

King County Democrats

2018 Candidate Questionnaire

Judicial Level

Candidate Name	Faye R. Chess	
Position Sought	Seattle Municipal Court	
Home County and Legislative District	King; 34th	
Campaign Contact Information	Mailing address: TBD	Phone: 425-891-5407
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Campaign manager or point of contact	Terri Hackett	
Consultant(s)		

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.

Magistrate Judge and Judge Pro Tempore, Seattle Municipal Court. Appointed unanimously by elected judges. Selected to preside over criminal court hearings, including jury trials. Civil infraction work.

Judge Pro Tempore/Part-Time Judge, King County District Court. Presided over thousands of criminal and civil cases. One of the longest serving Judge Pro Tempore.

Director of Labor Relations, Group Health Cooperative. Provided policy and legal guidance on collective bargain agreements in a complex environment.

Executive Director of Human Resources and General Counsel, Tukwila School District. Directed the operations of the human resources department; provided legal counsel.

Sr. HR Consultant, Providence Health and Services and Swedish Medical Center. Proactively managed employee and labor relations matters.

Deputy General Counsel, Seattle School District. In-house counsel, representing the District in employment and labor, special education and student disability plans.

Deputy General Counsel, Seattle Housing Authority. Provided expert legal counsel to Housing Authority's management and executive leadership teams.

Public Defender, The Defender Association. Successfully defended hundreds of clients charged with felonies and misdemeanors. Union Member

Graduate of the University of Cincinnati College of Law and Purdue University.

Graduate of Washington State Judicial College.

Participant in the Seattle School District's Superintendent Leadership Academy.

Member of the Washington State Minority and Justice Commission.

Active member of the Greater Seattle Chapter of Links, Inc., Seattle Chapter of Delta Sigma Theta Sorority, Inc., and Seattle Chapter of Jack and Jill of America, Inc.

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?

Judge Michael Spearman and late Judge Patricia Clark's campaigns for King County Superior Court.

What prompted you to run for this office?

The court needs a judge who has my broad and diverse legal and non-legal experience. Over the course of my career, I have worked for a public defender agency, two school districts, public housing authority, three non-profit healthcare organizations, and as a Magistrate Judge and Pro Tempore Judge. I have an in-depth and well-rounded understanding of the issues and concerns facing the citizens in King County especially for those coming before the court.

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 have just begun my campaign so unable to respond to the question.

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:

Joint Asian Judicial Evaluations (JAJEC) – Exceptionally Well Qualified for Seattle Municipal Court; Exceptionally Well Qualified for King County District Court; and Well-Qualified for King County Superior Court

Loren Miller Bar Association (LMBA) – Exceptionally Well Qualified for Seattle Municipal Court

	<p>The LGBT Bar Association (Qlaw) – Exceptionally Well Qualified for Seattle Municipal Court</p> <p>Latina/o Bar Association (LBAW) – Well Qualified for Seattle Municipal Court</p>
Endorsements:	

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

Not applicable

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

National Women’s Political Caucus of Washington
MLK County Labor Council

Part III – Legal experience, technology, and court costs

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

I have worked as in-house counsel, human resources professional, and judicial officer for municipal corporations, non-profits companies, and government agencies for my entire career. I have participated in community activities as member of the community and LMBA.

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.

SEATTLE MUNICIPAL COURT, Seattle, WA

2016-present
Magistrate Judge and Judge Pro Tempore

KING COUNTY DISTRICT COURT, 1995-2016/SEATTLE MUNICIPAL COURT, 2016 to present
Judge Pro Tempore/Magistrate Pro Tempore

Tukwila School District, Tukwila, WA 2013 -2015
Executive Director of Human Resources and General Counsel

Seattle Public Schools, Seattle, WA
Deputy General Counsel, 2001-2011
Interim Executive Director of Human Resources, 2010

Seattle School District, Seattle, WA. 1995-2001
Deputy General Counsel | Acting General Counsel

The Defender Association, Seattle, WA 1988-1995
Staff Attorney

Have you ever served as a mediator or arbitrator? (If so, please describe your experiences.)

