

Susan Mahoney

Questionnaire

King County District Court

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

**Professional History**

8. Year admitted to practice law in Washington: 1991

9. Employment History (in reverse chronological order):

a. Start Date: Jan 2008                      End Date: Currently Employed  
Organization: City of Des Moines  
Address: 21630 11<sup>th</sup> Ave South      Des Moines, WA 98198  
Phone No.: (206) 870-6553 -- direct: (206) 870-6518  
Position/Title: Assistant City Attorney  
Supervisor: Pat Bosmans (City Attorney)

Nature of Practice (including frequency of court appearances):

Municipal Law. Advise all departments and the City's elected officials regarding City business and issues. Departments include Police, Court, Administration, Public Works, Planning and Building, Parks and Recreation, and Marina. Write and/or review proposed City Ordinances and Resolutions, represent City in litigation matters, labor matters, land use actions, oversee prosecution and provide court coverage when needed, handle code enforcement, asset forfeitures, and any other matters concerning the City as the need arises.

Reason for leaving: Currently employed

b. Start Date: 2001                              End Date: \*  
Organization: Law Office of Susan L Mahoney  
Address: (current) PO Box 98512      Des Moines, WA 98198  
              (former) 625 Commerce      Tacoma, WA 98402  
Phone No.: (current) 253-223-3391  
Position/Title: owner  
Supervisor: self

Nature of Practice (including frequency of court appearances):

Personnel Injury, family law, criminal defense, and municipal prosecution contracts for Des Moines (2002 – 2007), Normandy Park (2005 – 2006), Milton (2006 – 2007). Frequently appeared in court for defense and prosecution matters. Appeared less frequently for civil litigation matters, family law motions, and family law trials.

Reason for leaving: \* essentially closed practice in December 2007 to accept current position.

c. Start Date: 2000      End Date: 2001  
Organization: Graham Lundberg & Peschel  
Address: 1420 S. Union Ave. Fl. 2      Tacoma, WA 98405  
Phone No.: (253) 627-7701  
Position/Title: Associate Attorney  
Supervisor: Ken Golden

Nature of Practice (including frequency of court appearances): Personal Injury – no court appearances

Reason for leaving: Open own practice

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d. Start Date: 1990 End Date: 2000  
Organization: King County Prosecutor's Office  
Address: 516 Third Avenue Seattle, WA 98104  
Phone No.: (206) 296-6000  
Position/Title: Rule 9 Intern and Deputy Prosecuting Attorney  
Supervisor: Various -- Mark Larson, Al Matthews, Scott O'Toole, Lynn Moberly, Carol Spoor, Jeff Baird, Deanna Fuller, Donna Wise, and others

Nature of Practice (including frequency of court appearances):

Criminal Prosecution from misdemeanors to homicides.

Handled all aspects of prosecution from filing to trial and through appeal. My various assignments included:

King County District Court: 1990 - 1992. Started as Rule 9 Intern and worked through my third year of law school until appointed as a full time Deputy Prosecutor. In court daily. Returned to District Court Supervisor in 1995 -1996 to supervise and train new deputies and appeared in court regularly.

King County Drug Unit: 1992 - 1993 -- prosecuted drug crimes (approximately 40-60 trials and motions)

Loaned to State Senate as Staff Attorney Senate Law & Justice Committee 1994 session -- no court

Appellate Unit: in addition to the 4 or so appeals per year assigned to each prosecutor regardless of assignment, I also was assigned to the appellate unit for approximately 6 -- 8 months total. Handled approximately 40 appeals. Appeared in Court of Appeals infrequently.

Early Plea Negotiator / filing -- approximately 10 months. Appeared in court weekly.

Felony Trial Team: served several rotations on this unit beginning in 1993 prosecuting property crimes up to serious violent crimes against persons. Property Crimes (burglary, car thefts, forgery, arson etc) approximately 50 trials; Crimes Against Persons (Assaults, Kidnapping, Robbery, etc) approximately 50 trials; Inquests, vehicular Homicides and/or Assaults, and homicide trials approximately 20 -25 trials. Total time spent assigned to this unit approximately 5+ years.

