land, and so they didn't have to pay taxes. The AG's represented me, and had it thrown out of court almost immediately.

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.

n/a

- (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.

My wife and I went through financial problems in late 2001/early 2002. I had just gone into business for the first time in my life (a law office with another attorney) in Jan, 2001, all of it on credit. Unfortunately, I did not think through ahead of time the amount of startup and overhead expenses we would face. We also had lots of medical and personal expenses as well as back taxes, and in trying to take care of them, we soon found ourselves overwhelmed with massive credit card debt. To make it worse, we paid bills (incl. credit cards) with other credit cards. (I don't think, but I am unsure, that ANY credit card company ever asked us to assign anything to their benefit.) After trying everything we knew (including talking to them about payment plans), we filed for Chapter 7 bankruptcy on Aug. 22, 2002 in the U.S. Federal court in Anchorage; case 02-00866. On Nov. 19, 2002, an Order Discharging Debtors was entered. On Nov. 10, 2004, the trustee issued a report, saying "I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate, and that there is no property available for distribution from the estate over and above that exempted by law". On Nov. 23, 2004, a Final Decree was entered, closing the case.

Since then, we have worked hard to be financially stable. Even though I earn less money now than in the past, we pay our bills on time (or early), we are all paid up on our taxes, we help our two adult children financially when we can, we are on an accelerated mortgage plan to pay off our house early, and we are setting aside retirement money. My wife has taken on a second job. We live a much simpler, less expensive life. We have educated ourselves on how to live smart and within our means, and I can assure you we have put those money problems behind us for good.

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: Matthew D. Jamin
Address: 323 Carolyn Street
City/State/Zip: Kodiak, Alaska 99615 Phone: (907) 486-6024

Name: Gregory P. Razo
Address: 23049 Whispering Birch Drive
City/State/Zip: Chugiak, Ak. 99567 Phone: (907) 317-8281 (cell)

- (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 Joel H. Bolger
Address: c/o Alaska Court of Appeals, 303 K St., 4th Floor
City/State/Zip: Anchorage, Ak. 99501 Phone: (907) 264-0757 (work)

Name: Judge Donald D. Hopwood
Address: 11556 Tanglewood Lakes Circle
City/State/Zip: Anchorage, Ak. 99516 Phone: (907) 348-8348

Name: Judge Anna M. Moran
Address: Kenai Courthouse, 125 Trading Bay Drive #100
City/State/Zip: Kenai, Ak. 99611 Phone: (907) 283-3110

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 of Alaska **Case Number:** 3KO-08-84 Cr
v. Forest Bishop **Judge Name:** myself (Steve Cole)

Attorneys Involved:

Name: <u>Brent Williams, Asst. DA</u>	Name: <u>Suzanne Rapoza, Asst. PD</u>
Address: <u>518 W Marine Way #202</u>	Address: <u>518 W Marine Way #201</u>
City, State, Zip: <u>Kodiak, Alaska 99615</u>	City, State, Zip: <u>Kodiak, Alaska 99615</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3KO-07-323 Cr
v. Jennifer Gustafson **Judge Name:** myself (Steve Cole)

Attorneys Involved:

Name: <u>Stephen Wallace, DA</u>	Name: <u>Matthew D. Jamin</u>
Address: <u>518 W Marine Way #202</u>	Address: <u>323 Carolyn St.</u>
City, State, Zip: <u>Kodiak, Alaska 99615</u>	City, State, Zip: <u>Kodiak, Alaska 99615</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Legacy Management Group, LLC **Case Number:** 3KO-08-7 CI (FED case)
v. James Broaten **Judge Name:** myself (Steve Cole)

Attorneys Involved:

Name: <u>Alan Schmitt (for landlord)</u>	Name: <u>n/a (tenant was pro se)</u>
Address: <u>323 Carolyn St.</u>	Address: _____
City, State, Zip: <u>Kodiak, Alaska 99615</u>	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: State of Alaska **Case Number:** 3KO-07-704 Cr
v. Monte Beck **Judge Name:** myself (Steve Cole)

