JAN 6 2011

ALASKA JUDICIAL COUNCIL

# Alaska Judicial Council Application for Judicial Appointment

Posi		or which you wish to ka District Court		ered:		Date:	January 5	, 2011
Per	sonal	I. Pub	olic Info	rmat	tion (Qı	uestion	s 1-24)	
1.	(a)	State full name*	Jo-Ani	n M.	Chung			
		Nan	ne as it should	d appear	on bar surve	y: Jo-Ani	n M. Chung	
				_			name will appear or	
	(b)	Have you ever used	l or been k	known	by any of	her name	? If so, please	identify.
2.		long have you been a cation?**  Total	years	3	_ months	Alaska im	mediately prec	eding the date of this
3.		long have you been en cation?**15 Total				e of law in	nmediately pre	eceding the date of this
Nor	nlegal E	Education						
4.		names and dates of att						ther than law schools)
Fai	rfield Psycholo	University, B.A. ogy Honor Society	Psycholo	ogy,	1989			

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

# Legal Education

5.	List a	all law schools, dates attended and degrees conferred. If you did not receive a degree from any
	law s	school, please indicate.
		ern University, School of Law, J.D. 1994 d September, 1991, to May, 1994.
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.
(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.
12.	/08 Wi 08 Evi	Training (field sobriety tests, drug evaluations, DUI prosecution); tness Impeachment; 10/08 Assessing True & False Reports of Abuse; dence-Based Approaches to DV Offenders and Batterer Intervention Systems.
7.	If so,	you served in the armed forces (reserves or otherwise)?   Please provide the following information:
	(a)	Dates of service:
	(b)	Branch of service:
	(c) (d)	Rank at time of discharge:  Type of military discharge:
	(u) (e)	Awards or citations:
		11Wilds of Charles
	(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.

Mental Health Advocacy Project - San Jose, CA - September I was assigned to the MHAP through the Jesuit Volunteer CI graduated from college. I worked as a mental health ad individuals who needed assistance with Social Security Di Medicaid, housing and consumer issues.	Corp which I joined after livocate for indigent
Center For Independent Living - Berkeley, CA - September I worked as a Financial Benefits Counselor assisting phys with their Social Security Disability benefits and applic (Plans to Achieve Self-Support) program.	sically disabled people

#### 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: Municipality of Anchorage (MOA), Municipal Prosecutor's Office
Supervisor or name of contact person who can verify employment: Dennis Wheeler, Municipal Attorney
Current address of this person: 632 W. 6th Ave
City Anchorage State AK Zip 99501
Dates and location of Employment: From June 2001 To present City Anchorage State AK
Description: Represent the MOA in the prosecution of misdemeanors under the Anchorage Municipal Code in District Court. Supervisor of the Domestic Violence Unit since 2/04. I took over supervision of all the trial attorneys in 2/08.
Previous Employers: (In chronological order, most recent first)
Employer: State of Alaska, Attorney General's Office, Human Services section
Supervisor or name of contact person who can verify employment: Lisa Nelson
Current address of this person:
City_Anchorage State_AK Zip
Dates and Location of Employment: From July 1997 To June 2001 City Anchorage State AK
Description: Represented DFYS (now OCS and DJJ) in child protection, juvenile delinquency and licensing matters, represented API in commitment hearings.
Reason for Leaving: I left to work for the Municipal Prosecutor's Office in Anchorage.
Employer: State of Alaska, Attorney General's Office, Commercial Section
Supervisor or name of contact person who can verify employment: Linda O'Bannon
Current address of this person:
City Anchorage State_AK Zip
Dates and Location of Employment: From Nov. 1996 To June 1997 City Anchorage State AK
Description: Represented the State in consumer fraud issues; filed a lawsuit against an individual who sold but did not provide webpages to Kenai area businesses.
Person for Leaving Funding for the position was gut and I moved to Human Services Unit

