KCBA KING COUNTY BAR ASSOCIATION

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Recording Date – January 8, 2018
Recording Availability – January 29, 2018

Meeting Location	Date	Time	Topic
King County Bar Association 1200 Fifth Avenue - Suite 700 Seattle, WA	**Monday, January 8, 2018**	12:00 PM to 1:15 PM	So You Want to Be a Judge

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AGENDA

12:00 PM Introduction

12:10 PM Presentation: 'So You Want to Be a Judge', by Judge Linda Lau (ret.), Judicial Dispute Resolution; Judge Michael Spearman, Division 1; and Nick Brown, Pacifica Law Group

- This presentation will discuss the appointment process in Washington State and how it works; any relevant rules, canons, and statutes that apply to this process; the requirements for the job; and other practical tips and perspectives.

1:15 PM Adjourn

SPEAKER BIOGRAPHY

Judge Linda Lau (ret.), Judicial Dispute Resolution – As a trial judge, Judge Lau presided over hundreds of jury trials including complex civil litigation in medical malpractice, business and commercial, employment, discrimination, personal injury, domestic relations, construction defect, insurance and other civil litigation.
As a seasoned appellate judge, who authored more than 400 opinions on almost every area of contemporary civil litigation, she brings both a trial and appellate judge's perspective.
As a trial judge, she successfully settled countless cases in settlement conferences.

Judicial:

- 2008 to 2016 – Washington State Court of Appeals, Division One
- 1995 to 2008 – King County Superior Court
- 1992 to 1995 – King County District Court

Judge Lau is the daughter of Chinese immigrants. As a youth working in her parents' small businesses, she learned the value of a strong work ethic. Judge Lau applied this ethic in judicial service and earned praise as a thoughtful and hardworking judge. She brings these traits to mediation, arbitration, and consultation.

Judge Michael Spearman, Division 1 – Judge Michael S. Spearman joined Division One of the Court of Appeals in April 2010. Before his appointment to the bench Judge Spearman provided mediation and arbitration services with Judicial Dispute Resolution. Judge Spearman was also a King County Superior Court judge for 14 years. In that capacity, Judge Spearman served in all of the court's departments, including three years as the Chief Judge of the Criminal Department, eight years on the court's Executive Committee, and two years as Assistant Presiding Judge.

Judge Spearman has also been actively involved in efforts to improve the judicial system. At various times, he has served as a member of the board of the National Center for State Courts and as a commissioner on the State of Washington's Sentencing Guidelines and Interpreter Certification Commissions. He also served on the boards of the King County Bar Association, the Washington Foundation for the Courts, Family Law CASA for King County, the American Judicature Society and Seadrunar, a substance abuse treatment program.

Prior to his judicial career Judge Spearman was a trial lawyer in the areas of criminal defense, family law and personal injury. He was a public defender with The Defender Association, where he supervised the Felony Division; the Society of Counsel Representing Accused Persons; and the Office of the Federal Public Defender. He was an associate with the firm of Adler, Giersch and Read.
Judge Spearman was born in Lawrence, Kansas and has made his home in Seattle since 1983. He holds an undergraduate degree from Brown University and a J.D. from New York University School of Law.

Nick Brown, Pacifica Law Group – Nick Brown is a litigation partner at Pacifica Law Group, where he focuses on assisting public and private clients with complex civil and regulatory litigation, municipal law, public policy, and political matters.

Nick provides strategic advice and counsel to clients to prevent legal challenges from occurring, and helps them effectively and efficiently resolve litigation or crisis management matters that do arise. Nick also has extensive trial experience before juries, trial judges and the Ninth Circuit, and has handled cases ranging from simple prosecutions to complex multi-million dollar cases involving numerous defendants. In addition, Nick's experience working with state and federal leaders, his substantial involvement in legislative matters, and his first-hand experience with election issues enables him to navigate political and policy matters for clients.