Attorneys Involved:

Name: <u>Brent Williams, Asst. DA</u>	Name: <u>Matt St. John, attorney</u>
Address: <u>518 W Marine Way #202</u>	Address: <u>323 Carolyn St.</u>
City, State, Zip: <u>Kodiak, Ak. 99615</u>	City, State, Zip: <u>Kodiak, Ak. 99615</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: In The Matter of J.P. **Case Number:** 3KO-08-12 CP
v. _____ **Judge Name:** myself (Steve Cole)

Attorneys Involved:

Name: <u>Stephen Wallace, DA</u>	Name: <u>Allan Thielen, PD</u>
Address: <u>518 W Marine Way #202</u>	Address: <u>518 W Marine Way #201</u>
City, State, Zip: <u>Kodiak, Ak. 99615</u>	City, State, Zip: <u>Kodiak, Ak. 99615</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3KO-05-152/199/252/592/903 Cr
v. Jeffrey Struck **Judge Name:** myself (Steve Cole)

Attorneys Involved:

Name: <u>J. Michael Gray, DA</u>	Name: <u>Suzanne Rapoza, Asst. PD</u>
Address: <u>455 3rd Avenue - Suite 150</u>	Address: <u>518 W Marine Way #201</u>
City, State, Zip: <u>Fairbanks, Ak. 99701</u>	City, State, Zip: <u>Kodiak, Ak. 99615</u>
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.

see attachment, pages 14 (a) and 14 (b)

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 I would make a good Superior Court Judge in Kodiak for several reasons. First, I have approximately 27 years of experience practicing law (most of which has been in Superior Court) and as a District Court Magistrate. As an ALSC attorney (1981-83), the concentration of my practice was in Superior Court family law cases, such as divorces, custody cases and adoptions. As the supervising attorney of the Public Defender Office in Kodiak (1983-90), I did all of the felony work, merit and sentence appeals to the Alaska Court of Appeals, as well as juvenile delinquency and Child in Need of Aid cases. I tried some fairly serious cases such as murder, sexual assault, sexual abuse of a minor, drug sales and possession, felony assault and perjury, and a half a dozen misdemeanor trials. As a PD, I also wrote over a dozen merit appeals to the Alaska Court of Appeals, including Bentley v. State, 706 P.2d 1193 (Alaska App. 1985), Bentley v. State, 711 P.2d 544 (Alaska App. 1985); Haakanson v. State, 760 P.2d 1030 (Alaska App. 1988); Dodd v. State, 686 P.2d 737 (Alaska App. 1984); Ciervo v. State, 756 P.2d 907 (Alaska App. 1988). I have written many sentence appeals, most unpublished. In my 15 years in private practice (1990-2005), most of my time was also spent in Superior Court, mainly in felony criminal defense and family law (divorces, custody and adoptions) but also personal injury, money damages and estate work. I also wrote two civil appeals from the local Superior Court to the Alaska Supreme Court, Carstens v. Carstens, 867 P.2d 805 (Alaska 1994); West v. West, 21 P.3d 838 (Alaska 2001).

Although I have been in District Court for almost 4 years now as a Magistrate, my Standing Master authority allows me to do a wide range of Superior Court-type work, such as juvenile delinquency, adoptions, uncontested divorces, landlord-tenant disputes, Child in Need of Aid cases, felony pre-indictment work, and even some post-indictment grand jury returns and arraignments on indictments when Judge Bolger is unavailable. When I first began as Magistrate, I volunteered to start doing all of these Master proceedings right away. I am very grateful to Judge Bolger for trusting me to let me do them even in my first few weeks on the bench. In summary, I believe all of this experience shows that I *am* capable of doing Superior Court cases as a Judge.