Reason for leaving: explore new opportunities and broaden my legal experience

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.

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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.

WSBA, Washington Association of Municipal Attorneys, Association of Washington Cities. I have previously been a member of WAPA, WSTLA, ATLA, and the King and Pierce County Bar Associations.

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

13. If you have ever been a judge, please identify any court committees on which you have served or administrative positions you have held. Please state the dates of service for each.

n/a

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).

Being appointed a King County Deputy Prosecutor. I went to law school with this goal in mind since volunteering with the Victim Assistance Unit of the King County Prosecutor's Office while still at the University of Washington. I am proud to have worked for a Prosecutor such as Norm Maleng and to have had the honor of serving the citizens of King County in this capacity. I am also very proud of the work that I did there and the many cases I was able to bring to successful conclusions.

Having earned the reputation as an ethical, fair, and capable attorney and pro tem judge among my peers and in the courts in which I have appeared and presided.

Having the opportunity to train and mentor new lawyers.

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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.

I have participated in a number of significant matters over my career. Some were high profile and some were only significant to the people involved. The following are some of the most significant to me because of the lessons I learned or because of the outcomes for the people involved:

State v. Simmers, 95-1-058333 Murder 1 (Jury Trial 1996): Ian Simmers was just 16 years old when he took a complete stranger's life for the pure thrill of it. The case was circumstantial and involved difficult evidentiary, discovery, and mental health issues as well as an alibi defense. It was made more difficult because of the young age of Ian Simmers, the depravity of the crime itself, and the victims involved -- the family of the deceased *and* the Simmers family.

State v. Labuda, 94-1-036072 Arson: In 1990 Stephanie Labuda reported her young daughter attacked. The baby was located in a shed unharmed. Over the next couple of years, Mrs. Labuda took her children to different area hospitals for mysterious illnesses such as having ingested antifreeze and other household products. In 1992 and 1993 her house caught fire -- three times -- the second time with her children inside. Putting the evidence together was challenging. Mrs. Labuda was diagnosed with Munchausen by Proxy and was determined to be in serious need of mental health treatment. We were able to creatively fashion a plea and sentencing agreement that held Mrs. Labuda accountable, but also allowed her to obtain the treatment she desperately needed at an out-of-state in-patient facility specializing in her disorder.

State v. Craig Edwards, 99-1-067581 Vehicular Homicide, Felony Hit and Run: A married mother of two young daughters, one with cystic fibrosis, was killed instantly when her car was hit from behind only a few blocks from her home. The car that hit her was a brand new BMW sports car on a test drive from a dealership. When police arrived they found the BMW with remarkably little damage for the impact involved and empty. The defendant was eventually tracked down, but claimed he was the passenger. The case involved interesting evidentiary issues, vehicle reconstruction and expert testimony from BMW engineers flown in to analyze the BMW's computer data. Technology that is more commonly used today, but was relatively new in 1999, helped place Edwards behind the wheel and demonstrated definitively that no one else was in car at the time of the crash.

State v. Wetton, 1999 Vehicular Homicide (Jury Trial 2000): Mr. Wetton ran a stop sign and killed two teenagers. His blood alcohol was over .15. Wetton was found in his car, unconscious, with his body across the passenger seat and his feet on the driver's side. The driver's side door was wide open. Wetton claimed he was not the driver, but the jury followed the evidence and convicted as charged. The case involved complex accident reconstruction and supporting the devastated parents, siblings, and friends of the two young victims.

State v. Gantry Matthews 1995 Murder 2 (Jury Trial): Gantry Matthews killed an elderly 7-11 clerk during a likely robbery attempt. Once he was tracked down he claimed accident and self-defense. The case involved co-defendant statements, self-defense issues, and high emotions involving the surviving family members of the victims.

In private practice:

Having had the opportunity to work on several cases representing victims who were sexually abused while residents at the Washington State School for the Deaf with the Law Firm of Messina Bulzomi. The lawsuits succeeded in winning redress for the victims and brought to light significant problems at the school. The cases resulted in much needed institutional and system reforms to prevent such abuse from occurring in the future.

