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MAY 18 2012

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Court of Appeals

Date: May 18, 2012

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Marjorie Katharine Allard

Name as it should appear on bar survey: Marjorie K. Allard

* 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.

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application?***
Total 7 years 7 months
9 years 7 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application?***
Total 12 years 9 months
12 years 9 months

Nonlegal Education

4. State names and dates of attendance of all colleges and professional schools (other than law schools) ever attended and degrees and dates conferred. List any honors.

1. Yale University, 1989-1993
B.A., English Literature
summa cum laude, Phi Beta Kappa

2. Hebrew University, Jerusalem, 1994-1995
Raoul Wallenberg Scholar

*** 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.

Yale Law School, 1996-1999, J.D.

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.

Stephen J. Massey Prize, awarded to student who best exemplifies, in work on behalf of clients and other community service, the values of Jerome N. Frank Legal Services Organization at Yale Law School

- (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.

Annual Alaska Bar Conference (the criminal and civil appellate updates as well as other CLE courses on writing and effective advocacy)

Annual Alaska Public Defender Conference (various subjects involving substantive law, trial advocacy, appellate advocacy, and ethics throughout the years)

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.

During high school and college, I worked at a variety of waitress, food preparation, and cashier jobs.

After college, I worked for three years before going to law school. Initially I remained in New Haven and worked for a year as a research assistant for two different professors. My work included writing and editing manuscripts on Holocaust survivor testimony and trauma narratives.

The following year, I received a Raoul Wallenberg Scholarship to study as a graduate student at the Hebrew University in Jerusalem. To supplement the stipend the fellowship provided, I worked as a house cleaner.

I remained in the Middle East for the next year, teaching English in Cairo, Jerusalem, and Hebron and working at the Israel Palestine Center For Research And Information (IPCRI), a joint Israeli-Palestinian public policy think-tank dedicated to developing practical solutions for the Israeli-Palestinian conflict.

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: Alaska Public Defender Agency

Supervisor or name of contact person who can verify employment: Linda Beecher

Current address of this person: 733 West 4th Ave., Suite 300

City Anchorage State AK Zip 99501

Dates and location of Employment: From Aug. 2006 To present City Anchorage State Alaska

Description:

appellate work involving felonies, misdemeanors, child-in-need-of-aid, and civil commitment; agency-wide assistance to criminal and civil trial attorneys

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

Employer: Office of Public Advocacy

Supervisor or name of contact person who can verify employment: Joe Vandemark

Current address of this person: 900 West 5th Ave., Suite 525

City Anchorage State AK Zip 99501

Dates and Location of Employment: From July 2005 To April 2006 City Anchorage State Alaska

Description: mixed felony and misdemeanor trial caseload

Reason for Leaving: moved to appellate position at the PDA after birth of child

Employer: Richmond & Quinn

Supervisor or name of contact person who can verify employment: Dan Quinn

Current address of this person: 360 K Street, Suite 200

City Anchorage State AK Zip 99501

Dates and Location of Employment: From Nov. 2004 To July 2005 City Anchorage State AK

Description: insurance defense

Reason for Leaving: felony trial position available at OPA

Previous Employers (continued)

Employer: Santa Clara Law School - Northern California Innocence Project
Supervisor or name of contact person who can verify employment: Cookie Ridolfi
Current address of this person: 500 El Camino Real
City Santa Clara State CA Zip 95053
Dates and Location of Employment: From Jan. 2003 To Nov. 2004 City Santa Clara State CA
Description: staff attorney at law school clinic
Reason for Leaving: moved back to Alaska

Employer: Rosen Bien & Galvin
Supervisor or name of contact person who can verify employment: Tom Nolan
Current address of this person: 315 Montgomery Street, 10th Floor
City San Francisco State CA Zip 94104
Dates and Location of Employment: From Aug. 2002 To Dec. 2002 City San Fran. State CA
Description: civil rights law firm
Reason for Leaving: opportunity to teach at law school clinic at Santa Clara

