

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

NAME: Mariane Spearman

Business Address: King County District Court, West Division

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: 1985

9. Employment History (in reverse chronological order):

a. Start Date: July 2000 End Date: Present position
Organization: King County District Court, West Division
Address: 516 Third Avenue, Room E-327, Seattle, WA 98104
Phone No.: (206) 296-3630
Position/Title: Judge
Supervisor: n/a
Nature of Practice (including frequency of court appearances):
District Court judge

Reason for leaving: n/a

b. Start Date: November 1994 End Date: July 2000
Organization: Kirkland Municipal Court
Address: P.O. Box 678, Kirkland, WA 98083
Phone No.: (425) 587-3000
Position/Title: judge
Supervisor: n/a
Nature of Practice (including frequency of court appearances):
Municipal Court judge

Reason for leaving: I was appointed to the King County District Court.

c.. Start Date: June 1993 End Date: December 1994
Organization: King County District Court
Address: 516 Third Avenue, Room E-327, Seattle, WA 98104
Phone No.: _____
Position/Title: Magistrate/Judge Pro Tem
Supervisor: _____
Nature of Practice (including frequency of court appearances):
I was appointed magistrate and also served as a pro tem judge in all of the King County District Court locations.

Reason for leaving: I was appointed judge in Kirkland Municipal Court.

d. Start Date: April 1992 End Date: January 1994
Organization: Law Office of Mariane Spearman
Address: 605 First Avenue, Suite 350, Seattle, WA 98104
Phone No.: _____
Position/Title: Sole Practitioner
Supervisor: n/a
Nature of Practice (including frequency of court appearances):

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I primarily had a family law practice but I also handled criminal defense matters. I appeared in court on a daily basis.

Reason for leaving: My magistrate/pro tem duties for King County District Court became a full-time job.

e. Start Date: January 1985 End Date: April 1992
Organization: The Defender Association
Address: 810 Third Avenue, Suite 800, Seattle, WA 98104
Phone No.: (206) 447-3900
Position/Title: Staff Attorney
Supervisor: Jeff Robinson, Miriam Schwartz, Mike Filipovic, Michael Spearman
Nature of Practice (including frequency of court appearances):
I represented indigent clients accused of felony and misdemeanor crimes. I appeared in court every day.

Reason for leaving: I decided to open my own law office.

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

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.

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. _____

District and Municipal Court Judges Association
Asian Bar Association of Washington
Korean American Bar Association of Washington

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.

King County District Court, Rules Committee (1999-2000); ECR Committee (2004); Personnel Committee (1999-2000), (chair, 2007- present); Executive Committee (2007 - present); West Division Presiding Judge, (2007- present).
District & Municipal Court Judges Association, Long Range Planning Committee (1998-2000); Diversity Committee (1999).

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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. I was a public defender for seven years and tried approximately 100 jury trials. I am proud of the fact that I was able to assist many indigent individuals through the criminal justice system who would otherwise not have been able to afford to hire counsel.

2. I was appointed judge of Kirkland Municipal Court in 1995 out of a field of 96 applicants. During my five year tenure as presiding judge, I helped establish several innovative programs such as student traffic court, traffic ticket mitigation by mail program and the mentor program.

3. In the King County Bar Association survey of District and Municipal Court Judges, I was given positive ratings of my overall performance by 89% of the attorneys who appeared before me in 2001 and 91 % of the attorneys who appeared before me in 2005. Judges were evaluated on their decision making, demeanor, efficiency and impartiality.

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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.

State v. Rondi Elliott (1992). Ms. Elliott hired a hit man to kill her husband. The hit man turned out to be an undercover police officer. Ms. Elliott and her four young children had been verbally, physically and sexually abused by the victim over the course of many years. Ms. Elliott worked in a fast food restaurant making minimum wage and felt she could not leave her husband and still support herself and the children. She devised a plan to have him killed to collect the life insurance proceeds. She eventually pled guilty to attempted murder. The judge imposed a sentence below the standard range. This case was significant to me because although I could sympathize with my client's very difficult personal situation, there was no way to justify her actions. The judge carefully considered all of the mitigating circumstances presented on Ms. Elliott's behalf and imposed a just and reasonable sentence of 12 months in jail.

Campbell v. Sorenson (1992). My client, Stacy Sorenson, was a senior in high school living with her father and his new wife when she came to see me. Stacy was not happy at home and had moved out and was living in the home of one of her classmates. She wanted to go to college and wanted her father to help pay for her tuition. When Stacy had moved out, her father had cut off all financial support. Stacy supported herself by working part-time. Her friend's parents also provided some financial assistance. I sought to modify the parenting plan and child support order to order the father to contribute towards college costs. Stacy's mother lived out of state and was for all practical purposes, unable to assist in any way. Stacy's father furiously resisted claiming that Stacy was emancipated. The judge ultimately ruled that Stacy's father owed a continuing duty of support but that due to the financial aid she would receive and her father's claim of limited income, only a minimal amount of support was awarded. At the time I was representing her, I was shocked that her father would cut off all financial and emotional ties to Stacy in an attempt to control her. Fifteen years later, as the mother of a teenage daughter, I can understand how difficult it can be to try and convince your children to do what you think is in their best interests.

