

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

NAME: Matthew E. York

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

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

Professional History

8. Year admitted to practice law in Washington: 2002
9. Employment History (in reverse chronological order):

a. Start Date: September 2008 End Date: current
Organization: City of Kent
Address: 1220 Central Ave S, Kent, WA 98032
Phone No.: (253) 856-5730
Position/Title: pro tem Judge (part time)
Supervisor: Judge Robert McSeveney
Nature of Practice (including frequency of court appearances):

Since starting at the Kent Municipal Court I have appeared as pro tem judge 1-5 times a month. In this time I have been called upon to perform all the duties of a regular sitting judge.

Reason for leaving: N/A

a. Start Date: September 2002 End Date: current
Organization: King County Prosecutor's Office
Address: King County Courthouse W554, 516 Third Avenue, Seattle, WA 98104
Phone No.: 206-296-9000
Position/Title: Deputy Prosecuting Attorney
Supervisor: Marilyn Brenneman
Nature of Practice (including frequency of court appearances):

In my almost seven years in the prosecutor's office my practice has been varied in nature but mostly criminal law oriented. Having served in the district court division, the juvenile court division, the drug unit, the felony filing division, the felony trial teams division and as a case development deputy I have spent a large amount of time in court. I have successfully prosecuted in trial everything from a misdemeanor to a class A felony. My court experience is not limited to jury trials. I have served as the prosecutor in the following hearings: first appearance, arraignment, drug court, bond hearings, pre-trial hearings, suppression hearings, omnibus hearings, bench trials, juvenile decline hearings, sentencing hearings, review hearings, restitution hearings, appeals, administrative forfeiture hearings. There are very few jobs that would allow for more court appearances than that of a Deputy Prosecuting Attorney for King County.

Since September 2008 I have also served as a pro tem judge in the city of Kent. I have done this an average of 2-4 times a month. In this role I have handled a wide variety of hearings and issues. I have served as a judge in the following hearings: arraignment, pre-trial, jury call, review hearing, sentencing, restitution, bond, jury trial, suppression hearing. While this experience was very valuable, having been a prosecutor for all these hearings I felt well prepared to step into the judicial role.

Reason for leaving: N/A

b. Start Date: May, 2001 End Date: August 2001
Organization: King County Prosecutor's Office
Address: King County Courthouse W554, 516 Third Avenue, Seattle, WA 98104
Phone No.: 206-296-9000

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

Position/Title: Rule 9 Intern

Supervisor: Brian McDonald

Nature of Practice (including frequency of court appearances):

The nature of this practice was criminal law. In this position I completed 16 bench trials to verdict and more to plea and sentence. I served as the lead prosecutor on all of these trials before I completed my third year of law school. Several of these trials included suppression hearings based on the 4th and 5th amendment.

Reason for leaving: Finish law school.

c. Start Date: April, 1994 End Date: January, 1996

Organization: Clark County, Public Works

Address: 500 S. Grand Central Pkwy., Las Vegas, NV 89155

Phone No.: 702-455-0000

Position/Title: Maintenance Worker I

Supervisor:

Nature of Practice (including frequency of court appearances):

Maintenance on the roads of Clark County Nevada. This included asphalt patching, road construction, concrete work, traffic control, fog sealing and crack sealing.

Reason for leaving: Finish BA

d. Start Date: February, 1993 End Date: April, 1994

Organization: Port of Subs

Address: Henderson, NV

Phone No.: N/A

Position/Title: Store Manager

Supervisor:

Nature of Practice (including frequency of court appearances):

Managed the daily operation of the store. This included inventory ordering and controls. I also did the scheduling and accounting for all employees and sales.

Reason for leaving: Higher paying job

e. Start Date: May, 1991 End Date: February, 1993

Organization: Century Theaters

Address: Reno, Las Vegas and Henderson Nevada

Phone No.: unknown

Position/Title: Assistant Manager

Supervisor: unknown

Nature of Practice (including frequency of court appearances):

Managed the daily operation of a multi-million dollar company. Performed discipline, scheduling and training for 60-100 employees. Supervised all aspects of the operation.

Reason for leaving: Higher paying job

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

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

admission requirements.

N/A

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.

