

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

Date: September 13, 2011

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Danya Crosby
Name as it should appear on bar survey: Dani Crosby

* 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.
Dani Crosby

2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
 15 years 1 months
Total 25 years 1 months

3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
 15 years 1 months
Total 15 years 1 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.

Occidental College, B.A., English and Comparative Literary Studies 1991

** 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 University School of Law, 1993-1996, J.D.

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.

1. Graduated magna cum laude
2. Thomas More Scholar (full-tuition, merit-based scholarship for three years)
3. American Jurisprudence Awards (first in class): Torts I, Torts II, Civil Procedure I, Legal Writing
4. Associate Editor, Law Review

- (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.

From the Bar to the Bench: Increasing Diversity in Alaska's Judiciary (2011); The DOL's Employee Misclassification Initiative (2010); Employment Law Briefing (18 CLE credits) (2010); Making Your Appeal: Best Practice for Administrative Appeals Before Agencies and the Court (2010); Conversation with Justice Ginsburg (2008); Advanced Writing and Editing (2008); U.S. Supreme Court Update (2008); Jury Selection (2008); Basics about Basic Wills (2007); Privacy in Alaska (2007); at least 3 ethics credits per year since 2004.

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.

City Planner, Municipality of Metropolitan Seattle, 8/91 - 8/93 (worked with a variety of departments to compile annual monitoring data for federal permitting compliance purposes; coordinated with local government officials and community groups in the context of long-range planning for the Seattle metropolitan area)

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: Ashburn & Mason, P.C.

Supervisor or name of contact person who can verify employment: Don McClintock

Current address of this person: 1227 W. 9th Ave., Suite 200

City Anchorage State AK Zip 99501

Dates and location of Employment: From 8/00 To Present City Anchorage State AK

Description: Litigate cases at trial court, appellate, and administrative agency level in a variety of areas, including employment and oil/gas law; advise clients regarding employment law requirements; served as managing partner.

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

Employer: Preston Gates & Ellis, L.P. (currently K&L Gates LLP)

Supervisor or name of contact person who can verify employment: Morgan Christen (Justice Christen)

Current address of this person: Alaska Supreme Court, 303 K Street

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 9/98 To 6/00 City Anchorage State AK

Description: Worked with litigation and employment partners on a variety of matters; managed document production in large commercial dispute.

Reason for Leaving: Joined Ashburn & Mason, P.C.

Employer: Alaska Court System

Supervisor or name of contact person who can verify employment: Brian Shortell

Current address of this person: 1328 W. 12th Ave.

City Anchorage State AK Zip 99501

Dates and Location of Employment: From 7/96; 9/97 To 9/96; 9/98 City Anchorage State AK

Description: Researched and wrote civil law memoranda on various legal topics; managed pre-trial scheduling process; drafted opinions for judge's consideration.

Reason for Leaving: Clerkship ended.

Previous Employers (continued)

Employer: Alaska Court System
Supervisor or name of contact person who can verify employment: Eric Sanders
Current address of this person: 501 L Street, Fourth Floor
City Anchorage State AK Zip 99501
Dates and Location of Employment: From 9/96 To 9/97 City Anchorage State AK
Description: Assisted superior court judge in all aspects of criminal law docket.
Reason for Leaving: Clerkship ended; started second clerkship with Judge Shortell.

Employer: Gonzaga University School of Law
Supervisor or name of contact person who can verify employment: Professor Lynn Daggett
Current address of this person: P.O. Box 3528
City Spokane State WA Zip 99220
Dates and Location of Employment: From AY 94 To 96 City Spokane State WA
Description: Student torts instructor (taught weekly class for students).
Reason for Leaving: Graduated.

Employer: Sierra Club Legal Defense Fund
Supervisor or name of contact person who can verify employment: Eric Jorgensen
Current address of this person: 325 Fourth Avenue
City Juneau State AK Zip 99801
Dates and Location of Employment: From 6/95 To 8/95 City Juneau State AK
Description: Summer law clerk.
Reason for Leaving: Returned to school.

Employer: Alaska Legal Services
Supervisor or name of contact person who can verify employment: Willa Permutter
Current address of this person: 1001 Pennsylvania Ave. NW
City Washington D.C. State _____ Zip 20004-2595
Dates and Location of Employment: From 6/94 To 8/94 City Juneau State AK
Description: Summer law clerk.
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 100
Criminal _____
Other _____
= 100%

Comment: _____

(b) Percent: State 80
Federal 10
Other 10
= 100%

Comment: _____

(c) Of practice in state courts, percent: Supreme Court 10
Court of Appeals _____
Superior Court 80
District Court 10
= 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 30% Non-Jury 70%

Comment: 7

(g) Approximate number of appellate matters handled: 7

Comment: Includes administrative agency appeals

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

Briefly describe type of matters heard:

Grievance hearings for UAA; matters involving representation of DNR.

