

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

NAME: Mary E. Fairhurst

Business Address: Washington Supreme Court

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

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**Professional History**

8. Year admitted to practice law in Washington: 1984

9. Employment History (in reverse chronological order):

a. Start Date: 1/1/03 End Date: current

Organization: Supreme Court

Address: PO Box 40929, Olympia, WA 98504-0929

Phone No.: 360-357-2053

Position/Title: Justice Position No. 3

Supervisor: \_\_\_\_\_

Nature of Practice (including frequency of court appearances):

Appellate review. Approximately 140 cases per year.

Reason for leaving: N/A

b. Start Date: 7/01 End Date: 12/02

Organization: Washington State Attorney General's Office

Address: PO Box 40123, Olympia, WA 98504-0123

Phone No.: 360-753-5528

Position/Title: Senior Assistant Attorney General, Division Chief of the Revenue, Bankruptcy and Collections Division

Supervisor: David Walsh

Nature of Practice (including frequency of court appearances):

Led and supervised two units of the Attorney General's Office that make up the Revenue, Bankruptcy and Collections Division. The Revenue Unit where I was located was in Olympia and had, in addition to me, 7 attorneys, 1 paralegal, 3 professional staff and 1 law clerk. The Bankruptcy and Collections Unit is in Seattle and had 5 attorneys, 3 paralegals, and 5 professional staff. I was lead counsel to the Department of Revenue (DOR) and worked closely with the Acting Director, Deputy Director, and Assistant Directors on revenue issues. I was a member of the DOR strategy team. I supervised the 7 attorneys who, in addition to myself, represented and advised DOR in all state tax cases and issues. Cases regularly involved constitutional issues and statutory construction issues. Cases were at all levels of court: U.S. Supreme Court, State Supreme Court, Courts of Appeal, superior courts and Board of Tax Appeals. Cases involving tribes and taxation issues were often heard in federal district court. Revenue cases dealt primarily with major excise taxes but there was a steady stream of property tax and miscellaneous tax cases. Case values and impacts range from tens of thousands of dollars to hundreds of millions of dollars. The Revenue Unit also enforced the Master Settlement Agreement and Non-Participating Manufacturers Agreement for Washington State. I also supervised the 5 attorneys providing bankruptcy and collection advice and representation to DOR, the Department of Labor and Industries, and the Department of Employment Security. I was a member of the Attorney General Management team.

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Reason for leaving: Election to Supreme Court

c. Start Date: 1/00 End Date: 7/01  
Organization: Washington State Attorney General's Office  
Address: PO Box 40123, Olympia, WA 98504-0123  
Phone No.: 360-753-5528  
Position/Title: Senior Assistant Attorney General, Division Chief of Revenue Division  
Supervisor: David Walsh  
Nature of Practice (including frequency of court appearances):  
Same as 9b but without the Bankruptcy and Collections Unit responsibilities.

Reason for leaving: Expansion of job responsibilities.

d. Start Date: 4/95 End Date: 12/99  
Organization: Washington State Attorney General's Office  
Address: PO Box 40113, Olympia, WA 98504-0113  
Phone No.: 360-586-1445  
Position/Title: Assistant Attorney General, Team Leader of the Civil Rights, later Corrections Unit, of the Criminal Justice Division  
Supervisor: Scott Blonien  
Nature of Practice (including frequency of court appearances):  
Team leader of the Civil Rights Unit leading 9 attorneys and representing the Department of Corrections (DOC) in numerous civil rights cases in federal district court and personal restraint petitions in the Court of Appeals. Was co-counsel on two class action cases brought by the inmates and the inmates' spouses. Also had a 2 week evidentiary hearing in federal district court on whether medical, dental, and mental health issues at the women's prison satisfied a stipulated judgment. Provided advice to the Director of Prisons and to the superintendents and staff at the correctional institutions. During the last 2 years in the position, responsibility expanded to advising DOC on siting, contracting, public disclosure, and correctional industries issues.

