

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Salvador Mendoza, Jr.

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

United States District Court Judge, Eastern 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.

Benton County Justice Center
7122 West Okanogan Place, Building A
Kennewick, Washington 99336

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

1971; Pacoima, California

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.

1994 – 1997, University of California, Los Angeles School of Law; J.D., 1997
1990 – 1994, University of Washington; B.A., 1994

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.

May 2013 – present
Benton County Justice Center
Superior Court Administration Office
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
Superior Court Judge

May 2013 – present
Franklin County Court House
Superior Court Administration Office
1016 North Fourth Avenue
Pasco, Washington 99301
Superior Court Judge

2006 – 2013
Benton County Justice Center
District Court Administration Office
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
District Court Judge Pro Tempore

2002 – 2013
Franklin County Court House
District Court Administration Office
1016 North Fourth Avenue
Pasco, Washington 99301
District Court Judge Pro Tempore

2002 – 2013
Benton and Franklin Counties Juvenile Justice Center
5606 West Canal Drive
Kennewick, Washington 99336
Juvenile Court Judge Pro Tempore

2002 – 2013
City of Pasco Municipal Court
1016 North Fourth Avenue
Pasco, Washington 99301
Municipal Court Judge Pro Tempore

2002 – 2013
Mendoza and Johnson, P.S.
(Formerly known as Mendoza Law Office, P.S. (2002 – 2011))
7135 West Hood Place
Kennewick, Washington 99336
President, Managing Attorney

1999 – 2002
Haney and Mendoza, P.S.
(Formerly known as Mendoza Law Office (1999 – 2001))
7025 West Grandridge Boulevard, Suite B1
Kennewick, Washington 99336

Vice President (2001 – 2002)
Solo practice (1999 – 2001)

September 1998 – April 1999
Franklin County Prosecuting Attorney's Office
1016 North Fourth Avenue
Pasco, Washington 99301
Deputy Prosecuting Attorney

Summer 1996, 1997 – 1998
Washington State Attorney General's Office
1433 Lakeside Court, # 102
Yakima, Washington 98901
Assistant Attorney General (1997 – 1998)
Legal Intern (Summer 1996)

Summer 1995
United Farm Workers of America
29700 Woodford-Tehachapi Road
Keene, California 93531
Legal Intern

Other Associations (uncompensated unless otherwise indicated):

1999 – present
Mendoza Holdings, Inc. (compensated)
7135 West Hood Place
Kennewick, Washington 99336
President

2011 – 2013
Columbia Basin College
2600 North 20th Avenue
Pasco, Washington 99301
Board of Trustees

2011 – 2013
Tri-City Hispanic Chamber of Commerce
1600 North 20th Avenue, # D3
Pasco, Washington 99301
Board of Directors Advisor

2007 – 2013
Benton and Franklin Counties Circle of Hope Foundation for Drug Courts
5606 West Canal Place, Suite 106

Kennewick, Washington 99336
Board of Directors

2009 – 2011
United Way of Benton and Franklin Counties
401 North Young Street
Kennewick, WA 99336
Board of Directors

2002 – 2011
Benton and Franklin County Legal Aid
418 North Kellogg
Kennewick, Washington 99336
Board of Directors

2001 – 2009
Mendoza Farms, Inc. (compensated)
7135 West Hood Place
Kennewick, Washington 99336
President

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 not served in the U.S. Military. I timely registered 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.

2013 Washington State Minority and Justice Commission, Tri-Cities Youth and Justice Forum Award

2013 Tri-Cities Hispanic Chamber of Commerce Leadership Award

2013 Keynote Speaker Educational School District 123 Conference

2012 Keynote Speaker Kennewick School District Conference

2011 Benton Franklin Legal Aid Society Award for Outstanding Service

2008 La Voz Newspaper, Community Leadership Award

2004 Washington Law & Politics, Super Lawyers, Rising Star

2003 Keynote Speaker for the Hispanic Academic Achievers Program

2002 Benton Franklin Legal Aid Society Award for Outstanding Service

1995 UCLA, School of Law, Public Interest Grant

1994 Council on Legal Education Opportunity Fellowship

1993 Minority Leaders Fellowship, American University

1993 University of Washington Alumni Board Scholarship

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.

Benton Franklin Bar Association

Benton and Franklin County Legal Aid
Board of Directors (2002 – 2011)

Federal Bar Association, Eastern District of Washington
Lawyer Representative to 9th Circuit Judicial Conference (2010 – 2013)
Eastern District Chair (2012 – 2013)

Leadership Tri-Cities
Law Enforcement and the Justice System (2006, 2009 – 2012)

MacArthur Foundation, Models for Change Initiative for Juvenile Justice
Chair, Latino Community Leadership Committee (2010 – 2011)

Tri-Cities CJA Attorneys
Training Coordinating Committee (2009 – 2013)

United States District Court, Eastern District of Washington
Magistrate Selection Committee, Yakima, WA (2007)

Washington State Bar Association

Washington State Minority and Justice Commission
Tri-Cities Youth and Justice Forum Organizing Committee (2005 – 2013)

We the People Constitutional Law Competition
Volunteer Judge (2007, 2008, 2009)

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, 1997

There have been no lapses in membership.

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

State of Washington, all State Courts, 1997

United States District Court, Eastern District of Washington, 1999

United States District Court, Western District of Washington, 2008

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.

Benton and Franklin Counties Circle of Hope Foundation for Drug Courts (2007 – 2013)

Board of Directors

Christ the King School, Sausage Fest Fundraiser (2012, 2013)

Co-Chair for the Pop Wagon

Columbia Basin College (2011 – 2013)

Board of Trustees

Tri-Cities Hispanic Chamber of Commerce (2010 – 2013)

Board of Directors Advisor (2011 – 2013)

United Way of Benton and Franklin Counties (2009 – 2011)

Board of Directors

- 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 in 11a currently discriminate nor previously have discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or through the practical implementation of their 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.

Letter to the Editor: Comforting Support, Tri-City Herald (November 22, 2012). Copy supplied.

Letter to the Editor: District Court: Ekstrom, Tri-City Herald (October 13, 2010). Copy supplied.

Letter to the Editor: KSD: Kintzley, Tri-City Herald (October 7, 2009). Copy supplied.

Candidate Statement, Washington State Voter's Guide (2008 General Election). Copy supplied.

