

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

NAME: Rebecca J. Graham

Business Address: Law Office of Rebecca J. Graham

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: 1991
9. Employment History (in reverse chronological order):

a. Start Date: September 2001 End Date: current

Organization: Law Office of Rebecca J. Graham

Address:

Phone No.: (206) 335-0399

Position/Title: Attorney

Supervisor: self

Nature of Practice (including frequency of court appearances):

I currently serve as a judge pro tem in State Superior and District courts. I preside over juvenile offender, dependency, at-risk youth, truancy, and involuntary commitment calendars in King County Superior Court. In King County District Court, I serve on the criminal, civil, anti-harassment, and traffic calendars. From January 2002 to March 2004, I served as a judge pro tem in Kirkland, Seattle, and Kent Municipal Courts. I have served as a judge pro tem since December 2001 and have sat over 600 days on the bench. I preside over a wide variety of civil, criminal, and family law matters.

I worked for David S Marshall as a contract attorney from February 2006-October 2007. I represented adults and juveniles charged with criminal offenses in state superior court. My practice typically involved obtaining sexual deviancy evaluation and treatment on behalf of my client and negotiating a settlement. I appeared in court 1-2 times monthly. I have also represented clients on anti-harassment and protection order matters.

I was retained by the Seattle Mayor's Office to evaluate the city's car impound clinic from February to May 2003.

The following judges have supervised my work as a pro tem judge:

Judge Patricia Clark, Chief Judge, (206) 296-9190, King County Superior Court, Juvenile Division

Judge LeRoy McCullough, King County Superior Court, (206) 296-9245.

Judge Harry McCarthy, King County Superior Court, (206) 296-9209.

Judge Suzanne Barnett, King County Superior Court, (206) 296-9213.

Judges Linda Jacke, (206) 296 3660 and David Steiner, (206) 296-3685, King County District Court, Northeast Division.

Judge Judith Eiler, King County District Court (206) 296-7794.

Judge Albert Raines, former presiding judge, (206) 617-4461, Kirkland Municipal Court.

Judge Robert McSeveney, presiding judge, (253) 856-5730, Kent Municipal Court.

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9. Judge Jean Rietschel, presiding judge, (206) 386-9032, Seattle Municipal Court.

David S. Marshall can be reached at (206) 826-1400.

Reason for leaving: None.

b. Start Date: September, 1990 End Date: September, 2001
Organization: Associated Counsel for the Accused
Address: 110 Prefontaine Place, Seattle, Washington 98104
Phone No.: (206) 624-8105
Position/Title: Staff Attorney
Supervisor: David Chapman
Nature of Practice (including frequency of court appearances):

Indigent defense of persons accused of felonies and misdemeanors, including juvenile defendants.
Daily court appearances in Superior, District and Municipal courts.
Reason for leaving: Resigned following birth of second child.

c. Start Date: September, 1988 End Date: May, 1990
I left this office in December 1989 when I went to work for the Law Office of David Graham. I returned to this office in April 1990 where I remained until June 1990.
Organization: State of New Mexico Public Defender
Address: 301 North Guadalupe Street, Santa Fe, New Mexico 87501
Phone No.: (505) 827-3100
Position/Title: Staff Attorney
Supervisor: Jeffrey Jones
Nature of Practice (including frequency of court appearances):

Indigent defense of persons accused of felonies and misdemeanors. Daily court appearances in adult-felony and misdemeanor courts.

Reason for leaving: Relocated to Seattle, Washington.

e. Start Date: December, 1988 End Date: May, 1990
Organization: Law Office of David Graham
Address: 323 Los Pamos Road, Taos, New Mexico 87571
Phone No.: (907) 752-0808
Position/Title: Associate attorney
Supervisor: David Graham
Nature of Practice (including frequency of court appearances):

General civil and criminal practice. I handled civil, criminal, and administrative matters. I was a court appointed guardian ad litem on a litigated dependency matter, represented clients on contract disputes, personal injury, and criminal matters. Infrequent court appearances.

Reason for leaving: Relocated to Santa Fe, New Mexico and returned to state public defender office.

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.

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Federal Court for the Western District of Washington, admitted October 2005
Washington State Bar, admitted 1991
State Bar of New Mexico, admitted 1988. Voluntarily resigned 2005.

