

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

John Hyungseung Chun

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Western District of Washington

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Washington Court of Appeals, Division One
One Union Square
600 University Street
Seattle, Washington 98101

4. **Birthplace**: State year and place of birth.

1970; Portland, Oregon

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1991 – 1994, Cornell Law School; J.D., 1994

1989, University of York; study abroad, no degree received

1989, Yonsei University; study abroad, no degree received

1987 – 1991, Columbia University; B.A., 1991

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2018 – present
Washington Court of Appeals, Division One
One Union Square
600 University Street
Seattle, Washington 98101
Judge

2014 – 2018
King County Superior Court
516 Third Avenue
Seattle, Washington 98104
Judge

2006 – 2014
Summit Law Group
315 Fifth Avenue South, Suite 1000
Seattle, Washington 98104
Attorney (2014)
Member (2006 – 2013)

2005 – 2006
Preston, Gates & Ellis, LLP (now K&L Gates LLP)
925 Fourth Avenue, Suite 2900
Seattle, Washington 98104
Partner

2002 – 2005
Seattle University School of Law
901 12th Avenue
Seattle, Washington 98122
Adjunct Professor

1995 – 2005
Mundt MacGregor LLP
271 Wyatt Way Northeast, Suite 106
Bainbridge Island, Washington 98110
Partner (2002 – 2005)
Associate (1995 – 2001)

1994 – 1995
Honorable Eugene A. Wright
United States Court of Appeals for the Ninth Circuit
William Kenzo Nakamura U.S. Courthouse
1010 Fifth Avenue
Seattle, Washington 98104
Judicial Law Clerk

Summer 1994
United States Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Summer Intern

Summer 1994
Stoel Rives Boley Jones & Grey (now Stoel Rives LLP)
760 Southwest Ninth Avenue, Suite 3000
Portland, Oregon 97205
Summer Associate

1993 – 1994
Professor Robert S. Summers
Cornell Law School
Myron Taylor Hall
Ithaca, New York 14853
Research Assistant

Summer 1993
Hancock, Rothert & Bunshoft LLP (now Duane Morris LLP)
Spear Tower
One Market Plaza, Suite 2200
San Francisco, California 94105
Summer Associate

Summer 1992
Professor James A. Henderson
Cornell Law School
Myron Taylor Hall
Ithaca, New York 14853
Research Assistant

Summer 1991
The Candy Barrel
Pioneer Place
700 Southwest Fifth Avenue
Portland, Oregon 97204
Assistant Manager

Summer 1991
Oregon State Public Interest Research Group
1536 Southeast 11th Avenue, Suite A
Portland, Oregon 97214

Canvasser

Other Affiliations (uncompensated):

2016 – present

Asian Bar Association of Washington Student Scholarship Foundation
671 South Jackson Street, Suite 201
Seattle, Washington 98104
Director

2010 – 2015

Washington Low Income Housing Alliance
North Tower, Suite N220
100 West Harrison Street
Seattle, Washington 98119
Director

2012 – 2013

King County Bar Association
1200 Fifth Avenue, Suite 700
Seattle, Washington 98101
Trustee

2010 – 2012

Federal Bar Association of the Western District of Washington
P.O. Box 21006
Seattle, Washington 98111
Trustee

2007 – 2008

Northwest Next Leaders Council
9594 First Avenue Northeast, Suite 196
Seattle, Washington 98115
Director

2005 – 2007

Asian Pacific Islander Community Leadership Foundation
1414 South Weller Street
Seattle, Washington 98144
Treasurer (2006 – 2007)
Director (2005 – 2007)

2002 – 2004

Korean American Bar Association of Washington
1101 First Avenue, Suite 501
Seattle, Washington 98101

Director (2002 – 2004)
President (2003)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Fellow, Litigation Counsel of America (2007 – present)

The Catlin Gabel School Distinguished Alumni Achievement Award (2020)

Washington Litigation Star, Benchmark Litigation (2014)

Washington Future Star, Benchmark Litigation (2013)

AV Peer Review Rated, Martindale-Hubbell (2004 – 2014)

Top 100 Washington Super Lawyer (2007, 2011, 2013)

Super Lawyer (2004 – 2013)

Top Lawyer, Seattle Metropolitan Magazine (2010)

Community Leadership Award, Korean American Bar Association of Washington (2007)

Top Lawyer, Washington CEO Magazine (2007)

League of Justice, Washington CEO Magazine (2006)

40 Under Forty, Puget Sound Business Journal (2005)

Rising Star, Washington Law & Politics Magazine (2003)

Cornell Law Review

Note Editor (1993 – 1994)

Associate Editor (1992 – 1993)

American Jurisprudence Award, Torts, Cornell Law School (1992)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (approximately 2012 – 2013)
Co-Chair, International Litigation Committee, Asia Subcommittee (2012 – 2013)

Asian Bar Association of Washington (approximately 2014 – present)

Asian Bar Association of Washington Student Scholarship Foundation (2016 – present)
Board of Directors (2016 – present)

Board for Judicial Administration
Court Security Task Force (2019 – present)
Policy & Planning Committee (2017 – 2018)

Federal Bar Association of the Western District of Washington (approximately 2010 – present)
Trustee (2010 – 2012)

International Association of Korean Lawyers (2006)
Co-Chair, 2006 Conference (2006)

Judicial Institute (2017 – present)
Advisory Board Member (2018 – present)
Curriculum Committee (2017 – present)

King County Bar Association (1995 – present)
Leadership Development & Nominations Committee (2018 – 2020)
Board of Trustees (2012 – 2013)
Judiciary & Litigation Committee (2012 – 2013)
Future of the Law Institute
Director (2005 – 2006)
Governing Council (2004 – 2005)
Project Planning Committee (2002)

King County Superior Court
Rules Committee
Personnel Committee
Technology Committee
Ex Parte Committee
(all at different date ranges from 2014 – 2018)

Korean American Bar Association of Washington (1995 – present)
Mentor (2010)

Director (2002 – 2004)
President (2003)

Litigation Counsel of America, Fellow (2007 – present)

National Asian Pacific American Bar Association (approximately 2010 – 2021)

Superior Court Judges' Association (2014 – 2018)
Judicial Ethics Committee (2014 – 2018)
Equality & Fairness Committee (2014 – 2015)

University of Washington School of Law, Gates Scholarship Selection Committee (2017)

Washington State Bar Association (1995 – present)

Washington State Board for Judicial Administration (2016 – 2018)
Policy & Planning Committee (2016 – 2018)

Washington Court of Appeals Rules Committee (2019 – present)

Washington State Center for Court Research (2020 – present)
Chair, Advisory Board/Judiciary Research Advocate (2020 – present)

William L. Dwyer Inn of Court (2008 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Washington, 1995

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2003
United States Court of Appeals for the Ninth Circuit, 1995
United States District Court for the Eastern District of Washington, 1999
United States District Court for the Western District of Washington, 1995

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Arbitration Association (2005 – 2014)

Arbitrator, Commercial Panel (2005 – 2014)

Arbitrator, Employment Panel (2005 – 2014)

Asian Pacific Islander Community Leadership Foundation (2005 – 2007)

Director (2005 – 2007)

Treasurer (2005 – 2007)

City of Seattle, Civil Service Commission (2004 – 2005)

Hearing Examiner Pro Tem (2004 – 2005)

King County Bar Foundation, Future of the Law Institute (2002 – 2006)

Director (2005 – 2006)

Governing Council (2004 – 2005)

Project Planning Committee (2002)

King County Superior Court Arbitrator Panel (2002 – 2005)

Korean Community Counseling Center Legal Clinic (1996 – 2005)

North Seattle Boys & Girls Club, Board Member (1999)

Northwest Next Leaders Council (2007 – 2009)

Mentor (2008 – 2009)

Director (2007 – 2008)

The Catlin Gabel School Alumni Council (2010 – 2013)

The Rainier Club (2008 – 2010)

Membership Committee (approximately 2010)

United States District Court for the Western District of Washington Official Register of Qualified Mediators and Arbitrators (2004 – 2014)

Washington Low Income Housing Alliance (2010 – 2015)

Director (2010 – 2015)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of these organizations currently discriminates on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies. It is my understanding that, more than 25 years prior to my joining, The Rainier Club intentionally excluded people of color and women from membership. The club has terminated that policy.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Candidate Statement, Voters' Guide 2019 General Election (2019). Copy supplied.

With Denise L. Ashbaugh, *Levying on the Opponent's Claim Against Your Client*, Wash. State Bar News, Vol. 62, No. 10 (Oct. 2008). Copy supplied.

Surprise Decision: Washington Supreme Court Narrows Definition of Disability Under State Law, Municipal Res. & Servs. Ctr. of Wash., HR Advisor (Aug. 2006). Copy supplied.

The New Citadel: A Reasonably Designed Products Liability Restatement, 79 Cornell L. Rev. 1654 (1994). Copy supplied.

Political System Punishes Ordinary Citizen Activists, Oregonian (Aug. 6, 1991). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Letter from Anne M. Daly, President of King County Bar Association, to Chief Justice Barbara Madsen & Justice Charles Johnson, Washington Supreme Court (Oct. 4, 2013). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

June 7, 2021: Panelist, Path to Your Passion, Judicial Externship Seminar, Seattle University School of Law, Seattle, Washington (via videoconference). Outline supplied.

April 17, 2021: Judge, Final Round, Langfan Moot Court Competition, Cornell Law School, Ithaca, New York (via videoconference). I have no notes, transcript, or recording. The address for Cornell Law School is Myron Taylor Hall, Ithaca, New York 14853.

March 19, 2021: Panelist, Envisioning The Future—Exploring Post-COVID Education and Schools, Northwest Association of Independent Schools, Seattle, Washington (via videoconference). Outline supplied.

October 16, 2020: Presenter, Professional Ethics from a Judge's Perspective, Professional Responsibility Course, University of Washington School of Law, L.L.M. Program, Seattle, Washington (via videoconference). PowerPoint supplied.

October 15, 2020: Moderator, Panel: Bridging the Gavel Gap, Judicial Institute, Gonzaga University School of Law, Spokane, Washington (via videoconference). Outline supplied.

