

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9156 HOUSE JUDICIARY

CONFIRM:

DR. ALLEY

VCC BRD...

January 27, 1998

Carol L. Alley, M.D.
P.O. Box 6038
Ketchikan, AK 99901

Dear Dr. Alley:

Congratulations on your reappointment to the Violent Crimes Compensation Board, effective January 21, 1998, for a term ending December 15, 2000. Your willingness to serve is appreciated.

After signing and notarizing the enclosed Oath of Office form, please return it to my office immediately. Upon receipt of the completed form, you will be authorized to exercise the powers and perform the duties of your office pending confirmation by the Legislature.

In addition, I have enclosed an optional Equal Opportunity Survey which I would appreciate having returned with the Oath of Office. This information is kept confidential and is used for statistical analysis of boards and commissions only.

Also enclosed is an identification card to facilitate your travel as a board member. Some businesses offer State of Alaska discounts when traveling on official business.

Please feel free to contact me should you have any questions. Best wishes to you as a board member.

Best regards,

Cindy Smith
Coordinator
Boards and Commissions

Enclosures

bcc: Lt. Governor's Office
Elections
Senate Secretary
B&C Perm File

TK/JV/CS/hlg
LETTERS.M5

Board Contact: Ms. Susan Browne
APOC
Chief Clerk of the House
B&C Read File
0109/05

CURRICULUM VITAE

December 30, 1994

**NAME AND
ADDRESS**

Carol Louise Alley, M.D.
PHS #62455
Clinical Director
SEARHC Health Center:
3289 Tongass Avenue
Ketchikan, Alaska 99901
(907) 225-4156

Home:
P.O. Box 6038
870 Miller Ridge Road
Ketchikan, Alaska 99901
(907) 225-0895

**PROFESSIONAL
EDUCATION AND
TRAINING**

B. S., Premedicine, 22 May 1982
University of Nevada, Reno, Nevada

M.D., University of Nevada, 17 May 1986

Family Practice Residency, June 1986-July 1989
McKay-Dee Family Practice Residency
University of Utah Affiliated, Ogden, Utah

**LICENSURE AND
CERTIFICATION**

1987 Diplomate, National Board of Medical Examiners
1989 Medical Licensure, Oregon State Board
1990 Diplomate, American Board of Family Practice

**WORK
EXPERIENCE**

National Health Service Corps, 1989-92
Yakima Valley Farmworker's Clinics
Milton-Freewater Medical Clinic
Milton-Freewater, Oregon

U.S. Public Health Service, 1992-present
SEARHC Health Center
Ketchikan, Alaska

**HOSPITAL
PRIVILEGES AND
COMMITTEES**

Ketchikan General Hospital
Ethics Committee
Medical Review and Quality Assurance

**CONTINUING
MEDICAL
EDUCATION**

See Attachment

CONTINUING MEDICAL EDUCATION FOR CAR L. ALLEY, M.D.
ATTACHMENT TO CURRICULUM VITAE/PHS #62455

<u>Date</u>	<u>Course/Class</u>	<u>AMA Credit</u>	<u>AAFP Credit</u>
12/89	Practical Reviews in F.P.	20	
7/11/90	Family Prac. Board Rev.	20	20
9/90	FP Gestational Diabetes	1	1
10/5/90	Psychiatry General Phys.	3	
4/18/91	Malpractice Risk Reduction	2	
4/91	CME Credit Quiz	6	
5/91	HIV Infection: Clin. Frontiers	4	
7/12/91	Gynecology in Primary Care	12.25	
7/11/92	NPI Colposcopy		17*
9/24/92	IHS OB-GYN Care Conference	27	24.2
9/29/92	HIV Prevention: High Risk Pts.	-0-	-0-
12/13/92	ATLS Provider Course	17	
1 / 93	Neonatal Resuscitation		
1/10/93	ACLS Provider Course	16	
1/11/93	Colposcopy Preceptorship	-0-	
2/21/93	PALS Provider Course	16	
3/25/93	Perinatal Asphyxia	10	
12/7/93	Outpatient Visit Plan Course	15.5	
5/4-7/94	Child Abuse Seminar (APSAC)	18	
7/94	Quality Management Seminar		

* AAFP Approved for category 2A hours American Osteopathic Association

CONFIRM:

B. BRINK

AK PUBLIC

DEFENDER



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Rm 214
Juneau, AK 99801-1182
(907) 465-3725
Fax: (907) 465-5334

MEMORANDUM

Date: January 31, 1997

TO: Judiciary Committee

FROM: Suzi Lowell *SL*
Chief Clerk

SUBJECT: Governor's Appointr ents

Speaker Phillips referred the following Governor's appointment to the Judiciary Committee:

ALASKA PUBLIC DEFENDER
Barbara Brink

Attached is her resume for your use.

Attachment as noted.



Alaska State Legislature

House of Representatives

Official Business

Date: January 31, 1997

The Honorable Gail Phillips
Speaker of the House
State Capitol
Juneau, AK 99801


Dear Madam Speaker:

In accordance with AS 39.05.080, the Judiciary Committee has reviewed the qualifications of the following and recommends that the appointment be forwarded to a joint session for consideration:

**Alaska Public Defender
Barbara Brink**

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.


Rep. Joe Green, Chair


Rep. Con Bunde, Vice Chair


Rep. Jeannette James


Rep. Brian Porter


Rep. Norman Rokeberg


Rep. Ethan Berkowitz


Rep. Eric Croft

BARBARA K. BRINK

810 W. 16th Ave. Anchorage, Alaska 99501
 (907) 258-4666; Barbara_Brink@Admin.state.ak.us

EXPERIENCE**The Alaska Public Defender Agency**

Acting Director September 1996 - present.

Administer state agency of 13 offices with 108 employees who provide legal services in over 17,000 cases per year. Duties include personnel oversight, preparation of annual budget in coordination with Department of Administration, testimony before the legislature on substantive and procedural criminal bills, service on various boards, task forces and committees that deal with criminal justice issues.

Deputy Public Defender October 1988 - September 1996.

Assisted director in all phases of administration as well provide direct attorney services in all types of cases as needed in urban and rural courts.

Assistant Public Defender August 1982 - October 1988.

Started service as an appellate lawyer, have worked as misdemeanor trial lawyer, felony trial lawyer, appellate supervisor, felony intake lawyer and investigator. Have handled every type of case at every level including delinquency, CINA and involuntary civil commitments.

The Supreme Court of the State of Alaska

Law clerk to Justice Roger Connor August 1981 - July 1982.

Researched and drafted bench memoranda prior to oral argument, summarizing and evaluating litigant arguments. Drafted and edited opinions.

Contra Costa County Public Defender Agency

Law clerk June 1980 - July 1981.

Initial client interviews re' financial eligibility and case information. Researched and drafted pleadings, argued motions in court and conducted criminal non-jury trial.

EDUCATION

J.D. 1981 Hastings College of the Law - University of California
 Jessup International Moot Court Competition Team
 Public Interest Law Association

B.A. 1978 The University of Chicago
 with honors Maroon Key Honor Society - Dean's List Four Years
 Gertrude Dudley Scholar
 Order of the C - varsity volleyball, basketball, softball

PROFESSIONAL

Alaska Bar Association State Bar of California National Association of
 Criminal Defense Lawyers National Legal Aid and Defenders Association Alaska
 Academy of Trial Lawyers California Public Defenders Association Southern Poverty Law
 Center Northwest Women's Law Center

PERSONAL

Anchorage Women's Hockey League Anchorage Sports Association

BARBARA K. BRINK
810 W. 16th Ave. Anchorage, Alaska 99501
(907) 258-4666; Barbara_Brink@Admin.state.ak.us

REFERENCES

Justice Dana A. Fabe
Alaska Supreme Court
303 K St. 5th floor
Anchorage, AK 99501
(907) 264-0622

Judge Michael L. Wolverton
Alaska Superior Court
825 W. 4th Ave. room 342
Anchorage, AK 99501
(907) 264-0655

Brant McGee
The Office of Public Advocacy
900 W. 5th Ave., suite 500
Anchorage, AK 99501
(907) 269-3501

Philip M. Pallenberg
718 5th Street
Juneau, Alaska 99801
home (907) 586-1180 work (907) 465-4911

February 3, 1997

Representative Joe Green
Chairman,
House Judiciary Committee

RE: Appointment of Barbara Brink as Public Defender

Dear Senator Taylor:

I am writing to give my unqualified support for the confirmation of Barbara Brink as Public Defender.

I am the supervising attorney for the Juneau office of the Public Defender Agency. I have been a lawyer since 1983, and have been with the Public Defender Agency since 1990 (with the exception of a short time that I was back in private practice in Juneau). I have supervised both the Kodiak and Juneau public defender offices. During this time, I have developed a very high regard for Barb as an advocate and an administrator.

Barb is, to my knowledge, universally well liked and respected in the agency. She is a zealous advocate for her clients, and is dedicated to the mission of this agency. She is one of the most capable lawyers I know. I think she is the ideal person for the job of Public Defender.

For most of the time that I have known Barb, she has been Deputy Director of this agency. Her predecessor was very much a "hands off" manager. During the months that Barb has been Acting Director, I have seen a noticeable -- and beneficial, in my opinion -- tightening up of management. I think that, with Barb as Director, there will be a continued improvement in the administrative functioning of this agency.

As compared with any other similar organizations, this agency has a uniquely high morale on the part of its staff. This is essential if this agency is to continue to perform its constitutionally required function. The job of an Assistant

February 3, 1997

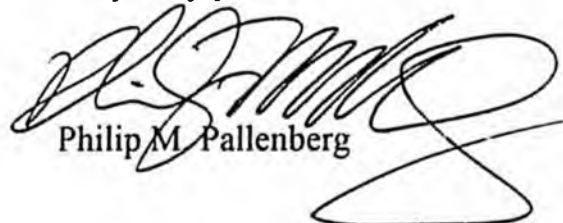
Public Defender is a very difficult one, which must be performed in high volume with very limited resources. I think the strong and fair leadership which Barb has exercised both as Deputy Director and Acting Director has a great deal to do with the high morale of the lawyers in this agency.

The job of Public Defender is a vital counterweight to ensure that the criminal justice system operates fairly. As the Legislature responds to political demands to resolve perceived problems with the criminal justice system, it is particularly important that the Public Defender Agency continue to provide effective representation to indigent people accused of crimes. This is the only way to ensure that the system operates fairly, as well as effectively, and to ensure that innocent people are not convicted along with the guilty.

The Public Defender should be a strong and effective advocate for the mission of this agency. I do not think this is a matter of politics or ideology. Barb Brink will fulfill this responsibility.

I would urge you and, through you, the members of the Judiciary committee to act favorably on this appointment. If you have questions or would like to discuss any issues relating to this appointment, I would be delighted to meet with you or testify before the committee.

Very truly yours,



Philip M. Pallenberg



U.S. Department of Justice

3919

United States Attorney
District of Alaska at Anchorage

Federal Building & U.S. Courthouse
222 West 7th Avenue, #9, Room 253
Anchorage, Alaska 99513-7567

Commercial: (907) 271-5071
Fax Number: (907) 271-3224

January 13, 1997

The Honorable Tony Knowles
The Governor of Alaska
P.O. Box A
Juneau, Alaska 99811-0101

RECEIVED
JAN 17 1997
OFFICE OF THE GOVERNOR

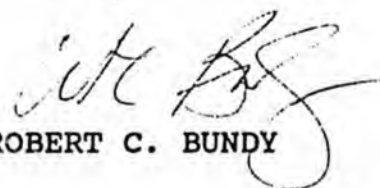
Re: Candidacy of Barbara Brink for State Public Defender

Dear Governor Knowles:

This will convey my support for Barbara Brink for the position of the State Public Defender.

Over the past 12 years, as a State prosecutor and lawyer engaged in private practice and as United States Attorney, I have had occasion to become familiar with Ms. Brink's professional abilities and reputation. She is very highly regarded among all who know her in the legal community. She is exactly the kind of person that will maintain the high reputation of the Alaska Public Defender Agency among judges, prosecutors and defense lawyers.

Very truly yours,


ROBERT C. BUNDY

RCB:kjm

BOARDS & COMMISSIONS

JAN 2 1997

public defender
3530

**FEDERAL PUBLIC DEFENDER
for
THE DISTRICT OF ALASKA**

BOARDS & COMMISSIONS
JAN 14 1997

Rich Curtner
Federal Public Defender

550 W. Seventh Avenue, Suite 1600
Anchorage, AK 99501

(907) 271-2277/FAX (907) 271-2271

January 7, 1997

RECEIVED

JAN 10 1997

OFFICE OF THE GOVERNOR

The Honorable Tony Knowles
Governor for the State of Alaska
P.O. Box 110001
Juneau, Alaska 99811

Re: Acting Public Defender Barb Brink

Dear Governor Knowles:

The purpose of this letter to encourage you to appoint Barb Brink Public Defender for the State of Alaska. In our view, Ms. Brink's years of experience as the chief deputy public defender and as a line public defender especially qualify her for this position.

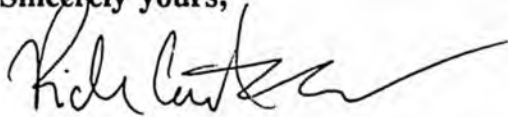
The Alaska Public Defender Agency has provided this state with a widely respected tradition of excellent representation to its indigent citizens. Ms. Brink is dedicated to this tradition and will insure that it continues. Ms. Brink has demonstrated her ability both as a trial lawyer and as an administrator. She is well-respected by her peers and has the confidence of the attorneys who work for her throughout the state.

