

NOV 12 2015

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Supreme Court

Date: November 6, 2015

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Susan M. Carney
Name as it should appear on bar survey: _____

* 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.
no

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
Total 28 years 2 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
Total 27 years 2 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.

Harvard-Radcliffe Colleges, A.B. 1983, magna cum laude in History & Literature (England and America)

Harvard Divinity School, 1985 and 1986, cross-registered for classes while attending Harvard Law School

** 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.

Harvard Law School, J.D. 1987, cum laude

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.

I graduated cum laude.

- (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.

10/9/15 CLE on FASD in the Criminal Justice System; 5/15 Alaska Bar Convention; 3/10/15 CLE on Science of FASD; 5/14 Alaska Bar Convention; 7/13 AKACDL All Star Litigators Conference; 11/12 OPA Ethics CLE; 9/12 ABA CLE on Elder Abuse; 7/11 AKACDL All Star Litigators Conference; 5/11 Alaska Bar Convention; 10/10 PDA/OPA Annual Conference.

I have also regularly attended the Criminal Pattern Jury Instructions Committee meetings, roughly 8 times per year, since 2006.

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 have not been employed in a nonlegal job since I graduated from law school. Before I attended law school, I worked for a year (1983-84) as a research assistant for the Battelle Human Affairs Research Center in Seattle. In the summer of 1982 I worked in Washington, D.C., as a summer intern for the Speaker of the United States House of Representatives, Thomas P. (Tip) O'Neill. During the summers that I was in college, I worked as a teacher's aide for the Massachusetts Department of Migrant Education. I worked in a summer school class with mainly Spanish-speaking children of migrant workers.

Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates and location of employment, name of employer, name AND CURRENT ADDRESS OF supervisor or person who can verify AND COMMENT ON YOUR employment, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.) for each position listed below.** IF YOU ARE CURRENTLY A TRIAL COURT JUDGE, PLEASE LIST YOUR PRESIDING JUDGE. FOR PAST JUDGESHIPS, PLEASE LIST THE JUDGE WHO LAST PRESIDED DURING YOUR TIME ON THE BENCH.

The Council will ask for comments from your current and former employers about your employment and your judicial qualifications. You may choose to list other persons as character and professional references in response to Question 20 of this application.

If the supervisor or contact person asks (in writing) that the letter be shared with the governor, the Council will send designated letters for each nominee. The applicant should not request a copy of the letter from the reference. References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

Current Employer: Office of Public Advocacy / Fairbanks Defense Section

Supervisor or name of contact person who can verify employment: Richard Allen; Chad Holt

Current address of this person: 900 W. 5th Avenue, Suite 525

City Anchorage State AK Zip 99501

Dates and location of Employment: From Jan. 2014 To present City Fairbanks State AK

Description:

Supervising attorney: supervise 2 attorneys, 1 paralegal, 1 part time investigator; administration of office; interagency coordination; community outreach; (cont'd)

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

Employer: Office of Public Advocacy / Fairbanks office

Supervisor or name of contact person who can verify employment: Richard Allen; Chad Holt

Current address of this person: 900 W. 5th Avenue, Suite 525

City Anchorage State AK Zip 99501

Dates and Location of Employment: From July 2010 To Jan. 2014 City Fairbanks State AK

Description: Supervising attorney: supervise 13 staff: attorneys, guardians ad litem, public guardians, support staff; administration of office; (continued)

Reason for Leaving: My job description changed as a result of agency restructuring.

Employer: Office of Public Advocacy

Supervisor or name of contact person who can verify employment: Richard Allen; Chad Holt

Current address of this person: 900 W. 5th Avenue, Suite 525

City Anchorage State AK Zip 99501

Dates and Location of Employment: From Sept. 1998 To July 2010 City Fairbanks State AK

Description: Represent indigent criminal defendants, juvenile delinquents, parents in child in need of aid cases, divorcing spouses in Northern Alaska; (cont'd)

Reason for Leaving: I was promoted.

PREVIOUS EMPLOYERS

Office of Public Advocacy / Fairbanks Defense Section supervising attorney

carry usual caseload as assistant public advocate. (The Fairbanks Office of Public Advocacy was divided into separate civil and criminal divisions by the Public Advocate in January 2014 as part of an agency budgetary plan.)

Office of Public Advocacy / Fairbanks office supervising attorney

interagency coordination and community outreach; and perform all previous duties as assistant public advocate.

Office of Public Advocacy / assistant public advocate

serve as guardian ad litem in Child in Need of Aid, domestic violence, custody, and adoption cases; advise staff guardians ad litem, CASAs, and public guardians; community outreach

Previous Employers (continued)

Employer: Alaska Public Defender Agency
Supervisor or name of contact person who can verify employment: Jennifer Hite
Current address of this person: 529 5th Avenue
City Fairbanks State AK Zip 99701
Dates and Location of Employment: From Dec. 1988 To Sept. 1998 City Fairbanks State AK
Description: Represent indigent criminal defendants, juvenile delinquents, parents in CINA cases throughout Interior Alaska; community outreach
Reason for Leaving: I was hired by the Office of Public Advocacy.

