

David Tracy
Questionnaire

King County District Court

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

Professional History

8. Year admitted to practice law in Washington: 1979

9. Employment History (in reverse chronological order):

a. Start Date: 7/1/81 End Date: Current

Organization: Law Offices of David P. Tracy

Address: 108 Wells Ave. S., Renton, WA 98057

Phone No.: 425-277-0977

Position/Title: Attorney/ Owner

Supervisor: None

Nature of Practice (including frequency of court appearances):

General practice although after nearly 30 years it has been narrowed to landlord tenant issues, wills, estates probate with some guardianships, adoptions and collection work

Reason for leaving: Current position

b. Start Date: 10/1/99 End Date: 12/31/2005

Organization: City of Federal Way

Address: 33325 8th Ave. s., PO Box 9717, Federal Way, WA 98063-9717

Phone No.:

Position/Title: Judge

Supervisor: None

Nature of Practice (including frequency of court appearances):

Administer all activities of the court, direct its employees, hear and assign all cases in a timely manner and establish a new municipal court with a part-time judge and a court commissioner. Total judicial officers would be 1.5 positions, 11 court staff, probation and security.

Reason for leaving: Election results

c. Start Date: 5/78 End Date: 7/81

Organization: Law Offices of Hugh Carney

Address: 311 Morris Ave. S. Renton, WA 98055

Phone No.: Hugh Carney is deceased

Position/Title: Attorney

Supervisor: Hugh Carney

Nature of Practice (including frequency of court appearances):

General practice

Reason for leaving: Started Law Offices of David P. Tracy

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d. Start Date: 9/75 End Date: 5/78
Organization: Al's Drive In
Address: route 2, Airway Heights, WA
Phone No.: No longer exists
Position/Title: Manager/Cook
Supervisor: Owner is deceased
Nature of Practice (including frequency of court appearances):
Not applicable. Worked summers and vacations while in school _____

Reason for leaving: I became an attorney

e. Start Date: 6/75 End Date: 8/75
Organization: State of Washington, Highway Department
Address: Washington State Department of Transportation, Olympia, WA
Phone No.: unknown
Position/Title: Administrative Intern
Supervisor: _____
Nature of Practice (including frequency of court appearances):
Put into written form the procedures for obtaining bids and federal funding for highway projects

Reason for leaving: End of Internship

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.

Federal District Court, Western Division, April 20, 1979. _____

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 Association, King County Bar Association and South King County Bar Association. 1994-1995 Trustee, 1996 President Elect and 1997 President of South King County Bar Association.

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

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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.

2005 - Washington State Judicial College, Dean of College that teaches new judges for the past year the basic skills needed.

2004 to 2005- Board of Judicial Education, member.

2003 to 2004 - Funding Alternative Committee for the Task Force on Court Funding, member.

2002 to 2005 - DMCJA Educational Committee that organizes the program for DMCJA Spring Judicial Conference, member.

2002 to 2003 - DMCJA Technology Committee, member.

2002 - DMCJA Committee on Judicial Resource Committee, caseload study member.

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 list.

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. Passing the Bar and becoming an Attorney:

I was the first one in my family to complete college, let alone obtain a post graduate degree. I was proud of what I had done. It took a lot of hard work and determination. However, seeing the look of pride on my parent's faces made it all worth it.

2. Starting my own law practice:

Although I had other job offers, I had the opportunity to start my own law practice and did in 1981. Again, long hours, hard work and determination were necessary. The first five years were difficult but worth it. The satisfaction of building a business that was respected, viable and contributed to the community was very satisfying.

3. Becoming a Judge:

I was very honored to be appointed the first Judge for Federal Way Municipal Court. The responsibility was an enormous challenge. The challenge included transforming myself from an attorney to a judge, becoming proficient at managing the administrative functions of the court and establishing the structure of a new court, while maintaining the court's independence. When a person becomes a judge and goes on the bench, the general population expects that judge to be ready to perform all the functions of a judge. However, no matter how much experience you have as a pro-tem judge, like most other professions, it takes 5-7 years to learn how to do your job and you never stop learning. An attorney is an advocate for his or her client. The primary responsibility of a judge is to be a neutral, impartial and fair decision-maker. An attorney who becomes a judge must move from promoting a particular position to listening to understand the position of each party, while keeping an open mind to information that could effect the decision the judge is being asked to make. A judge needs to hear, and be perceived to hear what the parties have said. A judge must communicate his/her decision in a way that is heard and understood by the parties and this must all be done in a professional and respectful manner. I continue to work on improving these skills to meet the honor and challenge of being a judge to the best of my ability.