Kirkland v. Judith Haga (1996). Ms. Haga and her next door neighbor, Ms. Radford, had been feuding for years. Both had obtained anti-harassment orders against the other. While the orders were still in effect, Ms. Haga hung a sign in her living room window which read, "Tara (Radford) is Satan's Slave." Ms. Haga was charged with violating the existing anti-harassment order which prohibited communication with Ms. Radford. Ms. Haga hired and fired three different lawyers before her case finally went to trial. Ms. Haga argued that she had a first amendment right to post signs in her window. After a three day trial, Ms. Haga was convicted. The jury found that the signs were an attempt to communicate in violation of the order. This case presented some interesting constitutional issues but a tremendous amount of time and resources were spent by both sides over a truly de minimus case. Shortly after Ms. Haga was convicted, Ms. Radford moved.

State v. Hall & Jackson (2002). Five juveniles riding in a car approach a bicyclist. One of the juveniles leans out of the car and pushes the victim off his bike. The victim falls and is seriously injured. Both the driver and the front passenger were charged with assault and hit & run for leaving the victim without summoning any medical assistance. At trial the three back seat passengers testify that everyone in the car laughed when the victim fell and all expected him to get up unharmed. In fact, the victim suffered a broken collarbone, rib, elbow and a punctured lung. None of the teens had prior convictions and by all accounts none had set out with the intention of hurting anyone. However, due to their lack of judgment, two of them have felony convictions and the victim was left with permanent injuries.

Inquest into the Death of Lawrence Owens (2004). Mr. Owens, a level III sex offender, met the victim, Ms. Cordova, at a transitional housing shelter for women where he worked as a custodian. Ms. Cordova was a single mother who lived in the shelter with her 10 year old son. Mr. Owens shot and killed Ms. Cordova when she rebuffed his advances. As Mr. Owens was reloading his rifle, he was shot and killed by the police. The inquest jury had no difficulty concluding that the actions of the police in shooting Mr. Owens were reasonable. The case touched me on a personal level because the event took place just a few blocks from where I live and my son was also 10 years old at the time. It pained me to imagine the impact of this loss on Ms. Cordova's child.

Inquest into the Death of Samuel Curry (2007). The victim was walking near the Pike Place Market hill climb when Mr. Curry, armed with a gun, demanded his wallet. Fortunately for the victim, an off-duty police sergeant happened to be walking by and overheard the confrontation. The sergeant identified himself as a police officer and ordered Mr. Curry to "freeze" but Mr. Curry ignored his commands. The sergeant felt the victim was in danger and shot Mr. Curry. The inquest jury was unanimous in its finding that the shooting was justified under the circumstances. The sergeant testified that he had never before in 38 years as a police officer had occasion to fire his weapon, let alone kill anyone. The sergeant told the jury that in the months following the shooting, he has had difficulty sleeping and has suffered from ulcers. Clearly the taking of another person's life, no matter what the circumstances, was absolutely devastating to him and was certainly a sad note on which to end his career.

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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:

(1) Federal appellate courts	0	%
(2) Federal trial courts	0	%
(3) State appellate courts	0	%
(4) State trial courts	0	%
(5) Municipal courts	0	%
(6) District courts	100	%
(7) Administrative tribunals	0	%
(8) Tribal courts	0	%
(9) Other	0	%
TOTAL	100	%

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

(1) Civil litigation (excl. family law)	0	%
(2) Criminal litigation	100	%
(3) Family law litigation	0	%
(4) Non-litigation	0	%
TOTAL	100	%

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

(1) Jury trials	95	%
(2) Non-jury trials	5	%
TOTAL	100	%

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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 where 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>
<u>115</u>	Municipal	<u>13</u>	<u>100</u>	<u>87</u>
<u>150</u>	State Dist.	<u>10</u>	<u>100</u>	<u>90</u>
<u>125</u>	State Superior	<u>60</u>	<u>50</u>	<u>40</u>
_____	Federal Dist.	_____	_____	_____
_____	Administrative	_____	_____	_____
_____	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).

