

Alaska Judicial Council Application for Judicial Appointment

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

Anchorage Superior Court

Date: May 3, 2023

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* David Arthur Nesbett

Name as it should appear on bar survey: David A Nesbett

* 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 names or pseudonyms? If so, please identify. n/a

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 51 years 2 months

Total 51 years 2 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 22 years 7 months

Total 22 years 7 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.

Wesleyan University, College of Letters Honors Program, 1990-1994, BA 1994

** 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 the Pacific, McGeorge School of Law, 1995-1998, JD 1998

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.

I consistently attended the Alaska Bar Convention while in private practice and now the Alaska Judicial Conference each year, and take CLE ethics courses to stay current. I also attended a two-week, General Jurisdiction Trial Judges course at the National Judicial College in Reno, NV, and an additional one-week course from the National Judicial College on advanced evidence. I also attend CLE courses locally when offered, including diversity training and training related to therapeutic courts.

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.

I paid my way through school by working as a deck hand on a commercial fishing boat in Bristol Bay, and working during summers on the North Slope for oil company contractors both as a general laborer and then later as a roustabout and heavy equipment operator. I also worked as a laborer and equipment operator for local construction companies in Anchorage before getting the jobs on the North Slope.

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: Judge Wallace, Presiding District Court Judge

Current address of this person: 303 K Street

City Anchorage State AK Zip 99501

Dates and location of Employment: From June 2019 To Present City Anchorage State AK

Job title and description:

Anchorage District Court Judge

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

Employer: Nesbett & Nesbett, PC

Supervisor or name of contact person who can verify employment: Michelle Nesbett

Current address of this person: Birch Horton Bittner & Cherot, 510 L St., Ste 700

City Anchorage State AK Zip 99501

Dates and Location of Employment: From January 2011 To June 2019 City Anchorage State AK

Job title and description: **Private law firm of two attorneys, focusing on federal criminal defense and small business and commercial matters.**

Reason for Leaving: Appointed to Anchorage District Court

Employer: Jermain Dunnagan & Owens, PC

Supervisor or name of contact person who can verify employment: Mark Melchert

Current address of this person: 3000 A St., Ste 300

City Anchorage State AK Zip 99503

Dates and Location of Employment: From April 2008 To December 2010 City Anchorage State AK

Job title and description: **Construction law and litigation, including change order and delay claims and platting and zoning disputes; appellate work before the Alaska Supreme Court.**

Reason for Leaving: To start my own firm.

* No. 9 (Cont'd.)

While at Dorsey & Whitney, I worked with Michael Grisham and he can verify my employment with the firm. Bill Evans was managing partner of the firm at the time and he can comment on my employment. Mr. Evans can be reached at the law firm of Sedor, Wendlandt, Evans & Filippi, 500 L Street, Suite 500, Anchorage, Alaska 99501.

Brittany Dunlop is the Anchorage District Attorney and she can verify my employment with the State of Alaska. Susan Parkes was the Deputy Attorney General at the time and she can comment on my employment. Ms. Parkes can be reached at Alyeska Pipeline Services Co., Box 196660 MS 569, Anchorage, Alaska 99519.

Monica Elkinton is the Acting Anchorage Municipal Prosecutor and she can verify my employment with the City. R. Bruce Roberts was the Municipal Prosecutor at the time and he can comment on my employment. Mr. Roberts can be reached at TSA, 410 N. 44th Street, Suite 300, Phoenix, Arizona 85008.

Lane Tucker is the U.S. Attorney and she can verify my employment with the USAO internship program. Supervising attorneys at the time included AUSA's Stephan Collins and Steven Skrocki. They can comment on my employment and they can be reached at the U.S. Attorney's Office, 222 West 7th Avenue, #9 Room 253, Anchorage, Alaska 99513.

I am listing other individuals as references for professional competence in answer to Question No. 20.

Previous Employers (continued)

Employer: Dorsey & Whitney, LLP
Supervisor or name of contact person who can verify employment: Michael Grisham*
Current address of this person: 1031 West 4th Ave, Ste 600
City Anchorage State AK Zip 99501
Dates and Location of Employment: From March 2007 To March 2008 City Anchorage State AK
Job title and description: Trial attorney in the civil litigation department; commercial business litigation and criminal defense.
Reason for Leaving: To pursue job opportunity with Jermain Dunnagan & Owens.

