

AUG 17 2016

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Bethel Superior Court

Date: 08/15/2016

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Nathaniel Peters

Name as it should appear on bar survey: Nathaniel Peters

* 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.

Nate Peters

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

7 years 10 months
Total 11 years 9 months

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

7 years 10 months
Total 11 years 1 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.

Truman State University - Fall 1994 to Spring 1999. B.S. Marketing Spring 1999.

Benedictine University - Summer 1997 for one Spanish course.

** 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.

Ohio Northern University - August 1999 to May 2002. Graduated May 2002 with J.D.

6. (a) Did you receive any honors in law school or belong to any honorary societies or groups?
 Yes No If yes, please give details.

Graduated with honors.

- (b) Have you taken any CLE (continuing legal education) courses during the past five years?
 Yes No

Please describe or list. Please do not attach individual certificates of attendance.

Annual Bar Convention - 2016, 2015, 2014
Fall Judicial Conference - 2015
Newer Judges Conference - 2016, 2015, 2014
National Judicial College - 2014 General Jurisdiction Course
This Would Never Happen in Civil/Criminal Practice - 2012
Crime Scene Reconstruction - 2012

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.

Pepperidge Farms, Downers Grove, IL - factory work summers 1994 to 1998.

Drumtight Painting & Staining, Naperville, IL - painting exterior of houses summer 1999.

Regal Beagle, Ada, OH - bartender approximately August 2000 to May 2002 (school year only).

Stratford Arms, Stratford-on-Slaney, Co. Wicklow, Ireland - bartender approximately September 2007 to September 2008.

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 Court System

Supervisor or name of contact person who can verify employment: The Honorable Michael MacDonald

Current address of this person: 101 Lacey Street

City Fairbanks State AK Zip 99701

Dates and location of Employment: From Jan 2014 To current City Bethel State AK

Description:

District Court Judge and Superior Court Judge Pro Tem

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

Employer: Alaska Public Defender Agency - Palmer Office

Supervisor or name of contact person who can verify employment: Windy Hannaman

Current address of this person: 515 E. Dahlia Ave., Suite 100

City Palmer State AK Zip 99645

Dates and Location of Employment: From Sept 2008 To Jan 2014 City Palmer State AK

Description: Public criminal defense for felonies and misdemeanors. CINA and delinquency coverage as needed.

Reason for Leaving: Appointed to the Bethel District Court.

Employer: Doyle Fox & Associates Solicitors (law firm in Ireland)

Supervisor or name of contact person who can verify employment: Peter Doyle

Current address of this person: The Farmhouse, Main Street

City Blessington State Wicklow Zip Ireland

Dates and Location of Employment: From March 2007 To Sept 2008 City Blessington State Wicklow

Description: Legal Executive for general solicitors office. My main areas were probate, debt collection, and conveyancing.

Reason for Leaving: Return to Alaska where I had worked for a number of years before.

Previous Employers (continued)

Employer: Alaska Public Defender Agency - Bethel Office
Supervisor or name of contact person who can verify employment: John Cashion
Current address of this person: 1007 W. 3rd Ave., Suite 301
City Anchorage State AK Zip 99501
Dates and Location of Employment: From Sept 2003 To May 2006 City Bethel State AK
Description: Public criminal defense misdemeanors and felonies, therapeutic court, CINA and delinquency.
Reason for Leaving: Move to Ireland where my wife, whom I met in Bethel, is from.

Employer: Alaska Court System
Supervisor or name of contact person who can verify employment: The Honorable Beverly Cutler, retired
Current address of this person: c/o the Alaska Court System, 435 S. Denali
City Palmer State AK Zip 99645
Dates and Location of Employment: From Sept 2002 To Aug 2003 City Palmer State AK
Description: Superior Court law clerk and deputy magistrate
Reason for Leaving: clerkship ended

Employer: Federal Judicial Externship through law school
Supervisor or name of contact person who can verify employment: The Honorable James G. Carr
Current address of this person: 1716 Speilbush Ave., Room 403
City Toledo State OH Zip 43604
Dates and Location of Employment: From Sept -2001 To Dec 2001 City Toledo State OH
Description: Federal judicial externship
Reason for Leaving: externship ended

Employer: Alaska Public Defender Agency
Supervisor or name of contact person who can verify employment: Barb Brink
Current address of this person: 601 W. 5th Ave., Suite 800
City Anchorage State AK Zip 99501
Dates and Location of Employment: From June 2001 To Aug 2001 City Anchorage State AK
Description: bail intern
Reason for Leaving: summer internship ended / return to law school

Employer: Alaska Legal Services Corp.
Supervisor or name of contact person who can verify employment: Nikole Nelson
Current address of this person: 1016 W. 6th Ave., Suite 200
City Anchorage State AK Zip 99501
Dates and Location of Employment: From June 2000 To Aug 2000 City Anchorage State AK
Description: landlord/tenant intern
Reason for Leaving: summer internship ended / return to law school

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

(a) Percent of your practice that was: Civil 25
Criminal 75
Other _____
= 100%

Comment: _____

(b) Percent: State 95
Federal _____
Other 5
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court _____
Court of Appeals _____
Superior Court 50
District Court 50
= 100%

Comment: _____

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All

Comment: _____

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

Comment: _____

(f) Percent of these trials which were: Jury 70 Non-Jury 30

Comment: _____

(g) Approximate number of appellate matters handled: 2

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.).

