

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Beth Marie Andrus

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

United States District Court 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.

King County Superior Court  
516 Third Avenue, Room C-203  
Seattle, Washington 98104

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

1963; Saginaw, Michigan

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.

2014 – present, University of Nevada, Reno; currently working on Masters of Judicial Studies

1985 – 1988, University of Minnesota Law School; J.D. (*cum laude*), 1988

1981 – 1985, Wayne State University; B.A. (*summa cum laude*), 1985

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.

2010 – present

King County Superior Court  
516 Third Avenue, Room C-203  
Seattle, Washington 98104

Superior Court Judge (2010 – present)  
Assistant Presiding Judge (2015)  
Chief Civil Judge (2016)

1995 – 2010  
Skellenger Bender, P.S.  
1301 Fifth Avenue, Suite 3401  
Seattle, Washington 98101  
Partner

1990 – 1995  
Miller Nash Wiener Hager & Carlsen  
601 Union Street, Suite 4400  
Seattle, Washington 98101  
Associate Attorney

Summer 1988; Fall 1989  
Schweppe, Krug & Tausend  
Now defunct  
Seattle, Washington  
Associate Attorney (Fall 1989)  
Summer Law Clerk (Summer 1988)

1988 – 1989  
Judge Gerald W. Heaney  
United States Circuit Court for the Eighth Circuit  
Gerald W. Heaney Federal Building  
515 West First Street  
Duluth, Minnesota 55802  
Law Clerk

Summer 1987  
O'Connor Cavanaugh  
Now defunct  
Phoenix, Arizona  
Summer Associate

Summer 1986; 1986 – 1987  
Professor David Weissbrodt  
University of Minnesota Law School  
229 19th Avenue South  
Minneapolis, Minnesota 55455  
Legal Project Assistant

Summer 1985  
Psychiatric Center of Michigan

35229 23 Mile Road  
New Baltimore, Michigan 48047  
Mental Health Worker

Other Affiliations (uncompensated):

2011 – present  
William L. Dwyer Inn of Court  
No physical address  
Seattle, Washington  
Board Member (2014 – present)  
President-Elect (2015 – 2016)  
President (2016 – present)

1992 – 2005  
American Civil Liberties Union of Washington  
901 Fifth Avenue, Suite 630  
Seattle, Washington 98164  
Board Member (1992 – 2005)  
Secretary (1993 – 1994)  
First Vice President (1994 – 1996)  
Second Vice President (1996 – 1997)  
President (1997 – 2002)

2003 – 2004  
Federal Bar Association of Western District of Washington  
No physical address  
Seattle, Washington  
Secretary

1992 – 1993  
King County Bar Association Young Lawyers Division  
1200 Fifth Avenue  
Seattle, Washington 98101  
Board Member

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 have never served in the military and I am not required to register for selective service.

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.

Washington Law & Politics, *Super Lawyer*, Construction Litigation (2005 – 2010)

University of Minnesota Law School

International Moot Court Regional Finalist (1988)

Full tuition scholarship (1987 – 1988)

Dean's List with "A" average (1986 – 1988)

Dean's List (1985 – 1986)

Wayne State University

Phi Beta Kappa (1985)

Wayne State University Merit Scholarship, full tuition scholarship (1981 – 1985)

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 (2002 – present)

American Judges Association (2010 – present)

Federal Bar Association

CLE Co-Chair (2001 – 2002)

Secretary (2003 – 2004)

King County Bar Association (1989 – present)

Young Lawyers Division, Board Member (1992 – 1993)

Seattle King County Bar Association Neighborhood Legal Clinic

Chair, Downtown Neighborhood Legal Clinic (1992 – 1993)

Volunteer Attorney (approximately 1990 – 1993)

King County Regional Law Safety & Justice Committee, Chair (2015)

King County Superior Court Committees

Personnel Committee (2011 – present)

Budget Committee Co-Chair (2013 – 2015)

Strategic Planning Committee (2014 – 2015)

Executive Committee (2014 – present)

Board of Judicial Administration GR 31.1 Implementation Work Group,

Executive Oversight Committee (2015)

National Association of Women Judges Education Committee Member (2016)

Ninth Circuit Attorney Admission Fund Committee (1999 – 2001)

Superior Court Judges Association Liaison to WSBA Council on Public Defense (2012 –

present)

Washington Association of Criminal Defense Lawyers (2001 – 2010)

Washington State Bar Association (1989 – present)

Model Jury Instruction Subcommittee on Involuntary Treatment Act Jury  
Instructions, Chair (2016)

Washington Superior Court Judges Association (2010 – present)

Superior Court Judges Association Mentorship Committee Co-Chair (2014 –  
present)

William L. Dwyer Inn of Court (2011 – present)

Board Member (2014 – present)

President-Elect (2015 – 2016)

President (2016 – 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, 1988

Alaska, 2002

Idaho, 2004

There have been no lapses in membership. I resigned my Alaska bar membership effective January 1, 2011. I converted my Idaho bar memberships to inactive status on January 1, 2011. Following a change in Idaho licensing rules, I officially resigned my membership in 2013.

- 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.

United States Supreme Court, 1995

United States Court of Appeals for the Eighth Circuit, 1989

United States Court of Appeals for the Ninth Circuit, 1991

United States District Court for the District of Idaho, 2004

United States District Court for the Eastern District of Washington, 1997

United States District Court for the Western District of Washington, 1990

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 Civil Liberties Union of Washington (1992 – 2010)

Board of Directors (1992 – 2005)

Secretary (1993 – 1994)

First Vice President (1994 – 1996)

Second Vice President (1996 – 1997)

President (1997 – 2002)

Budget Committee (2004 – 2010)

Legal Committee (2006 – 2010)

Nominating Committee (2006)

Ambassador (2006)

American Consulting Engineers Council (1999 – 2010)

Member, Legal Counsel Forum (1999 – 2010)

Co-Chair of Forum (2007 – 2008)

Amnesty International, Volunteer Legal Researcher (1986 – 2002)

Minnesota Lawyers International Human Rights Committee Researcher (now known as Minnesota Advocates for Human Rights), Volunteer Legal (1986 – 1989)

Society for Human Resources Management (March 2007 – March 2010)

Women Business Owners (1997 – 1999)

- 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 the organizations listed above currently discriminates 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.

## 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.

The following list reflects my best efforts to identify all articles or other published materials that I can recall writing or editing based upon a review of my files and Internet searches, but I cannot be certain I have listed everything I have ever written.

Co-signatory with other state court judges, *Support Forbes for Superior Court*, North Kitsap Herald (October 20, 2012). Copy supplied.

In July 2010, shortly after my appointment to the bench, I retained a website designer to develop a judicial campaign website for me. The website had an URL of: [www.retainjudgebethandrus.com](http://www.retainjudgebethandrus.com). The website was available via the Internet until mid-August 2010 when I learned that no opponent had filed to run against me. I took the website down shortly thereafter and did not retain copies of the content of the site. A copy of a paper handout that I used while campaigning is supplied.

With James L. Gessford, *Understanding the Legal Risks Associated with Design and Construction of Engineered Logjams*, prepared for the American Consulting Engineers Council of Washington (2010). Copy supplied.

Between 1995 and 2010, while an attorney with Skellenger Bender, P.S., I contributed to the firm's monthly newsletters. As the partner in charge of the Design Professional Law Group, I edited or reviewed most of the articles published in these newsletters. Copies of all available articles supplied.

*Direct Supervision of Unlicensed Employees: Current Law & 2009 Proposed Rule Change*, Skellenger Bender, P.S. (Summer 2009). Copy supplied.

With William J. Bender, *Claim Notice and Dispute Procedures in Washington – What Design Professionals Should Know*, Skellenger Bender, P.S. (June 2008). Copy supplied.

*Accommodating the Alcohol Dependent Executive Under the Americans with Disabilities Act*, Society for Human Resources Management *Legal Report* (January 2008). Copy supplied.

With William J. Bender, *Residential Construction Defect Litigation*, MDC Advisor (January 2008). Copy supplied.

With James L. Gessford and William R. Joyce, *The Economic Loss Doctrine in Construction Cases: Are the Odds for Design Professionals Better in Vegas?* Journal of the American College of Construction Lawyers (Winter 2007). Copy supplied.

With Kenneth F. Strong, *Environmental Services, Preconstruction Services, and Program Management Agreements*, in FORMS & SUBSTANCE: SPECIALIZED AGREEMENTS FOR THE CONSTRUCTION PROJECT, American Bar Association (2007). Copy supplied.

With Kara Masters, *Chapter 26: Employment Issues*, in WASHINGTON HEALTH LAW MANUAL – THIRD EDITION, Washington State Society of Healthcare Attorneys) (2007). Copy supplied.

With William J. Bender, *What's the Buzz About BIM: Developing a Workable Contractual Structure For BIM Projects*, STRUCTURE Magazine (December 2007). Copy supplied.

With Lindsey Malone Pflugrath, *Design Professionals Not Subject to Liability under Title III of the ADA and Washington's Law against Discrimination*, Skellenger Bender, P.S. (Spring 2007). Copy supplied.

With Bruce Marvin, *New Regulations Clarifying When an Employer Can Make Deductions from a Salaried Engineer's Wages*, Skellenger Bender, P.S. (Summer 2003). Copy supplied.