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.

Loren Miller Bar Association, co-chair judicial evaluations committee, 1996-1998.
King County Washington Women Lawyers, board member, 1998, 2003-04.

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.

None.

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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. In 2003, while serving on the board of King County Washington Women Lawyers as minority bar liaison, I designed and organized a forum to encourage women, particularly women of color, to pursue judicial careers with the goal of improving diversity on the bench. I created an agenda that included preparing for a judicial career, running for election vs. the appointment process, and balancing career and family. I solicited a diverse panel of eleven judges and two non-judicial officers. I moderated the event, which was presented as a Continuing Legal Education course entitled "So You Want to be a Judge." I was proud to present this Continuing Legal Education course, as I believe that a diverse and inclusive bench furthers the goal of access to justice.

2. I have served over 250 days as a pro tem judge and family law commissioner in King County Superior Court, Juvenile Division. I am one of a handful of attorneys, who are not retired judges, who preside as pro tem judges in the Court. I believe I have earned the respect of the judges in whose courts I preside and the attorneys who appear before me for my demeanor, knowledge of the law, preparedness, decision-making ability, fairness, and compassion.

3. I co-chaired the Loren Miller Bar Association Judicial Evaluations Committee from 1996-98. We evaluated and rated candidates for judicial office on behalf of the African-American Bar. As committee chair, I strived to ensure that candidates who received our highest ratings demonstrated a commitment to diversity and sensitivity to minority issues.

4. I represented a 19-year-old woman who was the sole caretaker for her 3-month-old baby. She was charged with 2 counts of conspiracy to deliver cocaine, charges that would have resulted in a lengthy prison sentence had she been convicted. Over the course of my representation, I learned her tragic history, which included physical and sexual abuse, the recent death of her father, and the domestic abuse she suffered at the hands of her ex-boyfriend who was the baby's father. I engaged the services of an expert psychologist, who concluded that she was a domestic violence victim and was coerced into participating in drug activity by her violent and abusive boyfriend. The charges were reduced to one count of possession of cocaine to which she pleaded guilty and received an alternative sentence of community service and probation. (*State v. Nancy Scheimann*, 1998).

5. I was selected as co-counsel, with Louis Frantz, to represent a defendant charged with first-degree rape and first degree kidnapping where the primary evidence involved DNA. At the time, DNA evidence was not generally admissible, as the science was not generally accepted as reliable within the scientific community. Both the State and defense retained and exhaustively interviewed experts from both sides to testify regarding the statistical and molecular biology of DNA evidence. I was the first female attorney in our large office to handle a complex case involving DNA evidence. (*State v. David Purnell*, 1993).

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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. I presided over a hearing where a 17-year-old youth had a warrant outstanding for a year and a half. He was a dependent child though Department of Children and Family Services was not actively involved with him since he refused services, was on runaway status, and lived on the streets. His former case manager from the Department of Social and Health Services appeared at the hearing. The youth said he was tired and scared of living on the streets and asked for help. The social worker agreed to place him in group care but the youth needed a parent to sign a voluntary placement agreement. His only parent resided in the King County jail. I continued the matter one day, kept the youth in detention, and set it before the dependency judge. The father was transported to court the next day, signed the voluntary placement agreement, and the youth was released to DSHS to be placed in a group home. Many cases I hear are significant and unique in their own way, but the most gratifying are those where everyone works together to serve the needs of troubled and challenging children. (January 2005)

2. I presided over an arraignment and detention hearing where the youth was charged with delivery of controlled substance. Her adult sister appeared with her but no parent appeared. The youth lived with her mother who was a drug addict and recently had given birth to a drug-addicted infant. The youth showed a lot of promise despite her poor home environment. Her sister loved and cared for her even though their only bond was an absent father and they had met only a few years earlier. I was touched by the compassion of the adult sister for her younger sibling who agreed to take responsibility for her while the matter was pending and the youth agreed to live with her and follow the rules in her sister's home. I remain hopeful that with consistent care and nurturing, this youth will turn around and reach her potential. (December 2004)

3. As a pro tem dependency commissioner, I presided over a motion to remove a 2 year old child from the foster home he had been in since birth because the foster parents tested positive for marijuana. Testimony showed that the foster parents nurtured and provided for the child and that the child was thriving in the home. A subsequent urinalysis test showed the parents' THC (marijuana) levels were declining, suggesting they were not currently using drugs. I ruled to keep the child in the home and ordered the foster parents to obtain a drug and alcohol evaluation, follow treatment recommendations, take regular and random urinalysis, and gave the Department of Social and Health Services authority to remove the child if there was another positive urinalysis. This was significant because of the balance of protecting the child from potential harm while making sure he had nurturing, stable, and consistent parenting. (June 2004)

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15. Continued.

