

Michael Finkle

Questionnaire

King County District Court

Attachment to Question 7 of Questionnaire for Candidates Seeking
Appointment or Election to Judicial Office

Michael J. Finkle—September, 2009

7. **Prior judicial evaluations and appointment applications**—Per Julie Gardner at the KCBA, I am including the ratings I received as part of this application packet
- a. King County District Court and Renton Municipal Court, approximately mid-1990s: I applied for King County District Court and Renton Municipal Court judicial positions, but was not appointed. I applied to the King County Bar Association to be rated for District and Municipal Courts, and received a rating of **Exceptionally Well Qualified**
- b. Renton Municipal Court, approximately 1998: I applied for Renton Municipal Court, but was not appointed. I relied upon my prior KCBA rating.
- c. King County Superior Court, approximately 2001-2005: I applied twice for appointment to the King County Superior Court, but was not appointed. I applied for ratings from each of the bar associations that rate judicial candidates and applicants. I applied to all six bar associations that rate judicial applicants, and sought ratings for both Superior Court and District/Municipal Court. My ratings, from 2002, are my most recent.
- (i) **District and Municipal Court** (Listed alphabetically within each rating level)
- **Exceptionally Well Qualified**
 - Joint Asian Judicial Evaluations Committee (formerly ABAW)
 - King County Bar Association
 - Latina/o Bar Association of Washington (formerly WSHBA)
 - Loren Miller Bar Association
 - QLAW—GLBT Bar Association of Washington (formerly LEGALS)
 - **Well Qualified**
 - Washington Women Lawyers, King County Chapter
- (ii) **King County Superior Court** (Listed alphabetically within each rating level)
- **Exceptionally Well Qualified**
 - King County Bar Association
 - Latina/o Bar Association of Washington (formerly WSHBA)
 - Loren Miller Bar Association
 - **Well Qualified**
 - Joint Asian Judicial Evaluations Committee (formerly ABAW)
 - QLAW—GLBT Bar Association of Washington (formerly LEGALS)
 - **Qualified**
 - Washington Women Lawyers, King County Chapter

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Professional History

8. Year admitted to practice law in Washington: 1988
9. Employment History (in reverse chronological order):

Seattle City Attorney's Office

a. Start Date: Feb. 14, 1990 End Date: Still employed by organization
Organization: Seattle City Attorney's Office, Public & Community Safety Division
Address: P.O. Box 94667, Seattle, WA 98124-4667

Phone No.: 206-684-7734

Position/Title: Assistant City Attorney Supervisor

Supervisor: Robert W. Hood

Nature of Practice (including frequency of court appearances):

Supervise prosecutions in Seattle Municipal Court. This includes specific responsibility for supervising in-custody filing and arraignments, Mental Health Court, Community Court, Our Traffic Safety Prosecution prosecutor (DUI filings and motions; assault by vehicle), and our Infraction Prosecution Project. I also serve as the in-house expert on public disclosure law. I previously supervised a trial unit and a special operations unit.

Reason for leaving: Not applicable

b. Start Date: Summer 1998 End Date: Not Applicable

Organization:

Address: 900 Broadway, Seattle, WA

Phone No.: 206-398-4069

Position/Title: Adjunct Professor of Law

Supervisor: Interim Dean Annette Clark

Nature of Practice (including frequency of court appearances): Teach courses in Trial Techniques and Law, Policy & Mental Health

Reason for leaving: Not Applicable

c. Start Date: January 1986 End Date: February 1990

Organization: Los Angeles City Attorney's Office, Criminal, Special Operations, and Appellate Units

Address: City Hall East, 200 No. Main St., Room 800, Los Angeles, CA 90012

Phone No.: 213-978-8100

Position/Title: Deputy City Attorney

Supervisor: Martin Vranicar, Jessica Silver, William Sterling, Stephanie Sautner

Nature of Practice (including frequency of court appearances):

Prosecute misdemeanors in Los Angeles Municipal Court; Participate as member of Plaintiff's litigation team in large-scale complex unfair business practices lawsuit (140+ named defendants, 75+ defendants served with process

Reason for leaving: Moved to Seattle.