Employer: State of Alaska, District Attorney's Office in Anchorage
Supervisor or name of contact person who can verify employment: Brittany Dunlop*
Current address of this person: 310 K St., Ste. 520
City Anchorage State AK Zip 99501
Dates and Location of Employment: From August 2004 To January 2007 City Anchorage State AK
Job title and description: Criminal prosecution; worked out of the U.S. Attorney's Office with funded Project Safe Neighborhood; state and federal court; felony trials and appeals before 9th Circuit Court of Appeals.
Reason for Leaving: Pursue job opportunity with Dorsey & Whitney

Employer: Municipality of Anchorage, Prosecutor's Office
Supervisor or name of contact person who can verify employment: Monica Elkinton*
Current address of this person: 632 West 6th Ave, Ste 210
City Anchorage State AK Zip 99501
Dates and Location of Employment: From December 2001 To August 2004 City Anchorage State AK
Job title and description: Criminal prosecution; Anchorage municipal misdemeanor trial work.
Reason for Leaving: To pursue job opportunity with the Anchorage District Attorney's Office

Employer: United States District Court
Supervisor or name of contact person who can verify employment: Judge H. Russel Holland
Current address of this person: 222 West 7th Ave, #54
City Anchorage State AK Zip 99513
Dates and Location of Employment: From September 1998 To September 2000 City Anchorage State AK
Job title and description: Federal Judicial Clerkship
Reason for Leaving: End of two-year clerkship term.

Employer: United States Department of Justice
Supervisor or name of contact person who can verify employment: Lane Tucker*
Current address of this person: 222 West 7th Ave, #9 Room 253
City Anchorage State AK Zip 99513
Dates and Location of Employment: From July 1997 To August 1997 City Anchorage State AK
Job title and description: U.S. Attorney's Office legal internship, Criminal Division
Reason for Leaving: Third year of law school.

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

(a) Percent of your practice that was: Civil 50
Criminal 50
Other _____
= 100%

Comment: _____

(b) Percent: State 70
Federal 30
Other _____
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court 10
Court of Appeals _____
Superior Court 25
District Court 65
= 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: State and federal, not including small claims trials

(f) Percent of these trials which were: Jury 90 Non-Jury 10

Comment: _____

(g) Approximate number of appellate matters handled: 10

Comment: Includes federal criminal appeals and state civil appeals

(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:

Employment related matters; traffic trials; Forcible Entry and Detainer Hearings; Workers' Compensation Appeal

(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.).

Volunteer work for Alaska Legal Services 2007-2008 while employed at Dorsey & Whitney. In addition, significant legal help for people who could not afford the high cost of legal fees while an owner of my own law firm. During that time, I provided a great deal of either free or discounted legal work on behalf of individuals in need.

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.

State: Alaska (November 1998); Washington (November 2001). Federal: U.S. District Court (February 1999); U.S Court of Appeals 9th Circuit (June 2005).

Public Service

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

Alaska Bar Association; Washington Bar Association; Anchorage Bar Association; Alaska Third Judicial District Area Discipline Committee; Alaska Fair and Impartial Courts Committee; Alaska Bar Examiner's Committee; Criminal Justice Act (CJA) panel of private attorneys.

13. List publications, if any (give title, subject and date of publications). Please include online publications such as blogs or websites, and any publications you have co-authored and the name(s) of the co-author(s).

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 District Court	05/17	N	N
Anchorage District Court	09/17	N	N
Anchorage District Court	10/18	Y	Y
Anchorage Superior Court	07/22	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.

Active, participating member of the U.S. Air Force Chief of Staff Civic Leader Program under General Brown, Chief of Staff, USAF. Active, participating member of the Civilian Advisory Board under Lt. General David S. Nahom, Commander Eleventh Air Force, JBER, USAF. Membership in the Aircraft Owners Pilots Association (AOPA) and Alaska Airman's Association, General Aviation Private Pilot.

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.

Traffic ticket, Failure to Yield (April 2000) \$50 fine (paid).

18. (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? Yes No

In particular, have you been the subject of any proceeding, criminal or civil, initiated against you by the Internal Revenue Service or a State Tax Office? Yes No

If so, give particulars, including case numbers.

- (b) Have you ever been sued by a client? Yes No

If so, give particulars, including case numbers.

- (c) Have you ever been a party in any other legal proceeding? Yes No

If so, give the particulars. Include all legal proceedings in which you were a party in interest, including petitioner or respondent in dissolution or divorce proceedings; a material witness; a named co-conspirator or correspondent; and subject or witness in any grand jury proceedings. Do not list proceedings in which you were sued only in a representative capacity (e.g. guardian ad litem, or as Commissioner of Natural Resources).

(d) Has a court ever found you to have provided ineffective assistance of counsel?

Yes No

If so, provide the particulars including petitioner and case number.

