

**Alaska Judicial Council
Application for Judicial Appointment**

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

Fairbanks District Court Judge Funk

Date: July 28, 2011

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Benjamin A Seekins
Name as it should appear on bar survey: Ben Seekins
* 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 37 years 2 months
3. How long have you been engaged in the active practice of law immediately preceding the date of this application?***
Total 8 years 11 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.

University of Alaska Fairbanks, B.B.A. Accounting, Fall 1992-1996
University of Alaska Fairbanks, M.B.A. Accounting, Fall 1996-1997

*** 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.

Gonzaga Law School, Juris Doctorate, Fall 1999-Spring 2002

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.

Summa Cum Laude Cali Awards - Civil Procedure + UCC2 + International Business Transactions Moot Court Council
National Appellate Advocacy Competition - Regional Semifinalist 2001
National Appellate Advocacy Competition - Regional Finalist 2002
Alpha Sigma Nu - Jesuit Honor Society
Negotiations - Regional Competitor 2000
Client Counseling Competition - 2nd Place 2000 (Local Level)

- (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.

District Attorney Conference - Sept 11-13 2006
District Attorney Conference - Oct 29-31 2007
District Attorney Conference - Oct 6-8 2008
District Attorney Conference - Oct 7-9 2009
District Attorney Conference - Oct 4-6 2010
National District Attorney Association - Strategic Cross Exam - Mar 21-25 2011

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.

Cook & Haugeberg CPAs LLP
Senior Accountant
CPA license # 1859 (currently inactive)
Auditing financial institutions, governmental units, and non-profits
Preparing individual and business tax returns
Compiling and reviewing financial statements
No unpaid debts or pending litigation

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, Dept of Law, Criminal Division

Supervisor or name of contact person who can verify employment: Mike Gray

Current address of this person: 455 Third Ave, Suite 150

City Fairbanks State AK Zip 99701

Dates and location of Employment: From Oct 2003 To July 2011 City _____ State _____

Description:

Criminal Prosecution of Misdemeanor and Felony offenses. Past Misdemeanor supervisor. Past property crimes supervisor. Currently prosecuting sex crimes, all rural units, forestry, and fish and game.

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

Employer: Downes MacDonald & Levensgood

Supervisor or name of contact person who can verify employment: Robert Downes

Current address of this person: 101 Lacey Street

City Fairbanks State AK Zip 99701

Dates and Location of Employment: From Sept 2002 To October 2003 City _____ State _____

Description: Criminal Defense, Forcible Entry and Detainers, Family Law, Bankruptcy, Wills and Trusts

Reason for Leaving: Increased trial practice of District Attorney's Office

Employer: Cook, Schuhmann & Groseclose, Inc.

Supervisor or name of contact person who can verify employment: Robert Groseclose

Current address of this person: 714 Fourth Ave, Suite 200

City Fairbanks State AK Zip 99701

Dates and Location of Employment: From May 2001 To Aug 2001 City _____ State _____

Description: Legal research and drafting memos and legal documents for: Family Law, Criminal, Social Security, Tax

Reason for Leaving: Summer Internship ended, returned to law school.

Previous Employers (continued)

Employer: Paine Hablen Coffin Brooke & Miller LLP
Supervisor or name of contact person who can verify employment: Jane Brown
Current address of this person: Wash Trust Financial Center, 717 W. Sprauge Ave. Suite 1200
City Spokane State WA Zip 99201-3505
Dates and Location of Employment: From Aug 2000 To Oct 2000 City _____ State _____
Description: Business Practice Group - Legal research, drafting memos, drafting legal documents
Reason for Leaving: Selected for National Appellate Advocacy Competition team

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: _____

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

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

Comment: Post Conviction Relief had some civil aspects

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

Comment: _____

(c) Of practice in state courts, percent: Supreme Court _____
 Court of Appeals 1
 Superior Court 29
 District Court 70
 = 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: _____

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

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:

(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.

Alaska Supreme Court 11-4-02
 United States District Court 11-1-02

Public Service

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

Alaska Bar Association
 Tanana Valley Bar Association
 Tanana Valley Bar Association - Current Secretary

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).

(Empty box for legal publications)

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)
Fairbanks District Court	2-9-09	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.

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.