When Maria Speaks Spanish: Hernandez, the Ninth Circuit and the Fallacy of Race Neutrality, 18 Chicano-Latino L. Rev. 193 (1996). 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.

In 2002, I helped to create the first Drug Courts for juvenile offenders in Benton and Franklin Counties. As part of our work, we developed policy and procedures for the program. Manual 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.

From 2011 to 2013, I served as a member of the Columbia Basin College Board of Trustees and made statements and comments on a regular basis at our monthly board meetings. The following minutes are attached:

May 13, 2013, Meeting. Minutes supplied.

March 11, 2013, Meeting. Minutes supplied.

February 11, 2013, Meeting. Minutes supplied.

January 14, 2013, Meeting. Minutes supplied.

December 10, 2012, Meeting. Minutes supplied.

August 10, 2012, Meeting. Minutes supplied.

April 16, 2012, Meeting. Minutes supplied.

February 13, 2012, Meeting. Minutes supplied.

January 9, 2012, Meeting. Minutes supplied.

December 12, 2011, Meeting. Minutes supplied.

November 14, 2011, Meeting. Minutes supplied.

October 3, 2011, Meeting. Minutes supplied.

- 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.

November 1, 2013: Moderator, "2013 Youth and Justice Forum," Pasco, Washington. I made welcoming remarks encouraging students to seek careers in

the justice system. I have no notes, transcript, or recording. The address for the Washington State Minority and Justice Commission, Administrative Office of the Courts is Post Office Box 41170, Olympia, Washington 98504.

October 18, 2013: Panelist, Washington State Minority Bar Association Conference, Seattle, Washington. PowerPoint supplied.

May 10, 2013: Presenter, "The Practice in Federal Court & the Defendant's Consequences of Misdemeanor Convictions," Benton and Franklin Office of Public Defense, Kennewick, Washington. PowerPoint supplied.

May 6, 2013: Swearing-in ceremony comments, Benton County Justice Center, Kennewick, Washington. I made some general remarks during my swearing-in ceremony. I do not have notes, transcript, or recording, but press coverage is supplied.

May 6, 2013: Speaker, "Meet and Greet with Judge Mendoza, Justice Gonzalez, and Justice McCloud," Kennewick, Washington. I met with the public to answer questions about my background and experience. I have no notes, transcript, or recording. The address for the Latina/o Bar Association of Washington State is Post Office Box 21134, Seattle, Washington 98111.

December 2012: Guest Speaker, "Career in the Legal Field," Delta High School, Richland, Washington. I have no notes, transcript, or recording. The address for Delta High School is 901 Northgate Drive, Richland, Washington 99352.

September 30, 2011: Moderator, "Ethical Issues in Detecting and Disclosing Mental Health Impairment of Clients and Witnesses," Federal Bar Association, Eastern District of Washington Conference, Spokane, Washington. The topic focused on the challenges of dealing with litigants that had mental health issues from the perspective of the judiciary, and criminal and civil practitioners. I coordinated with the panelists for the discussion, introduced the panelists, and assisted with questions from the conference participants. I have no notes, transcript, or recording. The address for the Federal Bar Association of the Eastern District of Washington is 1100 U.S. Bank Building, Spokane, Washington 99201.

June 3, 2011: Guest Presenter, "Starting and Managing a Law Practice," Washington State Bar Association, Washington Leadership Institute, Kennewick, Washington. The lecture focused on the practical strategies necessary for operating, managing, and financing a successful law practice. I have no notes, transcript, or recording. The address for the Washington Leadership Institute is University of Washington School of Law, William H. Gates Hall, Room 346, Post Office Box 353020, Seattle, Washington 98195.

June 3, 2011: Panelist, Columbia Basin Badger Club, Richland, Washington. I was a guest presenter on the topic of judicial elections. I have no notes, transcript, or recording. The address for the Washington Leadership Institute is University of Washington School of Law, William H. Gates Hall, Room 346, Post Office Box 353020, Seattle, Washington 98195.

December 2010: Guest Lecturer, "Domestic Public Policy," Washington State University Tri-Cities, Richland, Washington. The lecture focused on the basic principles of creating public policy and applying those principles to practice. During the lecture, the students were encouraged to suggest topical issues and develop and analyze differing approaches to addressing the issue. I have no notes, transcript, or recording. The contact address is Washington State University, Department of Criminal Justice and Criminology, Post Office Box 644872, Pullman, Washington 99164.

November 2010: Guest lecturer, "Washington State Court System," Washington State University Tri-Cities, Richland, Washington. The lecture focused on the structure of the state court system, the appeal process, and different career opportunities. I have no notes, transcript, or recording. The contact address is Washington State University, Department of Criminal Justice and Criminology, Post Office Box 644872, Pullman, Washington 99164.

2010 Fall CLE: Presenter, "Ethics and Retainer Agreements," Washington Association of Criminal Defense Lawyers (WACDL), Pasco, Washington. My lecture involved the ethical considerations involved in fee agreements and the change in Washington State Rule of Professional Conduct 1.5. I have no notes, transcript, or recording. The address for WACDL is 1511 Third Avenue, Suite 503, Seattle, Washington 98101.

May – November 2008: I made a series of speeches to Benton and Franklin County civic organizations, chambers of commerce, and town hall meetings, regarding my campaign for superior court judge. To the best of my recollection, they focused solely on my legal experience, background and fitness to serve on the superior court bench. All of these comments were made extemporaneously and without notes.

2006, 2009 – 2012: Panelist, Leadership Tri-Cities of Benton and Franklin Counties, Kennewick, Washington. I have been a panelist on the topic of the justice system in Benton and Franklin counties at a number of events. I have no notes, transcript, or recording. The address for Leadership Tri-Cities is Post Office Box 4660, Kennewick, Washington 99336.

- 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.

Kristin M. Kraemer, "Benton-Franklin Sees First Latino Judge," *Tri-City Herald*, April 25, 2013. Copy supplied.

Kristin M. Kraemer, "Tri-City Lawyers Polled On Judicial Hopefuls," *Tri-City Herald*, March 30, 2013. Copy supplied.

Ty Beaver, "Database Measures Student Success," *Tri-City Herald*, March 12, 2013. Copy supplied.

Kristin M. Kraemer, "2 Indicate Interest In Benton County Judgeship," *Tri-City Herald*, February 24, 2013. Copy supplied.

Ty Beaver, "New Database Tracks Columbia Basin College Students After They Leave The School," *Tri-City Herald*, February 16, 2013. Copy supplied.

