

46th District Democrats Judicial Questionnaire

Candidate Information

Candidate Name: Nicole A. Gaines Phelps

Office sought: King County Superior Court Judge, position 14

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Have you read the 46th LD Democrats Draft 2016 Platform? Yes _X_____, No _____
(Go to http://www.46dems.org/2016_ld_caucus and click “Draft Platform”)

Why are you running for this office?

I am running for the position of King County Superior Court Judge because I have the legal and life experiences required to: (1) competently interpret and apply the law; (2) enhance the breadth and depth of the current bench, and (3) the passion to help the court improve its ability to provide access to the legal system to King County’s poor, middle class and disenfranchised citizens.

Please briefly describe your qualifications for this office and your personal and professional background.

I received my Bachelor’s degree from Butler University and my law degree from the Indiana University School of Law. I have almost 20 years of experience in the law, eight years as an Administrative Law Judge and over 11 years as a trial attorney. I have experience in the public sector (as both a prosecutor and defense attorney) and the private sector (as a criminal defense, family law and civil litigation attorney). Additionally, since 2012 I have served as a King County District Court Pro Tem. I strongly believe all King County residents deserve Superior Court Judges with integrity, competence, and an understanding of equality and compassion. Additionally, I strongly believe Superior Court Judges have a responsibility to show commitment to community service. As such, I have continuously served on numerous not-for-profit boards and provided keynote speeches on legal topics for community and civic organizations.

Please refer to my attached resume and my website: www.electnicolegainesphelps.com for more details on my professional and personal background.

What's your plan to win?

Continual and ongoing outreach to the people of King County, as well as members of the King County Superior Court bench and bar members. My campaign is getting a very positive reception. I have received numerous endorsements from the Washington State bench and bar as well as numerous elected officials and community leaders. My campaign will appeal to the voters by emphasizing the four key qualities of my candidacy: integrity, competence, equality, and compassion.

What do you see as the most important functions of the position you are running for? What qualities do you possess that make you the candidate best suited to this role.

In my opinion, Judicial officers have three important functions: (1) competently interpreting and applying the law; (2) effectively running the King County Court System (3) community outreach.

I have almost 20 years of experience in the law, eight years as an Administrative Law Judge and over 11 years as a trial attorney. I have experience in the public sector (as both a prosecutor and defense attorney) and the private sector (as a criminal defense, family law and civil litigation). Additionally, since 2012 I have served as a King County District Court Pro Tem. I am running for the Superior Court Bench because I want to facilitate the change I want to see in our court system. My experience is unique. The breadth of my knowledge would add depth to the bench. I am passionate about eliminating barriers around accessing legal services and delivering justice with compassion.

Have you engaged in pro-bono work in recent years? If so, please describe that activity and if/how that was meaningful to you.

In the past, I have volunteered for a number of different not-for-profit organizations. Please refer to my attached resume. I live by the motto: "To whom much is given...much is expected." I have been exceptionally blessed in my life and career. As such, I give back to the community through service to others whenever possible.

It has often been said that it is the duty of legislatures to pass laws and the duty of courts to enforce them. However, courts at all levels have invoked principles of interpretation to adapt legislation and constitutional provisions to a myriad of controversies. Two such principles are "public interest" and "original intent". Please now respond to the following questions based on your legal and personal experience. Include specific examples to illustrate your answers where possible. When reviewing cases, how do you define what is in the "public interest"? If the ramifications of the Court's decision "impact" the public. If the Court's were to determine an individual could yell "fire" in an open space because it was within their 1st Amendment rights. The public could be impacted by the application of this decision.

With special regard to our state constitution, should the "original intent" of the document be considered when addressing modern legal disputes? If so, how do you balance it against arguments that the constitution is a "living", not static, document?

Yes, the original intent should be considered when addressing modern legal disputes. However, a court must do so with the understanding that the Constitution is meant to be a living document-concrete enough to establish a foundation for interpreting the law but flexible enough to bend as societal norms change. Indeed, I'm certain our founding fathers never envisioned using our modern forms for technology. Yet, the legal system has established laws governing the use of the internet.