

## 2010 Candidate Questionnaire

### SECTION I

#### BASIC CANDIDATE INFORMATION

1. Name as it will appear on the ballot

| First Name | Middle Initial or Nickname | Last Name |
|------------|----------------------------|-----------|
| David      |                            | Tracy     |
|            |                            |           |

2. Office sought (include office, jurisdiction, position/district number):

**King County District Court , Southeast, Position #6**

3. Are you the incumbent? ☐ Yes ☒ No

4. How long have you resided in this district/city?

**30 years**

5. How long have you resided in King County?

**30 years**

6. Is the office sought partisan or nonpartisan? ☐ Partisan ☒ Nonpartisan

7. If partisan, please indicate party:

#### CAMPAIGN CONTACTS

Campaign Name: Committee to Elect David Tracy Judge

Address: 108 Wells Ave. S.

City/State/Zip: Renton, WA 98057

Campaign Phone: 425-277-0302

Campaign Fax: 425-277-4749

Campaign E-mail: \_\_\_\_\_

Campaign Website: \_\_\_\_\_

#### POLITICAL BACKGROUND

1. Beginning with the most recent position, please list public offices you have held. Include positions on appointive boards or commissions.

| Public Office                      | Elective or Appointive? | Dates Held           | Leadership Role (if any) |
|------------------------------------|-------------------------|----------------------|--------------------------|
| Judge, Federal Way Municipal Court | Appointed               | 1/1/2000 to 12/31/05 | Presiding Judge          |
|                                    |                         |                      |                          |
|                                    |                         |                      |                          |

2. If you ran for public office but were not elected, please list those races below:

| Office Title                       | Year of Run |
|------------------------------------|-------------|
| Judge. Federal Way Municipal Court | 2005        |

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## SECTION II

In this section, we are seeking responses that reflect the four ratings criteria: involvement, effectiveness, character, and knowledge. These are defined as follows:

- **Involvement:** What has the candidate done previously in family, neighborhood, community, volunteer work, employment or public life to suggest readiness to accomplish challenging objectives? How do these activities demonstrate readiness for the challenges unique to the office sought?
  - **Effectiveness:** Has the candidate demonstrated promise of being productive in the office sought? Has the candidate shown the ability to work with other people?
  - **Character:** Do the candidate's personal traits show the ability to take on the responsibilities of campaigning for and holding the public office she or he is seeking? Is the candidate a leader, participant or observer? Is the candidate trustworthy, reliable and candid?
  - **Knowledge:** Has the candidate demonstrated the willingness and ability to learn and adapt? Does the candidate understand the duties and challenges of the office sought? Does the candidate have a firm grasp of the issues important to his or her constituency and their potential effects?
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1. In one page or less, why are you running for this office? (Note: the interview committee will be given a copy of this statement before your interview; at the beginning of your interview you will have the opportunity to expand on this statement in any way you wish.)

I like helping people. I have helped people since I became an attorney. When I first acted as a pro tem judge, I found that I enjoyed listening to people who came before the court. I wanted to understand their side. I wanted to be sure that they understood their rights and the process. Just as important, I wanted to be sure that I had as much knowledge about the law and life to be able to understand each person's perspective. Being asked to be a judge is a humbling experience. It is humbling as it indicates that you have been chosen to decide disputes between parties. That those parties expect you to apply all your knowledge and experience to the information presented to make the best decision you can. It takes a desire to hear what is said and to understand what is presented, to do justice within the law, to explain your decisions so the parties understand why you made the decision you did, a desire to be respectful and patience throughout the whole process and with the parties. If you expect your decisions to be respected, you need to be respectful. I always remember the trust that is put in my hands to decide the dispute presented to me.

2. Describe your most important personal characteristics or traits as they relate to the office you seek.

I try to be part of the answer and not the problem. I try to help people. I have always tried to be patient and respectful, and I have always been willing to stand on principle. All of this is necessary as a Judge. You need to work hard to be ready for the issues that may and do come before you, you need to be respectful to all that come before you, and you need to be intellectually honest with your decisions. To be prepared I continue my education such as obtaining the Certificate from the National Judicial College or the Certificates for Supervisors or Managing Human Resources from Green River Community College and National Center for State Courts. After serving as a pro tem judge for over 30 years, I have learned from all the people that have appeared before me. Each individual has enhanced my ability to understand. My numerous years of community service have enlightened me as to the diversity and problems of our community. Exposing myself to various sectors of community service has provided me with a firm foundation of who makes up our community and the problems the community faces.

