

Stanley Rumbaugh

Questionnaire

Washington State Supreme Court

The Governor's Office's
Uniform Judicial Evaluation Questionnaire

Professional History

8. Year admitted to practice law in Washington: May 1979

9. Employment History (in reverse chronological order):

a. Start Date: 1999 End Date: Present

Organization: RUMBAUGH RIDEOUT BARNETT & ADKINS

Address: 820 A Street, Suite 220, P.O. Box 1156, Tacoma, WA 98401

Phone No.: 253-756-0333

Position/Title: Senior Partner

Supervisor: _____

Nature of Practice (including frequency of court appearances):

Civil litigation practice, regular and frequent court appearances for motions and trials.

Reason for leaving: N/A

b. Start Date: 1992 End Date: 1999

Organization: RUMBAUGH RIDEOUT & BARNETT

Address: 4041 Ruston Way, Suite 2C, Tacoma, WA 98405

Phone No.: 253-756-0333

Position/Title: Senior Partner

Supervisor: _____

Nature of Practice (including frequency of court appearances):

Civil litigation practice, regular and frequent court appearances for motions and trials.

Reason for leaving: N/A

c. Start Date: 1989 End Date: 1992

Organization: RUMBAUGH & RIDEOUT

Address: 4041 Ruston Way, Suite 2C, Tacoma, WA 98405

Phone No.: 253-756-0333

Position/Title: Senior Partner

Supervisor: _____

Nature of Practice (including frequency of court appearances):

Civil litigation practice, regular and frequent court appearances for motions and trials.

Reason for leaving: N/A

d. Start Date: 1979 End Date: 1989

Organization: Stanley J. Rumbaugh, Attorney at Law

Address: 955 Tacoma Ave. Suite 301, Tacoma, WA 98402

Phone No.: _____

Position/Title: Sole Practitioner

Supervisor: _____

Nature of Practice (including frequency of court appearances):

Criminal and civil litigation practice. Regular and frequent court appearances for motions and trials.

Reason for leaving: N/A

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e. Start Date: _____ End Date: _____
Organization: _____
Address: _____
Phone No.: _____
Position/Title: _____
Supervisor: _____
Nature of Practice (including frequency of court appearances): _____

Reason for leaving: _____

f. Start Date: _____ End Date: _____
Organization: _____
Address: _____
Phone No.: _____
Position/Title: _____
Supervisor: _____
Nature of Practice (including frequency of court appearances): _____

Reason for leaving: _____

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.

United States District Court, Western District of Washington, 1980.

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. Pierce County Bar Association, Member 1979 to present;

B. Served on various Pierce County Bar Association committees, periodically;

C. Washington State Trial Lawyers Association (WSTLA), Member, 1980 to present;

D. WSTLA Board of Governors, 1996 to 2006;

E. WSTLA Legislative Steering Committee, 1996 to Present;

F. WSTLA Vice President, Legislative Affairs, 1999 to 2000;

G. WSTLA Executive Committee, 2000 to 2001; 2003 to 2006;

H. WSTLA Vice President, Development, 2001 to 2002;

I. WSTLA Vice President of Finance, 2003 to 2006; and

J. Multiple WSTLA committee memberships over the last 20 years.

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.

Not applicable.

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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).)

Little v. King, 160 Wn.2d 696 (2007)

This case involved issues related to abuse of discretion in vacating default judgment, constructive notice of appearance, adequacy of findings of fact entered under CR 52, uninsured motorist coverage law and other procedural issues. My client, Lisa Little, had her right to recovery enforced by the Supreme Court. The opinion is Attachment 1.

Tharaldson v. Department of Labor and Industries, (Court of Appeals, Division 2 – unpublished 2007.)

The Tharaldson case was significant in defining the scope of the Department of Labor and Industries lien rights pursuant to RCW 51.24.060. The court accepted Tharaldson's position and limited the reach of this statutory lien. The limitation was, I believe, consistent with the legislature's intent. Albeit esoteric, the court's ruling in Tharaldson will be useful to practitioners bringing third-party actions on behalf of injured workers by more clearly defining the limitation of RCW 51.24060. The opinion is Attachment 2.

Vasquez v. Hawthorne, as Personal Representative of Robert Schwerzler, 145 Wn.2d 103 (2001).

