

**Alaska Judicial Council
Application for Judicial Appointment**

Palmer District Court Judge

Date: July 3, 2003

Position(s) for which you wish to be considered

RECEIVED
JUL 08 2003
ALASKA
JUDICIAL COUNCIL

I. PUBLIC INFORMATION (Qs. 1-24 & 35)

PERSONAL

1. (a) State full name* Gregory Louis Heath
Name as it should appear on bar survey: Gregory Louis Heath
* Unless otherwise specified, this is how your name will appear on the bar survey.
- (b) Have you ever used or been known by any other name? If so, please identify
No

3. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 10 years 1 months
Total years 10 months 1

4. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 11 years 2 months
Total years 11 months 2

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

Alaska Judicial Council
Application for Judicial Appointment

Palmer District Court Judge

Date: July 3, 2003

Position(s) for which you wish to be considered

RECEIVED
JUL 08 2003
ALASKA
JUDICIAL COUNCIL

I. PUBLIC INFORMATION (Qs. 1-24 & 35)

PERSONAL

1. (a) State full name* Gregory Louis Heath
Name as it should appear on bar survey: Gregory Louis Heath
* Unless otherwise specified, this is how your name will appear on the bar survey.
- (b) Have you ever used or been known by any other name? If so, please identify
No

2. Date and place of birth September 18, 1956, San Diego, CA Age 46

3. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 10 years 1 months
Total years 10 months 1

4. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 11 years 2 months
Total years 11 months 2

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

NONLEGAL EDUCATION

5. 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.

San Diego Mesa College, 9/74 to 6/75; Flathead Valley Community College,
9/86 to 6/89, AA degree in Poly Sci with High Honors, 4.0 GPA and
received a Regents Scholarship (all tuition paid) to University of Montana;
University of Montana, 9/89 to 6/90, BA in Poly Sci/History, High Honors 4.0 GPA

LEGAL EDUCATION

6. List all law schools, dates attended and degrees conferred. If you did not receive a degree from any law school, please indicate.

University of Montana School of Law, 9/90 to 6/93,
Doctorate of Law with Honors

7. (a) Did you receive any honors in law school or belong to any honorary societies or groups?
Yes If so, please give details.

Several academic and financial scholarships including the Albyn F. McCulloh Scholarship, Member of the Christian Legal Society (CLS) and in 1993 received a scholarship to attend the National Conference of CLS in Estes Park, Colorado. Graduated with Honors.

- (b) Have you taken any CLE (continuing legal education) courses during the past five years?
Yes x No _____ Please describe:

Alaska Public Defender Conferences, 1997 to 2002, California Western School of Law, Advanced Trial Skills Academy, April 21-27 2001, This is an advanced trial practice school, CINA training seminar April 30, 1999, Alaska Academy of Trial Lawyers, All-Star Litigators Conference May 1-2, 1998,

MILITARY

8. Have you served in the armed forces (reserves or otherwise)? 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. If so, state the details.

No

NONLEGAL EMPLOYMENT

9. Describe major nonlegal working experience, if any.

USDA Forest Service, Bigfork MT 7/76 to 11/84, Engineering Assistant, designed, built and maintained hiking trails, bridges, cabins in Wilderness Areas; Carpenter/Contractor 1985 to 1990, Bigfork MT, Did all phases of home construction while attending college; Teaching Assistant 1990 to 1991, worked in a special needs classroom while completing undergrad degree in Missoula, MT

10. Describe major nonlegal business or professional experience, if any. If your association has been discontinued, please note whether there are unpaid debts or claims pending litigation.

None

LEGAL EXPERIENCE

11. Describe chronologically your legal employment since admission to law school. Please provide dates, name of employer, name of supervisor, addresses, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.). **Also, provide the name and current address of a person, preferably your supervisor, who can verify your employment for each position listed below.**

Assistant District Attorney/ Prosecutor, 4/92 to 5/93, Missoula County Courthouse, Missoula MT 59802. Immediate Supervisor Karen Townsend. Job duties included prosecution of all types of misdemeanor offenses. Responsibilities included intake of cases, screening of cases, pretrial motion practice, plea negotiations, and conducting both bench and jury trials. Worked closely with law enforcement and victims of misdemeanor crimes. Left job to take a clerk position in Alaska.

