

SPOKANE COUNTY BAR ASSOCIATION JUDICIAL APPLICANT QUESTIONNAIRE

PLEASE TYPE

1. Name, business addresses and telephone number.

Debra Hayes, 477-2492
Spokane County Prosecutor's Office
1100 W. Mallon 99260

2. Year of admission to practice of law in Washington. 7 yrs.
3. Please identify and summarize the general nature of your current law practice/judicial experience.

I am currently working in the Family Law Division of the prosecutor's office. This practice includes the enforcement of superior court and administrative orders involving paternity and child support. The cases are based on referrals received from the Division of Child Support.

4. List other legal practices or judicial offices you have held.

While in law school, I worked as a law clerk with Etter, McMahon, Lamberson, & Clary. I assisted with several civil cases including defending municipalities, medical malpractice, personal injury, and employment cases. This included client interviews, depositions, and legal research and writing for cases in State and Federal court.

I have worked with the prosecutor's office, city and county, since 1997. I started as a legal intern with Spokane County until I finished law school. Following the bar exam, I worked as an Assistant City Prosecuting Attorney until February 2000 when I accepted a position with the Spokane County Prosecutor's Office. I have prosecuted thousands of cases, ranging from minors in possession of alcohol to First Degree Murder. My extensive courtroom experience includes over 70 trials in District, Municipal, Juvenile, and Superior courts. These include misdemeanor and felony crimes in the Domestic Violence Unit, the Juvenile Unit, the Property/Fraud Unit, and the Gun Unit. The assignment in the Gun Unit was a joint task force with the United State's Attorney's Office as well as federal and local law enforcement to address the growing problem of gun-related crimes in Spokane. The crimes included sexual assaults, property, drugs, felony traffic, domestic violence as well as numerous cases involving felons in possession of firearms.

5. List colleges, universities and law schools attended, years of attendance and degrees awarded.

- 1999 - Gonzaga University School of Law, JD, Magna Cum Laude,
- 1994 – Eastern Washington University, BA Pre-Law/Government – Summa Cum Laude
- Spokane Community College, Associate in Applied Science, Paralegal and Liberal Arts degree.

6. Other than your legal/judicial experience, list your employment history.

Lincoln Mutual Savings Bank – Savings Department: teller, savings department supervisor; Marketing Department, Sales Development Specialist. 1979 - 1984

J. Gregory Casey- Paralegal- 1990 -1994

Paralegal Resource Center – 1994 - 1995

Friendship Inn – Front Desk Manager - 1996

Comfort Inn – Front Desk Manager - 1997

7. Please list all courts and jurisdictions in which you are admitted to practice and the dates of admission, including the same information for administrative bodies having special admission requirements. Are you in good standing with each of these courts/jurisdictions?

Spokane County District Court

Spokane Municipal Court

Spokane County Superior Court

I am in good standing with these courts.

8. State the number of cases you have tried to conclusion in courts of record during the past ten years. Approximately 75 Of those, state how many you served as sole counsel, associate counsel or chief counsel.

I was sole counsel in all but one murder case when I served as co-counsel.

(a) What percentage of your trials during the past five years were:

Civil: none Criminal 100% Jury 90% Non-Jury 10%

(b) What percentage of your trials during your career were:

Civil: My current practice is in family law. Prior to obtaining my JD, I was a practicing paralegal working with a civil attorney and owned a paralegal business. As a paralegal, I participated in numerous civil trials.

Criminal 100% Jury 80% Non-Jury 20%

9. State in detail your experience in administrative adversary proceedings before boards of commissions during the past ten years.

I have had multiple appearances before administrative law judges but I have not had the opportunity to appear before a board of commissions.

10. How many appellate cases have you handled through appellate decisions? And of these, in how many did you do the bulk of the written briefing and/or oral argument?

I have participated in three appellate cases on cases appealed from District or Municipal Court to Superior Court as well as two cases appealed from Juvenile Court to Superior Court. I did the written briefing and oral argument.