Michael Sampo, U.S. v. Sampo, 3:17-cr-00143-SLG, Docket 147. The court found counsel "deficient" for failing to advise a criminal defendant client that he could file a notice of appeal of his sentence, despite having waived his appellate rights in his plea agreement. The court acknowledged that it may have contributed to the client's lack of understanding regarding his ability to file a notice of appeal based on the court's advisement at sentencing. The court also concluded that the client had waived his appellate rights and counsel did not have reason to think that a rational defendant would want to appeal. After the court granted the client's 28 U.S.C. § 2255 claim, the client ultimately chose not to appeal his sentence.

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: Andrew Peterson
Address: 825 W 4th Ave
City/State/Zip: Anchorage, AK 99501 Phone: (907) 264-7401

Name: Steven Skrocki
Address: 222 W. 7th Ave, #9
City/State/Zip: Anchorage, AK 99513 Phone: (907) 271-5071

- (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: H. Russel Holland
Address: 222 W. Seventh Ave, #54
City/State/Zip: Anchorage, Alaska 99513 Phone: (907) 677-6252

Name: Jennifer S. Henderson
Address: 303 K Street
City/State/Zip: Anchorage, AK 99501 Phone: (907) 264-0624

Name: Adolf Zeman
Address: 825 West 4th Ave
City/State/Zip: Anchorage, AK 99501 Phone: (907) 264-0410

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 with any pending issues in the trial or appellate 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. If you have no cases that have gone to trial within the past three years, you may include cases that went to trial before that date, or may provide up to six cases in response to the next subsection, 20(d). Please include the judge's name and case names and numbers. (*Attach additional pages if necessary.*)

Case Number 1

Case Name: Hilson **Case Number:** 3AN-20-9733 CI
v. Anderson **Judge Name:** David A. Nesbett

Attorneys Involved:

Name: <u>Morgan White, Crowson Law Group</u>	Name: <u>Blake Call, Clayton & Diemer, LLC</u>
Address: <u>637 A Street</u>	Address: <u>500 L Street, Suite 200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** 3AN-17-5160 CR
v. Timothy Hames **Judge Name:** David A. Nesbett

Attorneys Involved:

Name: <u>Madeline Magnuson, Asst. District Attorney</u>	Name: <u>Andrew Pfeiffer, Office of Public Advocacy</u>
Address: <u>310 K St #520</u>	Address: <u>900 W. 5th Ave, Suite 525</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Bonnie "Betsy" Bull, Alaska Attorney General's Office</u>	Name: <u>John Revis, Fortier & Miko, PC</u>
Address: <u>100 Cushman Street, Suite 400</u>	Address: <u>1600 A Street, Suite 101</u>
City, State, Zip: <u>Fairbanks, AK 99701</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Case Number 3

Case Name: Municipality of Anchorage **Case Number:** 3AN-19-3133 CR
v. Beverly Austin **Judge Name:** David A. Nesbett

Attorneys Involved:

Name: <u>Michael Shaffer, Asst. Municipal Prosecutor</u>	Name: <u>Lynn Bechtol, Denali Law Group</u>
Address: <u>632 W 6th Ave, UNIT 210</u>	Address: <u>750 W. 2nd Ave, Ste 104</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</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**, 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 with any pending issues in the trial or appellate 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: Kalamarides & Lambert

Case Number: 3AN-20-5115 CI

v. Eric Froelich

Judge Name: David A. Nesbett

Attorneys Involved:

Name: Andrew Lambert

Name: _____

Address: 750 W. 2nd, Ste 200

Address: _____

City, State, Zip: Anchorage, AK 99501

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 2

Case Name: Cornerstone Credit Services, LLC

Case Number: 3AN-21-0451 SC

v. Miya Robinson

Judge Name: David A. Nesbett

Attorneys Involved:

Name: Brian Heady, Law Office of Brian Heady

Name: _____

Address: 205 E. Benson Blvd, Ste 102

Address: _____

City, State, Zip: Anchorage, AK 99503

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 3

Case Name: Michael Selhay

Case Number: 3AN-19-1498 SC

v. Jeffrey and Amber Barney

Judge Name: David A. Nesbett

Attorneys Involved:

Name: Taylor Thompson, Law Office of Darryl Thompson

Name: _____

Address: 880 N St, Ste 101

Address: _____

City, State, Zip: Anchorage, AK 99501

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.

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.

Please see attached.

No. 23 (Cont'd.) I grew up flying, fishing and hunting throughout the state of Alaska with my father and grandfather, both of whom taught me great respect for this state and its people. I now enjoy carrying on that tradition with my wife and two daughters. My experiences living and practicing law and, more recently, serving as a judge in Alaska have fostered my love of this state and my devotion to serving the Alaska legal community to the best of my ability.