I worked up much of the case at the trial court level. My partner, Terry Barnett, did most of the appellate briefing and argument in this case. The principle issue was whether the survivor of two gay partners who had been involved in a long term, stable, cohabitating relationship could bring a claim for an interest in the property nominally held by a deceased partner. The legal theory was that of meretricious equity. In a landmark ruling, the Supreme Court held that "equitable claims are not dependant on the legality of the relationship between the parties, nor are they limited by the gender or sexual orientation of the partners." (Id. P. 107.) Hence, the legal basis for post mortem meretricious equity divisions between gay partners, and by extension such division between separated but living partners, was established. The opinion is Attachment 3.

Lease/Purchase Agreement and Financial Workout for Centro-Latino Ser

Centro-Latino Ser is a social service agency assisting individuals of Hispanic origin with a variety of legal and social challenges. When I joined the Board in 1994, the agency was on the verge of collapse. Over the course of a year or two, I was able to provide pro bono legal services and Board leadership to stabilize the economic foundation of the agency and secure long term quarters. The building was ultimately purchased pursuant to a lease/purchase agreement I negotiated and wrote. For more detail, see the 4/26/02 letter from Centro Latino's Board endorsing my 2002 effort to gain appointment to the Federal Bench. The letter is Attachment 6. This legal work provided timely assistance to a population which was in need, and which continues to be served today as a result of that effort over a decade ago.

Joni Lee v. Prudential Insurance Company, (03-5336FDB, Western District of Washington.)

This litigation in Federal District Court addressed Ms. Lee's entitlement to disability insurance benefits under a policy governed by ERISA (Employee Retirement Income Security Act of 1974). The case settled, with a substantial benefit payment to Ms. Lee, after Prudential unsuccessfully moved for summary Judgment. To achieve this result required many hours of analyzing applicable sections of the ERISA legislation and associated case law. The degree of deference afforded plan administrators, the reach of ERISA preemption of state insurance law, and interpretation of

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conflicting federal common law decisions generated by litigation under ERISA is a complex exercise which continues to bedevil attorneys and judges alike. ERISA has my vote for the worst piece of Federal legislation passed in the last half of the 20th Century. Acquiring meaningful understanding of ERISA is a significant legal accomplishment.

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.

Austin Wood v. Stihl International Company, United States District Court, 1980

Austin Wood was a professional logger who severed his right hand in a rotational kick-back episode that occurred while he was using his Stihl 36" Professional chainsaw. This case was significant for me, professionally, in several ways. It was my first Federal District Court jury trial. More importantly, it demonstrated how the civil justice system plays a positive role as an instrument of change in the realm of consumer and industrial product safety. Hundreds of people, professional cutters, and home users alike, suffered severe or fatal injuries in preventable kick-back incidents. For decades, bodies had been maimed and lives disrupted by the effects of uncontrollable chainsaw kick-backs.

Before this case, Stihl had been marketing its home and professional use chainsaws with a safety device known as a "chain brake" as a separate, optional safety feature available for purchase by users. Review of industry data and studies from other user nations revealed that, by an overwhelming margin, cutting bar kick-backs were the most frequent cause of disabling injury or death associated with chainsaw usage. These same or related studies conclusively proved that the relatively inexpensive chain brake system operated to reduce both the frequency and the severity of kick-back related injury. This injury reduction rate was startling large.

The jury agreed with our theory that safety should not be optional, and returned a verdict fully compensating Mr. Wood's damages. In follow-up discussions with Stihl representatives, it was acknowledged that after the Wood verdict, and to a meaningful degree because of it, chain-brakes became standard equipment of Stihl products sold in the United States (and on products sold by other chainsaw manufacturers). Wood v. Stihl, Inc. is one of those select cases where efforts to achieve a beneficial outcome for a single client provided a related safety benefit for thousands of other persons every year.

Donald Casad and Michole Casad and the marital community v. Daniel Huff, et al, Pierce County Cause No. 2003 (Unpublished Division II opinion)

Many small business arrangements and start up enterprises commence with a good idea, but without a clear definition of the rights and responsibilities of the participants inter se. When disputes arise, and overreaching occurs, the legal system is called upon to supply some order to deteriorating, poorly defined, and often times polarized business relationships.

Mr. Huff had conceptualized a process to test whether "curtain walls" on some high rise building exteriors had experienced sealant failure around the windows and other penetrations. Since the process was non-destructive of the sealant, as opposed to prior testing methods that did destroy the seals, it represented a quantum leap forward in the industry. Ownership interests in this commercial enterprise became the issue for the court.

