

Alaska Judicial Council Application for Judicial Appointment

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

Anchorage Superior Court

Date: February 9, 2018

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Josie Wilson Garton

Name as it should appear on bar survey: Josie Garton

* 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 17 years 6 months
 years months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
Total 17 years 6 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.

Tufts University: 1991-1992
Reed College: 1992-1995 (B.A. with honors, 1995)
Tuebingen University: 1994

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

SEP 25 2017

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Anchorage Superior Court

Date: September 25, 2017

Anchorage District Court

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Josie Wilson Garton

Name as it should appear on bar survey: Josie Garton

* 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?***

17 years months
Total years months

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

17 years months
Total 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.

Tufts University, 1991-1992
Reed College, 1992-1995, Bachelor of Arts
Tuebingen University, 1994, non-degree student

*** 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.

Lewis and Clark Law School, 1996-2000, J.D., cum laude

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.

Corpus Juris Secundum Awards in Property and Torts, 1997
Scholar List, 1997-2000
Articles Editor, ENVIRONMENTAL LAW, 1997-2000

- (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.

U.S. Supreme Court, Alaska Supreme Court and Alaska Court of Appeals Updates; Judicial Decision-Making; Difficult Lawyers and Judges; Interview Skills with Mentally Ill Clients; Evolution of Miranda in Alaska; Marijuana Regulation 101; Biases and How it Impacts Clients; Conversation with Sonia Sotomayor; Diversity in Our Community; Increasing Diversity in Alaska's Judiciary; Trial Skills; FASD and Intellectual Disability; Advanced Legal Writing and Editing; Traumatic Brain Injury; Tribal Sovereignty in Alaska; Competency and Restoration; Judicial Ethics

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.

Aspen Youth Alternatives, 1995-1996, Torrey, UT. Supervised staff and students and led trips in wilderness-based experiential education program for adjudicated youth.

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: Doug Moody

Current address of this person: 900 W. 5th Ave. Ste. 200

City Anchorage State AK Zip 99501

Dates and location of Employment: From 6/2007 To present City Anchorage State AK

Description:

Represent indigent clients in appellate criminal, child in need of aid, civil commitment matters, parole and criminal matters; advise and assist trial counsel; assist in special legislative and policy projects.

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

Employer: Alaska Legal Services Corporation

Supervisor or name of contact person who can verify employment: Nikole Nelson

Current address of this person: 1016 W. 6th Ave. Ste. 200

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 3/2002 To 9/2002 City Anchorage State AK

Description: Represented rural domestic violence victims in domestic relations, protective order and administrative proceedings; provided education.

Reason for Leaving: To assist in care for a sick family member.

Employer: Alaska Court System

Supervisor or name of contact person who can verify employment: Justice Warren Matthews

Current address of this person: 303 K Street

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 9/2000 To 9/2001 City Anchorage State AK

Description: Judicial Clerkship. Drafted bench memoranda and provided legal research for cases pending before the Alaska Supreme Court

Reason for Leaving: Limited term clerkship

Previous Employers (continued)

Employer: Trustees for Alaska
Supervisor or name of contact person who can verify employment: Peter Van Tuyn
Current address of this person: 310 K Street
City Anchorage State AK Zip 99501
Dates and Location of Employment: From 6/1999 To 9/1999 City Anchorage State AK
Description: Assisted in administrative, federal district court and 9th Circuit Court of Appeals proceedings involving oil and gas, fisheries, and public lands.
Reason for Leaving: Return to law school

Employer: Lewis and Clark Law School
Supervisor or name of contact person who can verify employment: Prof. Amy Bushaw
Current address of this person: 10015 SE Terwilliger Bvd.
City Portland State OR Zip 97219
Dates and Location of Employment: From 9/1998 To 1/1999 City Portland State OR
Description: Received research fellowship to conduct survey of English-only legislation, constitutional amendments, and ballot measures in the United States.
Reason for Leaving: Project Completed

Employer: Office of the United States Attorney
Supervisor or name of contact person who can verify employment: Karen Loeffler
Current address of this person: _____
City Anchorage State AK Zip _____
Dates and Location of Employment: From 3/1998 To 8/1998 City Anchorage State AK
Description: Researched federal criminal and constitutional legal issues; drafted briefs for federal district court and 9th Circuit Court of Appeals.
Reason for Leaving: Return to law school

Employer: Hall, Dickler, Romania, S.R.L.
Supervisor or name of contact person who can verify employment: Gilbert Wood
Current address of this person: unknown (firm is at Kiseleff 11-13 Sector I)
City Bucharest State Romania Zip _____
Dates and Location of Employment: From 10/1997 To 12/1997 City Bucharest State Romania
Description: Edited translations of Romanian statutes, drafted correspondence with clients for law firm representing foreign investors in Romania.
Reason for Leaving: Return to United States

Employer: Lewis and Clark Law School
Supervisor or name of contact person who can verify employment: Prof. Doug Beloof
Current address of this person: 10015 SE Terwilliger Bvd.
City Portland State OR Zip 97219
Dates and Location of Employment: From 6/1997 To 9/1997 City Portland State OR
Description: Received research fellowship to research victims' rights legislation and ballot measures for legal treatise, VICTIMS AND CRIMINAL PROCEDURE.
Reason for Leaving: Project complete

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 (2001)
 United States District Court District of Alaska (2001)

Public Service

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

Alaska Bar Association
 Law Examiner's Committee
 Appellate Section, co-chairperson
 Service Members, Veterans, and Military Families Section

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).

