

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.

Northwestern School of Law, Lewis & Clark College, Portland, Oregon
August 1982 - May 1985, JD conferred June 1, 1985

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.

Certificate in Environmental & Natural Resources Law

- (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.

Alaska Bar Convention, May 2016. DRI Annual Meeting, includes multi-day CLE; Attended annually since at least 2005. Council on Litigation Management (CLM) Annual Conference, includes multi-day CLE; Attended annually since 2007 (including 2017). Primerus Global Conference, including approximately 8 hours CLE; Attended annually since 2013. Several local CLE courses.

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.

From the age of 16 on through college (1975-1982), I worked at Ross Grocery, a small business in California. I started as a delivery boy, and worked my way into management. Through my college years, I regularly worked two jobs, remaining at the Grocery on the weekends, and doing warehouse work for WW Grainger, National Packaging and other businesses I don't recall. I also worked as a research assistant/writer for a contractor doing work for the California Water Commission for several months from 1980-1981. From 1976 to 1982, I was also a volunteer fireman in Ross, CA.

For the past 8 years, in addition to my law practice, I have operated TBJ Properties, LLC. This LLC was set up to manage a rental house in Florida (my late mother's home). The property has recently sold and I am in the process of winding up the LLC. There are no unpaid debts, claims or litigation. I have recently filed the final tax return.

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: Matthews & Zahare, PC

Supervisor or name of contact person who can verify employment: A. Michael Zahare

Current address of this person: _____

City Anchorage State AK Zip _____

Dates and location of Employment: From 4/1/1994 To Present City Anchorage State AK

Description:

Owner/founder/managing partner of Anchorage based law firm.

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

Employer: Bliss Riordan, f/k/a Bradbury Bliss & Riordan

Supervisor or name of contact person who can verify employment: Ronald L. Bliss / James K. Wilkens.

Current address of this person: 310 K Street, Suite 200

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 6/1985 To 3/31/1994 City _____ State _____

Description: January 1991- March 1994, Partner; June 1985-December 1990, Associate

Reason for Leaving: Firm dissolved

Employer: US Dept. of Justice / Bonneville Power Administration

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

Current address of this person: _____

City Portland State OR Zip _____

Dates and Location of Employment: From May 1983 To May 1985 City Portland State OR

Description: Law Clerk assigned to massive litigation project involving WPPSS litigation - Municipal Bond Default / Power Forecast litigation.

Reason for Leaving: Graduated and moved to Alaska.

Previous Employers (continued)

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: _____

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: _____

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 99
Criminal 1
Other _____
= 100%

Comment: some appointed criminal work early on; all civil since 1994.

(b) Percent: State 80
Federal 20
Other _____
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court 1
Court of Appeals _____
Superior Court 95
District Court 4
= 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: Most cases are resolved by settlement or mediation.

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

Comment: _____

(g) Approximate number of appellate matters handled: 10

Comment: Includes Alaska Supreme Court and Ninth Circuit.

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

Briefly describe type of matters heard:

UM/UIM Arbitrations; license hearings.

(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 regularly done work for individuals and small businesses who cannot afford legal services through voluntary arrangements at my firm. I have handled a handful of matters through formal appointment by Alaska Legal Services. I also regularly counsel individuals and non-profit organizations in the community of Hope, Alaska on a voluntary, without fee basis.

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 State Courts, November 1985
 United States District Court, Alaska, November 1985
 Ninth Circuit Court of Appeals, April 1987; United States Tax Court, 1986
 US Supreme Court, February 1997.

Public Service

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

Alaska Bar Association. I have been a member of the Ethics Committee for approximately 25 years.

At various times, I have been a member of the following sections: Torts/Personal Injury, Business Law, Admiralty, Taxation, and Alaska Native Law sections.

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).

I have authored or co-authored two law review articles for the Alaska Law Review, co-authored two publications for the National Business Institute, and been a contributing author for several other publications. See attached list.

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	12/2016	Yes	No
Anchorage Superior Court	9/2017	Yes	?

Publications

Thomas A Matthews

- Co-Author, A Survey of Federal Tax Collection Procedure: Rights and Remedies of Taxpayers and the Internal Revenue Service, 3 Alaska L. Review 269, December 1986
- Author, Products Liability In Alaska – A Practitioner’s Overview, 10 Alaska L. Review 1, June 1993
- Co-Author, A Practical Guide to Federal Court Rules and Practice in Alaska, National Business Institute, 1996
- Co-Author, Bad Faith Litigation in Alaska, National Business Institute, 2005
- Contributing Author, Alaska State Claims Handling Guide – Claims and Litigation Management Alliance, November 2013
- Co-Author, A Survey of the Law of Non-Contractual Indemnity and Contribution – Compiled by the Products Liability Group of the Primerus Defense Institute, International Society of Primerus Law Firms, April 2015
- Co-Author, A Survey of the Law of Legal Malpractice – Compiled by the Products Liability Group of the Primerus Defense Institute, International Society of Primerus Law Firms, September 2015
- Co-Author, A Survey of the Law of Dram Shop Liability – Compiled by the Primerus Defense Institute, International Society of Primerus Law Firms, April 2017

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.

For the last 15 years, I have been a regular volunteer with various non-profit entities serving the community of Hope, AK, including the Museum, Fire & EMS Departments. I currently serve on the board and as Secretary of the Hope & Sunrise Historical Society. I have been a member of the Volunteer Fire Service in Hope for more than a decade. I am a firm believer and supporter of Food Banks, including the Food Bank of Alaska. For the last decade, I have regularly participated as a volunteer in Food Bank projects in various cities in the US in conjunction with certain annual meetings I attend. In the 1990s, I coached youth hockey with the Boys & Girls Club in Anchorage, and also served on the Hockey Advisory Committee. I was active in numerous volunteer positions with soccer and hockey clubs when my children were younger. In addition, for many years, I managed the Lawyer's League, a softball league serving the legal community in Anchorage.

