

Received

JUL 05 2019

# Alaska Judicial Council Application for Judicial Appointment

Alaska Judicial Council

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

Palmer District Court

Date: June 20th, 2019

## I. Public Information (Questions 1-24)

### Personal

1. (a) State full name\* Shawn David Traini

Name as it should appear on bar survey: Shawn Traini

\* 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? \*\*

12 years 5 months  
Total 33 years 5 months

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

19 years 10 months  
Total 19 years 10 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 Anchorage, Associate of Arts 1990.  
Utah State University, Bachelor of Science, Finance 1996. Cum Laude.

\*\* 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 Utah, S.J. Quinney College of Law, 1996-1999. Juris Doctor.

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.

District Attorney's Conference 2007-2018, including 3 hours of ethics each year.  
DWI Court Foundational Training 2017  
IACP Impaired Driving Conference 2016

## 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 have not worked in a nonlegal job since graduating from law school.

Prior to college, my nonlegal working experience included working flight dispatch/operations at Anchorage International Airport. During college I worked a variety of different jobs including powder coating and for a vending company.

Additionally, I served an LDS mission to Provo, Utah from 1991-1993.

## 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

Supervisor or name of contact person who can verify employment: Roman Kalytiak

Current address of this person: 515 E. Dahlia St., Suite 150

City Palmer State AK Zip 99645

Dates and location of Employment: From 12/2007 To Present City Palmer State AK

Description:

I am an Assistant District Attorney. I primarily prosecute felony vehicular crimes and murder cases as assigned. I also helped create and participate in the Palmer Wellness Court.

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

Employer: Municipality of Anchorage, Municipal Prosecutor's Office

Supervisor or name of contact person who can verify employment: \_\_\_\_\_

Current address of this person: 632 W. 6th Ave, Suite 210

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 3/2007 To 12/2007 City Anchorage State AK

Description: Represented the Municipality of Anchorage in the prosecution of misdemeanors in District Court.

Reason for Leaving: Accepted employment with the State of Alaska.

Employer: Bannock County Prosecutor's Office

Supervisor or name of contact person who can verify employment: Stephen Herzog

Current address of this person: 624 East Center

City Pocatello State ID Zip 83201

Dates and Location of Employment: From 11/2001 To 03/2007 City Pocatello State ID

Description: As an assistant county prosecutor, I was assigned a variety of cases, including sexual assault crimes. Additionally, I was a member of the MDT team and represented the county/Dept. of Health and Welfare in child protection cases(CINA).

Reason for Leaving: Relocated back to Alaska.

**Previous Employers (continued)**

Employer: Bannock County Public Defender's Office

Supervisor or name of contact person who can verify employment: David Martinez

Current address of this person: 130 N. 6th. Ave

City Pocatello State ID Zip 83201

Dates and Location of Employment: From 08/1999 To 11/2001 City Pocatello State ID

Description: 

I represented indigent criminal defendants including juveniles. Additionally, represented individuals in civil commitment proceedings and parents in CINA matters.
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Reason for Leaving: I was offered another job.

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 10  
Criminal 90  
Other \_\_\_\_\_  
= 100%

Comment: Civil practice includes PCRs and Child Protection cases.

(b) Percent: State 100  
Federal \_\_\_\_\_  
Other \_\_\_\_\_  
= 100%

Comment: \_\_\_\_\_

(c) Of practice in state courts, percent: Supreme Court \_\_\_\_\_  
Court of Appeals 1  
Superior Court 64  
District Court 35  
= 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: I have done approximately 60 criminal trials.

(f) Percent of these trials which were: Jury 95    Non-Jury 5

Comment: \_\_\_\_\_

(g) Approximate number of appellate matters handled: 45

Comment: Including PCR matters.

(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.).

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.

Idaho Bar, 1999	United State District Court Idaho, 1999
Utah Bar, 2006	United State District Court Utah, 2006
Alaska Bar, 2007	

**Public Service**

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

Idaho Bar Association
Utah Bar Association
Alaska Bar Association

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

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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 Ct.	2017	N	
Kenai/Juneau Superior Ct.	2018	Y/N	N
Palmer Superior Ct.	2018	N	
Anchorage Superior Ct.	2019	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.

Church of Jesus Christ of Latter-Day Saints - Actively participate in services including teaching weekly Sunday School lessons.

I am a past president of a booster club for swimming in Palmer.

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) 1992, Citation for Expired plates, Anchorage. 3AN-92-A873053. I was out of state for two years serving a LDS mission. I was not aware of the citation until I returned to Alaska. The citation was paid as soon as I became aware of it.  
(2) 1994-1996. Utah, Cache County. While attending Utah State, I received two speeding tickets.  
(3) 2008, Palmer, Alaska, 3PA-08-05485MO. I was issued a ticket for failure to wear a seat belt.

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).