Equally important is the courteous and professional working relationship Ms. Brink maintains with the Alaska Court System, with the Department of Law, and with the various police agencies. Alaska Citizens and the Alaska Criminal Justice System will be well served by Ms. Brink's appointment as Alaska's Public Defender.

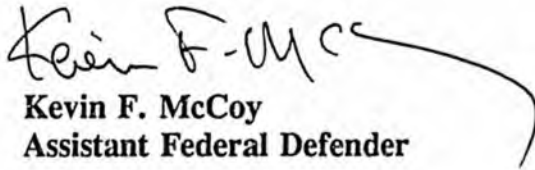
The Honorable Tony Knowles
January 7, 1997
Page 2

For all these reasons, we urge you to appoint Barb Brink to this important position.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Rich Curtner", with a long horizontal flourish extending to the right.

Rich Curtner
Federal Defender

A handwritten signature in cursive script, appearing to read "Kevin F. McCoy", with a long horizontal flourish extending to the right.

Kevin F. McCoy
Assistant Federal Defender

/kfm

Post-it brand fax transmittal memo 7671		# of pages > 2
To <i>Cindy Smith</i>	From <i>Sulemi</i>	
Co. <i>GUV</i>	Co. <i>FPD</i>	
Comm.	Phone # <i>571-2277</i>	
Fax # <i>465-3532</i>	Fax #	

January 10, 1997

Governor Tony Knowles
Office of the Governor
Juneau, Alaska

Re: Barbara Brink/Public Defender application

Dear Governor Knowles:

I enthusiastically support the candidacy of Barbara Brink for the position of Director of the Alaska Public Defender Agency.

Ms. Brink and I worked together in the Anchorage Public Defender office for approximately 15 years. In the early years we were both staff lawyers. After I was appointed to the Director position for the agency, I immediately named Barbara as Deputy Public Defender. I chose her because of her strong legal skills, the respect she enjoyed among our colleagues, and the commitment she had to the mission of the Public Defender. Choosing Barbara for this position was among the wisest administrative decisions I made during my tenure.

Barb was given considerable administrative duties as Deputy. Her performance in discharging same was always outstanding. Barb is organized, highly intelligent and possessed of good judgment and people skills. People respond very well to her style of leadership and management. Because she demonstrates such a strong work ethic, she also provides a fine example for all staff.

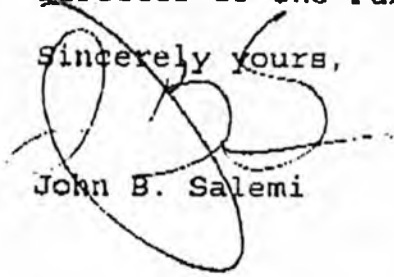
As you may know, the function of the Public Defender in the criminal justice system is often misunderstood, and for the most part unappreciated. A strong director is crucial as concerns representation of the agency to the judiciary, the executive and especially the legislative branch of government. Barb possesses that strength of character which will make her an excellent spokesperson for the agency. She is a principled person who has a clear vision of the importance of the agency mission. She is also very articulate and persuasive, and has a very professional approach to her work.

I think it is critical to understand that although Ms. Brink was an important part of my management team, Barbara is an independent thinker who has a new vision for the agency. I am proud of my accomplishments during the time I was Director of the Public Defender Agency. I recognize, however, that "change" is part of the landscape of an institution such as the Public Defender Agency. I

am convinced Barb will be very successful in managing change which affects the agency from the legal environment, and in initiating change as a management tool to create an even better agency.

In summary, I highly recommend Barbara Brink for consideration as Director of the Public Defender Agency.

Sincerely yours,



John B. Salemi

Public file file
3853LAW OFFICES OF
RICE, VOLLAND, TAYLOR & HENSLEY
A PROFESSIONAL CORPORATIONWILSON A. RICE
PHILIP R. VOLLAND
R. SCOTT TAYLOR
DAN A. HENSLEY

January 15, 1997

211 H STREET
ANCHORAGE, ALASKA 99501
(907) 276-5231
FAX (907) 276-6328

BOARDS & COMMISSIONS

JAN 24 1997

Honorable Tony Knowles
Governor
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001*Re: Appointment of Barbara K. Brink as Public Defender*

Dear Governor Knowles:

As you may recall, I have practiced law in Anchorage for twenty years and am a past president of the Alaska Bar Association. Through my practice and years of work with the Bar Association, I believe I have come to recognize the characteristics of a lawyer that result in wide respect from both the bench and the bar. Barb Brink is one of those rare lawyers who stands out because of the measure of respect she receives from her colleagues.

Although I have not practiced criminal law in many years, I know well the demands Barb has faced in her present position. As the former supervisor of the Anchorage Office of Alaska Legal Services, I understand the administrative demands of supervising, hiring, training, and coping with fifteen lawyers and their associated staff. As someone married to a former public defender, I know of the incessant personal pressures that arise from the extremely busy trial and hearing schedule a public defender must handle. I also know from my own personal work how demanding, and sometimes depressing, it can be to work with clients who are angry about their arrest and incarceration, often alcoholic or mentally ill, and usually poor and uneducated. Barb has risen above all of these pressures as the well deserved and well respected leader of the public defender's office.

I have known Barb both personally and professionally for ten years. Barb and I worked together frequently on Bar Association affairs and I on matters related to my work with Alaska's prison system. She and I have both taught and trained together at various trial practice seminars. We have argued about each other's cases and have laughed at each other's foibles. These experiences have only led me to trust Barb more and to seek her counsel and advice more often. I would ask Barb to be my lawyer any day.

Honorable Tony Knowles
Governor, State of Alaska
January 15, 1997
Page 2

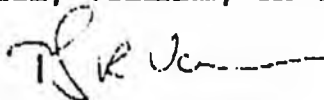
Barb is one of the best public defenders I know. She has poised trial skills, many, many years of experience with rural Alaskan communities, sound judgment, and integrity. Even after 15 years of demanding practice, she has compassion for her clients and a forever kind heart for her friends.

Although these are all reasons enough to appoint Barb as Public Defender, Barb is the most qualified for the job simply because she is the best administrator. The Public Defender job is one that demands tact and patience in dealing with the Legislature over funding and criminal law issues. It requires recruitment, hiring, and training skills for new lawyers, and the ability to manage and allocate a statewide budget. It also requires someone who can both control and motivate that special breed of lawyer driven to criminal defense practice. Barb does all this well, and better than anyone I know.

She's the best one for the job; it's no more complicated than that.

Sincerely,

RICE, VOLLAND, TAYLOR & HENSLEY, P.C.



Philip R. Volland

PRV/sf

2762

RECEIVED
DEC 23 1996

December 20, 1996

GOVERNOR'S OFFICE

Honorable Tony Knowles
Governor, State of Alaska
Box 110001
Juneau, AK 99811

DUARDS & COMMISSIONS
JAN 08 1997

RE: Appointment of Barbara K. Brink as Public Defender

Dear Governor Knowles:

I write to voice my support of Barbara Brink for appointment as public defender. I originally worked with Barb back in 1982-1983 when I was first hired as a secretary in the misdemeanor unit. I returned to the agency in 1990 and currently work in the felony unit.

The agency is a wonderful and caring place to work because of people like Barb in management. Besides being an excellent administrator and skilled attorney, Barb has always been very approachable, and takes seriously all secretarial concerns that are brought to her attention. Because of the atmosphere, the secretaries are very loyal and motivated. As a result, the turnover rate for secretaries is low and the work output is high.

I have never worked with a professional who is so compassionate, sensitive and respectful when dealing with clients and staff. Please don't pass on a gem like Barb. State government needs administrators like her.

Sincerely,

Maria Ward

Maria Ward
1604 Otter Street
Anchorage, AK 99504

December 18, 1996

Tony Knowles
Governor, State of Alaska
120 4th
Juneau, Alaska 99801

Re: Public Defender

Dear Governor Knowles:

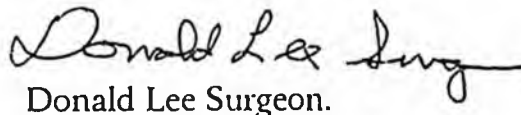
Barb Brink is an excellent candidate for the job of Public Defender. The Bar poll shows that she has commanded respect from her fellow lawyers. Clients of the Agency are very pleased when she is their assigned attorney.

I worked for the Agency from 1985 to 1988 and am acquainted with Ms. Brink. She is an excellent attorney who serves her clients honestly and well. She is likeable, direct, and able. Although reasonable in her approach and goals, she is a forceful advocate for her clients and for the Agency.

Ms. Brink's considerable professional attainments make her the best person for the job of Public Defender, a job she already knows and, as shown from the Bar poll and her reputation in the Alaska legal community, is doing well.

Ms. Brink should be the next Public Defender.

Sincerely,


Donald Lee Surgeon.



Don Surgeon
312 Islander Dr
Sitka, AK 99835

Public Defender

3123

BOARDS & COMMISSIONS

JAN 08 1997

RECEIVED

DEC 30 1996

OFFICE OF THE GOVERNOR

Fairbanks

3198

P.O. Box 83350
Fairbanks, AK 99708
30 December 1996

RECEIVED

JAN 2 1997
BOARDS & COMMISSIONS
OFFICE OF THE GOVERNOR

Hon. Tony Knowles, Governor
P.O. Box 110001
Juneau, AK 99811-0001

Re: Barbara Brink, candidate for Public Defender

Governor Knowles;

I am writing in to urge you to appoint Barbara Brink as Public Defender.

Ms. Brink is the most qualified candidate of the three candidates for the position. She has years of experience at all levels of public defender practice, from misdemeanors to family law cases to unclassified felonies, and from urban Anchorage practice to practice in such bush areas as Bethel and Kodiak.

By virtue of her years as Deputy Public Defender, Ms. Brink has experience in administering the statewide agency and has an appreciation for the vagaries of life, and work, in more rural areas of the state. She also has experience in preparing and administering a budget in these cost-conscious times, and she has travelled many times to Juneau to meet with and speak before the legislature and its committees.

Ms. Brink is also an unusually skilled supervisor. An agency of trial attorneys is full of large egos, and Ms. Brink manages to impose order and keep the agency running smoothly, without bruising those egos. Her own experience as a "front-line" attorney allows her to understand the pressures and demands under which her staff labors, and to do what she can to accomodate their needs within the constraints of the budget.

She also maintains smooth working relationships between the non-attorney staff and the attorneys they have to work with. Her attention to detail ensures that the Public Defender Agency works as efficiently as possible.

Finally, Ms. Brink's personal and professional integrity are exceptional. She is intelligent, compassionate, and congenial. Her ability to get along with people in all walks of life qualifies her as an exceptional candidate for any position that requires daily contact with many people.

I am honored to count Barb Brink among my friends, and am proud to work in the Public Defender Agency. Appointing her as the Public Defender can only improve the Public Defender Agency. I urge you to appoint her Public Defender.

Sincerely,

Susan M. Carney
Susan M. Carney

LAW OFFICES
DILLON & FINDLEY
A PROFESSIONAL CORPORATION

3457

Dennis C. Bailey
Ray R. Brown
Caroline Crenna
Paul L. Dillon
Thomas W. Findley
Mauri Long
Richard D. Monkman
Arthur H. Peterson
Kristen D. Petterson
Peter K. Putzier

510 L Street, Suite 603
Anchorage, Alaska 99501
Telephone (907) 277-5400
Facsimile (907) 277-9896

JUNEAU:
350 North Franklin Street
Juneau, Alaska 99801
Telephone (907) 586-4000
Facsimile (907) 586-3777

January 7, 1997

BOARDS & COMMISSIONS
JAN 1 1997

Tony Knowles, Governor
State of Alaska
P. O. Box 110001
Juneau, Alaska 99801-0001

RECEIVED

JAN 9 1997

OFFICE OF THE GOVERNOR

Re: Public Defender Appointment

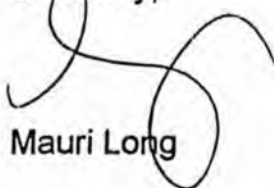
Dear Governor Knowles:

I am writing in support of Barb Brink for the position of Public Defender. I have known Barb since 1990 when I began work as an Assistant Public Defender in Anchorage. In my time with the Agency, I found Barb to be the single most helpful, patient, organized and talented person at the Agency. She always found the time to answer questions, find research memorandums, brainstorm ideas on cases, and offer support when things were not going well or I felt completely overwhelmed. I found that she was available to everyone who sought her out and often recognized when people needed some assistance even though they didn't ask.

I think one of Barb's strongest assets is that she is very well organized and, as a result, is able to accomplish a great deal of work in less time than it would take other folks. She is a good administrator and has the experience to lead an incredibly independent group of people in a direction that is good for all of them, their clients and the public. Barb has the ability to effectively communicate with individuals holding widely divergent interests and to make each understand her position. As Deputy Public Defender, Barb has worked effectively with each Administration to educate them on the Agency's needs and to assure that those needs are met as completely as possible. Of the candidates, she is the only one who has the kind of experience necessary to effect a seamless transition.

Despite the fact that Barb's appointment would make for an easy transition, she does have some great ideas for change and growth within the Agency. She would not let the Agency stagnate and I know that the vast majority of employees of the Agency would welcome Barb's appointment. I highly recommend Barb for the position of Public Defender.

