

INTERVIEW OF MICHAEL JEFFERY
CONDUCTED BY KAREN BREWSTER

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TAPE 1 - ORAL HISTORY

KAREN BREWSTER: This is Karen Brewster and today is February 6, 2012 and I am here with Michael Jeffery. And we are here at Rasmussen Library, University of Alaska in Fairbanks and this is for the Judges Oral History Project. Michael, thank you for being able to stop in Fairbanks.

JUDGE JEFFERY: Yeah, I am glad it worked out.

KAREN BREWSTER: Yeah.

JUDGE JEFFERY: This fit in with this trip really well.

KAREN BREWSTER: Yeah, that is great. So we know you are a judge in Barrow and have you talk about your experiences up there. Before we get to that if you could take us back a little bit and tell us about yourself. Where you were born, where you were raised, that kind of thing?

JUDGE JEFFERY: Sure.

KAREN BREWSTER: Education, that kind of thing.

JUDGE JEFFERY: Sure.

KAREN BREWSTER: Educational background.

JUDGE JEFFERY: Sure. Well I grew up in Los Angeles, west Los Angeles and my parents were both from Minnesota, but they actually met in Los Angeles and so. And I have one older brother and then I went to college at Stanford and participated in like a foreign campus program. I had been while I was in high school I went with American Field Service to Germany for a semester and then did -- went to France while I was at Stanford and then toward the end of my undergraduate I wasn't sure what I wanted to do and I had been a history major. And so I looked into history graduate school. I also looked into law school and looked into the Peace Corps. And this is all -- I graduated in 1966 and I got accepted to the Peace Corps. I could have been an English teacher in Turkey, but I also got accepted at Yale Law School with a scholarship and I thought well I am going to law school. And the thing I liked about Yale Law School and I think it is pretty much is. It is a smaller law school and they actually have a lot of judges and professors that come out of that law school as well as high powered litigators and all different kinds of people. But I really didn't know what I would do with it. I just thought it would be a very useful thing to learn about.

So in those days the Amer -- the National Legal Services Corporation had a program called the Reginald Heber Smith Fellowship and what the scheme was is that they would fund with federal money they would directly fund an attorney position in a local program for two years and the theory was is that by having independent funding that would give more freedom of action to the attorney. And so I think I was placed -- I frankly can't remember I think I was placed at the Boston Legal Assistance Project. I don't think you had a lot of choices. You kind of got placed somewhere and so I worked most of the time

in what is called their Grove Hall Office, which was the community that served Roxbury, mostly a Black clientele, as well as another part of the area that was mostly Irish. And so we had all different kinds of clients and but --

KAREN BREWSTER: So can I take us back a step before you go on?

JUDGE JEFFERY: Sure.

KAREN BREWSTER: Which is tell me about your parents? What did they do?

JUDGE JEFFERY: Sure. My family has never had someone involved in actually a profession much less a -- in the law. Basically my father sold life insurance and but I was very blessed because he had an opportunity to move up in the New York Life and be relocated from LA to New York and he basically said no way. I am not going to do that. I had a very stable upbringing. Same house, same everything all the way through. And my mother had, you know, graduated from college and everything, but she basically stayed home and raised the children and it wasn't -- but she is very community minded and she got involved as a volunteer in a mental health treatment center in the downtown Los Angeles area. And my brother, you know, left the home and so on and then when I was like a senior in high school, she was offered the position of becoming the director of volunteers, which they had enough volunteers that they needed somebody to kind of oversee that. And so she went ahead and took that job because I was in my senior year of high school. And so she continued doing that and then when she retired from that she continued on with a group called Second Careers and it was advising -- it was pre-retirement advising not financial but what do you do with the rest of your life and so she actually was a very active person.

KAREN BREWSTER: Uh-huh.

JUDGE JEFFERY: And I would say my father provided the stability and so on, but my mother was the one that was out there and serving others and stuff like that. And really one part I really have to mention growing up is the faith part of it. I mean we went to this -- the Westwood Community Methodist -- United Methodist Church and there was most of my childhood the pastor was Reverend Melvin Wheatley and then he became the Methodist bishop of southern California and has, of course, since retired, but he was an absolutely amazing person. And I am not saying a fiery preacher, but he was extremely, extremely good and he -- actually while I was away at college an issue came up in kind of the civil rights area where he took a stand and he, you know, in favor. I don't know what the issue was, but it -- he -- he took a stand in favor of a civil rights response to something. And the congregation like half the people left.

KAREN BREWSTER: Wow!

JUDGE JEFFERY: But he stayed on and that church is still very active serving homeless people and this is in spite of the fact that it is in a very upper middle class area, but that really was part of my background so.

KAREN BREWSTER: And now so sounds like you kind of fell into law school or did you have a desire to go practice law and go to law school?

JUDGE JEFFERY: No. I fell into law school would be more the word. I mean I looked at the various options and the thing I liked about law school is it could lead to anything. I mean you are learning a basic way of analyzing things and finding out things and -- and I didn't know where it would lead to. And so -- but I also have to say that while I was in law school and also towards the end of college, although remaining a Christian, I was also interested in Eastern religions and I was doing reading in those areas too and, of course,

this is the 60's and not as surprising as it might be now. And so when I graduated that first job was with that Legal Services job.

