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Alaska Judicial Council

ALASKA JUDICIAL COUNCIL Application for Judicial Appointment

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

Anchorage District Court

Date: July 15, 2008

Third Judicial District

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* David Robert Wallace

Name as it should appear on bar survey: David R. Wallace

* 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.

None

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 47 years 9 months

Total 47 years 9 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 20 years 0 months

Total 20 years 0 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.

Northern Arizona University, Flagstaff, AZ
August 1979 to December 1979

Green River Community College, Auburn, WA
January 1980 - May 1981

Arizona State University, Tempe, AZ
August 1981 - May 1983
Bachelor of Science, Political Science

** 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 Arizona, College of Law
Tucson, AZ
August 1984 - May 1987
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.

- (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.

Feb. 2003-Evaluating Threshold Issues: Personal Injury (video); March 2003-Legal Ethics (video); March 2003-Insurance Coverage Law in Alaska; April 2003-Trial Evidence; Dec. 2003-Ethics 11th hour; Sept. 2004-The Dynamic of Cross examination and Impeachment: Weapons of Mass Destruction; March 2005-Academy of Trial Lawyers Litigators Conference -- Juror Bias; Dec. 2006-Ethics 11th hour.

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.

Since becoming an attorney I have not been employed in any other positions.

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: Pentlarge Law Group

Supervisor or name of contact person who can verify employment: James Pentlarge

Current address of this person: 1400 West Benson Blvd. Suite 550

City Anchorage State AK Zip 99503

Dates of Employment: From Feb. 2003 To present

Description: Plaintiff's personal injury

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

Employer: LeGros Buchanan & Paul

Supervisor or name of contact person who can verify employment: Patricia LaFontaine

Current address of this person: 701 Fifth Ave. Suite 2500

City Seattle State WA Zip 98104

Dates of Employment: From Sept. 2000 To Feb. 2003

Description: Personal injury insurance defense
Maritime/Admiralty Law

Reason for Leaving: Offered a job at Pentlarge Law Group.

Employer: State of Alaska, Department of Law

Supervisor or name of contact person who can verify employment: James McCarty, Admin. Mgr.

Current address of this person: 310 K. Street, Suite 520

City Anchorage State AK Zip 99501-1975

Dates of Employment: From Jan. 1990 To Sept. 2000

Description: Assistant District Attorney: Sitka/Wrangell/Angoon for 6 years; Anchorage violent crimes unit for 5 years.

Reason for Leaving: Hired by LeGros Buchanan & Paul. Career change to civil trial work.

Previous Employers (continued)

Employer: Law Office of David R. Wallace

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

Current address of this person: 2900 Chesapeake Ave.

City Anchorage State AK Zip 99516

Dates of Employment: From March 1989 (approx) To Dec. 1989

Description: General civil law practice

Reason for Leaving: Hired as an Assistant District Attorney, Sitka.

Employer: Wade & DeYoung

Supervisor or name of contact person who can verify employment: The firm no longer exists.

Current address of this person:

City State Zip

Dates of Employment: From Dec. 1987 To Feb. 1989

Description: Construction law, commercial law, and criminal defense (PCR's)

Reason for Leaving: Did not agree with my role as an associate. Wanted trial experience.

Employer: Bailey & Mason [Now] Ashburn & Mason

Supervisor or name of contact person who can verify employment: William A. Saupe

Current address of this person: 1130 W. 6th Ave. Suite 100

City Anchorage State AK Zip 99501

Dates of Employment: From June 1986 To August 1986

Description: Summer Intern

Reason for Leaving: Third year of Law School

Employer: Chugach Electric Association

Supervisor or name of contact person who can verify employment: Margie MacNeille

Current address of this person: 8101 White Dr.

City Anchorage State AK Zip 99507

Dates of Employment: From June 1985 To August 1985

Description: Summer Intern

Reason for Leaving: Second year of Law 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 100
Criminal _____
Other _____
= 100%

Comment: _____

(b) Percent: State 95
Federal 5
Other _____
= 100%

Comment: Federal cases would have been Maritime.

(c) Of practice in state courts, percent: Supreme Court _____
Court of Appeals _____
Superior Court 70
District Court 30
= 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 in the past 5 years:
 None 1-5 6-15 16-30 31 or more

Comment: One civil personal injury defense jury trial in December 2002.

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

Comment: _____

(g) Approximate number of appellate matters handled: none

Comment: _____

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

Briefly describe type of matters heard:

Personal injury: Vehicle accidents, slip and falls, maritime injury.

(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:

Although, I currently represent the estate of a young man who was murdered with no realistic expectation of a recoverable judgment.

