



King County Democrats

2018 Candidate Questionnaire

Judicial Level

Candidate Name	Adam Eisenberg		
Position Sought	Seattle Municipal Court Position 3		
Home County and Legislative District	King, 43 rd District		
Campaign Contact Information	Mailing address:	Phone: 206-235-6894	
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Campaign manager or point of contact	Same as above		
Consultant(s)	None at this time		

Part I – Candidate Background

Please briefly describe your qualifications, education, employment, community and civic activity, past union affiliation, and other relevant experience. Attach a resume with more complete history.

I received my Juris Doctor from the University of Washington School of Law in 1992. Since then I have served as a special prosecutor for King County (1992-93), an assistant prosecutor for the City of Seattle (1993-99), and a senior trial attorney for Allstate Insurance Company (1999-2004).

In 2004, I was appointed Seattle Municipal Court Commissioner. In that capacity, I filled in for the 8 elected judges in criminal court, and also served as a judge in traffic court. Typical criminal cases involved domestic violence assaults, DUIs, stalking, harassment, thefts, minor drug crimes, property destruction and street crimes. Every week I presided over the Saturday arraignments in the King County Jail. In 2011, the Commissioner position was changed to a Magistrate. As both Commissioner and Magistrate, I also handled various administrative matters in the court at the direction of the Presiding Judge.

In January 2017, I was confirmed as Judge on the Seattle Municipal Court bench, filling Position 3 after the Honorable Steve Rosen was elected to King County Superior Court. My current assignment is handling domestic violence criminal cases. This fall, I will be running to retain my position on the SMC bench.

Since June 2015, I have also served as the co-director of the Seattle Youth Traffic Court. Teenage drivers appear in Youth Traffic Court to address their traffic tickets, gain an inside look at the judicial system, and learn to be safer drivers. Students from Garfield High School serve as the judges, prosecutors and defense attorneys; Seattle University law students provide the training and manage the court. As co-director, I determine participant eligibility and provide logistical support for the program.

In addition to my work on the bench, I teach graduate level law and ethics classes at the University of Washington (2011 – Present), and am the author of the book, A Different Shade of Blue: How Women Changed the Face of Police Work (2009).

Describe your history of involvement in Washington state politics. What offices have you previously sought election or appointment to? What campaigns have you worked on?

1. In 2016, I sought appointment to my current position, Seattle Municipal Court, Position No. 3. I was nominated by the Mayor in November 2016 and confirmed by the Seattle City Council in January 2017. I received the following ratings:

King County Bar Association:	"Exceptionally Well Qualified"
Loren Miller Bar Association:	"Exceptionally Well Qualified"
Joint Asian Bar Associations:	"Exceptionally Well Qualified"
Washington Women Lawyers	"Highly Qualified"
Latino/Latina Bar Association	"Exceptionally Well Qualified"

2. In early 2010, I applied for an appointment to King County Superior Court to fill the position left vacant when the Hon. George Mattson retired. During the appointment process I received endorsements from the following organizations:

King County Police Officer's Guild
M. L. King County Labor Council

King County Corrections Guild	"Exceptionally Well Qualified"
Seattle Marshals Guild	"Exceptionally Well Qualified"

King County Democratic Central Committee (KCDCC)
11th Legislative District Democrats
32nd Legislative District Democrats
36th Legislative District Democrats
43rd Legislative District Democrats
45th Legislative District Democrats
34th Legislative District Democrats (Resolution of Support)
International Longshore & Warehouse Union, IEB-Puget Sound
Inlandboatmen's Union, Puget Sound Region

3. In 2009, I sought appointment to the King County District Court Bench. I was a finalist but did not receive the appointment by the King County Council. As part of the process, I sought and earned the ratings for District and Municipal Courts from the following bar associations:

Loren Miller Bar Association:	"Exceptionally Well Qualified"
Joint Asian Bar Associations:	"Exceptionally Well Qualified"

I also received the following guild endorsements:

Seattle Police Officers Guild	"Exceptionally Well Qualified"
King County Corrections Guild	"Exceptionally Well Qualified"

