

MAY 09 2013

ALASKA JUDICIAL COUNCIL

# Alaska Judicial Council Application for Judicial Appointment

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

Bethel District Court

Date: 5/7/13

## 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.

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

4 years 7 months  
Total 8 years 6 months

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

4 years 7 months  
Total 7 years 10 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. BS 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.

This Would Never Happen in Civil/Criminal Practice - 2012.

Crime Scene Reconstruction - 2012.

Bench/Bar Conference - 2010.

Annual Public Defender Agency Conference 2008 - 2011.

## 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 Aug. 2000 to May 2002 (school year only).

Stratford Arms, Stratford-on-Slaney, Ireland - bartender approximately Sept. 2007 to Sept. 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 Public Defender Agency - Palmer Office

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

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

City Palmer State AK Zip 99645

Dates and location of Employment: From Sept 2008 To current City Palmer State AK

Description:

Public criminal defense for misdemeanors and felonies, CINA and delinquency case coverage as needed.

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

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, conveyancing, and debt collection.

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

Employer: Alaska Public Defender Agency - Bethel Office

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

Current address of this person: 421 W. 1st Ave. #247

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, was from.

**Previous Employers (continued)**

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: 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 Spielbush 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: judicial externship  
Reason for Leaving: externship ended

Employer: Alaska Public Defender Agency  
Supervisor or name of contact person who can verify employment: Barbara Brink  
Current address of this person: 601 W. 5th Ave., Ste. 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 / return to 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., Ste 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 / return to school

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 20  
Criminal 80  
Other \_\_\_\_\_  
= 100%

Comment: \_\_\_\_\_

(b) Percent: State 85  
Federal \_\_\_\_\_  
Other 15  
= 100%

Comment: \_\_\_\_\_

(c) Of practice in state courts, percent: Supreme Court \_\_\_\_\_  
Court of Appeals \_\_\_\_\_  
Superior Court 60  
District Court 40  
= 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 80      Non-Jury 20

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.).

Mat-Su Project Connect - answered questions low income individuals 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 - Dec. 2002  
 State of New York, Supreme Court Appellate Div., 1st Judicial District - Aug. 2007  
 Irish Courts - Sept. 2008

**Public Service**

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

Alaska  
 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)

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.

Mat Su Youth Court - active legal advisor and last year helped teach a class - Palmer, AK  
Kuskokwim 300 Sled Dog Race Volunteer - Bethel, AK  
Palmer Soccer Club - current board member and coach - Palmer, AK  
Alaska Assoc. of Criminal Defense Lawyers - participate in some activities and CLEs  
St. Michaels - attend services - Palmer, AK  
Fronteras Spanish Immersion School - provide some volunteer hours as needed - Wasilla, AK  
Mat-Su Project Connect - active participant

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 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: Makenzie Frye

Address: 695 E. Parks Hwy, Unit #3

City/State/Zip: Wasilla, AK 99654 Phone: 907-352-8926

Name: Grant Keener

Address: PSU, Dickinson School of Law, 121 B Lewis Katz Bldg.

City/State/Zip: University Park, PA 16802 Phone: 814-865-4224

- (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 Gregory Heath

Address: 435 S. Denali

City/State/Zip: Palmer, AK 99645 Phone: 907-746-8188

Name: Judge Beverly Cutler, retired

Address: c/o Alaska Court System, 435 S. Denali

City/State/Zip: Palmer, AK 99645 Phone: 907-746-8188

Name: Richard Allen

Address: 900 W. 5th Ave., Ste. 525

City/State/Zip: Anchorage, AK 99501 Phone: 907-269-3500

**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:** 3PA-12-1672 CR  
**v.** Harold Greenway **Judge Name:** Vanessa White

**Attorneys Involved:**

Name: <u>W. Michael Perry</u>	Name: _____
Address: <u>515 E. Dahlia St., Ste. 150</u>	Address: _____
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

**Case Name:** State of Alaska **Case Number:** 3PA-11-2791 CR & 3PA-11-2792  
**v.** Bobby Bass & Florence Bass **Judge Name:** Greg Heath

**Attorneys Involved:**

Name: <u>Shawn Traini</u>	Name: <u>Lyle Stohler</u>
Address: <u>515 E. Dahlia St., Ste. 150</u>	Address: <u>1517 Industrial Way #1 Unit 1</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