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The Casads had capitalized the new business, and lent administrative structure to the enterprise by utilizing an existing engineering business wholly owned by the Casads. As their legal counsel, the challenge was to bring judicial enforcement of the intent of the agreement of the parties related to ownership rights of this intellectual property. The enforcements had to be accomplished without the benefit of a clearly written contract, and without any operating agreements ever having been put into place. Neither I, nor any other attorney, was initially consulted by the parties for the purpose of creating any fundamental operating agreements. The parties had drafted a "letter of intent" sometime after the business had started up. The rest of the intent of the parties, not addressed in the "letter of intent", had to be piecemealed together from evaluation of a course of conduct, and from a lengthy series of entries into a software system detailing the parties product development activities that occurred over a four month period. Since the curtain wall testing process needed to be patented, issues of federal patent law came into play. Patent counsel was engaged. During trial preparation, and at trial, patent counsel and I discussed, at length, the nuances of inventorship and ownership of the intellectual property. Each of these capacities carried distinct legal rights and entitlements.

Hundreds of documents totaling thousands of pages had to be organized in a form making them accessible and useful. Electronic data also had to be similarly organized. Electronic (Power Point) presentation of part of the case was also prepared and utilized in representation of the Casads.

The Casads won their case at trial. On appeal, the judgment was reversed (Casad v. Huff) (unpublished; Court of Appeals Div. 2, #32692-2-II). The appellate court ruled that since the "letter of intent" contained a section which was an unenforceable "agreement to agree" the entire contract was invalidated by this offending clause. This case is significant because of the court's extension of the nullifying effect of the "agreement to agree" doctrine. Any clause representing an "agreement to agree" rendered all other contract provisions unenforceable. It is also significant because it addressed subtleties of ownership of non-tangible "intellectual property". Ideas developed by group processes and on unique software cloud the question of inventorship, and render indistinct the origin of "follow on," second generation ideas and products.

First impression legal issues, tracking documentation through rather unique software, vagaries of intellectual property ownership and patent law, and use of technology in the courtroom lead me to include this case in my list of significant cases.

Michael Olver as special administrator of the Estate of Cung Ho v. Julie Fowler as special administrator of the Estate of Thuy Nguyen (blank Wn. 2d blank) 2007 (hereinafter Estate of Ho)

This case was decided in September of 2007 by the Washington State Supreme Court. The central issue in Ho was an open question of law related to meretricious relationships. Estate of Ho is significant in its demonstration of the interrelationship of many areas of law arising out of a single dispute. This interrelationship acts as a mirror of increasingly complex social questions. These questions challenge the judiciary's role as the impartial clarifier of rules, and arbiter of disputes, in a multicultural environment. It is incumbent on the judicial branch to act on these complicated questions in a consistent manner, bringing certainty to the terms of the social contract upon which society relies in conducting its affairs.

Cung Ho went across the center line and collided with an oncoming pickup truck near Twin Falls, Idaho. Mr. Ho, his wife, Thuy Nguyen, and four others perished in the tragedy. Among the dead were Kathy Nguyen and Dalene Nguyen, mother and sister of Dianne Nguyen. Dianne survived the crash with minor physical injuries and became my client. After complete disclosure to Dianne,

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through her guardian ad litem, and with proper cautions to all concerned, a signed conflict waiver was obtained. I was then permitted to represent Vu Nguyen, natural father of Dianne and decedent Dalene Nguyen, and ex-husband of decedent Kathy Nguyen.

Initially, after a careful parsing of the conflict of law questions, tort actions were commenced in King County, Washington. As there were no wills, several estate actions also had to be initiated. This required appointment of personal representatives, issuance of letters of administration, posting of creditor notices, and meeting general estate administration requirements. Only then could a procedural welter of claims and cross claims be analyzed and brought in various tort actions. The actions among the various estates were ultimately consolidated, then stayed pending appellate review of critical legal issues related to meretricious relationships. Additionally, I was required to bring an action to remove one personal representative for malfeasance, and recover life insurance proceeds which had been misappropriated.

Cung Ho and Thuy Nguyen were married in a 1990 Buddhist ceremony appropriate to and common within the Vietnamese culture. Either by oversight or design, no marriage license in the State of Washington nor any other jurisdiction was acquired. The parties lived in what was, at law, a meretricious relationship. They acquired approximately a million dollars in property, all nominally owned by Cung Ho. At the same time, Thuy Nguyen applied for and received public assistance benefits based on claims of poverty. Among the issues which the Supreme Court reviewed were the questions of what meretricious equity claim the Estate of Thuy Nguyen has, post mortem, against the assets held in the Estate of Cung Ho. The issue was interpreted in light of the parties' simultaneous death.

