

Karen Donohue
Questionnaire

Seattle Municipal Court

Prior Evaluation / Application History

8. Year admitted to practice law in Washington: 1987

9. Employment History (in reverse chronological order):

a. Start Date: Oct. 2009 End Date: N/A

Organization: King County District Court

Address: 516 Third Avenue, Seattle, WA 98104

Phone No.: (206) 205-5515

Position/Title: Judge Pro-Tem

Supervisor: Cathy Grindle

Nature of Practice (including frequency of court appearances):

Preside over contested traffic hearings, infraction mitigation hearings, criminal arraignments, felony decline calendars and small claims calendars.

I've worked between 20 - 25 times in Seattle, Issaquah and Shoreline Courts (and am scheduled to work in the future in Bellevue District Court).

Reason for leaving: N/A

b. Start Date: Nov. 2008 End Date: N/A

Organization: Des Moines Municipal Court

Address: 21630 11th Avenue South, Des Moines, WA 98198

Phone No.: (206) 870-6517

Position/Title: Judge Pro-Tem

Supervisor: Jennefer Henson

Nature of Practice (including frequency of court appearances):

Preside over jury and bench trials, pre-trial calendars, in-custody arraignments, bail hearings, contested traffic hearings and infraction mitigation hearings.

I've worked approximately 10 times in Des Moines Municipal Court.

Reason for leaving: N/A

c. Start Date: Aug. 2007 End Date: N/A

Organization: Seattle Municipal Court

Address: 600 Fifth Avenue, Seattle, WA 98124

Phone No.: (206) 684-8709

Position/Title: Judge Pro-Tem

Supervisor: Jeffrey Tsunekawa

Nature of Practice (including frequency of court appearances):

Preside over jury and bench trials, pre-trial calendars, in-custody arraignments, bail hearings, domestic violence, community court and mental health calendars, contested traffic hearings, infraction mitigation hearings, impound hearings and criminal motion calendars. I have also heard civil code infractions and have issued warrants and subpoenas ducas tecum. I have worked in Seattle Municipal Court more than 100 times since 2007. Please also see below.

Reason for leaving: N/A

d. Start Date: May 2008 End Date: N/A
Organization: FunHub Creative, LLC
Address: 1150 Sunset Avenue, Bellingham, WA 98226
Phone No.: (360) 933-0752
Position/Title: Co-Founder/Member
Supervisor: N/A; other co-founders are Angela & Brian Compton, Jim Dixon & Steve Hart.
Nature of Practice (including frequency of court appearances):

Minority interest in creative services company which assists inventors and publishers with the creation, development and production of gifts and board games. Assist with contract negotiation, licensing, business administration, regulatory and compliance matters as well as production, manufacturing and creative content. Developed and edited content for the trivia game, *Smart Darts*.

Reason for leaving: N/A

e. Start Date: 2004 End Date: 2008
Organization: Independent Contractor/Self Employed
Address: Worked from home
Phone No.: (206) 227-8249
Position/Title: Independent Contractor
Supervisor: N/A
Nature of Practice (including frequency of court appearances):

Consultant to start-up companies, assisted clients with a variety of matters including production and manufacturing, human resources, contracts, regulatory matters, logistics and project management. Proof-read and edited six novellas, reviewed print production proofs, supplied and edited content for board game and website.

Reason for leaving: My main client lost funding and I returned to working as a Judge Pro-Tem.

f. Start Date: 2001 End Date: 2006
Organization: Seattle Municipal Court

Address: 600 Fifth Avenue, Seattle, WA 98104

Phone No.: 684-8709

Position/Title: Judge and Magistrate Pro-Tem

Supervisor: Caulette Holman (Ret)

Nature of Practice (including frequency of court appearances):

Preside over jury and bench trials, pre-trial calendars, in-custody arraignments, bail hearings, domestic violence, community court and mental health calendars, contested traffic hearings, infraction mitigation hearings, impound hearings and criminal motion calendars. I have also heard civil code infractions and have issued warrants and subpoenas ducas tecum.

I worked in Seattle Municipal Court during this time approximately 50 – 75 times. Please see continuation sheet.

Reason for leaving: Lack of work

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.

Washington Federal District Court – Western District, 1987

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

Washington Women Lawyers

King County Washington Women Lawyers – At Large Board Member ~ 1996

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 a Judge Pro-tem I have not been able to serve on any court committees.

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).

* Managing a multi-million dollar (approximately \$20 million capital investment was at stake at the time the law suit was filed) law suit (and subsequent appeal to the European Union Court of Justice) while based in Dublin, Ireland. This required coordinating and advising domestic and international business and legal teams, controlling litigation fees, locating and working with expert witnesses and learning Irish law and procedure.

* Working as General Counsel to an international telecommunications consulting firm. I worked with large outside firms in Seattle and Washington D.C. on federal communication regulation matters, as well as handled general legal support for the company, which had two domestic offices and several international satellite offices.

