

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

David Estudillo – legal name

David Gonzalez Estudillo

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

United States District Judge for the Western District of Washington

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

Office: Grant County Superior Court
35 C Street Northwest
P.O. Box 37
Ephrata, Washington 98823

Residence: Moses Lake, Washington

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

1973; Sunnyside, Washington

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.

1996 – 1999, University of Washington School of Law; J.D., 1999

1993 – 1996, University of Washington; B.A., 1996

1991 – 1993, Columbia Basin Community College; A.A., 1993

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.

2015 – present
State of Washington, Grant County
35 C Street Northwest
P.O. Box 37
Ephrata, Washington 98823
Superior Court Judge

2005 – 2015
Estudillo Law Firm, PLLC
604 West Third Avenue
Moses Lake, Washington 98837
Attorney, Managing Member

2002 – 2005
Scheer & Zehnder, LLP (now known as Scheer Law, PLLC)
2101 Fourth Avenue, Suite 830
Seattle, Washington 98121
Senior Associate Attorney

1999 – 2002
Jeffers, Danielson, Sonn & Aylward, P.S.
2600 Chester Kimm Road
Wenatchee, Washington 98801
Associate Attorney

1996 – 1999
Estudillo, Inc.
2601 Sheller Road
Sunnyside, Washington 98944
Store Clerk/Bookkeeper

Summer 1998
Columbia Legal Services
101 Yesler Way, Suite 300
Seattle, Washington 98104
Extern

Summer 1998
Allied Employers
811 Kirkland Avenue, Suite 100
Kirkland, Washington 98033
Extern

1996

UTemp Staffing – University of Washington
4300 Roosevelt Way Northeast
Seattle, Washington 98105
Office Assistant/Laborer

Other Affiliations (uncompensated)

2020 – present
Washington State Superior Court Judges' Association
P.O. Box 41170
Olympia, Washington 98504
Member of Board of Trustees

2006 – 2009
Washington State Bar Association – Washington Young Lawyers Division
(now known as Washington Young Lawyers Committee)
1325 Fourth Avenue, Suite 600
Seattle, Washington 98101
Member of Board of Trustees

2001 – 2002
Moses Lake Community Health Center
605 South Coolidge Street
Moses Lake, Washington 98837
Member of Board of Directors

Summer 1997
King County Prosecuting Attorney's Office
516 Third Avenue, W400
Seattle, Washington 98104
Extern

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

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

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

None.

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 Immigration Lawyers Association, Washington Chapter (2005 – 2015)
Vice-Chair, Professional Responsibility & Consumer Protection Committee (2007 – 2008)
Pro Bono Committee (2006 – 2007)
Young Lawyers Division Committee (2006 – 2007)

Grant County
Law and Justice Judicial Representative (2020 – present)
Community Justice Treatment Account Panel (2018 – present)

Grant County Bar Association (1999 – 2002; 2012 – present)

King County Bar Association (2002 – 2012)
Councils of Law Section (2006)

Latina/o Bar Association of Washington (2005 – present)
Immigration Committee (2006 – 2007)

Superior Court Judges' Association (2015 – present)
President (2021 – present)
President-Elect (2020 – 2021)
Legislative Committee (2020 – present)
Ethics Committee (2017; 2019 – present)
Rural Courts Committee (2017; 2019 – present; chair, 2021 – present)
Liaison to District & Municipal Courts Judges' Association (2020 – 2021)

Washington State Association for Justice (formerly Washington State Trial Lawyers Association) (2005 – 2015)
Membership Committee (2009 – 2010)
New Member Committee (2007 – 2008)

Washington State Bar Association (1999 – present)
Washington Young Lawyers Division
Liaison to Washington State Bar Association Practice of Law Board (2007 – 2009)
King County Trustee (2006 – 2009)
Liaison to Washington State Bar Association CLE Committee (2006 – 2009)
Court Rules and Procedures Committee (2003 – 2005)
Rules of Professional Conduct Committee (2002 – 2005)

Washington State Board for Judicial Administration (2020 – present)
Co-Chair Technology Committee, Court Recovery Task Force (2020 – present)

Remote Trials Workgroup (2021 – present)
Policy and Planning Committee (2020 – 2021)

Workgroup on Deskbook on Language Access in Washington Courts (2017)

Workgroup on Washington State COVID-19 Resource Judges Plan as part of the National Courts and Sciences Institute's project entitled, *Exponentially Sustainable Case and Evidentiary Adjudication Support for State Court Cases Emanating from the COVID-19 Pandemic* (2021 – 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, 1999

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.

United States Court of Appeals for the Ninth Circuit, 2010

United States District Court for the Eastern District of Washington, 2001

United States District Court for the Western District of Washington, 2003

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.

City of Moses Lake, Park and Recreation Commission (2015)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion

or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, Moses Lake's Park and Recreation Commission does not currently discriminate and did not formerly discriminate 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.

Candidate Statement, Voters' Guide 2020 General Election. Copy supplied.

Candidate Statement, Voters' Guide 2016 General Election. Copy supplied.

Judge David Estudillo – in his own words, Columbia Basin Herald, Oct. 20, 2016. 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.

Washington State Superior Court Judges' Association, Rural Courts Committee 2021 Annual Spring Meeting Report (Apr. 2021). Copy supplied.

Board for Judicial Administration – Court Recovery Taskforce, Technology Committee: Guiding Principles for Identifying, Developing, Implementing, and Utilizing Court Technology (Apr. 2021). Copy supplied.

Administrative Office of the Courts, Deskbook on Language Access in Washington Courts (2017). 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.

Letters or statements included from the Washington State Superior Court Judges'

Association identified below are letters or statements in which I provided input and/or voted on approving prior to being published by the Washington State Superior Court Judges' Association.

Letter from Superior Court Judges' Association to Washington State Senator Manka Dhingra regarding Proposed Striker to SB 5476 [*State v. Blake* legislation] (Apr. 12, 2021). Copy supplied

Letter from Superior Court Judges' Association to Washington State Legislators regarding *State v. Blake* and requested statutory amendments (Mar. 31, 2021). Copy supplied.

Email to State Senator Jim Honeyford regarding request for negotiated capital budget to fund courthouse security (Mar. 31, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to Washington State Senate Ways & Means Committee and House Appropriations Committee regarding American Rescue Plan of 2021 Funds (Mar. 25, 2021). Copy supplied.

Statement from Superior Court Judges' Association and District and Municipal Courts Judges' Association on commitment to eliminate racism (Mar. 25, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to Washington State Senator Manka Dhingra regarding amendments proposed by the Association, E2SHB 1320 (Mar. 14, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to Washington State House Members regarding 2SHB 1320, Modernizing, Harmonizing, and Improving Efficacy and Accessibility of Laws Concerning Civil Protection Orders (Feb. 28, 2021). Copy supplied.

Letter from the Superior Court Judges' Association and partners to state legislative leaders regarding the impact of 2021 proposed legislation (Feb. 23, 2021). Copy supplied.

Letter to Grant County Commissioners regarding 2021 state legislative session (Feb. 12, 2021). Copy supplied.

Superior Court Judges' Association and Administrative Office of the Courts, *Cost Estimate Regarding Minor and Adult Guardianships* (Feb. 8, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to State Senator Jamie Pedersen regarding Uniform Guardianship Act court funding (Feb. 8, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to Chair and Ranking Member of State Senate Rules Committee regarding SSB 5122 and jurisdiction of juvenile court (Feb. 4, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to State Senator Karen Keiser regarding SB 5122 and jurisdiction of juvenile court (Feb. 3, 2021). Copy supplied.

Letter to State Senator Judy Warnick regarding SB 5122 and jurisdiction of juvenile court (Feb. 3, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to State Senator Jamie Pedersen regarding Uniform Pretrial Release and Detention Act (Feb. 1, 2021). Copy supplied.

Comments by the Superior Court Judges' Association regarding proposed legislation, Eviction Reform 2021 (Feb. 2021). Copy supplied.

Comments by the Superior Court Judges' Association regarding requested changes to Uniform Guardianship Act (Feb. 2021). Copy supplied.

Letter from the Superior Court Judges' Association to State Senator Jeannie Darnielle regarding SB 5122 and jurisdiction of juvenile court (Jan. 26, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to State Senator Jeannie Darnielle regarding SB 5122 and jurisdiction of juvenile court (Jan. 20, 2021). Copy supplied.

Letter from the Superior Court Judges' Association to Chief Justice Debra Stephens regarding Washington Defenders Association/Washington Association of Criminal Defense Lawyers and request for emergency order restricting warrants (Dec. 30, 2020). Copy supplied.

Letter from the Superior Court Judges' Association to State Senator Jamie Pedersen regarding implementation and funding of Uniform Guardianship Act (Dec. 17, 2020). Copy supplied.

Letter from the Superior Court Judges' Association to State Senator Jamie Pedersen regarding delay of provisions of the Uniform Guardianship Act related to minor guardianship (Nov. 20, 2020). Copy supplied.

Letter from the Superior Court Judges' Association regarding commitment to racial justice (Aug. 11, 2020). Copy supplied.

Presentation to Grant County Commissioners regarding grant request to establish an adult felony drug court (June 11, 2019). PowerPoint presentation supplied.

At present time, I am a non-voting member of the Washington State Board for Judicial Administration. Though I do not vote at meetings, I may offer comments about issues presented during the meetings. Meeting minutes supplied.

I am a member of the Washington State Board for Judge Administration's Court Recovery Task Force. This task force is charged with addressing court impacts from COVID-19. We discuss and vote on issues related to court operations affected by COVID-19. Meeting minutes supplied.

While serving as a Trustee for the Washington State Bar Association's Washington State Young Lawyers Division (now known as the Washington Young Lawyers Committee) from 2006 to 2009, we discussed and voted on issues of importance to young lawyers. Meeting minutes supplied.

While serving as a member of the Washington State Bar Association's Court Rules and Procedures Committee from 2003 to 2005, we discussed and voted on proposed modifications to Washington State's Court Rules. Meeting minutes supplied.

While serving as a member of the Washington State Bar Association's Rules of Professional Conduct Committee from 2002 to 2005, we discussed and voted on ethical issues presented by bar members. 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.

April 28, 2021: Speaker, Superior Court Judges' Association annual meeting, Superior Court Judges' Association. Notes supplied.

April 21, 2021: Speaker, TRiO Upward Bound, Moses Lake, Washington. I delivered remarks on pursuing higher education during the induction ceremony. I have no notes, transcript, or recording. The address for the local TRiO Upward Bound Program is Big Bend Community College, 7662 Chanute Street Northeast, Building 1000, Room 1012, Moses Lake, Washington 98837.

March 31, 2021: Speaker, "Our Courthouse: Stories of Belonging and Why It

Matters, Advancing Racial Equity in Rural Courts,” Superior Court Judges’ Association Rural Courts Committee. Notes supplied.

February 25, 2021: Panelist, “Zoom Jury Selection,” Court Recovery Task Force, Remote Trials Workgroup. PowerPoint presentation supplied.

January 18, 2021: Presenter, Superior Court Judges’ Association, Association of Washington State Association of Counties, Ephrata, Washington. PowerPoint presentation supplied.

October 14, 2020: Panelist, “Pathways to the Bench,” Washington Judicial Institute, Seattle, Washington. PowerPoint presentation supplied.

April 29, 2020: Speaker, TRiO Upward Bound, Moses Lake, Washington. I delivered remarks on pursuing higher education during the induction ceremony. I have no notes, transcript, or recording. The address for the local TRiO Upward Bound Program is Big Bend Community College, 7662 Chanute Street Northeast, Building 1000, Room 1012, Moses Lake, Washington 98837.

February 20, 2020: Speaker, College and Career Night, Moses Lake School District, Moses Lake, Washington. I discussed my career as a judge and opportunities to work in the justice system. I have no notes, transcript, or recording. The address for the Moses Lake School District is 1620 South Pioneer Way, Moses Lake, Washington 98837.