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d. Start Date: January 1985 End Date: January 1986
Organization: Reish & Reicher (formerly Reish & Luftman)
Address: 11755 Wilshire Blvd # 10
Phone No.: 310-478-5656
Position/Title: Associate Attorney
Supervisor: Fred Reish
Nature of Practice (including frequency of court appearances):
General civil transactional practice—tax, corporate, real estate, purchases and sales of businesses, probate
Reason for leaving: Career change to prosecutor.

e. Start Date: September 1981 End Date: January 1985
Organization: Greenberg, Bernhard, Rosin and Fern
Address: Not Applicable
Phone No.: Not Applicable
Position/Title: Associate Attorney
Supervisor: Barry Weiss
Nature of Practice (including frequency of court appearances):
General civil business practice—tax, corporate, real estate, purchases and sales of businesses, probate, some civil litigation

Reason for leaving: Firm broke up

f. Start Date: May 1980 End Date: August 1980
Organization: Foley & Lardner (formerly Weissburg & Aronson)
Address: 555 South Flower St., Suite 3500, Los Angeles, CA 90071
Phone No.: 213-972-4500
Position/Title: Summer Associate
Supervisor: Carl Weissburg
Nature of Practice (including frequency of court appearances):
Health care law firm representing hospitals, etc.

Reason for leaving: Summer clerkship ended; returned to 3rd year of law school

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.
State of Washington (1988); U.S. Supreme Court (1988); U.S. Court of Appeals-9th Circuit (1982); U.S. District Court, Central District of California (1982); State of California (1981; currently on inactive status)
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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.
- a) Washington State Association of Municipal Attorneys (1990-present): President (2000-2001), Board Member (1996-2001) and Chair of Criminal Topics Committee (plans criminal portion of semi-annual WSAMA conferences) (1995-present);
 - b) Washington State Bar Association (WSBA) Mental Illness and Sex Offender Civil Commitments Subcommittee of Washington State Bar Association's Committee on Public Defense (2005-2007);
 - c) WSBA Committee on Diversity (2001-2002).

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.

Although I have not served as a judge, I have served on several bench/bar committees with Superior Court, District Court, and Municipal Court judges. Those committees were designed to improve the criminal justice system. Those committees are as follows:

- King County Crisis Diversion Planning Group (2008-present)
- King County Executive's Mentally Ill Offender Task Force, 1997-1998
- King County/City of Seattle Failure to Appear Work Group—1998-1999
- Co-Chair, Seattle DUI Implementation Work Group—1998
- Co-Chair, Policies and Procedures Committee of City of Seattle Domestic Violence Task Force—1993-1995

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).

Please see attachment 14 for details

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.

Please see attachment 15 for details

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>Loyola Marymount University</u>	<u>August 1974 – May 1978</u>	<u>B.B.A.</u>
College/University	Dates of Attendance	Degree

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14: Significant professional accomplishments:

1. Participating in creation of Seattle Municipal Court's Mental Health Court. In the wake of the tragic stabbing of retired firefighter by Dan Van Ho, then King County Executive Ron Sims called together a task force with representatives of the criminal justice system (judges, prosecutors, defense attorneys), the mental health system (civil commitment and community providers) and other stakeholders.

One of the major recommendations from the task force was to create mental health courts to provide treatment, housing and other services to the mentally ill within the criminal justice system. Through a series of meetings over many months and culminating in March of 1999, Seattle Municipal Court created the fourth mental health court in the county, and the first within a municipal court.

I was fortunate enough to serve on the committee that recommended creating the court, and even more fortunate to take an active role in bringing the court about. I have supervised the City of Seattle's participation in that court from its inception.