With Terence J. Scanlan and William J. Bender, *Design Professionals and Underground Utilities: Avoiding Unnecessary Liability Risks*, Skellenger Bender, P.S. (exact date of paper unknown, estimated to be 2000 or 2001). Copy supplied.

With William J. Bender, *Threatened Salmon: How the Endangered Species Act Will Affect the Design Professional/Client Relationship* (1999), presented to the Consulting Engineers Council of Washington. Copy supplied.

With David Weissbrodt, *The Right to Life During Armed Conflict: Disabled Peoples' International v. United States*, 20 Harvard Int'l L.J. 59 (1988). Copy supplied.

*The Universal Declaration of Human Rights*, in THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948 – 1988: HUMAN RIGHTS, THE UNITED NATIONS AND AMNESTY INTERNATIONAL, Amnesty International-USA Legal Support Network (Fall 1988). 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.

As Chair of the King County Regional Law Safety & Justice Committee, I have spoken at public meetings of that Committee. Meeting minutes from December 3, 2015 and December 4, 2014 are supplied.

In August 2000, I participated in the research and drafting of an ACLU of Washington report entitled, "Sentenced to Death: A Report on Washington Supreme Court Rulings in Capital Cases." Copy supplied.

In December 1988, I was asked by the Minnesota Lawyers International Human Rights Committee, to travel to Haiti to participate in a fact-finding mission, which resulted in the publication of a report entitled, "Restavek: Child Domestic Labor in Haiti" (August 1990). 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.

Candidate Questionnaire submitted to the King County Democrats (2010). Copy supplied.

Candidate Questionnaire submitted to the Municipal League of King County (2010). Copy supplied.

Testimony in support of Senate Bill 5833, Certificate of Merit, before the Washington State Legislature's Senate Judiciary Committee, February 16, 2007. Copy supplied.

In the early 1990s, I recall testifying before the Washington State Legislature in support of a bill to abolish capital punishment for juveniles. I do not recall the date of this testimony and have been unable to locate any transcript of any testimony I provided.

- 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.

The following list reflects my best efforts to identify the speeches or talks that I have delivered based upon a review of my files and Internet sources. There may, however, be other speeches or talks that I have been unable to recall or identify.

2013 – 2016: Judge, Annual YMCA High School Mock Trial Competition, Seattle, Washington. I volunteered for several years to judge a high school mock trial competition held in the King County Superior Courthouse. I have no notes, transcripts or recordings. The address of the King County Superior Court is 516 Third Avenue, Seattle, Washington 98104.

February 16, 2016: Presenter, *Trial Date Certainty in King County Superior Court*, King County Bar Association Litigation Committee, Seattle, Washington. PowerPoint supplied.

November 13, 2015: Presenter, *The Judicial Perspective*, “It’s Electrifying! An Overview of Important Issues & Hot Topics in e-Discovery” CLE, King County Bar Association, Seattle, Washington. Notes supplied.

November 2013, November 2014, and November 2015: Volunteer Judge, Trial Advocacy Program, Washington State Bar Association, Seattle, Washington. I presided over day-long mock trials presented by newly admitted attorneys. I have no notes, transcripts or recordings. The address of the Washington State Bar Association is 1325 Fourth Avenue, Suite 600, Seattle, Washington 98101.

October 6, 2015: Presenter, “*Are Civil Trials Vanishing?*” American Judges Association National Conference, Seattle, Washington. PowerPoint supplied.

April 27, 2015: Panelist, *Mental Health and the Involuntary Treatment Act in Washington*, Washington Superior Court Judges Association Judicial Conference, Skamania, Washington. Handouts supplied.

April 29, 2014: Panelist, *Electronic Discovery*, Washington Superior Court Judges Association Judicial Conference, Skamania, Washington. Handouts supplied.

November 15, 2013: Panelist, *Civil Litigation*, King County Bar Association Bench-Bar Conference, Seattle, Washington. Handout supplied.

November 9, 2012: Presenter, *As Judges See It: Top Mistakes Attorneys Make in Civil Litigation*, National Business Institute, Seattle, Washington. Notes supplied.

August 22, 2012: Judicial Webinar, *Rules CrR 3.1(d)(4), CrRLJ 3.1(d)(4) and JuCr 9.2(d)(1): Indigent Defense Certifications*, Administrative Office of the Courts and Office of Public Defense. Audio and PowerPoint are available at

[https://aocecl.adobeconnect.com/\\_a836062017/p5qozahnvj0/?launcher=false&fcSContent=true&pbMode=normal](https://aocecl.adobeconnect.com/_a836062017/p5qozahnvj0/?launcher=false&fcSContent=true&pbMode=normal).

June 13, 2012: Presenter, *View from the Bench*, Criminal Law Boot Camp, Washington State Bar Association, Seattle, Washington. Video supplied.

February 29, 2012: Presenter, *Oral Argument Tips from the Bench*, Seattle University Law School Judicial Externship Seminar, Seattle, Washington. PowerPoint supplied.

August 26, 2011: Presenter, *Pretrial Motions – A View from the Bench*, Washington State Bar Association, Seattle, Washington. Video supplied.

July – August 2010: I was appointed to the King County Superior Court on July 29, 2010. I held a campaign event on July 29, 2010 at the law firm of Skellenger Bender, 1301 Fifth Avenue, Seattle, Washington 98101. I do not recall making any prepared remarks at this event. I attended approximately four or five Democratic Legislative District events seeking endorsements. I no longer have a record of the events I attended and I do not recall the specific dates or locations of these events. I recall speaking briefly about my candidacy at such events and my comments would have been similar to the information contained in my campaign brochure, a copy of which was supplied in response to Question 12a.

June 21 – 22, 2010: Speaker, “Risk Management and BIM Work: Practical Implementation,” *Realizing RIM Potential for A/E Firms*, American Council of Engineering Companies Conference on Leveraging the Building Information Modeling Process for Increased ROI, Orlando, Florida. PowerPoint supplied.

May 11 – 12, 2010: Presenter, *Building Information Modeling, Integrated Project Delivery, Underground Utilities and E-Discovery: What Every Design Firm Should Know*, Kibble & Prentice, Portland, Oregon. I used the same presentation supplied for the June 21 – 22, 2010 event.

April 20, 2010: Presenter, *Indemnification Clauses in Contracts*, American Council of Engineering Companies of Oregon Risk Management Committee, Portland, Oregon. I spoke on the legal issues and risks associated with indemnification provisions in construction agreements. I have no notes, transcript or recording but I believe that I used the same PowerPoint presentation supplied for the 2009 presentation in Bellevue, Washington. The address of the American Council of Engineering Companies of Oregon is 5319 Southwest Westgate Drive #224, Portland, Oregon 97221.

March 24, 2010: Presenter, *Limitation of Liability Clauses in Design Professional Agreements: A 2010 Update*, American Council of Engineering Companies On-Demand Webinar. I provided a case law update on limitation of liability clauses in design service agreements. I have no notes, transcript or recording. The

address of the American Council of Engineering Companies is 1015 15th Street Northwest, Washington, District of Columbia 20005.

February 23, 2010: Presenter, *Indemnification Clauses in Contracts*, American Council of Engineering Companies of Washington, Bellevue, Washington. I spoke on the legal issues and risks associated with indemnification provisions in construction agreements. I have no notes, transcript or recording. The address of the American Council of Engineering Companies of Washington is 1621 114th Avenue Southeast, Bellevue, Washington 98004.

2009: Presenter, *What's the Buzz about BIM: Developing Workable Contracts for BIM Projects*, American Consulting Engineering Council of Washington, Seattle, Washington. PowerPoint supplied.

2009: Presenter, *Indemnification: The Good, The Bad and The Ugly*, American Consulting Engineering Council of Washington, Bellevue, Washington. PowerPoint supplied.

June 22, 2008: Presenter, *What's the Buzz About BIM?*, 2008 American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Annual Meeting, Salt Lake City, Utah. I spoke about the legal issues facing design professionals using building information modeling on construction projects. I have no notes, transcript or recording of this presentation but I used the same PowerPoint as supplied for the 2009 presentation for the American Consulting Engineering Council of Washington. The address of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers is 1791 Tullie Circle Northeast, Atlanta, Georgia 30329.

2007: Presenter, *Design Professional Jeopardy*, American Consulting Engineering Council of Washington, Seattle, Washington. PowerPoint supplied.

2006: Presenter, *Contracting Principles for Architectural Firms*, American Architectural Association, Seattle, Washington. PowerPoint supplied.

2006: Presenter, *Managing Risks on Construction Projects*, American Public Works Association, Seattle, Washington. PowerPoint supplied.

October 26, 2006: Presenter, *Recent Employment Law Developments: Discrimination and Retaliation*, Sterling Education Services, Employment Law Update CLE, Seattle, Washington. Handout supplied.

October 26, 2006: Presenter, *Protecting At-Will Employment in Washington*, Sterling Education Services CLE, Employment Law Update CLE, Seattle, Washington. Handout supplied.

May 26, 2005: Presenter, *Discovery Tools for Employer in Employment*

*Litigation, Investigating and Litigating an Employment Discrimination and Harassment Cases*, Washington State Bar Association, Seattle, Washington. Handout supplied.

2005: Presenter, *Claims Against Design Professionals*, Twelfth Annual Conference on Washington Construction Law, Washington State Bar Association, Seattle, Washington. Handout supplied.