Since 2013, I have been an active member of the International Society of Primerus Law Firms. Primerus is a highly selective society of independent boutique law firms. I am committed to the Six Pillars of Primerus membership: integrity, excellent work product, reasonable fees, continuing education, civility and community service.

I also served as a volunteer firefighter in CA for 5 years during my college years and worked with a program called College for Kids for elementary school kids.

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.

Shortly after my 18th Birthday (1977), I made the mistake of trying to drive home after an evening out with friends. I was young and stupid. Midway home, I realized I should not be driving and pulled over. As I sat with the car running on a side-street, I was approached by the police and arrested for DUI. I pled no contest, paid my fine and served my probation. My record was later expunged. In the last 40 years, I have had only one other moving violation. I was driving Interstate 5 in California and received a speeding ticket for going 65 in a 55. I went to traffic school in lieu of a fine. I have not had any other violations of any kind since moving to Alaska more than 30 years ago.

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 1987, I had brief involvement in defending a private investigator from a malpractice action by his former client (who had been charged in a criminal case.) The investigator's client, then incarcerated, brought suit against anyone who had ever "touched" his case, including lawyers, judges and the congressional delegation. I was one of approximately 50 named defendants in a lawsuit brought in US District Court in NY. The case was summarily dismissed.

I am serving as Personal Representative/Trustee for my mother-in-law's Estate in California which is currently being wound up. I was also personal representative for my father's estate when that was probated in 1993 in California.

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: Frank Thomas-Mears
Address: _____
City/State/Zip: Anchorage, AK Phone: _____

Name: Scott S Moorhouse
Address: _____
City/State/Zip: Sonoma, CA 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: Judge Michael Corey
Address: 825 West 4th Ave, Courtroom 303
City/State/Zip: Anchorage, AK 99501 Phone: _____

Name: Nelson G. Page, Bar Counsel
Address: P.O. Box 100279
City/State/Zip: Anchorage, AK 99510 Phone: _____

Name: Marc W June
Address: 807 G. Street, Suite 150
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: Gunarama Wholesale **Case Number:** 3VA-13-00054 CI
v. Larry Reynolds **Judge Name:** Daniel Schally

Attorneys Involved:

Name: <u>Michael Rose</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: _____

Name: <u>Eric Auten</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: <u>Valdez, AK</u>	City, State, Zip: _____

Case Number 2

Case Name: Donald & Joy Thompson **Case Number:** 3AN-10-10136
v. Stanislav Teodorovich **Judge Name:** Gregory Miller

Attorneys Involved:

Name: <u>Michaela Kelley Canterbury</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: _____

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

Case Number 3

Case Name: Rick Wade **Case Number:** 3VA-14-00022 SC
v. Ken Larson **Judge Name:** Daniel Schally

Attorneys Involved:

Name: <u>n/a - Pro Se Ken Larson</u>	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: Paula Brannon **Case Number:** 3AN-14-06105 CI
v. JWC, Inc, et al **Judge Name:** Andrew Guidi

Attorneys Involved:

Name: <u>Thomas Burke Wonnell</u>	Name: <u>Peter Sandberg</u>
Address: _____	Address: <u>813 West 3rd Ave</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: Johnna Brown **Case Number:** 3AN-15-04818
v. Aurora Dental **Judge Name:** Frank Pfiffner

Attorneys Involved:

Name: <u>Meg Simonian</u>	Name: <u>Roger Holmes</u>
Address: _____	Address: _____
City, State, Zip: <u>Anchorage, AK</u>	City, State, Zip: <u>Anchorage, AK</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Doug Galipeau **Case Number:** 3AN-16-06816 CI
v. Frontier Fire Protection **Judge Name:** Catherine Easter

Attorneys Involved:

Name: <u>Jonathan Katcher</u>	Name: <u>Adam Q. Voyles</u>
Address: <u>421 West 1st Ave., Suite 220</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Houston, TX</u>
Name: <u>Daniel T. Quinn</u>	Name: _____
Address: <u>360 K Street, Suite 200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	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.

I was fined \$50 by Judge Andrew Kleinfeld for being late on a telephonic hearing appearance in 1986 when the conference operator did not connect the call at the scheduled time. The fine was later vacated after the Judge reconsidered his ruling when presented with the full facts.

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 have spent my career of 30+ years in Anchorage, but I have also been privileged to work in courts around the state in all four judicial districts. I have had an opportunity to meet and work with people from various diverse backgrounds. I view each case as an opportunity to learn something new. But more importantly, I view my job as a problem solver. At this point in my career, I believe I have a breadth of experience in all manner of cases which will help in addressing issues before the 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 Thomas A Matthews

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

Anchorage Superior Court

Please leave this area blank

Date: January 23, 2018

I came to Alaska in 1985 after law school and started my legal career at the law firm of Bradbury, Bliss & Riordan. I opened my own firm in 1994, focusing on civil litigation. Throughout my career, I have been privileged to work in courts throughout Alaska primarily representing individuals and businesses in all manner of civil disputes. I have also served as an Arbitrator and a Mediator. It has been my great honor to serve on the Ethics Committee of the Bar Association for 25 years.

I received my JD from Northwestern School of Law at Lewis & Clark College after completing my undergraduate work at UC Berkeley.

My wife, Jane and I were college sweethearts and have been married for 33 years. We raised our two children here and are delighted they still call Alaska home. If I'm not at work, you can usually find me at our cabin in Hope, playing hockey or behind the stove in our kitchen.