Employer: Stanford Law School
Supervisor or name of contact person who can verify employment: Jeanne Merino
Current address of this person: Crown Quadrangle, 559 Nathan Abbott Way
City Stanford State CA Zip 94305
Dates and Location of Employment: From Aug. 2001 To July 2002 City Stanford State CA
Description: lecturer in law in legal research and writing program (fellowship position)
Reason for Leaving: fellowship ended

Employer: Yale Law School Liman Fellowship (Alaska Public Defender Agency)
Supervisor or name of contact person who can verify employment: Margi Mock
Current address of this person: c/o Public Defender Agency, 900 West 5th Ave., Suite 200
City Anchorage State AK Zip 99501
Dates and Location of Employment: From Sept. 2000 To July 2001 City Anchorage State AK
Description: mental health court and misdemeanor trial caseload
Reason for Leaving: fellowship ended

Employer: Alaska Supreme Court
Supervisor or name of contact person who can verify employment: Warren Matthews
Current address of this person: c/o Mera Matthews, Ashburn & Mason, 1227 W 9th Ave, Ste 200
City Anchorage State AK Zip 99501
Dates and Location of Employment: From Sept. 1999 To Aug. 2001 City Anchorage State AK
Description: law clerk
Reason for Leaving: clerkship ended

Previous Employers (continued)

Employer: Legal Aid Society - Employment Law Center
Supervisor or name of contact person who can verify employment: Joan Graff
Current address of this person: 180 Montgomery Street, Suite 600
City San Francisco State CA Zip 94104
Dates and Location of Employment: From June 1998 To August 1998 City San Francisco State CA
Description: summer job at non-profit agency focusing on employment discrimination
Reason for Leaving: summer ended

Employer: Department of Justice - Disability Rights Section
Supervisor or name of contact person who can verify employment: Allison Nichol
Current address of this person: 950 Pennsylvania Avenue, NW
City Washington D.C. State _____ Zip 20530
Dates and Location of Employment: From August 1997 To August 1997 City Wash. D.C. State _____
Description: second summer job at government agency focusing on disability rights
Reason for Leaving: summer ended

Employer: Minnesota Advocates For Human Rights
Supervisor or name of contact person who can verify employment: Robin Phillips
Current address of this person: 330 Second Avenue South, Suite 800
City Minneapolis State MN Zip 55401
Dates and Location of Employment: From May 1997 To July 1997 City Minneapolis State MN
Description: summer job at human rights organization with focus on domestic violence victims; work included travel to Bulgaria
Reason for Leaving: split summer with DOJ summer job

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 30
Criminal 70
Other _____
= 100%

Comment: _____

(b) Percent: State 99
Federal 1
Other _____
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court 10
Court of Appeals 60
Superior Court 20
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: _____

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

Comment: _____

(g) Approximate number of appellate matters handled: 40+

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:

unemployment insurance, SSI/SSDI

(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.).

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 Supreme Court, admitted 2002
 California Supreme Court, admitted 2002 (inactive)

Public Service

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

Alaska Bar Association
 Appellate Section (member)
 Criminal Pattern Jury Instructions, 2007-present
 Child In Need Of Aid Court Improvement Project Education Subcommittee
 Child In Need Of Aid Education Subcommittee Working Group
 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).

Book Review, The Psychology of Interrogations and Confessions: A Handbook,
 43 Santa Clara L. Rev. 1485 (2003) (coauthored with Cookie Ridolfi)

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.

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.

Alaska Hemophilia Association
current Vice President, Board Member since 2007
chair, consumer advocacy committee
National Hemophilia Foundation (member)

Stone Soup Group for families with special needs children (member)
Alaska Center For Collaborative Child Therapy, summer camp for children
with special needs (involved in founding of organization)

Northwood Elementary School Parent Teacher Association (member)

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.

