

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

NAME: Jean A. Rietschel

Business Address: Seattle Municipal 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: 1977
9. Employment History (in reverse chronological order):
- (a) Name of Employer: self
Dates of Employment: 4/88 – 5/96
Position/Titles: Owner
Address: 513 32 Avenue, Seattle WA 98122
Nature of practice/position (including frequency of court appearances, if applicable): Solo practice. I established a thriving general practice devoted to serving the legal needs of individuals. I represented clients in the following areas: juvenile law, criminal law, personal injury, consumer bankruptcy, domestic partnerships, adoption, wills, estates and probate. Generally, I appeared in court twice weekly.
I closed down my practice to take my current position as a judge.
- (b) Name of Employer: The Public Defender
Dates of Employment: 5/80 – 2/88
Position/Titles: Staff Attorney
Address: 810 Third Avenue, Seattle WA 98014
Nature of practice/position (including frequency of court appearances, if applicable): In my eight years as a public defender, I worked in each of its divisions, felony, misdemeanor, juvenile, dependency, appeal, and civil commitment. I appeared in court almost daily as a trial attorney.
I left to go into private practice.
- (c) Name of Employer: Hafer, Cassidy and Price
Dates of Employment: 1/80 – 4/80
Position/Titles: Associate
Address: 2701 First Avenue, Seattle WA 98121
Nature of practice/position (including frequency of court appearances, if applicable): The firm represented labor unions. I prepared pleadings, memorandums, and briefs and represented clients charged with misdemeanors. My court appearances were infrequent.
I wanted to return to public defense work. I had worked in the area of public defense during law school.
- (d) Name of Employer: Institutional Legal Services
Dates of Employment: 11/77 – 7/79
Position/Titles: Juvenile Project Attorney
Address: 5308 Ballard Avenue NW, Seattle WA 98121
I represented juveniles confined in state institutions. I appeared regularly before state administrative boards and occasionally before the Court of Appeals and the State Supreme Court.
The funding for my position ran out.

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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.
Washington, United States District Court, Western District of Wa. 1977
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.
Present : King County Bar Ass. , DCMJA, IALGA
Past: Legals PS founding member, Board member and President, 1991-1996 Coalition of Minority Bar Associations, 1995
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

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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.

WSBA Rules and Procedures Committee 2001 –2003,
DCMJA representative
Chair, Regional Law Safety and Justice Committee, King
County 2002
Co-Chair, Misdemeanor Work Group, Adult Justice
Operational Master Plan, King County and member of
Advisory Committee, 2000 –2003
Chair, Regional Relicensing Summit, 2000 –2001
King County Public Defense Study 2000
Seattle Domestic Violence Council Critical Incident Review
Committee 2001
Washington State Domestic Violence Fatality Review 2000
Speaker: Lawyers Tool Box Nuts and Bolts on Criminal
Law (yearly seminar), Judicial Ethics, Domestic Violence
Court, Choosing the Judiciary, Race and Other Factors
Facing Criminal Justice, Sentencing, Public Disturbances,
Relicensing, Superior and District and Municipal Court
Judges Conferences and Judicial Training
Presiding Judge, SMC 2000- 2003, Assistant Presiding, 1998
–2000, Executive Committee 1998- 2006
Trial Court Coordinating Council 2002 – present, Chair of
committee 2003 -2005
Presiding Judge Education Committee 2003
DCMJA Courts Helping Courts Committee 2000 –2003
DCMJA Rules Committee 2001- present; Legislative
Committee 2003 - present
Stop Grant Domestic Violence Project 2002 –2003
Judicial Ethics Advisory Committee 2003 – 2006
King County Domestic Violence and Child Maltreatment
Coordinated Response 2006

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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).

Relicensing Court I have established this court, which works in conjunction with community agencies, CAMP and LEILO, to help persons charged with DWLS 3 start payment plans or community service and get their licenses reinstated. We started this program, understanding that having a license is a necessary step to getting a job, and that DWLS is a crime largely of poverty and distrust of court systems. The Relicensing court has increased public trust and confidence in the court system, increased the payment of fines, and decreased recidivism and jail costs. The court has become a model program for other courts in the state.

Alternatives to Confinement Program When I started at SMC the only sentencing options were jail, fines and community service. In my 3 years as Presiding Judge, we established an array of alternatives including electronic home monitoring, work crew and enhanced community service. While there was an interest in these programs to save jail costs, I have stressed that the court's interest is in promoting the rehabilitation of defendants. There has been a significant decrease in the use of jail due to these programs.

