

CANDIDATE COVER SHEET FOR KCBA JUDICIAL SCREENING
Information Taken from Washington State Governor's Office
Uniform Judicial Evaluation Questionnaire

NAME: Nicholas Coming

Business Address: The Corning Law Firm

Business Email: _____

Position Sought:

- King County Superior Court
 Washington State Court of Appeals, Div.I
 Washington State Supreme Court

KCBA considers the responses to the following questions on the Washington State Governor's Office's Uniform Judicial Evaluation Questionnaire to be public information, which may be disclosed to persons other than the Judicial Screening Committee and, in the case of judicial elections, will be publicly available:

Position Sought, Name, Business Address, Business email
Professional History: #8, 9, 10, 11, 12, 13, 14, 15,
Educational Background: #16, 17
Professional Experience: #18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32
Community and Civic Activities: #33

Professional History

8. **Year admitted to practice law in Washington:** 1972

9. **Employment History (in reverse chronological order):**

a. Start Date: 1999 **End Date:** Present

Organization: The Corning Law Firm

Address: 720 Third Avenue, Suite 1400, Seattle, Washington 98104

Phone No.: (206) 789-6503

Position/Title: Attorney/Owner

Supervisor: Not applicable

Nature of Practice (including frequency of court appearances):

I am a trial lawyer who represents injured people in civil litigation primarily in Washington State Superior Courts. I appear in court, in person or in writing, on a very regular basis: sometimes daily or weekly; almost always monthly.

Reason for leaving:

I have been an active trial lawyer for over 30 years and would like an opportunity to give back some of my experience and expertise to the judicial system that I have worked hard to support for so long.

b. Start Date: 1978 **End Date:** 1999

Organization: Treece, Richdale, Malone, Corning & Abbott, P.S.

Address: 1718 N.W. 56th Street, Seattle, Washington 98107

Phone No.: Not applicable

Position/Title: Attorney, Partner/Shareholder

Supervisor: Not applicable

Nature of Practice (including frequency of court appearances):

I was a trial lawyer engaged in civil litigation. I was also increasingly involved in committee work at the WSBA and the KCBA and WSTLA, serving as its President from 1994 to 1995. I appeared in hearings and trials at all levels of Washington courts and the Federal District Courts in Seattle and Tacoma.

Reason for leaving: Management issues arose in the firm. I left the firm in 1999 and the remaining attorneys dissolved that firm in 2000.

c. Start Date: 1974 **End Date:** 1978

Organization: Lagerquist, McConnell & Corning

Address: 125th and Lake City Way, Seattle, Washington

Phone No.: Not applicable

Position/Title: Attorney/Owner

Supervisor: Not applicable

Nature of Practice (including frequency of court appearances):

I was a general practitioner and appeared in court in domestic relations cases, including divorces and adoptions, federal bankruptcy court, and Washington State and Federal Courts in civil and criminal litigation. I began to specialize in civil litigation and increasingly limited my practice as a civil trial lawyer representing people who had been injured by the negligence of another individual or entity.

Reason for leaving: A childhood friend was an attorney practicing in the Ballard community of North Seattle, where I had grown up and attended high school. He and his law partners recruited me to move in with them and we founded the law firm of Treece, Richdale, Malone & Corning.

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d. Start Date: 1973 **End Date:** 1975

Organization: Jennings P. Felix & Associates

Address: Formerly Seattle First National Bank Building, 1001 Fourth Avenue, Seattle, Washington

Phone No.: Not applicable

Position/Title: Associate Attorney

Supervisor: Jennings P. Felix

Nature of Practice (including frequency of court appearances):

I started as a rookie lawyer working for a general practitioner. I was introduced to criminal defense litigation, domestic relations litigation, bankruptcy cases and litigation in all Washington Courts, U.S. District Court in Seattle and Tacoma as well as the U.S. Supreme Court.

Reason for leaving: I was involved in a dispute with my employer over his wrongful withholding of my wages and was discharged. I sued and recovered back wages.

e. Start Date: 1972 **End Date:** 1973

Organization: Metropolitan Shippers Clearings Corporation (MSCC)

Address: Bellevue, Washington

Phone No.: Not Applicable

Position/Title: House Counsel, Interstate Commerce Commission Practitioner

Supervisor: John Hill

Nature of Practice (including frequency of court appearances):

I was hired by this freight rate auditing company to start a legal department to advocate for national and international shippers in freight rate disputes before the I.C.C. I appeared in ICC cases and the Federal District Court and 9th Circuit Federal Court of Appeals.