Associated with the property ownership question is the related issue of what rights tort creditors have against each estate's assets. As discussed in section 14, I handled a similar meretricious equity case involving the rights of unmarried (therefore meretricious) gay partners. (See *Vasquez v. Hawthorne* 145 Wn.2d. 103 (2001).) In *Vasquez*, however, one of the partners survived. In *Ho*, both partners perished simultaneously. The fact of simultaneous death brought a different set of equitable considerations up for review. The Supreme Court ultimately chose not to decide the rights of tort creditors in its opinion.

The Washington State Supreme Court determined the intestacy laws operate to allow the meretricious equity claim when both partners are deceased. The Supreme Court, in the decision, disapproved the prior language describing these types of claims as "meretricious," finding the term infused with negative connotations. The newly minted description is intimate domestic relationships. As I reviewed the applicable law, it seemed clear that the courts were being called upon to decide issues better addressed in a global fashion by the legislature. The inherently divisive nature of the questions seems to have created a statutory vacuum. Now that the intimate domestic relationship equity issues are resolved, attention will be turned to the fundamental apportionment of damages and proof of damages in the consolidated tort claims still pending in the trial court.

Sorting through the sensitivities of multicultural domestic relationships improved my understanding of how diversity can manifest itself in our society. Being able to play a pivotal role in developing the legal principles that bring certainty to property ownership and entitlements in intimate domestic relationships made my work on the *Ho* case a rewarding and socially important achievement.

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Jose Camacho v. Campbell Homes Const., Inc., et al.; Snohomish County Cause No. 02-2-11805-2

Jose Camacho, an undocumented Mexican laborer fell from a roof while working on a large apartment construction project. His injuries were extreme, and permanently disabling. The case was grounded in the principles of the modern law related to general contractor liability for construction site injuries. Beginning with Kelly v. Howard S. Wright Construction, 90 Wn.2d 323, (1978), and evolving through the Washington State Supreme Court's most recent expansive and clarifying discussion in Stute v. PCMB, 114 Wn.2d 454 (1990), the courts have made it plain that a general contractor may be held responsible for workers' injuries occurring as a result of WISHA violations existing on a job site.

Effectively representing Mr. Camacho (and many of my clients injured in construction site accidents) involves extensive practical knowledge of construction principles, along with detailed understanding of WAC regulations governing workplace safety. In the final analysis, placing responsibility for enforcement of safe work practices on the general contractor is effective in reducing injury to the workforce. It provides the only entity with overall authority to control the workplace with an incentive to positively effect a reduction in workplace injuries by ensuring that appropriate safety regulations are consistently enforced.

Case law and constitutional mandate make it indisputable that Mr. Camacho and all aliens, regardless of their immigration status, are entitled to the protections the civil justice system provides. Questions of the impact of federal immigration laws, and the extent of required disclosures, are unclear. Federal preemption of state law related to damage issues addressing past lost wages, loss of future wages and impairment of earning capacity are unsettled and not meaningfully addressed in Washington case law.

Interplay of the Worker's Compensation reimbursement statutes in the context of undocumented alien tort recoveries also required thoughtful analysis. The layering on of hotly debated political questions related to undocumented aliens, issues of federal preemption, and the specialized nature of construction site injury litigation made Mr. Camacho's case an important one in my practice.

The current high pitched debate swirling around how to address the presence of 11 or 12 million undocumented aliens in the United States, along with their place in America and Washington State's labor force reverberated throughout the issues presented in this case.

I felt my representation of Mr. Camacho and his family in their time of crisis was in the best tradition of the legal profession. Addressing the great challenges posed by unsettled law, the logistics of bilingual case presentation, and highly variable public perception of the immigration status question gave me great satisfaction in my capacity as their advocate.

Disability Pension Cases

I have been counsel for claimant in over 100 cases involving the representation of severely injured working men and women in actions to obtain total, permanent, disability pensions. These actions are brought pursuant to the worker's compensation laws (RCW Title 51). Many of these cases are determined administratively, with evidence being compiled and presented to claims adjudicators. Contested actions to obtain disability pension benefits are heard, in the first instance, before the Board of Industrial Insurance Appeals. Occasionally, de novo review of the record is presented to the Superior Court in either a bench or jury trial.

