

King County Democrats

2016 Candidate Questionnaire

Judicial Level

Candidate Name	Judge David Mann	
Position Sought	Washington State Court of Appeals Judge (Division I)	
Home County and Legislative District	King – 43 rd LD	
Campaign Contact Information	Mailing address: PO Box 23125, Seattle, WA 98102	Phone: 425-466-0619 Fax:
	Website: www.retainjudgemann.com Email: judgetdavidmann@gmail.com Twitter: @ Facebook: https://www.facebook.com/profile.php?id=100015385750552&lst=100015385750552%3A100015385750552%3A1487510639	
Campaign manager or point of contact	Mary Ann Ottinger – 425-466-0619	
Consultant(s)	Same	

Part I – Candidate Background

Please briefly describe your qualifications, education, employment, community and civic activity, past union affiliation, and other relevant experience. Attach a resume with more complete history.

I was appointed by Governor Jay Inslee to fill a vacant seat on the Washington State Court of Appeals and was sworn in as a member of that Court in August 2016. State law requires that I stand for election to retain my seat in 2017.

With undergraduate degrees in geology and geophysics, I worked as a professional in that field for six years before attending law school. I then launched a 25-year legal career in the State of Washington where I emphasized public interest litigation and appeals on behalf of regional, state and local citizens' groups, tribes, and individual property owners. One of the highlights of my career as a lawyer was a successful argument in the U.S. Supreme Court.

I have served as a Board Member and officer of Conservation Northwest, the Northwest Fund for the Environment, and the Washington Environmental Council.

Describe your history of involvement in Washington state politics. What offices have you previously sought election or appointment to? What campaigns have you worked on?

The only office I have ever sought appointment to is the one I now hold – Judge of the Washington State Court of Appeals. I have not worked on any campaigns.

What prompted you to run for this office?

I sought appointment to a vacant seat on the Court of Appeals bench in 2016 because after 25 successful years in private practice representing organizations and individuals across the state I wanted to use my talents to serve the judiciary. I also believed that the Court of Appeals could use my specific background in public interest and environmental litigation and that I could fill an important niche of knowledge and experience on the Court.

Describe the progress of your campaign so far. What kind of reception is your campaign getting? Are you running unopposed, or do you have an opponent? How will your campaign appeal to the voters?

In January 2017, I retained the services of an experienced professional judicial campaign manager, and together we developed a campaign plan which has been initially focused on the building blocks of a successful campaign including securing significant endorsements and fundraising. A full list of my endorsements to date can be seen here: www.retainjudgemann.com. I have put together a good campaign team made up of people who not only know my credentials well but who are also experienced fundraisers. We have a campaign kick-off event coming up on March 16, and the response to that event has been right on target.

I am the incumbent in this position, and so far, I have no known opposition. I am taking nothing for granted, however, and am prepared to campaign all the way to November.

I intend to make my way around King County speaking to all the various groups of engaged voters, particularly those who endorse judicial candidates. Direct mail will ultimately be an important part of my campaign plan if I am opposed.

Please answer the following questions.

		Yes*	No
1	Have you ever failed to pay any taxes or court ordered judgments?		X
2	Have you ever been found in violation of a Public Disclosure Commission, Federal Election Commission or Seattle Ethics and Elections Commission regulation?		X

* If you answered "Yes" to either of the above, please explain your answer:

Part II – Ratings and endorsements

What endorsements and ratings from bar associations have you received to date?

Bar Association ratings:	<p>I obtained the following ratings in 2014 prior to my appointment but have not as yet been re-interviewed by any of these groups in 2017:</p> <p>Washington State Bar Association: Well Qualified Washington Women Lawyers: Qualified Wash. Assn. of Prosecuting Attorneys: Well Qualified Washington Defense Trial Lawyers: Qualified</p>
Endorsements:	<p>See attached endorsement list or go to: www.retainjudgemann.com for a complete up-to-date list.</p>

If you have previously sought elected office, what notable endorsements did you receive?

N/A

What other organizations are you planning to ask for an endorsement?

I will be seeking endorsements from all the Democratic Legislative District organizations in King County, the MLK County Labor Council, Machinists, Teamsters, Carpenters, SEIU, ILWU, IBEW, and other labor organizations who have an interest in a quality judiciary. I will also seek the endorsement of Washington Conservation Voters. To the extent that other organizations have an interest in a Court of Appeals election, I will gladly discuss my candidacy with them.

I have been endorsed by the 32nd LD Democrats.

Part III – Legal experience, technology, and court costs

Please describe your pro bono activities over the last five years.

While over five years ago, in 2010 I represented a local activist, pro bono, in his efforts seeking documents from the U.S. Navy concerning public safety around the Navy's Indian Island weapons center near Port Townsend. I took the case to the U.S. Supreme Court and won.

Through most of my 25 years in private practice, including the past five years, I represented public interest organizations on a "low bono" basis, usually charging at half or less of going rates.

