

KING COUNTY DEMOCRATS

ENDORSEMENTS QUESTIONNAIRE – JUDICIAL

Candidate Name	Ed McKenna
Position sought	Judge, Seattle Municipal Court Position 1
Residence/Legislative District	32nd
Campaign Information	
Campaign Name	Committee to Re-elect Ed McKenna
Web page	TBD
Email address	edmckennaforjudge@comcast.net
Manager	TBD
Mailing address	P.O. Box 23037, Seattle Wa 98102
Phone number	206-395-5114
Consultant(s)	TBD

Candidate Background:

Describe your qualifications, education, employment, community and civic activity, union affiliation, and other relevant experience.

University of Washington, B.A. (Psychology)

Seattle University, J.D

In 20+ years as a prosecuting attorney, I have tried hundreds of criminal cases and negotiated thousands more.

In 2010, I was elected to Position 1 in Seattle Municipal Court. Initially assigned to a general trial court, I was appointed in 2012 to oversee the full-time domestic violence court where I continue to serve.

I have been a member of the Seattle Prosecuting Attorney's Association as well as the Aerospace Machinists unions.

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

As a full-time judge, I am prohibited from practicing law. However, I regularly volunteer to participate in law-related events, such as mock trial competitions and appellate legal arguments at local law schools. I also address groups and organizations regarding law-related issues.

What law firms/prosecuting attorney offices have you worked for? Please include dates, and title for each, as well as areas of law practiced.

1990-2011 Senior Assistant City Attorney. Criminal Division, Seattle City Attorney's Office. Senior trial attorney and community-based liaison attorney.

1988-1990 Associate attorney, Holland and Scales, P.S. Provided legal services to inmates, personal injury law and banking litigation.

1987-1998 Washington State Board of Tax Appeals. I initially began as a law clerk and eventually became a Hearing Examiner.

Have you ever served as a mediator or arbitrator? If you are an incumbent, do you perform settlement conferences?

As a judge in a criminal court, mediations are infrequent. However, before becoming a judge, I frequently engaged in dispute resolution and mediated community nuisance issues by bringing nuisance property owners together with impacted neighbors to resolve public safety concerns.

What ratings and/or endorsements have you received to date? If you are an incumbent, what were your ratings from various organizations last campaigns?

In 2010, I had received ratings of “Exceptionally Well Qualified” from both the King County Bar Association and Washington Women Lawyers,* and a rating of “Very Good” from the Municipal League of King County. The recently published King County Judicial Evaluation Survey (WWW.KCBA.org) reflects that I received strong positive reviews in every evaluated category, including demeanor, integrity, impartiality, and legal decision making.

*Please note that this information is provided only in response to the question asked. Both the King County Bar Association and Washington Woman Lawyers provide a rating for only a 3-year period. Thus, these ratings are not current for 2014.

Why do you want to be a judge?

I am committed to making a difference in people’s lives. I have been a dedicated public servant for more than 25 years, helping offenders make positive changes while holding them accountable. I strongly believe in our system of justice, but also know that compassion shows offenders that they can and will be treated fairly. Being a judge has provided me the opportunity to work collaboratively to improve our court as well as increase access to justice. I would like to have the opportunity to continue those efforts.

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
3	Have you ever been convicted of a felony?		X

* If you answered “Yes” please explain your answer:

What are the top three messages of your campaign?

1. *I am committed to “Procedural Justice”.* This term refers to fairness and confidence in our legal and judicial system. Given our limited resources and continual budgetary reductions, it’s easy for accused persons to think they are simply riding the assembly line of the legal process. To the extent possible, I make every effort to ensure that all parties have had a chance to be heard on every issue, that the accused understands that I have fully and carefully considered all legal arguments and that I have fairly applied the law. Research shows that if an accused has confidence in the legal process, they are more likely to comply with the law, leading to a reduction in recidivism.