Not applicable

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

The courts, particularly in a diverse community such as Seattle need to be recognized as institutions that are accessible, impartial, competent, diverse, and preserves the integrity of the criminal justice system. Judges can assure this recognition occurs by being culturally competent. Culturally competent has been defined as individual or organization "having various levels of awareness, knowledge and skill of the others' ability, age, beliefs, ethnicity, experience, gender, gender identity, linguistic background, national origin, race, religion, sexual orientation, and socioeconomic status" of others. When judges are culturally competent they can discern more accurately the programs and/or processes the court is able to institute that will insure meaningful access to the judicial system with competent legal representation, properly trained interpreters, placement of reasonable accommodations, and disseminate information on the availability of community resources such as housing, clothing, and healthcare especially for those facing economic hardships.

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?

Yes, I have served as Pro Tem judge in King County District Court (Seattle, Burien, Renton, MRJC, Aukeen, Bellevue, Issaquah, Shoreline, and Redmond) over the course of 22 years. I was a Pro Tem Judge and Magistrate for Seattle Municipal Counsel starting August 2016 until I became a full-time Magistrate Judge and Pro Tem Judge on March 8, 2016. I have completed pro-tem training in King County. My experience has taught me to be I have pro-tem for the following judges on a regular basis during my 22 years serving as a pro-tem judge:

King County District Court

Judge Barbara Linde
Judge Monica Benton
Judge Linda Thompson
Judge Eileen Kato
Judge Richard Bathum
Judge Donna Tucker
Judge Janet Garrow
Judge Susan Mahoney
Judge Charles Delaurenti
Judge David Christie
Judge David Meyer
Judge Elizabeth Stephanson
Judge Corinne Harn
Judge Laurel Gibson
Judge Mark Eide
Judge Ketu Shah
Judge Peter Nault
Judge Michael Finkle
Judge Lisa O'Toole
Judge David Steiner
Judge Marcine Anderson
Judge Mark Chow
Judge Douglas Smith
Judge Lisa Paglisotti
Judge Gregg Hirakawa
Judge Arthur Chapman
Judge Nathaniel Green

Seattle Municipal Court

Judge Ed McKenna
Judge Damien Shadid
Judge Anita Crawford-Willis
Judge Karen Donahue
Judge Adam Eisenberg
Judge Willie Gregory

Being a pro-tem judge has taught me a good steward of court resources. I am respectful of the public, the attorneys, court staff and administrators of their time, opinions, and resources that are extended to move cases through the judicial system. During my judicial career, I have earnestly made every effort at being fair, knowledgeable, reliable, capable, and thorough. I will bring these same attributes to an elected Judge position.

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?

Washington state recognizes the importance of transparency in the actions of its public agencies. As a former public records officer, I understand the importance for its citizens to be able to ascertain these documents. Costs for responding to public disclosure requests depend on but not limited to the size of the municipal corporation, staffing ratio, budgetary impact, and scope of the request.

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

Members of the public should be allowed to bring cell phones and other electronic devices into the court building. These devices should not be used during court proceedings because it will cause jurors and other court participants to be distracted from focusing on the evidence and testimony being presented in the courtroom. During preliminary hearings, the attorneys should be allowed to use their electronic devices in the courtroom if they are being used to retrieve information necessary for the proceedings. Otherwise, the attorneys should go outside into the hallway to call their clients, offices, etc.

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?

Most trial courts receive state and local funds. For specific projects or improvements, funding typically comes from private and public grants. When it comes to implementing innovative programs, courts typically receive federal funding to make it happen. Having worked for several municipal corporations receiving federal, state, and local funding and understanding the complexities of bond measures, levies, tax generated revenues, I believe the question of how the WA judicial system should be funded has no simple answer.

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?

From my perspective, coming from dysfunctional social and behavioral backgrounds fosters a high probability an individual will engage in criminal activity at some point in their lifetime. I have witnessed individuals evicted from public housing because they were unable to abide by the leasing requirements due mental health issues eventually becoming incarcerated offenders. There is the "school-to-prison pipeline" trend where children from economically disadvantaged backgrounds or who have learning disabilities being funneled out of the public schools in various ways into the criminal justice system. Because of suffering from physical and/or mental health conditions and lacking access to adequate health care, there are individuals who engage in anti-social behavior which eventually places them in the criminal justice system. Studies have shown punishment alone may not be effective at reducing the recidivism rate or lowering the level of crime in our communities. I would promote Seattle Municipal Court's continued use and implementation of programs that addresses these social issues permits the justice system be more accessible to the public. There is a definitive benefit of linking offenders to services and holding them accountable not only for them but the community and court system. King County has launched the Familiar Faces Initiative which will coordinate social service systems for individuals suffering from mental and/or substance use conditions who have booked into jail four or more times in a twelve-month period. One of the proposed outcomes for this initiative will be reduced criminal justice involvement for these individuals.