(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 volunteer with Alaska Immigration Justice Project, ANDVSA, and the American Bar Association's Military Pro Bono Program.

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, 1998
Alaska Federal District Court, 1998

Public Service

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

Member, Alaska Bar Association; Civil Rules Committee, 2007-present; Alaska Bar Foundation, Trustee, 2001-2005, Trustee and President, 2005-2007; Fee Arbitration Committee, 2004-present; Bar Examiners Committee, 2001-2004 (drafter).

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).

N/A

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 Superior Court	4/09	Y	N
Anchorage Superior Court	1/10	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.

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.

Please see activities listed above. In the past, I have also volunteered with Anchorage Youth Court, served as a judge in mock trial competitions, and volunteered to judge student projects at a local elementary school.

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.

- (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).

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: Mark Ashburn
Address: 1009 Western Ave., #1109
City/State/Zip: Seattle, WA 98104 Phone: 301-9132

Name: Dr. Tammy English Pickett
Address: 3416 Vassar
City/State/Zip: Anchorage, AK 99508 Phone: 277-1825

- (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: Brian Shortell
Address: 1328 W. 12th Ave.
City/State/Zip: Anchorage, AK 99501 Phone: 868-1850

Name: Nanette Thompson
Address: c/o ENSTAR, P.O. Box 190288
City/State/Zip: Anchorage, AK 99519-0288 Phone: 334-7662

Name: Commissioner Dan Sullivan
Address: 550 W. 7th Ave., Suite 1260
City/State/Zip: Anchorage, AK 99501 Phone: 269-8400

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: Taylored Construction Services **Case Number:** 3AN-07-6957 CI
v. Wyche **Judge Name:** Motyka

Attorneys Involved:

Name: <u>Kevin Anderson</u>	Name: _____
Address: <u>645 G Street, 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: _____

Case Number 2

Case Name: Discovery Construction, Inc. **Case Number:** 3AN-05-08098 CI
v. Ribelin Lowell & Company **Judge Name:** Rindner

Attorneys Involved:

Name: <u>David Pease</u>	Name: _____
Address: <u>810 N Street, Suite 300</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: Gourmet Ventures, Inc. **Case Number:** 3AN-00-11962 CI
v. State of Alaska **Judge Name:** McKay

Attorneys Involved:

Name: <u>Gary Gantz</u>	Name: _____
Address: <u>2100 Banbury Circle</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99504</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: Aurora Park LLC **Case Number:** 3AN-08-06286 CI
v. Triangle Tube, et. al. **Judge Name:** Morse

Attorneys Involved:

Name: Douglas Weigel Name: _____
 Address: 200 W. Thomas St Ste 500 Address: _____
 City, State, Zip: Seattle, WA 98121 City, State, Zip: _____

Name: Don Thomas Name: _____
 Address: 1007 W. 3rd Ave, Suite 400 Address: _____
 City, State, Zip: Anchorage, AK 99501 City, State, Zip: _____

Case Number 2

Case Name: Bryson **Case Number:** 3AN-11-07116 Ci
v. ACS **Judge Name:** Easter

Attorneys Involved:

Name: Doug Parker Name: _____
 Address: 121 S.W. Morrison St Ste 900 Address: _____
 City, State, Zip: Portland, OR 97204 City, State, Zip: _____

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

Case Number 3

Case Name: Fisher **Case Number:** AAA Arbitration
v. ACS **Judge Name:** _____

Attorneys Involved:

Name: David Shoup Name: _____
 Address: 508 W. 2nd Ave., 3rd Floor Address: _____
 City, State, Zip: Anchorage, AK 99501 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 have been litigating matters in the Anchorage Superior Court since 2000, and I served as a Superior Court law clerk for two years after law school. As a result of these experiences, I am familiar with court procedures and how judges generally process and decide cases. As a member of the Civil Rules Committee, I am very familiar with the Alaska Civil Rules.

Working as a litigation attorney has also given me a perspective on the legal process from my client's point of view. I know that, regardless of the outcome, my clients appreciate prompt and reasoned decisions from the bench. If I was appointed a superior court judge, I would serve the public to the best of my ability, working hard to generate good decisions in a timely manner.

On a more personal note, I believe that I am well-suited to this position. I work hard, and I am also comfortable making decisions on difficult topics.

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 Dani Crosby

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

Anchorage Superior Court

Please leave this area blank

Date: September 13, 2011

I grew up in Sitka, Alaska, and I went to college in California. After graduating from law school in 1996, I moved to Anchorage, along with my future husband, to clerk for an Anchorage Superior Court judge. We have enjoyed all that Alaska has to offer, and we have made Anchorage our home.

I have been working at Ashburn & Mason, P.C., for 11 years. During that time, I have litigated a variety of matters, including employment, oil and gas, and general commercial law cases.

If appointed to the superior court, I would work hard to make timely and reasoned decisions. I would also treat all litigants and their representatives with respect.