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ALASKA JUDICIAL COUNCIL

# Alaska Judicial Council Application for Judicial Appointment

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

Court of Appeals

Date: September 2, 2016

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

### Personal

1. (a) State full name\* Tracey Beth Wollenberg

Name as it should appear on bar survey: Tracey Wollenberg

\* 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? \*\*

11 years 0 months  
Total 11 years 0 months

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

11 years 0 months  
Total 11 years 0 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.

Harvard University, 1994-1998  
A.B., History, magna cum laude (June 1998)  
Harvard College Scholarship for Academic Achievement  
Elizabeth Cary Agassiz Certificate of Merit  
Dean's List (1994-1998)

\*\* 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.

Columbia University Law School, 2002-2005  
J.D. (May 2005)

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.

Harlan Fiske Stone Scholar (2004-2005)  
James Kent Scholar (2003-2004)  
Columbia Human Rights Fellow (Summer 2003)

- (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.

- Alaska Bar Convention (2012, 2014, 2015) (annual appellate updates plus additional courses)
- Appellate Section meetings - panelist at Appellate Practice CLE (March 2015)
- Alaska Association of Criminal Defense Lawyers (AKACDL) annual conference (2015 and 2016) - presenter on Senate Bill 91 (2016)
- Public Defender Agency annual conference (Oct. 2011) - presenter, case law update
- Other courses on ethics, off-the-record with appellate courts, appellate advocacy

## 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.

During college, I interned at various media outlets; I was an editorial intern at Street & Smith's sports magazine and an intern at CNBC's Business Insiders show. During my junior year, I took a voluntary one-semester leave of absence to teach in western Kenya.

After college, I worked for three years at Morgan Stanley as a financial analyst. I spent the first two years in the Public Finance division in New York. I spent the third year working in corporate finance in Morgan Stanley's Sydney, Australia office before traveling and then attending law school.

## 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:** Alaska Public Defender Agency

Supervisor or name of contact person who can verify employment: Quinlan Steiner

Current address of this person: 900 W. 5th Ave., Suite 200

City Anchorage State AK Zip 99501

Dates and location of Employment: From 9/2006 To Present City Anchorage State AK

Description:

2011-present: Deputy Public Defender, supervising statewide appeals on behalf of indigent individuals; advise & assist trial counsel. 2007-2011: appellate attorney. 2006-2007: trial unit, primarily handling misdemeanors, PTRPs, & parole

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

Employer: Alaska Court of Appeals

Supervisor or name of contact person who can verify employment: Chief Judge David Mannheimer

Current address of this person: 303 K Street

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 9/2005 To 9/2006 City Anchorage State AK

Description: Judicial clerkship

Reason for Leaving: End of clerkship year

Employer: Jenner & Block

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

Current address of this person: 353 N. Clark Street

City Chicago State IL Zip 60654

Dates and Location of Employment: From \_\_\_\_\_ To \_\_\_\_\_ City Chicago State IL

Description: Two summer associate positions: one from 6/2004 - 7/2004 and a second from 6/2005 - 7/2005. Drafted legal memoranda on habeas corpus, Section 1983 claim, takings law, insurance coverage, and evidentiary issues.

Reason for Leaving: 2004 - split summer with BPI; 2005 - end of summer associate position

**Previous Employers (continued)**

Employer: Business & Professional People for the Public Interest (BPI)  
Supervisor or name of contact person who can verify employment: Adam Gross  
Current address of this person: 25 E. Washington Street, Suite 1515  
City Chicago State IL Zip 60602  
Dates and Location of Employment: From 7/2004 To 8/2004 City Chicago State IL  
Description: Split summer with Jenner & Block. Worked at BPI, a public interest law and policy center, on issues related to public education and affordable housing.  
Reason for Leaving: End of summer internship

Employer: Columbia Law School  
Supervisor or name of contact person who can verify employment: Prof. Peter Rosenblum  
Current address of this person: Campus Road, PO Box 5000  
City Annandale-on-Hudson State NY Zip 12504  
Dates and Location of Employment: From \_\_\_\_\_ To \_\_\_\_\_ City Dhaka State Bangladesh  
Description: Research asst. in April 2005; traveled to Dhaka, Bangladesh as part of report on the use of the human rights framework. Traveled to India & Bangladesh as part of clinic in 2004 to investigate working conditions.  
Reason for Leaving: End of research position / clinic

Employer: Bronx Defenders  
Supervisor or name of contact person who can verify employment: McGregor Smyth  
Current address of this person: 151 W. 30th St., 11th Floor  
City New York State NY Zip 10001  
Dates and Location of Employment: From \_\_\_\_\_ To \_\_\_\_\_ City Bronx State NY  
Description: Term-time internship in spring 2004 on team addressing collateral consequences of criminal convictions.  
Reason for Leaving: End of term

Employer: ACLU  
Supervisor or name of contact person who can verify employment: Diana Kasdan  
Current address of this person: 161 Avenue of the Americas, 12th Floor  
City New York State NY Zip 10013  
Dates and Location of Employment: From 9/2003 To 11/2003 City New York State NY  
Description: Term-time internship in fall 2003 conducting research on issues related to reproductive rights.  
Reason for Leaving: End of term

Employer: Center for Death Penalty Litigation  
Supervisor or name of contact person who can verify employment: Mark Kleinschmidt  
Current address of this person: 1526 E Franklin St., Suite 102  
City Chapel Hill State NC Zip 27514  
Dates and Location of Employment: From 6/2003 To 8/2003 City Durham State NC  
Description: Researched and wrote claims for state post-conviction and federal habeas petitions. Conducted post-conviction juror interviews and investigation.  
Reason for Leaving: End of summer internship



Continuation of Answer to Question 10(g):

As supervising attorney of the appeals section, I directly oversee all of the Public Defender Agency's criminal merit appeals until the appeal is assigned to the attorney who will prepare the briefs. This list has ranged from approximately 70 to over 130 appeals at a time. In my supervisory capacity, I also regularly advise on appeals and perform substantial edits on appellate briefs and petitions. I estimate that I have edited hundreds of appellate filings, both for staff attorneys and for Agency contract attorneys.

