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MAR 23 2015

ALASKA JUDICIAL COUNCIL

# Alaska Judicial Council Application for Judicial Appointment

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

Superior Court Judge  
Third Judicial District

Date: April 23, 2015

## I. Public Information (Questions 1-24)

### Personal

1. (a) State full name\* Herman Gene Walker, Jr.  
Name as it should appear on bar survey: Herman G. Walker, Jr.

\* 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. How long have you been a resident of the State of Alaska immediately preceding the date of this application? \*\*  
Total 22 years 10 months  
       years        months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? \*\*  
Total 22 years        months  
       years        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.

Arizona State University 1985-1988; Bachelor of Science Political Science  
Glendale Community College 1982  
University of Washington 1979-1980  
Green River Community College 1978-1979

\*\* 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 Wyoming College of Law 1989-1992; Juris Doctorate

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.

Delta Theta Pi

- (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.

2014 AK Bar ASsoc. Meeting; 2014 AKAJ Fall Conference; Association of Family and Conciliation Courts & AAML conference; AKAJ Keenan Reptile Seminar; AKAJ 2014 and 2013 Supreme Court Review; 2014 Legislative Ethics Training; 2013 ABA Family Law Spring Meeting, where I was a presenter; 2013 Legislative Ethics Training; AKAJ 2013 Fall Conference; AKAJ 2012 Supreme Court Review; Ak Bar CLE Multi Party Litigation; AK Bar Increasing Diversity in Ak Judiciary 2011; CJa Federal Defender Training; I know that I have attended more CLE's, but I cannot recall all of them.

## 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 owned The Body Shop at 5th Ave. Mall from 1996 to 2010. There is no unpaid debt or pending litigation. I was a pre-trial services officer for the Maricopa County Court System.

## 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:** Limon & Walker

Supervisor or name of contact person who can verify employment: Lynda Limon

Current address of this person: 606 E St. Suite 203

City Anchorage State AK Zip 99501

Dates and location of Employment: From 2000 To current City Anchorage State AK

Description:

Partner in law firm, Types of practice: criminal defense, family law, appellate, personal injury

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

Employer: Koval Featherly

Supervisor or name of contact person who can verify employment: Walter Featherly

Current address of this person: 601 W. 5th Ave. Suite 700

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 1998 To 2000 City Anchorage State AK

Description: associate, civil trial attorney

Reason for Leaving: New Job

Employer: Law Office of Herman Walker

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

Current address of this person: 606 E St. Suite 203

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 1997 To 1998 City Anchorage State AK

Description: I was self employed. My practice was criminal defense and torts.

Reason for Leaving: Joined a firm to learn corporate litigation

**Previous Employers (continued)**

Employer: Alaska Public Defender  
Supervisor or name of contact person who can verify employment: Quinlan Steiner  
Current address of this person: 900 W. 5th Ave. Suite 200  
City Anchorage State AK Zip 99501  
Dates and Location of Employment: From 1994 To 1996 City Anchorage State AK  
Description: State public defender  
Reason for Leaving: I left to open a new business, The Body Shop.

Employer: Rex Lamont Butler and Associates  
Supervisor or name of contact person who can verify employment: Rex Butler  
Current address of this person: 745 W. 4th Ave. Suite 300  
City Anchorage State AK Zip 99501  
Dates and Location of Employment: From 1992 To 1994 City Anchorage State AK  
Description: Criminal Defense Attorney  
Reason for Leaving: I was offered a job with the public defender.

Employer: Office of Public Advocacy  
Supervisor or name of contact person who can verify employment: Richard Allen  
Current address of this person: 900 W. 5th Ave. Suite 525  
City Anchorage State AK Zip 99501  
Dates and Location of Employment: From 1992 To 1992 City Anchorage State AK  
Description: legal intern  
Reason for Leaving: Internship expired

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: \_\_\_\_\_

10. During your legal career, please indicate (approximately) the following:

(a) Percent of your practice that was: Civil 40  
Criminal 60  
Other \_\_\_\_\_  
= 100%

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

(b) Percent: State 90  
Federal 10  
Other \_\_\_\_\_  
= 100%

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

(c) Of practice in state courts, percent: Supreme Court 5  
Court of Appeals \_\_\_\_\_  
Superior Court 85  
District Court 10  
= 100%

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

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

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

(e) Number of trials (by court or jury) you conducted:  
 None       1-5       6-15       16-30       31 or more

Comment: This is an estimate. There maybe more than 30 trials

(f) Percent of these trials which were: Jury 60      Non-Jury 40

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

(g) Approximate number of appellate matters handled: 10-13

Comment: I worked in the appeals division of the Public defender agency

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

Briefly describe type of matters heard:

Workman's compensation and employment issues

(i) Please briefly summarize any *pro bono* work that you have done and indicate whether the work was done through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.).

I have represented people in family law matters; immigration and employment issues. All my pro-bono work is done through my office. I believe I have handled one pro-bono legal service matter.

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 United State District Court; Alaska Superior Court, Alaska Supreme Court, all admission were in 1993

**Public Service**

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

Alaska Bar Association ; Past Presiden of the AKAJ and current member; Past National Board member of the American Assoc. of Justice and current minority representative to AAJ; Member of Family Law section ABA and State bar; Former member of NACDL; Founding member of AKCDL; volunteer of the color of justice program; former staff member of the Trial Lawyers College

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).

I was a presenter for the ABA Family Law spring meeting in 2006 and 2013. I wrote papers for both meetings. The first paper discussed the impact of criminal law on family law cases. My paper for the 2013 spring meeting was How to Cross Examine Mental Health Experts. In 2014, I also presented for an ABA webinar on Cross Examining Mental Health Experts and wrote a paper.

