

April 11, 2017

Eric B. Fjelstad
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D. +1.907.263.6973
F. +1.907.263.6473**VIA E-MAIL**Senator Coghill
120 4th Street,
Room 3
Juneau, AK 99801-1182**Re: Confirmation of Jahna Lindemuth**

Senator Coghill:

I am writing to express my strong support for the confirmation of Jahna Lindemuth as Attorney General. I am providing input in my personal capacity and not on behalf of my law firm, its clients, or any other organization.

I am a lawyer and manage the Anchorage office of Perkins Coie LLP. I have known Ms. Lindemuth for over 17 years. She was one of the leading private sector lawyers in Alaska before moving to the public sector. Her reputation in the legal community is top notch. In lawyer circles, she is known as a “lawyer’s lawyer,” which is the highest compliment paid to members of the bar.

My practice is focused on project development for the natural resources sector, and I am active in groups focused on resources development such as the Resource Development Council, where I currently serve as President. Outside of practicing law, I have a passion for outdoor activities. I shoot in a weekly shotgun league and own a camper, jet boat, and an ATV. We are out exploring Alaska 7+ months of the year, and I am always looking for new ways to access the best hunting and fishing areas. I understand the strong emotions over access to public lands and the concerns that have been raised regarding access to Klutina Lake.

I believe the State should be proactive about enhancing and protecting its interests in public access. But, the State needs to be thoughtful and smart – it must take a long view focused on what is best for Alaska and its people. Litigation is an uncertain process and the outcome is usually driven by the facts. The role of the lawyer is to evaluate the strength of her client’s case, and provide candid advice on options. Settlement of a litigation matter is not a sign of weaknesses. Any lawyer can take a case to trial, and when it goes sideways, place blame on the judge or the jury. Smart lawyers are skilled at evaluating cases and are able to identify those that are probable winners from those that pose unacceptable risks. Smart lawyers will counsel a client to settle a case on favorable terms versus taking a weak case to trial.

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The question of precedence must be evaluated in litigation, particularly in cases involving RS 2477 and 17(b) easements. While it is true the State can establish favorable precedent through litigation, the converse is also true. In my experience, people tend to under-appreciate the ramifications of negative precedent, which in this case, could be very significant.

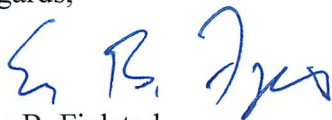
I do not profess to know all of the intricacies of the Klutina Lake easement debate. But, I do know Jahna Lindemuth, and I have seen firsthand the judgment she brings to the table in evaluating complex legal matters. Some may look at the Klutina Lake situation and say "the stakes are too high; we must take this to trial." The stakes are unquestionably high, but the calculus on the path forward for the State must include consideration of the precedent arising from a potential negative outcome in litigation. As an outdoorsman and resource extraction advocate, I am very concerned that poorly conceived litigation could lead to precedent that will significantly harm the State's long-term interests in public access. The State must be thoughtful about its long-term interests and discerning on which cases it will take to trial.

In my view, the State should be seeking an Attorney General who has the smarts and fortitude to make tough calls when looking out for the State's long term interests. I do not know what the right call is in the Klutina Lake debate, but I do have full confidence in Ms. Lindemuth's judgment in determining what path is best to protect the State's interests in protecting and enhancing public access.

Jahna is an exceptionally qualified candidate, and I urge you to support her through the confirmation process.

Thank you for consideration of my input.

Regards,



Eric B. Fjelstad