2005: Presenter, *Liability During Construction: Claims Against Design Professionals for On-Site Injuries*, American Consulting Engineering Council of Washington, Seattle, Washington. Handout supplied.

December 2003: Presenter, *Alternative Dispute Resolution: Risk Management Tools for Difficult Construction Projects*, American Consulting Engineering Council of Washington, Seattle, Washington. PowerPoint supplied.

October 29, 2003: Presenter, *Motions Practice in Federal Court, The Essentials of Federal Practice from Start to Finish*, Washington State Bar Association, Seattle, Washington. Handout and PowerPoint supplied.

September 2003: Presenter, *Claims Against Design Professionals*, Tenth Annual Washington Construction Law Seminar, The Seminar Group, Seattle, Washington. Handout supplied.

August 21, 2003: Presenter, *Protecting Business Interests: Trade Secrets, Copyrights, and Non-Competition Agreements*, Employment Law CLE, Sterling Education Services, Seattle, Washington. Handout supplied.

August 21, 2003: Presenter, *Title VII Update*, Employment Law CLE, Sterling Education Services, Seattle, Washington. Handout supplied.

December 10, 2002: Presenter, *Claims Against Design Professionals*, Construction Claims in Washington, Lorman Education Services, Seattle, Washington. My presentation summarized the law relating to the prosecution or defense of claims against design professionals. I have no notes, transcript, or recording, but the discussion would have been based on a handout substantially similar to the one supplied for the September 2003 event of the same name. The address of Lorman Education Services is 2510 Alpine Road, Eau Claire, Wisconsin 54703.

October 18, 2001: Presenter, *Motions Practice in Federal Court*, Federal Court Practice, Washington State Bar Association, Seattle, Washington. Handout supplied.

September 20 or 21, 2001: Presenter, *Contracting with the Design Professional Firm*, Eighth Annual Washington Construction Law Seminar, The Seminar

Group, Seattle, Washington. Handout supplied.

October 3, 1999: Speaker, Annual Dinner, Planned Parenthood, Spokane, Washington. As President of the ACLU of Washington, I was invited to speak about the ACLU's advocacy for the right of privacy and to the right of religious groups to protest peacefully at abortion clinics. I have no notes, transcript or recording. The address of Planned Parenthood for Greater Washington and North Idaho is 1117 Tieton Drive, Yakima, Washington 98902.

September 1998: Panelist, Fifth Annual Criminal Justice Institute, Washington State Bar Association, Seattle, Washington. As a representative of the ACLU of Washington, I spoke on a panel relating to the City of Seattle's enactment of ordinances criminalizing sitting on sidewalks and giving law enforcement the discretion to exclude individuals from city parks for violating park rules. I have no notes, transcript or recording. The address of the Washington State Bar Association is 1325 Fourth Avenue, Suite 600, Seattle, Washington 98101.

- 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.

"15 Minutes with Judge Beth Andrus," KingCountyTV, October 2, 2015. Video is available at <https://www.youtube.com/watch?v=9v1E5gtJrWQ>.

*Judicial Spotlight: Working to Improve the Busy Civil Commitment Court, For the Defense*, December 19, 2013. Copy supplied.

Lenell Nussbaum, *Profile: Sheryl Gordon McCloud, A Champion of Justice*, King County Bar Association Bulletin, February 2013. Copy supplied.

*Lawyer Says Cop Killer Drive Jury Makeup Illustrates Typical Problem*, KIRO News, approximately April 28, 2011. I have been unable to locate a copy of the article.

Press Release, *Gov. Gregoire Appoints Beth Andrus to King County Superior Court*, State of Washington, July 8, 2010. Copy supplied.

Joel Mills, *University of Idaho Foundation Attorney Promises to Appeal Ruling*, Lewiston Morning Tribune (Idaho), April 26, 2007. Copy supplied.

Kate Baldwin, *University of Idaho Foundation Still Hopes to Resolve Civil Suit*, Moscow-Pullman Daily News, January 23, 2007. Copy supplied.

*Judge Sides with Developer Over Millions Owed for University Place Project*, Idaho Business Review (Boise), December 11, 2006. Copy supplied.

Betsy Z. Russell, *Judge Rolls University of Idaho Lawsuits into One Case*, Spokesman-Review, August 18, 2005. Copy supplied.

Steven Anderson, *Civic Partners Rejects University Place Claims*, Idaho Business Review (Boise), August 2, 2004. Copy supplied.

Joel Mills, *Developer Disputes Lawsuit Claims*, Lewiston Morning Tribune (Idaho), July 28, 2004. Copy supplied.

USA Patriot Act Panel Discussion, KCTS Connects with Enrique Cerna, January 22, 2004. Video supplied.

Civil Liberties and National Security Interview, KIRO-AM (Seattle, Washington), December 1, 2001. I have been unable to locate a copy of the interview.

Alex Fryer, *State Lawyers Urge Study of Death Penalty*, Seattle Times, August 5, 2000. Copy supplied.

Press Release, *ACLU Report Finds Washington State's Death Penalty System Fundamentally Unfair*, American Civil Liberties Union, August 4, 2000. Copy supplied.

Rick Anderson, *'Limping for Sympathy'*, Seattle Weekly News, July 7, 1999. Copy supplied.

Scott Sunde, *Dismay, Delight at Death Sentence Ruling*, Seattle Post-Intelligencer, May 7, 1999. Copy supplied.

ACLU Interview, unknown cable access TV channel (Seattle, Washington), July 15, 1998. I have been unable to locate a copy of this program.

*Challenge Continues to Sidewalk Law*, Seattle Times, March 29, 1996. Copy supplied.

Ronald Brownstein, *Taming the Mean Streets*, Los Angeles Times, May 4, 1994. Copy supplied.

Mike Merritt, *Anti-Loitering Ordinances Upheld; Judge Rejects Advocates' Claim That Poor Are Unfairly Treated*, Seattle Post-Intelligencer, March 11, 1994. Copy supplied.

Tom Paulson, *City Settles Lawsuit Over Policy on Solicitations*, Seattle Post-Intelligencer, March 10, 1992. Copy supplied.

Steve Miletich, *Environmental Groups Sue Over T-Shirt Distribution*, Seattle

Post-Intelligencer, February 22, 1992. Copy supplied.

Peter Lewis, *Earth Now, Church Sue Over Sidewalk-Vending Laws – City Says It Planned to Issue Permits*, Seattle Times, February 21, 1992. 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.

On July 29, 2010, Governor Christine Gregoire appointed me to serve as a superior court judge for King County Superior Court. Under Washington law, any judge appointed by the governor to fill a position mid-term must stand for election in the next available election. These elections can be contested, but are non-partisan. I was unopposed and thus deemed elected in November 2010 to complete the remaining two years of the term. I again ran unopposed for re-election for a four-year term in 2012. I will run for re-election again in 2016.

I preside over trials and other legal proceedings in a court of general jurisdiction handling civil, criminal, family, dependency, and juvenile proceedings in King County. My current judicial assignment is with the Civil Department, where I serve as the Chief Civil Judge.

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

After a review of my records and available court files, I estimate I have presided over approximately 70 cases that have gone to verdict or judgment after trial.

- i. Of these, approximately what percent were:

jury trials:	85%
bench trials:	15%
civil proceedings:	75%
criminal proceedings:	25%

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

*FutureSelect Portfolio Management, Inc. v. Tremont Group Holdings, Inc.*, No. 10-2-30732-0, 2015 WL 8486452 (Wash. Super. September 28, 2015)

*Hedger v. Groeschell*, No. 14-2-27890-0, 2015 WL 6407476 (Wash. Super. September 25, 2015)

*Andrezewski v. Hampton Greens Apartments LLC*, No. 14-2-17129-3, 2015 WL 5475083 (Wash. Super. September 11, 2015)

*Norton v. Graham & Dunn, P.C.*, No. 13-2-16205-9, 2014 WL 6682595 (Wash. Super. November 14, 2014)

*Aggen v. Graham & Dunn, P.C.*, No. 12-2-25058-8, 2014 WL 5477920 (Wash. Super. July 3, 2014)

*Rufin v. City of Seattle*, No. 12-2-38848-2, 2014 WL 1884083 (Wash. Super. May 8, 2014)

*Rufin v. City of Seattle*, No. 12-2-38848-2, 2014 WL 1884087 (Wash. Super. March 27, 2014)

*Auer v. Leach*, No. 11-2-03105-3, 2014 WL 2925783 (Wash. Super. January 3, 2014)

*Sund v. Regence Blueshield*, No. 13-2-03122-1, 2013 WL 8461168 (Wash. Super. October 22, 2013)

*Dalsing v. Pierce County*, No. 12-2-08659-1, 2013 WL 10967028 (Wash. Super. July 22, 2013)

*Mekonen v. Zewdu*, No. 10-2-36451-0, 2012 WL 6650915 (Wash. Super. August 24, 2012)

*Melendez v. Eastlake & Lynn LLC*, No. 10-2-34520-5, 2012 WL 570683 (Wash. Super. July 26, 2012)

*State v. Perez*, No. 10-1-00322-8, 2012 WL 9184310 (Wash. Super. June 15, 2012)

*State v. Coleman*, No. 11-1-05955-0, 2012 WL 10133341 (Wash. Super. June 11, 2012)

