

Received
OCT 14 2022

Alaska Judicial Council

Alaska Judicial Council Application for Judicial Appointment

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

Date: 10/13/2022

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Kelly Jean Lawson

Name as it should appear on bar survey: Kelly J. Lawson

* 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 names or pseudonyms? If so, please identify. N/A

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
_____ years _____ months
Total 45 years 9 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
_____ years _____ months
Total 19 years 3 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.

University of Alaska Fairbanks, B.A. Justice, 1999

** 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 Montana School of Law, Missoula, Montana, J.D. 2002

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.

Vice President, Native American Law Student Association

- (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.

While employed with the District Attorney's Office, I attended the annual DA's conference. Additionally, I have completed mandatory and voluntary CLEs through presentations from the civil division as well as online webinars and in-person CLEs as available.

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 law school, my summer jobs included waitressing and working as a cashier at K-mart. However, I have not engaged in any major non-legal work since becoming an attorney.

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: Office of Victims' Rights

Supervisor or name of contact person who can verify employment: Katherine Hansen

Current address of this person: 1007 W. 3rd Avenue, Suite 205

City Anchorage State AK Zip 99501

Dates and location of Employment: From April 2022 To current City Anchorage State AK

Job title and description:

Victim Rights' Attorney, I represent crime victims throughout the State in criminal cases.

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

Employer: State of Alaska, Department of Law, Criminal Division

Supervisor or name of contact person who can verify employment: Scot Leaders

Current address of this person: 120 Trading Bay, Suite 200

City Kenai State AK Zip 99611

Dates and Location of Employment: From May 2020 To April 2022 City Kenai State AK

Job title and description: Deputy District Attorney

Reason for Leaving: Accepted position with the Office of Victims' Rights

Employer: State of Alaska, Department of Law, Civil Division

Supervisor or name of contact person who can verify employment: Carla Erickson

Current address of this person: 1031 W. 4th Ave. Suite 200

City Anchorage State AK Zip 99501

Dates and Location of Employment: From August 2018 To February 2020 City Kenai State AK

Job title and description: Assistant Attorney General, Civil Division, Child Protection Section

Reason for Leaving: I took a little break after caring for my father, who passed away in 2019.

Previous Employers (continued)

Employer: State of Alaska, Department of Law, Criminal Division

Supervisor or name of contact person who can verify employment: Scot Leaders

Current address of this person: 120 Trading Bay, Suite 200

City Kenai State AK Zip 99611

Dates and Location of Employment: From February 2007 To August 2018 City Kenai State AK

Job title and description: Assistant District Attorney

Reason for Leaving: accepted a position in the Civil Division

Employer: State of Alaska, Department of Law, Criminal Division

Supervisor or name of contact person who can verify employment: Valerie Robinson

Current address of this person: PO Box 110300

City Juneau State AK Zip 99811

Dates and Location of Employment: From October 2003 To October 2006 City Fairbanks State AK

Job title and description: Assistant District Attorney

Reason for Leaving: I left the Department to take care of a terminally ill family member.

Employer: Alaska Court System

Supervisor or name of contact person who can verify employment: Honorable Dan Hensley (retired)

Current address of this person: 825 W. 4th Ave.

City Anchorage State AK Zip 99501

Dates and Location of Employment: From October 2002 To October 2003 City Anchorage State AK

Job title and description: Judicial Law Clerk to Presiding Judge Dan Hensley

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 _____

Job title and 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 _____

Job title and description: _____

Reason for Leaving: _____

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

(a) Percent of your practice that was: Civil 2
Criminal 98
Other _____
= 100%

Comment: _____

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

Comment: _____

(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 (select one):
 Regularly Occasionally Infrequently Not at All

Comment: _____

(e) Number of trials (by court or jury) you conducted (select one):
 None 1- 5 6-15 16-30 31 or more

Comment: _____

(f) Percent of these trials which were: Jury 97 Non-Jury 3

Comment: _____

(g) Approximate number of appellate matters handled: 4

Comment: _____

(h) Approximate number of arbitrations or administrative hearings (select one):

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.).

I have been unable to engage in pro bono work because the majority of my career has not allowed it due to the potential of conflicts.

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, 2002 - Present

Public Service

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

I have been involved with the Anchorage Bar Association, Tanana Valley Bar Association, Kenai Bar Association and am a member of the Alaska Native Law Section through the Alaska Bar Association.

13. List publications, if any (give title, subject and date of publications). Please include online publications such as blogs or websites, and any 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)
Homer Superior Court	7-10-2019	Y	N
Kenai District Court	7-10-2019	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.

During my time living in Kenai, I had been an active member of the local running community. I had also been involved in dance classes and through that had volunteered to work the box office on several occasions for a local dance company.

Also during my time in Kenai, I was a member of the local Multi-Disciplinary Teams in both Homer and Kenai. While employed with the Kenai DA's office, I was a member of the local SART/SANE team.

From January of 2020 until I moved to Anchorage in June of 2022, I was a volunteer with Hospice of the Central Peninsula and provided direct care client services in the 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.

3VA-00-V10548: speeding in an enhanced violation area (construction zone), fine \$136.00

3KN-10-457MO: failure to yield for a red light (I slid through an intersection on icy road conditions), fine \$160.00

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).

I am currently a named defendant in a civil case, filed by a defendant I prosecuted. His claims come directly out of the case I prosecuted him for. He has also named the State of Alaska, Office of Public Advocacy, his appellate attorney, the Judge, and the State's appellate attorney as defendants as well. The case is still pending, Daniel Hinsberger v. State of Alaska et al 3HO-21-00181CI.

(d) Has a court ever found you to have provided ineffective assistance of counsel? Yes No

If so, provide the particulars including petitioner and case number.