2. *I am committed to transparency and collaboration.* Both the public and elected officials should have confidence that our court serves the public, is responsive, and is a good steward of public funds. Judicial and administrative decisions made by our court should not be considered in a vacuum and fostering close working relationships with other entities will assist in greater budgetary accuracy for the court as well as other City departments.

3. *I am committed to guiding offenders in making positive changes by implementing research-based initiatives and using modern technology.* Utilizing evidence-based initiatives and innovative programs can reduce recidivism and reduce costs. Using contemporary research and implementing best practices will assist offenders in changing their behavior. I am open to implementing pilot projects and using independent reviews to determine effectiveness of programs and adjust those programs when necessary. For example, I frequently require alcohol offenders to wear a technology-based transdermal alcohol sensing bracelet as an alternative to jail. Offenders know that violations will be immediately reported to the court which is a strong incentive to abstain. Providing an opportunity for offenders to be released back into the community while being monitored for alcohol abstinence allows for minimal disruption of family and employment, reduces jail costs and provides separation from alcohol, thus increasing the likelihood of continued abstinence.

With respect to the primary messages of your campaign, please describe how you will get this message to voters, and the progress you have made to date. Please include total fundraising to date, anticipated fundraising, and cash on hand.

I am prepared to engage in a full campaign. During my last election, I organized an extremely effective campaign, raising significant funds and obtaining strong endorsements. My campaign was overwhelming successful, garnering nearly 70% of the vote. If necessary, I am ready to apply those previous lessons and initiate another campaign. I am also ready to contribute significant personal funds to my campaign.

I have read this questionnaire and approve the content and all provided information.		
Printed Name	Ed McKenna	Date May 7, 2014
Signature	/s/	

2014 Addendum

Describe your interpretation of how court rules should be applied to pro se defendants, specifically those involved in civil collection matters and family law matters. Do you lean more toward substantial compliance, or strict compliance?

Unrepresented (pro se) defendants are at a significant disadvantage. Court rules, written for attorneys can be difficult to find, understand and apply to those unfamiliar with the system. Where the potential for loss of liberty is at issue, I inquire to determine whether the defendant is making a knowing and voluntary decision to proceed without an attorney, and I strongly suggest the consequences of self representation outweigh the benefit of proceeding pro se. Unlike criminal cases however, in collection and family law matters, court-appointed attorneys are not available and for some, the choice of self-representation isn't really a choice. Judges are given discretion to make reasonable accommodations to ensure pro se litigants cases are heard fully and fairly. I would exercise that discretion so as long as the rights of the opposing party were not compromised.

Will you/do you perform wedding ceremonies for same-sex couples?

I routinely perform wedding ceremonies for same-sex couples. I volunteered and performed numerous weddings at Seattle City Hall on the first day that same-sex marriage became legal. I have hosted and performed same sex weddings at my home and I perform no-fee weddings for indigent persons including same-sex couples.

As a judge, how do you believe you can be more engaged and active within the community where you live?

I believe it is important for the community to know judges both as community participants as well as elected officials. For instance, I volunteer to participate in community events and activities such as Rebuilding Together Seattle, a non-profit organization repairing homes of low-income persons, elderly and veterans, and assisting homeowners to live in warmth, safety and independence. I provide both financial support as well as physical labor. I have also recently been invited to join the board of directors of a local non-profit organization that provides assistance to victims of domestic violence, provides food for persons in need and other community support services. As a judge, I regularly participate in local community events, providing information regarding our court as well as our judicial system.

Why should the King County Democrats endorse your candidacy?

I have demonstrated my commitment to the law, my profession and to my community. Compassion, skill and legal knowledge provide a solid grounding to dispense justice as necessary and although protection of the public is paramount, I am willing to make the right decision, not just the easy decision.

Candidate Name	Ed McKenna
Position Sought	Judge, Seattle Municipal Court, Position 1

1. Why should a progressive political organization, such as ours, endorse you in a non-partisan election?

Judges should be open and willing to implement new programs based upon best-practices. Judges should consider evidence-based research in their rulings and enact programs intended to rehabilitate, while holding offenders accountable. I wish to continue with progressive judicial programs by evaluating results, eliminating ineffective programs and implementing new ideas.

