

THE WASHINGTON STATE GOVERNOR'S OFFICE UNIFORM JUDICIAL EVALUATION QUESTIONNAIRE

I. Judicial Position	
Position Sought Spokane Municipal Court Judge	Court, Division, or District Position 1

II. Personal Information	
Name (Last, First, and Middle Initial) Staab, Tracy A.	Email (Personal and Work) Staabs@gmail.com ; Tstaab@SpokaneCity.org
Home Mailing Address	City, State, ZIP Spokane WA 99224
Work Mailing Address 1100 W Mallon	City, State, ZIP Spokane WA 99260
Personal Phone (Include area code)	Work Phone (Include area code) 509-622-5867
Mobile Phone (Include area code) 509-499-5123	Social Security Number¹
WSBA Bar Number and Year of Admission 23321	Date of Birth (mm/dd/yyyy) 09/22/1968

III. Prior Evaluation and Application History
Please list all prior judicial positions sought. Please list evaluations you received as part of that process, including dates. In 2009, I was evaluated by SCBA for my current position. In 2013, I applied for the U.S. Magistrate position in Spokane

IV. Education		
Please list all law school, graduate, and undergraduate colleges and universities attended.		
College/University University of Puget Sound	Month and Year Attended (From and To) 09/1990 to 05/1993	Degree Awarded Juris Doctor
College/University Western Washington University	Month and Year Attended (From and To) 09/1986 & 06/1989 – 08/1990	Degree Awarded BA in Paralegal Studies
College/University Highline Community College	Month and Year Attended (From and To) 01/1987 – 06/1989	Degree Awarded AS in Paralegal Studies
College/University	Month and Year Attended (From and To)	Degree Awarded
If you did not complete your degree at any of these schools, please explain why.		

V. Professional History	
I. Present or Last Employer City of Spokane	Employer's Address 1100 W Mallon, Spokane WA 99260
Employer's Phone (Include area code) 509-622-5867	Your Title Municipal Court Judge
Dates of Employment From 01/2009 To Present	Supervisor's Name Voters
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
<p style="margin: 0;">My first priority is to fairly and timely administer the 2,000+ misdemeanor cases assigned to my court every year. Every week I preside over six or seven dockets with about 40 cases per docket. Managing this case load takes a good deal of preparation and attention to details. The attorneys and staff who work in my courtroom are some of the best, and we make sure that everyone receives justice.</p>	

¹ Please only include your Social Security number on the copy of the questionnaire forwarded to the Governor's Office.
Washington Uniform Judicial Evaluation Questionnaire (updated 1/5/15)

I am also one of three judges that set and administer policies for the court. Collectively, as a court, we are in the process of upgrading our electronic case management system to increase efficiencies, reduce costs, and provide better service to the community.

Our long-term planning includes work with the Spokane Regional Law and Justice Council to develop and implement smart justice policies and procedures. Notably however, our court has been implementing evidence-based practices since our inception in 2009. We currently have three therapeutic courts and I will be presiding over a new DUI court this fall. Our efforts at justice reform have received national and local attention. The 2014 Blueprint for Reform, a comprehensive report commissioned by the County and City, found that “the Municipal Court, and all city agencies, have been innovative, cooperative, and effective.” [Blueprint for Reform](#)

Reason for Leaving

N/A

2. Previous Employer Federal Defenders of Eastern Wash & Idaho	Employer’s Address 10 N Post St, Ste 700, Spokane WA
Employer’s Phone (Include area code) (509) 624-7606	Your Title Research and Writing Attorney
Dates of Employment From 11/2005 To 12/2008	Supervisor’s Name Roger Peven
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
<p>As the research and writing attorney, I handled most of the appeals in the office. I was lead counsel on over 80 appeals and drafted dozens of Petitions for Certiorari to the U.S. Supreme Court. On a monthly basis I argued cases before the Ninth Circuit Court of Appeals in Seattle, Portland and San Francisco. In addition to my appellate work I assisted trial attorneys with their motions and trial preparation. I was one of the founding members of the STEP drug court program developed by Judge Frem Nielsen. And I was the yearly editor of “My Little Red Rules Book” on federal evidence and criminal procedure. Finally, I was responsible for organizing “Third Thursday CLEs” a monthly lunch CLE on relevant topics in federal court.</p>	
Reason for Leaving Appointed as a Judge.	