KAREN BREWSTER: Right. So that was in Boston?

JUDGE JEFFERY: Right.

KAREN BREWSTER: Legal Assistance?

JUDGE JEFFERY: Right.

KAREN BREWSTER: Okay.

JUDGE JEFFERY: And then I am leading up to an accident and how that happened. Without going into a big long story about it I -- I -- I had gone to -- I had gone to some events up at the New Hampshire farm of Ron Doss and really enjoyed those experiences because they were so ecumenical and so on and then I saw a woman there who was quite striking. Her name was Ella Fern and she had this kind of blue smock and she wore a leather cross and it turned out that she taught yoga on the beach in Maine in a Christian context. Well, anyway Ron Doss left for Indian with people and I was interested -- I mean I hadn't forgotten Ella Fern and the way these things happen I mean I was living at this apartment in Cambridge with some other people and who should show up out of the blue. I had nothing to do with it, but some people who live there. So then I got all the information and drove up to Maine to southern Maine, Kennebunkport actually and really liked it. Her -- there were -- there were Jews involved in it too. I mean she didn't really care that much if people were Christian or not, but if you are going to live there you had to follow the schedule and it involved yoga on the beach. It involved service. It involved, you know, chores and things like that, vegetarian diet, no caffeine and so basically while I was a Legal Services attorney during the week, on the weekends I went up there. And this is a small group of people, you know, like a dozen or so. Well what was happening as it came into the winter the place that they were staying was not adequate and so two of the people in it were part of the Yale School of Forestry. And so the idea was that and this is after I had been an attorney for about a year and enjoying it. I enjoyed what I was doing. Coming back from the -- from Kennebunkport I actually had some of the luggage because we were moving down to a house in Branford, Connecticut which is near New Haven where this couple was going to stay. And so I was with them over the weekend. In other words, one weekend I went to Maine, the next weekend I went down to Branford with all this stuff and was on my way back to my job in Boston and my apartment in Cambridge where I suddenly -- the last thing I remember is I reached down and was pulling -- changing the channel on the radio, the next thing I woke up in a hospital bed with my knee up in the air and bandages around my head and broken hip and shattered femur and various other things. Apparently what happened is that the left front tire of the car had blown out. The good news is I didn't go in the opposing lane of traffic of the Massachusetts Turnpike. The bad news is the reason I didn't is I slammed into a bridge support.

KAREN BREWSTER: Oh, no.

JUDGE JEFFERY: At 65 miles an hour or something whatever it was. So, but the good news was that I -- there was a hospital nearby and so again I woke up there and my mother happened to be on the East Coast giving a speech somewhere so she actually saw me within 24 hours. So I was in the hospital like twenty -- about two months and had to learn how to walk again and everything and I still have metal in my femur from that.

KAREN BREWSTER: I have to interrupt with one thing. With your hands hitting the table --

JUDGE JEFFERY: Oh, sorry.

KAREN BREWSTER: So you can sit back. If you want to roll your chair farther back so then you can still use your hands.

JUDGE JEFFERY: But it is picking up --

KAREN BREWSTER: Use your hands.

JUDGE JEFFERY: Gotcha.

KAREN BREWSTER: Just don't --

JUDGE JEFFERY: Gotcha. Okay.

KAREN BREWSTER: Use your hands just don't try not to hit the table.

JUDGE JEFFERY: Gotcha.

KAREN BREWSTER: Thank you.

JUDGE JEFFERY: Gotcha.

KAREN BREWSTER: So you recovered from the car crash and what did you do after that?

JUDGE JEFFERY: Well so I had told the people at Legal Services that after another -- after the second year I was not going to stay, but I -- but I was enjoying the job but I felt I really wanted to make sure that I didn't sucked into just being a lawyer just because just flowing along with it. And so I didn't know what I was going to do, but I -- I was telling them that I wasn't -- I wouldn't stay on and but as I say it wasn't because I was not enjoying it because I was enjoying it.

KAREN BREWSTER: Somehow you ended up in Alaska.

JUDGE JEFFERY: Right, but there is a little -- there is a little that has gone into getting there.

KAREN BREWSTER: (Inaudible).

JUDGE JEFFERY: So anyway with the accident, you know, I was on crutches for five months, hospital two months and all my clients had to be given to other people anyway and so we all agreed well if, you know, if you feel that way, you might as well stop now.

KAREN BREWSTER: Right.

JUDGE JEFFERY: And so I did and loans which I had with the law school which were minimal by today's standard all paid off because the car was totaled. We had the apartment lease was forgiven. You know all this stuff. I was free. And so I felt now is the time to go to India because I seemed to getting drawn to that and I won't go into all the details. I mean that is another topic, you know. Just to summarize it, I did go to India and I wasn't intending to stay so long, but I had been there with this group that I went over there with and then I found out that Ron Doss' guru née and (inaudible) was seeing Westerners again, which before we were being told he wasn't. And so when the group I went over there with left, I stayed and then was around this guru and the other Westerners as much as he would let us until he died about two and a half years later and then I stayed on to help them out until finally my Visa the government caught up with the fact that I was legal but I had really come in on a tourist -- I had come in on a tourist Visa and you normally don't stay almost five years.

KAREN BREWSTER: I was going to ask how long were there.

JUDGE JEFFERY: Almost five years, yeah.