Reason for leaving: The company had financial difficulties and closed its doors.

f. Start Date: 1970 **End Date:** 1972

Organization: Riach, Gese, Seather and Mueller

Address: Lynnwood, Washington

Phone No.: Not Applicable

Position/Title: WSBA Rule 9 Intern

Supervisor: Vern Seather and Rich Mueller

Nature of Practice (including frequency of court appearances):

I was a second year law student when this firm, which had both an active private practice and was the Municipal Attorney for the City of Lynnwood, hired me. At first my job was to prosecute the City's traffic court cases one day each week, but I was soon involved in legal research, briefing and civil litigation in Superior Court and District Court cases for the firm.

Reason for leaving: I graduated from law school in 1972 and took a higher paying job at MSCC, described above.

10. **Please list all other courts and jurisdictions in which you have been admitted to practice law and the dates of admission. Please provide the same information for administrative bodies having special admission requirements.**

1972 - All Washington State Courts; 1973 - U.S. District Court for the Western District of Washington; 1973 - U.S. District Court of Appeals - 9th Circuit; 1976 - U.S. Supreme Court; 1981 - U.S. Court of Claims

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11. **Please list all bar associations and professional societies of which you are a member and give the titles and dates of any offices that you have held in such groups.**

Beta Gamma Sigma, Business Honor Society; Ballard Chamber of Commerce President 1991-1992; Washington State Trial Lawyers (WSTLA) President 1994-1995 and President-Elect 1993-1994; Foundation for Washington Courts, Vice President (1999-present); Washington State Bar Association (WSBA) (several committees – see answer to No. 27); King County Bar Association (KCBA) (several committees – see answer to No. 27); American Association for Justice (AAJ) (Formerly Association of Trial Lawyers of America) sustaining member; American Board of Trial Advocates (ABOTA); Million Dollar Advocates Forum; National Institute of Trial Advocacy (NITA); Washington Super Lawyer (1999-present); Who's Who in American Law (1985 – present).

12. **Are you in good standing in every bar association of which you are a member? Yes / No. If you answered "no", please explain.**

Yes.

13. **If you have ever been a judge, please identify any court committees on which you have served or administrative positions you have held. Please state the dates of service for each.**

Not Applicable. I have never been a judge.

14. **Please list up to five of your most significant professional accomplishments. (If applicable, please provide the case and court name and the citation if a case was reported (and copy of the opinion)).**

1. *Lampe vs. Ford Motor Company* (Kitsap County Superior Court) that held an international corporation accountable for egregious burn injuries to Dan Lampe who was rear-ended by a drunk driver while driving a Ford Pinto that exploded into flames on impact. This case helped persuade the Ford Motor Company to stop manufacturing the unsafe Pinto.

2. *Bruns vs. Chrysler Corporation* (Kitsap County Superior Court) that held another international corporation accountable for the wrongful death of Sharon Bruns who was killed when she was seatbelted into a Jeep CJ vehicle that rolled over and the decorative rollbar collapsed and crushed her. This case helped persuade the Chrysler Corporation to stop manufacturing and selling the unsafe Jeep CJ vehicles.

3. I believe my election, as President of the Washington State Trial Lawyers Association (WSTLA), is a significant professional accomplishment because it represents a rise among a statewide organization of most of the best trial lawyers of my time. It also demonstrates the success I had with conducting meetings and working together with diverse people and it provided me with opportunities to work with the public, the media, politicians, judges, lawyers and other interested citizens to improve the practice of law, support the judiciary and promote access to justice.

4. I believe my election to the American Board of Trial Advocates (ABOTA) is a significant professional achievement because it represents the respect of my peers, both plaintiff trial lawyers and defense trial lawyers. Less than 100 lawyers in Washington state had been invited to become a member of this organization when I was inducted and I am proud to be included in this group of outstanding trial lawyers.

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15. Please summarize up to eight of the most significant matters that you participated in as an advocate. Please include the dates of your participation and the reason each was significant to you. Please provide the citation if a case was reported. If you have been a judge, please include some cases that have been tried before you.

1. The cases of *Lampe vs. Ford Motor Company* and *Bruns v. Chrysler Corporation*, above, because my services provided Dan Lampe sufficient resources to go on with his life and he married and had two children and a happy home. Sharon Bruns' orphans received periodic payments that enabled them to go on with their lives. Moreover, both Ford and Chrysler stopped designing, manufacturing and selling vehicles that were otherwise profitable, but which would certainly have killed and maimed many more innocent people if they had not been held accountable in a court of law.