4. Starting a new court:

Only a few judges have had the opportunity to start a new court. Any organization will have problems but a new court is creating a new entity while balancing the conflicting expectation of various interested parties. A new presiding judge at a new court can often feel like they are at the end of a fire hose with a teacup and required to catch all the water. The challenge is to not ignore those problems, but keep working until you have solved the problem.

The challenges range from putting procedures in to place and organizing staff that came from several different work cultures to a new unified culture, to explaining to a police chief why a judge may request an officer to take a defendant into custody or resisting attempts by others to control the court in violation of GR 29.

To help reduce that learning curve, I attended the National Judicial College at the University of Nevada-Reno, for a total of eight weeks, over 4 years studying evidence, domestic violence, substance abuse, sentencing, ethics, diversity and bench skills. I received a Certificate of Judicial Studies for completing those courses. I have also attended three Presiding Judges Conference and received a Supervisor Certificate from Green River Community College and a Certificate for Court management from the National Association of State Courts.

My goal for those six years was been to build a court that is committed to justice under the law.

It has been my honor and privilege to build a court that is respected, performs it functions well and maintains the independence necessary for a court.

5. Maintaining the integrity of the court.

A judge must always be on guard that the law is being following. It is easy to become dependent on the attorneys especially if they are in agreement. A prosecuting attorney is usually overworked, is trying to reduce a large caseload. A defense attorney is trying to minimize the risk or consequences that the defendant will have to assume. So when a prosecutor suggests that a case be dismissed in return for paying costs a defendant will often be willing to do that. The problem is that the statute clearly says that costs can be imposed only on a convicted person. That does not include cases that are dismissed. The same concept applies to attempting to impose costs on someone who agrees to do treatment and pay costs in return for a dismissal in the future. The same statute applies and there is a case on that concept *State v. Friend*, 59 Wn. App. 365, 797 P.2d 539 (1990), that clearly indicates that without statutory authority costs can not be imposed. Of course, the local government is still looking on how to collect monies and than suggested that a donation to the local government with other conditions such as treatment was appropriate. That occurred in my court. The city was advised of *State v. Theroff*, 33 Wn. App. 741 (1983), that indicates that a Judge may not require a defendant to make a donation to a charity let alone the city. The response of the city was that the city could dispose of criminal and traffic infraction cases in any way the city wished just as two parties to a civil case could with one party paying money to the other. The city then started accepting donations to the city in return for dismissal of traffic infractions and some criminal cases without any other conditions.

Despite the court advising the city that this was not an appropriate practice, the city insisted on the practiced. The court agreed to allow the practice to continue until a judicial ethics opinion could be obtained. The city helped write the request. Judicial Ethics Opinion 04-5 was issued indicating that this practice was a violation of ethics as it disregarded the split of funds with the state. The practice was stopped immediately. Checking the ethics decisions of other states indicates that if there is no statutory authority, imposing costs or donations is not appropriate.

The Judicial Ethic opinion resulted in many courts deciding that the imposition of costs on a retrial basis was also unethical, creating a change statewide.

I am proud of maintaining the integrity of the court on this and other issues. I will continue to be on guard for actions that would interfere with the integrity.

As a result of these actions Judge McSeveney has thanked me for "taking a brave stand for what is right." Judge Steiner indicated that he "really appreciated the courage and commitment to justice" for taking this position. Although I am proud of these comments, I feel that I was only doing my job as a judge, which requires you to stand up for what is right under the law.

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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.

See attached list _____

List follows next 4 pages.

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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.

- Washington State University, Pullman, WA 1971-1975 B.A. Political
College/University Dates of Attendance Degree

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.

University of Idaho Law School, Moscow, ID 1975-78
Juris.Doctorate

Professional Experience

18. Please summarize, briefly, the general nature of your current law practice.
After nearly 30 years of a general practice I have narrowed the practice areas to landlord and tenant issues, wills, estates and probates. There have been some guardianships, adoptions and collections.