January 31, 2020: Panelist, “Court Interpreters Language Access in Washington Courts,” Judicial College, Administrative Office of the Courts, Vancouver, Washington. PowerPoint presentation supplied.

November 1, 2019: Participant, Tri-Cities Youth & Justice Forum, Washington State Minority & Justice Commission, Pasco, Washington. I provided remarks and discussed my role as a judge and the judicial system. I have no notes, transcript, or recording. The address for the Washington State Minority & Justice Commission is P.O. Box 41170, Olympia, Washington 98504.

June 6, 2019: Speaker, Chief for a Day ceremony, Thomas A. Boruff Foundation, Ephrata, Washington. I provided general comments regarding families raising children with special needs. I have no notes, transcript, or recording. Press coverage supplied and available at https://www.ifiberone.com/15-kids-honored-as-chief-for-a-day-in-ephrata/video_550e1cd0-88c3-11e9-bdfe-f365047ef85f.html. The address for the Thomas A. Boruff Foundation is 451 Diamond Drive, Ephrata, Washington 98823.

April 29, 2019: Speaker, Campaign for Equal Justice, Legal Foundation of Washington, Spokane, Washington. I was a guest speaker and discussed my experience volunteering with a civil legal services organization. I have no notes,

transcript, or recording. The address for the Legal Foundation of Washington is 1325 4th Avenue, Suite 1335, Seattle, Washington 98101.

April 25, 2019: Presenter, Citizen Academy, Moses Lake Police Department, Moses Lake, Washington. Notes supplied.

April 23, 2019: Panelist, Grant County Sheriff's Town Hall Meeting, Moses Lake, Washington. I answered questions about the Grant County Superior Court. I have no notes, transcript, or recording. The address for the Grant County Sheriff's office is 35 C Street Northwest, P.O. Box 37, Ephrata, Washington 98823.

April 17, 2019: Speaker, TRiO Upward Bound, Moses Lake, Washington. I delivered remarks on pursuing higher education during the induction ceremony. I have no notes, transcript, or recording. The address for the local TRiO Upward Bound Program is Big Bend Community College, 7662 Chanute Street Northeast, Building 1000, Room 1012, Moses Lake, Washington 98837.

April 1, 2019: Panelist, "Upholding the Canons On and Off the Bench," Superior Court Judges' Association, Vancouver, Washington. PowerPoint presentation supplied.

March 28, 2019: Presenter, Upward Bound Program, Moses Lake, Washington. I was a speaker at Career Day and discussed my role as a judge with students. I have no notes, transcript, or recording. The address for the Upward Bound Program is Big Bend Community College, 7662 Chanute Street Northeast, Building 1000, Room 1012, Moses Lake, Washington 98837.

March 26, 2019: Panelist, Wenatchee Diversity Justice Day for Youth, Wenatchee, Washington. I discussed being a judge and answered questions from students. I am not certain of the organization sponsor, but coordinated my participation through attorneys from Arno Martinez Law, PLLC. I have no notes, transcript, or recording. The address for Arno Martinez Law, PLLC is 103 Palouse Street, #6, Wenatchee, Washington 98801.

March 23, 2019: Panelist, "Panel Discussion on Campaigning," Washington Judicial Institute, Seattle, Washington. The panel discussed campaigning experience in jurisdictions of different sizes. I have no notes, transcript, or recording. The address for the Washington Judicial Institute is 1001 4th Avenue, Suite 4200, Seattle, Washington 98154.

March 23, 2019: Panelist, "Panel Discussion on Race and Running for Election," Washington Judicial Institute, Seattle, Washington. The panel discussed preparing campaign speeches and campaign literature. I have no notes, transcript, or recording. The address for the Washington Judicial Institute is 1001 4th Avenue, Suite 4200, Seattle, Washington 98154.

February 1, 2019: Panelist, "Court Interpreters Language Access in Washington Courts," Judicial College, Administrative Office of the Courts, Vancouver, Washington. PowerPoint presentation supplied.

November 16, 2018: Speaker, National Adoption Day Celebration, Washington State Division of Child Youth and Family Services, Moses Lake, Washington. I provided comments about the importance of foster families and adoption. I have no notes, transcript, or recording. Press coverage supplied. The address for the Washington State Division of Child Youth and Family Services is 1651 South Pilgrim Street, Moses Lake, Washington 98837.

July 4, 2018: Speaker, George Community Hall 4th of July Celebration, George, Washington. I delivered comments introducing myself to the public. I have no notes, transcript, or recording. The address for the George Community Hall is P.O. Box 5064, 403 West Montmorency, George, Washington 98824.

June 15, 2018: Speaker, Commencement, Big Bend Community College, Moses Lake, Washington. Notes and press coverage supplied. Video available at <https://nb-no.facebook.com/BigBendCC/videos/2018-commencement-speeches/10155381446806671>.

June 7, 2018: Speaker, Chief for a Day ceremony, Thomas A. Boruff Foundation, Ephrata, Washington. I provided general comments regarding families raising kids with special needs. Notes and press coverage supplied. Video available at https://www.ifiberone.com/new-chiefs-take-over-at-annual-chief-for-a-day-ceremony-in-ephrata/youtube_73d263f0-6aac-11e8-8333-9fb2a44d666b.html.

April 26, 2018: Presenter, Citizen Academy, Moses Lake Police Department, Moses Lake, Washington. Notes supplied.

April 18, 2018: Speaker, TRiO Upward Bound, Moses Lake, Washington. I delivered remarks on pursuing higher education during the induction ceremony. I have no notes, transcript, or recording. The address for the local TRiO Upward Bound Program is Big Bend Community College, 7662 Chanute Street Northeast, Building 1000, Room 1012, Moses Lake, Washington 98837.

April 12, 2018: Panelist, Grant County Sheriff's Town Hall Meeting, Moses Lake, Washington. I answered questions about the Grant County Superior Court. I have no notes, transcript, or recording. The address for the Grant County Sheriff's office is 35 C Street Northwest, P.O. Box 37, Ephrata, Washington 98823.

April 9, 2018: Panelist, "Immigration and WA Evidence Rule 413," Superior Court Judges' Association, Chelan, Washington. PowerPoint presentation supplied.

March 28, 2018: Panelist, Grant County Sheriff's Town Hall Meeting, Moses Lake, Washington. I answered questions about the Grant County Superior Court. I have no notes, transcript, or recording. The address for the Grant County Sheriff's office is 35 C Street Northwest, P.O. Box 37, Ephrata, Washington 98823.

February 6, 2018: Panelist, Grant County Sheriff's Town Hall Meeting, George, Washington. I answered questions about the Grant County Superior Court. I have no notes, transcript, or recording. The address for the Grant County Sheriff's office is 35 C Street Northwest, P.O. Box 37, Ephrata, Washington 98823.

February 3, 2018: Panelist, "Bridging the Cascade Divide," Crosscut, Seattle, Washington. Recording available at <https://www.listennotes.com/podcasts/crosscut/bridging-the-cascade-divide-A2TFpHDXrkj>.

February 2, 2018: Panelist, "Court Interpreters Language Access in Washington Courts," Judicial College, Administrative Office of the Courts, Vancouver, Washington. PowerPoint presentation supplied.

November 3, 2017: Participant, Tri-Cities Youth & Justice Forum, Washington State Minority & Justice Commission, Pasco, Washington. I provided remarks and engaged students regarding my role as a judge and the judicial system. I have no notes, transcript, or recording. The address for the Washington State Minority & Justice Commission is P.O. Box 41170, Olympia, Washington 98504.

September 21, 2017: Panelist, Grant County Sheriff's Town Hall Meeting, Soap Lake, Washington. I answered questions about the Grant County Superior Court. I have no notes, transcript, or recording. The address for the Grant County Sheriff's office is 35 C Street Northwest, P.O. Box 37, Ephrata, Washington 98823.

June 15, 2017: Panelist, Grant County Sheriff's Town Hall Meeting, Moses Lake, Washington. I answered questions about the Grant County Superior Court. I have no notes, transcript, or recording. The address for the Grant County Sheriff's office is 35 C Street Northwest, P.O. Box 37, Ephrata, Washington 98823.

June 11, 2017: Participant, Criminal Investigations Class, Big Bend Community College, Moses Lake, Washington. I worked with students in reviewing mock warrants and discussing search and seizure standards. I have no notes, transcript, or recording. The address for Big Bend Community College is 7662 Chanute Street Northeast, Building 1000, Room 1012, Moses Lake, Washington 98837.

June 8, 2017: Speaker, Chief for a Day ceremony, Thomas A. Boruff Foundation, Ephrata, Washington. I provided general comments regarding families raising kids with special needs. I have no notes, transcript, or recording. The address for the Thomas A. Boruff Foundation is 451 Diamond Drive, Ephrata, Washington 98823.

May 3, 2017: Speaker, Mayor's Prayer Breakfast, Kiwanis of Moses Lake, Moses Lake, Washington. Notes supplied.

April 27, 2017: Presenter, Citizen Academy, Moses Lake Police Department, Moses Lake, Washington. Notes supplied.

April 13, 2017: Speaker, TRiO Upward Bound, Moses Lake, Washington. I delivered remarks on pursuing higher education during the induction ceremony. I have no notes, transcript, or recording. The address for the local TRiO Upward Bound Program is Big Bend Community College, 7662 Chanute Street Northeast, Building 1000, Room 1012, Moses Lake, Washington 98837.

January 21, 2017: Panelist, "The Reality of Race, Culture and Identity," Washington Judicial Institute, Seattle, Washington. The panel discussed being a judicial officer of color. I have no notes, transcript, or recording. The address for the Washington Judicial Institute is 1001 4th Avenue, Suite 4200, Seattle, Washington 98154.

November 22, 2016: Speaker, Naturalization Ceremony, United States Citizenship & Immigration Services, Quincy, Washington. I discussed the duties of citizenship. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North 3rd Street, Yakima, Washington 98901.

January 2016 – November 2016: I gave a number of campaign speeches and participated in candidate forums while running to retain my position as a Grant County Superior Court Judge. I spoke at various civic, political, and professional organizations. I also appeared at many forums. I have provided below information for all of the events I am able to recall and locate. In addition, during my 2016 election campaign, I produced campaign literature. Literature supplied. I recorded two radio advertisement spots broadcast over local radio. One advertisement was in English and the other advertisement was in Spanish. Recordings supplied. I also recorded a video for my 2016 election campaign. Committee to Retain Judge David Estudillo, *Retain Grant County Superior Court Judge David Estudillo*, YouTube (Aug. 27, 2016), <https://www.youtube.com/watch?v=YkufQmj1HV0>.

October 13, 2016: Panelist, "Latinos in the Judiciary," Latina/o Bar Association of Washington, Seattle, Washington. The panel discussed serving as a Latino judicial officer in Washington. I have no notes, transcript, or recording. The

address for the Latina/o Bar Association of Washington is P.O. Box 21134, Seattle, Washington 98111.

October 12, 2016: Speaker, American Legion Post 28, Ephrata, Washington. I delivered a candidate speech and answered questions at a candidate forum. I have no notes, transcript, or recording. The address for the American Legion Post 28 is 276 8th Avenue Northwest, Ephrata, Washington 98823.

October 10, 2016: Speaker, Moses Lake Chamber of Commerce, Moses Lake, Washington. I delivered a campaign speech and answered questions at candidate forum. I have no notes, transcript, or recording. Press coverage supplied and available at https://www.ifiberone.com/news/2016-candidate-forum/youtube_17a18d36-917d-11e6-a9f5-9b423e3f6c83.html. The address for the Moses Lake Chamber of Congress is P.O. Box 2435, Moses Lake, Washington 98837.

October 5, 2016: Speaker, Committee to Retain Judge David Estudillo, Moses Lake, Washington. I delivered a campaign speech at a fundraising event. I have no notes, transcript, or recording. The Committee to Retain Judge David Estudillo no longer operates.