Superior Court Clerk, 6/93 to 6/94, Clerked for Presiding Judge Karl Johnstone, 2015 Merrill Field Drive, Anchorage AK 99501, Performed all the responsibilities of a judicial clerk on a variety of cases both civil and criminal. Left to take position with Public Defender Agency in Palmer.

Alaska Public Defender Agency, 6/94 to current, Current position Supervising Attorney, Palmer Office. Supervisor Barbara K. Brink, 900 West 5th Ave. Suite 200, Anchorage 99501. My first years as a Public Defender were spent in District Court handling misdemeanor cases. During this period I averaged between 150 to 200 open cases a month. Responsibilities included all phases of criminal defense from intake to trial, plea negotiations, assisting clients to enter treatment and counseling programs, representing juveniles and an occasional CINA case.

For a period of almost six years I covered the Glennallen trial calendar where I represented primarily Alaska natives from several native communities. Again I did all phases of criminal defense, juvenile cases and CINA cases. I worked closely with local tribal leaders and treatment providers to provide solutions to the unique problems of defendants from rural villages. I am again currently covering the Glennallen calendar due to temporary staffing problems in my office.

In 1997, my focus shifted to Superior Court where I also conducted all phases of criminal defense work on felony cases. I also continued to handle juvenile cases and the Glennallen calendar. During this time I worked closely with assistant district attorneys to provide resolutions in hundreds of cases. My goal was always to provide a just solution to all parties involved including my client, the victim and the state.

In 2000, I was promoted to Supervising Attorney for the Palmer office. I am responsible for supervising the work of six attorneys, two investigators and four support staff. The Palmer office is the third largest in the Alaska Public Defender Agency and last year we represented clients in over 2500 new cases. My duties include overseeing case assignments, training and answering staff questions, concerns and needs. I also work with other state agencies including the Court System, the District Attorney, the Probation Dept, the Department of Health and Social Services, the Department of Correction as well as the public.

In addition to my supervisory responsibilities, I continue to be a full time felony trial lawyer with an emphasis on class A and unclassified cases. During the last three years, I have conducted three high profile homicide trials.

(i) Have you undertaken any pro bono work during this period?

Yes _____ No X

Describe: _____

13. 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.

State of Alaska Court System

PUBLIC SERVICE

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

American Bar Association

Alaska Bar Association

15. List legal publications, if any (give title, subject and date of publications):

None

16. Have you ever applied for a judgeship? 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)
None			

17. Have you ever held public or political office, elective or appointive? No

If so, state office, manner selected, and when and where held.

18. List all other legal and any nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal. (Please indicate whether you participate in the organization's activities, or simply hold a membership.)

I am an active member of Crossroads Community Church (CCC) located in Palmer. During the last six years I have been active in youth ministry; counseling, mentoring and befriending hundreds of valley youth. As part of the ministry I have taken youth on trips, retreats and educational seminars both in and out of Alaska. The last four years I have also been Chairman of the Mission Board at CCC. My responsibilities include overseeing a large budget which is used to support churches, orphanages and other projects from Kenya to Russia. For example, my family opened our house and sponsored a young girl from Kenya to come to Alaska and attend college. After a year of living with my family she is now enrolled at UAA and set to begin the nursing program.

19. 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 other than minor traffic offenses (those for which a fine of \$50.00 or less, and no other sanctions were imposed)? Yes
- (b) failed to answer any summons or other legal process served upon you personally at any time? 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? No
- (d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? 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 1976, in San Diego CA. I pled no contest to minor in possession of two cans of beer and received a small fine of around \$50.00. I was nineteen years old and the legal drinking age was twenty-one. I don't recall the case number or exact date of the incident. Also in 1976, in San Diego, I was a passenger in a vehicle with a bunch of teenagers which was stopped on a traffic violation. The car was searched and a small amount of marijuana was found in the vehicle. I was initially charged with a misdemeanor violation but it was dismissed and I received no sanctions. Again because the incident occurred 27 years ago I don't recall the actual dates or the court number.