Kristin M. Kraemer, "Judge Matheson Stepping Down After Distinguished Career," *Tri-City Herald*, February 12, 2013. Copy supplied.

Kristin M. Kraemer and Paula Horton, "Prosser Mourns Loss Of Teen And Her Mom In Crash," *Tri-City Herald*, October 24, 2012. Copy supplied.

Ty Beaver, "Tri-City Students Attend Youth & Justice Forum," *Tri-City Herald*, October 19, 2012. Copy supplied.

Paula Horton, "White Swan Man Faces Trial After DUI Charge," *Tri-City Herald*, October 13, 2012. Copy supplied.

Paula Horton, "Some Benton County Public Defense Attorneys Decide To Stay On," *Tri-City Herald*, September 22, 2012. Copy supplied.

"Public Defenders Get New Case Limits," *KNDU 25*, June 19, 2012. Copy supplied.

Paula Horton, "Kennewick Man Pleads Guilty To 2010 Rape," *Tri-City Herald*, February 17, 2012. Copy supplied.

Paula Horton, "UPDATE: Claybell Park Rape Suspect Pleads Guilty During Trial," *Tri-City Herald*, February 16, 2012. Copy supplied.

Paula Horton, "UPDATE: Mental Health Exam Ordered For Suspect In Kennewick Murder," *Tri-City Herald*, January 30, 2012. Copy supplied.

Jacques Von Lunen, "Kennewick Lawyer Named To The CBC Board," *Tri-City Herald*, November 20, 2011. Copy supplied.

Jacques Von Lunen, "Teens Get A Taste Of Justice," *Tri-City Herald*, October 29, 2011. Copy supplied.

The Associate Press, "No Trial In Woman's 1982 Strangulation Death," *The Seattle Times*, February 7, 2011. Copy supplied.

Editorial Board, "Don't Judge Criminal Suspects Too Quickly," *Tri-City Herald*, August 6, 2010. Copy supplied.

Michelle Dupler, "Charges Dismissed In Assault Case," *Tri-City Herald*, July 29, 2010. Copy supplied.

"DNA Evidence Exonerates Man Charged With Rape," *KCOY 12*, July 28, 2010. Copy supplied.

Kristin M. Kraemer, "Trial Delayed For Richland Man Facing Assault Charges," *Tri-City Herald*, July 2, 2010. Copy supplied.

Paula Horton, "Trial Date Moved For Man Accused In Beating," *Tri-City Herald*, June 18, 2010. Copy supplied.

Kristin M. Kraemer, "Lawyer: DNA Will Clear Meadow Springs Beating Suspect," *Tri-City Herald*, April 17, 2010. Copy supplied.

Annette Cary, "Richland Developer Guilty Of \$380,000 Scam," *Tri-City Herald*, March 26, 2010. Copy supplied.

"Richland Con Artist Pleads Guilty To Real Estate Fraud," *KNDU 25*, March 25, 2010. Copy supplied.

Kristin M. Kraemer, "Trial Delayed For Teen Boy Accused Of Killing Mother," *Tri-City Herald*, March 19, 2010. Copy supplied.

Kristin M. Kraemer, "Teen Pleads Innocent In Shooting," *Tri-City Herald*, March 5, 2010. Copy supplied

Kristin M. Kraemer, "Forum Introduces Students To Justice Career," *Tri-City Herald*, November 7, 2009. Copy supplied.

Kristin M. Kraemer, "Prosecutor Moves To Private Practice," *Tri-City Herald*, October 25, 2009. Copy supplied.

Kristin M. Kraemer, "Sentence Nears For Schalchlin In Deaths," *Tri-City Herald*, July 19, 2009. Copy supplied.

Kristin M. Kraemer, "Legal Aid Sets Barbeque Today," *Tri-City Herald*, July 17, 2009. Copy supplied.

Kristin M. Kraemer, "Judge Hopefuls Tout Experience In Mid-Columbia Race," *Tri-City Herald*, November 1, 2008. Copy supplied.

Kristin M. Kraemer, "Area Lawmen Back Mendoza For Judge," *Tri-City Herald*, September 12, 2008. Copy supplied.

Kristin M. Kraemer, "Yule Backs Mendoza For Superior Court Post," *Tri-City Herald*, September 4, 2008. Copy supplied.

Kristin M. Kraemer, "VanderSchoor Should Keep Seat," *Tri-City Herald*, August 20, 2008. Copy supplied.

Kristin M. Kraemer, "Bar Association Weighs In On Judicial Race," *Tri-City Herald*, August 3, 2008. Copy supplied.

April 17, 2008: I participated in a news conference to announce my candidacy for the Benton and Franklin Counties Superior Court seat vacated by Judge Dennis Yule. I have no notes, transcript, or recording, but press coverage is supplied.

Paula Horton, "Teen Gets 41 Years In Benton City Slayings," *Tri-City Herald*, March 15, 2008. Copy supplied

Tri-City Herald staff, "Moses Lake Teacher Proclaims Innocence," *Tri-City Herald*, May 10, 2007. Copy supplied.

Andrew Sirocchi, "Woman Gets 2 Years For Deadly Fire," *Tri-City Herald*, August 30, 2006. Copy supplied.

Nathan Isaacs, "Fatal Shooting Justified, Sheriff Says," *Tri-City Herald*, February 22, 2006. Copy supplied.

Kristin M. Kraemer, "Calendar Raises Money For Nonprofit Franklin County Wash., Legal Aid Society," *Tri-City Herald*, October 11, 2004. Copy supplied

Lily Eng, "Different Debate Puts UW Diversity Plan Over Top," *The Seattle Times*, March 4, 1994. 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 May 6, 2013, Governor Jay Inslee appointed me to the Superior Court in Benton and Franklin Counties. Shortly after my appointment, I had to run for election. I filed the

Washington State Declaration of Candidacy with the Washington Secretary of State on May 13, 2013. Since I ran unopposed, I received a Certificate of Election from the Secretary of State thereafter. My term will expire December 2016. In Washington State, superior courts are courts of general jurisdiction. The superior courts have original jurisdiction in all cases in equity, all cases at law which involve the title or possession of real property, all criminal cases amounting to felony, all cases of misdemeanor not otherwise provided for by law, actions of forcible entry and detainer, proceedings in insolvency, actions to prevent or abate a nuisance, all matters of probate, and of actions for divorce and annulment of marriage. Since May, I have handled various cases involving criminal adult and juvenile matters, civil dockets, adoption/guardianship dockets, domestic/family law dockets, civil contempt hearings, domestic violence protection order dockets, mental health proceedings, summary judgment hearings, and various civil and criminal trials.