Rule 2.10 of the Washington State Code of Judicial Conduct is often cited by candidates for judicial office in justification for their refusal to answer questions about cases and legal principles. Given your understanding of Rule 2.10, answer the following briefly, but with the most complete candor permitted by the rule:

2. Should Rule 2.10 be amended to allow citizens a deeper level of inquiry into a judicial candidate's understanding of and commitment to legal principles of interest to the citizenry?

It is imperative that everyone have confidence in our judicial system. Our trial system is premised on the belief that every juror has individual biases and prejudices that may impact their ability to be a fair and impartial juror. Confidence in our system of justice is dependent upon the ability of the parties to explore any firmly-held beliefs that may impact a juror’s decision-making ability. While it may seem inconsistent therefore, that judges and candidates who may be called upon to make the same fact-finding determinations, are prohibited from expressing their own personal views, our judicial system is intended provide an appellate system of justice. In other words, the overriding concern is that judges who express their personal views may undermine an ultimate appellate decision.

Interestingly, a recent judicial decision has addressed a portion of this very issue. In Wolfson v. Concannon, DC No. 3:08-cv-68064 FJM, (2014) the federal court of appeals ruled that although there is a compelling interest in the appearance of an impartial judiciary, the same interest does not apply to non-judge candidates for judicial office. The court specifically held that restricting speech of non-judge judicial candidates was an unconstitutional restriction on free speech. Because this decision was only published a week ago, it’s a bit early to determine the overall impact. However, this decision will likely result in active discussions among the judiciary and potentially lead to changes in the current rule.

3. If your answer to #2 is "Yes", how would you amend Rule 2.10 and will you commit yourself to advocating for such a rule change?

4. If you are an incumbent, identify a case in which you presided that is no longer pending or impending and demonstrated your qualifications as a judicial officer. Briefly explain why you believe it did so.

In Seattle v. Sinokio, the defendant had an extremely long criminal of committing criminal offenses. At sentencing, the prosecution requested that I sentence the defendant to the maximum penalty which was justified by the defendant’s criminal history alone. Upon conversing with the defendant however, he admitted to me that he was a local gang member with a substance abuse problem and that most of his offenses were the result of his addiction. He further revealed that he had two young sons and we discussed the impacts of his lifestyle on his children. Although I sentenced the defendant to the maximum sentence, I provided an opportunity for him to be temporarily released to an inpatient treatment facility, with the understanding that he would return to jail to complete his sentence. Before returning to jail, however, the defendant requested an opportunity to address the court. He explained that he initially intended to escape from the treatment facility but found it so engaging that he developed an entirely new outlook on life. He explained that he now realized the impacts of his addictions on his family and the community. He expressed that his largest fear was that his sons would follow his footsteps and he was now committed to ensuring that didn’t occur. I was so taken by his statement that I suspended the balance of his jail. Most recently, the defendant’s wife expressed appreciation to me for providing the defendant an opportunity to engage in treatment, citing that he’s now a responsible family man, has a full-time job and now provides for his family.

In this decision, I carefully considered the issues of both sides. However, I also considered the impacts to the community as well as the defendant’s family. Although I could simply have made the “easy” decision, I believe this case is indicative of my judicial temperament, demonstrating compassion and provided an opportunity for rehabilitation.

5. If you are not an incumbent, identify a case in which you participated as counsel that is no longer pending or impending and demonstrated your qualifications to serve as a judicial officer. Briefly explain why you believe it did so.

I have read this completed questionnaire. I approve and certify as accurate all the answers and information contained herein.

Printed Name	Ed McKenna
Signature	\\s\ Ed McKenna
Date	May 17, 2014

Please return this questionnaire AND a copy of your King County Judicial Candidate Questionnaire by the deadline to:

chair@46dems.org
elections@46dems.org