Seattle Marshals Guild

"Unanimous Endorsement"

4. In the Winter and Spring 2008, I was evaluated for King County Superior Court, and received the following ratings:

King County Bar Association:	"Exceptionally Well Qualified"
Latino/Latina Bar Association of Washington:	"Exceptionally Well Qualified"
Washington Women Lawyers:	"Exceptionally Well Qualified"
Q-Law:	"Exceptionally Well Qualified"
Loren Miller Bar Association:	"Well Qualified"
Joint Asian Bar Associations:	"Well Qualified"

5. In May 2004 I was rated for Municipal and District Court. There were no open positions at that time. My ratings at that time were:

King County Bar Association:	"Extremely Well Qualified."
Washington Women Lawyers:	"Highly Qualified."
Asian Bar Association of Washington:	"Well Qualified."

6. In 2005 and 2010, I was listed in the King County Bar Association Poll of Attorneys for my role as Seattle Municipal Court Commissioner.

What prompted you to run for this office?

I have served in Seattle Municipal Court for the past 13 years, first as Commissioner, then Magistrate, and now as Judge in Position 3. I am running to retain my position on the bench for three reasons:

First, I love the particular dynamic of our level of court as the People's Court, the place where the majority of our citizens encounter our justice system. Every day I interact with an incredibly diverse mix of people, reflecting a wide array of cultures, ethnicities and languages.

Second, Seattle Municipal Court is a training court for new prosecutors and public defenders, and it is a privilege to watch and possibly help shape young lawyers at the dawn of their practice.

Lastly, I am a strong believer in our therapeutic courts. In Mental Health Court, prosecutors, defense attorneys and the judge work collaboratively to try to keep defendants in their treatment and out of trouble; in Community Court, we help repeat offenders gain access to social services; in Veteran's Court, we try to address the unique challenges our veteran's face; in Seattle Youth Traffic Court teenage drivers address their traffic tickets and gain insight into how to be safer drivers.

In my current assignment handling domestic violence cases, I am part of a task force that is developing a new treatment modality for offenders. I am very proud to be part of this pilot project, and hope to retain my position on the bench to further my goal of helping create an effective intervention for defendants who commit intimate partner violence.

Describe the progress of your campaign so far. What kind of reception is your campaign getting? Are you running unopposed, or do you have an opponent? How will your campaign appeal to the voters?

I am unaware of an opponent at this time; consequently, my campaign is low key but ready to accelerate if necessary.

Please answer the following questions.

		Yes*	No
1	Have you ever failed to pay any taxes or court ordered judgments?		X
2	Have you ever been found in violation of a Public Disclosure Commission, Federal Election Commission or Seattle Ethics and Elections Commission regulation?		X

* If you answered "Yes" to either of the above, please explain your answer:

Part II – Ratings and endorsements

What endorsements and ratings from bar associations have you received to date?

Bar Association ratings:

1. My current bar ratings for Municipal/District Court level:

King County Bar Association: "Exceptionally Well Qualified"

Loren Miller Bar Association: "Exceptionally Well Qualified"

Joint Asian Bar Associations: "Exceptionally Well Qualified"

Washington Women Lawyers: "Highly Qualified"

Latino/Latina Bar Association: "Exceptionally Well Qualified"

Cardozo Bar Association: "Exceptionally Well Qualified"
(for Seattle Municipal Court)

Q-Law Bar Association: Not Rated - I was a board member
2013-2017

I sought these ratings in 2016 in support of my appointment to my current position, Seattle Municipal Court, Position No. 3.