October 1, 2016: Panelist, Latino Civic Alliance, Moses Lake, Washington. I participated in a panel discussion about community policing. I have no notes, transcript, or recording. Press coverage supplied. The address for the Latino Civic Alliance is 1037 Northeast 65th Street, Suite 194, Seattle, Washington 98115.

September 29, 2016: Speaker, Grand Coulee Dam Area Chamber of Commerce, Grand Coulee, Washington. I delivered a campaign speech and discussed drug court. I have no notes, transcript, or recording. Press coverage supplied. The address for the Grand Coulee Dam Area Chamber of Commerce is 17 Midway Avenue, Grand Coulee, Washington 99133.

September 17, 2016: Speaker, Grant County Republican Party, Moses Lake, Washington. I delivered a campaign speech at the Grant County Republican Party's endorsement meeting. I have no notes, transcript, or recording. The address for the Grant County Republican Party is 601 South Pioneer, Suite F, Moses Lake, Washington 98837.

September 16, 2016: Speaker, Committee to Retain Judge David Estudillo, Desert Aire, Washington. I delivered a campaign speech at a community center coordinated by the Committee to Retain Judge David Estudillo. I have no notes, transcript, or recording. The Committee to Retain Judge David Estudillo no longer operates.

September 9, 2016: Speaker, Moses Lake Senior Center, Moses Lake,

Washington. I delivered a campaign speech at the senior center. I have no notes, transcript, or recording. The address for the Moses Lake Senior Center is 608 East Third Avenue, Moses Lake, Washington 98837.

August 9, 2016: Speaker, Committee to Retain Judge David Estudillo, Wenatchee, Washington. I delivered a campaign speech at a fundraising event. I have no notes, transcript, or recording. The Committee to Retain Judge David Estudillo no longer operates.

July 30, 2016: Speaker, Committee to Retain Judge David Estudillo, Moses Lake, Washington. I delivered a campaign speech at a fundraising event. I have no notes, transcript, or recording. The Committee to Retain Judge David Estudillo no longer operates.

July 27, 2016: Speaker, Grant County Historical Society & Museum, Ephrata, Washington. I delivered a campaign speech at a candidate forum. I have no notes, transcript, or recording. The address for the Grant County Historical Society & Museum is 742 Basin Street Northwest, Ephrata, Washington 98823.

July 20, 2016: Speaker, Candidate Forum, Coulee City, Washington. I delivered a campaign speech and answered questions. I have no notes, transcript, or recording. Press coverage supplied.

July 19, 2016: Speaker, Moses Lake Chamber of Commerce, Moses Lake, Washington. I delivered a campaign speech and answered questions at a candidate forum. I have no notes, transcript, or recording. Press coverage available at https://www.ifiberone.com/news/gallery-moses-lake-chamber-of-commerce-candidates-forum/collection_0594a088-4fdd-11e6-9131-1f6cad733e57.html#15. The address for the Moses Lake Chamber of Commerce is P.O. Box 2435, Moses Lake, Washington 98837.

July 17, 2016: Speaker, Washington State Tejano Association, Moses Lake, Washington. I delivered a campaign speech. I have no notes, transcript, or recording. The address for the Washington State Tejano Association is 5746 Road 3, Moses Lake, Washington 98837.

July 11, 2016: Speaker, Grant County Republican Party, Ephrata, Washington. I attended a candidate forum and delivered a campaign speech. I have no notes, transcript, or recording. The address for the Grant County Republican Party is 601 South Pioneer, Suite F, Moses Lake, Washington 98837.

June 9, 2016: Speaker, Chief for a Day ceremony, Thomas A. Boruff Foundation, Ephrata, Washington. I provided general comments regarding families raising children with special needs. I have no notes, transcript, or recording. Press coverage supplied. The address for the Thomas A. Boruff Foundation is 451 Diamond Drive, Ephrata, Washington 98823.

July 7, 2016: Speaker, Moses Lake-Othello Association of Realtors, Moses Lake, Washington. I attended a candidate lunch forum. I have no notes, transcript, or recording. I am unable to locate the address for the Moses Lake-Othello Association of Realtors. Its website is <https://www.mlobr.realtor>.

July 4, 2016: Speaker, George Community Hall 4th of July Celebration, George, Washington. I delivered a campaign speech at an Independence Day celebration. I have no notes, transcript, or recording. The address for the George Community Hall is P.O. Box 5064, 403 West Montmorency, George, Washington 98824.

June 21, 2016: Speaker, North Central Washington Labor Council, Wenatchee, Washington. I delivered a campaign speech. I have no notes, transcript, or recording. The address for the North Central Washington Labor Council is 27 North Chelan Avenue, Wenatchee, Washington 98801.

May 25, 2016: Speaker, Committee to Retain Judge David Estudillo, Yakima, Washington. I delivered a campaign speech at a fundraising event. I have no notes, transcript, or recording. The Committee to Re-elect Judge David Estudillo no longer operates.

May 18, 2016: Speaker, Committee to Retain Judge David Estudillo, Moses Lake, Washington. I delivered a campaign speech at a fundraising event. I have no notes, transcript, or recording. The Committee to Retain Judge David Estudillo no longer operates.

May 17, 2016: Speaker, Grant County Tea Party Coalition, Moses Lake, Washington. I spoke at campaign forum about my qualifications and answered questions. I have no notes, transcript, or recording. Press coverage supplied and available at https://www.youtube.com/watch?v=s_efbndBxSM. I am unable to locate the address for the Grant County Tea Party Coalition. Its website is <https://gctpc.wordpress.com/about>.

May 13, 2016: Panelist, Big Bend Community College, Moses Lake, Washington. I was a panelist at the Latino Education Student Fair and spoke about my personal history and higher education. I have no notes, transcript, or recording. The address for Big Bend Community College is 7662 Chanute Street Northeast, Building 1000, Moses Lake, Washington 98837.

May 10, 2016: Speaker, Grant County Association of Realtors, Ephrata, Washington. I spoke about the Grant County Superior Court. I have no notes, transcript, or recording. I am unable to locate the address for the Grant County Association of Realtors. Its website is <https://www.gcar1.realtor>.

April 25, 2016: Speaker, Rotary Club of Moses Lake, Moses Lake, Washington. I spoke about the Grant County Superior Court. I have no notes, transcript, or

recording. The address for the Rotary Club of Moses Lake is 1373 Road F.2 Northeast, Moses Lake, Washington 98837.

April 19, 2016: Speaker, TRiO Upward Bound, Moses Lake, Washington. I delivered a keynote speech regarding my personal history and reasons for seeking higher education. I have no notes, transcript, or recording. The address for the local TRiO Upward Bound Program is Big Bend Community College, 7662 Chanute Street Northeast, Building 1000, Room 1012, Moses Lake, Washington 98837.

April 16, 2016: Speaker, Grant County Republican Party, Moses Lake, Washington. I delivered a campaign speech. I have no notes, transcript, or recording. The address for the Grant County Republican Party is 601 South Pioneer, Suite F, Moses Lake, Washington 98837.

April 14, 2016: Panelist, Grant County Sheriff's Town Hall Meeting, Moses Lake, Washington. I answered questions about the Grant County Superior Court. I have no notes, transcript, or recording. Press coverage supplied. The address for the Grant County Sheriff's office is 35 C Street Northwest, P.O. Box 37, Ephrata, Washington 98823.

April 13, 2016: Speaker, Meeting of the Kiwanis Club of Moses Lake, Moses Lake, Washington. I spoke about the Grant County Superior Court. I have no notes, transcript, or recording. The address for the Kiwanis Club of Moses Lake is believed to be P.O. Box 72, Moses Lake, Washington 98837.

April 11, 2016: Speaker, Committee to Retain Judge David Estudillo, Seattle, Washington. I delivered a campaign speech at a fundraising event. I have no notes, transcript, or recording. The Committee to Retain Judge David Estudillo no longer operates.

April 7, 2016: Speaker, Grant County Republican Party, Ephrata, WA. I delivered a campaign speech. I have no notes, transcript, or recording. The address for the Grant County Republican Party is 601 South Pioneer, Suite F, Moses Lake, Washington 98837.

March 31, 2016: Speaker, Meeting of Association of Grant County Cities and Towns, Quincy, Washington. I spoke about the Grant County Superior Court. I have no notes, transcript, or recording. I believe the Association of Grant County Cities and Towns is part of District 3 of the Association of Washington Cities. The address for the Association of Washington Cities is 1076 Franklin Street Southeast, Olympia, Washington 98501.

March 26, 2016, Speaker, University of Washington Office of Minority Affairs & Diversity, Moses Lake, Washington. I delivered a speech encouraging newly admitted college students to continue pursuing higher education. I have no notes,

transcript, or recording. The address for the University of Washington Office of Minority Affairs & Diversity is 320 Mary Gates Hall, P.O. Box 352835, Seattle, Washington 98195.

September 10, 2015: Speaker, Grant County Superior Court, Ephrata, Washington. Transcript and press coverage supplied.

May 12, 2015: Presenter, "Executive Action Programs Announced by Obama Administration, Grant County Association of Realtors," Ephrata, Washington. I presented information about the Obama administration's deferred action programs. I have no notes, transcript, or recording. I am unable to locate the address for the Grant County Association of Realtors. Its website is <https://www.gcar1.realtor>.

February 19, 2015: Presenter, "Executive Action Programs Announced by Obama Administration," Moses Lake-Othello Association of Realtors, Moses Lake, Washington. I presented information about the Obama administration's deferred action programs. I have no notes, transcript, or recording. I am unable to locate the address for the Moses Lake-Othello Association of Realtors. Its website is <https://www.mlobr.realtor>.

February 3, 2015: Presenter, "Executive Action Programs Announced by Obama Administration," OneAmerica With Justice For All, Mattawa, Washington. I presented information about the Obama administration's deferred action programs. I have no notes, transcript, or recording. The address for One America With Justice For All is 1225 South Weller Street, Seattle, Washington 98144.

January 28, 2015: Presenter, "Executive Action Programs Announced by Obama Administration," Migrant Parent Advisory Committee, Knolls Vista Elementary School, Moses Lake, Washington. I presented information about the Obama administration's deferred action programs. I have no notes, transcript, or recording. The address for Knolls Vista Elementary School is 454 West Ridge Road, Moses Lake, Washington 98837.

January 25, 2015: Presenter, "Executive Action Programs Announced by Obama Administration," OneAmerica With Justice For All, Royal City, Washington. I presented information about the Obama administration's deferred action programs. I have no notes, transcript, or recording. The address for OneAmerica With Justice For All is 1225 South Weller Street, Seattle, Washington 98144.

January 15, 2015: Presenter, "Executive Action Programs Announced by Obama Administration," Migrant Parent Advisory Committee, Red Rock Elementary School, Royal City, Washington. I presented information about the Obama administration's deferred action programs. I have no notes, transcript, or recording. The address for Red Rock Elementary School is 901 Ahlers Road, Royal City, Washington 99357.

December 14, 2014: Panelist, "Executive Action Programs Announced by Obama Administration," Northwest Immigration Rights Project, Moses Lake, Washington. I was present to answer questions and provide legal information after the presentation, which was provided by others. I have no notes, transcript, or recording. The address for the Northwest Immigrant Rights Project is 615 2nd Avenue, Suite 400, Seattle, Washington 98104.

October 21, 2014: Presenter, "Update on Proposed Administrative Fixes by White House," Tri-Cities Hispanic Chamber of Commerce, Pasco, Washington. I presented on immigration proposals being discussed by the Obama administration. I have no notes, transcript, or recording. The address for the Tri-Cities Hispanic Chamber of Commerce is 1600 North 20th Avenue, Suite D, Pasco, Washington 99301.

March 2014 to August 2015: Radio Guest, Cherry Creek Media, Wenatchee, Washington. I sponsored a weekly radio program in Spanish. I provided information to the public about immigration issues and news, and answered questions from callers regarding immigration. I have no notes, transcripts, or recordings. I contacted Cherry Creek Media and it no longer maintains any recordings. The address for Cherry Creek Media is 231 North Wenatchee Avenue, Wenatchee, Washington 98801.

