

Alaska Judicial Council Application for Judicial Appointment

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

Date: 15 January 2020

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Thomas Vahan Jamgochian
Name as it should appear on bar survey: Tom V. Jamgochian
* Unless otherwise specified, this is how your name will appear on the bar survey.
- (b) Have you ever used or been known by any other name? If so, please identify.

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
_____ years _____ months
Total 15 years 5 months
3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
_____ years _____ months
Total 14 years 5 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.

California State University, B.A. Degree, History, 2000

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

Legal Education

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

University of California, Hastings College of the Law, 2001-2004, J.D. Degree

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.

Class Rank: Top 10%, Cum Laude
Order of the Coif
Thurston Society
Best Brief Award, Moot Court, 2002

- (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.

See attached.

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.

Jamgochian CLE's Attended in the Past Five Years

2019

2019 Review of Alaska Appellate Decisions, Tamara DeLucia
2019 Legislative Updates, Kaci Schroeder
Crime Lab Updates and Genetic Genealogy, David Kanaris, Laboratory Chief
Victims' Rights Act (VRA): A Prosecutor's Guide, Joseph Dallaire
Screening Sexual Assault Cases, Jenna Gruenstein
Victim Rights in Alaska, Paul Movias
How To Use 5G Technology and Cellular Analysis During An Investigation, Eric Perry, Special Agent
2019 Guide to Ethics, Angie Kemp
Closing Arguments Ethics, Brittany Dunlop
Alaska Psychiatric Institute: Status, Gavin Carmichael
Clinical & Legal Practice Standards For Conducting Competency To Stand Trial Evaluations & Restoration Services, Dr. David Sperbeck
Civil Commitment and its Role in Public Health and Public Safety, Stacie Kraly
Alaska Network on Domestic Violence & Sexual Assault, Katy Sode
Alaska Native Resource Center, Tami Jerue

2018

2018 Review of Alaska Appellate Decisions, Tamara DeLucia
2018 Legislative Updates, Kaci Schroeder
Untested Sexual Assault Kits in Alaska: How many are there, how big of a problem is it, and who's dealing with it?, Jenna Gruenstein
Getting the Most from Your Expert in Strangulation Cases, Angie Ellis
"I lied; I was mad at him; I hit him first; I provoked him; I was drunk; I don't remember anything; the cops lied . . ." Navigating the Ethical Implications of a Recanting Victim. ~ Paul Miovas
Forensic Expert Testimony, Negotiating Confrontation Clause Challenges, Tamara DeLucia,
DNA 101, Jennifer Foster
Why Do Y's: An Intro to Y-STR Testing, Cheryl Duda
Physical Comparative Analysis and Testimony in a Post PCAST Environment, Debra Gillis
Preparing to Confront the Queen on the Opponent's Chessboard: Ethics and Practice Issues Surrounding a Pre-trial Interview of an Opposing Expert Jay Fayette

2017

Implicit Bias Training-NAGTRI, Jeanette Manning
Stopping Victim Bashing Overcoming the Consent Defense and other Defenses in DV and Sexual Assault Cases, Courtney Curtis
Introduction to Analytical Advocacy And Case Analysis, Paul O'Connor
Presenting the Dynamic Opening and Demo, Mark Shlifka
Approach Point Cross and Examination Working with Scenarios, Eric Leafblad
The Visual Presentation of Evidence Based Prosecution and Admissibility Issues, Pat Muscat
Witness Issues: Recanting Witnesses, Failure to Appear, and When the Victim Testifies for the

Defendant ...AKA Do I Need an Expert? Jacqie Spradling
Injury and Death Causation in Domestic Violence and Sexual Assaults, Dr. Cristin Rolf
DNA: The Gold Standard Defense Challenges, Danielle Hagaman-Clark
Ethics and Professional Responsibility, Jacqie Spradling

2016

A Prosecutor's Role in Criminal Justice Reform, John Skidmore
Effects of SB 91 on Crime Victims' Legal Rights in Alaska, Kathy Hanson
Corrections and the Criminal Justice System Post-SB 91, Carrie Beiden
Therapeutic Courts in the Post-SB 91 Era, Clint Campion
2016 Appellate Case Review, Ken Rosenstein
Integrating a Trauma-Informed Response & Interviewing Victims, Patti Powers
Pills Mills, Privacy, and the PDMP: MFCU's Role in Opioid RX Cases, Jonas Walker
Identifying the Predominant Aggressor & Evaluating Lethality, John Wilkinson
Ethical Considerations for Prosecutors in Intimate Partner Violence Cases, Patti Powers
Going Forward Without the Victim: Evidence-Based Prosecutions of Domestic Violence, John Wilkinson
Countering Witness Intimidation: Forfeiture by Wrongdoing, Teri Garvey
Making it Stick: Protecting the Record for Appeal, Tamara de Lucia
Safeguarding Victim Privacy: A Plan of Action for Prosecutors, Jane Anderson