Reason for leaving: Promotion to Division Chief of Revenue Division.

e. Start Date: 4/91 End Date: 3/95  
Organization: Washington State Attorney General's Office  
Address: PO Box 40116, Olympia, WA 98504-0116  
Phone No.: 360-753-4964  
Position/Title: Assistant Attorney General, Transportation and Public Construction Division  
Supervisor: Ted Torve  
Nature of Practice (including frequency of court appearances):  
Represented the Department of Transportation (DOT) in construction claims litigation, a multi-million dollar case involving a 2 week jury trial in Thurston County Superior Court and a \$6 million case which was resolved several months after mediation before Tony Piazza. Numerous condemnation cases whose fair market value was settled after the Order Adjudicating Public Use was entered but before trial. Also, a Fair Labor Standards Act class action representing the DOT, Labor & Industries, and Employment Security in federal district court. The matter settled shortly before trial. I also represented and advised the Board of Tax Appeals.

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Reason for leaving: Promotion to team leader of the Civil Rights Team in the Criminal Justice Division.

f. Start Date: 1/89 End Date: 3/91

Organization: Washington State Attorney General's Office

Address: PO Box 40100, Olympia, WA 98504-0110

Phone No.: 360-753-6500

Position/Title: Assistant to the Attorney General, Administration Division

Supervisor: Kenneth Eikenberry

Nature of Practice (including frequency of court appearances):

Responsible for all of the attorney and law clerk recruitment. Worked on special projects for the Attorney General including the crime victims' constitutional amendment; executive committee on violent sex offenders, executive committee on used car sales, services, and safety.

Reason for leaving: Desire to return to litigation.

Please continue, if necessary, on a separate piece of paper in the above format as needed. – **SEE ATTACHED**

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.  
United States District Court for the Western District of Washington – Oct. 1991; United States District Court for the Eastern District of Washington – Oct. 1995; Ninth Circuit Court of Appeals – May 1998; United States Supreme Court – Oct. 2003.
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. Washington State Bar Association (WSBA) – admitted 1984; President WSBA 1997-1998; President-Elect WSBA 1996-1997 (chair); Board of Governors (WSBA), Third Congressional District – 1993-1996, Treasurer 1995-1996; Washington Women Lawyers (WWL) (state board: President 1989-1990; President-Elect 1988-1989; Legislative Liaison 1986-1988; WWL Capitol Chapter; Governmental Lawyers Bar Association; Thurston County Bar Association; National Association of Women Judges.
12. Are you in good standing in every bar association of which you are a member? Yes. If you answered “no”, please explain.

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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.  
Washington State Supreme Court: Judicial Information Systems Committee, chair 2008-present; Board for Judicial Administration (BJA), Public Trust & Confidence Committee, chair, 2003-present; BJA Court Security Committee, member 2007-present; Court liaison to WSBA's Council on Public Legal Education, 2003-present; Court Rules Committee, member, 2003-present; Personnel Committee, member, 2004-present; Court liaison to WSBA's Ethics 2003 Model Rules Committee, 2003-2004; Court liaison to WSBA's Character & Fitness Standards Committee, member, 2004-2006; Gender and Justice Commission, member, 2001-2004.
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) Being elected to the Washington State Supreme Court;
- (2) Decision in *Hallett v. Payne*, where United States Magistrate Judge Wilson in a 58 page opinion found for the prison after a 2 week evidentiary hearing. The judge had allowed discovery up to and during the evidentiary hearing. In addition to the original 3 plaintiffs' counsel, numerous other attorneys assisted the plaintiffs in their presentation and preparation. My co-counsel and I alone defended the prison;
- (3) Being elected President of the Washington State Bar Association and being the first public sector, second woman and youngest person so elected;
- (4) Handling with co-counsel, two class actions lawsuits, one while at the Transportation and Public Construction Division and one while at the Corrections Division. Both were very complicated, challenging suits. One settled and one was won on summary judgment and upheld on appeal to the Supreme Court;
- (5) The selection of Jan Michels as Executive Director of the WSBA and the process which we used for the selection that involved staff, Bar members, and specialty and minority bars, and the access to justice community.

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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) Hallett v. Payne – This federal district court case involved a stipulation and judgment over correcting conditions in the medical, dental, and mental health services at the women's prison. I became involved as co-counsel when I went to Corrections in 1995 and was involved until I left in 1999. The case involved experts giving their opinions, over 30 depositions, production of thousands of documents, significant briefing, and a 2 week evidentiary hearing in which the prison prevailed. I was significant to me because of the amount of time and effort involved.