20. (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? 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? If so, give particulars, including case numbers.

No

- (b) Have you ever been sued by a client? If so, give particulars, including case numbers.

No

- (c) Have you ever been a party in any other legal proceeding? If so, give the particulars. Include all legal proceedings in which you were a party in interest, including divorce/dissolution proceedings; a material witness; a named co-conspirator or correspondent; and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness. 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).

No

21. State the nature and disposition of any of the following actions which apply to you:

- (a) Are there any unsatisfied judgments against you? 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? 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? Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

No

- (b) Have you ever made an assignment for the benefit of creditors? Has any petition in bankruptcy ever been filed by you? If so, state the circumstances, case number, and the outcome.

No

REFERENCES*

22. (a) List the names, addresses, and phone numbers of two persons whom the Judicial Council may contact who can discuss your general character and background.

(1) NAME: Dr. S.George Mastroyanis
ADDRESS: P.O. Box 875910-170
CITY/STATE/ZIP: Wasilla, AK 99687 PHONE: 907 745-6845

(2) NAME: Pastor Philip Markwardt
ADDRESS: P.O. Box 3370
CITY/STATE/ZIP: Palmer, AK 99645 PHONE: 907 745-6701

- (b) List the names, addresses, 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. (You should not list the Chief Justice of the Alaska Supreme Court.)

(1) NAME: Judge Beverly W. Cutler
ADDRESS: Alaska Superior Court, 435 South Denali Street
CITY/STATE/ZIP: Palmer AK 99645 PHONE: 907 746-7500

(2) NAME: Judge Eric Smith
ADDRESS: Alaska Superior Court, 435 South Denali Street
CITY/STATE/ZIP: Palmer, AK 99645 PHONE: 907 746-7502

(3) NAME: Peter Ashman
ADDRESS: Norton Sound Health Corporation, 900 West 5th Ave, Suite 700
CITY/STATE/ZIP: Anchorage, AK 99501 PHONE: 907 276-1362

* **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. The applicant should not request a copy of the letter from the reference.

REFERENCES (continued)

- (c) List the names, addresses and phone numbers of attorneys involved in your three most recent cases that have gone to trial. (Applicants who are currently judges should list the three most recent trials they presided over.) List only those cases which 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.)

1

Case Name: State of Alaska
v. Suzette Welton

Case Number: 3PA-00-2303
Judge Name: Judge Milton Souter

Attorneys Involved:

Name: Roman Kalytiak
Address: Palmer District Attorney, 800
West Evergreen, Suite 102

Name: _____
Address: _____

Name: George Davenport
Address: 268 East Fireweed
Palmer AK 99645

Name: _____
Address: _____

2

Case Name: State of Alaska
v. Kim Cook

Case Number: 3PA-99-832
Judge Name: Judge Fred Torrisi

Attorneys Involved:

Name: Roman Kalytiak
Address: 800 West Evergreen, Suite 102
Palmer AK 99645

Name: George Davenport
Address: 268 East Fireweed
Palmer AK 99645

Name: Dave Berry
Address: Sterling and DeArmound
851 E. Westpoint Drive

Name: _____
Address: _____

3

Case Name: State of Alaska
v. Garrett Osborn

Case Number: 3PA-98-2263
Judge Name: Judge Eric Smith

Attorneys Involved:

Name: George Davenport
Address: 268 East Fireweed
Palmer Ak 99645

Name: _____
Address: _____

Name: Roman Kalytiak
Address: 800 West Evergreen, Suite 201
Palmer AK 99645

Name: _____
Address: _____

REFERENCES (continued)

- (d) List the names, addresses and phone numbers of attorneys involved in your three most recent cases that did not go to trial but in which you did significant work. (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.*)

