

Donna Tucker

Questionnaire

King County District Court

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

Professional History

8. Year admitted to practice law in Washington: 1984

9. Employment History (in reverse chronological order):

a. Start Date: March, 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: Pro Tem Judge

Supervisor: Honorable Scott Stewart, Judge; Lynne Jacobs Court Administrator

Nature of Practice (including frequency of court appearances):

Judge Pro Tem presiding at criminal misdemeanor calendars including pretrial conference and motions, arraignments, sentencing and probation review/revocations hearings. Preside at civil traffic infraction contested and mitigation hearings. 1-2 times a month.

Reason for leaving: N/A

b. Start Date: January, 2008 End Date: Present

Organization: Kirkland Municipal Court

Address: 11515 NE 118th Street, Kirkland, WA 98083-0678

Phone No.: (425) 587-3160

Position/Title: Pro Tem Judge

Supervisor: Honorable Michael Lambo, Judge; Aimee Vance, Court Administrator

Nature of Practice (including frequency of court appearances):

Judge Pro Tem presiding at criminal misdemeanor and civil traffic infraction calendars. 1-4 times a year.

Reason for leaving: N/A

c. Start Date: October, 2007 End Date: Present

Organization: Mercer Island Municipal Court

Address: 9611 SE 36th Street, Mercer Island, WA 98040-3732

Phone No.: (206) 275-7604

Position/Title: Pro Tem Judge

Supervisor: Honorable Wayne Stewart, Judge; Josie Campos, Administrator

Nature of Practice (including frequency of court appearances):

Judge Pro Tem presiding at criminal misdemeanor and civil traffic infraction calendars. 1-4 times a year.

Reason for leaving: N/A

d. Start Date: October, 2007 End Date: March, 2008

Organization: Federal Way Municipal Court

Address: 33325 8th Ave. South, Federal Way, WA 98063-9717

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Phone No.: (253) 835-3000

Position/Title: Pro Tem Judge

Supervisor: Honorable Michael Morgan, Judge; Rae Iwamota, Administrator

Nature of Practice (including frequency of court appearances):
Judge Pro Tem presiding at criminal misdemeanor and traffic infraction calendars. 3-5 times a week.

Reason for leaving: City appointed a judge to fill the vacancy left by resignation of prior judge.

e. Start Date: October, 2006 End Date: Present

Organization: King County District Court

Address: 516 Third Ave., Rm W-1034, Seattle, WA 98104-2385

Phone No.: (206) 205-2820

Position/Title: Pro Tem Judge

Supervisor: Honorable Presiding Judge Linde; Honorable Judges Phillipson, Bathum, Stephenson, Christie, Harn, Thompson, Eide, Seitz and Jacke; Honorable Commissioner Susan Noonan; Court Administrator/Managers Patricia Kohler, Tracey Smith, Rosie Bradshaw, Jane Fisher, and Josie Jimenez

Nature of Practice (including frequency of court appearances):
Pro Tem Judge presiding at criminal misdemeanor calendars including arraignments, motions, pretrial conferences, jury trials, sentencing, and probation review/revocations. Presiding at preliminary hearing calendars on felony investigations. Presiding at small claims trials, civil pretrial, civil ex parte matters, name changes and civil orders for protection. 3-10 times a month.

Reason for leaving: N/A

f. Start Date: June, 2006 End Date: Present

Organization: Kent Municipal Court

Address: 1220 Central Ave. S, Kent, WA 98056

Phone No.: (253) 856-7426

Position/Title: Pro Tem Judge

Supervisor: Honorable Judges McSeventy and Phillips; Administrator Margaret Yetter

Nature of Practice (including frequency of court appearances):
Judge Pro Tem presiding at criminal misdemeanor calendars including arraignments, pretrial conferences, pretrial motions, sentencing, probation review/revocations and jury trials. Presiding on civil traffic infraction contested and mitigation hearings. 4-10 times a month.