15. (Continued)

In re Marriage of Arakaki – 2004 King County Superior Court, Judge Michael Spearman (opposing counsel Matthew Jolly). Dissolution and custody case. Maria Arakaki came to me just a month before her scheduled trial date. The mother, a victim of domestic violence, grew up in the Philippines and had no family in the U.S. She was set up by her extremely manipulative husband, charged with DV in Municipal Court, and lost primary care of her children. I was able to get her deferred case dismissed, obtain counseling for her and her children, and prevail in the custody trial to win her primary care of her children with limitations on the father. Few cases have been more gratifying than seeing Maria and her daughters together again.

Representing a criminal defendant charged with Assault 2. He was in the wrong place at the wrong time. I was able to thoroughly investigate the case and convince the prosecutor that the wrong man was charged. The case against my client was dismissed just prior to trial.

As a judge:

I have presided over several misdemeanor trials as a pro tem judge. I cannot remember the specific case names or dates. The one that stands out the most in my memory is a DUI bench trial I presided over in King County District Court (Burien) in approximately 2002. I believe that DUI drivers are one of the biggest dangers to our communities and some of the most serious offenses we deal with in District and Municipal Courts. When I opened the file, someone had improperly placed the criminal history right on top and circled the prior offenses. I knew that as a judge, I needed to make sure I did not let that information affect my determination of the case. The prosecutor did a fine job of presenting what little evidence she had against the defendant. At the end of the case, it was clear that the evidence was insufficient to conclude the defendant was guilty beyond a reasonable doubt and I found the defendant not guilty. This case was significant to me because it confirmed my ability to set my advocate hat and personal biases aside to fairly and impartially evaluate only the admissible evidence before me in rendering a decision.

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**Educational Background**

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

University of Washington                      Sept. 1981- June 1985                      B.A.

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

Univ. of Puget Sound (now Seattle U)    Sept. 1989 – June 1991                      J.D.

**Professional Experience**

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

Municipal Law. I provide legal advice and support for all City Departments and Elected Officials regarding City matters. These issues include, but are not limited to, contracts, public bidding, land use matters, employee issues, labor relations, risk management, public records, court issues, senior services, storm water, public works projects, and budget issues. City Departments include Administration, Police, Municipal Court, Public Works, Building and Planning, Storm water utility, Marina, Parks and Recreation, Senior Center, Code Enforcement and City Clerk. I also oversee the Municipal Court Prosecutor and serve as back up Prosecutor. I appear in the Des Moines Municipal Court and in occasional administrative hearings and Superior Court matters. We are also responsible for the writing and/or review of Draft Ordinances and Resolutions. Since there is only the City Attorney and myself we deal with a broad spectrum of issues on a daily basis.

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

See Answer to #18.

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.

For the first ten years of my legal career, the focus was on criminal law and trial practice with the King County Prosecutor's Office. My private practice focused in the areas of personal injury (plaintiffs), family law, criminal defense and municipal prosecution contracts. I also served as a pro tem judge during this time.

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

Regularly until the past two and a half years and now    Occasionally

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

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24. Career Experience

(a) What percentage of your appearances in the last five years was in:

(1) Federal appellate courts	<u>  0  </u> %
(2) Federal trial courts	<u>  0  </u> %
(3) State appellate courts	<u>  1  </u> %
(4) State trial courts	<u> 10  </u> %
(5) Municipal courts	<u> 66  </u> %
(6) District courts	<u> 20  </u> %
(7) Administrative tribunals	<u>  3  </u> %
(8) Tribal courts	<u>      </u> %
(9) Other	<u>      </u> %
TOTAL	100%

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

(1) Civil litigation (excl. family law)	<u> 15  </u> %
(2) Criminal litigation	<u> 33  </u> %
(3) Family law litigation	<u>  2  </u> %
(4) Non-litigation	<u> 50  </u> %
TOTAL	100%

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

(1) Jury trials	<u> 70  </u> %
(2) Non-jury trials	<u> 30  </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.

The numbers provided below are low approximations as I have not kept track over the years of the exact number of cases or the case names of all of the cases I have tried.

