## REVISED STAFF REPORT

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| **Agenda Item:** |  | **Name:** | Erica Newman |
| **Proposed No**.: | 2021-0434 | **Date:** |  |

**COMMITTEE ACTION**

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| ***Proposed Substitute Motion 2021-0434.2 would make an appointment to fill a judicial vacancy in position number three of the West District of King County District Court, passed out of committee on December 1, 2021, with a “Do Pass” recommendation. The Motion was amended in committee with a verbal amendment to insert Rebecca Robertson's name as the appointee.*** |

**SUBJECT**

Proposed Motion 2021-0434 would make an appointment to fill a judicial vacancy in position number three of the West Division of King County District Court.

**SUMMARY**

There is a judicial vacancy in the West Division of King County District Court Position 3. Under state law[[1]](#footnote-1) the King County Council, as the county legislative authority, is directed to fill district court vacancies by appointment. The King County Code[[2]](#footnote-2) provides a merit selection process for filling such vacancies. There are two eligible applicants to be interviewed in the December 1, 2021 Committee of the Whole meeting.

In its current form, Proposed Motion 2021-0434 has a blank for the name of the person being appointed. A line amendment will be needed to insert the name of the selected appointee.

**BACKGROUND**

District Court is the County’s court of “limited jurisdiction” and has responsibility for traffic infractions, small claims, and misdemeanor criminal offenses in the County’s unincorporated areas, cities that do not have municipal courts and contract with the court to provide those services, and for the adjudication of “state” offenses (violations of state statute in the county or when the arresting agency is the Washington State Patrol or other state law enforcement agency). The court handles approximately 250,000 filings annually throughout the North, South, East, and West Divisions.

Position 3 in the West Electoral District was made vacant by the retirement of Judge Arthur Chapman. After receiving official notice of the vacancy from District Court Presiding Judge Susan Mahoney on August 13, 2021, the Clerk of the Council published notice of the vacancy and judicial appointment application process in The Seattle Times. The deadline for the recruitment was October 4, 2021.

**ANALYSIS**

In accordance with the merit selection process outlined in KCC 2.70.020, by the application deadline, eligible candidates must submit:

1. A current rating of, at a minimum, “qualified” for a district court judicial position from the King County Bar Association and at least one other eligible[[3]](#footnote-3) bar association operating in King County;
2. A letter of interest and résumé;
3. A copy of the completed responses to questionnaires submitted to the King County Bar Association to obtain its rating; and
4. Any supporting information the individual would like the council to consider.

In accordance with state law,[[4]](#footnote-4) the judge appointed through this process will fill the remainder of Judge Chapman's term which will end in January 2023.

Five eligible individuals submitted applications. The applicants are listed in alphabetical order:

* Jennifer Cruz
* Pauline Freund
* Jill Malat
* Carol Murray
* Rebecca Robertson

Pursuant to KCC 2.70.020.G.1.b(3) the Chair of the Committee of the Whole (COW) determined the process by which the committee would receive recommendations for selecting the appointee. Chair McDermott coordinated subcommittee interviews for each of the applicants, which occurred on November 15 and 19, 2021. The subcommittee members included Councilmembers McDermott, Kohl-Welles, and Zahilay. Pursuant to KCC 2.70.020.G.2.b, the Committee would need to make a parliamentary motion to narrow the field to the finalists recommended by the subcommittee for final interviews.

Two candidates were advanced from the subcommittee for consideration at the Committee of the Whole. Current bar association ratings for the final candidates recommended by the subcommittee can be seen in Attachment 2 to this staff report, and brief bios for the final candidates appear below in alphabetical order.

**Jennifer Cruz** has served as a Judge Pro Tempore in King County District Court since 2015 as well as the municipal courts of six local cities since 2020, including Kent, Kirkland, Tukwila, Des Moines, Issaquah, and Seattle. Ms. Cruz has provided private representation as a criminal defense attorney since 1999 and previously worked as a staff attorney for the King County Department of Public Defense.

**Rebecca Robertson** has served as a judge for the Federal Way Municipal Court since 2010 and helped to establish the Federal Way Community Court in 2018. Ms. Robertson also serves as a commissioner pro tem for King County Superior Court where she oversees juvenile cases, child in need of services hearings, felony plea and sentencing calendars, felony first appearance calendars, and anti-harassment order petitions. Ms. Robertson previously served as a hearing examiner and assistant city attorney for the City of Seattle and as an assistant attorney for the City of Kent.

The Committee of the Whole would need to make a final recommendation for appointment, as provided in K.C.C. 1.24.055.D., to full council through a motion. In its current form, the motion has a blank space for the name of the person being appointed. A verbal amendment would be needed to insert the name of the selected appointee.

1. RCW 3.34.100 [↑](#footnote-ref-1)
2. KCC 2.70 [↑](#footnote-ref-2)
3. Eligible bar associations must have a judicial evaluation process that is open to any candidate who is eligible under state law for appointment to the district court; and written procedures and criteria governing its judicial evaluation process and makes copies of such procedures and criteria available upon request. [↑](#footnote-ref-3)
4. RCW 3.34.100 and RCW 29A.04.321. The judge appointed through this process shall hold office until the next general election in an even-numbered year and until a successor is elected and qualified. [↑](#footnote-ref-4)