

Alaska Judicial Council
Application for Judicial Appointment

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MAY 31 2005

ALASKA
JUDICIAL COUNCIL

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

Bethel District and Superior

Date: May 27, 2005

Court

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Dennis P. Cummings
Name as it should appear on bar survey: _____
* 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? **
 38 years 7 months
Total 38 years 7 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
 23 years 7 months
Total 23 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

Mat-Su C C. 01/75-06/76 AA Degree Soc/Sci and AA Degree History
University of Alaska, Anchorage 1976-77 BA History/Pol-Sci

** 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.

University of Gonzaga 1977-80 JD

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.

Phi-Delta-Phi

- (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.

Career Prosecutor Course 2002, South Carolina, NCDA
Alaska District Attorney's Conference 2002, 03, 05

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: 06/1966-07/1970
(b) Branch of service: USAF
(c) Rank at time of discharge: SSGT (E6)
(d) Type of military discharge: Honorable
(e) Awards or citations:

Good Conduct, President's Unit Citation

- (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

Application for Judicial Appointment Application Instructions

- 1 The Judicial Council will consider this application only if it is completed in full. Please check to see that you have answered each question.
- 2 Please use the space provided for answers. If the space provided is insufficient, finish the answer on an appropriately numbered sheet or sheets attached to this form.
- 3 Please note that Question 24 of the application asks you to prepare a brief biographical statement (limited to 150 words) about your background, legal education, and legal experience. Please use the page provided for writing your statement. 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.
- 4 This application constitutes a public record within the meaning of AS 09.25.110 and AS 39.25.080. All information, except that specifically denoted as confidential herein (Section II), is available for public inspection. Also, the Council forwards each nominee's application to the governor, including the confidential sections.
- 5 The Judicial Council asks that each applicant review the Code of Judicial Conduct (Alaska Rules of Court). Please note that Ethics Opinion 85-1 of the Alaska Bar Association provides that the proscription of Canon 5 (formerly 7) of the Code of Judicial Conduct specifically applies to candidates for appointment to judicial office under Alaska's merit selection plan.
- 6 A summary of the procedures and time frames the Council uses during a judicial vacancy is attached. Please call if you have questions.
- 7 The Judicial Council must receive **eleven, unbound, unstapled copies (one original single-sided plus ten two-sided copies)** of your completed application, including your writing sample, at its office, 1029 West Third Avenue, Suite 201, Anchorage, Alaska 99501-1969, by the deadline date.
- 8 Please submit **eleven** copies of a 2" x 2" photo of yourself with your application in a separate labeled envelope. The Council will post a copy of this photo on its website, together with your 150-word biographical statement (see question 24).

Larry Cohn
Executive Director

Alaska Judicial Council Application for Judicial Appointment

Instructions for Filling out Application in Adobe Reader

The following pages are the judicial application form in .pdf format. You can fill out this application online and print it directly from your computer. After you print out the application, please sign it in front of a notary, make eleven copies, and send them to the Council with your photos. When filling out this form, please remember:

- The form can be filled out and printed, but the Adobe Reader program will not save the information that you entered. If you close Adobe Reader or the application form, all the information you've entered will be lost. Remember to print your application before you close.
- There are three types of fields on the application: single line text fields, multi-line boxes and check boxes. The text fields and the multi-line boxes limit the number of characters that can be entered. If you need more space, please attach a separate labeled sheet to your application.
- Use the "tab" key to advance through fields. The "tab" key skips over check boxes, so click the box of your choice and a checkmark will appear. The "enter" key acts as a "page down" button to advance through the document, or will insert a "return" in a multi-line box.
- To print your completed application form, use the green print button at the top of the first page of the application or the green print button on last page (certification and waiver page) of the application.

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.