Sincerely,



Mauri Long

RECEIVED
DEC 23 1996

GOVERNOR'S OFFICE

AUDREY BROGHAMMER
12901 Aro Circle
Anchorage, AK 99515
(907) 345-4828
(907) 264-4444

BOARDS & COMMISSION
JAN 08 1997

Honorable Tony Knowles
Governor, State of Alaska
P.O. Box 110001
Juneau, AK 99811

Re: Public Defender Director Appointment

Governor Knowles:

As a secretary for the felony section of the Public Defender Agency I have worked with Barbara Brink in her capacity as a defense attorney and administrator. She is organized, well versed in the law and compassionate to her client's needs. Ms. Brink has a thorough understanding of the unique workings of the agency - its small branch offices, large caseloads and diverse cultural clientele. More importantly, she has a working knowledge of the job duties and functions of clerical staff, accounting, and professional positions.

Barbara Brink makes excellent use of her negotiating skills as an attorney and administrator. She has researched and educated herself in the accounting and budgeting aspects of administration.

In my 25 years as a legal secretary, I have never worked with an administrator as capable and competent as Barbara Brink. Please appoint her to the office of Public Defender.

Sincerely,

Audrey Broghammer

AB

December 30, 1996

Dear Governor Knowles:

I am writing in support of Barb Brink for Public Defender. I imagine a more qualified person for this position.

I have known Barb for over fifteen years. During most, if not all of our friendship Barb has worked as a public defender. I consider her an extremely responsible and capable person, who has always worked hard for the agency.

I have never heard Barb speak unfavorably about anyone in the agency. She seems to maintain an open and honest relationship with even the most difficult of clients. Barb has always maintained a professional manner when discussing her work.

What amazes me is how someone with such a positive outlook and optimistic spirit can remain in this job without becoming cynical and faded. Her care and dedication are infectious and is reflected in the quality of her staff.

My children, who have known Barb since birth, adore her. She is a valued and treasured friend.

To work for the public defender agency requires not only a deep understanding of the law, which Barb has, but a belief in the value and justice of our legal system. She is deeply committed to the idea that all people are equal under the law and deserve equal representation.

Those ~~who~~^{who} choose to remain public defenders over the long term are to be commended. These attorneys serve as role models for others in the agency. And in this case give continuity to an already successful program.

As a friend I can attest to her caring nature and moral character. As an Alaskan concerned about our legal system, I believe Barb Brink exemplifies the model public defender and should be appointed as head of the agency.

Thank you for your consideration.

Sincerely,

Jane Yckoyama

J. Yckoyama
2240 Culver Place
Anchorage, AK
99503

RECEIVED

JAN 6 1997

OFFICE OF THE GOVERNOR

3307

BOARDS & COMMISSIONS

JAN 0 1997

Matthew W. Claman
Attorney at Law
814 West 2nd Avenue
Anchorage, Alaska 99501
(907) 277-0772
FAX (907) 279-0972

23 December 1996

Governor Tony Knowles
PO Box 110001
Juneau, AK 99811-0001

RE: Barbara Brink

Dear Governor Knowles:

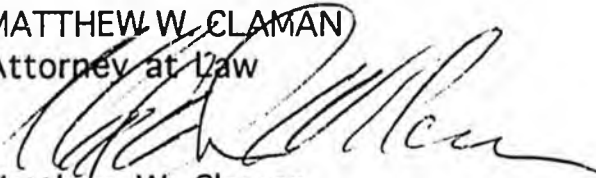
As one of your long-time supporters, I write to express my support for the appointment of Barbara Brink to direct the Public Defender Agency.

Barb Brink has worked for the public defender with tireless dedication to legal work that many lawyers are unwilling to perform. She has a consistent and well-reasoned approach to representing her clients and has earned the respect of lawyers, judges, and individuals in all facets of the criminal, family, and juvenile process. In her work as Deputy Public Defender and Acting Public Defender, Barb has demonstrated the organizational and administrative skills that are necessary to effective management of this state-wide agency. Finally, as her teammate in city league ice hockey, I know she leads the kind of balanced life that all Alaskans have come to expect from our leaders in state government.

With my thanks for considering my support for Barbara Brink, I remain,

Very truly yours,

MATTHEW W. CLAMAN
Attorney at Law


Matthew W. Claman

3/31

DEC 30

OFFICE OF THE GOVERNOR

BOARDS & COMMISSIONS

JAN 08 1997

2657

Teresa Blakeslee-Cobb
8651 Kathleen Drive
Anchorage, Alaska 99502

BOARDS & COMMISSIONS
DEC 23 1996

December 20, 1996

RECEIVED
DEC 23 1996

Honorable Tony Knowles
Governor, State of Alaska
P.O. Box 110001
Juneau, Alaska 99811

Re: Public Defender Director Appointment

GOVERNOR'S OFFICE

Dear Governor Knowles:

Although I have only worked at the Public Defender Agency for a year as a paralegal, it is the best career move I have ever made.

My feelings in part come from working with Ms. Barb Brink who is on your list of candidates for the appointment of Public Defender Director. I have found Ms. Brink to be warm, compassionate, ethical and thoroughly knowledgeable in her field. Ms. Brink values her staff's input and ideas. She is fluent in reaching to the heart of the matter and handles even the most difficult clients with ease and understanding.

I worked as a legal secretary for the district attorney's office for five and one-half years prior to my position here. While working the other side of the fence, so to speak, I witnessed first hand how an office functions when the workers do not see eye to eye or have no input with the higher ups. Morale takes a nose dive and everyone is constantly watching their backs, anxious to move to other positions outside the department.

This is not the working environment with the Public Defender Agency. The Public Defender Agency values their entire staff; all personnel are encourage to express their ideas and give input on any given subject. Ms. Brink will be able to step into the director's position and keep this office running smoothly without concerns. Please appoint Ms. Brink to the position of Public Defender Director.

Thank you for taking the time to read my letter. If you would like to speak to me personally, I can be reached at 248-2122 after working hours.

Sincerely,


Teresa Blakeslee-Cobb

knowles defen
2476

BOARDS & COMMISSIONS
DEC 19 1996

December 17, 1996

GOVERNOR'S OFFICE

Governor Tony Knowles
P.O. Box 110001
Juneau, Alaska 99811-0001

Re: Barbara K. Brink

Governor Knowles:

This letter is to urge you to hire Acting Public Defender Barbara Brink as the Public Defender.

I am the office manager of the Fairbanks Public Defender Agency, and perform the administrative duties for that office. In the past this has been problematic because all paperwork (personnel documents, billings, requests for funds, statistics, supply orders, travel authorizations, time sheets, etc.) must go to the Anchorage office for processing, and there were often no clear guidelines. Ms. Brink has initiated record-keeping procedures which have made performing administrative duties much easier and more efficient. She has the inherent ability to understand what may be a problem for outer offices, then design procedures accordingly.

When Ms. Brink became Acting Public Defender, she visited the Fairbanks office to familiarize herself with the office and the employees, and to request input from the Fairbanks employees. Ms. Brink immediately began an ongoing dialogue between Anchorage and the other offices, and she continues to make herself available to all employees. She allows the Fairbanks office autonomy while still providing leadership.

Ms. Brink initiated regular supervisor meetings to open communication between herself and the outer offices and among those offices. In my mind, the biggest problem the Agency faces is lack of communication, and Ms. Brink is working to correct that.

Ms. Brink is attempting to bring uniform standards to all offices, and has been working on ethics guidelines to be used throughout the Agency. All indications are that she is an even-handed, responsible administrator, and I look forward to the positive changes she will bring to the Agency, and to working with her in the future.

Sincerely,

Carolyn Kelly
Carolyn Kelly
3284 Adams Drive, 101
Fairbanks, Alaska 99709

Memorandum

To: Governor Knowles
From: Valerie Leonard
Date: January 15, 1997
Subject: public defender appointment

BOARDS & COMMISSIONS

JAN 24 1997

This is written to urge the appointment of Barb Brink to be Alaska Public Defender. I have the highest regard for her. I hope that you have learned enough about her through the evaluation/investigation process to reach the same conclusion.

By way of background, I will tell you that I have known Barb for about ten years. I first got to know Barb when I was working as a Staff Attorney for the Alaska Court of Appeals in Anchorage and Barb was working at the Public Defender Agency. However, I first knew her, not professionally, but through the Anchorage city league women's basketball program. There I learned that Barb is an all around athlete and a genuine good sport. She is fast, has great coordination and has a dead-eye outside shot. We had a friendship of some years through basketball before I ever knew Barb through working together in the Public Defender Agency.

More recently I have worked with Barb with both of us being in offices of the Agency. Six years ago I worked in the Kotzebue office, and now I am the supervising attorney in the Bethel Office. It is in my most recent capacity that I have come to appreciate Barb as the deputy Public Defender and now as the Acting Public Defender.

I want to tell you that there is no attorney that I respect more than I do Barb Brink. She has well rounded and very informed knowledge of criminal law and of court issues, in fact, so much so that I rely on her absolutely with my problems or questions. I also have complete faith in her ethical instincts and values. And, not unimportantly, I trust her to support me in my sometimes lonely and daunting job as a bush office defense lawyer. I always know that Barb is there in the Anchorage office and that she will bring to bear the full resources of the Agency to make sure that the defendants of Bethel get the same vigorous defense as the big city clients do.

This is an amazing combination of good qualities. You have a candidate for

Public Defender who has the intelligence and learning to do an excellent job. In fact, she has already demonstrated that to all of us who have had the pleasure of working under her. And she has the highest moral and ethical standards which I believe she adheres to without regard to her own convenience or short term interests.

In short, Barb is a tremendous asset to the Agency, and she should be appointed to the job. She will assure a stable Agency with happy staff attorneys and well served clients. Please don't let us down by appointing someone other than Barb.

My best wishes to you and your administration.

Sincerely,

Valerie Leonard
Supervising Attorney
Bethel Public Defender Office

*WOWC Defender Fund

2656

BOARDS & COMMISSIONS
DEC 23 1996

December 11, 1996

Honorable Tony Knowles
Governor, State of Alaska
Post Office Box 110001
Juneau, Alaska 99811

RECEIVED
DEC 23 1996

GOVERNOR'S OFFICE

Re: Public Defender Appointment - Barbara Brink

Dear Governor Knowles:

As staff attorneys in Public Defender offices throughout the state, we are writing to urge you to appoint Barbara Brink to the position of Director of the Alaska Public Defender Agency.

All of us know and work with Barb. Those of us who have been at the Agency for more than a decade worked with her when she was a trial lawyer in the office. The more recently hired lawyers know her as the Deputy Public Defender, a job she has held for the past seven years. All of us can say without qualification that she is one of the best criminal defense attorneys in the state. She is a tenacious litigator who understands the importance of delivering quality legal services to her clients. As Deputy Director, she consistently monitors the staff lawyers to ensure that every attorney in the office provides that same quality of service.

In addition to being a highly regarded trial lawyer, Barb is also a very good administrator. Given the nature and temperament of criminal defense attorneys in general, and public defenders in particular, being the Deputy Director can be a thankless task. Barb has a very innovative approach to systematic problems. She includes people in the decision-making process in an effort to achieve consensus--a trait shared by all those who understand the importance of management issues. In addition, Barb is known throughout the Agency for her ability to work with the most difficult clients and lawyers--a skill that serves her well in her current position as Acting Director of the Agency.

Finally, a letter of support for Barb is not complete without mention of her commitment to work on behalf of Alaska's indigent citizens. She is truly the hardest working lawyer in the Agency. She can be found in the office any time of the day or night, weekends as well as during the work week. She is available to help over-committed staff attorneys with projects and always willing to act as a sounding board if an attorney needs to discuss a legal issue. Her judgement is always sound and temperate. Barb has the proven ability to

administer the office. She also has a satisfied staff of lawyers, and a demonstrated commitment to the effective representation of Alaska's indigent citizens. We urge you to appoint her to the position of Director of the Alaska Public Defender Agency.

Sincerely,

THE ALASKA PUBLIC DEFENDER AGENCY

John De
A. Jensen
David R. Reineta
Dan Denny
Les Hart
Julia Moody
Jay Mumble
Bridget Doherty
Vicki Carlson
Linda Murphy
Elizabeth Poren
H. Druska
Scott Purden
Valerie Leonard
Suzanne Weller
Bethany P. Spalding

Nancy Groszek
Philip Ballenberg
Kari Thors
Joleen Sorensen
Dan B. Smyke
W. Tetlow
Burt Dahl
Allan R. Thelen
D. M. S.
Sharon Barr
Sandy Luke
Eric Mills
Robert C. Jensen
Paul E. Matin
Catherine A. Rector
Karin E. Aleneak

Barbara Kessner

Mary Deaver

Cory Dunt

Colleen A. Kasluchan

Jill C. Wetherhead

~~Ernest~~

Kristen By
The Tsey

Karen Potnow

Jessy B. Wilbur

Hedra K. Gind

M. Baker

Linda K. Wilson

~~Paul~~

Paul D. Whitney

J.W. Mahl

Margaret G. Wilson

Nory A. Clarke

Jeressa Blakely Cole

Jessie E. Farrell
M. Mahl

Mil O.

Ms. Galen Paine
312 Islander Dr.
Sitka, Alaska 99835

Public Defender

2692

December 18, 1996

RECEIVED
DEC 23 1996

Tony Knowles
Governor, State of Alaska
120 4th
Juneau, Alaska 99801

GOVERNOR'S OFFICE

Re: Public Defender

Dear Governor Knowles:

I have worked for the Public Defender Agency for twelve years and currently practice in Sitka. I have known Barb Brink for twelve years through both professional and some personal contacts. I am not a close personal friend.

