

Metropolitan King County Council Committee of the Whole

STAFF REPORT

Agenda Item No.:	4, 5, 6	Date:	May 4, 2016
Proposed No.:	2016-0218 2016-0219 2016-0220	Prepared by:	Nick Wagner

SUBJECT

Appointments to fill three judicial vacancies in King County District Court.

SUMMARY

There currently are three judicial vacancies in King County District Court: one in the Southwest Division (Burien) and two in the West Division (Seattle). In accordance with the process prescribed in the King County Code, Chapter 2.70 (Att. 2), the King County Bar Association (KCBA) and other bar associations with established judicial evaluation procedures have referred to the Council three candidates for the Southwest Division vacancy and 10 candidates for the two West Division vacancies. Proposed Motions 2016-0218, 2016-0219, and 2016-0220 (Attachments 1-3) would fill the vacancies. In their current form, the motions have a blank for the name of the person being appointed.

At a special meeting on Monday, April 25, this committee met to review the candidates and selected seven final candidates—two for the Southwest Division and five for the West Division—to be interviewed by the committee at its regular meeting on Wednesday, May 4. At the conclusion of the May 4 interviews, the committee is expected to go into executive session to discuss the candidates' qualifications and then, in open session, to fill in the blanks in the appointment motions and report them out of committee.

BACKGROUND

Under state law, RCW 3.34.100, the county legislative authority (for King County, the Council) is directed to fill district court vacancies by appointment. The King County Code, Chapter 2.70 (Att. 2), prescribes a merit selection process for filling such vacancies, including:

- Advertising of existing or anticipated vacancies by the clerk of the Council;
- Rating of interested applicants by the KCBA and any other bar association with an established judicial candidate evaluation procedure;

- Referral to the Council, by KCBA and the other bar associations, of the candidates receiving the highest rating;
- Review of all the candidates and interviews of the "final" candidates by the Council's Committee of the Whole, which then must make a recommendation to the full Council (KCC 2.70.020(E)); and
- Final appointment by the Council.

The appointee will serve until a successor is elected this November and will be eligible to run for election.

THE FINAL CANDIDATES

The two final candidates to fill the judicial vacancy in the Southwest Division (Burien) of King County District Court (listed in alphabetical order by last name) are:

- Laurel Gibson
- Brian Todd

The five final candidates to fill the two judicial vacancies in the West Division (Seattle) of King County District Court are:

- Gregg Hirakawa
- Mary Lynch
- Lisa Paglisotti
- Andrew Simons
- Sumeer Singla

Written materials submitted by each candidate have been compiled into a binder, a copy of which has been made available to each committee member. The materials consist in large part of the candidates' responses to an extensive Uniform Judicial Evaluation Questionnaire prepared by the Washington State Governor's Office and a supplemental questionnaire prepared by KCBA. Some of the candidates have submitted additional materials to the Council, including, for example, resumes and letters of recommendation.

A table prepared by council staff, comparing the candidates according to a limited set of objective criteria, is Attachment 7 to this staff report. The table is not intended as a substitute for review of the candidates' materials.

THE BAR ASSOCIATION RATINGS

Pursuant to the county code, the candidates have been rated by KCBA and other bar associations that have established judicial selection procedures (as defined in KCC 2.70.020(C)). A table summarizing the ratings is Attachment 5 to this staff report. KCBA's description of how its judicial screening process works is Attachment 6.

THE COUNCIL REVIEW PROCESS

May 4 COW Meeting

At its May 4 meeting, the Committee of the Whole will interview the final candidates and is expected to make a recommendation to the full Council.

May 9 Council Meeting

It is expected that the full Council will take final action on the District Court appointments at the May 9 Council meeting.

AMENDMENTS

In their current form, the motions have a blanks for the names of the persons being appointed. It is expected that there will be oral amendments to insert the names.