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 Superior Court	2018	Y	N
Anchorage Superior Court	2017	Y	N
Anchorage Superior Court	2015	Y	N
Anchorage Superior Court	2015	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.

Rogers Park Elementary School Parent Teacher Association, President (2014-2015).
Robert Hickerson Partners in Justice Campaign, Co-Chairperson.
Marie C. and Joseph C. Wilson Foundaiton, Co-Chairperson.
Storyworks Alaska, Story Coach Volunteer and Member, Best Practices Committee.
Catholic Social Services Refugee Assistance and Immigration Services Meal Team Leader.

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.

I received a summons for speeding in Calumet County, Wisconsin in 2006. I paid the 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).

3AN-02-0405 SC, plaintiff, landlord-tenant.
3AN-04-10740 CI, plaintiff, real estate contract.
3AN-08-0704 CI, plaintiff, real estate contract.

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: Denali Kemppe

Address: _____

City/State/Zip: Anchorage/AK/ Phone: _____

Name: Tom Stephens

Address: _____

City/State/Zip: Anchorage/AK/ Phone: _____

- (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: Kenneth Rosenstein

Address: _____

City/State/Zip: Anchorage/AK/ Phone: _____

Name: Tracey Wollenberg

Address: 303 K Street

City/State/Zip: Anchorage/AK/99501 Phone: _____

Name: Quinlan Steiner

Address: 900 W. 5th Ave. Ste. 200

City/State/Zip: Anchorage/AK/99517 Phone: _____

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: State *Case Number:* 3AN-06-8223 CR
v. Clifton *Judge Name:* Phillip Volland

Attorneys Involved:

Name: <u>Sharon Marshall</u>	Name: <u>Gary Soberay</u>
Address: _____	Address: <u>900 W 5th Ave. Ste. 200</u>
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: In the Matter of T.W. *Case Number:* 3AN-16-51 DL
v. _____ *Judge Name:* Michael Spann

Attorneys Involved:

Name: <u>Heather Nobrega</u>	Name: <u>John Bernitz</u>
Address: <u>310 K Street</u>	Address: <u>900 W 5th Ave. Ste. 200</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: Wassillie *Case Number:* S-16239
v. State *Judge Name:* Peter Maasen

Attorneys Involved:

Name: <u>Diane Wendlandt</u>	Name: _____
Address: <u>1031 W 4th Ave</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: Kiva O. *Case Number:* S-16605
v. State *Judge Name:* Peter Maasen

Attorneys Involved:

Name: <u>Ruth Botstein</u>	Name: _____
Address: <u>1031 W 4th Ave.</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: Carpenter *Case Number:* A-12045
v. State *Judge Name:* Marjorie Allard

Attorneys Involved:

Name: <u>Raymond Beard</u>	Name: _____
Address: <u>515 East Dahlia Ave.</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.

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.

After working at Alaska Legal Services in 2002, I spent approximately one year helping to care for a sick family member out of state. Between 2002 and 2007 I worked as a contract attorney for several private and public attorneys and firms in Alaska. During that time I was the primary caregiver for my young children. My husband, a (now-retired) paramedic with the 212th Rescue Squadron of the Alaska Air National Guard was deployed eight times between 2002 and 2014. As a contract attorney I worked on cases involving criminal law, juvenile delinquency, domestic relations, tort defense, ERISA, natural resources, immigration, and state and federal constitutional law. In that capacity I performed legal research, drafted legal memoranda, pleadings, motions, and appellate briefs. I appeared on behalf of clients in state and federal immigration court.

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 Josie Garton

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

Anchorage Superior Court

Anchorage District Court

Please leave this area blank

Date: 9/25/2017

I was raised in Wisconsin. I first came to Alaska in 1993 while in college and fell in love with the landscape. Between college and law school I worked in a wilderness-based experiential education program for adjudicated youth in Torrey, Utah. While there I became interested in law. During law school I came up to Alaska in the summers to work as a legal intern and as a volunteer with the National Park Service in Denali National Park. I moved to Alaska permanently in 2000 and began my career as a clerk for Chief Justice Warren Matthews.

Throughout my career I have worked in many areas of the law, including domestic relations, domestic violence, tort defense, natural resources, juvenile delinquency, criminal law, child in need of aid, and civil commitment.

I am married with three children. My husband recently retired after 25 years as an Air Force Pararescueman.