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JUL 27 2018

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Kenai Superior Court

Date: July 27, 2018

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Jason Gist

Name as it should appear on bar survey: Jason Gist

* 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 13 years 11 months
13 years 11 months

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

Total 13 years 11 months
13 years 11 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.

California State University Fresno, 1999-2001, B.S. Criminology (Summa Cum Laude)

Reedley College, 1998-1999, A.A.

Larimer County Community College, 1996-1997

California Polytechnic State University, San Luis Obispo, 1993-1994

** 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.

2002-2004 University of California Berkeley, Boalt Hall School of Law, J.D.
2001-2002 University of the Pacific, McGeorge School of Law (no degree received, transferred to UC Berkeley following first year of law school)

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.

UC Berkeley - Board Member of the Boalt Criminal Law Association, Staff Editor of the California Criminal Law Review, American Jurisprudence Award in California Marital Property

McGeorge School of Law - 4.0 GPA, class rank #6/256, Witkin Awards in Torts and Criminal Law, Dean's List, Accepted as Member of McGeorge Law Review

- (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.

- Internet Crimes Against Children Task Force, week-long course in Atlanta Georgia on the investigation and prosecution of child sex trafficking. 2018
- National Institute on the Prosecution of Sexual Violence, week-long course in Austin, Texas on the prosecution of sexual violence in domestic relationships. 2016
- I have both attended at taught at Sexual Assault Response Team (SART) courses throughout Alaska.
- I attend the annual District Attorney's conference in Alaska.

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: April 1996 - August 1996

(b) Branch of service: U.S. Army

(c) Rank at time of discharge: E-3 Private First Class

(d) Type of military discharge: Medical discharge

(e) Awards or citations:

Expert qualification on 9mm pistol

- (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.

In April 1996 I enlisted in the U.S. Army and attended One-Station-Unit-Training at Fort Knox, Kentucky in the Armor division. However, after being treated multiple times for bronchitis and asthma, I was issued a general medical discharge.

Nonlegal Employment

8. Describe major nonlegal working experience. If you had a business or association that has been discontinued, please note whether there are unpaid debts or claims pending litigation.

I started working at a local auto repair shop at 15 years of age, working part-time during the school year and full-time during the summers. Following my first year of college, I attended a technical school and trained in auto collision repair. I worked for several years in auto body shops as an auto body repairman and painter, and continued this line of work even as I later went back to college and into law school. One of my last positions in this industry was spent managing a repair shop for a small business owner that was deaf, primarily dealing with the customer service and insurance side of the business as well as repairs.

Early on in college I also worked part time at a fly fishing store. I later had a small business of my own, Sand to Stream Fly Rods, in which I tied flies commercially for a shop on the California Delta and built custom fly fishing rods for customers. That business was discontinued upon graduation from law school, and there are no unpaid debts or claims pending litigation.

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: State of Alaska, District Attorney's Office

Supervisor or name of contact person who can verify employment: Robert Henderson

Current address of this person: 1031 W. 4th Avenue

City Anchorage State AK Zip 99501

Dates and location of Employment: From Nov. 2008 To current City Anchorage State AK

Description:

Assistant District Attorney, prosecuting felony cases. I currently supervise the office's Special Assault Unit trial team.

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

Employer: Kemppel, Huffman & Ellis

Supervisor or name of contact person who can verify employment: John Andrew Lehman

Current address of this person: 255 E. Fireweed Lane, Suite 200

City Anchorage State AK Zip 99503

Dates and Location of Employment: From Sept. 2005 To Nov. 2008 City Anchorage State AK

Description: Litigated regulatory cases for electric and telephone cooperatives throughout Alaska, and handled real estate and employment law matters.

Reason for Leaving: Took a position with the District Attorney's Office

Employer: Alaska Court System

Supervisor or name of contact person who can verify employment: Justice Alexander O. Bryner (retired)

Current address of this person: _____

City Anchorage State AK Zip _____

Dates and Location of Employment: From Sept. 2004 To Aug. 2005 City Anchorage State AK

Description: Judicial clerk to Chief Justice Alexander O. Bryner. Conducted legal research and drafted memoranda for cases pending in the AK Supreme Court.