<u>INVITED</u>

1.	Laurel Gibson
2.	Gregg Hirakawa
3.	Mary Lynch

- Lisa Paglisotti
 Andrew Simons
- 6. Sumeer Singla
- 7. Brian Todd

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King County

KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

April 8, 2016

Motion

	Proposed No. 2016-0218.1 Sponsors Lambert
1	A MOTION making an appointment to fill a judicial
2	vacancy in the southwest division of King County district
3	court.
4	WHEREAS, a judicial vacancy exists in the southwest division of King County
5	district court (the City of Burien), and
6	WHEREAS, RCW 3.34.100 authorizes the county legislative body to fill judici
7	vacancies in district court, and
8	WHEREAS, K.C.C. chapter 2.70 provides for the metropolitan King County
9	council to fill judicial vacancies in district court by selecting from among candidates
10	receiving the highest rating from the King County Bar Association or another bar
11	association with an established judicial candidate evaluation procedure, as defined in
12	K.C.C. 2.70.020, and
13	WHEREAS, the council: has received candidate ratings from the King County
14	Bar Association; has reviewed written materials concerning each candidate; has
15	conducted interviews of candidates in accordance with K.C.C. chapter 2.70; and has
16	carefully considered the qualifications of the candidates;
17	NOW, THEREFORE, BE IT MOVED by the Council of King County:

is her	is hereby appointed to fill the vacant judicial position in			
the southwest division of King County district court.				
	KING COUNTY COUNCIL KING COUNTY, WASHINGTON			
ATTEST:	J. Joseph McDermott, Chair			
Anne Noris, Clerk of the Council				
APPROVED this day of	,			
	Dow Constantine, County Executive			
Attachments: None				

King County

KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

April 8, 2016

Motion

	Proposed No. 2016-0219.1 Sponsors Lambert
1	A MOTION making an appointment to fill a judicial
2	vacancy in the west division of King County district court.
3	WHEREAS, a judicial vacancy exists in the west division of King County district
4	court (the City of Seattle), and
5	WHEREAS, RCW 3.34.100 authorizes the county legislative body to fill judicial
6	vacancies in district court, and
7	WHEREAS, K.C.C. chapter 2.70 provides for the metropolitan King County
8	council to fill judicial vacancies in district court by selecting from among candidates
9	receiving the highest rating from the King County Bar Association or another bar
10	association with an established judicial candidate evaluation procedure, as defined in
11	K.C.C. 2.70.020, and
12	WHEREAS, the council: has received candidate ratings from the King County
13	Bar Association and other bar associations with an established judicial candidate
14	evaluation procedure; has reviewed written materials concerning each candidate; has
15	conducted interviews of candidates in accordance with K.C.C. chapter 2.70; and has
16	carefully considered the qualifications of the candidates;
17	NOW, THEREFORE, BE IT MOVED by the Council of King County:

18	is]	is hereby appointed to fill the vacant judicial position in			
19	the west division of King County district court.				
20					
		KING COUNTY COUNCIL KING COUNTY, WASHINGTON			
	ATTEST:	J. Joseph McDermott, Chair			
	Anne Noris, Clerk of the Council				
	APPROVED this day of	,·			
		Dow Constantine, County Executive			
	Attachments: None				

King County

KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

April 8, 2016

Motion

	Proposed No. 2016-0220.1 Sponsors Lambert
1	A MOTION making an appointment to fill a judicial
2	vacancy in the west division of King County district court.
3	WHEREAS, a judicial vacancy exists in the west division of King County district
4	court (the City of Seattle), and
5	WHEREAS, RCW 3.34.100 authorizes the county legislative body to fill judicial
6	vacancies in district court, and
7	WHEREAS, K.C.C. chapter 2.70 provides for the metropolitan King County
8	council to fill judicial vacancies in district court by selecting from among candidates
9	receiving the highest rating from the King County Bar Association or another bar
10	association with an established judicial candidate evaluation procedure, as defined in
11	K.C.C. 2.70.020, and
12	WHEREAS, the council: has received candidate ratings from the King County
13	Bar Association and other bar associations with an established judicial candidate
14	evaluation procedure; has reviewed written materials concerning each candidate; has
15	conducted interviews of candidates in accordance with K.C.C. chapter 2.70; and has
16	carefully considered the qualifications of the candidates;
17	NOW, THEREFORE, BE IT MOVED by the Council of King County:

18	is]	is hereby appointed to fill the vacant judicial position in			
19	the west division of King County district court.				
20					
		KING COUNTY COUNCIL KING COUNTY, WASHINGTON			
	ATTEST:	J. Joseph McDermott, Chair			
	Anne Noris, Clerk of the Council				
	APPROVED this day of	,·			
		Dow Constantine, County Executive			
	Attachments: None				