3. Previous Employer City of Spokane Public Defenders	Employer’s Address 824 N Monroe St., Spokane WA
Employer’s Phone (Include area code)	Your Title Appellate Attorney
Dates of Employment From 09/2003 To 10/2005	Supervisor’s Name Kathy Knox
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
<p>I handled most of the appeals in the office. Drafted and argued 26 RALJ appeals before the Superior Court. Argued five cases before the Court of Appeals and two cases before the State Supreme Court. Assisted trial attorneys in preparing for motions and trial. I was assigned lead counsel on several complex cases that went to jury trial. Coordinated with the Center for Justice on several cases that laid the ground work for challenging the District Court’s jurisdiction to hear municipal court cases.</p>	
Reason for Leaving Offered a job at the Federal Defenders	

4. Previous Employer WA St. Court of Appeals, Div III	Employer’s Address 500 N Cedar St. Spokane WA
Employer’s Phone (Include area code) (509) 456-3082	Your Title Judicial Law Clerk
Dates of Employment From 07/1999 To 09/2003	Supervisor’s Name Judge Stephen Brown
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
Drafted bench memorandums on over 70 cases covering a broad range of civil, criminal, and administrative issues.	
Reason for Leaving	

Budget Cuts	
5. Previous Employer Law Office of Tracy Staab	Employer's Address 701 N Pines, Ellensburg, WA
Employer's Phone (Include area code)	Your Title Sole Proprietor
Dates of Employment From 05/1995 To 07/1999	Supervisor's Name
Nature of Practice (including frequency of court appearances and areas of special emphasis) Small town practice representing everything that walked in the door. For two years I was a contract public defender and for two years I was the sole contractor prosecuting cases on behalf of the City of Ellensburg. In my private practice I represented the Chief of Police, Anne Kirkpatrick, in civil drug forfeitures.	
Reason for Leaving Moved to Spokane	

Please list any additional employment, and include the same information sought in previous Section V questions.

Adjunct Professor for Legal Environment of Business
North Idaho College, Coeur d'Alene, Id
January 2001 to December 2001
Instructor of business law for two semesters. Reviewed textbook, prepared syllabus; outlined lesson plan; lectured on subjects pertaining to business law including contracts, negotiable instruments, secured transactions, administrative law and criminal law; prepared and graded tests; answered questions from students during office hours.

During and after law school I worked for R. George Ferrer, a sole proprietor in Seattle. The civil practice focused on real estate and development along with personal injury and medical malpractice.

VI. Jurisdictions, Associations, and Awards

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 Supreme Court (2007)
Ninth Circuit Court of Appeals (2005)
United States District Court, Eastern District of Washington (1998)
United States District Court, Western District of Washington (1994)
Washington State (1993)

Please list all bar associations and professional societies of which you are a member and give the titles and dates of any offices that you have held in such groups.

Washington State Bar Association
District and Municipal Court Judges Assoc (DMCJA)
Board of Director (2014 – 2017)

Are you in good standing in every bar association of which you are a member? Yes If you answered “no”, please explain.

If you have been a judge, please identify court committees on which you served or administrative positions you have held. Include dates of services for each.

Washington State Pattern Forms Committee (2010 to Present)
Chairman of the Court of Limited Jurisdiction Subcommittee (Current)
DMCJA Rules Committee (2010 – 2014)
DMCJA Technology Committee (2011 – 2014)
DMCJA Spring Conference Faculty (2012)
JIS Policy Workgroup Committee (2010 – 2014)
2018 Judicial College Instructor/Presenter

Please list any honors, prizes, awards, or other forms of recognition that you have received and whether they were professional or civic in nature.

Recognized as one of "Spokane's Top Lawyers" in 2008 Spokane/Coeur d'Alene Living Magazine.
2006 WSBA Pro Bono Award

VII. Professional Practice Experience

Within the last five years, did you appear in trial court:

Regularly Occasionally Infrequently

Within the last five years, did you prepare appellate briefs and appear before appellate courts:

Regularly Occasionally Infrequently

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

Regularly Occasionally Infrequently

Career Experience – What percentage of your appearances in the last five years was in:

Federal Appellate Courts 0%

Federal Trial Courts 0%

State Appellate Courts 0%

State Trial Courts 0%

Municipal Courts 100%

District Courts 0%

Administrative Tribunals 0%

Tribal Courts 0%

Other 0%

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

Civil Litigation (excl. family law) 5% (civil infractions)

Criminal Litigation 95%

Family Law Litigation 0%

Non-Litigation %

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

Jury Trials 80%

Non-Jury Trials 20%

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

Court	Number	% as sole/Chief Counsel	% Jury	% as the Arbiter
Municipal Court	36?		50	100
State District Court	16?	100	90	
State Superior Court	4	75	25	
Federal District Court				
Administrative Court				
Tribal Court				
Other				

Indicate the total number of appellate cases during your 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).

