

Alaska Judicial Council Application for Judicial Appointment

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

Fairbanks Superior Court

Date: 1/15/19

Print Application

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Brent Bennett

Name as it should appear on bar survey: Brent Bennett

* 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.

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **

12 years 7 months
Total 12 years 7 months

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

12 years 7 months
Total 12 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.

Ohio Wesleyan University (1999-2003) B.A. May, 2003

Honors: Magna Cum Laude, Dean's Honors List

** 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 Cincinnati College of Law (2003-2006) J.D. May, 2006.

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.

I received the Ernest Karam Bood Award for outstanding legal research and writing.

I was a member of the Law Review. I also made the Dean's Honors List.

- (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.

I have attended the Alaska Bar Convention. I have attended a Region 10 Parental

Representation conference. I have attended a conference on FASD. I've attended

trainings specific to SB 91 changes. I have attended a conference put on by ALPS

for bar leaders and the National Conference of Bar Presidents Annual meetings.

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.
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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.

None.

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: Office of Public Advocacy-Fairbanks Defense Section

Supervisor or name of contact person who can verify employment: James Stinson

Current address of this person: 900 West 5th Avenue, Ste. 525

City Anchorage State Ohio Zip 99501

Dates and location of Employment: From 1/2014 To Present City Fairbanks State Alaska

Description: I am the supervising attorney for the Fairbanks Defense Section. Our office represents defendants

in all levels of criminal cases. We also handle child in need of aid cases, juvenile delinquency matters, guardianships, and PCR's.

Reason for Leaving: _____

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

Employer: Alaska Public Defender Agency

Supervisor or name of contact person who can verify employment: Jennifer Hite

Current address of this person: 529 Fifth Avenue, Ste. 1

City Fairbanks State Alaska Zip 99701

Dates and Location of Employment: From 6/2006 To 1/2014 City Fairbanks State Alaska

Description: Represented criminal defendants in all levels of cases. Child in need of

aid matters from 2006-2012. Juvenile clients in juvenile treatment court.

Reason for Leaving: End of internship.

Employer: Sirkin, Pinales, & Schwartz LLP

Supervisor or name of contact person who can verify employment: Martin Pinales

Current address of this person: _____

City Cincinnati State Ohio Zip _____

Dates and Location of Employment: From 3/2005 To 8/2005 City Cincinnati State Ohio

Description: I was a law clerk. This practice has since dissolved. It handled criminal defense and first amendment litigation.

Reason for Leaving: End of internship.

Previous Employers (continued)

Employer: The Ohio Innocence Project
Supervisor or name of contact person who can verify employment: Mark Godsey
Current address of this person: _____
City Cincinnati State Ohio Zip _____
Dates and Location of Employment: From 6/2004 To 5/2005 City Cincinnati State Ohio
Description: Investigated Ohio inmates' post-conviction claims of actual innocence.
Researched and proposed amendments to Ohio's DNA testing law.
Reason for Leaving: End of fellowship.

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: _____

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, 2006 to present.

Public Service

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

Alaska Bar Association-Board of Governors: Board member, Current President

Criminal Pattern Jury Instructions Committee: Member

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).

Brent Bennett, Jennifer Herbert, Jeanette McClellan, To Grandmother's House We

Go: Examining Troxel, Harrold, and The Future of Third-Party Visitation, U. Cin.

L. Rev. 1549 (2006).

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)
Fairbanks District Court	2013	N	N
Fairbanks Superior Court	2018	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.

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 am the chair of the Parental Advisory Committee at my children's school. I have also helped with fundraising, outdoor committee, running club, and cross country ski club.
 - * I have judged We the People, a high school mock legislative hearing competition. I have also coached students to prepare them for the national competition.
 - * I have volunteered with the Fairbanks North Star Youth Court.
 - * I coach my children's hockey teams.
 - * I have taught criminal law for paralegals at the University of Alaska Fairbanks, Community and Technical College (2015, 2018, and present).
 - * I am a member of the parish at Sacred Heart Cathedral.
 - * I am a board member for the Fairbanks Children's Museum.
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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.