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These cases involve understanding and application of forensic medical testimony in conjunction with vocational and labor market assessments. The legal framework controlling disposition of these cases requires application of an esoteric statutory system established, and constantly being modified under RCW Title 51, the Industrial Insurance Act. Facilitating the enabling legislation's mandate of "reducing the suffering of workers injured in their employment," provides a critical safety net for the state's workforce. That safety net also covers the dependants of injured workers, all at a predictable cost to the business community. When the primary wage earner is suddenly permanently disabled, establishing entitlement to a reduced but secure income allows the family's housing to be maintained. Children's education goals can still be reached, personal dignity can be preserved and family stability promoted. The many positive ramifications from the "ripple effect" highlights the connection between the civil justice system and broader social justice objectives. This is a category of cases which I believe significant, and which have brought me considerable professional and personal satisfaction.

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.

Wittenberg University	1971- 1975	B.A. Psychology; Minor
College/University	Dates of Attendance	Degrees Biology and
		Speech/Theatre
		Degree
University of London	1973 - 1974	Study Abroad
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.

University of Puget Sound	1975 - 1978	J.D.
Law School	Dates of Attendance	Degree

Professional Experience

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

My law practice is focused on the representation of individuals making common law based or statutory claims for damages, benefits, or other relief. These claims are made against individuals (and their insurers), or more often, corporate entities, (and their insurers), and are generally litigated in Superior Court. Our practice also involves representation of claimants in Washington State Department of Labor and Industries claims, Social Security Administration claims, and Federal ERISA claims.

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

In my practice, I am proud to represent your neighbors, your family members, your co-workers, and those with whom you associate in going about your daily, personal business. I represent people who harvest your food, build your home or office, work in our state's industrial businesses or governmental institutions, and generally provide the labor which fuels the state's economic engine.

My practice particularly focuses on construction site injuries, warehouse injuries, industrial product failures, wrongful death and intentional tort cases, worker's compensation claims, and more recently, meretricious equity claims.

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20. If your present law practice is different from any previous practice, please describe the earlier practice, including the nature of your typical clients and any area of special emphasis within your practice.

My practice has generally remained the same since 1979, though in earlier years I did some criminal defense work.

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

Regularly Occasionally Infrequently

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

Regularly Occasionally Infrequently

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

Regularly Occasionally Infrequently

24. Career Experience

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

(1) Federal appellate courts	0%
(2) Federal trial courts	1%
(3) State appellate courts	8%
(4) State trial courts	67%
(5) Municipal courts	0%
(6) District courts	1%
(7) Administrative tribunals	23%
(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)	100%
(2) Criminal litigation	0%
(3) Family law litigation	0%
(4) Non-litigation	0%
TOTAL	100%

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

(1) Jury trials	75%
(2) Non-jury trials	25%
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 Arbitrator</u>
5	Municipal	100%	0%	0%
5	State Dist.	100%	75%	0%
75	State Superior	90%	77%	8%
10	Federal Dist.	80%	75%	0%
100	Administrative	95%	0%	0%
0	Tribal Courts	0%	0%	0%
50	Other (Social Security Disability Hearings)	100%	0%	0%

- (e) 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).

For ease of recollection, and because all cases are significant to the litigants involved, I list the last five litigated matters which I have tried to a conclusion. In one case detailed, I acted as arbitrator and rendered an award.

- (e)(1) Bryant v. Boyd and Luvall Johnson, Pierce County Superior Court Cause No. 06-2-07619-8

I was appointed as arbitrator of this case by the Pierce County Superior Court. Testimony lasted more than one and one-half days, and the record included over two hundred pages of material. A variety of claims and counter-claims were alleged by the parties. The parties were neighbors with a long, rich history of grievances and disputes. The particulars of this case addressed claims and counter-claims relating to trespass, harassment, and defamation. The parties requested, and I provided an opinion with the award of the arbitrator, though such findings are not required under mandatory arbitration rules. The opinion letter is Attachment 4 to this application.

Testimony in the case concluded on October 11, 2007.

Counsel for Defendants Johnson – Matthew Johnson, 253-272-1001.

Counsel for Defendants Johnson on Counter Claim – Bart Adams, 253-761-0141.

Counsel for Plaintiff Bryant – Peter Kram, 253-272-7929.

- (e)(2) Fechko v. Cloud, Pierce County Superior Court Cause No. 05-2-14686-4

My client, Don Fechko, was accosted by Douglas Cloud while Mr. Fechko was working as a heavy equipment operator at a water well head owned by his employer, Washington Water Supply Company. The Washington Water Supply Company property abutted Mr. Cloud's property. On the day of the incident, two acrimonious contacts were initiated by Mr. Cloud against both Mr. Fechko and his crew. The second of these contacts culminated in a physical confrontation. Mr. Fechko was thrown to the ground by Mr. Cloud in the second exchange, severely fracturing and dislocating his elbow. The legal theory was plead in the alternative. Plaintiff Fechko alleged intentional assault or, alternatively, the negligent use of excessive force. The jury found negligence, and awarded damages of \$300,000.00. A 20% comparative negligence finding related to Mr. Fechko was also entered. I wrote a case analysis which was published in the Washington State Trial Lawyers Association "Trial News", and which is attached as Attachment 5.

