

## 2010 Candidate Questionnaire

### SECTION I

#### BASIC CANDIDATE INFORMATION

1. Name as it will appear on the ballot

First Name	Middle Initial or Nickname	Last Name
John	L.	O'Brien

2. Office sought (include office, jurisdiction, position/district number):

**NE Division of King County District Court, Position #6**

3. Are you the incumbent?       Yes      x No

4. How long have you resided in this district/city?

**25 years**

5. How long have you resided in King County?

**55 years**

6. Is the office sought partisan or nonpartisan?       Partisan      X Nonpartisan

7. If partisan, please indicate party:

#### CAMPAIGN CONTACTS

Campaign Name:      John O'Brien For Judge Committee

Address:      175 NE Gilman Blvd. #207

City/State/Zip:      Issaquah, Washington 98027

Campaign Phone:      425-295-6006

Campaign Fax:      425-391-7489

Campaign E-mail:      johnobrien@johnobrienforjudge.com

Campaign Website:      johnobrienforjudge.com

#### POLITICAL BACKGROUND

1. Beginning with the most recent position, please list public offices you have held. Include positions on appointive boards or commissions.

Public Office	Elective or Appointive?	Dates Held	Leadership Role (if any)
N/A			

2. If you ran for public office but were not elected, please list those races below:

Office Title	Year of Run
N/A	

## SECTION II

In this section, we are seeking responses that reflect the four ratings criteria: involvement, effectiveness, character, and knowledge. These are defined as follows:

- **Involvement:** What has the candidate done previously in family, neighborhood, community, volunteer work, employment or public life to suggest readiness to accomplish challenging objectives? How do these activities demonstrate readiness for the challenges unique to the office sought?
- **Effectiveness:** Has the candidate demonstrated promise of being productive in the office sought? Has the candidate shown the ability to work with other people?
- **Character:** Do the candidate's personal traits show the ability to take on the responsibilities of campaigning for and holding the public office she or he is seeking? Is the candidate a leader, participant or observer? Is the candidate trustworthy, reliable and candid?
- **Knowledge:** Has the candidate demonstrated the willingness and ability to learn and adapt? Does the candidate understand the duties and challenges of the office sought? Does the candidate have a firm grasp of the issues important to his or her constituency and their potential effects?

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1. In one page or less, why are you running for this office? (Note: the interview committee will be given a copy of this statement before your interview; at the beginning of your interview you will have the opportunity to expand on this statement in any way you wish.)

I am running for a seat on the King County District Court bench, because I believe I can bring a balanced, impartial sense of reason to the position. On the one hand, in my practice as a defense attorney, I know what it means to assist someone facing the criminal justice system. On the other hand, I have also served as prosecuting attorney for the cities of Medina, Hunts Point, Duvall and Carnation and know what it means to the police departments and victims of crimes to bring perpetrators to justice.

The District Court is not exclusively involved in criminal proceedings. It also has civil jurisdictional limits of \$75,000. I have had an extensive civil practice over the past 29 years, some of which will be discussed in later answers. Having been on both sides of private civil cases, representing both plaintiffs and defendants in everything from personal injury claims to contract disputes, I again believe I have the experience to bring balance to the position.

In addition to my training as a Judge Pro Tempore, I also bring 23 years experience as a King County Superior Court Arbitrator, deciding civil cases with \$50,000 jurisdictional limits, and experience as a Hearing Examiner for the Eastside Narcotics Task Force, adjudicating the right of the government to seize personal assets used in the commission of drug crimes.

Finally, I am running for this position because I want to do the job full time. I served as a judge pro tempore in the District Court system for over 15 years. In that time, I have presided over criminal and civil jury trials, criminal motions calendars, domestic violence restraining order petitions, traffic ticket calendars, small claims and even the felony arraignment calendar in the King County jail courtroom, behind bullet proof glass. I know what the position calls for and I want to do it.

2. Describe your most important personal characteristics or traits as they relate to the office you seek.

I served as a law clerk to Superior Court Judge Stephen Reilly during my first year out of school. Judge Reilly had a little sign taped to the bench facing him so only he could see it. The sign said, "Be Kind, Be Patient". The district court calendars can be quite congested with as many as 90 defendants on an arraignment calendar, preceded by 15 in-custody revocation hearings, all that should be heard in a 3 and ½ hour time frame. It is important to give each person appearing before the Court his or her say, keeping in mind the time frames one is facing. I have and continue to develop the characteristics of kindness and patience as they pertain to this office.

3. Please describe, in sufficient detail, one to three accomplishments or contributions of which you are most proud. These examples should illustrate skills and capabilities you think apply to the office you are seeking. These accomplishments may have occurred at any time in your personal, professional, or public life.

1. Locke v. City of Seattle: Professionally, I am very proud of my involvement in the case of Locke v. City of Seattle, recorded at 162 Wash.2d 474, 172 P.3d 705 (2007). My partner, Dave Wieck and I filed suit against the City of Seattle for Kevin Locke, a firefighter trainee, injured during a training exercise. Mr. Locke was in the 10<sup>th</sup> week of a 12 week course when he collapsed from dehydration and fell from a 50 foot ladder, suffering injuries including a broken back, pelvis, leg, ankle and foot. We filed suit in 2002 and went to trial in 2004. The two of us spent two months in trial against the City of Seattle's legal department proving 33 safety violations against the City.

Although we were suing for negligence, the City decided to use this case to challenge the constitutionality of the 30 year statute allowing Washington State firefighters and police officers to sue their employer if their injuries were a result of the negligence of their employers. Motions were served almost daily against us while we were in trial. We would prepare responses at night while also preparing for the next day's testimony. We obtained a \$1.8 million dollar verdict against the city (later reduced to \$1.5 million). The verdict and statute were upheld unanimously in the Court of Appeals in 2006 and again in the Supreme Court in 2007.