I have great respect for her

- integrity
- administrative ability
- lawyering skills
- personal discipline
- people skills
- experience

She commands both affection and respect from the people she works with and who work for her.

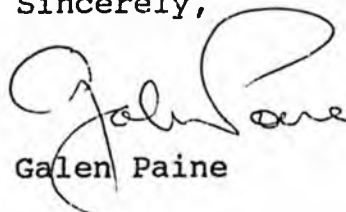
Barb Brink has the administrative skills to handle a decreasing budget efficiently while maintaining the best legal service possible. Few people have her ability to remain personable and likeable, yet make the hard decisions which affect employees and the Agency. She manages by working for continuous improvement, a style which gets results with Agency personnel. She has the ability to enlist people to voluntarily "get with the program".

Because of her experience as the Deputy Public Defender she has been able to become an immediately-effective Acting Public Defender. She already knows the job and is making needed changes. One of her priorities is better service to our clients through higher efficiency, including financial efficiency. She has initiated supervising attorneys meetings once per month to

keep the offices better connected and has made communication between the offices a real priority. She put together an "economy" Public Defender conference, which turned out to be one of the best conferences ever.

Barb Brink is the candidate with the most experience, the disciplined personality and the administrative skills to run this Agency. She is a fine person, an excellent lawyer and good administrator. She is a genuinely well-rounded person and is making an excellent Public Defender. Please let her continue her good work.

Sincerely,

A handwritten signature in cursive script that reads "Galen Paine". The signature is written in dark ink and is positioned above the printed name.

Galen Paine

Public def. fend

ALASKA PUBLIC DEFENDER AGENCY
P. O. Box 929
Dillingham, Alaska 99576
PH: (907) 842-4582 • FAX: (907) 842-4782

January 24, 1997

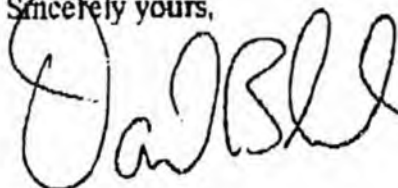
Robert King
Office of the Governor
Juneau, AK 99801
FAX: 465-3533

RE: Public Defender

Dear Bob:

I am writing to let you know that Barbara Brink is by far the most qualified applicant for the position of Public Defender. I have worked with her directly for the past five months and can assure you that she has done an outstanding job. She has the confidence, and respect of her colleagues and everyone within this agency. She is a dedicated lawyer and public servant and she has the highest legal ability and ethical standards of our profession.

Sincerely yours,



David B. Snyder
Assistant Public Defender

BOARDS & ...

JAN 24 1997

DBS:mmj

FURUL 2/1/1997

3447

CINDY BREWSTER
2812 Leawood Drive
Anchorage, Alaska 99515
(907) 243-1848

January 1, 1997

Honorable Tony Knowles, Governor
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811

RECEIVED
JAN 8 1997
OFFICE OF THE GOVERNOR

Re: Barbara Brink, Acting Public Defender

Dear Governor Knowles:

I am a legal secretary for the Anchorage Public Defender Agency. For the past eight years I have had the pleasure of working with Barbara Brink. I am writing in support of her appointment as the Public Defender.

I was initially hired as the receptionist for the Public Defender Agency. It was my first state job and the first time I had worked for or interacted with lawyers. I was somewhat apprehensive about dealing with such reputedly large egos. Barb Brink quickly put me at ease. Not only did Barb and her predecessor John Salemi treat the staff as though we were working with them and not for them, but they fostered the same attitude in their fellow attorneys. This unspoken doctrine is just one of the many things that assures the support staff's continued loyalty and commitment to the agency and stimulates our enthusiasm and pride as state employees.

Barb is a tireless and dedicated public servant. As a state official, you can surely imagine the mass volume of phone calls our office receives daily. I have witnessed, as only a receptionist can, the various methods in which attorneys deal with client phone calls. In my eighteen months as the receptionist, Barb Brink NEVER refused a phone call or turned away a walk-in client. Since I am no longer responsible for the switchboard, I confirmed this fact with the current receptionist and the other secretaries. Everyone agreed that Barb continues to take ALL of her phone calls.

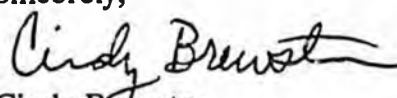
Barb is a natural leader. She possesses the unique ability to be extremely approachable and compassionate, while remaining completely professional and authoritative. The ability to counsel and discipline in a neutral, fair manner is a skill far too many people in supervisory positions are lacking and one which earns Barb great respect with clients and staff alike.

Barb Brink is a true humanitarian. When staff attorney Marlis Heinemann became terminally ill and adamantly expressed her wish to die at home, Barb took charge. Never preachy or pushy, she organized a sign-up chart which she monitored diligently and without complaint, filling in her name whenever there was a blank spot or cancellation. The months began to drag on and the care of Marlis became overwhelming and depressing while her physical and mental condition deteriorated before our eyes. Toward the end when she became increasingly abusive, Barb would step in for the weaker folks who could no longer bear the strain. Even after finishing a lengthy stay with Marlis, Barb would advise her relief person of her availability if needed. She inspired us by example and taught us the true meaning of giving, especially when she spent Christmas Day with Marlis. Thanks to Barb, Marlis was able to pass away peacefully a month later in her own home.

A person of Barb's caliber is a rare find. If you haven't yet had the chance to meet her, I hope you will soon. My only concern is that you will be so impressed with her that you will decide to find a position for her on your own staff, thus depriving the Agency of our most important asset.

In closing I would like to say that I have always considered myself a very good judge of character. In the eight years I have worked with Barb I have never known her to lose her temper or denigrate another person -- client or colleague. To know and work with Barb is a privilege beyond explanation. I consider her character to be of the highest quality. Barb has consistently demonstrated that she is a devoted and magnanimous leader in public advocacy. In my estimation, the State of Alaska would be extremely fortunate to have Barbara Brink as its Public Defender.

Sincerely,


Cindy Brewster

Alaska Public Defender Agency

529 Fifth Avenue, Suite 1
Fairbanks, Alaska 99701
Phone: (907) 452-1621
Fax: (907) 452-1684

+ would recommend

3317

RECEIVED

JAN 6 1997

OFFICE OF THE GOVERNOR
BOARDS & COMMISSIONS
JAN 0 8 1997

January 3, 1997

Governor Tony Knowles
P.O. Box 110001
Juneau, Alaska 99811-0001

Re: Barb Brink

Governor Knowles:

I urge you to appoint Barb Brink as the Public Defender. There are many reasons for this recommendation; three are primary.

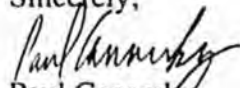
First, Ms. Brink is clearly the most qualified candidate. Although both of the other candidates have worked for the Agency in the past, Ms. Brink, by her tenure with the Agency, has shown both a commitment to the Agency and the ability to do this demanding work at a high level over an extended period of time. I have worked with all three candidates; I have followed their careers; I have talked to all three candidates about cases and how to win them; and I have worked as a teacher/facilitator at conferences with both Ms. Strout and Ms. Brink. Ms. Brink is, by a significant margin, the best and brightest candidate.

Second, Ms. Brink has the best experience for the position of Public Defender. The Agency is in a unique position; we are a State Agency, yet our mandate is to provide quality legal representation for people who are often difficult, always disenfranchised, and usually disliked. As budget considerations become more critical, it becomes more important to have top level administrators who have shown they can manage a large staff, allocate resources, work with the Department of Administration and the Legislature, and continue to provide the services required by statute and court rule. Ms. Brink has worked with the Legislature, Ms. Brink has been involved in training Agency attorneys, Ms. Brink has tried difficult cases, and Ms. Brink has run the Agency, as Deputy Public Defender, with John Salemi for the last several years. Ms. Brink has not only done all of those things, she has proven she can do them well. This is a time to assure stability and continuity; please appoint Ms. Brink.

My third reason is somewhat more personal. I am the Supervising Attorney for the Fairbanks Office of the Agency; our office also provides support to the offices in Barrow, Nome, and Kotzebue. I have worked with Brian Shortell, Dana Fabe, John Salemi, and Barb Brink. The Agency has been fortunate to have highly capable leaders in the past; those of us in the outlying offices need significant support from the Anchorage Office in order to do our jobs well day to day. While John Salemi was Public Defender, and Ms. Brink was Deputy, Ms. Brink had many responsibilities, and was in charge when Mr. Salemi was on leave, so I know what she would be like as Public Defender. Ms. Brink would be an outstanding Public Defender, in the tradition of Judge Shortell and Justice Fabe.

You and I met, briefly, in my office here in Fairbanks and talked, among other things, about coming from the Midwest and the value of hard work and doing a job well. Ms. Brink will do her job well. I urge you to appoint Ms. Brink as Public Defender.

Sincerely,


Paul Canarsky

T WOLLE 3112

December 26, 1996

DEC 30 1996

RECEIVED
OFFICE OF THE GOVERNOR
BOARDS & COMMISSIONS
DEC 30 1996
JAN 08 1997

Honorable Tony Knowles, Governor
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811

RE: APPLICATION OF BARBARA BRINK FOR PUBLIC DEFENDER

Dear Governor Knowles:

I am writing to express my support and urge you to appoint Barbara Brink as Director of the Public Defender Agency.

I have known and worked with Barb at the agency since 1983. When I was first hired at the agency I worked as a legal secretary when Barb was a staff attorney in our felony department. Since 1985 I have been the administrative assistant for the agency. In this capacity I have worked closely with Barb for the past seven and a half years while she has been Deputy Public Defender.

Barb is a compassionate person who is a zealous advocate for the agency clients. Her commitment to the clients and to the agency is unwavering. This commitment is reflected by her many years of service with the agency.

I have never worked with a more organized and efficient attorney. Barb gets things done and she gets them done on time. It has been a pleasure working along side Barb during legislative and budget sessions. She is considerate of staff time and deadlines.

Barb Brink has good judgment. I have discussed numerous personnel issues/complaints/problems with Barb and have always been given helpful advice. She is the best listener, does not judge and comes up with a fair resolution of most issues or problems. She involves people in the process and her door is always open to attorneys and staff alike.

Barb is an excellent administrator. She has handled the duties of Deputy Director in a calm and adept manner. Since being appointed Acting Director, she has instituted monthly telephonic supervising attorneys meetings with our 12 branch offices. This has provided a good means for communicating new policies, soliciting feedback and providing a sense of unity within the agency. She has many innovative ideas for the agency in the future. I hope to be able to assist her in seeing these plans to fruition.

In my opinion, Barb Brink is clearly the best choice for the position of Public Defender. She is dedicated and committed to the agency's mission. Her hands on approach to the administration

of the agency is appreciated by all employees. She is an effective representative of the agency before the legislature. Her personnel hiring, promoting and disciplining techniques are always fair and well thought out. She is experienced in the budget process and will do what is necessary to ensure our agency's funding. Her staff, both lawyers and support staff, are behind her looking forward to working together and improving the efficiency of the agency. I urge you to appoint Barb Brink as Director of the Alaska Public Defender Agency. Thanks for the opportunity to show my support.

Sincerely,

Sue Hedge

Sue Hedge

HEDGE
2009 W. 32ND AVE.
ANCHORAGE, AK
99517-2077

sh

Public Defender
3585

January 10, 1997
1307 Chena Ridge Road
Fairbanks, AK 99709
(907) 479-5008

Hon. Tony Knowles
Governor
P.O. Box 110001
Juneau, AK 99811-0001

BOARDS & COMMISSIONS
JAN 16 1997
RECEIVED

RE: Candidacy of Barbara Brink for
Appointment as Public Defender

JAN 13 1997

OFFICE OF THE GOVERNOR

Dear Governor Knowles:

As I understand it, you will soon be making a decision concerning the appointment of our next Public Defender. I strongly support Barbara Brink's candidacy for that position. I am hopeful that you will recognize that Ms. Brink's intelligence, experience, and strength of character render her the best-qualified applicant.

I am an Assistant Public Defender, and have served in that capacity in Fairbanks since 1981. Barb Brink's many years of service in the Public Defender Agency's Anchorage Office have resulted in our getting to know each other quite well.

I have been impressed with Ms. Brink's intelligence and with her skill as an attorney throughout our long association. She has an excellent understanding of the law, and has represented her clients extraordinarily well during her tenure with the Agency. Since Barb knows what it takes to provide effective representation to those charged with crimes, she is remarkably well-qualified to head an organization which exists for that purpose.

Barbara Brink's ability to achieve favorable results for her clients is evidence of more than just technical expertise. She has shown good judgment in weighing the realities of the cases in which she has been involved, and in conveying realistic alternatives to her clients. Her pragmatism is further proof of her suitability for the job which she seeks, given the Public Defender's need to balance many competing concerns in order to insure effective representation of the Agency's clients.


It is of no small significance that Barb Brink's long tenure with the Public Defender Agency has made her keenly aware of the realities of administering that organization. As Acting Public Defender during the months since John Salemi's resignation, and as Deputy Public Defender during the several immediately preceding years, Barb has worked tirelessly to insure the Agency's continuing effective operation. She has been extraordinarily supportive of those with whom she works in carrying out her administrative responsibilities; and I can report from my personal experience that this has meant a great deal.

January 10, 1997
Candidacy of Barb Brink
Page -2-

Ms. Brink's honesty is unquestionable. Her integrity and genuine commitment to the people she has been responsible for representing have made her a shining example to others in our profession. By virtue of the respect that others feel for her, Barb has proven herself an effective leader. And as a consequence of her integrity, I have confidence that, if appointed, she will lead us in a principled way.

