

46th District Democrats Judicial Questionnaire

Candidate Information

Candidate Name: Eric Newman

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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 have spent the last three years as a judge *pro tem* with the King County District Court, where I currently serve an average of 6-8 days a month. I handle criminal and civil cases at eight different court houses around the county. Each day that I serve, I am excited to spend my day helping people resolve their problems. People come to me with questions, and I give them answers. It may not always be the answers they are looking for, but they are answers and an opportunity for closure. There are not very many positive reasons to come to court, but being present for people during difficult moments in their lives, making sure they understand what is happening, giving them a resolution, and making them feel they have been heard and respected is extremely fulfilling. I would be lucky to do this work every day.

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

A copy of my resume is attached with a complete outline of my background. Below is a list of my most relevant qualifications.

- (1) I am an experienced judge, having spent hundreds of hours on the bench as a judge *pro tempore* handling both civil and criminal cases. I have also served as an arbitrator in more than 50 cases.
- (2) I am an experienced trial lawyer having tried dozens of civil and criminal cases to judges and juries.
- (3) I am nationally recognized expert in trial skills and have a long history of mentoring and teaching lawyers and law students. I have taught Trial Techniques for Seattle University School of Law as an adjunct professor, I was Seattle University's Mock Trial Coach for nine years, I have taught trial skills

for the National Institute for Trial Advocacy, in Seattle at the University of Washington and in Dallas at Southern Methodist University. I am faculty at the Kessler-Eidson Trial Practice Program at Emory University School of Law in Atlanta, as well as teaching numerous continuing legal education programs for both private and government lawyers.

(4) I have experience in law enforcement as a juvenile detention officer, which gives me insight into how to better assist juvenile offenders succeed while still protecting the community.

(5) I am the son and grandson of career soldiers, and a 13-year veteran of the United States Air Force and the Washington Air National Guard, so I have a unique perspective on the needs of veterans and their families after more than a decade of war and continuous deployments.

(6) I have a well-established history of serving the vulnerable and the voiceless, including serving on the board of the Boys and Girls Club that serves Seattle's Central District, regularly volunteering at a shelter for homeless women, providing free legal services to immigrants and economically disadvantaged individuals at *El Centro de la Raza*, participating in international service projects as a member of Seattle Rotary, assisting with educational projects for disadvantaged youth through Rotary and Boys and Girls Club scholarship committees, doing outreach to disadvantaged youth in Seattle Public Schools, and representing a victim of domestic violence, *pro bono*, at the Washington Court of Appeals.

What's your plan to win?

My campaign plan is divided into three phases, though they are all overlapping. I have spent the first phase connecting with political, civic, and labor organizations focusing on endorsements. During the second phase, over the summer, I will do significant public outreach through my attendance at public events (*e.g.* parades, rallies, and other public gatherings). During the third phase, in the fall, I will focus on individual voter contact through phone banking, mailers, and doorbelling.

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?

The Superior Court is a trial court; eighty percent of a Superior Court judge's time on the bench is spent in trial, so a clear understanding of how cases are tried is critical to performing the job. A judge who has difficulty managing trials can cost litigants thousands of dollars in unwarranted fees and costs and unnecessarily extend litigation. Lengthy delays and substantial costs create a barrier to access to justice for litigants.

I have spent my entire legal career as a trial lawyer, first as a public defender, and then, for the majority of my career, as a civil litigator. I have extensive trial experience in Washington and Oregon, and I am a nationally recognized expert in trial advocacy. I have taught trial techniques as an adjunct professor at Seattle University School of Law, and I also teach in trial advocacy programs at Emory University School of Law and at numerous programs through the National Institute for Trial Advocacy.

Additionally, I have extensive judicial experience. I have been a judge *pro tem* for more than three years, and I have served as an arbitrator in more than 50 cases over the past 10 years. I have hundreds of hours on the bench approaching cases as a neutral rather than as an advocate. I understand both civil

and criminal procedure. I know how to protect the record and how to ensure that all courtroom standards are met.

Finally, I have spent hundreds of hours presiding over trials with *pro se* litigants. I know how to safeguard their rights and their opportunity to present their cases, so that their lack of a lawyer does not create unnecessary barriers to justice.

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

A full list of my *pro bono* and civic activities is included in my attached resume, but the majority of my *pro bono* legal work has focused primarily in two areas. The first is the Latina/o Bar Association of Washington legal clinic at *El Centro de la Raza* where I regularly volunteer. At that clinic we provide free legal services to anyone who appears without regard to income. Many of the clinic's clients are Latino immigrants, but we accept anyone who has a need. This work has allowed me to meet and get to know people from around my community and around the world. It has also given me an opportunity to learn firsthand the problems faced by some of the most vulnerable members of our community, which will inform my decision making as a Superior Court judge.

Second, I spend a substantial amount of time each year training law students and young lawyers. I provide training to lawyers around the country through the National Institute for Trial Advocacy (NITA). Though I do some of that work for a small stipend, most of the work I do for NITA is volunteer. I also volunteer in an annual trial skills program at Emory University School of Law in Atlanta. I am an occasional guest lecturer at Seattle University School of Law, where I also was a volunteer coach for the school's Mock Trial team for nine years. I have volunteered as a judge for various mock trial and oral advocacy programs and competitions at both of Seattle's law schools as well as some high school competitions, and I serve as a mentor to law students through Seattle University's mentorship program. I was lucky to have great mentors as a law student and young lawyer, and this work gives me the opportunity to pay forward all of the work those mentors did for me by passing their lessons on to the next generation of lawyers.

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"?

As a trial judge, it is important that I give deference to the definitions provided by the legislature and the courts above me. Depending upon the circumstance, that definition might change, so I would look to see if and how it has been defined by those authorities under the particular circumstance, but a useful definition is provided in the Consumer Protection Act, which recognizes certain statutory violations and then generally states that it is an act that, "Injured other persons; had the capacity to injure other persons; or has the capacity to injure other persons." RCW 19.86.093.

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?

As a trial judge, I am bound by the interpretations of the Constitution handed down by the courts above. When interpreting our state constitution, I would rely heavily on the guidance given by those courts. Though "original intent" is often cited as a basis for interpretation, it has not functionally been enforced, as evidenced by changing interpretations over the years. If those interpretations were truly based on the "original intent" of the document, then that *original* intent could not change, and therefore, the interpretation should not change, but of course it does. Additionally, changes in technology make a true "original intent" interpretation impossible in many circumstances. Certainly the drafters of the constitution did not have an intent as to how the Internet or drones or the radio airwaves should be regulated.

Over the decades, our Supreme Court has reversed itself, as has the United States Supreme Court. Those reversals reflect changes in our societal norms or changing attitudes about the law over time and are necessary to a functional legal system, but they are within the province of the Supreme Court. Our common law system relies heavily on the doctrine of *stare decisis*, which recognizes that our law is based on precedent. The policy behind the system is consistency and predictability.

We use precedent to ensure, as much as possible, that people facing the same circumstances are treated equally, and people facing similar problems can predict an outcome based on a chosen course of action. As a trial judge, I feel it is my duty to enforce the law as it has been given to me by the legislature and the courts above, and the best service I can provide to the litigants before me is to provide rulings and interpretations that are both predictable and consistent with existing law.