### Previous Employers (continued)

Employer: Public Defenders Agency
Supervisor or name of contact person who can verify employment: Margaret Moran
Current address of this person:
City Kenai State AK Zip
Dates and Location of Employment: From Aug. 1995 To Oct. 1996 City State
Description: Represented indigent defendants charged with misdemeanor offenses by the State in Kenai and Homer area at bail hearings, sentencings and trial. Filed successful appeals in Martin v. State (A-6113) and Grady v. State (A-6274).
Reason for Leaving: I got a job doing consumer protection with the A.G.'s Office.
Employer: State of Alaska Court System
Supervisor or name of contact person who can verify employment: The Honorable Robert Coats
Current address of this person: 303 K Street, 4th Floor
City Anchorage State AK Zip 99501
Dates and Location of Employment: From Sep. 1994 To Aug. 1995 City Anchorage State AK
Description: Researched and presented memoranda on criminal issues on appeal. Edited and evaluated draft opinions.
Reason for Leaving: This was one year clerkship.
Employer: Office of Public Advocacy
Supervisor or name of contact person who can verify employment: Sharon Barr
Current address of this person: 900 W. Fifth Ave., Suite 200
City_Anchorage State_AK Zip_99501
Dates and Location of Employment: From May 1993 To Aug. 1993 City Anchorage State AK
Description: Represented indigent defendants charged with misdemeanor offenses by the State under an intern permit. Researched post-conviction appeal issues.
Reason for Leaving: This was my summer quarter co-op through Northeastern Law School.
Employer: United States District Court
Supervisor or name of contact person who can verify employment: The Honorable James Parker
Current address of this person:
City_Albuquerque State_NM Zip
Dates and Location of Employment: From Dec. 1992 To Feb. 1993 City Albuquerque State NM
Researched and wrote memoranda on habeas corpus and section 1983 claims from pro se federal prisoners.
Reason for Leaving: This was my winter quarter co-op through Northeastern Law School.
Employer: National Center for Youth Law
Supervisor or name of contact person who can verify employment: John O'Toole
Current address of this person:
City San Francisco State CA Zip
Dates and Location of Employment: From May 1992 To Aug. 1992 City Anchorage State AK
Description: Researched child detention and foster care issues for class action litigation. Drafted article on children immigration issues.
Reason for Leaving: This was my summer quarter co-op through Northeastern Law School.

#### February 2, 2011

Additional employment information requested by staff:

I did not list this co-op, because Heller Ehrman filed for bankruptcy and its law offices disbanded including the one in Hong Kong.

Employer: Heller Ehrman, White & McAuliff Law Offices

From Dec. 1993 to Feb. 1994, in Hong Kong

Description: I prepared documents for bank loans, public offerings, and post-loan agreement mergers. I proofread letters of credit, loan agreements, and client letters. While at the office, I wrote an article on international arbitration in the People's Republic of China for Hong Kong Industry Magazine.

Reason for Leaving: This was my winter quarter co-op through Northeastern Law School.

There was one attorney at the office in Hong Kong. His name is Simon Luk. There is a Simon Luk, at Winston & Strawn, 11 Floor Gloucester Tower, 15 Queen's Road Central, Hong Kong/People's Republic of China. I believe that this is the same attorney. He probably does not have any records of my internship in 1994 with Heller, Ehrman. I have all of my co-op evaluations if needed.

Jo-Ann Chung

10.	(a)	the past five years, please indicate (ap Percent of your practice that was:	Civil	ionowing.
	( )	7	Criminal Other	= 100 %
		Comment:		100%
	(b)	Percent:	State Federal Other	= 100 % = 100%
		Comment:		
	(c)	Of practice in state courts, percent:	Supreme Court Court of Appea Superior Court District Court	ıls
		Comment:		10076
	(d)	Frequency of appearance in court:  ✓ Regularly □ Occasional Comment:	ly □ Infrec	quently
	(e)	Number of trials (by court or jury) y □ None	5 □ 16-30	$\Box$ 31 or more
	(f)	Percent of these trials which were: . Comment:	Jury 90% No	n-Jury 10%
	(g)	Approximate number of appellate m Comment: More than 5 yrs ago		
	(h)	Approximate number of arbitrations  ✓ None □ 1-5 □ 6-1.  Briefly describe type of matters hear	5 □ 16-30	$\Box$ 31 or more
	(i)	Please briefly summarize any pro bowork was done through a pro bono leg Network on Domestic Violence and	gal service provid	er (e.g. Alaska Legal Services, Alaska
		For the past five years, I had approximately once every seas Violence and Sexual Assault h	son on the Anc	
		In 2005 or 2006, I assisted a bench with general legal assimembers of Our Lady of Guadal	stance to mos	

	Iudgeshin	Date	Nominated By Council	Appointed By Governor (Y/N)	
	Council and appointed.				_
	Please list dates and judgeships applied	ed for, as we	ell as whether you we	re nominated by the	Judicia
14.	Have you ever applied for a judgeship				
	None				
	publications you have co-authored an	d the name(	(s) of the co-author(s	).	
13.	List legal publications, if any (give	e title, sub	ject and date of pu	iblications). Please	include
	Alaska Bar Association				
12.	List bar associations, and sections ar officer.	id Committee		of have been a me	inoci o
			an of which you are	or hava baan a ma	ombar a
Duh	lic Service				v
	Massachusetts, January 1995 Alaska, May 1995				
	have been admitted to practice, and the	ne dates of a	dmission.		,
11.	List all the courts and administrative to			lsewhere to which y	ou are o

