

JUL 28 2016

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

Position(s) for which you wish to be considered:

Superior Court in KenaiDate: 07/26/2016Superior Court in Nome

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Romano D. DiBenedetto
 Name as it should appear on bar survey: same as above
 * Unless otherwise specified, this is how your name will appear on the bar survey.
- (b) Have you ever used or been known by any other name? If so, please identify.
No.
2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
 Total 5 years 7 months
3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
 Total 21 years 7 months

Nonlegal Education

4. State names and dates of attendance of all colleges and professional schools (other than law schools) ever attended and degrees and dates conferred. List any honors.

University of Notre Dame, B.A. Philosophy 1990

** See AS 22.10.090; see also 1984 Inf. Op. Atty. Gen. (July 19; 366- 624-84).

Legal Education

5. List all law schools, dates attended and degrees conferred. If you did not receive a degree from any law school, please indicate.

Northwestern School of Law, J.D. 1993

6. (a) Did you receive any honors in law school or belong to any honorary societies or groups?
☒ Yes ☐ No If yes, please give details.

Journal of Criminal Law and Criminology

- (b) Have you taken any CLE (continuing legal education) courses during the past five years?
☒ Yes ☐ No

Please describe or list. Please do not attach individual certificates of attendance.

In in each of my first two years at the District Attorney's Office in Fairbanks, I attend the statewide D.A. conference provided by the Department of Law.

Moreover, in each of my subsequent three years as a Magistrate Judge, I attended the statewide Magistrate Judge conference provided by the Alaska Court System.

Military

7. Have you served in the armed forces (reserves or otherwise)? ☐ Yes ☒ No
If so, please provide the following information:

- (a) Dates of service: _____
(b) Branch of service: _____
(c) Rank at time of discharge: _____
(d) Type of military discharge: _____
(e) Awards or citations: _____

- (f) Have you ever been refused admission to or released from any of the armed services for reasons other than honorable discharge? ☐ Yes ☒ No If so, state the details.

Nonlegal Employment

8. Describe major nonlegal working experience. If you had a business or association that has been discontinued, please note whether there are unpaid debts or claims pending litigation.

I have not engaged in any business other than the practice of law.

Legal Experience

9. Describe chronologically your legal employment since admission to law school. Please provide dates and location of employment, name of employer, name AND CURRENT ADDRESS OF supervisor or person who can verify AND COMMENT ON YOUR employment, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.) for each position listed below. IF YOU ARE CURRENTLY A TRIAL COURT JUDGE, PLEASE LIST YOUR PRESIDING JUDGE. FOR PAST JUDGESHIPS, PLEASE LIST THE JUDGE WHO LAST PRESIDED DURING YOUR TIME ON THE BENCH.

The Council will ask for comments from your current and former employers about your employment and your judicial qualifications. You may choose to list other persons as character and professional references in response to Question 20 of this application.

If the supervisor or contact person asks (in writing) that the letter be shared with the governor, the Council will send designated letters for each nominee. The applicant should not request a copy of the letter from the reference. References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

Current Employer: Alaska Court System

Supervisor or name of contact person who can verify employment: Judge Michael A. MacDonald

Current address of this person: 101 Lacey Street

City Fairbanks State AK Zip 99701

Dates and location of Employment: From 11/2012 To present City Fairbanks State AK

Description:

Presiding over family law and probate matters, as well as criminal arraignments and applications for post conviction relief. Pro tem District Judge from 10/13-12/13.

Previous Employers: *(In chronological order, most recent first)*

Employer: Fairbanks District Attorney's Office

Supervisor or name of contact person who can verify employment: J. Michael Gray

Current address of this person: 204 Chief Eddie Hoffman Highway

City Bethel State AK Zip 99559-0775

Dates and Location of Employment: From 01/2011 To 11/2012 City _____ State _____

Description: Prosecuting all crimes ranging from murders to property crimes.

Reason for Leaving: I received a wonderful opportunity to work for the court system.

