

RECEIVED

NOV 8 2004

ALASKA
JUDICIAL COUNCIL

Alaska Judicial Council
Application for Judicial Appointment

Superior Court Judge
Fourth Judicial District

Date: November 5, 2004

Position(s) for which you wish to be considered

I. PUBLIC INFORMATION (Qs. 1-24 & 35)

PERSONAL

1. (a) State full name* Robert B. Downes
Name as it should appear on bar survey: Robert B. Downes
* 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

3. How long have you been a resident of the State of Alaska immediately preceding the date of this application? ** 34 years 3 months
Total years 34 months 3

4. How long have you been engaged in the active practice of law immediately preceding the date of this application? ** 35 years months
Total years 35 months

** See AS 22.10.090; see also 1984 Inf. Op. Atty. Gen. (July 19; 366- 624-84).

NONLEGAL EDUCATION

5 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

Tufts University 1960 to 1961
Saint Vincent College 1962 to 1965 (B.Sc Biology - June, 1965)

LEGAL EDUCATION

6 List all law schools, dates attended and degrees conferred If you did not receive a degree from any law school, please indicate

Boston College Law School 1965 to 1968, Juris Doctor (June, 1968)

7 (a) Did you receive any honors in law school or belong to any honorary societies or groups?
No If so, please give details

(b) Have you taken any CLE (continuing legal education) courses during the past five years?
Yes X No _____ Please describe Computer information research on the internet for lawyers (10-3-03);
Use of Excel Spreadsheets for professionals (Fred Pryor Seminar) (4-14-04).

MILITARY

8 Have you served in the armed forces (reserves or otherwise)? 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. If so, state the details

No

NONLEGAL EMPLOYMENT

9 Describe major nonlegal working experience, if any.

Have worked doing tax returns (in the 60's and 70's),
loading trucks, as a waiter, as an operating room
assistant at the Massachusetts General Hospital.

10 Describe major nonlegal business or professional experience, if any. If your association has been discontinued, please note whether there are unpaid debts or claims pending litigation

None

LEGAL EXPERIENCE

- 11 Describe chronologically your legal employment since admission to law school. Please provide dates, name of employer, name of supervisor, addresses, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.) **Also, provide the name and current address of a person, preferably your supervisor, who can verify your employment for each position listed below.**

1969 to 1970 Law Offices of Elliott Goodman
69 E. Main Street, Natick, Massachusetts
Employer & Supervisor was Elliott Goodman
I left to go to Alaska in 1970 - general civil
and criminal practice

1970 to 1974 State of Alaska - Assistant District Attorney
604 Barnette Street, Fairbanks, Alaska 99701
Supervisors were Steve Cooper & Marvin Clayton
Prosecuted misdemeanors and felonies, acted
as an Assistant Attorney General and did
child support, condemnation cases and other
civil matters.
I left to join Jay Hodges in practice

1974 to 1978 I was in private practice with Jay Hodges
(907-474-0822). It became Hodges and Downes.

1978 to Present The private practice morphed into Cole and
Downes; Downes, McKelvie and Stepovich;
and Downes, MacDonald & Levengood. This
private practice has moved several times,
but for the past 18 years, the business
address has been 1008 16th Ave., Suite 200
Fairbanks, Alaska 99701

12 For the past five years, please indicate (approximately) the following

(a) Percent of your practice that was

Civil	<u>50</u>
Criminal	<u>45</u>
Other	<u>5</u>
	= 100%

Comment _____

(b) Percent

State	<u>97</u>
Federal	<u>3</u>
Other	_____
	= 100%

Comment _____

(c) Of practice in state courts, percent

Supreme Court	<u>2</u>
Court of Appeals	<u>3</u>
Superior Court	<u>65</u>
District Court	<u>30</u>
	= 100%

Comment _____

(d) Frequency of appearance in court: Regularly x, Occasionally _____;
Infrequently _____; Not at All _____
Comment. _____

(e) Number of trials (by court or jury) you conducted in the past 5 years
____None ____1 to 5 ____6 to 16 ____16 to 30 x 31 or more
Comment Approximately 2 trials per month

(f) Percent of these trials which were: Jury 50 Non-Jury 50
Comment _____

(g) Approximate number of appellate matters handled 12.
Comment _____

(h) Approximate number of arbitrations or administrative hearings ____None
x 1 to 5 ____6 to 16 ____16 to 30 ____31 or more
Briefly describe type of matters heard: Fairbanks North Star Borough
School District administrative hearings, Social Security
hearing.

(i) Have you undertaken any pro bono work during this period?