(2) Ledcor Industries (II) – This Thurston County Superior Court case involved a multi-million dollar construction contract claim, alleging changed conditions at a pit on Snoqualmie Pass. I handled the case from its filing in 1992 to a 2 week trial in 1994. This case also involved numerous depositions. It was significant to me because I had to learn all about pits and aggregate production and it was my first lengthy trial.

(3) Ledcor Industries (I) – This Thurston County Superior Court case also involved a multi-million dollar construction contract claim, alleging delays on the construction of a portion of I-90 on Mercer Island. The claim was in 10 3-ring binders. It involved producing an entire construction officer's files on the project. I handled this case from its filing in 1991 to settlement several months after a Tony Piazza mediation. It was significant to me because I had to learn all about construction schedules and building of overpasses and paving of highways and because of the mediator.

(4) Associated Grocers - This Thurston County Superior Court case was a constitutional challenge to the wholesaler B&O classification. The industry wide impact was \$220 million. I handled this case from the beginning (1987) through the summary judgment argument (1988). It was significant to me because of the issues involved and the money involved.

(5) Dean v. Lehman – This case involved a class action by spouses of inmates challenging on constitutional grounds a statute allowing deductions from funds received by inmates. I was involved as co-counsel from filing in 1997 through briefing to the Washington State Supreme Court in 1999 (I was promoted from the division). It was significant to me because of the constitutional claim.

(6) Class action at Transportation and Public Construction - Employees of DOT, Labor & Industries, and Employment Security, alleging FLSA violations, brought this class action in federal district court. This case involved numerous depositions and review of time records and job descriptions. I was involved from its filing in 1992 until its settlement in 1993. It was significant to me because it was a class action and the organizational skills required me to keep track of all the employees, their hours, and job descriptions.

(7) Boeing cases – These cases consolidated and filed in Thurston County Superior Court covered 10 years of Boeing tax refund claims. I became involved as co-counsel in 1986 when I joined the Revenue Division and until my departure because of a promotion in early 1989. Although the case was not resolved until after I left, my involvement included organizing and understanding all of the Boeing claims on numerous tax claims. It was significant to me because of the number of different issues and dollar amounts involved.

(8) Extended family visit cases – These 5 cases were filed by inmates individually seeking to have extended family visits (EFVs) at the prison. I handled these cases between 1997-1999, defending DOC's new policy based on safety and implemented after there had been a stabbing at a facility during an EFV. It was significant to me because of the importance of the policy to DOC and the creative ways the inmates challenged the policy.

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**Educational Background**

16. Please list all undergraduate and graduate (non-law school) colleges and universities attended, years of attendance, degree awarded and reason for leaving if no degree was awarded.

<u>Gonzaga University</u>	<u>1975-1980</u>	<u>B.A. political science cum laude</u>
College/University	Dates of Attendance	Degree
_____	_____	_____
College/University	Dates of Attendance	Degree
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. Please list all law schools attended, years of attendance, degree awarded and reason for leaving if no degree was awarded.

<u>Gonzaga University School of Law</u>	<u>1981-1984</u>	<u>J.D. magna cum laude</u>
Law School	Dates of Attendance	Degree
_____	_____	_____
Law School	Dates of Attendance	Degree
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Professional Experience**

18. Please summarize, briefly, the general nature of your current law practice.  
I am a justice on the Washington State Supreme Court. I hear approximately 140 cases per year and author an average of 18 opinions per year. I chair and serve on a variety of committees to improve the administration of the justice system. I speak regularly about the courts and the rule of law.

19. If you are in practice, please describe your typical clients and any areas of special emphasis within your practice.

N/A

\_\_\_\_\_

\_\_\_\_\_

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20. If your present law practice is different from any previous practice, please describe the earlier practice, including the nature of your typical clients and any area of special emphasis within your practice.

My entire career has been in the public sector. Before joining the Supreme Court, I worked for the Attorney General's Office for 16 years representing state agencies and boards. My areas of emphasis were revenue, criminal justice, transportation, and labor.