2015

An Appeal Just Landed On My Desk: Now What?, Tamara DeLucia,
2015 Review of Alaska Appellate Decisions, Ken Rosenstein
Photographic Lineups, Rick Svobodny
Legislative Updates / Criminal Justice Reinvestment, Kaci Schroeder
"I Plead the Fifth": Evidence and the Immunized Witness, Jean Seaton
Digital Evidence: 21st Century Sources of Evidence, Rob Henderson
How to Win DV and Sex Crime Trials with ER 404(b), Jonas Walker
Recanting DV Victims, Bailey Woolfstead
Ethical Preparation of Witnesses for In-Court Testimony, John Novak
Dealing with Unethical Conduct by the Defense, Scot Leaders
The Role Ethics Plays in the Use of Experts in Criminal Cases, Sharon Marshall

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.

Dog Mushing Recreational Guide, Nome, Alaska 2012 to Present

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, Department of Law, Nome District Attorney Office

Supervisor or name of contact person who can verify employment: John Earthman, Nome District Attorney

Current address of this person: _____

City Nome State AK Zip _____

Dates and location of Employment: From Jan 2011 To Present City Nome State AK

Description:

Prosecute misdemeanor and felony cases.

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

Employer: State of Alaska, Department of Law, Fairbanks District Attorney Office

Supervisor or name of contact person who can verify employment: Joe Dallaire, Fairbanks District Attorney

Current address of this person: 510 2nd Ave #200

City Fairbanks State AK Zip 99701

Dates and Location of Employment: From September 2008 To January 2011 City Fairbanks State AK

Description: Prosecuted misdemeanor and felony cases.

Reason for Leaving: Transferred to Nome DAO

Employer: State of Alaska, Department of Law, Bethel District Attorney Office

Supervisor or name of contact person who can verify employment: Tom Hoffer, Bethel District Attorney

Current address of this person: P.O. Box 170

City Bethel State AK Zip 99559

Dates and Location of Employment: From September 2005 To September 2008 City Bethel State AK

Description: Prosecuted misdemeanor and felony cases.

Reason for Leaving: Transfer to Fairbanks DAO

Previous Employers (continued)

Employer: Alaska Court System
Supervisor or name of contact person who can verify employment: Wooliver, Douglas Deputy Administrative Director
Current address of this person: 820 W 4th Ave
City Anchorage State AK Zip 99501
Dates and Location of Employment: From September 2004 To September 2005 City Anchorage State AK
Description:

Law Clerk to State Superior Court Judge Gleason. Researched and wrote legal memorandum.

Reason for Leaving: Clerkship ended

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:

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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:

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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:

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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:

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Reason for Leaving: _____

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

(a) Percent of your practice that was: Civil 1%
Criminal 99%
Other _____
= 100%

Comment: _____

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

Comment: _____

(c) Of practice in state courts, percent: Supreme Court _____
Court of Appeals 1%
Superior Court 50%
District Court 49%
= 100%

Comment: _____

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

Comment: _____

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

Comment: _____

(f) Percent of these trials which were: Jury 98 Non-Jury 2

Comment: _____

(g) Approximate number of appellate matters handled: 15

Comment: _____

(h) Approximate number of arbitrations or administrative hearings (select one):

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.).

- Alaska Network on Domestic Violence and Sexual Assault - one pro bono divorce

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.

- Alaska Bar, admitted 2005
 - California Bar, admitted 2004

Public Service

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

- Alaska Legal Services Alternative Board Member

13. List legal publications, if any (give title, subject and date of publications). Please include publications you have co-authored and the name(s) of the co-author(s).

Should California Update its Conservation Easement Act? The Back Forty, Vol. 9 - No. 4, Summer 2004

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)

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

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

16. Please provide the Council with information that you would like the Council to consider about other legal and nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal organizations. Please indicate whether you participate in the organization's activities, or simply hold a membership. Your involvement in the community is one of the criteria the Council uses in its evaluations. The Council does not use affiliation with a particular group as a criterion except to the extent that it might raise questions of conflict of interest or would affect an applicant's ability to impartially apply the law.

I am a member of the Iditarod Official Finisher's Club, finishing the 1,049 sled dog race with my own sled dog team in 2016.

I was also a board member of the Nome Kennel Club from 2014 to 2018.

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.

When I was 17 years old, I was living in Seattle and was cited for shoplifting a light bulb, valued under \$5, if memory serves. From my recollection, it was a more civil than criminal process: I never appeared in court, other than calling a phone number on the citation, and I eventually received the equivalent of a "suspended entry of judgment" after engaging in community work service. This was over 25 years ago, was an isolated event and was a regrettable mistake.