Employer: Alaska Public Defender Agency
Supervisor or name of contact person who can verify employment: Jennifer Hite
Current address of this person: 529 5th Avenue
City Fairbanks State AK Zip 99501
Dates and Location of Employment: From Sept. 1988 To Dec. 1988 City Anchorage State AK
Description: Entry level assistant public defender position, representing indigent criminal defendants in misdemeanor cases in and around Anchorage.
Reason for Leaving: I transferred back to Fairbanks.

Employer: Alaska Supreme Court
Supervisor or name of contact person who can verify employment: ACS Human Resources
Current address of this person: Alaska Court System, 303 K Street
City Anchorage State AK Zip 99501
Dates and Location of Employment: From Aug. 1987 To Aug. 1988 City Fairbanks State AK
Description: Law clerk for Justice Jay Rabinowitz
Reason for Leaving: The clerkship ended and I was hired by the Public Defender Agency.

Employer: Harvard Legal Aid Bureau
Supervisor or name of contact person who can verify employment: Susana Arteta
Current address of this person: 23 Everett Street
City Cambridge State MA Zip 02138
Dates and Location of Employment: From June 1987 To Aug. 1987 City Cambridge State MA
Description: Summer counsel, with attorney supervision, at a student-run legal aid clinic.
Reason for Leaving: I moved to Alaska to clerk for Justice Rabinowitz.

Employer: Harvard Law School
Supervisor or name of contact person who can verify employment: Professor Charles Ogletree
Current address of this person: 516 Hauser Hall, 1575 Massachusetts Hall
City Cambridge State MA Zip 02108
Dates and Location of Employment: From Sept. 1986 To Dec. 1986 City Boston State MA
Description: Teaching assistant in Introduction to Trial Advocacy class.
Reason for Leaving: The semester ended. (PLEASE SEE CONTINUATION PAGE)

PREVIOUS EMPLOYERS (CONT'D)

United States Attorney's Office

Supervisor: Hon. Sydney Hanlon
Assistant Justice, Massachusetts Appeals Court
John Adams Courthouse
One Pemberton Square, Rm. 1200
Boston, MA 02108

Dates: July 1986 to August 1986

Description: Summer intern in federal prosecutor's office.

Reason for leaving: I returned to law school.

Testa Hurwitz & Thibeault –NOW DEFUNCT LAW FIRM

Previous contact information: Debbie Haroian
60 State Street
Boston, MA 02109

Dates: June 1986 to July 1986

Description: Summer associate in law firm specializing in venture capital and high technology clientele.

Reason for leaving: I moved to an internship with the U.S. Attorney's office.

Ziontz Chestnut Varnell Berley

Contact: Steve Chestnut
2102 4th Avenue, Suite 1230
Seattle, WA 98122

Dates: June 1985 to August 1985

Description: Summer associate in law firm specializing in Native rights law

Reason for leaving: I returned to law school.

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

(a) Percent of your practice that was: Civil 40
Criminal 60
Other _____
= 100%

Comment: _____

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

Comment: _____

(c) Of practice in state courts, percent: Supreme Court 5
Court of Appeals 10
Superior Court 60
District Court 25
= 100%

Comment: _____

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

Comment: I go to court almost every day

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

Comment: I have participated in more than 150 trials.

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

Comment: _____

(g) Approximate number of appellate matters handled: 40

Comment: including post conviction relief matters

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

Briefly describe type of matters heard:

But I have participated in mediation in probate and CINA cases.

(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.).

The Fairbanks Office of Public Advocacy's wide variety of cases creates a conflict for its attorneys in virtually every one of the cases that these providers have.

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.

Courts of the State of Alaska, June 1988
 United States District Court, June 1988

Public Service

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

Alaska Bar Association, Board of Governors (elected May 2015)
 Alaska Bar Association
 Alaska Association of Criminal Defense Attorneys (formerly Criminal Defense Section of the Alaska Bar)
 Supreme Court Advisory Committee on Criminal Pattern Jury Instructions (appointed 2006)

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).

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)
Supreme Court	6/18/07	N	N
Court of Appeals	2/6/08	Y	N
Court of Appeals	5/15/12	Y	N
Court of Appeals	2/22/13	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 judge the Fairbanks area "We the People" competition. I also helped coach the state champion West Valley High School team that competed in Washington DC in the spring of 2015.

I previously volunteered in various capacities at the schools my children attended. I chaperoned field trips, including two to Washington, D.C., and was a member of the PTSA.

I am a member of the Immaculate Conception Church.

I play basketball in the Fairbanks Women's Basketball Association, and was previously a board member. I also participate in track and field and basketball in the Alaska International Senior Games.