3. Please describe, in sufficient detail, one to three accomplishments or contributions of which you are most proud. These examples should illustrate skills and capabilities you think apply to the office you are seeking. These accomplishments may have occurred at any time in your personal, professional, or public life.

1. Starting a new court:

Only a few judges have had the opportunity to start a new court. Any organization will have problems but a new court is creating a new entity while balancing the conflicting expectation of various interested parties. A new presiding judge at a new court can often feel like they are at the end of a fire hose with a teacup and required to catch all the water. The challenge is to not ignore those problems, but keep working until you have solved the problem.

The challenges range from putting procedures in to place and organizing staff that came from several different work cultures to a new unified culture, to explaining to a police chief why a judge may request an officer to take a defendant into custody or resisting attempts by others to control the court in violation of GR 29.

To help reduce that learning curve, I attended the National Judicial College at the University of Nevada-Reno, for a total of eight weeks, over 4 years studying evidence, domestic violence, substance abuse, sentencing, ethics, diversity and bench skills. I received a Certificate of Judicial Studies for completing those courses. I have also attended three Presiding Judges Conference and received a Supervisor Certificate from Green River Community College and a Certificate for Court management from the National Association of State Courts.

My goal for those six years was to build a court that was committed to justice under the law.

2. Maintaining the integrity of the court.

A judge must always be on guard that the law is being following. It is easy to become dependent on the attorneys especially if they are in agreement. A prosecuting attorney is usually overworked, is trying to reduce a large caseload. A defense attorney is trying to minimize the risk or consequences that the defendant will have to assume. So when a prosecutor suggests that a case be dismissed in return for paying costs a defendant will often be willing to do that. The problem is that the statute clearly says that costs can be imposed only on a convicted person. That does not include cases that are dismissed. The same concept applies to attempting to impose costs on someone who agrees to do treatment and pay costs in return for a dismissal in

the future. The same statute applies and there is a case on that concept State v. Friend, 59 Wn. App. 365, 797 P.2d 539 (1990), that clearly indicates that without statutory authority costs can not be imposed. Of course, the local government is still looking on how to collect monies and than suggested that a donation to the local government with other conditions such as treatment was appropriate. That occurred in my court. The city was advised of State v. Theroff, 33 Wn. App. 741 (1983), that indicates that a Judge may not require a defendant to make a donation to a charity let alone the city. The response of the city was that the city could dispose of criminal and traffic infraction cases in any way the city wished just as two parties to a civil case could with one party paying money to the other. The city then started accepting donations to the city in return for dismissal of traffic infractions and some criminal cases without any other conditions.

Despite the court advising the city that this was not an appropriate practice, the city insisted on the practiced. The court agreed to allow the practice to continue until a judicial ethics opinion could be obtained. The city helped write the request. Judicial Ethics Opinion 04-5 was issued indicating that this practice was a violation of ethics as it disregarded the split of funds with the state. The practice was stopped immediately. Checking the ethics decisions of other states indicates that if there is no statutory authority, imposing costs or donations is not appropriate.

The Judicial Ethic opinion resulted in many courts deciding that the imposition of costs on a retrial basis was also unethical, creating a change statewide.

I am proud of maintaining the integrity of the court on this and other issues. I will continue to be on guard for actions that would interfere with the integrity.

As a result of these actions Judge McSeveney has thanked me for "taking a brave stand for what is right." Judge Steiner indicated that he "really appreciated the courage and commitment to justice" for taking this position. Although I am proud of these comments, I feel that I was only doing my job as a judge, which requires you to stand up for what is right under the law.

4. Please list or describe current and past activities in the community in which you have acquired skills that relate to the office you seek. Include your role in the activity and the year(s) in which you were involved. Involvement consists of many areas such as family, neighborhood, community, employment, or public life.