2.70 DISTRICT COURT - MERIT SELECTION PROCESS

Sections:

2.70.010 Establishment.

2.70.020 Process.

- **2.70.010 Establishment.** There is hereby established a merit selection process to fill judicial vacancies occurring in District Court in King County pursuant to the King County council's responsibilities under R.C.W. 3.34.100. The council desires a fair and open process which will insure the council shall select and appoint individuals of the highest quality. (Ord. 8350 § 1, 1987).
- **2.70.020 Process.** The process to fill district court judicial vacancies shall be as follows:
- A. Notice of existing or scheduled vacancies shall be advertised by the clerk of the council twice in the official county newspaper and in a newspaper of general circulation within the district. Notice of the vacancy shall also be sent to the Seattle-King County Bar Association (SKCBA), East King County Bar Association, South King County Bar Association, Washington Women Lawyers, Loren Miller Bar Association, National Conference of Black Lawyers (Northwest Chapter), Asian Law Association and other interested groups.
- B. Names of individuals wishing consideration for appointment shall be submitted to the clerk of the council or directly to any of the bar associations listed in subsection 2.70.020 A. which shall review and evaluate the candidates.
- C. Any other bar group with an established judicial candidate evaluation procedure may also review and evaluate the candidates. A group with an established judicial candidate evaluation procedure shall mean a bar association group:
 - 1. With evaluation procedures open to any candidate,
 - 2. Which has written by-laws governing its evaluation process,
- 3. Which has written criteria upon which the candidates are to be judged which shall be made available to the public, the council and candidates, and
 - 4. Which has been actively evaluating judicial candidates for at least two years.
- D. SKCBA shall refer to the council the names of candidates receiving the highest rating. The list shall contain no less than three names. Any other group with an established judicial candidate evaluation procedure, as defined in subsection 2.70.020 C., shall provide to SKCBA a list of the names of candidates given its highest rating. SKCBA shall note on the list referred to the council any disagreements on the respective lists by indicating names on their own list not included on the list(s) of the other evaluating committee(s) and adding names not included on the SKCBA list with the name of the group which provided the rating.
- E. The committee-of-the-whole shall review the candidates and interview the final candidates and make recommendation to the council.
- F. The final appointment shall be made by the council by motion from the candidates referred by the evaluation committees. (Ord. 8350 § 2, 1987).

Current Bar Association Ratings of Final District Court Candidates as of April 27, 2016

BAR ASSOCIATION CANDIDATE	King County Bar Association	Cardozo Society ¹	Joint Asian Judicial Evaluations Committee	Latina/o Bar Association of Washington	Loren Miller Bar Association ²	QLAW ³	King County Washington Women Lawyers
	SOUTHWEST DIVISION (BURIEN)						
Laurel Gibson	Well Qualified						Exceptionally Well Qualified
Brian Todd	Well Qualified		Exceptionally Well Qualified			Well Qualified	
	WEST DIVISION (SEATTLE)						
Gregg Hirakawa	Qualified		Well Qualified	Exceptionally Well Qualified		Exceptionally Well Qualified	Exceptionally Well Qualified
Mary Lynch	Well Qualified	Well Qualified	Exceptionally Well Qualified	Qualified	Pending	Qualified	Qualified
Lisa Paglisotti	Exceptionally Well Qualified		Exceptionally Well Qualified	Exceptionally Well Qualified	Exceptionally Well Qualified	Well Qualified	Pending
Andrew Simons	Exceptionally Well Qualified		Exceptionally Well Qualified	Well Qualified	Adequate	Well Qualified	Highly Qualified
Sumeer Singla	Qualified		Exceptionally Well Qualified	Exceptionally Well Qualified		Qualified	Qualified

PLEASE NOTE: All the listed bar associations limit the validity of their ratings to a duration of three years; therefore, any ratings that candidates received more than three years ago are not listed in this table.

¹ As described on its website, the Cardozo Society of Washington State is "the official Washington State Bar Association minority bar for Jewish lawyers in Washington."