KAREN BREWSTER: So this takes us to what year then?

JUDGE JEFFERY: Now we are in 1971.

KAREN BREWSTER: Okay.

JUDGE JEFFERY: And so when they finally caught up with me, I mean there are a whole bunch of stories that we don't have time, but --

KAREN BREWSTER: We will have to do a whole another interview with you.

JUDGE JEFFERY: That is all whole another interview. But so when I came back the question is well now what. I mean I had gotten involved while I was over there with a doctor in the town of Nainital. We -- I was -- I spent most of the time up in the Kumon Foothills in the village of Kenshi (phonetic) where there was a center there and that is where I spent most of the time. And there were no -- there was no medical care there and because I was a Westerner people came to me even though, you know, hello, that is not my training, you know, but like if the gardener sliced open his hand or something, they came running to me.

And so one of the Westerners was a doctor named Larry Brilliant, who is an amazing person and he has done an awful lot, including he was the head of Goggle.org, their first executive director. He moves at a very different level than me, but he was, you know, trailed me and stuff in things and then I was associated with a doctor up in Nainital and we had kind of a little -- you could say I wasn't really a health aide, but you could kind of think like that. I mean -- he would down like once a week and then we would use money that I had from like from my parents sent or something money that I had and then money that I mean drugs that he got free and stuff like that and I would follow-up with people and so on. And you know I was realizing medicine -- if you have a medical problem that is number one. Legal stuff is important, but not that important, you know.

So when I came back I wasn't sure about staying with law, you know, and I actually I went as far as taking the E&T test for the Los Angeles Fire Department. And I was just looking, I didn't think I wanted to be a doctor at that point in my life. I mean the training, but I went to see a nurse, this kind of wise nurse at the Santa Monica Hospital and she -- and I kind of laid out my story, you know. She kind of looked at me. She said, you know, with your background if you are going to go to medicine, you have to be a doctor. I mean you are never going to be satisfied like being a nurse or something like that. And so and as soon as she said that yes, you know, yes, that is so true, you know. Look I have got the law degree. I tried remote cross cultural places so let's do that.

And so I started applying in Indian Reservations in the Lower 48, but we lived near UCLA and I was talking with Monroe Price, a law professor there who was an Indian law expert and he was the one that brought up Alaska and said, you know, you really ought to think about Alaska. And I said are you kidding, you know. I just got back from India and Alaska, you know, I don't think so. But, of course, you know, obviously I put in an application to Alaska Legal Services and a few weeks later I got a phone call basically offering me the job to start an office in Barrow. The executive director said they had gotten funding from the legislature to open the office and they thought that I would be a good person. I said how are they getting legal services now? And well it was basically outreach attorneys coming up from Fairbanks every so often. And I said why doesn't one of them, you know, just stay on? They don't want to, you know, he said. I said, oh, okay, well. So I didn't say yes right away but I didn't say no and finally they, you know, after a few weeks they offered me the opportunity to go to Barrow from LA and so --

KAREN BREWSTER: Do you know why --

JUDGE JEFFERY: I did that.

KAREN BREWSTER: Do you know why they wanted to open an office in Barrow?

JUDGE JEFFERY: Well there was a need. I mean there still is a need. There isn't an office anymore.

KAREN BREWSTER: (Inaudible).

JUDGE JEFFERY: But I mean, you know, you are talking the whole North Slope and there is -- I mean Legal Services and, of course, you know some states, you know, Legal Services might do criminal and we are not talking criminal law. We are talking Native allotments. We are talking wills. We are talking problems people have with agencies and without some legal help up there they -- they have no one to turn to. So somehow they got the funding from the legislature. I don't know what all went into that, but and so again there is more to this but it didn't hurt. I just have to say this. I told them -- this is just before Christmas. I said look I will get in touch with you after Christmas. My first Christmas with my family in five years so I am not -- don't expect anything until after Christmas. So Christmas morning Los Angeles Times sports section front page picture right in the middle of the page a Barrow whaler basketball player and the LA Times was covering the fact that they were going to a tournament in Hawaii. I thought oh this is -- this is interesting, you know. This is the day I am not thinking about this, you know.

KAREN BREWSTER: Right.

JUDGE JEFFERY: But anyway, but I did accept the job and -- and -- and they had a good plan. They -- I mean it was a reasonable plan. I would go to Fairbanks, live there, get to know like the way the Alaska court works say for the bar, which was very important for someone in my position in having -- I mean I passed the California Bar and the Massachusetts Bar right after law school, but this is Alaska and I hadn't been a lawyer for, you know, at that point over five years so it was really important for me to take the bar.

But Monroe Price when he heard to his surprise that I had taken this job, he gave me some people to talk to in Alaska, one of which was Jay Rabinowitz, which was amazing, of course. One of which was a man who had a private practice in Anchorage, but had been to India and stuff like that. And one of whom worked for the firm -- a group called the Alaska Native Foundation, which I don't think exists anymore, but it was at that time a nonprofit dealing with Native issues. And he was the one he said okay let me get this straight. You don't have housing. You don't have an office. You don't have a secretary or anything and you are going to live in Fairbanks and arrange all this? He said no I don't think so. You have got to go to Barrow and live there and it was again as he said oh, yes, of course, you know. So I talked to the Legal Services people and they agreed. So I arrived in Barrow --

KAREN BREWSTER: And when was this?

