

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

NAME: Robert D. Kelly

Position Sought: Washington State Court of Appeals, Div I

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

Position Sought, Name, Business Address, Business email

Professional History: #8, 9, 10, 11, 12, 13, 14, 15,

Educational Background: #16, 17

Professional Experience: #18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32

Community and Civic Activities: #33

Professional History

8. Year admitted to practice law in Washington: 1997

9. Employment History (in reverse chronological order):

a. Start Date: 1998 End Date: none

Organization: Robert D. Kelly

Address: 1800 9th Ave., Suite 1630; Seattle, WA 98101

Phone No.: (206) 621-1337

Position/Title: Attorney

Supervisor: Self

Nature of Practice (including frequency of court appearances):

Civil litigation. Court appearances as necessary.

Reason for leaving: N/A.

1. Start Date: 1995 End Date: 1997

Organization: Whitman County Prosecutor's Office

Address: PO Box 30, Colfax, Washington

Phone No.: (509) 397-6250

Position/Title: Legal Intern

Supervisor: Jim Kaufman

Nature of Practice (including frequency of court appearances):

Worked on Appeals, including one to Washington State Supreme Court

Appeared on behalf of State of Washington in court cases.

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.

All Washington courts, admitted 1997

U.S. District Court for the Western District of Washington, admitted November 1998

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

Washington State Association for Justice

12. Are you in good standing in every bar association of which you are a member?

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.

N/A

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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).

I have represented clients in about a dozen jury trials. I have represented clients in many arbitrations, mediations, and negotiations. I have also represented clients in a number of bench trials. Opposing counsel appealed one of my cases, but Division One sent it back in an unpublished opinion (Arero & Abuna v. Bazley, Case number 60849-5-1).

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.

I've been working on Arero & Abuna, a case about a motor vehicle collision of June 14, 2005 since it started. It has involved some interesting legal and factual issues. The jury trial was elaborate. Co-plaintiff was granted a new trial. Opposing counsel appealed my client's judgment.

Negotiated settlements and alternative dispute resolutions seem to often serve the interests of the clients best. I have settled or otherwise resolved many cases per year over the last few years. The largest case I have settled was for a gross amount of \$120,000.

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>Hawaii Pacific U.</u>	<u>1992 - 1994</u>	<u>Master of Science</u>
College/University	Dates of Attendance	Degree
<u>University of Washington</u>	<u>graduated 1978</u>	<u>Bachelor of Arts</u>
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>University of Idaho</u>	<u>1994-1997</u>	<u>J.D.</u>
Law School	Dates of Attendance	Degree
<u>Franklin Pierce Law School</u>	<u>Summer, 1996</u>	<u>studied intellectual property</u>
Law School	Dates of Attendance	Degree

Professional Experience

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

Civil litigation, torts, personal injury cases.

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

I have clients of all types. Most of my current cases are personal injury cases.

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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.

While in law school I was a legal intern at the Whitman County Prosecuting Attorney's Office, working on traffic cases, misdemeanors, and appeals for the most part. After taking and passing the bar in 1997, I did a large quantity of volunteer work while waiting for the exam results. In 1998 and 1999 I was in general practice, doing practically any type of case, including family law and probate.

21. Within the last 5 years, did you appear in trial court:

Occasionally

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:

Once.

24. Career Experience

- (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	<u>1</u>	%
(4) State trial courts	<u>90</u>	%
(5) Municipal courts	<u>2</u>	%
(6) District courts	<u>6</u>	%
(9) Other	_____	%
TOTAL	<u>100</u>	%

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

(1) Civil litigation (excl. family law)	<u>50</u>	%
(2) Criminal litigation	<u>1</u>	%
(3) Family law litigation	<u>0</u>	%
(4) Non-litigation	<u>49</u>	%
TOTAL	<u>100</u>	%

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

(1) Jury trials	<u>80</u>	%
(2) Non-jury trials	<u>20</u>	%
TOTAL	<u>100</u>	%

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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>
5	Municipal	100	20	
5	District	80	20	
10	State Superior	100	90	5
1	Federal Dist.	100	0	
	Administrative			
	Tribal Courts			
	Other			

- (e) State the number of appellate cases during your total career where you appeared as counsel of record in the following courts, and indicate for each court the following percentages: cases where you were sole counsel or chief counsel, and cases where you were the arbiter/decision maker (if applicable).

