

MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM

Municipal Clerk's Office

No. AM 826-2017

Meeting Date: December 19, 2017

**Approved**

Date: 12/19/2017

**From:** Mayor

**Subject: BOARD OF ETHICS APPOINTMENTS  
(Jack R. McKenna, Marsha Olson, and David A. Nesbett)**

I have appointed the following individuals to the Board of Ethics:

Jack R. McKenna                      To Replace:              Rebecca Windt Pearson

Term Expires:              10/14/2018

Marsha Olson                      To Replace:              Vacancy

Term Expires:              10/14/2018

David A. Nesbett                      Term Expired:              10/14/2017  
(Reappointment)

New Term Expires: 10/14/2020

Attendance records and resumes are attached for your information. Confirmation is requested at the regularly scheduled meeting on December 19, 2017.

Respectfully submitted,

Ethan A. Berkowitz  
Mayor

Attachments

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## Jack R. McKenna

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### Biography

Mr. McKenna is an attorney at Birch Horton Bittner & Cherot. His practice focuses on all types of civil litigation with an emphasis on construction law. Mr. McKenna also regularly works with the firm's municipal law practice group.

Previously, Mr. McKenna was an Assistant District Attorney at the Anchorage District Attorney's Office. There he supervised a felony trial team in Anchorage as well as prosecutions in Dillingham. He handled all types of criminal prosecutions with a focus on prosecuting homicides, sexual assaults, crimes against children, and fire/arson investigations. He also was responsible for the special PACE probation program in Anchorage and represented the Department of Law at the Criminal Justice Commission's 2015 Justice Reinvestment Report Community Supervision work group.

### Professional Experience

#### *Birch Horton Bittner & Cherot (2016 - Present) - Attorney*

- Litigation - Handle all types of litigation with a focus on construction law issues. For example, represented ICRC at expert depositions in the Port of Anchorage litigation and attended mediation in Los Angeles.
- Municipal Law Practice - Drafted and filed Supreme Court of Alaska briefs on behalf of the City of Homer and the City of Cordova. Act as City of Kodiak Municipal Prosecutor.

#### *Anchorage District Attorney's Office (2009-2016) - Assistant District Attorney*

- Prosecuted felony level crimes, probation violations, sentence appeals and petitions for review, post-conviction relief applications, and advised law enforcement on pending investigations. Caseload included multiple homicide prosecutions, sexual assault and child sex abuse cases, as well as appellate and post-conviction cases. Appeared before Anchorage, Dillingham and Palmer Superior Courts and Alaska Court of Appeals.
- 2015 - 2016 - Supervised four attorneys and support staff for all prosecutions in front of Superior Court Judges Volland and Corey. Remotely supervised Dillingham DA's Office, composed of one Assistant DA and a Law Office Assistant. Coordinated and acted as the principal prosecutor for the PACE Probation Program in Anchorage supervising over 200 probationers.
- 2015 - 2016 - Represented the Department of Law at the Community Supervision Working Group for the Criminal Justice Commission's Justice Reinvestment Initiative.
- 2013 - 2014 - Special Assaults Unit - prosecuted Sexual Assault and Sexual Abuse of a Minor cases. Advised Anchorage Police Department Detectives in the Special Victims and Crimes Against Children Units on active investigations.
- 2009-2012 - Violent Crimes Unit, Property Crimes Unit, and Misdemeanor Unit
- Specialized Training: Fire/Arson Investigation (two-week course), Sexual Assault Prosecution (one-week course), Trial Advocacy and Cross Examination (two one-week courses), State of Alaska Supervisor Academy (one-week course).

*Alaska State Court System (Summer 2009) – Law Clerk for Superior Court Judge Pro Tem Peter Ashman*

- Temporary law clerk for Judge Peter Ashman when Judge Morgan Christen appointed to Alaska Supreme Court

*Remy, Moose, and Manley LLP (2008-2009) – Associate Attorney*

- Specialized in environmental litigation under the California Environmental Quality Act and other related environmental and land use laws. Drafted court filings and memoranda, conducted legal research, and participated in litigation in both California and U.S. District Court for the Eastern District of California.

*Alaska State Court System (2007-2008) – Law Clerk for Superior Court Judge Michael Spaan*

- Drafted Bench Memoranda, Memoranda of Decisions, Orders, Findings of Fact and Conclusions of Law, and Jury Instructions for both civil and criminal trials. Participated in Pretrial Conferences and Status Hearings.

*UC Davis School of Law - Research Assistant*

- Professor Albert C. Lin (4/06 – 8/06): Researched possible ways to regulate nanotechnology under current or proposed federal environmental and consumer safety laws.
- Professor Holly Doremus (5/06 – 8/06): Researched the role of scientific information availability as a limiting factor in resource management decisions.

