

Michael S. Hurtado

Questionnaire

Seattle Municipal Court

Prior Evaluation / Application History

7. Please state the date of all other judicial evaluations you sought, bar polls you participated in, and appointment applications you submitted. Please specify whether you sought appointment or election for each, from whom the evaluation was sought, the position sought, and the outcome. 1993—for initial appointment by Mayor Norm Rice:

¹ The Governor's Office uses this questionnaire exclusively for candidates seeking judicial appointment. The Washington State Bar Association and other state bar associations noted on the last page also accept this questionnaire in their judicial evaluation process. The Governor's Office reserves the right to update this questionnaire and will post updated versions of the questionnaire on the Governor's webpage. Please direct all questions about the questionnaire to the Governor's Office of General Counsel.

² Only include your social security number on the copy of the questionnaire forwarded to the Governor's Office.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

- Mayor's Judicial Appointment Committee
- KCBA
- Hispanic Bar Association
- Loren Miller Bar Association
- Asian Bar Association
- Washington Women's Lawyer Bar Association
Received appointment, March 1993

Professional History

8. Year admitted to practice law in Washington: 1978

9. Employment History (in reverse chronological order):

a. Start Date: April 1, 1993 End Date: Present

Organization: City of Seattle, Seattle Municipal Court

Address: 600 5th Avenue, Seattle 98104

Phone No.: 206.684.8709

Position/Title: Judge, Position #6

Supervisor: None

Nature of Practice (including frequency of court appearances):

Preside over violations of Seattle Criminal Code.

Reason for leaving: NA

b. Start Date: February 1981 End Date: March 15, ~~1983~~ ¹⁹⁹³ *or*

Organization: National Labor Relations Board, Region 19

Address: Seattle, W

Phone No.: 206.223-

Position/Title: Field Attorney

Supervisor: Robert Stange

Nature of Practice (including frequency of court appearances):

-- Investigate and prosecute, if necessary, violations of the NLRB Act

-- Conduct employee collective bargaining representation hearings

-- Serve as hearing officer for pre- and post-representation hearings

-- Prosecute allegations of violations of the NLRB Act where unions or employers were respondents.

Reason for leaving: Appointment to Seattle Municipal Court by Mayor Norm Rice.

c. Start Date: September 1978 End Date: February 1981

Organization: Seattle City Attorney (formerly Corporation Counsel)

Address: Seattle, Washington

Phone No.: 206.625.0000

Position/Title: Assistant City Attorney

Supervisor: Doug Jewett, City Attorney

Nature of Practice (including frequency of court appearances): Prosecute violations of Seattle Criminal Code. Daily court appearances as trial attorney.

Reason for leaving: Career advancement; accepted position with NLRB.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

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.

1978—Western District of Washington, Federal District Court

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.

Latina/o Bar Association of Washington, 1978, Founding Member

12. Are you in good standing in every bar association of which you are a member? 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.
- 2002- present:
- pro-tem training judge
 - administrative judge (ruling on expungement and seal-record requests)

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).

Night Court—for eleven years (1993-2004), I was the only judge who volunteered for this duty. I handled as many, if not more, pre-trial and post-trial hearings, than any day court during this same time period.

Mental Health Court—2008-2010

Presided over mental health court handling ever increasing case loads in a timely and compassionate manner. I consider my practice in mental health court as perhaps my most significant professional accomplishment and contribution to our system of justice. It has been humbling and eye-opening. One option for defendants that experience two or more disorders at the same time, such as drug addiction and a behavioral health disorder, is two years of intensive probation. My colleagues and I have instituted a unique judicial philosophy that is therapeutic in nature, while imposing strict sanctions when necessary.

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 a judge, I believe that all cases are important and significant. Following are two examples:

I decided the constitutionality of Seattle's sidewalk-sitting ordinance. Having found that the ordinance passed a constitutional analysis as applied and on its face, my decision was ultimately appealed and affirmed. The issue was controversial, however, I did not let my personal views impair my duty as a neutral decision maker. Here, the legal maxim, "It is not up to the judiciary to decide the wisdom of legislative action," was applicable.