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Jury trial commenced on February 15, 2007 before the Honorable Judge Ronald Culpepper.

Opposing counsel – Timothy Gosselin, 253-572-5324.

(d)(3) Frank Washington v. Kimberly Kruse, Pierce County Superior Court Cause
No. 06-2-09893-1

This was a garden variety car crash case with summary judgment granted on liability. Primarily at issue was the amount of Mr. Washington's wage loss. In addition to general damages, the jury awarded wage loss of \$33,174.00, precisely the amount claimed by Mr. Washington. Defendants had offered wage loss compensation in the sum of \$4,000.00.

Jury Trial commenced on July 30, 2007 before the Honorable Judge Randall Hanson (pro-tem).

Opposing Counsel – Sarah Lee, 253-752-1600.

(d)(4) Rodrigo Solorio Pedraza v. Lakeland Evergreen, L.L.C., King County Superior Court
Cause No. 05-2-08576-2 KNT

Plaintiff Pedraza fell from the second floor of a house under construction in a large development being built out by Defendant Lakeland Evergreen, L.L.C. He sustained multiple fractures and other injuries in the fall. Mr. Pedraza's claim was based on the so-called "Stute" doctrine (Stute v. PCMB, Inc., 114 Wn.2d 454 (1990)). This doctrine imposes a non-delegable duty on general contractors to ensure compliance by employees of all employers on the site with all safety (WISHA) standards codified in the Washington Administrative Code. Mr. Pedraza was an undocumented alien worker. His status potentially affected the scope of his available remedies, particularly related to wage loss claims. Exactly what affect lack of proper immigration status has on the ability to claim wage loss in a personal injury action is still unclear in Washington law. The case settled on the last day of trial for \$315,000.00, following the presentation of virtually all the evidence.

Bench trial commenced on September 11, 2006, before the Honorable Michael Heavy.

Opposing Counsel – Mark Cole, 206-622-0494.

(d)(4) Isidro Aguilar v. Northwest Racing Associates, d/b/a Emerald Downs, King County
Superior Court Cause No. 06-2-07154-9 KNT.

In this premises liability case against Emerald Downs, the principle issue became the degree to which access to the racing facility by non-essential motorized traffic should be controlled during horse training hours. Isidro Aguilar was an exercise jockey who was injured when thrown from his mount. A car, unnecessary to the operation of the track, was admitted to a location where freshly exercised horses cross the vehicle access road while traveling to and from the barns. This car spun its tires and the sound spooked Mr. Aguilar's horse. There is a notable dearth of thoroughbred horseracing industry standards. Lack of applicable standards essentially reduced the jury's consideration to the fundamental question of whether Emerald Downs exercised ordinary, reasonable care in the operation of their facility. A defense verdict was entered on behalf of Defendant Northwest Racing Associates, with negligence being found only on the part of the non-party car driver.

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Jury trial commenced August 13, 2007 before the Honorable Brian Gain.

Counsel for Defense – Thomas Stratton, 206-223-1688.

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

On the average of five times per year, I try worker's compensation appeals before the Board of Industrial Insurance Appeals. These cases involved significant medical and vocational testimony directed at demonstrating entitlement to a variety of benefits provided under RCW Title 51, the Industrial Insurance Act. These cases are tried to Industrial Appeals Judges, using the normal rules of evidence and Washington State Court Rules.

On the average of four times per year, I try Social Security disability cases (Title II and Title XIV) before Federal Administrative Law Judges. Also involving significant medical and vocational testimony, these cases are decided pursuant to the criteria in (20 CFR 400, et seq.)

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

The Governor's Long-term Disability Task Force

Testified and submitted written materials several times during task force hearings in 1993 and 1994. The task force was charged with analyzing how various systems, which provided support and assistance to disabled persons, might more efficiently interact to achieve better service delivery with greater efficiency and lower administrative costs. My research and information gathering related principally to industrial insurance benefits. The task force's work resulted in some regulatory and policy changes, which allowed better interagency transferability of clients. In some areas of vocation retraining and back-to-work programs, duplication of services was eliminated.

