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Alaska Judicial Council

alaska judicial council

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Alaska Judicial Council Appellate Judge Questionnaire

2024 Candidates for Judicial Retention

Deadline: November 17, 2023

Dario Borghesan
Name

Alaska Supreme Court
Court

1. Please estimate your workload during your present term.

a) 80 % civil cases
10 % criminal cases
10 % court administrative work
100 % Total

b) 0 # of trials/year (as trial judge, if any)

2. Please describe your participation on court/bar committees or other administrative activities during your current term of office.

I am a co-chair (along with Justice Henderson) of the Access to Justice Committee. I also sit on this committee's rural and tribal justice subcommittee. We oversee the Court System's efforts to improve access to justice services throughout the State.

I am the chair of the Appellate Rules committee, which reviews and adopts revisions to the Alaska Rules of Appellate Procedure.

I am responsible for organizing the annual training for new appellate clerks, which consists of a two-day session of lectures and activities to introduce our new clerks to our rules, practices, and key areas of substantive law.

I have organized a public interest job fair for law clerks to help connect them with Alaska employers.

3. Please describe any judicial or legal education you have undertaken or provided during your current term in office.

I have participated in the annual judicial conference each year since being appointed to the bench in July 2020. These conferences include training and educational sessions that satisfy (and sometimes surpass) the requisite CLE hours in each year.

In addition, in the summer of 2023 I attended a five-day training for new appellate judges. This training was hosted by the Institute of Judicial Administration at NYU law school. It was taught by highly regarded federal and state appellate judges and law professors. Topics included substantive areas of the law, writing practice, editing others' writing, group decision-making dynamics, ethical dilemmas often faced by appellate judges, and sessions with other judges to learn how different courts operate.

In January 2023 I attended portions of the court system's new judge training. This training is mostly geared toward trial judges, so I attended only some sessions. I also shadowed court proceedings of experienced judges to get a better sense of how things happen in the courtroom (including taking a field trip to the jail court at the Anchorage Correctional Center).

4. Please describe any public outreach activities.

I spoke to a large audience at the 2023 AFN Tribal Conference. I described the court system's recent efforts to work more in tandem with tribal courts and also talked about Alaska's system for selecting and retaining judges.

In July 2023 I traveled to Fairbanks to speak to the Tanana Chiefs Conference annual tribal courts conference. I spoke about the court system's efforts to work more in tandem with tribal courts and other efforts the court system has taken to expand access to justice.

I participated in the Anchorage Color of Justice program in April 2023. Color of Justice is a court system program for high school students that aims to expose more young people to careers in the justice system and the law.

In 2022 (or 2021) I participated in a "speed mentoring" program with high school students from Anchorage and Wasilla through the Alaska World Affairs Council.

5. Please assess, in one or two paragraphs, your judicial performance during your present term. Appropriate areas of comment could include: satisfaction with your judicial role, specific contributions to the judiciary or the field of law, increases in legal knowledge and judicial skills, or other measures of judicial abilities that you believe to be important.

These past three years and three months have been a steep learning curve, yet I am feeling more comfortable and confident in the judicial role. A lot of work in an appellate court happens "behind the scenes": debating legal issues with other justices in conference or resolving disagreements on cases through written voting memos to one another. I think I am effective in this role, and my colleagues seem to appreciate my input on their cases. I also make great effort to make my decisions as clear as I can without losing precision, and I hope that is helpful to litigants, lawyers, and trial judges. I am gaining greater baseline knowledge in several areas of the law, which helps me spot issues I might have missed earlier (that the parties or law clerks may have missed) and to understand how rulings in one area of law could affect other areas.

One thing I'd like to improve is issuing decisions more quickly. I know that while a case is pending before the supreme court, litigants are essentially in the dark about what is happening, and I know the uncertainty is challenging and stressful. I was not very efficient when I started. As an appellate lawyer, I had a lot of time with each case, and could get familiar with every aspect. As a justice, I have many more cases, and much less time with each case. So I have learned to be more focused on where I spend my time. I have gotten better at that over time, and I think I also am better at knowing how to use my law clerks efficiently. But I still am still not completing decisions as quickly as I would like, and I want to improve more in this area.

Overall, I believe I have grown more effective and knowledgeable as a justice. This job involves great responsibility that I take very seriously. The longer I do this work, the more I feel the weight of our decisions, seeing how much they affect people's lives. That knowledge motivates me to do the best job I can on behalf of the people involved in our justice system.

6. During your most recent term as a judge, have you:

- a) had a tax lien filed or other collection procedure instituted against you by federal, state, or local authorities? Yes No
- b) been involved in a non-judicial capacity in any legal proceeding whether as a party or otherwise? Yes No
- c) engaged in the practice of law (other than as a judge)? Yes No
- d) held office in any political party? Yes No
- e) held any other local, state or federal office? Yes No
- f) had any complaints, charges or grievances filed against you with the Alaska Commission on Judicial Conduct, the Alaska Bar Association, the Alaska Court System, or any other agency that resulted in public proceedings or sanctions?
 Yes No

7. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers, and outcomes.

8. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2024 retention elections.

For questions 9 and 10, please do not list any cases that have pending issues in your court.

- 9. Please list your six most recent opinions from your current term in office including case names and numbers. Please list the names and current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: Highlight Canyon LLC Case Number: S-18243
v. Ciofoletti et al.