Endorsements:

When I sought and earned appointment to my current position for Seattle Municipal Court, Position No. 3. I was confirmed by the Seattle City Council in January 2017. During the appointment process, I received letters of support from the following:

Martin Luther King, Jr. County Labor Council

Teamsters Local Union No. 763

The Honorable Chief Justice Barbara Madsen, Wash Supreme Court

The Honorable Holly Hill, King County Superior Court

The Honorable Johanna Bender, King County Superior Court
The Honorable Michael Finkle, King County District Court
The Honorable Karen Donohue, Seattle Municipal Court
The Honorable Ed McKenna, Seattle Municipal Court
The Honorable Willie Gregory, Seattle Municipal Court
The Honorable C. Kimi Kondo, Seattle Municipal Court
The Honorable Damon Shadid, Seattle Municipal Court
The Honorable Steve Rosen, Seattle Municipal Court
The Honorable Linda Portnoy, Lake Forest Park Municipal Court

I have the following endorsements from:

The Honorable Chief Justice Mary Fairhurst, Wash Supreme Court
The Honorable Justice Steven Gonzalez, Wash Supreme Court
The Honorable Justice Mary Yu, Wash Supreme Court
The Honorable Justice Susan Owens, Wash Supreme Court
The Honorable Justice Sheryl McCloud, Wash Supreme Court
The Honorable Michael Trickey, Wash Court of Appeals, Div. One
The Honorable Michael Spearman, Wash Court of Appeals, Div. One
The Honorable Helen Halpert, King County Superior Court
The Honorable Mariane Spearman, King County Superior Court
The Honorable Anne Harper, King County District Court
The Honorable Gregg Hirakawa, King County District Court

I am continuing to gather more endorsements for the upcoming election.

If you have previously sought elected office, what notable endorsements did you receive?

1. In early 2010, I applied for an appointment to King County Superior Court to fill the position left vacant when the Hon. George Mattson retired. During the appointment process I received endorsements from the following organizations:

King County Police Officer's Guild
Martin Luther King, Jr. County Labor Council

King County Corrections Guild	"Exceptionally Well Qualified"
Seattle Marshals Guild	"Exceptionally Well Qualified"

King County Democratic Central Committee (KCDCC)
11th Legislative District Democrats
32nd Legislative District Democrats
36th Legislative District Democrats
43rd Legislative District Democrats
45th Legislative District Democrats
34th Legislative District Democrats (Resolution of Support)
International Longshore & Warehouse Union, IEB-Puget Sound

Inlandboatmen's Union, Puget Sound Region

2. In 2009, I sought appointment to the King County District Court Bench. I was a finalist, but did not receive the appointment by the King County Council. As part of the process, I sought and earned the ratings for District and Municipal Courts from the following bar associations:

Loren Miller Bar Association: "Exceptionally Well Qualified"

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3. In the Winter and Spring 2008, I was evaluated for King County Superior Court, and received the following ratings:

King County Bar Association: "Exceptionally Well Qualified"

Latino/Latina Bar Association: "Exceptionally Well Qualified"

Washington Women Lawyers: "Exceptionally Well Qualified"

Q-Law Bar Association: "Exceptionally Well Qualified"

Loren Miller Bar Association: "Well Qualified"

Joint Asian Bar Associations: "Well Qualified"

4. In May 2004 I was rated for Municipal and District Court. There were no open positions at that time. My ratings at that time were:

King County Bar Association: "Extremely Well Qualified."

Washington Women Lawyers: "Highly Qualified."

Asian Bar Association of Washington: "Well Qualified."

What other organizations are you planning to ask for an endorsement?

Martin Luther King, Jr. County Labor Council (updated endorsement)

King County Corrections Guild

King County Police Officer's Guild

Additional guilds and unions to be determined

Part III – Legal experience, technology, and court costs

Please describe your pro bono activities over the last five years.

I have been a judicial officer in Seattle Municipal Court since 2004, preventing me from doing pro bono work. However, I have served on two boards – District and Municipal Judges Association (2007-2011) and Q Law Bar Association of Washington (2013-2017). For the latter, I served as co-chair of the Law Student Outreach Committee and coordinated the mentorship program, connecting LGBTQ law students and new attorneys with veteran lawyers.

What law firms or public law offices (i.e. King County Prosecutor's Office) have you worked for? Have you served as a prosecutor or a public defender? Please include dates, and title for each position that you have held, as well as areas of law practiced.

