

46<sup>th</sup> District Democrats Judicial Questionnaire

Candidate Information: **John McHale**

Candidate Name: **John McHale**

Office sought: **King County Superior Court (Department 43)**

Mailing address: **PO Box 20664, Seattle, WA 98102**

Phone: **551-258-3439**

Email: **McHaleforjudge@gmail.com**

Campaign Manager Name: **Mary Ann Ottinger**

Consultant(s): **Same**

Web site: **McHaleforjudge.com**

Facebook: **<https://www.facebook.com/John-McHale-for-Judge-1281553141870307/>**

Have you read the 46<sup>th</sup> LD Democrats Draft 2016 Platform? **Yes**

(Go to [http://www.46dems.org/2016\\_ld\\_caucus](http://www.46dems.org/2016_ld_caucus) and click "Draft Platform")

Why are you running for this office?

**I became a lawyer to help those in need find justice. After working as a trial lawyer for over 25 years handling both criminal and civil cases from both sides of the courtroom, I believe I can now best help individuals seeking justice as a Superior Court Judge. While I have had an interest in pursuing a judicial position for a long time, I did not want to run until I felt that I had what I consider to be sufficiently broad experience. I am ready now, and know that I will prove to be an exceptional judge. I will work hard every day to make sure that our court system truly is a justice system.**

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

**I have attached a copy of my current resume to provide a detailed chronology of my education and employment. I am a hard worker and good listener with good judgment. I care deeply about people being treated fairly, about our community and about our justice system.**

**(Summary of Legal and Community Experience)**

**After beginning my legal career as a Law Clerk for Judge Terrence A. Carroll, one of King County's most respected Superior Court Judges, I worked as a Public Defender for nearly 5 years, where I appeared in both the District and Superior Courts. I then spent 4 years in the Criminal Division of the King County Prosecutor's Office, working primarily in the Felony Domestic Violence Unit. After a brief period of civil litigation private practice, I returned to the Prosecutor's Office. Shortly after returning, I became a Senior Deputy in the Civil Division where I worked primarily as a litigator in the Tort Section. As a Senior Deputy, I defended King County in a variety of civil matters. Cases handled included claims of medical malpractice, road defects, police misconduct, civil rights violations and personal injuries. As**

a Senior Deputy, I also advised King County clients regarding environmental liability, real property transfer, county code enforcement, risk management and general municipal law. From 2007 until leaving the Prosecutor's Office for private practice in 2010, I served as the Senior Deputy assigned to represent Deputy Prosecutors in all disciplinary proceedings before the Washington State Bar Association.

For the past 6 years, I have been in private practice representing injured persons. Since November, 2011, I have worked with *Washington Bike Law*, where our office focuses on representing persons injured in bicycle accidents. Through this work, I advocate not only for my individual clients, but also in a general sense to make our roads safer for bicyclists and pedestrians. I am an active member of the Cascade Bicycle Club and the Washington State Bicycle Association and strongly support Bikeworks, a non-profit organization that provides lower income youth with opportunities to not only own bicycles, but also with opportunities to learn to work on bicycles and to learn to ride safely. Through Bikeworks, many lower income children have been able to take bicycle trips outside of their own neighborhoods to places they have never been before. I recall hearing from one participant how amazing it was to ride to and see Ballard for the first time.

Beyond my law practice experience, I have been active in our community in addressing homelessness. Volunteer work in legal clinics put me in direct contact with women and men in need, and my work with the successful Plymouth Housing Group program has enabled me to be part of making a substantive difference for individuals and our community on a broader scale. In 2006, I was honored to receive the King County Bar Association's Legal Services for the Homeless, Volunteer of the Year Award. As a judge, I intend to continue to work to eliminate homelessness and the causes of homelessness to the extent that I can under the Code of Judicial Conduct.

My wife Marcie, an architect, and I have been married for 25 years and have three children, Madeline (20) and Sam and Claire (17). Madeline is a junior in college and Sam and Claire are seniors in high school. We live in the Capitol Hill area of Seattle.

What's your plan to win?

I started planning for this race in 2013, and with my campaign manager, created a plan we were ready to put into action as soon as an anticipated judicial vacancy occurred. I was one of the first candidates to declare and have raised almost \$80,000 to date. Overall, my plan to win is to work tirelessly until the election to get the word out about my candidacy and qualifications. People are responsive to my message and I have amassed an extensive list of endorsements. I declared my candidacy in November 2015, and have been meeting with Legislative District members, unions, elected officials and an ever expanding list of engaged voters. I am honored and humbled to have amazing support and endorsements from individuals, other legislative districts and Labor. I intend to continue working hard through election day, November 8, 2016.

I am fortunate to have an amazing Campaign Manager in Mary Ann Ottinger and a well-connected and high energy Campaign Chair-Person in Paul Lambros, Executive Director of the Plymouth Housing Group. With their continued assistance, I am optimistic that I will be successful.

