## STAFF REPORT

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| **Agenda Item:** | 6 | **Name:** | Sam Porter |
| **Proposed No**.: | 2021-0006 | **Date:** | January 20, 2021 |

**SUBJECT**

Proposed Motion 2021-0006 would make an appointment to fill a judicial vacancy in position number four of the Southwest District of King County District Court.

**SUMMARY**

There is a judicial vacancy in the Southwest District of King County District Court Position 4. Under state law[[1]](#footnote-2) the King County Council, as the county legislative authority, is directed to fill district court vacancies by appointment. The King County Code[[2]](#footnote-3) provides a merit selection process for filling such vacancies.

In its current form, Proposed Motion 2021-0006 has a blank for the name of the person being appointed. A line amendment will be needed to insert the name of the selected appointee.

**BACKGROUND**

District Court is the County’s court of “limited jurisdiction” and has responsibility for traffic infractions, small claims, and misdemeanor criminal offenses in the County’s unincorporated areas, cities that do not have municipal courts and contract with the court to provide those services, and for the adjudication of “state” offenses (violations of state statue in the county or when the arresting agency is the Washington State Patrol or other state law enforcement agency). The court handles approximately 250,000 filings annually throughout the North, South, and East Divisions.

Judge D. Mark Eide, who was serving in Position 4 in the Southwest Electoral District, retired in June 2020. After receiving official notice of the vacancy from District Court Presiding Judge Susan Mahoney on August 11, 2020, the Clerk of the Council published notice of the vacancy and judicial appointment application process.[[3]](#footnote-4) The recruitment process was repeated once with the final deadline occurring on December 7, 2020.

**ANALYSIS**

In accordance with the merit selection process outlined in KCC 2.70.020, by the application deadline, eligible candidates must submit:

1. A current rating of, at a minimum, “qualified” for a district court judicial position from the King County Bar Association and at least one other eligible[[4]](#footnote-5) bar association operating in King County;
2. A letter of interest and résumé;
3. A copy of the completed responses to questionnaires submitted to the King County Bar Association to obtain its rating; and
4. Any supporting information the individual would like the council to consider.

In accordance with state law[[5]](#footnote-6), the judge appointed through this process will fill the remainder of Judge Eide's term which will end in January 2023.

Three individuals submitted applications, all of whom appear to be eligible. Current bar association ratings for the eligible candidates can be seen in Attachment 1 to this staff report. These candidates are:

* Michael Frans
* Fa'amomoi P. Masaniai, Jr.
* Brian Todd

Pursuant to KCC 2.70.020.G.1.b(3) the Chair of the Committee of the Whole (COW) has determined the process by which the committee will receive recommendations for selecting final candidates to be interviewed. There are three eligible applicants for this position and the process was determined to involve the distribution of all applications to all Councilmembers and to interview all three candidates at the first COW meeting in January 2021. The Committee will need to make a recommendation, as provided in K.C.C. 1.24.055.D., to full council a motion that would make the appointment. In its current form, the motion has a blank for the name of the person being appointed. A line amendment will be needed to insert the name of the selected appointee.

Brief bios for the final candidates recommended by the subcommittee appear below in alphabetical order.

**Michael Frans** has served as the presiding judge of Kent Municipal Court since November 2019 where he presides over all operations and handles all criminal and civil calendars and all administrative decisions for the Court. Mr. Frans served previously as a Judge Pro Tempore in King County District Court from November 2016 to 2019 and was in private practice.

**Fa'amomoi P. Masaniai, Jr.** has served as a Judge Pro Tempore in King County District Court since 2016 and as a Commissioner in the Juvenile Division of King County Superior Court since 2015. Mr. Masaniai also serves as a Judge Pro Tempore in the municipal courts of Issaquah, Seattle, Renton, and Puyallup, and as a Court Magistrate for Des Moines and SeaTac and has experience as a clerk, prosecutor, and public defender.

**Brian Todd** has served as a Judge Pro Tempore since July 2019 in ten local municipal courts including Renton, Federal Way, Des Moines, Tukwila, SeaTac, and Kent. Mr. Todd has served as a trial attorney since October 1999 and as a professional mediator in the King County Dispute Resolution Center.

**AMMENDMENTS**

There are three amendments that would insert the name of the appointed candidate into the Proposed Motion. These amendments are drafted in alphabetical order by the last name of each candidate as listed below in the attachments list.

**ATTACHMENTS**

1. Proposed Motion 2021-0006
2. SWD Candidate Bar Association Ratings
3. Judicial evaluation process for the King County Bar Association
4. Amendment 1A: Michael Frans
5. Amendment 1B: Fa'amomoi P. Masaniai, Jr.
6. Amendment 1C: Brian Todd
1. RCW 3.34.100 [↑](#footnote-ref-2)
2. KCC 2.70 [↑](#footnote-ref-3)
3. Newspapers that published this notice include the Seattle Times, Vashon Beachcomber, Kent Reporter, Federal Way Mirror, Westside Seattle. [↑](#footnote-ref-4)
4. Eligible bar associations must have a judicial evaluation process that is open to any candidate who is eligible under state law for appointment to the district court; and written procedures and criteria governing its judicial evaluation process and makes copies of such procedures and criteria available upon request. [↑](#footnote-ref-5)
5. RCW 3.34.100 and RCW 29A.04.321. The judge appointed through this process shall hold office until the next general election in an even-numbered year and until a successor is elected and qualified. [↑](#footnote-ref-6)