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

Most clients come from South Seattle and South King County. They are general individuals or couples with a net worth under \$2 million. There are a few clients with a higher net worth. The diversity is wide including white, black, Hispanic, Asian, male, female, gay and lesbian. _____

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. 8 significant matters legal:

1. In 1981, a client hired me to resist a Petition to Terminate Parental Rights filed against her. The State had built a case that included testimony of social workers, foster parents, and a psychiatrist. My client had no witnesses to support her and had some emotional problems stemming from a history of abuse and abandonment by her father and other males throughout her life. She lacked the financial resources to hire an attorney, but she did not have confidence in the public defender. The case would require several days of trial plus self-education on emotional, psychiatric treatment and testimony. I chose to represent her rather than abandon her and her case. It was very satisfying to me because of the success at trial in preventing the State from terminating her parental rights. The legal and mental health resources available to her during that time were minimal, and she did not have any financial resources. The case emphasized to me the need for pro bono work and other social services for low income and emotionally disturbed persons.
2. In 1981, I was called by Renton District Court to act as a Judge Pro Tem on the trial calendar. Although I had been a Magistrate Pro Tem, I advised the Court I did not feel comfortable acting as Judge, since I had been in practice less than three years. The Court indicated no one else was available, so I reluctantly agreed. One case appeared to be a routine DUI. However, the experienced defense attorney kept making objections I had never heard before and have not heard since. He even commented that he had never had a judge overrule him on these objections and that he would appeal. I patiently listened to all objections, found no basis for any of them, and overruled him every time. The whole time I was thinking that this was why I should not be on the trial calendar. There was not appeal from my finding of guilty. I hindsight, the defense attorney may have been attempting to take advantage of my lack of experience as a judge. The lesson I learned was not to allow myself to become rattled or irritated; but simply use my best judgment and legal knowledge in evaluating and reaching decisions on objections. If the attorney can not explain the objection so the Judge can understand it, it may not be a valid argument.
3. In 1993, I tried a case where I defended an employer against charges of handicap discrimination. The employee had severe hearing problems and was terminated from his job when his hearing prevented the safe operation of a concrete pumper. A concrete pumper is a machine that takes concrete from a cement truck and pushes it through a hose at high pressures. If it plugs, the pump needs to be turned off or there is a risk of rupturing the hose and sending concrete off with a force similar to a .22 rifle. While there are gauges that can tell you the pressure is up, the first sign is a change in the sound of the machinery. What I found so interesting about this case was the numerous ways to accommodate someone with a number of different disabilities. Accommodation is not always possible, but in a large percentage of cases it is. For example, the court accommodated this individual by

hooking up a computer and screen directly to the court reporter's transcription machine so that the handicapped person could read everything that was going on in the courtroom. The case also reaffirmed my conviction of the need to prepare as completely as possible, to be as knowledgeable as possible, since the defense was able to discuss in detail the case law and effect of the case law on the matter before the court.

4. In 1979 to approximately 1984, I represented a client in his efforts to recover an outstanding debt. The debtors had borrowed money from my client, but defaulted on the loan. The debtors also had borrowed money from other people, many of whom were trying to collect. The debtor/wife would plead, promise, cry, beg and even threaten the attorneys representing the creditors in an effort to obtain a continuance. When these efforts failed, she fired her attorney on the day of trial. Eventually judgments were obtained, but enforcement was another matter as garnishee defendants would not answer, property was over-mortgaged, etc. The debtor/husband died, and his surviving wife failed to start a probate. My client did and was appointed the personal representative. Of course the surviving wife objected, asking that my client be removed, and that she be appointed. At the hearing, after the surviving wife and completed direct testimony and before any cross-examination or other witnesses had been heard, the Judge declared she had heard enough and that she would not allow the surviving spouse to be the personal representative. Subsequently, the surviving debtor/wife refused to tell the appointed personal representative the nature and location of the community assets, including her husband's medical records. She eventually was found in contempt of court, and a guardian was appointed for her. She had already learned to file lawsuits against attorneys representing creditors and now learned to bring petitions for guardianship against attorneys. She was eventually restrained from filing any lawsuit in King County Superior Court. She then learned about federal bankruptcy court and filed bankruptcy. I do not think any creditor ever received any money. I suspect the guardian and personal representative were never paid. This case would be perfect for practice court in law school. I am still amazed how one person can tie up, slow down, and misuse the system to his or her advantage, and how well this debtor did it. It shows that the judicial system is dependent on all persons having the character to follow and not to abuse the rules.
5. A few years ago, my office was getting ready to note a default judgment on a case, when we noticed that an attorney put in an appearance for one defendant who lives at the same address as the one we were preparing a default judgment against. Before preparing said default judgment, my office called the other attorney to ask if she was also representing the other defendant. Her answer was "yes" and that she was unaware that her notice of appearance did not include the other defendant. She thanked my office over and over and commented that she did not know any other attorney who would do that. Within a few days of that I was judging and had an attorney who was quite insistent that I resolve the case he was there on, before I handle the jail calendar. This was despite my already explaining to him that since he had been late, he would have to wait a reasonable time for the city to get their witness (who was on call) to court. The next day, I tried a case against an attorney I had never met. After the trial, we discussed other topics in an

