

“Alaska Judicial Council Judicial Selection April 4-5, 2011”

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## Background

I have been going to Alaska Judicial Council (AJC) Judicial Selection “Public Hearings” and meetings of Alaska Commission on Judicial Conduct in about 1993. I am an interested court watcher who is the daughter of Judge James F. Nangle (deceased), Circuit Court, St. Louis, Missouri. I have five siblings who are attorneys and am the wife of Thomas S. Obermeyer, Attorney, licensed since 1990 by similar Missouri Bar Exam, a state that has reciprocity with Alaska, but still not licensed to practice law here after 27 years of effort. The only option Tom has been given in 27 years is to take another three essay test of minimal competency, i.e., Alaska Bar Exam. He awaits the results of his most recent attempt on May 2 in Fairbanks when Alaska Bar Association Board of Governors

[https://www.alaskabar.org/servlet/content/listing\\_of\\_board\\_members\\_and\\_officers.html](https://www.alaskabar.org/servlet/content/listing_of_board_members_and_officers.html)

meets before Annual Meeting May 4-6. Since we live in a 52 year old frontier state that is the only state without a law school, without any elected attorney by designation, and only 3 hours of Ethics MCLE yearly, independent citizen participation in the legal process is non-existent. I am trying to change this. Board of Governors is a good example. The three public members are two dentists and Mr. William Granger, a front for Wells Fargo, the fifth largest bank in the U.S. I believe that we must humanize our courts and not allow Alaska Bench and Bar to only communicate with each other.

The background of my relationship with AJC especially Ms. Teri Carns, Senior Staff Associate, can be found at <http://www.tobermeyer.info/transcript.html> and <http://www.tobermeyer.info/pdfs/usvtno-carns.pdf>. In United States of America v. Theresa Nangle Obermeyer A94-0074 CR (WBE) September 26-28, 1994 the testimony of Ms. Carns was used to convict me in my first of three non-jury federal, criminal trials. Ms. Carns took a year long sabbatical traveling with her husband and two children after that and continues to be paid about \$126,000.00 a year as I have not had an income since I left Anchorage School Board 1990-1994 during which time I was reimbursed \$900 a month having freely given up a paying Anchorage School District teaching position which I had held since 1984. I continue to hold Alaska Type A Teaching Certificate. When Mr. Larry Cohn became Executive Director, AJC, in about 2002, I received a returned copy of the transcript of USA vs. TNO from Mr. Cohn in person to me at my home that I had dropped off to his predecessor, Mr. Bill Cotton, so Mr. Cohn was fully informed.

I went to AJC Judicial Selection “Public Hearings” somewhat faithfully but never perfectly until my husband began working for Alaska State Senate in 2006. I decided it was unnecessary for me to go after that. Tom has become very well known and respected

*Judicial Selection April 4-5, 2011*

*April 15, 2011*

*Page 1 of 5*

for his work in Alaska Legislature over the last five and a half years where he writes, revises, and presents bills to Alaska Senate committees. Finally, I decided to start going again after my husband was failed on several more Alaska Bar Exams. I remember being cross-examined by Mr. Cohn as to why I had quit going for a while.

To my memory, the first time I went to Judicial Selection after about four years was in September, 2009. Mr. Jason Hooley, Director, Board and Commissions, Governor Sean Parnell, was present when I spoke as one of two citizens present. I stated when I was called upon by Chief Justice Carpeneti that the law in Alaska is a “. . . damn liar, a cheat, a fraud, a set up . . .” I told Chief Justice Carpeneti that I knew his wife, Anne, is Assistant Attorney General Criminal Division in Juneau, who routinely testifies to Alaska Legislature, and his son, Christian, was licensed to practice law in Alaska in 2008 and is Assistant District Attorney in Bethel. Two of Chief Justice Carpeneti’s daughters, Lia and Maryanne, worked for Alaska Legislature for a few sessions for Representative Kerttula and Representation Herron respectively. They saved a lot of money and both are in law school currently. I had mailed to Mrs. Carpeneti the three transcripts of my three claims regarding my three assaults before the Violent Crimes Compensation Board per <http://www.tobermeyer.info/aquittal.html> , <http://www.tobermeyer.info/pdfs/Hilton1.pdf> and <http://www.tobermeyer.info/pdfs/Hilton2.pdf> . The transcripts were mailed back in about 1999 and nothing improved. All the while, I have been unable to be gainfully employed and my husband perseveres paying for, studying for, and taking Alaska Bar Exam. Our family of six continues to be targeted relentlessly. This is unfair to our four children who have grown up their entire lives watching their father take Alaska Bar Exam. They are 29, 27, and the twins are 24. My husband took his first Alaska Bar Exam when our eldest son was 2 years old.