*King Hall Outreach Program, UC Davis School of Law*

- Moot Court Tutor (7/06 – 8/06): Taught oral advocacy and appellate brief writing to undergraduates from economically disadvantaged backgrounds. Wrote appellate problem packet and recruited judges for final competition.

*United States Attorney's Office for the Eastern District of California - Sacramento, CA*

- Law Clerk (5/05 – 8/05): Clerked for two Assistant United States Attorneys: Debora Luther and Bob Gibson.
- Wrote motions submitted to federal court in Section 1983, Bivens, FTCA, APA and NEPA actions. Participated in and led meetings with federal agencies to decide litigation strategies.

## **Professional Organizations**

Alaska Bar Association - Law Examiners Committee

## **Education**

University of California, Davis. Juris Doctor, 2007

- Moot Court Board and National Moot Court Competition Team Member
- Order of the Barristers
- Editor - Environs Environmental Law Journal

University of California, Berkeley. Bachelor's Degree in Integrative Biology, 2001

- Laboratory assistant, UC Museum of Paleontology Histology Lab – Sectioned Theropod dinosaur bones to study angle of muscle insertion
- Field assistant - Paleobotany expedition to Hell Creek, Montana
- Writing and Web Design Intern – Mains and Associates – wrote abstracts of NASA life sciences experiments for online publication.

# MARSHA OLSON (SCHIRACK)

## EDUCATION

- Masters of Arts, Professional Communication** 2010  
University of Alaska Fairbanks
- Bachelor of Arts, Communication** 2007  
University of Alaska Fairbanks

## TEACHING EXPERIENCE

- Term Instructor**  
University of Alaska Anchorage Summer 2010-Current  
Responsible for instruction of sections of Fundamentals of Oral Communication (COMM 111), Interpersonal Communication (COMM 237), and Public Speaking (COMM 241).
- Teaching Assistant**  
University of Alaska Fairbanks Fall 2008-Spring 2010  
Responsible for design and independent instruction of two sections of Fundamentals of Oral Communication.
- Speaking Center Coach**  
University of Alaska Fairbanks Fall 2008-Spring 2009  
Responsible for launching the UAF speaking center and providing guidance to students seeking help with public speaking activities.

## PROFESSIONAL PRESENTATIONS

- Campus Vote Project UAA: Using a Community Engaged Approach to Increase Voter Education**  
Urban in Alaska Conference  
Anchorage, AK October 2017
- Be Counted: Using a Community Engaged Approach to Increase Voter Education**  
Civic Learning and Democratic Engagement Conference June 2017  
TurboVote Symposium Keynote  
Baltimore, MD
- Iterative Information Literacy: A Redesign for General Education Communication Courses**  
Lilly Conference June 2017  
Bethesda, MD
- Be Counted: Using a Community Engaged Approach to Increase Voter Education**  
Campus Compact Western Region Continuums of Service Conference April 2017  
Denver, CO
- Public Speaking Workshop**  
In collaboration with Thompson & Co PR January 2017  
Anchorage, AK
- Engaging Youth in the Voting Process**  
Urban in Alaska Conference Fall 2016

# MARSHA OLSON (SCHIRACK)

Anchorage, AK

## **Public Speaking: Overcoming Obstacles to Success**

Presented at Municipal Clerks Conference  
Anchorage, AK

Fall 2016

## **Gender & Communication in the Workplace**

Presented to ConocoPhillips  
Anchorage, AK

Spring 2015

## **Conflict Management**

U.A.A. Leadership Conference Presentation  
Anchorage, AK

Spring 2014

## **Empowering Public Address: Helping Students Give Better Presentations**

UAA C.A.F.E. Presentation  
Anchorage, AK

Fall 2012

## **“I’m a Winner”: Identity Construction Among Cancer Survivors that Participated in a Group Exercise Program**

Thesis Defense  
Fairbanks, AK

Spring 2010

## **Effective Goal Setting Techniques for Students and Athletes**

Western States Communication Association Conference  
Anchorage, AK

Spring 2010

### PROFESSIONAL ACTIVITIES

## **Campus Vote Project Lead**

Integrating voter education into the curriculum

Spring 2016-current

## **Tech Fellow**

MLV/Tech Fellow

Spring 2016-Current

## **Ethics Bowl Judge**

Fall 2017

## **Global Engagement: Democracy, Deliberation, and Diversity**

Campus Compact Grant Recipient

Fall 2017

## **Public Dialogues Training**

Public Dialogues Fellow

Summer 2017

## **Community Engaged Faculty Intensive**

Spring 2017

## **Community Engaged Writing Retreat**

Spring 2017

## **“Does My Vote Matter?”**

Faculty Research Showcase Poster

Spring 2016

# MARSHA OLSON (SCHIRACK)

**Integrating Community & Service Based Learning Workshop**  
Presented by Center for Community Engagement and C.A.F.E.

Fall 2015

**Smoke & Tobacco Free Implementation Project**  
Integrating smoke/tobacco free curriculum

Summer 2015-Spring 2016

**“Where is everything?”: Information Literacy in COMM GER Courses**  
Faculty Research Showcase Poster

Spring 2015

**Making Learning Visible**  
Research project

August 2014-Current

**Information Literacy Interest Group**

August 2011-Current

Ongoing discussions regarding information literacy at the University of Alaska Anchorage, specifically within general education requirements courses.