Court	Number	% as sole/Chief Counsel	% as the Arbiter
State Superior Court	34	100	
WA Division I COA	1	0	
WA Division II COA			
WA Division III COA	6	84	
State Supreme Court	3	67%	
Federal Circuit COA	80+	95%	
US Supreme Court	Dozens (Pet. For Cert)	75%	

Briefly describe no more than eight significant matters that you directly handled as counsel, and include the reason that each is significant to you. For each, please provide the name of the judge or other judicial officer, and the citation, if applicable.

*NOTE: I have not practiced law as an attorney for more than eight years. I am including in my answer a two of the significant cases I have presided over as a judge:

1. City of Spokane v. John Doe [Name withheld] (2015)
This was a week-long bench trial with a pro se defendant. The defendant challenged just about every decision made by the court and prosecutor. The defendant filed numerous motions before and during the trial. This case required me to step back and re-examine fundamental procedures that are often taken for granted with experienced attorneys. In addition, I utilized every technique I had learned to maintain respect in the courtroom, set clear rules of decorum, and articulate the consequences for violating these rules. While many of the defendant's motions and objections were denied, there were several that were meritorious and granted. This case challenged me to maintain judicial demeanor, keep an open mind, and clearly articulate every decision on procedure and substance. The case was appealed to Superior Court, which upheld my ruling. The prosecuting attorney on this case was Janean Phillips (509) 835-5994.
2. City of Spokane v. Ramson, P14005858 – Cyberstalking
The defendant was charged with cyberstalking and arrested on a warrant. His attorney filed a petition for an in-custody competency evaluation. The statute requires this evaluation to take place within seven days of the order. This case was significant because Eastern State Hospital was failing to obey the court's order and conduct the evaluation within the time frame set by statute. This failure was not unique. In fact, Department of Social and Health Services is being sued in federal court in Seattle for repeated failures to provide competency evaluations in a timely manner. The federal court has held DSHS in contempt. [Trueblood v. DSHS](#)
In this case, a hearing was held in which DSHS testified through its representatives that they were unable to comply with the order to timely evaluate the defendant because of financial constraints. I found DSHS in contempt for this failure and imposed sanctions. Although my decision was one of several similar a decision across the state, my order was quoted in a Seattle Times article about the problems surrounding mental health evaluations and treatment. [Seattle Times: Judge Issues Contempt Order](#)
. The writing sample I am providing is the order I entered in this case.
3. [United States v. Gonzales, 506 F.3d 940 \(9th Cir. 2007\) \(en banc\).](#)
This was the very first case I argued before a Ninth Circuit panel (three judges). In a rare move, the panel suggested *en banc* review before publishing a decision. I then had the privilege of arguing the case before 15 judges of the Ninth Circuit Court of Appeals in San Francisco. Ultimately, we prevailed and the court reversed an earlier panel decision on an issue concerning sentencing and the use of prior convictions to calculate a defendant's criminal history score under the federal sentencing guidelines.
4. [State v. Kronich, 160 Wn.2d 893, 161 P.2d 982 \(2007\).](#)
Client was convicted of driving while license suspended following a jury trial in which the sole evidence of the defendant's driving status was a certificate from the Department of Licensing. The State Supreme Court granted review to determine whether the certificate was "testimonial" and therefore prohibited in light of the U.S. Supreme Court decision in *Crawford v. Washington*, 541 U.S. 36 (2004). Ultimately, the State Supreme Court held that the certificate was non-testimonial, and could be admitted without violating the defendant's Sixth Amendment right to confrontation. Five years later however, I was vindicated when this decision was reversed in *State v. Jasper* 271 P.3d 876 (Wash. 2012). In *Jasper*, the Supreme Court adopted the argued I made in *Kronich* and held that certificates declaring the existence or non-existence of a public record are testimonial and may not be introduced into evidence absent confrontation. Brian O'Brien was opposing counsel.
5. City of Spokane v. County of Spokane, 158 Wn.2d 661 (2006).
As a member of former Mayor Jim West's team, assembled to create an independent municipal court, I worked with Salvatore (Sam) Faggiano from city legal in drafting the initial pleadings, the motion on summary judgment, and motion for direct review. The Supreme Court accepted direct review and Milt Rowland argued for the City. The Court ruled in favor of the City and held that the termination agreement required by RCW 3.46.150 only required the City to pay costs that were actually incurred by the County as a result of terminating the interlocal contract for court services. Since there would be no such costs, the Court held that the agreement reached between the City and County satisfied the statutory requirements. Jim Kaufman and Carl Hueber were opposing counsel.
6. [Delaney v. Board of Spokane County Commissioners, 161 Wn.2d 249 \(2007\).](#)
The issue was whether the State Constitution and Chapter 3.34 RCW required Spokane County to have ten district court judges as opposed to nine. I worked as part of a team with several attorneys to develop the issue and draft the writ

