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

Candidate Information

Candidate Name: Mariane C. Spearman

Office sought: King County Superior Court, position 53

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Facebook:

Have you read the 46<sup>th</sup> LD Democrats Draft 2016 Platform? Yes , No   
(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 am running for re-election to retain my seat in Dept 53 on the King County Superior Court. I was elected to this position in 2008 I have served in the Unified Family Court, the civil department and the criminal department. held leadership positions on the court as a member of the Executive Committee and as Chief Civil judge. I have been actively involved in efforts to make the court more efficient and responsive to the needs of the citizens that we serve.

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

I have over 20 years of judicial experience. 8 years on King County Superior Court, 8 years on the King County District Court and 5 years on the Kirkland Municipal court.

I graduated from UW law school in 1984. I worked as a public defender for 7 years representing individuals accused of crimes who could not afford to hire their own attorneys. I had my own law practice for two years where I represented clients in family law actions.

What's your plan to win?

I have the judicial experience, the temperament and the endorsement of over 70 judges including all 9 supreme court justices and many elected officials. I am committed to working hard to do justice to all individuals who appear in my courtroom. I believe the voters will agree that I deserve re-election to position 53.

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 qualities of a good judge are the ability to listen carefully with an open mind to both sides so that a decision can be made that is fair, reasonable and based objectively on the facts and the law. I have been a judge for over 20 years. I have the experience making decisions in complex civil cases, in difficult criminal cases and in heart-wrenching family law cases. I treat all parties fairly and respectfully just as I would expect to be treated if I were a litigant in court.

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

It is important that the judges who preside over cases in the state of Washington reflect the diversity of the citizens that they serve. To that end, I am a founding member of the Judicial Institute which is a comprehensive training and mentorship program for attorneys of diverse backgrounds who are interested in a judicial career.

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"?

When I think of statutes involving "public interest," the consumer protection statute RCW 19.86 comes to mind. The legislative purpose of these statutes are to protect the consumer against unfair and deceptive business practices. This could involve false advertising, bait and switch practices or unfair processing of insurance claims. It is in the public's interest that businesses be required to interact with their customers honestly and fairly and that consumers have a process to obtain damages including recovery of attorney's fees when injured. However, the consumer protection statute only comes into play in cases involving the public interest. That is, where it is likely that an illegal business practice may be repeated and impact other members of the public. It would not normally apply to private disputes between individuals.

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?

Judges must follow the law regardless of personal beliefs. If the law is clear, decisions must be issued that follow the law. However, laws and constitutional provisions are not always clear. The constitution can be characterized as a living document in the sense that its provisions can be subject to interpretation. Legislative intent is not always easy to identify. Statutes should be interpreted so that they are internally consistent. One section of a statute should not be interpreted in such a way that it is inconsistent with another section of the same statute. Similarly, statutes should not be interpreted in such a manner that they are inconsistent with other statutes dealing with the same subject matter. Often the legislature indicates in the statute, the legislative intent. For example, in deciding child custody matters, the paramount consideration is the best interest of the child. All ambiguities and disputes between the parents must be resolved in a decision that is in the child's best interest.