October 15, 2020: Panelist, Real Talk About the Bench, Judicial Institute, Gonzaga University School of Law, Spokane, Washington. I spoke to law students about becoming a judge. I have no notes, transcript, or recording. The

address for Gonzaga University School of Law is 721 Cincinnati Street, Spokane, Washington 99220.

September 25, 2020: Speaker, Distinguished Alumni Achievement Award, The Catlin Gabel School Distinguished Alumni Awards Ceremony, Portland, Oregon (via videoconference). Speech supplied.

September 14, 2020: Presenter, An Overview of the Law of Torts, Summer Institute for Transnational Law and Practice, University of Washington School of Law, Seattle, Washington (via videoconference). PowerPoint and notes supplied.

June 1, 2020: Panelist, Judicial Externship Seminar, Seattle University School of Law, Seattle, Washington (via videoconference). Outline supplied.

May 11, 2020: Judge, Final Round, 1L Appellate Advocacy Competition, University of Washington School of Law, Seattle, Washington (via video conference). I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

February 19, 2020: Guest Speaker, Persuasive Writing Course, University of Washington School of Law, Seattle, Washington. I spoke to law students about effective legal writing from the perspective of a judge. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

December 2, 2019: Judge, Oral Argument, Legal Writing Course, Seattle University School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

October 17, 2019: Panelist, Judicial Clerkships, Gonzaga University School of Law, Spokane, Washington. I spoke to law students about the judicial clerkship experience and application process. I have no notes, transcript, or recording. The address for Gonzaga University School of Law is 721 Cincinnati Street, Spokane, Washington 99220.

October 12, 2019: Presenter, Professional Ethics from a Judge's Perspective, Professional Responsibility Course, University of Washington School of Law, L.L.M. Program, Seattle, Washington. I have no notes, transcript, or recording, but the presentation was substantially similar to the one on October 16, 2020, listed above with the same title and location, for which a PowerPoint has been supplied. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

June 3, 2019: Panelist, Judicial Externship Seminar, Seattle University School of Law, Seattle, Washington. Outline supplied.

May 13, 2019: Judge, Final Round, 1L Appellate Advocacy Competition, University of Washington School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

May 3, 2019: Administered Oath of Office for Judge Michael Ryan, King County Superior Court, Seattle, Washington. I have no notes, transcript, or recording. The address for the King County Superior Court is 516 Third Avenue, Seattle, Washington 98104.

March 23, 2019: Moderator, Panel: Seeking an Appointment, Judicial Institute, Seattle University School of Law, Seattle, Washington. Notes supplied.

October 28, 2018: Judge, Thomas Tang Moot Court Regionals Competition, University of Washington School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

October 13, 2018: Presenter, Professional Ethics from a Judge's Perspective, Professional Responsibility Course, University of Washington School of Law, L.L.M. Program, Seattle, Washington. I have no notes, transcript, or recording, but the presentation was substantially similar to the one on October 16, 2020, listed above with the same title and location, for which a PowerPoint has been supplied. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

October 4, 2018: Keynote Speaker, The Importance of Mentorship, Vietnamese American Bar Association of Washington Gala, The Triple Door, Seattle, Washington. I spoke about the importance and benefits of mentorship, from the perspective of mentees as well as mentors. I have no notes, transcript, or recording. The address for the Vietnamese American Bar Association of Washington is 2364 Fairview Avenue East, Unit 6, Seattle, Washington 98102.

October 2, 2018: Speaker, Washington Court of Appeals Investiture, Seattle, Washington. I spoke about my appointment to the Court of Appeals and thanked individuals who assisted me in the process. I have no notes, transcript, or recording. The address for the Washington Court of Appeals is 600 University Street, Seattle, Washington 98101.

May 24, 2018: Panelist, Judicial Externship Seminar, Seattle University School of Law, Seattle, Washington. I spoke to law students who would be externing for judicial officers the coming summer about my chambers and what makes a good

judicial extern. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

April 24, 2018: Panelist, Bridging the Gavel Gap, Judicial Institute, Seattle University School of Law, Seattle, Washington. I spoke about the experience of being a judge as well as the judicial appointment process. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

March 6, 2018: Judge, YMCA Mock Trial Competition, King County Superior Court, Seattle, Washington. I have no notes, transcript, or recording. The address for King County Superior Court is 516 Third Avenue, Seattle, Washington 98104.

March 5, 2018: Judge, Mock Trial, Advanced Trial Advocacy Course, University of Washington School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

November 20, 2017: Judge, Final Round, 1L Mock Trial Competition, University of Washington School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

November 19, 2017: Judge, Mock Trial Competition, Seattle University School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

October 21, 2017: Presenter, Professional Ethics from a Judge's Perspective, Professional Responsibility Course, University of Washington School of Law, L.L.M. Program, Seattle, Washington. I have no notes, transcript, or recording, but the presentation was substantially similar to the one on October 16, 2020, listed above with the same title and location, for which a PowerPoint has been supplied. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

October 18, 2017: Judge, James E. Bond Moot Court Competition, Seattle University School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

October 4, 2017: Panelist, From the UFC Bench, King County Bar Association, Family Law Hot Topics CLE, Seattle, Washington. I spoke about current issues in family law. I have no notes, transcript, or recording. The address for the King County Bar Association is 1200 Fifth Avenue, Suite 700, Seattle, Washington 98101.

September 25, 2017: Presenter, One Cornellian's Path to the Bench, Cornell Law School, Ithaca, New York. Video available at <https://cornell.hosted.panopto.com/Panopto/Pages/Embed.aspx?id=61bd24a7-61e7-4f61-a214-e91261f79297>.

September 25, 2017: Presenter, Why Minority Bar Associations Matter, Asian Pacific American Law Students Association, Cornell Law School, Ithaca, New York. I spoke about the benefits of joining a minority bar association. I have no notes, transcript, or recording. The address for Cornell Law School is Myron Taylor Hall, Ithaca, New York 14853.

September 16, 2017: Presenter, Leadership & Courage, The Catlin Gabel School AlumniTalks Program, Portland, Oregon. I spoke about the role of courage in public service. I have no notes, transcript, or recording. The address for The Catlin Gabel School is 8825 Southwest Barnes Road, Portland, Oregon 97225.

September 12, 2017: Panelist, Summer Institute in Transnational Law and Practice, Seattle, Washington. I spoke about my experience as a trial judge to students at the Institute who were visiting the courthouse for the day. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

August 2, 2017: Presenter, Deposition Skills, National Institute for Trial Advocacy, Seattle, Washington. I helped teach how to take a deposition. I have no notes, transcript, or recording. The address for the National Institute for Trial Advocacy is 325 West South Boulder Road, Suite 1, Louisville, Colorado 80027.

May 25, 2017: Panelist, Judicial Externship Seminar, Seattle University School of Law Judicial Externship Program, Seattle, Washington. Outline supplied.

May 16, 2017: Panelist, Deposition Practice Course, University of Washington School of Law, Seattle, Washington. I spoke to law students about best practices in taking depositions. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

February 27, 2017: Judge, Mock Trial, Advanced Trial Advocacy Course, University of Washington School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

November 11, 2016: Panelist, Litigators' Roundtable, Bench Bar Conference, CLE, King County Bar Association, Seattle, Washington. I spoke about current issues in civil litigation. I have no notes, transcript, or recording. The address for

the King County Bar Association is 1200 Fifth Avenue, Suite 700, Seattle, Washington 98101.

October 21, 2016: Panelist, View From the Bench, Comprehensive Insurance Law Summit, CLE, The Seminar Group, Seattle, Washington. I spoke about current insurance law issues from a judicial perspective. I have no notes, transcript, or recording. The address for The Seminar Group is 18850 103rd Avenue Southwest, Suite 123, Vashon, Washington 98070.

October 21, 2016: Panelist, Judges' Perspectives on Handling Witnesses, Washington Employment Lawyers Association Annual CLE, Seattle, Washington. I spoke about effective examination of witnesses at trial. I have no notes, transcript, or recording. The address for the Washington Employment Lawyers Association is 936 North 34th Street, Suite 300, Seattle, Washington 98103.

October 1, 2016: Presenter, Professional Ethics from a Judge's Perspective, Professional Responsibility Course, University of Washington School of Law, L.L.M. Program, Seattle, Washington. I have no notes, transcript, or recording, but the presentation was substantially similar to the one on October 16, 2020, listed above with the same title and location, for which a PowerPoint has been supplied. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

September 17, 2016: Panelist, Why Public Service Matters, Korean American Coalition National Convention, Seattle, Washington. I spoke about my experience as a public servant and offered observations from that experience. I have no notes, transcript, or recording. The address for the Korean American Coalition is 1611 116th Avenue Northeast, Suite 225, Bellevue, Washington 98004.

August 19, 2016: Panelist, Motion/Trial Practice Tips, CLE, Washington Leadership Institute, University of Washington School of Law, Seattle, Washington. I spoke about best practices in connection with civil motions and civil trials. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

June 3, 2016: Panelist, Judicial Externship Seminar, Seattle University School of Law, Seattle, Washington. Outline supplied.

May 9, 2016: Judge, Mock Trial, Advanced Trial Advocacy Course, University of Washington School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

February 20, 2016: Judge, YMCA Mock Trial Competition, King County Superior Court, Seattle, Washington. I have no notes, transcript, or recording. The address for King County Superior Court is 516 Third Avenue, Seattle, Washington 98104.