Reason for Leaving: One year rotational law clerk position ended

Previous Employers (continued)

Employer: Baker, Manock & Jensen, PC
Supervisor or name of contact person who can verify employment: Matthew Hoffman
Current address of this person: 5260 N. Palm Ave., Suite 421
City Fresno State CA Zip 93704-2209
Dates and Location of Employment: From May 2003 To Aug. 2003 City Fresno State CA
Description:

Summer associate for mid-size law firm. Conducted research and drafted legal briefs in corporate, business and medical malpractice litigation.
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Reason for Leaving: Summer associate position ended, returned to law school.

Employer: UC Berkeley - Professor Joan Hollinger
Supervisor or name of contact person who can verify employment: Joan Hollinger
Current address of this person: retired
City _____ State _____ Zip _____
Dates and Location of Employment: From Jan 2003 To May 2003 City Berkeley State CA
Description:

Conducted legal research in adoption law and policy. Assisted Professor Hollinger with updating legal treatise Adoption Law and Practice.

Reason for Leaving: Semester long research assistant position ended.

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:

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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:

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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:

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Reason for Leaving: _____

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

(a) Percent of your practice that was:

Civil	20
Criminal	80
Other	0
	= 100%

Comment: _____

(b) Percent:

State	95
Federal	5
Other	
	= 100%

Comment: _____

(c) Of practice in state courts, percent:

Supreme Court	5
Court of Appeals	5
Superior Court	80
District Court	10
	= 100%

Comment: _____

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All
Comment: I appear in court several times a week for various hearings.

(e) Number of trials (by court or jury) you conducted:
 None 1-5 6-15 16-30 31 or more
Comment: I have completed over 40 jury trials.

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

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

(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.).

While in private practice I represented an adoptive parent in a case where a previously absent, biological parent was trying to reverse the legal adoption. I believe that was through Alaska Legal Services.

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 May 2005
 California Supreme Court December 2005 (currently inactive)
 U.S. District Court for the State of Alaska 2006

Public Service

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

Alaska Bar Association
 American Bar Association (previously)
 Young Lawyers Section of the Anchorage Bar Association (previously)

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)

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.

I have previously volunteered as a mentor on the Anchorage Youth Court, and judged local high school mock trial competitions. Over the past ten years as a prosecutor I have gone into local high schools to do presentations on the criminal justice system for students interested in pursuing legal careers.

The majority of my community volunteer work revolves around my children's activities in school. I volunteer extensively in helping set up school activities and have chaperoned a number of field trips. I have volunteered time assisting with my daughter's middle school debate team competitions, and previously coached my son's hockey teams.

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.

4DJ-16-225MO - In 2016, I inadvertently took an animal of the wrong sex. I turned myself in to fish and game as required, and did not contest the violation. I paid a \$300 fine and forfeited the animal.

I received a speeding ticket in approximately 2006 in Anchorage. I paid a fine of approximately \$70. I do not believe there are any court records of it.

I received a speeding ticket in high school, and went through a weekend traffic school and the ticket was dismissed.

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 approximately 1997, I was a plaintiff in a small-claims case over a dispute regarding a vehicle that I had purchased from a private party. This was in Cheyenne, Wyoming. I no longer have any paperwork on this case and cannot locate any record of it online.

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: Cory Pepiton
Address: _____
City/State/Zip: Anchorage, AK Phone: _____

Name: Michelle Piehl
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: Clint Campion
Address: 500 L Street, Suite 500
City/State/Zip: Anchorage, AK 99501 Phone: _____

Name: Paul Miovas
Address: 310 K Street, Suite 610
City/State/Zip: Anchorage, AK 99501 Phone: _____

Name: Judge Kevin Saxby
Address: 825 W. 4th Ave.
City/State/Zip: Anchorage, AK 99501 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 of Alaska **Case Number:** 3AN-13-06977CR
v. Michael Carl **Judge Name:** Judge Michael Wolverton

Attorneys Involved:

Name: <u>Jonathon Torres</u>	Name: <u>Mary Burnell</u>
Address: <u>900 W. 5th Ave., Suite 200</u>	Address: <u>900 W. 5th Ave., Suite 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 2

