

Alaska Judicial Council
Application for Judicial Appointment

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JAN 7 2010
ALASKA JUDICIAL COUNCIL

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

Superior Court, Anchorage

Date: January 7, 2010

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Andrew Guidi
Name as it should appear on bar survey: Andrew Guidi

* 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 27 years 3 months
27 years 3 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
Total 26 years 3 months
26 years 3 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.

(1) San Joaquin Delta College, Stockton, CA: Sept 1975 - June 1977 A.A.
(2) University of California, Davis, CA: Sept. 1977 - June 1979 B.A. History (cum laude); Phi Beta Kappa

** 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.

U.C.L.A. School of Law, September 1979 - May 1982; J.D. (May 1982)

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.

Construction Defect and Mold Litigation
Alaska Tort Personal Injury Law update
Legal Ethics
Legal Writing
Electronic Discovery

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.

Since starting law school in 1979, none. I spent most of my life on farms in northern California (Ryer Island, Rio Vista, Holt, Lockeford) where the work was, naturally, primarily oriented toward agriculture.

Legal Experience

9. Describe chronologically your legal employment since admission to law school. **Please provide dates, name of employer, name AND 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: Delaney Wiles, Inc.

Supervisor or name of contact person who can verify employment: Howard A. Lazar

Current address of this person: 1007 West Third Avenue, Suite 400

City Anchorage State Alaska Zip 99501

Dates of Employment: From December 13, 1983 To Present

Description: Please see attached.

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

Employer: State of Alaska Court System

Supervisor or name of contact person who can verify employment: Daniel A. Moore, Jr.

Current address of this person: _____

City _____ State _____ Zip _____

Dates of Employment: From September 1982 To September 1983

Description: Law clerk for Anchorage Superior Court Judge Daniel Moore. Research and analysis of motions, jury instructions, and appeals; draft orders.

Reason for Leaving: One year clerkship expired.

Employer: State of Alaska Court System

Supervisor or name of contact person who can verify employment: Justice Allen T. Compton

Current address of this person: (Deceased)

City _____ State _____ Zip _____

Dates of Employment: From June 2, 1981 To December 1, 1981

Description: Law extern (sponsored by UCLA School of Law) for Justices Compton and Dimond of Alaska Supreme Court in Juneau, AK. Research and writing of bench memos on pending cases, draft opinions.

Reason for Leaving: Six-month externship expired and resumed law school.

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Applicant: Andrew Guidi

9. Legal Experience/Description:

Civil litigation with emphasis on insurance defense and complex litigation including construction defect claims, bad faith and insurance coverage, and fire loss subrogation.

Previous Employers (continued)

Employer: Office of the Attorney General, State of California

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

Current address of this person:

City Los Angeles State CA Zip

Dates of Employment: From June 1980 To August 1980

Description: Research on points of law and drafting accusations for civil licensing section, which enforced California's Business & Professions Code against contractors, architects, engineers, medical and other professionals

Reason for Leaving: Summer clerkship ended.

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:

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 100
Criminal _____
Other _____
= 100%

Comment: _____

(b) Percent: State 85
Federal 15
Other _____
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court 5
Court of Appeals _____
Superior Court 95
District Court _____
= 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: Mediation has curtailed the need for trials in my practice.

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

Comment: _____

(g) Approximate number of appellate matters handled: 1-2

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) 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.) during this period.

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.

United States District Court for the District of Alaska 1984
 Ninth Circuit Court of Appeals, ca. 1986

Public Service

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

California Bar Association
 Alaska Bar Association
 American Bar Association/Tort and Insurance Law Section

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).

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)
Superior Court/Anchorage	6/18/01	Y	N
Superior Court/Anchorage	2002	Y	N
Superior Court/Anchorage	4/17/09	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.

Phi Beta Kappa - Member
Denali Youth Academy - Board of Directors
Knights of Columbus (St. Benedict's Parish)
Alaska Creative Woodworkers' Association

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.

(1) Citation (A3354866) for improper left turn at 22nd and Minnesota in late September/early October 2008, which was dismissed by Municipality of Anchorage on 1/09/2009 - no fine or other sanction; (2) \$50 citation for failure to come to complete stop at a downtown stop sign in Palmer on about 5/02/1999 (Case No. 3PA-P025798); (3) \$50 citation for failure to obey a traffic control device in mid-January 2009. Did not see sign in darkness. Subsequently diagnosed with poor night vision due to cataract.

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).

In about 1991, my wife and I brought a small claims action in Anchorage against a realtor (Mark Korting) and his company (ReMax) for breach of contract, and misrepresentation with respect to failure to pay for soil testing expenses we incurred on property defendants were offering for sale, but for which they could not deliver marketable title because of the existence of large liens, which defendants did not disclose. The case was tried before District Court Judge John Mason. We prevailed and were awarded the full amount claimed plus costs, interest and legal fees. Defendants thereafter satisfied the judgment.