On a related note, I believe that I have already proven these past 4 years that I am a good judicial officer, and one who helps carry out the court system's mission of providing an impartial forum for people to have their cases decided justly, in accordance with a strict reading of the law, expeditiously and with integrity. I treat everyone in my courtroom (including the attorneys, parties, police officers, witnesses, victims and jurors) with respect. I am prepared ahead of time for the type of case coming before me. I go out of the way to make sure that everyone gets an opportunity to be heard, especially victims and the parents of minors who have gotten into trouble with the law. I follow the statutes as they are written and do not try to make new law. I make my decisions in a timely fashion, and I spend a lot of time both in the courtroom and in issuing written decisions, trying to make sure that the people in front of me (especially those without counsel) understand my decision. In saying all of this, though, I realize that in almost every case, there are going to be people who disagree with my decision and who are unhappy with me or my ruling. While I cannot let that influence my decision, I strive to have them realize why I made the particular choice that I did, and to feel that at the very least, they had a fair chance in my courtroom to have their day in court.

In addition, I think I would make a good Superior Court Judge in Kodiak because I have lived here for almost 34 years. My wife and I were married here, and we raised both of our children to adulthood here. I have involved myself in this community and made contributions to it, and I believe I have the support of the people here to move up from Magistrate to Judge. As other parts of this application indicate, I started Kodiak Teen Court in 1995 almost by myself, and I am still involved in the program. I have taught evening classes in the law at the local college (and plan to teach again this Spring). I also recognize the importance of sports as being a good, constructive activity for the kids in this town to get involved in, as it teaches discipline, teamwork and hard work. Since all of the youth programs have "zero tolerance" policies, it is a great alternative to underage use of drugs and alcohol. To that end, I coached Little League here for 11 years (1975 and 1987-97), sat on their Board and coached Kodiak High School softball for 7 years (1991-97). I have also represented my community on the Board of Directors of Alaska Legal Services and the Alaska Pro Bono program. My wife and I served as foster parents for DFYS (now OCS) for several years in the 1990's, taking in many needy infants and teens that the State felt needed a good stable home before their parents were ready to take them back. Also, when I first moved to Kodiak in 1974 as a VISTA volunteer, I spent a lot of time in the six villages on the Island (all of which are Native), getting to know the people there and finding out what kind of programs they needed, and then coming back into town to write grants for those programs.

All of this, I believe, gives me a good sense of the "pulse" of the community of Kodiak, including the Native villages. It gives me a chance to use my experiences and gut feelings on what is appropriate in fashioning sentences in criminal cases and in saying something that is hopefully meaningful to the adults and teens who come before me in court in both criminal and civil matters. I also believe that I have a lot of community support to become the Judge here. Ever since this position became open, many people have stopped me in stores and places in town and/or called me at home, encouraging me to apply and offering to write letters of support. Finally, I would note that Kodiak has a strong tradition of having local attorneys with meaningful ties to the community being selected to be the Superior Court Judge in town (i.e. Judge Roy Madsen and Judge Joel Bolger). The decisions to hire them have worked well both for the legal community and for Kodiak as a whole, and it would be a privilege for me to be able to follow in their footsteps.

Additional Comments (Continued)

see attachment, pages 14 (a) and 14 (b)

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 Steve Cole

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

Superior Court Judge - Kodiak

Date: September 19, 2008

I moved to Kodiak on October 14, 1974 after graduating from UC Berkeley and joining VISTA. I was an ALSC paralegal here (1974-76) and in Unalaska (1976-78) before attending law school at University of Colorado at Boulder (1978-81). I then moved back home, working for ALSC (1981-83), the Public Defender (1983-1990) and in private practice (1990-2005). I have been Magistrate and Standing Master here since February, 2005.

I involve myself in the Kodiak community. I started Kodiak Teen Court in 1995 and am still on its Board. I was an alternate Board member of ALSC (1996-2005) and Alaska Pro Bono (2000-02), and taught a law class at Kodiak College (1996-1999). I was varsity coach for Kodiak High School softball (1991-97).

My wife does sign language and Spanish translation in the local schools. We have two adult children. I enjoy being with family, sports, fishing, camping, cooking, music and cinema.