February 19, 2016: Presenter, How to Persuade Juries and Judges, CLE, National Business Institute, Tacoma, Washington. I spoke about effective advocacy before judges and juries. I have no notes, transcript, or recording. The address for National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

February 18, 2016: Presenter, How to Persuade Juries and Judges, CLE, National Business Institute, Seattle, Washington. I spoke about effective advocacy before judges and juries. I have no notes, transcript, or recording. The address for National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

December 8, 2015: Panelist, Legal Writing for 1Ls, University of Washington School of Law, Seattle, Washington. I spoke to law students about effective legal writing. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

November 9, 2015: Judge, Final Round, 1L Mock Trial Competition, University of Washington School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

October 17, 2015: Judge, Thomas Tang Moot Court Regionals Competition, University of Washington School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

October 3, 2015: Presenter, Professional Ethics from a Judge's Perspective, Professional Responsibility Course, University of Washington School of Law, L.L.M. Program, Seattle, Washington. I have no notes, transcript, or recording, but the presentation was substantially similar to the one on October 16, 2020, listed above with the same title and location, for which a PowerPoint has been supplied. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

August 11, 2015: Presenter, Deposition Skills, National Institute for Trial Advocacy, Seattle, Washington. I helped teach how to take a deposition. I have no notes, transcript, or recording. The address for the National Institute for Trial Advocacy is 325 West South Boulder Road, Suite 1, Louisville, Colorado 80027.

June 16, 2015: Presenter, Opening Statements, Advanced Trial Advocacy Institute, CLE, Seattle University School of Law, Seattle, Washington. I spoke

about how to present an effective opening statement. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

April 21, 2015: Judge, Oral Argument, Legal Writing Course, Seattle University School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

March 7, 2015: Panelist, Judicial Campaigns, Judicial Institute, University of Washington School of Law, Seattle, Washington. I spoke about running a judicial campaign and hiring a campaign manager. I have no notes, transcript, or recording. The address for the University of Washington School of Law is 4239 Memorial Way Northeast, Seattle, Washington 98195.

February 21, 2015: Judge, YMCA Mock Trial Competition, King County Superior Court, Seattle, Washington. I have no notes, transcript, or recording. The address for King County Superior Court is 516 Third Avenue, Seattle, Washington 98104.

January 21, 2015: Panelist, Exploring Career Options in ADR, Washington State Bar Association, Alternative Dispute Resolution Section, Seattle, Washington. Video available at <https://www.youtube.com/watch?v=um0TQ5Wrn9Q>.

January 20, 2015: Presenter, Thoughts from a Labor & Employment Lawyer Now on the Bench, CLE, King County Bar Association, Seattle, Washington. I spoke about employment law issues from a judicial perspective. I have no notes, transcript, or recording. The address for the King County Bar Association is 1200 Fifth Avenue, Suite 700, Seattle, Washington 98101.

October 19, 2014: Introducer, Honoree Justice Mary Yu, Northwest Asian Weekly Awards Dinner, Seattle, Washington. I introduced Justice Mary Yu, the recipient of an award, and described her professional background. I have no notes, transcript, or recording. The address for the Northwest Asian Weekly is 412 Maynard Avenue South, Seattle, Washington 98104.

October 15, 2014: Judge, Mock Trial Competition, Seattle University School of Law, Seattle, Washington. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

October 14, 2014: Panelist, The Advantages of Arbitration and Mediation: When to Use Them and Why, Seattle University School of Law Dispute Resolution Board, Seattle, Washington. I spoke about the pros and cons of alternative dispute resolution. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

July 14, 2014: Panelist, Judicial Externship Seminar, Seattle University School of Law, Seattle, Washington. Outline supplied.

June 3, 2014: Presenter, Opening Statements, Advanced Trial Advocacy Institute, CLE, Seattle University School of Law, Seattle, Washington. I spoke about how to present an effective opening statement. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

Spring 2014: In connection with my retention campaign as a King County Superior Court judge, I delivered campaign speeches at various Democratic legislative district meetings in King County, Washington. I have no record of the specific dates of those events, and I do not have any notes, transcripts, or recordings.

February 21, 2014: Speaker, King County Superior Court Investiture, Seattle, Washington. I spoke about my appointment to the King County Superior Court and thanked individuals who assisted me in the process. I have no notes, transcript, or recording. The address for the King County Superior Court is 516 Third Avenue, Seattle, Washington 98104.

November 19, 2012: Moderator, Panel on Ethics: The Art of Arbitration, CLE, Washington State Bar Association, Seattle, Washington. I moderated a panel on ethical issues that may arise in the context of arbitration. I have no notes, transcript, or recording. The address for the Washington State Bar Association is 1325 Fourth Avenue, Suite 600, Seattle, Washington 98101.

April 29, 2011: Presenter, Washington's New Anti-SLAPP Act, CLE, Washington State Association of Municipal Attorneys Conference, Blaine, Washington. I spoke about the new Washington anti-SLAPP (Strategic Lawsuits Against Public Participation) Act. I have no notes, transcript, or recording. The address for the Washington State Association of Municipal Attorneys is 2601 Fourth Avenue, Suite 800, Seattle, Washington 98121.

April 20, 2011: Presenter, Ten Mistakes Lawyers Make in an Arbitration, CLE, American Arbitration Association & Asian Bar Association of Washington, Seattle, Washington. I spoke about errors that litigators commonly make in the context of arbitration. I have no notes, transcript, or recording. The address for the American Arbitration Association is 1420 Fifth Avenue, Suite 2253, Seattle, Washington 98101, and the address for the Asian Bar Association of Washington is 1420 Fifth Avenue, Suite 3000, Seattle, Washington 98101.

February 10, 2011: Co-Presenter, Non-Traditional, Value-Based Approaches to Law Firm Services, CLE, Center for Competitive Management (C4CM), Seattle,

Washington. I spoke about Summit Law Group's business model. I have no notes, transcript, or recording. C4CM does not have a mailing address.

June 25, 2010: Panelist, Civil Litigation Basics CLE, Statewide Diversity Conference, Washington Minority Bar Association Collaboration Project, Seattle University School of Law, Seattle, Washington. I spoke about basic procedural matters relating to civil litigation. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

March 4, 2010: Panelist, Basic Motions Practice in Federal Court, CLE, Federal Bar Association of the Western District of Washington, Seattle, Washington. I spoke about federal civil motions practice. I have no notes, transcript, or recording. The address for the Federal Bar Association of the Western District of Washington is P.O. Box 21006, Seattle, Washington 98111.

February 26, 2009: Presenter, Employment Boot Camp Seminar, CLE, Washington State Bar Association, Seattle, Washington. I spoke about employment discrimination laws. I have no notes, transcript, or recording. The address for the Washington State Bar Association is 1325 Fourth Avenue, Suite 600, Seattle, Washington 98101.

May 30, 2008: Panelist, Tips for Junior Attorneys, CLE, Statewide Diversity Conference, Washington Minority Bar Association Collaboration Project, Seattle University School of Law, Seattle, Washington. I spoke about "dos and don'ts" for new attorneys. I have no notes, transcript, or recording. The address for Seattle University School of Law is 901 12th Avenue, Seattle, Washington 98122.

January 28, 2008: Presenter, The Business of Summit Law Group, Northwest Next Leaders Council Luncheon, Seattle, Washington. I spoke about Summit Law Group's business model. I have no notes, transcript, or recording. The address for the Northwest Next Leaders Council is 9594 First Avenue Northeast, Suite 196, Seattle, Washington 98115.

November 15, 2007: Presenter, Social and Legal Considerations of Video Interviews and Video Resumes for Employers and Recruiters, Webinar, InterviewStudio, Seattle, Washington. I spoke about legal risks arising from video interviews and video resumes. I have no notes, transcript, or recording. InterviewStudio does not have a mailing address.

May 16, 2007: Co-Presenter, Avoiding the Train Wreck: Don't Let Procedural Rules Derail Your Discipline Decisions, Labor Relations Institute, Association of Washington Cities, Yakima, Washington. I spoke about compliance with procedural rules for public employers engaged in employee discipline. I have no notes, transcript, or recording. The address for the Association of

Washington Cities is 1076 Franklin Street Southeast, Olympia, Washington 98501.

November 22, 2006: Presenter, Legal Issues When Doing Business in Korea, Doing Business With Korea Conference, St. Martin's University, Lacey, Washington. I spoke about legal issues that may arise in doing business with Korean companies. I have no notes, transcript, or recording. The address for St. Martin's University is 5000 Abbey Way Southeast, Lacey, Washington 98503.

August 25, 2006: Panelist, Labor & Employment Law Panel, CLE, International Association of Korean Lawyers Conference, Seattle, Washington. I spoke about current employment law issues. I have no notes, transcript, or recording. The address for the International Association of Korean Lawyers is 1700 Montgomery Street, Suite 207, San Francisco, California 94111.

September 24, 2004: Panelist, Labor & Employment Law Panel, CLE, International Association of Korean Lawyers Conference, San Francisco, California. I spoke about current employment law issues. I have no notes, transcript, or recording. The address for the International Association of Korean Lawyers is 1700 Montgomery Street, Suite 207, San Francisco, California 94111.

September 14, 2004: Presenter, United States Equal Employment Opportunity Commission Technical Assistance Program Seminar, Seattle, Washington. I spoke about federal employment discrimination laws. I have no notes, transcript, or recording. The address for the United States Equal Employment Opportunity Commission Seattle Field Office is Federal Office Building, 909 First Avenue, Suite 400, Seattle, Washington 98104.

August 26, 2003: Presenter, United States Equal Employment Opportunity Commission Technical Assistance Program Seminar, Seattle, Washington. I spoke about federal employment discrimination laws. I have no notes, transcript, or recording. The address for the United States Equal Employment Opportunity Commission Seattle Field Office is Federal Office Building, 909 First Avenue, Suite 400, Seattle, Washington 98104.

December 6, 2002: Presenter, Motion Practice in Washington, CLE, Lorman, Seattle, Washington. I spoke about civil motions practice. I have no notes, transcript, or recording. The address for Lorman is 2510 Alpine Road, Eau Claire, Wisconsin 54703.

November 21, 2002: Presenter, Current Employment Discrimination Law Issues, CLE, Sterling Education Services, Seattle, Washington. I spoke about current federal and state employment law issues. I have no notes, transcript, or recording.

The address for Sterling Education Services is 3712 Spooner Avenue, Altoona, Wisconsin 54720.