Senior Trial Attorney, ALLSTATE INSURANCE CO. (November 1999 – July 2004). Insurance defense practice for civil cases arising out of negligence claims. Handled all aspects of civil litigation, from the filing of initial pleadings and conducting discovery, to representing clients at arbitrations, mediations and jury trials in superior and district courts throughout western Washington.

Asst. City Attorney, SEATTLE CITY ATTORNEY (February 1993 – November 1999). Handled every aspect of criminal misdemeanor prosecution from filing to appeals. Skills acquired included extensive jury trial prosecution of domestic violence assaults, DUI's, property destruction and other crimes. For two years argued appeals before the King County Superior Court, the Court of Appeals Division One and the Washington State Supreme Court. Successfully argued *City of Seattle v. Stalsbroten*, 138 Wash.2d 227, 978 P.2d 1059 (1999). In addition, served a two-year community outreach assignment as a liaison with the Seattle Police Department (SPD). In this role, established strong working relationships with the command staff of the East Precinct, advised on individual case investigations, and represented the City Attorney's office at a variety of neighborhood issue-oriented committee meetings. Coordinated the revision of *Miranda* rights forms with SPD Sgt. Terri MacMillan and Spanish interpreters to make the translations more accurate for Spanish speakers.

Special Deputy Prosecutor, KING COUNTY PROSECUTING ATTORNEY (March 1992 – February 1993). Conducted bench and jury trials in District Court.

Have you ever served as a mediator or arbitrator? (If so, please describe your experiences.) If you are an incumbent, do you perform settlement conferences?

I have never served as a mediator or arbitrator. In my role as a Seattle Municipal Court judge, I do not perform settlement conferences.

What do you believe are the most important qualifications for a judge or justice?

I believe a judge has three roles:

The first is in the courtroom, where defendants, victims, civil litigants and attorneys have the right to present their cases before a well prepared, neutral and fair judge. Judges must listen to all of the views presented, weigh the competing concerns, research the relevant law, and always strive to reach a just decision. I am committed to treating every person who comes before me with respect and compassion.

Second, judges need to be actively working with other judicial officers, court administrators and staff to improve access to justice and the quality of our court system. With this in mind, I have served on the board of the District and Municipal Court Judge's Association (DMCJA), and I am the co-director of Seattle Youth Traffic Court where teenage drivers address their tickets and learn to be safer drivers.

Third, outside the courtroom, judges need to be involved in volunteer work and other non-legal activities, so they will stay in touch with the greater community in which they live. To this end, I teach graduate level law and ethics courses at the University of Washington; have sat on the boards of the District and Municipal Court Judges' Association and the Q Law Bar Association; and I study the martial art of aikido at Emerald City Aikido.

Have you been a judge pro-tem? If so, what was that experience like? What did you learn from it? Have you completed the pro-tem training in King County? For which judges do you regularly pro-tem?

From 2004 until January 2017, I worked regularly as a judge pro-tem in Seattle Municipal Court. In my position as a Magistrate in Seattle Municipal Court (Jan 2011 – Jan 2017) and as Commissioner before that (2004 to Jan 2011) I filled in for all of the elected judges on a daily basis. Typical criminal cases involved domestic violence assaults, DUIs, stalking, harassment, thefts, minor drug crimes, property destruction and street crimes. I presided over every stage of the criminal cases, from arraignment and jury trials to sentencings and probation reviews. I also served regularly in Mental Health Court, Community Court, and Veteran's Court, all team-oriented, therapeutic-style courts.

I received pro-tem training in King County Superior Court and served as a Family Court Commissioner Pro Tem from April 2010 – September 2011. I also completed the District Court pro-tem training but chose not to pursue pro-tem work in District Court given my other responsibilities.

Every day I sat on the bench as a judge pro-tem, I learned about the value of patience, and the importance of listening to counsel, staff, defendants and other court participants. And I learned how much there is to learn about people and their concerns.

Do you support making it easier for Washingtonians who are not members of the bar to access public records, particularly at the Superior/District court levels, where per-page fees are charged?