11. If you had other experiences in the legal profession that may enhance your qualifications for service as a judge, briefly describe and include dates. Also please list any non-legal activities in which you have been involved which you feel have enhanced your qualifications for a judicial position.

I believe my work as a paralegal both working for a civil law attorney as well as my work as co-owner of my business, the Paralegal Resource Center provided me with experience with civil cases including employment law, personal injury, and family law.

12. Please state whether you have ever held a judicial office or have been a candidate for such an office. If so, give the details, including the court, whether it was elected or appointed and periods of service. Include service as a pro tem judge giving courts and approximate dates.

I have not held an office as a judicial officer. As a prosecutor, I am prohibited from participating as a pro tem judge in Spokane County.

13. List any organizations, other than a law practice, in which you have been an owner, director or officer.

I was a business partner & co-owner of the Paralegal Resource Center, and a board member on the Riverside School District Board of Directors. I am currently a trustee on the Board of Directors for the Spokane County Domestic Violence Consortium, serving my second term.

14. State the qualities that you consider to be most important in an individual holding judicial office.

I believe the most important qualities are the ability to be impartial and to have knowledge of and respect for the law, accompanied by the ability to communicate in a clear and logical manner, including the ability to apply the relevant evidentiary rules and procedures. I also believe criminal trial experience is extremely important because there is no greater loss than that of personal freedom. It is also crucial to consistently recognize the personal dignity of all of the parties, with an acute awareness of the profound effect decisions may have on individual lives. I believe it is the duty of every judicial

officer to maintain professional and personal integrity. This kind of integrity involves a commitment to treat all persons equally, without discrimination. Finally, it must be a high priority for all judicial officers to have the ability to make difficult decisions without being swayed by the potential of public criticism.

15. Have you ever been convicted of a crime? No (Do not include infractions) If any episode occurred, please give your view of how it bears on your present fitness for a judicial office.
16. Have you ever been disbarred, suspended, reprimanded or otherwise disciplined by any bar association or Supreme Court? No
17. Do you know of anything that might interfere with the performance of your duties as a judicial officer? No If so, please give particulars.
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18. Please state the title, citations and date of any books or articles published in the field of law, as well as dates and forums of any CLE presentations you have made.

Gonzaga Law Review, *“Prosecuting Domestic Violence Crimes: Effectively Using Rule 404 (b) to Hold Batterers Accountable for Repeated Abuse.”*
Volume 34, (1999) (Symposium-Emerging Trends in Family Law)

WSBA CLE: April 27, 2005, Essentials of Criminal Law Practice in Courts of Limited Jurisdiction, “Overview of the Domestic Violence Court and Laws” (published by WSBA)

SCBA CLE: January 27, 2006, Trial Techniques for Every Attorney, “Elements of Voir Dire”

19. Please list all bar associations and professional societies in which you are a member giving dates, titles of any offices, chairpersonships on any major committees and memberships on any committees believed to be noteworthy.

American Bar Association-1997-99; Washington State Bar Association-1999-Present; Spokane County Bar Association 2005-06, CLE committee member (2005-06); Washington Women Lawyers 2004-06; Judicial Evaluation Committee Member; Spokane County Domestic Violence Consortium, Member 2000-Present, SCDVC Board Member 2003-Present, Chairperson-SCDVC Justice Committee 2002.

20. State your reasons for seeking a judicial position.

Because justice matters, public safety matters, and a commitment to public service matters . . . These words are much more than a campaign slogan. They are at the very core of why I am seeking a judicial position. Born and raised in this community, I chose to raise my children here, and now my grandchildren are growing up here. I believe I have the spirit of public service as well as the energy, enthusiasm, work ethic, intellect, and the vision to help make your District Court a place respected and trusted by the community it serves. I am committed to do my part to assure that District Court is a place

where every person is treated with dignity and respect and the law is applied fairly, firmly, and consistently. At the end of the day, I would like to know that I have made a positive difference in my community while doing something that I believe in.