of mandamus documents. Following denial of the writ, the Supreme Court, acting *sua sponte*, granted direct review and I argued the case. Ultimately, the Court denied the writ. Dan Catt was opposing counsel.

7. [United States v. Soto, 519 F.3d 927 \(9th Cir. 2008\).](#)

Client was represented by private counsel through trial. After I was appointed for the appeal, the former attorney advised me that there were "no issues for appeal." In reviewing the record, I discovered that the trial court had refused to give a no-adverse-inference jury instruction as required by the Supreme Court's decision in *Carter v. Kentucky*. The original three-judge panel found no error according to Ninth Circuit precedent in a case called *U.S. v. Castenada*. My subsequent Petition for Rehearing was granted, and the three-judge panel issued three separate opinions. Ultimately the panel agreed that any error was harmless and confirmed the conviction.

8. [City of Spokane v. Marr, 129 Wn. App. 890 \(2005\).](#)

Following a bench trial, the client was acquitted of aggressive solicitation, but convicted of pedestrian interference for begging. I was appointed after the Court of Appeals granted discretionary review. Ultimately, the Court vacated the conviction, and established precedent in holding that begging was protected activity under the First Amendment. Since the city ordinance specifically exempted constitutionally protected activity from proscribed behavior, the evidence was insufficient to support the conviction. Shelley Szambelan was opposing counsel.

8. [United States v. Fanning, CR-06-130-N-EJL, June 2008.](#)

The client was convicted of misdemeanor assault following a jury trial in United States District Court. I represented the client on appeal and submitted a brief to the Ninth Circuit Court of Appeals arguing that the district court lacked subject matter jurisdiction and the conviction was therefore void. The Assistant United States Attorney agreed with my brief and the case was remanded by stipulation. Ultimately, the district court vacated the conviction and dismissed the charges with prejudice

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

None.

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

1. [Participation in the Spokane Regional Law and Justice Council. \(SRLJC\)](#)

The SRLJC was formed by the City of Spokane and Spokane County in 2013 with the goal of reviewing the current justice system and identifying inefficiencies and areas of reform. The agencies comprehensive report concluded that "the Municipal Court, and all city agencies, have been innovative, cooperative and effective." [A Blueprint for Reform](#), page 7.

From the creation of Municipal Court in 2009, all three judges have adopted policies that have resulted in a 40 percent decrease in the City's jail population and better access to justice. The dramatic reduction in jail population was the result of applying the presumption of recognizance required by CrRLJ 3.2 for pre-trial defendants, and the use of sentencing alternatives such as electronic home monitoring, DOC work crew, and community reparations.

Our Court continues to participate in the SRLJC. I regularly attend two subcommittee meetings: Evidence-Based Process and the Racial Equity Subcommittee. The Evidence-Based Process subcommittee is tasked with identifying and implementing evidence-based practices that increase public safety and reduce recidivism. The Racial Equity Subcommittee is charged with designing a plan to reduce the disproportionate impact on people of color within the justice system. This plan includes the development of a Racial Equity Toolkit that will be applied to policies and procedures to identify the causes of disparate impact. The Subcommittee is also tasked with organizing and developing training for members of the justice system to help identify and eliminate bias and disparate treatments.

2. [Implementation, training and experience with a comprehensive electronic case management system](#)

In 2013, Spokane Municipal Court was one of the first courts in Washington to go live with a comprehensive electronic case management system. This system is collaborative, and is used not only by the court, but by the prosecutor's office, public defender's office, and probation. The development and implementation of this software system was a massive project. However, the efficiencies from using this system were recognized immediately upon deployment. Our court no longer has paper files. On the bench, each judge does significantly more than sign orders. We enter data, issue electronic warrants, print generated forms, and continue court dates. The success of this system has been recognized across the state. King County District Court is in the process of implementing an upgraded version of the system we use and our own court will implement a major upgrade next year.

