

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

NAME: Rebecca C. Robertson

Position Sought: Federal Way Municipal 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: 2000
9. Employment History (in reverse chronological order):
- a. Start Date: May 2007 End Date: Present  
Organization: King County District Court  
Address: 516 Third Ave Room W1034 Seattle, WA 98104 (Office of the Presiding Judge)  
Phone No.: 206-205-2820  
Position/Title: Judge Pro-Tem  
Supervisor: Presiding Judge Barbara Linde  
Nature of Practice (including frequency of court appearances):  
Preside over criminal and civil calendars on an as-needed basis, including arraignments, pre-trials, evidentiary motions, jury trials, and probation reviews, as well as civil motions, small claims, infraction hearings, and protection order and anti-harassment order hearings. I pro-tem in King County District Court on average three times per month.  
Reason for leaving: \_\_\_\_\_
- b. Start Date: June 2008 End Date: Present  
Organization: Issaquah Municipal Court  
Address: 135 E. Sunset Way, P.O. Box 7005 Issaquah WA 98027  
Phone No.: 425-837-3170  
Position/Title: Judge Pro-Tem  
Supervisor: Judge Scott Stewart  
Nature of Practice (including frequency of court appearances):  
Preside over criminal calendars on an as-needed basis, including arraignments, pre-trials, evidentiary motions, jury trials, probation reviews, and civil infractions. I appear in this court an average of twice a month.  
Reason for leaving: \_\_\_\_\_
- c. Start Date: July 2008 End Date: Present  
Organization: Kirkland Municipal Court  
Address: 11515 NE 118<sup>th</sup> St. Kirkland, WA 98033  
Phone No.: 425-587-3168  
Position/Title: Judge Pro-Tem  
Supervisor: Judge Michael Lambo  
Nature of Practice (including frequency of court appearances):  
Preside over criminal calendars on an as-needed basis, including arraignments, pre-trials, evidentiary motions, jury trials, and probation reviews. I appear in this court on average twice a month.  
Reason for leaving: \_\_\_\_\_
- d. Start Date: June 2003 End Date: Present  
Organization: Seattle City Attorney's Office, Public and Community Safety Division  
Address: 700 5<sup>th</sup> Ave Ste. 5300 P.O. Box 94667 Seattle, WA 98124-4667  
Phone No.: 206-684-7757  
Position/Title: Assistant City Attorney  
Supervisor: Mike Finkle  
Nature of Practice (including frequency of court appearances):  
Criminal trial practice, including trials and appeals on all misdemeanor and gross misdemeanor offenses. Currently assigned to the Appellate unit. Have practiced in the Domestic Violence Unit

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and General Trial Teams. Appellate issues include jury instructions, due process violations, habeus corpus petitions, double jeopardy, 6<sup>th</sup> Amendment violations, and search and seizure issues. I appear in court on a regular basis, both municipal and superior. Reason for leaving:

e. Start Date: September 2000 End Date: June 2003  
Organization: Kent City Attorney's Office, Criminal Division  
Address: 220 4<sup>th</sup> Ave S. Kent, WA 98032  
Phone No.: 253-856-5770  
Position/Title: Assistant City Attorney  
Supervisor: Sharon Hayden, Derek Smith, Arthur "Pat" Fitzpatrick  
Nature of Practice (including frequency of court appearances):  
Criminal trial practice, including trial and appeals on all misdemeanor and gross misdemeanor offenses. Practiced in both the General Trial and Family Violence Units, and drafted an ordinance, Neglect of a Child, K.C.C. 9.02.25. I appeared in court several times a week.  
Reason for leaving: Began practicing with the City of Seattle.

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, in the Western Division of Washington – admitted October 6, 2006

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.  
Chair Elect-WSBA's Criminal Law Section, 2008  
Secretary/Treasurer-WSBA's Criminal Law Section, 2007  
Member-Executive Committee-WSBA's Criminal Law Section, 2006-Present  
Chair-Elect-Mandatory Continuing Legal Education Board, 2008  
Member-Mandatory Continuing Legal Education Board, 2007-Present  
Member-WSBA's Court Rules and Procedures Committee, 2007-Present