May 24, 2014: Presenter, Immigration presentation on Deferred Action, Migrant Parent Advisory Committee, Red Rock Elementary School, Royal City, Washington. I presented information about deferred action to the general public. I have no notes, transcript, or recording. The address for Red Rock Elementary School is 901 Ahlers Road, Royal City, Washington 99357.

May 22, 2010: Presenter, "Immigration Presentation," Tacoma, Washington. I presented information on immigration and answered questions at a church in Tacoma, Washington. I have no notes, transcript, or recording. The pastor of the church was named Luis Parada. I believe his church is called Iglesia Cristiana La Aldea de Betania. Its address is 5428 South Pine Street, Tacoma, Washington 98409.

- 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.

Emily Thorton, *Grant County Superior Court suspends jury trials*, Columbia Basin Herald (Dec. 2, 2020). Copy supplied

Cheryl Schweizer, *Big Bend CC announces commencement speaker*, Columbia Basin Herald (May 25, 2018). Copy supplied.

David Kroman, *Trump style tactics fall flat in Eastern Washington Race*, Crosscut (Nov. 21, 2016). Copy supplied.

Sebastian Moraga, *Elections 2016: Estudillo v. Wallace, Part 2*, Quincy Valley Post-Register (Oct. 23, 2016). Copy supplied.

Sebastian Moraga, *Elections 2016: Estudillo v. Wallace (Part 1)*, Quincy Valley Post-Register (Oct. 22, 2016). Copy supplied.

Charles H. Featherstone, *Court candidates talk qualifications*, Columbia Basin Herald (Oct. 18, 2016). Copy supplied.

On October 2, 2016, I submitted responses to questions from the Wenatchee World newspaper located at 14 North Mission Street, Wenatchee, Washington 98801. I am unable to locate a copy of the article the Wenatchee World published containing my responses. I have, however, supplied a copy of the responses I submitted to the Wenatchee World.

Cameron Probert, *Politics: Wallace's campaign claims Estudillo's comment is misleading*, iFiberOne News (May 17, 2016). Copy supplied.

Cameron Probert, *Politics: Judge's campaign manager's history becomes issue*, iFiberOne News (May 16, 2016). Copy supplied.

Ryan Minnerly, *Judicial candidates clash on campaign ethics claims*, Columbia Basin Herald (May 15, 2016). Copy supplied.

Ryan Minnerly, *Estudillo campaigning to retain Superior Court bench seat*, Columbia Basin Herald (Mar. 2, 2016). Copy supplied.

Randy Bracht, *Estudillo seeks to retain judge's post*, Grant County Journal (Feb. 29, 2016). Copy supplied.

Ted Escobar, *New Superior Court judge earned his way through life*, Columbia Basin Herald (Aug. 26, 2015). Copy supplied.

Ryan Minnerly, *8 candidates want judge's seat*, Columbia Basin Herald (July 9, 2015). 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.

I was appointed to the Grant County Superior Court, State of Washington on August 19, 2015, and sworn in on September 10, 2015. On November 8, 2016, I was elected to a full

four-year term on the Grant County Superior Court. On January 1, 2020, I became the presiding judge for the Grant County Superior Court. On November 3, 2020, I was elected to an additional four-year term on the Grant County Superior Court. Washington superior courts are courts of general jurisdiction, handling all types of criminal, civil, and juvenile matters.

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

My best estimate is that I have presided over more than 1,000 cases that went to verdict, were resolved through entry of judgment, settled (with a later signed judgment), were nonsuited, and/or were dismissed. Since September 10, 2015, I have presided over 46 jury or bench trials that have gone to verdict or judgment. The percentages below represent the 46 cases that went to trial.

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

jury trials:	67%
bench trials:	33%

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

civil proceedings:	33%
criminal proceedings:	67%

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

All orders, opinions, and decisions I have entered are available in the individual Grant County Superior Court case files maintained by the Grant County Superior Court Clerk's office. Opinions and orders from superior court judges are not published in the State of Washington.

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

1. *Moses Lake Irrigation & Rehabilitation District v. Pheasant*, No. 18-2-00303-9 (Wash. Sup. Ct. Grant Cnty. Feb. 5, 2021). Copy supplied.

Plaintiff, the Moses Lake Irrigation & Rehabilitation District, is the only combined irrigation and rehabilitation district in the State of Washington. Its principle funding source is revenue generated from assessments of residents in the district.

In separate litigation, a resident of the district had challenged an irrigation assessment issued by the Grant County Treasurer on behalf of the district, contending the assessment constituted an unlawful ad valorem tax on his property. While the separate litigation was pending, the Treasurer declined to issue the assessments on behalf of the district to other residents in the district.

In response, the district filed a petition for a writ of mandamus ordering the Grant County Treasurer to issue assessment statements to district residents. The Treasurer defended his decision, arguing the district's assessments, as formulated, constituted taxes and that the district lacked authority to tax its members. On summary judgment, I concluded the assessments, as formulated, were unauthorized by state statute and otherwise were unlawful taxes. I granted the Treasurer's motion for a declaratory judgment and denied the district's petition for a writ of mandamus. The district has filed an appeal.

Counsel for Plaintiff:

Brian J. Iller
Rettig Forgette Iller Bowers, LLP
8836 Gage Boulevard, Suite 201A
Kennewick, WA 99336
(509) 783-6154

Counsel for Defendant:

Kevin McCrae
Chief Civil Deputy Prosecuting Attorney
Grant County Prosecuting Attorney's Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

2. *State of Washington v. Rodriguez*, No. 18-1-00325-6 (Wash. Sup. Ct. Grant Cnty.); *State of Washington v. Gutierrez*, No. 18-1-00326-4 (Wash. Sup. Ct. Grant Cnty.).

As they were driving to work early in the morning before sunrise, the two victims were stopped by three armed men. Two of the armed men forced themselves into the vehicle with the victims and directed them to drive to an unknown location while the third man followed. As they drove, a struggle ensued between the victims and their kidnappers, resulting in both victims being shot and one succumbing to his wounds. The three armed had been involved in another murder weeks prior. Prior to trial, one of the defendants entered into a plea agreement with the State and testified at trial against the other two defendants.

After a 15-day jury trial, the two defendants were convicted of first-degree premeditated murder, first-degree assault, and first-degree kidnapping. I ruled on multiple motions in limine and evidentiary issues, including the admissibility of evidence about one defendant's potential immigration status, the prior murder, the co-conspirator's plea agreement with the State, and cell phone location data. The defendants have appealed their convictions to the Washington State Court of Appeals.

Counsel for the State:

Kevin J. McCrae
Grant County Prosecuting Attorney's Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

Counsel for Defendant Rodriguez:

Robert Kentner
Attorney at Law
P.O. Box 14
Seattle, WA 98111
(765) 337-2929

Counsel for Defendant Gutierrez:

Michael F. Morgan
Law Office of Michael Morgan, LLC
23772 Crescent Bay Drive Northwest
Quincy, WA 98848
(855) 822-2831

3. *State of Washington v. Skone*, No. 18-1-00036-2 (Wash. Sup. Ct. Grant Cnty.); *State of Washington v. Skone*, No. 37147-6-III, 2021 WL 928668 (Wash. Ct. App. Mar. 11, 2021).

The defendant was seen possessing a revolver while ordering coffee at a drive-through coffee shop. Three days later, an associate of the defendant set up a drug deal with the victim, who agreed to meet at a secluded location. Thereafter, the defendant drove with the associate to the secluded location. The defendant then hid nearby as they waited for the victim. When the victim arrived, the defendant came out of hiding and shot the victim six times at close range. In prosecuting the case, part of the State's theory was that the defendant was either a gang member or trying to become a member of a gang, and that his actions were intended to further his standing within the gang. During the trial, one juror expressed concerns about possible gang retaliation against the jurors if the defendant was

convicted. This raised the issue of whether there was juror bias against the defendant and whether the jury had prematurely begun engaging in discussions about the case. With consent of the parties, I questioned each juror independently about their concerns, their possible discussions about gangs, and the effect on their ability to evaluate the evidence. I concluded there was no juror bias or misconduct and trial resumed. After a nine-day trial, the jury convicted the defendant of first-degree assault (with a firearm enhancement), two counts of unlawful possession of a firearm, and attempted bribery of a witness.

The defendant appealed his conviction to the Washington State Court of Appeals. He argued for the first time on appeal that there was insufficient evidence to support the two convictions for unlawful possession of a firearm, and that he should not have been assessed a DNA collection fee. The defendant also argued the jury expressed bias, engaged in misconduct, and that I failed to identify juror bias. The Washington State Court of Appeals held the second conviction for unlawful possession of a firearm violated the Double Jeopardy Clause in the Washington State Constitution because there was insufficient evidence to support the second conviction. The appellate court also held the DNA collection fee should not have been assessed because such fee had previously been assessed against this defendant in a separate matter. Furthermore, the appellate court rejected arguments regarding jury bias and misconduct, and commended me “for doing a conscientious job ensuring [the defendant’s] right to a fair trial.” The Washington State Court of Appeals remanded for resentencing.

Counsel for the State:

Garth L. Dano
Chad Jenks
Grant County Prosecuting Attorney’s Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

Counsel for Defendant:

Robert Kentner
Attorney at Law
P.O. Box 14
Seattle, WA 98111
(765) 337-2929

4. *State of Washington v. Hernandez Sierra*, No. 18-1-00600-13 (Wash. Sup. Ct. Grant Cnty.); *State of Washington v. Hernandez Sierra*, No. 37065-8-III, 2021 WL 797253 (Wash. Ct. App. Mar. 2, 2021).

The defendant forcibly raped his 14-year-old stepdaughter while she was home

from school after having injured her ankle. During the trial, the defendant sought to impeach testimony from the victim and her mother, arguing their testimony was motivated by the desire to obtain a U-visa for the victim's mother. I limited the scope of cross-examination about the mother's U-visa application. After a seven-day jury trial, the defendant was convicted of rape in the second degree, indecent liberties, and witness tampering. The defendant appealed his convictions to the Washington State Court of Appeals. He argued I erred in limiting the scope of cross-examination regarding the U-visa application. He also argued the State committed prosecutorial misconduct in closing argument and that his counsel provided ineffective assistance. The Washington State Court of Appeals rejected his arguments and affirmed the convictions.

Counsel for the State:

Garth L. Dano
Carlee Bittle
Grant County Prosecuting Attorney's Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

Counsel for Defendant:

Kenneth W. Chadwick
Schultheis Tabler Wallace, PLLC
56 C Street Northwest
Ephrata, WA 98823
(509) 754-5264

5. *State of Washington v. Villela*, No. 18-1-00030-3 (Wash. Sup. Ct. Grant Cnty. Jul. 24, 2018) (copy supplied); *State of Washington v. Villela*, 450 P.3d 170 (Wash. 2019).

After a traffic stop, the defendant was arrested on suspicion of driving under the influence. Despite being lawfully parked, the defendant's vehicle was impounded, as required by Revised Code of Washington § 46.55.360. As part of the impound process, law enforcement performed an inventory search of the vehicle. This led to the seizure of controlled substances and evidence of drug distribution. The defendant moved to suppress all evidence from the inventory search based on Article 1, Section 7 of the Washington State Constitution. He asserted impoundment of the vehicle constituted a warrantless seizure and that all evidence obtained during the inventory search should be suppressed.

Consistent with conclusions reached by other Washington Superior Court judges, I held that the impoundment of the defendant's vehicle under Section

46.55.360 was unlawful under the Washington State Constitution. The Washington Supreme Court affirmed.

Counsel for the State:

Anna Gigliotti
Grant County District Court Commissioner
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011, ext. 3101
(formerly a Grant County Deputy Prosecuting Attorney)

Counsel for Defendant:

Susan Oglebay
P.O. Box 202
Ephrata, WA 98823
(509) 754-2665
(retired, formerly with the Grant County Office of Public Defense)

6. *State v. Sandberg*, No. 17-1-00375-4 (Wash. Sup. Ct. Grant Cnty. May 14, 2018). Copy supplied.