3. [Therapeutic Courts](#)

I have been involved with therapeutic courts since 2007 when I was selected to participate in a federal drug court program created and managed by Senior Judge Wm. Fremming Nielsen. The program was named STEP court and was

revolutionary because there were so few federal drug court programs at the time. As part of this team, we received extensive training on best practices and effective means of administering commendations for achievements and sanctions for violations. (I consider therapeutic courts to be non-litigious because they are non-adversarial.)

I am looking forward to enhancing the skills I acquired in STEP court as the judge who will be presiding over Spokane Municipal Court's new DUI court, set to begin this fall. Empirical evidence suggests that when best practices are employed, therapeutic courts are effective in reducing recidivism and enhancing the quality of life for participants.

4. Professional Mediation Skills Training Certificate

In 2013, I completed a 40-hour course on mediation skills at the University of Washington School of Law. While I have not had the opportunity to mediate cases, I use the many of the speaker/listener techniques in court on a regular basis. This course has been very helpful in my current position as a judge.

5. Javascript Training

Creating better processes has been an interest of mine since I was a legal secretary filing out bankruptcy forms on a typewriter (and then having to redo almost the entire packet when the client changed a few figures). Shortly after becoming a judge, I was appointed to the Washington State Pattern Forms Committee, which is charged with drafting the forms used in every court, for almost every area of practice. In order to create more dynamic forms, I taught myself and programming language Javascript. By combining my knowledge of the law with my programming skills, I am able to create dynamic forms with a significant amount of coding in the background. One such form, a DUI sentencing attachment, has been adopted as a statewide form by the Pattern Forms Committee. I have attached it for your information.

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.

2014 – 2017 Board of Governors for District and Municipal Court Judge's Association (DMCJA)

Have you published any books or articles in the field of law? If so, please list them, giving the citations and dates. Also, please give the dates and forums of any Continuing Legal Education presentations that you have made.

- Scheduled Faculty Member for 2018 Judicial College.
- 2006 – 2008 Editor "My Little Red Rules Book" of federal evidence and criminal procedure.
- Faculty Member, 2012 District and Municipal Court Judges Spring Conference
Presenter, "There's an App for That."
- CLE Presenter, "Federal Consequences of State Convictions,"
2008 Wash. Assoc. of Criminal Defense Lawyer's Annual Conference
- CLE Presenter, "Appeals in Federal Court,"
2007 Spokane Bar Association Appellate CLE
- CLE Presenter, "Impact of Blakely and Crawford on Public Defense Practice," 2004
Washington Defender Association.
- CLE Presenter, "Legal Research on the Internet," 2003 Appellate Court Update.

VIII. Judicial Interest and Experience

In 75 words or less, please describe why you are seeking a judicial position.

I am passionate about Spokane's Municipal Court and I am very proud of our accomplishments to date. I am privileged to work with talented judges, staff, and agencies who are not afraid of change and embrace collaboration. The work of identifying root causes of recidivism and developing evidence-based sentencing alternatives is not easy, but worth the effort when lives are transformed. With everything we've accomplished there is still so much more we can do.

In 75 words or less, please describe the type of judge you aspire to be.

I aspire to be a well respected judge; a judge that both attorneys and litigants would want presiding over their case. A judge known for being prepared, well-versed, intelligent, firm, courageous, consistent, and kind. I aspire to be a judge that treats people, who are at their worst, with dignity and compassion.

Have you ever held a judicial office? Yes If you answered “yes”, please provide details, including the courts involved, whether elected or appointed, and periods of your service.

I've been an elected Municipal Court Judge since 2009.

Have you ever held public office other than a judicial office? No If you answered “yes”, please provide details, including the offices involved, whether elected or appointed, and periods of your service.

Please briefly identify all of your experience as a neutral decision-maker (e.g. permanent or pro tem judge in any jurisdiction, administrative law judge, arbitrator, hearing officer, etc.). Give courts, approximate dates, and attorneys who appeared before you.

Spokane Municipal Court Judge (2009 – Present)

Prosecutors working in my court: W. Michael Reinken, Lynden Smithson, and Janean Phillips
City of Spokane Prosecutor's Office (509) 835-5994

Public Defenders: Lillian Tang, Donna August, Andrew Hess, Michiko Fjeld, Bridget Condon
City of Spokane Public Defenders: (509) 835-5955

Private Counsel: Doug Phelps, Pete March, Chris Phelps, Mark Prothero, Robert Cossey, Bevan Maxey, Rick Bechtolt, Jennifer Fassbender, Tim Note, Dean Chuang

If you seek an appellate court position, please describe how your previous judicial experience prepared you to serve as an appellate court judge.