*Condominium Ass'n at Laurel Hill v. Decatur Garden Condominiums, LLC*, No. 10-2-40901-7, 2012 WL 6761815 (Wash. Super. May 25, 2012)

*Tardiff v. Washington State Patrol*, No. 10-2-42991-3, 2012 WL 2502856 (Wash. Super. May 14, 2012)

*State v. Perez*, No. 10-1-00322-8, 2012 WL 9184317 (Wash. Super. March 27, 2012)

*Judd v. AT&T*, No. 00-2-17565-5, 2012 WL 6761791 (Wash. Super. February 23, 2012)

*Bede v. Overlake Hospital Medical Center*, No. 10-2-24387-9, 2012 WL 2090916 (Wash. Super. February 14, 2012)

*Smull v. Affiliated-Computer Services, Inc.*, No. 11-2-27194-3, 2012 WL 9082826 (Wash. Super. January 30, 2012)

*Lane v. Port of Seattle*, No. 10-2-25591-5, 2011 WL 11557377 (Wash. Super. December 9, 2011)

*Auer v. Leach*, No. 11-2-03105-3, 2011 WL 11796708 (Wash. Super. November 8, 2011)

*Burger King Corp. v. CVC Foods LLC*, No. 10-2-13094-2, 2011 WL 7517611 (Wash. Super. October 6, 2011)

*Kelly v. Crowley Marines Services, Inc.*, No. 10-2-14541-9, 2011 WL 12710784 (Wash. Super. June 3, 2011)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *FutureSelect v. Ernst & Young*, No. 10-2-30732-0, 2015 WL 8486452 (Wash. Super. September 28, 2015).

I presided over a four-week civil jury trial arising out of the Bernie Madoff securities fraud. A Washington hedge fund sued Ernst & Young, an auditing firm that audited an investment company that invested the hedge fund's money in Bernie Madoff's firm, alleging negligent misrepresentation and Washington State Securities Act violations. Prior to trial, I entered an order denying a motion to bifurcate and exclude expert testimony. The trial resulted in a \$20 million jury verdict for the plaintiff. The case is currently on appeal to the Washington Court of Appeals.

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2. *Judd v. AT&T*, No. 00-2-17565-5, 2012 WL 6761791 (Wash. Super. February 23, 2012).

This class action lawsuit, initially filed in 2000, challenged the legality of rate disclosures AT&T made for collect calls initiated from Washington prison facilities. The case involved complicated issues relating to the regulatory requirements of the Washington Utilities and Transportation Commission. After several appeals, the case was assigned to me on remand to address the plaintiffs' motion for class certification and the defendants' motions for summary judgment. I granted a motion to certify the case as a class action. 2012 WL 6761791. I denied defendants' motions for summary judgment and granted in part and denied in part plaintiffs' conditional motion for summary judgment. Decision supplied. After extensive pretrial motions practice, the case settled on the eve of trial. I presided over the distribution of the \$44 million settlement to class claimants and to *cy pres* recipients.

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3. *Aggen v. Graham & Dunn, P.C.*, No. 12-2-25058-8, 2014 WL 5477920 (Wash. Super. July 3, 2014).

Investors in a Peruvian real estate development company, ultimately revealed as a Ponzi scheme, sued the law firm that represented the con artist for alleged violations of the Washington State Securities Act. I denied a defense motion for summary judgment that addressed the issue of whether a law firm could be held liable as a “seller” of securities under state law. The case settled on the eve of trial after several dispositive motions.

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4. *Bede v. Overlake Hospital Medical Center*, No. 10-2-24387-9, 2012 WL 2090916 (Wash. Super. February 14, 2012), *aff'd*, 177 Wash. App. 1003 (2013).

I presided over an eight-day jury trial of a medical malpractice case resulting in a multi-million verdict. Plaintiff was the son of a woman who died of bacterial meningitis. He brought suit alleging that the emergency room physician breached the standard of care in failing to perform a procedure that would rule out bacterial meningitis on the day she arrived at the emergency room. The emergency room physician contended she had met the standard of care in treating the decedent. The jury found for the plaintiff and awarded approximately \$3 million in damages based on the substantial pain and suffering the decedent experienced before her death. I then denied defendants' motion for a new trial. The verdict was affirmed on appeal.

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Counsel for Defendant Puget Sound Physicians:

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5. *Lane v. Port of Seattle*, No. 10-2-25591-5, 2011 WL 11557377 (Wash. Super. December 9, 2011), *aff'd*, 178 Wash. App. 110 (2013), *review denied*, 180 Wn.2d 1004 (2014).

This taxpayer suit sought to invalidate the Port of Seattle's purchase of a portion of a rail corridor. The main issue on summary judgment was whether the Port had the statutory authority to enter into the purchase contract. On cross-motions for summary judgment, I ruled that the Port had the legal authority to make the rail corridor acquisition. My decision on summary judgment was affirmed on appeal.

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Counsel for Defendant King County:

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6. *Rufin v. City of Seattle*, No. 12-2-38848-2, 2014 WL 1884087 (Wash. Super. March 27, 2014) & 2014 WL 1884083 (Wash. Super. May 8, 2014), *aff'd*, 189 Wash. App. 1034 (2015).

I presided over a two-week employment discrimination and retaliation trial in April 2014. The plaintiff alleged she had reported sex discrimination in the mid-2000s and was then denied promotions as a result of her protected activities. I granted defendants' motion for summary judgment as to disparate treatment and one retaliation claim, but denied summary judgment as to a second retaliation claim. The jury returned a defense verdict, and I denied plaintiff's motion for a new trial. My decisions were affirmed on appeal.

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7. *State v. Perez & White*, Nos. 10-1-00323-8 & 10-1-06237-4, 2012 WL 9184317 (Wash. Super. March 27, 2012) & 2012 WL 9184310 (Wash. Super. June 15, 2012).

I presided over a lengthy and difficult rape trial. The defendants were accused of holding the victim hostage in a basement and repeatedly assaulting her. I denied a pretrial motion to exclude defendant Perez's admissions to law enforcement, rejecting his allegation that the statements were made under duress. I also denied defendant Perez's post-trial motion for a new trial, rejecting his contention that his trial should have been severed from that of his co-defendant, White. The jury's convictions were both affirmed on appeal: *State v. Perez*, 182 Wash. App. 1021 (2014), *review denied*, 339 P.3d 634 (2014); *State v. White*, 184 Wash. App. 1025 (2014).

Counsel for State:

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Counsel for Defendant White:

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Solo Practitioner  
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8. *Norton v. U.S. Bank*, No. 10-2-36431-5 (Wash. Super.).

This lawsuit arose out of the same Ponzi scheme as was involved in *Aggen v. Graham & Dunn*. An investor sued U.S. Bank to recover losses on the theory that the bank aided and abetted the fraud. After extensive briefing, I dismissed the claims on summary judgment. Decision supplied. The case is currently on appeal to the Washington Court of Appeals.

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Counsel for Defendant:

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9. *In the Detention of E.M.*, No. 13-6-00923-9 (Wash. Super.), *aff'd*, 185 Wash. App. 1033 (2015).

I presided over a hearing under the Involuntary Treatment Act in which the hospital sought to involuntarily medicate a juvenile with an anti-psychotic medication. The main issue was whether the juvenile, who was suicidal and suffering from a major depression but was not psychotic, should be forcibly medicated with a neuroleptic drug. My oral decision granting the petition to administer anti-psychotic medication was affirmed on appeal.

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Counsel for Respondent (at trial level):

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10. *State v. Terry*, Nos. 10-1-04232-2 & 10-1-06237-4 (Wash. Super.) *aff'd*, 173 Wash. App. 1004 (2013).

I presided over a bench trial on charges of commercial sexual abuse of a minor. Mr. Terry, the defendant, was charged with acting as a pimp for a 15-year-old. Terry waived his right to a jury trial, and I issued written findings and conclusions denying a motion to suppress and convicting Terry of the charged crimes, despite the 15-year-old victim's contention that she had not engaged in prostitution for Terry against her will. Decisions supplied. The conviction was affirmed on appeal.

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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. *Lane v. Port of Seattle*, No. 10-2-25591-5, 2011 WL 11557377 (Wash. Super. December 9, 2011), *aff'd*, 178 Wash. App. 110 (2013), *review denied*, 180 Wn.2d 1004 (2014).

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2. *Berschauer Phillips Constr. v. Mutual of Enumclaw Ins. Co.*, No. 11-2-13949-2, Order granting defendant's motion to dismiss (Wash. Super. January 4, 2012).  
Decision supplied.

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3. *Bede v. Overlake Hospital Medical Center*, No. 10-2-24387-9, 2012 WL 2090916 (Wash. Super. February 14, 2012), *aff'd*, 177 Wash. App. 1003 (2013).

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4. *Judd v. AT&T and T-Netix*, No. 00-2-17565-5, 2012 WL 6761791 (Wash. Super. February 23, 2012).

Counsel for Plaintiffs:

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5. *Sund v. Regence Blueshield et al.*, No. 13-2-03122-1, 2013 WL 8461168  
(Wash. Super. October 22, 2013).

