

APR 25 2017

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Anchorage District Court

Date: 4/6/2017

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Michael J. Franciosi
Name as it should appear on bar survey: Michael J. Franciosi

* 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? **
Total 21 years 7 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
Total 25 years 8 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.

St. Bonaventure University 1983-1988 - BA Philosophy

** 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.

Creighton University School of Law 1998-1991 J.D.
National Judicial College 2015 - (Start Masters Program in Judicial Studies)

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.

American Jurisprudence Award in Trial Practice
Achievement Award Mock Trial Competition Team
Community Service Award

- (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.

National Judicial College, Magistrate Conference, CLE programs relating to CINA matters.

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.

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.

Adjunct Faculty UAA 1996-2000 - BA 469 Employment Law; BA 461 Negotiations and Conflict Management; BA Human Resource Management

There are no unpaid debts or claims pending from this employment.

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: State of Alaska / Alaska Court System

Supervisor or name of contact person who can verify employment: William Morse

Current address of this person: 825 W 4th Ave

City Anchorage State AK Zip 99501

Dates and location of Employment: From 10/2015 To date City Glennallen State AK

Description:

Magistrate Judge / Superior Court Master

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

Employer: Law Offices of Bixby Franciosi P.C.

Supervisor or name of contact person who can verify employment: William Bixby

Current address of this person: _____

City Benicia State CA Zip _____

Dates and Location of Employment: From 2005 To 10/2015 City Valdez State AK

Description: President / Partner: Handled all aspects of cases: Personal Injury / Civil / Family / CINA / Juvenile / Employment Law / Criminal / Contracts

Reason for Leaving: Accepted Magistrate Position

Employer: Law Offices of William Bixby

Supervisor or name of contact person who can verify employment: William Bixby

Current address of this person: _____

City Benicia State CA Zip _____

Dates and Location of Employment: From 1995 To 2005 City Valdez State AK

Description: Handled all aspects of cases: Personal Injury / Civil / Family / CINA / Juvenile / Employment Law / Criminal / Contracts

Reason for Leaving: Became partner and formed new firm.

Previous Employers (continued)

Employer: Atkins, Ferguson, Zimmerman and Carney

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

Current address of this person: _____

City Scottsbluff State NE Zip _____

Dates and Location of Employment: From 1991 To 1995 City Scottsbluff State NE

Description: Associate dealing with litigation involving Insurance Defense / Employment Law / Workers Compensation Defense / Business Law

Reason for Leaving: Accepted a position in Alaska

Employer: Union Pacific Railroad

Supervisor or name of contact person who can verify employment: Human Resources

Current address of this person: 1400 Douglas Street

City Omaha State NE Zip 68179

Dates and Location of Employment: From 1990? To 1991 City Omaha State NE

Description: Worked as a Litigation Assistant at Union Pacific dealing with mass discovery in FEOLA hearing loss class action cases while in Law School

Reason for Leaving: Accepted a position with a law firm after graduation.

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: _____

10. During your legal career, please indicate (approximately) the following:

(a) Percent of your practice that was: Civil 70
Criminal 30
Other _____
= 100%

Comment: _____

(b) Percent: State 98
Federal 2
Other _____
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court *
Court of Appeals *
Superior Court 60
District Court 40
= 100%

Comment: * 6 cases NE App Court / 1 AK App Court / 1 AK Supreme Ct

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All

Comment: _____

(e) Number of trials (by court or jury) you conducted:
 None 1-5 6-15 16-30 31 or more

Comment: Most recent small claims and minor offense trials

(f) Percent of these trials which were: Jury 20 Non-Jury 80

Comment: _____

(g) Approximate number of appellate matters handled: 8

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:

Early in my career I dealt with worker's compensation defense.

(i) Please briefly summarize any *pro bono* work that you have done and indicate whether the work was done through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.).

While in private practice I worked with the local domestic violence shelter on a pro bono basis. In private practice both Mr. Bixby and myself would take on indigent representation. I also worked directly with Valdez Youth Court.

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.

Nebraska 1991 State and Federal / Alaska 1995 to present

Public Service

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

Nebraska Bar Association / Alaska Bar Association

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).

N/A

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 Superior	2016	N	N
Juneau District	2016	Y	N
Anchorage Superior	2015	N	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.

I am currently a Magistrate in Glennallen Alaska. I was appointed by Judge William Morse in October 2014

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 have been an active participant in the past in the following organizations:
- Board Member and Teacher for Valdez Youth Court
- President and Board Member St. Francis Xavier Parish Counsel
- Board Member Archdiocese of Anchorage Pastoral Counsel
- Assistant Team Leader People to People

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.