Employer: Cook County Inspector General's Office

Supervisor or name of contact person who can verify employment: Pat Blanchard

Current address of this person: _____

City Chicago State IL Zip _____

Dates and Location of Employment: From 06/2010 To 01/2011 City Chicago State IL

Description: Investigated claims of public mismanagement and corruption.

Reason for Leaving: I wanted to give Alaska a try, something I had wanted my whole life.

Previous Employers (continued)

Employer: Cook County State's Attorney's Office
Supervisor or name of contact person who can verify employment: Executive Offices
Current address of this person: _____
City Chciago State IL Zip _____
Dates and Location of Employment: From 10/1994 To 06/2010 City _____ State _____
Description: Prosecuting all crimes ranging from murders to property crimes. I also represented the county in personal injury lawsuits.
Reason for Leaving: I received an offer for a better job.

Employer: _____
Supervisor or name of contact person who can verify employment: _____
Current address of this person: _____
City _____ State _____ Zip _____
Dates and Location of Employment: From _____ To _____ City _____ State _____
Description: _____
Reason for Leaving: _____

Employer: _____
Supervisor or name of contact person who can verify employment: _____
Current address of this person: _____
City _____ State _____ Zip _____
Dates and Location of Employment: From _____ To _____ City _____ State _____
Description: _____
Reason for Leaving: _____

Employer: _____
Supervisor or name of contact person who can verify employment: _____
Current address of this person: _____
City _____ State _____ Zip _____
Dates and Location of Employment: From _____ To _____ City _____ State _____
Description: _____
Reason for Leaving: _____

Employer: _____
Supervisor or name of contact person who can verify employment: _____
Current address of this person: _____
City _____ State _____ Zip _____
Dates and Location of Employment: From _____ To _____ City _____ State _____
Description: _____
Reason for Leaving: _____

10. During your legal career, please indicate (approximately) the following:

(a) Percent of your practice that was: Civil 20
 Criminal 80
 Other = 100%

Comment: I spent some years in civil practice for Cook County.

(b) Percent: State 90
 Federal 10
 Other = 100%

Comment: The civil practice in Cook County lent to federal appearances.

(c) Of practice in state courts, percent: Supreme Court _____
 Court of Appeals 10
 Superior Court 80
 District Court 10
 = 100%

Comment: _____

(d) Frequency of appearance in court:
☒ Regularly ☐ Occasionally ☐ Infrequently ☐ Not at All
Comment: _____

(e) Number of trials (by court or jury) you conducted:
☐ None ☐ 1-5 ☐ 6-15 ☐ 16-30 ☒ 31 or more
Comment: I am combining Cook County and Alaska.

(f) Percent of these trials which were: Jury 50 Non-Jury 50
Comment: _____

(g) Approximate number of appellate matters handled: 9
Comment: Of the nine, six were oral arguments in Cook County.

(h) Approximate number of arbitrations or administrative hearings:
☒ None ☐ 1-5 ☐ 6-15 ☐ 16-30 ☐ 31 or more
Briefly describe type of matters heard:

(i) Please briefly summarize any *pro bono* work that you have done and indicate whether the work was done through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.).

My entire legal career has been at employment that prohibited pro bono work.

11. List all the courts and administrative tribunals in the United States or elsewhere to which you are or have been admitted to practice, and the dates of admission.

Illinois, admitted 1994
Alaska, admitted 2011

Public Service

12. List bar associations, and sections and committees of which you are or have been a member or officer.

Chicago Bar Association.

13. List legal publications, if any (give title, subject and date of publications). Please include publications you have co-authored and the name(s) of the co-author(s).

None.

14. Have you ever applied for a judgeship? ☐ Yes ☒ No
Please list dates and judgeships applied for, as well as whether you were nominated by the Judicial Council and appointed.

Judgeship	Date	Nominated By Council (Y/N)	Appointed By Governor (Y/N)

15. Have you ever held public or political office, elective or appointive? ☒ Yes ☐ No
If so, state office, manner selected, and when and where held.