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6. *Auer v. Leach*, No. 11-2-03105-3, Order denying motion for summary judgment, 2011 WL 11796708 (Wash. Super. November 8, 2011); order granting motion for summary judgment, 2014 WL 2925783 (Wash. Super. January 3, 2014), and order denying motion for reconsideration (Wash. Super. February 19, 2014), *aff'd*, 190 Wash. App. 1043 (Div. II 2015), *review denied*, \_\_\_ P.3d \_\_\_ (April 27, 2016). A copy of my decision denying reconsideration is supplied.

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7. *Rufin v. City of Seattle*, No. 12-2-38848-2, 2014 WL 1884083 (Wash. Super. May 8, 2014), *aff'd*, 189 Wash. App. 1034 (2015).

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8. *Aggen v. Graham & Dunn*, No. 12-2-25058-8, 2014 WL 5477920 (Wash. Super. July 3, 2014).

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9. *Norton v. Graham & Dunn*, No. 13-2-16205-9, 2014 WL 6682595 (Wash. Super. November 14, 2014), *aff'd*, 2016 WL 1562541 (Wash. Ct. App. April 18, 2016).

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10. *Kapoor v. BizXchange*, No. 14-2-07005-5, Order granting in part and denying in part defendants' motion for summary judgment (Wash. Super. March 2, 2015). Decision supplied.

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

None.

- 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.

*State v. Lubers*, 164 Wash. App. 1026 (2011): Mr. Lubers was convicted of identity theft based on the discovery of a bag of drivers' licenses and social security cards found by a repossession agency in the trunk of Mr. Lubers' car. The issue addressed by the court of appeals was whether a police warrantless search of Mr. Lubers' trunk was constitutional. I ruled at trial that the search was permissible because the bag of licenses and social security cards were in plain view but the court of appeals disagreed. My suppression decision is supplied.

*Hatch v. King County*, 166 Wash. App. 1009 (2012): Ms. Hatch filed a personal injury action against the county after tripping on a concrete abutment. I granted summary judgment dismissing the case, finding that the abutment was an open and obvious hazard. The court of appeals reversed my granting summary

judgment, concluding that genuine issues of fact existed as to whether the abutment was open and obvious. My summary judgment order is supplied.

*State v. Jones*, 169 Wash. App. 1034 (2012): Mr. Jones pleaded guilty to cocaine possession. At the sentencing hearing, Mr. Jones asked me to order his sentence to be served concurrently with a prior drug conviction. In an oral ruling from the bench, I denied the request, concluding the law required the sentences to be served consecutively. The court of appeals reversed my ruling, concluding that I had the discretion to impose an exceptional sentence lower than required by the sentencing guidelines.

*State v. Ruiz-Soria*, 174 Wash. App. 1016 (March 2013): Mr. Ruiz-Soria was convicted of sexual molestation. Pretrial, I denied a motion to exclude evidence that Mr. Ruiz-Soria had sexually molested his wife's sister when she was a minor 15 years earlier. The court of appeals affirmed my evidentiary ruling that the evidence was admissible under ER 404(b), held it was error not to have instructed the jury that the evidence could not be used to conclude that the defendant has a particular character and acted in conformity with that character, but also held it was harmless error to fail to give a limiting instruction. A copy of my decision is supplied.

*State v. Sampson*, 175 Wash. App. 1032 (2013): Mr. Sampson was convicted of child rape, child molestation and communicating with a minor for an immoral purpose. Mr. Sampson contended on appeal that his convictions should be reversed because I improperly admitted evidence of a prior sexual assault pursuant to RCW 10.58.090, a statute held unconstitutional by the Washington Supreme Court after Mr. Sampson's trial. The court of appeals concluded that because the prosecutor relied on this evidence to argue that Mr. Sampson had a propensity to commit the charged sex crimes, an argument that was permissible pursuant to the unconstitutional statute, the admission of the evidence was not harmless error. It reversed the conviction and ordered a new trial. My ruling was given orally from the bench.

*Akrie v. Grant*, 178 Wash. App. 506 (2013): a telecommunications engineering firm and its chief operating officer brought a lawsuit against a mobile-phone service provider, its attorneys, and court reporting company for violations of the Privacy Act. I granted the defendants' motion to dismiss the case pursuant to the Washington Act Limiting Strategic Lawsuits Against Public Participation (anti-SLAPP statute) and awarded statutory damages of \$10,000. The court of appeals reversed the damages award, holding that the statute required an imposition of statutory damages of \$10,000 for each named defendant. The Washington Supreme Court reversed the court of appeals and completely vacated the statutory damage award, 183 Wash.2d 665 (2015), based on an earlier decision in which the court held that the anti-SLAPP statute violated the right to trial by jury under article I, section 21 of the Washington Constitution. A copy of my decision is supplied.

*State v. Cardenas-Muratalla*, 179 Wash. App. 307 (2014): Mr. Cardenas-Muratalla was convicted of first degree possession of a firearm. Prior to his trial, a different trial judge denied the defendant's motion to exclude evidence of the firearm, finding the *Terry* stop conducted by the Seattle police officers was lawful. I presided over the trial but did not modify the earlier pretrial ruling. The court of appeals reversed the pretrial decision, ruling that the *Terry* stop was unconstitutional because it was based on an anonymous tip, the reliability of which was not known when the police stopped Mr. Cardenas-Muratalla. None of my trial rulings were reviewed on appeal.

*Mekonen v. Zewdu*, 179 Wash. App. 1042 (2014): This case involved a dispute between two member groups over control of a taxicab company. The plaintiffs appealed aspects of the injunctive relief order I entered after trial. The defendants cross-appealed the jury's award of damages to individual plaintiffs on their breach of contract and tortious interference claims. The court of appeals affirmed my injunctive relief determination. It reversed the breach of contract and tortious interference verdicts and judgments in favor of plaintiffs, holding that the plaintiffs lacked standing to base their contract claim on a separate contract between the cab company and King County. It also held that I gave an erroneous breach of contract instruction which adversely affected the jury's tortious interference verdict. The rulings of mine that were reversed were not written decisions.

*In re Detention of Lane*, 182 Wash. App. 848 (2014): Under Washington's Involuntary Treatment Act, RCW 71.34.740(9), if a hospital petitioned to commit a juvenile for psychiatric treatment, hearsay was admissible evidence. The respondent asked me to invalidate RCW 71.34.740(9) as a violation of the separation of powers doctrine. In an oral ruling, I concluded that the statute was constitutional and I allowed the admission of hearsay at the hearing. A written set of findings and conclusions were entered, documenting my oral ruling but by law, the decision is filed under seal and confidential. The court of appeals held that the statute allowing hearsay was a violation of the separation of powers, reversing my decision to the contrary.

*Haddon v. Claeys*, 184 Wash. App. 1001 (2014): The case presented with the question of whether a grantor, who conveyed title to real property "subject to" an invalid easement, exhibited the requisite intent to create a valid easement in the statutory warranty deed. I concluded the easement was valid. The court of appeals held that the grantor did not intend to create an easement. A copy of my decision on summary judgment is supplied.

*Trujillo v. NW Trustee Services*, 183 Wash.2d 820 (2015): Ms. Trujillo's home loan was secured by a deed of trust encumbering the home. She defaulted, and Northwest Trustee Services Inc. (NWTS), the successor trustee, sent a notice of default and scheduled a trustee's sale of her property. The issue was whether Ms.

Trujillo could assert a claim for wrongful foreclosure under Washington's Deed of Trust Act against NWTs. I concluded the plaintiff had no valid cause of action. The Washington Supreme Court held that its recent decision of *Lyons v. U.S. Bank National Ass'n*, 181 Wash.2d 775 (2014), required partial reversal of my decision and found that Ms. Trujillo had alleged facts sufficient to show that NWTs breached the Deed of Trust Act and to show that that breach could support the elements of a Consumer Protection Act claim. The Supreme Court affirmed the dismissal of claims of intentional infliction of emotional distress and criminal profiteering. A copy of my order of dismissal is supplied.

*State v. Sandoz* (reported under *State v. Fuentes*, 183 Wash.2d 145 (2015)): The defendant was convicted of cocaine possession at a bench trial after I denied his motion to exclude evidence of the cocaine. The Washington Supreme Court reversed my decision, holding that the police officer's *Terry* stop was unconstitutional. A copy of my trial decision is supplied.

*State v. Ronquillo*, 190 Wash. App. 765 (2015): Mr. Ronquillo, who was 16 at the time he shot at and murdered a 16-year-old girl while attempting to murder two purported rival gang members, was sentenced to over 51.75 years in prison in 1994. After the court of appeals reversed the sentence based on an error in the computation of Mr. Ronquillo's offender score under state sentencing guidelines, I resentenced Mr. Ronquillo to a sentence of 51.3 years and rejected, in an oral ruling, a request for an exception sentence below the sentencing guidelines. The court of appeals held that I erred in failing to consider whether the defendant's age diminished his culpability for his offenses in light of intervening U.S. Supreme Court and Washington Supreme Court case law. On remand, I sentenced Mr. Ronquillo to 30 years in prison. A copy of the 2014 judgment and sentence is 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.

Almost all of my decisions are unpublished. These orders are maintained by the King County Superior Court in electronic format and are publicly available via the court's Electronic Court Record.

- 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.

When I was assigned to the criminal trial rotation from July 2010 to December 2011, I routinely rendered decisions and orders related to due process, search and seizure, and right to counsel issues derived from the Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and similar provisions of the Washington constitution. However, I did not write any significant opinions on such issues, with the exception of the following:

*State v. Sherwood*, King County Superior Court No. 11-1-02185-4. A copy of my written decision is supplied.

