

46th District Democrats Judicial Questionnaire

Candidate Information

Candidate Name: **Anthony David Gipe**

Office sought: **King County Superior Court Judge, Position 52**

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

Why are you running for this office?

I recently finished a term serving as the Washington State Bar Association President, and I was looking for another opportunity to serve the public. I have worked as a pro-tem judge and mandatory arbiter for the courts in King County, and with the openings on the court due to retirements this year I have decided to run.

Aside from my skills, which you can read about in my CV and in my on-line materials, I come to the race with a perspective of having represented individuals and understanding the problems facing real people in the courts. I have practiced in the areas that most affect the majority of people coming to the Superior Court for relief, namely family and civil law.

I also think the bench needs more diversity, and it needs leaders who have a broad understanding of the changes facing our profession and the justice system both technically and in terms of multi-cultural competency.

All in all, I believe I have an excellent balance of intellect, empathy and cultural competency that would serve our community well.

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

I have attached my CV, which can give you a comprehensive run down of all my professional and personal accomplishments. However in a short list, I can cite what I think are some key points.

Law is my second profession, and I understand what it is like to work outside of the legal system. I spent almost eight years serving as an interpreter and intelligence analyst for the federal government, and then a few years as a private interpreter. I am a U.S. Navy veteran of the First Gulf War.

In my practice, I have served individuals in all areas of civil law, including civil rights, family law, LGBT law, and business law.

I have served as a mandatory arbiter in King County Superior Court in civil cases, and I have served as a pro tem judge in King County District Court on all types of cases: civil, criminal, and infractions.

I have spent thousands of hours donating my time and abilities to improving my community, in the law and outside of the profession. I am pro bono general counsel to non-profits, and I donate countless hours to children/youth homelessness and LGBT youth issues.

I also served as President of the State Bar and implemented efforts to improve diversity and cultural competency in the profession and in the court system, as well as implementing a program to bring our association's governance into 21st century practices. I was the first openly gay person to serve as president, and I recruited diverse board members for my year as president that created the most diverse board in the association's 125 year history.

What's your plan to win?

Although I am well known in the legal community, I need to get out and meet the rest of the community. I plan to get out to every LD meeting I can make and go to events in every district so people can meet me and get to know me. The same energy I devote to my volunteer work I would bring to meeting the people I seek to serve.

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 most important functions for a judge are to ensure access to justice and a fair and impartial administration of the legal process, because these are vital to confidence in the system. The primary skills a judge needs to display in fulfilling these functions are an ability to listen, empathy, and a sound sense of the community they serve. Intellect is important, and legal knowledge is necessary, but more important is the judge's ability to exercise their discretion with a sense of emotional intelligence and cultural competency. That is because more and more people are entering the legal system, in criminal and civil matters, without representation. They often have little or no understanding of the process and judges need to be ready to handle the linguistic, cultural and case management hurdles of working with the community. Judges also need to have had the prior experience of working with individuals in their cases, so they can understand what the people before them are going through.

I believe my history and my endorsements demonstrate that I have all of these qualities. My work in the profession and my work as an arbiter and pro tem judge indicate I have the technical skills. My work as a volunteer and president of the profession while maintaining a practice demonstrate that I am no stranger to the hard work and the hours that being a judge requires.

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

I have worked pro bono in three areas. First, I am general counsel to a number of non-profit entities involved in drug and alcohol recovery programs. Second, I serve on boards and provide legal advice to non-profits that focus on youth justice issues in criminal and foster care. I also work as pro bono general counsel to a non-profit serving the LGBT community, and have been pro bono counsel to other LGBT organizations in the past. Finally, I perform 100's of hours of pro bono family law work for low and no income parties who need assistance. Mostly these are in areas of LGBT family law or in areas where my law partner and I have linguistic and cultural proficiency and no other attorneys are available, such as in Japanese or Russian.

I do pro bono work because of something my parents taught me. They were poor, working class and could not afford much. In fact I worked my way through school when neither of them had college education. Yet as little as we had, they always said to serve others and to be of service to those who have less. Our net worth is not based on how much we have, but on how much we give.

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"?

In its broadest sense, public interest is any conclusion where the impact of the decision will effect more than the narrow issue between the parties alone, and may touch upon other rights and interests in a broader way. When decisions are made to interpret the intent of legislation, the public interest is about whether – beyond the fact that it is a public and generally applicable law – the effect of the interpretation of the law would have an impact on the public. However, just because there may be such an impact, does not mean that "public interest" necessarily requires adopting or rejecting the interpretation offered. The level of the impact, the scope of the impact, and a myriad other factors help the court exercise its discretion in deciding if the interpretation is sufficient. One of the fundamental duties of the courts is to balance these competing interests out, and we elect judges for the purpose of exercising such discretion. They key is to exercise that discretion to the degree necessary to protect a real interest without infringing on the rights of others or the ability of the government to function appropriately.

A classic example of this is our state non-discrimination law. On its face, it limits its application to employers with more than seven employees. Yet the courts have in the past interpreted that despite this statutory limitation, our discrimination laws are an important public interest that impacts everyone. The courts have held that there is an implied cause of action for wrongful termination if discrimination occurred even though the employer does not meet the minimum employee threshold for the direct application of the statute.

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?

Both "original intent" and "living constitution" arguments are theories of textual interpretation. The political debate about the preeminence of one over the other is something of a false dichotomy in legal philosophy, because they are two ends of the same dynamic tension, and both serve legitimate purposes. These competing doctrines of interpretation inform judges that they have to exercise restraint in interpreting the constitution while also serving the needs of the public in having justice done. Keeping original intent in mind, while taking into account the changing forces of society and meeting the needs of the citizens today permits courts to exercise judgment in discreet ways, while not going too far. In other words, faithfully maintaining this tension is good for judges because we honor the intent, but we can account for the facts of the case and modern concerns and sometime can interpret in light of the new fact. But in doing so, we only interpret enough to do justice, and not more than is necessary.