September 10, 2002: Presenter, The Basics of Interviewing and Investigation in Washington, CLE, National Business Institute, Seattle, Washington. I spoke about best practices in interviewing and investigating in civil litigation. I have no notes, transcript, or recording. The address for National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

August 1, 1997: Presenter, Federal Courts: The Duties of a Law Clerk, CLE, International Association of Korean Lawyers Conference, Seattle, Washington. I spoke about the duties of a federal law clerk. I have no notes, transcript, or recording. The address for the International Association of Korean Lawyers is 1700 Montgomery Street, Suite 207, San Francisco, California 94111.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Leigh Jones, *Colliers International; Outside Counsel Management*, Nat'l L.J. (Jan. 20, 2014). Copy supplied.

Heather O'Neill, *Video Interviewing Cuts Costs, but Bias Worries Linger*, workforce.com (Oct. 5, 2011). Copy supplied.

Ross Anderson, *The Friendly Foe*, Super Lawyers (June 2007). Copy supplied.

Marc G. Reynolds, *The Non-Hierarchical Law Firm*, 26 No. 6 Legal Mgmt. 37 (2007). Copy supplied.

Heidi Dietrich, *Chun Takes Korean Experience to the Office*, Puget Sound Bus. J. (Sept. 11, 2005). Copy supplied.

Rick Telander, *Carmody walking into a shipwreck*, Chi. Sun-Times (Sept. 6, 2000). Copy supplied.

Jake Batsell, Jo Heim, *Some Players Sell, Others Standing Pat*, Seattle Times (Sept. 1, 1998). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From 2014 to 2018, I served as a judge on King County Superior Court in Seattle, Washington. This court is a state trial court of general jurisdiction. I was appointed to

that position by Washington Governor Jay Inslee in December 2013 following Judge Michael Hayden's retirement, took office in January 2014, and was reelected to the position in November 2014 and again in November 2016. Since 2018, I have served as a judge on the Washington Court of Appeals, Division One. I was appointed to that position by Governor Inslee in 2018, and I was reelected to the position in November 2019.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 90 cases that have gone to verdict or judgment.

- i. Of these cases, approximately what percent were:

jury trials:	44%
bench trials:	56%

- ii. Of these cases, approximately what percent were:

civil proceedings:	56%
criminal proceedings:	44%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of Court of Appeals opinions.

Opinions, orders, and decisions from superior court judges are not published in the State of Washington. All orders, opinions, and decisions I entered as a superior court judge are available in the King County Superior Court case files maintained by the King County Superior Court Clerk's office. Some may also be accessed through online research services, including Westlaw.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Seattle Tunnel Partners v. Great Lakes Reinsurance (UK) PLC*, 492 P.3d 843 (2021)

Seattle Tunnel Partners (STP) contracted with the Washington State Department of Transportation (WSDOT) to construct a tunnel to replace the Alaskan Way Viaduct in Seattle. STP procured builder's risk insurance. The policy named

STP and WSDOT as insureds. Hitachi Zosen U.S.A. designed and manufactured the tunnel boring machine (TBM) for the project. The TBM, nicknamed “Bertha,” ceased functioning. The insureds tendered claims under the policy. The insurers disputed coverage. The insureds then sued the insurers. The trial court ruled in favor of the insurers on a series of pretrial motions. The insureds sought appellate review. I authored a unanimous opinion affirming in part and reversing in part the trial court’s rulings. The panel reversed partial summary judgment rulings that a single occurrence caused the TBM damage and that the term “any item” in the machinery breakdown exclusion means the entire TBM; and it reversed a summary judgment ruling that none of WSDOT's claimed damages relates to TBM repairs and dismissing WSDOT's claim for declaratory judgment. Finally, the panel affirmed partial summary judgment rulings that STP and WSDOT cannot recover for delay costs and that the machinery breakdown exclusion bars recovery for damage caused by design defects.

Counsel for Seattle Tunnel Partners:

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Counsel for Washington State Department of Transportation:

Jill Bowman
Stoel Rives LLP
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Counsel for Hitachi Zosen U.S.A.:

Richard Prentke
Perkins Coie LLP
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(206) 359-8000

Counsel for Insurers:

Dan Millea
Zelle LLP
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2. *Matter of Det. of L.H.*, 492 P.3d 192 (2021)

This case involved a 90-day commitment hearing under Washington’s

Involuntary Treatment Act. While testifying during the hearing, a mental health professional read aloud medical chart notes written by other mental health professionals about L.H.'s behavior during his 14-day involuntary treatment. L.H.'s counsel had stipulated that the notes qualified as business records for the purposes of the hearsay objection. L.H.'s counsel nevertheless objected, claiming a due process right to confront and cross-examine the authors of the notes. The trial court overruled the objection and then ordered commitment. On appeal, I authored a unanimous opinion affirming the trial court's ruling. Applying *Mathews v. Eldridge*, 424 U.S. 319 (1976), the panel concluded that existing procedural safeguards sufficiently protected L.H.'s liberty interests, and that the State had a significant interest in treating mental illness and reducing administrative burdens.

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Counsel for Respondent:

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3. *State v. Madden*, 16 Wn. App. 2d 327 (2021)

The defendant contacted a person with three no-contact orders against him. For this single act, the State charged the defendant with three counts of violating a no-contact order. The jury found him guilty as charged. I authored a unanimous opinion affirming on one count and reversing on the other two, on the ground that the multiple convictions violated double jeopardy principles under the Washington and federal constitutions.

Counsel for State:

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Counsel for Defendant:

Marek Falk

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16201 East Indiana Avenue, Suite 5600
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(509) 456-3975

4. *Messenger v. Whitemarsh*, 13 Wn. App. 2d 206 (2020)

A patient's family brought a medical malpractice claim against a physician's estate and employer, seeking damages arising from a sexual relationship between the physician and the patient. The trial court dismissed the case on summary judgment. On appeal, I authored a unanimous opinion affirming in part and reversing in part. The panel concluded that the plaintiffs established a genuine issue of material fact as to whether the physician provided the patient with mental health treatment, and as to whether he breached the applicable standard of care by engaging in a sexual relationship with the patient. The panel concluded, however, that the trial court properly dismissed the plaintiffs' negligent training and supervision claims against the physician's employer.

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Counsel for Defendants:

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5. *Greensun Grp., LLC v. City of Bellevue*, 7 Wn. App. 2d 754 (2019)

A business sued the City of Bellevue for tortious interference with business expectancy. The trial court granted the City's motion for summary judgment, denied the plaintiff's motion for summary judgment, and dismissed the case. On appeal, I authored a unanimous opinion affirming in part and reversing in part. The panel concluded that the plaintiff had submitted evidence raising genuine issues of fact as to the tortious interference claim and so summary judgment was inappropriate. The Supreme Court of Washington denied the City's petition for discretionary review.

Counsel for Plaintiff:

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Counsel for Defendant:

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6. *State v. Wang*, No. 15-1-02089-3 (Wash. Sup. Ct. King Cty. 2016)

The State charged the defendant with first degree premeditated murder, first degree felony murder, and first degree arson. After trial, the jury convicted the defendant of first degree felony murder, first degree arson, and the lesser included offense of second degree intentional murder under the first degree premeditated murder charge. At sentencing, I vacated the second degree murder charge to avoid double jeopardy. The defendant appealed, raising numerous issues relating to the sufficiency of the evidence, a jury instruction, the exclusion of certain evidence, testimony by a police detective, and the prosecutor's closing argument. A unanimous panel of the Court of Appeals affirmed. *State v. Wang*, 5 Wn. App. 2d 12 (2018). The Supreme Court of Washington denied review.

Counsel for State:

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Counsel for Defendant:

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7. *Maytash v. Garnett*, 15-2-28831-8 (Wash. Sup. Ct. King Cty. 2016)

The plaintiff asserted claims of medical negligence and corporate negligence in connection with complications arising out of gall bladder surgery. The defendants moved for summary judgment. I granted the motions. I also struck an expert witness's declaration for lack of foundation. The plaintiff appealed, claiming that I erred in striking the declaration, granting the summary judgment motions, and denying his motion for reconsideration. A unanimous panel of the Court of Appeals affirmed. *Maytash v. Garnett*, noted at 1 Wn. App. 2d 1006 (2017).

Counsel for Plaintiff:

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Counsel for Defendant:

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Counsel for Co-Defendant:

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Faun Anderson VanDerhoef Rosendahl O'Halloran Spillane PLLC
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8. *State v. Henderson*, No. 15-1-05587-4 (Wash. Sup. Ct. King Cty. 2016)

The State charged the defendant with second degree felony murder. I instructed the jury on the defense of justifiable homicide, but not on excusable homicide. After trial, the jury convicted the defendant as charged. The defendant appealed. The Court of Appeals reversed, concluding that I should also have given the excusable homicide instruction. *State v. Henderson*, noted at 2 Wn. App. 2d 1031 (2018). In a unanimous decision, the Supreme Court of Washington reversed the Court of Appeals decision, and concluded that I properly rejected that instruction. *State v. Henderson*, 192 Wn.2d 508 (2018).

Counsel for State:

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Counsel for Defendant:

Walter Peale
Peale Law Firm
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(206) 906-9112

9. *State v. Velezmore*, 13-1-15323-4 (Wash. Sup. Ct. King Cty. 2015)

The defendant was convicted of possession child pornography. At a restitution hearing, I ordered the defendant to pay \$5,000 in restitution toward the victim's actual losses. The defendant appealed, claiming that I abused my discretion entering that order. A unanimous panel of the Court of Appeals affirmed, concluding that I did not err in following the aggregate causation approach and that the evidence sufficed to support the amount of the award. *State v. Velezmore*, 196 Wn. App. 552 (2016). The Supreme Court of Washington denied review.

Counsel for State:

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Counsel for Defendant:

Timothy Leary
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10. *State v. DeLong*, 14-1-01671-5 (Wash. Sup. Ct. King Cty. 2014)

The State charged the defendant with second degree rape, first degree promoting prostitution, second degree promoting prostitution, and second degree rape. After trial, the jury convicted the defendant as charged. He appealed, claiming among other arguments that I erred in concluding that the rape shield statute prohibited evidence of the victim's contemporaneous sexual relationship with her boyfriend. A unanimous panel of the Court of Appeals agreed with my decision and affirmed. *State v. DeLong*, noted at 194 Wn. App. 1008 (2016). The Supreme Court of Washington denied review.