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: Susie Dosik

Address: c/o Alaska Judicial Council, 1029 W. Third Ave, Suite 201

City/State/Zip: Anchorage, AK 99501 Phone: 907 360-4506

Name: Wayne Cobb

Address: c/o Alaska Hemophilia Assoc., 3340 Providence Drive, Suite A-352

City/State/Zip: Anchorage, AK 99508 Phone: 907 622-4430

- (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: Tracey Wollenberg

Address: 900 West Fifth Ave., Suite 200

City/State/Zip: Anchorage, AK 99501 Phone: 907 334-4441

Name: Blair Christensen

Address: 645 G Street #650

City/State/Zip: Anchorage, AK 99501 Phone: 907 345-5228

Name: Blair McCune

Address: c/o OPA, 900 West Fifth Ave, Suite 525

City/State/Zip: Anchorage, AK 99501 Phone: 907 376-1332

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: ITMO S.B. **Case Number:** 3AN-10-196 CN
v. _____ **Judge Name:** Judge Cutler (pro tem)

Attorneys Involved:

Name: <u>Roger Rom, AAG</u>	Name: <u>Marcia Honea, GAL</u>
Address: <u>1031 W. 4th Ave., Ste 200</u>	Address: <u>900 W. 5th Ave., Ste 525</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: ITMO D.S., A.S. **Case Number:** 3AN-09-369/370 CN
v. _____ **Judge Name:** Judge McKay

Attorneys Involved:

Name: <u>Diane Foster, AAG</u>	Name: <u>Shannon Baergen, GAL</u>
Address: <u>1031 W. 4th Ave., Ste 200</u>	Address: <u>900 W. 5th Ave., Ste 525</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
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: _____

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: M.V. **Case Number:** S-14534

v. State **Judge Name:** Supreme Court Justices

Attorneys Involved:

Name: Ruth Botstein Name: _____

Address: 1031 W. 4th Ave., Ste. 200 Address: _____

City, State, Zip: Anchorage, AK 99501 City, State, Zip: _____

Name: _____ Name: _____

Address: _____ Address: _____

City, State, Zip: _____ City, State, Zip: _____

Case Number 2

Case Name: Collins **Case Number:** A-10655

v. State **Judge Name:** Coats, Mannheimer, Bolger

Attorneys Involved:

Name: Eric Ringsmuth Name: John Pharr

Address: 310 K St., Ste. 308 Address: 733 W. 4th Ave., Ste. 308

City, State, Zip: Anchorage, AK 99501 City, State, Zip: Anchorage, AK 99501

Name: _____ Name: _____

Address: _____ Address: _____

City, State, Zip: _____ City, State, Zip: _____

Case Number 3

Case Name: Tolen **Case Number:** A-10159

v. State **Judge Name:** Coats, Mannheimer, Bolger

Attorneys Involved:

Name: Tamara de Lucia Name: _____

Address: 310 K St., Ste. 308 Address: _____

City, State, Zip: Anchorage, AK 99501 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.

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.

Throughout my legal career, I have had the privilege of working in a variety of different criminal and civil practice areas on both the trial and appellate level. This varied experience has added to my understanding of what makes a good trial judge and what makes a good appellate judge and the similarities and differences between them.

I came to clerk on the Alaska Supreme Court after law school because of the nationally known outstanding reputation of the Alaska appellate courts. In my work as an attorney, I have continued to be impressed by the high level of professionalism, dedication, and excellence demonstrated by our Alaska judiciary.

I am honored to have the opportunity to apply for the Court of Appeals. If appointed, I intend to serve the people of Alaska with the same principles of intellectual rigor, clarity, and restraint that they have come to expect of their appellate judges.

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 Marjorie K. Allard

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

Court of Appeals

Please leave this area blank

Date: May 18, 2012

I came to Alaska in 1999 to clerk on the Supreme Court. After clerking, I obtained a Liman fellowship to work as a public defender in the Anchorage Mental Health Court.

I left Alaska to teach at Stanford Law School and later to work at the innocence project clinic at Santa Clara Law School.

After returning to Alaska in 2004, I worked at Richmond & Quinn as a civil litigator and then at the Office of Public Advocacy in a felony trial position. In 2006, I joined the criminal appellate unit at the Public Defender Agency doing criminal appeals. Two years ago, I moved to the civil unit to litigate child-in-need-of-aid cases and take over the appellate caseload in that area. My current work includes both civil and criminal appeals.

I am married to Matt Findley, a partner at Ashburn & Mason. We have two children.