JUDGE JEFFERY: This is January of '77. And Wien Air Alaska, the airline terminal was this small wooden almost I won't say a shed, but it was pretty basic, but I keep remembering Morgan Solomon because he - he saw me -- he was there in the terminal and you know he was a very outgoing person and we talked and he said well where are you from? And I said Los Angeles. He said oh, well you are going to -- you are going to like it -- you are going to stay here. You know these people that come from Minnesota it is more of the same and they are going to leave, but you -- you know for you it is going to be exotic, you know. So, but I had to sleep on floors basically for a couple months and -- and finally Rosita Worrall and husband Bob Worrall (phonetic) were working for the borough at the time and they tipped me off about a house that was going to become available on March 1st or something like that. And so I got in touch with the landlord and yes it would and so on. So I rented, you know, I got that -- I got that taken care of. I still was on floors

for it was a little big longer and studying for the bar, living on the floor, you know. I don't know. I was going to the hotel to eat, but actually the first floor I was on was -- was the courtroom, this jury box. Sadie Neakok, the magistrate at the time and Charlotte Brower was her clerk at the time. The routine was when attorneys did come up to do cases in Barrow she would let them, you know, just roll out a sleeping bag at the courthouse. And so I blew into town and so she let me roll out a sleeping bag. The problem -- the difference was I didn't leave.

KAREN BREWSTER: So there was already a courthouse in Barrow, not the current courthouse?

JUDGE JEFFERY: Oh no, not at all, not the current courthouse. It was -- it was one story. It was owned by the Levitt (phonetic) family who ran Tundra Taxi in those days. It was a one story building and it had a clerk's office and then this courtroom. I don't know that there was an office for a judicial officer, except for Sadie's own office.

KAREN BREWSTER: Uh-huh.

JUDGE JEFFERY: And the feature of that courtroom during the winter was that they had a space heater at the back of the room and the problem was that they ran the space heater it would -- you couldn't get a record. And so the rules were when we were actually on record they would turn off the space heater but everybody is free to wear a parka.

KAREN BREWSTER: Because the noise on the recording?

JUDGE JEFFERY: Correct. Right. Now as Legal Services attorney I wasn't in court that much, but in fact I had and again remember I hadn't practiced law in almost five years and the law I had practiced in Boston was Legal Services stuff. And Sadie gets in touch with me one day and says there were four juveniles that had been arrested for a juvenile delinquency case and she wanted to appoint me to represent all of them, which is, of course, is completely inappropriate you know.

KAREN BREWSTER: You can't do that?

JUDGE JEFFERY: Cannot do that, you know. But I said sure and so, but it was quickly sorted out and you know the other attorneys got involved and stuff like that. But anyway so I really wasn't -- I didn't really have that much in the courtroom. Most of what I was -- at the time the office actually wasn't open. I was studying for the bar. I was learning about the community. I was reading all these books about Barrow and the North Slope and stuff like that. So that is kind of the way I was spending my time and finding again the office and things. And so finally when the house opened up, I moved in and that was the office. And so this on Opik (phonetic) Street right near the airport.

KAREN BREWSTER: Uh-huh.

JUDGE JEFFERY: Front -- the living room had the secretary's desk, the couch and stuff. The bedroom was my desk, a bookcase and behind the bookcase hidden away was a kind of a wooden cot that I was sleeping on. And then the kitchen had brown rice, etc. and then legal pads and pens and stuff like that. And, of course, the way things were in housing like that in Barrow at that time water was a garbage can in the kitchen where it would get delivered and then gray water would be tossed out the front door, you know, like from dishing -- dishwashing and so on. Waste, human waste, of course, we had a honey bucket and then was picked up by borough sanitation. So that was the way it was and so --

KAREN BREWSTER: So how did you spread the word to people that okay here Legal Services is here I am available?

JUDGE JEFFERY: Don't know. I must have -- I don't know. I can't remember, maybe the word got around, you know, the clients and maybe I put up some flyers, but I really -- I couldn't answer that question.

KAREN BREWSTER: But people started coming to you?

JUDGE JEFFERY: People started coming to me, that is right. And again most of the practice was Native allotments because that was still a major issue. Administrative agency stuff like that. It was very rare that I had a one, you know, a case against someone else. That was very rare. It was mostly with agencies and things like that, but it was very busy and I, of course, was still single at the time and there was one of my clients was a whaling captain and he was very nice because he invited me to go out with the crew that first year I was in Barrow.

KAREN BREWSTER: Wow!

JUDGE JEFFERY: And so here I was trying to do legal work during the day and then go out on the ice at night and then one time I stayed out there for a longer -- like a -- I think I took some leave and stayed out for four, five, six days whatever it was and I learned something there. I mean I learned a lot about whaling, but, of course, it was an amazing experience living on the sea ice, Arctic fox going by and so on. It was just amazing. But I learned a very good lesson. That is, I was wearing these Sorrell boots with those felt liners and Raymond Aagokok (phonetic) the captain was saying well Mike, you know, you really ought to dry out those liners. Ah, no, you know, felt great, no problem you know and so I didn't do that. Well, of course, when I got back to town the next day I was in some pain in my feet and so I went over to be seen and of course they got me up on the examining table and looked around and they said, well, yeah, you have a minor case of frostbite, but they were going to discharge me. Well when I stepped down, I practically collapsed from the pain and they had to admit me and it was the kind of thing they gave me various kinds of medications and the pain was there but I didn't care. And so I learned a good lesson, you know, take advice from people who know what they are doing, you know, on the arctic.