Counsel for State:

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Counsel for Defendant:

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Seattle Tunnel Partners v. Great Lakes Reinsurance (UK) PLC*, __ Wn. App. 2d __, 492 P.3d 843 (2021)

Counsel for Seattle Tunnel Partners:

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Counsel for Washington State Department of Transportation:

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Counsel for Hitachi Zosen U.S.A.:

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Counsel for Insurers:

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Zelle LLP
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2. *In re Joanne K. Blankenship Survivor's Trust*, __ Wn. App. 2d __, 493 P.3d 751 (2021)

Counsel for Appellant:

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Counsel for Respondent:

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3. *Matter of Det. of L.H.*, ___ Wn. App. 2d ___, 492 P.3d 192 (2021)

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4. *State v. Burrus*, 17 Wn. App. 2d 162 (2021).

Counsel for State:

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5. *State v. Madden*, 16 Wn. App. 2d 327 (2021)

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6. *White v. Qwest Corp.*, 15 Wn. App. 2d 365 (2020)

Counsel for Appellant:

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Counsel for Respondent:

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7. *Messenger v. Whitemarsh*, 13 Wn. App. 2d 206 (2020)

Counsel for Plaintiffs:

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Counsel for Defendants:

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8. *State v. Ackerman*, 11 Wn. App. 2d 304 (2019)

Counsel for State:

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9. *State v. Daniels*, 8 Wn. App. 2d 160 (2019)

Counsel for State:

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Counsel for Defendant:

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10. *Greensun Grp., LLC v. City of Bellevue*, 7 Wn. App. 2d 754 (2019)

Counsel for Plaintiff:

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Counsel for Defendant:

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- e. Provide a list of all cases in which certiorari was requested or granted.

State v. Davis, 6 Wn. App. 2d 43 (2018), *rev'd*, 195 Wn.2d 571 (2020), *cert. denied sub nom. Davis v. Washington*, 141 S. Ct. 909 (2020). I authored the Washington Court of Appeals opinion.

Burien Cmty. for Inclusion v. Respect Wash., noted at 10 Wash. App. 2d 1013 (Wash. Ct. App. 2019), *rev. denied*, 194 Wash. 2d 1022 (2020), *cert. denied sub nom. Washington v. Burien Cmty. for Inclusion*, 141 S. Ct. 89 (2020). I was on the Washington Court of Appeals panel, but I did not author the opinion.

State v. Brown, noted at 5 Wn. App. 2d 1037 (Wash. Ct. App. 2018), *rev. denied*, 192 Wn.2d 1020 (2019), *cert. denied sub nom. Brown v. Washington*, 140 S. Ct. 186 (2019). I authored the Washington Court of Appeals opinion.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have searched my files and electronic databases concerning the appellate opinions that I have written or joined and my trial court rulings. I found the following cases in which (1) I made a decision that was reversed, either in whole or in part, and (2) I joined a decision that was reversed, either in whole or in part.

City of Seattle v. Long, 13 Wn. App. 2d 709 (2020), *rev'd*, ___ Wn.2d ___, 492 P.3d 94 (2020). A truck owner, whose truck served as his home, appealed to the superior court from a municipal court order requiring him (1) to pay impoundment charges and administrative fees and (2) to set up a payment plan that required him to pay \$50 per month under threat of forced sale of his truck. The superior court affirmed that the impoundment did not violate either the Eighth Amendment to the U.S. Constitution or the owner's due process rights. But the court reversed in part, determining that the impoundment fees were excessive in violation of the Eighth Amendment and that attaching the truck as security for the impoundment fees violated Washington's Homestead Act. On appeal, I authored a unanimous opinion affirming in part and reversing in part the superior court's ruling. The panel rejected the truck owner's constitutional claims. But the panel concluded that the City violated the Homestead Act by withholding the truck subject to auction unless the defendant paid the impoundment costs or agreed to a payment plan. The Supreme Court of Washington affirmed in part and reversed in part. It held that, while the truck qualified as a homestead, the homestead claim was premature. It held that the impoundment did not violate a state constitutional provision protecting against

unwarranted government intrusions into private affairs. And it held that the payment plan violated the excessive fines clause. Three concurring justices concluded that the City violated the Homestead Act.

Leishman v. Ogden Murphy Wallace, PLLC, 10 Wn. App. 2d 826 (2019), *rev'd*, 196 Wn.2d 898 (2021). A government employee sued a government contractor for negligence, violation of Washington's Consumer Protection Act, misrepresentation, and discrimination in connection with contractor's investigation of workplace dispute involving employee. The trial court granted the contractor's motion on the pleadings, concluding that the contractor was immune from civil liability under Washington's anti-SLAPP statute. On appeal, I joined, but did not author, a unanimous opinion reversing and concluding that a government contractor, when communicating to a government agency under the scope of their contract, is not a "person" under the immunity provision of the statute. The Supreme Court of Washington reversed the Court of Appeals decision, with four justices dissenting.

State v. Batson, 9 Wn. App. 2d 546 (2019), *rev'd*, 196 Wn.2d 670 (2020). The defendant was convicted of failure to register as a sex offender. On appeal, I joined, but did not author, a unanimous opinion holding that the provision of the registration statute that made registration contingent on the future laws of another state was an unconstitutional delegation of legislative authority. The Supreme Court of Washington reversed the Court of Appeals decision.

Matter of Dependency of Z.J.G. & M.E.J.G., 10 Wn. App. 2d 446, *rev'd*, 196 Wn.2d 152 (2020). The Department of Children, Youth, and Families filed dependency petitions for two children, which asserted that the Department knew or had reason to know that they were both Indian children under the Indian Child Welfare Act (ICWA) and the Washington State Indian Child Welfare Act (WICWA). The trial court found that there was not a reason to know that the children were Indian children. On appeal, I joined, but did not author, a unanimous opinion affirming. The Supreme Court of Washington reversed and held that a court has reason to know a child is an Indian child under the ICEWA and WICWA when a participant in the proceeding indicates that the child has tribal heritage.

Plein v. USAA Cas. Ins. Co., 9 Wn. App. 2d 407 (2019), *rev'd*, 195 Wn.2d 677 (2020). Two insureds sued their insurer, claiming insurance bad faith. A law firm representing the insureds had recently defended the insurer for over 10 years. The insurer objected to the law firm's participation in the case, asserting a conflict of interest. The law firm requested that the trial court rule on the asserted conflict. The trial court found no such conflict. The Court of Appeals granted discretionary review. I authored a unanimous opinion reversing the trial court's ruling. The Supreme Court of Washington reversed the Court of Appeals decision.

State v. Davis, 6 Wn. App. 2d 43 (2018), *rev'd*, 195 Wn.2d 571 (2020), *cert. denied sub nom. Davis v. Washington*, 141 S. Ct. 909 (2020). In a criminal trial, a self-represented defendant engaged in disruptive behavior. After warning him, the trial court removed the defendant from the courtroom. The court allowed two material witnesses to testify in the defendant's absence, with an empty defense table, and it did not afford him an opportunity to cross-examine those witnesses. I authored a unanimous opinion concluding that this violated the defendant's Sixth Amendment right to representation. The Supreme Court of Washington, with three justices dissenting, reversed the Court of Appeals decision.

State v. Walls, No. 15-1-02144-0 (Wash. Sup. Ct. King Cty.), *remanded*, noted at 11 Wn. App. 2d 1057 (2019). In 2017, when I sentenced the defendant, the DNA collection fee was mandatory for anyone convicted of a felony. So I imposed the fee. The law changed in 2018, and now provides that the fee is not mandatory where "the state has previously collected the offender's DNA as a result of a prior conviction." As a result, in 2019, the Court of Appeals remanded the case for the trial court to determine whether the State previously collected a sample from the defendant. Copy of judgment and sentence supplied.

State v. Henderson, No. 15-1-05587-5 (Wash. Sup. Ct. King Cty.), *rev'd*, noted at 2 Wn. App. 2d 1031, *rev'd*, 192 Wn.2d 508 (2018). In a murder trial, I instructed the jury on the defense of justifiable homicide, but not on excusable homicide. The Court of Appeals reversed, concluding that I should also have given the excusable homicide instruction. The Supreme Court of Washington then reversed the Court of Appeals decision, and concluded that I properly rejected that instruction.

Cornwell v. Microsoft Corp., No. 15-2-00302-0 (Wash. Sup. Ct. King Cty.), *aff'd*, noted at 199 Wn. App. 1015, *rev'd*, 192 Wn.2d 403 (2018). A former employee sued her former employer claiming retaliation. The employer moved for summary judgment. I granted the motion, concluding that the employee had failed to present evidence of a connection between her prior lawsuit and the adverse employment actions at issue. I also denied the former employee's motion for reconsideration. The Court of Appeals affirmed my ruling. The Supreme Court of Washington reversed. Copy of orders granting summary judgment and denying reconsideration supplied.

El Centro de la Raza v. Washington, No. 16-2-18527-4 (Wash. Sup. Ct. King Cty. 2017), *aff'd in part, rev'd in part*, 192 Wn.2d 103 (2018). A plaintiff group including parents and a number of organizations brought a facial state constitutional challenge to Washington's Charter School Act. They raised challenges under article IX of the state constitution, alleging a violation of the general and uniform public school system requirement, an impermissible funding scheme, and an improper delegation of the state legislature's duties. The plaintiffs also contended that the Act impermissibly removed the Superintendent of Public Instruction's supervisory powers in violation of article III, section 22 of

the state constitution. And they claimed that the state legislature violated article II, section 37 of the state constitution because it failed to set out in full the Act's revisions to other state laws. Each side moved for summary judgment. I granted the defendants' motion and denied the plaintiffs' motion, on the ground that the plaintiffs failed to demonstrate that the Act was unconstitutional beyond a reasonable doubt. The Supreme Court of Washington largely affirmed, reversing only on the question whether the Act failed to set out in full its revisions to other state laws. Copy of summary judgment order supplied.

