King County

Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item Nos.:	**5**	**Date:**	**8 Feb 2010**
Motion Nos.:	**2010-0040**	**Prepared by:**	**Nick Wagner**

SUMMARY

Proposed Motion 2010-0040 (pp. 5-6 of these materials) would fill a new judicial position in the Shoreline Division of King County District Court. The three candidates for the position will be interviewed at a special meeting of the Committee of the Whole on Monday, February 8, at 9:30 a.m. The Council is expected to take final action on the appointment later that day.

This staff report supplements the binder of materials that was distributed to each councilmember approximately two weeks ago. The binder contains: (1) the written materials submitted by each candidate to the King County Bar Association for the bar association screening process; (2) the bar association ratings and ratings criteria; and (3) a table listing selected information about each candidate.[1] The bar association ratings and an updated version of the table are included in this staff report at pages 7-11.

BACKGROUND

A judicial officer needs-assessment, conducted by the Administrative Office of the Courts in 2008, determined that the King County District Court caseload had increased by 46 percent from 2004 to 2007 and that the court needed at least five more judges. On that basis, and at the county's request, the state legislature in 2009 enacted Engrossed Senate Bill (ESB) 5135, which increased the number of authorized judicial officers in King County District Court by five, from 21 to 26, phased in over three years – two in 2009, two in 2010, and one in 2011.

As authorized by the state legislature, the Council by Ordinance 16644 (adopted on 8 September 2009) created two new judicial positions – one in the District Court's Northeast Division and one in the court's Shoreline Division. In the 2010 annual budget (Ordinance 16717, adopted on 23 November 2009) the Council funded those new positions.

Under state law, RCW 3.34.100, the county legislative authority is directed to fill all district court vacancies by appointment. The King County Code, chapter 2.70, prescribes a merit selection process for filling such vacancies, including:

- Advertising of existing or anticipated vacancies by the clerk of the Council;

[1] There are two new District Court judicial positions, one in the Shoreline Division and one in the Northeast Division. The binder includes materials regarding the candidates for each position.

- Rating of interested applicants by the King County Bar Association (KCBA) and any other bar association with an established judicial candidate evaluation procedure;

- Referral by KCBA to the Council of the names of the candidates receiving the highest rating, with a minimum of three recommended candidates for each position to be filled;

- Review of the candidates by the Council's Committee of the Whole, which must then make a recommendation to the Council; and

- Final appointment by the Council.

KCBA has submitted to the Council a list of three candidates for the new judicial position in the District Court's Shoreline Division, together with the ratings given to each candidate by KCBA and five other bar associations that have established judicial candidate evaluation procedures.[2]

Proposed Motion 2010-0040 would fill the new judicial position, once the motion is amended to name the appointee.

THE CANDIDATES

The three candidates for the Shoreline Division position, in alphabetical order, are:

- Marcine Anderson
- Leonard Stephen Rochon
- Sidney Strong

Written materials concerning each candidate have been distributed to councilmembers in a separate binder. (The binder also includes materials on the six candidates for the new judicial position in the District Court's Northeast Division; those candidates will be interviewed at a special COW meeting on Feb. 22.) The materials consist in large part of the candidates' responses to an extensive Uniform Judicial Evaluation Questionnaire prepared by the Washington State Governor's Office. Some candidates have submitted additional materials directly to councilmembers.

THE BAR ASSOCIATION RATINGS

Pursuant to the King County Code, the candidates have been rated by the King County Bar Associations and other bar associations having established judicial selection procedures. A table summarizing the ratings was included in the binder of candidate materials, and a copy is included at page 7 of this staff report. (The table includes the candidates for both the Shoreline Division position and the Northeast Division position.)

[2] KCBA has also recommended candidates for the Northeast Division position. Those candidates will be interviewed, and one is expected to be appointed, on February 22.

COUNCIL REVIEW PROCESS – AS PLANNED

Special February 8 COW Meeting

Councilmembers will have an opportunity to interview the three candidates individually in Council chambers at a special meeting of the Committee of the Whole on Monday, February 8. Each candidate will be given an opportunity to provide an opening statement and will then be asked to respond, within a prescribed time period, to a series of questions. In the interest of fairness, each candidate will be asked the same questions. After answering the councilmembers' questions, each candidate will be given an opportunity for closing comments. The total time for each candidate is expected to be about 15 minutes.

Following the interviews, the committee is expected to meet in executive session to discuss the qualifications of the candidates and then to come out of executive session and report the motion out of committee.

February 8 Council Meeting – Final Action

At the Council meeting later the same day, councilmembers are expected to consider the recommendation of the Committee of the Whole and take final action on Proposed Motion 2010-0040, appointing a new judge to the District Court's Shoreline Division.

AMENDMENT OF THE PROPOSED MOTIONS

As described above, Proposed Motion 2010-0040 must be amended by inserting the name of the recommended appointee before the motion is adopted.

INVITEES

1. Michael Pierson, Co-chair, Judicial Screening Committee, King County Bar Association

Shoreline Division Candidates

2. Marcine Anderson
3. Leonard Stephen Rochon
4. Sidney Strong

ATTACHMENTS

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1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

KING COUNTY

Signature Report

February 4, 2010

Motion

Proposed No. 2010-0040.1 **Sponsors** Ferguson

A MOTION making an appointment to fill a new judicial position in the Shoreline division of King County district court.