2011 Dissolution 3AN-11-06074CI

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: Kristin Hull

Address: 435 S. Denali St.

City/State/Zip: Palmer, Alaska 99645 Phone: (907)746-8142

Name: Ryan Metcalf

Address: 585 E. Eagle Vista Cir.

City/State/Zip: Wasilla, Alaska 99654 Phone: (907)232-9226

- (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: Roman Kalytiak, Palmer District Attorney

Address: 515 E. Dahlia Street, Suite 150

City/State/Zip: Palmer, Alaska 99645 Phone: (907)761-5648

Name: Joshua Fannon

Address: 550 S. Alaska St., Suite 203

City/State/Zip: Palmer, Alaska 99645 Phone: (907)746-0493

Name: Richard Payne

Address: 360 N. Main St.

City/State/Zip: Wasilla, Alaska 99654 Phone: (907)373-5297

## 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 of Alaska **Case Number:** 3PA-17-00539CR  
**v.** Brian Stanley **Judge Name:** Vanessa White

#### Attorneys Involved:

Name: <u>Joshua Fannon</u>	Name: _____
Address: <u>550 S. Alaska St., Ste. 203</u>	Address: _____
City, State, Zip: <u>Palmer, Alaska 99645</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 2

**Case Name:** State of Alaska **Case Number:** 3PA-17-00741CR  
**v.** Klaus Heppinstall-Kroenung **Judge Name:** John Wolfe

#### Attorneys Involved:

Name: <u>Jeff Bradley</u>	Name: _____
Address: <u>515 E. Dahlia Ave., Suite 100</u>	Address: _____
City, State, Zip: <u>Palmer, Alaska 99645</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 3

**Case Name:** State of Alaska **Case Number:** 3PA-16-02195CR  
**v.** Armando Albarca **Judge Name:** Vanessa White

#### Attorneys Involved:

Name: <u>Jeff Bradley</u>	Name: _____
Address: <u>515 E. Dahlia Ave., Suite 100</u>	Address: _____
City, State, Zip: <u>Palmer, Alaska 99645</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**, 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:** 3PA-14-02135CR  
v. Kenneth Adams **Judge Name:** Vanessa White

#### Attorneys Involved:

Name: <u>Lyle Stohler</u>	Name: _____
Address: <u>518 E Fireweed Avenue</u>	Address: _____
City, State, Zip: <u>Palmer, Alaska 99645</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 2

**Case Name:** State of Alaska **Case Number:** 3PA-15-01783CR  
v. Trenton Shepersky **Judge Name:** David Zwink/Jonathan Woodman

#### Attorneys Involved:

Name: <u>Gregory Parvin</u>	Name: _____
Address: <u>290 N. Willow St.</u>	Address: _____
City, State, Zip: <u>Wasilla, Alaska 99654</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

### Case Number 3

**Case Name:** State of Alaska **Case Number:** 3PA-14-01222CR  
v. Ross Forys **Judge Name:** Gregory Heath

#### Attorneys Involved:

Name: <u>Richard Payne</u>	Name: _____
Address: <u>360 N. Main St.</u>	Address: _____
City, State, Zip: <u>Wasilla, Alaska 99654</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.

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.

In 2004, a grievance was filed against me with the Idaho State Bar Association. The griever was a defendant that had been convicted following a jury trial. Though I was not the trial prosecutor, I was the prosecutor assigned to respond to the PCR. The grievance was dismissed.

As a new attorney, a judge discussed imposing sanctions regarding a discovery issue. The judge did not impose any sanctions.

### 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 honored to submit my application for consideration for this judicial opening. I grew up in Anchorage in a large family. My parents instilled in me and my siblings a strong work ethic and a sense of public service. I carried my aspiration for public service with me throughout law school and after, and sought out opportunities where I could, interning for the state legal aid service, instructing high school and college classes about criminal law, and training law enforcement officers at the state crime lab. My participation in therapeutic courts both in Idaho and here in Alaska with the Palmer Wellness Court are some of the most gratifying experiences of my nineteen year legal career. I am thankful for the example my parents have set for me and the opportunities that I have been given throughout my career.

**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 Shawn Traini

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

Palmer District Court

*Please leave this area blank*

Date: June, 2019

I was raised in Anchorage and attended Bartlett High School. After graduation from U.A.A., I moved to Utah to finish my education. I graduated from Utah State with a bachelor's degree in Finance before attending the University of Utah College of Law.

Following law school, I moved to Idaho and worked as a public defender. Wanting to return home to Alaska, I took a job with the Municipality of Anchorage working as a prosecutor in 2007. Since 2008, I have been employed by the State of Alaska, Department of Law, as a prosecutor in the Palmer District Attorney's Office.

The Mat-Su is my home and I enjoy all that it has to offer including biking, fishing, and spending time outdoors. I am committed to serving the people of the state and I have dedicated my career to making my community a better place.