City v. Hodwitz (Greenpeace) The details of this trial are below. This case was a significant accomplishment due to the glare of the publicity, the cameras in the courtroom, and the difficulty of dealing with 10 lawyers at one time. After the trial had concluded both sides, the jurors, and even the defendants in the case expressed their appreciation for my fairness, objectivity and the quality of my decisions.

AJOMP Misdemeanor Report This was a two year process involving representatives from district and municipal courts, county and city legislatures, police, Harborview, corrections, and mental health agencies. We analyzed data from a wide variety of sources to make recommendations on the more efficient processing of misdemeanor cases. I was the co-chair of the committee. The King County Council and other legislative bodies have used our report in making planning and funding decisions for justice projects. Our three top recommendations have become the priorities of the time: establish failure to appear reduction strategies, establish alternative sanctions and establish relicensing programs. These recommendations were acted upon and have become established programs at our local courts and through out the state.

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15. Please summarize up to eight of the most significant matters that you partici

State v. Rhodes, 92 Wn 2d 755, 600 P2d 1264 (1979) Rhodes established the due process requirements for manifest injustice sentences for juveniles, holding that the state must prove the necessity for such a sentence beyond a reasonable doubt. I argued this case early in my career and it is still important law today.

In Re Frederick, 93 Wn 2d 28, 604 P2d 953 (1980) Frederick established the principle that juvenile offender matters are not felony convictions. This case was important as a successful argument in the Washington Supreme Court and because the holding was useful in my practice. I was able to obtain redress for a client who was terminated from a job due to a juvenile offender record.

CITY OF SEATTLE V HODWITZ ET. AL. (GREENPEACE) (1998)

The City charged fourteen defendants with public nuisance after a protest action against factory fish trawling. The defendants had suspended themselves from the Aurora Bridge. This case was extremely high profile and followed by the news media at every court appearance. There were 19 briefed pretrial motions. I dismissed charges against two defendants who had only spoken to the media on first amendment grounds. I severed the cases of the defendants who were charged with being accomplices. The trial was moved to Superior Court, due to its size. There were 10 lawyers and 8 defendants for the jury trial and it lasted nearly two weeks. This trial required extensive management and preparation.

MARGULLIS, RUSSELL, OHAIR, AND ATUATASI (2002)

Three defendants were charged with property destruction and three counts of assault, one with one count of assault for an incident at Dick's drive in. This case was significant in its multiplicity of issues: cross-racial and partial identifications, accomplice liability, and allegations of gay bashing. There was also an immunity agreement with one participant and the property damage was at a felony level.

T. Russell (2001) The defendant was charged with 21 counts of violation of a protection order, the allegation being that he continued to write letters to a minor after he was sent to prison. This case was significant in that it was difficult to separate the evidence as to each count, and due to the factual presentation it was likely that the jury would convict. After argument, I ruled that 8 counts would be sent to the jury. The defendant was convicted on those counts.

Roberts, Lewis, McThomas (1999) A police officer heard a report of a young black man in a stolen vehicle crashed near Garfield. Arriving at the scene and finding a situation that met that description, he acted. The young man in the car, however, was a bystander attempting to give aid. Three young men ended up being charged with obstruction and resisting. This case was an interesting trial with excellent attorneys. The defendants were found not guilty and a civil lawsuit was later filed in federal court.

CLARK – MUNOZ, (2004) A DRIVING UNDER THE INFLUENCE CASE IN WHICH THE DEFENSE CHALLENGED THE ADMISSION OF THE BREATH TESTS ON A TECHNICAL BASIS. THE MOTION ARGUED THAT THE THERMOMETERS USED WERE NOT TRACEABLE TO STANDARDS MAINTAINED BY THE NATIONAL INSTITUTE OF STANDARDS AND TESTING AS REQUIRED BY THE WAC. I SUPPRESSED THE BREATH TEST, RULING FOR THE DEFENSE, AFTER HEARING THE MOTION WITH ANOTHER JUDGE. OUR RULING WAS UPHELD AND QUOTED BY THE WASHINGTON SUPREME COURT AT 152 WN 39, 93 P3D 141 (2004).

City v. A. Usher (2004) One of the strangest cases I have ever been involved with as an attorney or a judge, I heard a two week motion on whether to admit 404b evidence in an harassment allegation against a next door neighbor. This dispute had been ongoing for years. Most of the harassment was done by e-mail or regular mail, with occasional property destruction. The city also alleged that the defendant had self inflicted an injury in an attempt to have the alleged victims charged with assault. After a two week preliminary hearing which included numerous witnesses, I issued a ruling admitting a substantial portion of the 404 b evidence. The trial was then settled.