2. *State vs. Ralph Williams* (1970s) and *State v. State Credit*, 32 Wn. App. 617 (1983), were aggressively contested cases that are milestones in the evolution of Washington's Consumer Protection Act (RCW 19.86). In the *State Credit* case I was the first attorney to ever recover attorneys' fees for a successful defendant in a CPA case brought by the Attorney General.

3. *Woody Olympic Lumber vs. Roney*, 9 Wn. App. 626 (1973), was the first case in Washington that recognized that an unliquidated tort claim is personal property, subject to attachment or execution, enabling my client to collect a judgment and empowering all others in the same situation.

4. *Garrett vs. Time - V.C., Inc.*, 502 F.2d 627 (1974), was my first Federal case and it established original jurisdiction of Federal district courts in Interstate Commerce Act cases and caused interstate motor carriers to pay prejudgment interest on shipping overcharges. The case is significant because it established the right of shippers to be fully reimbursed for overcharges, deterred deliberate overcharging and fostered prompt and fair claims practices for both overcharges and undercharges in interstate commerce.

5. *Smith, Stockinger and Triol vs. State of Washington*, Kittitas County Superior Court, (1995-2001) was litigation against Ford Motor Company, Discount Tire Corporation and the State of Washington arising out of a one car rollover collision on Interstate 90, west of Ellensburg. My clients were passengers in a Ford Bronco, which went out of control when its right rear axle failed, causing the vehicle to careen into a cable barrier installed by Washington State. The vehicle was caught in the sagging cable line that guided it into the next fixed object, a post, which tripped the vehicle, throwing it into a high-speed roll. Two of my clients were ejected and the third was partially crushed inside the rolling vehicle. All received catastrophic injuries. This case enabled each to recover substantial damages from each negligent defendant and caused the State of Washington to replace the hazardous cable barrier with a safer cement Jersey Barrier, improving highway safety for all citizens traveling in that area.

6. *Burney vs. State of Washington*, Kitsap County Superior Court (1980s into 1990s), was litigation where I represented the survivors of a young man who collided into the rear end of an empty flat bed truck which was stopped to make a legal left turn at the bend of a curve in SR3 between Gorst and Bremerton. I discovered collision reports and DOT studies declaring this short area of highway to be the most unsafe, lethal stretch of road in the State of Washington. The settlement reached in that case provided modest compensation to the deceased's family for his loss of life, but the case is significant to me because it caused the State to redesign that section of the highway and install cement Jersey Barriers, improving highway safety for all citizens traveling in that area.

7. *Cogswell vs. Whatcom County*, (Washington Court of Appeals, Div. I, unpublished opinion, 2002), was a case I lost, but it is significant to me because it was the catalyst for me to work to change bad law. The case upheld the trial court's dismissal of a personal injury lawsuit which was timely filed, because the Governmental Tort Claim was filed with the Whatcom County Auditor, not the "Clerk of the Council" designated in the local Whatcom County Ordinance. I worked with WSTLA and others to persuade the legislature to amend R.C.W. 4.96 to require governmental entities to register its designated agents with their County Auditor so that such travesties of justice would stop.

8. I consider any case I handle to be significant if I right a wrong or restore a bearable life to anyone whose life has been disrupted or destroyed by the negligence or deliberate harm of another. I feel good about what I do, whether the case is large or small, famous or unknown.

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24. Career Experience

(a) What percentage of your appearances in the last five years was in:

(1) Federal appellate courts	%
(2) Federal trial courts	1%
(3) State appellate courts	1%
(4) State trial courts	96%
(5) Municipal courts	1%
(6) District courts	1%
(7) Administrative tribunals	%
(8) Tribal courts	%
(9) Other	%
TOTAL	100%

(b) What percentage of your practice in the last five years was:

(1) Civil litigation (excl. family law)	95%
(2) Criminal litigation	%
(3) Family law litigation	%
(4) Non-litigation	5%
TOTAL	100%

(c) What percentage of your cases in the last five years were:

(1) Jury trials	0 %
(2) Non-jury trials	0 %
(3) Settlements	100%
TOTAL	100%

(d) State the number of cases during your total career that you have tried to verdict or judgment (rather than settled) in the following courts, and indicate for each court the following percentages: trials in which you were sole counsel or chief counsel; jury trials; and trials were you were the arbiter/decision maker.