N/A

12. Are you in good standing in every bar association of which you are a member? Yes. If you answered "no", please explain.

N/A

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

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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 – After starting my current rotation within the prosecutor's office I became aware of a significant problem with the procedure that was being used to control the access to confidential informant information files. These files were not being secured as they should have been. I developed, adapted and instituted a new policy for the entire office to fix this issue.

2 – State v. S.S. King County Juvenile Court (not reported). After having only been in the prosecutor's office for a year and a half I was entrusted with a juvenile murder in the first degree case which I handled from filing to trial. My co-counsel in the case was Jessica Berliner. At the time we were both serving as deputy prosecuting attorneys in the Juvenile Division. Neither of us had prosecuted a murder trial at that point. I served as an equal partner in the trial performing the opening statement and serving as lead on the critical 3.5 hearing that provided the crucial confession by the respondent. I also performed the direct examination on many of the witnesses. After the respondent was convicted of murder in the second degree the respondent's appeal was centered on my Miranda arguments. The conviction was affirmed.

3 – I helped to strengthen the relationship the prosecutor's office has with all law enforcement agencies in King County. There is a danger as a prosecutor to forget that the police are our partners and not our subordinates. For the last two and a half years I have been working closely with the police in the same office. The Valley Narcotics Enforcement Team, DEA and Eastside Narcotics Task Force have all looked to me as lead counsel. I have managed to create an environment of respect and open dialogue with the police that did not exist when I started the position.

4 – I have developed specialized knowledge in search and seizure law. The prosecutor's office has entrusted me with the heavy responsibility of reviewing warrants for the police on a 24 hour / 7 day a week basis. In reviewing about 500 warrants in this time I have seen many search and seizure / Miranda issues and have helped guide the police through these issues. I was asked by the DEA to teach their class on search and seizure and consent. I have also performed numerous trainings for law enforcement agencies all over King County on new case law. I also field search and seizure questions from other deputies in my office on a regular basis.

5 – One of my current job responsibilities is to seize assets of drug dealers and perform the administrative seizure hearings and civil trials required for due process. My current task force has seized over 3.8 million dollars from 1998 to 2008. In my two years service in that time I am responsible for over 47% of that total money seized.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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 – **Rejection** – It is a difficult thing to tell a detective or officer that their warrant is insufficient and they cannot search any further. This responsibility falls upon me in my current position. I see it as a sacred trust of the public to protect the constitutional rights of people when the police do not have probable cause. This is a responsibility I have taken to heart. I am also proud that I have been able to do this in a way that educates law enforcement for future investigations in order to create a higher likelihood of successful prosecution based on the facts.

2 – **State v. S.S.** – This was a juvenile murder case where the respondent had shot another juvenile from a second story window with a rifle. I received this case early in my career. It is significant to me because it illustrates the trust the prosecutor's office had in my abilities. It is also a lesson that in many prosecutions there are multiple victims besides the named one in the information. This was a lesson to look at the whole picture of each case.

3 – **City of Kent v. Brandon Daniel** – Serving as a trial judge for the first time in municipal court I heard an Assault in the Fourth Degree case – Domestic Violence. Serving as judge in a domestic violence matter brings home the point of the extensive D.V. training that is supplied at the King County's Prosecutor's Office. This case involved siblings.

4 – **State v. O.M.** – In this Juvenile Assault in the Second Degree case the respondent threatened the victim with a knife. The victim showed great courage confronting the respondent in court by showing up and testifying against him. The victim assured me that he was going to have to pay for this courage when the respondent got out of custody. He testified anyway.

5- **State v Blake Bradley** – This was a Taking Motor Vehicle in the Second Degree case. This was the first felony jury trial I lost. It is important to learn from the losing as well as the successes. This matter had the defendant driving a vehicle with a torn out steering column held together with a scarf. The jury did not believe a word the defendant said, but decided that since they would not have suspected the car was stolen from the condition of the car that the defendant should not be held to a different standard.

6 – **Eastside Narcotics task Force v. Marques Player** – This was a civil forfeiture matter with a complex issue of probate involved. \$268,000.00 was recovered in the home of the father of a convicted drug dealer. The police knew the money was there because of a series of phone calls made from prison by the defendant. This case was subject to mandatory mediation. Having received specialized training in mediation and mediation advocacy I was able to apply these specific skills for the first time. The case was resolved via settlement as a product of mediation.