I have been a magistrate judge in Fairbanks since 2012. I was selected by the then Presiding Judge Douglas L. Blankenship.

16. Please provide the Council with information that you would like the Council to consider about other legal and nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal organizations. Please indicate whether you participate in the organization's activities, or simply hold a membership. Your involvement in the community is one of the criteria the Council uses in its evaluations. The Council does not use affiliation with a particular group as a criterion except to the extent that it might raise questions of conflict of interest or would affect an applicant's ability to impartially apply the law.

I have been a volunteer tutor at the Alaska Literacy Counsel since 2013.

17. Indicate (Yes or No) whether you have ever:

- (a) been arrested, charged with, pled guilty or *nolo contendere* to, or been convicted of the violation of any law or ordinance, or been requested to appear before any prosecuting or investigative agency in connection with any matter in any jurisdiction, including all traffic offenses, unless the fine was less than \$50 and there were no other sanctions?
☐ Yes ☒ No
- (b) failed to answer any summons or other legal process served upon you personally at any time? ☐ Yes ☒ No
- (c) as a member of any armed forces, been the subject of any charges which may have resulted in disciplinary action or court martial? ☐ Yes ☒ No

- (d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? ☐ Yes ☒ No
If your answer is "yes" to any part of this question, state the facts in detail. Give the name and place of the court or agency, dates of the beginning and end of any action or proceeding, case numbers, and the judgment or other disposition.

In an over abundance of caution, I disclose that I received a traffic citation for failing to make a complete stop at a stop sign in the summer of 1986. I admitted to the violation in court. The judge held the citation open for three months. When there were no additional violations, he dismissed the citation. No fine was ever imposed. Accordingly, a search of the Clerk of the Circuit Court of Cook County website reveals no record of the citation. Thus, I have no way of providing a citation number.

18. (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? ☐ Yes ☒ No
In particular, have you been the subject of any proceeding, criminal or civil, initiated against you by the Internal Revenue Service or a State Tax Office? ☐ Yes ☒ No
If so, give particulars, including case numbers.

- (b) Have you ever been sued by a client? ☐ Yes ☒ No
If so, give particulars, including case numbers.

- (c) Have you ever been a party in any other legal proceeding? ☒ Yes ☐ No
If so, give the particulars. Include all legal proceedings in which you were a party in interest, including petitioner or respondent in dissolution or divorce proceedings; a material witness; a named co-conspirator or correspondent; and subject or witness in any grand jury proceedings. Do not list proceedings in which you were sued only in a representative capacity (e.g. guardian ad litem, or as Commissioner of Natural Resources).

In 1997, I was involved in a traffic accident in which I accidentally struck another vehicle. I was driving a Cook County vehicle, and the accident happened while I was performing my job as an assistant state's attorney. The other driver had no insurance and was given a citation. No citation was issued to me. Nonetheless, the other driver brought a municipal civil action against me and the then state's attorney. I was represented by another assistant in the civil bureau of the state's attorney's office. The case settled for an amount that was never revealed to me. As a result of the settlement, the complaint was dismissed with prejudice. The case number is 1997-M1-305841.

19. State the nature and disposition of any of the following actions which apply to you:

- (a) Are there any unsatisfied judgments against you? ☐ Yes ☒ No
Have you ever defaulted in the performance of any court-imposed obligation, including payment of alimony or child support or compliance with another court order or decree?

☐ Yes ☒ No

In each case, list the name and address of the creditor, the court which rendered the judgment, the case number, the date, the amount of the judgment, and the circumstances on which such claim was based.

Has property owned by you been either judicially or non-judicially foreclosed?

☐ Yes ☒ No

Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

- (b) Have you ever made an assignment for the benefit of creditors? ☐ Yes ☒ No
Have you ever filed any petition in bankruptcy? ☐ Yes ☒ No
If so, state the circumstances, case number, and the outcome.

