

46th District Democrats Judicial Questionnaire

Candidate Information

Candidate Name: David Keenan

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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?

1. As someone who grew up in poverty in King County and who is now Board President of the State's largest provider of civil legal aid, I am running to help serve the needs of low-income people in our justice system, and bring my personal perspective to cases impacting low-income individuals.
2. As someone who was a defendant in King County Juvenile Court, I am running to disrupt the school-to-prison pipeline, particularly with respect to racial disparities in our juvenile justice system.
3. As someone who has been arrested but later worked in law enforcement, and as someone who is working on the Seattle Community Police Commission to help bring constitutional policing to Seattle, I am running to bring a critical lens to our criminal justice system when it comes to police practices.

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

I bring a unique personal perspective that will inform my judgment in the courtroom, particularly when it comes to people who are disadvantaged.

- I was raised by a single mother on a Section 8 housing voucher, welfare check, and food stamps in Seattle.
- I was repeatedly suspended long-term from the Seattle Public Schools until I finally dropped out of high school and earned my GED.
- The first time I ever appeared in King County Superior Court was as a juvenile defendant.

I bring a strong background to the court as a leader on issues relating to access to justice.

- I am the Board President of Northwest Justice Project, which is Washington’s largest provider of civil legal aid to low-income people.
- I am the President of the Federal Bar Association for Western Washington.
- I am a member of the Seattle Community Police Commission, where I work on issues relating to police accountability and institutional and individual bias in policing.
- I am the Board Secretary for the 180 Program, which runs a workshop focused on keeping youth of color out of the King County juvenile justice system.
- I am a member of the Board of TeamChild, which provides civil legal aid to youth in distress.
- I am a member of the Washington Supreme Court Civil Legal Needs Study Committee, which is studying the civil legal needs of people living in poverty in Washington.

I have a great deal of experience in police procedures, which I will use as a judge to bring a critical eye to police practices.

- I spent nearly 15 years in federal law enforcement, including over 1,000 hours of classroom time, teaching other law enforcement agents.
- I previously served as a Special Deputy Prosecutor in the King County Prosecuting Attorney’s Office Felony Trial Unit.
- As a member of the Seattle Community Police Commission, I also have a lot of experience with respect to issues surrounding constitutional policing.

I bring deep experience in complex civil litigation.

- I have worked on very large and complex cases in King County Superior Court involving local companies.

I am an experienced judge pro tempore.

- I serve as a judge pro tempore on criminal and civil calendars in King County District Court and Federal Way Municipal Court.

What’s your plan to win?

I plan to win by engaging with voters concerning the issues I care about, educating them about the courts, why access to justice matters, and why it is important to elect judges who care about these issues. In order to make that case and connect with voters, I am speaking with and seeking the endorsements of elected officials, community leaders, and organizations, and have been fortunate thus to receive the endorsements, for example, of eight members of the Washington Supreme Court, former Governor Gregoire, Attorney General Ferguson, King County Executive Dow Constantine, Seattle Mayor

Ed Murray, the M.L. King County Labor Council, and, in the 46th Legislative District, Senator David Frockt and Representative Gerry Pollet.

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?

- Increasing civil legal aid for low-income communities. I grew up in poverty in King County, but today I serve as Board President of Northwest Justice Project, our State's largest provider of civil legal aid. There are parts of King County where the relative poverty rate is quite high, including in particular for women, persons of color, and veterans. Those communities often have unmet legal needs in areas like housing, family law, and consumer law. As a judge, I will bring my personal perspective having grown up in poverty, along with my professional experience as the leader of Washington's largest civil legal aid provider, in order to improve access to justice for people in the 46th Legislative District.
- Improving juvenile justice. I first went to King County Court as a juvenile defendant more than thirty years ago, but today I serve on the boards of TeamChild and the 180 Program, each of which seek to disrupt the school-to-prison pipeline. Young people of color, especially African-Americans, Latinos, and Native Americans, are disproportionately represented in our juvenile justice system. As a judge, I will bring my personal perspective as a former juvenile defendant, along with my professional experience as a leader in multiple organizations devoted to serving young people, in order to improve outcomes for youth in the 46th Legislative District.
- Improving outcomes for victims of domestic violence. The 2015 Civil Legal Needs Study found that domestic violence victims have considerably more unmet legal needs in areas like healthcare, housing, family law, and mental health, than many other crime victims. As a judge, I will advocate for increased legal aid and access to services for domestic violence victims.

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 a typical year, pro bono work constitutes approximately 20 percent of my practice; in 2016 thus far, it has made up nearly half of my practice. Some examples of recent pro bono work:

Barrington v. United States Immigration and Customs Enforcement, No. 13-CV-05878 (N.D. Cal. 2013) (Chen, J.). In *Barrington*, I currently serve on a pro bono team as counsel to a class consisting of all of the individuals being held in immigration detention facilities in Northern California. We are suing the federal government, alleging that they are violating the constitutional rights of immigration detainees by denying them access to the phones they need to communicate with counsel. The case is significant to me because it has already caused the government to take steps to provide better phone access in immigration detention, and I believe that the case may shape government policy in immigration detention facilities around the country. In addition, over the course of the case, I had the opportunity to visit with immigration detainees being held in facilities in Northeastern California, and their stories of being denied their constitutional rights impacted me.

United States v. Tolver, No. 92-196-01 (E.D. Cal. 1993). In *Tolver*, I currently represent Anthony Tolver on a pro bono basis in his petition for clemency in connection with his 1993 federal drug convictions.

Mr. Tolver is an African-American man who was sentenced in 1993 to thirty years in federal prison for selling a total of 1.6 ounces of crack cocaine. My work on issues relating to race and access to justice inform my advocacy for clients like Mr. Tolver who are serving excessive sentences as a result of policies driven in part by racial bias.

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"?

While I am prohibited by Washington Code of Judicial Conduct Rule 4.1(A)(12) from making pledges, promises, or commitments in connection with issues likely to come before the court, I can say that I think of the public interest in broad terms which go beyond the confines of a given case. Under Washington law, the public interest is sometimes spoken of in fairly technical terms such as size of the audience and the connection between the cause at issue and the interest asserted. I believe that courts should try to think expansively about how cases impact the public, particularly with respect to race and poverty. For example, when considering pretrial release (i.e., making a bail determination), in addition to public safety concerns, it might be fair to consider the public's interest in ensuring that persons of color and those living in poverty have meaningful opportunities to be released before trial, in light of institutional and individual bias or a lack of resources, because research shows that individuals who are released prior to trial tend to have better access to counsel and better outcomes in their cases. I believe that at every step in our civil and criminal justice system, we should think about the public's interest in securing just outcomes for those in the system.

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?

While I am prohibited by Washington Code of Judicial Conduct Rule 4.1(A)(12) from making pledges, promises, or commitments in connection with issues likely to come before the court, I can say that, while it may be appropriate under Washington law to examine the framers' intent when attempting to discern the meaning of language in the Washington Constitution, *see, e.g., League of Education Voters v. State*, 176 Wn.2d 808, 822-24, 295 P.3d 743 (2013) (analyzing the "framers'" intent), courts should also consider how to make the Washington and United States Constitutions practical for people appearing before them in a way that honors their fundamental civil rights, *see, e.g., Seattle School District No. 1 of King County v. State*, 90 Wn.2d 476, 517, 585 P.2d 71 (1978) ("In short, the constitution was not intended to be a static document incapable of coping with changing times. It was meant to be, and is, a living document with current effectiveness.").