**Team Based Learning Training**

January 2014

Training provided by CAFE to provide faculty with skills necessary to implement team based learning into their classrooms.

**Suicide Prevention Seminar**

Fall 2013

Seminar focused on suicide risk-factors instructors can identify and the resources available.

**Textbook Review Committee**

Fall 2012-Spring 2013

Departmental review of textbooks for Fundamentals of Oral Communication courses.

**Disruptive Student Behavior Workshop**

Fall 2012

Interactive workshop providing resources for classroom management of disruptive students.

**Sustainability in the Classroom**

Spring 2012

Intensive focused on incorporation of sustainability concepts in the classroom.

**Rubric Assessment of Information Literacy Skills (RAILS)**

Spring 2012

Participant in assessment of student work utilizing the Association of American Colleges and Universities VALUE (Valid Assessment of Learning in Undergraduate Education) Information Literacy Rubric.

**Scholarship application review**

Spring 2011

Reviewed scholarship application essays for the Department of Languages at University of Alaska Anchorage.

## COMMUNITY SERVICE

**League of Women Voters**

Member in good standing. Provide voter registration at naturalization ceremonies.

Spring 2016-Current

**Public Speaking: Overcoming Obstacles**

Presented to Alaska Young Professionals Summit  
Anchorage, AK

Spring 2016

**4-H Showmanship Clinic**

# MARSHA OLSON (SCHIRACK)

Led clinic highlighting effective communication skills

Summer 2015

## **Conference Judge**

Civil Engineering Conference, University of Alaska Anchorage

Spring 2011

## **Fundraising Clinic**

Led fundraising clinics for the Leukemia & Lymphoma Society's primary fundraising branch, Team in Training.  
Anchorage, AK

February 2011, May 2011, August 2011

## **Master of Ceremonies-Big Wildlife Run**

Host of fundraising spaghetti feed for the Anchorage Running Club

Fall 2011

## **RESEARCH ACTIVITIES**

### **Young Voter Attitudes**

Research examining college student perspectives on voting

January 2016-Current

### **Information Literacy**

Ongoing research examining embedding of information literacy skills into COMM 111 course curriculum.

August 2011-current

### **Master's Thesis**

*"I'm a winner": Identity Construction Among Cancer Survivors that Participated in a Group Exercise Program*

2009-2010

Qualitative Narrative Interviews and Thematic Analysis

Worked under the supervision of Dr. Robert Arundale (UAF)

## **HOBBIES/INTERESTS**

Longtime enjoyer of outdoor activities, including running, hiking and golf. Former collegiate basketball player. Interested in voter registration, education and turnout, particularly among young people.

DAVID A. NESBETT

PROFESSIONAL EXPERIENCE

SHAREHOLDER, NESBETT & NESBETT, PC

Work focusing on criminal defense, general civil law including small business and commercial matters, and construction law and litigation.  
January 2011 - Present

ASSOCIATE, JERMAIN DUNNAGAN & OWENS, PC

Work focusing on construction law and litigation, including change order and delay claims and platting and zoning disputes; provide advice to school districts, housing authorities and other public entities in construction and real estate law; appellate work before Alaska Supreme Court.  
April 2008 - December 2010

ASSOCIATE, DORSEY & WHITNEY LLP

Trial Attorney in the Litigation Department; working primarily in the area of commercial business litigation and white-collar criminal defense.  
March 2007 - March 2008

ASSISTANT DISTRICT ATTORNEY FOR THE STATE OF ALASKA, CROSS DESIGNATED SPECIAL ASSISTANT UNITED STATES ATTORNEY, CRIMINAL DIVISION

Project Safe Neighborhoods grant funded position; worked entirely out of the U.S. Attorney's Office and appeared exclusively in federal court; trial attorney; prosecuted three trials and second-chaired another; managed case load of approximately 60 cases (including daily coordination of prosecution with ATF, FBI, and DEA agents, and state and municipal police officers); handled all aspects of each case including motion practice and court appearances; cases involved the illegal use of firearms and often the illegal use of controlled substances as well; wrote three Ninth Circuit appellate briefs and argued one before the Court in Seattle, Washington; assisted statewide coordination of Project Safe Neighborhoods program.  
August 2004 - January 2007

