

Alaska Judicial Council
Application for Judicial Appointment

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ALASKA
JUDICIAL COUNCIL

Date: 8/28/2001

Bethel

Position(s) for which you wish to be considered

I. PUBLIC INFORMATION (Qs. 1-24 & 35)

PERSONAL

1. (a) State full name* Leonard R. Devaney, III
Name as it should appear on bar survey: same
* 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

3. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 10 years 11 months
Total 10 years 11 months
4. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 10 years 11 months
Total 10 years 11 months

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

NONLEGAL EDUCATION

5. 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 North Carolina at Wilmington, 1975-1979 Bachelor of Science
1979, Dean's List. University of North Carolina at Greensboro, summer
session 1977. University of Alaska Nome Campus, 1991 Creative Writing
1992 Conversational Russian, Siberian Yupik.

LEGAL EDUCATION

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

University of Montana School of Law, Juris Doctorate 1990

7. (a) Did you receive any honors in law school or belong to any honorary societies or groups?
Yes If so, please give details.

I was elected by my law school peers to serve on the Honor Committee which was set up to address allegations of ethics violations.

- (b) Have you taken any CLE (continuing legal education) courses during the past five years?
Yes x No _____ Please describe:

1997 Probate in Alaska, 1998 New Legislation & Rules Affecting Domestic Relations Cases, 1998 Documents & Trends in Residential Transactions, 1999 The Most Important --and Misunderstood--Evidence Rules, 1999 The Impact of Domestic Violence on Your Legal Practice (See Attached for Additional CLE's).

MILITARY

8. Have you served in the armed forces (reserves or otherwise)? No

If so, please provide the following information:

(a) Dates of service: N/A

(b) Branch of service: N/A

(c) Rank at time of discharge: N/A

(d) Type of military discharge: N/A

(e) Awards or citations:

N/A

(f) Have you ever been refused admission to or released from any of the armed services for reasons other than honorable discharge. If so, state the details.

No

NONLEGAL EMPLOYMENT

9. Describe major nonlegal working experience, if any.

Carpenter, Yellowstone National Park 1983-1987
Commercial Fisherman, Craig, Alaska 1988
Child Photographer, Charlotte, NC 1980-1981

10. Describe major nonlegal business or professional experience, if any. If your association has been discontinued, please note whether there are unpaid debts or claims pending litigation.

None

LEGAL EXPERIENCE

11. Describe chronologically your legal employment since admission to law school. Please provide dates, name of employer, name of supervisor, addresses, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.). **Also, provide the name and current address of a person, preferably your supervisor, who can verify your employment *for each position listed below.***

See Attached.

January 1989 to July 1990. Librarian at School of Law. University of Montana Missoula, MT 59812. Supervisor - Carol Granger. My duties included shelving and checking out books for patrons as well as assisting with research. This employment ended upon my graduation from law school.

March 1989 to July 1990. Head legal intern at the Missoula County Attorney's Office. 200 W. Broadway, Missoula, MT 59802. Supervisor- Betty Wing. My duties included supervising and evaluating 13 other legal interns as they prosecuted misdemeanors. In addition I carried a case load of 20-30 cases. Other duties included assisting the various attorneys with researching and drafting memoranda and briefs. This employment ended upon my graduation from law school.

October 1990 to June 1991. Assistant Attorney General/Assistant District Attorney, State of Alaska Department of Law, P.O. Box 160 Nome, AK 99762. Supervisor - John Vacek. As Assistant Attorney General my duties included representing the Division of Family and Youth Services in Child in Need of Aid Proceeding and Juvenile Proceedings as well as representing the Child Support Enforcement Division.

As Assistant District Attorney my duties included all aspects of prosecuting criminal cases in District and Superior Court as well as assisting the District Attorney with various appeals. This position was temporary and upon completion I was offered a promotion to the Assistant District Attorney position in Kotzebue which I declined in favor of the next listed employment.

June 1991 to August 1993. Tribal Law Specialist, Kawerak Inc. P.O. Box 948 Nome, AK 99762. Supervisor - Mary Miller. My main duty included representing Tribes from the Bering Strait Region in Indian Child Welfare Act (ICWA) cases throughout the country, as well as presenting ICWA Trainings to Tribes and the Bureau of Indian Affairs. Additional duties included drafting Tribal Laws and coordinating Tribal Court Trainings. In 1993 I left this employment and entered private practice in Nome, Alaska.