Appeal to Alaska Public Offices Commission (APOC)  
Obermeyer v. Alaska Judicial Council

I observed on June 28, 2010 the AJC vote to against recommendation for Retention of Judge Richard Postma in the November 2, 2010 Election but did not understand what had been done to this gentleman. I was informed by Mr. William Clarke that he supported Judge Postma. Ms. Tompkins-Miller, wife of 2010 U.S. Senate nominee Joe Miller, Attorney, abstained in the vote for endorsement of the Retention of former Chief Justice Dana Fabe. I believe her abstention was the result of my mailing lengthy documents about Ms. Fabe testimony against me in USA vs. TNO and my subsequent malicious treatment by the law firm of Ms. Fabe’s husband, Randall Simpson, Partner, Jermain Dunnagan & Owens. This law firm continues to be the legal counsel of Anchorage School Board.

I watched the subsequent malicious, premeditated expenditures against Judge Postma alone in Fall, 2010 because he was the only judge not recommended for Retention. “The bottom of the barrel” was the radio attacks by Senator Vic Fischer in the final days before the Retention Election. When I realized that AJC had spent six “. . . independent expenditure that exceeds \$250 and is made within nine days of an election must be reported within 24 hours after the expenditure is made” which is clearly stated on

APOC Form 15-6, I decided to file a complaint against AJC to APOC which I did on December 30, 2010.

My complaint was expanded to the “Staff Conclusion” that “. . . AJC violated AS 15.13.145 when it used State money in excess of its appropriations in FY 98, 01, 05, and 11 . . . ” “APOC Staff Report 11-01-CD Obermeyer v. Alaska Judicial Council” Page 4 February 4, 2011 signed by Ms. Barbara Dreyer, Associate Attorney II, who left APOC shortly after that date and currently works for Alaska Department of Revenue. A Hearing was held before APOC on March 23 in “11-01-CD Obermeyer v. Alaska Judicial Council.” APOC issued “Order Remanding Case to Staff” on March 29, 2011 which is currently pending. I have mailed to Senator Fischer “APOC Staff Report 11-01-CD Obermeyer v. Alaska Judicial Council” February 4, 2011 and “Case No. 11-1-CD Obermeyer v. Alaska Judicial Council Order Remanding Case to Staff,” March 29, 2011.

#### Alaska Judicial Selection April 4-5, 2011

I try to plan well prior to each AJC “Public Hearing” for Judicial Selection. I do not feel comfortable testifying as I continue to be embarrassed that I do not think it is my place to speak about the applicants about whom I know very little but I also think it is essential for citizens such as myself to be involved in this process since there is no independent advocacy in Alaska. In about the mid 1990s, I began asking the applicants if I could sit in on their interviews. At that time, I would sit outside the interviews in Anchorage and some in Palmer all day long. A few years ago AJC took this issue on and routinely asks the applicants to decide if they want their interviews to be in public or in private. Few applicants have been willing to have their interviews in public because they must know that I am the reason the issue is being raised. In the case of the interviews April 4 and 5, no applicant wanted his/her interview in public so I conclude that all the applicants are prejudiced against me which I regret.

#### April 4, 2011, Juneau Superior Court

I had arranged with Mr. Cohn to be called on April 4 from Juneau as the “Public Hearing” was beginning. Four people spoke that were present in Juneau. Usually more citizens testify from other parts of the State than in Anchorage which often has the worst participation. The speakers included Mr. Alexander Houk whose unnamed wife is an Alaska attorney, Mr. Fred Triem, Petersburg attorney, Ms. Joanne Lockwood, Wellness Court graduate, and Mr. Larry Roaram, a Pastor. The first two speakers did not endorse any applicant but discussed generally their opinions about the qualities of a good judge. Mr. Triem mentioned that he does not believe a 150 word statement from the applicants is adequate and thought it should be longer. The last two spoke in favor of Judge Levy. I have notes on what each speaker said.

When I was called on, I first questioned whether or not AJC had a quorum for Judicial Selection. I had understood that Mr. Fitzgerald and Ms. Tompkins-Miller were absent and Mr. Don Haase had not been confirmed by Alaska Legislature. Therefore, I thought AJC only had four votes including the vote of Chief Justice Carpeneti. I was corrected

by the Chief Justice who told me that he had sworn in Mr. Haase and that Ms. Tompkins-Miller would be participating after the “Public Hearing” so Mr. Fitzgerald was the only member absent. This was recorded in the vote count that I received as an email from Mr. Cohn on April 6. At least three of the speakers brought up compassion as a key to being a good judge. I mentioned that compassion does not exist currently as regards our courts as the Obermeyers have waited for 27 years for compassion. I discussed my knowledge of specifics about each applicant. I agreed with Mr. Triem that I do not believe I have enough information about the applicants to know who they really are and be able to evaluate their characters. The public is given scant information on the applicants’ marital status and their complete educational backgrounds. I brought up that I do not believe in the Bar Poll because it is tabulated by Information Insights per <http://www.ajc.state.ak.us/selection/juns4-11/junstechreport.pdf> and <http://www.ajc.state.ak.us/selection/and4-11/andtechrpt.pdf> owned by Brian Rogers, current Chancellor, UAF, and because Ms. Carns is still employed at AJC.