Yes, I do. The internet has provided some additional free access, but I believe we need to find better ways to support our courts than by charging fees for access.

Do you have any thoughts on how our courts should address the growing use of smartphones during court proceedings, particularly by jurors?

Smartphones have added an interesting dynamic not only to the courtroom, but also to our lives in general. During the jury trials I preside over, I instruct jurors to keep their phones off at all times in the courtroom. They are allowed to use them during breaks, but once deliberations have begun, they are not allowed to use them. In addition, I instructed the jurors to not do research on the web via their phones or laptops on anything related the case while they are still sworn as jurors. Ultimately, as in other forms of research like reading newspapers or visiting the scene of the crime, jurors must be trusted to comply with the court order. They are on the honor system.

Is Washington relying too much on court fees to cover the cost of operating our judicial system? How do you believe our courts should be funded?

Yes. I believe we as citizens need to look at how we currently fund our courts, police, schools, infrastructure, etc. We need to have an open discussion and put all options on the table, including

changing our sales tax structure and, possibly, having an income tax. This will definitely not be an easy conversation to have, but it's one we must have if we hope to find new ways to fund our courts, make college more affordable, improve our mental health services, and provide many other services people need. Washington state ranks close to the bottom of the fifty states in state funding for our court system – this needs to change.

Part IV – Access to justice

If elected, how will you work to improve access to justice, particularly for communities and constituencies that do not understand the American legal system?

One important key to better access to justice is to ensure individuals have access to language interpreters. This has been a passion of mine for many years, in part because I have studied Japanese and have experienced being in areas of Japan where my limited language abilities proved problematical. As a result, I have been involved in several projects to create better language access.

In 1995, when I was a criminal prosecutor for the City of Seattle, I served as co-coordinator on a project to revise Seattle Police Department's Spanish *Miranda* rights and DUI Implied Consent Warnings forms. Working with several interpreters, we commissioned new translations of the forms so the Spanish used was more culturally sensitive and, therefore, more understandable to Spanish-speaking suspects and defendants. When the project was completed in early 1996, SPD adopted the new translations. I believe this furthered justice because it enabled Spanish-speaking suspects to better understand their rights in our criminal system.

In 2010, during my tenure on the board of the DMCJA, I served on the curriculum committee for the CLE, *Attorney Training for Service as a Pro Tempore Judge*. Co-sponsored by the WSBA and the DMCJA, the CLE was designed to encourage women and minority attorneys to consider becoming members of the judiciary. The CLE was held in February 2010 (in Seattle) and March 2010 (in Spokane), and I was a presenter and faculty member alongside the Hon. Mary Yu, the Hon. Veronica Alicea-Galvan, the Hon. Patricia Connolly Walker, Chach Duarte White, Mark Sideman, the Hon. Steve Shelton and others. In order to convey the importance of interpreters, we presented a criminal arraignment entirely in Spanish. I played the defendant who only spoke English in a "courtroom" where everyone around me spoke Spanish and I needed to rely on an interpreter to understand. When the session was over, audience members complimented us, saying we effectively conveyed how frightening it would be for someone to be charged with a crime in a foreign country.

As a Seattle Municipal Court Magistrate, I worked with our interpreter coordinator to have our traffic infraction deferral form translated into various languages. I continue to work with her in my role as judge. So far, we have had the form translated into Spanish, Chinese, Amharic, Tigrinya, Somali and Vietnamese, and hope to have more languages available soon. I believe it's absolutely critical to helping individuals who speak those languages better understand our court process.

What does the phrase *Black Lives Matter* mean to you as a judicial candidate?