2. Becoming a leading expert in the state in mental health laws as they relate to the criminal justice system. Over the past 10-12 years I have developed a reputation as the leading expert in the state in criminal competency laws as they apply to district and municipal courts. I am also considered one of the leading experts state on general mental health law as it relates to the interplay between the criminal justice and civil commitment systems. I have been invited to sit on virtually every workgroup that handles mental health policy matters as they relate to the criminal justice system.

I have given presentations on mental health issues at national, state and local levels, and audience members have come from as far away as New Zealand and England. I have published in academic, legal and health law journals (see attachment to Question 42 for a detailed list).

As an example of my reputation the area, I was invited to co-author an article for a special issue of Behavioral Sciences and the Law. BSL is a prestigious, nationally prominent publication. I ended up as lead author of an article entitled "Competency Courts: A Creative Solution for Restoring Competency to the Competency Process". All articles submitted for publication in BSL are reviewed anonymously by three experts (drawn from nationally respected psychiatrists, psychologists and attorneys). The article has been accepted for publication and should appear in late 2009.

3. Receiving inaugural "Outstanding Service Award" from Washington State Association of Municipal Attorneys. I was one of a group of five who received the award in 2003. Since that time the OSA has been awarded annually to one or two

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municipal attorneys. WSAMA is a statewide organization with 400-500 members. Members must represent a city or town, either in the civil or municipal prosecution context.

4. Serving as faculty and senior faculty for WSBA's Trial Advocacy Program. TAP is a highly successful program sponsored by the Young Lawyers Division of the WSBA. The program began in 1991 through the efforts of attorney Lawrence Edwards (and his first name is spelled correctly). I was one of the original four instructors. (Current King County Prosecutor Dan Satterberg, current King County Superior Court Judge and as best I can recall, attorney Russell Aoki were the other four instructors.) I developed the program curriculum and materials that were used through 2000, which was the last year in which I participated.

In 1997, the Young Lawyers Division of the WSBA presented me with an award recognizing my "Exemplary Contributions to the Development of Members of the Washington State Bar Association Demonstrated by Contributions to the Trial Advocacy Program.

5. Serving as adjunct professor of law at Seattle University Law School for 11 years. In 1998 I began teaching as an adjunct professor, and continue to do so. For the first eight years I alternated teaching Trial Tactics and Law, Policy & Mental Health. The past three years I have focused solely on Law, Policy & Mental Health.

I feel that my longevity in that role speaks well for my ability to teach both practical and academic subjects.

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15. Eight significant matters (in order of significance):

1. *Seattle Ethics and Elections Commission v. Colacurcio et al. (2006-2008).* This was the Seattle Ethics and Elections Commission case involving the so-called "Strippergate" scandal. Frank Colacurcio Sr. and Frank Colacurcio, Jr. admitted to illegally reimbursing campaign contributions relating to their request that the Seattle City Council approve a re-zone application to expand the parking lot at Rick's strip club in the Lake City neighborhood.

I served as lead counsel representing the Executive Director of the SEEC in his capacity as the petitioner in the administrative proceeding before the SEEC. The King County Prosecutor's Office filed felony charges arising out of the same incident.

As part of a global resolution of the case, the Colacurcios admitted all of the SEEC allegations and paid a total fine of \$75,000 in fines, \$55,000 in the SEEC case and \$20,000 in the criminal case. The largest fine levied by the SEEC was \$65,000, depending upon whether one includes the criminal fines, is either \$10,000 more or \$10,000 less than the Colacurcios paid.

The case is significant to me for two reasons. First, the matter involved the integrity of Seattle's election process, and the end result maintained the integrity of that process. Second, the case took 18 months of research, preparation, and work in conjunction with the Executive Director and his staff and with the King County Prosecutor's Office.

2. *People of the State of California et al. v. Highland et al. (1989-1990).* This was a large-scale, complex civil lawsuit I was involved in as a Deputy City Attorney with the Los Angeles City Attorney's Office.