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

15.		e you ever held public or political office, elective or appointive?   Yes  No , state office, manner selected, and when and where held.
16.	legal religi the o one o partic	se provide the Council with information that you would like the Council to consider about oth and nonlegal organizations and clubs of which you are a member, including civic, charitab ious, educational, social and fraternal organizations. Please indicate whether you participate organization's activities, or simply hold a membership. Your involvement in the community of the criteria the Council uses in its evaluations. The Council does not use affiliation with cular group as a criterion except to the extent that it might raise questions of conflict of interecould affect an applicant's ability to impartially apply the law.
	Jest	uit Volunteer Corp in San Jose, CA 1989 - 1990 Brother/Big Sister volunteer
17.	Indic	ate (Yes or No) whether you have ever:
	(a)	been arrested, charged with, pled guilty or <i>nolo contendere</i> to, or been convicted of the violation of any law or ordinance, or been requested to appear before any prosecuting of 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
	(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 resulte 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.
		1. Speeding ticket, Anchorage court, 8/13/95 - 9/29/95, 3AN-95-T826665, \$60.00 paid.
		2. Speeding ticket, City of Soldotna, 4/27/96 - 4/30/96, 3KN-96-R858726, \$52.00 paid.
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).

State	the nature and disposition of any of the following actions which app	ly to you:
(a)	Have you ever defaulted in the performance of any court-impose payment of alimony or child support or compliance with another	court order or decree?  Is \int \text{No}  Ourt which rendered the and the circumstances on the foreclosed?  Is \int \text{No}  No
(b)	Have you ever made an assignment for the benefit of creditors? Have you ever filed any petition in bankruptcy? If so, state the circumstances, case number, and the outcome.	☐ Yes  No ☐ Yes No

19.

#### References and Counsel Questionnaires\*

20.

(a)

\* 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.

List the names, addresses, including zip codes, and phone numbers of two persons whom

	Address: Alaska District Court, 825 W. 4th Avenue
	City/State/Zip: Anchorage, AK 99501 Phone:
	Name: Susie Dosik
	Address: 1029 W. 3rd Ave, Suite 201
	City/State/Zip: Anchorage, AK 99501 Phone:
b)	List the names, addresses, <b>including zip codes</b> , and <b>phone numbers</b> of <u>three other</u> whom the Judicial Council may contact who can discuss your <u>professional competituding for a judicial position</u> .  Name: District Court Judge Gregory Motyka
b)	whom the Judicial Council may contact who can discuss your <u>professional competed qualifications</u> for a judicial position.  Name: District Court Judge Gregory Motyka
b)	whom the Judicial Council may contact who can discuss your <u>professional compet</u> <u>qualifications</u> for a judicial position.
b)	whom the Judicial Council may contact who can discuss your <u>professional competed qualifications</u> for a judicial position.  Name: District Court Judge Gregory Motyka  Address: Alaska District Court, 825 W. 4th Avenue
b)	whom the Judicial Council may contact who can discuss your <u>professional competed qualifications</u> for a judicial position.  Name: <u>District Court Judge Gregory Motyka</u> Address: <u>Alaska District Court</u> , 825 W. 4th Avenue  City/State/Zip: <u>Anchorage</u> , AK 99501 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:	Municipality of Anchorage	Case Number:	3AN-09-12389			
ν.	Kaitlin Enoch	Judge Name:	Paul Olson			
Attorneys Involved:						
Name	Michael Graper	Name:				
Address	:					
City, State, Zip:						
Name	:					
Address:						
City, State, Zip:						
City, State, Zip: City, State, Zip: Case Number 2						
Case Name:	Municipality of Anchorage		3AN-07-10277			
v			J. Patrick Hanley			
	Attorneys	Involved:				
Name:	Pro Se, deceased	Name:				
Address:						
City, State, Zip:						
Name:		Name:				
Address:		Address:				
City, State, Zip:		City, State, Zip:				
Case Number 3						
Case Name:	Municipality of Anchorage	Case Number:	3AN-06-12005			
v	Todd Smallwood	Judge Name:	Sigurd Murphy			
Attorneys Involved:						
Name:	Carl Cook	Name:				
Address:						
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: Municipality of Anchorage Case Number: 3AN-09-75 Judge Name: Brian Clark v. Dion Humphreys Attorneys Involved: Name: Rex Butler Name: \_\_\_ Address: 745 W. 4th Avenue, Suite 300 Address: City, State, Zip: Anchorage, AK 99501 City, State, Zip: City, State, Zip: City, State, Zip: Case Number 2 Case Name: Municipality of Anchorage Case Number: 3AN-09-12001 Judge Name: Stephanie Rhoades v. Derrell Davis Attorneys Involved: Name: Michael Graper Name: Address: Address: City, State, Zip: City, State, Zip: City, State, Zip: City, State, Zip: Case Number 3 Case Name: Municipality of Anchorage Case Number: 3AN-06-7737 v. Anthony Valdez Judge Name: Gregory Motyka Attorneys Involved: Name: Lisa Reynolds Name: Pamela Dale Address: 135 Christensen Drive Address: 1031 W. 4th Avenue, #200 City, State, Zip: Anchorage, AK 99501 City, State, Zip: \_Anchorage, AK 99501 Address:

