

Dennis J. McCurdy

Questionnaire

King County District Court

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The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

**Professional History**

8. Year admitted to practice law in Washington: 1992

9. Employment History (in reverse chronological order):

a. Start Date: 1992 End Date: Currently still employed

Organization: King County Prosecutors Office

Address: W554 King County Courthouse, 516 3<sup>rd</sup> Ave, Seattle WA 98104-2362

Phone No.: (my direct line) 206-296-9658 (office general line) 206-296-9000

Position/Title: Senior Deputy King County Prosecutor—Criminal Division

Current Supervisors: James Whisman & Deborah Dwyer

Nature of Practice:

Currently, primarily focus is criminal appellate practice with 5 to 6 court appearances per month  
Most of my career has been spent as a trial attorney prosecuting felony domestic violence cases, sexual assault cases and murders, with court appearances daily.

Reason for leaving: Still working hard!

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b. Start Date: 1990 End Date: 1991

Organization: Washington State Attorney Generals Office Corrections Division

Address: PO Box 40116, Olympia WA 98504

Phone No.: 360-586-1445

Position/Title: Legal Intern

Supervisor: Paul Weisser

Nature of Practice:

Primarily researched and wrote briefs responding to habeas corpus petitions in federal court filed by Washington State inmates. Also wrote legal memorandums on issues requested by individual legislators and the governor. As an intern position, I did not make any court appearances.

Reason for leaving: Moved to Seattle and began working for the King County Prosecutors Office

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**Non legal work history:**

c. Start Date: 1983 End Date: 1988

Organization: United States Postal Service

Address: various locations/offices throughout the greater Seattle area

Phone No.:

Position/Title: Mail carrier, truck driver, express mail driver

Supervisors: Rotated constantly, don't recall names after this many years

Reason for leaving: Went to law school

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d. Start Date: 1973 End Date: 1979

Organization: City of Bellevue, youth work crew of underprivileged families

Address: PO Box 90012, Bellevue, WA 98009

Phone No.: 425-452-6885

Position/Title: Laborer, park construction worker

Supervisor: Reginald Court

Reason for leaving: Went to college

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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.

WSBA admitted 11/9/92  
United States Supreme Court bar admitted 9/5/08

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.

WSBA admitted 11/9/92  
United States Supreme Court bar admitted 9/5/08

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

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.

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).

See attached

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.

See attached

**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 Washington	1978-1983	Bachelor of Arts w/ Distinctions Environmental Geography
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Thesis on the socioeconomic and environmental affects of SO2 emissions from the Tacoma Smelter

17. Please list all law schools attended, years of attendance, degree awarded and reason for leaving if no degree was awarded.

University of Puget Sound Law School	1989-1992	Juris Doctor Cum Laude
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**Professional Experience**

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

I have spent my entire career as a prosecuting attorney at every level of practice, from prosecuting misdemeanor cases in District Court, domestic violence and murder cases in Superior Court, to criminal appeals in Washington State Court of Appeals, Washington Supreme Court, and the United States Supreme Court. During this time period, I also supervised the District Court Unit and helped create and supervise the felony and misdemeanor Domestic Violence Unit (one of the first in the country). Currently, I am a member of the Appellate Unit responsible for handling criminal appeals. This has included writing briefs on over 200 Court of Appeals and Supreme Court cases, countless Court of Appeals oral argument appearances, and over 25 arguments before the Washington Supreme Court. Occasionally, I have been required to submit briefing to the United States Supreme Court, although the Court has not yet requested argument on any of these cases.

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

While my true "client" is the State of Washington, the practical clients are the victims of crimes we deal with on a daily basis. Having spent most of my career prosecuting domestic violence cases, these victims are generally women who have undergone years of physical and psychological abuse. At the time of trial, many of these victims suffer from emotional problems—including PTSD, as well as other issues unique to domestic violence situations. Many victims do not want to see the prosecution of the offender go forward. Great care needs to be provided to each of these victims, with each case and each individual being unique.

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.

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

XXX Regularly

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

XXX Regularly

23. Within the last five years, how often did you appear in the court for which you are applying:

Regularly

Occasionally

XXX Infrequently

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	_____ 65 %
(4) State trial courts	_____ 35 %
(5) Municipal courts	_____ %

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(6) District courts	_____	%
(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	___ 100 ___	%
(3) Family law litigation	_____	%
(4) Non-litigation	_____	%
TOTAL	100%	

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

(1) Jury trials	___ 100 ___	%
(2) Non-jury trials	_____	%
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>
	Municipal			
est 100	State Dist.	100%	60%	
200	State Superior	100%	100%	
	Federal Dist.			
	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>
	State Superior Court		
200	WA. Div. I COA	100%	
	WA. Div. II COA		
	WA. Div. III COA		
25	WA. Supreme Court	100%	
	Fed. Cir. COA		
3	U.S. Supreme Court	100%	

- (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).