KAREN BREWSTER: Well that was one of my questions is how you adapted to living in Barrow?

JUDGE JEFFERY: Yeah, the other thing was there was these things. So here I am down in LA getting ready to go to Barrow, Alaska, you know, what are we going to wear, you know. And I was at the sporting goods store and I saw a 3 x 5 card up on -- up on a board that said for sale down parka and down pants that have been on Mt. Everest. I thought great. Might be just what I need, you know. So I got them and but, you know, anyone who has been a Barrow resident would appreciate how inappropriate it was when I showed up in my red down parka. I mean you don't wear red stuff around, you know. It is just not because it scares away animals and stuff like that and it took me a little while to -- I mean and of course the thing is for mountaineering you need the down, you need -- there is , you know, it was a great parka for what they use it for, but not to live in Barrow. And so I finally got an Inupiaq style parka, actually with a mouton lining and a wolf ruff and it was an investment, but, of course, the fur lasted a long time, but that was A better and B a lot more comfortable so.

KAREN BREWSTER: So you mentioned having a secretary. You had to hire staff.

JUDGE JEFFERY: Uh-huh.

KAREN BREWSTER: Tell me about that.

JUDGE JEFFERY: Well I must have put signs up or something like that and then one or two people were interested and I have to say I don't want to mention the name because I am not sure I think I might have it wrong, so I would rather not say who the first one was. Might be able to find out, but I would rather not.

KAREN BREWSTER: Right.

JUDGE JEFFERY: Make a mistake there, but anyway yeah we started off and it was -- I guess on a city, you know, on a normal residential neighborhood and, you know, kids would drop over and stuff like that and so on. So that is the way it was until the Arctic Slope Regional Corporation and I had been sleeping when I was sleeping on floors after I had to leave the courthouse I was sleeping on the floor of the one borough attorney at the time who lived over in Browerville and then I was walking back and forth across the frozen lake in the winter and at risk of frostbite. So I thought this is not really the best situation and so I started sleeping on the floor in the CE Building next to the Presbyterian Church, which is where the legal -- where the Arctic Slope Regional Corporation's offices were.

KAREN BREWSTER: Yes, Christian Education that was CE?

JUDGE JEFFERY: Yeah. Uh-huh. So that is where I was sleeping on the floor and I got to know this wonderful Eskimo man who was the night guy and stuff you know, but they let me do that and so finally, of course, they built the beautiful new building and moved out and so I talked to the pastor of getting dibs with some office space. So the office moved into the Legal Services office moved into that space and then they hired a second attorney for Barrow who moved in with me at the house and so John Holmes and I were the two attorneys there.

KAREN BREWSTER: And what year did he come on?

JUDGE JEFFERY: What year did he come up?

KAREN BREWSTER: Yeah.

JUDGE JEFFERY: Well it must have been in '72.

KAREN BREWSTER: No, you said you got there in '77?

JUDGE JEFFERY: Oh, sorry, that is right. That is right. Thank you. So I got there in '77 and it was probably the fall of '78, something like that and so then we -- see my mandate was Barrow and all the villages of the North Slope and so I actually had gone to all the villages of the North Slope. My -- the first village I ever went to was Point Lay.

KAREN BREWSTER: Wow!

JUDGE JEFFERY: And because in 1977 there was no scheduled service and you had to kind of get the word out, you know, find out if somebody else was going out somewhere. And the Public Health nurse at the time was going to Point Lay, so I shared the charter and it was amazing. Point Lay is still the smallest village and one of the most remote villages, but then what happened is when John arrived then we split up the slope. And I can't remember how exact -- the timing of this, but again my mandate was the entire North Slope and one day and this is literally looking at a legal ad in a newspaper which is not something I was usually doing but somehow I did. I think it was probably in the Tundra Times, but it said that the federal government was getting comments on offshore oil drilling and so -- in the Beaufort Sea and so I thought well this is interesting. It might be of interest to these villages who probably wouldn't see the legal ad. And so I ordered -- I mean just like anybody else I got maps and stuff that they had available and so then on my next routine visit out to Kaktovik and then later on to Nuiqsut I met with the city council and I said -- and I had no -- remember I had been in India. It is not like I had any

axe to grind, you know. I was not in the country like when the pipeline was being built or any of this stuff, you know. So I just went out there and I just said well what do you think, you know. Put up the maps and, of course, the reactions -- oh that is terrible, you know, as far as the whales are, you know, we can't allow that, you know. And Nuiqsut felt that same way. So it started many years of litigation and I was not the mastermind of the litigation. That was being handled in the Anchorage office and then finally even got a public interest law firm in Washington, DC to help, but I was the local guy. So when they, you know, they need affidavits from whaling captains and stuff, you know, I was the one that was going out to interview people and type them up and all of that and had some amazing interviews that way, but.