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: Robyn Atkins
Address: 972 Windflower Lane
City/State/Zip: Fairbanks, AK 99712 Phone: 907-388-7041

Name: Helen Hickmon
Address: c/o Alaska State Commission for Human Rights, 800 A Street, Suite 204
City/State/Zip: Anchorage, AK 99501 Phone: 907-274-4692

- (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: Judge Charles T. Huguelet (retired)
Address: address and phone number provided via email to Ms. DiPietro
City/State/Zip: see above Phone: see above

Name: Judge Lance Joanis
Address: 125 Trading Bay Road, Suite 100
City/State/Zip: Kenai, AK 99611 Phone: 907-283-3110

Name: Judge Jennifer K. Wells
Address: 125 Trading Bay Road, Suite 100
City/State/Zip: Kenai, AK 99611 Phone: 907-283-3110

References and Counsel Questionnaires (continued)

(c) List the names, addresses, including zip codes, and suite numbers where applicable, of each attorney involved in your three most recent cases that have gone to trial. Please do not list cases with any pending issues in the trial or appellate 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. If you have no cases that have gone to trial within the past three years, you may include cases that went to trial before that date, or may provide up to six cases in response to the next subsection, 20(d). Please include the judge’s name and case names and numbers. (Attach additional pages if necessary.)

Case Number 1

Case Name: ITMO S.S., J.S.,A.S.,A.S.,L.S. **Case Number:** 3KN-18-00017/18/19/20/21/22CN
v. _____ **Judge Name:** Charles T. Huguelet

Attorneys Involved:

Name: Parissa Harris Name: Amanda Harber
Address: 215 Fidalgo Ave. Suite 104 Address: PO Box 661
City, State, Zip: Kenai, AK 99611 City, State, Zip: Soldotna, AK 99669

Name: Jon Iannaccone Name: _____
Address: 120 Trading Bay Rd. Suite 200 Address: _____
City, State, Zip: Kenai, AK 99611 City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3HO-14-00003CR
v. Daniel Hinsberger **Judge Name:** Charles T. Huguelet

Attorneys Involved:

Name: Jason Gazewood Name: _____
Address: 3243 Commercial Drive Address: _____
City, State, Zip: Anchorage, AK 99501 City, State, Zip: _____

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

Case Number 3

Case Name: State of Alaska **Case Number:** 3KN-17-00054CR
v. James Mistecka **Judge Name:** Anna M. Moran

Attorneys Involved:

Name: Jon Iannaccone Name: _____
Address: 120 Trading Bay Rd. Suite 200 Address: _____
City, State, Zip: Kenai, AK 99611 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, 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 with any pending issues in the trial or appellate 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:** 3KN-14-00242CR
v. Ilya Gherman **Judge Name:** Charles T. Huguelet

Attorneys Involved:

Name: <u>Josh Cooley</u>	Name: _____
Address: <u>215 Fidalgo Ave. Suite 201</u>	Address: _____
City, State, Zip: <u>Kenai, AK 99611</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3KN-15-00741CR
v. Zachary Montgomery **Judge Name:** Charles T. Huguelet

Attorneys Involved:

Name: <u>Joy Hobart</u>	Name: _____
Address: <u>130 Trading Bay Rd Suite 390</u>	Address: _____
City, State, Zip: <u>Kenai, AK 99611</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3KN-15-01875CR
v. Michael Powell **Judge Name:** Charles T. Huguelet

Attorneys Involved:

Name: <u>Emily Cooper</u>	Name: _____
Address: <u>900 W. 5th Ave. Suite 525</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, (d) samples from open cases including cases on appeal.

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.

My entire legal career has been dedicated to public service and I have been a trial attorney up until April of this year. I have prosecuted high level felony offenses, focusing on some of the most difficult types of cases - sexual offenses - for the latter part of my prosecuting career.

I currently work as a Victims' Rights Attorney which continues to include high level felony offenses and even more direct crime victim contact. I have also worked as a CINA attorney, as well as having experience handling Juvenile Delinquency and Post Conviction Relief cases.

My family moved to the Peninsula when I was in the 4th grade. I graduated from Homer High School in 1995. I am from the Peninsula and am dedicated to continuing to help the local area through my public service.

I was the sole caregiver for my elderly father for 13 years until he passed away in 2019. I was able to maintain a stable and strong work, life balance through all of that. At times it was incredibly stressful, which I feel shows my ability to maintain professionalism and respond well under pressure, all of which make great attributes for a judge. Additionally, my time as a Deputy District Attorney came with even more responsibility and supervision of others, which I handled adeptly.

I work hard to be fair, prepared, effective and efficient. I feel these characteristics will translate well if I end up on the bench. It would be an honor to be able to continue to give back to my hometown community in this way.

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 (select one).

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 a photograph of yourself with your application.

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

Biographical Statement

Name Kelly J. Lawson

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

Kenai Superior Court

Please leave this area blank

Date: October 13, 2022

I am a born and raised Alaskan, splitting my childhood between the Interior (Cantwell) and the Peninsula (Anchor Point). I attended UAF where I obtained my B.A. (Justice) in 1999. I attended law school at the University of Montana, obtaining my J.D. in 2002.

After law school I clerked for Presiding Judge Dan Hensley (retired). After my clerkship, I began prosecuting in the Fairbanks D.A.'s Office in 2003, later moving to Kenai. I have primarily worked as a prosecutor on the Peninsula, having also worked as an A.A.G. in the CINA unit. In April of 2022 I took a position as a Victims' Rights Attorney with the Office of Victims' Rights in Anchorage.

My legal career has been devoted to public service. Being from Alaska and primarily the Peninsula, it would be an honor to continue my service to the people of the Peninsula as a Judge.