The defendant was charged with operating an unlawful marijuana grow business. The defendant filed a motion to suppress all evidence obtained during the execution of a search warrant. He asserted it was not unlawful to possess marijuana for medicinal purposes and, although the law enforcement officer could smell marijuana outside of a shed, the officer never verified the quantity of marijuana in the shed. I analyzed Washington's 2015 Cannabis Protection Act and considered whether the warrant application contained sufficient information to overcome the protections afforded to individuals who use medicinal marijuana. I concluded the search warrant contained insufficient facts to establish probable cause and that all evidence obtained from the search was inadmissible at trial. The case was dismissed. The State appealed my decision to the Washington State Court of Appeals, but later withdrew the appeal.

Counsel for the State:

Mark F. Fedorak
Saginaw County Prosecuting Attorney
111 South Michigan Avenue
Saginaw, MI 48602
(989) 790-5330
(formerly with the Grant County Prosecuting Attorney's Office)

Counsel for Defendant:

Robert Kentner
Attorney at Law
P.O. Box 14
Seattle, WA 98111
(765) 337-2929

7. *Rookstool v. Eaton*, No. 13-2-01463-3 (Wash. Sup. Ct. Grant Cnty.) (copies supplied); *Rookstool v. Eaton*, 457 P.3d 1144 (Wash. Ct. App. 2020).

Three siblings were injured in a school bus accident, and filed suit against the bus operator for negligence and against the school district for vicarious liability. One sibling suffered significant spinal injury that was expected to require ongoing therapeutic care and possible surgery. I ruled on numerous pretrial evidentiary issues, including whether expert opinion testimony offered by different experts was cumulative, whether to limit the amount of video of the accident shown to the jury, the admissibility of evidence of when and why medical care was sought, and comments contained in a medical care note. During closing arguments, plaintiffs' attorney read a text from the plaintiffs' family doctor that had not been admitted in evidence. I instructed the jury to disregard the text and comments by plaintiffs' attorney about the text. After an eight-day trial, the jury awarded the plaintiffs \$1.2 million.

The defendants filed a motion for new trial, arguing that the plaintiffs' attorney committed misconduct during closing by reading the family doctor's text. I denied the motion, ruling that despite the attorney's conduct, the curative instruction I gave to the jury was sufficient and that the evidence before the jury supported the verdict. On appeal, the Washington Court of Appeals affirmed the verdict.

Counsel for Plaintiffs:

William A. Gilbert
Gilbert Law Firm
421 West Riverside Avenue, Suite 353
Spokane, WA 99201
(509) 321-0750

Kristine Grelish
Grelish Law, PLLC
1218 3rd Avenue, Suite 1000
Seattle, WA 98101
(206) 257-6555

Counsel for Defendants:

Michael E. McFarland, Jr.
Evans, Craven & Lackie
818 West Riverside, Suite 250
Spokane, WA 99201
(509) 455 5200

8. *State of Washington v. Bennett*, No. 14-1-00778-0 (Wash. Sup. Ct. Grant Cnty.); *State of Washington v. Bennett*, No. 35297-8-III, 2020 WL 3467801 (Wash. Ct. App. June 25, 2020).

The defendant was accused of killing his 82-year-old landlord. It was determined the victim had sustained multiple significant head injuries, was likely manually strangled, had received two shallow cuts and a stab wound to her neck, and was stabbed 17 times in her chest, 11 of which penetrated her heart. The defendant denied any involvement in the victim's death. After a six-week jury trial, the defendant was convicted of second-degree intentional murder with aggravating circumstances.

The defendant appealed his conviction and sentence to the Washington State Court of Appeals, asserting governmental mismanagement in the prosecution, denial of the right to present other suspect evidence to the jury, prosecutorial misconduct in closing arguments, and imposition of an excessive sentence. The Washington State Court of Appeals affirmed the convictions and sentence.

Counsel for the State:

Garth L. Dano
Edward A. Owens
Grant County Prosecuting Attorney's Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

Counsel for Defendant:

David Bustamante
Grant County Public Defense Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-6027

9. *State of Washington v. Hawkins*, No. 15-1-00100-3 (Wash. Sup. Ct. Grant Cnty. Sept. 27, 2016) (copy supplied); *State of Washington v. Hawkins*, No. 34898-9-III, 2019 WL 1785629 (Wash. Ct. App. Apr. 23, 2019).

The defendant was accused of raping and molesting his five-year-old daughter.

The State asserted he and his wife were grooming their daughter into a cult-like lifestyle where women are considered subservient and serve the primary purpose of pleasuring men. Among other things, I ruled on the admissibility of prior statements by the victim to law enforcement and her foster parent. I also ruled on the admissibility of the defendant's Facebook Messenger conversations. After a three-day bench trial, I found the defendant guilty of two counts of first-degree child rape and one count of first-degree child molestation. The Washington Court of Appeals affirmed the convictions.

Counsel for the State:

Carole L. Highland
Kittitas County Prosecuting Attorney's Office
205 West 5th Avenue, Suite 213
(509) 962-7520

Counsel for Defendant:

Stephen Kozer
Grant County Public Defense Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-6027

10. *Hopovac v. State Department of Corrections*, No. 14-2-00780-5 (Wash. Sup. Ct. Grant Cnty.); *Hopovac v. State Department of Corrections*, 391 P.3d 570 (Wash. Ct. App. 2017). Copy supplied.

While under Washington State Department of Corrections supervision, the plaintiff sought an expedited transfer for supervision to Idaho because he felt threatened by local gang members. The Department denied the plaintiff's request. Soon after, the plaintiff was assaulted by gang members and suffered significant injury. The plaintiff argued that the Department tortiously failed to protect him while he was under the Department's supervision. I granted summary judgment in favor of the Department, concluding that, under state law, the Department did not owe a felon subject to community custody a duty of care. The decision was affirmed on appeal.

Counsel for Plaintiff:

Brean L. Beggs
Paukert & Troppman, PLLC
522 West Riverside Avenue, Suite 560
Spokane, WA 99201
(509) 232-7760

Mark J. Harris
Maxey Law Offices, PS
1835 West Broadway Avenue
Spokane, WA 99201
(509) 326-0338

Counsel for Defendant:

Carl P. Warring
Washington Attorney General's Office
1114 West Riverside, Suite 100
Spokane, WA 99201
(509) 456-3123

- 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.

Opinions and orders from superior court judges are not published in the State of Washington. All orders, opinions, and decisions I have entered can be found in the individual Grant County Superior Court case files maintained by the Grant County Superior Court Clerk's office.

1. *Hansen v. Moses Lake Irrigation & Rehabilitation District, et al.*, No. 14-2-001214-1 (Wash. Sup. Ct. Grant Cnty. June 1, 2020). Copy supplied.

Counsel for Plaintiff:

Thomas G. Burke
Burke Law Office, Inc. PS
612 South 227th Street
Des Moines, WA 98198
(206) 824-5630

Counsel for Defendant:

Gerald John Moberg
Moberg Rathbone Kearns, P.S.
P.O. Box 130
Ephrata, WA 98823
(509) 754-2356

2. *State of Washington v. Huff*, No. 19-1-00665-13 (Wash. Sup. Ct. Grant Cnty. Nov. 25, 2019). Copy supplied.

Counsel for the State:

Edward A. Owens
Grant County Prosecuting Attorney's Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

Counsel for Defendant:

No defense counsel was assigned because the State dismissed the charges after I made a finding that probable cause was lacking.

3. *State of Washington v. Torres*, No. 18-1-00732-13 (Wash. Sup. Ct. Grant Cnty. Nov. 30, 2018). Copy supplied.

Counsel for the State:

Chad Jenks
Grant County Prosecuting Attorney's Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

Counsel for Defendant:

David Bustamante
Grant County Public Defense Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-6027

4. *Redwine v. Redwine*, No. 13-2-00609-6 (Wash. Sup. Ct. Grant Cnty. Oct. 24, 2018). Copy supplied.

Counsel for Plaintiff:

Roger W. Bailey
Bailey & Busey, PLLC
411 North 2nd Street
Yakima, WA 98901
(509) 248-4282

Counsel for Defendant:

Michael M. Wyman

Wyman Law
2219 West Broadway Avenue, Suite A
Moses Lake, WA 98837
(509) 765-4260

5. *State of Washington v. Portillo Orozco*, No. 04-1-00298-5 (Wash. Sup. Ct. Grant Cnty. Oct. 4, 2018). Copy supplied.

Counsel for the State:

Katherine Matthews
Grant County Prosecuting Attorney's Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

Counsel for the Defendant:

Teymur Askerov
Black & Askerov, PLLC
705 2nd Avenue, #1111
Seattle, WA 98104
(206) 623-1604

6. *State of Washington v. Sandberg*, No. 17-1-00375-4 (Wash. Sup. Ct. Grant Cnty. May 14, 2018). Copy supplied in response to Q.13c.

Counsel for the State:

Mark F. Fedorak
Saginaw County Prosecuting Attorney
111 South Michigan Avenue
Saginaw, MI 48602
(989) 790-5330

Counsel for Defendant:

Robert Kentner
Attorney at Law
P.O. Box 14
Seattle, WA 98111
(765) 337-2929

7. *State of Washington v. Hawkins*, No. 15-1-00100-3 (Wash. Sup. Ct. Grant Cnty. Sept. 27, 2016) (copy supplied in response to Q.13c); *State of Washington v. Hawkins*, No. 34898-9-III, 2019 WL 1785629 (Wash. Ct. App.

Apr. 23, 2019).

Counsel for the State:

Carole L. Highland
Kittitas County Prosecuting Attorney's Office
205 West 5th Avenue, Suite 213
(509) 962-7520

Counsel for Defendant:

Stephen Kozer
Grant County Public Defense Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-6027

8. *State of Washington v. Westwood*, Nos. 15-8-00039-8, 15-8-00116-5 (Wash. Sup. Ct. Grant Cnty. May 19, 2016). Copy supplied.

Counsel for the State:

Paul M. Gaffney
18811 North Palomar Drive
Sun City West, AZ 85375
(509) 290-2825

Counsel for Defendant:

Devra Sigle-Hermosilla
Lewis & Clark Law School
10101 South Terwilliger Boulevard
Portland, OR 97219
(503) 768-6607

9. *State of Washington v. Hyduk*, No. 09-1-00249-8 (Wash. Sup. Ct. Grant Cnty. Apr. 29, 2016). Copy supplied.

Counsel for the State:

Chad Jenks
Grant County Prosecuting Attorney's Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-2011

Counsel for Defendant:

Jeffrey Goldstein
Law Office of Jeffrey Goldstein
5355 Henry Hudson Parkway West, Apartment 11E
Bronx, NY 10471
(206) 313-3644

10. *State of Washington v. Robertson*, No. 14-1-00057-2 (Wash. Sup. Ct. Grant Cnty. Feb. 5, 2016). Copy supplied.

Counsel for the State:

Carole L. Highland
Kittitas County Prosecuting Attorney's Office
205 West 5th Avenue, Suite 213
(509) 962-7520

Counsel for Defendant:

David Bustamante
Grant County Public Defense Office
35 C Street Northwest
Ephrata, WA 98823
(509) 754-6027

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

State of Washington v. Bennett, No. 20-1062 (petition for cert. filed Jan. 29, 2021).

I know of no other cases in which certiorari was requested or granted.

- 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 of Washington v. Nickels, No. 10-1-00322-6 (Wash. Sup. Ct. Grant Cnty. Jun. 1, 2017) (copy supplied); *State of Washington v. Nickels*, 456 P.3d 795 (Wash. 2020).