And then the borough -- so the villages were the first ones to oppose it and then the borough joined in. I mean it took some time, but, you know, the borough finally joined in. And I was -- I was allowed to go to Washington, DC when there was an argument in the federal court there and it was just an amazing experience. But again I am not the one that was carrying the ball on it. I was certainly beyond the resources of the Barrow office, but I got involved in that issue so.

KAREN BREWSTER: And so why did you decide to stay in Barrow. You didn't just do what Mr. Solomon said and said okay two years and I am out of here. You stayed --

JUDGE JEFFERY: Well Barrow is a wonderful amazing place and I mean I could see that from my visit. I mean I, you know, I met Evan Hobson, I met Sadie Neakok and I can see A -- and this is a question I had, is this some bureaucratic deal that they want to put a pin on the map they have an office in Barrow for Legal Services or was this something that people really wanted. Well they really wanted it. There was no question about that, including Mayor Hobson because they were recognizing the need and as far as, you know, I -- with my first visit to Barrow was mid-December so I saw --

KAREN BREWSTER: So you visited before you went there to Barrow?

JUDGE JEFFERY: Before I moved there.

KAREN BREWSTER: Yes.

JUDGE JEFFERY: But again they flew me up.

KAREN BREWSTER: Right.

JUDGE JEFFERY: And actually my first night on the North Slope was not in Barrow, it was in Nuiqsut. They had an attorney going out to Nuiqsut so I went out and we slept on the floor at the clinic or wherever we were, so that was actually my first night on the North Slope. But yeah I really enjoy the people, you know, I enjoy the Inupiaq people and I just very down to earth great people and I just felt, you know, this yeah I know I liked it. And so -- and I still do. So yeah that is how I stayed, but I think it is fair to say if the judgeship had not opened up I wouldn't be in Barrow. I mean if I totally would not be a Legal Services attorney all these years but in 1982 the -- well before I go there just back with Legal Services. We actually had a third attorney at one point that we hired as a volunteer, kind of someone willing to kind of be a subsistence level type attorney, but Linda Wingenbock was interested in doing that. And we even had -- there used to be a federal program called the Comprehensive Employment Training Act, CETA Program and we at one point had paralegals out in all the North Slope villages.

KAREN BREWSTER: Wow!

JUDGE JEFFERY: Who we would bring in to Barrow and the idea was is that their role was not like to give a lot of advice to people, but if somebody had one of these bureaucratic

letters they are so hard to understand usually, almost always, they have someone to take it to who could -- who at least would know oh well this is a big deal and they would give us a call in Barrow, you know. So that was kind of the role, but we would bring them in for training events and then, of course, that program ended and you know so on.

So but in 1982 the legislature created a superior court judgeship. Before that time you had Sadie Neakok and -- as the magistrate and then when there was a superior court matter, judges would come up from different parts of the state. Barrow was something called -- it was part of the Barrow Service Area where we were related to Fairbanks in some way. I am talking about the court system now and then, but we were still in the Second District, which is Barrow, you know, Kotzebue and Nome. And so sometimes Judge Dunley (phonetic) the presiding judge from Nome would come over or maybe Judge Jones who was the judge in Kotzebue, but other times it would be an attorney from somewhere else in the -- I mean sorry a superior court judge from somewhere else in the state. There was no grand jury at that time in Barrow. The grand jury was always held in Fairbanks. There were no jury trials in Barrow because maybe they had -- I mean as I am recalling they did have a jury box but they certainly wouldn't have had a felony trial. Maybe they would have some sort of quick, you know, maybe a misdemeanor trial or something like that, but there was nothing like that.

KAREN BREWSTER: So those trials, those felony and criminal trials would --

JUDGE JEFFERY: Happen in Fairbanks.

KAREN BREWSTER: Happen in Fairbanks and so they -

JUDGE JEFFERY: Happen in Fairbanks.

KAREN BREWSTER: And a jury from Fairbanks?

JUDGE JEFFERY: That is right and so --

KAREN BREWSTER: And not really a jury of your peers?

JUDGE JEFFERY: Exactly. Exactly. You would have Fairbanks people, is this a reasonable, you know, thing to do or you know. So but that began to change and one thing like the way the judges used to be they used to live out at the Dew Line site, the Distant Early Warning Site and then the police would give them rides into town. It was just, you know, and it was Judge Dunley (phonetic) that said this has got to stop. I mean there are hotels in Barrow. We should be supporting the local economy. There is no reason for being out at the DEW line site and so he -- he started doing that, living in town at the Top of the World Hotel or something like that. And then the grand jury moved to Barrow and I think that happened -- that was something that he also made sure happened. The trials, the felony trials, would still be done out of town because of just the logistical issues. But it was coming to pass and Judge Hodges came up, Judge VanHousen came up, those are both Fairbanks judges. And it was getting to the point where people were spending half the month up there and that couldn't continue, you know.

And so that is when the legislature finally realized that there really needed to be a superior court judge resident in Barrow and so that happened in 1982. Well I was not the first in line to apply at all. I mean I was and again a still single guy. I gotten involved and there is a whole other thing with Eskimo dancing and I was involved with that, but, you know, and I really liked the role of, you know, I am kind of everybody's friend. I mean I very rarely was suing somebody in Barrow. I am helping people with all these agencies, so it was a very nice role to have and I knew very well as a judge. I mean there is a winner and a loser and, you know, sentencing and all this stuff, you know, and I wasn't

sure I wanted to take that on. I got started getting approached by some people in town Eugene (phonetic) Brower being one of them as I recall. And they basically said, you know, Mike, we are so tired of people from Fairbanks and Anchorage coming up to do these kinds of things up here. Why don't you at least give it a shot, you know?