References and Counsel Questionnaires*

- * **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. If the reference asks (in writing) that the letter be shared with the governor, the Council will send designated letters and counsel questionnaires for each nominee. The applicant should not request a copy of the letter from the reference. (You **should not** list the Chief Justice of the Alaska Supreme Court.)

References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

20. (a) List the names, addresses, **including zip codes**, and **phone numbers** of two persons whom the Judicial Council may contact who can discuss your general character and background.

Name: Judge Mathew Christian

Address: Rabinowitz Courthouse, 101 Lacey Street

City/State/Zip: Fairbanks, AK 99701 Phone: _____

Name: David Navarro

Address: _____

City/State/Zip: _____ Phone: _____

- (b) List the names, addresses, **including zip codes**, and **phone numbers** of three other persons whom the Judicial Council may contact who can discuss your professional competence and qualifications for a judicial position.

Name: Judge Patrick Hammers

Address: Rabinowitz Courthouse, 101 Lacey Street

City/State/Zip: Fairbanks, AK 99701 Phone: _____

Name: Judge Ben Seekins

Address: Rabinowitz Courthouse, 101 Lacey Street

City/State/Zip: Fairbanks, AK 99701 Phone: _____

Name: Magistrate Judge Alicemary Rasley

Address: Rabinowitz Courthouse, 101 Lacey Street

City/State/Zip: Fairbanks, AK 99701 Phone: _____

References and Counsel Questionnaires (continued)

(c) List the names, addresses, including zip codes, and suite numbers where applicable, and phone numbers of each attorney involved in your three most recent cases that have gone to trial. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent trials they presided over.) List only those cases that have gone to trial within the past three years. Please include the judge's name and case names and numbers. (Attach additional pages if necessary.)

Case Number 1

Case Name: In Re the Adoption of

Case Number: 4FA-14-00660 PR

v. [REDACTED]

Judge Name: Romano D. DiBenedetto

Attorneys Involved:

Name: Craig Partyka

Name: Kirk Schwalm

Address:

Address:

City, State, Zip: Fairbanks, AK

City, State, Zip: Fairbanks, AK

Name:

Name:

Address:

Address:

City, State, Zip:

City, State, Zip:

Case Number 2

Case Name: Jennifer Marie Nelson

Case Number: 4FA-15-00446 CI

v. Ross Emery Nelson

Judge Name: Romano D. DiBenedetto

Attorneys Involved:

Name: Daniel L. Callahan

Name: Corinne Vorenkamp, INCNVL

Address:

Address:

City, State, Zip: Fairbanks, AK

City, State, Zip: Fairbanks, AK

Name:

Name:

Address:

Address:

City, State, Zip:

City, State, Zip:

Case Number 3

Case Name: In the matter of the death of

Case Number: 4FA-13-02733 CI

v. Curtiss Dean Weller

Judge Name: Romano D. DiBenedetto

Attorneys Involved:

Name: Gail M. Ballou

Name:

Address:

Address:

City, State, Zip: Fairbanks, AK

City, State, Zip:

Name:

Name:

Address:

Address:

City, State, Zip:

City, State, Zip:

References and Counsel Questionnaires (continued)

(d) List the names, addresses, including zip codes, and suite numbers where applicable, and phone numbers of each attorney involved in your three most recent cases that did not go to trial but in which you did significant work. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent cases they presided over that did not go to trial but in which they did significant work.) Please include the judge's name and case names and numbers. (Attach additional pages if necessary.)

Case Number 1

Case Name: Geico General Insurance Co.