Yes No

Describe Have had cases referred to me by Pro Bono office*

13. 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

Massachusetts State Courts (September 1, 1968), Alaska State Courts

(June 17, 1971), United States District Court for the State of Alaska

(July 6, 1971), Ninth Circuit Court of Appeals of Alaska (May 19, 1972)

PUBLIC SERVICE

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

Massachusetts Bar Association

Alaska Bar Association (worked with CLE (taught) and Pro-Bono programs and Criminal Law Section)

Tanana Valley Bar Association

15. List legal publications, if any (give title, subject and date of publications)

None

16. Have you ever applied for a judgeship? 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)
Fairbanks District Court	1974* 1980	Y	N
Fairbanks District Court	1975* 1981	Y	N
Fairbanks, District Court	1990	Y/N	N
* Approximate dates			

17 Have you ever held public or political office, elective or appointive? No

If so, state office, manner selected, and when and where held

18. List all other legal and any nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal (Please indicate whether you participate in the organization's activities, or simply hold a membership.)

- Fairbanks Golf Association - member

- UAF Face-off Club - member

- Elks Club (1551) - member

- Fairbanks Golf and Country Club - member

- American Bowling Conference - member

- Fairbanks Symphony Association - member

- Fairbanks First United Methodist Church - member

19. 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 other than minor traffic offenses (those for which a fine of \$50 00 or less, and no other sanctions were imposed)? No

- (b) failed to answer any summons or other legal process served upon you personally at any time?
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? No

- (d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? No

(c) Have you ever been a party in any other legal proceeding? If so, give the particulars Include all legal proceedings in which you were a party in interest, including divorce/dissolution proceedings, a material witness, a named co-conspirator or correspondent; and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness 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)

- My office has filed several collection matters in District Court
- I have been called as an expert witness in several cases (as to standards of practice (civil and criminal) in Fairbanks.
- I was divorced in Fairbanks from Esther C. Downes.

21 State the nature and disposition of any of the following actions which apply to you

(a) Are there any unsatisfied judgments against you? 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? 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? Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure

No

(b) Have you ever made an assignment for the benefit of creditors? Has any petition in bankruptcy ever been filed by you? If so, state the circumstances, case number, and the outcome

No

REFERENCES*

22 (a) List the names, addresses, and phone numbers of two persons whom the Judicial Council may contact who can discuss your general character and background

(1) NAME Michael A. MacDonald
ADDRESS 1008 16th Avenue, Suite 200
CITY/STATE/ZIP Fairbanks, AK 99701 PHONE (907) 452-5196

(2) NAME: Judge Winston B. Eurbank
ADDRESS 101 Lacey Street
CITY/STATE/ZIP Fairbanks, AK 99701 PHONE (907) 452-9376

(b) List the names, addresses, 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 (You should not list the Chief Justice of the Alaska Supreme Court)

(1) NAME: Judge Ralph R. Beistline
ADDRESS: 222 W. 7th Avenue, #49
CITY/STATE/ZIP Anchorage, AK 99513 PHONE (907) 677-6250

(2) NAME Judge Andrew J. Kleinfeld
ADDRESS: Courthouse Square, 250 Cushman Street, Suite 3-A
CITY/STATE/ZIP Fairbanks, AK 99701 PHONE: (907) 456-0564

(3) NAME Jeffrey O'Bryant, District Attorney
ADDRESS: 455 Third Avenue, Suite 150
CITY/STATE/ZIP Fairbanks, AK 99701 PHONE: (907) 451-5963

* **Please Note** Letters of reference from these persons are confidential and will not be given to the applicant. The applicant should not request a copy of the letter from the reference.

REFERENCES (continued)

(c) List the names, addresses and phone numbers of attorneys involved in your three most recent cases that have gone to trial (Applicants who are currently judges should list the three most recent trials they presided over) List only those cases which 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)

<p>1 Case <u>State of Alaska</u> v. <u>Michael Annunziato</u></p> <p>Attorneys Involved: Name <u>Jason Gazewood</u> Address <u>455 Third Ave., Ste 150</u> <u>Fairbanks, AK 99701</u></p> <p>Name <u>Richard Wright</u> Address <u>250 Cushman Street</u> <u>Fairbanks, AK 99701</u></p>	<p>Case <u>4FA-S03-2808 Cr.</u> Judge Name: <u>Randy Olsen</u></p> <p>Name _____ Address _____</p> <p>Name _____ Address _____</p>
--	--

<p>2 Case <u>State of Alaska</u> v. <u>Christopher Glasgow</u></p> <p>Attorneys Involved: Name <u>Kelly Lawson</u> Address <u>455 Third Ave., Ste 150</u> <u>Fairbanks, AK 99701</u></p> <p>Name _____ Address _____</p>	<p>Case <u>4FA-S04-908 Cr.</u> Judge Name: <u>Winston Burbank</u></p> <p>Name _____ Address _____</p> <p>Name _____ Address _____</p>
--	---

<p>3 Case <u>Frank McDowell</u> v. <u>Shon Hix-McDowell</u></p> <p>Attorneys Involved: Name <u>Paul Ewers</u> Address <u>312 5th Avenue</u> <u>Fairbanks, AK 99701</u></p> <p>Name _____ Address _____</p>	<p>Case <u>4FA-01-1801 Civil</u> Judge Name: <u>Richard Savell</u></p> <p>Name _____ Address _____</p> <p>Name _____ Address _____</p>
--	--