Reason for leaving: N/A

Please continue, if necessary, on a separate piece of paper in the above format as needed
ANSWER IS CONTINUED ON PAGE 15.

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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.

Washington State Bar Association, Admitted 1984
Western District of Washington, Admitted 1984
Eastern District of Washington, Admitted 1985

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.

As my current work is limited to serving as a judge pro tem, I am not presently a member of other bar associations or professional societies. Prior memberships: WACDL, 1992 – 2006, serving on the board of directors 1996-98; NACDL, 1994-2004; ABA, 1988 – 1992; KCBA, 1998 – 2004; DMCJA, May, 2007, through September, 2007.

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

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.

As the interim judge at Des Moines Municipal Court from May, 2007, through September, 2007, I held the administrative responsibility of presiding judge.

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. Established a law office in 1987 that is still providing quality public defense services and had the opportunity to mentor many young attorneys in this practice.
2. Prevailed in the case of Redmond v. Moore, 151 Wn.2d 664 (2004), and as a result became the first misdemeanor defense attorney to be honored by WACDL with the President's Award
3. Earned the degree of respect from my colleagues that they referred their friends and family to me for legal representation.
4. Acquired a reputation as a fair, respectful, and competent judge pro tem.

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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.

As an advocate: (1) Redmond v. Moore, 151 Wn.2d 664 (2004). This case represents a 10+ year effort, by me and attorneys in my office, to cause a procedural change at the Department of Licensing for suspending a driver's license. As a result of this decision the legislature instituted new procedures whereby wrongly suspended drivers can cause DOL to correct the mistake.

(2) In 1997-1998, I represented a client who disclosed she was being sexually assaulted by a well respected police officer while he was monitoring her on electronic home detention. We were able to take the matter to the appropriate law enforcement officials, causing quick investigation, resulting in the prosecution and termination of the offending officer. I was able to obtain a scholarship for the client to a women's only inpatient treatment facility where she completed her "home detention" program. We reached a civil settlement with the city for the injuries she suffered.

(3) In 2002, our office was retained to represent a client on two matters, where the opposing party was a lawyer representing himself and he employed a "paralegal" who had prior felony convictions. This case was significant, not because of the legal issues, but because we refused to abandon this client when a campaign of terror was initiated by the "paralegal." The "paralegal's" campaign included, among other things, the firebombing of an associate's vehicle and vandalism of our office property. Despite our very real concerns for the safety of our employees and all of our families, we held firmly committed to the rule of law on behalf of the client. The paralegal was ultimately convicted of the described crimes.

(4) During the 1990's, I successfully represented a young male client at jury trial on the charge of obstructing a public officer. Police had contacted my client while he was walking down the sidewalk with a young woman. The client thought he was being harassed and became uncooperative. The police felt they were in danger due to the client's actions and, when he would not comply with their commands, he was arrested. I felt the verdict was a triumph for justice and the civility of our constitution over prejudice. To this day, the client goes out of his way to thank me for the effort and willingness to take his case to trial rather than push him to accept a plea bargain.

(5) In 2004, I was retained during a lunch recess, to represent a witness who was being called by the prosecution to testify against her husband on a charge of DUI. Despite the husband's attorney's objection to the wife testifying, due to marital incompetence, the Judge had ordered she take the stand and testify. I found this representation important because it is the only time in my career that I advised my client in such a way that I was not surprised when she decided to disobey the court's order. I believe I explained this to the court in a respectful manner and, in doing so, caused the judge to reconsider his ruling. Ultimately, the judge reversed himself and ruled that my client did not have to testify.