<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% as the Arbiter</u>
1	State Superior Court	100	
1	WA. Div. I COA	100	
	WA. Div. II COA		
	WA. Div. III COA		
	WA. Supreme Court		
	Fed. Cir. COA		
	U.S. Supreme Court		

- (f) 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).

Diego Carlo v. Benedetti & Simpson, King County Superior Court Case #: 03-2-34845-7 SEA
Civil litigation concerning a multiple vehicle series of collisions on I-5. Tried to a jury before the Honorable Sharon Armstrong. Opposing Counsel was Michelle Slotemaker, (360) 753-4585

Arero & Abuna v. Bazley, tort - motor vehicle case, King County Superior Court,
Jury trial with the Honorable Laura C. Inveen presiding, (206) 296-9268.
Opposing counsel: James Mendel, (206) 839-4203.

Buhrmester v. Doe, et al., tort - motor vehicle case, King County Superior Court
Bench trial before the Honorable Bruce Hilyer, presiding, (206) 296-9096
Opposing counsel: Levi L. Bendele, (206) 386-7154, (206) 262-1200 EXT 254

- (g) 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 have done negotiations for clients and prepared legal documents. I have worked during my career dealing with people in various situations of need of counsel and advocacy. I have done contract drafting and will preparation.

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

I recently re-organized my law practice as a corporation called "The Megagood Corporation". If appointed, I expect I would be able to arrange for substitution of counsel for my clients.

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.

None.

Judicial Interest and Experience

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

My education and experience add up to being fit for a judicial position. I am a good citizen and member of the community. I have great faith in the law. I have the integrity and responsibility necessary to be a good judge. I would work very hard at the job.

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

My "judicial philosophy" includes being aware of the conscience of the community, the letter and spirit of the law, and the social, political, and legal circumstances. I do not believe in legislating from the bench, but rather in interpreting the law, with humanity, in a predictable fashion.

30. Have you ever held a judicial office or have you ever been a candidate for such office?
I briefly started the process to request appointment in October, 2008, then withdrew the application.
If you answered "yes", please provide details, including the courts involved, whether elected or appointed, and the periods of your service.

N/A.

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.

N/A

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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.

I served as arbitrator in an auto accident case, McLellan v. Vantress, King County Superior Court Case No.: 05-2-18135-4 SEA. The hearing was June 8, 2006. Plaintiff's counsel was Richard C. Martin; 6919 Lakewood Dr. W., Ste D-2; Tacoma, WA 98467; (253) 474-5555. Defense counsel was Steve M. Moriarty; 515 West McGraw St.; Seattle, WA 98119; (206) 282-8550.

I served as arbitrator another time where the parties settled before the hearing. The hearing was scheduled for October 9, 2006. The case was Jones v Hall, King County No: 06-2-38553-5 SEA. Plaintiff's counsel was Larry J. Landry; 1404 East Yesler Way, Ste 301; Seattle, WA 98122; (206) 343-9610 and Defense counsel was Peter K. Diamond; 520 Pike St., Ste 1300; Seattle, WA 98101; (206) 405-1909.

I served as arbitrator for a third time in the King County Superior Court case of Hoonan v. Urban, Case number 08-2-12136-4 SEA. The hearing was January 22, 2009. Plaintiff's counsel in that case was Pellegrino L. Certa; 701 Fifth Ave., Suite 4770; Seattle, WA 98104-7035; (206) 838-2500; FAX (206) 838-2502 and Defense counsel was Stephen Moriarty; 2 Nickerson St., Ste 100; Seattle, WA 98109; (206) 282-8550

Most recently, I served as arbitrator for the case of Kong v. Allstate, King County Superior Court Case No: 08-2-44791-0 SEA. Plaintiff's counsel in that case was Paul Apple of Buckley & Associates, PS, Inc.; 675 S. Lane St., Ste 300; Seattle, WA 98104; 206 622 1100; "Paul Apple"<papple@buckleylaw.net>. Defense counsel was Bradley D. Westphal of Lee Smart PS Inc. 701 Pike St., Ste 1800; Seattle, WA 98101; (206) 624 7990

I also volunteered and served as a judge for the American Association for Justice 2008 National Student Trial Advocacy Competition.

While in law school, I served as a judge for student moot court cases.

Community and Civic Activities

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

Church - Sunday School president