Barbara Brink is the best candidate for the position of Public Defender. While I know and am fond of the other applicants, Barb's experience and proven effectiveness within the Agency leave little doubt in this regard. Her intelligence, integrity, and common sense have been amply demonstrated during her years with the Agency, as have her kindness and commitment. If you select Ms. Brink, you will see why these attributes have generated the respect of those who know her; for I believe that she will earn your appreciation and respect, as well.

Sincerely,


Geoffry B. Wildridge

RAZ WAVE
9106 W. Pasadena
EAGLE RIVER, AK 99577

Public Defender / end
3443

RECEIVED

JAN 8 1997

OFFICE OF THE GOVERNOR

January 3, 1997

Governor Tony Knowles
PO Box 110001
Juneau, AK 99811-0001

BOARDS & COMMISSIONS

JAN 17 1997

Dear Governor Knowles:

I am writing on behalf of Ms. Barbara Brink, the Acting Public Defender for the Alaska Public Defender Agency. I have been the Chief Investigator for the agency since 1987. During that time I have worked under the directorship of Ms. Dana Fabe and Mr. John Salemi. In the past nine years I have worked with Ms. Brink while she was on the felony trial staff and during her appointment as the Deputy Director under Mr. Salemi. I have had the opportunity to judge her abilities as a trial lawyer and administrator. In my opinion she excels at both. However, at issue now is her ability to guide the agency for the next four years. It is without question she is the best qualified for numerous reasons.

Ms. Brink has the respect of her staff. It is not an easy task to lead such divergent and oftentimes dominant personalities which exist in the agency. It is the combination of energy and dedication that enables the office to be respected in the legal community. Unfortunately, it is impossible to make everyone happy all of the time but the agency staff and our clients have few complaints about our efforts. It is in part because Ms. Brink's leadership is demonstrated through dedication and example. She is frequently in the office long after others have called it a day. She is meticulously organized and always prepared.

The Director frequently makes unpopular decisions about issues involving personnel or financial requests for professional expenditures outside the office. When those painful decisions are made, Ms. Brink's decisions are not questioned or challenged. Having been such a force on the trial staff for many years she has gained our respect in such matters.

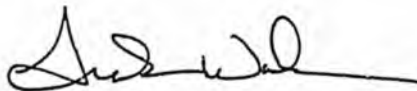
I have worked with Ms. Brink on numerous felony trials and marvel at her ability to sift quickly through legal or factual details both in and out of the courtroom. She is never at a loss for words even in the darkest of moments. She is both creative and convincing having thoughtfully analyzed her opponent or position. Those skills will serve her well in the period ahead.

Ms. Brink will also serve the State and our clients well. She is fair and honest. Both are attributes not frequently mentioned in the legal profession.

Ms. Brink's long tenure in the office qualifies her as the best candidate for the position. I would therefore respectfully recommend that she be appointed the next Director of the Alaska Public Defender Agency.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Wake", with a long horizontal flourish extending to the right.

Frank Wake

PUBLIC DEFENDER /-net
3581

January 8, 1997

Governor Tony Knowles
P.O. Box 110001
Juneau, AK 99811-0001

BOARDS & COMMISSIONS
RECEIVED JAN 16 1997
JAN 13 1997
OFFICE OF THE GOVERNOR

Re: Public Defender Appointment

Dear Governor Knowles:

As you currently are considering the Public Defender appointment for the State of Alaska, I would like to express my support for Barb Brink, one of the three candidates under consideration.

As was indicated by the Judicial Council, the three candidates under consideration all have excellent reputations in the legal community. I have had professional contact with all three candidates and respect the legal work of each. However, Ms. Brink brings with her not only superior legal skills and commitment to the work of the Public Defender Agency, but also brings demonstrated ability to effectively administer a complex state agency. Not only has she been involved in the day-to-day running of the Public Defender Agency for several years as the Deputy Public Defender under John Salemi, but she has demonstrated both during that tenure and, more recently, during her tenure as Acting Public Defender, that her administrative skills equal or even surpass her well-respected skill as a trial attorney.

I have been employed at the Public Defender Agency for approximately eleven years. I am the supervising appellate attorney in the Fairbanks office, as well as the Deputy supervising attorney for the Fairbanks office under Paul Canarsky. I serve on two supreme court standing committees and one Alaska Bar Association standing committee and, in doing so, come into regular professional contact with judges, prosecutors, and private criminal defense attorneys. Because of these contacts as well as my employment at the Agency, I have been afforded insight into the public's perception of the Public Defender Agency, as well as the unique problems which the Agency faces, different than those of the court system, the Department of Law or private practitioners. During my employment with the Agency, I have come to appreciate that the position of Public Defender requires a person who is skilled at wearing many hats in order to facilitate the running of the Agency as well as to deal with the unique concerns of such an Agency. Like her predecessors (John Salemi and Justice Dana Fabe), Barb Brink has demonstrated her ability to do so.

Specifically, Ms. Brink has been long-committed to the Agency's goal of bringing quality representation to its clients, such quality representation publicly recognized throughout the state which sets the Alaska Public Defender Agency apart from the majority of similar agencies in other states. In order to facilitate such service, Ms. Brink has been active in promoting continuing legal education for those employed by the Agency. Her commitment to this activity is greatly appreciated by the Agency attorneys and contributes to the quality and efficiency of Agency representation.

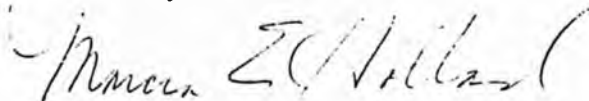
Additionally, Ms. Brink has been actively involved in working with the state legislature on the Agency's behalf for several years, a critical function of the Public Defender, and is familiar with the legislative process. Ms. Brink alone would bring to the position this important experience. In a similar fashion, Ms. Brink has been the liaison between the Agency and the Department of Administration, which department supervises the Agency. Ms. Brink has markedly improved the relationship between the Agency and the Department. She has facilitated the Department's understanding of the unique function of the Agency while insuring that the Agency complies with necessary Department requirements. Following from this, Ms. Brink has demonstrated that she can successfully administer an agency which is often faced with limited allocation of state resources and (as with many state agencies) budgetary constraints. Ms. Brink is not afraid to say no when necessary to insure that the Agency as a whole is able to function within its budgetary limits, while at the same time zealously representing the Agency's interests before the legislature and with the Department of Administration.

Ms. Brink also has unique first-hand experience as to the complexity and diversity of the Agency (and the competing concerns and needs of the individual Agency offices). The many faces of the Public Defender Agency include the more urban larger Anchorage office, and the offices in Fairbanks and Juneau, as well as offices in remote locations such as Barrow, Dillingham, Kodiak and Sitka. Because Ms. Brink has actually worked in the smaller remote offices of the Agency, she has first-hand experience as to the similarities and differences which are found among the thirteen Agency offices throughout the state. This insight is critical if a Public Defender is to be able to insure that Agency as a whole is to function efficiently and effectively.

As you may expect, working at the Public Defender Agency is a job which involves working with clients who often are distrustful, difficult, and disliked by the public, and working under a demanding caseload which involves long hours and significant stress. In light of these factors, it is critical to the efficient running of the Agency that the person appointed by you as the Public Defender bring to the job proven administrative and legal skills which would provide continued stability which in turn will insure that the Agency functions at its highest and most efficient level. Barb Brink has

such skills and would be well-suited to be appointed as Public Defender. Please consider my support for Ms. Brink and my comments in making your decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marcia E. Holland". The signature is written in dark ink and is positioned above the typed name.

Marcia E. Holland
Assistant Public Defender

FRIDAY
JOHN M. HOLMES,
ATTORNEY AT LAW
(ALASKA BAR ASSOC. NO. 7811103)

C/O:
CHANG CHUN WAI GUO YU XUE XIAO
CHANGCHUN FOREIGN LANGUAGES SCHOOL
46 HONGQI STREET
CHANGCHUN, JILIN PROVINCE
CHINA 130012

→ TEL. - MORNINGS, CHANGCHUN TIME,
- DIRECT DIAL:

011-86-431-595-3201

AFTER CHINESE RECORDING ANSWERS,
DIAL EXTENSION 3074.

CHANGCHUN IS 17
HOURS AHEAD OF
JUNEAU

IF IT IS 1:00 PM
MON. IN JUNEAU,

IT IS 6:00 AM

TUES. IN

CHANGCHUN,
A GOOD TIME
TO CALL.

→ E-MAIL C/O: (SMALL LETTERS)

j.barreca@public.cc.jl.cn

(JBARRECA@PUBLIC.CC.JL.CN)

→ FAX C/O: CITY OF CHANGCHUN
FOREIGN AFFAIRS OFFICE:

DIRECT DIAL:

011-86-431-565-2740

TEL: 011-86-431-565-2741

MRS. SUN LI HONG, GEN. MGR.

MS. TRACY ZHANG

MR. WANG WEI

(ENGLISH SPEAKERS)

TO:

CHAIR, JUDICIARY COMMITTEE,
STATE HOUSE

ALASKA STATE LEGISLATURE

JUNEAU, ALASKA 99801

P. 2
CHAIR, HOUSE JUDICIARY COMMITTEE
ALASKA STATE LEGISLATURE

RE: APPOINTMENT,
STATE PUBLIC DEFENDER

DEAR MADAM OR SIR:

THIS LETTER RELATES TO THE APPOINTMENT,
AND LEGISLATIVE RATIFICATION, OF THE NEXT
ALASKA STATE PUBLIC DEFENDER. THIS IS
A MAJOR APPOINTMENT TO A MAJOR POST.
THE APPOINTMENT WILL INFLUENCE THE DIRECTION
OF THE CRIMINAL JUSTICE SYSTEM FOR YEARS
TO COME.

I HAVE OPPOSED THE APPOINTMENT OF
BARBARA BRINK IN THE ENCLOSED MATERIALS.
IT MAY AS WELL BE SAID THAT I OPPOSE
THE APPOINTMENT OF ALL THREE CANDIDATES
~~THE~~ WHO WERE RECOMMENDED BY THE
JUDICIAL COUNCIL. I DON'T THINK THAT ANY
OF THEM IS UP TO THE DEMANDS OF THE
POST, FOR THE DEFENSE IS BEING
CRIPPLED BY THE CRIMINAL JUSTICE SYSTEM.
CONSTITUTIONAL DUE PROCESS IS BEING
DENIED. THE STATE PUBLIC DEFENDER MUST
BE PREPARED TO TAKE ON THE CHALLENGE
OF FIGHTING TO EQUALIZE THE ROLES OF
THE STATE AND THE DEFENSE. THIS IS A PERVASIVE,
SYSTEMIC PROBLEM THROUGHOUT THE CRIMINAL JUSTICE SYSTEM.

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CHAIR, ^{P. 3} HOUSE JUDICIARY COMMITTEE
ALASKA STATE LEGISLATURE
- - - - -

THE LEGISLATURE IS IN A DIFFICULT POSITION. ON THE ONE HAND IT MUST LISTEN TO ITS CONSTITUENTS, AND THEY ARE PSYCHOLOGICALLY ATTUNED TO LAW-AND-ORDER POSTURING. ON THE OTHER HAND, THE LEGISLATURE HAS AN EVEN LARGER, HISTORIC RESPONSIBILITY TO THE CONSTITUTION AND TO THE PRINCIPLES OF JUSTICE. IT IS IN RECOGNITION OF THOSE LARGER PRINCIPLES THAT WE DO NOT CONDONE VIGILANTISM AND LYNCH LAW WHEN A PUBLIC OUTRAGE OCCURS, AND IT IS IN RECOGNITION OF THOSE ^{SOME} PRINCIPLES THAT THE LEGISLATURE ^{USE} MUST PROMOTE THE CONSTITUTIONAL RIGHTS OF THE DEFENSE. IT DOES SO IN THIS ^{PRESENT} CONTEXT BY A THOROUGH EXAMINATION OF THE APPOINTEE AND ^{A THOROUGH} ~~THE~~ EVALUATION OF THE NEEDS OF THE POST. THIS SHOULD NOT BE AN AUTOMATIC APPOINTMENT.

ENCLOSED ARE THE FOLLOWING MATERIALS WHICH SET OUT MY VIEW OF THE SITUATION. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME AT ANY TIME. IT IS EASY TO DO SO, AND NOT VERY EXPENSIVE. I WILL BE OUT OF CHANGCHUN, BUT HERE IN CHINA FROM JAN. 20 TO ABOUT FEBRUARY 15. HOWEVER I

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CHAIR, HOUSE JUDICIARY COMMITTEE
ALASKA STATE LEGISLATURE

WILL KEEP IN CONTACT WITH THE FAX
AND E-MAIL ADDRESSES. THE PEOPLE AT
THE E-MAIL ADDRESS (IN THE BUILDING
WHERE I LIVE) WILL BE GONE FOR 2
WEEKS, ^{STARTING FEB. 11,} BUT I WILL BE BACK IN CHANGCHUN
ABOUT FEBRUARY 15 AND CAN BE PERSONALLY
CONTACTED THEN. (AND WILL CHECK FAX/EMAIL BEFORE THEN.)

THANK YOU FOR CONSIDERING THE VIEWS EXPRESSED
IN THIS LETTER AND THE FOLLOWING, ENCLOSED
MATERIALS.

