



Print Questionnaire

Received
OCT 31 2019
Alaska Judicial Council

alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

2020 Candidates for Judicial Retention

November 2019

Romano D. DiBenedetto	Nome	
Name		Court

1. Please estimate your workload during your present term.

a) $\frac{45}{45}$ % civil cases	b) $\frac{3}{10}$ # of jury trials/year
$\frac{45}{10}$ % criminal cases	$\frac{10}{1}$ # of non-jury trials/year
$\frac{10}{100}$ % court administrative work	$\frac{1}{100}$ # of administrative appeals/year
100 % Total	

2. Please describe your participation on court/bar committees or other administrative activities during your current term of office.

I am a member of the criminal pattern instruction committee. Also, I serve as a mentor judge.

3. Please describe any judicial or legal education you have undertaken or provided during your current term in office.

I attend the annual judicial conferences. I also attended a NJC seminar in Seattle and will attend another in Austin. I also coordinated a training for the coastal judges.

4. Please describe any public outreach activities.

I gave a presentation to the state wide youth court conference that was held in Nome. I will be giving another presentation to our local youth court in Nome.

5. Please assess, in one or two paragraphs, your judicial performance during your present term. Appropriate areas of comment could include: satisfaction with your judicial role, specific contributions to the judiciary or the field of law, increases in legal knowledge and judicial skills, or other measures of judicial abilities that you believe to be important.

I enjoy the work of a trial judge, and I enjoy my community. I was a magistrate / standing master before taking this job, and I have enjoyed increasing my knowledge in all areas of superior court work.

6. During your most recent term as a judge, have you:
- a) had a tax lien filed or other collection procedure instituted against you by federal, state, or local authorities? Yes No
 - b) been involved in a non-judicial capacity in any legal proceeding whether as a party or otherwise? Yes No
 - c) engaged in the practice of law (other than as a judge)? Yes No
 - d) held office in any political party? Yes No
 - e) held any other local, state or federal office? Yes No
 - f) had any complaints, charges or grievances filed against you with the Alaska Commission on Judicial Conduct, the Alaska Bar Association, the Alaska Court System, or any other agency that resulted in public proceedings or sanctions?
 Yes No

7. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers and outcomes.

8. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2020 retention elections.

I do not have any other information at this time.

For questions 9 - 12, please do not list any cases that have pending issues in your court.

- 9. Please list your three most recent jury trials including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: SOA Case Number: 2UT-18-00143 CR
 v. DENIS KATCHATAG

Attorneys Involved:

Name: <u>John Earthman</u>	Name: <u>Zachery Davies</u>
Address: <u>P.O. Box 160</u>	Address: <u>P.O. Box 203</u>
City, State, Zip: <u>Nome, AK 99762</u>	City, State, Zip: <u>Nome, AK 99762</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: SOA Case Number: 2NO-18-00728 CR
 v. RYAN ANTOGHAME

Attorneys Involved:

Name: <u>John Earthman</u>	Name: <u>Zachery Davies</u>
Address: <u>P.O. Box 160</u>	Address: <u>P.O. Box 203</u>
City, State, Zip: <u>Nome, AK 99762</u>	City, State, Zip: <u>Nome, AK 99762</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: SOA Case Number: 2KB-16-00008 CR
 v. RAYMOND FRANKSON JR.

Attorneys Involved:

Name: <u>Rachel Ahrens</u>	Name: <u>Moshe Zorea</u>
Address: <u>P.O. Box 349</u>	Address: <u>P.O. Box 212043</u>
City, State, Zip: <u>Kotzebue, AK 99762</u>	City, State, Zip: <u>99521-2043</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

- 10. Please list your three most recent non-jury trials including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: SHAWN POMRENKE **Case Number:** 2NO-18-00046 CI
 v. JENNIE SCHIELD

Attorneys Involved:

Name: Colleen Baxter	Name:
Address: 310 K Street	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: IDA LINCOLN **Case Number:** 2NO-17-00079 CI
 v. DAVIS LINCOLN

Attorneys Involved:

Name: Erin Lillie	Name: Robert Sato
Address: P.O. Box 61	Address: 500 L Street
City, State, Zip: Nome, AK 99762	City, State, Zip: Anchorage, AK 99501
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

Case Number 3

Case Name: MICHAEL D. FANNING **Case Number:** 2KB-16-00038 CI
 v. SUSAN B. FANNING

Attorneys Involved:

Name: Adam Lambert	Name: Dan Allan
Address: 750 W 2nd Ave., 203	Address: 800 E Diamond Blvd. Suite 3-620
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Anchorage, AK 99515
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

- 11. Please list your three most recent cases, including case names and numbers, which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.). Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

Case Number 1

Case Name: V.O., et. al. **Case Number:** 2NO-17-00191 CI
v. BERING STRAIT SCHOOL DISTRICT, et. al.