REFERENCES (continued)

(d) List the names, addresses and phone numbers of attorneys involved in your three most recent cases that did not go to trial but in which you did significant work (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

REFERENCES (continued)

- (d) List the names, addresses and phone numbers of attorneys involved in your three most recent cases that did not go to trial but in which you did significant work (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)

<p>1 Case Name: <u>Matthew J Cannon</u> <u>v. Rogers Helicopters</u></p> <p>Attorneys Involved: Name <u>Richard Cornell</u> Address <u>150 Ridge Street, 2nd Floor</u> <u>Reno, NV 89501</u></p> <p>Name <u>Stephen L Nelson</u> Address <u>10510 Superfortress Ave</u> <u>Mather Field, CA 95655</u></p>	<p>Case Number: <u>CV02-04235</u> Judge Name: <u>Raul A Ramirez</u></p> <p>Name _____ Address _____ _____ Name _____ Address _____ _____</p>
--	--

<p>2 Case Name <u>Polar Star AK Housing</u> <u>v. Shaw Industries, Et Al</u></p> <p>Attorneys Involved: Name <u>Cory Borgeson</u> Address <u>100 Cushman Street, Ste 311</u> <u>Fairbanks, AK 99701</u></p> <p>Name <u>Clay Young</u> Address <u>1007 3rd Ave , Ste 400</u> <u>Anchorage, AK 99501</u></p>	<p>Case Number: <u>4FA-99-2652 CI</u> Judge Name <u>Richard Savell</u></p> <p>Name <u>Jim Leik</u> Address <u>1029 W. Third Ave , Ste 300</u> <u>Anchorage, AK 99501</u></p> <p>Name _____ Address _____ _____</p>
---	---

<p>3 Case Name: <u>State of Alaska</u> <u>v. Jeff Pelkola</u></p> <p>Attorneys Involved: Name <u>Jeffrey O'Bryant</u> Address <u>455 Third Ave., Ste 150</u> <u>Fairbanks, AK 99701</u></p> <p>Name _____ Address _____ _____</p>	<p>Case Number: <u>4FA-03-3050 Cr</u> Judge Name: <u>Randy Olsen</u></p> <p>Name _____ Address _____ _____</p> <p>Name _____ Address _____ _____</p>
--	---

ADDITIONAL COMMENTS (Non-Confidential)

- 35 Please make any additional comments that you wish to bring to the Council's attention regarding your experience and suitability for this judgeship

I have spent approximately 35 years practicing law. I have been in private practice for approximately 30 years in Massachusetts and in Alaska

During my work with the State, I also did a lot of work as an Assistant Attorney General (although not necessarily designated as that) for various State Agencies

As private counsel, I have done most of my work in criminal and family law although I have and an increasing number of personal injury cases

As private counsel, I have done most of my work in criminal and family law although I have had an increasing number of personal injury cases

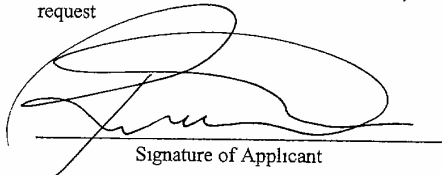
I have always undertaken to represent people when they did not have the full amount to retain me, and I believe that I can say that I focus much more on the matter at hand than the money I was to make from a particular case. I often represented those people who other attorneys found reasons not to represent (such as lack of finances, difficulty of personalities or unpopularity of causes)

At this stage in my life, my daughter is grown, is in law school and is somewhat fending for herself. My wife continues as a school teacher. I desire to go back into public service as I believe that I have the background experience and temperament to well serve the people of the Fourth Judicial District and the State of Alaska

CERTIFICATION AND WAIVER

I hereby certify that, to the best of my knowledge, the information provided on this application is true and complete, and that I am a citizen of the United States and of the State, and am licensed to practice law in Alaska (Ak Const Art IV, §4)

I waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Council may desire to obtain. I specifically authorize the Council to obtain and examine my personnel files from current and past employers, including all files maintained by the Alaska Court System, and to obtain information, records and documents regarding me from any credit reporting agency, any law enforcement agency, any bar association, any occupational licensing board, any educational institution, and any disciplinary body, including specifically the Alaska Bar Association and the Alaska Judicial Conduct Commission. I further authorize these institutions, organizations, and individuals, and any other institutions, organizations and individuals to make available to the Council all confidential and non-confidential documents, records and information concerning me that the Council may request.



Signature of Applicant

Robert B. Downes

Typed Name

November 4, 2004

Date

Subscribed and sworn to before me this 4th day of November, 2004

Annyenette Cloud

Notary Public, State of Alaska
My Commission expires: 10.23.05



JUDICIAL POSITION DESCRIPTION

Fairbanks Superior Court Judge, Fourth Judicial District for
the State of Alaska.