Case Name: State of Alaska **Case Number:** 3AN-13-09719CR
v. William Hanrath **Judge Name:** Judge Jack Smith (retired)

Attorneys Involved:

Name: <u>Dan Lowery</u>	Name: _____
Address: <u>900 W. 5th Ave., Suite 200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3AN-14-06657CR
v. Marvin Colbert **Judge Name:** Judge Kevin Saxby

Attorneys Involved:

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

References and Counsel Questionnaires (continued)

(d) List the names, addresses, **including zip codes, and suite numbers where applicable**, and phone numbers of each attorney involved in your three most recent cases that did not go to trial but in which you did significant work. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent cases they presided over that did not go to trial but in which they did significant work.) Please include the judge's name and case names and numbers. (*Attach additional pages if necessary.*)

Case Number 1

Case Name: State of Alaska **Case Number:** 3AN-13-12932CR
v. Bonnie Degenstein **Judge Name:** _____

Attorneys Involved:

Name: <u>Jonathon Torres</u>	Name: <u>Mary Burnell</u>
Address: <u>900 W. 5th Ave., Suite 200</u>	Address: <u>900 W. 5th Ave., Suite 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 2

Case Name: State of Alaska **Case Number:** 3AN-12-5339CR/3AN-14-10162CI
v. Charles Charlie **Judge Name:** Judge Jack Smith (retired)

Attorneys Involved:

Name: <u>Julia Moudy</u>	Name: <u>Gayle J. Brown</u>
Address: <u>900 W. 5th Ave., Suite 200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3AN-07-00763CR
v. David Prince **Judge Name:** Judge Michael Spaan (retired)

Attorneys Involved:

Name: <u>Dan Lowery</u>	Name: _____
Address: <u>900 W. 5th Ave., Suite 200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

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.

I believe that my experience as a Supreme Court law clerk, as well as criminal and civil law experience over the past 14 years will make me an ideal candidate as a superior court judge. I gained valuable insight into the mindset and day to day work habits of judges while working directly for the Chief Justice of the Alaska Supreme Court. While in private practice I handled a wide range of issues, from regulatory matters to civil litigation, as well as real estate and employment transactional work. I also have some experience in family law matters, primarily through research and writing in the area of adoption law.

My purpose in going to law school was to be a public servant in the criminal law arena. As a prosecutor over the past ten years, I have worked hard to represent all of the people of Alaska. I believe that my greatest role in this position is to protect not only the general public, but also the rights of the accused. I believe my ability to conduct my cases fairly and treat both defendants and opposing counsel with dignity, respect and fairness is an asset that will serve

Additional Comments (Continued)

me well as a judge. I have also developed very respectful relationships with law enforcement over the years that allows me to regularly educate police officers on important legal issues that protect the rights of Alaskan citizens.

Over the past ten years I have handled cases ranging from low-level misdemeanors to the most complex felonies. I have conducted dozens of trials that varied in length from a few days to nearly eight weeks long. Nearly half of my trials have involved sexual assault and sexual abuse of a minor charges, and I currently supervise a trial team that handles all of our office's cases in those areas. I routinely handle some of the most complex legal issues in our office. I believe that this work has prepared me well for a position on Alaska's bench, and I would be honored to continue my public service in Kenai as a Superior Court judge.

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 two photographs of yourself with your application.

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

Biographical Statement

Name Jason Gist

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

Kenai Superior Court

Please leave this area blank

Date: July 27, 2018

My family and I came to Alaska in 2004 “for one year,” so that I could clerk for the Alaska Supreme Court. Not long after our arrival, we realized one year would not be enough. Following my clerkship, I worked for a small firm in Anchorage, before becoming an Assistant District Attorney. For the past ten years I have been privileged to serve the State in that capacity. I have tried dozens of felony and misdemeanor trials, and currently supervise our office’s special assault trial unit that deals with sexual assault and sexual abuse of minor cases.

My family and I spend as much time as we can on the Kenai peninsula, and would like to make it our permanent home. It would be an honor to continue my career in public service as a judge in the Kenai area.