7 - **State v. Douglas Bush** – This was a DUI matter that lacked a breath test. The State's evidence in this matter was based on partially failed field sobriety tests and an open container in the car. This case forced me to consider factors that may exist outside of the court. Mr. Bush is a cousin to former president Bush. At the time of this trial President Bush was a very popular president and I was concerned about the possibility of this affecting the outcome. I asked for and was granted a motion to suppress any reference to this relation.

8 – **Valley Narcotics Enforcement Team v. Hoang Huynh** – This matter was an administrative hearing matter with a hearing examiner. In this process the defense attorney argued to apply Crawford to the 69.50.505 hearings. The statute explicitly allows hearsay but the argument was that the confrontation clause should apply to quasi-criminal hearings where the punishment of a loss of property is at stake. This argument was the first of its kind for the prosecutor's office and I was responsible for establishing our office's position on the matter.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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 Nevada, Reno | 09/1990 – 12/1991 | |
| College/University | Dates of Attendance | Degree |
| University of Nevada, Reno | 01/1996 – 05/1999 | BA / Communication |
| 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.
- | | | |
|-----------------------|---------------------|--------------------|
| Willamette University | 09/1999 – 05/2002 | JD |
| Law School | Dates of Attendance | Degree |
| Willamette University | 09/2000 – 05/2002 | Dispute Resolution |
| Law School | Dates of Attendance | Certificate |

Professional Experience

18. Please summarize, briefly, the general nature of your current law practice.
- I am currently assigned to provide legal support to the Eastside Narcotics Task Force. It is a vertical prosecution position that allows for prosecutor involvement at every stage of the investigation and criminal case. While providing legal advice early on to produce constitutionally sound cases is very helpful to law enforcement, this advantage is hard to realize due to the cost of such a venture. This cost is offset by the assets seized under statute from drug dealers. I am responsible for ensuring that due process followed in every stage of this as well. I have seized real property and instituted superior court civil actions against these properties in King County, Pierce County and Snohomish County.
- I am also "on call" for any law enforcement officer to telephone for legal advice at any hour. I am called on a regular basis by agencies all over King County and beyond. It is also my job responsibility to educate law enforcement as to what is constitutional and what is not. I vet cases prior to judicial scrutiny to ensure that these cases will provide admissible evidence in trial. I have taught over a dozen local agencies in King County and have educated the Immigration and Customs Enforcement and the Drug Enforcement Agency on State law requirements as well when they have contacted me.
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:
- X Regularly Occasionally Infrequently

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

22. Within the last 5 years, did you prepare appellate briefs and appear before appellate courts:

Regularly Occasionally X 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

(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	1%
(4) State trial courts	60%
(5) Municipal courts	5%
(6) District courts	4%
(7) Administrative tribunals	30%
(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)	20%
(2) Criminal litigation	75%
(3) Family law litigation	0%
(4) Non-litigation	5%
TOTAL	100%

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

(1) Jury trials	70%
(2) Non-jury trials	30% (Administrative hearings mostly)
TOTAL	100%

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

- (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>
1	Municipal	0%	100%	100%
25	State Dist.	100%	80%	0%
15	State Superior	100%	95%	0%
0	Federal Dist.			
15	Administrative	100%	0%	0%
0	Tribal Courts			
25	Juvenile	96%	0%	0%

- (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>
0	State Superior Court	_____	_____
4	WA. Div. I COA	100%	0%
0	WA. Div. II COA	_____	_____
0	WA. Div. III COA	_____	_____
0	WA. Supreme Court	_____	_____
0	Fed. Cir. COA	_____	_____
0	U.S. Supreme Court	_____	_____

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

- (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).

State v. Beattie – 05-1-12409-3 knt - Prosecuted a Burglary in the Second Degree matter where the defendant broke into a construction yard and was accused of attempting to steal a front end loader. Judge LeRoy McCullough presided (206) 296-9245 – Defense Attorney Steve Adams (206) 322-8400.