² As described on its website, the Loren Miller Bar Association is "a statewide organization and local affiliate of the National Bar Association ("NBA"), which is the oldest minority bar and the largest organization of African-American attorneys in the United States."

³ As described on its website, "QLaw: The GLBT Bar Association of Washington is an association of gay, lesbian, bisexual and transgender legal professionals and their allies."

How the Judicial Screening Process of the King County Bar Association Works

The King County Bar Association Judicial screening process utilizes a representative body of the King County Bar Association in its 73-member judicial screening committee. The committee undertakes a fair and comprehensive rating process designed to create a high quality bench and assist the public by providing them with important information on judicial candidates. The King County Bar Association invites judicial candidates for contested judicial elections to participate in this thorough, three-part screening process.

Uniform Judicial Evaluation Questionnaire

First, candidates complete the Uniform Judicial Evaluation Questionnaire from the Governor's Office. That questionnaire covers:

- Professional history;
- Bar association and professional society membership;
- Nature and extent of law practice;
- Trial experience;
- Significant matters handled;
- Judicial interest and experience;
- Experience as a neutral decision-maker;
- Significant mediation experience;
- Educational background;
- Court committees or administrative positions held;
- Public offices held;
- Professional and bar activities:
- Publications;
- Community and civic activities;
- Business leadership activities;
- Honors received;
- Statements of judicial interest and philosophy.

Reference Checks

In order to insure full disclosure and candor, the portions of the questionnaire related to checking references are used only by the Judicial Screening Committee. Those portions cover questions of a private or privileged nature regarding disciplinary matters, claims, suits or complaints filed against the candidate, or other involvement as a party in legal proceedings. References requested come from the following categories, most of which cannot be avoided by the applicant, including:

- Opposing counsel;
- Attorneys appearing before the candidate as a judge or neutral decision-maker;
- Non-attorneys;
- Judges and opposing counsel from the last five trials in which the candidate participated;
- Additional attorneys familiar with the candidate's professional qualifications, skills, experience or attributes.

In addition, the candidates must complete a Supplemental Questionnaire that requests additional references from the following categories of attorneys:

- Past attorney supervisors or attorneys who have reviewed and are familiar with the candidate's work;
- Counsel and judges in appellate matters.

Committee members are assigned to contact the listed references by telephone. After being promised confidentiality, the references are encouraged to speak with full candor about their own knowledge of and experiences with the candidate and to evaluate the candidate's qualifications, strengths, and weakness for the position sought.

Candidate Interview

The Committee convenes with a panel of at least 12 members to carefully review and consider the questionnaire, the information from the listed references and conduct a twenty-minute personal interview with the candidate. The interview consists of questions pertaining to qualifications for the office as well as issues raised by the questionnaire, reference checks, or other information received. The candidate is provided an opportunity for closing remarks.

Thereafter, the Committee deliberates and, by secret ballot, votes to rate the candidate, based upon the written criteria of the Committee's Rules and Procedures. An adequate rating requires a majority vote. The higher ratings require a "super-majority" vote of two-thirds of the members present.

Rating Criteria

The criteria for rating candidates are uniform and objective and have been used substantially in the same form for the past twenty-five years. These criteria measure an individual's suitability to serve in a judicial position. When applying the rating criteria, the screening committee evaluates each candidate against the same criteria. There is no ranking of candidates or comparison of one candidate against another.

The criteria are as follows:

- a. Maturity, integrity, courtesy, intellectual honesty, fairness, good judgment, curiosity, and common sense:
- b. A demonstrated commitment to equal justice under the law, and fairness and openmindedness with sensitivity to and respect for all persons, regardless of race, color, sex, sexual orientation, national origin, ancestry, religion, political ideology, creed, age, marital status, or physical or mental handicap, disability, or impairment. This commitment and sensitivity can be evidenced by the individual's involvement in community affairs and activities, professional practice, and personal and professional background.
- c. The courage and ability to make difficult decisions under stress.
- d. The competence, ability and experience (which may include trial experience) to manage pretrial and trial proceedings, including administrative proceedings, arbitration, settlement conferences, and commissioner or magistrate responsibilities. It should include

an ability to address diverse issues, weigh conflicting testimony, apply the law to the facts, understand the dynamics of the trial or conflict resolution process, and command respect from attorneys, litigants, and other participants in the process.

