

SEP 14 2011

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Anchorage Superior Court Judge

Date: September 13, 2011

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Sidney Kay Billingslea

Name as it should appear on bar survey: _____

* 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.

Sid

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

52 years 7 months
Total 52 years 7 months

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

25 years 9 months
Total 27 years _____ 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.

Middlebury College, Vermont/AB 1981

** 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.

Lewis & Clark Northwestern School of Law, Oregon/ JD 1984

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.

Annually attend Alaska Bar Convention, Alaska Academy Criminal Defense Attorney conference July, 2011, Conference of Bar Presidents, 2009, Conference of Bar Associations (ABA leadership institute) 2009, President-Elect retreat, Montana, 2008.

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.

Committee Aide Alaska House of Representatives, Labor & Commerce Committee Mike Navarre, Chairman 1985/86

UAA Adjunct Professor, upper level trial practice class/paralegal program 1993

Family business interests - Liquor store, rental properties (apartments, office space)

Own a rental property (house)

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: self

Supervisor or name of contact person who can verify employment: _____

Current address of this person: 134 West 15th Ave

City Anchorage State AK Zip 99501

Dates and location of Employment: From 1994 To present City Anchorage State AK

Description: sole practitioner with focus on criminal defense. I do some personal injury plaintiff work and occasional civil defense and business practice

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

Employer: State of Alaska Office of Public Advocacy

Supervisor or name of contact person who can verify employment: Josh Fink

Current address of this person: 733 West 4th Ave. Suite 401

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 7/06 To 8/07 City Anchorage State AK

Description: criminal defense trial attorney

Reason for Leaving: returned to private practice

Employer: State of Alaska Office of Public Advocacy

Supervisor or name of contact person who can verify employment: Brant McGee

Current address of this person: 9501 Jewel Lake Rd

City Anchorage State AK Zip 99502

Dates and Location of Employment: From 3/92 To 9/94 City Anchorage State AK

Description: criminal defense trial attorney

Reason for Leaving: opened private practice

Previous Employers (continued)

Employer: State of Alaska Public Defender Agency
Supervisor or name of contact person who can verify employment: John Salemi
Current address of this person: 904 W. Baldwin St.
City St. Johns State MI Zip 48879
Dates and Location of Employment: From 8/91 To 3/92 City Palmer State AK
Description: Supervisor, Palmer Public Defender office, trial and appellate attorney
Reason for Leaving: return to Anchorage

Employer: Federal Public Defender Agency
Supervisor or name of contact person who can verify employment: Nancy Shaw
Current address of this person: 520 East 34th St.
City Anchorage State AK Zip 99503
Dates and Location of Employment: From 10/88 To 7/91 City Anchorage State AK
Description: assistant Federal Public Defender, Alaska. Trial and appellate practice
Reason for Leaving: supervisory position State practice

Employer: State of Alaska Public Defender Agency
Supervisor or name of contact person who can verify employment: Kevin McCoy
Current address of this person: 601 West 5th Ave Suite 800
City Anchorage State AK Zip 99501
Dates and Location of Employment: From 1986 To 10/88 City Kenai State AK
Description: assistant public defender, trial and appellate attorney
Reason for Leaving: move to Anchorage, Federal Defender opening

Employer: State of Alaska, Public Defender Agency
Supervisor or name of contact person who can verify employment: Tina Kobayashi
Current address of this person: Attorney General's Office Box 110300
City Juneau State AK Zip 99811
Dates and Location of Employment: From 5/86 To 11/86 City Juneau State AK
Description: assistant public defender, trials and appeals
Reason for Leaving: transfer to Kenai office

Employer: State of Alaska House Labor & Commerce Committee
Supervisor or name of contact person who can verify employment: Mike Navarre
Current address of this person: POB 169
City Kenai State AK Zip 99611
Dates and Location of Employment: From 1985 To 1986 City Juneau State AK
Description: committee aide for legislative committee. Research, writing, working with public
Reason for Leaving: full time work available with public defender agency

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

(a) Percent of your practice that was: Civil 10-15
 Criminal 85-90
 Other _____
 = 100%

Comment: _____

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

Comment: _____

(c) Of practice in state courts, percent: Supreme Court _____
 Court of Appeals _____
 Superior Court 70
 District Court 30
 = 100%

Comment: _____

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All

Comment: I am in court 3 to 5 times a week

(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 100 Non-Jury _____

Comment: _____

(g) Approximate number of appellate matters handled: 0

Comment: I have extensive appellate experience, but focus on trial work

(h) Approximate number of arbitrations or administrative hearings:
 None 1-5 6-15 16-30 31 or more

Briefly describe type of matters heard:

bar association discipline hearings, labor arbitration

(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.

I routinely provide free legal advice to individuals who cannot afford counsel and who do not qualify for agency services such as legal services or the public defender. Additionally, I assisted in the creation of the Martin Luther King Day of Service, hosted by the Alaska Bar Association. We provide free legal care to people who are currently underserved.

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.

US Supreme Court 11/27/89 9th Circuit Court of Appeals 10/24/88 District Court of Alaska 10/6/86 Supreme Court Alaska 1/2/86	Supreme Court Oregon 9/14/84
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Public Service

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

Oregon Bar Alaska Bar Criminal Rules Committee Alaska Board of Governors, past Treasurer, President, discipline committee liaison
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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.