IX. Community and Civic Activities

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

- 2004-2007 Executive Officer for the Cliff/Cannon Neighborhood Committee.
- 2001 to Present, Member and regular volunteer at Life Center Foursquare Church
- 2005-2007 Volunteer for 2nd Harvest Holiday food drive.
- 2009 Member of Women in Rotary.
- 2012 – 2013 Mentored three children at-risk on a weekly basis at Sheridan Elementary
- 2011 – 2014 Member of the Executive Council of Life Center Church in Spokane

X. Access to Justice and Diversity in the Legal Profession

Please describe any activities that you have engaged in to eliminate bias or improve access to the judicial system.

1. As I indicated above (page 6), our Court is participating in the Spokane Regional Law and Justice Council (SRLJC). Specifically, I participate in the Racial Equity Subcommittee and attend monthly meetings. (It should be noted that I am not a member of the subcommittee, but I attend the meetings on behalf of our Court and provide input and feedback.) The Racial Equity Subcommittee is charged with designing a plan to reduce the disproportionate impact on people of color within the justice system. This plan includes the development of a Racial Equity Toolkit that will be applied to policies and procedures to identify the causes of disparate impact. The Subcommittee is also tasked with organizing and developing training for members of the justice system to help identify and eliminate bias and disparate treatments.
2. One area of focus for the SRLJC is bail reform. When default bail amounts are based on the crime charges instead of the defendant's history then defendants with sufficient funds are released pending trial, while those who cannot afford bail are held in custody. Not only does this practice have a disparate impact on minority populations, but it decreases access to justice by increasing the incentive to plead guilty to a charge just to get out of custody. While much is being said about “reforming” the system, the practice of default bonds is inconsistent with the current rule. Under CrRLJ 3.2, there is a presumption of release on recognizance unless there is a substantial showing that the defendant will not appear at future court hearings or is likely to commit a violent offense while out on release. Even upon a showing of

one of these two factors the court is to employ the least-restrictive alternative in setting release conditions, and when bail is set, the court must consider the defendant's financial means.

Since our court was created in 2009, we have made compliance with CrRLJ 3.2 a priority. Defendants are generally released on recognizance, even after several failed appearances. In an effort to provide additional alternatives to bail, our court has been utilizing pre-trial electronic home monitoring, which can be set as either curfew only or full monitoring. In addition, we have recently added text-message reminders for court dates and public defender appointments – further reducing the failure-to-appear rate and the need to set bail.

3. For several years, the statewide Access to Justice Board (AJB) has been supporting an initiative to create plain-language family law forms to make courts more accessible to pro se litigants. As a member of the Pattern Forms Committee, I have volunteered a significant amount of time to finalize and adopt these forms. While the AJB has focused on family law forms, the Pattern Forms Committee has been implementing the plain-language philosophy in all statewide forms.
4. Saturday Courts. Court rules require a judicial officer to find probable cause within 48 hours of an arrest, including weekends and holidays. As such, the judicial officers in our court rotate weekend and on-call duty (for warrants). When it became apparent that there would always be a judge working on Saturday, we decided to add a docket on Saturday mornings for people who want a hearing to mitigate traffic infractions. The Saturday morning docket provides access to the courts on a weekend so people cited with an infraction do not have to take time off of work to have their day in court.

What are the most significant barriers to access to justice today? In what ways have you seen these barriers in your practice?

Knowledge and money. Most people are not familiar with the court system and the rules of procedure are overwhelming. If a person has the means, they hire an attorney. But when a person is unable to afford an attorney, then the court system becomes inaccessible. In the criminal cases before my court, a person who cannot afford an attorney, is entitled to a court-appointed attorney to assist with the criminal charge. But people and relationships do not operate in a vacuum. Often times domestic violence charges are tied to family law issues and even dependency issues. I am asked quite frequently how a person can retrieve property, or set up a visitation schedule, or obtain child support. The only help I can give them is a referral to one of the volunteer or low cost lawyer programs.

As a member of the bench, what role, if any, do you believe that a judge has to enhance equal access to justice?

