

Alaska Judicial Council Application for Judicial Appointment

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

Anchorage Superior Court

Date: 11/08/24

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Marika Rose Athens
Name as it should appear on bar survey: Marika Athens
* 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. No
2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
- | | | |
|-------|-----------------|-----------------|
| | <u>20</u> years | <u>5</u> months |
| Total | <u>42</u> years | <u>1</u> months |
3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
- | | | |
|-------|-----------------|-----------------|
| | <u>20</u> years | <u>2</u> months |
| Total | <u>20</u> years | <u>2</u> 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.

Haverford College, Bachelor of Arts, May 2000

** 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.

Duke University School of Law, Juris Doctor, May 2004

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 magna cum laude
Executive Editor, Alaska Law Review

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

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

Magistrate Judge conferences
Diversity: Stories Affecting our Lives
Elder Law webinar
Advanced Special Court Jurisdiction, National Judicial College (NJC)
Search and Seizure in Drug Impaired Driving, NJC
Working Effectively with Interpreters in DV and Sexual Assault Cases, National Center for State Courts
While at the Office of Public Advocacy (OPA), I completed the ethics CLE each year and attended the GAL/CASA conference each year

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.

I worked as an assistant teacher in a fourth grade classroom at the Phillips Brooks School in California for one year between college and law school.

During college, I spent my summers in my hometown of Fairbanks working for the Riverboat Discovery in their retail store as an employee and as a manager.

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: Thomas Matthews

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

City Anchorage State AK Zip 99501

Dates and location of Employment: From 11/2021 To present City Anchorage State AK

Job title and description:

Magistrate Judge: preside over probate cases, mental health commitments, domestic violence petitions, and dissolutions. Additionally, I handle delinquency arraignments, search warrants, arrest warrants, and bail requests.

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

Employer: Office of Public Advocacy

Supervisor or name of contact person who can verify employment: Anita Alves

Current address of this person: [REDACTED]

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 09/2013 To 11/2021 City Anchorage State AK

Job title and description: **Assistant Public Advocate, Child Advocacy Unit: handled child in need of aid (CINA) cases and appointments in domestic relations cases. I also advised non-attorney guardians ad litem.**

Reason for Leaving: hired as a Magistrate Judge

Employer: Assistant Attorney General

Supervisor or name of contact person who can verify employment: Clint Campion

Current address of this person: 500 L St., Suite 500

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 01/2010 To 08/2013 City Anchorage State AK

Job title and description: **Assistant Attorney General, Cyber Crimes Unit: handled felony child sexual exploitation cases statewide.**

Reason for Leaving: hired as an Assistant Public Advocate

Previous Employers (continued)

Employer: Assistant District Attorney
Supervisor or name of contact person who can verify employment: Brittany Dunlop
Current address of this person: 310 K St., Suite 520
City Anchorage State AK Zip 99501
Dates and Location of Employment: From 11/2007 To 12/2009 City Anchorage State AK
Job title and description: Assistant District Attorney: handled drug crimes and felony Operating Under the Influence cases; prosecuted other felonies as needed.
Reason for Leaving: hired as an Assistant Attorney General

Employer: Assistant Municipal Attorney
Supervisor or name of contact person who can verify employment: Peter Ramgren
Current address of this person: 825 West 4th Ave.
City Anchorage State AK Zip 99501
Dates and Location of Employment: From 05/2006 To 11/2007 City Anchorage State AK
Job title and description: Assistant Municipal Attorney: handled misdemeanor cases in the General Trial Unit.
Reason for Leaving: hired as an Assistant District Attorney

Employer: Judge Ralph R. Beistline
Supervisor or name of contact person who can verify employment: Judge Beistline
Current address of this person: 222 West 7th Ave. Box 49
City Anchorage State AK Zip 99513
Dates and Location of Employment: From 08/2004 To 05/2006 City Anchorage State AK
Job title and description: Law Clerk: drafted legal memoranda in civil matters.
Reason for Leaving: hired as an Assistant Municipal Attorney