4. As a pro tem juvenile court judge, I denied a motion for a deferred disposition which allows dismissal of a felony charge if the juvenile follows all court imposed conditions for a period of supervision. The following week, a different judge granted a deferred disposition to a co-respondent who was similarly situated. The defense moved for reconsideration in my case. I denied the motion but it raised legitimate concerns about disparate treatment of similarly situated offenders. I raised this issue with the presiding judge to try to correct the problem of having different judges reach significantly different outcomes given similar facts. (June 2004)

5. I presided over a probation violation in Kent Municipal Court. The defendant was a young woman with a four-month-old baby who had a long history of criminal convictions. She repeatedly violated the conditions of her probation with new law violations and using alcohol and drugs. While her attorney advocated for her to remain out of custody to care for her child, I believed the needs of her child and the community were best served by a lengthy jail sentence. I sentenced her to four months in jail where she had an opportunity to get the drug and alcohol treatment and parenting skills she needed. (2004)

6. I represented a woman confined to a wheelchair with multiple sclerosis and severe depression charged with arson in the first degree. She attempted suicide by overdosing on medications and then by attempting to burn herself. A serious fire resulted in her apartment complex from which she escaped without injury though she was hospitalized for the drug overdose. I tried this matter to jury using a diminished capacity defense and engaged an expert psychologist who testified at trial. The State presented expert testimony about the likely cause and path of the fire. The jury convicted her of the misdemeanor charge of reckless endangerment in the second degree. This matter was significant because of the complex issues regarding my client's mental health and disabilities as well as for the complex issues regarding fire investigation. (1994)

7. I represented an Egyptian man at trial accused of custodial interference who took his children from their custodial parent (mother) to Egypt. The trial lasted three weeks and involved numerous novel issues of jurisdiction, cultural and language, and Egyptian law, as the children were taken first to Canada with the mother's consent and then to Egypt, without her consent. My client was found guilty and repeatedly refused to disclose the whereabouts of the children despite civil contempt proceedings that resulted in him serving more jail time than he served on the criminal charges. (1994)

8. In one of my first felony cases as a King County public defender, I represented a developmentally disabled man accused of assault in the second degree, "shaken baby" syndrome, against his child. After extensive investigation with numerous medical experts, the charge was reduced to assault in the fourth degree. The case presented complex medical issues (particularly since the baby had a history of seizures from birth), and issues regarding care taking of children by parents with developmental disabilities. (1993)

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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.

New School for Social Research 1977-78, Freshman Year Program for advanced high school seniors. Most students transfer to four-year institutions following this program.

State University of New York, College at Purchase, 1979-1983, Bachelor of Arts in Political Science.

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

University of New Mexico Law School	1985-1988 Dates of Attendance	Juris Doctor Degree
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Professional Experience

18. Please summarize, briefly, the general nature of your current law practice.

I work primarily as a judge pro tem and family law commissioner in King County Superior Court and King County District Court. I serve or have served on the juvenile offender calendar, the dependency calendar, the at-risk youth and truancy calendars, and the involuntary commitment calendars in Superior Court. I serve on all calendars in King County District Court including jury trials, civil non-jury trials, civil motions, sentencings, reviews, pre-trials, and anti-harassment/protection order calendars.

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

NA

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.

As a state public defender, my clients were all found to be indigent. I did not have any special emphasis but worked in all state courts, superior, district, and municipal. The work I did for David Marshall involved the complexity of child sexual abuse. My clients were typically first time offenders who had mental illness and/or were in need of sexual deviancy treatment. This area of law involves the interchange of expert sexual deviancy evaluators, treatment providers, and mental health professionals.