- 1) 01-10-97: LETTER FROM J. HOLMES TO PUBLISHER
AND EDITORS, ANCHORAGE DAILY NEWS.
- 2) 12-18-96: LETTER TO J. HOLMES FROM TERESA
CARUS, SENIOR STAFF ASSOCIATE,
ALASKA JUDICIAL COUNCIL, RE APPT.
- 3) 11-24-96: LETTER FROM J. HOLMES TO
ALASKA JUDICIAL COUNCIL, RE APPT.
- 4) 12-08-95: LETTER FROM J. HOLMES TO ALASKA
JUDICIAL COMMITTEE ON FAIRNESS
AND ACCESS.
- 5) 11-02-95: MEMO ENTITLED "A COLONIAL SYSTEM"
FROM J. HOLMES TO ALASKA PUBLIC
DEFENDER AGENCY, RE ALASKA CRIMINAL
JUSTICE SYSTEM.

(IN JAN. 1996 KOTZEBUE JUDGE RICHARD
ERLICH DISTRIBUTED A MONOGRAPH
ACKNOWLEDGING THAT THE SYSTEM IS
COLONIAL BUT ADVOCATING NOTHING
TO CHANGE IT.)

SINCERELY,
John M. Holmes
JOHN M. HOLMES
ATTORNEY AT LAW



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1981 (907) 279-2526 FAX (907) 276-5046
http://www.state.ak.us/local/akpages/COURTS/AJC/home.htm E-Mail: 72302.1261@compuserve.com

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*1-15-97
COPY TO HOUSE
JUDICIARY COMMITTEE,
AK. LEGISLATURE
John Holmes*

December 18, 1996

ATTORNEY MEMBER
Thomas G. Flavel
Robert H. Wagstaff
Christopher E. Zimmerman

CHAIRMAN EX OFFICIO
Allen T. Conroy
Chief Justice
Supreme Court

John Holmes, Attorney
46 Honggi Street
English Teachers' Office
Changchun Foreign Languages School
Changchun, JiLin Province
China 130012

Dear Mr. Holmes:

Thank you very much for your recent letter regarding the application of Barbara Brink for the Public Defender position. Unfortunately, your letter arrived after the Council had met and made its nominations, so the members did not have a chance to consider it. I read it with great interest, because I had seen your earlier comments about the rural justice system in the context of the Court's Advisory Committee on Fairness and Access. The Council just in the past week agreed (at the court's request) to take over the work of staffing the grant that funds the committee. Thus, your remarks *are* timely, in that context.

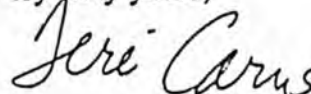
Because we have done a substantial amount of work on charging and sentencing practices in the context of our evaluations of the ban on plea bargaining, we understand the points that you are making about charging practices. If you are interested and have not seen it (and it doesn't cost too much to send!), I'll be happy to send you the 1991 re-evaluation of the ban. We haven't had as much opportunity to study some of the other issues that you raise, such as search warrants, *Miranda* rights, and grand jury presentations.

To keep you up to date, I should let you know that the Council voted to nominate Barb Brink, Sidney Billingslea and Cynthia Strout for the PD position. The governor has 45 days in which to make his appointment; then the legislature must confirm (majority, in joint session).

We very much appreciate the time that you have taken in the past year, to set down your thoughts and experiences with the justice system, particularly because you have compared practices in different parts of the state. You have contributed a great deal to our understanding of the effects of the various practices on different parts of the system. Please let us know if you have other comments that you believe would assist us.

Best wishes for your holidays, and for your stay in China.

Very truly yours,



Teresa W. Carns
Senior Staff Associate

JANUARY 10, 1997

JOHN M. HOLMES,
ATTORNEY AT LAW

(ALASKA BAR ASSOC. NO. 7811103)

1-15-97
COPY TO AK. HOUSE
JUDICIARY COMMITTEE
CHAIR, LEGISLATURE
John Holmes

C/O:

CHANG CHUN WAI GUO YU XUE XIAO
CHANGCHUN FOREIGN LANGUAGES SCHOOL
46 HONGQI STREET
CHANGCHUN, JILIN PROVINCE
CHINA 130012

CHANGCHUN IS
1.7 HOURS AHEAD
OF ANCHORAGE.
IF IT IS 1:00 PM MONDAY
IN ANCHORAGE, IT
IS 6:00 AM TUESDAY
IN CHANGCHUN.

--- MORNINGS
TEL. ~~EVENINGS~~: DIRECT DIAL
011-86-431-595-3201
AFTER CHINESE RECORDING ANSWERS,
DIAL EXTENSION 3074.

E-MAIL C/O: (SMALL LETTERS)
jbarreca@public.cc.jl.cn
(JBARRECA@PUBLIC.CC.JL.CN)

FAX, C/O: (CHANGCHUN FOREIGN AFFAIRS OFFICE)
011-86-431-565-2740

PUBLISHER AND EDITORS,
THE ANCHORAGE DAILY NEWS
ANCHORAGE, ALASKA 99501

RE: APPOINTMENT OF
ALASKA STATE PUBLIC DEFENDER

DEAR PUBLISHER AND EDITORS:

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PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

THE STATE OF ALASKA IS CURRENTLY IN THE LATTER STAGES OF THE PROCESS OF SELECTING THE NEXT STATE PUBLIC DEFENDER. THE ALASKA JUDICIAL COUNCIL HAS NOMINATED BARBARA BRINK, THE CURRENT DEPUTY DIRECTOR OF THE PUBLIC DEFENDER AGENCY, SIDNEY BILLINGSLEA, AND CYNTHIA STROUT FOR THE POSITION. I DO NOT KNOW WHETHER THE GOVERNOR HAS MADE AN APPOINTMENT. I HAVE ASKED BUT HAVE NOT RECEIVED A REPLY. I'M SURE HE WILL HAVE DONE SO BY THE TIME YOU RECEIVE THIS LETTER BECAUSE THE 45-DAY PERIOD FOLLOWING JUDICIAL COUNCIL NOMINATIONS EXPIRES ANY DAY NOW.

ENCLOSED IS A COPY OF A LETTER THAT I RECEIVED SEVERAL DAYS AGO FROM MS. TERESA W. CARNS, SENIOR STAFF ASSOCIATE OF THE ALASKA JUDICIAL COUNCIL. MS. CARNS NOTES THAT THE LEGISLATURE MUST STILL CONFIRM THE APPOINTMENT BY MAJORITY VOTE IN JOINT SESSION, FOLLOWING THE APPOINTMENT.

THE EXTENSIVE SELECTION PROCESS, INVOLVING JUDICIAL COUNCIL NOMINATIONS,

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THE GOVERNOR'S APPOINTMENT, AND LEGISLATIVE CONFIRMATION DEMONSTRATE THE IMPORTANCE OF ALASKA STATE PUBLIC DEFENDER POSITION UNDER THE ALASKA CONSTITUTION AND ALASKA STATUTORY LAW. THE APPOINTMENT DIRECTLY AFFECTS THE COURSE OF THE CRIMINAL JUSTICE SYSTEM FOR YEARS TO COME.

FOR MANY YEARS WE HAVE HEARD CALLS FROM POLITICIANS AND THE PUBLIC FOR "LAW AND ORDER". NO RESPONSIBLE PERSON WOULD ARGUE AGAINST LAW AND ORDER. BUT SOMEBODY MUST REMIND THE PUBLIC - AND THE JUDICIAL SYSTEM ITSELF - OF THE EQUALLY CRUCIAL PRIORITY OF PROMOTING DUE PROCESS AND HUMANE TREATMENT. OTHERWISE OUR SOCIETY COULD ULTIMATELY TEND TOWARD THE OPPOSITE EXTREME FROM THE CHAOS OF A BREAKDOWN IN "LAW AND ORDER"; OUR SOCIETY COULD EASILY IN THE NOT-TOO-DISTANT FUTURE MOVE TOWARD THE OPPOSITE EXTREME OF RIGID TOTALITARIAN

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CONTROL, WITH COMPLETE RELINQUISHMENT OF JUDICIAL INDEPENDENCE AND DELEGATION TO MORE "EFFICIENT" FORMS OF ADMINISTRATIVE ACTION, ALL IN THE NAME OF "LAW AND ORDER". JUSTICE WOULD BE SACRIFICED ON THE ALTAR OF EFFICIENCY.

I THINK WE ARE ALREADY MOVING IN THAT DIRECTION. ANYONE CLOSE TO THE JUDICIAL SYSTEM KNOWS HOW HARD IT IS FOR A DEFENDANT TO DEFEND HIMSELF (AND HERSELF TOO). THE SYSTEM IS BIASED - STACKED - AGAINST THE DEFENDANT. AND PROSECUTORS WILL INCREASE THE BIAS MUCH FURTHER IF POSSIBLE. THEIR INTEREST IS IN AS EFFICIENT A PROSECUTION AS POSSIBLE, WITH LITTLE REGARD FOR DUE PROCESS.

I DON'T BELIEVE THAT THE PUBLIC DEFENDER AGENCY IS FIGHTING THIS TREND. I DON'T BELIEVE THAT IT HAS THE PSYCHOLOGY AT WORK TO DO IT. THAT IS NOT TO CRITICIZE PEOPLE FOR LACK OF TALENT, COMMITMENT, AND DEDICATION.

PAGES

PUBLISHERS AND EDITORS
ANCHORAGE DAILY NEWS
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THE LAWYERS IN THE AGENCY ARE HIGHLY TALENTED, HARDWORKING, AND SACRIFICING. THEY HAVE LARGE CASELOADS, FAR TOO MANY DEMANDS AND TOO LITTLE TIME, AND LIVE UNDER THE CONSTANT PRESSURE OF DOING UNPOPULAR WORK IN WHICH THEIR CLIENTS REGULARLY GO OFF TO SPEND YEARS IN JAIL.

MY POINT IS THAT THE PROSECUTION AND THE JUDGES HAVE PUT THE DEFENSE IN AN IMPOSSIBLE ~~POS~~ POSITION, THE PROSECUTION BY ITS OVERCHARGING AND THE JUDGES BY COURT RULES AND INDIVIDUAL ACTIONS THAT CRIPPLE THE DEFENSE AND DENY THE RIGHT TO DUE PROCESS AND HUMANE TREATMENT UNDER THE U.S. AND ALASKA CONSTITUTIONS.

I BELIEVE THAT THE PUBLIC DEFENDER AGENCY MUST FIGHT TO REVERSE THIS DESTRUCTIVE TREND. THE PUBLIC DEFENDER AGENCY

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PROBABLY REPRESENTS 85% OF THE DEFENDANTS IN ALASKA WHO ARE REPRESENTED BY COUNSEL; MOST OF THE REST ARE PROBABLY REPRESENTED BY THE OTHER STATE DEFENSE AGENCY, THE OFFICE OF PUBLIC ADVOCACY. THESE AGENCIES' LAWYERS ARE IN COURT EVERY COURT DAY DOING CRIMINAL LAW. THE COURSE OF THE PUBLIC DEFENDER AGENCY DETERMINES THE DIRECTION OF THE DEFENSE EFFORT IN THE CRIMINAL JUSTICE SYSTEM.

HOWEVER I ALSO BELIEVE THAT MOST PEOPLE IN THE AGENCY ARE TOO CLOSE TO THE SYSTEM TO BREAK OUTSIDE ITS LIMITS, TO HOLLER ON BEHALF OF JUSTICE WHEN THERE IS NO PRECEDENT ON THE POINT OR PRECEDENT AGAINST IT, TO CONFRONT JUDGES WHEN THEY ACT UNREASONABLY OR TREAT DEFENDANTS WITHOUT

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RESPECT. I DOUBT THAT THE MOST EFFECTIVE NEW STATE PUBLIC DEFENDER WILL COME FROM THE PUBLIC DEFENDER AGENCY. WHAT IS NEEDED IS A HIGHLY EXPERIENCED, HARD-BITTEN LAWYER WHO SEES WHAT NEEDS TO BE REFORMED AND WILL PUSH FOR IT, WHATEVER THE OBSTACLES. I THINK AN AGGRESSIVE, ORGANIZED, AND - IF POSSIBLE - CHARISMATIC - PRIVATE LAWYER, FROM INSIDE ^{ALASKA} OR FROM ELSEWHERE IN THE LOWER 48, IS NEEDED.

IN OCTOBER I RECEIVED AN ALASKA JUDICIAL COUNCIL SURVEY CONCERNING APPLICANTS FOR THE STATE PUBLIC DEFENDER POSITION. I RESPONDED CONCERNING BARBARA BRINK, THE CURRENT DEPUTY PUBLIC DEFENDER. I OPPOSED HER, NOT FOR

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LACK OF PROFESSIONAL ABILITY BUT
RATHER BECAUSE SHE WILL NOT TAKE
THE ACTIONS NECESSARY TO SHAKE
THE CRIMINAL JUSTICE SYSTEM ON
BEHALF OF ~~THE~~ DEFENDANTS.

I DON'T BELIEVE THAT CYNTHIA
STROUT COULD DO IT EITHER.

I DON'T KNOW SIDNEY BILLINGSLEA,
BUT I WOULD WANT TO KNOW
THE APPLICANT BEFORE ENDORSING.