State v. Mabruk, No. 15-1-02875-4 (Wash. Sup. Ct. King Cty.), *aff'd and remanded*, noted at 4 Wn. App. 2d 1020 (2018). The defendant was convicted of first degree child molestation, second degree child molestation, unlawful imprisonment, and three counts of fourth degree assault. I entered a judgment and sentence that included community custody conditions. The Court of Appeals affirmed the conviction but remanded to strike community custody conditions prohibiting the defendant from entering "sex-related business," possessing "sexually explicit" or "erotic" materials, and requiring him to remain at home between the hours of 10:00 p.m. and 5 a.m. Copy of judgment and sentence supplied.

State v. Davis, No. 15-1-04405-9 (Wash. Sup. Ct. King Cty.), *aff'd in part and rev'd in part*, 3 Wn. App. 2d 763 (2018). After a trial before me, the defendant was convicted for unlawful possession of a firearm. At sentencing, prior California burglary convictions were included in the defendant's offender score. Defense counsel did not object to this inclusion. The Court of Appeals held that the prior convictions were neither legally nor factually comparable to second-degree burglary in Washington and should not have counted toward to offender score. The court also held that defense counsel's failure to object was ineffective assistance of counsel. The court otherwise affirmed.

Doe G. v. Dep't of Corr., No. 14-2-25433-4 (Wash. Sup. Ct. King Cty.), *aff'd*, 197 Wn. App. 609, *rev'd*, 190 Wn.2d 185 (2018). A member of the public submitted a Public Records Act request for special sex offender sentencing alternative (SSOSA) evaluations. A class of sex offenders sued to prevent the Department of Corrections from disclosing their evaluations. I concluded that the evaluations were confidential and granted the plaintiffs' motion for summary judgment. The Court of Appeals affirmed. The Supreme Court of Washington reversed. Copy of order granting summary judgment supplied.

King & Mockovack Eye Ctr., Inc., P.S. v. Mockovak, No. 09-2-42328-8 (Wash. Sup. Ct. King Cty.), *aff'd in part, rev'd in part*, noted at 1 Wn. App. 2d 1005 (2017). Two business partners, King and Mockovak, owned and operated laser eye surgery clinics in the United States and Canada. After the 2008 to 2009 recession, the partners and their companies were deeply in debt. In 2009, Mockovak was charged and later convicted of attempting to arrange the murder of King in order to collect on an insurance policy. The parties brought various

claims against each other relating to the dissolution of their business, including fraud, breach of fiduciary duty, conversion, unjust enrichment, and breach of contract. After a trial before me, a jury returned a verdict in favor of King on some of his claims and rejected all of Mockovak's claims. Mockovak appealed, arguing that I erred by (1) allowing the jury to decide the value of his shares in one of the involved companies, (2) failing to strike potential jurors for actual bias, (3) failing to give two curative jury instructions, (4) failing to grant a new trial for misconduct during closing argument, and (5) allowing the jury to decide if there was a partnership agreement. King cross appealed, arguing that I erred by (1) failing to allow the jury to determine damages for breach of the partnership agreement and (2) allowing a pretrial amendment adding a claim for breach of fiduciary duty. The Court of Appeals affirmed my rulings in large part. It reversed only on the issues of allowing the jury to determine damages for breach of the partnership agreement and entering findings on the value of the shares. Copy of appealed orders supplied.

Mehlert v. Baseball of Seattle, Inc., No. 15-2-05390-6 (Wash. Sup. Ct. King Cty.), *rev'd*, 1 Wn. App. 2d 115 (2017). A customer fell while leaving a store. She sued for failure to maintain a safe premises. I granted the defendants' motion for summary judgment. The Court of Appeals reversed, concluding that a material issue of fact existed regarding whether the absence of handrails was a proximate cause of the plaintiff's injuries. Copy of order granting summary judgment supplied.

Paulsell v. Gaffney, No. 12-2-08821-7 (Wash. Sup. Ct. King Cty.), *aff'd in part, rev'd in part*, noted at 200 Wn. App. 1041 (2017). A trust sued its former lawyer and his law firm for legal malpractice and breach of fiduciary duty. I granted the defendants' motion for summary judgment. The Court of Appeals affirmed the ruling on the legal malpractice claim, but reversed the ruling on the breach of fiduciary duty claim. Copy of order granting summary judgment supplied.

State v. Amaya-Ontiveros, No. 14-1-07013-2 (Wash. Sup. Ct. King Cty.), *aff'd and remanded*, noted at 200 Wn. App. 1002 (2017). After a trial before me, the defendant was convicted of two counts of third degree child rape and two counts of third degree child molestation. I entered a judgment and sentence that included community custody conditions. The Court of Appeals affirmed the conviction. It remanded the judgment and sentence for the trial court to strike a community custody condition imposing curfew from 10:00 p.m. to 5:00 a.m., modify the sex offender notice of registration requirements to clarify that the duty to register expires ten years after release from confinement, and correct a scrivener's error. Copy of judgment and sentence supplied.

State v. Garcia Mendez, No. 13-1-10159-5 (Wash. Sup. Ct. King Cty.), *aff'd and remanded*, noted at 197 Wn. App. 1068 (2017). After a trial before me, the defendant was convicted of assault in the first degree and unlawful possession of a firearm in the first degree. I entered a judgment and sentence that included a 60-month firearm enhancement. The Court of Appeals affirmed the conviction. It remanded for a resentencing, because the enhancement was added twice. Copy of judgment and sentence supplied.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As an appellate judge, I have authored about 180 unpublished opinions, which is around 89 percent of all of my appellate opinions. These opinions are available on the Washington Courts' website at <https://www.courts.wa.gov/opinions>, as well as through independent online services such as Westlaw.

Opinions, orders, and decisions from superior court judges are not published in the State of Washington. All orders, opinions, and decisions I entered as a superior court judge are available in the King County Superior Court case files maintained by the King County Superior Court Clerk's office. Some may also be accessed through independent online services.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

State v. Briggs, ___ Wn. App. 2d ___, 492 P.3d 218 (2021)

Matter of Det. of L.H., ___ Wn. App. 2d ___, 492 P.3d 192 (2021)

State v. Burrus, 17 Wn. App. 2d 162 (2021)

Zaitzeff v. City of Seattle, 17 Wn. App. 2d 1 (2021)

State v. Madden, 16 Wn. App. 2d 327 (2021)

White v. Qwest Corp., 15 Wn. App. 2d 365 (2020)

City of Seattle v. Long, 13 Wn. App. 2d 709 (2020), *rev'd*, ___ Wn.2d ___, 492 P.3d 94 (2020)

State v. Ackerman, 11 Wn. App. 2d 304 (2019)

State v. Davis, 6 Wn. App. 2d 43 (2018), *rev'd*, 195 Wn.2d 571 (2020), *cert. denied sub nom. Davis v. Washington*, 141 S. Ct. 909 (2020)

El Centro de la Raza v. Washington, No. 16-2-18527-4 (Wash. Sup. Ct. King Cty. 2017) (copy supplied), *aff'd in part, rev'd in part*, 192 Wn.2d 103 (2018)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I am bound by Washington State's Code of Judicial Conduct. Specifically, Rule 2.11 governs when a judicial officer must recuse himself or herself from a matter. I consult that rule when determining whether I should disqualify myself in a given case. Where the need for disqualification appears debatable, I consult with colleagues to further analyze my duties and obligations under Rule 2.11. In addition, the Washington Court of Appeals employs an "automatic" recusal system by which I may be recused without my knowledge. I have provided court staff with a "conflicts" list. If a case involves a person or entity on my list, I am "automatically" recused from the case. When I was a superior court judge, I followed a similar procedure, though that court did not have an "automatic" recusal system.

Move, Inc. v. Zillow, Inc., 14-2-07669-0 (Wash. Sup. Ct. King Cty.). My recusal was requested by counsel for a party to the proceeding. During the litigation, it occurred to me that a friend and member of my previous judicial campaign committee worked at the same law firm as counsel of record for one of the parties. I disclosed this to counsel in the case. In response, one of the lawyers requested that I recuse myself. I granted the request.

I do not have any recollection or record of any other case in which a litigant or party has asked me to recuse myself. I have recused myself sua sponte in a handful of cases in which a person close to me was involved. I have not kept any record of these cases.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Hearing Examiner Pro Tem (2004 – 2005), Seattle Civil Service Commission, Seattle, Washington; appointed by Commissioners Ellis Casson, John Cunningham, and Elizabeth Ford for one-year term.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In Washington, state court judges are permitted to endorse judicial candidates, and many do so. The following list of activities reflects my best efforts to identify responsive materials, and is based on a review of my records and a variety of Internet searches. There may, however, be some endorsements I may have missed.

