

# King County Democrats 2010 Judicial Candidate Questionnaire

| Candidate Name           | Ken Schubert                                                                                                                                                         |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Position sought          | King County Superior Court, position 40                                                                                                                              |
| Residence LD             | 43 <sup>rd</sup>                                                                                                                                                     |
| Are you the incumbent?   | No                                                                                                                                                                   |
| Campaign Information     |                                                                                                                                                                      |
| Campaign Name            | Ken Schubert for Superior Court Judge                                                                                                                                |
| Web page                 | <a href="http://www.electkenshubertjudge.com">www.electkenshubertjudge.com</a>                                                                                       |
| Campaign Email address   | <a href="mailto:info@electkenshubertjudge.com">info@electkenshubertjudge.com</a> ;<br><a href="mailto:ken@electkenshubertjudge.com">ken@electkenshubertjudge.com</a> |
| Manager                  | Jake Faleschini                                                                                                                                                      |
| Campaign mailing address | P.O Box 23037<br>Seattle, WA 98102                                                                                                                                   |
| Campaign phone number    | 718-564-0328                                                                                                                                                         |
| Campaign FAX             | N/A                                                                                                                                                                  |

Candidate Background: Community service, education, employment and other relevant experience.

Which undergraduate and law schools have you attended? Include Graduation date, degrees.

I was born and raised in King County, where I live with my wife and two children. For the past two years, I have spent time away from my law firm to work as a pro tem judge in District and Municipal Courts throughout King County. In that role, I have presided over more than two dozen jury and bench trials, serving as a pro tem judge more than 150 times.

In addition to my work as a pro tem judge, I am a partner in the Litigation Group of Garvey Schubert Barer, a Seattle-based firm. As a civil litigator, I help businesses and individuals across Washington resolve their disputes through mediations, arbitrations and litigation. I have handled a wide variety of cases, including securities, wage and hour, fiduciary duty and Will contests, anti-trust, bankruptcy, civil rights and contract claims. Washington Law & Politics Magazine designated me as a "Rising Star" six times in the litigation category, including each of the past five years.

I have also worked as a public servant in the area of criminal law. Before I attended law school, I worked as an investigator for The Defender Association in Seattle. During law school, I interned at the US Attorney's Office in Seattle. While an associate, I worked as a Special District Attorney on a three month trial rotation for the Multnomah District Attorney's Office. And in 2010, I was appointed as a Special Deputy Prosecutor in King County. These experiences have given me valuable insight into the charging decisions,

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strategies, time-constraints and caseload of both prosecutors and defense counsel.

I firmly believe in passing on what I've learned to Washington's next generation. I teach trial advocacy at the University of Washington School of Law and I am also a former member of the National Institute of Trial Advocacy faculty, and have been a speaker and panelist on Continuing Legal Education seminars.

I work hard to improve access to justice. I'm an active member of the Task Force on Race and Criminal Justice and serve as an officer on the Executive Board of the Latina/o Bar Association of Washington. I also served as a Senior Advocacy Fellow at Seattle University Law School's Korematsu Center for Law and Equality to address the disparate treatment of defendants in our criminal justice system.

I'm deeply committed to serving my community. As president of my local community council, I spearheaded the successful opposition to the proposed closing of our neighborhood public elementary school, ensured public access to local parks, and provided collaborative solutions to local traffic issues. I'm active in the arts, having co-founded Seattle Opera's Bravo! Club, which now boasts more than 700 members. I raised funds as a member of the Executive Board of MutualInterest.org, a non-profit organization serving low-income families. I was on the Board of Directors for Intiman Theatre when it won the Tony for Best Regional Theatre in the country. Last, but certainly not least, I serve as the treasurer for the PTA at my daughter's public elementary school, overseeing a budget of nearly a quarter million dollars.

I earned my J.D. from the University of Washington school of law in 2000 (?), and my B.A. with distinction from Occidental College in Los Angeles in 1996 (?). After law school I clerked for the Honorable Gerry Alexander on the Washington State Supreme Court, the longest serving Chief Justice in our State's history.