THE ENCLOSED (LONG) NOVEMBER
24, 1996 LETTER TO THE ALASKA
JUDICIAL COUNCIL SETS OUT ^{MY} ~~THE~~ ~~THE~~
EXPERIENCES IN THE ALASKA PUBLIC
DEFENDER AGENCY THAT LED TO
THE OPINIONS EXPRESSED IN THAT
LETTER AND THIS ONE. I WORKED
AS A PUBLIC DEFENDER FROM 12-18-88
TO MARCH 1989 IN ANCHORAGE,
PRIOR TO BEING TRANSFERRED TO
BARROW. I WORKED IN THE BARROW
OFFICE FROM 3-89 TO 3-90 AND
THEN WORKED IN THE KETCHIKAN

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OFFICE FROM 3-90 TO MID-SEPTEMBER 1991.
AFTER RECOVERING FROM SURGERY FOR
7 MONTHS, I TAUGHT ENGLISH IN RUSSIA
FROM 1992-JULY 1994. I THEN WORKED
IN THE KOTZEBUE PUBLIC DEFENDER
OFFICE FROM 8-94 TO MID-JULY 1996.

PRIOR TO THIS I HAD WORKED AS A LAWYER
IN MINNESOTA FROM 8-74 TO 9-77,
IN THE FAIRBANKS ALASKA LEGAL
SERVICES OFFICE FROM 12-77, ^{TO 8-78,} IN
THE BARROW ALASKA LEGAL SERVICES
OFFICE FROM 8-78 TO 11-84, AND ON
YAP ISLAND IN THE MICRONESIAN
LEGAL SERVICES CORPORATION OFFICE FROM
1-85 TO MID DECEMBER 1988.

MY CRIMINAL LAW EXPERIENCE
IN ALASKA TOTALS ABOUT 4 YEARS
AND 9 MONTHS WITHIN THE PUBLIC
DEFENDER AGENCY, IN ANCHORAGE,
BARROW, KETCHIKAN, AND KOTZEBUE.

I AM WRITING YOU, AND
FORWARDING THESE MATERIALS
BECAUSE THESE ARE IMPORTANT
PUBLIC ISSUES THAT GO TO THE
HEART OF THE CRIMINAL JUSTICE

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SYSTEM AND AFFECT THE SECURITY
AND WELL-BEING OF OUR SOCIETY.

THEY DESERVE TO BE AIRED IN
PUBLIC - BUT I DON'T SEE THE
LEGAL SYSTEM DOING THE AIRING.

TO SOME EXTENT, THIS IS AN
INSIDE PEEK INTO THE SYSTEM.

PROBABLY MOST LAWYERS AND JUDGES
WOULD DISAGREE WITH ME, AND
MANY WOULD FIND THIS EFFORT
IRRESPONSIBLE, IF NOT TRAITOROUS.

BUT THESE IDEAS GREW FROM MY
EXPERIENCES WITHIN THE SYSTEM.

I EXPRESSED SOME OF THIS
IN A NOVEMBER 1995 MEMO
WITHIN THE PUBLIC DEFENDER
AGENCY (COPY ENCLOSED). ONLY ONE
LAWYER IN THE ENTIRE AGENCY
RESPONDED, THE SITKA PUBLIC
DEFENDER. I ALSO EXPRESSED SIMILAR
OPINIONS IN A DECEMBER 1995
LETTER TO THE ALASKA JUDICIAL
COMMITTEE ON FAIRNESS AND ACCESS

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(WHICH WAS ORGANIZED IN NOVEMBER 1995 TO INVESTIGATE INEVITABLE TREATMENT OF MINORITIES WITHIN THE ALASKA JUDICIAL SYSTEM), ENCLOSED A COPY OF MY NOVEMBER 1995 PUBLIC DEFENDER AGENCY MEMO; I RECEIVED NO RESPONSE FROM THE JUDICIAL COMMITTEE ON FAIRNESS AND ACCESS.

I THOUGHT LONG AND HARD ABOUT WHETHER TO SEND YOU THE LONG 11-24-96 LETTER OPPOSING BARB BRINK'S APPOINTMENT. I LIKE BARB AND RESPECT HER. I KNOW THAT THE LETTER WILL BE DIFFICULT FOR HER AND WILL SEEM TO HER TO BE UNFAIR IF NOT IRRESPONSIBLE. BUT I KNOW THAT THE CRITICISM IS FAIR AND THAT HER ABILITIES AND PROFESSIONALISM ARE ALSO ACKNOWLEDGED IN THE LETTER; MY

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LETTER CONCERNS WHAT I SEE AS A
LIMITATION CONCERNING NECESSARY
EFFECTIVENESS AS STATE PUBLIC
DEFENDER UNDER THE CIRCUMSTANCES.
MY COMMENTS ARE IN DIRECT RESPONSE
TO THE ALASKA JUDICIAL COUNCIL SURVEY
THAT WAS SENT TO ME, WITH ITS
REQUEST FOR EVALUATION OF
APPLICANTS.

IN DECIDING TO SEND THE 11-24-
96 LETTER TO YOU, I FINALLY FOCUSED
ON THE FACT THAT BARB BRINK HAS
APPLIED FOR A MAJOR STATE POST
REQUIRING THE GOVERNOR'S APPOINTMENT
AND JOINT-SESSION LEGISLATIVE
APPROVAL. AS SUCH, THIS IS A MATTER
OF PUBLIC INTEREST AND CONCERN.
THE PUBLIC DESERVES A LOOK INTO
THE WORKINGS OF THE AGENCY WHEN
SUCH AN APPOINTMENT IS IMMINENT
(AND AT OTHER TIMES AS WELL).

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IT DOES NOT SERVE THE PUBLIC
~~AND~~ INTEREST IF I BELIEVE THAT
THE PUBLIC DESERVES TO BE
INFORMED BUT ^{THEY} WATER-DOWN THE
ISSUE BY WRITING A GENERALIZED
STATEMENT WITHOUT CONNECTING THE
ISSUES TO THE APPLICANT. ON THE
OTHER HAND, I HAVE REWRITTEN
PAGES 15 AND 16 OF THE 11-24-96
LETTER TO PROTECT THE PRIVACY OF
TWO FORMER CLIENTS; THE 11-24-96
LETTER WENT TO THE ALASKA
JUDICIAL COUNCIL, ~~AS~~^{TO} A CONFIDENTIAL
PROCEEDING.

WITH REGARD TO ANY QUESTIONS ~~WITH~~
~~REGARD TO THE~~ REGARDING THE
CREDIBILITY OF THE 11-24-96 LETTER,
I WOULD REFER YOU TO PAGE TWO
OF THE ENCLOSED 12-18-96 LETTER TO
ME FROM MS. ~~THE~~ TERESA CARNS,

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P. B

PUBLISHER AND EDITORS
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SENIOR STAFF ASSOCIATE, ALASKA
JUDICIAL COUNCIL, IN WHICH SHE

SAID:

WE VERY MUCH APPRECIATE THE TIME THAT YOU
HAVE TAKEN IN THE PAST YEAR, TO SET DOWN
YOUR THOUGHTS AND EXPERIENCES WITH THE
JUSTICE SYSTEM, PARTICULARLY BECAUSE YOU
HAVE COMPARED PRACTICES IN DIFFERENT
PARTS OF THE STATE. YOU HAVE CONTRIBUTED
A GREAT DEAL TO OUR UNDERSTANDING
OF THE EFFECTS OF THE VARIOUS PRACTICES
ON DIFFERENT PARTS OF THE SYSTEM. PLEASE
LET US KNOW IF YOU HAVE OTHER
COMMENTS THAT YOU BELIEVE WOULD
ASSIST US.

SOME OF THE ISSUES REFLECTING
THE EROSION OF CONSTITUTIONAL
DUE PROCESS AND HUMANE TREATMENT
OF DEFENDANTS, CITED IN THE 11-24-96
LETTER, INCLUDE:

1. STEADY RESTRICTION OF MIRANDA
NOTICE REQUIREMENTS AND APPELLATE
DECISIONS ENCOURAGING - AND SPECIFICALLY
PERMITTING - THE STATE TO MANIPULATE
TO AVOID THE PRINCIPLES AND

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PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
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REQUIREMENTS OF NOTICE.

[2.] ROUTINE OVERCHARGING BY THE PROSECUTION, CREATING A LOGJAM OF CASES IN THE SYSTEM — UNLESS THE DEFENSE QUICKLY PLEADS OUT CASES, ^{USUALLY} ~~USUALLY~~ TO THE DISADVANTAGE OF THE CLIENT. I SAY, ~~TO~~ HOLD OUT ON THE CASES. IT CREATES CHAOS IN THE SYSTEM, BUT THE CHAOS ORIGINATED WITH THE PROSECUTION, NOT THE DEFENSE.

[3.] MANIPULATION OF THE GRAND JURY BY THE PROSECUTION, TAKING CASES TO GRAND JURY FOR FELONY INDICTMENTS WHEN THE CASES COULD AND SHOULD BE HANDLED AS MISDEMEANORS. SOMETIMES THE PROSECUTOR WILL TAKE CASES TO GRAND JURY JUST TO SEE IF THEY WILL INDICT ON A FELONY,

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SOMETHING THAT VIOLATES ETHICAL
RULES - AND IS NO SPORT ANYWAY
SINCE THE GRAND JURY IS
VIRTUALLY GUARANTEED TO DO
WHATEVER THE PROSECUTOR SUGGESTS,
THERE BEING NO OTHER LEGAL
OFFICER PRESENT DURING
GRAND JURY PROCEEDINGS. IN JULY
AND DECEMBER, ¹⁹⁹⁵ THE KOTZEBUE DA
GOT THE GRAND JURY TO INDICT
APPROXIMATELY 13 DEFENDANTS
EN MASSE (IN JULY) AND
APPROXIMATELY 21 DEFENDANTS
EN MASSE ^(IN SEPTEMBER) IN ALCOHOL / DRUG BUSTS,
WITHOUT EVEN AFFORDING THE
(NON-JOINABLE) CASES SEPARATE
GRAND JURY HEARINGS. THE JUDGE
DID NOT THROW OUT THE
INDICTMENTS IN THESE FLAGRANT
VIOLATIONS OF CONSTITUTIONAL

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DUE PROCESS (REMINISCENT OF
GROUP PROSECUTIONS IN
TOTALITARIAN STATE.) UNTIL
THE PUBLIC DEFENDER AGENCY
HAD FULLY LITIGATED THE ISSUE;
TO MY KNOWLEDGE THE ATTORNEYS
REPRESENTING NON-PUBLIC
DEFENDER CLIENTS DID NOT EVEN
FILE MOTIONS ON THE ISSUE.
THESE MANIPULATIONS OF THE
GRAND JURY PROCESS REPRESENT
AN ABUSE OF STATE POWER,
ARE DANGEROUS, GREATLY STRESS
AND OVERBURDEN THE DEFENSE,
OVERBURDEN THE SYSTEM (ALTHOUGH
THE COURTS INDULGE IT AND FAIL
TO HOLD THE PROSECUTION
RESPONSIBLE FOR IT), AND
MISLEAD AND OVERWORK GRAND
JURY PANELS, PARTICULARLY IN
RURAL AREAS WHERE THE SAME
PEOPLE MUST SERVE ON JURIES
MORE FREQUENTLY.

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[4.] THE COURTS ROUTINELY TREAT PRETRIAL DEFENDANTS AS THOUGH THEY ARE PRESUMPTIVELY GUILTY BY THE JUDGES' DEMEANOR, BY PERMITTING GUARDS TO EXERCISE UNNECESSARY RESTRAINT, AND BY DENYING REASONABLE RELEASE PLANS AND BAIL REQUESTS. THE PUBLIC DEFENDER AGENCY IN KOTZEBUE PROBABLY SPENDS 20% OF ITS TIME CHASING AROUND TO FIND THIRD-PARTY CUSTODIANS AND OTHER BAIL PACKAGES THAT ARE ROUTINELY OPPOSED BY THE D.A. AND ^{MOST} OFTEN DENIED BY THE COURT. THE KOTZEBUE MAGISTRATE WILL ONLY VERY RARELY GO OUT ON A LIMB AND OVERRIDE THE D.A.'S OPPOSITION OF BAIL IN A CONTROVERSIAL BAIL HEARING. THE

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JUDGE

1 REFUSES TO GRANT APPEARANCE
BAIL BONDS, DESPITE THE FACT
THAT THE ALASKA BAIL STATUTE

SPECIFICALLY PERMITS BAIL BONDS IN

AS 12.30. THERE ARE MORE KEEPER THAN NOME
PRISONERS IN THE ANVIL MTR. CORRECTION CENTER AT NOME.

[5.] THE JUDGES CAN PREJUDICE A
JURY AGAINST THE DEFENSE AT TRIAL
BY THEIR ^{SCOWLING} DEMEANOR. I FILED A
MOTION FOR A MISTRIAL ON THAT GROUND
IN THE MIDST OF TRIAL IN KETCHIKAN
IN 1989. THE SAME JUDGE HAD A
WHOLE SET OF PISTOLS MOUNTED ON HIS
WALL IN HIS CHAMBERS, RIGHT BEHIND
HIS CHAIR; THEY WERE REPLICAS OF
PISTOLS USED BY 19TH CENTURY LAWYERS.
IMAGINE THE IMPRESSION ^{THAT} THAT LEFT
ON DEFENDANTS WHO WERE BROUGHT
INTO CHAMBERS DURING TRIAL ~~FOR~~
FOR HEARINGS OUTSIDE THE PRESENCE
OF THE JURY. THIS REMINDS ME OF A
RECENT BARROW NON-NATIVE

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PROBATION OFFICER (I THINK THEY ^{ARE} ALL
NON-NATIVE) ~~PROBATION OFFICER~~
WHO HAD A HUGE AMERICAN FLAG
TACKED TO THE WALL OF HIS
BARROW OFFICE, RIGHT BEHIND HIS
CHAIR, APPARENTLY SO HIS ESKIMO FELON,
PROBATIONERS AND PAROLEES COULD
EXPERIENCE A RIVETING MONTHLY
SHOW SIMILAR TO THAT EXPERIENCED ON A
LARGER SCALE BY MOVIE AUDIENCES IN
THE OPENING SCENE OF THE FILM ~~THE~~ SPECTACULAR
PATTON, FEATURING GEORGE C. SCOTT
STRUTTING BEFORE A MAMMOTH AMERICAN
FLAG IN THE ROLE OF GENERAL
GEORGE PATTON.

