MAY 0'9 2019

# Alaska Judicial Council Application for Public Defender Appointment

Date: 4/21/19 I. Public Information (Questions 1-25) Personal State full name\* Samantha Cherot 1. (a) Name as it should appear on bar survey: Samantha Cherot \* 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 Samantha Cherot Pestinger 2. If you are a resident of the State of Alaska, how long have you been a resident? months not a resident 3. How long have you been engaged in the active practice of law immediately preceding the date of \_\_\_ months this application?\*\* 11 years Total 11 years 5 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. Santa Clara University, 1998 to 2002. In 2002, I obtained a Bachelor of Science degree in political science, with minors in international studies and French. I studied abroad my Junior year of college and attended Syracuse University in Strasbourg, France Fall 2000 and IES in Paris, France Spring 2001.

<sup>\*\*</sup> See AS 18.85.060; 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.				
	California Western School of Law, 2004 to 2007. In 2007, I obtained my Juris				
	Doctorate degree.				
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.  I was a member of the Pro Bono Honor Society. I was on the Dean's Honor List Fall and Spring 2006, and Spring 2007. I obtained a certificate of completion with honors in the area of concentration: Labor and Employment Law. I received a public interest scholarship from the California Bar Foundation in 2006.				
	(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.				
	I attended the two-day AKACDL Conference for criminal defense lawyers four of the past five years. I attended CLEs offered by the Federal Public Defender to work on the Criminal Justice Act Panel. In 2014, I attended the two-day CLE on Divorce Skills offered by the Alaska Bar Association. From 2015 to present, I attended numerous CLEs on CINA and criminal law. In April 2017, I attended a two-day conference for Parent Representation in CINA cases offered by the American Bar Association in Washington, D.C. I've given trainings for CLE credit on criminal and CINA law.				
Milita	ry				
-					
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**

During la private la	w school and w firms and	d since grac the public s	luation I have ector.	worked cont	inually in the l	egal field
	gh school an I retail jobs.	id college, I	worked durii	ng summers a	nd holidays in	a variety
omoo an	rotali jobo.					
i I						
!						

#### 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.

The Council will ask for comments from your current and former employers about your employment and your 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: Alaska Public Defender Agency Supervisor or name of contact person who can verify employment: Linda Beecher Current address of this person: 900 W. 5th Ave., Suite 300 City Anchorage State AK Zip 99501 Dates & Location of Employment: From 8/2015 To Present Location Anchorage, Alaska Description: I work in the Civil Division representing parents, and occasionally children, in Child in Need of Aid cases, and individuals in the Alaska Psychiatric Institute. I also assist with clients' criminal matters, as needed. **Previous Employers:** (In chronological order, most recent first) Employer: Cashion Gilmore LLC (litigation) Supervisor or name of contact person who can verify employment: John Cashion Current address of this person: 1007 W. 3rd Ave., Suite 301 City\_Anchorage State\_AK Zip\_99501 Dates & Location of Employment: From 2013 To 2015 Location\_Anchorage, Alaska Description: I worked as an associate in criminal defense, family law, and some general civil litigation matters. Reason for Leaving: To return to the Alaska Public Defender Agency. Employer: Alaska Public Defender Agency (criminal division/trial work) Supervisor or name of contact person who can verify employment: Dan Lowery Current address of this person: 900 W. 5th Ave., Suite 200 City Anchorage Dates & Location of Employment: From 2010 To 2013 Location Anchorage, Alaska Description: I worked as a criminal defense attorney, initially on misdemeanor cases and then exclusively on felony cases after my first year. Reason for Leaving: To work for Cashion Gilmore LLC.