* Developing the first in-house warehousing and logistics program (domestically and internationally) for a board game company. I joined the company to help with regulatory and compliance matters, but moved to logistics, production and creative development. I am proud of my ability to interject myself into business practices and decisions that affected the overall fiscal health of a successful company outside of the legal profession.

* I was elected Chair of the Board Governance Committee at Woodland Park Zoo (WPZ) shortly after joining the board. During my tenure with the board I worked extensively with the Board Chair and the Chair of WPZ to ensure that we were engaging in best practices for a non-profit board. This was another wonderful learning experience for me; one that has provided me with a solid understanding of how to run a large organization.

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.

* The very first case I was assigned as a new associate was a divorce case. At issue were seventy chickens, a dog named Tubby and my client's false teeth. By the time the case came to trial, some three years after the parties filed, the chickens had all died and Tubby had run away. My client, however, still did not have his teeth. When we walked into court the morning of trial, opposing counsel handed me a paper bag with my client's teeth in it. Fortunately, we were able to present a final decree to the judge for signature rather than my having to present any argument. It was at this point that I figured if I could go to court over someone's false teeth, I could do anything.

* In 1994, I presided over a three week jury trial in Seattle Municipal Court in which the president of Ballard Oil was convicted of creating a fire hazard in violation of the Seattle Municipal Code.

This case was unusual, not only for the length of the trial, but also because this may have been the first time anyone had been tried criminally for failing to install an automatic fire-control device. This was essentially a civil case and I was required to make rulings on expert testimony and over 200 exhibits.

As part of the sentencing, the defendant was required to get in compliance with the Fire Code. The estimates for doing so ranged between \$30,000 and \$60,000. Despite the high cost of compliance, the case was not appealed; the defense attorneys told the defendant that there were no appealable issues. This was the longest and most complex case that I have been involved in as a neutral decision maker.

* I also presided over a case in which five advocates for the homeless were tried for criminal trespass. Three of the defendants were represented by counsel and two were pro-se. While the legal matter was not terribly complex, the case was a test of my ability to maintain control and decorum in the courtroom and ensure that each of the five defendants left the court feeling that they had a fair trial.

* In 1988, one of the partners in my firm turned a sexual discrimination suit that he had been working on over to me. The claim that he was trying to pursue was that she had been wrongfully fired because of her pregnancy. After researching the law and the facts of her case, I determined that she did not have a claim after all, and it was left to me to contradict my boss's assurances that she did. I could have gone ahead and filed the suit because she was willing to pay me. In my opinion, that would have been unethical and dishonest and I was unwilling to engage in that type of practice.

* In *Seattle v. Garland Lewis*, 70 Wn. App. 715 (1993), I wrote the brief, and another attorney successfully argued that the City's ordinance on Obstructing was constitutional. (My supervisor in the City Attorney's office argued the case for me as I was on maternity leave). The Court of Appeals held that the City did not have to plead or prove an affirmative defense, that the defendant did not have a right to a jury trial on whether the officer acted lawfully and that the City's ordinance was not in conflict with State law. This was a complex issue and a strong test of the City's ability to legislate differently than the State.

* I've worked in each of the specialty courts (Domestic Violence, Community and Mental Health Court) within Seattle Municipal Court. All three courts involve cases that require sensitivities that other types of cases do not. Mental Health Court is one of the more challenging, yet rewarding courts to work in. The prosecuting attorney, public defenders, probation staff, mental health professionals and judge work as a team to address the underlying problems that a defendant faces. Similarly, Community Court defendants work with a team of court staff and attorneys to re-engage in life and give back to the community where their crime was committed. Sitting in both Mental Health Court and Community Court have given me a better perspective of why people fall into the system and has colored the manner in which I address a defendant in all courts.

* As an Assistant City Attorney, I tried a defendant for assaulting a seven year old boy. The case required me to deal with the sensitive issues involved in questioning a child witness. It also emphasized for me the emotions that the victims of crime have to deal with – not only from the person who committed the crime, but often from the justice system itself. In this particular case, the judge recognized that an assault had taken place, but found the defendant not guilty because “the boy more or less got what he deserved.”

Educational Background

16. Please list all undergraduate and graduate (non-law school) colleges and universities attended, years of attendance, degree awarded and reason for leaving if no degree was awarded.

<u>University of Washington</u>	<u>1979 – 1983</u>	<u>B.A. – Political Science</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>(now Seattle University)</u>	<u>1984 – 1987</u>	<u>J.D.</u>
Law School	Dates of Attendance	Degree

Professional Experience

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

I work only as a Judge Pro-Tem in Seattle Municipal, King County District and Des Moines Municipal Courts.

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.

I have worked in private practice, where I handled primarily family law cases for people in rural Eastern King County. I also represented clients in bankruptcy, criminal felony & misdemeanor, personal injury, tort, real estate and contract law cases.

I was an Assistant City Attorney for the City of Seattle, where I tried approximately 75 jury trials and over 100 bench trials in Seattle Municipal Court, along with countless pre-trial, arraignment and motions hearings. I also wrote appellate briefs for approximately 60 cases.