obvious friendly tone. The very next day, I received a motion by an attorney that was not well researched and with several half-truths and condescending remarks. Recently in my court a defendant responded to his attorney by asking him not to swear at him. I did not hear the remark. I did tell everyone to calm down and that I expected everyone, including attorneys to be respectful to everyone in my court. Although each incident was small, the range of acts reflects the level of professionalism or lack thereof that attorneys have. I do not know how to promote a high level of professionalism, but I am certainly concerned with the lack of professionalism some seem to have. It enforces my determination to do my best to be professional, even if the presence of unprofessional conduct.

6. In an attempt to reduce caseload and reduce jail costs, the parties to a criminal action involving a charge of possession of marijuana proposed a bail forfeiture in the amount of \$350.00. This charge is a misdemeanor, punishable by 90 days in jail and a \$1,000.00 fine with a mandatory minimum of 1 day in jail, and a fine of \$250.00 plus assessments for a first offense, and 1 day in jail, and a fine of \$500.00 plus assessments for any additional offenses. A bail forfeiture is kind of a "no contest" plea. The defendant is not pleading guilty, but it still goes on the record and is still treated as a guilty plea by other courts and entities. A bail forfeiture is not defined in Washington statutes or in case law. It appears to come from a time before decriminalization of certain traffic infractions when it was required to post bail before a defendant could have a hearing. Bail was forfeited and the matter closed if the defendant did not appear. The Court Rules have evolved so that this practice may be used in both criminal and traffic matters. The process to obtain a bail forfeiture in many courts is simple. There is no recital of rights waived or given up by the defendant. The process helps resolve some cases quickly. There appears to be no statutes, case law or even court rules that regulate the process to follow for a bail forfeiture. A comparison to the procedure to follow for a "no contest" or "nolo contendere" may be helpful. That plea is not recognized in Washington. In states where it is recognized, the court is still required to review the charge, elements of the charge, rights of the defendant including the right to an attorney, etc., just like a normal statement of defendant on a plea of guilty. None of that is normally done for a bail forfeiture. More importantly, with the charge of possession of marijuana, it would be an attempt to ignore the clear intent of the legislature to impose jail time. While this would save the cost of jail, it would not be following the law. In my court, bail forfeitures are not allowed for charges that have a mandatory sentence. When a bail forfeiture is allowed, the defendant is advised of the right to an attorney, other rights and that a bail forfeiture will be considered a guilty plea in other courts. The importance to me is the recognition that a process that appears to save time may not always be appropriate, could mislead persons who may not realize the consequences and those consequences need to be communicated to the defendants.
7. Security has always been a concern to the court. While designing and developing a new court facility, the city designed two out of three courtrooms where there were no doors immediately behind or to the side of the bench. In fact, the city had changed the plans to remove the back door from one of those courtrooms. I complained. The city consulted the architect and learned that to correct the matter

would create significant problems with plans that the police department had near courtroom one and would cost between \$3,000.00 to \$13,000.00 to correct the problem in just one courtroom. After review of this information, the city declined to make any corrections. I consulted with two U.S. Marshals, a Union, at least three different manuals on designing courtrooms and all indicated that a back door was very important. I also noted that the Department of Labor and Industries regulations required employers to provide a workplace free from recognized hazards. Employers are required to build facilities that are safe from these hazards. In fact, the Department of Labor and Industries has already recognized the security concern of a court for employee and in that matter required police officers to be present at all times that court was in session. After suggesting to the city that we jointly ask the Department of Labor and Industries to do a safety inspection, the city decided to meet. The meeting resulted in one court being redesigned to provide back access and an agreement to redo the other courtroom later, so the city could keep to its timetable for construction without penalties. Some feel security is a luxury seldom needed. I do not want a serious incident, so I am always on guard for how to improve security for the safety for all that work for and visit the court. It is only when there is a serious incident, the need is recognized.