21. Please provide a statement of your personal experiences, awareness and appreciation for the issues of equal access to justice, pro se litigants and diversity.

I recently attended a Spokane County Bar Lunch where Bill Etter presented information about a statewide program, Equal Access to Justice. The premise is if it is not equal, it is not justice. This presentation reminded me once again that equal justice is a goal that all judges and practicing attorneys must actively support. We in the legal profession must be mindful that there are persons in our community who simply do not have access to the legal system due to a lack of financial resources. It is a fact that economically disadvantaged persons are not receiving the legal services they need and it is imperative that the legal community address this problem.

It is necessary to properly fund the criminal justice system so that those accused of committing a crime receive adequate representation when they cannot afford a private attorney. Funding is also important to insure that community safety is protected by retaining competent and experienced prosecuting attorneys. As a prosecutor, I have worked on numerous cases with pro se defendants. It was always uppermost in my mind to recognize their rights and treat them respectfully, being aware that my decisions may have a long term and profound effect on their lives.

In the Family Law Unit, nearly all of the respondents are pro se. It has been a both a sobering and valuable experience. Many times the respondents are unaware of their rights and depend on the State's attorneys who meet with them to assist them in understanding their legal options. It has been a positive experience as a prosecutor to work to keep people out of jail!

Adopting two minority children gave me the unique experience to teach all of my children the value of diversity. As a single mother with six children, I experienced economic challenges at every turn. I believe these experiences have given me unique insight and the ability to relate to others without preconceived bias. Every person deserves to be treated fairly and with dignity.

Our legal community has made progress, but we must not become complacent. There is still much to do to assure that all of our citizens are treated without prejudice and that, regardless of one's financial situation, there is equal access to justice.

22. List the name and phone number of ten (10) lawyers who are familiar with your professional qualifications, skills, experience or attributes.

Judge Kathleen O'Connor – 477-4707
Judge Greg Sypolt (Juvenile Court)
Judge Maryann Moreno- 477-4712
Judge Annette Plese – 220-7055
Judge Tari Eitzen – 477-4704
Bob Jalovi, DPA – 477-2867

Michelle Lombardi, DPA – 477-2486
Deborah King, DPA – 477-2811
John Whaley, Public Defender – 477- 4246
John O. Cooney, Criminal Defense Attorney – 327-6000

23. Please provide any additional comments you feel are significant.

There are two issues I would like to address:

1. Sometimes I am asked if I truly believe that a prosecutor can be a fair and impartial judicial officer. I am aware that I have a reputation as a zealous and tenacious prosecuting attorney. It has been my commitment to give 100% and then some to every endeavor I have pursued. I will give the same work ethic and energy as a judge, with a complete understanding that the role of a judge is to protect the rights of all of the people who appear before me. My life experience combined with my legal experience has made me uniquely qualified for this position. I will not forget that the courts belong to the community and judges are truly public servants. It is also the opinion of most of the sitting superior court bench, as well as retired judges, and several district court judges that I have the qualifications and demeanor necessary for this position. I am honored to have the support of the judges who have observed and evaluated me in their courtrooms.

2. I have committed much of my career to domestic violence and I am often asked if I was a victim. My answer is always the same. No, I was never a victim of domestic violence, but I have learned and observed the traumatic and permanent effect that family violence has on children. It is my commitment to the well-being of families and children that has been the motivating force as I have participated in this difficult work.

I certify the above is true, accurate and complete. I further agree to notify the SCBA if there are material changes in this information between the time this questionnaire is completed and rating received.

Date: 9-29-06

Debra Hayes

Return completed questionnaire to Executive Director, SCBA, 1116 W. Broadway, Fourth Floor Annex, Spokane, WA 99260 no later than **SEPTEMBER 29, 2006**. Completed questionnaire will be available at the bar office for review and will be posted on the website.