1

Case Name: State of Alaska
v. William Horsey 111

Case Number: 3PA-02-740
Judge Name: Judge Eric Smith

Attorneys Involved:

Name: Robert Collins
Address: 800 West Evergreen, Suite 102
Palmer AK 99645

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

2

Case Name: State of Alaska
v. Parris Skoutas

Case Number: 3PA-02-841
Judge Name: Judge Beverly Cutler

Attorneys Involved:

Name: William Estelle
Address: 800 West Evergreen, Suite 102
Palmer AK 99645

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

3

Case Name: State of Alaska
v. Matt Lauchart

Case Number: 3PA-01-188Cr
Judge Name: Judge Beverly Cutler

Attorneys Involved:

Name: Judge Jack Smith
Address: Nesbett Memorial Courthouse
825 West 4th Avenue, Anchorage

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

WRITING SAMPLE

23. Attach as Appendix A 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. If you do not have a good sample of this length, include an excerpt from a longer writing. **Please do not submit longer writing samples.** Make sure the sample contains sufficient facts to make it understandable. Please do not submit coauthored writing samples.
24. 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? Have formal grievance procedures been brought against you? 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? In each case, state in detail the circumstances and the outcome.

No

ADDITIONAL COMMENTS (Non-Confidential)

35. Please make any additional comments that you wish to bring to the Council's attention regarding your experience and suitability for this judgeship.

I began my legal career as a prosecutor. During that time I realized the benefits and rewards of a legal career that serves the community. When my family and I moved to Alaska we made our new home in Palmer. Although I worked for a year for Judge Johnstone in Anchorage, my desire was to work and serve in the valley. As my clerkship was ending a vacancy opened in the Palmer Public Defender Office. (P.D.) The vacancy arose under unfortunate circumstances, (criminal charges being filed against an agency attorney) and I applied for the position. Before that time I had never even dreamt of being a criminal defense attorney, but I knew that I wanted an attorney position in Palmer and seldom were there openings so I took the job.

When I began working at the P.D. office there was a large caseload and only five employees including staff. I recall meeting with Judge Peter Ashman discussing the job and expressing my desire to do criminal defense work with integrity and with the highest ethical standards. I believe that in the last nine years I have done just that. Although I have handled some of the most difficult and emotional criminal cases this community has seen, I am proud of the way I have represented my clients and the manner in which I have dealt with all the other participants in this process. I have always treated everyone with dignity and I believe my reputation among court personal and local judges speaks highly of the qualities, both in my personal demeanor and my ethical standards, that I will bring to this judgeship.

I also will bring a wealth of experience, wisdom and insight. I have vast experience in all types of criminal cases and an insiders knowledge of how the court system in Palmer operates. I have good working relationships with court employees, sitting judges, local attorneys, the Department of Corrections, probation officers, juvenile authorities, Judicial Services, several law enforcement officers, local treatment providers and many others. I am also a very fast learner, an excellent student of the law and will grasp the responsibilities of overseeing civil cases with little difficulty.

The question will arise as to whether an experienced public defender can be a fair judge and the answer is absolutely yes. As my application indicates I have a varied background both in education and life experiences. I have witnessed a lot of hurt and dysfunction in our community and I have deep empathy for victims of crimes. I believe a judge must seek justice for those who have been injured and that often this requires strict punishment for those offenders. Victims rights need to be protected and our community must be a safe place for all of us to live. But also, especially in misdemeanor cases, restorative justice can be an attainable goal. At any given time, there are hundreds of open misdemeanor cases in Palmer. Many are youthful or first time offenders and often alcohol and/or anger issues are a contributing factor. Our laws require that this class of offender get the help that they need through ASAP and anger management courses. The local judge needs to be an active overseer. Wellness and Mental Health Courts are needed.

I am an ideal candidate for this judgeship. I am committed to serving this valley for the long term and have the experience, knowledge and the temperament to be an excellent judge. I will bring vision, energy and will work hard to make our community a better place to live.