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:

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Regularly Occasionally None. Infrequently

23. Within the last five years, how often did you appear in the court for which you are applying:

Regularly Occasionally X Infrequently

24. Career Experience

Over the last five years, I have had few court appearances as a practicing attorney as I have mostly worked as a judge pro tem. In the past two years, I have appeared in court as an attorney less than 10 times. I have not participated as a lawyer in a trial over the last five years.

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

(1) Federal appellate courts	_____	%
(2) Federal trial courts	_____	%
(3) State appellate courts	_____	%
(4) State trial courts	<u>80</u>	%
(5) Municipal courts	<u>20</u>	%
(6) District courts	_____	%
(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)	_____	%
(2) Criminal litigation	<u>80</u>	%
(3) Family law litigation	<u>20</u>	%
(4) Non-litigation	_____	%
TOTAL	100	%

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

(1) Jury trials	<u>0</u>	%
(2) Non-jury trials	<u>0</u>	%
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.

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<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% Jury</u>	<u>% as the Arbiter</u>
170+	Municipal	100%	80%	5%
80+	State Dist.	100%	80%	20%
60+	State Superior	100%	35%*	30%
_____	Federal Dist.	_____	_____	_____
_____	Administrative	_____	_____	_____
_____	Tribal Courts	_____	_____	_____
_____	Other	_____	_____	_____

*Approximately 20 of the trials I took to verdict in Superior Court involved juvenile defendants that are tried to the bench. The cases where I was the decision maker in Superior Court were all tried to the bench.

(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. State v. Billy Staples, Judge Larry Jordan (retired), (206) 223-1669. I no longer recall the name of the prosecutor. This was my first felony trial in King County. My client was an 18 year-old African-American man charged with delivery and possession of cocaine in two separate incidents. He faced a significant amount of time in prison. He was released on his personal recognizance but was returned to jail pending trial. When his trial date was set beyond the maximum time limit, I filed a written objection but the date went unchanged. The day of trial, I moved to dismiss the charge on speedy trial grounds. After a day of argument and deliberation, the Judge dismissed the delivery charge on speedy trial grounds. We then moved to suppress his arrest and search on the unrelated possession of cocaine charge based on lack of reliability of the informant. The Judge found the officer lacked probable cause and the charge was dismissed. 1992.

2. State v. Hussein Khedr, Judge Leroy McCullough, (206) 296-9245, Laura Banks, prosecutor, (206) 542-1840. My client was an Egyptian man charged with custodial interference who had taken his children, in violation of a court order, to Egypt. The case addressed many complex issues involving family law and the application of Egyptian law on his right to remove his children. This case was tried to jury. 1993.

3. State v. Cesar Gardner, Judge Brian Gain, (206) 296-9170 opposing counsel, Catherine Shaffer (now Superior Court judge), (206) 296-9185. A young man pleaded guilty to a charge of burglary and then successfully withdrew his plea. I represented him on the plea withdrawal and trial, which had a memorable moment when, during trial, the homeowner was shown an item presumably taken from his house during the burglary and denied that it belonged to him. This case was tried to jury. 1994.

4. State v. Melvin Modest, Judge Donald Haley, (retired), (206) 524-1080, opposing counsel, Renee Cespedes, (425) 462-6434. Drug delivery charge involving police sting operation and multiple police witnesses whose testimony differed substantially from their written reports. This case was tried to jury. 1994.

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(e) Continued.

5. State v. Tuong Huynh, Judge Anthony Wartnik (retired), (206) 290-0451, opposing counsel, Andrew Herman, (206) 343-4583 ext.104. This was a juvenile case where my client was charged with assault in the 2nd degree based on accomplice liability. I interviewed numerous witnesses and developed the theory that while the youth had been at the scene of this violent shooting, he had not actively participated in the offense. After many days of trial the youth was acquitted. This case was tried to the bench. 1997.

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

None.

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

I completed a five-day mediation-training course through the University of Washington School of Law in 2005. This training has served me well on the bench as many of the disputes that come before me can be resolved when the parties have a judge who listens well and is able to suggest solutions.

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.

None.

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.

I am the current chair of the Ethnic Diversity in the Legal Profession Committee with the King County Bar Association.