Case Number: 4FA-12-02178 CI

v. Debra Worley

Judge Name: Romano D. DiBenedetto

Attorneys Involved:

Name: Jeffrey H. Vance

Name: Zane Wilson

Address:

Address:

City, State, Zip: Anchorage,

City, State, Zip: Fairbanks, AK

Name:

Name:

Address:

Address:

City, State, Zip:

City, State, Zip:

Case Number 2

Case Name: Maria E. Gavora

Case Number: 4FA-12-02361 CI

v. Steven R. Gavora

Judge Name: Romano D. DiBenedetto

Attorneys Involved:

Name: Craig B. Partika

Name: Kirk Schwalm

Address:

Address:

City, State, Zip: Fairbanks, AK

City, State, Zip: Fairbanks, AK

Name:

Name:

Address:

Address:

City, State, Zip:

City, State, Zip:

Case Number 3

Case Name: State of Alaska

Case Number: 4FA-13-01209 CR

v. Robert Brook

Judge Name: Romano D. DiBenedetto

Attorneys Involved:

Name: Patricia Haynes

Name: Frederick T. Slone

Address:

Address:

City, State, Zip: Fairbanks, AK

City, State, Zip: Anchorage, AK

Name:

Name:

Address:

Address:

City, State, Zip:

City, State, Zip:

Writing Sample

21. Attach one example of a brief, memorandum of law, or legal opinion or similar example of legal writing (10-20 pages in length; 15-25 pages for appellate positions) prepared solely by you within the last five years. Please choose a sample that reflects your ability to do legal research and analysis. If you do not have a good sample of this length, include an excerpt from a longer writing. Make sure the sample contains sufficient facts to make it understandable. (Some reply briefs may not meet these requirements.)

Please do not submit: (a) coauthored writing samples, (b) samples with confidential information unless redacted to remove such information, (c) longer writing samples.

22. Has any **public** sanction been imposed against you in response to a complaint, charge or grievance brought against you as an attorney or a judge? ☐ Yes ☒ No
Have formal grievance procedures been brought against you? ☐ Yes ☒ No
See Bar Rule 22(b) & (e) concerning public bar grievance procedures against attorneys, and AS 22.30.011(b) and .060(b)(3) concerning public disciplinary grievance procedures against judges.
Have you ever been held in contempt of court? ☐ Yes ☒ No
Have you ever been fined or otherwise sanctioned by a judge? ☐ Yes ☒ No
In each case, state in detail the circumstances and the outcome.

Additional Comments (Non-Confidential)

23. Please make any additional comments that you wish to bring to the Council's attention about your experience and suitability for this judgeship.

I believe the depth and variety of my court room experience, including serving as a pro tempore judge in Alaska, make me a strong applicant.

Additional Comments (Continued)

24. Please indicate whether you prefer to be interviewed in public session or in private session. Your choice of a public or private interview has no bearing on the Council's determination of your qualifications or on the questions the Council may ask. You may change your request in writing at any time before the interview starts.

☒ Public Interview

☐ Private Interview

25. Please prepare a brief biographical statement (*limited to 150 words*) about your background, legal education, and legal experience. Please do not list personal information about minor children. Your picture and a copy of this statement will be scanned and posted on the Council's website after the application deadline. In its bar survey, the Council will invite attorneys to review the information if they wish to become more familiar with your background and experience. Use the form on the following page for your biographical statement. Please leave the box at the top empty. The Council will use this space for your scanned picture. ***To be fair to all applicants, the Council will strictly enforce the 150 word limit.***

If you object to the posting of your picture on the Council's website, please indicate your objection below. If you object, we will not post your picture, although you still must submit five photographs of yourself with your application.

☐ If you check this box we will not post your picture on the website.

Biographical Statement

Name _____

Position(s) for which you wish to be considered:

Please leave this area blank

Date: _____

I am from a small Italian American family from the west side of the Chicago area. I attended the University of Notre Dame and Northwestern Law School, where I received a J.D. in 1993.

I began my career at the state's attorney's office in Chicago. There, I served in both the criminal and civil actions bureaus. In both bureaus, I handled crimes ranging from murder to property crimes and represented the county primarily in personal injury lawsuits.

In 2011, I pursued a life long dream of moving to Alaska, and I have never looked back. Since 2012, my present job as a magistrate judge allows me to assist people as they deal with family law, probate matters, and domestic violence.

In my free time, I like eating healthy, going to the gym, running, and hiking. I am also an avid viewer of sports.