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As a Judge Pro Tem, the cases of significance have been domestic violence matters and DUI cases:

(6) In 2007, a male defendant had been charged with a domestic violence assault. The court had entered a pretrial order prohibiting the defendant from having contact with the alleged female victim. On the date I was sitting as judge pro tem, the alleged victim appeared at the defendant's pretrial conference and asked me to recall the no contact order. This case was significant for two reasons. First, I find inherent tension between giving respect to the voice of women about orders issued for their protection; the constitutional requirements that all matters considered by the judge be heard in open court; the responsibility of the court to protect domestic violence victims from further abuse; and crafting orders that will be enforceable by law enforcement officers. In this case, after careful consideration of the victim's petition, the probable cause finding, and the defendant's prior criminal history, I declined to recall the no contact order. The second reason this case was significant, involves the response of the victim after I denied her request. She was openly contemptuous, in both words and behavior as she was leaving the courtroom. I had a packed courtroom and made the decision that I should not ignore the contempt. In a patience and respectful manner, I gave her the opportunity to apologize for the behavior. During a brief discussion she expressed her feelings of being victimized by the court, so I explained that the need for apology was not for her feelings, but was for her disrespect for the rule of law. She did apologize and left the courtroom respectfully. At the end of the court session, I was thanked by the court staff and attorneys for my handling of this situation.

(7) State v. Thorton, C757835, King County District Court, Burien. I presided over the jury trial on a charge of DUI. This case was significant to me because it is the only time, I have been called upon to rule on a motion for mistrial. The motion was created when a state witness testified about matters I had ordered suppressed during pretrial motions. It was a difficult decision to make, for many reasons. After giving it thoughtful consideration, I denied the motion, opting instead to give the jury a limiting instruction.

(8) Kent v. _____ Kent Municipal Court. I presided at a jury trial on a charge of Assault DV. The prosecutor was Tami Perdue. I do not recall the Defendant's name or the name of his attorney. The alleged victim's in-court testimony denied all allegations of an assault having occurred. Due to the decision of Washington v. Crawford, the alleged victim's out of court statements to the contrary were only admissible to impeach her testimony and not as substantive evidence. This case was significant to me because, regardless of my suspicions that the out of court statement was more likely the truth, there was no other evidence of an assault having occurred, and I was compelled to dismiss upon the Defendant's Green motion.

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>Seattle Pacific University</u>	<u>09/1977 – 06/1990</u>	<u>B.A. Political Science</u>
College/University	Dates of Attendance	Degree
<u>Edmonds Community College</u>	<u>09/1975 – 06/1977</u>	<u>A.A.</u>
College/University	Dates of Attendance	Degree

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

<u>University of Puget Sound</u>	<u>08/1990 – 06/1993</u>	<u>J.D.</u>
Law School	Dates of Attendance	Degree
_____	_____	_____
Law School	Dates of Attendance	Degree

Professional Experience

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

My current work is limited to serving as a judge pro tem in the King County District Court and several municipal courts in King County. As such, I preside on all aspects of criminal misdemeanor cases, preliminary appearances on felony investigations, small claims trials, civil pretrial matters, name changes, petitions for protective orders, and traffic infractions.

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

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.

My previous practice was primarily providing indigent criminal defense services in district and municipal court. My responsibilities included direct representation of clients and supervision of associate attorneys also providing such services. This also included appeals to the King County Superior Court and the Washington State Supreme Court. Our office also had a felony defense practice, general tort practice, and small business practice that was directed by my business partner. I also assisted in representation of these clients. ____

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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
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	_____	%
(2) Federal trial courts	_____	%
(3) State appellate courts	_____	%
(4) State trial courts	_____	%
(5) Municipal courts	<u>70</u>	%
(6) District courts	<u>30</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)	<u>5</u>	%
(2) Criminal litigation	<u>95</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>90</u>	%
(2) Non-jury trials	<u>10</u>	%
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>
<u>75+</u>	Municipal	<u>100</u>	<u>50</u>	_____
<u>75+</u>	State Dist.	<u>100</u>	<u>50</u>	_____
_____	State Superior	_____	_____	_____
_____	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>
<u>60+</u>	State Superior Court	<u>100</u>	_____
<u>1</u>	WA. Div. I COA	<u>100</u>	_____
_____	WA. Div. II COA	_____	_____
_____	WA. Div. III COA	_____	_____
<u>3</u>	WA. Supreme Court	<u>100</u>	_____
_____	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 the answer to Question #15. All except Redmond v. Moore were handled solely by me.