### **Previous Employer (continued)**

Employer: Cook Inlet Hous	ing Authority (legal	division)	
Supervisor or name of contact	et person who can verif	y employment: Ca	rol Gore
Current address of this person	n: 3510 Spenard Road, S	Suite 100	
City_Anchorage	State AK	Zip_99501	
Dates & Location of Employ	ment: From 2009	To_2010	Location Anchorage, Alaska
Description: I worked with corp	orate counsel while I too	k the Alaska Bar and	d obtained my license to practice law in Alaska.
Reason for Leaving: To wor	< for the PDA in trial:	s after admissior	n to the Alaska Bar.
Employer: Liebert Cassidy			
Supervisor or name of contact	t person who can verif	y employment: Ric	chard Bolanos
Current address of this person	n: 135 Main Street, 7	th Floor	
City San Francisco			
Dates & Location of Employ	ment: From 2008	To 2009	Location San Francisco, CA
Description. I worked as a	n associate represer	nting public secto	r entities in employment and labor law matters.
Description		31	
Reason for Leaving: My fath	er hecame terminall	v ill and I needed	to travel frequently
Employer: Gutierrez, Preci	ado & House LLP (e	mployment law/l	itigation)
Supervisor or name of contac	t person who can verif	y employment: Art	hur Preciado
Current address of this person			
City Pasadena	State CA	Zip 91107	
Dates & Location of Employ	ment. From 2007	To 2008	Location Pasadena, CA
Description. I worked as an	associate represen	tina public secto	r entities in employment and labor law matters.
Description.		31	
Reason for Leaving: To relo	cate to San Francisc	co, and work for	Liebert Cassidy Whitmore.
Employer: U.S. Equal Emp	loyment Opportunity	/ Commission (A	DR division)
Supervisor or name of contac			
Current address of this person	. 225 East Temple S	St., 4th Floor	
City Los Angeles  Dates & Location of Employs	state	Zip	Location Los Angeles, CA
Dates & Location of Employs  Description: I interned as a	nent: From Sam 2007	rnative Dispute	Location division
Description:	iaw cierk iii tiie Alte	mative Dispute I	COOLINGTO CIVISION.
Reason for Leaving: I comp	leted my internship.		

9. Legal Experience. Previous Employers continued.

Employer: Trovillion, Inveiss & Demakis APC (insurance defense)

Supervisor or name of contact person who can verify employment: Dan Trovillion Current address of this person: 1455 Frazee Road, Suite 650, San Diego, CA 92108

Dates and location of Employment: Spring 2006 in San Diego, CA

**Description:** I worked as a law clerk on workers' compensation matters.

Reason for Leaving: To focus on law school and upcoming internship with the EEOC in Los Angeles, CA.

**Employer:** Quintrall & Associates, LLP (construction litigation)

Supervisor or name of contact person who can verify employment: Al Quintrall

Current address of this person: 8880 Rio San Diego Dr., Suite 800, San Diego, CA 92108

**Dates and location of Employment:** Fall 2006 in San Diego, CA **Description:** I worked as a part-time law clerk during law school.

Reason for Leaving: To focus on second year of law school and school activities such as Moot Court

Honors Board.

Employer: San Diego Volunteer Lawyer Program, Guardianship Clinic

Supervisor or name of contact person who can verify employment: Tom Kritzik Current address of this person: 8677 Villa La Jolla Dr. #1135, San Diego, CA 92037

Dates and location of Employment: Summer 2005 in San Diego, CA

Description: I was an intern and assisted adults filing for legal guardianship of vulnerable and/or

abandoned children.

Reason for Leaving: I completed my internship.

**Employer:** The Fair Housing Council of San Diego

Supervisor or name of contact person who can verify employment: Staff attorney Current address of this person: 1764 San Diego Ave., Suite 103, San Diego, CA 922110

Dates and location of Employment: Summer 2005 in San Diego, CA

Description: I was an intern and assisted individuals with housing discrimination complaints.