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(1) State v. Viney, 52 Wn.App. 507 (1988): Judge Charles V. Johnson, ret;
Prosecutor: Susan Noonan (206) 296-3645

My client, Mr. Viney, was accused of violently shaking his infant son in anger resulting in the child suffering a detached retina. Mr. Viney claimed that the injury resulted from a fall from a child seat. The State sought to introduce a statement that Mr. Viney had provided to the police stating that he had attended anger management classes at the request of CPS. I argued that this evidence was unfairly prejudicial because the jury would likely assume that CPS required Mr. Viney to attend anger management classes as evidence that he had an anger problem. Since there were other reasons for his taking the class, I argued that the court needed to weigh the prejudicial vs. the probative value of the evidence. The judge ruled that an ER 403 analysis was not required and admitted the statements. Mr. Viney was convicted. On appeal, the court determined that introduction of this evidence without the requisite balancing was reversible error and the conviction was reversed.

(2) State v. Bobby Lyons (1989): Judge Arthur Pichler, ret;
Prosecutor: Dean Lum (206) 296- 9295

The victim, the mother of two small children, called the police to report that Mr. Lyons had forcibly entered her apartment and attempted to rape her. Mr. Lyons insisted that she was invited into the apartment by the victim pursuant to an arrangement where he provided her drugs in exchange for sex. He claimed that he was sitting at the kitchen table when she came up behind him and cut his neck with a razor blade. He fled the apartment and she called the police. The police found Mr. Lyons glasses, umbrella and newspaper on the kitchen table. Mr. Lyons was acquitted of rape and burglary charges because the jury found it unlikely that a would-be rapist would enter a residence carrying a newspaper and umbrella and then remove his glasses prior to the assault.

(3) State v. Ronnie Penn (1989): Judge Susan Agid (206) 464-7750
Prosecutors: Jonathan Love and Anthony Shapiro (206) 623-7292

Mr. Penn and an unknown accomplice burglarized a woman's apartment. While one suspect ransacked the apartment looking for money, the other raped the victim. Mr. Penn was charged with burglary, rape and robbery. The evidence pointed to Mr. Penn's accomplice as the actual rapist. Mr. Penn refused to divulge the identity of his accomplice although I strongly suspected it was his older brother. Mr. Penn was convicted of all charges including the rape on an accomplice theory. The individual who raped the victim was never identified or charged.

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

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none

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

I am the Presiding Judge for the West Division of King County District Court. I work closely with the Division Director to ensure that all courtrooms are staffed and all calendars are covered by either a judge or a pro tem. I chair monthly meetings with all the judges as well as monthly meetings with the heads of all the defender agencies and prosecutors office. I am a member of the Executive Committee and serve as the liaison between the five judges in my division and the Presiding Judge of our court. I am Chair of the Personnel Committee and over the past year our committee has drafted a Pro Tem policy and worked on the inclement weather policy. I am a speaker at our annual pro tem training and do presentations on our speciality courts: Mental Health Court, Domestic Violence Court and Relicensing Court. It is my obligation to ensure that concerns of the judges, the court staff, the attorneys and the individuals who come into our court are heard and responded to promptly. My goal is to ensure that the court is providing efficient and effective service and the everyone who works at the court feels that their contributions are valued and appreciated.

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.
- Public Legal Education Committee, Washington State Bar Association, 2002-04
American Judicature Society, 2005-07
Personnel Committee chair, King County District Court, 2006- present; member of Executive Committee, 2006-present
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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 been a judge for over thirteen years. During this time, I have earned the respect of the attorneys that appear before me as evidenced by the high ratings I received in the King County Bar surveys in 2001 and 2005. If I am elected, I will continue to work hard to make a positive contribution to the Superior Court.

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

It is a judge's obligation to interpret and follow the laws as written by the Legislature. It is also a judge's obligation to ensure that the rights provided to all individuals under the Constitution are protected. A judge's first and foremost obligation is to see that justice is served.

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.

Yes.

Municipal Court Judge, Kirkland Municipal Court, appointed 1995 and served until July 2000.

District Court Judge, King County District Court, West Division, appointed 2000, re-elected in 2002 and 2006.

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.

Judge Pro Tem/Magistrate – King County District Court (1993-95)

Judge, Kirkland Municipal Court judge (1995 – 2000)

Judge, King County District Court (2000 – present)

Community and Civic Activities

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

Seattle Parks and Recreation, Board Member, 1994

Childhaven, Board Member, 1995-97.

Kids Court, Judge, 1996-98

Asian Youth and Law Forum participant, 1996-98

International District Pro Bono Clinic Coordinator, 1996-97

Student Traffic Court, Kirkland Municipal Court, 1997-98

Youth Diversion and Mentor Program, 1995-98

Speaker, Law & Justice class, Lake Washington High School, 1996-98

Lowell Elementary School, PTA treasurer, 1997

Lowell Elementary School PALS PTA, Co-Vice President, 1998-99