In 2012, a jury convicted the defendant of first-degree murder. The conviction was vacated on appeal and the case was remanded for a new trial. During the first prosecution, Garth Dano, a private criminal defense attorney, played a

limited role in consulting with lead defense counsel. Mr. Dano also had contact with the defendant and appeared in at least one hearing before the Superior Court. Between the defendant's first trial and the date of remand, Mr. Dano became the elected Grant County Prosecutor. The defendant therefore moved to disqualify the Grant County Prosecutor's Office from handling the case following remand, despite Mr. Dano having played no role in the prior prosecution or appeal, and despite Mr. Dano having been "walled off" from the office's case file upon return of the matter to the trial court.

I denied the defendant's motion to disqualify, concluding that Mr. Dano's role during the prior prosecution was limited. In addition, because Mr. Dano did not have, and would not have, any role in prosecuting the case on remand, I did not find any basis to disqualify the entire Grant County Prosecutor's Office. The Washington State Court of Appeals reversed, and the State appealed. The Washington Supreme Court affirmed in a split decision, holding that the Grant County Prosecutor's Office was presumptively disqualified from participation in the prosecution following Mr. Dano's election due to his prior representation of the defendant in the same case.

State v. Dalluge, No. 17-1-00401-7 (Wash. Sup. Ct. Grant Cnty.); *State of Washington v. Dalluge*, No. 36015-6-III (Wash. Ct. App. Feb. 25, 2020).

After a three-day jury trial, the defendant was convicted of failure to register as a sex offender. At sentencing, I assessed certain legal financial obligations against the defendant, including a DNA collection fee. While the matter was on appeal, Washington law changed. The change prohibited the imposition of a DNA collection fee when a defendant's DNA previously was collected. The Washington Court of Appeals affirmed the defendant's conviction, but remanded with instructions to strike the DNA collection fee because the defendant's DNA had been previously collected.

State of Washington v. McLeod, No. 16-1-00503-1 (Wash. Sup. Ct. Grant Cnty.); *State of Washington*, No. 36353-8-III, 2019 WL 3229687 (Wash. Ct. App. July 18, 2019).

The defendant had pleaded guilty to vehicular homicide and two counts of vehicular assault. At sentencing held on September 14, 2018, I entered a judgment and sentence that imposed the statutory victim penalty assessment against the defendant. The form used to enter the judgment and sentence contained language imposing interest on the victim penalty assessment. Approximately three months prior to entry of the judgment and sentence, however, there was a change in Washington law. The change in the law prohibited the imposition of interest on nonrestitution legal financial obligations. The Washington Court of Appeals remanded with instructions to strike any interest accrual on the victim penalty assessment.

Matter of Estate of Rathbone, No. 15-4-00010-5 (Wash. Sup. Ct. Grant Cnty. Jan 8, 2016) (copy supplied); *Matter of Estate of Rathbone*, 412 P.3d 1283 (Wash. 2018).

This matter involved interpretation and application of Washington's Trust and Estate Dispute Resolution Act. The petitioner, a named beneficiary under the decedent's will, filed a petition seeking judicial construction of a nonintervention will. He argued his brother, the estate's personal representative, was engaging in self-dealing and breaching his fiduciary duties as personal representative. The beneficiary's petition did not specifically rely on Revised Code of Washington § 11.68.070, which allows a court to intervene in the administration of an estate if there is evidence the personal representative has breached his fiduciary duties. The personal representative accordingly asserted the court lacked jurisdiction to intervene. I concluded the court still had authority under § 11.68.070 to intervene based on the allegations of self-dealing and breach of fiduciary duties.

The Washington Supreme Court reversed, holding that because the beneficiary had not specifically relied on Revised Code of Washington § 11.68.070, I erred in concluding the court had authority to intervene in the estate's administration.

State of Washington v. Buche, No. 16-1-00023-4 (Wash. Sup. Ct. Grant Cnty.); *State of Washington v. Buche*, No. 34960-8-III, 2018 WL 722503 (Wash. Ct. App. Feb. 6, 2018).

Following a bench trial, I found the defendant guilty of second-degree burglary and bail jumping. I orally explained the basis for my ruling and sentenced the defendant. The Court of Appeals found that I erred by not issuing written findings of fact and conclusions of law but deemed the error harmless and affirmed the convictions.

State of Washington v. Lewis, No. 15-1-00824-5 (Wash. Sup. Ct. Grant Cnty.); *State of Washington v. Lewis*, No. 34347-2-III, 2017 WL 6054911 (Wash. Ct. App. Dec. 7, 2017).

After a three-day jury trial, the defendant was convicted of two counts of burglary. I imposed a prison-based drug offender alternative sentence, which included community custody provisions after confinement. The sentence prohibited the defendant from using or possessing any controlled substances unless prescribed by a "physician." The Washington Court of Appeals held that, under applicable state law, the restriction should have instead prohibited the defendant from possessing or consuming controlled substances aside from "lawfully issued prescriptions." It therefore remanded for adjustment of the defendant's community custody provisions.

State of Washington v. Henderson, No. 15-1-00775-3 (Wash. Sup. Ct. Grant Cnty.); *State of Washington v. Henderson*, No. 34170-4-III, 2017 WL 1163144

(Wash. Ct. App. Mar. 28, 2017).

The defendant pleaded guilty to unlawful possession of a firearm and taking a motor vehicle without permission. The parties and the court agreed on the defendant's criminal offender score. I informed the defendant of the standard range sentence for his crimes based on the agreed offender score and sentenced him within that standard range. The defendant later moved to withdraw his guilty plea for various reasons, including an allegedly erroneous calculation of his offender score. I orally denied the motion. The Washington Court of Appeals held that I had erred in the offender score calculation. Because Washington law requires withdrawal of a guilty plea if a defendant is misinformed about his offender score, the Washington Court of Appeals remanded for withdrawal of the defendant's guilty plea.

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

As a state trial court judge, I do not author any published opinions. All written opinions I have issued are entered via orders or judgments. They are placed in individual case files maintained by the Grant County Superior Court Clerk. Copies of all orders and judgments can be requested through the Grant County Superior Court Clerk's office website located at <https://www.grantcountywa.gov/Clerk>.

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

State of Washington v. Coles, No. 19-1-00414-13 (Wash. Sup. Ct. Grant Cnty. June 10, 2020). Copy supplied.

State of Washington v. Huff, No. 19-1-00665-13 (Wash. Sup. Ct. Grant Cnty. Nov. 25, 2019). Copy supplied in response to Q.13d.

State of Washington v. Torres, No. 18-1-00732-13 (Wash. Sup. Ct. Grant Cnty. Nov. 30, 2018). Copy supplied in response to Q.13d.

State of Washington v. Stickel, No. 18-1-00466-13 (Wash. Sup. Ct. Grant Cnty. Nov. 13, 2018). Copy supplied.

State of Washington v. Portillo Orozco, No. 04-1-00298-1 (Wash. Sup. Ct. Grant Cnty. Oct. 4, 2018). Copy supplied in response to Q.13d.

State of Washington v. Sandberg, No. 17-1-00375-4 (Wash. Sup. Ct. Grant Cnty. May 14, 2018). Copy supplied in response to Q.13c.

State of Washington v. Toulou, Jr., No. 17-1-00108-5 (Wash. Sup. Ct. Grant Cnty. Jan. 12, 2017). Copy supplied.

State of Washington v. Solis, No. 16-1-00396-9 (Wash. Sup. Ct. Grant Cnty. Dec. 8, 2016). Copy supplied.

State of Washington v. Avalos, No. 16-1-00566-0 (Wash. Sup. Ct. Grant Cnty. Nov. 29, 2016). Copy supplied.

State of Washington v. Hyduk, No. 09-1-00249-8 (Wash. Sup. Ct. Grant Cnty. Apr. 29, 2016). Copy supplied in response to Q.13d.

State of Washington v. Turner, No. 08-1-00687-8 (Wash. Sup. Ct. Grant Cnty. Apr. 21, 2016). Copy supplied.

State of Washington v. Shadeed, No. 16-1-00010-2 (Wash. Sup. Ct. Grant Cnty. Apr. 21, 2016). Copy supplied.

State of Washington v Turner, No. 15-1-00629-3 (Wash. Sup. Ct. Grant Cnty. Mar. 31, 2016). Copy supplied.

State of Washington v. Kunes, No. 15-1-00490-8 (Wash. Sup. Ct. Grant Cnty. Mar. 30, 2016). Copy supplied.

State v. Keller, No. 15-1-00768-1 (Wash. Sup. Ct. Grant Cnty. Jan. 14, 2016). Copy 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 not 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.

I am bound by Washington State's Code of Judicial Conduct. Specifically, Rule 2.11 governs when a judicial officer must disqualify (recuse) himself or herself from a matter. I consult that rule when evaluating whether I should disqualify myself. Where the need for disqualification is debatable, I consult with colleagues to further evaluate duties and obligations under Rule 2.11. If I believe there is a potential conflict of interest or possible appearance of partiality, I will disqualify myself or, at a minimum, raise the issue with the parties to provide an opportunity to request recusal. After evaluating comments or requests from a party, I evaluate and ultimately decide whether to disqualify myself from a matter.

Beyond the requirements of Rule 2.11, I will recuse myself *sua sponte* for all matters involving family, close friends, colleagues, and persons with whom I interact with on a frequent basis, such as my children's teachers, coaches, etc. I also recuse myself from matters involving my wife's former employer.

State of Washington v. Walters, 21-1-00109-13 (Wash. Sup. Ct. Grant Cnty.). At arraignment on a fugitive complaint based on a warrant issued by the State of Oregon, defense counsel questioned whether a document filed in support of a fugitive complaint was a certified original, which he argued was required by state statute. During the hearing, I mentioned the court clerk stated the stamp on the document could be an original. Thereafter, defense counsel asked me to recuse asserting I was considering evidence outside the record. I denied the request to recuse.

State of Washington v. Rivera Gonzalez, 20-1-00290-13 (Wash. Sup. Ct. Grant Cnty.). Defendant's counsel asked me to recuse after I questioned the State about the evidence supporting the plea agreement between the defendant and the State. The defendant's counsel felt I had exceeded my authority in questioning the State's position. I denied the request and, upon further consideration of the parties' positions and the evidence identified, I accepted the plea.

State of Washington v. Hunt, No. 20-1-00121-13 (Wash. Sup. Ct. Grant Cnty.). The *pro se* defendant asked me to recuse after I denied a number of his motions, claiming without evidence that I was biased against him. I denied the request.

Redwine v. Redwine, No. 13-2-00609-6 (Wash. Sup. Ct. Grant Cnty. Oct. 24, 2018). Defendant's counsel asked me to recuse because he asserted he had publicly supported my election opponent in 2016 and because he had a contentious relationship with a court clerk. I reviewed Rule 2.11, read relevant ethics decisions, and contacted the Washington Judicial Ethics hotline. I denied the motion to recuse.

My 2016 election opponent informally asked me to recuse from all matters involving him or his firm. I reviewed Rule 2.11, read relevant ethics decisions, and contacted the Washington Judicial Ethics hotline. I denied his informal request.

I recall the following instances when I was asked to recuse myself but cannot remember the specific cases in which the requests arose:

During a plea hearing when the defendant was expected to plead guilty to an assault against his spouse, I noted that I had previously presided over the victim's petition for a civil protection order against the defendant. I further noted that I understood the facts that had given rise to the plea to be more serious than those asserted at the plea hearing. Defense counsel asked me to recuse myself because of my comments about the prior hearing involving the defendant's spouse. I reviewed Rule 2.11 and consulted the Washington Judicial Ethics Hotline. I decided to recuse myself to avoid an appearance of partiality.

A defendant asked me to recuse myself during a sentencing hearing after learning the victim's former spouse worked as a clerk in the Grant County Superior Court Clerk's Office and seeing that former spouse in the audience during the hearing. I granted the request to avoid any appearance of partiality.

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.

In 2015, the then-mayor of Moses Lake, Dick Deane, appointed me to the City of Moses Lake Park and Recreation Commission. I resigned from this position later that year after being appointed to the Grant County Superior Court.