**Reason for Leaving:** I completed my internship.

10.	For t	he past five years, please indicate (app	roximately) the	following:		
	(a)	Percent of your practice that was:	Civil Criminal Other	75 25 =100%		
		Comment:				
	(b)	Percent:	State Federal Other	95 5 =100%		
		Comment:				
	(c)	Of practice in state courts, percent:	Supreme Cou Court of Appe Superior Cour District Court	eals 95		
		Comment:				
	(d)	Frequency of appearance in court:  Regularly  Comment: Almost daily.				
	(e)	Number of trials (by court or jury) y None 1-5 6-1 Comment:	.5 🚺 16-	n the past 5 years: 30 31 or more		
	(f)	Percent of these trials which were: Jury 10 Non-Jury 90 Comment:				
	(g)	Approximate number of appellate matters handled: 0 Comment:				
	(h)	Approximate number of arbitrations  None 1-5 6-1  Briefly describe type of matters hear	or administrati	ive hearings:		
	(i)		ervice provider Sexual Assault of law school, I volunte all guardianship of child	pered for the San Diego Volunteer Lawyer Program in dren who were vulnerable and/or abandoned. That		

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, U.S. District Court for the District of Alaska, 2014/2015					
Pub	lic Service					
12.	List bar associations, and sections and committees of which you are or have been a member or					
	officer.					
	Alaska Bar Association, Family Law Section					
	California Bar Association					
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).  N/A					
14.	Have you ever applied for a judgeship or for public defender? ✓ Yes No					
	Please list dates and positions applied for, as well as whether you were nominated by the Judicial					
	Council and appointed.					

Position (Judgeships or Public Defender)	Date	Nominated By Council (Y/N)	Appointed By Governor (Y/N)
Anchorage Superior Court	12/2016	Ν	N
Anchorage District Court	9/2017	Υ	N
Anchorage District Court	9/2018	Υ	N

If so	, state office, manner selected, and when and where held.
	se provide the Council with information that you would like the Council to consider
	r legal and nonlegal organizations and clubs of which you are a member, including
	table, religious, educational, social and fraternal organizations. Please indicate whether
-	cipate in the organization's activities, or simply hold a membership. Your involvement
	munity is one of the criteria the Council uses in its evaluations. The Council does n
	ation with a particular group as a criterion except to the extent that it might raise questi
	lict of interest or would affect an applicant's ability to impartially apply the law.  rved on the steering committee for the Success Inside and Out Reentry Progra
for f	our years and participated in the Success Inside and Out Conference at Hiland Intain Correctional Center for five years before the program was discontinued i 6. The program was started by former Alaska Supreme Court Chief Justice Da
Dire prim	rved on the Alaska Association of Criminal Defense Lawyers (AKACDL) Board ctors for three years and was the Vice President in 2016. One of AKACDL's lary goals is continuing legal education for its members, particularly new rneys.
l've	hosted fundraising events for the Brother Francis Shelter and the YWCA Alask
the thro	in my third year serving on the YWCA Alaska Board of Directors. In 2018, I was Board Chair. YWCA Alaska's mission is to empower women and eliminate racingly ugh five program areas; social justice, economic empowerment, women's lership, women's wellness, and youth empowerment.
Indic	ate (Yes or No) whether you have ever:
(a)	been arrested, charged with, pled guilty or <i>nolo contendere</i> to, or been convicted violation of any law or ordinance, or been requested to appear before any prosecut investigative agency in connection with any matter in any jurisdiction, including all offenses, unless the fine was less than \$50 and there were no other sanctions?  Yes No
	failed to answer any summons or other legal process served upon you personally at
(b)	time? Yes \( \sqrt{No} \)

	(d)	had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? Yes No  If your answer is "yes" to any part of this question, state the facts in detail. Give the name and place of the court or agency, dates of the beginning and end of any action or proceeding, case numbers, and the judgment or other disposition.
		I received a ticket for failure to stop completely at a stop sign in San Diego, CA in 2005. I paid the ticket, which was more than \$50.
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).
		In 2001, I petitioned the Superior Court in Anchorage, Alaska for a change of name. The petition was granted. My former legal name was Samantha Cherot Pestinger.
		In 2018, my husband and I were petitioners in a legal proceeding in Superior Court in Anchorage to adopt our son.