Hours and types of pro bono work performed.

Perhaps my favorite work while working at Garvey Schubert Barer has been the volunteer legal services I provided to mostly low income clients, which helps explain why I averaged 179.78 pro bono hours a year over my tenure with GSB. I helped victims of domestic violence obtain temporary restraining orders, brought civil rights cases for those abused by the system or harassed by those in positions of authority, and most recently filed an appellate brief on behalf of the Washington State Coalition Against Domestic Violence. These cases have reminded me of the gaps in representation in the legal system and the need to make the system more accessible for all citizens.

Have you ever been a prosecutor for any government entity? If yes, where and how long?

Yes. Special Deputy Prosecutor in King County (2010) and Special District Attorney in Multnomah County (2000). As a Special District Attorney, I tried criminal cases in front of a

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jury each week for twelve weeks. As a Special Deputy Prosecutor, I handled the full normal caseload of a deputy prosecutor, including arraignments, pre-trials, motions, reviews, and trials.

Have you ever defended a person accused of a crime? If yes, where and how many cases?  
I worked as an investigator for The Defender Association. As an attorney, I have not defended a person accused of a crime.

Have you ever served as an arbitrator or Mediator? If yes, where and how many times?  
No.

| How many times have you participated as a judge or attorney in: |                                                                                                                    |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Municipal Court                                                 | Approximately 150 times as judge.                                                                                  |
| District Court                                                  | Approximately five times as a judge; Approximately 40 times as an attorney.                                        |
| Superior Court jury trials                                      | Two trials (on average 99% of civil cases settle); Dozens of times arguing discovery and summary judgment motions. |
| Arguments in Court of Appeals                                   | Twice.                                                                                                             |
| Arguments in State Supreme Court                                | None.                                                                                                              |
| Federal District Court trials                                   | None.                                                                                                              |

| What ratings and endorsements have you received? |                                                                                                          |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Municipal League                                 | Request for interview pending.                                                                           |
| King County Bar Association                      | Qualified                                                                                                |
| Washington Women Lawyers                         | N/A                                                                                                      |
| Loren Miller Bar Association                     | According to LMBA president Nicole Gaines, the LMBA Judicial Evaluation Committee is being re-organized. |
| QLAW: the GLBT Bar Association                   | Scheduled for March 15.                                                                                  |
| Latina/Latino Bar Association                    | Scheduled for March 15.                                                                                  |

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Joint Asian Judicial  
Evaluation Committee

Scheduled for March 15.

Which organizations and individuals have endorsed you in this race?

- Justice Steve Gonzalez, Washington State Supreme Court
- Justice Debra Stephens, Washington State Supreme Court
- Chief Justice Gerry Alexander (ret.), Washington State Supreme Court
- Justice Bobbe Bridge (ret.), Washington State Supreme Court
- Justice Faith Ireland (ret.), Washington State Supreme Court
- Justice Phil Talmadge (ret.), Washington State Supreme Court
- Judge Dean Morgan (ret.), Division II Court of Appeals
- Judge Deborah Fleck, King County Superior Court
- Judge Bruce Heller, King County Superior Court
- Judge Paris Kallas (ret.), King County Superior Court
- Judge Harry McCarthy, King County Superior Court
- Judge Michael Trickey, King County Superior Court
- Judge Mary Yu, King County Superior Court
- Judge Anne Harper, King County District Court
- Judge Glenn Phillips, Kent Municipal Court
- Judge Robert McSeveney (ret.), Kent Municipal Court
- Judge Michael Lambo, Kirkland Municipal Court
- Judge Stephen E. Brown, Past-President, Washington State District and Municipal Court Judges' Association
- Judge Gregory Tripp, President, Washington State District and Municipal Court Judges' Association
- Judge Sara Derr, President-Elect, Washington State District and Municipal Court Judges' Association
- Judge Kevin Ringus, Fife Municipal Court
- Judge Sandra Allen, Milton Municipal Court
- Ed Murray, State Senator
- Margarita Prentice, State Senator
- Joe Fitzgibbon, State Representative
- Roger Goodman, State Representative
- Bob Hasegawa, State Representative
- Zach Hudgins, State Representative
- Jamie Pedersen, State Representative
- Sally Clark, Seattle City Council President
- Richard Conlin, Seattle City Councilmember