[6.] JUDGES ROUTINELY FAVOR THE
PROSECUTION IN THE TECHNICAL
DECISIONS THAT ARISE THROUGHOUT
A CASE. IT IS NOT THE DEFENSE

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THAT ESCAPES ON A TECHNICALITY
IN MOST CASES; IT IS THE PROSE-
CUTION THAT IS FAVORED WITH
~~THESE~~ ^{THESE}. ON RULINGS INVOLVING FACTUAL
CALLS, THE APPELLATE COURT WILL
ALMOST NEVER REVERSE THE TRIAL
COURT'S RULING, WHICH ALMOST ALWAYS
FAVORS THE PROSECUTION. THE
COURT CAN TIP THE BALANCE AGAINST
THE DEFENDANT IN A MYRIAD OF
WAYS AT TRIAL, FROM RULINGS ON
OBJECTIONS, TO EVIDENCE CALLS,
TO THE SCOPE OF CROSS-EXAMINATION.
THE DEFENSE HAS TO FIGHT FOR
EVERY POINT BECAUSE THE JUDGES'
INCLINATIONS GENERALLY LIE
WITH THE PROSECUTION.
THE ^{JUDGES} ISSUE SEARCH WARRANTS —
WITHOUT SEARCHING EXAMINATION OF

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THE POLICE WHO APPLY FOR THE SEARCH WARRANTS. IT'S A RELATIONSHIP BETWEEN COURT AND POLICE THAT BECOMES TOO CLOSE, TOO FAMILY-LIKE. THE JUDGES RARELY QUASH A SEARCH WARRANT. SEARCHES AND SEIZURES ARE UPHOLD BY THE COURTS ON WHATEVER IMAGINATIVE GROUNDS THE PROSECUTION PROVIDES.

THE ALASKA DIGEST (A 14-VOLUME SET OF BLUE BOOKS) AND THE ALASKA CRIMINAL RULES OF COURT CONTAIN ANNOTATIONS (ONE OR TWO-SENTENCE SUMMARIES OF CASES ON PARTICULAR POINTS). TAKE A LOOK IN ALASKA DIGEST UNDER CRIMINAL LAW. YOU WILL SEE HUNDREDS OF ANNOTATIONS SUPPORTING THE PROSECUTION AND ^{ONLY} A SMALL MINORITY SUPPORTING

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THE DEFENSE. HAVE A LAWYER
SHOW YOU THE MIRANDA,
VOLUNTARINESS OF CONFESSIONS,
SEARCH AND SEIZURE,
INDICTMENT AND INFORMATION,
AND GRAND JURY.^{AMBIGUITIES} YOU WILL SEE
A LITANY OF RATIONALIZATION THAT
PERMITS THE STATE ALMOST
UNLIMITED ENFORCEMENT AND
PROSECUTORIAL SCOPE. IT BECOMES
REALLY FLAGRANT WHEN, AS IN A
1980s CASE THAT IS STILL "GOOD"
LAW, THE APPELLATE COURT OPENLY
PERMITTED THE POLICE TO CONNIVE
TO INTERROGATE A DEFENDANT
IN SUCH A WAY SO AS TO AVOID
THE REQUIREMENT OF INFORMING HIM
OF THE MIRANDA WARNINGS. THIS
PARTICULARLY DISADVANTAGES VULNERABLE
DEFENDANTS, BUT YOU COULDN'T EXPECT

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THE COURTS TO BE AWARE OF THAT.
A DISTINGUISHING FACTOR OF OUR LEGAL
SYSTEM IS THE JURY PROCESS. A JURY
CAN STOP A PROSECUTION COLD IN
ITS TRACKS. THE JURY SYSTEM GREW
OUT OF A DISTRUST OF JUDGES, A
GUT FEELING THAT JUDGES WERE TOOLS
OF THE STATE, WITH AN INHERENT
BIAS IN FAVOR OF THE STATE. AND
THAT IS STILL THE CASE. FEW JUDGES
ARE STRONG ENOUGH TO MAINTAIN
BALANCE IN THE SYSTEM. THERE IS
A NETWORK OF MUTUAL UNDERSTANDING
AMONG JUDGES, PROSECUTORS, COURT
PERSONNEL, POLICE, ^{TAIL} GUARDS, ^{AND TROOPERS,} PROBATION
OFFICERS, AND DEPARTMENT OF HEALTH
AND SOCIAL SERVICES, DIVISION OF
FAMILY SERVICES. IT IS, AFTER ALL,
A "SYSTEM", THE CRIMINAL LAW
"SYSTEM". THE QUESTION OF COURSE

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IS WHETHER THE DEFENSE IS SIMPLY
A COMPONENT OF THAT BACKSLAPPING
SYSTEM OR LOOKING OUT FOR
UNPOPULAR DEFENDANTS FIRST.

7. THE PRESUMPTIVE SENTENCING
SYSTEM IS A BRUTAL SYSTEM THAT IS
PRESUMPTIVELY UNFAIR. IT RELIES ON
THE MANIPULATION OF "AGGRAVATING" AND
"MITIGATING" FACTORS. SINCE THERE ARE
FAR MORE "AGGRAVATING" FACTORS THAN
"MITIGATING" FACTORS LISTED IN A.S. 12.55.
155, AND THE LOGIC FOR EMPLOYING THEM
IS SO ELASTIC, THE COURT CAN NAIL
A DEFENDANT ANY TIME IT DESIRES.
THERE IS ALL KINDS OF LEEWAY TO
EXTEND JAIL TIME, EVEN USING ^{Aggravating/Mitigating} ~~THESE~~
BY ANALOGY IN FIRST-TIME FELONIES
WHERE TECHNICALLY THEY DO NOT
APPLY.

IN STATE v. ROBLES, 2K3-95-1720K

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THE DEFENDANT WAS WAYLAIN ON THE BEACH ROAD OUTSIDE KOTZEBUE BY TWO MEN. HE WAS BADLY BEATEN. HE WAS DRAGGED TO THE OCEAN. HIS HEAD WAS FORCED UNDER WATER, AND HE WAS HIT IN THE HEAD REPEATEDLY WITH A ROCK. ^{HE THOUGHT HE WAS DROWNING.} HE WAS BITTEN TWICE ON THE BACK. ~~ONE~~ ONE OF THE MEN SMASHED THE BACK WINDOW OF HIS PICKUP WITH A ROCK. HE WAS SUBJECTED TO ETHNIC INSULTS. ^{IN HIS TRUCK} THE DEFENDANT, BADLY INJURED, IMMEDIATELY FOLLOWED THEM TO THEIR PLACE OF BUSINESS, HELD A RIFLE ON THEM AND TOLD THEM THAT HE WAS PUTTING THEM UNDER CITIZEN'S ARREST (A PROCEDURE THAT IS LEGAL UNDER A.S. 12 WHEN A FELONY INVOLVING INJURY IS INVOLVED). HE WAS PERSUADED TO PUT DOWN HIS GUN AFTER HE HAD FIRED SEVERAL WARNING

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SHOTS. THE TWO MEN PROMPTLY POUNCED ON HIM AND BEAT HIM AGAIN AND KICKED HIM UNTIL THE POLICE ARRIVED.

THE DA HAD MR. ROBLES INDICTED ON TWO COUNTS OF ASSAULT IN THE THIRD DEGREE, CLASS C FELONIES. THE GRAND JURY WANTED ~~MR.~~ THE TWO "VICTIMS" INDICTED ON FELONIES ALSO, BECAUSE THEY ADMITTED MUCH OF THEIR OWN ASSAULTIVE BEHAVIOR, INCLUDING THE ASSAULT WITH ^{THE} ROCK, IN GRAND JURY TESTIMONY. HOWEVER THE DA REFUSED TO PRESENT INDICTMENTS ON THE TWO "VICTIMS". THE DA ARGUED AT TRIAL THAT THE ROCK WAS NOT AVAILABLE AT TRIAL AND THAT NO ONE KNEW HOW BIG IT WAS. DURING TRIAL THE JUDGE INTERRUPTED THE DEFENDANT, AS HE WAS

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DEMONSTRATING HIS POSITION IN THE WATER WHEN HIS HEAD WAS BEING FORCED UNDERWATER, AND HE WAS BEING HIT IN THE HEAD WITH THE ROCK, AND TOLD HIM TO RETURN TO HIS SEAT AT THE WITNESS STAND.

THE DEFENDANT WAS CONVICTED OF THE TWO FELONIES. THE DA HAD FINALLY CHARGED THE TWO MEN WITH A MISDEMEANOR ASSAULT, ~~THE~~ EACH. THEY PLED AND RECEIVED SIX-MONTH SUSPENDED IMPOSITIONS OF SENTENCE WITH NO JAIL TIME, ^{NO} FINE, AND ^{NO} PROBATION, ^{CONDITIONS} OR OTHER PENALTY EXCEPT TO REPLACE THE TRUCK WINDOW. THIS KIND OF DISPOSITION (A SIX-MONTH SIS INSTEAD OF A YEAR) (AND NO PENALTY AT ALL) JUST DOES NOT HAPPEN IN KOTZEBUE OTHERWISE.

AT MR. ROBLES' SENTENCING, THE JUDGE SAID THAT THE POLICE MAY HAVE LEARNED FROM THE CASE ~~TE~~ ABOUT

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INVESTIGATING BETTER. HE ALSO SAID THAT MR. ROBLES HAD BEEN PUT IN FEAR FOR HIS LIFE BY ~~THE~~ HAVING HIS HEAD FORCED UNDER WATER AND HIS HEAD BEATEN WITH A ROCK. HOWEVER THE KOTZEBUE JUDGE REFUSED TO GRANT MR. ROBLES A MITIGATOR, WHICH COULD HAVE REDUCED HIS PRESUMPTIVE SENTENCES AND SENTENCED HIM TO THREE YEARS IN JAIL, WHERE HE REMAINS, WITH CONTINUING ^{MEDICAL} PROBLEMS AS A RESULT OF BEING HIT IN THE HEAD WITH THE ROCK, WHILE HIS ^{CASE} ~~CASE~~ REMAINS ON APPEAL

8. THE KOTZEBUE COURT HAS A SUPERIOR COURT JUDGE AND A MAGISTRATE. THE MAGISTRATE IS A NON-NATIVE FROM OUTSIDE THE REGION. THERE IS A KOTZEBUE NATIVE PERSON WHO HAS APPLIED TWICE

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THE MAGISTRATE WILL OCCASIONALLY LEAVE THE BENCH IN A HARD CASE, CHECK WITH THE JUDGE, AND THEN RETURN TO RULE AGAINST THE DEFENSE.

FOR THE POST. THE APPLICANT IS ROSS SCHAEFFER, WHO ^{WAS} KOTZEBUE MAGISTRATE FOR EIGHT YEARS AROUND THE 1970s AND EARLY 1980s AND IS PROMINENT IN THE REGION; THOUGH HE IS NOT A LAWYER, ROSS SCHAEFFER COULD TECHNICALLY EVEN APPLY FOR A SUPERIOR COURT POSITION DUE TO HIS EXPERIENCE. THE KOTZEBUE JUDGE HAS TWICE REJECTED ROSS SCHAEFFER'S APPLICATION FOR MAGISTRATE. THE CURRENT MAGISTRATE IS TIMID, RELIES ON THE JUDGE AND DA, AND DOES NOT KNOW THE VILLAGES EXCEPT IN THE NEGATIVE ASSOCIATION RELATED TO CRIMINAL CASES. UP TO JULY, 1996, WHEN I LEFT, SHE HAD NEVER CONDUCTED A TRIAL. (I PUSHED MANY MISDEMEANORS TO TRIAL, BUT THE DAs WOULD ALWAYS EITHER DISMISS THEM OR GIVE SUCH ATTRACTIVE OFFERS THAT THE DEFENDANTS WOULD

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TAKE THEM.) IN THE MEANTIME
ROSS SCHAEFFER, WHO KNOWS THE
ENTIRE KOTZEBUE REGION WELL AND
HAS EIGHT YEARS' EXPERIENCE THERE
AS THE MAGISTRATE, HAS A
DISCRIMINATION COMPLAINT PENDING
ON THE ISSUE BEFORE THE ALASKA
HUMAN RIGHTS COMMISSION.

9. UNDER RULE 18 OF THE
ALASKA RULES OF COURT, KOTZEBUE
HAS ABOUT 5 VILLAGE TRIAL SITES,
WHERE MISDEMEANOR TRIALS CAN
BE HELD. THE DAs WHO WORKED
IN BARROW WHILE I WAS THERE
BOTH ASKED THE COURT SYSTEM TO
ABOLISH THE VILLAGE TRIAL SITES
BECAUSE THEY DID NOT HAVE HOTELS,
RESTAURANTS, FLUSH TOILETS, AND
FORMAL TRIAL FACILITIES. DESPITE
THE FACT THAT THE RULEMAKERS CRIVICUSLY