Plaintiff People of the State of California alleged a series of unfair business practices arising out of loans to tenement slum owners. Plaintiff Tenants alleged violations of housing codes and unfair business practices. Both plaintiff groups sought injunctive relief; plaintiff People sought penalties; plaintiff Tenants sought damages. Plaintiffs named over 140 defendants, and served process on about 75 of them.

I was a member of the plaintiff People's three-person litigation team, and handled discovery issues, public information requests, law and motion matters, and settlement negotiations. Approximately 35 defense attorneys, including several large, prominent law firms represented the 75 served defendants (out of 142 named defendants).

The case is significant to me for several reasons. First, we were able to provide a voice for tenants of tenement slums, who were living far below the poverty level. For a variety

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of reasons, including poverty and language barriers, most if not all of the tenants had little or no legal recourse.

The City obtained injunctive and other relief as part of a mass settlement. I played a major role in the settlement with one of the two major defendant groups. The tenants settled their damages claim after I had moved to Seattle, but I understand from a former colleague that the tenants received the largest monetary settlement in a landlord-tenant lawsuit in California's history.

Second, the plaintiff litigation team involved a collaboration among attorneys that were at all other times legal adversaries: the Los Angeles City Attorney's Office, legal aid attorneys that sued the City on a fairly regular basis, and a public-interest law firm that sued the City on an even more regular basis. We managed to work together in a respectful and highly successful manner.

Third, a creative argument I crafted in response to a demurrer by the second major defendant group, based on a preemption theory, ultimately held sway on appeal. The trial court dismissed the complaint against that defendant group, but the appellate court reversed that ruling, based on the argument that I made at the trial court, and remanded the case back to the trial court. (The remand occurred after I had moved to Seattle, but was based on my argument.) That kept the case alive against that major defendant group, and enabled the City to reach a favorable settlement with them.

3. *City of Seattle v. John Doe [unable to recall defendant's name] (1990-1992)*. I personally prosecuted this health code violation matter over a two-year period, from the pretrial stage through several probation revocation hearings, to its ultimately successful conclusion. The defendant was charged with health code violations involving accumulation of trash and animal feces, which created unhealthy conditions. Several of the defendant's neighbors were so concerned that they wrote letters asking the City to help clear up the health hazards. Over the course of two years, I worked with inspectors from the Seattle-King County Health Department and the City's Office of Planning and Development (formerly Department of Construction and Land Use) to get the property cleaned up. Ultimately, the health department was permitted to abate the conditions and bill the defendant, as part of the settlement of a probation revocation and disposition of a subsequent case.

This case is significant to me because the neighbors—who were very much victims of the health code violations—received relief. Although the matter took two years, the final success resulted from close cooperation among the prosecution and two city and/or county agencies. In addition, the defendant benefited from the disposition, because the health conditions threatened his welfare as well, and he was not able to resolve the conditions on his own. The end result was better conditions for the defendant and for the neighbors.

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4. ***City of Seattle v. John Doe [Name withheld for privacy purposes] (2008-2009).*** This case is currently pending in Seattle Municipal Mental Health Court. It involves a mentally ill defendant who had been making life tortuous for his neighbors for about five years. A group of about 20 neighbors met at least twice with a specialized unit within SPD (their Crisis Intervention Team) and a prosecutor from my office; I attended the last of those meetings. I devised a successful strategy that has resulted in the defendant entering mental health court, where he is doing well so far.

The case is significant to me for two primary reasons. First and foremost, I helped bring some relief to a neighborhood when it looked like there was no relief in sight. Second, I was able to take a creative view of the situation, and work successfully with the police, the community, and my colleagues at the King County Prosecutor's Office to bring about a (so-far) successful resolution.

5. ***City of Seattle v. Anthony Allison [the "Swordsman of Pike Place Market" case] (1997).*** I was specially assigned to prosecute this case, in which the defendant wielded a sword at Pike Place Market and held police at bay for 11 hours. Because the mental health and criminal justice systems were simultaneously processing the defendant, I had to coordinate with City, County, and State agencies. The defendant was acquitted by reason of insanity, and I had to devise a process by which he could be safely transferred back to Western State Hospital.