Royal Ranger Leader
Taught 3rd-5th grade boys about god and camping
Meets Wednesday nights, additional campouts throughout the year
1997-1999, 2007-present.

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.

4FA-93-3514 - No contest to Minor Consuming Alcohol - 1 yr SIS
4FA-94-T798476 - Speeding - paid fine
4FA-94-003401 - Speeding - paid fine
Approx 1991 Fbks - speeding - paid fine
Spokane Wash - 2000 speeding - dismissed by court
Spokane Wash - 2000 speeding - paid 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).

4FA-97-603 P/A - termination of parental rights and adoption of my oldest son.

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: Brian Zeisel
Address: 2633 Lisa Ann Drive
City/State/Zip: Fairbanks, AK 99705 Phone: 488-3513

Name: Mike Cook
Address: 119 N. Cushman Street, Suite 300
City/State/Zip: Fairbanks, Ak 99701 Phone: 456-7762

- (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: Michael MacDonald
Address: 101 Lacey Street
City/State/Zip: Fairbanks, AK 99701 Phone: 452-9350

Name: Jason Weiner
Address: 1008 16th Ave Suite 200
City/State/Zip: Fairbanks, AK 99701 Phone: 452-5196

Name: Scott Mattern
Address: 455 Third Ave. SUite 150
City/State/Zip: Fairbanks, AK 99701 Phone: 451-5970

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: State of Alaska **Case Number:** 4NE-10-101CR and 4NE-10-100CR
v. Clayton Roberts and Mark Chronister **Judge Name:** Brian D. Fisher

Attorneys Involved:

Name: <u>Robert Groseclose</u>	Name: _____
Address: <u>714 Fourth Ave, Soute 200</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 of Alaska **Case Number:** 4FA-08-3906CR
v. Jerry W. Langevin **Judge Name:** Winston S. Burbank

Attorneys Involved:

Name: <u>Marna Kranenberg</u>	Name: _____
Address: <u>100 Cushman Street, Suite 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 3

Case Name: State of Alaska **Case Number:** 4TA-09-12CR
v. Robert Thomas **Judge Name:** Brian D. Fisher

Attorneys Involved:

Name: <u>Carol Dick</u>	Name: _____
Address: <u>100 Cushman Street, Suite 502</u>	Address: _____
City, State, Zip: <u>Fairbanks, AK 99701</u>	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, 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: State of Alaska **Case Number:** 4FA-10-1017CR
v. Kenneth Stover **Judge Name:** Michael A. MacDonald

Attorneys Involved:

Name: <u>Yvette Soutiere</u>	Name: _____
Address: <u>529 5th Ave #1</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 of Alaska **Case Number:** 4FA-09-3304CR
v. Rafael L. Ellison **Judge Name:** Doug L. Blankenship

Attorneys Involved:

Name: <u>Carol Dick</u>	Name: _____
Address: <u>100 Cushman Street, Suite 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 3

Case Name: State of Alaska **Case Number:** 4FA-08-2866CI
v. Donald Stickman **Judge Name:** Michael A. MacDonald

Attorneys Involved:

Name: <u>Tracey Wollenberg</u>	Name: _____
Address: <u>900 W. 5th Ave. Suite 200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</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.

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.

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 twelve photographs of yourself with your application.

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

Biographical Statement

Name Ben Seekins

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

Fairbanks District Court

Please leave this area blank

Date: July 28, 2011

Limit your text to 150 words

I have been a resident of Fairbanks my entire life. I attended UAF twice, graduating with my B.B.A. in accounting, and my M.B.A.. I then worked for Cook & Haugeberg where I was licensed as a CPA.

Later I attended Gonzaga Law School where I graduated 4th in my class, Summa Cum Laude. I participated in the local Client Counseling Competition placing 2nd, represented the school at the regional Negotiations Competition, and was a Regional Semifinalist and Regional Finalist in the National Appellate Advocacy Competition. I recieved the Cali Award for the highest grade in my class for: Civil Procedure I, UCC2, and International Business Transactions.

I was hired by Downes, MacDonald & Levengood where I practiced criminal defense and a variety of civil law. I then moved to the District Attorney's Office where I continue to serve to this day.

I am currently the secretary for the Tanana Valley Bar Association.