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.  
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) Becoming a Judge Pro-Tem: This has allowed me to experience how difficult and rewarding it is to be a judge. I have handled many types of cases in many different courts, and have seen the good and the bad in each system. The experience has deepened my understanding and my commitment to making sure that those who serve the public on the bench do so with fairness, and a desire to do the right thing, always.
  - 2) Serving on the WSBA's Criminal Law Section's Executive Committee and Court Rules and Procedure Committee. Not only has this opened my eyes to criminal practices throughout the state that need to be adjusted, it has allowed me to have a direct influence on changes in criminal law. As a Judge Pro-Tem and a prosecutor, I saw how important it was for defendants who know little to nothing about the justice system to be represented at arraignment. I spoke on behalf of the Criminal Law Section and the Criminal Law Sub-Committee at the Board of Governors' conference on this issue.
  - 3) Preparing briefs for use in the Domestic Violence unit regarding the Confrontation Clause. In the last several years, there have been massive changes in the way domestic violence cases can be prosecuted because of recent U.S. Supreme Court opinions regarding hearsay evidence. I prepared evidentiary briefs based on this new area of law for our domestic violence unit, facilitating prosecution of cases that may otherwise have been dismissed.
  - 4) Using the King County medical examiner as an expert witness in misdemeanor domestic violence cases. Seattle v. Damon Johnson, Seattle Municipal Court. This had not been previously done in Seattle Municipal Court. Because strangulation victims often do not show physical injury, prosecution is sometimes difficult. With the help of the expert witness, we were able to tell the jury about other indications of strangulation present in the case that corroborated the victim's testimony. The defendant was convicted and a relationship was developed with the medical examiner which facilitated his use in other cases and allowed other prosecutors to see that using an expert witness was a viable option in misdemeanor cases.
  - 5) Participating in a lengthy and complicated case with participation of the medical examiner, fingerprint experts, police sketch artists, multiple jurisdictions, and hundreds of exhibits.

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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) Advocating for the presence of both defense attorneys and prosecutors at all arraignments before the WSBA Court Rules and Procedures Committee and the Board of Governors. As a Judge Pro-Tem I saw the importance of having counsel present at these hearings, and I was able to take that experience to the Rules Committee and the Board of Governors to bolster my argument. Participated in 2006-2007.

2) Serving as judge in a DUI trial in Issaquah Municipal Court in July and August of 2008. I handled the pre-trial motions regarding exclusion of evidence, and then subsequent trials. During pre-trial motions, the parties had been admonished not to mention the breath test. The prosecutor did so during jury voir dire, and I had to discharge the jury to avoid prejudice to the defendant. The second trial resulted in a guilty verdict.

3) Participating in a lengthy and complicated case with participation of the medical examiner, fingerprint experts, police sketch artists, multiple jurisdictions, and hundreds of exhibits in 2004. I was allowed to second chair this case when I was fairly new in the office. I wrote the pre-trial evidentiary motions that allowed entry of 404(b) evidence, which ultimately led to the defendant's two year jail sentence. The case allowed me to learn about various expert witnesses and handling complicated cases. Participated from July of 2004 to October 2008.

4) Trying an emotional domestic violence case which involved a very dangerous defendant, a victim and witness who were from another culture, and a defense attorney who behaved in a sexist manner towards me. I managed to ignore the behavior and keep my eye on the goal, convicting the defendant. I used King County Medical Examiner Richard Haruff as an expert witness to testify regarding the victim's strangulation, as there was almost no visible injury. After the conviction, the witness told me that before this case, she thought Pakistan cared more about women than the U.S. did, but that this experience had changed her mind. Jury trial in July, 2005.

5) Deciding not to prosecute a domestic violence case because I was just not sure who to believe. The victim claimed that there had been past domestic violence and wanted to prosecute the case. I did not disbelieve her, but I did not necessarily believe the crime had occurred either. I felt that to take the case to trial I had to fully believe the crime had been committed. Telling the victim we would not be prosecuting was one of the more difficult things I have done professionally. 2006.

6) Seattle v. Robert St. John, Supreme Ct. No. 81992-1, COA No. 60257-8-I. Currently pending. Appellate issue accepted by the Washington State Supreme Court for direct review. The issue is whether an officer can obtain a search warrant for a DUI suspect's blood after he has refused the breath test. The decision will affect all officers, defendants, and attorneys statewide regarding collection of evidence in DUI cases.

**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>University of Washington</u>	<u>Sept. 1992-June 1996</u>	<u>Bachelor of Arts/Pol. Sci.</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>Seattle University School of Law</u>	<u>August 1997-May 2000</u>	<u>Juris Doctor</u>
Law School	Dates of Attendance	Degree



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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>10</u> %
(4) State trial courts	_____ %
(5) Municipal courts	<u>85</u> %
(6) District courts	<u>5</u> %
(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>100</u> %
(3) Family law litigation	_____ %
(4) Non-litigation	_____ %
TOTAL	100%

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

(1) Jury trials	<u>95</u> %
(2) Non-jury trials	<u>5</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 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>40</u>	Municipal	<u>95</u>	<u>94</u>	<u>1</u>
<u>6</u>	State Dist.	<u>85</u>	<u>85</u>	
_____	State Superior	_____	_____	_____
_____	Federal Dist.	_____	_____	_____
_____	Administrative	_____	_____	_____
_____	Tribal Courts	_____	_____	_____
_____	Other	_____	_____	_____

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- (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>
<u>36</u>	<u>State Superior Court</u>	<u>100</u>	<u>                    </u>
<u>4</u>	<u>WA. Div. I COA</u>	<u>100</u>	<u>                    </u>
<u>          </u>	<u>WA. Div. II COA</u>	<u>                    </u>	<u>                    </u>
<u>          </u>	<u>WA. Div. III COA</u>	<u>                    </u>	<u>                    </u>
<u>2</u>	<u>WA. Supreme Court</u>	<u>100</u>	<u>                    </u>
<u>          </u>	<u>Fed. Cir. COA</u>	<u>                    </u>	<u>                    </u>
<u>          </u>	<u>U.S. Supreme Court</u>	<u>                    </u>	<u>                    </u>

- (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).