<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% Jury</u>	<u>% as the Arbiter</u>
<u>100</u>	Municipal	<u>100</u>	<u>40</u>	<u>10</u>
<u>300</u>	State Dist.	<u>95</u>	<u>60</u>	<u>15</u>
<u>200</u>	State Superior	<u>95</u>	<u>80</u>	<u>0</u>
	Federal Dist.			
<u>5</u>	Administrative	<u>100</u>	<u>0</u>	<u>0</u>
	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>10</u>	State Superior Court	<u>100</u>	
<u>40</u>	WA. Div. I COA	<u>100 (most as DPA)</u>	
	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).

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See Answer to #15 for descriptions:

State v. Simmers, 95-1-058333, Convicted Murder 1, Jury Trial in King County Superior Court before the Honorable Ann Schindler (now on the COA, Div I ); Opposing Counsel: John Hicks 206-838-7375 Post Conviction Motions handled by Suzane Elliot 206-623-0291.

State v. Wetton, April 2000, Convicted 2 counts Vehicular Homicide, Jury Trial in King County Superior Court before the Honorable Terry Lukens (now JAMS 206-622-5267); Opposing Counsel Jeff Smith 206-340-0053

State v. Gantry Matthews, Convicted Murder 2, Jury Trial in King County Superior Court before the Honorable Joan DuBuque; Opposing Counsel Mark Flora (206-322-8400) and David Kraft (509-754-1322)

In re Marriage of Arakaki, 2004, Dissolution and Parenting Plan Trial, Bench Trial in King County Superior Court before the Honorable Michael Spearman (now on the COA, Div. I ); Opposing Counsel Matthew Jolly 425-462-9364

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

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

All of my legal experience whether in or out of the courtroom have enhanced my qualifications. I have increased my legal knowledge regarding various legal issues that may arise in cases I hear. I have learned to listen, to be patient, and to consider and be tolerant of points of view different from my own. My experience has taught me humility and the art of compromise. I also gained valuable management experience in successfully running my own law firm with employees. All of my legal experience has strengthened my belief in our system of law and furthered my commitment to upholding the integrity of our system in whatever capacity I am privileged to serve.

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.

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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.

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**Judicial Interest and Experience**

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

In order to uphold the integrity of our justice system, it is imperative we have experienced, knowledgeable, ethical, fair, and respectful judges on the bench who are good stewards of the trust placed in them by their electorate. I possess these necessary qualifications and qualities.

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

I believe in fair, effective and compassionate enforcement of our laws and Constitution. I believe it critical to give each person who comes before the court the opportunity to be heard and to have his or her matter respectfully and justly adjudicated.

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.

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.

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 have served as a pro tem judge in the following courts:

King County District Court (Seattle, RJC, Aukeen, Burien) 2001-2007  
Kent Municipal Court 2005-2007  
Federal Way Municipal Court 2006  
Black Diamond Municipal Court 2006  
Lakewood Municipal Court 2006-2007

Some of the many attorneys who have appeared before me are:

Tami Perdue, Barbara Bowden, Ken Harmell, Scott Stewart, Bill Kirk, Ken Fornabai, Doug Cowan, Steve Hayne, Heidi Brosius, Aaron Walls, Gerry Sprute, Kurt Bennett, Tracy Codd, Yvonne Curtis, Randy Austell, David Kirschenbaum, Mike Rosen, Erik Kaeding, Michael Franz, Mark Prothero

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**Community and Civic Activities**

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

Federal Way Kiwanis (current club liaison to Mt. Rainier H.S. Key Club)  
PTA (Brown's Point Elementary and Meeker Middle School) 2001-2009  
Soundview Little League 2002-2006  
Norpoint Soccer 2004 - 2006  
Select Youth Baseball 2007 – present  
Exodus Housing 2008  
St. Luke's Church 1998 –  
Reading Tutor and volunteer classroom assist – Brown's Point Elementary 2002-2007  
We The People (9<sup>th</sup> Congressional District) 2007 and 2009  
Relay for Life  
MADD – Advanced Victim Training 1996  
Support and participate in numerous other community based activities that support domestic violence prevention and support of families and children in need.