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?

**King County Superior Court is our highest level trial court. Superior Court judges preside over serious felony trials, civil cases of all types, sensitive juvenile matters, mental health issues, and family court matters. Beyond day-to-day work in the courtroom, I believe judges have an important obligation as representatives of our justice system in the community -- listening and educating others about how the system works. It is particularly important for judges to interact with young people. The judge I hope to follow, Judge William Downing, is renowned for his work with high school students in the King County YMCA's Mock Trial Program I intend to follow him in that role.**

**EXPERIENCE: With nearly 25 years of legal experience – both criminal and civil, and on both sides of the courtroom – I believe I am well prepared to serve the people of King County well as a Superior Court judge. I have been rated “*Exceptionally Well Qualified*” by the King County Bar Association and four minority Bar Associations. I intend to use my uniquely broad experience as a trial attorney, primarily in King County Superior Court, to serve the public well as a judge.**

**COMMUNITY INVOLVEMENT: Judges in our increasingly complex urban county should also have a background that shows they understand the many layers of our community. With years of experience helping disadvantaged members of our community, including the chronically homeless as a legal clinic volunteer and as a Trustee of the Plymouth Housing Group, I have a clear understanding of what “access to justice” means. As a judge, I will work hard every day in and out of the courtroom to make sure that substantive access to justice is provided and available to all.**

**JUDICIAL TEMPERAMENT: Temperament is exceedingly important for a trial court judge. Those who come before our courts – many for the first and only time – deserve to be treated with patience and with an understanding of how intimidating our courts can be. I will treat all who come before the court with an equal dose of accountability and respect. All who will appear before me will know that I carefully reviewed all materials presented; that they were listened to and not just heard; and that I worked hard to provide a decision to the best of my ability under applicable law. I am honored to have been rated as Exceptionally Well-Qualified by five specialty bar associations, including the King County Bar Association. Judicial temperament is an important consideration in the ratings process.**

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

**Addressing homelessness has been of great concern to me for many years. I currently serve as the President of the Board of the Plymouth Housing Group. Plymouth provides long-term supportive housing for nearly 1,100 formerly homeless men and women. I spend a great deal of time with Plymouth work. Beyond Plymouth though, pro bono work has included volunteering at the King County Bar Associations' Legal Services for the Homeless Clinic at the YWCA's Angeline's Women's Shelter and at one of the Plymouth Buildings.**

**Pro bono work for me is not always performed through formal, organized programs. In my view, pro bono work is just part of what a lawyer is supposed to do. I grew up in southwest Louisiana where the gap between the very rich and the very poor was – and still is – quite deep. My father was a lawyer**

down there and had a small office that was always filled with people looking to him for help. He never turned anyone away and often took payment in shrimp or fish. Like my father, in my daily work, I tend to come across women and men who are in need of help in some way. Pro bono work for me means:

- helping a Vietnamese couple with limited English speaking abilities resolve a dispute with Bank of America regarding a mistake that erased \$5,000.00 from their account;
- helping a homeless woman with mental illness to have her passport returned from the Court system several years after charges were dismissed because she was found incompetent to stand trial;
- helping people who were hurt by someone else to make sure their medical bills get paid, even if it means not taking a fee;
- volunteering at legal clinics and doing more than just giving out referral numbers to call. It means sticking with individuals, even after the legal clinic is over, to find the help they need.

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"?

**Much of a judge's work involves interpreting statutes as they apply to real life situations for individuals who come before the court. If a statute is clear and unambiguous, a judge is to enforce the statute as written in accord with legislative intent. If a statute is vague to the extent that persons of ordinary intelligence cannot understand what conduct is required or proscribed as written, the statute may be stricken as unconstitutionally vague. In that middle ground between easily ascertained legislative intent and unconstitutional vagueness, a judge is bound to interpret statutory language as it applies to facts presented. As Justice William Brennan once said, the jurist's role is to interpret the inevitable ambiguities in the constitution that "embody the aspiration to social justice, brotherhood and human dignity that brought this nation into being." Accordingly, I see the "public interest" as referenced in this question in two ways: (1) looking to our "public interest" in social justice, brotherhood and human dignity; and (2) considering the "public interest" in addressing contemporary issues that could not have been foreseen when the U.S. and Washington Constitutions were drafted.**

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?

**The Washington Constitution is the bedrock upon which our laws are made and through which judicial review is authorized. When addressing modern legal disputes involving constitutional interpretation, one must look carefully at the language of the Washington Constitution. Considering original intent, when possible, is instructive, but not determinative. The world is a much different place now than it was in 1889 when our Constitution was drafted and ratified. The Washington Constitution was designed to evolve to address contemporary issues. As is the case with interpretation of the U.S. Constitution, the Washington Constitution was written to be a living document. To me, an original intent was to create a living document for future application.**