	(d)	Please provide case names and numbers of any Post-Conviction Relief actions in which you were found by a court to have rendered ineffective assistance of counsel.
		N/A
19.	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?  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 \int No  Have you ever filed any petition in bankruptcy?  Yes \int 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 <u>two persons</u> whom the Judicial Council may contact who can discuss your <u>general character and background</u>.

Name: I racey vvollenberg	
Address: 303 K. St.	
City/State/Zip: Anchorage, AK 99501	Phone: (907) 264-0750
Name: Josie Garton	
Address: 825 W. 4th Ave.	
City/State/Zip: Anchorage, AK 99501	Phone: (907) 264-0831
(b) List the names, addresses, including zip	
persons whom the Judicial Council may c	
competence and qualifications for a this p	osition.
Name: John Cashion	
Address: 1007 W. 3rd Ave., Suite 301	
City/State/Zip: Anchorage, AK 99501	Phone: (907) 222-7936
Name: Jeffrey Robinson	
Address: 1227 W. 9th Ave., Suite 200	
City/State/Zip: Anchorage, AK 99501	Phone: (907) 276-4331
Name: Dan Lowery	
Address: 900 W. 5th Ave., Suite 200	
City/State/Zip: Anchorage, AK 99501	Phone: (907) 334-4450

#### References and Counsel Questionnaires (continued)

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 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.)

# Case Number 1

Case Name: _	In the Matter of A.A.	Case Number:	3AN-17-00087 CN
ν			Yvonne Lamoureux
		Au T I I	
Name:	Carla Erickson	Attorneys Involved:	Liz Mering
	1031 W. 4th Ave., Suite 200	<del></del>	1016 W. 6th Ave.
	Anchorage, AK 99501	City. State. Zip:	Anchorage, AK 99501
	3		
Name:		Name:	
Address:		Address:	
City, State, Zip:		City, State, Zip:	
		Case Number 2	
Case Name: 1	n the matter of S.L,K.L.,&K.L.	Case Number:	3AN-15-00740/741/742 CN
ν		Judge Name:	Gregory Miller
		Attorneys Involved:	
Name:	Diane Foster	Name:	Julie Webb
Address:	1031 W. 4th Ave., Suite 200	Address:	900 W. 5th Ave., Suite 525
City, State, Zip:	Anchorage, AK 99501	City, State, Zip:	Anchorage, AK 99501
Name:	Paul McDermott	Name <sup>.</sup>	
	900 W. 5th Ave., Suite 525		
City, State, Zip:	Anchorage, AK 99501		
		Case Number 3	
Casa Nama: 1	n the matter of C.R,R.A,& T.A.		3AN-14-549/550/551 CN
v.	II the matter of C.N,N.A,& T.A.	Judge Name:	
· -		Attorneys Involved:	Ellovalour
Name:	Laura Hartz	•	Barbara Dunham
Address:	1031 W. 4th Ave., Suite 200	Address:	510 L. St., #450
City, State, Zip:	Anchorage, AK 99501		Anchorage, AK 99501
Name:	Caitlyn McFadden	Name:	
Address:	9097 Glacier Highway	Address:	
City, State, Zip:	Juneau, AK 99801	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:	In the Matter of: A.F.	Case Number:	3AN-18-00169 CN
ν.		Judge Name:	Gregory Miller
-		Attorneys Involved:	
Name:	Vennie Nemecek	Name:	Marty Engel
Address:	1031 W. 4th Ave., Suite 200	Address:	900 W. 5th Ave., Suite 525
City, State, Zip:	Anchorage, AK 99501	City, State, Zip:	Anchorage, AK 99501
Name:	Anita Alves	Name:	
	900 W. 5th Ave., Suite 525	Address:	
	Anchorage, AK 99501	City, State, Zip:	
		Case Number 2	
Case Name:	In the Matter of: D.W. & J.W.		3AN-16-00118/119 CN
ν.			Catherine Easter
-	A	ttorneys Involved:	
Name:	Emma Haddix	Name:	Troy Bittner
Address:	1031 W. 4th Ave., Suite 200	Address:	900 W. 5th Ave., Suite 525
	Anchorage, AK 99501		Anchorage, AK 99501
	In the Matter of: A.R. & D.O.		
Name: Address:		Name:	
City, State, Zip:		City, State, Zip:	
		Case Number 3	
Case Name: <sub> </sub>	In the Matter of: A.R. & D.O.	Case Number:	3AN-17-00080/00081 CN
ν.		Judge Name:	Frank Pfiffner
_	A	ttorneys Involved:	
Name:	David Noteboom	Name:	Stewart Merrill
Address:	1031 W. 4th Ave. Suite 200	Address:	900 W. 5th Ave., Suite 400
City, State, Zip:	Anchorage, AK 99501	City, State, Zip:	Anchorage, AK 99501
Name:	Whitney Glover	Name:	
	6030 Sherry Lane	Address:	
	Dallas, TX 75225	City, State, Zip:	