Washington State Legislature: 1998 – Present

Testified before various Washington State legislative committees, recently including:

2006 – State Senate Higher Education Committee – the bill being considered would allow for a four year bachelors degree in Technical Arts Education. This resulted in a pilot program being initiated.

2005 – Senate Judiciary Committee – proposed changes to the wrongful death statutes.

2002 – House Judiciary Committee – mandatory arbitration jurisdictional limit policy questions.

1999 (approx) – Senate Commerce and Labor Committee – vocational training of injured workers.

University of Puget Sound/Seattle University School of Law – 1995 to 2003

On at least ten occasions I sat as sole judge, or one judge in a panel of three judges to listen and evaluate moot court presentations from students. The cases presented covered a variety of civil and criminal law issues. During this time frame, I also acted as a trial judge in the school's mock trial competition, hearing both civil and criminal case presentations.

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South Sound Association of Health Insurance Underwriters: 2005

Panelist on discussion related to healthcare initiatives (I-330; I-336). Members of the panel included the president of the Pierce County Medical Society, executives from Premera/Blue Cross, corporate insurance counsel, and me. The discussion topics included the effect (if any) of civil damage caps on health insurance and medical malpractice insurance premiums. The occurrence of medical negligence resulting in claims as opposed to incidences of negligence for which no claims were filed, and the deterrent effect of reporting acts of medical negligence was analyzed. Alternative methods of medical negligence claim resolution were explored.

Salishan Development

Over the past ten years, in my capacity as a commissioner on the Tacoma Housing Authority ("THA"), I have spent hundreds of hours spearheading a highly successful effort to revitalize the Salishan Public Housing District on Tacoma's East Side. Salishan, at 188 acres, is the largest public housing project, by area, west of the Mississippi.

When I took office at THA in 1997, Salishan was dilapidated. The World War II era housing, initially built as temporary housing, was falling apart faster than it could be fixed. A mixture of federal, state, and local grants, along with revenue from market rate sales of new construction, low income housing tax credits, bonds, and other funding mechanisms were required to raise the \$200 million dollars necessary to revitalize Salishan. In the course of this process, many federal and state regulations had to be evaluated and complied with. Federal and state procurement laws, together with general contracting principles had to be understood and followed. To be effective in my role, it was necessary for me to gain a working knowledge of the legal standards related use of to low income housing tax credits, along with the legal details related to the issuance of public bonds.

Today, Salishan is a nationally recognized award winning mixed use neighborhood. I am particularly proud of the fact that the redevelopment was accomplished with no net loss of low income housing, already in critically short supply in the City of Tacoma. The many public policy, legal, financing, logistical, cultural and marketing challenges posed by the Salishan redevelopment provided a variety of insights which I believe do a great deal to enhance my qualifications to act as a judicial officer.

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.
The only business I manage is the law firm I founded and grew. It is my intention to resign from the firm on appointment to the court.

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.
As Detailed in Section 11.

Judicial Interest and Experience

28. In 50 words or less, please describe why you should be appointed/elected and are seeking a judicial position.
Twenty-eight years as a trial attorney affords me a well-refined ability to objectively analyze complex legal and factual issues, and provides a thorough understanding of the trial process. Efficiency, accuracy and diligence in decision making are all important characteristics that I will

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bring to a judicial position. Throughout my professional career, I have successfully endeavored to resolve conflicts utilizing alternative dispute resolution procedures and the litigation process.

29. In 50 words or less, please describe your judicial philosophy.
My legal philosophy requires application of clearly defined legal principles to support positions taken in the adjudicative process. A desire for excellence and objectivity characterizes the implementation of my legal philosophy.

Everyone appearing before the courts in Washington State is entitled to see a fair minded, well prepared and courteous judicial officer, whose decision making is unbiased by personal attitude. Judicial officers are public servants who must conduct themselves in a manner benefiting the public trust they are given.

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.
Yes.

a. Commissioner, Tacoma Housing Authority, 1998 to present
Chairperson, 1999-2002; 2006 to 2007
Vice Chairperson, 2002-2006

b. Bates Technical College, Board of Trustees, 2002 to present
Chairperson, 2005-2006
Vice Chairperson, 2004-2005

I was appointed trustee at Bates Technical College by Governor Locke and reappointed by Governor Gregoire. I was appointed commissioner of the Tacoma Housing Authority by Tacoma Mayor Brian Ebersole and reappointed (twice) by Tacoma Mayor Bill Baarsma.

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 experience as a neutral decision maker has been in the context of acting as an arbitrator in proceedings under the Mandatory Arbitration Rules or, less frequently, private contractual arbitrations. Please see number 50 for a listing of attorneys appearing before me in the last six arbitrations conducted.