Alaska State Troopers 1970-1974
D-A Store 1974-75-clerk
State of Ak, Dept Of Natural Resoures, Crew Leader, Construction 1975-76
U of Ak, 1976-77, custodiar
State of Alaska, Dept of Corrections, 1977

Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates, name of employer, name of supervisor or person who can verify employment, addresses, 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**

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: _____
Supervisor or name of contact person who can verify employment: Susan Parks, Dep. AG
Current address of this person 310 k Street,
City Anchorage State Ak Zip 99501
Dates of Employment From 12/2001 To Present
Description: District Attorney, Acting, Bethel

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

Employer: Gorton And Asso
Supervisor or name of contact person who can verify employment: James Gorton
Current address of this person 737 M Street,
City Anchorage State Ak Zip 99501
Dates of Employment From 01/1999 To 12/01
Description: Criminal Defense,

Reason for Leaving hired by the District Attorney Office

Employer: Self Employed in my own office, Law Office of Dennis Cummings
Supervisor or name of contact person who can verify employment: _____
Current address of this person _____
City _____ State _____ Zip _____
Dates of Employment From 01/1991 To 01/1999
Description: General Practice of law, Small Claims, Civil Law and criminal Defense

Reason for Leaving was hired by Gorton and Asso

Previous Employers (continued)

Employer: Munic Of Anchorage, Dept of Law, Procecutors
Supervisor or name of contact person who can verify employment Anchorage City Attorney,
Current address of this person 632 W 6, suite 200,
City Anchorage State Ak Zip 99501
Dates of Employment From 01/1982 To 12/1990
Description Criminal Prosecution

Reason for Leaving Mayor terminated, no reson given, Deptarment was re-org.

Employer Wayne Ross and Asso
Supervisor or name of contact person who can verify employment: Wayne Ross
Current address of this person 737 E Fireweed Lane
City Anchorage State Ak Zip _____
Dates of Employment From 07/1980 To 01/1982
Description Law clerk, and attorney, general prac civil and criminal law

Reason for Leaving new job with Munic. of Anch.

Employer: Spokane Co Prosecutors
Supervisor or name of contact person who can verify employment: Don Brokett
Current address of this person Unknown
City Spokane State Wash Zip _____
Dates of Employment: From 10/78 To 05/1980
Description: Legal Intern. doing Misd. Prosecutions

Reason for Leaving: Grad. From law school and returned to Ak

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

Reason for Leaving _____

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

Reason for Leaving _____

10. For the past five years, please indicate (approximately) the following:

(a) Percent of your practice that was. Civil _____
Criminal 100%
Other _____
= 100%

Comment _____

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

Comment: _____

(c) Of practice in state courts, percent Supreme Court _____
Court of Appeals 2%
Superior Court 49%
District Court 49%
= 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 in the past 5 years.
 None 1-5 6-15 16-30 31 or more

Comment. _____

(f) Percent of these trials which were. Jury 100% Non-Jury _____

Comment: _____

(g) Approximate number of appellate matters handled: 5

Comment _____

(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) Have you undertaken any *pro bono* work through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.) during this period? Yes No

Describe

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.

State of Alaska October, 1981 US Dist. Court, Alaska, October, 1981

Public Service

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

Ak Bar, Hist Committee 6 years

13. List legal publications, if any (give title, subject and date of publications)

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)
Anchorage District Court	1984	No	
Anchorage District Court	1987	No	
Palmer District Court	1988	no	
Valdez District Court	1992	no	

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

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.

Lions Clubs International, Held all offices in Benton Bay Lions Club, of Anchorage and was the District Governor in 2000-01,

I am on the Board of Directors for the follow. Ak. Center for the Blind, Ak Children Serv, Knights of Columbus,

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

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)

Divorce proceeding in Washington State, 1987,
Pacific Office Place v Cummings, 3AN-03-8180 CI.

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

As a result of My 1987 Divorce, My home was foreclosed on and my Mortgage Insurance paid

- (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: Phil Hill
Address: P.O. Box 520048
City/State/Zip: Big Lake, Ak. 99652 Phone: (907) 892-8479

Name: John Regan
Address: 3104 Delta Drive
City/State/Zip: Anchorage, Ak 99502 Phone: (907) 243-4333

- (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: Mary Hamilton
Address: P.O. Box 10
City/State/Zip: Bethel, Alaska 99559 Phone: (907) 543-2488

Name: Sean Brown
Address: P.O. Box 585
City/State/Zip: Bethel, Ak 99559 Phone: (907) 543-2972

Name: Michele Power
Address: P.O. Box 585
City/State/Zip: Bethel, Alaska Phone: (907) 543-2872