Nick previously served as General Counsel to the Governor of Washington, advising on an array of legal issues, including high-priority litigation, criminal justice policy, tribal gaming and Indian law, and clemency petitions. He also managed the Governor's judicial appointments, including the appointment of 52 judges.

Prior to that, Nick served as Assistant U.S. Attorney in the U.S. Attorney's Office, Western District of Washington, where he was responsible for the management of a variety of federal criminal cases, from initial investigation to trial and sentencing, and through the appellate process. In that role, Nick appeared before every federal judge in the Western District of Washington and prosecuted over 100 individual cases.

HOW DO I EARN CREDIT FOR SELF-STUDY OR AUDIO/VISUAL (A/V) COURSES?

For pre-recorded A/V (self-study) programs, although the sponsor should apply for accreditation, **lawyers need to report the credits earned for taking the course.**

To add an approved course to your roster, follow the procedures below:

- Go to the "mywsba" website at www.mywsba.org/.
- Log in.
- Click on the "Access MCLE" link in the "MCLE Info" box on your home profile page.
- Click on "Add Activity." Search to find the approved course in our system. (See search suggestions on the screen.)

Adding a Recorded Course

Select Recorded Course from the Add New Activity screen.

This will prompt you to search for the activity in case the activity has already been accredited in the MCLE system.

You can search by Activity ID or by specific Activity Details. For the Activity Details search, you can use keywords for the title, sponsor name and date.

After entering your search criteria and selecting Search at the bottom of the screen, a list of possible activities will be provided.

You can select the correct one by clicking the Activity ID. This will take you to the specific activity. Entered the date(s) on which you began and ending viewing this recorded activity.

Then claim the correct credits for which you attended this activity in the Credits Claimed fields and click the Submit button at the bottom of the page.

You will receive a confirmation message at the top of your screen stating, “The activity has been added to your roster.

THE WASHINGTON STATE GOVERNOR'S OFFICE
UNIFORM JUDICIAL EVALUATION QUESTIONNAIRE

I. Judicial Position

Position Sought	Court, Division, or District

II. Personal Information

Name (Last, First, and Middle Initial)	**Email (Personal and Work)**
Home Mailing Address	**City, State, ZIP**
Work Mailing Address	**City, State, ZIP**
Personal Phone (Include area code)	**Work Phone (Include area code)**
Mobile Phone (Include area code)	**Social Security Number[1]**
WSBA Bar Number and Year of Admission	**Date of Birth (mm/dd/yyyy)**

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.

IV. Education

Please list all law school, graduate, and undergraduate colleges and universities attended.

College/University	Month and Year Attended (From and To)	Degree Awarded
College/University	**Month and Year Attended (From and To)**	**Degree Awarded**
College/University	**Month and Year Attended (From and To)**	**Degree Awarded**
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

1. Present or Last Employer	**Employer's Address**
Employer's Phone (Include area code)	**Your Title**
Dates of Employment **From To**	**Supervisor's Name**
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
Reason for Leaving	

2. Previous Employer	**Employer's Address**
Employer's Phone (Include area code)	**Your Title**

[1] Please only include your Social Security number on the copy of the questionnaire forwarded to the Governor's Office.

Dates of Employment **From To**	**Supervisor's Name**
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
Reason for Leaving	

3. Previous Employer	**Employer's Address**
Employer's Phone (Include area code)	**Your Title**
Dates of Employment **From To**	**Supervisor's Name**
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
Reason for Leaving	

4. Previous Employer	**Employer's Address**
Employer's Phone (Include area code)	**Your Title**
Dates of Employment **From To**	**Supervisor's Name**
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
Reason for Leaving	

5. Previous Employer	**Employer's Address**
Employer's Phone (Include area code)	**Your Title**
Dates of Employment **From To**	**Supervisor's Name**
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
Reason for Leaving	

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

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.
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.
Are you in good standing in every bar association of which you are a member? 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.
Please list any honors, prizes, awards, or other forms of recognition that you have received and whether they were professional or civic in nature.