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

N/A

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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 have served on Court monitoring committees at the Bellevue and Northeast courts, as the representative of the public defender's office. As a shareholder in Tucker & Stein P.S. Inc., I had direct responsibilities for human relations issues with our employees, financial management of our budget, and resolution of client complaints.

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 am not currently an officer or director of any business or organization. I do help my sister manage a small vacation rental property that she owns in King County. If I am appointed she understands that I will no longer be able to assist her.

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.

I participated on court monitoring committees at the Redmond and Bellevue Courts.

Judicial Interest and Experience

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

Due to the high volume of cases handled, district court judges play a vital role in shaping public opinion about our justice system. We need competent judges who are able to instill confidence in all parties that each case is resolved fairly and impartially, with understandable results. I have earned this reputation as a judge pro tem and I will be honored to continue to serve our community.

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

Ensure fair and impartial opportunity for litigants to be heard. Understand and faithfully support the rule of law. Give clear, understandable reasons for my rulings. Patiently treat all parties with dignity, courtesy and respect. Require parties appearing in my courtroom to do the same.

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

Yes.

If you answered "yes", please provide details, including the courts involved, whether elected or appointed, and the periods of your service.

I was appointed the interim judge at the Des Moines Municipal Court from May, 2007, to September, 2007.

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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. 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.

For courts and dates of service see the answer to question 9. The attorneys regularly appearing before me at Des Moines Municipal Court include Susan Mahoney, Tim George, Julie Codd, Tracy Greenwood, Matthew Honeywell, Robert Greene, Ken Fornabai, Mark Deming, and Kim Hunter. At Tukwila Municipal Court: Sandra Meadowcroft, David Kirshenbaum, Tim Goss, Iva Wong, and Mark Schnurle. At Kent Municipal Court: Ken Harmell, David Ianotti, Autumn Liner-Sanders, Scott Stewart, Jennifer Stewart, Andrea Beall, Jeff Mackie, Julie Storms, Tami Purdue, Ben Milgrom, Kathy Hardy, Jeff Leeper, Scott Terry, Virginia Amato, Bill Murphy, Jeff Smith. At Issaquah Municipal Court: Lynn Moberly, Paul Jacobson, Shawn McCully, Leslie Tolzin, Liz Ann Padula, Vernon Smith, George Bianchi, Blake Warbinton, and Maili Barber. At Kirkland Municipal Court: Matthew Knauss, and Jeff MacNichols. At Mercer Island Municipal Court: Matt Honeywell and Katie Knight. At Renton Municipal Court: Sean Arthur, John Prendergast, and Trisha Grove. At King County District Courts: Lena Smith, Susan Harrison, Bobbie Gronberg, Haydee Vargas, Theresea Griffin, Brian Beattie, Chloe Alyn, Matt Covello, Doug Silva, Mark Blair, Mitch Greene, Jeannie Muckelstone, Gene Piculell, Scott Terry, Andrew Phipps, Mark Blair, Tracy Codd, and Erik Kaeding.

Community and Civic Activities

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

2009 to present. I am a volunteer coach of youth with Seattle Fastpitch Club.

Fall, 2004 to fall, 2006. I worked as a volunteer at Senior Services of Seattle and King County, under the Senior Rights Assistance director, Jean Matheson, in the Victim Advocate (VOCA) program. I assisted other volunteers in helping senior citizens who were victims of crime, as the criminal cases worked through the courts. I was also assigned to serve on a citizens committee (FAST), directed by Pat Sainsberry of the King County Prosecutor's Office, that focused on criminal financial abuse of the elderly. I also occasionally made presentations to senior citizens on protecting themselves from identity theft/fraud.

Fall, 2002. Volunteer American Lung Association, Trek Tri Island providing road assistance for fundraisers over a three day trek.

1998 – 2007. Human Rights Campaign, member.