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 (Applicants who are currently judges should list the three most recent trials they presided over) List only those cases which 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: St. _____ Case Number: 4BE-04-478 CR
 v. Hootch _____ Judge Name: Dale Curda _____

Attorneys Involved:

Name	Marv Hamilton	Name	_____
Address	P.O. Box 10	Address	_____
City, State Zip	Bethel, Al 99559	City, State Zip	_____
Name	_____	Name	_____
Address	_____	Address	_____
City State Zip	_____	City State, Zip	_____

Case Number 2

Case Name: St. _____ Case Number: 4BE-03-702 CR
 v. Jackson _____ Judge Name: Dale Curda _____

Attorneys Involved:

Name	John Cashin	Name	_____
Address	P.O.Box 10	Address	_____
City, State, Zip	Bethel, Alaska 99559	City, State, Zip	_____
Name	_____	Name	_____
Address	_____	Address	_____
City, State, Zip	_____	City, State, Zip	_____

Case Number 3

Case Name: St. _____ Case Number: 4BE-05-38 CR.
 v. Hooper _____ Judge Name: Mac Craig McMahon _____

Attorneys Involved:

Name	Kent Mitchell	Name	_____
Address	P.O. Box 10	Address	_____
City, State, Zip	Bethel, Ak. 99559	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 (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: St Case Number: 4BE-04-1708 CR
 v. O'Brien Judge Name: Leonard Devaney

Attorneys Involved:

Name <u>Jim Velcarce</u>	Name _____
Address <u>P O. Box</u>	Address _____
City, State, Zip <u>Bethel, Alaska 99559</u>	City, State, Zip _____
Name _____	Name _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____

Case Number 2

Case Name: St. Case Number: 4BE-04-343 CR
 v. John Hamilton Judge Name: Dale Curda

Attorneys Involved:

Name <u>Marv Hamilton</u>	Name _____
Address <u>P.O. BOX 10</u>	Address _____
City, State, Zip <u>Bethel, Alaska 99559</u>	City State Zip _____
Name _____	Name _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____

Case Number 3

Case Name: St. Case Number: 4BE-02-827CR & 4BE-05-556CR.
 v. John Henry Judge Name: Leonard Devaney

Attorneys Involved:

Name <u>John Cashin</u>	Name _____
Address <u>P O. Box 10</u>	Address _____
City, State, Zip <u>Bethel, Alaska 99559</u>	City, State, Zip _____
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. 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.

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 grievance procedures against attorneys, and AS 22 30 011(b) and 060(b)(3) concerning public grievance procedures against judges.