August 1993 to present. Law Office of Leonard Devaney, P.O. Box 1497 Nome, AK 99762. My focus has been family law, criminal Law, and personal injury.

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

(a) Percent of your practice that was

Civil	<u>75%</u>
Criminal	<u>25%</u>
Other	<u>0%</u>

= 100%

Comment: _____

(b) Percent

State	<u>100%</u>
Federal	<u>0%</u>
Other	<u>0%</u>

= 100%

Comment: _____

(c) Of practice in state courts, percent:

Supreme Court	<u>0%</u>
Court of Appeals	<u>0%</u>
Superior Court	<u>85%</u>
District Court	<u>15%</u>

= 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 to 5 ____6 to 16 16 to 30 ____31 or more

Comment: _____

(f) Percent of these trials which were: Jury 35% Non-Jury 65%

Comment: _____

(g) Approximate number of appellate matters handled: 0;

Comment: _____

(h) Approximate number of arbitrations or administrative hearings: ____None
 1 to 5 ____6 to 16 ____16 to 30 ____31 or more

Briefly describe type of matters heard:

Department of Labor.

(i) Have you undertaken any pro bono work during this period?

Yes No

Describe: 2 Divorce Cases, 2 Criminal Cases, 2 Probate Cases

13. 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.

Alaska Bar Exam February 1991-admitted August 1991.

Montana Bar Exam July 1990--not sworn in as of yet.

PUBLIC SERVICE

14. List bar associations, sections and committees of which you are or have been a member or officer.
Native, Elder, Family, Criminal Defense, Alternative Dispute Resolution.

15. List legal publications, if any (give title, subject and date of publications):
None

16. Have you ever applied for a judgeship? 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)
Valdez Disrict Court	1996	N	N

17. Have you ever held public or political office, elective or appointive? No

If so, state office, manner selected, and when and where held.

N/A

18. List all other legal and any nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal. (Please indicate whether you participate in the organization's activities, or simply hold a membership.)

Nome Bar Association

Alaska State Association for Guardianship and Advocacy (ASAGA) Vice-

President of Board of Directors 1993-1998

Nome Receiving Home, Board Member 2000-2001

19. 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 other than minor traffic offenses (those for which a fine of \$50.00 or less, and no other sanctions were imposed)? Yes

(b) failed to answer any summons or other legal process served upon you personally at any time?
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? No

(d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? 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 1990 I was cited for driving my vehicle up to a duck blind. Not only was this bad for hunting, it was also against the law. I appeared in federal court in Missoula, Montana where I pled no contest to the violation. I was fined \$25.

20. (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? 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? If so, give particulars, including case numbers.

No

- (b) Have you ever been sued by a client? If so, give particulars, including case numbers.

No

- (c) Have you ever been a party in any other legal proceeding? If so, give the particulars. Include all legal proceedings in which you were a party in interest, including divorce/dissolution proceedings; a material witness; a named co-conspirator or correspondent; and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness. 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).

2NO-96-29 Civ. Laurence V. Ayers, M.D. vs. Leonard R. Devaney III. This case involved an unpaid medical bill for knee surgery in 1990. Upon being notified that I was being sued (and before I was served) I initiated settlement. Shortly thereafter the case settled.

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

- (a) Are there any unsatisfied judgments against you? 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? 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? Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

No.

- (b) Have you ever made an assignment for the benefit of creditors? Has any petition in bankruptcy ever been filed by you? If so, state the circumstances, case number, and the outcome.

No.

REFERENCES*

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

(1) NAME: Mark Cardinal
ADDRESS: P.O. Box 2001
CITY/STATE/ZIP: Nome, Alaska 99762 PHONE: 907-443-7717

(2) NAME: Caleb Pungowiyi
ADDRESS: P.O. Box 217
CITY/STATE/ZIP: Kotzebue, Alaska 99752 PHONE: 907-442-3873

- (b) List the names, addresses, 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. (You should not list the Chief Justice of the Alaska Supreme Court.)

(1) NAME: Superior Court Judge Ben Esch
ADDRESS: P.O. Box 1100
CITY/STATE/ZIP: Nome, Alaska 99762 PHONE: 907-443-5216

(2) NAME: Connor Thomas, Attorney
ADDRESS: P.O. Box 61
CITY/STATE/ZIP: Nome, Alaska 99762 PHONE: 907-443-5226

(3) NAME: John Vacek, District Attorney
ADDRESS: P.O. Box 160
CITY/STATE/ZIP: Nome, Alaska 99762 PHONE: 907-443-2296

* **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. The applicant should not request a copy of the letter from the reference.