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- Jean Godden, Seattle City Councilmember
  - Verna Seal, Tukwilla City Councilmember
  - Stan Barer, Saltchuk Resources
  - William H. Gates, Sr., Bill and Melinda Gates Foundation
  - Jon Bridge, Ben Bridge Jeweler
  - Watson Blair, Watson Blair Law Group
  - Maurice Classen, King County Prosecuting Attorney's Office
  - Phil Cutler, Cutler, Nylander and Hayton, P.S
  - Greg Dallaire
  - John Du Wors, Newman Du Wors
  - Sharon Finegold
  - Yemi Fleming Jackson, Microsoft
  - Mike Garvey, Saltchuk Resources
  - John Hoerster, Saltchuk Resources
  - Anne-Marie Istafanous, Corporate Counsel Solutions
  - Zabrina Jenkins, Starbucks
  - Stephanie Berntsen, Schwabe Williamson & Wyatt
  - Paul Lawrence, Pacifica Law Group
  - Ken Lederman, Foster Pepper
  - Felix Gavi Luna, Peterson, Wampold, Rosato, Luna & Knopp
  - Bob Mahon, Perkins Coie
  - Tisha Pagalilauan, Cascadia Law Group
  - Andy Sachs, Wrenn Law Group
  - Jennifer Schubert, City of Seattle
  - Bill Sherman, Sherman Law Firm
  - Dwight Wheaton, Cairncross & Hempelmann
  - Lish Whitson, Whitson Law
  - Matthew York, City of Seattle
  - Greg Zamudio, Group Health Cooperative
- And more than 90 Garvey Schubert Barer attorneys.**

Which judicial candidates have you endorsed in the past five years?

Justice Steven Gonzalez.

Have there ever been any successful claims made against you or your malpractice carrier? If "yes" please attach explanation.

No.

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List any complaints you have received through any Bar Association, Judicial Conduct Committee or Board, or private insurance carrier. (Attach on a separate sheet of paper.)

Last Fall, I received a complaint from a former firm client. She did not allege an ethical violation. I attach a copy of the complaint and disciplinary counsel's rejection issued the following day. The former firm client did not seek reconsideration of disciplinary counsel's decision to reject the complaint.

What is your strongest area of legal expertise?

Civil litigation, particularly partnership disputes, contract claims, will contests and fiduciary duty claims; presiding over trials as a judge.

What recommendations do you have for improving court system funding and administration?

I support the efforts of the Trial Court Funding Task Force, which identified areas in which the state could share more of the costs of county, district and municipal courts to ensure that there is more uniformity of resources throughout the state and I have spoken with Judge Fleck, a member of that task force, about ways to carry on that work when I am on the bench. I am concerned about funding courts with user fees, which have the potential to negatively impact low-income and indigent populations.

What actions have you taken in the last five years on issues regarding access to the judicial system?

I have provided pro bono services to those who cannot afford legal representation and provide on average 179.89 hours a year of public service. I have been an active member of the Task Force on Race and the Criminal Justice System, which has conclusively refuted the misguided comments of two State Supreme Court Justices that those with a particular ethnic background are more likely to commit crime because of their ethnicity. The Task Force is now addressing disparate treatment of those involved in the juvenile justice system. I worked to address disparate treatment of those involved in the criminal justice system as a Senior Advocacy Fellow for the Korematsu Center on Law and Equality at Seattle University of Law. I am also active in several minority bar associations, including serving on the Executive Board of the Latina/o Bar Association, and I share the goals of those organizations to increase

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access to justice for minorities.