*Sund v. Regence BlueShield*, King County Superior Court No. 13-2-03122-1, 2013 WL 8461168 (Wash. Super. October 22, 2013).

*Bonesteel et al. v. City of Seattle*, King County Superior Court No. 15-2-17107-1. A copy of my written decision is supplied.

- 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 never sat by designation on a 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.

In Washington, a party may seek the recusal of a judge as a matter of right once in any lawsuit, as long as the judge has not made any discretionary decisions on the case. Whenever a party has filed an "affidavit of prejudice" and a motion for recusal against me, I have granted the motion as long as the statutory prerequisites are met. The following cases fall into this category of recusals:

*Prutsmann v. Koll*, No. 11-2-25884-0. On August 15, 2011, I granted a motion to recuse myself from the case pursuant to state law without requesting an explanation for the motion.

*Vigil v. City of Seattle*, No. 14-2-30210-0. On January 25, 2015, I granted a motion to recuse myself from the case pursuant to state law without requesting an

explanation for the motion.

*Kelly v. Snohomish County*, No. 14-2-33710-8. On June 22, 2015, I granted motion to recuse myself from the case pursuant to state law without requesting an explanation for the motion.

For the first five years after my appointment to the state court bench, I *sua sponte* recused myself from all cases in which any attorney from Skellenger Bender entered an appearance based on a determination that my impartiality might reasonably be questioned under the Washington Code of Judicial Conduct. The following cases fall within this category of recusals:

*Oppe v. Atwood*, No. 10-2-13709-2: Order of recusal dated December 17, 2010. A former law partner, Celeste McDonnell, was identified as a possible fact witness in the case and I recused myself *sua sponte* because of my close relationship to Ms. McDonnell.

*Asset Acceptance v. Kleisle*, No. 13-2-28619-0. Order of recusal dated January 22, 2014. I recused myself *sua sponte* because the defendant was an attorney with whom I was acquainted personally. She had worked for a period of time at Skellenger Bender.

*Sigle v. Wessels*, No. 09-3-07441-4. Order of recusal dated January 26, 2015. I recused myself *sua sponte* because Skellenger Bender, my former law firm, represented one of the parties.

*McBride Construction v. James-Oxford*, No. 14-2-2186-4. Order of recusal dated April 1, 2015. I recused myself *sua sponte* because Skellenger Bender, my former law firm, represented one of the parties.

*Alshamaa v. Alshafei*, No. 15-2-06565-3. Order of recusal dated April 2, 2015. I recused myself *sua sponte* because Skellenger Bender, my former law firm, represented one of the parties.

Whenever it has appeared that a party or a witness was a former client of mine or my former law firm, I have disclosed that information to all counsel of record and have asked if any party wished to have me recuse myself. When a party expressed concerns about my former association with the party or witness, I recused myself to avoid any appearance of partiality. The following cases fall into this category of recusal:

*Tankic v. Rabinowitz*, No. 10-2-02709-2: Order of recusal dated May 20, 2011. I recused myself *sua sponte* because a former client, Seattle Children's Hospital, was a named defendant.

*McCormack Intellectual Property Law Business v. Evarone*, No. 11-2-28445-0.

Order of recusal dated April 19, 2013. When preparing for a summary judgment hearing, I learned that engineers from an engineering firm were likely to be called by the defendant as witnesses. This firm was a former client of mine. I disclosed this prior relationship at the hearing and, at the defendant's request, I recused myself to avoid the appearance of partiality.

*Pedroza v. SFC Homes*, No. 12-2-37044-3. Order of recusal dated July 6, 2015. I granted a motion to recuse myself from the case after the parties disclosed expert witnesses and I disclosed to the parties that one of the experts was a former client of my law firm. I recused myself without any party filing a motion for my recusal.

In addition, I have recused in the following cases:

*State v. Alexandre Robert*, No. 11-1-01953-1. Order of recusal dated August 2, 2011. I was assigned this criminal case for trial in April 2011. Counsel for the defendant, Todd Maybrown, disclosed to the prosecutor and to the court that he had supported my judicial campaign in 2010. I recused myself without a motion to avoid any appearance of partiality.

*Virginia Mason Health System v. Siemens*, No. 12-2-06819-4. Order of recusal dated May 3, 2013. I disclosed to counsel that I had represented individuals with legal interests adverse to Virginia Mason while in private practice. At the request of counsel for Virginia Mason, I recused myself without requiring the hospital to submit an affidavit of prejudice.

*Harris v. Virginia Mason Medical Center*, No. 12-2-06026-6. Order of recusal dated May 14, 2013. I disclosed to counsel that I had represented individuals with legal interests adverse to Virginia Mason while in private practice. At the request of counsel for Virginia Mason, I recused myself without requiring the hospital to submit an affidavit of prejudice.

*Portfolio Recovery Associates v. Causey*, No. 13-2-40926-7. Order of recusal dated December 30, 2013. I recused myself *sua sponte* because at the time, I owned a small amount of stock in Portfolio Recovery. The defendant had not appeared and Portfolio Recovery sought a default judgment. Because there was no defendant to whom I could disclose my stock ownership, I recused myself to allow the matter to be heard by another judge.

*Merrill v. Department of Corrections*, No. 11-2-03017-2. Order of recusal dated January 29, 2014. I recused myself *sua sponte* but I cannot find any documentation as to the basis for my recusal. I can no longer recall the circumstances that led to my decision to recuse but it does not appear to have occurred as the result of an affidavit of prejudice by any party.

*Palisoc v. Summers*, No. 13-2-28903-2. Order of recusal dated December 16,

2014. I recused myself *sua sponte* but I cannot find any documentation as to the basis for my recusal. I can no longer recall the circumstances that led to my decision to recuse myself but it does not appear to have occurred as the result of an affidavit of prejudice by any party.

*In re Detention of J.R.*, No. 14-6-03595-5. Order of recusal dated January 2, 2015. I recused myself *sua sponte* and I believe it resulted after the respondent's mother, a professional acquaintance, sent an email directly to me regarding the factual circumstances of the case.

**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.

I have never held any public office other than as a judicial officer. I have never run for elective office or sought a nomination for appointed office.

- 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.

I have never held an office in or rendered services to any political party or political campaign.

Over the last six years, I have endorsed candidates for judicial office. I can recall endorsing the following candidates:

Judge Bruce Hilyer for Washington Supreme Court (2010)  
Jennifer Forbes for Kitsap County Superior Court (2012)  
Sheryl Gordon McCloud for Washington Supreme Court (2012)  
Judge Douglass North for King County Superior Court (2012)  
Judge Johanna Bender for King County Superior Court (2016)  
Judge Janet Helson for King County Superior Court (2016)  
Judge Steve Rosen for King County Superior Court (2016)

**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 Judge Gerald W. Heaney for the United States Court of Appeals for the Eighth Circuit from 1988 to 1989.

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

I never 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.

Fall 1989  
Schweppe, Krug & Tausend  
Seattle, Washington 98104  
Associate Attorney

1990 – 1995  
Miller Nash Weiner Hager & Carlsen  
601 Union Street, Suite 4400  
Seattle, Washington 98101  
Associate Attorney

1995 – 2010  
Skellenger Bender, P.S.  
1301 Fifth Avenue, Suite 3401  
Seattle, Washington 98101  
Partner

- 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.

In 2004, I was appointed to the American Arbitration Association's list of construction and commercial arbitrators. Between 2004 and 2010, I presided over arbitrations involving construction law disputes and rendered arbitration awards in each case. The most significant case over which I presided was the following:

*H.M. Nunes & Sons v. LedCor Construction* (July 2006): the plaintiff claimed to be owed compensation for construction work it performed for LedCor at a big box retail store in Connecticut. I conducted a video arbitration and issued an arbitration award at the conclusion of the proceeding.

I no longer have records of the other AAA arbitrations I presided over while in private practice.

Between 1995 and 2002, I was an arbitrator appointed by King County Superior Court on approximately 14 small-dollar matters subject to mandatory arbitration under local court rules (cases under \$35,000). Many of these cases are too old for me to find in the King County Superior Court system. My law firm's records indicate that I was appointed as an arbitrator in the following matters, some of which resulted in arbitration awards and some may have settled before the arbitration occurred. I no longer recall the specifics of any of these matters except as noted below:

*Smith v. Montez* (1997)  
*Remlinger v. Peterson* (1997)  
*Tekeba v. Mitchell* (1997)  
*Ball v. Small* (1998)  
*Cabuco v. Emery* (1998)  
*Kee v. Brainerd* (1998)  
*Zhang v. Spinney* (1999)  
*Dochnahl Trucking v. Katco Sales* (1999)  
*Kirby v. Eagle Hardware* (1999)  
*Joyce v. McClain*, No. 00-2-03485-7 (King County Superior Court 2000) (arbitration award dated 4/6/2001; tort motor vehicle case).  
*Ernst-Hjelmeseth v. Kittas*, No. 00-2-09739-5 (King County Superior Court 2001) (settled before arbitration occurred)  
*Wilson v. Kim* (2001)  
*Epling v. Hang* (2001)  
*Magee v. Brown* (2002)  
*Amaya v. Swenson* (2002)

In the mid-2000s, I became a member of the Western District of Washington's Rule 39.1 panel as a mediator. I handled several mediations in civil rights cases as a member of that panel. I do not have a list of the cases over which I acted as mediator.

b. Describe:

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

Between 1989 and 1995, I practiced primarily in the areas of employment litigation, commercial litigation, intellectual property litigation, and appellate advocacy representing for-profit companies, including financial institutions, retail stores, and other Pacific Northwest businesses. I

appeared in both federal and state courts and state courts of appeals.