City, State, Zip:

City, State, Zip:

#### **Writing Sample**

21. Attach <u>one</u> 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 <b>public</b> 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 proce	dures against attorneys, and AS
	22.30.011(b) and .060(b)(3) concerning public grievance proced	ures 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 feel that a significant amount of my work experiences has prepared me to competently handle the duties of a District Court Judge, and I believe that I would further the interests of justice as a District Court Judge. All of my jobs in Alaska (Public Defenders Agency, Attorney General's Office, and Municipal Prosecutor's Office) have had very high caseloads with needy defendants, clients, victims, and witnesses. When I first started at the Public Defender's Agency in Kenai in 1995, litigation in the courtroom was foreign and very stressful to me. During that first year as a lawyer, I did become more comfortable in my role as an advocate. In the past 15 years, I have become more comfortable litigating. The stress has subsided; it has not disappeared because I care about the work and the consequences that my work has on people.

For most of my legal career, I have been practicing in Alaska District Court. I have done approximately 20 jury trials and approximately 50 non-jury trials. Most of the non-jury trials were when I was representing DFYS at AG's Office. I have been at the Municipal Prosecutor's Office for almost 10 years. In recent years, I have done fewer trials since taking over supervisory responsibilities of the trial unit in the beginning of 2008. I have had several proceedings before District Court Judge Brian Clark that were not among my most recent: MOA v. Russell Shetters (trial), 3AN-03-7530, MOA v. Robert Nicklie (trial), 3AN-05-4263, and MOA v. William Sallaffie (probation hearing), 3AN-02-1182.

#### **Additional Comments (Continued)**

Between 2002 and 2004, I was a member of the Supreme Court Advisory Committee on Domestic Violence which made recommendations to the court system. I also participated on a domestic violence panel at the Fall 2009 Alaska Judicial Conference. The panel discussed "Context and Differentiation in Domestic Violence Cases" in Alaska courts. [Contact Susanne DePeitro at 820 W. 4th Avenue, Anchorage, AK 99501, for both programs]

Since 2004, I have been involved in a federal domestic violence grant entitled the Anchorage Domestic Violence Prevention Project (ADVPP). The project's goals were to implement a multi-agency database to make bail conditions in Anchorage domestic violence cases available to law enforcement officers. ADVPP is now in its fourth phase and hopefully will serve as a model for the state to make all bail conditions available to law enforcement across the state.

I believe that my domestic violence casework, litigation experience, supervisory responsibilities, and multi-agency projects all would contribute to skills necessary to handle a high volume of cases, difficult litigants, and at times emotional issues all within the structure of the court system.

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 twelve photographs of yourself with your application.

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

# **Biographical Statement**

Name	Jo-Ann M. Chung	_
Position(s)	for which you wish to be considered:	
	Alaska District Court Judge	
		Please leave this area blank
Date:	January 5, 2011	_
Larodusts	d from Dolmont High Cohool in Dolm	
University Jesuit Volustayed in ( a group th	in CT and graduated in 1989 with a unteer Corp for a year and worked as California for two years and trained to at introduced disadvantaged youth to	
four coope worked at to clerk for	erative internships. During my winter Heller, Ehrman Law Offices. In 1994	heastern University Law School. I completed 1993/94 co-op, I went to Hong Kong and 4, I graduated with a J.D. and moved to Alaska lived in Alaska since 1994 in Kenai and