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21. Within the last 5 years, did you appear in trial court:  
 Regularly                       Occasionally                       Infrequently
22. Within the last 5 years, did you prepare appellate briefs and appear before appellate courts:  
 Regularly                       Occasionally                       Infrequently
23. Within the last five years, how often did you appear in the court for which you are applying:  
 Regularly                       Occasionally                       Infrequently
24. Career Experience

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

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

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

(1) Civil litigation (excl. family law)	_____ %
(2) Criminal litigation	_____ %
(3) Family law litigation	_____ %
(4) Non-litigation	_____ %
<b>TOTAL</b>	<b>100%</b>

(c) What percentage of your trials in the last five years were: N/A

(1) Jury trials	_____ %
(2) Non-jury trials	_____ %
<b>TOTAL</b>	<b>100%</b>

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- (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>
_____	Municipal	_____	_____	_____
_____	State Dist.	_____	_____	_____
<u>4</u>	State Superior	<u>100%</u>	<u>25%</u>	_____
<u>18</u>	Federal Dist.	<u>100%</u>	_____	_____
<u>4</u>	Administrative	<u>100%</u>	_____	_____
_____	Tribal Courts	_____	_____	_____
_____	Other	_____	_____	_____

- (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).

I do not recall doing any significant litigation matter as sole counsel. In the Attorney General's Office significant litigation matters were handled by at least two attorneys.

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

N/A \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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25. Please briefly describe any legal non-litigation experience that you feel enhances your qualifications to serve as a judge.

I believe all of my service and leadership on committees and commissions to improve the justice system (see answer to question 27) enhances my qualifications to continue being a justice.

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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.

N/A \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.  
Washington State Supreme Court: Judicial Information Systems Committee, chair 2008-present; Board for Judicial Administration (BJA), Public Trust & Confidence Committee, chair, 2003-present; BJA Court Security Committee, member 2007-present; Court liaison to WSBA's Council on Public Legal Education, 2003-present; Court Rules Committee, member, 2003-present; Personnel Committee, member, 2004-present; Court liaison to WSBA's Ethics 2003 Model Rules Committee, 2003-2004; Court liaison to WSBA's Character & Fitness Standards Committee, member, 2004-2006; Gender and Justice Commission, member, 2001-2004.

Washington State Bar Association (WSBA); President WSBA 1997-1998; President-Elect WSBA 1996-1997 (chair); Board of Governors (WSBA), Third Congressional District – 1993-1996, Treasurer 1995-1996; Washington Women Lawyers (WWL) (state board: President 1989-1990; President-Elect 1988-1989; Legislative Liaison 1986-1988; WWL Capitol Chapter; Governmental Lawyers Bar Association; Thurston County Bar Association; National Association of Women Judges; Girl Scouts, Pacific Peaks Council, member 1995-1997; American Judicature Society, member 2003-2006.

Attorney General's Office: Governor's Domestic Violence Workgroup, member 1996-1998; Management Team, member 1995-2005 (training committee member 1995-1999 and chair 1999-2002; Violence Against Women Act State Advisory Committee, member 1995; Criminal Justice Training Commission, special counsel, 1994-1995; LASER (Lawyers and Students Engaged in Resolution) Project, sponsored by Attorney General, WSBA, Superintendent of Public Instruction and Governor's Office, committee member 1994-2002; Fair Labor Standards Act Work Group, member 1993-1995; Executive Committee on Used Car Sales, Service & Safety, member 1991-1992; Violent Sex Offender Executive Committee, member 1989-1990; Personnel Task Force, member 1986-1993.

**Judicial Interest and Experience**

28. In 50 words or less, please describe why you should be elected and are seeking a judicial position.  
I am dedicated to ensuring we have an impartial legal system that treats people fairly, equally and protects the basic rights of everyone. I am committed to enhancing the public's trust and confidence, making the courts efficient, responsive and safe, and ensuring everyone has equal ability to access the court.