Judgeship	Date	Nominated By Council (Y/N)	Appointed By Governor (Y/N)
Superior Court	7/2002	Y	N
Superior Court	4/2004	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.

secretary, Government Hill Community Council, 1999 or 2000. Selected by "election" of attendees at meeting;

Alaska Bar Association Board of Governors, 2004-2010. Elected by members of the bar. Elected Treasurer twice by board, elected President by board committee.

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.

Member of the National Association of Criminal Defense Lawyers since 1986

founding member of the Alaska Association of Criminal Defense Lawyers (2010)

Member of the Lewis & Clark law school Alumni Board of Governors, 2010 to present. Active membership on board, includes fund raising for law school and attending alumni social events

Member of a bookclub that has met monthly since 1986

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 "fail to yield" 8/30/11 no contest plea on ticket, sent in \$90 + \$10 surcharge from minor auto accident.

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).

Murtagh, et. al. v. State, 169 P.3d 602 (Alaska 2007) I was one of the named plaintiffs in a suit to require equal treatment of defense investigators/lawyers with police investigators/prosecutors regarding the ability to tape record witnesses.

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: Carmen Gutierrez
Address: 529 West 19th Ave
City/State/Zip: Anchorage, AK 99503 Phone: 269-7405

Name: Brant McGee
Address: 9501 Jewel Lake Road
City/State/Zip: Anchorage, AK 99502 Phone: 830-5518

- (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: Cindy Strout
Address: 745 West 4th Ave Suite 200
City/State/Zip: Anchorage, AK 99501 Phone: 276-0377

Name: Sue Carney
Address: 100 Cushman St. Suite 502
City/State/Zip: Fairbanks, AK 99701 Phone: (907) 451-5933

Name: Stephen Wallace
Address: 518 West Marine Way Suite 202
City/State/Zip: Kodiak, AK 99615 Phone: (907) 486-5744

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:* 3AN-10-835 CR
v. Carlton Donnelly *Judge Name:* Gregory Motyka

Attorneys Involved:

Name: <u>Jena Gruenstein</u>	Name: _____
Address: <u>310 K Street Suite 520</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: State of Alaska *Case Number:* 3AN-09-9597CR
v. Greg Timbers *Judge Name:* Michael Spasen

Attorneys Involved:

Name: <u>Aaron Jabaay</u>	Name: _____
Address: <u>310 K Street Suite 520</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: State of Alaska *Case Number:* 3AN-07-10810CR
v. David Anderson *Judge Name:* Philip Volland

Attorneys Involved:

Name: <u>Ben Hofmeister</u>	Name: _____
Address: <u>1031 West 4th Ave</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</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:* 3AN-10-10872, 12957, 13158, 13243
v. Chris Miller *Judge Name:* Philip Volland/Cathy Easter

Attorneys Involved:

Name: <u>Jason Gist</u>	Name: _____
Address: <u>310 K Street</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: State of Alaska *Case Number:* 3AN-10-7618, 04-12248, 3260
v. Barry Sapp *Judge Name:* Michael Spaan

Attorneys Involved:

Name: <u>Emma Haddix</u>	Name: _____
Address: <u>310 K Street Suite 520</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: State of Alaska *Case Number:* 3AN-06-12118
v. Ephriam Agnot *Judge Name:* Patrick McKay

Attorneys Involved:

Name: <u>Ben Hoffmeister</u>	Name: _____
Address: <u>1031 West 4th Ave</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.

As a trial and appellate lawyer with over 25 years of experience in courts statewide as well as federal court I am very comfortable in a courtroom, and with public speaking, multitasking, researching and writing. I am an excellent negotiator and a skilled problem solver. These attributes come from long experience, and from being a good listener, a compassionate person and from having patience.

As a business person I am respectful of the fact that "time is money," and that when parties come to court it is generally because they could not work out their differences through any other means. They turn to the court for order, process and decisions issued as promptly as possible.

I have been AV rated by Martindale Hubbell since 2002, and am listed among the Best Lawyers of America.

My experience on the Board of Governors has been valuable as well, since it is a decision making body on lawyer discipline.

I have decades of experience working with people of all races and socio-economic

Additional Comments (Continued)

backgrounds. I have worked with individual clients, their families, and with victims of crime during extended times of stress for them. I have worked with opposing counsel to achieve the best possible outcomes for the people involved in the justice system, and have always tried to make the experience as humane as possible.

In my opinion my professional experience, as well as my lifelong roots in Alaska, translate well to the work required of a trial judge.

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 Sidney Kay Billingslea

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

Superior Court, Anchorage

Please leave this area blank

Date: 9/13/2011

It has been a pleasure and a privilege to have practiced law for over 25 years in my home state. I have been able to represent people statewide, with my main practice here in Anchorage.

After law school I returned home to work for the Alaska Legislature as a committee aide, followed by the state and federal public defender agencies. Since 1994 I have been a sole practitioner, focusing on criminal defense trial work, and occasional plaintiff personal injury cases.

In 2004 I was elected to the Board of Governors for the bar association, and had the honor of serving as both Treasurer and President before my second term ended in 2010.

My spare time is occupied with attempting to become a better triathlete, and with family, friends and various volunteer projects.