<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% Jury</u>	<u>% as the Arbiter</u>
500	Municipal	99%	0%	
100	State Dist.	100%	10%	
60	State Superior	100%	90%	50%
4	Federal Dist.	100%	25%	
10	Administrative	100%	0%	
	Tribal Courts			
	Other			

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(e) **Briefly describe no more than five significant litigation matters that you directly handled as the sole counsel. For each, please provide the name and telephone number of opposing counsel, the name of the judge or other judicial officer, and the citation (if applicable).**

1. *Coffin vs. Filipovich*. (King County Superior Court, Honorable Terry Lukens); Opposing Counsel: Stephen M. Moriarity, 515 W. McGraw Street, Seattle, Washington 98119 (206) 282-8550
2. *Helmick vs. Khilko*, (King County Superior Court, Honorable Douglas North); Opposing Counsel: Frank Steinmark, 601 5th Avenue, Suite 2210, Seattle, Washington 98101 (206) 728-0260
3. *State vs. State Credit*, 33 Wn. App. 617 (1983) (King County Superior Court, Honorable David C. Hunter); Opposing Counsel: Jon Ferguson, Assistant Attorney General, 800 5th Avenue, Suite 2000, Seattle, Washington (206) 389-3830
4. *Masten vs. Lanera*, (King County Superior Court, Honorable Michael Spearman); Opposing Counsel: John A. Tibbs, 108 S. Washington Street, Suite 400, Seattle, Washington 98104 (206) 587-6570
5. *Smith, Stockinger & Triol vs. Discount Tire* (Kittitas County Superior Court, Honorable Michael E. Cooper); Opposing Counsel: Michael K. Taylor, 200 W. Thomas, Suite 350, Seattle, Washington 98119 (206) 622-2655

(f) **State in detail your experience in adversary proceedings before administrative boards or commissions during the last five years.**

In 2003, I represented a custodian at hearings conducted by the Shoreline School District arising out of reprimands being issued by a new Principal at the school where he worked. After 23 years experience in his job at the school district his superiors engaged in a concerted effort to create a hostile work environment intended to induce his resignation or termination. His union representatives were not defending him, so I took his case, filed an EEOC Complaint successful contested the allegations against him and helped save his job, his reputation and his career.

In 2005, I represented a woman who had been wrongfully characterized by the Department of Social and Health Services (DSHS) Background Unit as disqualified for jobs requiring unsupervised access to children or individuals with developmental disabilities, mental illness or vulnerable adults. The disqualification arose out of a shoplifting conviction she received, without legal representation, three years previously. I took her case and returned to District Court for a hearing to vacate her third degree theft conviction and restored her qualification to resume her teaching career.

25. **Please briefly describe any legal non-litigation experience that you feel enhances your qualifications to serve as a judge.**

I am a "people person" who has engaged in problem solving and dispute resolution activities since I was young. People bring problems to me for help in finding solutions. I worked my way through the chairs of leadership at WSTLA and other organizations often surrounded by strongly opinionated adversarial individuals who I brought together for a common result or made difficult decisions to end conflicts that could not be resolved amicably. I am an accomplished writer and public speaker, having testified in legislative hearings and given seminars for WSTLA, ATLA, WSBA, KCBA, and others. I have a work ethic that compels me to work hard and pursue the completion of tasks efficiently and effectively.

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- 26. If you are now an officer or director of any business organization or otherwise engaged in the management of any business enterprises, please provide the following: the name of the enterprise, the nature of the business, the title of your position, the nature of your duties, and the term of your service. If you are appointed and do not intend to resign such position(s), please state this below along with your reasons for not resigning.**

I am presently the sole owner and manager of The Corning Law Firm. I have two paralegal employees, a bookkeeper and an independent Certified Public Accountant. I am responsible for hiring, firing and all human resource issues, I deal with vendors of equipment, supplies and services if problems arise, but generally delegate most of these activities to my employees. I pay taxes, salaries, rent and other business expenses as well as most other duties required of owners of small businesses. I am responsible for accepting or terminating clients, complying with all rules and regulations that apply to their cases and providing them with the best legal representation I can.

I am not now an officer or director of any other business organization, but I am a founding member and chairperson of a Political Action Committee (Puget Sound Citizens for Political Responsibility (Puget Sound CPR).

I am the Vice-President and Trustee of the Foundation for Washington Courts.

If appointed or elected to the Judiciary, I will resign any conflicting positions.