Community and Civic Activities

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

Governor's Trade Mission to Japan; 2005

Member of a 30 person trade delegation comprised of business and educational leaders, which was headed by Governor Gregoire. The group fostered trade and educational relationships with our counterparts in various Japanese cities. I represented Bates Technical College, where I was then serving as Chairman of the Board of Trustees. The Governor, college president, and I signed a long-term contract with the CEO of Tokyu Homes by which Bates Technical College provided various trainings to Tokyu Homes employees. The training provided to this corporation of 35,000

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employees included modern construction methods, construction administration programs, and western style home building techniques.

KBTC Television (member of the Public Broadcast System); 5/2004 to Present:

Host and moderator "South Sound View", a periodic public affairs and news program. 2004 candidates for the Office of Governor and the United States Senate were featured discussing policy views on issues of the day. Both candidates for the Office of Superintendent of Public Instruction appeared, with detailed discussions of the value of the WASL, and other benchmark measurements. Strategies for improvement in graduation percentages, and preparing for success in post secondary education were articulated. Both candidates for the Office of State Attorney General appeared and discussed the constitutional role of the Attorney General's Office in state government.

Several members of Congress were interviewed during recent Congressional sessions to discuss policy issues ranging from the war in Iraq to healthcare reform. These guests included Congressman Norm Dicks, Congressman Adam Smith, Congressman Jay Inslee, and Congressman David Reichert.

Non-political topics included the Washington State History Museum's presentation celebrating the 200th anniversary of the Lewis and Clark expedition. Superfund cleanup efforts in the South Puget Sound, Washington's wine industry and strategies for public health through healthy living were explored.

Centro Latino Ser, Board Member; 1994 to 1998
Vice-Chair, 1995-1997

Centro Latino Ser is a non-profit social service organization whose mission is to assist persons of Hispanic origin. Many of the persons served speak limited English. They face challenges related to housing, education, healthcare, employment, and access to justice. Centro Latino operates an alternative high school which facilitated the high school graduation of dozens of at risk young people. During my tenure on the board, a permanent facility for the organization was acquired and improved. This rewarding service allowed me to develop a better understanding of the Latino culture, and the challenges faced by the fastest growing immigrant group in America.

For further details of this service, please see a letter of April 25, 2002, written by Central Latino Senior Management in support of my earlier efforts to gain appointment to the Federal District Court. Attachment 6.

Norpoint Pre-School Cooperative, Board Member, 1994 to 1995

Both of my sons spent three years attending the Norpoint Pre-School Cooperative. It is the longest continuously operating cooperative pre-school in Tacoma. This school is administered through the Bates Technical College Home and Family Life Program. At the request of the Pre-School president, I joined the board in 1994 to negotiate and finalize a lease/purchase agreement which resulted in acquisition of a permanent home for the cooperative.

City of Tacoma – Human Services Strategic Planning Group – Panel Member, 2000

The City of Tacoma, through the offices of the City Council, formed a group to evaluate the availability of fundamental human services in Tacoma. The purpose of the evaluation was to prioritize budgetary allocations in areas demonstrating relative funding deficits in light of the documented need. I participated for the purpose of providing data regarding the acute need for low-income housing in the City. I was also able to share some strategies with the planning group to

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alleviate the shortage of low-income housing. Additionally, I provided insights in the discussion of the consequences of not addressing the acute affordable housing shortage in our community. In particular, the manner in which these consequences drove up demand for other scarce human services in the form of increased healthcare costs, mental health services.

World Trade Council – Tacoma, Board of Directors (Ex-officio member) 2003 to Present

The World Trade Council of Tacoma exists to facilitate understanding of, and participation in international trade and cultural exchange. My service on the Council is to advocate for an educational constituency. Through service on the Board of Trustees at Bates Technical College, and involvement with the State Community and Technical College System, I am able to provide information about and access to Washington based training and educational opportunities. These opportunities can be made available to internationally based businesses as well as individual students visiting from abroad.

National Association of Housing and Rehabilitation Associates:
National Board Member, 2006 to 2007

Most housing authorities in the United States are overseen by commissioners who are either elected or appointed by city officials. The National Board is selected from the pool of local commissioners. The purpose of the National Board is to facilitate communication and understanding of federal housing policy to local housing authorities, and provide advocacy for the public housing constituency at the Federal level.

Tacoma Tall Ships Festival; 2005

I was honored to serve as Master of Ceremonies at the Opening Ceremony of Tacoma's Tall Ships Festival.