**Case Name:** State of Alaska **Case Number:** 3PA-11-2867 CR  
**v.** Rhonda Preslar **Judge Name:** David Zwink

**Attorneys Involved:**

Name: <u>Eric Senta</u>	Name: _____
Address: <u>515 E. Dahlia St., Ste. 150</u>	Address: _____
City, State, Zip: <u>Palmer, AK 99645</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:** 3PA-12-1798 CR  
**v.** Robert Compton **Judge Name:** Kari Kristiansen

#### Attorneys Involved:

Name: <u>Melissa Howard</u>	Name: <u>Brittany Dunlop</u>
Address: <u>515 E. Dahlia St., Ste. 150</u>	Address: <u>515 E. Dahlia St., Ste. 150</u>
City. State. Zip: <u>Palmer, AK 99645</u>	City. State. Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City. State. Zip: _____	City. State. Zip: _____

### Case Number 2

**Case Name:** State of Alaska **Case Number:** 3PA-11-2467; 11-757; 12-380  
**v.** Nathaniel Day **Judge Name:** Greg Heath & Vanessa White

#### Attorneys Involved:

Name: <u>Shawn Traini</u>	Name: <u>W. Michael Perry</u>
Address: <u>515 E. Dahlia St., Ste. 150</u>	Address: <u>515 E. Dahlia St., Ste. 150</u>
City. State. Zip: <u>Palmer, AK 99645</u>	City. State. Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City. State. Zip: _____	City. State. Zip: _____

### Case Number 3

**Case Name:** State of Alaska **Case Number:** 3PA-12-1637 CR  
**v.** Earland Wentworth, III **Judge Name:** John Wolfe

#### Attorneys Involved:

Name: <u>Christopher Orman</u>	Name: _____
Address: <u>155 S. Seward St.</u>	Address: _____
City. State. Zip: <u>Juneau, AK 99801</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.

A Palmer judge will occasionally fine attorneys who are late for court. I believe I have been 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 my legal education and experiences, as well as the other information provided in this application, qualify me to be the District Court judge in Bethel.

I have been aware of Bethel court vacancies and I have been thinking about applying for a Bethel judgeship for some time since I returned to Alaska but have not because I believed I would not be able to meet the residency requirement as my years of practicing law in Alaska have been divided in the middle by the absence to Ireland. I would have applied sooner if I thought there was any way to aggregate my times. Even now I will be close with the residency requirement.

Although I left Alaska for several years I maintained very strong ties and so my connection with Alaska and Bethel is greater than the sum of times I have spent there. I met my wife in Bethel. She was working for the Yukon Kuskokwim Health Corporation as director of their emergency youth shelter at the time. Our first child was born in Bethel and so we both have very strong ties to the community and

## Additional Comments (Continued)

we are both fully committed to the Bethel community.

As an assistant public defender I must zealously advocate for my clients in an oftentimes adversarial environment - I believe I have done that to the best of my ability, even though sometimes that means working at cross purposes with the judge or the district attorney. I know as a judge my role would be different in that I would no longer be an advocate but a judge. I do not think I will miss being an advocate. Rather I believe I will relish the opportunity to work for justice by working for all sides, to be fair, and to uphold the integrity and independence of the position. I think my personal traits make it easy for me to observe more and speak less. Thus I believe I could carry out my duties fairly, impartially, and with restraint.

My time as an assistant public defender in Bethel will serve me well as I was responsible for a number of the village calendars at different times. This afforded me opportunities to travel to these bush communities and do trials in a number of them. Now some of my fondest memories are from doing misdemeanor trials in Bethel and the surrounding communities in less than ideal conditions.

I believe my time as a deputy magistrate will allow me to hit the ground running in Bethel. I held weekend arraignments with in custody individuals who were often not at their best and learned to do so with a sense of fairness and respect for all.

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 District Court

*Please leave this area blank*

Date: 5/7/13

Originally from the Midwest, I attended college and law school there. I received a Juris Doctorate in 2002 from Ohio Northern University.

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

I have worked for the Public Defender Agency on two occasions; firstly from 2003 to 2006 in Bethel, handling CINA and juvenile delinquency cases, and later transitioning to misdemeanors, felonies and therapeutic court, and then again from 2008 to present where I handle misdemeanors and felonies in Palmer.

Between my stints with the Public Defender Agency, I spent time in Ireland, my wife Addy's native home; we wanted to be closer to her family after the first of our three children was born, but we missed Alaska too much and eventually decided to return. In Ireland I worked for a law firm and bartended evenings to immerse myself in the culture.