- 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.

With the exception of my own 2016 retention election, I have not held any position or played any role in any political campaign, nor held office in or provided services to any political party or election committee.

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 did not serve as a clerk to a judge.

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

2005 – 2015

Estudillo Law Firm, PLLC

2012 – 2015

Main Office:

604 West Third Avenue

Moses Lake, Washington 98837

Satellite Office:

16825 48th Avenue West, #213

Lynnwood, Washington 98037

2010 – 2012

9630 Roosevelt Way Northeast

Seattle, Washington 98115

2006 – 2010

9500 Roosevelt Way Northeast, Suite 301

Seattle, Washington 98115

2005 – 2006

720 3rd Avenue

Seattle, Washington 98104

- 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;

1999 – 2002

Jeffers, Danielson, Sonn & Aylward, P.S.

2600 Chester Kimm Road

Wenatchee, Washington 98801

Associate Attorney

2002 – 2005

Scheer Law, PLLC

(formerly Scheer & Zehnder, LLP)

2101 Fourth Avenue, Suite 830
Seattle, Washington 98121
Associate 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.

I have not served as a mediator or arbitrator.

b. Describe:

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

From 1999 to 2002, I was an associate attorney with Jeffers, Danielson, Sonn & Aylward, P.S. I was assigned to the firm's Moses Lake office, which has since closed. I assisted various partners with litigation matters, both defense and plaintiff work. I worked on researching legal issues, preparing pleadings, drafting and responding to motions, drafting and responding to discovery, and trial preparation (such as preparing motions in limine and trial notebooks). I also performed assignments not related to litigation, such as drafting business formation documents, litigating child support enforcement, drafting estate planning documents, and researching real property issues.

From 2002 to 2005, I was an associate attorney with Scheer & Zehnder, LLP. My practice focused on complex, multiparty litigation. I represented developers and general contractors sued by property owners, usually involving condominium developments, multi-residential housing, or other commercial projects. I also handled personal injury defense claims, some plaintiff personal injury claims, and occasionally performed insurance coverage analysis. I performed all aspects of litigation.

From 2005 to 2015, I operated my own law firm focused on immigration law. I represented immigrants in removal proceedings, both detained and non-detained, which included filing claims for asylum, withholding of removal, protection under the Convention Against Torture Act, and cancellation of removal. I also filed affirmative applications for relief with United States Citizenship & Immigration Services, which included citizenship applications, U-visa applications, temporary protected status, Deferred Action for Childhood Arrivals, and requests for work authorization. I also continued to engage in civil litigation, including insurance defense work, plaintiff personal injury claims, and plaintiff breach of contract claims.

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

While at Jeffers, Danielson, Sonn, & Aylward, P.S., my typical clients included local municipalities, large farming and fruit packing companies, insurance companies (insurance defense assignments), and individuals who sought legal advice in business and personal matters.

While at Scheer & Zehnder, LLP, my typical clients were large developers and general contractors insured by insurance companies such as Zurich, Lloyd's of London, Insurance Corporation of British Columbia, The Hartford, Liberty Mutual, Safeco, and other regional insurance companies.

As a sole practitioner, my typical clients were individuals. I also represented contractors insured by Liberty Mutual Insurance Company.

- 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.

Between 1999 and 2002, approximately 70% of my practice focused on litigation matters. During this time, I occasionally appeared in Washington Superior Court for default or discovery motions. Between 2002 and 2005, the entirety of my practice involved litigation. My court appearances became more frequent, as I argued discovery motions and motions for summary judgment. Between 2005 and 2015, 70% of my practice involved litigation. My practice included civil litigation as well as removal defense work before the Seattle and Tacoma Immigration Courts. I appeared in Immigration Court on a frequent basis and in Washington Superior Court on an occasional basis.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 1%
- 2. state courts of record: 49%
- 3. other courts: 0%
- 4. administrative agencies: 50%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 99%
- 2. criminal proceedings: 1%

- 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.

As a litigator and sole counsel, I tried 26 cases to verdict, judgment, or final

decision. Of these cases, I tried two cases to jury verdict in Washington Superior Court and 24 cases before an administrative law judge in Immigration Court.

- i. What percentage of these trials were:
 - 1. jury: 7%
 - 2. non-jury: 93%

- 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 of the United States.

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.

Though I believe them to be significant litigation matters, I am not including information about former immigration clients I represented in Immigration Court. Immigration Court files are docketed based on an individual's alien registration number ("A number") and are not public records. I am not authorized to disclose former clients' A numbers or information about their individual immigration matters. Instead, I will note that I have successfully litigated numerous matters in Immigration Court, including complex cases turning on the interpretation and application of the Immigration and Nationality Act.

- 1. *Bort v. Parker*, 42 P.3d 980 (Wash. App. Ct. 2002); Judge Stephen M. Brown, Judge John A. Schultheis, and Judge Kenneth A. Kato.

Contractor filed claims for breach of a construction contract and equitable claims against a homeowner. The construction contract incorrectly identified the contractor's company name, but listed the contractor's correct contractor registration number under the Washington Contractor Registration Act. The trial court granted summary judgment in favor of the homeowner, concluding that the

company identified on the contract was not a registered contractor and, therefore, the plaintiff's suit was barred. The Court of Appeals reversed, finding reasonable inferences that could support a conclusion that the contractor's company, a registered contractor, was a party to the construction contract. The court remanded to allow the contractor to pursue his contractual and equitable claims.

I, along with attorney David E. Sonn, represented the contractor during the appellate proceedings. Mr. Sonn was the assigned partner. I was the assigned associate. I drafted our appellate brief, and Mr. Sonn reviewed and edited it. I presented oral argument before the panel. The appellate decision issued the same month I left the law firm.

Co-counsel:

David E. Sonn
Jeffers, Danielson, Sonn & Aywllard, P.S.
2600 Chester Kimm Road
Wenatchee, WA 98901
(509) 662-3685

Counsel for Respondent:

Hon. Robert E. Lawrence-Berry, Jr.
Washington Court of Appeals
500 North Cedar Street
Spokane, WA 99201
(509) 456-3082

Dates of representation: January 2001 – March 2002.

2. *Sabbatini v. Port of Seattle, et al.*, No. 01-2-00219-7SEA (Wash. Sup. Ct. King Cnty.); presiding judge unknown.

Plaintiff was a 69-year-old longshoreman injured when a shipping crane's main hoist rope became hooked on the hoist rope deflector. The hoist rope ripped the deflector from the crane. The deflector fell to the ground and bounced into the plaintiff. The defendants were entities that owned, operated, and maintained the crane. Dueling experts evaluated and offered opinions on the design, maintenance, and operation of the crane. The defendants contested their individual responsibility for the accident and disputed the damages plaintiff sustained from the injury. After engaging in significant discovery and shortly before trial, the parties settled.

I, along with attorney Mark P. Scheer, represented the plaintiff. I handled all aspects of discovery, worked with experts, and prepared the matter for trial and mediation.

Co-counsel:

Mark P. Scheer
Scheer Law, PLLC
2101 Fourth Avenue, Suite 830
Seattle, WA 98121
(509) 800-4070

Counsel for Defendants:

Richard A. Nielsen, Jr.
Nielsen Law, PLLC
711 24th Avenue South
Seattle, WA 98144
(206) 323-7776

Joseph P. Lawrence, Jr.
Lawrence Law Group, PLLC
11900 Northeast 1st Street, Suite 300
Bellevue, WA 98005
(206) 344-2001

Paul S. Smith
Forberg & Umlauf
901 5th Avenue, Suite 1400
Seattle, WA 98164
(206) 346-3948

Dates of representation: 2002 – 2003.

3. *Luna v. Crofton Constr., LLC, et al.*, No. 07-2-28976-3SEA (Wash. Sup. Ct. King Cnty.); Judge Michael C. Hayden.

Plaintiff suffered injuries while working as a plumber for a subcontractor on a condominium construction project. Plaintiff was utilizing a hand-held Victor VP-30 PVC pipe cutter when a piece of the pipe cutter broke and flew into plaintiff's right eye, resulting in a permanent percentage loss of vision. Plaintiff filed suit against the general contractor for failing to ensure compliance with worksite safety and health regulations, and against the Japanese product manufacturer for faulty design and construction of the pipe cutter. Both defendants denied liability. After overcoming foreign process of service issues, significant discovery, issues arising out of plaintiff's immigration status, and dueling expert reports, the parties settled.

I was sole counsel for the plaintiff through all stages of the litigation.

Counsel for Defendant Hanzo Tools Mfg. Co. Ltd.:

John A. Knox
(retired)

Counsel for Defendant Crofton Construction, LLC:

Gregory P. Turner
Lee Smart PS Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101
(206) 624-7990

Dates of representation: December 2006 – April 2009.

4. *Eaton v. Gardner*, No. 05-2-3-7979-1SEA (Wash. Sup. Ct. King Cnty.); Judge William Downing.

The plaintiffs hired a roofing contractor to install a sheet metal roof on their residence. The roofing contractor failed to weather protect the project while the work was being performed, resulting in water damage to the interior. There also was continued water intrusion after the project was completed. The plaintiffs commenced suit against the contractor and the contractor's surety bond for breach of contract and violation of Washington's Consumer Protection Act. The case proceeded to jury trial. The plaintiffs prevailed on their contract claim but not their Consumer Protection Act claim.

I was sole counsel for the plaintiffs through all stages of the litigation.

Counsel for Defendants:

Alan B. Hughes
Alan B. Hughes, PS
7016 35th Avenue Northeast
Seattle, WA 98115
(206) 340-1944

Dates of representation: September 2005 – September 2007.

5. *Ledgett v. Kovavich*, No. 05-2-35644SEA (Wash. Sup. Ct. King Cnty.); Judge Sharon Armstrong.

The plaintiff suffered injuries following a motor vehicle accident, including brachial plexopathy and symptoms of left upper extremity paresthesias. Medical experts disagreed on the extent and cause of the plaintiff's injuries. The parties first engaged in arbitration, leading to an award of damages to the plaintiff. The defendant then requested a trial de novo in superior court. After a three-day trial, plaintiff again prevailed on her claims.

I was sole counsel for the plaintiff through all stages of the litigation.

Counsel for Defendant:

Thomas G. Richards
(retired)

Dates of representation: September 2005 – December 2006.

6. *Bergstedt v. Nicksic Constr.*, No. 07-00698-9 (Wash. Sup. Ct. Whatcom Cnty.); Judge Ira Uhrig.

Plaintiff homeowner sued the general contractor for defective work performed in the construction of her residence – a high-end home with a significant investment in custom landscaping around the residence. Plaintiff alleged significant defects and claimed over \$2 million in recorded expenses related to repair work, fees, and personal relocation costs. The general contractor filed third-party claims against subcontractors who had performed work on the project, alleging breach of contract, breach of express and implied warranties, and implied and express indemnity. After significant discovery, motions practice, expert reports and analysis, and multi-party mediation, the parties settled all of the primary and third-party claims.

I, with co-counsel, pursued the third-party claims on behalf of the general contractor against the subcontractors. I engaged in all discovery, motion practice, mediation, and settlement.

Co-counsel for Defendant:

Peter Steilberg, III
Merrick Hofstedt & Lindsey
3101 Western Avenue, Suite 200
Seattle, WA 98121
(206) 682-0610

Josh Joerres
Dubin Law Group
118 North 85th Street, Suite 202
Seattle, WA 98103
(206) 800-8000

Counsel for Plaintiff:

Craig P. Hayes
119 North Commercial Street, Suite 1200
Bellingham, WA 98225
(360) 734-2000

Counsel for Third-Party Defendants:

W. Scott Clement
Clement & Drotz, PLLC
100 West Harrison Street, Suite N350
Seattle, WA 98119

Hon. Anthony Gipe
Kent Municipal Court
1220 Central Avenue South
Kent, WA 98032

(206) 448-9595

Pauline Smetka
Helseel Fetterman LLP
1001 4th Avenue, Suite 4200
Seattle, WA 98154
(206) 292-1144

Douglas Green
Williams Kastner & Gibbs
601 Union Street, Suite 1400
Seattle, WA 98101
(206) 628-6600

Norma S. Ninomiya
(retired)

Geoffrey Knudsen
(deceased)

Dates of representation: December 2008 – August 2010.