Also, there have numerous challenges to the statutory and local DUI ordinance. I have sat en banc and presided over individual cases requiring specific findings.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

Educational Background

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

University of Washington College/University	1972-74 Dates of Attendance	BA, Education Degree
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17. Please list all law schools attended, years of attendance, degree awarded and reason for leaving if no degree was awarded.

University of Washington Law School	1975-1978 Dates of Attendance	J.D. Degree
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Professional Experience

18. Please summarize, briefly, the general nature of your current law practice.
To hear and decide on violations of the Seattle Municipal Criminal Code, involving such matters as DUI, domestic violence, weapons charges, mental health, and general violations of the law.

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

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.
NA

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

Regularly Occasionally Infrequently

22. Within the last 5 years, did you prepare appellate briefs and appear before appellate courts: NO

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	100%

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

(6) District courts	_____	%
(7) Administrative tribunals	_____	%
(8) Tribal courts	_____	%
(9) Other	_____	%
TOTAL	_____	100%

(b) What percentage of your practice in the last five years was:

(1) Civil litigation (excl. family law)	_____	%
(2) Criminal litigation	100%	
(3) Family law litigation	_____	%
(4) Non-litigation	_____	%
TOTAL	_____	100%

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

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

<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% Jury</u>	<u>% as the Arbiter</u>
20	Municipal	100%	100%	_____
	State Dist.	_____	_____	_____
30	State Superior	100%	80%	_____
	Federal Dist.	_____	_____	_____
	Administrative	_____	_____	_____
	Tribal Courts	_____	_____	_____
	Other	Above information for period, 1978-1981, as assistant city attorney.		

(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>
30	State Superior Court	100%	_____
5	WA. Div. I COA	100%	_____
	WA. Div. II COA	_____	_____
	WA. Div. III COA	_____	_____
1	WA. Supreme Court	93 Wash. 2 ^d 728 (1980)	_____

Above information for period, 1978-1981, as assistant city attorney.

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

- (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).

CITY V RICE:

Jury trial, 1978; conviction one count of criminal trespass; ultimately appealed and argued case before Washington State Supreme Court. 93 Wash. 2d 728 (1980)

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

NA

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

My work for the NLRB for 12 years provided me with substantial non-litigation legal experience. While in this position, I had the duty to analyze, investigate both the moving and non-moving parties, interviewing numerous witnesses involving broad issues involving labor disputes, collective bargaining and employee/union representation, and making recommendations to the regional director.

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.

NA

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.

Founding Member, Hispanic Bar Association
Board of Directors, Boys and Girls Club of King County, 2004-2006
Board of Directors, Goodwill Industries, 2002-2006
Board of Directors, University Prep, 2000-2004
Pacific Science Center, Crime Solvers, Youth Summer Program, 1995-Present
Board of Directors, Concilio for the Spanish Speaking, 1985-1991
Human Rights Commission, 1985-1987

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The Governor's Office's
Uniform Judicial Evaluation Questionnaire

Judicial Interest and Experience

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

First, my judicial experience and a reputation for being fair and firm. Furthermore, I bring compassion and understanding of circumstances of individuals in crisis. These are intangible qualities derived while surviving in South Central Los Angeles, and overcoming the "odds" of someone whose own life's circumstances included poverty, gangs, and violence, in my home and in my community.

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

My first and primary responsibility is to ensure that violations of the Seattle Municipal Criminal Code are adjudicated fairly and impartially. I believe that this must be performed with compassion and courage, but always upholding the rule of law and protecting the public safety.

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. Seattle Municipal Court Judge, 17 years. Prior to this, 8 years as pro-tem judge.

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.

My judicial experience as a Seattle Municipal Court judge and pro-tem judge are described above. Several attorneys who have appeared before me are included in question 50 and 52 below.

Community and Civic Activities

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

Board of Directors, Boys and Girls Club of King County, 2004-2006
Board of Directors, Goodwill Industries, 2002-2006
Board of Directors, University Prep, 2000-2004
Pacific Science Center, Crime Solvers, Youth Summer Program, 1995-Present
Founding Member, Hispanic Bar Association