Attorneys Involved:

Name: Curtis Martin Address: 263 S. Alaska St City, State, Zip: Palmer, AK 99645
Name: Jennifer Coughlin Address: 701 W. 8th Ave. Ste 1100 City, State, Zip: Anchorage, AK 99501

Case Number 2

Case Name: Stockton Case Number: S-18272
v. Stockton

Attorneys Involved:

Name: Lance C. Wells Address: 733 W 4th Ave. Ste 308 City, State, Zip: Anchorage, AK 99501
Name: John F. Wallace Address: 711 Gaffney Rd Ste 202 City, State, Zip: Fairbanks, AK 99701

Case Number 3

Case Name: Bragg Case Number: S-17787
v. Teslow

Attorneys Involved:

Name: Robert John Address: PO Box 73570 City, State, Zip: Fairbanks, AK 99707
Name: John J. Tiemessen Address: 411 4th Ave. Ste 300 City, State, Zip: Fairbanks, AK 99701

Case Number 4

Case Name: AVCG LLC **Case Number:** S-18170
v. State, Dep't of Natural Resources

Attorneys Involved:

Name: Louisiana Cutler
Address: 1031 W 4th Ave. Ste 600
City, State, Zip: Anchorage, AK 99501

Name: David Wilkinson
Address: 1031 West 4th Ave. Ste 200
City, State, Zip: Anchorage, AK 99501

Name: _____
Address: _____
City, State, Zip: _____

Name: _____
Address: _____
City, State, Zip: _____

Case Number 5

Case Name: Blythe P **Case Number:** S-18296
v. State, DHSS, OCS

Attorneys Involved:

Name: Renee McFarland
Address: 900 W 5th Ave. Ste 200
City, State, Zip: Anchorage, AK 99501

Name: David Wilkinson
Address: 1031 West 4th Ave. Ste 200
City, State, Zip: Anchorage, AK 99501

Name: Olena Kalytiak Davis
Address: 1135 G Street
City, State, Zip: Anchorage, AK 99501

Name: Margaret G. McWilliams
Address: PO Box 110225
City, State, Zip: Juneau, AK 99811

Case Number 6

Case Name: Christy **Case Number:** S-17788
v. Conrad

Attorneys Involved:

Name: Lynda A. Limon
Address: 606 E St Ste 203
City, State, Zip: Anchorage, AK 99501

Name: Randi R. Vickers
Address: 606 E Street, Ste 203
City, State, Zip: Anchorage, AK 99501

Name: Herbert M. Pearce
Address: 731 I Street Suite 203
City, State, Zip: Anchorage, AK 99501

Name: _____
Address: _____
City, State, Zip: _____

- 10. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your current term in which you believe your work was particularly noteworthy. Please list the names and current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: Kohlhaas et al. **Case Number:** S-18210
v. State, Division of Elections

Attorneys Involved:

Name: <u>See attached page</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Guilford **Case Number:** S-17591/17611
v. Weidner Investment Services

Attorneys Involved:

Name: <u>Nicholas J. Kittleson</u>	Name: <u>Gregory R. Henrikson</u>
Address: <u>5976 Muirwood Drive</u>	Address: <u>329 F St Ste 200</u>
City, State, Zip: <u>Anchorage, AK 99502</u>	City, State, Zip: <u>Anchorage, AK 99501-2029</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Knolmayer **Case Number:** S-17792
v. McCollum

Attorneys Involved:

Name: <u>See attached page</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Laura Fox 1031 W 4th Ave. Ste 200 Anchorage, AK 99501	Jahna M. Lindemuth 510 L St. Ste 601 Anchorage, AK 99501
Samuel Gekler Gottstein 510 L St. Ste 601 Anchorage, AK 99501	Scott M. Kendall 510 L St. Ste 601 Anchorage, AK 99501
Kenneth P. Jacobus 9148 Aphrodite Drive Anchorage, AK 99515	Craig Richards 810 N St. Ste 100 Anchorage, AK 99501
James E. Torgerson 510 L St. Ste 500 Anchorage, AK 99501	T. Clark Weymouth 555 Thirteenth Street NW Washington, DC 20004
Elizabeth Femia 390 Madison Avenue New York, NY 10017	Peter W. Bautz 390 Madison Avenue New York, NY 10017
Susan C. Orlansky 500 L. St. Ste. 300 Anchorage, AK 99501	Thomas Amodio 500 L. St. Ste. 300 Anchorage, AK 99501
Paul C. Haughey Two Embarcadero Center Ste 1900 San Francisco, CA 94111	

Knolmayer v. McCollum

S-17792

Howard A. Lazar 1007 W 3rd Ave. Ste 300 Anchorage, AK 99501	Whitney L. Wilkson 1007 W 3rd Ave. Ste 300 Anchorage, AK 99501
Margaret Simonian 1049 W 5th Ave. Ste 200 Anchorage, AK 995011965	Phillip Paul Weidner 943 W. 6th Ave. Ste 300 Anchorage, AK 99501
Lisa Rosano 431 W. 7th Ave., #101 Anchorage, AK 99501	Christian Bataille 1007 W. 3rd Ave. Ste 206 Anchorage, AK 99501
Eva Rivka Gardner 1227 W. 9th Ave., Ste. 200 Anchorage, AK 99501	