None since becoming a judge.

Mat-Su Project Connect - answered questions individuals with low income had regarding legal issues.

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.

Supreme Court State of Alaska - December 2002
 State of New York, Supreme Court Appellate Division, 1st Judicial District - August 2007
 Courts of Ireland - September 2008

Public Service

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

State of Alaska
 State of New York
 Law Society of Ireland

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).

[Empty box for legal publications]

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)
Bethel District Court	May 2013	Y	Y

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.

Since becoming a judge:

District Court Bench Bar - Bethel, AK
PACE Court Judge - Bethel, AK
Bethel Therapeutic Court back-up Judge - Bethel, AK
Assoc. of Village Council Presidents "Undoing Racism" Program - participant - Bethel, AK
Kuskokwim 300 Sled Dog Race Volunteer - Bethel, AK
Supper Club - volunteer serving dinner to members of the community on Friday nights during the fall and winter months - Bethel, AK
Immaculate Conception Church - attend services - Bethel, AK
Actively involved in family and sporting activities through children's schools - Bethel, AK

Prior to becoming a judge:

Mat Su Youth Court - legal advisor and in 2012 taught a class - Palmer, AK
Palmer Soccer Club - board member and coach
Mat Su Project Connect - participated by answering questions from individuals with low income regarding legal issues

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.

'93 or '94 speeding ticket DuPage Co., IL; '96 or '97 speeding ticket Columbia, MO; '99 speeding ticket south of Iowa City, IA; Dec. '01 speeding ticket just north of Detroit, MI; Dec. '02 speed restriction 3AN-02A1316275. Fines for all tickets paid. Small claims 3AN-03-4130 SC. This was the result of property damage to a highway guardrail for the prior speed restriction ticket. I was insured and notified the proper authorities and my insurance company. The claim fell through the cracks at my insurance company until I received a collection notice from a company in Anchorage at which time my insurance company was reminded of their duty to pay and they did.

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.

Yes, but only with respect to the small claims case mentioned above.

- (b) Have you ever been sued by a client? Yes No
If so, give particulars, including case numbers.

- (c) Have you ever been a party in any other legal proceeding? Yes No
If so, give the particulars. Include all legal proceedings in which you were a party in interest, including petitioner or respondent in dissolution or divorce proceedings; a material witness; a named co-conspirator or correspondent; and subject or witness in any grand jury proceedings. Do not list proceedings in which you were sued only in a representative capacity (e.g. guardian ad litem, or as Commissioner of Natural Resources).

19. State the nature and disposition of any of the following actions which apply to you:

- (a) Are there any unsatisfied judgments against you? Yes No
Have you ever defaulted in the performance of any court-imposed obligation, including payment of alimony or child support or compliance with another court order or decree?

Yes No

In each case, list the name and address of the creditor, the court which rendered the judgment, the case number, the date, the amount of the judgment, and the circumstances on which such claim was based.

Has property owned by you been either judicially or non-judicially foreclosed?

Yes No

Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

- (b) Have you ever made an assignment for the benefit of creditors? Yes No
Have you ever filed any petition in bankruptcy? Yes No
If so, state the circumstances, case number, and the outcome.

References and Counsel Questionnaires*

- * **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. If the reference asks (in writing) that the letter be shared with the governor, the Council will send designated letters and counsel questionnaires for each nominee. The applicant should not request a copy of the letter from the reference. (You **should not** list the Chief Justice of the Alaska Supreme Court.)

References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

20. (a) List the names, addresses, **including zip codes**, and **phone numbers** of two persons whom the Judicial Council may contact who can discuss your general character and background.

Name: Ben Kuntz
Address: PO Box 3176
City/State/Zip: Bethel, AK 99559 Phone: 907-543-1947

Name: Grant Keener
Address: University of Florida Law, 184 Holland Hall, PO Box 117622
City/State/Zip: Gainesville, FL 32611-7622 Phone: 217-840-9059

- (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: The Honorable Michael MacDonald, Superior Court Judge
Address: 101 Lacey Street
City/State/Zip: Fairbanks, AK 99701 Phone: 907-452-9350

Name: The Honorable Beverly Cutler, Senior Judge
Address: c/o Alaska Court System, 435 S. Denali
City/State/Zip: Palmer, AK 99645 Phone: 907-746-4151

Name: The Honorable Gregory Heath, Superior Court Judge
Address: 435 S. Denali
City/State/Zip: Palmer, AK 99645 Phone: 907-746-8149