- e. The ability to work with a wide variety of subject matter.
- f. Excellent legal ability and confidence, and demonstrated excellence in legal work and practice.
- g. The energy and capacity for hard work.
- h. The potential for ongoing professional development and demonstrated leadership in the profession.
- i. The ability to communicate clearly and effectively, orally and in writing, with attorneys, litigants, witnesses, and jurors.
- j. Interest and commitment to working with other judges and court administrators to improve the administration of justice.

Rating Levels

Individual rating levels are:

"Exceptionally Well Qualified"-- "Well Qualified"-- "Qualified" -- "Not Qualified." The Judicial screening committee also has the discretion to decline rating a judicial candidate, with statements of reason —"Insufficient Information to Rate" or "Declined to Participate" or to give a rating with the notation, "Failed to Cooperate fully with the Judicial Screening Committee."

Source: http://www.votingforjudges.org/09gen/rating/kcba.html

Comparison of Final Judicial Candidates – Selected Criteria¹ Southwest Division

	Laurel Gibson	Brian Todd	
Year admitted to practice law in Washington	1997	1999	
Experience practicing law	criminal: 12 yrs.	criminal and civil: 17 yrs.	
Jury trials as lead attorney	24 approx.	52 approx.	
Judicial experience	4+ yrs. as admin. law judge and judge pro tem	none	
Legal J.D., 1996 education Seattle University		J.D., 1999 University of Wyoming	
Undergraduate B.A., 1990 education University of Washington		B.A., 1995 University of Wyoming	
"The type of judge you aspire to be" (in 75 words or less) "I aspire to be a judge with a reputation for being fair, accessible, reasonable, and knowledgeable. I want be known faithfully upholding the letter and spirit of the constitution and the laws of Washington State. I want to be a judge that inspires faith in our judicial system by giving all persons a fair opportunity be heard and have their legal problem resolved."		"I aspire to be a judge who is indeed impartial and fair, but above all, respectful to all parties in my court. There is always the need for a judge to maintain control of the courtroom, but much of this stems from the judge's demeanor. I would have the demeanor which would foster respect in the courtroom. The parties would know what to expect and I would model the same to them."	

¹ This table is based on information obtained from written materials provided by the candidates. To some extent it represents Council staff's interpretation of that information. Much more information is contained in the candidates' written materials.

	Laurel Gibson	Brian Todd
"Why you are seeking a judicial position"	"Having grown up in South King County, I have watched my community evolve and become richly diverse. I worked full-	"Through all of my legal work, I have learned skills which have given me an excellent perspective on what causes parties to have
(in 75 words or less)	time to put myself through college and law school and I appreciate the sacrifices made by many of our citizens who are trying to better themselves and their children. My children attend a public school system that is no longer predominately Caucasian. My children have benefited from being exposed to many more perspectives than I had during my education. I would like to bring my appreciation of this richness of diversity to the bench. I have the experience and knowledge to effectively and fairly apply the laws of Washington State. I am sensitive to the fact that many of our community members do not know how to access the judicial system. I would like to be a part of improving a judicial system that equally serves people from all different cultures and income levels."	disputes. I would bring a fair and objective approach in encouraging parties to realize the roots of their conflicts. However, I am able to act in the role of a judge which is to ultimately act fairly and impartially in deciding those issues that cannot be resolved by the parties' themselves."

