

MAR 23 2015

ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Application for Judicial Appointment

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

Anchorage Superior CourtDate: March 23, 2015

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?***

	<u>18</u>	years	<u>7</u>	months
Total	<u>28</u>	years	<u>7</u>	months
3. How long have you been engaged in the active practice of law immediately preceding the date of this application?***

	<u>18</u>	years	<u>7</u>	months
Total	<u>18</u>	years	<u>7</u>	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.
I occasionally attend the Alaska Bar Association's Employment Law Section meetings, which provide CLE credits. Each year, I earn at least three ethics CLE credits. I also attended the following CLE courses during the past five years: Increasing Diversity in Alaska's Judiciary; The DOL's Employee Misclassification Initiative; Employment Law Briefing; Making Your Appeal / Best Practices for Administrative Appeals Before Agencies and the Court.

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: Dani Crosby Law Office, Inc.

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

Current address of this person: 1227 W. 9th Ave., Suite 301

City Anchorage State AK Zip 99501

Dates and location of Employment: From 2/14 To Present City Anchorage State AK

Description:

Sole practitioner with a focus on civil litigation matters.

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

Employer: Ashburn & Mason, P.C.

Supervisor or name of contact person who can verify employment: Thomas Wang

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 1/14 City Anchorage State AK

Description: Litigated cases at trial court, appellate, and administrative agency level, including employment and oil/gas law; advised clients regarding employment law requirements; served as managing shareholder.

Reason for Leaving: Started my own law firm

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

Supervisor or name of contact person who can verify employment: Jennifer Coughlin

Current address of this person: 420 L Street, Suite 400

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.

Previous Employers (continued)

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

Employer: Alaska Court System

Supervisor or name of contact person who can verify employment: Eric Sanders

Current address of this person: 1127 W. 7th Ave.

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: 721 N. Cincinnati St.

City Spokane State WA Zip 99202

Dates and Location of Employment: From AY 94 To AY 96 City Spokane State WA

Description: Student torts instructor (taught weekly class for students).

Reason for Leaving: Graduated.

Employer: Sierra Club Legal Defense Fund (now Earthjustice)

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 Permuter

Current address of this person: Crowell Moring / 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: Returned to school.

10. During your legal career, please indicate (approximately) the following:

(a) Percent of your practice that was: Civil 100
Criminal _____
Other _____
= 100%

Comment: _____

(b) Percent: State 85
Federal 5
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:
 None 1-5 6-15 16-30 31 or more

Comment: _____

(f) Percent of these trials which were: Jury 20% Non-Jury 80%

Comment: _____

(g) Approximate number of appellate matters handled: 8

Comment: _____

(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.).

In the past, I have volunteered with the Alaska Immigration Justice Project and the American Bar Association's Military Pro Bono Project. I occasionally take cases through the Alaska Network on Domestic Violence & Sexual Assault. I work as a volunteer attorney for Alaska Legal Services, screening employment law matters for potential placement with pro bono attorneys. I also volunteer at the legal clinic during the Alaska Federation of Natives annual meeting.

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 and 2014-present, Trustee and President, 2005-2007 (currently serving as interim President); Fee Arbitration Committee, 2004-present; Bar Examiners' Committee, 2001-2004 (drafter); member of Employment Law Section.

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
Anchorage Superior Court	9/11	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 and served as a judge in mock trial competitions. I am a non-active member of American MENSA. My daughter attends :
School and I volunteer in her classroom every other week.

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: Thomas Wang

Address: 1227 W. 9th Ave., Suite 200

City/State/Zip: Anchorage, AK 99501 Phone: 907-276-4331

Name: Dr. Michelle Laufer

Address: 4001 Dale Street

City/State/Zip: Anchorage, AK 99508 Phone: 907-229-5660

- (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: Eric Sanders

Address: 1227 W. 7th Ave.