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:** 4HB-16-09 CR
v. Jamin Tom **Judge Name:** self

Attorneys Involved:

Name: <u>Reid Schweitzer</u>	Name: <u>Terrence Haas</u>
Address: <u>PO Box 170</u>	Address: <u>PO Box 10</u>
City, State, Zip: <u>Bethel, AK 99559</u>	City, State, Zip: <u>Bethel, AK 99559</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State **Case Number:** 4BE-15-645 CR
v. Charlie Smith **Judge Name:** self

Attorneys Involved:

Name: <u>Robert Schiesser</u>	Name: <u>Lauren Johansen</u>
Address: <u>PO Box 170</u>	Address: <u>PO Box 10</u>
City, State, Zip: <u>Bethel, AK 99559</u>	City, State, Zip: <u>Bethel, AK 99559</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State **Case Number:** 4BE-15-416 CR
v. Carlie Ashepak **Judge Name:** self

Attorneys Involved:

Name: <u>Reid Schweitzer</u>	Name: <u>Nathaniel Hainje</u>
Address: <u>PO Box 170</u>	Address: <u>PO Box 10</u>
City, State, Zip: <u>Bethel, AK 99559</u>	City, State, Zip: <u>Bethel, AK 99559</u>
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 **Case Number:** 4AK-15-06/88/153 CR
v. John Simeon **Judge Name:** self

Attorneys Involved:

Name: Bailey Woolfstead Name: Nathaniel Hainje
Address: PO Box 170 Address: PO Box 10
City, State, Zip: Bethel, AK 99559 City, State, Zip: Bethel, AK 99559
Name: Name:
Address: Address:
City, State, Zip: City, State, Zip:

Case Number 2

Case Name: State **Case Number:** 4BE-14-233 CR
v. Arnold Kilbuck **Judge Name:** self

Attorneys Involved:

Name: Adrienne Bachman Name: Jim Valcarce
Address: 310 K. Street, Suite 601 Address: PO Box 409
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Bethel, AK 99559
Name: Name:
Address: Address:
City, State, Zip: City, State, Zip:

Case Number 3

Case Name: State **Case Number:** 4BE-15-569 CR
v. Roscoe Schroeder **Judge Name:** self

Attorneys Involved:

Name: Jared Karr Name: John Putikka
Address: PO Box 170 Address: PO Box 10
City, State, Zip: Bethel, AK 99559 City, State, Zip: Bethel, AK 99559
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.

A Palmer judge would occasionally fine attorneys who are late for court. I believe I was fined once. I paid said fine.

A Palmer judge publicly reprimanded me off the record for a movie quote that was in a written reply brief to a written memo.

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 over the past two and a half years I have adjusted well to my role of District Court Judge in Bethel. I have strived to carry out my duties fairly, impartially, and with restraint. Shortly after I took the bench in Bethel I was asked to serve as a Superior Court Judge pro tem, which I eagerly accepted. Since that time I have handled a good percentage of the felony and Child In Need of Aid cases and I believe I have grown into that role.

I have the ability to get along and work well with my fellow judges, court staff, and the attorneys and pro se litigants that appear in front of me.

I desire to continue serving Bethel and the entire Yukon-Kuskokwim Delta and I believe my time as a District Court Judge, Superior Court Judge Pro Tem, as well as my time as an assistant public defender provides me with an understanding of the uniqueness of the community I wish to continue serving for the foreseeable future.

Additional Comments (Continued)

I am committed to remaining in Bethel long term as can be seen from the fact that I have not applied for other judicial openings even though others have been available. I applied to the Bethel District Court at my first opportunity and now I am applying to the Bethel Superior Court at my first opportunity. I have strong ties to Bethel in that my three school aged children, ages 6, 9, and 10, all attend elementary school in Bethel and are active in sports, school and non-school clubs, as well other extracurricular activities. Additionally, my wife, Addy, works for AK Child & Family, and as part of her job conducts training and outreach at the McCann Treatment Center and with Bethel area foster parents. My family and I have also taken advantage of the different classes at the local UAF campus on numerous occasions.

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 Nathaniel Peters

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

Bethel Superior Court

Please leave this area blank

Date: 08/15/2016

I attended college and law school in the Midwest and received my Juris Doctorate in 2002 from Ohio Northern University.

I moved to Alaska in 2002 to clerk for the Honorable Beverly Cutler at the Palmer Superior Court.

I worked for the Public Defender Agency on two occasions between 2003 and 2014 in Bethel and Palmer. Between my stints with the Public Defender Agency, I spent time in Ireland, my wife Addy's native home.

I have been serving on the Bethel District Court since January 2014. Additionally, I serve as a Superior Court Judge Pro Tem. My family and myself are all happy to be living back in Bethel and are immersed in community life here. I feel honored and humbled to have served as the District Court Judge and would honor the opportunity to serve Bethel and the Yukon-Kuskokwim Delta in a new capacity.