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 %
Federal Trial Courts %
State Appellate Courts %
State Trial Courts %
Municipal Courts %
District Courts %
Administrative Tribunals %
Tribal Courts %
Other %

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

Civil Litigation (excl. family law) %
Criminal Litigation %
Family Law Litigation %
Non-Litigation %

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

Jury Trials %
Non-Jury Trials %

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				
State District Court				
State Superior Court				
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			
WA Division I COA			
WA Division II COA			
WA Division III COA			
State Supreme Court			
Federal Circuit COA			
US Supreme Court			

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.

State in detail your experience in adversary proceedings before administrative boards or commissions during the last five years.
Please briefly describe any legal non-litigation experience that you feel enhances your qualifications to serve as a judge.
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.
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.

VIII. Judicial Interest and Experience

In 75 words or less, please describe why you are seeking a judicial position.
In 75 words or less, please describe the type of judge you aspire to be.
Have you ever held a judicial office? If you answered "yes", please provide details, including the courts involved, whether elected or appointed, and periods of your service.
Have you ever held public office other than a judicial office? 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.
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.

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.
What are the most significant barriers to access to justice today? In what ways have you seen these barriers in your practice?
As a member of the bench, what role, if any, do you believe that a judge has to enhance equal access to justice?
What experiences, training, or knowledge do you have in addressing diversity in the legal profession?
What can a judge, or court, do to improve diversity in the legal profession?

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? 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.
Has a client ever made a claim or suit against you for malpractice? 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? 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.
Have you ever been the subject of a complaint to any bar association, disciplinary committee, court, administrative agency, or other professional group? If you answered "yes", please provide details.
Have you ever been disciplined or cited for breach of ethics or unprofessional conduct? 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? 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.
Are you aware of anything that may affect your ability to perform the duties of a judge? 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.
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).
Please list the names and phone numbers of 10 additional attorneys familiar with your professional qualifications, skills, experience, and attributes.
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.
Please provide a writing sample of your work (between five and 10 pages long), written and edited by you, within the last five years.

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**

RCW 2.06.070

Original appointments—Election of judges—Terms of office.

Upon the taking effect of RCW **2.06.010** through **2.06.100**, the governor shall appoint the judges of the court of appeals for each district in the numbers provided in RCW **2.06.020**, who shall hold office until the second Monday in January of the year following the first state general election following the effective date of this act. In making the original appointments the governor shall take into consideration such factors as: Personal character; intellect; ability; diversity of background of experience in the practice of the law; diversity of political philosophy; diversity of educational experience; and diversity of affiliation with social and economic groups, for the purpose of establishing a balanced appellate court with the highest quality of personnel. At the first state general election after the effective date of this act there shall be elected from each district the number of judges provided for in RCW **2.06.020**. Upon taking office the judges of each division elected shall come together at the direction of the chief justice and be divided by lot into three equal groups; those of the first group shall hold office until the second Monday in January of 1973, those of the second group shall hold office until the second Monday in January of 1975, and those of the third group shall hold office until the second Monday in January of 1977, and until their successors are elected and qualified. Thereafter, judges shall be elected for the full term of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election: PROVIDED, HOWEVER, That if the governor shall make appointments to the appellate court from membership of the superior court, the governor shall, in making appointments filling vacancies created in the superior courts by such action, take into consideration such factors as: Personal character; intellect; ability; diversity of background of experience in the practice of the law; diversity of political philosophy; diversity of educational experience; and diversity of affiliation with social and economic groups, for the purpose of maintaining a balanced superior court with the highest quality of personnel.

[**1969 ex.s. c 221 § 7**.]

NOTES:

Effective date—1969 ex.s. c 221: The effective date of this act [1969 ex.s. c 221] is May 8, 1969, see preface to 1969 session laws.

RCW 2.06.080

Vacancy, how filled.

If a vacancy occurs in the office of a judge of the court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election and the judge so elected shall hold the office for the remainder of the unexpired term.

[**1969 ex.s. c 221 § 8.**]