In 2002, I was appointed by the district court judges in Benton and Franklin Counties and in Pasco Municipal Court to act as a judge pro tempore. There was no formal application or selection process. I worked in that capacity on an as needed basis until my appointment to Superior Court in 2013. One is generally assigned full dockets by the court administrator of the individual jurisdiction to cover while a judge is unavailable. The dockets that I handled included both criminal and civil matters, first appearances, arraignments, pre-trials, mitigation hearings, and other miscellaneous civil matters. These courts are courts of limited jurisdiction. In civil proceedings, the amount in controversy for district courts cannot exceed seventy five thousand dollars (\$75,000). In criminal proceedings, the court can only hear misdemeanor and gross misdemeanor cases.

In 2002, I was appointed by Superior Court Commissioners Mike Johnson and Lonna Malone to be a judge pro tempore in juvenile court proceedings. I had a regular Friday docket handling pretrial criminal matters, civil truancy and contempt matters, Youth at Risk petitions, and Children in Need of Services (CHINS) petitions. After approximately six months, I had to leave the docket due to time conflicts with my private practice. I continued to work as a judge pro tempore on an as needed basis until my appointment to Superior Court in 2013. Juvenile court is a court of limited jurisdiction and is a division of Superior Court. Juvenile courts handle all juvenile offender matters outside of district and municipal courts or cases not declined to Superior Court, as well as dependency proceedings, truancy petitions, Youth at Risk petitions, and CHINS petitions.

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

I have presided over 36 superior court trials that went to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	60%
bench trials:	40%

civil proceedings:	55%
criminal proceedings:	45%

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

I have written two short opinions. Those opinions were filed in State of *Washington v. Arlene's Flowers Inc., et al.*, No. 13-2-00871-5, Benton County Superior Court.

- 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).

The following are the most significant cases I have presided over, listed alphabetically:

1. *Burgess Vineyards LLC v. Beveridge, et al.*, No. 12-2-50338-1, Franklin County Superior Court.

This was a bench trial that involved a contract dispute. The plaintiff alleged that Mr. Beveridge violated an express clause in their written agreement by failing to make the required payment on time. As a result, interest accrued for several months. Mr. Beveridge claimed that he was coerced into signing the agreement when he arrived to pick up the agreed upon pinot grigio grapes. Mr. Beveridge refused to pay for the interest on the outstanding debt as it accumulated. The issues presented involved contract interpretation, whether there was a meeting of the minds, and whether this was an unconscionable contract. There were also some factual disputes and credibility concerns that went to the heart of the claims presented. The judgment was in favor of the plaintiff in the amount of \$10,253.

Attorney for the Plaintiff:
John Schultz
Leavy, Schultz, Davis & Fearing, P.S.
2415 West Falls Avenue
Kennewick, Washington 99336
(509) 736-1330

Attorney for the Defendant:
John Raekes
Sperline Raekes, PLLC
3311 West Clearwater Avenue, Suite D210

Kennewick, Washington 99336
(509) 783-6633

2. *In re the Marriage of Marr*, No. 12-3-00264-0, Benton County Superior Court.

This case was a four-day divorce bench trial. The case had been ongoing for almost two years due to the complicated medical issues affecting the petitioner, Mrs. Marr, and the dispute regarding the financial assets of the marriage. The case also involved the allegation that the respondent, Mr. Marr, shot Mrs. Marr in the foot. Mr. Marr had been prosecuted for that incident. I denied Mr. Marr's motion to exclude all testimony relating to the shooting. Additionally, the issues of community property, commingling of assets, pre-nuptial and post nuptial agreement interpretation, gifts to the marriage, spousal maintenance, and ultimately the issue of fair and equitable division of assets were addressed.

Attorney for the Petitioner:
Samuel P. Swanberg
7014 West Okanogan Place
Kennewick, Washington 99336
(509) 396-7087

Attorney for the Respondent:
Mason J. Pickett
Defoe Pickett Law Office
830 North Columbia Center Boulevard, Suite A
Kennewick, Washington 99336
(509) 734-8787

3. *The Noel Corporation v. Sloppy*, No. 12-2-01588-8, Benton County Superior Court.

This case was an administrative law appeal from the Board of Industrial Insurance Appeals (BIIA). In Washington State, the parties are entitled to appeal from the BIIA to a superior court based solely on the record from the BIIA. They are also entitled to a jury trial. The BIIA had granted Mr. Sloppy's motion to reopen his case. The Noel Corporation appealed that decision. This was a three-day jury trial. The jury returned a verdict in favor of the Noel Corporation.

Attorney for the Appellant:
Steven R. Reinisch
Reinisch Mackenzie, PC
10260 South West Greenburg Road, Suite 1250

Portland, Oregon 97223
(503) 245-1846

Respondent:
Pro Se

4. *State of Washington v. Arlene's Flowers Inc., et al.*, No. 13-2-00871-5, Benton County Superior Court. *Ingersoll v. Arlene's Flowers Inc., et al.*, No. 13-2-00953-3, Benton County Superior Court. Decisions supplied.

These are consolidated cases involving allegations of violations under the Washington Law Against Discrimination on the basis of sexual orientation and violations of the Consumer Protection Act. Both the plaintiffs and defendants are asserting state and federal constitutional claims. There has been and will continue to be extensive pretrial motion practice on a host of procedural and substantive issues. There are over 100 witnesses who are listed to testify in this case. This is an ongoing case that is set for trial in October 2014. There are 14 attorneys representing the various interests. The following are the key attorneys in the case:

Attorney for Plaintiff (State of Washington):
Todd Bowers
Assistant Attorney General
800 Fifth Avenue, Suite 630
Seattle, Washington 98104
(206) 464-7745

Attorney for Plaintiffs (Ingersoll and Freed):
Michael R. Scott
Hillis Clark Martin & Peterson P.S.
1221 Second Avenue, Suite 500
Seattle, Washington 98101
(206) 623-1745

Attorney for Defendant:
Alicia Berry
Leibler, Conner, Berry & St. Hillaire
1141 North Edison Street, Suite C
Kennewick, Washington 99336
(509) 735-3581

5. *State of Washington v. Kairuz*, No. 12-1-01022-0, Benton County Superior Court.