City/State/Zip: Anchorage, AK 99501 Phone: 907-272-3538

Name: Judge Sharon Gleason, U.S. District Court

Address: 222 W. 7th Ave. #50

City/State/Zip: Anchorage, AK 99513 Phone: 907-677-6253

Name: Julian Mason

Address: 1227 W. 9th Ave., Suite 200

City/State/Zip: Anchorage, AK 99501 Phone: 907-276-4331

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: Alder
v. Resurrection Bay Auto Parts
Case Number: 3AN-11-07991 CI
Judge Name: Aarseth

Attorneys Involved:

Name: Joe Josephson (907-276-0151)
Address: 912 W. 6th Ave.
City, State, Zip: Anchorage, AK 99501

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

Case Number 2

Case Name: _____
v. _____
Case Number: _____
Judge Name: _____

Attorneys Involved:

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

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

Case Number 3

Case Name: _____
v. _____
Case Number: _____
Judge Name: _____

Attorneys Involved:

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

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

ATTACHMENT REGARDING QUESTION 20(c)

The directions accompanying Question 20(c) indicate that the applicant should not list cases pending in the trial courts, and I wanted to provide some details about the case I listed, *Alder v. Resurrection Bay Auto Parts*, in that regard.

I tried the *Alder* case in 2012. My client won, and the defendants appealed to the Alaska Supreme Court. I represented Mr. Alder on appeal, and he prevailed.

Although CourtView reflects the case as closed, I am aware that the *Alder* case is still active in the context of collection efforts. However, I am no longer representing Mr. Alder, as the collection case remained with my former law firm when I left to start my own practice.

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: Turnagain Crossing, LLC **Case Number:** 3AN-13-04831 CI
v. ACS of Anchorage, LLC et. al. **Judge Name:** Aarseth

Attorneys Involved:

Name: <u>David Gross (907-276-1550)</u>	Name: <u>Jim Reeves (907-274-0666)</u>
Address: <u>1127 W. 7th Ave.</u>	Address: <u>701 W. 8th Ave., Suite 700</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: <u>Charlie Sirianni (206-223-0303)</u>	Name: <u>Bob Owens (907-343-4545)</u>
Address: <u>999 3rd Ave., Suite 3650</u>	Address: <u>632 W. 6th Ave., Suite 730</u>
City, State, Zip: <u>Seattle, WA 98104</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Case Number 2

Case Name: Glenwood Pier Condominium Assoc **Case Number:** 3AN-11-07466 CI
v. Estate of Eugene Heller et. al. **Judge Name:** Aarseth

Attorneys Involved:

Name: <u>Dave Shaftel (907-276-6015)</u>	Name: <u>Diane Vallentine(907-563-8844)</u>
Address: <u>1029 W. 3rd Ave., Suite 600</u>	Address: <u>3000 A St., Suite 300</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99503</u>

Name: <u>Walter Featherly (907-263-6395)</u>	Name: _____
Address: <u>601 W. 5th Ave., Suite 700</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 3

Case Name: Fuentes **Case Number:** 3AN-11-07991/12629
v. University of Alaska **Judge Name:** Morse

Attorneys Involved:

Name: <u>Donna Meyers (907-279-3581)</u>	Name: _____
Address: <u>1007 W. 3rd Ave., Suite 400</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 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 for eight years, I am very familiar with the Alaska Civil Rules

Working as a litigation attorney has given me a perspective on the legal process from a client's point of view. I know that, regardless of the outcome, my clients appreciate prompt and reasoned decisions from the bench. I also know that litigation is expensive, and that if a judge is open to exploring creative solutions to problems unique to a particular case, it is possible to reduce the cost of litigation.

If appointed to the bench, I would serve the public to the best of my ability, working hard to generate good decisions in a timely manner.

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 five 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: March 23, 2015

I grew up in Sitka, Alaska, and attended 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 for nearly 20 years.

Over the years, I have practiced primarily as a litigator. I have handled a variety of cases ranging from employment issues and complex business disputes to family law matters.

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