- Glennallen, AK 3GL-04T1234104 4/23/2004 Speed \$76 dollar fine
- Glennallen, AK 3GL-07T1354817 3/27/2007 Speed \$88 dollar fine
- Glennallen, AK 3 GL-11-00362MO 4/11/2011 Speed \$138 dollar 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: Daniel Anderson
Address: _____
City/State/Zip: Valdez, Alaska Phone: _____

Name: Robert Zastrow
Address: _____
City/State/Zip: Valdez, Alaska 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: William Bixby
Address: _____
City/State/Zip: Benicia, CA 94510 Phone: _____

Name: Stephen McAlpine
Address: _____
City/State/Zip: Anchorage, AK Phone: _____

Name: Joel Bolger
Address: 303 K Street
City/State/Zip: Anchorage, Alaska 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: SOA **Case Number:** 3GL-16-549MO
v. Munns **Judge Name:** Michael Franciosi

Attorneys Involved:

Name: <u>AAG Andrew Peterson</u>	Name: <u>Brent Cole</u>
Address: <u>310 K Street Ste 601</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State **Case Number:** 3GL-14-00011MO
v. Vernon Brown **Judge Name:** Michael Franciosi

Attorneys Involved:

Name: <u>ADA Raymond Beard</u>	Name: <u>Phillip Weidner</u>
Address: <u>515 E Dahlia Ave #150</u>	Address: _____
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Anchorage, AK</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Ureda **Case Number:** 3VA-13-37CI
v. Ureda **Judge Name:** Daniel Schally

Attorneys Involved:

Name: <u>Richard Postma / Dan Allen</u>	Name: <u>Robert Woofter</u>
Address: <u>800 E Dimond Blvd Suite 620</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99515-2045</u>	City, State, Zip: <u>Anchorage, AK</u>
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: SOA **Case Number:** 3GL-15-33CR
v. Nelson **Judge Name:** Michael Franciosi

Attorneys Involved:

Name: <u>Raymond Beard, ADA</u>	Name: <u>Jason Beatty</u>
Address: <u>515 E. Dahlia Ave #150</u>	Address: _____
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Fairbanks AK</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: SOA **Case Number:** 3GL-15-11/15/43CR
v. Reina Ewan **Judge Name:** Michael Franciosi

Attorneys Involved:

Name: <u>Raymond Beard, ADA</u>	Name: <u>Derek Kohler, PD</u>
Address: <u>515 E. Dahlia Ave #150</u>	Address: <u>515 E. Dahlia Ave #100</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Palmer, AK 99645</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Motter **Case Number:** 3GL-15-01CI
v. Blau **Judge Name:** Michael Franciosi

Attorneys Involved:

Name: <u>Lance Wells</u>	Name: <u>Alison Baldock</u>
Address: _____	Address: _____
City, State, Zip: <u>Anchorage AK</u>	City, State, Zip: <u>Fairbanks AK</u>
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. 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 **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.

I have been handling cases in Alaska since 1995. My practice has been diverse and encompassed almost every aspect of the law. I have dealt with difficult and complex personal injury lawsuits / employment law/ corporate law and other aspects of civil litigation. I have also dealt with CINA matters / family law / juvenile law and criminal defense. I believe that cross section of experience will make me a better judge. In October of 2014 I was appointed as a Magistrate Judge and Superior Court Master. I handle the small claims, minor offense and district court matters as assigned. I also handle all superior court master matters. I enjoy the judicial side of the law and would like to be considered for this position.

Additional Comments (Continued)

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 five photographs of yourself with your application.

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

Biographical Statement

Name Michael Franciosi

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

Anchorage District Court

Please leave this area blank

Date: 4/06/2017

I have lived in Alaska with my wife and two daughters for over 20 years. My daughters were born and raised here and we enjoy all Alaska has to offer.

I have had the opportunity and privilege to represent a wide variety of individuals and entities. I have handled cases ranging from criminal, child in need of aid, family law, personal injury, juvenile, business, employment to contracts and probate.

In October of 2015 I was appointed Glennallen Magistrate Judge and Superior Court Master I also provide coverage as needed for Valdez, Cordova, Naknek and other areas. I am the only judicial officer in Glennallen so I handle the matters that come through the court as a magistrate judge or master. In October of 2015 I attended National Judicial College and began my course work towards a master's degree in Judicial Studies. I would like to be considered for this position.