The case involved marijuana grow operation with over 111 marijuana plants. The defendant was charged with unlawfully manufacturing, delivering, or

possessing with intent to deliver a controlled substance, marijuana. The case had been charged prior to the passage of Washington State Initiative 502 which legalized small amounts of marijuana. The three-day jury trial resulted in a conviction of the defendant.

Prosecutor:
Amy Harris
Benton County Prosecutors Office
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
(509) 735-3591

Attorney for Defendant:
Kevin Holt
7014 West Okanogan Place
Kennewick, Washington 99336
(509) 735-6520

6. *State of Washington v. Madrigal*, No. 12-1-00948-5, Benton County Superior Court.

The case involved several counts of child molestation in the first degree. The alleged victim was nine years old when she disclosed the abusive behavior that she endured over the course of two years. The child underwent a videotaped recording wherein she again disclosed the abuse. The state filed a motion to include the child hearsay statements under Revised Code of Washington 9A.44.120 (1). I granted the motion to allow the child's testimony based on the record and the applicable statutory and case law authority. The case also involved the presentation of DNA evidence, testimony by forensic experts including a medical expert and a child psychologist. On the fourth day of the jury trial, the deputy prosecutor offered the defendant a plea bargain. Mr. Madrigal pled guilty to a reduced charge.

Prosecutor:
Anita Petra
Benton County Prosecutors Office
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
(509) 735-3591

Attorney for Defendant:
Gloria Ochoa
Ochoa Law, PLLC
725 East Third Avenue
Spokane, Washington 99202
(509) 328-3771

7. *State of Washington v. McCorkindale*, No. 13-1-00666-2, Benton County Superior Court.

This case involves a charge of murder in the first degree. The defendant is alleged to have stabbed the victim to death, run over the victim with a vehicle, placed the body in the truck of the vehicle, and then set the vehicle on fire in an attempt to destroy evidence. This matter will involve in-depth analysis of forensic pathology evidence, DNA analysis, and accident reconstruction evidence. A significant hearing on the motion to suppress the defendant's statements is set for March 2014. This case is set to go to trial in May 2014. The following are the key attorneys in the case:

Prosecutor:
Andy Miller
Benton County Prosecutors Office
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
(509) 735-3591

Attorney for Defendant:
Alex Sheridan
Benton County Office of Public Defense
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
(509) 222-3724

8. *State of Washington v. Preciado*, No. 13-1-50085-9, Franklin County Superior Court.

The defendant was charged with assault in the first degree and attempted kidnapping in the first degree with firearm enhancements on both counts. The state charged the defendant, who was a drug dealer, of attempting to kidnap and then shooting the victim in an effort to collect on a previous unpaid drug debt. The six-day jury trial involved a wide array of issues including numerous motions in limine, the issuance of material witness warrants, evaluation of character evidence, witness unavailability issues, invocation of Fifth Amendment rights, co-defendant admissibility of statements, conflict of interest, lesser included charges, and extensive jury instructions. Ultimately, the jury found the defendant guilty of a lesser included charge of assault in the second degree with the firearm enhancement. The sentencing date is set for late February 2014.

Prosecutor:
Maureen R. Lorincz
Franklin County Prosecutors Office

1016 North Fourth Avenue
Pasco, Washington 99301
(509) 545-3543

Attorney for Defendant:
James Edward Egan
James E. Egan, P.S.
315 West Kennewick Avenue
Kennewick, Washington 99336
(509) 586-3091

9. *State of Washington v. Wilson*, No. 13-1-00421-0, Benton County Superior Court.

The defendant was charged with one count of unlawful delivery of a controlled substance, heroin, and one count of unlawful possession of a controlled substance, methamphetamine. The three-day jury trial involved issues of search and seizure, standing, flophouses, admission of criminal convictions, and “Terry” stops. The voir dire selection was especially difficult because most of the jury pool had indicated that they or their family members had been affected by the issue of drugs.

Prosecutor:
Anita Petra
Benton County Prosecutors Office
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
(509) 735-3591

Attorney for Defendant:
Catherine E. Harkins
Harkins & Swinburnson, PLLC
515 North Neel Street, Suite 109
Kennewick, Washington 99336
(509) 737-8308

10. *Tamosaitis, et al. v. Bechtel National, Inc., et al*, No. 10-2-02357-4, Benton County Superior Court.

The plaintiffs filed a motion to reopen a dismissed case. The case involves the allegation that Bechtel National had wrongly interfered in Dr. Tamosaitis’ employment because Dr. Tamosaitis had raised safety and technical questions about the operation of the vitrification plant project at the Hanford nuclear plant. This case was originally assigned to Judge Craig Matheson, who retired in April 2013. Judge Matheson had dismissed the lawsuit in January 2012. The motion to reopen the case was based on what plaintiffs indicate was new

information. In order to prevail on a motion that is more the one year old after dismissal, the plaintiff needed to show extraordinary circumstances. I determined that the plaintiff failed to meet this burden and denied the motion to reopen.

Attorney for the Plaintiffs:
John P. Sheridan
MacDonald Hoague and Bayless
705 Second Avenue, Suite 1500
Seattle, Washington 98104
(206) 622-1604

Attorney for the Defendants:
Kevin C. Baumgardner
Corr Cronin Michelson Baumgardner & Preece, LLP
1001 Fourth Avenue, Suite 3900
Seattle, Washington 98154
(206) 621-1480

- 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.

As a judge pro tempore, I did not write any opinions. It is not typical to write opinions in juvenile, district, or municipal court because the vast majority of criminal cases that I presided over were arraignment, omnibus, and pre-trial matters. The cases involved pleas of guilty, sentencing, addressing discovery issues, rescheduling, and other general case management functions. As a judge pro tempore on civil matters, the cases involved service management in children in need of services proceedings, school truancy proceedings, various small claims disputes, and the mitigation of infractions. The general practice is to provide oral rulings.

As a Superior Court Judge, I have written two opinions in *State of Washington v. Arlene's Flowers Inc., et al.*, No. 13-2-00871-5, Benton County Superior Court. Decisions supplied in response to 13c.

Alicia Berry
Leibler, Conner, Berry & St. Hillaire
1141 North Edison Street, Suite C
Kennewick, Washington 99336
Representing Arlene's Flowers (Defendants)
(509) 735-3581

Todd Bowers
Assistant Attorney General
800 Fifth Avenue, Suite 630
Seattle, Washington 98104
Representing the State of Washington (Plaintiffs)
(206) 464-7745

- 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.