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29. In 50 words or less, please describe your judicial philosophy.  
The courts are where parties resolve their disputes peacefully. My role is to consider the facts carefully, apply the law astutely and reach a fair and just result based on the constitution, law, and facts. Everyone involved is entitled to and deserves respect. Each branch of government has its role.
30. Have you ever held a judicial office or have you ever been a candidate for such office?  
Yes. If you answered "yes", please provide details, including the courts involved, whether elected or appointed, and the periods of your service.  
Washington State Supreme Court, elected, 2003-present.
31. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? No. If you answered "yes", please provide details, including the offices involved, whether elected or appointed, and the length of your service.
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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.  
Justice on the Washington State Supreme Court, 2003-present. Many attorneys appeared before me in over 700 cases. Attorneys who regularly appear before us are James Whisman, Kathleen Proctor, Eric Broman, David Koch, Charlie Wiggins, Sheryl Gordon McCloud, Paul Lawrence, Michael King, and Suzanne Elliot.

**Community and Civic Activities**

33. Please list your community and civic activities, including dates and leadership roles held, over the last 10 years.  
Gonzaga University (GU) Law School Board of Advisors, member 2000-present, president 2007-present; GU Board of Regents, member, 2007-present; GU School of Law Alumni Association, president, 2007-present; American Judicature Society, Washington Chapter, board member 2003-2006; National Association of Women Judges, member 2003 to present; Girl Scouts, Pacific Peaks Council, board member, 1995-1997; Saint Michael's Catholic Church – Co-chair, Capital Building Campaign General Phase fall 1992, member, Social Action Commission 1991-1995, Chair for Social Action Weekend Oct. 1995, Lector 1991 to present, Catechist for 10<sup>th</sup> graders 1991-1992, member Parish Planning Project Committee 1989-1990; Thurston County Volunteer Legal Clinic 1995-2002; YMCA Mock Trial Competition 1996-present; YMCA Youth and Government, We Build Young Leaders Campaign, 1993, 1994, 1996, 1997.

**UNIFORM JUDICIAL EVALUATION QUESTIONNAIRE  
FOR MARY E. FAIRHURST – ATTACHMENT**

Professional History No. 9 continued:

g. Start Date: 9/86 End Date: 1/89  
Organization: Washington State Attorney General's Office  
Address: PO Box 40123, Olympia, WA 98504-0123  
Phone No.: \_\_\_\_\_  
Position/Title: Assistant Attorney General, Revenue Division  
Supervisor: Lee Johnson

Nature of Practice (including frequency of court appearances):  
Litigated excise tax cases in the Board of Tax Appeals, Thurston County Superior Court, Court of Appeals Division II, and the Washington Supreme Court. First superior court case involved a commerce clause constitutional challenge, which had an industry-wide impact of \$220 million. Co-counsel on a Boeing tax case covering a 10 year tax period and numerous excise tax challenges. Case was still underway when I was promoted out of the division. Also handled Revenue personnel matters before the Personnel Appeals Board.

Reason for leaving: Asked to take on newly created role as Assistant to the Attorney General handling recruiting of lawyers and law clerks and doing special projects.

h. Start Date: 9/84 End Date: 9/86  
Organization: Washington State Supreme Court  
Address: PO Box 40929, Olympia, WA 98504-0929  
Phone No.: \_\_\_\_\_  
Position/Title: Judicial Clerk  
Supervisor: First Chief Justice Williams, then Justice Goodloe

Nature of Practice (including frequency of court appearances):  
Judicial clerk to Chief Justice William H. Williams and after is retirement, Justice William C. Goodloe. Assisted in research and preparation of judicial opinions.

Reason for leaving: Desire to work in the Attorney General's Office.

i. Start Date: 6/82 End Date: 6/84  
Organization: Crumb and Casey, P.S.  
Address: 1315 W. Mallon, Spokane, WA 99201  
Phone No.: \_\_\_\_\_  
Position/Title: Law Clerk and Rule 9 Intern  
Supervisor: Steve Crumb

Nature of Practice (including frequency of court appearances):  
Research and writing for a 3 person law firm specializing in union representation and prepaid union legal plans.

Reason for leaving: Graduation from law school, studying for the Bar exam.

j. Start Date: 9/81 End Date: 6/82

Organization: Gonzaga University School of Law Library

Address: PO Box 3528, Spokane, WA 99220-3528

Phone No.: \_\_\_\_\_

Position/Title: Cataloging Clerk

Supervisor: Librarian

Nature of Practice (including frequency of court appearances):

Cataloging and preparing books for the law library.

Reason for leaving: Eligible to be a law clerk.