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 A. Moore, Jr. _____

Address: _____

City/State/Zip: _____ Phone: _____

Name: John Granger _____

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: George Hayes _____

Address: _____

City/State/Zip: _____ Phone: _____

Name: H. Clay Keene _____

Address: _____

City/State/Zip: _____ Phone: _____

Name: Raymond Royce _____

Address: _____

City/State/Zip: Anchorage, AK _____ 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: Connie Walden **Case Number:** 3AN-95-8876 Civil
v. State of Alaska **Judge Name:** Superior Court/Anchorage

Attorneys Involved:

Name: <u>Ray Brown</u>	Name: <u>Peter Maassen</u>
Address: <u>1049 W. Fifth Ave., Suite 100</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK</u>

Name: <u>Peter Gruenstein</u>	Name: _____
Address: <u>1029 W. 3rd Ave., Suite 510</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: Burnett **Case Number:** 3KN-88-850 Civil
v. City of Kenai **Judge Name:** Carlson

Attorneys Involved:

Name: <u>Victor Krumm</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Peterson **Case Number:** 3AN-85-17355 Civil
v. Mutual Life Ins. of New York **Judge Name:** Renee Gonzales

Attorneys Involved:

Name: <u>A. Lee Peterson</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Name: <u>Peter Page</u>	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: Ron Johnson **Case Number:** 4FA-08-01433 Civil
v. Alaska Clean Seas **Judge Name:** Michael McDonald

Attorneys Involved:

Name: <u>Ken Ringstad</u>	Name: <u>Dave Devine</u>
Address: <u>714 Fourth Avenue, Suite 301</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99707</u>	City, State, Zip: _____

Name: <u>Philip Blumstein</u>	Name: _____
Address: <u>701 West 8th Avenue, Suite 1200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 2

Case Name: Keith Huss **Case Number:** 3KN-06-1125 Civil
v. Peak Oilfield Services **Judge Name:** Charles Hugulet

Attorneys Involved:

Name: <u>Eric Sanders</u>	Name: <u>Jeff Jefferson</u>
Address: <u>500 L Street, Fourth Floor</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: McGraw's Custom Construction **Case Number:** 1JU-06-635 Civil
v. Ketchikan Gateway Borough **Judge Name:** Patricia Collins

Attorneys Involved:

Name: <u>Steven L. Nourse</u>	Name: <u>Matthew R. Wojcik</u>
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Name: <u>Scott Brandt-Erichsen</u>	Name: <u>Raymond Royce</u>
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 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 am deeply aware of the importance of the position you seek to fill. I once represented a mother who had lost her son on a fishing vessel in Alaska. The son had been brutally murdered by a fellow crewman, stabbed literally dozens of times on his torso and neck, and his arms exhibited many defensive stab wounds. On behalf of the mother we filed suit in federal court against the vessel owner on the theory that the vessel was "unseaworthy." The crewman had already been convicted of first degree murder. Since the essential facts had already been determined beyond a reasonable doubt, we immediately moved for summary judgment in our civil case, citing well-established jurisprudence holding that attacks involving extreme and brutal violence evidence that a crewman is unfit as a matter of law, thereby rendering the vessel unseaworthy. Unfortunately, the case was initially assigned to a judge who had never handled an admiralty case (he said so) and did not fully comprehend that unseaworthiness is a strict liability cause of action. The judge denied our motion, with the result that the parties embarked upon the discovery process. Discovery, of course, takes a good deal of time and money. In this case the judge's ruling was

Additional Comments (Continued)

was particularly unfortunate because - as is typical in maritime liability insurance - the rather meager limits of defendant's liability insurance policy were subject to being reduced even further by defendant's legal costs. The harder the defendant fought the case, in other words, the less money was available to compensate the victim's mother. At the conclusion of discovery, and after fruitless attempts to negotiate a settlement, we finally arrived at trial. By this time the case was reassigned to a judge who had an extensive background in admiralty law. Moreover, the judge was sitting as the trier of fact. In opening remarks to the parties he stated that he had thoroughly reviewed the briefs and made clear that, if it had been his decision, he would have been inclined to grant the original motion for summary judgment. He allowed these few words to hang in the atmosphere of the courtroom until their full implications were realized. At the conclusion of the first day of trial the defendant offered to settle the case for all of the remaining proceeds of the policy. We were grateful the trial judge precipitated the settlement, but by this time the amount available under the policy to indemnify the mother had been reduced by approximately one-third. If the trial judge had been assigned to the case when the motion for summary judgment was filed, the appropriate and just result would have been obtained much earlier and at far less cost.

As a result of this and many other experiences, I am acutely aware of the impact a judge can have for good or ill in a case.

I've also learned that often the impact is made not so much by how the judge decides a particular question, as when the judge rules on it. The truth is that for one party or the other - and sometimes even for both parties - the consequences of a judge's indecision are as real, and potentially deleterious, as an incorrect decision. This is particularly apparent in complex cases, where indecision leads to drift, uncertainty and more litigation. Small-scale disputes, left unattended, escalate out of control. Perhaps lawyers abhor a vacuum but it has been my observation that when they sense a void - such as the void created by lack of judicial supervision - they fill it with paper, and this continues until and unless the active presence of the court is felt by all. Despite all the procedural mechanisms to make civil litigation self-regulating, ultimately it is not self-policing. It never will be. Judges need to be pro-active in monitoring and resolving their cases.

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 Andrew Guidi

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

Anchorage Superior Court

Date: January 7, 2010

Andrew Guidi has lived in Anchorage for more than 27 years. He graduated in 1979 from U.C. Davis with a B.A. in History (Cum Laude) and in 1982 received his J.D. from U.C.L.A. School of Law. While still in law school he served as a law clerk extern for the Alaska Supreme Court in Juneau where he had the opportunity to work for Justice Dimond and Justice Compton. After graduation from law school he moved to Anchorage and served as a law clerk for then Superior Court Judge Danniell A. Moore, Jr. Following the clerkship he became an associate at the firm of Delaney Wiles, Inc., where he has been a shareholder since 1989. His practice centers on insurance defense, particularly personal injury, property loss and construction defect litigation. Andrew has been married 25 years and has two children.