8. While working for another attorney, he needed some help with an adverse possession case. I worked hard to prepare and he let me question some witnesses in the case. This case involved the whole area. A surveyor many years before had marked the lots and people had build houses, fences and lines of bushes and shrubs. One lot person learned this and then took action against his neighbor who then took action against the neighbor on the other side of his property and so on. Our client had kept detailed notes through the years on discussions with neighbors about where bushes could be planted, etc. He had taken numerous pictures of the locations of the plants, some that had been growing in the location for 20 years. The Judge decided to look at the property line. I know this does not happen often and I was impressed the lengths the Judge was willing to go to understand the facts. It impressed upon me the need to be sure to listen and understand the facts even if it means going leave the courtroom and observe the evidence directly.

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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.

See #19 _____

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

- Regularly Occasionally Infrequently

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

- Regularly Occasionally Infrequently None

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	_____ 50 %
(5) Municipal courts	_____ 0 %
(6) District courts	_____ 50 %
(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)	_____ 45 %
(2) Criminal litigation	_____ 5 %
(3) Family law litigation	_____ 0 %
(4) Non-litigation	_____ 50 %
TOTAL	100%

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

(1) Jury trials	_____ %
(2) Non-jury trials	_____ 100% only one case
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.

Number	Court	% as Sole / Chief Counsel	% Jury	% as the Arbiter
100 +	Municipal	100	80%	80%
120	State Dist.	100	15%	20%
45-55	State Superior	100	2%	2%
0	Federal Dist.	0%	0%	0%
4-5	Administrative	100%	0%	0%
0	Tribal Courts			
0	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).

Number	Court	% as Sole / Chief Counsel	% as the Arbiter
1	State Superior Court	100%	
3	WA. Div. I COA	100%	
	WA. Div. II COA		
	WA. Div. III COA		
1	WA. Supreme Court	100%(there was a companion case and attorney)	
	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).

See attached list _____

Next 2 pages or

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

24 (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). Adverse possession case with Judge Nancy Holman.

1.

2. DUI decision involving ability for breath test to come in under ER 700

As a Judge I decided a case that involved the admissibility of the breath test. More specifically, whether the thermometer used in the breath test was certifiable under the WAC by being traceable to a thermometer that was certified by the NIST (a national organization that regulates the size, length, quantity, etc of various measurements). It did not appear to be certifiable. However, my commissioner had just read a case that suggested the breath test could still be evidence if introduced through ER 702 and 703. That is how the case was resolved in this matter. Several Courts followed this approach. The Supreme Court in another case with the same issue clarified the court case that was relied on in ruling that the breath test could not be admitted through ER 102 and 703 but the rules as published in the WAC was the only way for admission of the breath test. *City of Seattle v. Clark-Monoz*, 152 Wn. 2d 39, 93 P.3d 141 (2004).

3. Shortly after I started working as an Attorney, my employer asked me to prepare a brief to file with the Washington State Supreme Court. It was to be an Amicus Brief. He had been contacted by Auctioneers concerning a matter before the Court. It involved a large bank who had been acting as the personal representative for an estate. Among the property were two safes for which there was no key. The bank decided to put the safes up for sale at an auction. Knowing that there was no known combination a buyer bid \$50.00 for the opportunity to bust the safes open. Upon having the winning bid, the buyer took the safes to a locksmith who broke into the safes and found \$32,000.00. My research indicated that there were only 10 written decisions that dealt with this issue in the English speaking world. I prepared the brief and my employer filed it with the Court. It was my impression that the Court rejected the brief based upon a late filing by my employer. As a side, it emphasized to me the need to be aware of the rules and to follow those rules. Ultimately, the Court decided the case as argued in the brief I did prepare. Really, very simple. What is a safe for but to hold other property? When the safe was sold, the contents were sold. Now if the money had been found in a mattress? Well, maybe that is another issue based on many people hiding money in their mattresses during the depression. The case was *City of Everett v. Sumstad's Estate*, 95 Wn. 2d 853, 631 P.2d 366 (1981).