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, admitted 2007  
 New York, admitted 2008 (retired status)  
 Illinois, admitted 2006 (inactive status)

**Public Service**

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

Appellate Rules Committee, 2011-present  
 Subcommittee of CINA & Appellate Rules Committees on ineffective assistance of counsel claims in child-in-need-of-aid cases, 2011-2012  
 Alaska Bar Association (member)  
 Appellate Law Section (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).

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.

<b>Judgeship</b>	<b>Date</b>	<b>Nominated By Council (Y/N)</b>	<b>Appointed By Governor (Y/N)</b>



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.

Alaska Association of Criminal Defense Lawyers (AKACDL) (member)

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.

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.

I have not been the subject of a formal IRS proceeding, but in 2013, I received a notice inquiry from the IRS regarding my 2011 tax return. The IRS resolved the inquiry in my favor.

- (b) Have you ever been sued by a client?  Yes  No  
If so, give particulars, including case numbers.

Edward G. Byford v. Honorable Charles T. Huguelet et al., 3:15-cv-00235-TMB - case dismissed

Johnny Johnson v. State of Alaska et al., 3AN-09-10413CI - case dismissed

- (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).

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: Dunnington Babb

Address: 900 W. 5th Ave., Suite 200

City/State/Zip: Anchorage, AK 99501 Phone: (907) 334-4435

Name: Serena Green

Address: 3333 Denali St., Suite 200

City/State/Zip: Anchorage, AK 99503 Phone: (907) 777-7258

- (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: Hon. William F. Morse

Address: 825 W. 4th Ave.

City/State/Zip: Anchorage, AK 99501 Phone: (907) 264-0425

Name: Joanne Grace

Address: 1031 W. 4th Ave., Suite 200

City/State/Zip: Anchorage, AK 99501 Phone: (907) 269-5237

Name: Quinlan Steiner

Address: 900 W. 5th Ave., Suite 200

City/State/Zip: Anchorage, AK 99501 Phone: (907) 334-4414

## 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:** Not applicable. **Case Number:** \_\_\_\_\_  
**v.** \_\_\_\_\_ **Judge Name:** \_\_\_\_\_

#### Attorneys Involved:

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

### Case Number 2

**Case Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_  
**v.** \_\_\_\_\_ **Judge Name:** \_\_\_\_\_

#### Attorneys Involved:

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

### Case Number 3

**Case Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_  
**v.** \_\_\_\_\_ **Judge Name:** \_\_\_\_\_

#### Attorneys Involved:

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	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:** Yatchmenoff **Case Number:** A-11432  
**v. State** **Judge Name:** Mannheimer, Allard, Suddock

**Attorneys Involved:**

Name: <u>Michael Sean McLaughlin</u>	Name: _____
Address: <u>310 K Street, Suite 308</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 2**

**Case Name:** Bowlin **Case Number:** A-11465  
**v. State (bail appeal)** **Judge Name:** Mannheimer, Allard, Hanley

**Attorneys Involved:**

Name: <u>Eric Ringsmuth</u>	Name: _____
Address: <u>310 K Street, Suite 308</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

**Case Number 3**

**Case Name:** Nicoli **Case Number:** A-11089  
**v. State** **Judge Name:** Mannheimer, Allard, Hanley

**Attorneys Involved:**

Name: <u>Elizabeth Burke</u>	Name: _____
Address: <u>310 K Street, Suite 308</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.

I am honored to submit my name for consideration for a position on the Alaska Court of Appeals.

I arrived in Alaska over ten years ago for a one-year clerkship with the Honorable David Mannheimer; the job confirmed my passion for criminal law and introduced me to the state I fell in love with and now call home. I have spent my legal career in service of the people of Alaska, and I look forward to continuing to do so on the court if called.

I am extremely proud of my accomplishments as supervisor for the appellate division of the Alaska Public Defender Agency. Since assuming that role, I have overseen a significant reduction in the backlog of appeals at the Agency and have helped implement procedures to ensure continued improvements in efficiency. At the same

## Additional Comments (Continued)

time, I have remained committed to maintaining the highest standards of practice at the Agency. My experiences in the appellate division of the Public Defender Agency provide me with the background necessary to perform the job of an appellate judge and help address the issues presently facing the court.

If selected to serve, I look forward to bringing the lessons and experiences from my current position to the court in order to help ensure timely and meaningful justice for all Alaskans. I am humbled and honored to be considered for this position.

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 five photographs of yourself with your application.

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



# Biographical Statement

Name Tracey Wollenberg

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

Alaska Court of Appeals

*Please leave this area blank*

Date: September 2, 2016

I graduated from Harvard in 1998 and began a career in finance as an analyst for Morgan Stanley. Desiring a greater opportunity for public service, I enrolled at Columbia Law School and graduated in 2005. I arrived in Alaska that summer, committed to a one-year clerkship with the Honorable David Mannheimer. Like many before me, I fell in love with Alaska and never left.

I joined the Alaska Public Defender Agency in 2006 as a trial attorney and transferred to the appeals section in 2007, handling criminal appeals. Since 2011, I have served as the Deputy Public Defender for the Appellate Division, supervising statewide appeals.

I am committed to serving the State and its residents, and I appreciate the opportunity to continue serving Alaska from the Court of Appeals.