I co-chaired the Loren Miller Bar Association judicial evaluation committee for three years from 1996-1998.

I served as a board member for the King County Chapter of Washington Women Lawyers for three years in 1998 and 2003-04.

Judicial Interest and Experience

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

I have the breadth of experience, integrity, compassion, common sense, and commitment to justice to be an excellent asset to the bench. I am well prepared to step into a position of leadership. I am particularly interested in juvenile and family court where I may continue to work on issues that help strengthen fragile families and children.

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

I treat all people who appear before me with dignity and acknowledge their humanity. I am well prepared, listen actively, set clear expectations, and am courteous. I take an active role to ensure that parties' rights are honored while balancing the needs of public safety.

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.

Since May, 2004, I have served as a pro tem judge on the juvenile offender calendar and as a family law commissioner on the dependency, at-risk youth, children in need of supervision (CHINS), truancy, and involuntary commitment calendars in King County Superior Court. I hear a wide variety of civil, criminal, and family law matters including juvenile offender fact-findings (bench trials), dependency, truancy and at-risk youth fact-findings, criminal and family law motions, arraignments, detention reviews, probation modifications, pleas and sentencings.

I have served as a pro tem judge in district and municipal courts. From 2005-present, I served as a pro tem judge in King County District Court on the criminal, small claims, domestic-violence anti-harassment/protection order, and traffic calendars. I have presided over several jury trials, (including domestic violence trials), civil and criminal bench trials, numerous small claim trials, motions, probation reviews, pre-trial hearings, arraignments, and contested traffic hearings.

From January 2002-2003, I served as a pro tem judge in Kirkland, Kent, and Seattle Municipal Courts. I presided over criminal and civil calendars including two domestic violence jury trials, numerous bench trials and motions, probation reviews, arraignments, pre-trial hearings, contested traffic matters, and a civil trial concerning a vehicle impound.

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Community and Civic Activities

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

I am a board member of the Northwest Children's Fund, an organization that grants money to social service agencies that help abused and neglected children and their families. Each board member is responsible for a substantial financial contribution, fundraising, assisting with the annual auction, and visiting the agencies we fund. I am familiar with many of the agencies through my work as a pro tem judge in juvenile court including the Pediatric Interim Care Center (provides skilled post natal care for infants born to drug or alcohol addicted mothers), Ryther Child Center (provides therapeutic in-patient care to seriously developmentally and emotionally disturbed youth), and Childhaven (provides therapeutic childcare to foster children). I joined this board in October 2006.

I am active in my children's schools and volunteer regularly in the classroom and serve lunch in the cafeteria. Each year, we adopt a family in need for the holidays. I participate in kindergarten recruitment. In 2005, I coordinated the dessert auction part of the school's general auction and raised over \$3000.

Our family is a member of Temple Beth Am, a reform synagogue, where our children attend Hebrew school.

I was a volunteer coach for the Mt. Baker-Lakewood soccer team in the Fall of 2006. I organized the end of the season party and recognition for the lead coach.

Since 2003, I have organized and served meals to the women and staff at Jubilee House, a transitional shelter for homeless women on Capitol Hill. I have done this through King County Washington Women Lawyers and also individually.

I spearhead our neighborhood emergency preparedness planning. We meet to discuss planning for an emergency, such as a blackout or earthquake, caring for elderly or ill persons, identifying neighbors with special skills, and having a phone tree to check on the health and safety of all in the event of an emergency. I teach about preparing a three-day emergency kit and distribute city handbooks on emergency preparedness. I recently completed a wilderness emergency first aid class offered through the Mountaineers Club.

I participate yearly in the YWCA "Clean Your Closets" week, a program for professional women to donate gently used professional clothes to low-income women newly entering the work force.

In 2002, I served as co-chair on the board of the Mt. Baker Preschool Cooperative. I was responsible for recruiting new families, running monthly parent meetings, resolving conflicts, and overseeing budget and contract negotiations.

I am a School Days sponsor through the YWCA and I purchase and donate back to school supplies and clothing for needy families.

My family volunteers for the annual Mt. Baker Day in the Park, the Mt. Baker Children's garden, and our neighborhood P-Patch, Bradner Gardens.