From 1995 to 2010, I continued to practice employment, commercial and intellectual property litigation, but I also began to represent engineering and architectural firms in construction-related disputes and appeared as lead counsel in federal and state courts and in private arbitrations on their behalf. I also began to represent clients in criminal appeals, in both the Washington Supreme Court and the Ninth Circuit Court of Appeals.

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

As an associate attorney with Schweppe Krug & Tausend and Miller Nash, the typical clients included banks, national retail stores, telecommunication companies, and universities.

When I moved to Skellenger Bender in 1995, I began to specialize in the representation of engineering firms and I handled large, multimillion-dollar complex construction disputes in state and federal court and in arbitration involving claims of design defects, construction management errors or omissions, insurance disputes, surety law, construction lien laws, and design professional or engineer liability. My clients were primarily multi-national and regional engineering firms, construction companies, and subcontractors.

I also continued to represent employers in cases involving claims of age, sex and disability discrimination, sexual harassment, wrongful discharge and misappropriation of trade secrets. I also represented business clients in lawsuits relating to copyrights, trade secrets, trademarks and patents. I advised clients on inventions agreements and confidentiality agreements. Clients included a wide variety of regional, national and international organizations and businesses.

Between 1997 and 2010, I served on the Washington Supreme Court's Approved Counsel List for Direct Appeals in death penalty cases and was involved in six death penalty cases in either a direct representation or amicus capacity. I also served on the Criminal Justice Act approved appellate counsel list in the federal court. I handled three criminal appeals in the Ninth Circuit Court of Appeals.

- 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.

In the first ten years of my legal practice, approximately 90% involved litigation and appeals. I was in court regularly arguing motions and occasionally appearing as lead or co-counsel in jury and bench trials. As I gained experience, I also

began to provide legal counseling in the areas of intellectual property, employment, contracting, and engineering professional licensing. In the last 10 years of my private practice, approximately 80% involved litigation and appellate representation and 20% involved general legal counseling. I appeared occasionally in courts to argue motions and acted as lead counsel in bench trials and commercial or construction arbitrations.

i. Indicate the percentage of your practice in:

1. federal courts: 35%
2. state courts of record: 55%
3. other courts: 10% (private commercial arbitration)
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 90%
2. criminal proceedings: 10%

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.

Before my appointment to the trial court bench, I had tried four cases to a jury as associate counsel, approximately 15 cases to a trial judge as both sole and associate counsel, and approximately five cases to a panel of arbitrators or to a single arbitrator as sole or associate counsel.

i. What percentage of these trials were:

1. jury: 17%
2. non-jury: 83%

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 participated in preparing legal briefs to the United States Supreme Court in:

*Washington v. Finch*, No. 99-41, 1999 WL 33639843 (brief in opposition to petition for certiorari), *cert. denied*, 528 U.S. 922 (1999).

*Nintendo of America, Inc. v. Dragon Pacific Int'l*, No. 94-8761 (brief in opposition to petition for certiorari), *cert. denied*, 515 U.S. 1107 (1995). Copy supplied.

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. *Michaels v. CH2M HILL*, 171 Wn.2d 587 (2011).

Between 2007 and 2010, I represented the defendant engineering firm in a case in which a city maintenance employee drowned in a “digester” at a city wastewater plant. I was lead trial counsel in a four-week bench trial for the engineering firm which was consulted by the city plant operators on improving digester performance. My law partner Terry Scanlan and I tried the case to Judge Robert Austin (now deceased) in September 2008. The Washington Supreme Court affirmed a \$7 million judgment for the plaintiffs after I joined the bench.

Co-counsel:

Terence J. Scanlan  
Skellenger Bender, P.S.  
1301 Fifth Avenue, Suite 3401  
Seattle, Washington 98101  
(206) 623-6501

Opposing Counsel:

Daniel Huntington  
Richter-Wimberley, P.S.  
422 West Riverside Avenue, Suite 1300  
Spokane, Washington 99201  
(509) 455-4201

2. *Public Utility District No. 1, Skagit County v. Kennedy/Jenks Consultants, Inc.*, No. 08-cv-01763-RSL (2008).

From 2009 to 2010, I represented the defendant, a consulting engineering firm, in a lawsuit initiated by a public utility district on a water pumping station project on the Skagit River. The plaintiff alleged that as a result of errors in the firm’s construction

management, the construction site was flooded during a high water event, leading to significant construction delays. After the parties engaged in extensive discovery, the case was resolved by mediation.

Opposing Counsel:

Arnold Hedeem  
Hedeem & Caditz  
600 University Street, Suite 2100  
Seattle, Washington 98101  
(206) 903-9953

3. *University of Idaho Foundation, Inc. v. Civic Partners West LLC*, No. CV-OC-0405740 (Idaho Dist. Ct. 2007).

Judge Daniel C. Hurlbutt, Jr., Ada County District Court, Boise, Idaho presided. My client, the University of Idaho Foundation, was accused by the Attorney General of Idaho of misusing restricted donations to develop and construct a University of Idaho campus in downtown Boise, Idaho. After an investigation by the Attorney General of Idaho and the United States Attorney for the District of Idaho, the Foundation initiated a lawsuit against two law firms, an urban renewal agency, and a real estate developer.

The case required cost-effective management of a large litigation team and myriad investigations, both criminal and civil. The civil litigation was complex, involving issues of legal malpractice, breach of fiduciary duty by Foundation officers and directors, and laws relating to contracts, insurance, bonding, comparative fault, and criminal liability. Claims against the majority of the defendants in the civil lawsuit were settled in 2006, but the claims against the sole remaining non-settling defendant were dismissed by the trial court, and affirmed by the Idaho Supreme Court. *See In re University Place/Idaho Water Center Project*, 146 Idaho 527, 199 P.3d 102 (2008).

Co-counsel:

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Masters Law Group (formerly of Skellenger Bender, P.S.)  
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Opposing Counsel:

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Mark H. Wagner (counsel for Givens Pursley)  
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Perkins Coie, LLP  
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Boise, Idaho 83702  
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Michael McPeck (former Deputy Attorney General)  
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Boise, Idaho 83701  
(208) 387-0881

Walter Sinclair (counsel for Civic Partners)  
Holland & Hart  
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Boise, Idaho 83702  
(208) 383-3928

Bruce Rubin (counsel for University of Idaho)  
Miller Nash Graham & Dunn  
3400 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, Oregon 9704  
(503) 205-2447

4. *U.S. v. Delgado*, 357 F.3d 1061 (9th Cir. 2004).

This case was an appeal of a conviction and sentence for possession of methamphetamine with intent to distribute. The main issue on appeal was whether the district court had provided the defendant with a specific reason for imposing the sentence as required by 18 U.S.C. §3553. Representing the defendant, I argued that the district court erred in using the Ninth Circuit Model Jury Instruction 5.6

(definition of “knowingly”) because it relieved the United States of its burden of proving that Mr. Delgado knew that his actions were unlawful. The Ninth Circuit held that the United States only had to prove that Mr. Delgado knew he possessed a prohibited substance and did not need to prove that Mr. Delgado knew that his possession of these drugs was a violation of the law. Mr. Delgado’s conviction was affirmed on appeal. I also argued that the district court had failed to provide a statement of reasons for sentencing Mr. Delgado to the high end of the sentencing guideline range, as was required by 18 U.S.C. § 3553. The Ninth Circuit reversed Mr. Delgado’s sentence on this basis and remanded the matter for a new sentencing hearing.

Opposing Counsel:

John Lulejian  
Embassy of the United States (formerly at U.S. Attorney’s Office)  
7020 Yerevan Place  
Washington, D.C. 20521  
374 (10) 49-42-82

5. *State v. Thomas*, 150 Wn.2d 821 (2004).

This was a direct appeal of an aggravated murder conviction and death sentence. The main issue on appeal was whether the state had established that the defendant was a “major participant” in the murder and eligible for the death penalty. Representing the defendant, I argued that the accomplice jury instructions failed to require the jury to find that Mr. Thomas was a “major participant” in the murder, rendering the death sentence unconstitutional. The Supreme Court agreed, reversing the jury findings of certain aggravating factors and the sentence of death. On remand, Mr. Thomas was sentenced to life without parole.

Co-counsel:

Rita Griffith  
Solo Practitioner  
4616 25th Avenue NE, PMB 453  
Seattle, Washington 98105  
(206) 547-1742

Opposing Counsel:

Michelle Luna-Green  
Pierce County Prosecutor’s Office  
55 Tacoma Avenue South, Suite 301  
Tacoma, Washington 98402  
(253) 798-8872

6. *Westcon Microtunneling, Inc. v. Fowler & GeoEngineers, Inc.*, AAA Arbitration No. 72 Y 110-01006-03 GLO (Los Angeles) (2004).