Employer: Dow Lohnes (now Cooley LLP)
Supervisor or name of contact person who can verify employment: Shannon Gallagher
Current address of this person: 1144 15th St., Suite 2300
City Denver State CO Zip 80202
Dates and Location of Employment: From 05/2003 To 08/2003 City Washington State DC
Job title and description: Summer Associate: completed research assignments primarily involving copyright issues.
Reason for Leaving: returned to law school

Employer: Judge Emily Hewitt
Supervisor or name of contact person who can verify employment: Brandi Walkowiak
Current address of this person: [REDACTED]
City South Lyon State MI Zip 48178
Dates and Location of Employment: From 05/2002 To 06/2002 City Washington State DC
Job title and description: Summer intern: completed research assignments and drafted legal memoranda.
Reason for Leaving: returned to law school

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

(a) Percent of your practice that was: Civil 50
Criminal 50
Other _____
= 100%

Comment: _____

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

Comment: My federal experience comes from my time as federal law clerk.

(c) Of practice in state courts, percent: Supreme Court _____
Court of Appeals _____
Superior Court 80
District Court 20
= 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 35 Non-Jury 65

Comment: _____

(g) Approximate number of appellate matters handled: 5

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:

Participated in mediations for CINA matters.

(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.).

Under the Code of Judicial Conduct, I am barred from doing pro bono work as a Magistrate Judge. However, I assisted in an ANDVSA training program for new advocates.

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.

U.S. District Court for the District of Alaska, 2004
 State of Alaska, 2004

Public Service

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

Alaska Bar Association
 Estate Planning and Probate Law, Alaska Bar Association
 Magistrate Judge Conference committee
 Bar exam grader

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).

Alaska's DNA Database: The Statute, its Problems, and Proposed Solutions, 20 Alaska L. Rev. 389 (2003)(co-authored with Alyssa A. Rower).

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 District Court	2/6/24	Y	N

15. Have you ever held public or political office, elective or appointive? Yes No
If so, state office, manner selected, and when and where held.

16. Please provide the Council with information that you would like the Council to consider about other legal and nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal organizations. Please indicate whether you participate in the organization's activities, or simply hold a membership. Your involvement in the community is one of the criteria the Council uses in its evaluations. The Council does not use affiliation with a particular group as a criterion except to the extent that it might raise questions of conflict of interest or would affect an applicant's ability to impartially apply the law.

I was a regular volunteer at the Food Bank of Alaska before and during the pandemic. I am a member of the Exceed Running Team and was previously a board member. I have also volunteered many years with the Alaska Commission on Postsecondary Education's "I Know I Can" program, as a judge for the "We the People" competitions, and with Hiland Mountain Correctional Center's "Success Inside and Out" program. I also was a judge for the Alaska High School Mock Trial tournament.

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.

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).

- (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: Jessica Spuhler
Address: 510 L St., Suite 700
City/State/Zip: Anchorage AK 99501 Phone: 907-263-7265

Name: Andrea Hattan
Address: P.O. Box 20983
City/State/Zip: Juneau AK 99802 Phone: 907-713-5409

- (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: Laura Hartz
Address: 825 West 4th Ave.
City/State/Zip: Anchorage AK 99501 Phone: 907-264-0403

Name: Samantha Cherot
Address: 2550 Denali St.
City/State/Zip: Anchorage AK 99503 Phone: 907-793-3169

Name: Robert Polley
Address: 825 West 4th Ave.
City/State/Zip: Anchorage AK 99501 Phone: 907-264-0435

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: In the Matter of the Necessity for the **Case Number:** 3AN-23-02642PR
v. Hospitalization of C.A. **Judge Name:** Athens

Attorneys Involved:

Name: <u>Steven Bookman</u>	Name: <u>Ariel Toft</u>
Address: <u>1031 West 4th Ave., Suite 200</u>	Address: <u>900 West 5th Ave., Suite 200</u>
City, State, Zip: <u>Anchorage AK 99501</u>	City, State, Zip: <u>Anchorage AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: In the Matter of the Adoption of Z.H. **Case Number:** 3AN-22-353PR
v. _____ **Judge Name:** Athens