After working on the North Slope during summers between school, I returned to Alaska after law school and served two years as a law clerk for U.S. District Judge H. Russel Holland. I then spent five years as a prosecutor at the local, state, and federal levels. For over two and a half years I worked as a Special Assistant U.S. Attorney prosecuting federal firearms and controlled substances offenses, managing all aspects of the cases from grand jury presentation and indictment through trial, sentencing and appeal.

For approximately four years I worked in private practice at Dorsey & Whitney and Jermain, Dunnagan & Owens, focusing on civil litigation and construction law. In 2011 my wife, Michelle Nesbett, and I opened our own office forming the law firm of Nesbett & Nesbett. We successfully operated our own law firm together for almost 10 years, during which time I built a practice based on criminal defense, including state and federal misdemeanor and felony violations, fish and wildlife violations, white-collar crime, and as conflict counsel for the Federal Defender's Office. I also established a clientele of small Alaska businesses, including medical professionals, contractors and construction companies.

The majority of my legal career in private practice was spent in the courtroom as a trial attorney. I regularly appeared in both state and federal trial courts, and tried approximately 20 jury trials, including several jury trials in federal court. I also represented the government and individual clients on appeal to the Alaska Supreme Court and the Ninth Circuit Court of Appeals.

I also contributed much of my personal time serving on local, state and federal boards and commissions. I was a member of the Anchorage Municipal Board of Ethics, serving as Chair for two years. I have served on the Alaska Bar Examiner's Committee and the Attorney Discipline and Fair and Impartial Courts Committees for the Alaska Bar Association.

I have also acted as hearing officer for a rural school district, worked with and appeared before the Anchorage Assembly on behalf of the Board of Ethics, and handled many small claims trials and resolved many more outside of the courtroom. I appeared in court regularly while in private practice on both criminal and civil matters, and recognized the need to treat each individual with respect and dignity while also remaining cognizant of the need to work through the court's docket efficiently.

While I have withdrawn from many of the community activities after joining the bench, I have maintained my volunteer membership with the Civilian Advisory Board on behalf of the U.S. Air Force Commander in Alaska for what has been the past 13 years. For over 11 years, I have also remained a volunteer member of the U.S. Air Force Chief of Staff Civic Leader group, which continues to meet often with Air Force leadership locally and in Washington, D.C., and in other areas and air bases across the country, to help facilitate communication and collaboration between civilian and military leadership.

As a current District Court Judge in Anchorage, I now preside over many different types of cases, including civil claims, criminal cases, landlord-tenant disputes, and small claims matters. The pandemic severely limited the court's ability to conduct jury trials during much of my time on the bench but I was able sit five jury trials through verdict during the last several years. I also serve on several committees within the court system, including the Newer Judges Conference Committee, the JACE Committee that is implementing the ACS e-filing system, and the Courtroom Judicial Assistant Pod Committee. I also lead school tours of the courthouse and help judge the high school mock trial competitions, and I am constantly impressed watching the future legal minds growing up in our community.

While we handle a high volume of cases in the District Court, I am dedicated to listening impartially to all parties, evaluating carefully the evidence presented, and applying the law objectively, consistently, and fairly. I am committed to ensuring that everyone has access to the court and understands the reasoning behind the court's decisions. Everyone appearing as a party before the court is present on a matter of the utmost importance to them. They are each entitled to an opportunity to express themselves and be heard, and they each deserve my undivided attention and respect.

I am very grateful for having had the opportunity to serve the people of Alaska in a job I love doing. Lessons learned and practices developed, and having already become familiar with working in the role of a judge in the courtroom during my time on the District Court for the past four years would provide me with valuable experience and preparation for the work of the Superior Court.

My family has a long history of honorably serving Alaska and its courts, and I have made a conscientious effort to carry on in the same tradition in the way I live my life, raise my family and serve my state. I want to continue this tradition by serving the State of Alaska as a Superior Court Judge in Anchorage.

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 a photograph of yourself with your application.

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

Biographical Statement

Name David A. Nesbett

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

Anchorage Superior Court

Please leave this area blank

Date: May 3, 2023

As a third generation Alaskan, I am dedicated to helping fellow Alaskans resolve their disputes and to upholding the high standards of our judiciary. Alaska has always been my home. After graduating from West Anchorage High School, I attended Wesleyan University and then McGeorge School of Law. I have enjoyed a 24-year professional legal career in Alaska. My experience includes two years as a judicial law clerk for U.S. District Court Judge H. Russel Holland, five and a half years as a prosecutor, four years as an associate attorney at two local law firms, and nearly 10 years as an owner of my own law office handling a wide range of civil and criminal matters. In 2019, I was appointed to be an Anchorage District Court Judge, a job that I truly enjoy. I live in Anchorage with my wife and two daughters.