No matter what role I play in life, whether as a judge on the bench, an adjunct professor or a writer, I am fiercely committed to treating all people equally. In the aftermath of the police killings of Michael Brown, Freddie Gray, and other black men and women across this country, the *Black Lives Matter* movement is an important effort to alert white Americans to the fact that people of color – in particular, black Americans – continue to be disproportionately affected by crime and incarceration. 2.8 million black lives are currently behind bars, and this is nothing less than a tragedy. *Black Lives Matters* comes out of a depth of pain that

Throughout my career, I have committed myself to serving the community, and have had the privilege to be involved with a variety of projects focused on addressing injustice. For example, while on the City of Seattle Domestic Violence Council, I produced public forums about communities of color, including how domestic violence affects recent immigrants from the Horn of Africa nations. To research my book, *A Different Shade of Blue: How Women Changed the Face of Police Work*, I interviewed many women of color; they shared painful stories that reveal the depth of the systematic indifference to racism existing between police officers themselves. And in the graduate level courses I teach at the University of Washington, I have the honor of hearing this generation of students discuss *Plessy v. Ferguson*, the Chinese Exclusion cases, *Brown v. Board of Education*, *Loving v. Virginia*, and other landmark cases. Through all of these efforts, I have sought to self-educate myself on the injustices that continue to haunt our nation.

My ongoing studies and experiences shape my views when I sit on the bench. The *Black Lives Matter* movement, and books like the powerful *Between the World and Me*, *Tears We Cannot Stop*, and *The New Jim Crow*, have helped me understand the systemic racism in our country and the fact people of color are disproportionately represented in our criminal courts and jails. This awareness informs every decision I make, whether I'm reading a police report to see if there is probable cause for an arrest, determining bail amounts, hearing facts at a trial, or deciding a person's sentence. I strive to ensure procedures are properly followed and to require accountability when they are not.

Every single life matters to me. I stand in solidarity with the goals of the *Black Lives Matter* movement. Our nation has long undervalued black lives, and the injustice black citizens face on a daily basis is outrageous. As a member of this society, I will continue my efforts towards equality. As a judge on the Seattle Municipal Court bench, I will work every day to make my court a place of fairness and justice for all.

What do you see are the legal issues in the #timesup and #metoo movements?

The #timesup and #metoo movements have given voice to some of the many women who have experienced sexual harassment, discrimination and abuse. While #timesup started in Hollywood as a reaction to the revelations about Harvey Weinstein and others in the entertainment industry, both movements have helped shed light on a problem that has long been ignored in our country.

As a judge serving in domestic violence court, I see evidence every day of the type of abuse and harassment women face. I also learned a great deal about the topic while writing my book *A Different Shade of Blue: How Women Changed the Face of Police Work*; many of the women I interviewed described being harassed by male co-workers.

In terms of the legal issues these movements raise, sexual assault and harassment are crimes in our state. However, sexual harassment takes many insidious forms – some quite subtle – and the general denigration of women in our society is particularly pervasive and difficult to control via legislation. While certain laws may need to be strengthened and some statute of limitations extended depending on the crime, we need a culture change.

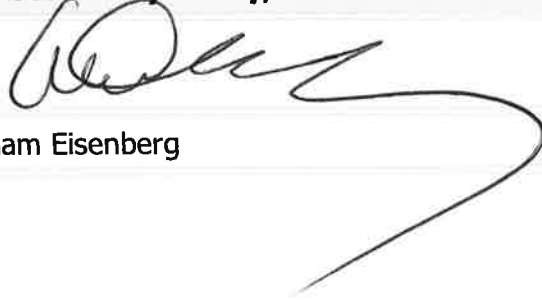
Like with racism and bias, the mistreatment of women is systemic and wide-spread. My hope is the #timesup and #metoo movements will help men everywhere recognize that women deserve to be treated with respect and as equals.

What ideas can you offer to make our judicial system more open, transparent, and responsive?

In addition to increasing interpreter availability for people who speak English as a second language, I believe we need to expand our Mental Health and Community Courts by providing them with greater access to treatment and service options. Many of our street-related crimes, particularly in Seattle, involve people who are struggling with mental illness, homelessness and drug addiction. Greater access to services – including more inpatient beds at no cost to the patients -- would help make our criminal courts more responsive to this population and keep more of these folks out of jail.

I affirm that all the information provided in response to this questionnaire is true, complete and correct, to the best of my ability, and that no relevant matter has been omitted.

Signature



Date: 3/17/18

Printed Name

Adam Eisenberg