4. I was involved in an appeal to the Court of Appeals, Division I. The main issue in the appeal is the interpretation of a statute codified in 1881 before Washington was a state. Specifically, the issue is whether a tort judgment obtained against one spouse, but not the community, may be enforced against community real property. Case law allowed half of the community personal property to be attached. RCW 26.16.040, which has not changed since codified in 1881 indicates that these kinds of judgments cannot be enforced against community real property. Case law interpreting the statute

stated as much in 1889. The opposing party argued that the statute does not prohibit collection against community real property and it should be treated like community personal property. Before 1881, the laws were just listed in a volume for the year it was passed. I researched the history of this statute and learned that the Territorial Assembly for Washington had passed and used a system that allowed execution of up to half of all community property in these situations. The Assembly abandoned that system in 1879, which was then codified in 1881 and the laws as we see it now. There is even an argument that case law allowing execution on community personal property may have been different if the history of this statute had been known. This experience just emphasized to me the importance of being prepared and knowing and understanding the history of a statute or case. That case was taken up by the Supreme Court and settled a point of law in Washington. Specifically, that a separate obligation of a spouse may be enforce against community real property. The case was *Keene v. Edie*, 131 Wn. 2d 822, 935 P.2d 588 (1997).

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24(g)
None

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

Next 2 pages or

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 own a rental property and co own another building that my law office is located in. I intend on continuing to rent and manage those properties. I am currently the Personal Representative for my mother's estate who died last year. There is property in Spokane and Kansas which I and the other members of my extended family intend to continue to own and rent out. I will also be the trustee for a trust for a sibling.

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

In 1993, I was appointed as the County Representative on the Kent School District Concurrency Task Force. The purpose of the Task Force was to make a recommendation on additional schools in compliance with the Growth Management Act. I was told that it was expected that there would be a Majority report and one if not two minority reports. Within the first couple of meetings, members of the Task Force challenged the Chairperson as not being neutral. Those members suggested that I be the Chairperson based on how I had asked questions and encouraged others who had questions to be heard. I consulted with the Chairperson and suggested that I be made Vice Chairperson with the authority to interject into the proceedings if I thought that a question or process was not proper. The group accepted that process. I only had to exercise that authority once. The member who may have gone too far with a question to a speaker immediately apologized and agreed that in the heat of the moment he went too far. I continued to be sure that all were heard and all concerns discussed. In the end the Task Force was unanimous in its recommendation. The Chairperson and others thought that I was the force that kept discussion on track and respectful. The Chairperson notified the King County Council. The King County Council awarded me a "Recognition Award" for my efforts on the Task Force. That experience just reinforces to me that if you are respectful and insist on others being respectful, if you listen to what others have to say and be sure that they have the opportunity to say it, that they will listen to you. As a result, there is a much better opportunity to make a good decision that will be followed.

I became the Guardian of my nephew and niece when they were six and seven. I thought that I had a lot of patience but learned that I needed more. When I became a Judge that experience helped me remain patient even in stressful situations.

My long time girlfriend is Japanese who lives with her son and mother. Her Mother was born in Japan. All speak English and Japanese. A few years ago, I spent many months learning Japanese. I listened to tapes, read manuals and watched Japanese movies or programs. At the peak, I knew between 500 and 1000 words. I could read better than I could speak. I could speak better than I could listen and understand. I knew enough that I could survive as a tourist in Japan. However, if I was in court, I would want an interpreter next to me and even then, I would be very nervous about what was happening. It stressed the point that a defendant whose primary language is not English and despite being able to converse in English may not really understand the proceedings well. It stressed the importance of interpreters in the court.

I have served my community in many ways and have learned through my volunteering about those who make up our community. I have listened to different members of the community and have learned from them. For example, not being able to speak English to explain themselves, a African American mother aware that statistically one of her two sons would be in jail before he was 25, a minority person being approached while waiting in a parking lot for their child (something that has never happened to me) all speak to the frustration those who are minorities have with

society today. It reminds me that it is important to think of what advantages or privileges you may enjoy that others do not. Often advantages or privileges that you do not even think about and take for granted.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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.
2001 to 2005 - YMCA, Federal Way Center, member of board of managers.

1998 to 2000 - Renton Chamber of Commerce, Board of Directors.

1995 to 1998 - Kent School District Diversity Task Force I and II, member. Chairperson of curriculum committee. The Task Force developed a program for diversity and harassment recognized nationally as the starting point for every other school district.

1994 - 1998 - South King County Bar Association, 1994-1995 Trustee; 1996 President Elect; 1997 President.