State v. O.M. – 03-8-04151-5 - Prosecuted an Assault in the Second Degree allegation where the defendant threatened to stab the victim with a knife on the street in Seattle. Judge Jeffrey Ramsdell presided (206) 296- 9125 – Defense Attorney Juni Luyombya. (206) 447-3900.

State v. Ronnie Lockett – 04-1-09589-8 sea- Prosecuted a Violation of the Uniform Controlled Substances Act – possession of cocaine. The defense raised an unwitting possession defense. Judge Nicole Macinnes presided (ret.) – Defense Attorney Terri Ann Pollock (206) 322-8400.

State v. Ricky Washington – 06-1-05305-9 knt - Prosecuted a Violation of the Uniform Controlled Substances Act – Delivery of Cocaine. Mr. Washington was accused of delivery of cocaine to a confidential informant. At issue at trial were the identification of Mr. Washington and the lack of the confidential informant's testimony. Judge Palmer Robinson presided (206) 296-9103 – Defense Attorney Marvin McCoy (206) 322-8400.

State v. Derrick Gordon – 06-1-02257-9 knt – Prosecuted a Violation of the Uniform Substances Act. In this case the police were summoned to a hotel under suspicion of voyeurism. When the police arrived they discovered no such crime, but did discover the defendant with drugs in the pocket of his jacket he left in the room. Judge Jay White presided (206) 296-9255 – defense Attorney John Randolph (253) 852-9460.

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

My administrative law experience does not come from boards or commissions but rather hearing examiners under RCW 69.50.505. These hearings are governed by that statute and the APA. I have guided over a hundred cases through this process and had approximately 15 gone to full hearing.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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

A court, municipal or otherwise, only runs well when all of the people there work together as a team. My three years management experience outside the world of law will aid me in building Federal Way into a cohesive unit. I have supervised a large number of employees in the past and I am comfortable in my ability to do so. I understand the principles of good management and intend to apply them. My certificate of dispute resolution will also serve me as a judge by providing a basis to think outside the box and develop solutions to problems. As a trained mediator I am skilled in the facilitation of conflict resolution without intruding me on the situation should the situation call for it.

I have also had a wide range of experience with the entire process surrounding litigation; interaction with prose defendants and discussion with them about their needs for an attorney; working closely with lab technicians and doctors; coordination with federal authorities, federal law enforcement and local law enforcement to reach a global resolution to cases; supervision as lead/sole counsel for dozens of law enforcement detectives with decades of experience.

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.

N/A

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 experience in trial and focused practice in search and seizure issues have prepared me to continue my public service as a judge. I have already made hundreds of decisions that a judge has to make in these areas of practice. I am ready to contribute in Federal Way.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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

The purpose of any court is to provide a means of dispute resolution in a civilized manner. Every story has more than one side and that every person deserves respect. I would endeavor to listen carefully and apply the law in a fair and equitable manner.

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

I was sworn in April of 2008 to perform as a pro tem judge in King County District Court. I was unable to serve in this manner due to payroll issues at the King County Prosecutor's Office. I was then sworn in September 2008 in the City of Kent. Since then I have served on the bench consistently every month between one and five times. In this time I have handled almost every type of hearing a municipal court judge is asked to perform.

Attorneys Appearing (not inclusive) – N. Scott Stewart, Andrea L. Beall, Jeffrey P. MacNichols, Kenneth B. Harmell, Jennifer C. Stewart, Jeffrey S. Mackie, David Christopher Iannotti, Jerry Stimmel, Julie Stormes, Jim Short, Michele Walker, Jeffrey Leeper, Ben Milgrom, Tammy Perdue, Kathy Hardy.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

Community and Civic Activities

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

1 – (2003, 2004) Volunteered with the Police Explorers to help the children be prepared for a mock trial event. This involved instruction in basic trial procedure but also information on the role of a prosecutor

2 – (2004-2005) Volunteered time to the Seattle Community College aiding in the formation and instruction of a forensics team for national competition.

3 – (2007- 2009) Volunteered guest instruction to a criminal justice class in Kitsap county to provide a prosecutor's perspective on the system.

4 – (2009) Working as a crew member in the Breast Cancer 3-day Walk.

5 – At different times I have donated money to the Gospel Mission, Intiman Theater, 3-day walk, Relay for Life, Pacific Science Center.