The case is significant to me for several reasons. It was one of two catalysts for forming the King County Executive's Mentally Ill Offender Task Force. It also launched my involvement in mental health issues related to the criminal justice system. Finally, it required that I develop processes that, until that time, did not exist in municipal or district courts, and that I do so under extreme time and public safety pressures.

6. ***People of the State of California v. Chambers, 209 Cal.App.3d Supp. 1 (1989).*** I successfully defended a constitutional challenge to California's drug paraphernalia statute in an opinion published by the Appellate Department of the Los Angeles County Superior Court. At that time in California, a three-judge panel of the Superior Court for that county heard appeals from misdemeanor cases. The appellate panel had the authority to publish significant opinions, which were binding authority in all limited jurisdiction courts in that county, and were persuasive authority in limited jurisdiction courts in other counties.

This case is significant to me because it was my first (and only) published opinion as primary appellate counsel. (I assisted in briefing a successful civil appeal that was published in *Admiralty Fund v. Peerless Insurance Co.*, 143 Cal.App.3d 379 (1983), but played only a minor role in that appeal.)

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7. *People of the State of California v. John Doe [unable to recall defendant's name] (1985-1987).* This was my first domestic violence case; the defendant was charged with assaulting his wife. I received the case shortly after arraignment, and prosecuted it through a successful probation revocation hearing.

The case is significant to me because it is the first domestic violence case I prosecuted. Over a two-year period, I observed the victim change from feeling powerless against her husband to feeling in control and taking that power away from him. The victim was afraid of testifying, not because of any physical threats by the defendant, but rather because of her emotional state at the time. By explaining the process to the victim, answering her questions, and keeping her apprised of the status of the case, I was able to reassure her to the point that she felt able to testify. The defendant ultimately pled guilty, but continued to contact the victim in violation of his probation. At one point, he sent a bicycle to their child, "in care of" the victim. This violated their divorce decree and the court's order. The victim testified at the ensuing revocation hearing, and the court revoked the defendant's probation.

This case, more than any other, taught me three things about domestic violence cases. First, patience and tenacity are crucial to successfully handling a domestic violence case. Second, domestic violence cases can have a positive result for the victim. Third, and most important, seeing the changes that a positive result can bring to a victim's life is more than worth the effort it takes to obtain that result.

8. *People of the State of California v. John Doe [cannot recall the defendant's name] (1986).* This was my first jury trial. I had just changed careers, leaving the world of private practice and entering the world of municipal prosecution. I was assigned a jury trial as part of the final week of my 5-week training through the Los Angeles City Attorney's Office. This was my first trial of any kind, and I tried the case solo. The defendant was charged with assaulting the 17-year victim by swinging a mechanic's lantern at him.

I learned a very important trial lesson that I continue to use whenever I serve as a judge pro tem: do not react to questions asked on direct or cross examination. The judge in this particular case had a habit of opening her eyes wide when she thought an objection would be appropriate. I took advantage of that idiosyncrasy to determine when to object or not to object. The judge sustained virtually all of my objections, and the jury came back with a guilty verdict.

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<u>Seattle University</u>	<u>September 1991-June 1995</u>	<u>M.B.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>UCLA School of Law</u>	<u>August 1978 – May 1981</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.

I supervise misdemeanor prosecutions in Seattle Municipal Court. Over my 19 year career with the Seattle City Attorney's Office, I have handled and supervised every aspect of gross misdemeanor prosecution. Currently, this includes Mental Health Court, in-custody arraignments, and DUI/Traffic Safety cases. Occasionally I will try a jury or bench trial. I also team with a colleague from our Civil Division to supervise an infraction project through which Rule 9 interns handle all infractions that involve moving traffic violations, animal control leash law violations, and noise disturbance cases.