A sixth person called in from Ketchikan stating that Southeast Alaska was being denied representation by the installation of Mr. Haase and wanted to be on the record that Southeastern believes that a seat that had traditionally been held by that part of the State on AJC had been denied them by the nomination of Mr. Haase. Mr. Haase resides in Valdez.

#### April 5, 2011 Anchorage District Court

On April 5, I attended in person the Noon “Public Hearing” at Courtroom 37 Boney Courthouse. Neither Ms. Tompkins-Miller or Mr. Fitzgerald were in attendance for the second day in a row. Mr. Jason Hooley and another Governor’s Office employee were present. I was again pleased to see citizen participation although I was offended that this Judicial Selection was for the opening that exists because Judge Richard Postma was not retained. Three citizens spoke in support of Ms. Jo-Ann Chung including a black gentleman whose name I did not get, Ms. Janice Sims, UAA instructor, and Ms. Rosemary Austin, a writer, who like Ms. Sims, knows Ms. Chung through “Dirt Divas,” a female bicycling organization.

I spoke next and was informed by Chief Justice Carpeneti that I had 3-5 minutes. I passed out to AJC my email dated April 1 to the Anchorage District Court applicants and April 2 to the Juneau Superior Court applicants asking those who had applied for the Alaska District Court judgeship formerly held by Judge Postma to withdraw in protest with the attached “Case No. 11-1-CD Obermeyer v. Alaska Judicial Council Order Remanding Case to Staff” by APOC of March 29, 2011. I had previously mailed to AJC members “APOC Staff Report 11-01-CD Obermeyer v. Alaska Judicial Council,” February 4, 2011. As I had done the day before, I discussed the length of time the applicants have been licensed to practice law in Alaska compared to the 27 year effort of Tom Obermeyer to be licensed and asked the Council “to do the math.” Several of the applicants have been licensed less than half the time Tom has spent attempting to be licensed to practice law in Alaska.

I spoke passionately about Judge Postma asking AJC why they had not recommended endorsement of his Retention and questioning what documents they were given in order to reject the recommendation of his Retention. I stated that I believe: "We are all being played off against each other. That is for sure." I note here that anonymous documents can be considered in Judicial Selection which I adamantly oppose and wonder today if AJC was offended that Judge Postma had hired attorneys to represent him against them, had filed appeals to EEOC, Alaska Commission on Judicial Conduct, and possibly other agencies. Is that why they came down so hard on him? I told AJC that when I first found out about questions about Judge Postma, I did not know what to think. It took me quite a long time after that to conclude that he had been "railroaded." I stated that I have read some of his appeals regarding his unfair treatment and that I think he is a very good legal writer. I brought up the Council's endorsement of Judge Patrick MacKay who had a DUI criminal conviction. By then, I thought my time was up. I stated in conclusion: "I am starting a law school in Alaska unless the lawyers shoot me in the back!" I did not bring up the fabrications of Mr. Bruce Roberts against me when he was Municipal Prosecutor in Summer, 2003. The last person to testify was Ms. Mary Kiely who had worked for Mr. Roberts for four years and Ms. Chung for seven years and endorsed both applicants for the District Court judgeship.

After the "Public Hearing," outside the Boney Courthouse, I saw Mr. Adam Bartlett, Alaska attorney, Ms. Sims and Ms. Austin. I spoke to all three of them. The body language of both women indicated they had very strong negative reactions to me. Mr. Bartlett had not participated at the "Public Hearing" so he had not present in Courtroom 37. I was told he had graduated from Albany Law School and has practiced law in Alaska for 12 years.

### Conclusion

It was reported in Anchorage Daily News on April 9, 2011 that Mr. Haase had withdrawn as a nominee for AJC prior to Alaska Legislature Joint Session April 8 at which time many Boards and Commission nominees were confirmed even though he had been sworn in by Chief Justice Carpeneti on April 5.

My analysis of Mr. Haase's withdrawal is that he was pushed out by Governor Parnell because the unbelievably corrupt forces in Southeast Alaska want to continue to have a seat on Alaska Judicial Council. I assume the next nominee will be from that part of the State.

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Signature

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Date