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.

State of Alaska, 1988
 United States District Court, Alaska, 1988 **At some point while employed at the DAO unbeknownst to me my admission lapsed. Reinstated in 2000.
 United States Court of Appeals, Ninth Circuit, 1988

Public Service

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

Alaska Bar Association, member
 Maritime section, member
 Alaska Academy of Trial Lawyers, member

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)
Anchorage District Court	11/07	Y	N

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

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

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

Grace Christian School Board Member. Grace Christian School is a K-12 Christian based school in Anchorage. As a Board member I participate in all Board making decisions. I also serve on the Board's staff and student committees.

RightWay Automotive Board Member. RightWay is a Christian based non-profit that provides (provided) reduced automotive repair to widows, single parents, and other people who can not afford automotive repairs. I use the term "provided" because RightWay lost some of its funding that resulted in the loss of our certified mechanic which resulted in the shop closing. The Board still meets on a monthly basis in search of other funding to once again provide this much needed and appreciated service to our community.

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.

1982 cited for open container(beer) in San Diego, CA. I did not pay the fine or contest the citation. Citation date and number unknown.

Summer 1983 I went with a friend and hiked around Yosemite. On our way down we ended up on a trail that was closed for upgrades. We were cited for hiking on a closed trail. Citation number and exact violation I do not remember. During that time the fact I did not pay the open container fine came to light. I plead no contest to each violation. The results were minimal fines for each violation. The amount of each fine I do not remember but I believe the total for both fines were less than \$150.

I received a speeding ticket in my late teens which I paid a fine.

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).

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: Brent C. Moody

Address: P.O. Box 1091

City/State/Zip: Skagway, AK 99840

Phone: 907-983-2081

Name: Tim McGhan

Address: P.O. Box 520356

City/State/Zip: Big Lake, AK 99652

Phone: 907-892-6442

- (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: Larry D. Card

Address: P.O. Box 102266

City/State/Zip: Anchorage, AK 99510

Phone: 764-1662

Name: Laura Farley

Address: 807 G. Street, Suite 250

City/State/Zip: Anchorage, AK 99501

Phone: 274-5100

Name: Leonard M. Linton, Jr.

Address: 600 W. 76th Ave.

City/State/Zip: Anchorage, AK 99518

Phone: 344-5367

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: Unfortunately -- None *Case Number:* _____
v. _____ *Judge Name:* Anchorage District Court

Attorneys Involved:

Name: <u>Third Judicial District</u>	Name: <u>July 15, 2008</u>
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: _____ *Case Number:* _____
v. _____ *Judge Name:* _____

Attorneys Involved:

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: _____ *Case Number:* _____
v. _____ *Judge Name:* _____

Attorneys Involved:

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	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 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.

My experience as a prosecutor in Southeast Alaska and in Anchorage along with my civil practice has prepared me for this position. While serving as an attorney has rarely been easy, I learned early on that hard work and a willingness to listen often leads to a positive result. I also understand that with Alaska's cultural diversity, each case is a new challenge that may require an innovative approach to obtain the best result for all involved. Along with my job as an Assistant District Attorney in Sitka, I also enjoyed the opportunity to teach various courses to new Alaska law enforcement officers at the Public Safety Academy in Sitka. After five years of working in the violent crime unit in the Anchorage DAO, I transitioned into the practice of civil law to expand my career. My work as a prosecutor and as a civil practitioner has broadened my understanding of the law, what people expect of the law, and the effort required to bring the two together. The legal system can rarely make all people involved in a case happy. However, if those involved have been provided with the rationale behind the decisions being made, whether they are a victim, a plaintiff, or a defendant, then the legal process has fulfilled its intended purpose.

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 twelve photographs of yourself with your application.

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

Biographical Statement

Name David R. Wallace

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

Anchorage District Court

Third Judicial District

Date: July 15, 2008

I was born in Anchorage and have been a resident of Alaska all of my life. I graduated from East Anchorage High School in 1978, received my undergraduate degree from Arizona State University in 1983 and my law degree from the University of Arizona in 1987. I first worked for a construction litigation law firm and eventually opened my own office as a general practitioner. In 1990, I began serving as the Assistant District Attorney in Sitka which included prosecution of crimes in Wrangell, Angoon, and Pelican. In 1996 I transferred to the Violent Crimes Unit in the Anchorage District Attorney's Office. Five years later, I accepted a position with LeGros, Buchanan & Paul, a firm that specializes in maritime law and insurance defense. In 2003, I was hired by Pentlarge Law Group as a plaintiff's personal injury attorney. I have been married for seventeen years and have two daughters.