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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.
University of Rochester, Rochester New York
Bachelor of Arts with Distinction 1972
University of Washington
Juris Doctor 1977
17. Please list all law schools attended, years of attendance, degree awarded and reason for leaving if no degree was awarded.
University of Washington
Juris Doctor 1977

Professional Experience

18. Please summarize, briefly, the general nature of your current law practice.
I have just finished a two and a half year assignment as the domestic violence court judge. As such I had an individual calendar where I kept my cases after arraignment, through pretrial, trial and probation. I heard cases of domestic abuse, child and elder abuse, as well as neighborhood harassment. The issues I dealt with involved no contact orders, Crawford admissions, and probation revocations. I presided over many domestic violence jury trials.
19. If you are in practice, please describe your typical clients and any areas of special emphasis within your practice.
N/A
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.
N/A
21. Within the last 5 years, did you appear in trial court:
 Regularly
22. Within the last 5 years, did you prepare appellate briefs and appear before appellate courts:
 Infrequently
23. Within the last five years, how often did you appear in the court for which you are applying:
 Infrequently
24. Career Experience

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(1)	Federal appellate courts	
(2)	Federal trial courts	
(3)	State appellate courts	
(4)	State trial courts	2%
(5)	Municipal courts	98%
(6)	District courts	
(7)	Administrative tribunals	
(8)	Tribal courts	
	Other	
	TOTAL	<u>100%</u>

B What percentage of your practice in the last five years was:

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

C What percentage of your trials in the last five years were:

(1)	Jury trials	80%
(2)	Non-jury trials	20%
	TOTAL	100%

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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 where you were the arbiter/decision maker.

<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% Jury</u>
75	Municipal	100 %	0 %
10	State District	100 %	0 %
500	State Superior	95 %	10 %
0	Federal District	0 %	0 %
20	Administrative	100 %	0 %

- (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).

Given the length of time since I have been a trial attorney I do not have this level of detail about past trials, i.e. dates, opposing counsel.

State v Wilson and Ashby My client and his friend, co-defendant, managed to cause considerable damage in their effort to cut down a Christmas tree. We admitted the act but denied criminal intent. The jury acquitted, believing my client's testimony.

State v Chase A juvenile charged with assault first degree and attempted robbery. I was able to secure a not guilty finding on the assault first degree in a high impact case

State v. Ingram This was not a significant case in that the charge was only obstruction. It is a case that I always remember because my client, a young black man, was convinced that the trial judge, a white woman, would be biased against him. I convinced him to stay with our assigned court and we obtained an acquittal. The process made an immense positive impression on this young man's life.

- (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.

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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.
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.
Chair, Trial Court Coordinating Council 2003 -2005
Chair, Regional Law Safety and Justice Committee 2002
Co- Chair Misdemeanor Work Group, Adult Justice Operational Master Plan
Chair, Regional Relicensing Summit 2000 -2001

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 am well respected in the legal community, having a wealth of experience as a trial judge and as an attorney. I am highly rated by attorneys, perceived as a fair and well-reasoned jurist. Having served as the Presiding Judge of a large court, I know how to handle the administrative functions of the court.
29. In 50 words or less, please describe your judicial philosophy.
My philosophy is to provide a fair opportunity to be heard to all parties, and to not prejudice any case or issue before hearing the evidence. I try to make the courtroom as open and comfortable as possible for the individuals appearing before me and to continue to examine myself for any biases.
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.
- Judge- Seattle Municipal Court appointed 4/96 Seattle Mayor Norm Rice
Elected 1998,2002, 2006
Portability Judge Superior Court, King County last two terms
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

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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. See answer no. 30 Also before my appointment I worked as a pro tem Judge in Northeast, Seattle District Court, and Seattle Municipal Court.

Community and Civic Activities

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

: Board Member Seattle Counseling Service 2005 - present
University of Washington Mentor Program 1998, 2000, 2003, 2005
YMCA Mock Trial Competition 1999, 2002
Mock trials 1997, 1998, Moot Court 2000, Seattle University Law School Trial program 2000, Sojourner Truth Moot Court 2000,
Speaking programs Spruce Street School 2002, Seattle Chinese Athletic Education night 2003
Neighborhood Emergency Services Team 2002, 2003