1997:2 speeding tickets in Butler County, Ohio. Case numbers unknown. Fines paid.

3/17/2000: Speeding ticket. Delaware County, Ohio. 00TRD04126-A. I paid a fine.

2001: I received a citation for failure to stop at a stop sign. I do not know the case number. I do not recall if the fine was over \$50.

8/23/2005: Speeding ticket. Clermont County, Ohio. 2005 TR D 15689. I received a fine.

2005:Citation in a minor traffic accident.Hamilton County, Ohio. Cannot find record.

9/24/2006: Speeding ticket. North Pole, Alaska. 4FA-06-7455MO. I paid a fine.

9/6/2008: Speeding ticket. Nenana, Alaska. 4NE-08-498MO. I paid a fine.

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).

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: Sabrina Binkley

Address: _____

City/State/Zip: _____ Phone: _____

Name: Roxane Rigo

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: Hon. Susan Carney

Address: 101 Lacey Street

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

Name: Hon. Jane Kauvar

Address: 101 Lacey Street

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

Name: Marna Sanford

Address: _____

City/State/Zip: _____ Phone: _____

References and Counsel Questionnaires (continued)

(c) List the names, addresses, **including zip codes, and suite numbers where applicable**, 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: State of Alaska **Case Number:** 4FA-15-02647 CR
v. Nathan Carroll **Judge Name:** Douglas Blankenship

Attorneys Involved:

Name: <u>Risa Leonard</u>	Name: _____
Address: <u>510 2nd Avenue, Ste. 200</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: ITMO J.C. **Case Number:** 4FA-16-137 CN
v. _____ **Judge Name:** Paul Lyle

Attorneys Involved:

Name: <u>Gerard Kenna</u>	Name: <u>Carol Jacoby</u>
Address: <u>100 Cushman St., Ste. 400</u>	Address: <u>100 Cushman St., Ste. 502</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: ITMO Jeremiah Borkovec **Case Number:** 4FA-15-485 PR
v. _____ **Judge Name:** AliceMary Rasley

Attorneys Involved:

Name: <u>Justin Nelson</u>	Name: _____
Address: <u>100 Cushman St., Ste. 400</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	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**, 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: State of Alaska **Case Number:** 4FA-17-859 CR
v. Adrian Mendizabal **Judge Name:** Bethany Harbison

Attorneys Involved:

Name: <u>Risa Leonard</u>	Name: _____
Address: <u>510 2nd Avenue, Ste. 200</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 4FA-16-2164 CR
v. Brandon Ely **Judge Name:** Bethany Harbison

Attorneys Involved:

Name: <u>Sara Simpson</u>	Name: _____
Address: <u>510 2nd Avenue, Ste. 200</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: ITMO K.N. **Case Number:** 4FA-15-168 CN
v. _____ **Judge Name:** Michael MacDonald

Attorneys Involved:

Name: <u>Gerard Kenna</u>	Name: <u>Fleur Roberts</u>
Address: <u>100 Cushman St., Ste. 400</u>	Address: <u>P.O. Box 82490</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Fairbanks, AK 99708</u>
Name: <u>Sandra Rolfe</u>	Name: _____
Address: <u>543 2nd Ave, Suite A</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	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, (d) samples from open cases.

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.

Biographical Statement

Name Brent Bennett

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

Fairbanks Superior Court

Please leave this area blank

Date: January 15, 2019

After graduating from the University of Cincinnati College of Law in 2006, I moved to Fairbanks and began working at the Public Defender Agency. I handled all types of misdemeanors and felonies, delinquency cases, and CINA matters. In 2014, I accepted a position with the Office of Public Advocacy in the Fairbanks Defense Section. In addition to the types of matters on my caseload at the public defender, I handle guardianship and post-conviction work. Since 2016, I have been the supervising attorney of my office.

I serve on the Board of Governors of the Alaska Bar Association. I am also appointed as a member of the court system's Criminal Pattern Jury Instructions Committee.

My wife and I have three young children that keep us busy. I enjoy volunteering with my children's school as the Chair of the school's Parental Advisory Committee and helping with running club and cross-country ski club. I also help coach their hockey teams.