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 am on the Legislative Ethics Committee. I was first appointed in 2002 and reconfirmed this year by the legislature.

16. Please provide the Council with information that you would like the Council to consider about other legal and nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal organizations. Please indicate whether you participate in the organization's activities, or simply hold a membership. Your involvement in the community is one of the criteria the Council uses in its evaluations. The Council does not use affiliation with a particular group as a criterion except to the extent that it might raise questions of conflict of interest or would affect an applicant's ability to impartially apply the law.

I am a founding member of Delta Rho Chapter of Sigma Pi Phi Fraternity. I am an active member. Our group hosts an annual golf tournament with another organization called the Brotherhood. We raise scholarship money for minority students. I mentor young black males through various programs. I have volunteered for the Color of Justice program and assisted in tutoring high school mock trials. I have taught youth court classes.

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.

While in law school at the University of Wyoming, I had a hunting violation while on my first big game hunt. The violation was for moving game before tagging it. I was fined \$200.00; more important I kept the deer.

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.

I was sued by a client in one of my first P.I. cases for missing a statute of limitations. The case number is 3AN-00-12896CI. The case settled. The second case was in 3AN-04-05153 CI. It was dismissed by summary judgment.

- (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).

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: Retired Judge John Reese  
Address: \_\_\_\_\_  
City/State/Zip: Anchorage, AK Phone: \_\_\_\_\_

Name: Jennifer Holland  
Address: 606 E St. Suite 203  
City/State/Zip: Anchorage, AK 99501 Phone: 279-3333

- (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: Honorable John Wolfe  
Address: 435 S. Denali St.  
City/State/Zip: Palmer, AK 99645 Phone: 263-6300

Name: Walter Featherly  
Address: 601 W. 5th Ave. Suite 700  
City/State/Zip: Anchorage, AK 99501 Phone: 263-6300

Name: Andrew Lambert  
Address: 750 W 2nd Ave. Suite 200  
City/State/Zip: Anchorage, AK 99501 Phone: 276-2135

## 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:** Adeline Marie Kameroff **Case Number:** 2KB-11-233 CI  
**v.** Fanny Downey Kameroff **Judge Name:** Paul Roetman

#### Attorneys Involved:

Name: <u>Lisa Nelson</u>	Name: _____
Address: <u>745 W. 4th Ave. Suite 200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 2

**Case Name:** Abigail Scott **Case Number:** 3KN-12-00998 CI  
**v.** David Scott **Judge Name:** Carl Bauman

#### Attorneys Involved:

Name: <u>Gwen Neal</u>	Name: <u>Allison Mendel</u>
Address: <u>190 E. Pioneer Ave.</u>	Address: <u>1215 W. 8th Ave.</u>
City, State, Zip: <u>Homer, AK 99603</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 3

**Case Name:** John Koller bifurcated trial **Case Number:** 3AN-13-10414 CI  
**v.** Kristin L. Koller **Judge Name:** Greg Miller

#### Attorneys Involved:

Name: <u>Justin Eschbacher</u>	Name: <u>G.R. Eschbacher</u>
Address: <u>718 Barrow St.</u>	Address: <u>718 Barrow St.</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Lynda Limon</u>	Name: _____
Address: <u>606 E St. Suite, 203</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</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:** 3PA-14-2090 CR  
**v.** Ronald Bailey **Judge Name:** Vaness H. White

**Attorneys Involved:**

Name: <u>W. Michael Perry</u>	Name: _____
Address: <u>515 E. Dahlia St.</u>	Address: _____
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

**Case Name:** Felisha Lashley **Case Number:** 3:12-CV-00197-RRB  
**v.** Horace Mann Teacher's Insurance **Judge Name:** Beistline

**Attorneys Involved:**

Name: <u>Blake Call</u>	Name: _____
Address: <u>413 G. St.</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

**Case Name:** State **Case Number:** 3VA-11-0026 CR  
**v.** Herman Schliessing **Judge Name:** Daniel Schally

**Attorneys Involved:**

Name: <u>Eric Senta</u>	Name: _____
Address: <u>515 E Dahlia St. Suite 150</u>	Address: _____
City, State, Zip: <u>Palmer, AK, 99645</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.

I was fined \$200 by Judge Card for filing a substantive motion late in a criminal case. The fine went to a charity of my choice. I have had 7 grievances filed against me in the past 22 years. In each matter the Bar Association declined to open the matter for investigation.

### 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.

My diverse experience as a litigator provides me with a vast wealth of knowledge concerning the trial court. I have tried cases all over the state and represented clients in family law, personal injury and criminal matters. My experience as a member of the Legislative Ethics Committee provides me with knowledge on interpreting and applying laws. As a Legislative Ethics Committee member my job is to interpret the state ethics laws and apply them to the legislature. I am used to making tough decisions that will not win me any popularity contest. I will bring all these experiences to the Superior Court if selected.

**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 five photographs of yourself with your application.

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

# Biographical Statement

Name Herman G. Walker, Jr.

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

Superior Court  
Third Judicial District

*Please leave this area blank*

Date: March 23, 2015

In 1992, I arrived in Alaska after graduating from the University of Wyoming Law School. I turned down a job with the Philadelphia Public Defender to come to Alaska with no job. I have no regrets. My 22 year legal career is vibrant and diverse. I have worked for OPA and the State Public Defender Agency. I have represented injured people, criminal defendants; corporations in a trade name infringement case; written and argued appeals; handled CINA cases and tried family law matters. I have had jury trials all over the state; including two trials that were held in the Whittier fire station. Anchorage is the most diverse community in Alaska. My career reflects that diversity. I am married and have three children, of which two are minors. My family gives me permission to commit myself to public service as a judge. So I offer my experience.