I played soccer for years and coached each of my children's soccer teams for many years for the Fairbanks Youth Soccer Association, and previously coached girls' softball.

I am a past member of the board of directors for Big Brothers / Big Sisters and the Boys and Girls Club of the Tanana Valley.

I volunteered as a trainer for the Fairbanks "Supreme Court Live" event in late 2011/ early 2012, and traveled to Delta Junction to work with the local magistrate in the high school and middle school.

I support the North Star Youth Court.

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).

Please note that there is another Susan Carney in Fairbanks who is occasionally involved in litigation regarding her business.

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 (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: In the Matter of the V
v. Children

Case Number: 4FA-12-100 & 101/-13-129 CN
Judge Name: Paul Lyle & Bethany Harbison

Attorneys Involved:

Name: Jennifer Hite
Address: 529 5th Avenue
City, State, Zip: Fairbanks, AK 99701

Name: Melony Lockwood & Clint Scott
Address: 1648 Cushman St, Suite 300
City, State, Zip: Fairbanks, AK 99701

Name: Lance Joanis
Address: 110 Trading Bay Drive Ste 110
City, State, Zip: Kenai, AK 99611

Name: Colby Morris
Address: 100 Cushman Street, Ste 400
City, State, Zip: Fairbanks, AK 99701 (*CONT'D*)

Case Number 2

Case Name: State
v. Abraham Henry

Case Number: 4FA-10-4943CR
Judge Name: Paul Lyle

Attorneys Involved:

Name: Arne Soldwedel
Address: 310 K. Street, Suite 601
City, State, Zip: Anchorage, AK 99501

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

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

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

Case Number 3

Case Name: State
v. Anthony Rollins

Case Number: 3AN-09-7868CR
Judge Name: Phillip Volland

Attorneys Involved:

Name: Sharon Marshall
Address: P.O. Box 243323
City, State, Zip: Anchorage, AK 99524

Name: Carol Dick
Address: 100 Cushman Street, Suite 502
City, State, Zip: Fairbanks, AK 99701

Name: Brittany Dunlop
Address: 515 E. Dahlia Street, Suite 150
City, State, Zip: Palmer, AK 99645

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

SUSAN M. CARNEY

CONTINUATION PAGE OF PAGE 12

TRIAL CASES / COUNSEL

I.T.M.O. V CHILDREN

Robert Noreen
100 Cushman Street, Ste 306
Fairbanks, AK 99701

Mary Bullis
900 W. 5th Avenue, Suite 200
Anchorage, AK 99501

J.B. Brainerd
250 Cushman Street, Suite 4J
Fairbanks, AK 99701

(GAL—non lawyer)
Retchenda George-Bettisworth
P.O. Box 84411
Fairbanks, AK 99708

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: In the Matter of L.S. **Case Number:** 4FA-13-88CN
v. _____ **Judge Name:** Paul Lyle; Douglas Blankenship

Attorneys Involved:

Name: <u>Michelle McComb</u>	Name: <u>Amy Bennett</u>
Address: <u>100 Cushman Street, Suite 400</u>	Address: <u>529 5th Avenue</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>

Name: <u>Danielle Foster</u>	Name: <u>Patty Kearon (nonlawyer GAL)</u>
Address: <u>100 Cushman St., Suite 513</u>	Address: <u>P.O. Box 73903</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99707</u>

Case Number 2

Case Name: State **Case Number:** 4FA-12-2194CR
v. Christian Williams **Judge Name:** Paul Lyle; Michael McConahy

Attorneys Involved:

Name: <u>Joe Dallaire</u>	Name: _____
Address: <u>510 2nd Avenue, Suite 200</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: _____

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

Case Number 3

Case Name: State **Case Number:** 4FA-12-2877CR & 4FA-14-979CR
v. Devin Kelly **Judge Name:** Bethany Harbison & Paul Lyle

Attorneys Involved:

Name: <u>Earl Peterson</u>	Name: _____
Address: <u>510 2nd Avenue, Suite 200</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</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.

In the 1990's I was fined \$50 by Judge Richard Savell for a late brief.

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.

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 twelve photographs of yourself with your application.

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

Biographical Statement

Name Susan M. Carney

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

Supreme Court

Please leave this area blank

Date: November 6, 2015

Raised on my father's tales of Alaska from serving at Fort Greeley during the Korean war, I was thrilled when Justice Rabinowitz offered me a clerkship after I graduated from Harvard. Following my clerkship, then-Public Defender Dana Fabe hired me as an assistant public defender in Anchorage and then Fairbanks.

I met and married my husband, bought a home, and raised two children in our community. After 10 years with the Public Defender Agency, I moved to the Office of Public Advocacy in 1998. OPA offered a more varied practice than the PD's due to its variety of civil cases in addition to criminal and delinquency cases, and the opportunity to practice in the Second as well as Fourth Judicial District.

After many years of representing indigent people in Alaska's courts, I look forward to the opportunity to provide a different form of public service.