None.

- 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.

I have issued two written opinions in Benton County Superior Court. Those opinions were not published. The opinions by the court are filed in the case in hard copy and available to the public.

- 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.

None.

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

I have not sat 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.

The defendants in *State of Washington v. Arlene's Flowers Inc., et al.*, No. 13-2-00871-5, Benton County Superior Court, filed a motion requesting that I recuse myself from the case. They did so after I disclosed that I had previously served (prior to my appointment to Superior Court) as a trustee for Columbia Basin College (CBC), the employer for one of the plaintiffs. As a trustee I did not have any duties to supervise any employees of CBC except the President of the college. That plaintiff had presented data and other scholastic information to the Board of trustees in the past. I did not have a personal friendship with the individual and had not recognized him when I initially reviewed the file. Nonetheless, pursuant to Comment 5 of the Canon of Judicial conduct 2.11, I felt it was important to disclose the information even when I did not feel it was a conflict of interest. I also noted on the record that my wife had purchased flowers on a few occasions from Arlene's Flowers in the past, but I also did not feel that was a conflict of interest. The defendants had already filed two affidavits of prejudice against other judges. I pointed out that under Revised Code of Washington 4.12.050, the parties were only entitled to file one affidavit per case. The defense attorneys then filed a motion attempting to withdraw an affidavit they had previously filed against another judge in order to file one against me. I denied the motion because it was not authorized by statute, court rule, or case law. The ruling has not been appealed.

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.

Columbia Basin College, Trustee (2011 – 2013): Governor Christine Gregoire appointed me to a five-year term. The Washington State Senate confirmed my appointment during the 2012 session. I resigned the position following my Superior Court appointment to avoid any potential conflict of interests.

I unsuccessfully ran to fill the position vacated by Superior Court Judge Dennis Yule in Benton and Franklin Counties in 2008.

- 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 participated in the Mendoza for Judge Election Committee as part of my nonpartisan campaign to fill the position for Superior Court Judge Dennis Yule in 2008. I also endorsed Steve Lowe in 2010 when he was running for Franklin County Prosecutor.

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 have not served as a clerk to a judge.

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

1999 – 2001

Mendoza Law Office

7025 West Grandridge Boulevard, Suite A

Kennewick, Washington 99336

Solo Practitioner

2002 – 2004

Mendoza Law Office, P.S.

7025 West Grandridge Boulevard, Suite B1

Kennewick, Washington 99336

Solo Practitioner

- 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.

1997 – 1998

Washington State Attorney General's Office

1433 Lakeside Court, # 102

Yakima, Washington 98901
Assistant Attorney General

September 1998 – April 1999
Franklin County Prosecuting Attorney's Office
1016 North Fourth Avenue
Pasco, Washington 99301
Deputy Prosecuting Attorney

1999 – 2002
Haney and Mendoza, P.S.
(Formerly known as Mendoza Law Office (1999-2001))
7025 West Grandridge Boulevard, Suite B1
Kennewick, Washington 99336
Solo Practitioner (1999 – 2001)
Vice President (2001 – 2002)

2002 – 2013
Mendoza and Johnson, P.S.
(Formerly known as Mendoza Law Office, P.S. (2002 – 2011))
7135 West Hood Place
Kennewick, Washington 99336
President, Managing Attorney

- 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.

None.

b. Describe:

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

In 1997, I started my legal career in civil practice while working as an Assistant Attorney General in Yakima. I primarily represented the Department of Social and Health Services in dependency proceedings. I also tried administrative licensing hearings for the Department of Licensing. Additionally, I handled contested workers' compensation matters on behalf of the Department of Labor and Industries.

In 1998, I joined the Franklin County Prosecuting Attorney's Office as a Deputy Prosecutor handling juvenile felony and misdemeanor offenses. I was responsible for all prosecutions for juvenile court in the county. I

prosecuted every level of offense from simple assault or theft cases to felony sex offenses and vehicular homicide.

Between 1999 and 2013, I litigated approximately 75 criminal cases in state and federal court in my private practice. I have handled private and Criminal Justice Act (CJA) criminal cases in federal court and felony cases in state court. I also handled private federal criminal cases in Washington, Montana, Illinois, and Michigan. The cases that I have handled in federal court have been a mix of drug conspiracy, firearms, illegal entry, and fraud cases. A number of the cases have been certified as complex cases due to the nature of the case and/or the amount and complexity of discovery.

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

My career was primarily in state and federal criminal law. As an Assistant Attorney General in Yakima, my typical clients were state agencies, and I focused primarily on representing the Department of Social and Health Services in dependency proceedings. In the Franklin County Prosecuting Attorney's Office as a Deputy Prosecutor, I represented Franklin County in handling juvenile felony and misdemeanor offenses. In private practice, I represented criminal defendants, both individuals and corporations, in state and federal courts. The majority of my cases involved serious and often complex criminal matters.

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

Approximately 95% of my practice was litigation. I appeared daily in state district court, juvenile court, and superior court criminal dockets. Additionally, I regularly handled criminal cases in federal court in both CJA cases and privately retained cases in the Eastern District of Washington. I had approximately five per year.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 20%
- 2. state courts of record: 80%
- 3. other courts: 0%
- 4. administrative agencies: 0 %

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 5%
- 2. criminal proceedings: 95%

- 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.

I estimate that I have tried as lead counsel approximately 75 cases to verdict in state court. I have tried 2 federal criminal felony cases to verdict.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 80% |
| 2. non-jury: | 20% |

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

I have not practiced before the Supreme Court.

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:

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

The following case summaries are listed alphabetically:

1. *United States v. Cisneros*, No. CR-05-206-3-FVS, U.S. District Court, Eastern District of Washington.

Between 2005 and 2006, I represented Mr. Cisneros, who was charged with conspiracy to distribute multi-kilo quantities of methamphetamine carrying a minimum sentence of over ten years. The case involved multiple defendants, government informants, and the issue of language and interpreters. At trial a government informant testified against my client and disclosed information about a larger conspiracy involving others

in the narcotics trafficking community. The jury found Mr. Cisneros not guilty.

Judge: Senior District Court Judge Fred Van Sickle

Opposing Counsel: Earl Hicks
United States Attorney's Office
920 West Riverside Avenue
Spokane, Washington 99201
(509) 353-2767

2. *State of Washington v. Goering*, No. 09-1-01182-0, Benton County Superior Court.