What recommendations do you have for increasing access to the judicial system (Civil and Criminal)?

I have served on the Task Force on Race and Criminal Justice since December 2010 and I support the Task Force's recommendations for increasing access to justice. I also support the implementation of The Washington State Plan for Integrated *Pro Se* Assistance Services, which calls for the creation of technology based Self Help Center for *pro se* litigations with staff support through Self Help Facilitators. We must also make the forms that the court requires parties use much easier to understand, fill out, and submit correctly.

If a sitting Judge, what committees have you been appointed to and what are the significant accomplishments of those committees or yourself? If not, which committee assignments would you seek?

In speaking with current Presiding Judge McDermott, and the two immediate Past-Presiding Judges Hilyer and Trickey, I appreciate that new judges are most helpful by being willing to serve where needed. I am a person that says "yes" to requests for assistance and look forward to helping my future colleagues on the King County Superior Court bench as needed. If given the choice, I would serve on the Courts and Community Committee to continue my outreach to students and encourage those from diverse backgrounds to consider a career in the legal profession and on the bench.

Have you reviewed the General Rule Definition of the Practice of Law, and the Practice of Law Board's Work? - Do you have comments or ideas? Would you be in favor of the proposed Legal Technician Rule? This rule allows trained, tested and licensed non-lawyers to provide specifically defined legal services without supervision by a lawyer. Please explain.

Yes. I am aware that the proposed Legal Technician Rule is in draft form and that the Access to Justice Board is in favor of the current draft. I support the Practice of Law Board's goal of promoting expanded access to affordable and reliable legal and law-related services. The non-lawyer must do the work him or herself, enter into a formal contract with the client, and must handle client funds under the same standards applicable to lawyers. The requirements that the non-lawyer must attend an

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approved course of study, pass an examination with regard to the area in which he or she will practice, and have a period of supervised practice appear likely to provide sufficient safeguards to the public, but I will want to review the final rule before deciding whether to support it or not.

Have you been appointed as a guardian or Guardian Ad Litem? If "yes", please give the details?

No.

How have you promoted diversity within your staff?

For most of my tenure at Garvey Schubert Barer, I served on the firm's Hiring Committee, including two years as the Chair. During that time, and especially while I served as the Chair, our committee was committed to hiring associates with diverse backgrounds. More than fifty percent of our hires were women and approximately 20% of our hires were members of the LGBT community. Approximately forty percent of our hires considered themselves to be members of an ethnic minority group.

What are the main messages of your campaign? What is your campaign plan? How many doors have you knocked on to date, pieces of mail planned, budgeting, staffing? What is the fundraising goal for your campaign? How much have you raised to date? Why will you win?

Main messages - Experience: four times as many new and pending cases each year are civil as compared to criminal, yet according to Presiding Judge McDermott, the King County Superior Court Bench needs more judges like me that have a civil litigation background. Additionally, I have a unique combination of having worked on all sides in our criminal justice system - as investigator for the defense, prosecutor, and part-time judge. I am also committed to improving access to justice for the poor and minorities in our community.

Plan - Gather Endorsements, Seek Ratings, Speak publicly and meet with as many people and organizations as possible (I'm on leave from my firm to campaign full-time), while raising financial support through a campaign committee, all with the hope of discouraging anyone from filing for the same position I have identified (to date, this has worked!). I hope to have the support of organizations for get out the vote efforts.



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I will speak to voters personally by door-belling this summer and through targeted mailings.

Fund Raising and Budget – We have raised approximately \$30, 000 to date and I expect to raise a total of \$100,000 including a substantial personal contribution. I have a manager, a consultant and a treasurer on staff. A dedicated volunteer group will supplement my paid staff.

I have read this questionnaire and understand and approve the content and all provided information.

|              |  |      |
|--------------|--|------|
| Printed Name |  | Date |
| Signature    |  |      |