See attached

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

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

Of particular relevance here, I worked as a supervisor in the King County Prosecutors Office District Court Unit. During this time period, I worked directly with the King County judges, the defense agencies with district court contracts, and representatives of the private defense bar on issues pertaining uniquely to district court, including the consolidation/shrinking of district court due to budgetary issues, city incorporation, and the creation of specialized courts, including the creation of a special court dealing solely with misdemeanor domestic violence cases.

I currently am a member of the King County Prosecutors Office "Details Unit." The Details Unit is a pro-active legal group for a few years ago with the aim of making sure our office and the court system used best practices. This small group of attorneys meets weekly to review all new evidence rule changes, all new court rule changes, all new case law—both federal and state, all new statutory enactments and amendments, and all new policy changes within the court system. We then interpret how these changes will affect the legal practice in King County at both the District Court and Superior Court level. We then direct or make any necessary changes to our practice, including, but not limited to, creating appropriate changing language, jury instructions, and court forms—including necessary changes to plea and sentencing forms used by the courts. We then work with the court and defense agencies to implement these changes to ensure the proper legal running of our practice and the court system.

I am also on the WPIC subcommittee involved in the creation of new and/or revised jury instructions to be used at all levels of trial practice in Washington. I have played a primary role in drafting Washington's telephone harassment instructions, general harassment instructions, stalking instructions and violation of court order instructions.

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.

### Judicial Interest and Experience

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

No defendant, victim, petitioner or respondent should ever leave court thinking justice was not served because either the judge was just learning or was not fully competent in the law. I have conducted over 300 jury trials and have appeared in front of—and learned from--some of the best judges in this state at every level. I am not a politician. I have always had a love for critical thinking and the justice system has been my life. My desire to be a judge is guided by one thing and one thing only, my desire to add my experience to the bench, a position that I believe I am fully and completely qualified. I have learned from the best and I seek to achieve that status.

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

On the substantive side, the Constitution has served us well for over 200 years. While I would not label myself judicially conservative, judicial activism should be taken with great care. Many incredible minds have come before us and we must learn from the writings and cases they left behind. When change is required, consideration must include the role played by each branch of our government, and the full extent and ramifications of any judicial decision must be carefully thought-out in advance. Some of the most monumental decisions of the United States Supreme Court are still binding and relevant today because of the craftsmanship and forward thinking of prior justices.

On the "inside the courtroom" side, I believe a judge must accept and embrace a great role in ensuring that every trial is fair to every party. I do not believe a judge should just sit back and let things happen as they may just because trial is an adversarial proceeding. Trial is not conducted in a vacuum and too much is at stake for the parties. For example, if counsel appears incompetent in a particular case, the judge should intercede, not in the trial, but in inquiring or determining how to ensure competent representation for each party.

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.
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.
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.

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Outside of being a single parent raising two children, I have not acted as a judge or hearing officer.

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**Community and Civic Activities**

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

For the majority of the last 10 years, I have been a single father raising two young children (now 10 and 12) while at the same time working a very demanding and time-consuming job as a prosecutor and trial attorney. This has resulted in many many nights of arriving home, fixing dinner, taking care of my kids, playing soccer-dad, helping with homework and then working anew after my kids **finally** fall asleep. As a result, leadership roles in the community have not been a large part of my recent past as these type of commitments were simply not possible. Instead, my activities in the community have been limited to event help, mostly related to school activities. From band concerts to Math Olympiad, I make it a point to help out when and where I can, whether that's setting up chairs, refereeing games or helping to set up classrooms at the local school.

A number of years ago, I did start a food drive holiday soccer game that has grown every year. Held over the Thanksgiving Day holiday weekend, kids are encouraged to collect non-perishable food at school and then participate in a family Turkey Bowl Soccer Game. Afterwards, I write an article for the local paper that includes all the names of each child who participated. Last year we raised over twenty bags of food for the needy.

As outlined in some of the questions above, I also love to teach and over the years I have volunteered to teach not only multiple CLE's but at many other events and to a variety of groups. For many years, I taught at both the Seattle Police Department and Washington State Police Academies. I regularly have met with different domestic violence community groups, and taught classes for first-responders, 911 call takers, doctors and social workers at area trauma hospitals, and groups of officers from smaller police jurisdictions. I have also regularly conducted trainings within my office, primarily teaching newer deputies how to conduct jury trials, and all deputies on how to conduct domestic violence trials. I have met many times with various neighborhood groups in question and answer sessions regarding the law and the criminal justice system.