ASSISTANT MUNICIPAL ATTORNEY IN ANCHORAGE, CRIMINAL DIVISION

Trial attorney; taught Municipal Law and trial strategy at Anchorage Police Department Academy; in addition to general case load, handled all municipal gambling, prostitution, and vice related prosecutions as well; accompanied Anchorage Police Department officers on patrol and on gambling and drug raids.  
December 2001 - August 2004

FEDERAL JUDICIAL CLERKSHIP, Honorable H. Russel Holland

United States District Court for the District of Alaska  
September 1998 - September 2000

UNITED STATES ATTORNEY'S OFFICE INTERNSHIP, CRIMINAL DIVISION

District of Alaska, in Anchorage.  
Summer 1997

OTHER WORK EXPERIENCE

COMMERCIAL FISHERMAN

Deck hand on commercial fishing boat in Bristol Bay, Alaska  
Summer 1997

ROUSTABOUT

Work for Peak, contractor for Atlantic Richfield Company in the Prudhoe Bay oil fields on the North Slope of Alaska; 84-100 hours a week for 10 weeks. Equipment operator (front-end loader).  
Summers of 1993 and 1994

CONSTRUCTION WORKER

Work for Electrical Construction and Consulting in Anchorage.  
Heavy equipment operator; laborer.  
Summers of 1991 and 1992



## EDUCATION

### JURIS DOCTOR

University of the Pacific, McGeorge School of Law  
Sacramento, California  
May 1998

### BACHELOR OF ARTS

Wesleyan University, College of Letters Honors Program  
Middletown, Connecticut  
May 1994

## NATIONAL ADVOCACY TRAINING

- NDAA Trial Advocacy I, July 19-23, 2004
- Federal Grand Jury Practice Seminar, January 5-7, 2005
- Federal Basic Criminal Trial Advocacy Seminar, January 25 - February 3, 2005
- Criminal Federal Practice, April 26-29, 2005

## BAR ADMISSION AND COMMITTEE MEMBERSHIP

- Member in good standing of the Alaska Bar Association, Bar No. 9811075, November 1998
- Member in good standing of the Washington State Bar Association (Inactive), Bar No. 31991, November 2001
- Member Alaska Bar Association Area Discipline Committee, 3<sup>rd</sup> Judicial District
- Member Alaska Bar Association Law Examiners Committee
- Member CJA Panel of Private Attorneys, United States District Court for the District of Alaska
- Member Civilian Advisory Board under Lt. Gen. Dana T. Atkins, Commander, Eleventh Air Force, USAF

## INTERESTS AND ACTIVITIES

- General Aviation Private Pilot with both ASEL and ASES ratings
- Volunteer work for Anchorage Youth Court
- Professional Tennis Instructor at The Alaska Club, September 1994-2004
- Coach, Alyeska Masters Alpine Racing, 1998-2000
- All-American Division III Tennis Doubles Team Member, 1993
- Certified Scuba Diver (Australia NAUI)

## 2014-2017 Attendance Record for David Nesbett, Board of Ethics Member since 2011.

**Key:** Present  ✓      Excused  Exs.      Recused  Rec.       Regular Meetings       Drafting Meetings  
 Telephonic  T      Unexcused  Abs.      Not Required  NR       Special Meetings       Ethics and Elections Committee Meetings

**2014:**

01/06/14	01/22/14	01/27/14	02/11/14	02/12/14	03/12/14	04/09/14	05/14/14	07/09/14	08/13/14	09/03/14	09/10/14	09/24/14	10/08/14	10/22/14	11/12/14	11/19/14	12/10/14
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

100% of regular meetings attended

**2015:**

01/14/15	01/21/14	01/28/15	02/02/15	02/11/15	02/25/15	03/11/15	04/08/15	05/13/15	06/24/15	06/24/15	07/01/15	07/08/15	07/15/15	08/12/15	08/26/15	09/10/15	10/08/15	11/12/15	12/10/15
Exs.	✓	✓	✓	✓	✓	Exs.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	T	✓

83% of regular meetings attended

**2016:**

01/14/16	01/20/16	02/10/16	03/14/16	04/18/16	05/23/16	05/25/16	06/13/16	06/22/16	07/18/16	08/11/16	09/15/16	09/28/16	10/06/16	10/13/16	10/20/16	11/10/16	11/17/16
✓	✓	✓	✓	Exs.	T	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

91% of regular meetings attended

**2017:**

01/05/17	01/20/17	01/25/17	01/25/17	04/07/17	05/10/17	05/19/17	07/13/17	08/10/17	09/21/17	10/05/17
✓	✓	✓	✓	✓	✓	✓	✓	✓	Exs.	✓

86% of regular meetings attended

**ATTENDANCE OVER PERIOD OF TERM (10/14/14 - 10/14/17): 88% of regular meetings attended.**