Between 2009 through 2010, I represented Mr. Goering, who was charged with rape in the first degree, a class A felony. The case received local attention for the brutal nature of the attack. The victim provided an eye witness identification of Mr. Goering a few days after the attack. However, after a review of the evidence, I was able to convince the prosecutor to send a previously untested key piece of evidence to the crime lab for DNA comparisons. I conducted a forensic interview of the victim that further strengthened our belief that Mr. Goering was the wrong defendant. The DNA ultimately proved that Mr. Goering was not the perpetrator of the attack. Mr. Goering was released with the charges dismissed short of trial, and a different person was later prosecuted and convicted of the rape.

Judge: Benton County Superior Court Judge Craig Matheson (Ret.)

Opposing Counsel: Terry Bloor
Benton County Prosecutors Office
7122 West Okanogan Place
Kennewick, Washington 99336
(509) 735-3591

3. *United States v. Ireland*, No. CR-05-6019-WFN-4, U.S. District Court, Eastern District of Washington.

Between 2005 and 2006, I represented Mr. Ireland, who was charged with a number of felony wire fraud counts and conspiracy charges. The charges stemmed from an arson involving the Moore Mansion, a local Tri-City attraction. Mr. Ireland was alleged to have assisted the owner of the business in securing loans and dummy valuations for the property to obtain higher insurance coverage. The owner of the business then allegedly burned down the Moore Mansion to collect the insurance

proceeds. This case required careful analysis of insurance documents, comparison studies, and forensic analysis of business records. After several months of negotiations, the government dismissed the case for lack of evidence.

Judge: Senior District Court Judge Wm. Fremming Nielsen

Opposing Counsel: Robert Ellis (retired)

4. *State of Washington v. C.J.J.*, No. 04-8-00054-7, Benton County Superior Court.

In 2004, C.J.J. was charged with one count of child molestation first degree and one count of assault fourth degree with sexual motivation. The case proceeded to trial after extensive negotiation, discovery, and investigation. The case required a comprehensive understanding of child testimony including issues of credibility and child hearsay. The defendant was found not guilty at the conclusion of the four-day bench trial. Years later the alleged child victim disclosed to his family that the allegations were false.

Judge: Benton County Superior Court Judge Craig Matheson (Ret.)

Opposing counsel: Sharon M. Swanson (Formerly at the Benton County Prosecutor's Office)
355 John A. Cherberg Building
Olympia, Washington 98504
(360) 556-9076

5. *State of Washington v. Magana*, No. 10-1-01316-8, Benton County Superior Court.

The defendant was charged with rape in the first degree. Although the defendant was charged in 2010, this case did not proceed to trial until early 2012. There was extensive pretrial preparation involving defendant's communications with his wife and the issue of marital privilege. The case also required a comprehensive understanding of DNA evidence and the Washington State Crime Lab protocols. After months of preparation including examination of the scene, the evidence, and the extensive witnesses in the case, the parties proceeded to trial. The defendant pled guilty on the fourth day of trial. He did so after the state produced a jailhouse informant as a potential rebuttal witness that would contradict the defendant's statements and purportedly recite new admissions.

Judge: Benton County Superior Court Judge Cameron Mitchell

Opposing Counsel: Terry Bloor
Benton County Prosecutors Office
7122 West Okanogan Place
Kennewick, Washington 99336
(509) 735-3591

6. *United States v. Olsen, et al.*, No. CR-11-06001-RHW-8, U.S. District Court, Eastern District of Washington.

This was a court-declared complex case that involved multiple defendants, including individuals and corporations. Between 2012 and 2013, I represented Mr. Ackerman, who was alleged to have been the architect of a conspiracy to defraud several insurance companies. These insurance companies had issued policies that were ultimately secured by the U.S. Government. Mr. Ackerman was an insurance agent who sold various potato farm insurance policies to several farmers (alleged co-conspirators). The government alleged that Mr. Ackerman assisted others in crafting agreements that were set up to fail in order to obtain insurance proceeds. The government argued that almost ten million dollars in insurance fraud had occurred over the course of several years. The case involved both civil and criminal investigations that spanned several years and several state and federal agencies. While I was unable to complete the trial due to my appointment to Superior Court, Mr. Ackerman went to trial in April 2013. The jury was hung. The government decided not to pursue another trial.

Judge: Senior District Court Judge Edward F. Shea

Opposing Counsel: Tyler Tornabene
United States Attorney's Office
920 West Riverside Avenue
Spokane, Washington 99201
(509) 353-2767

7. *State of Washington v. Sanchez*, No. 04-1-01039-3, Benton County Superior Court.

Between 2004 and 2005, I represented the defendant, who was charged with murder in the first degree with aggravating circumstances. In Washington, when the prosecutor files murder first degree charges and also alleges that the crime was committed with statutory aggravating circumstances, the defendant is eligible for the death penalty. I worked with co-counsel to prepare a mitigation packet that ultimately resulted in

the state not seeking the death penalty. The case involved a history of domestic violence between the victim and the defendant. The defendant was diagnosed with limited cognitive functioning and mental retardation. In fact, through pretrial motions, the defendant's statements were suppressed by the court due to some of the cognitive issues and the police interrogation procedure. I was also able to challenge the Spanish version of the advisement of rights that had been provided to the defendant. Since I am bilingual (Spanish/English) I was able to determine that the advice of rights form was incorrect. The Benton County Sheriff's Office corrected their form after our case. The defendant pled guilty as charged and was sentenced to 25 years.

Judge: Benton County Superior Court Judge Dennis Yule
(Ret.)

Opposing Counsel: Andy Miller, Benton County Prosecutor
Benton County Prosecutors Office
7122 West Okanogan Place
Kennewick, Washington 99336
(509) 735-3591

8. *State of Washington v. Schalchlin*, No. 08-1-00857-0, Benton County Superior Court.

In 2008 and 2009, I and co-counsel Norma Rodriguez, represented Mr. Schalchlin in this double murder case. This was a complex case with important issues of physical and emotional abuse, substance abuse, Satanism, and critical DNA and blood splatter evidence. The case was ultimately resolved when I suggested that the lead prosecutor and I sit down and evaluate and negotiate the case. As a result, the charges were ultimately reduced with a reasonable sentence recommendation under the circumstances. This was also a case where we worked with the state on a novel approach and attempted to mediate the case. While the case was not resolved through mediation, it was a helpful exercise in attempting to resolve a complex criminal case.