A prime contractor installing new water supply pipelines beneath the Los Angeles Harbor lost two tunneling machines when the shoring shafts failed during the tunneling process. The contractor claimed that the shoring subcontractor and its design engineer (my client) were at fault. The contractor initiated arbitration, seeking over \$15 million in damages. In order to understand the tunneling process, I attended a three-day course on micro-tunneling at the Colorado School of Mines. I then developed a strategy for defending the design, which included identifying and retaining appropriate experts on frozen soil and frozen soil shoring systems. I was primarily responsible for cross-examining the contractor's technical experts on issues of soil mechanics, causation, and the adequacy of the design. After a three-week arbitration, the panel ruled in favor of my client.

Counsel for subcontractor Fowler:

Sam E. Baker Jr.  
Thomas Krider  
Oles, Morrison, Rinker & Baker, L.L.P.  
701 Pike Street, Suite 1700  
Seattle, Washington 98101  
(206) 623-3427

Opposing Counsel:

Steven Copeland  
Copeland Law Firm  
528 Palisades Drive, Suite 540  
Pacific Palisades, California 90272  
(424) 234-9701

7. *McCain Foods USA, Inc. v. CH2M HILL, Inc.*, No. 99-cv-00084-RHW (E.D. Wash. 2001).

Between 1999 and 2001, I represented an engineering firm, CH2M HILL, Inc., the firm that designed a pipeline to transport waste potato processing water from a plant in Othello, Washington, to local farmers. The farmers used the wastewater to supplement their irrigation water supply. The pipe failed prematurely, and the plant owner, McCain Foods, sued the design firm, the contractor, and several subcontractors. After extensive discovery, the case resolved at mediation.

Counsel for Plaintiff McCain Foods USA, Inc.

David Barritt  
Chapman & Cutler

111 West Monroe Street  
Suite 15E  
Chicago, Illinois 60603  
(312) 845-3000

Counsel for Defendant Northwest Pipe & Casing:

Brenda Molner (formerly with Ater Wynne LLP)  
Molner Law PLLC  
1425 Broadway #20-7549  
Seattle, Washington 98122  
(206) 849-7781

Greg Harris  
Senior Counsel  
Ater Wynne LLP  
601 Union Street, Suite 1501  
Seattle, Washington 98101  
(206) 623-4711

Counsel for Defendant KC Construction Company:

David M. Soderland  
Dunlap & Soderland, P.S.  
901 Fifth Avenue, Suite 3003  
Seattle, Washington 98164  
(206) 682-0902

8. *Marshall v. Taylor Bean & Whitaker Mortgage Co.*, No. 00-cv-01888-JCC (W.D. Wash. 2000).

I represented a mortgage company in an age discrimination lawsuit in the United States District Court for the Western District of Washington. After discovery and pretrial dispositive motions, the case resolved through mediation.

Opposing counsel:

Thomas Lemly  
Davis Wright Tremaine  
1201 Third Avenue, Suite 2200  
Seattle, Washington 98101  
(206) 757-8085

9. *State v. Finch*, 137 Wn.2d 792, cert. denied, 528 U.S. 922 (1999).

I represented the defendant in the direct appeal of his conviction for aggravated first

degree murder and sentence of death. The main issue on appeal was whether my client was improperly shackled in front of the jury panel during voir dire. The conviction was affirmed, but the sentence was reversed. On remand, a jury sentenced Mr. Finch to life without parole.

Co-counsel:

Rita Griffith  
Solo practitioner  
4616 25th Avenue NE, PMB 453  
Seattle, Washington 98104  
(206) 547-1742

Opposing Counsel:

Seth Fine  
Snohomish County Prosecutor's Office  
3000 Rockefeller Avenue  
Everett, Washington 98201  
(425) 388-3333

10. *General American Transportation Corporation v. Cryo-Trans, Inc.*, 893 F. Supp. 774 (N. D. Ill. 1995), *aff'd in part, rev'd in part*, 93 F.3d 766 (Fed. Cir. 1996).

I worked on a patent infringement trial in federal court in Chicago, Illinois. We represented Cryo-Trans, Inc., the owner of a patent for the design of a refrigerator railcar. Although our client was the defendant, Cryo-Trans had a monetary counterclaim against the plaintiff. After a two week trial, we prevailed on the counterclaim and obtained a multi-million judgment for Cryo-Trans. The judgment was reversed in part on appeal by the Federal Circuit Court of Appeals.

Co-counsel:

Chief Magistrate Judge James Donohue  
United States District Court (formerly at Miller Nash)  
700 Stewart Street  
Seattle, Washington 98101  
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Bruce Kaser  
Vantage Law PLLC (formerly at Miller Nash)  
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Opposing Counsel:

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6300 Willis Tower  
Chicago, Illinois 60606  
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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.)

Between July 2010 and January 2012, I was assigned to the criminal trial rotation and presided over felony trials in cases involving allegations of, among other crimes, theft, robbery, burglary, assault, rape, harassment, and child molestation. I handled sentencing calendars approximately two times each month. I also carried a full civil caseload and handled a variety of dispositive and non-dispositive civil motions. I covered the Ex Parte calendars, the criminal motions calendar, plea calendar, and the arraignment and bail calendars on an as-needed basis.

From January 2012 to June 2013, I presided over both civil and criminal trials. The civil trials ranged from motor vehicle tort cases to commercial disputes. The criminal trials involved charges of assault, robbery, murder, and child molestation. I also covered the Ex Parte, arraignment/bail, plea and anti-harassment calendars on an as-needed basis.

Between June 2013 and January 2015, I was assigned to preside over the Involuntary Treatment Act (ITA) Court located on the Harborview Hospital campus. At the request of the Presiding Judge and Assistant Presiding Judge I developed recommendations for reorganizing the docket to address the explosion of ITA cases and to ensure the court could handle the number of contested evidentiary hearings requested by the respondents. I worked with the prosecutors and defenders to develop protocols for video hearings. I participated in hearings before the King County Council to update the council members on the progress at ITA Court on the reorganization and video hearing pilot projects.

In 2015, I returned to civil trial rotation at the Seattle courthouse and was elected by my fellow judges to the role of Assistant Presiding Judge. In this role, I made all trial assignments in the criminal, civil, dependency and family law departments. I was also Acting Presiding Judge when the Presiding Judge was unavailable. I had a leading role in Executive Committee meetings in developing court policy, rule changes, caseload and calendar management, and personnel policies. I also carried a full civil caseload and presided over civil bench and jury trials in a variety of cases, including dissolutions,

commercial disputes, motor vehicle torts, medical malpractice claims, real estate disputes, probate disputes, and dependency cases (child abuse/neglect).

In 2016, I was appointed Chief Civil Judge and manage the civil department in addition to carrying a full civil caseload and presiding over civil bench and jury trials.

I am currently a member of the Washington State Bar Association Council on Public Defense and participate regularly in the committee's meetings.

I also chaired a Washington jury instruction subcommittee working to update jury instructions applicable to Involuntary Treatment Act trials.

I have not performed any lobbying activities on behalf of clients or organizations.

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.

I have not taught any courses.

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.

I do not have any anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts or other future benefits. I have not made any arrangements to be compensated in the future for any financial or business interest.

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.

I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during any service with the court.

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).

Please 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).

Please see attached Statement of Net Worth.

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 am unaware of any specific family member, other person, party, categories of litigation, or financial arrangements that are likely to present potential conflicts-of-interest should I be confirmed. If confirmed, I would evaluate any real or potential conflict or relationship that could give rise to the appearance of conflict, on a case-by-case basis and determine appropriate action based upon Canon 3 of the Code of Conduct for United States Judges with the advice of parties and their counsel, including recusal where necessary.

- 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 abide by the ethical restrictions set forth in statute, 28 U.S.C. §455 and Canon 3 of the Code of Conduct for United States Judges. If I were uncertain about my obligations, I would seek guidance from other judges, including the Chief Judge of the Western District of Washington, or request an opinion from the Committee on Codes of Conduct of the Administrative Office of the United States Courts.

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.

Between 1990 and 1993, I worked as a volunteer with the King County Bar Association Neighborhood Legal Clinics in order to assist individuals otherwise unable to afford legal services. Often the people seeking our help came from socio-economically disadvantaged communities or were challenged by physical or mental disabilities. My volunteer activities for the Neighborhood Legal Clinics involved attendance at a walk-in clinic approximately once per month. I acted as Chair of the Downtown Neighborhood Legal Clinic for one year in approximately 1992 and 1993. This position involved recruiting volunteer attorneys and scheduling them to attend the walk-in clinics.

Throughout my private practice, I provided pro bono legal services in a number of cases pending in federal district court and Washington appellate courts, including cases involving the application of the death penalty to juveniles, judicial misconduct, and the constitutionality of state and local laws.

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 September 8, 2015, Senators Patty Murray and Maria Cantwell and Representative David Reichert announced the formation of a Bipartisan Merit Selection Committee for the purpose of considering applicants for three anticipated judicial vacancies on the United States District Court for the Western District of Washington. I submitted an application to the Bipartisan Merit Selection Committee on October 10, 2015. On November 24, 2015, I interviewed with the Bipartisan Merit Selection Committee. On December 11, 2015, I was interviewed by telephone by Senator Murray. Since February 4, 2016, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 28, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On April 14, 2016, the President submitted my nomination 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.