I have endorsed the following judicial candidates:

- Justice Raquel Montoya-Lewis, Supreme Court of Washington (2020)
- Justice Helen Whitener, Supreme Court of Washington (2020)
- Justice Sheryl Gordon McCloud, Supreme Court of Washington (2018)
- Justice Steven González, Supreme Court of Washington (2018)
- Justice Mary Yu, Supreme Court of Washington (2014, 2016)
- Justice Charlie Wiggins, Supreme Court of Washington (2016)
- Justice Barbara Madsen, Supreme Court of Washington (2016)
- Justice Debra Stephens, Supreme Court of Washington (2014)
- Justice Mary Fairhurst, Supreme Court of Washington (2014)
- Justice Charles Johnson, Supreme Court of Washington (2014)
- Judge Bill Bowman, Washington Court of Appeals (2020)
- Judge Lori-Kay Smith, Washington Court of Appeals (2019)
- Judge Beth Andrus, Washington Court of Appeals (2018)
- Judge Becca Glasgow, Washington Court of Appeals (2018)
- Judge Michael Spearman, Washington Court of Appeals (2017)

- Judge Andrea Robertson, King County Superior Court (2021)
- Judge Mike Ryan, King County Superior Court (2020)
- Judge Nelson Lee, King County Superior Court (2020)
- Judge Ketu Shah, King County Superior Court (2020)
- Judge Doug North, King County Superior Court (2020)
- Judge Melinda Young, King County Superior Court (2019)
- Judge Michael Scott, King County Superior Court (2018)
- Judge Mike Diaz, King County Superior Court (2018)
- Judge Karen Donohue, King County Superior Court (2018)
- Judge Mariane Spearman, King County Superior Court (2016)
- Judge Helen Halpert, King County Superior Court (2016)
- Judge Nicole Gaines Phelps, King County Superior Court (2016)
- Judge Janet Helson, King County Superior Court (2016)
- Judge Johanna Bender, King County Superior Court (2016)
- Judge David Keenan, King County Superior Court (2016)
- Judge Sam Chung, King County Superior Court (2016)
- Judge Roger Rogoff, King County Superior Court (2014)
- Judge Tanya Thorp, King County Superior Court (2014)
- Judge Chad Allred, King County Superior Court (2014)
- Judge André Peñalver, Pierce County Superior Court (2021)
- Judge Marcine Anderson, King County District Court (2018)
- Judge Marcus Naylor, King County District Court (2018, 2014)
- Judge Jason Poydras, King County District Court (2018)
- Judge Ketu Shah, King County District Court (2014)
- Judge Lisa O'Toole, King County District Court (2014)
- Judge Mark Chow, King County District Court (2014)
- Judge Andrea Chin, Seattle Municipal Court (2018)
- Judge Kimi Kondo, Seattle Municipal Court (2014)

Also, from 2015 to 2016, I was a member of the Committee to Elect Newman Judge, King County Superior Court.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Honorable Eugene A. Wright on the United States Court of Appeals for the Ninth Circuit from 1994 to 1995.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

Summer 1994

Stoel Rives Boley Jones & Grey (now Stoel Rives LLP)
760 Southwest Ninth Avenue, Suite 3000
Portland, Oregon 97205
Summer Associate

Summer 1994

United States Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Summer Intern

1995 – 2005

Mundt MacGregor LLP
271 Wyatt Way Northeast, Suite 106
Bainbridge Island, Washington 98110
Partner, 2002 – 2005
Associate, 1994 – 2001

2005 – 2006

Preston Gates & Ellis, LLP (now K&L Gates LLP)
925 Fourth Avenue, Suite 2900
Seattle, Washington 98104
Partner

2006 – 2014

Summit Law Group
315 Fifth Avenue South, Suite 1000
Seattle, Washington 98104
Attorney (2014)
Member (2006 – 2013)

2014 – 2018

King County Superior Court
516 Third Avenue
Seattle, Washington 98104
Judge

2018 – present

Washington Court of Appeals, Division One
One Union Square
600 University Street
Seattle, Washington 98101
Judge

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

When I was in private practice, I served as an arbitrator and mediator in a number of matters. This service constituted a relatively small part of my practice. Also, as a superior court judge, I served as a mediator in a handful of cases. I do not have a record of any of these cases.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

During my time in private practice, the general character of my law practice was commercial litigation and employment litigation at the trial court level. I represented plaintiffs and defendants, and I represented individuals, companies of varying sizes, and public agencies. I litigated and tried cases in federal and state court in Washington. I also litigated matters in courts outside of Washington. And I did a limited amount of appellate work. My work involved a broad range of industries, including aviation, financial services, venture capital, legal services, hospitality, telecommunications, fishing, construction, real estate, transportation, healthcare, and technology. I worked at three law firms:

I joined Mundt MacGregor in 1995. There, I had a significant amount of litigation experience in my first several years of practice. For instance, I served as “second chair” at a federal employment trial and at an arbitration hearing involving a landlord-tenant claim, and I took and defended numerous depositions. I made partner at that firm after six years.

In 2005, I lateralled as partner to Preston Gates & Ellis. There, I belonged to the Commercial Litigation and Labor Employment & Benefits practice groups as well as the Hiring Committee.

In 2006, I lateralled as a member to Summit Law Group. There, a significant portion of my practice focused on serving public agencies in employment matters. I also represented private entities and individuals in commercial and employment cases. I served on the firm’s Executive Board from 2010 to 2013.

Finally, a relatively small part of my practice involved serving as an arbitrator, mediator, and investigator; most of that work took place in the latter half of my practice, while I was at Summit Law Group.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

When I was in private practice, my clients were individuals as well as businesses of varying sizes. During the latter half of my time at private firms, from 2006 to 2014, I represented government agencies as well as individuals and businesses. I represented plaintiffs as well as defendants. I focused on commercial law and employment matters.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Nearly 100 percent of my practice was in litigation. I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 50%
- 2. state courts of record: 50%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 100%
- 2. criminal proceedings: 0%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

When I was in private practice, I tried five cases to verdict, judgment, or final decision. In these trials, I played various roles, including arguing motions in limine, selecting a jury, delivering opening statements, conducting direct and cross examinations of key witnesses, and delivering closing arguments. Additionally, I served as lead counsel in one arbitration hearing and "second chair" in two arbitration hearings.

- i. What percentage of these trials were:
 - 1. jury: 20%

2. non-jury:

80%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have appeared as counsel in two U.S. Supreme Court cases:

I served as local counsel for seven companies in the district court proceedings for *In re Section (16) Litig.*, 602 F. Supp. 2d 1202 (2009), *aff'd in part, rev'd in part*, *Simmonds v. Credit Suisse Sec. (USA) LLC*, 638 F.3d 1072 (2011), *vacated and remanded*, 566 U.S. 221 (2012). My name appears on the Moving Issuer Respondents' Brief in Opposition filed at the certiorari stage in *Simmonds v. Credit Suisse Sec. (USA) LLC*, No. 10-1218 (U.S. 2011) (brief in opposition, 2011 WL 2135002), but I was not actually involved in any of the appellate proceedings in the case.

I assisted in preparing an amicus brief on behalf of the King County Bar Association in support of the Respondents in *Grutter v. Bollinger*, 539 U.S. 306 (2003) (brief of King County Bar Association as amicus curiae, 2003 WL 398388).

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Piel v. City of Fed. Way*, No. 08-2-02830-5 (Wash. Sup. Ct. King Cty. 2009) (Heller, J.); *Piel v. City of Fed. Way*, 177 Wn.2d 604 (2013) (Chief Justice Barbara Madsen, Justice Pro Tem Tom Chambers (deceased), Justice Mary Fairhurst (ret.), Justice Steven González, Justice Charles Johnson, Justice J.M. Johnson (ret.), Justice Susan Owens, Justice Pro Tem Karen Seinfeld & Justice Debra Stephens) (approximately 2008 – 2013)

The plaintiff-employee sued my client the City of Federal Way for wrongful termination in violation of public policy. On summary judgment, the trial court dismissed the claim for failure to satisfy the jeopardy element of the cause of action. I served as lead counsel in the case for the City of Federal Way. In that capacity, I argued a partially successful motion to dismiss, took and defended key depositions, briefed various matters, and successfully argued for summary judgment in the City's favor.

The plaintiff petitioned for review by the Washington Supreme Court, which the court granted. I briefed and argued the case before the Washington Supreme Court. In a 5-4 decision, that court reversed, concluding that the existence of statutory remedies with the Public Employees Relations Commission did not preclude the plaintiff from showing jeopardy. My involvement in the case ended when I was appointed to the King County Superior Court in 2013.

Counsel for Plaintiff (Trial):

Stephen Hansen
Law Office of Stephen M. Hansen
1821 Dock Street, Unit 103
Tacoma, WA 98402
(253) 302-5955

Counsel for Plaintiff (Appeal):

Kenneth Masters
Masters Law Group
321 High School Road Northeast, D3-#362
Bainbridge Island, WA 98110
(206) 536-2539

Co-Counsel for Defendant:

Otto Klein
Summit Law Group
315 Fifth Avenue, Suite 1000
Seattle, WA 98104
(206) 676-7000

2. *OMH v. Jung*, No. 11-2-08601-1 (Wash. Sup. Ct. King Cty. 2012) (Eadie, J.)
(approximately 2011 – 2012)

My clients, a buyer and his company, sued the seller of the business in an action regarding ownership of the business and damages allegedly caused by the defendant. I served as lead counsel for the plaintiffs. I supervised another attorney. I participated in briefing various matters. I took and defended the depositions of key witnesses. I selected a jury. I argued motions in limine. I conducted direct and cross-examinations of key witnesses. And I delivered rebuttal closing argument. After a three-week trial, the jury awarded the plaintiffs damages and determined that the buyer rightfully owned the company at issue. The plaintiffs also obtained an award of attorney fees and costs.

Co-Counsel for Plaintiffs:

Denise Ashbaugh
Arete Law Group
1218 Third Avenue, Suite 2100
Seattle, WA 98101
(206) 428-3250

Counsel for Defendants:

L. Clay Terry (deceased)

3. *Castello v. City of Seattle*, No. C10-1457 (W.D. Wash. 2011) (Pechman, J.)
(approximately 2010 – 2011)

The plaintiff brought a defamation case against a group of defendants, including my clients, two paramedic/firefighters. Relying on Washington's anti-SLAPP statute, the two individual defendants moved to strike the claims for defamation, defamation by implication, and false light. They also moved to dismiss the civil harassment claim under Federal Rule of Civil Procedure 12(c). The trial court granted the motions and awarded the individual defendants attorney fees, costs, and penalties. The plaintiff appealed. Before the appeal was resolved, the case settled. I served as lead counsel for one of the individual defendants, and as co-counsel for the other individual defendant. I participated in briefing various matters. I supervised another attorney.

Counsel for Plaintiff:

Gail Luhn
Luhn Law PLLC
4500 Ninth Avenue, Northeast, Suite 300
Seattle, WA 98105
(206) 569-0071

Counsel for Co-Defendant:

Amy Lowen
Seattle City Attorney's Office
701 Fifth Avenue, Suite 2050
Seattle, WA 98104
(206) 684-8649

Co-Counsel for Defendant:

Bruce Johnson
Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300
Seattle, WA 98104
(206) 757-8069

4. *MSC Venture Corp. v. Goei*, No C06-1731 (W.D. Wash. 2009) (Martinez, J.)