Even though I am not anticipating any 2 month trials in the district court, the Locke trial experience honed many skills and attributes to carry with me to the bench.

1. The mental discipline and stamina of trial work;
2. The speed with which evidentiary objections and rulings are made;
3. The drafting of non-patterned, custom jury instructions;
4. Appreciating the stress and sacrifice we put on our citizens serving on our juries;
5. The balance a judge can give to diverse litigants in judicial proceedings.

2. Issaquah School District v. Overby: I represented an elderly Issaquah family when the Issaquah School District tried to take their farm property through eminent domain proceedings. Because of the growth on the Issaquah Plateau, the school district was in need of land to build another elementary school. The plateau was divided by the Urban Growth Boundary line established by King County. The density on one side of the line caused the increase in the population necessitating the need for the new school. The Overby's farm was immediately across the street from the density boundary, limiting their land to rural use, and cheaper to purchase. The Overbys had been on the land for 35 or 40 years and did not want to move. Although 3 of the Overbys neighbors who were also going to lose their property decided not to challenge the District's eminent domain authority, the Overbys decided to fight.

We made the argument, among others, that the District should not be able to seize the rural farming property because of the development on the denser side of the Urban Growth Boundary line. We won the preliminary summary judgment motions before trial. After the initial win, there was such a huge community outcry against the School District, including editorials in the newspaper and KIRO talk show debates, that the District dismissed their law suit.

The attribute I took out of this experience that I will take to the bench is conviction. A judge must make many opinions and rulings, sentencing and probationary decisions. Once a decision is made, you have to abide by the decision and stick to your convictions.

Family. I am very proud of the family my wife Mary and I have raised during our 28 years of marriage. We have three children. Sean, 26, is a Montessori teacher. Michael, 24, just finished 4 years of service in the Navy, is training to be a fire fighter, and will marry in September. Jamie, 22, just finished her undergraduate college education, and has been accepted to an International Human Rights Masters Program, in London.

The challenges and successes of raising/disciplining 3 children through their teenage years definitely carry over to service on the bench. Many of the defendants in district court are young offenders. Many are not aware of the severity of the charges they are facing, or the impact a conviction will have on the lives, because, of course, all teenagers are invisible. If one can create a relationship with the young defendant, hopefully a positive probationary counseling program can be the conclusion of their experience with the criminal justice system as opposed to a conviction and jail time.

4. Please list or describe current and past activities in the community in which you have acquired skills that relate to the office you seek. Include your role in the activity and the year(s) in which you were involved. Involvement consists of many areas such as family, neighborhood, community, employment, or public life.

Issaquah Rotary Club, 1987-present  
Rotary Board of Directors, 1988-1992  
Rotary President, 1990-1991  
Rotary Vice-President, 1992-1993

Issaquah Chamber of Commerce  
Chairperson, Legislative Affairs Committee, 1993-1996  
Chamber Board of Directors, 1994-1998  
Salmon Days Parade Committee, 1989-2009

Issaquah School Board Feasibility Committee:  
Six month review of district needs and programs to set bond and levy amounts for 1992 election.

Issaquah Grange Cooperative:  
Grange Board of Directors, 1994-2004  
Grange President 2002-2004  
The Grange is a 70-year-old co-op with four thousand members. This four million-dollar a year farm supply business is governed by a five member Board of Directors elected every three years.

Co-Founder of Lake Sammamish Community Festival Tastin' N Racin':  
Tastin' N Racin', in its 14<sup>th</sup> year, is a community festival featuring hydroplane racing, food booths, arts and crafts, bands, car shows and children's rides. Approximately 35,000 people attend the event each year.

Issaquah Baseball Little League:  
Baseball Coach 1993-1995

Eastside Montessori School Foundation:  
Board Member 2010  
EMSF raises money and provides scholarships for disenfranchised families seeking a Montessori education for their children

Eastside Legal Clinic  
Pro bono attorney for clinic 1988-1990  
As a pro-bono attorney for the Clinic, I met low-income clients on a walk-in basis during nighttime clinic hours in Bellevue. The clinic offered free advice on issues relating to dissolution, unemployment, criminal law and housing.

I think a judge serving a community must be involved in the community. I have acquired many skills working as a volunteer in the above named organizations. The skills I have learned while volunteering are leadership, loyalty, dependability, motivation and prioritization.

5. Please describe the duties of the office you seek. Which are the most important duties and why?

As a court of limited jurisdiction, the District Court is responsible for the following types of matters:

- Civil litigation matters up to \$75,000
- Small claims matters up to \$5,000
- Nuisance violations
- False alarm hearings
- Vehicle tow and impound hearings
- Anti-harassment orders
- Domestic violence protection orders
- Name changes
- Infractions (traffic, non-traffic and parking)
- Misdemeanor and gross misdemeanor criminal cases
- Felony expedited cases
- Felony preliminary hearings
- Search warrants
- Garnishments and other supplemental proceedings
- Lien foreclosure and forfeiture hearings
- Death inquests

It is difficult to prioritize these calendars as to which may be more important over another. If I had to choose, I would say the issuance of domestic violence protection orders and the judge-supervised probation programs are two areas that have the most impact on public safety and the ability to reduce repeat offenses. That being said, each case is the most important to the litigants that are before the court on any given day, be it a Driving Under the Influence charge or a Small Claims proceeding between a mechanic and automobile owner. I have the empathy, patience and realism to give each participant before me their just day in Court, to give each defendant their due process and constitutional protections, and to fairly evaluate each fact pattern in litigation.