Have you ever been held in contempt of court? Yes No

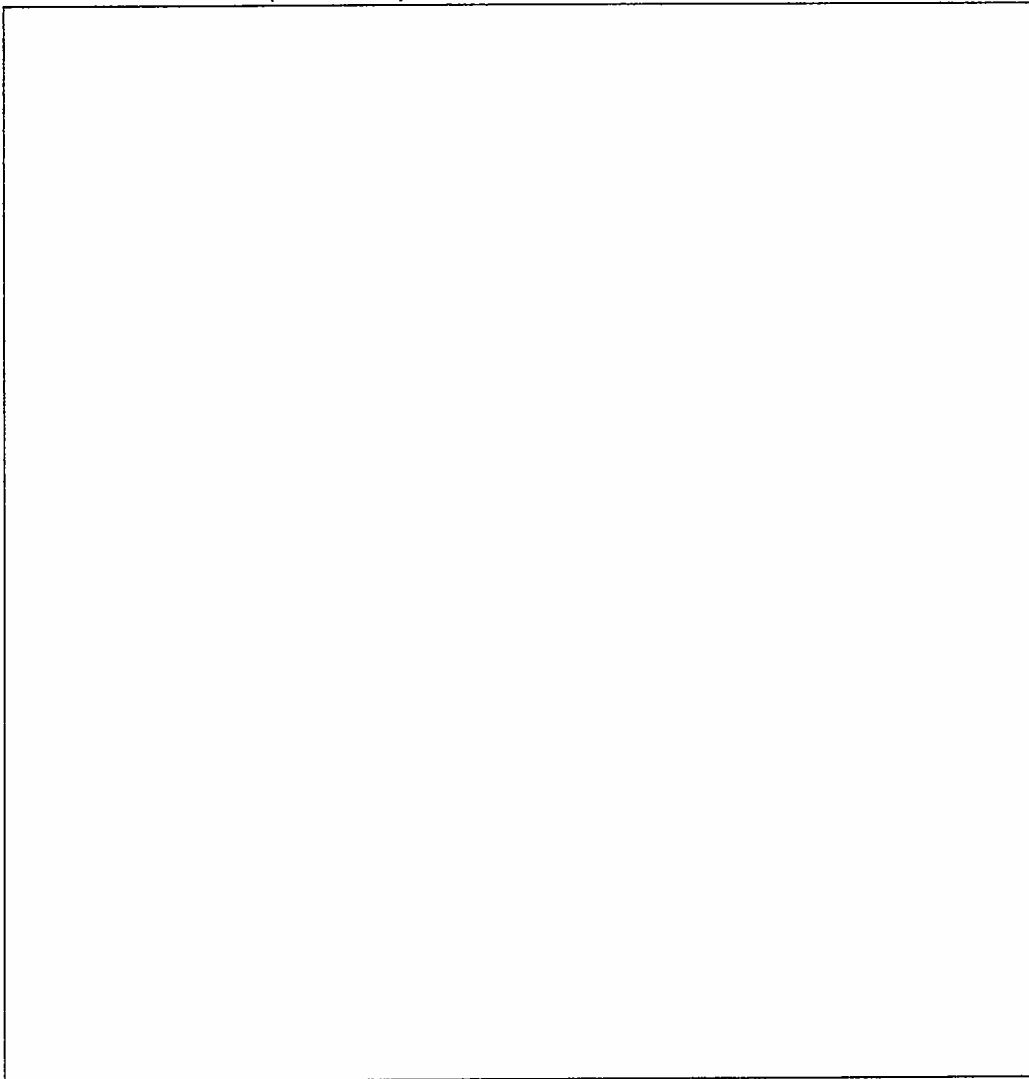
In each case, state in detail the circumstances and the outcome

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

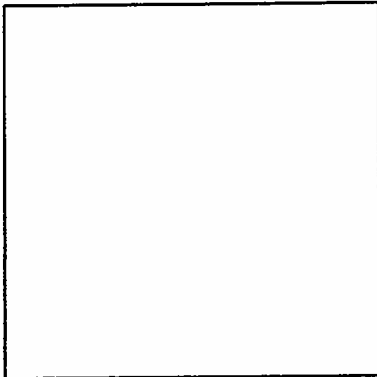
I have practiced law in Alaska for over 23 years and the majority of my practice has been in the area of criminal law. While I was in Private practice with my own law office I did CINA cases, Juvenile law cases and family Law. I also assisted other law firms in PI matters. I believe that I have the Knowledge and experience to be a Judge

Additional Comments (Continued)



- 24 Please prepare a brief biographical statement (limited to 150 words) about your background, legal education, and legal experience. 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.

Biographical Statement



Name Dennis P. Cummings

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

Bethel Superior and District Court Judgeships

Date May 31, 2005

I was born in Washington State and grew-up in Western Washington until I entered the USAF in the Summer of 1966. In the Fall of 1966 I was stationed at Elmendorf AFB, Anchorage, Ak. as a security Police officer assigned to base law enforcement. After completing my 4 year commitment in the Summer of 1970 I was hired by the State of Alaska, as a State Trooper and served in Fairbanks and Talkeetna, Alaska. I left the troopers after 4 years in 1974 and completed my undergraduate degree at the University of Alaska in 1977 with a double major in History/ Pol/Sci. I then attended the University of Gonzaga Law School from 1977-80, and received a JD degree, and returned to Alaska. I have practiced law in Alaska since being admitted to the Ak Bar in 1981.

I have worked for the Municipality of Anchorage as a prosecutor from 1982-1990. I opened my own private law practice in 1990 and operated it until 1998 practicing civil, criminal, children, family and juvenile law. In 1998 I worked for the Municipality of Anchorage's contract public defender firm of Gorton and Assoc. I worked there for 3 years until 2001 when I went to work for the State of Alaska, Department of Law as an assistant DA in Bethel.