1. Recognize implicit and systemic bias and correct when possible. For instance, minorities are greatly under-represented in our state's jury pools. As a consequence, a jury panel may not represent a jury of the defendant's peers.
2. Create clear procedures and plain-language instructions for pro se litigants.
3. Utilize technology (dynamic forms, text message reminders, alternatives to jail).
4. Recognize when accommodations would assist someone with a mental or physical disability and be willing to implement those accommodations. This can be as easy as creating a special setting for someone with anxiety or allowing them to appear in court at the end of a docket.

What experiences, training, or knowledge do you have in addressing diversity in the legal profession?

While our bench is not diverse, it is unique: all three judges in our court are women. (This has led to a few interesting stories.) Diversity in the legal profession includes race, ethnicity, gender, sexuality and disability. I am privileged to work with a prosecutor's office and public defense office that are diverse in these areas.

What can a judge, or court, do to improve diversity in the legal profession?

1. Mentor students from diverse backgrounds and encourage them to pursue legal careers. A few years ago, I volunteered to mentor several at-risk students at Sheridan Elementary. I would spend my lunch hour with a student and allow them to lead the conversation. Often times, they wanted to discuss my job as a judge. I would tell them that my background was similar to theirs and if I could become a judge, they could as well.
2. Be willing and enthusiastic about making accommodations for disabilities. One of the clerks in our courtroom is legally deaf and uses special equipment and hearing aids. She is absolutely invaluable when defendants appear in court who have hearing disabilities.
3. Recognize barriers to entering and remaining in college and law school that are unique to minority groups and promote policies that break down these barriers.

XI. Discipline, Disputes, and Conflicts

Have you ever been held, arrested, charged, or convicted by federal, state, or other law enforcement authorities for violation of any federal law, state law, county or municipal law, regulation, or ordinance? Yes If you answered “yes”, please provide details, including case numbers. (Do not include traffic violations for which a fine of less than \$150.00 was imposed.) Please feel free to provide your view of how it bears on your present fitness for judicial office.

In 1990, while a college student, my roommates and I were cited for violating a local noise ordinance. The charge was eventually dismissed.

In 1988(?) I was cited for Reckless Driving after an accident. The charge was reduced to an infraction and I paid a \$250 fine.

Has a client ever made a claim or suit against you for malpractice? No If you answered “yes”, please provide details and the current status of the claim and/or suit.

Have you ever been a party in interest, witness, or consultant in any legal proceeding? Yes. If you answered “yes”, please provide details, including the case number. Do not list proceedings in which you were merely a guardian ad litem or stakeholder.

In 1993, I sued my landlord in small claims court for failing to return my damage deposit.

Have you ever been the subject of a complaint to any bar association, disciplinary committee, court, administrative agency, or other professional group? Yes If you answered “yes”, please provide details.

In 1993, my landlord filed a complaint with the Bar Association against me because I was demanding my deposit. The Bar found the clam to be baseless and never investigated it.

Have you ever been disciplined or cited for breach of ethics or unprofessional conduct? No. If you answered “yes”, please provide details.

If you have ever served as a judge, commissioner, or in any judicial capacity, has a complaint for misconduct in that capacity ever been made against you? No. If you answered “yes”, please provide details.

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.

No.

Are you aware of anything that may affect your ability to perform the duties of a judge? No If you answered “yes”, please provide details.

XII. References – In the evaluation process it is useful for evaluators to speak with attorneys and non-attorneys who are familiar with you. Evaluators may contact each of your references. If a reference is unreachable, your evaluation may be delayed.

Please list the names and phone numbers of up to 10 opposing counsels who know you best, including at least three opposing counsels on cases that went to trial.

If you have been a judge or otherwise have served as a neutral decision-maker within the last 10 years, please list the names and phone numbers of the last 10 attorneys who have appeared before you.

Prosecutors working in my court: W. Michael Reinken, Lynden Smithson, and Janean Phillips

City of Spokane Prosecutor’s Office (509) 835-5994

Public Defenders: Lillian Tang, Donna August, Andrew Hess, Michiko Fjeld, Bridget Condon

City of Spokane Public Defenders: (509) 835-5955

Conflict Public Defenders: Dave Hamlin (509) 477-4810; David Miller (509) 747-8157

For the last five trials in which you participated (whether as a trial lawyer or decision-maker), please list as appropriate the following for each: case name, subject matter, court, judge (with phone numbers), and opposing counsel or counsel appearing before you (with phone numbers).