1992 to 1998 - Kent Chamber of Commerce Foundation for Education and Arts, Board member, Chairperson of ECHO Scholarship Committee. Executive Director Committee, 1995 to 1996, President.

1992 to 1993 - Kent School District Concurrence Task Force, County Representative, Vice-Chairperson, Co-Author of Committee Report.

1981 to 1997 - Advisory Committee For Legal Assistant Program, Renton Technical College, member of Advisory Committee. 1985-86 Chairperson.

1980 to 2004 - Boy Scouts of America, Chairperson of Nominating Committee. 1980 to 1985 - Program Chairperson, for local district. Responsible for various annual events.

1980 to present - Optimist International Green River Club, Kent and Renton and now Auburn, charter member of local service club and involved with South King County youth, elderly, and with annual events including oratory contest, speech contest for hearing impaired, handicapped fishing derby, DARE and "Just Say No" programs. President, 1993.

Judicial Interest and Experience

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

The experience I have as an attorney, pro tem judge and judge, the training and education I have received from the National Judicial College, and being Dean of the State Judicial College qualifies me to be a judge. Most important is my patience and respect I give all parties.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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29. In 50 words or less, please describe your judicial philosophy.
Everyone who comes before the court deserves to be treated respectfully and be given the opportunity to be heard. The courts belong to the people and as such Judges should assist them to understand the court process, their individual rights and the judgments and decisions a court makes.

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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. In 1999, I was appointed to be the first judge for Federal Way Municipal Court. I was Judge until December 31, 2005.

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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? Yes / No. If you answered "yes", please provide details, including the offices involved, whether elected or appointed, and the length of your service.
No.

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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.

2000 to 2006 - Presiding Judge for the newly established Federal Way Municipal Court.

1997 - 2000 - Magistrate for the King District Court, Federal Way Division.

1980 to 2010 - Judge Pro Tem, hearing thousands of cases at the following courts: Auburn Municipal, Kent Municipal, Kirkland Municipal, Lake Forest Park Municipal, Renton Municipal, Pacific Municipal, King County District Court, Aukeen-Kent, Bellevue, Issaquah, Northeast-Redmond, Renton, Seattle and Southwest-Burien Divisions, and King County Superior Court.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

33. Please list your community and civic activities, including dates and leadership roles held, over the last 10 years.
- 2008-present – Rotary Noon Club, Renton, Washington, member. Regularly participate with Second Harvest dividing bulk food to family size portions and Rotacare-a free medical clinic.
- 2001 to 2005 - Rotary Noon Club, Federal Way, Washington, member.
- 2001 to 2005 - YMCA, Federal Way Center, member of board of managers and recipient of volunteer of the year for 2004.
- 1998 to 2000 - Renton Chamber of Commerce, Board of Directors.
- 1995 to 1998 - Kent School District Diversity Task Force I and II, member. Chairperson of curriculum committee. The Task Force developed a program recognized nationally as the starting point for every other school district.
- 1994 - 1998 - South King County Bar Association, 1994-1995 Trustee; 1996 President Elect; 1997 President.
- 1993 - High School Moot Court Competition, State Tournament, Volunteer Judge.
- 1992 to 1998 - Kent Chamber of Commerce Foundation for Education and Arts, Board member, Chairperson of ECHO Scholarship Committee. Executive Director Committee, 1995 to 1996, President.
- 1992 to 1993 - Kent School District Concurrence Task Force, County Representative, Vice-Chairperson, Co-Author of Committee Report.
- 1992 - Kent School District Children's Summit, Facilitator.
- 1990 to 1994 - Moot Court Competition, University of Puget Sound Law School, Volunteer Judge.
- 1987 to present - South King County Bar Association Legal Clinic, providing legal advise.
- 1981 to 1997 - Advisory Committee For Legal Assistant Program, Renton Technical College, member of Advisory Committee. 1985-86 Chairperson.
- 1981 to 1982 - Young Lawyers, CLE Section, participation in video taped productions dealing with current legal issues.
- 1980 to 2004 - Boy Scouts of America, Merit Badge Counselor. 1992 to present - Chairperson of Nominating Committee. 1980 to 1985 - Program Chairperson, for local district. Responsible for various annual events.
- 1980 to present - Optimist International Green River Club, Kent and Renton, charter member of local service club and involved with South King County youth, elderly, and with annual events including oratory contest, speech contest for hearing impaired, handicapped fishing derby, DARE and "Just Say No" programs. President, 1993.