7. *Brookwood Place Condo. Assoc. v. Brookwood Place, LLC, et al.*, No. 10-2-01746-0 (Wash. Sup. Ct. Snohomish Cnty.); presiding judge unknown.

The condominium association brought suit against the developer based on water intrusion and other construction defects. The developer filed a third-party suit against the general contractor, who initiated a fourth-party suit against the subcontractors. The third- and fourth-party claims involved breach of contract, breach of express and implied warranties, and implied and express indemnity.

I was sole counsel for a masonry subcontractor and handled motions practice and mediation on behalf of my client. The case eventually settled and the claims against my client were dismissed.

Counsel for Plaintiff:

Jesse Miller
Ashbaul Beal LLP
701 5th Avenue, Suite 4400
Seattle, WA 98104
(206) 386-5900

Counsel for Defendant/Third-Party Plaintiff:

Philip G. Bardsley

(253) 856-5730

Bennett J. Hansen
Preg O'Donnell & Gillet, PLLC
901 5th Avenue, Suite 3400
Seattle, WA 98164
(206) 287-1775

Michael K. Taylor
Murray Dunham & Murray
200 West Thomas, Suite 350
Seattle, WA 98119
(206) 234-4983

John P. Hayes
(retired)

(Deceased)

Counsel for Third-Party Defendant/Fourth-Party Plaintiff:

Claude F. Bosworth
Rizzo Mattingly Bosworth PC
1300 Southwest 6th Avenue, Suite 330
Portland, OR 97201
(503) 229-1819

Counsel for Fourth-Party Defendants:

Mike DeLeo
Peterson Russell Kelly Livengood
PLLC
1000 Northeast 4th Street, Suite 1850
Bellevue, WA 98004
(425) 462-4700

W. Scott Clement
Clement & Drotz, PLLC
100 West Harrison Street, Suite N350
Seattle, WA 98119
(206) 448-9595

Bret Simmons
Simmons Sweeney Smith PS
1223 Commercial Street
Bellingham, WA 98225
(360) 752-2000

Melia M. Shears
P.O. Box 22677
Portland, OR 97269
(503) 513-5130

Dates of representation: January 2011 – January 2012.

8. *Serenity at Juanita Owners Assoc. v. Serenity at Juanita, LLC, et al.*, No. 10-2-11188-3SEA (Wash. Sup. Ct. King Cnty.); Judge Carol A. Schapira.

The owners association brought suit against the developer, seeking repair costs for water intrusion and other construction defects in buildings that had been converted from apartments to condominium units. The developer filed third-party claims against several subcontractors, including breach of contract, breach of express and implied warranties, and implied and express indemnity.

I handled all of the litigation for two of the subcontractors (a hot tub contractor and a sump pump contractor) and successfully defended them against the developer's third-party claims. The trial court entered summary judgment in favor of my clients on all but one claim, and the parties settled the final claim through mediation.

Counsel for Plaintiff:

Anthony L. Rafel
Rafel Law Group, PLLC

4126 East Madison Street, Suite 202
Seattle, WA 98112
(206) 838-2660

Counsel for Defendant/Third-Party Plaintiff:

Shane D. McFetridge
Randall Danskin
601 West Riverside Avenue, Suite 1500
Spokane, WA 99201
(509) 747-2052

Counsel for Third-Party Defendants:

Steven Rocky
Rockey Stratton, P.S.
3010 Northeast 182nd Street
Lake Forest Park, WA 98155
(206) 223-1688

W. Scott Clement
Clement & Drotz, PLLC
100 West Harrison Street, Suite N350
Seattle, WA 98119
(206) 448-9595

Gregory C. Wallace
Law Office of MacKay & Wallace
1299 Zurich Way, Suite 460
Schaumburg, IL 50196
(206) 515-4822

David M. Soderland
Dunlap & Soderland, P.S.
400 Northwest Gilman Boulevard
Unit 1189
Issaquah, WA 98027
(206) 682-0902

Mark M. Miller
Law Offices of Mark M. Miller
15500 Southeast 30th Place
Suite 201
Bellevue, WA 98007
(425) 644-4440

Gregory P. Turner
Lee Smart PS Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101
(206) 624-7990

Paul F. Crane
2400 Northeast 65th Street,
Suite 808
Fort Lauderdale, FL 33308
(206) 292-9998

Dates of representation: April 2012 – December 2012.

9. *Zarapkar v. Hernandez, et al.*, No. 14-2-11913 (Wash. Sup. Ct. Pierce Cnty.);
Judge Elizabeth Martin.

A homeowner contracted with a contractor for the installation of stucco on the

south and east exteriors of the residence. The contractor also installed stone veneer around the garage and pillars of the residence. The residence suffered water intrusion due to the contractor's defective work. Repair of the residence was estimated to be approximately \$180,000. The plaintiff filed claims for breach of contract, negligent misrepresentation, and violation of Washington's Consumer Protection Act. The contractor denied the claims. The matter settled after mediation.

I was sole counsel for the plaintiff from the initial investigation of the claim through discovery and settlement.

Counsel for Defendants:

Jennifer D. Loynd
Washington State Attorney General's Office
7141 Cleanwater Drive Southwest
P.O. Box 40126
Olympia, WA 98504
(360) 586-6404

Dates of representation: July 2014 – August 2015.

10. *Renton Fifth & Williams Ltd. P'ship v. Synergy Constr., Inc., et al.*, No. 14-2-20239-3SEA (Wash. Sup. Ct. King Cnty.); Judge Douglas A. North.

The plaintiff, the owner of a 92-unit apartment complex, brought suit against a general contractor for breach of contract and breach of express and implied warranties of habitability. The general contractor filed third-party claims against several subcontractors who performed work during construction. The general contractor asserted claims for breach of contract, breach of express and implied warranties, and implied and express indemnity.

Along with co-counsel, I represented one of the subcontractors. This included investigating the claims against my client, handling discovery, working with experts, and initial motions practice. I unsuccessfully moved for dismissal of the claims based on the applicable statute of limitations and statute of repose. I was preparing a motion for discretionary review, but I withdrew from the case and was not able to pursue appeal following my appointment to the superior court.

Co-counsel:

Paul E. Sheely
Michael J. Staskiewics
111 Southwest Columbia Street, Suite 800
Portland, WA 97201
(503) 227-2424

Counsel for Plaintiff:

Michael T. Callan
Peterson Russell Kelly Livengood, PLLC
10900 Northeast 4th Street, Suite 1850
Bellevue, WA 98004
(425) 462-4700

Counsel for Defendant/Third-Party Plaintiff:

Shane D. McFetridge
Randall Danskin
601 West Riverside Avenue, Suite 1500
Spokane, WA 99201
(509) 747-2052

Counsel for Third-Party Defendants:

Betsy A. Gillaspay
Gillaspay & Rhode, PLLC
821 Kirkland Avenue, Suite 200
Kirkland, WA 98033
(425) 646-2956

Steven G. Wraith
Lee Smart PS, Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101
(206) 624-7900

R. Scott Fallon
Fallon & McKinley
155 Northeast 100th Street, Suite 401
Seattle, WA 98125
(206) 682-7580

Elizabeth E. Lampson
Davis Rothwell Earle & Xochihua, PC
200 Southwest Market Street
Suite 1800
Portland, OR 97201
(503) 222-4422

Jodi A. McDougall
Cozen O'Connor
999 3rd Avenue, Suite 1900
Seattle, WA 98104
(206) 373-7233

Whitney L.C. Smith
Wilson Smith Cochran Dickerson
901 5th Avenue, Suite 1700
Seattle, WA 98164
(206) 623-4100

W. Scott Clement
John Drotz
Clement & Drotz, PLLC
100 West Harrison Street, Suite N350
Seattle, WA 98119
(206) 448-9595

Dates of representation: November 2014 – August 2015.

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.)

I am active in the Washington State Superior Court Judges' Association and am the Association's president as of April 28, 2021. In this capacity, I am a member of the Board of Trustees and serve on our Legislative Committee, which is charged with reviewing, monitoring, evaluating, and suggesting proposed legislation that may affect superior court operations. I also serve as the chair of the Rural Courts Committee, which focuses on reviewing and addressing issues affecting rural courts in our state. I also serve on the Ethics Committee, which focuses on identifying and addressing ethical issues that arise in our superior courts. As part of my role with the Superior Court Judges' Association, I serve on the Washington State Board for Judicial Administration, which seeks to provide effective leadership to the state courts and develop policy to enhance the administration of the court system in Washington.

Between 2007 and 2014, I volunteered in at least eight full-day Citizenship Day Clinics throughout Washington. In these clinics, immigration attorneys assist eligible legal permanent residents in completing their applications for citizenship and preparing the materials in support of their applications. The clinics were sponsored by OneAmerica With Justice For All and Washington New Americans organizations. Additionally, between 2008 and 2010, I volunteered at civil legal clinics sponsored by the Latino/a Bar Association of Washington.

I have not performed any lobbying activities nor registered as a lobbyist.

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

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.

As a Superior Court Judge, I am vested in Washington's public employee retirement

plan. I also have a personal 401k plan. Aside from these interests, I do not have any deferred income or expected future benefits from 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.

None.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I do not have any family members, persons, parties, litigation, or financial arrangements that are likely to present potential conflicts of interest if I am confirmed. If any potential conflict of interest were to arise, I would address it in the manner instructed by the Code of Conduct for United States Judges, Canon 3.

- 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 recuse myself from all matters as required by 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as the related advisory opinions issued by the ethics committee of the Judicial Conference. I would utilize the court's automated conflict checking system. I would assess any potential conflicts and determine for myself whether I believed they justified my recusal or not. In cases where any uncertainty exists, I would err on the side of recusal rather than non-recusal.

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 2005 and 2015, I handled a number of immigration matters pro bono. This included representation of low-income individuals who were in removal proceedings before the Immigration Court. I assisted in filing and preparing claims for asylum, withholding of removal, Convention Against Torture Act, and cancellation of removal. I also assisted in applying for U-visa affirmative relief from United States Citizenship & Immigration Services. The individuals I assisted normally were single mothers of young United States citizen children, and who had fled relationships involving domestic violence. I would normally spend between 25 to well over 50 hours in handling these types of pro bono matters. The pro bono matters referred to me came from legal aid service organizations.

Between 2008 and 2010, I volunteered at civil legal clinics sponsored by the Latino/a Bar Association of Washington. I volunteered at least twice a year and spent over 15 hours participating in these clinics.

Between 2007 and 2014, I volunteered at Citizenship Day Clinics sponsored by OneAmerica and Washington New Americans organizations. The clinics were scheduled at different times of the year in different locations and were all day events. I spent more than 65 hours participating in these clinics.

Between 2010 and 2015, I presented at community forums and answered questions about immigration issues. Most of these presentations were delivered in Spanish. I spent at least 30 hours participating in these presentations.

26. **Selection Process:**

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

On January 4, 2021, I submitted my application to the bipartisan Judicial Merit Selection Committee created by Senators Maria Cantwell and Patty Murray in response to their call for applications for the position of United States District Court Judge for the Western District of Washington. On February 11, 2021, I interviewed with the 10-member Judicial Merit Selection Committee. On

February 24, 2021, I interviewed with staff from Senator Cantwell's office and separately interviewed with staff from Senator Murray's office. On March 8, 2021, I interviewed with Senator Murray by telephone. After this interview, Senator Murray's Senior Counsel informed me my name was being submitted to the White House for further consideration. On March 9, 2021, I interviewed with attorneys from the White House Counsel's Office. Since March 11, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 29, 2021, my nomination was submitted to the Senate.

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

No.