#### **Writing Sample**

21. Attach <u>one</u> 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. Make sure the sample contains sufficient facts to make it understandable (some reply briefs may not meet this requirement). Please do not submit: (a) coauthored writing samples, (b) samples with confidential information unless redacted to remove such information, (c) longer writing samples, (d) samples from open cases.

22.	Has any <u>public</u> 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 VNo
	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 VNo
	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 position.

I have extensive experience in the areas of law that constitute the majority of cases handled by the Alaska Public Defender Agency. My civil litigation experience is primarily in employment law and in Child in Need of Aid Cases. I have significant trial experience in criminal cases and comprehensive knowledge of the criminal justice system. I have handled criminal and family law cases throughout Alaska. My work with therapeutic courts in criminal and civil cases is vast. My employment law and supervisory experience would serve me well as the Public Defender.

I am well respected by my colleagues and was strongly encouraged by them to apply for the position. I maintain positive and productive working relationships with my colleagues, clients, and opposing counsel. I am honored to serve my clients, who are often the most vulnerable residents of Alaska.

Additional Comments (Continued)
I have effective administrative and organizational skills, and the ability to make important decisions in a timely manner.
As a lifelong Alaskan, I continue to serve our residents through essential organization As an Alaskan, an Assistant Public Defender, woman, and mother, I believe I would bring a unique and valuable perspective to the Public Defender position.
Please indicate whether you prefer to be interviewed in public or private session. Your choice I 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
Please prepare a brief biographical statement (limited to 150 words) about your background, legeducation, and legal experience. Please do not include personal information about minor childred Your picture and a copy of this statement will be scanned and posted on the Council's webstafter the application deadline. In its Bar survey, the Council will invite attorneys to review to information if they wish to become more familiar with your background and experience. Use form on the following page for your biographical statement. Please leave the box at the top empthe Council will use this space for your scanned picture. To be fair to all applicants, the Council strictly enforce the 150 word limit.
If you object to the posting of your picture on the Council's website, please indicate yo objection below. If you object, we will not post your picture, although you still must submit to copies of a 2" x 2" photograph of yourself with this application.
If you check this box, we will not post your picture on the website.

## **Biographical Statement**

Name: Samantha Cherot

Date: 4/21/2019

Position: Public Defender

Please leave this area blank.

Limit your text to 150 words.

I was born and raised in Alaska. I graduated from Santa Clara University in 2002. With an interest in public service, I enrolled at California Western School of Law and graduated in 2007. After law school, I practiced employment law representing public entities in California. Eager to serve the community in which I was raised, I returned to Anchorage, Alaska in 2009.

Since returning, I have worked as a trial attorney in the Criminal and Civil Division of the Alaska Public Defender Agency, where I currently work. From 2013 to 2015, I worked with Cashion Gilmore LLC, practicing criminal defense and family law. I've been privileged to serve my community through organizations such as the Success Inside and Out Reentry Program, and now YWCA Alaska.

I've been married to my husband for twelve years. We have a wonderful baby boy.

I am committed to serving Alaska and its residents.