And again I felt, yeah, you know, yes, I should try this and so it was like two or three days left I got my application in and -- but I had this unusual little spin on it, which I haven't talked about yet and this is still from India. Toward the end of his life though I didn't know it at the time, but basically and I won't go into the whole story, but just the bottom line was the guru that I had in India who always talked to Westerners by the way about Christ even though it was a Hindu environment. He said, you know, Christ said to serve the poor and the sick, you know. Serve the poor and the sick and you will be like Christ. And I -- I -- I mean to me he that was -- that wasn't some general pronouncement, that was like a one-on-one sort of thing and I finally promised that I would. And so -- and I stand by that. That is still there.

And so, of course, coming back being a Legal Services attorney that is an easy one. Becoming a superior court judge, well that is a little more, you know, you have to think about that one a little bit and so, you know, the system, of course, in Alaska is that, you know, you apply and then they do the polls with the attorneys and the social workers and so on. There can be public comments and then you go, you know, you are interviewed by the Judicial Council perhaps or at least well I think I was and then -- and then they come up with at least two names and if they can only come up with one name that they feel is qualified then they reopen. They won't -- they are not allowed to send only one name to the governor. And so a guy named Tim Stearns from Anchorage applied and I applied and they found both of us competent. But I told this Judicial Council and then governor -- it was Governor Jay Hammond and he personally interviewed the applicants that had been cleared by the Judicial Council and I told him too I said without giving all the details I said well I have to tell you that I have made this promise of serving the poor and the sick and, of course, that means in a particular case that is not the issue, you know. You are not deciding a case based on that, but I said if I have to tell you that if over time I felt I wasn't being true to that then I would not continue with the job, but I said I would also given the importance of the job and how difficult it is to, you know, that I would commit to at least five years like no matter what, but I wouldn't stay on. And so both the Judicial Council and the governor I think they, you know, Tim Stearns, I barely met him, maybe I met him once but he had only been to Barrow a few times in his life, you know, and I had lived there for years and so they kind of opted for this someone unusual person who knew the area better.

And so then one might ask well how do I feel about that now? Well, you know, of course, you know, obviously I have been doing this since 1982 so we are approaching 30 years now and I still feel I am true to that promise because of doing it in Barrow. Now if I were in Anchorage, especially, in a large court and I was assigned to do civil cases all the time that would be a problem, but I am not. I am in Barrow and what I -- what I -- what I actually do and most of what I do is felony criminal cases, some misdemeanors, including arraignments on weekends and stuff like that, child welfare cases, juvenile delinquency cases and then some civil litigation and, you know, other kinds of things, probate cases and most of the people have appointed attorneys or they are representing themselves, obviously there are exceptions to that, but that is what most of it is. And so I still feel that

that is what I am doing and that I am, you know, it is kind of like how does it play out in one's own life. Well in my life I am legally trained and I am a judge, you know, so that is how it plays out with me. I mean I am not a doctor or something, but, of course, I married my wife Esther, who I met just before I became a judge and then we got married around then is a nurse.

KAREN BREWSTER: You got it covered.

JUDGE JEFFERY: Yeah, but -- but, you know, one of the current -- and this is kind of leaping ahead a little bit, but, you know, now one of the interests -- one of my -- I don't want to say my passion is at the moment is the whole issue of Fetal Alcohol Spectrum Disorder. I mean the effect on adults and juveniles -- I mean well on everybody where a mother drinking while pregnant even this includes before she -- a woman who know she is pregnant and that is what is so tragic is that even if a woman stops drinking when they know they are pregnant, the damage may already be done. And it is -- it is something that I really began -- I first learned about it in 1990 with a particular felony sentencing and then really got energized about it in 1996 when the borough health department put on this absolutely over the top conference on this. Brought in amazing people from out of state, including Ann Streissguth, the Dr. Ann Streissguth who is one of the preeminent researchers. She has since retired and Jan Ludka (phonetic), who is a women in Vancouver who is absolutely amazing and she and her husband adopted like eight kids with FASD issues.

But the problem is as a judge is I, you know, I depend -- you want to -- you want to have people understanding what is going on and what if you -- I mean what I have realized is that people who are affected by FASD condition could be looking normal, could be talking at their age level and yet understanding at the age of some -- at the ability of somebody half their age and this is not my -- this is absolutely confirmed research. There is no question about this. What is not -- what the justice system is having trouble -- problems with all over the country is okay, first, knowing about that and (b) how do you respond and that is not easy and that is something I am still struggling with, but I have gotten to be kind of an advocate on this issue and I have done presentations a lot of different places out of state, in state on this issue. And, you know, I suppose that whole effort certainly carries forward with the promise I made in India, you know.

KAREN BREWSTER: Uh-huh. So how do you deal with that situation?