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27. **Please list all chairmanships of major committees in bar associations and professional societies and memberships on any committees that you have held and believe to be of particular significance.**

WSBA – Chair, Public Relations Committee and Speakers Bureau (1983-1987)
Member, Legislative Committee (1990s)
Member, Bar-Pac (1990s)
Member, Task Force on Judicial Selection (2006 – present)
Speaker, Access to Justice and Bar Leaders Joint Conference (2007)

KCBA – Chair, Public Information Committee (1985-1987)
Chair, Judiciary and Court Committee (2001-2003)
Bench-Bar “Think Tank” re: Court Funding issues
Speaker, Bench-Bar Conference – Seattle (2002)

Foundation for Washington Courts - Vice President and Trustee (1999-present)

WSTLA – President (1994-1995);
President-Elect (1993)
Vice-President Finance (1992)
Vice-President West (1991)
Vice-President Public Affairs (1990)
Second Vice-President Public Affairs (1989)
First Congressional District Representative (1988)
Trial News Editorial Board Member (1988-1991)
Chair, Past President's Scholarship Committee (2006-present)

Southern Poverty Law Center – Leadership Council (2003-present)
Wall of Tolerance Honoree (2003)

Judicial Interest and Experience

28. **In 50 words or less, please describe why you should be appointed/elected and are seeking a judicial position.**

My life's work has been in Washington Courts, including my efforts to improve them. I have worked on issues like court funding, judicial selection, the composition of the Supreme Court, Mandatory Arbitration and court rules. I have promoted ethics, diversity and respect for lawyers, the law and our courts.

29. **In 50 words or less, please describe your judicial philosophy.**

Judges resolve peoples' disputes in a fair and impartial manner, deciding each case, without fear or favor, based only on the evidence and law applicable to that case. Judges must promote the efficiency of courts, maintain high standards of justice and enhance respect for laws and the judicial system.

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30. **Have you ever held a judicial office or have you ever been a candidate for such office? Yes / No. If you answered "yes", please provide details, including the courts involved, whether elected or appointed, and the periods of your service.**

No.

31. **Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? Yes / No. If you answered "yes", please provide details, including the offices involved, whether elected or appointed, and the length of your service.**

No.

32. **Please briefly identify all of your experience as a neutral decision-maker (e.g. judge (permanent or pro tem) in any jurisdiction, administrative law judge, arbitrator, hearing officer, etc.). Give courts, approximate dates, and attorneys who appeared before you.**

I have served as an arbitrator many times in private insurance disputes and as an appointed arbitrator in the King County Superior Court Mandatory Arbitration program. Attached as Exhibit "A" is a list of my cases from the King County Mandatory Arbitration Director. I have conducted arbitration hearings as both a single arbitrator and as a member of Arbitration panels. My last two arbitrations were:

1. *Addison vs. Laidlaw* (2007) – one of three arbitrators. The other two arbitrators were J. Patrick Duffy (Tacoma) and Allan J. Peizer (Seattle). The plaintiff's attorney was J. Roderick Stephens (Kent); the defendant's attorney was Jody K. Reich (Seattle).
2. *Hasson vs. Brian* (2006) – sole arbitrator, under King County MAR. The plaintiff's attorney was Matthew J. Bean (Seattle); the defendant's attorney was Dylan Jackson (Seattle).

Community and Civic Activities

33. **Please list your community and civic activities, including dates and leadership roles held, over the last 10 years.**

I have volunteered for committees and civic activities all my adult life. I was president of the Young Democrats at Seattle University in 1968 and a volunteer for the UW Law School program to provide free legal aid for Monroe Prisoners (LAMP-State) and free legal aid for McNeil Island Prisoners (LAMP II – Federal) from 1970 to 1972. I have been president of my daughters' elementary PTA at Assumption School in Seattle and coached their soccer, basketball and baseball teams (1982-1992). I served on the Board and as President of our neighborhood community association, The Windermere Corporation (1984-1988). I served on the Board and two terms as President of the Ballard Chamber of Commerce (1989-1992) and received its President's Award (1994) and was named its Business Person of the Year (1995). I currently serve on the Ballard High School Foundation Board and received its Captain William R. Ballard Award (2004). I am currently the Vice President of the Foundation for Washington Courts, raising private funds, anonymously, and providing grant funding to courts and court clerks, statewide. I am also a member of WSBA's Task Force on Judicial Selection. I have served as WSTLA's liaison to the WSBA Board of Governors during the last ten years. I have served on WSBA's Bar-PAC. I was a member of KCBA's "Think Tank" on Bench-Bar Efficiency and Court Funding issues. I am Chair of WSTLA's Past President's Scholarship Committee. I am the current Chair and Treasurer of a Political Action Committee, The Puget Sound Citizens for Political Responsibility (Puget Sound CPR, a PAC).