In the United States, defendants charged with criminal crimes have a right to hear and understand the court proceedings. For many defendants, English is not their primary language thereby making the need for competent language interpretation vital if they are to have effective access to the judicial system. As stated by the WA State Court of Appeals in a recent decision, *State of WA v. Aljaffar*, interpreters must not only be competent but also can translate information between court participants so non-English speakers are substantially on equal footing with their English-speaking counterparts. Having worked in other systems beside the criminal justice system, I have witnessed similar barriers for non-English speakers in accessing and/or obtaining education, healthcare, and housing. The Washington Courts recently issued The Washington State Model Language Access Plan so courts across the state can devise their own plans for providing equal access to the courts for individuals who are limited English Proficient (LEP), deaf, hard-of-hearing, and deaf-blind. When the Washington courts implement these plans, the public will gain tangible access to the courts. I would make sure that Seattle Municipal Court continued to expand its interpretation department so certified language interpreters who speak less common spoken languages are available to interpret in the courtroom.

People with disabilities whether they are plaintiffs, defendants, and jurors can face barriers in accessing and participating in the justice system when courts are not able to provide reasonable accommodations. Whether as a Magistrate Judge/Pro Tem judge presiding over a hearing, as an attorney representing an employer in a hearing involving a claim of discrimination or a criminal defendant, I have observed potential jurors who could not sit for long periods of time their request be granted their request not to serve on a jury because the court could not reasonably accommodate their disability throughout the length of the trial. All courts, including Seattle Municipal Court need to establish ADA-504 policies and/procedures in compliance with ADA-504 which will allow for full, equal, and meaningful participation of disabled individuals in every aspect of the legal proceedings.

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

Black Lives Matter is a civil rights movement that contends racial profiling and systemic racism has led to the death of black people by the hands of law enforcement in communities across the country. It espouses there is bias and systemic racism in the legal system especially when police officers, videotaped engaging in apparent civil rights violations against black people, are not prosecuted or later found not guilty by juries of their peers. Judges must be aware this perception extends to judicial system which is perceived to have a lack of diversity among judges, prosecutors, defense attorneys and jury pools. Jury bias is endemic in the United States' judicial system. One juror recently shared her experience on jury duty in Seattle Municipal Court in an Seattle Times Op-Ed titled "Jury duty in Seattle: Am I in 1930s Mississippi." She described an experience where everyone, judge, prosecutor, defense attorney, court staff, and three of the four witnesses in the courtroom were white except the defendant. She ended up her Op-Ed by suggesting the "jury of one's peers' system is apparently broken. Seattle Municipal Court and other courts across the country must remain diligent in finding ways to address the lack of diversity in the jury pools. Courts also need to ensure jurors view the orientation videos on bias and are given the implicit biased pattern jury instructions. Finally, judges should support the appointment and election of judges of color and different ethnic backgrounds and advocate for the hiring of prosecutors, defense attorneys, and court staff of color and ethnic backgrounds.

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

Movements create a strength in numbers for individuals who have suffered from sexual harassment in the workplace to publicly voice their experiences. This strength will result in the increase of sexual harassments

complaints filed with employers and the EEOC. Companies will need to look at its EEO policies and practices to make sure there is clear guidance on reporting and investigating sexual harassment and sex discrimination complaints. In October 2017, the Supreme Court heard three cases involving the issue of whether workplace arbitration agreements that ban class actions violate the National Labor Relations Act (NLRA) because they restrict employees' rights to engage in concerted activities. The outcome of these cases will have a significant impact on whether group of individuals can collectively address the systemic sexual harassment in their workplace or will they be forced to address them individually. Essential point: Will the movement be weakened or strengthened by future court rulings.

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

The courts should be recognized as an institution that serves the needs of the court users. The public should have confidence the Court ensures equal access to its services. The Court should be highly praised for its accessibility, impartiality, integrity, competence, and diversity. Ultimately, it is a Court that is viewed as a good steward of the community's resources. This can be accomplished through a modern case management system, diverse personnel, policies, practices, and most importantly its programs such as Veteran's Court, Community Court, Mental Health Court, and Warrant Amnesty days.

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	<i>Faye Chess</i>	Date: 4/7/18
Printed Name	Faye R. Chess	