Attorneys Involved:

Name: <u>James Valcarce</u>	Name: <u>Donald F. Austin</u>
Address: <u>P.O. Box 409</u>	Address: <u>2112 Third Ave., 500</u>
City, State, Zip: <u>Bethel, AK 99559</u>	City, State, Zip: <u>Seattle, WA 98121</u>

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

Case Number 2

Case Name: PATRICK HUGO **Case Number:** 2BA-15-00268 CI
v. ALASKA AIRLINES

Attorneys Involved:

Name: <u>Robert Cambell</u>	Name: <u>James Wilkens</u>
Address: <u>P.O. Box 1303</u>	Address: <u>310 K Street</u>
City, State, Zip: <u>Utqiagvik, AK 99723</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

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

Case Number 3

Case Name: YONG B. KIM **Case Number:** 2NO-17-00047 CI
v. FRANCES C. WHITMORE

Attorneys Involved:

Name: <u>H. Conner Thomas</u>	Name: <u>Zacharia Olson</u>
Address: <u>P.O. Box 61</u>	Address: <u>1100 Connecticut Ave., N.W 825</u>
City, State, Zip: <u>Nome, AK 99762</u>	City, State, Zip: <u>Washington D.C. 20036</u>

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

12. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your past term in which you believe your work was particularly noteworthy. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

Case Number 1

Case Name: _____ *Case Number:* _____
 v. _____

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. _____

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. _____

Attorneys Involved:

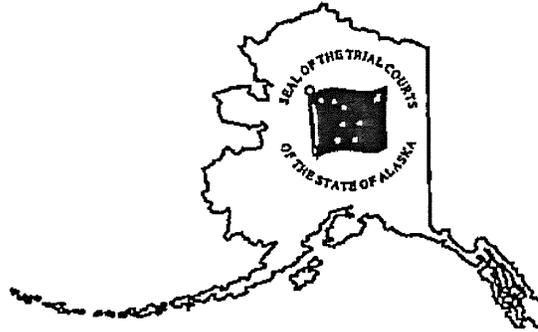
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

(This question pertains to Superior Court judges only.)

State law requires the Council to conduct an evaluation of judges standing for retention, and to provide information to the public about the judges. Under a provision added in 2013, the information the Council provides to the public "shall include the judge's consideration of victims when imposing sentence on persons convicted of felony offenses where the offenses involve victims." (see AS 22.10.150). Although the Council's evaluations address all aspects of judicial performance, including felony sentencing, they have not in the past explicitly solicited judges' thoughts on this topic.

Please submit a short statement about how you consider victims when imposing sentences in felony offenses.

See attached letter.



Received

JAN 29 2020

Alaska Judicial Council

Superior Court
State of Alaska
SECOND JUDICIAL DISTRICT

Hon. Romano D. DiBenedetto
Superior Court Judge

P.O. Box 1110
Nome, Alaska 99762-1110
Telephone (907) 443-5216
Fax (907) 443-2192

January 29, 2020

Ms. Susanne DiPietro
Executive Director
Alaska Judicial Council

Re: "short statement about how [I] consider victims when imposing sentences in felony offenses", as requested in your letter dated January 14, 2020

Dear Ms. Pietro:

For felony offenses, in addition to the restoration of the victim and the community, I consider (1) the seriousness of the defendant's present offense in relation to other offenses; (2) the prior criminal history of the defendant and the likelihood of rehabilitation; (3) the need to confine the defendant to prevent further harm to the public; (4) the circumstances of the offense and the extent to which the offense harmed the victim or endangered the public safety or order; (5) the effect of the sentence to be imposed in deterring the defendant or other members of society from future criminal conduct; (6) the effect of the sentence to be imposed as a community condemnation of the criminal act and as a reaffirmation of societal norms.

Thus, at sentencing, I consider the victim's trial testimony as well as any sentencing statements made either in writing or in person. That information from the victim, as well as consideration of all of the other factors stated above, form the basis of my sentencing decisions.

Thank you for your inquiry. If you require further information, please do not hesitate to contact me.

Sincerely,

Romano D. DiBenedetto