JUDGE JEFFERY: Right. Because -- I am glad you asked that question. There is business as usual. You know business as usual is you have your efficient one page form like a bail order that has got all the conditions and there are all these different things that people sign it and go away with their one page form. You have a concern of being efficient with your time and getting through a lot of cases in a reasonable amount of time, which is good for the judge or magistrate, good for the clerks they have more time at their desks and stuff like that. You -- you know business as usual is kind of like, you know, if a felon -- a probation officer gives you probation conditions in all this legalese that you simply parrot those back in the judgment and then everyone is depending on the probation officer and attorneys to explain it to the defendants.

It is the same thing like in child welfare cases where you have these documents about relinquishing parental rights or case plans or things like that and this is still true today. Those documents like relinquishing parental rights and so on are written in just dense legal language and so -- but that is business as usual, but that cannot be when you are

dealing with people who are cognizant of the impaired and my feeling is that I as the judicial officer have the personal responsibility. You know I can't -- I can't just say oh, counselor you have talked to your client about this. Yes, okay fine, well then I don't need to go through it say. I mean I cannot just as a person can't accept that and in my view I have a duty not to accept that. I have to make sure myself that they are understanding and so one way is to slow down the hearing.

I mean again I have heard even expert witnesses like educated -- professionally educated Inupiat people talk about how they think carefully about what they are going to say and when they are dealing with someone from New York City who wants to talk really fast I mean they don't -- they have -- they don't have a chance to talk -- get their answer out before there is another question or something like that. So one thing is slowing down the hearing.

It can also mean even taking a break even if nobody is asking for one because I am just again at this point I am speaking as someone who has done a lot of reading, has been to a lot of conferences and, you know, I have got, you know, and again this is evidence based stuff that I am trying to respond to and one is people cannot take it all in. It is just not effective even though I am still energized, I am still understanding, but they are not going to be. And so when I know that someone is affected or at least strongly suspected, I might take a break for no other reason just to give everybody a chance to digest things a little bit. Now this is not too popular sometimes with people who have got, you know, they got another hearing, you know, coming up, but, you know, I do that.

And then the other thing is a lot of work has gone into this like the forms that I use for like bail. Mine are four pages long and there is white space and there is explanation of things and they are done in plain English and then I have places to initial by each of the things -- by each of the points. And the point -- the idea is I am trying to at least try to avoid it just being a blur of words and concepts that people are just kind of oh, yeah, da, da, da, you know, just agree to whatever and get this hearing over with, you know. But then people are really focusing on what needs to, you know, what we are trying to get across and so those are the kinds -- that is -- those are examples of the kinds of things that I am trying to do. But I have to admit I have a luxury of having more time to do it. If I were in a big city and was crushed with dozens of cases that had to be dealt with arraignments and stuff, well it would be very hard to -- to-- to relate to people the way that I feel is needed.

Now I am not saying that everybody that I have seen is affected by FASD, but I am saying they might be and I am saying that on top of that there is language issues, there are cross-cultural issues and there are all kinds of things and I need to honor that and since I am blessed with a situation where I can make adjustments I feel I have -- I would even say a moral duty to do that and so that is what I am doing. And it goes also into things that I write, you know, I am trying to write clearly and try to avoid using legal stuff -- legal jargon. Now obviously when you are writing a difficult opinion, especially in a civil litigation and attorney law firms in Anchorage that is completely different. But if I am writing, for example, there has been a hearing in a child custody case or something like that or a divorce case and I am writing it up and maybe they are both represented by -- both the parents are represented by attorney but maybe one isn't or something, well then I am going to be using much more down to earth language deliberately to and it even gets to font size, 14 points, is what I standard -- is my standard use, you know.

And the other thing I was at a conference in Vancouver. I was on a panel and then stayed but at which Vancouver is an amazing place as far as having resources in the FASD area and so on. But I was talking to a retired judge from the Yukon and he -- he had the grace to tell me that, you know, this reading that he had been doing is after he retired because it is so hard when you are, you know, actively pursuing your job to get out and read all these extra books and I don't know very hard to do that, especially if you are involved in the community in various ways, which I am, so. But he said, you know, the research that he has read is that the most affective way to get something across to someone if you want them to understand and do it, is to be positive. So like his example was that the kids are playing in front of the house and you want them to play there. Normally I would have said don't go out in the street, but he said no. You have to say play in the yard because they are going to hear the word yard instead of the word street. And you know as soon as he said I said oh, yes, all these years and this is like again last year. This is 2011 we are talking about. Maybe that conference was in 010 but it has taken a while. It probably was in 010 as a matter of fact. But I said, yes, that is right, you know. And so I came up with a draft and it is not so easy. I mean it is one thing to say I will be drug free. That is pretty straightforward. I will stay away from alcohol. Okay. Well it is so easy to say don't drive. But what I had to come up with is I will only be a passenger. I don't know, you know, that is a little harder, but, you know, I came up with a draft and then I gave it to the police. I said well could you enforce this way of doing that and they had a couple of ideas, but basically they said they could.

And then I was asked to speak at a conference in Juneau that again was FASD related and I had this draft with me and so I was showing it to some people there and there was a Tlingit Elder at one of the sessions and he looked over page and -- which has all the rules, all the conditions on it and he said well you got to figure out a way to put the words success in there and I said to myself success, you know, in my bail order. How are you going to do that? I mean I didn't say that. This is what I am thinking, you know. But then I thought and what I have -- what I have now got on the top of that page it says follow these rules and you will be successful on bail, exclamation mark.