Seattle v. Richard Garza. Child neglect case tried to a jury, where dependency of child was affected. Defense counsel was Theresa Allman (206-447-3900), and the judge was the Honorable Judith Hightower.

Seattle v. Sean Locklear. Prosecution of a Seattle Seahawk for domestic violence. The case was high profile, and the victim had been punished by the Seahawks because of the arrest. Defense counsels were Jon Scott Fox and Bill Bowman (425-451-3512), and the judge was the Honorable Ron Mamiya.

Kent v. Jeff Johnson. Prosecution of a King County Sheriff's Deputy for domestic violence. The victim recanted out of fear, and the officers had initially not arrested the defendant. Defense counsel was N. Scott Stewart (253-859-8840) and the judge was the Honorable Robert B.C. McSeveney.

Seattle v. Robert St. John. Supreme Ct. No. 81992-1, COA No. 60257-8-I. Appellate case accepted for direct review by the Washington State Supreme Court regarding whether an officer can obtain a search warrant for a DUI suspect's blood after the suspect has refused the breath test. Appellate defense counsel is Ryan Robertson (206-246-5300). The RALJ judge was the Honorable Michael J. Fox.

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

None

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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 am currently Chair-Elect of the WSBA's Criminal Law Section, made up equally of defense attorneys and prosecutors. Our job is to exchange ideas relating to criminal law, debate changes to court rules and legislation, and then take positions on those changes before the Board of Governors and the Washington State Supreme Court. The section also arranges CLE's for all its members, and plans the annual Criminal Justice Institute. Serving on the committee has exposed me to many issues of import to all criminal practitioners, allowed me to have a hand in making sure that our voices are heard and our issues addressed before the Board of Governors and the general bar.

Additionally, I sit on the WSBA's Court Rules and Procedures Committee. This experience has allowed me to participate in positive changes in court rules that better protect a defendant's rights and ensure justice, most notably the changes to CrRLJ 4.1, now pending before the Washington State Supreme Court. This rule will mandate that attorneys be present at arraignment in all lower courts.

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.

Chair Elect-WSBA's Criminal Law Section, 2008

Secretary/Treasurer -WSBA's Criminal Law Section, 2007

Member, Executive Committee-WSBA's Criminal Law Section, 2006-Present.

Chair-Elect-Mandatory Continuing Legal Education Board, 2008

Member-Mandatory Continuing Legal Education, 2007-Present

Member-WSBA's Court Rules and Procedures Committee, 2007-2008

**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 want to see justice done. A judge is the face of the judicial system. The fairness and respect with which judges treat all parties facilitates access to justice. I know that as a judge I will, above all, do the right thing and treat all people fairly.

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

If parties are treated with fairness and respect, they are more likely to believe the system is just and comply with the court. A judge sets the tone for professionalism, fairness, and access to justice for all. A judge's job is to do the right thing, always.

30. Have you ever held a judicial office or have you ever been a candidate for such office?

No.

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31. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? 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. \_\_\_\_\_
- 1) Redmond District Court, motions hearing, 2007, Prosecutor Stephanie Snow and Defense counsel Nathaniel Wylie
  - 2) Redmond District Court, motions hearing, 2008, Prosecutor Larry Mitchell and Defense counsel Rene Cespedes
  - 3) Issaquah Municipal Court, motions hearing, 7/09/08, Prosecutor Mark Nelson and Defense counsel Philip Petersen
  - 4) Issaquah Municipal Court, jury trial, 8/28/08, Prosecutors Mark Nelson and Morgan Blackburn and Defense counsel Philip Petersen.

Additionally, I have presided over countless arraignment, pre-trial, and review hearings since May of 2007. I have listed many of the attorneys who have appeared before me during those hearings below. \_\_\_\_\_

**Community and Civic Activities**

33. Please list your community and civic activities, including dates and leadership roles held, over the last 10 years.
- I have dedicated all my time and energy into making the criminal justice system better. To that end, I serve on several committees and boards in an attempt to positively affect the profession that I love. Prior to becoming an attorney, I volunteered at the Northwest Women's Law Center, the Seattle Police Department's Crime Survivor's Unit, and King County District Court's Domestic Violence Advocate's Office. \_\_\_\_\_