(approximately 2006 – 2009)

Two Malaysian venture capital corporations sued one of the entities' former Chief Executive Officer. The plaintiffs asserted a number of claims, including breach of fiduciary duty. I served as lead counsel for the defendant. I took and defended key depositions, and I participated in briefing various matters. I supervised another attorney. The case settled before trial.

Counsel for Plaintiffs:

Douglas Gross, lead counsel (deceased)

Craig Weiner
Akerman LLP
1251 Avenue of the Americas, 37th Floor
New York, NY 10020
(212) 880-3800

Counsel for Third-Party Defendant:

Ben Stone
Lewis Brisbois Bisgaard & Smith
1111 Third Avenue, Suite 2700
Seattle, WA 98101
(206) 455-7413

Co-Counsel for Defendant:

Denise Ashbaugh
Arete Law Group
1218 Third Avenue, Suite 2100
Seattle, WA 98101
(206) 428-3250

5. *Indoor Billboard Wash. v. Wedge Corp.*, No. 07-2-2235-8 (Wash. Sup. Ct. King Cty. 2008) (Downing, J.) (approximately 2007 – 2008)

The plaintiff, an industrial laundry company, brought a breach of contract action against a restaurant chain, alleging that the chain improperly cancelled the parties' agreement. I served as lead counsel for the plaintiff. I briefed various matters. I took and defended key depositions. I argued pretrial motions. At trial, I delivered an opening statement and closing argument and conducted the direct and cross examinations of all the witnesses. I supervised another attorney. After a bench trial, the court ruled in favor of the plaintiff and awarded damages and attorney fees and costs.

Co-Counsel for Plaintiff:

Maureen Mitchell
Fox Rothschild LLP

1001 Fourth Avenue, Suite 4500
Seattle, WA 98154
(206) 624-3600

Counsel for Defendant:

Charles Johnston
202 East 34th Street
Tacoma, WA 98404
(253) 473-3090

6. *Nelson v. Fed. Way Dep't of Pub. Safety*, No. C06-1142RSL (W.D. Wash 2007)
(Lasnick, J.) (approximately 2006 – 2007)

The plaintiff sued her former employer under state and federal law claiming termination on the basis of gender. I served as lead counsel for the employer. In that role, I took the plaintiff's deposition, and I briefed various matters. The trial court granted the employer's summary judgment motion and dismissed all of the plaintiff's claims.

Counsel for Plaintiff (withdrew before end of litigation):

Hon. Beth Allen
Multnomah County Circuit Court
Multnomah County Courthouse
1200 Southwest First Avenue
Portland, OR 97204
(971) 274-0686

Co-Counsel for Defendant:

Otto Klein
Summit Law Group
315 Fifth Avenue, Suite 1000
Seattle, WA 98104
(206) 676-7000

7. *Gada Transp. v. Hospitality First Inc.*, No. 04-2-36792-4 (Wash. Sup. Ct. King Cty. 2006) (Kallas, J.) (approximately 2004 – 2006)

The plaintiff, an airport shuttle service, brought a breach of contract action against the defendant hotels, asserting that the hotels improperly terminated the parties' agreement. I served as lead counsel for the defendants both in the trial court and on appeal. I briefed various matters. I took or defended all of the depositions. I supervised another attorney. At trial, I delivered an opening statement and closing argument and conducted the direct or cross examinations of all the witnesses. The trial court ruled in favor of the defendants and awarded them attorney fees and costs. The defendants used this award to levy on the plaintiff's claim. After purchasing the claim, the defendants moved to dismiss the plaintiff's appeal from the trial court's summary judgment ruling. The Court of Appeals granted the defendants' motion and did not address the merits of the plaintiff's claims.

Counsel for Plaintiff:

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Co-Counsel for Defendants:

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8. *Everson v. Laidlaw*, No. C02-0468 (W.D. Wash. 2003) (Zilly, J.) (approximately 2002 – 2003)

An individual plaintiff and the U.S. Equal Employment Opportunity Commission sued the defendant-employer on the ground that her supervisor discriminated against her in the terms of her employment based on her gender. I served as lead counsel for the individual plaintiff. I participated in briefing various matters. I took and defended key depositions. I supervised another attorney. At trial, I delivered an opening statement and closing argument and conducted direct and cross examinations of key witnesses. The trial court ruled in favor of the plaintiffs and awarded them damages and attorney fees and costs. The defendant appealed, but the case settled before the appeal was decided.

Co-Counsel for Plaintiff:

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Counsel for Co-Plaintiff:

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(206) 220-6853

Counsel for Defendant:

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(206) 910-5475

9. *Cellular Tech. Servs. Co. v. AT&T Wireless Servs.*, American Arbitration Association (2001) (Michael Williams, Marc Droppert & William Quinby, Arbitrators) (approximately 2000 – 2001)

My client, a software company, initiated an arbitration proceeding against a wireless company, alleging improper termination of the parties' contract. After an arbitration hearing, the panel of arbitrators ruled unanimously in favor of the software company and awarded it damages as well as costs and attorney fees. I served as second chair in the case and, at the hearing, conducted direct and cross examinations of several key witnesses.

Co-Counsel for Claimant:

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(206) 624-5950

Counsel for Respondent:

James McGinnis
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Four Embarcadero Center, 17th Floor
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(415) 774-3294

10. *Solomon v. Anacomp*, C95-0835 (W.D. Wash. 1996) (Zilly, J.) (approximately 1995 – 1996)

To the best of my recollection, the plaintiff brought an employment discrimination case against his former employer under 42 U.S.C. § 1981, asserting that the employer unlawfully terminated his employment based on race. After a bench trial, the trial court ruled in favor of the defendant and awarded costs. I served as “second chair” for the defendant. In that capacity, I briefed various matters, assisted in trial preparation, and played a supporting role at trial.

Counsel for Plaintiff:

Lembhard Howell
814 Lakeside Avenue South
Seattle, WA 98144
(206) 323-2572

Co-Counsel for Defendant:

Spencer Hall
316 Occidental Avenue South, Suite 500

Seattle, WA 98104
(206) 292-5900

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to litigating a wide variety of commercial and employment matters during my 18 years in private practice, and serving as a trial court and appellate judge for eight years, I have been active in the legal community in four primary ways. First, I have spent significant time teaching at law schools in Washington. For instance, I served as an Adjunct Professor of Law at Seattle University School of Law from 2002 to 2005. I also have served numerous times as a guest speaker at local law schools, including in courses as well as special presentations. And I frequently serve as a mock trial and moot court judge. Second, over the course of my career, I have devoted a significant amount of time to various bar-related activities and organizations, including the King County Bar Association, the Asian Bar Association of Washington Student Scholarship Foundation, the Federal Bar Association of the Western District of Washington, the William L. Dwyer Inn of Court, the Korean American Bar Association of Washington, and the Judicial Institute. For example, as a member of the Judicial Institute's Curriculum Committee, I was substantially involved in the Committee's 2019 redesign of the Institute's training for attorneys interested in judicial careers. Third, I have presented at numerous continuing legal education seminars on a wide variety of subject matter. And fourth, I have formally and informally mentored numerous law students and lawyers.

Additionally, since last year, I have served as the chair of the Advisory Board/Judiciary Research Advocate of the Washington State Center for Court Research. I also serve on the Court of Appeals Rules Committee and the Board for Judicial Administration's Court Security Task Force. In addition, while at the King County Superior Court, I served on that court's Rules Committee, Personnel Committee Technology Committee, and Ex Parte Committee. Also during my time as a superior court judge, I was a member of the Board for Judicial Administration's Policy & Planning Committee, as well as the Superior Court Judges' Association's Judicial Ethics Committee and Equality & Fairness Committee.

I have not performed any lobbying activities or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Each fall semester from 2002 to 2005, I taught a Comprehensive Pretrial Advocacy Course at Seattle University School of Law. Major topics taught were interviewing, counseling, negotiation, oral advocacy, initial pleadings, discovery, and motions. I am unable to obtain a syllabus.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

As a Court of Appeals judge and a former Superior Court judge, I am invested in Washington's public employee retirement plan. I have an IRA and a Roth IRA. Aside from these interests, I do not have any deferred income arrangements, stock, options, uncompleted contracts, or other future benefits that I expect to derive from any previous business relationships, professional services, firm memberships, former employers, clients or customers.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not know of any family members, persons, parties, litigation, or financial

arrangements that are likely to present potential conflicts of interest if I am confirmed. If any potential conflict of interest were to arise, I would address it in the manner instructed by Canon 3 of the Code of Conduct for United States Judges and any other applicable rules.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would address any actual or potential conflicts of interest by applying 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, the related advisory opinions issued by the Committee on Codes of Conduct of the Judicial Conference of the United States, and any other applicable rules.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

In private practice, I regularly served as a volunteer attorney at the King County Bar Association Neighborhood Legal Clinics and the Korean Community Counseling Center Legal Clinic over the course of around 10 years. These are "walk-in" clinics for low-income individuals seeking legal advice about a range of civil matters, including collection and landlord-tenant disputes.

During the same time period, I also handled several civil matters pro bono. This included representation of low-income individuals in a debt collection matter and a property dispute. In the debt collection matter, a creditor had obtained a default judgment against the debtor. I represented the debtor in seeking to vacate the default judgment. In the property dispute, two sisters challenged each other's ownership claims to a house. I represented one of the sisters. These matters were referred to me by a supervising attorney and a King County Superior Court judge.

26. **Selection Process**:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On January 3, 2021, I submitted an application to the bipartisan Judicial Merit Selection Committee created by Senators Patty Murray and Maria Cantwell, in response to their call for applications for a position on the United States District Court for the Western District of Washington. On February 9, 2021, I interviewed with that Committee. On February 24, 2021, I interviewed with staff from Senator Murray's office. On March 2, 2021, I interviewed with staff from Senator Cantwell's office. On March 8, 2021, I interview with Senator Murray. Thereafter, Senator Murray's staff informed me that my name was being submitted to the White House for further consideration. On July 2, 2021, I interviewed with attorneys from the White House Counsel's Office. Since July 7, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 30, 2021, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.