Comparison of Final Judicial Candidates – Selected Criteria¹ West Division

	Gregg Hirakawa	Mary Lynch	Lisa Paglisotti	Andrew Simons	Sumeer Singla
Year admitted to practice law in Washington	2002	1989	1992	2000	2002
Experience practicing law	civil & criminal: 13 yrs.	criminal: 19 yrs.	criminal: 22 yrs.	criminal & civil: 25 yrs. (incl. in CO)	criminal & civil: 10 yrs.
Jury trials as lead attorney	46 approx.	200+	60-90	63+	33+
Judicial experience	2 yrs. as pro tem	8 yrs. as pro tem	once as pro tem	2 yrs. as pro tem	4 yrs. as pro tem
Legal education	J.D., 2002 Seattle University	J.D., 1989, Seattle University	J.D., 1992 Seattle University	J.D., 1991 University of Colorado	J.D., 2002 University of Washington
Undergraduate education	B.S., 1981 University of Oregon	B.A. 1980 University of Montana	B.A., 1985 University of Washington	B.S., 1980 Colorado State University M.A., 1985 Denver Seminary	B.A., 1997 Washington State University
"The type of judge you aspire to be" (in 75 words or less)	"To allow litigants to have their day in court, and allow them to try their case as they see fit	"For a legal system to be trustworthy, it must be fair. The parties involved in a case look to the	"I aspire to be a judicial officer who instills respect and confidence in the justice system. I	"I believe that everyone should have ready access to the courts. In particular, the poor	"I aspire to find justice, accountability and truth in every case. My goal is to have

¹ This table is based on information obtained from written materials provided by the candidates. To some extent it represents Council staff's interpretation of that information. Much more information is contained in the candidates' written materials.

	Gregg Hirakawa	Mary Lynch	Lisa Paglisotti	Andrew Simons	Sumeer Singla
	within reasonable confines, and to guarantee all parties are treated with dignity and respect so as to instill their confidence in the court proceeding and justice system." [Question for this candidate was, in 50 words or less: "Describe your judicial philosophy."]	judge to provide this guarantee of fairness. This is accomplished by treating the parties equally, being professional on the bench and correct in decisions even if those decision are unpopular." [Question for this candidate was, in 50 words or less: "Describe your judicial philosophy."]	aspire to empower individuals with the belief and motivation to change, and to value themselves. It is of the utmost importance to me that individuals who come before the Court, have a real opportunity to have their voices be heard, to have an understanding of the process, and to feel they were treated fairly, regardless of the outcome."	and marginalized should know they will receive a prompt, fair, respectful, and sympathetic hearing from the court. A judge should be predictable in following the law and reasonable in exercising discretion." [Question for this candidate was, in 50 words or less: "Describe your judicial philosophy."]	people leave the courtroom feeling confident that they were respected, had an opportunity to be heard in a neutral and fair manner, and understood the decision and the judicial process. I aspire to be a responsible steward of the law and the legal process with a responsibility to make the judiciary accessible to everyone."
"Why you are seeking a judicial position" (in 75 words or less)	"I am seeking appointment to the King County District Court because a 10 year old boy, whose mother was incarcerated without due process during World War II, visited the National Archives in 1968 and started believing that we	"The phrase 'justice is blind' is probably one of the most important legal concepts what we have. It gives confidence to those who find themselves involved in the legal system. I feel that I have always acted with this in mind, in both my	"I am applying for a judicial position, because I am committed to the justice system in King County, as evidenced by over thirty years of experience in the justice field. I have demonstrated my commitment to fairness in various aspects of the	"In my career as a public sector attorney, I have advocated for the criminally accused, abused and neglected children, vulnerable adults, injured workers, and safe work places. Law is a great stabilizer for society, and I would try to bring	"I believe I am exceptionally well qualified for a judicial position as evidenced by my unique cultural background, judicial, civil, and criminal experience in public and private practice. I am committed to public service, effecting positive

Gregg Hirakawa	Mary Lynch	Lisa Paglisotti	Andrew Simons	Sumeer Singla
the people of the United States can work to form a more perfect union." [Word limit on this candidate's version of the questionnaire was 50.]	work as a prosecutor and my work as a pro tem judge. I aspire always to instill confidence in the judicial system and improve it by bringing knowledge, patience, and integrity to the bench." [Word limit on this candidate's version of the questionnaire was 50.]	system, and would like the opportunity to expand my knowledge and continue to learn. I continue to be inspired by individuals, and believe I can make a difference in the lives of individuals while ensuring community safety."	that perspective as a judge." [Word limit on this candidate's version of the questionnaire was 50.]	change, and making the judiciary accessible to everyone. I will endeavor to enhance trust and confidence in the judiciary and legal profession. I want to promote civility, equity and equality equity through my decisions and demeanor in the courtroom."

Attachment 8 for agenda items 4, 5 and 6, (motions 2016-0218, 2016-0219 and 2016 0220) is available upon request from the Clerk of the Council (206) 477-1020