**EMPLOYMENT:**

2000 to 2006 - Presiding Judge for the newly established Federal Way Municipal Court.

1997 - 2000 - Magistrate for the King District Court, Federal Way Division.

1981 to present - Sole Practitioner, Renton, WA, management and operation of a general law practice.

1980 to 2010 - Judge Pro Tem, hearing thousands of cases at the following courts: Auburn Municipal, Kent Municipal, Kirkland Municipal, Lake Forest Park Municipal, Renton Municipal, Pacific Municipal, King County District Court, Aukeen-Kent, Bellevue, Issaquah, Northeast-Redmond, Renton, Seattle and Southwest-Burien Divisions, and King County Superior Court.

**JUDICIAL ACTIVITIES:**

2005 - Washington State Judicial College, Dean of College that teaches new judges for the past year the basic skills needed.

2004 to present - Board of Judicial Education, member.

2003 to 2004 - Funding Alternative Committee for the Task Force on Court Funding, member.

2002 to present - DMCJA Educational Committee that organizes the program for DMCJA Spring Judicial Conference, member.

2002 to 2003 - DMCJA Technology Committee, member.

2002 - DMCJA Committee on Judicial Resource Committee, caseload study member.

**ACTIVITIES:**

2008-present – Rotary Noon Club, Renton, Washington, member. Regularly participate with Second Harvest dividing bulk food to family size portions and Rotacare-a free medical clinic.

2001 to 2005 - Rotary Noon Club, Federal Way, Washington, member.

2001 to 2005 - YMCA, Federal Way Center, member of board of managers and recipient of volunteer of the year for 2004.

1998 to 2000 - Renton Chamber of Commerce, Board of Directors.

1995 to 1998 - Kent School District Diversity Task Force I and II, member. Chairperson of curriculum committee. The Task Force developed a program recognized nationally as the starting point for every other school district.

1994 - 1998 - South King County Bar Association, 1994-1995 Trustee; 1996 President Elect; 1997 President.

1993 - High School Moot Court Competition, State Tournament, Volunteer Judge.

1992 to 1998 - Kent Chamber of Commerce Foundation for Education and Arts, Board member, Chairperson of ECHO Scholarship Committee. Executive Director Committee, 1995 to 1996, President.

1992 to 1993 - Kent School District Concurrence Task Force, County Representative, Vice-

Chairperson, Co-Author of Committee Report.

1987 to present - South King County Bar Association Legal Clinic, providing legal advise.

1981 to 1997 - Advisory Committee For Legal Assistant Program, Renton Technical College, member of Advisory Committee. 1985-86 Chairperson.

1980 to 2004 - Boy Scouts of America, Merit Badge Counselor. 1992 to present - Chairperson of Nominating Committee. 1980 to 1985 - Program Chairperson, for local district. Responsible for various annual events.

1980 to present - Optimist International Green River Club, Kent and Renton, charter member of local service club and involved with South King County youth, elderly, and with annual events including oratory contest, speech contest for hearing impaired, handicapped fishing derby, DARE and "Just Say No" programs. President, 1993.

5. Please describe the duties of the office you seek. Which are the most important duties and why?

A judge makes decisions. Decisions that resolve disputes in the legal arena. While making those decisions, a judge needs to be respectful. The judge needs to listen to all sides, be sure to understand the information presented and apply all the experience, knowledge and wisdom that they have to make a good decision. A decision that applies the law and is fair to all the parties.

A judge needs to continue to prepare to make good decisions. That means continuing to learn more about the legal decisions they are likely to hear, continuing to expand their base of experience and continue to put themselves in the situations that others may find themselves. Times change as do our understanding of different issues such as diversity, domestic violence, alcohol and drug addiction, and mental health issues. All of this provides for better understanding of the information provided by parties to a dispute.

A judge needs to develop management skills. Not necessarily to manage but to understand what is necessary to manage. To be helpful to those that do manage the courts. Yes, a judge is independent and makes legal decisions that are their decision based on the facts and law as that judge understands it. However, a judge needs to learn to be part of a team when it comes to managing the court as a whole and making it more effective, efficient and cost aware of the actions taken by the court both on an individual judge level and as a whole.