WHEREAS, as authorized by the state legislature in 2008 because of the increasing district court caseload, the metropolitan King County council by Ordinance 16644, adopted on September 8, 2009, created and by Ordinance 16717, adopted on November 23, 2009, funded two additional district court judicial positions, including one new position in the Shoreline division of King County district court, and

WHEREAS, RCW 3.34.100 authorizes the county legislative body to fill judicial vacancies in district court, and

WHEREAS, K.C.C. chapter 2.70, provides for the metropolitan King County council to fill judicial vacancies in district court by selecting from among candidates receiving the highest rating from the King County Bar Association or another bar association with an established judicial candidate evaluation procedure, as defined in the King County Code, and

WHEREAS, the council has received candidate ratings from the King County Bar Association and five other bar associations with established judicial candidate evaluation procedures; has reviewed written materials concerning each candidate; has conducted

interviews of candidates in accordance with K.C.C. chapter 2.70; and has carefully considered the qualifications of the candidates;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

_____ is hereby appointed to fill the new judicial position in the Shoreline division of King County district court.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Robert W. Ferguson, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: None

CONSOLIDATED BAR RATINGS OF CANDIDATES

Candidate	Joint Asian Judicial Evaluation Committee	King County Bar Association	King County Washington Women Lawyers	Latina/o Bar Association of Washington	Loren Miller Bar Association	QLAW (GLBT Bar Association of Washington)
NORTHEAST DIVISION						
Michael Finkle	Exceptionally Well Qualified	Exceptionally Well Qualified	Exceptionally Well Qualified	Exceptionally Well Qualified	Exceptionally Well Qualified	Exceptionally Well Qualified
Rebeccah Graham	Exceptionally Well Qualified	Exceptionally Well Qualified	Exceptionally Well Qualified	Well Qualified	Exceptionally Well Qualified	Well Qualified
Richard Lawrence Mitchell	Well Qualified	Exceptionally Well Qualified	Exceptionally Well Qualified	Well Qualified	Qualified	Well Qualified
Ketu Shah	Exceptionally Well Qualified	Exceptionally Well Qualified	Highly Qualified	Well Qualified	Exceptionally Well Qualified	Exceptionally Well Qualified
Vicki Toyohara	Well Qualified	Well Qualified	[not rated]	[not rated]	Well Qualified	Qualified
Donna Tucker	Well Qualified	Exceptionally Well Qualified	[not rated]	Exceptionally Well Qualified	Well Qualified	Exceptionally Well Qualified
SHORELINE DIVISION						
Marcine Anderson	Well Qualified	Well Qualified	Exceptionally Well Qualified	[not rated]	Exceptionally Well Qualified	Well Qualified
Leonard Stephen Rochon	[not rated]	Well Qualified	[not rated]	[not rated]	[not rated]	[not rated]
Sidney Strong	[not rated]	Well Qualified	[not rated]	[not rated]	[not rated]	[not rated]

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Comparison of Judicial Candidates – Shoreline Division – Selected Criteria[1]

	Marcine Anderson	Leonard Stephen Rochon	Sidney Strong
Year admitted to practice law in Washington	1990	1980	1968
Experience practicing law	civil and criminal: 24+ years	criminal: 29+ years	civil and criminal: 43 years
Jury trials as attorney	criminal: 25+	criminal: 80-100 approx	civil and criminal: 75-100 approx
Judicial experience – years	pro tem: 12+ years	municipal court judge: 11+ years pro tem: 18 years	pro tem: 2 cases
Judicial experience – jury trials	15 as pro tem	75 as municipal court judge or pro tem	None
Legal education	J.D., 1984 Suffolk University Law School	J.D., 1978 University of Puget Sound	J.D., 1967 University of Montana
Undergraduate education	B.A., 1977 University of Oregon	B.A., 1975 Seattle University	B.A., 1964 University of Montana

[1] This table is based on selected information obtained from written materials provided by the candidates and from phone conversations with the candidates. The table should not be considered a substitute for review of the candidates' written materials, which contain a wealth of additional information.

	Marcine Anderson	Leonard Stephen Rochon	Sidney Strong
Judicial and/or pro tem history	• Pro Tem, King County District Court, 1998-present • Pro Tem, Seattle Municipal Court, 1997-1999	• Presiding Judge, Maple Valley and Pacific Municipal Courts, 1998-present • Presiding Judge, Algona Municipal Court, 2009-present	• Pro Tem, King County Superior Court, two cases "more than 15 years ago"
Employment history as attorney	• Senior Deputy Prosecuting Attorney, King County, Seattle, 1995-present • Attorney, Kenyon Sullivan, 1995 • Sole Practitioner, 1994-1995 • Associate, Ogden Murphy Wallace, 1993-1994 • Associate, McMonagle & Twiss, 1991-1993 • Associate, Bryan Schiffrin McMonagle Elston & Twiss, 1991 • Ass't Gen'l Counsel & Special Ass't to GM, Mass. Bay Transp. Authority, 1986-1991	• Sole Practitioner, 1992-present • Staff Attorney, Associated Counsel for the Accused, 1985-1992 • Staff Attorney, Eastside Defender Association, 1980-1984	• Sole practitioner, 2002-present • Partner, Strong & Konat, 1995-2002 • Partner, Strong & Kydd, 1987-1995 • Partner, Halverson & Strong, 1971-1987 • General Counsel, Seattle Urban League, 1969-1971 • Staff Counsel, Seattle Legal Services Center, 1967-1971

	Marcine Anderson	Leonard Stephen Rochon	Sidney Strong
Judicial philosophy (in 50 words or fewer)	"The Shoreline District Court is a 'People's Court.' For many people it is the only time they will ever see the inside of a courthouse. My judicial philosophy is to take great care in making sure that the public has confidence in the court system."	"I am committed to the protection of individual rights, to provision of a level 'playing field' for parties who are treated with respect, and, mindful of the public resources, to accountability for those found to have offended, to judicial efficiency and community safety."	"I believe in the rule and spirit of the law. Justice results from an interpretation and application of the law only after each litigant is given the opportunity to fully present their claims and defenses. Courtroom decorum must be maintained, but not as an end to deny court access."