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).

I currently have a divorce pending in the Nome court: Jamgochian v. Jamgochian, 2NO-19-233 CI.

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: Margret Thomas
Address: PO Box 160
City/State/Zip: Nome, AK 99762 Phone: _____

Name: Jonas Walker
Address: _____
City/State/Zip: Anchorage, AK 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: John Earthman
Address: PO Box 160
City/State/Zip: Nome, AK 99762 Phone: _____

Name: Bride Seifert (Note- relocating to Homer shortly, updated contact info available upon request)
Address: PO Box 349
City/State/Zip: Kotzebue, AK 99752 Phone: _____

Name: Rachel Ahrens (Note- relocating to Valdez shortly, updated contact info available upon request)
Address: PO Box 349
City/State/Zip: Kotzebue, AK 99752 Phone: _____

References and Counsel Questionnaires (continued)

(c) List the names, addresses, **including zip codes, and suite numbers where applicable**, of each attorney involved in your three most recent cases that have gone to trial. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent trials they presided over.) List only those cases that have gone to trial within the past three years. Please include the judge's name and case names and numbers. *(Attach additional pages if necessary.)*

Case Number 1

Case Name: State _____ **Case Number:** 2UT-17-46 CR
v. Austin Matthias _____ **Judge Name:** Romano Dibenedetto _____

Attorneys Involved:

Name: Matthew A. Tallerico _____	Name: _____
Address: _____	Address: _____
City, State, Zip: Fairbanks, AK _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State _____ **Case Number:** 2NO-17-343 CR
v. Joseph Snowball _____ **Judge Name:** Romano Dibenedetto _____

Attorneys Involved:

Name: James Ferguson _____	Name: _____
Address: _____	Address: _____
City, State, Zip: Nome, AK _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State _____ **Case Number:** 2NO-16-535 CR
v. Alexie Morris _____ **Judge Name:** Romano Dibenedetto _____

Attorneys Involved:

Name: Erin Lillie _____	Name: _____
Address: _____	Address: _____
City, State, Zip: Nome, AK _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

References and Counsel Questionnaires (continued)

(d) List the names, addresses, **including zip codes, and suite numbers where applicable**, of each attorney involved in your three most recent cases that did not go to trial but in which you did significant work. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent cases they presided over that did not go to trial but in which they did significant work.) Please include the judge's name and case names and numbers. (*Attach additional pages if necessary.*)

Case Number 1

Case Name: State **Case Number:** 2NO-18-221 CR
 v. Noah Shoogagruk **Judge Name:** Romano Dibenedetto

Attorneys Involved:

Name: <u>Nicole Frank</u>	Name: _____
Address: <u>100 Cushman St Ste 502</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State **Case Number:** A-13392
 v. Samantha Iyapana **Judge Name:** Court of Appeals

Attorneys Involved:

Name: <u>Zach Davies</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: <u>Nome, AK</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 2UT-17-81 CR
 v. Julia Haworth **Judge Name:** Romano Dibenedetto

Attorneys Involved:

Name: <u>Robert Campbell</u>	Name: _____
Address: _____	Address: _____
City, State, Zip: <u>Utqiagvik AK,</u>	City, State, Zip: _____
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, (d) samples from open cases including cases on appeal.

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.

Two defendants filed bar grievances against me. After the Bar Association investigated these allegations, they were dismissed without opening a formal investigation.

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.

The Palmer District Court covers a diverse range of communities: cities such as Wasilla and Palmer, and remote settlements such as Skwentna and Chickaloon. My 15 years of professional legal experience in Anchorage, Bethel, Fairbanks and Nome make me well suited to preside over such a diverse range of communities.

Although I have spent most of my professional life in rural Alaska, I have also spent time in Palmer running dog races: the Northern Lights 300, Knik 200 and Iditarod. The region has always stuck me as a welcoming and warm community, and I would be honored to serve as a District Court Judge.

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 (select one).

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 Tom V. Jamgochian

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

Palmer District Court

Please leave this area blank

Date: January 15, 2020

For the past 14 years I have been an Assistant District Attorney in Bethel, Fairbanks and Nome.

Before becoming an ADA, I graduated from the University of California, Hastings College of the Law in 2004, graduating in the top 10% of my class. I then clerked for then-Superior Court Judge Gleason.

My 14 years of legal practice across the state have given me immense respect for the role and integrity of the judiciary. For example, twice I have had to report judicial misconduct. Both times, both judges were found to have violated the judicial canons. Alleging judicial misconduct in a small community is something no attorney wants to do. However, these experiences gave me an appreciation for the necessary and vital role of the judicial canons.

When I am not at work, I train my yard of 18 sled dogs, who I would relocate with if appointed to the bench.