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

My client is the City of Seattle. In addition to my duties described in 18 above, I am the Division's primary responder to the City's Emergency Operations Center, and serve on the Mayor's Emergency Executive Board when the EOC is activated. I review all referrals from the Investigation Section of the Office of Public Accountability for consideration of filing charges against police or civilian employees of the Seattle Police Department. Among my "other duties as assigned" is serving as the criminal branch of the Seattle City Attorney's Office known as the Public & Community Safety Division's Public Disclosure Officer and I serve on various bench/bar committees.

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.

While with the Los Angeles City Attorney's Office I tried misdemeanor cases, handled criminal appeals, and worked on a large-scale complex civil lawsuit. Prior to that I was in private practice with firms that specialized in commercial transactions, such purchases and sales of businesses, real property leasing, and occasional civil litigation.

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

X Regularly Occasionally Infrequently

[I am considering Seattle Municipal Court as roughly equivalent to King County District Court]

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

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Regularly Occasionally Infrequently

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

Regularly (District and Municipal Courts) Occasionally Infrequently (Superior Court)

Although I have appeared infrequently in Superior Court in the past five years, I have appeared in Superior Court on a regular basis during my career. During my last 20 months with the Los Angeles City Attorney's Office, I appeared weekly and semi-weekly in Superior Court on civil litigation and appellate matters. I also appeared in Superior Court on probate and civil litigation matters during my years in private practice.

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	0 %
(5)	Municipal courts	98 %
(6)	District courts	1 %
(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)	0 %
(2)	Criminal litigation	85 %
(3)	Family law litigation	0 %
(4)	Non-litigation	15 %
	TOTAL	100 %

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

(1)	Jury trials	6 7%
(2)	Non-jury trials	33 %
	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 were you were the arbiter/decision maker.

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<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% Jury</u>	<u>% as the Arbiter</u>
140-150*	Municipal	95 %	75 %	1 %
4	State Dist.	0 %	100 %	2 %
_____	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>
35	State Superior Court*	97 %	0 %
_____	WA. Div. I COA	_____	_____
1	CA. Div. II COA*	0 %	0 %
_____	WA. Div. III COA	_____	_____
_____	WA. Supreme Court	_____	_____
_____	Fed. Cir. COA	_____	_____
_____	U.S. Supreme Court	_____	_____

*I am including appellate matters that I handled in Los Angeles Superior Court and the Court of Appeals (District 2) in California. I have handled two King County Superior Court RALJ matters, one as sole counsel and one as co-counsel.

- (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 Attachment 24(f) for details

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

I represented the Executive Director of the Seattle Ethics and Elections Commission in the so-called Strippergate scandal. I served as lead counsel and worked out the settlement agreement that the Commission accepted. Coming from the criminal prosecution side, I had to learn general administrative procedures as well as the SEEC's procedures. I first became involved in the matter sometime in 2006, and the case settled in January of 2008.

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24(f): Significant litigation matters.

1. *City of Seattle v. Anthony Allison*. This was the “Swordsman of Pike Place Market” case in which the defendant carried an unsheathed sword through Pike Place Market and held the police at a standoff for 11 hours.

See answer to question 15 for more details.

Opposing counsel: Scott Shawver. (206) 686-5075
Judge: Hon. Judith Hightower

2. *City of Seattle v. Weiss*. This case was ultimately resulted in a published opinion at 120 Wn.App. 402, *review denied* 152 Wn.2d 1033 (2004). I handled the initial motion and hearing in the trial court. The appellate decision related to a challenge to a major problem of delays in transporting the defendant to Western State Hospital for treatment and back to the County jail.

I handled the two-day hearing (the written opinion incorrectly states that the hearing took one day) and took testimony from the Chief Medical Officer and one of the supervising psychologists at Western State Hospital. The hearing established the factual basis upon which the appellate court based its decision; the decision established that a delay in transport could not support a dismissal.

Following the opinion, the Seattle Municipal Mental Health Court team was able to work with Western State to put into place a plan that improved the situation.

Opposing counsel at the hearing and motion: Kim Gordon. (206) 340-6034
Judge: Hon. Arthur Chapman.