The following are the last five jury trials in my courtroom:

1. City of Spokane v. Soapes, (7Z0127293, May 2017), Violation of No-Contact Order Domestic Violence.
Bridget Condon from the City Public Defender's Office represented the Defendant. (509) 835-5955
Janean Phillips from the City Prosecutor's Office represented the Plaintiff. (509) 835-5994
2. City of Spokane v. Sullivan (P16009687 & P16009704, Jan. 2017), Harassment (3 counts), Reckless Endangerment and Assault.
Charles Patrick Donohue represented the Defendant (509) 295-6555
Lyndon Smithson represented the Plaintiff. (509) 835-5994
3. City of Spokane v. Perkins (5Z0941483, Sept. 2016) DUI
Doug Phelps represented the Defendant (509) 892-0467
Mubarak Abdur Raheem represented the Plaintiff. (509) 835-5994
4. City of Spokane v. Shill (N48439, June 2015) Assault and Trespass first degree
Dean Chuang represented the Defendant (509) 926-4900
Janean Phillips represented the Plaintiff. (509) 835-5994
5. City of Spokane v. Smith (2Z0479412, March 2013) Disorderly Conduct
Bridget Condon represented the Defendant. (509) 835-5955
Janean Phillips represented the Plaintiff. (509) 835-5994

Please list the names and phone numbers of 10 additional attorneys familiar with your professional qualifications, skills, experience, and attributes.

Roger Peven (509) 323-9000 Former Exec. Dir. of Federal Defenders	Amy Rubin (509) 624-7606 Asst. Exec. Dir. of Federal Defenders
Rebecca Pennell (509) 456-3082 Judge, Court of Appeals, Div III	Mary Logan (509) 622-5863 Spokane Municipal Court Judge
Annette Plese (509) 477-4709 Spokane Superior Ct Judge	Justin Bingham (509) 835-5994 Spokane City Prosecutor
Doug Phelps (509) 892-0467 Private Counsel	Jennifer Fassbender (509) 326-2613 Private Counsel
Breean Beggs (509) 625-6714 Former Director of the Center for Justice; Current Spokane City Council member	
Howard Delaney (509) 625-4400 Former Spokane City Prosecutor; Former Spokane City Attorney; Current Court Administrator for Spokane Municipal Court	

Please list the names and phone numbers of up to five non-attorney references whose opinions or observations—particularly with respect to your commitment to improving access to the judicial system—would assist in the consideration of your application.

Dr. Jacqueline van Wormer – Spokane Regional Criminal Justice Administrator (509) 477-5773 jvanwormer@spokanecounty.org
Tim Sigler – Chief Probation Officer, City of Spokane Probation (509) 622-5800 TSigler@SpokaneCity.org
Nancy McLaughlin (509) 991-2395 – Former City of Spokane Council Member; Former Spokane County Commissioner
Ben Stuckart (509) 625-6269 – Current Spokane City Council President

Please provide a writing sample of your work (between five and 10 pages long), written and edited by you, within the last five years.

Please see attached Order Holding Eastern State Hospital in Contempt.

XIII. Rating and Evaluations – The Governor’s Office requires individuals seeking judicial appointment to utilize, to the fullest extent possible, the ratings processes from state, county, and minority bar organizations. To facilitate the process, many of these organizations accept this questionnaire as the principal application in their evaluation process and may also require completion of a supplement questionnaire.

- The Washington State Bar Association (WSBA) Judicial Recommendation Committee screens and interviews candidates for state Court of Appeals and Supreme Court positions. Recommendations are reviewed by the WSBA Board of Governors and referred to the Governor for consideration when making judicial appointments. Committee information can be found on the WSBA website at <http://www.wsba.org/jrc>.
- Contact minority bar associations to determine whether an evaluation process will be conducted. Contact information can be found on the Washington State Bar Association’s website at <http://www.wsba.org/Legal-Community/Minority-Bar-Associations>. This webpage contains a link to the list of Judicial Evaluation Committee Representatives for those associations who participate in standing judicial evaluation committees. Note that some of the minority bar associations may conduct judicial evaluations when judicial vacancies occur, even if committee representatives are not listed on the webpage.
- Contact the relevant county bar associations to determine whether an evaluation process will be conducted. Contact information for county bar associations can be found on the WSBA website at <http://www.wsba.org/Legal-Community/County-Bar-Associations>

List the organizations you have contacted for an evaluation.

XIV. Date and Signature – All answers and statement are true and complete to the best of my knowledge. I understand that the state may verify information, and that untruthful or misleading answers are cause for rejection of this questionnaire or dismissal if appointed. Electronic questionnaires do not require a signature; you may type in the date and your first and last name.

Date	Signature
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