Attorneys Involved:

Name: <u>Alicia Porter</u>	Name: <u>Stefan Otterson</u>
Address: <u>P.O. Box 6191</u>	Address: <u>8240 Sandlewood Pl., Suite 102</u>
City, State, Zip: <u>Sitka AK 99835</u>	City, State, Zip: <u>Anchorage AK 99507</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: In the Matter of the Necessity for the **Case Number:** 3AN-24-01836PR
v. Hospitalization of K.T. **Judge Name:** Athens

Attorneys Involved:

Name: <u>Steven Bookman</u>	Name: <u>Jesslin Wooliver</u>
Address: <u>1031 West 4th Ave., Suite 200</u>	Address: <u>900 West 5th Ave., Suite 200</u>
City, State, Zip: <u>Anchorage AK 99501</u>	City, State, Zip: <u>Anchorage AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

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: In the Matter of the **Case Number:** 3AN-16-00363PR
v. Protective Proceeding of K.A. **Judge Name:** Athens

Attorneys Involved:

Name: <u>Melony Urban</u>	Name: <u>D. Victor Kester</u>
Address: <u>900 West 5th Ave., Suite 500</u>	Address: <u>911 W. 8th Ave., Suite 101</u>
City, State, Zip: <u>Anchorage AK 99501</u>	City, State, Zip: <u>Anchorage AK 99501</u>

Name: <u>Lacey Jane Brewster</u>	Name: _____
Address: <u>900 West 5th Ave., Suite 200</u>	Address: _____
City, State, Zip: <u>Anchorage AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: In the Matter of the **Case Number:** 3AN-22-2061PR
v. Protective Proceeding of G.R. **Judge Name:** Athens

Attorneys Involved:

Name: <u>Troy Biltner</u>	Name: _____
Address: <u>900 West 5th Ave., Suite 400</u>	Address: _____
City, State, Zip: <u>Anchorage AK 99501</u>	City, State, Zip: _____

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

Case Number 3

Case Name: State **Case Number:** 3AN-15-08390CR
v. Billy Lang, Jr. **Judge Name:** Wolverton and Aarseth

Attorneys Involved:

Name: <u>DinaMarie Cale</u>	Name: <u>Trina Sears</u>
Address: <u>900 West 5th Ave., Suite 702</u>	Address: <u>310 K St., Suite 520</u>
City, State, Zip: _____	City, State, Zip: <u>Anchorage AK 99501</u>

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.

I have devoted my legal career to public service in Anchorage. I was a trial attorney for many years as both a prosecutor and an attorney guardian ad litem. As a current Magistrate Judge, I preside over cases with both self-represented and represented litigants in a variety of matters, including: probate, domestic relations, domestic violence petitions, and mental health commitments. I also handle bail hearings, arrest warrant requests, and search warrant requests.

Being a Magistrate Judge is very rewarding. I enjoy the variety of cases and it is satisfying when I am able to provide resolution to members of our community. I appreciate the fast-paced nature of this job, as well as being able to directly interact with the litigants who appear before me. My experience as both a civil and criminal practitioner and Magistrate Judge make me confident that I am ready to be a Superior Court Judge.

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 Marika Athens

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

Anchorage Superior Court

Please leave this area blank

Date: 11/08/24

I was born and raised in Fairbanks. I left Alaska for college and law school, and was thrilled to return when I was hired by Judge Beistline as a law clerk. I have spent my legal career in Anchorage. I worked as a prosecutor at the Municipality of Anchorage, the District Attorney's Office, and the Office of Special Prosecutions. Later, I became an Assistant Public Advocate/guardian ad litem for the Office of Public Advocacy, Child Advocacy Unit.

Since 2021, I have been honored to serve as a Magistrate Judge. I enjoy the varied and fast-paced docket and working directly with litigants. I find it rewarding resolving conflicts for our community. It would be a privilege to serve on the Superior Court.

When not working, I enjoy being outside - whether hiking, skiing, or running.