3. *Seattle v. John Doe [cannot recall the defendant's name]* (Approximately 1992). This case involved the first jury trial under Seattle’s Drug Traffic Loitering Statute.

Opposing counsel: Cary Virtue (808) 244-7640
Judge: Hon. Ron Mamiya.

4. *People of the State of California v. Chambers*, 209 Cal.App.3d Supp. 1 (1989). I successfully defended a constitutional challenge to California’s drug paraphernalia statute in an opinion published by the Appellate Department of the Los Angeles County Superior Court.

I cannot recall the identity of opposing counsel.

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I cannot recall the names of the judges. In California, a three-judge panel of the Superior Court for that county hears appeals from misdemeanor cases. The appellate panel has the authority to publish significant opinions, which may be cited as binding authority in all limited jurisdiction courts in that county and as persuasive authority in limited jurisdiction courts of other counties.

5. *People of the State of California v. Haslett (approximately 1987)*. This was one of the first nonfelony prosecutions for road rage involving a firearm in California. I tried the case and obtained a guilty verdict.

Shortly after this case, the California Legislature made the crime a felony rather than a misdemeanor.

Opposing counsel: Bruce Colodney (909) 862-3113
Judge: Hon. _____ Cohen (can't recall first name)

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

1. Teaching trial skills to for 10 years through the WSBA's Trial Advocacy Program.

2. Teaching as an adjunct professor at Seattle University Law School.

3. Giving presentations to superior, district and municipal judges throughout the state on various topics.

4. Having a Masters in Business Education.

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.

Not applicable

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.

President, Washington State Association of Municipal Attorneys (WSAMA), 2000-2001

Board Member, WSAMA, 1998-2002

Chairman, Criminal Topics Committee, WSAMA, 1993-present

Mental Illness and Sex Offender Civil Commitments Subcommittee of Washington State

Bar Association's Committee on Public Defense, 2005-2007

Committee on Diversity, Washington State Bar Association, 2001-2002

Judicial Interest and Experience

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

A good judge is fair and impartial, knows the law, and works to improve the judicial system. A great judge inspires confidence in the judicial system, never stops learning, and leaves the judicial system better than he or she found it. I aspire to be a great judge.

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

I will always treat everyone with respect. I will always maintain the moral courage to make the correct legal decision rather than the politically easy one. I will always respect the sanctity of the law, even if I disagree with it. I will always continue to grow professionally and personally.

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.

I ran for King County Superior Court in 2000. I did not win the election

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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.

All of my experience is as a judge pro tem. The courts and approximate dates are as follows:

1. King County District Court: (a) East Division-Redmond (formerly Northeast District Court) from August 1996 through early 2000s, then sporadically from the mid-2000s (most recent was 2009); (b) West Division (Seattle) from 2007-2009

2. Various Municipal Courts from 2000 through the present: Cities of Bothell, Des Moines, Kirkland, Lake Forest Park, Mercer Island, Renton.

I have presided over criminal jury and bench trials, criminal review and pretrial calendars, domestic violence criminal calendars, civil domestic violence and anti-harassment order hearings, civil bench trials, civil motions, small claims court and contested infractions.

In addition to attorneys listed in the answer to question 50, some other attorneys are: George Bianchi, Bill Bowman, Francisco Duarte, Steve Hayne, Al Rinaldi, Jeff Veitch.

Community and Civic Activities

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

1. Volunteer with merchandise sale at daughter's middle school (2009-present).
2. Room Rep in daughter's class at elementary school (2007-2008).
3. Treasurer, Parent Association at daughter's elementary school (2005-2007).
4. Served as volunteer for candidate for State Attorney General (2004).
5. Helped create and serve on Public Safety Committee for homeowner's association in my neighborhood (1997-2002).
6. Circulated petitions and information sheets throughout neighborhood regarding various political and other public interest issues (1992-1999).
7. Played Santa Claus for Kris Kringle visits for children in my neighborhood (1992-1999).