I have had a solo practice, in which I wrote and argued appeals, motions and briefs for other

defense attorneys in misdemeanor and gross misdemeanor cases. I represented communication clients with contract writing, negotiations and business proposals. I have also represented clients with national and international telecommunications regulation, immigration, real estate and corporate structure.

I have been responsible for regulatory compliance in the complex toy and game industry, import regulation and intellectual property.

21. Within the last 5 years, did you appear in trial court: (As a Judge Pro-Tem rather than an advocate)

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: (As a Judge Pro-Tem)

- (1) Federal appellate courts
- (2) Federal trial courts
- (3) State appellate courts
- (4) State trial courts
- (5) Municipal courts 99%
- (6) District courts 1%
- (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) 1%
- (2) Criminal litigation/
Contested &
Mitigation hearings 99%
- (3) Family law litigation
- (4) Non-litigation
- TOTAL 100%

(c) What percentage of your trials in the last five years were: (As a Judge Pro-Tem)

(1) Jury trials	5%
(2) Non-jury trials	95%
TOTAL	100%

(d) State the number of cases during your total career that you have tried to verdict or judgment (rather than settled) in the following courts, and indicate for each court the following percentages: trials in which you were sole counsel or chief counsel, jury trials, and trials where you were the arbiter/decision maker.

Number	Court	% as Sole / Chief Counsel	% Jury	% as the Arbiter
250 - 300	Municipal	60%	50%	40%
5	State Dist.	100%		
	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).

Number	Court	% as Sole / Chief Counsel	% as the Arbiter
~60	State Superior Court	100% (none since 1993)	
1	WA. Div. I COA	I wrote the brief, but my supervisor argued the case while I was on maternity leave	
	WA. Div. II COA		
	WA. Div. III COA		
	WA Supreme Court		
	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).

As most of the cases that I tried were heard more than 16 years ago, I no longer recall the names of the cases. While I recall who many opposing counsel were, memories have probably faded to the point that this information might not be very helpful. However, please see question 49 with regard to the names of opposing counsel. I tried a number of cases in front of Judge Helen

Halpert, (206) 296-9235, who will recall my appearance before her.

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

N/A

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

The skills that I have acquired negotiating contracts and other agreements will definitely enhance my ability to serve as a judge, as will the amount of regulatory and compliance work that I have done.

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 hold a minority interest in a creative services company (FunHub Creative, LLC) which assists inventors and publishers with the creation, development and production of gifts and board games. Assist with contract negotiation, licensing, business administration, regulatory and compliance matters as well as production, manufacturing and creative content.

I will resign my position if I am elected.

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.

Member, Criminal Section WSBA – 2010

Member, Business Section WSBA ~ 1997 – 98

Member, International Section WSBA ~ 1997 - 98

King County Washington Women Lawyers – At large member ~ 1996

King County Bar Association Judicial Evaluation Committee – 1987 – 88

Judicial Interest and Experience

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

I've earned a reputation as fair and well-reasoned. Through my broad business, community and legal background I will provide essential leadership, fiscal responsibility and administrative

skills to the court. I care deeply about Seattle Municipal Court and will work intelligently and diligently for the citizens of Seattle.

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

I always try to be fair, appear fair and treat all parties with respect - allowing them to be heard and ensuring they understand the proceedings and rulings. A judge should never stop learning and should have a thorough understanding of issues affecting the justice system.

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.

No.

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.

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 began working as a Judge or Magistrate Pro-Tem in Seattle Municipal Court in 1994. I have also worked as a Judge Pro-Tem in Des Moines Municipal Court (since 2008) and King County District Court (since 2009). Please see attached sheet for names and phone numbers of attorneys.

Community and Civic Activities

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

- * Laurelhurst Beach Club Board Trustee - 2005 to present. Immediate Past President
- * Member Woodland Park Zoo Board of Directors – 2004 to 2008. Executive Committee; Chair Board of Governance Committee; Chair of Public Affairs Committee.
- * Seattle Academy of Arts and Sciences (SAAS) Mock Trial Volunteer – 2010
- * SAAS Parent Association (Grade Parent Representative) – 2009-10
- * Seattle Preparatory School Parent Board – 2004–06
- * Captain, USTA and Emerald Cup Tennis teams
- * Pacific Northwest Ballet Parent Volunteer

- * Youth Soccer, Softball and Basketball Coach
- * Assumption-St. Bridget School Parent Volunteer
- * Laurelhurst School PTA Board Member
- * Friends of Laurelhurst School Board Member
- *Fred Hutchison Cancer Research Center Guild Member (Hutch Holiday Gala)
- * President – Perkins Parent Association 1994-95
- *Examiner – Seattle Police Department Sergeant Oral Examination – 1995
- * President – U.W. Young Alumni Club – 1989-90
- *Vice President – U.W. Young Alumni Club – 1988-89
- *Neighborhood Legal Clinic Volunteer – 1989-1991
- *Member North Bend Chamber of Commerce 1988–89
- *Queen Anne Community Council Board of Trustees 1989-90