REFERENCES (continued)

(c) List the names, addresses and phone numbers of attorneys 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.)

1 Case Name: D.A.
v. _____

Case Number: 2NO-S00-00036CP
Judge Name: Bradley N. Gater

Attorneys Involved:

Name: Kirsten Bey, Public Defender
Address: P.O. Box 203
Nome Alaska 99762

Name: Greg Parvin
Address: P.O. Box 61
Nome, Alaska 99762

Name: Jim Parker
Address: 900 West 5th. Avenue Ste 525
Anchorage, Alaska 99501

Name: John Earthman
Address: P.O. Box 160
Nome, Alaska 99762

2 Case Name: Gloria Anvil et al
v. Jun E. Choi

Case Number: 4BE-S99-00005CI
Judge Name: Dale Curda

Attorneys Involved:

Name: Jim Valcarce
Address: P.O. Box 555
Bethel, Alaska 99559

Name: Dick N. Sutliff
Address: 125 Christian Dr. Ste. 1
Anchorage, Alaska 99501

Name: Michelle Powers
Address: P.O. Box 758
Bethel, Alaska 99559

Name: _____
Address: _____

3 Case Name: Barr
v. Olson Air Service

Case Number: 2NO-S98-00048CI
Judge Name: Ben Esch

Attorneys Involved:

Name: Larry G. Berry
Address: 1400 West Benson Blvd Ste.315
Anchorage, Alaska 99503

Name: Connor Thomas
Address: P.O. Box 61
Nome, Alaska 99762

Name: Jim Valcarce
Address: P.O. Box 555
Bethel, Alaska 99559

Name: Laurel J. Peterson
Address: 805 West 3rd. Avenue Ste. 200
Anchorage, Alaska 99501

REFERENCES (continued)

(d) List the names, addresses and phone numbers of attorneys 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.)

1 **Case Name:** State
v. Darryl M. Coffey

Case Number: 2NO-S00-00781CR
Judge Name: Ben Esch

Attorneys Involved:

Name: John Vacek
Address: P.O. Box 160
Nome, Alaska 99762

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

2 **Case Name:** The Matter of the Involun
tary Commitment of M.C.

Case Number: 2NO-S01-00028 P/SA
Judge Name: Ben Esch

Attorneys Involved:

Name: John Vacek
Address: P.O. Box 160
Nome, Alaska 99762

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

3 **Case Name:** The Matter of Proctective
Proceeding of F.L.

Case Number: 2NO-S01-00014 PR/G
Judge Name: Ben Esch

Attorneys Involved:

Name: Connor Thomas
Address: P.O. Box 61
Nome, Alaska 99762

Name: _____
Address: _____

Name: Rob Sato
Address: 421 West 1st. Street Ste. 250
Anchorage, Alaska 99501

Name: _____
Address: _____

WRITING SAMPLE

23. Attach as Appendix A 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. **Please do not submit longer writing samples.** Make sure the sample contains sufficient facts to make it understandable. Please do not submit coauthored writing samples.
24. 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? Have formal grievance procedures been brought against you? 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? In each case, state in detail the circumstances and the outcome.

No.

ADDITIONAL COMMENTS (Non-Confidential)

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

I think it may be important for the Judicial Council to understand that I enjoy the town of Bethel. Over the years Darlene Orr (my domestic partner) and I, and our children, Panaay and Quya have travelled frequently to Bethel to see Darlene's parents and her oldest son, who was traditionally adopted by her parents. We all enjoy seeing our relatives and exploring the region. We have often stated to each other that it would be nice to be able to get to Bethel more often.

Regarding my legal experience I would like to point out that I have been in private practice for eight years doing a variety of cases. This type practice requires an attorney be able to delve into new areas of the law in an efficient and competent manner. For example, these last few months I undertook a worker's compensation case, an employment case, and an involuntary alcohol commitment case - all areas somewhat new to me. I was able to research these areas of the law and perform competently in all three matters.

I believe my experiences operating my law office, along with my other legal employment, has prepared me to succeed as the new Superior Court Judge in Bethel.