Judge: Benton County Superior Court Judge Craig
Matheson (Ret.)

Co-Counsel: Norma Rodriguez
Rodriguez and Associates, P.S.
7502 West Deschutes Place
Kennewick, Washington 99336
(509) 783-5551

Opposing Counsel: Andy Miller, Benton County Prosecutor
Benton County Prosecutors Office
7122 West Okanogan Place
Kennewick, Washington 99336
(509) 735-3591

9. *State of Washington v. Welch*, No. 10-1-01238-2, Benton County Superior Court.

In 2010 and 2011, I represented Mr. Welch, who was charged with murder in the first degree. He was arrested in 2010 for the alleged murder of a woman in 1982. The case brought to bear the issues of DNA analysis, admissibility of statements by witnesses who were deceased, and the issues of mental health and competence to stand trial. Mr. Welch was severely impaired as the result of an accident several years prior to the time of his 2010 arrest. I was able to obtain the appropriate medical and mental health experts to convince the state that the defendant was not competent to stand trial. In the end, the state dismissed the charges based on Mr. Welch's inability to assist in his own defense and stand trial.

Judge: Benton County Superior Court Judge Dennis Yule
(Ret.)

Opposing Counsel: Andy Miller, Benton County Prosecutor
Benton County Prosecutors Office
7122 West Okanogan Place
Kennewick, Washington 99336
(509) 735-3591

10. *State of Washington v. Williams*, No. 12-1-00111-5, Benton County Superior Court.

In 2012, I represented Mr. Williams on murder in the first degree charges. The defendant had experienced a schizophrenic episode and murdered his grandmother because he believed he was commanded to do so by Satan. The defendant had been recently released from a state mental health hospital after having been detained for five years. We investigated the surrounding circumstances and presented that information to the prosecutor. The defendant ultimately entered a plea of not guilty by reason of insanity. He will spend the rest of his life in a mental institution.

Judge: Benton County Superior Court Judge Bruce
Spanner

Opposing Counsel: Andy Miller, Benton County Prosecutor
Benton County Prosecutors Office

7122 West Okanogan Place
Kennewick, Washington 99336
(509) 735-3591

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

In addition to my practice and to my service as a judge, I have been very involved in bar associations. For example, in 2010, the federal judges from our District selected me as a Lawyer Representative to the Ninth Circuit Judicial Conference (three-year term). My role was to act as a link between the judges and the Bar. I also coordinated CLE presentations for both our District Conference and the Ninth Circuit Chief District Judges Conference. Prior to my appointment as a Lawyer Representative, I coordinated with the Federal Defenders of Eastern Washington office and set up a series of CLEs held on a quarterly basis to better inform our local practitioners.

I have not performed any lobbying activities.

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 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.

Mendoza and Johnson, P.S. leases the building that my wife and I own and manage under Mendoza Holdings. The amount of monthly rent is \$4,370.

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.

No.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My former law partner Scott Johnson and my wife Mia Mendoza have a limited practice in federal District Court in the Eastern District of Washington. I would disqualify myself from participating in any way on any case or cases in which they are involved. Additionally, I will carefully review any real or potential conflicts by reference to 28 U.S.C §445, Canon 3 of the Code of Conduct for United States Judges, and all other laws, rules, and practice governing such circumstances.

- 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 will carefully review any real or potential conflicts by reference to 28 U.S.C §445, Canon 3 of the Code of Conduct for United States Judges, and all other laws, rules, and practice governing such circumstances.

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.

I was on the Board of Directors for the Benton Franklin Legal Aid Society for over nine years. In addition to personally handling cases on a pro bono basis, I also dedicated hundreds of hours to raising funds for the organization as a member of the Board of Directors for Benton Franklin Legal Aid. I assisted in raising thousands of dollars each year by securing donations, organizing events, and increasing attendance and raffle ticket

sales. I was recognized by the organization in 2002 and again in 2011 for my service and dedication to the indigent and underrepresented communities.

Additionally, for over eight years I have been assisting with the planning and organization of the Tri-Cities Youth and Justice forum sponsored by the Washington State Minority and Justice Commission. I have been one of the lead organizers for the last two years. The goal is to encourage students from underrepresented communities to seek careers within the legal system. I coordinate over 60 volunteer attorneys, judges, law enforcement officers, and other court staff to make presentations and interact in a day of events. Over 200 students attend on a yearly basis.

Throughout my years of private practice, I worked with the Northwest Justice Project to provide legal assistance to individuals who could not afford private legal counsel. Among the cases that I handled as part of the Justice Project, the case of *Department of Social and Health Services v. Degood* stands out. At 93 years old, Ms. Degood had applied for housing assistance from DSHS for the first time in her life after she had exhausted her retirement savings in medical and living expenses. In calculating her award, DSHS made an error unbeknownst to Ms. Degood, which resulted in an overpayment. The first allegations intimated that Ms. Degood had intentionally provided incomplete information. DSHS was demanding payment with interest that amounted to several thousands of dollars that Ms. Degood could not pay. They were also threatening to cut off her housing assistance which would result in her being removed from her assisted living residence. However, after I brought to light the DSHS errors in the case, the Department ultimately dismissed the civil case and did not pursue a criminal matter. Ms. Degood passed away a few months after the conclusion of the case.

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.

The two U.S. Senators and the Congressional Representatives representing Eastern Washington have agreed on a bipartisan committee process to screen and interview candidates for this position. I submitted my application on August 7, 2013. On August 16, 2013, one of the co-chairs of the bipartisan committee sent me a letter notifying me that I had been selected for an interview. On September 20, 2013, I was interviewed by the committee in Yakima, Washington. On September 24, 2013, I was informed that the committee had recommended me for further consideration. On September 26, 2013, Senators Murray and Cantwell

conducted separate phone interviews with me. I was then contacted by Senator Murray's office on September 30, 2013, and informed that my name was being forwarded to the White House for consideration. Since that same day, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On November 25, 2013, I interviewed with attorneys from the White House and the Department of Justice in Washington, D.C. On January 16, 2014, 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.

AFFIDAVIT

I, Salvador Mendoza Jr., do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

1/16/2014
(DATE)



Salvador Mendoza Jr.
(NAME)

Monica Villanueva
(NOTARY)