In 2016, before I was appointed to the Court of Appeals, I took on pro bono representation of a large group of minority owned family businesses along 23rd Avenue in Seattle after the City closed 23rd Avenue for two years of construction without providing assistance or compensation.

What law firms or public law offices (i.e. King County Prosecutor's Office) have you worked for? Have you served as a prosecutor or a public defender? Please include dates, and title for each position that you have held, as well as areas of law practiced.

I have never served as a Prosecutor or Public Defender.

Before taking the bench, my legal practice included:

- Attorney - partner in Gendler & Mann, LLP, established 2003
- Attorney - partner in Bricklin & Gendler, LLP, 1997-2002
- Associate attorney with Bricklin & Gendler, LLP, 1991-1997

My private practice emphasized public interest environmental litigation and appeals, land use and property dispute litigation and appeals and public records. I had extensive experience with Washington's State Environmental Policy Act, National Environmental Policy Act, Endangered Species Act, Clean Water Act, Growth Management Act, Shoreline Management Act, Land Use Petition Act, local zoning and permitting processes, Freedom of Information Act, and the Public Records Act. I successfully argued before the U.S. Supreme Court and won a landmark ruling interpreting the Freedom of Information Act.

Have you ever served as a mediator or arbitrator? (If so, please describe your experiences.) If you are an incumbent, do you perform settlement conferences?

I have not served as a mediator or arbitrator. I served on the Environmental and Land Use Mediation Subcommittee for the Washington State Bar and was in the process of mediation training from 2015 until my appointment to the Court of Appeals. As members of the court we are not allowed to mediate cases.

What do you believe are the most important qualifications for a judge or justice?

As a Judge on the Court of Appeals our primary role is to carefully review and correct any errors made by the trial courts. In essence, we serve as the "backstop." We are bound by precedence and opinions of the Washington Supreme Court. But cases are almost never black and white. Consequently, a judge must do more than "call balls and strikes." A judge must develop a deep understanding of the law, including its underlying purpose and intent, and then apply the law, in a balanced manner to the situation before the court. This takes a patience, a willingness to carefully read and understand both the facts and the law, and then to clearly explain the decision so that it is easily understood.

Have you been a judge pro-tem? If so, what was that experience like? What did you learn from it?

No; however, I have been a sitting Court of Appeals judge since August 2016.

Do you support making it easier for Washingtonians who are not members of the bar to access public records, particularly at the Superior/District court levels, where per-page fees are charged?

Yes, although the Courts need to have some reasonable means of covering the cost of document production and assisting the public in locating requested documents. I believe the best solution is to make all unsealed court records electronically available to the public.

Do you have any thoughts on how our courts should address the growing use of smartphones during court proceedings, particularly by jurors?

To the extent that this issue may become the subject of an appeal, the Code of Judicial Conduct dictates that I decline to answer this question. However, the distraction of electronic devices in courtrooms will continue to be an ongoing discussion in the judiciary.

Is Washington relying too much on court fees to cover the cost of operating our judicial system? How do you believe our courts should be funded?

Because the subject of court fees, and particularly legal financial obligations, is regularly before the Court of Appeals as a subject of appeal, the Code of Judicial Conduct dictates that I decline to answer this question. However, the Washington Supreme Court has recently determined that discretionary legal financial obligations may not be imposed against an individual unless the trial court first conducts an individual analysis of the individual's ability to pay and if the individual is indigent or otherwise cannot pay then the financial obligations may not be imposed. The Court of Appeals follows the Supreme Court's decisions. It is up to the Washington Legislature to fully fund the judicial system.

Part IV – Access to justice

If elected, how will you work to improve access to justice, particularly for communities and constituencies that do not understand the American legal system?

As a member of the Court of Appeals I will actively seek out volunteer positions with judicial organizations seeking to increase full access to our courts.

What does the phrase *Black Lives Matter* mean to you as a judicial candidate?

As a member of the judiciary, we must be colorblind, but more importantly, we must recognize that our country's long history of racism creates an inherent bias within our courts and juries. We must remain vigilant, and keep moving forward to eliminate these biases.

Do you support a liberal interpretation of standing and justiciability requirements?

Unlike the Federal Courts, our state courts do not require that there be an actual case and controversy involved before the matter may be decided in our trial courts. While review of certain matters, such as private contracts, must be limited to the parties involved, if a party has a legitimate interest in seeking judicial review of state or local laws and regulations, review should be granted.

What ideas can you offer to make our judicial system more open, transparent, and responsive?

At all levels of the judiciary -- from the trial courts to the Supreme Court -- we need to move forward with making sure there is electronic open public access to court documents and files. At the trial court level we need to make sure that the court websites and rules are translated in plain language so they are easily understood by all. At the Court of Appeals we need to continue to strive to eliminate legalese and make our decisions clear and understandable.

I affirm that all the information provided in response to this questionnaire is true, complete and correct, to the best of my ability, and that no relevant matter has been omitted.

Signature



Date: 03-12-2017

Printed Name

Judge David Mann