

# King County Democrats

## 2008 Judicial Candidate Questionnaire

Candidate Name	C. F. (Frank) Vulliet
Position sought	Position 4, Washington State Supreme Court
Residence LD	
Are you the incumbent?	No.
Campaign Information	
Campaign Name	Vulliet for Justice
Web page	<a href="http://www.Vulliet4Justice.org">www.Vulliet4Justice.org</a> (under construction)
Campaign Email address	frank.vulliet@chamberscable.com
Manager	TBD
Campaign mailing address	200 Washington Mutual Center 7900 SE 28 <sup>th</sup> Street Mercer Island, WA 98040
Campaign phone number	(206) 789-0881
Campaign FAX	TBD

Candidate Background: Community service, education, employment and other relevant experience.

**NB: Above you make reference to community service, employment, and other relevant experience but the form does not cover these areas so I have taken the liberty of attaching a detailed professional resume at the end of the questionnaire which does involve some redundancy to the questions asked.**

Which undergraduate and law schools have you attended? Include Graduation date, degrees.

University of Washington, Bachelor of Arts (Modern European History), August 1964;  
University of Washington Extension, Certificate in Construction Management, June 1999;  
Certificate in Commercial Real Estate; June 2000.  
University of California, Hastings College of the Law, Juris Doctor; June 1971 (37/357/560);  
Newhouse Scholarship (academic recognition); Editorial Board, Hastings Law Journal,  
1969-1971; Comment, "Forum Non Conveniens in California", 21 Hastings L.J. 1245 (1970).

Hours and types of pro bono work performed.

I have no way of quantifying my pro bono time but it runs to thousands of hours. While I occasionally volunteered for various *pro bono* panels, the large majority of my time was

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spent on cases representing individuals not able to afford legal representation in difficult, time-consuming cases without charge, on a contingency where compensation was unlikely or so small as to be virtually free, or looking to the other party. Some of the cases I handled was representation of a transgendered parent through a successful appeal to secure contact and visitation rights denied by the trial court; representation of an illegal alien father to secure first visitation and eventually full custody of his son against a US citizen mother who was, unfortunately, sociopathic; and representation of the Virginia V Foundation to enforce its contract to purchase the Virginia V when the owner-seller attempted to sell it before delivery to a commercial purchaser willing to pay a higher price.

Have you ever been a prosecutor for any government entity? If yes, where and how long?

No.

Have you ever defended a person accused of a crime? If yes, where and how many cases?

Probably about 6-8 cases many years ago in Seattle Municipal or King County District Courts. The typical case involved DWI charges or other serious traffic offenses.

Have you ever served as an arbitrator or Mediator? If yes, where and how many times?

**YES.** Both positions quite a few times usually through the Mandatory Arbitration Panel, but a few times privately as well. This experience led me to develop several techniques which I found made the hearing both efficient and left the parties feeling that their respective case had indeed been heard and understood. These techniques included 1) being well-prepared before the hearing; 2) after introductions telling the parties how much of the prehearing material I had reviewed and in what detail, telling them what facts appeared to be undisputed and those I perceived to be disputed, telling them what legal and fact issues it appeared to me I would be responsible to determine, and 3) telling them what parts of the case or submissions had left me confused or uncertain as to what claims in fact were being made and what the case was about. It was a sort of "Come, let's reason together" approach. This enabled the parties to focus their presentations on the things that were important to my understanding *their* case and not waste time on rote matters on which the case would not turn. I am not a stone-faced, impassive, or uninvolved listener and too often I have found such "judicial demeanor" to reflect lack of understanding or grasp of facts or issues which in turn often leads to the wrong result and therefore injustice and additional expense to the parties in trying to rectify the situation through appeal.

Finally, I almost always provided a detailed written decision and if not, give detailed oral decision so the parties and their attorneys' could understand how and why I reached the decision I did and they can make an informed evaluation whether an appeal is appropriate.

How many times have you participated as a judge or attorney in:

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Municipal Court	3-4 +/-
District Court	5-6 +/-
Superior Court jury trials	20 +/- (Most of my cases were major or involved unique issues and often involved 2-3 years of preparation before a several week trial (if it did not settle by then) so my trials, as opposed to motion and other procedural or discovery practice were fewer than number compared to a typical plaintiff personal injury, insurance defense, or criminal practice.  Served one-time as a judge pro tem in Snohomish County Superior Court.
Arguments in Court of Appeals	20 +/- plus about five in the 9 <sup>th</sup> Circuit.
Arguments in State Supreme Court	6-7 +/- plus one <i>pro haec vice</i> in the Montana Supreme Court.
Federal District Court trials	12 +/-

What ratings and endorsements have you received?	
Municipal League	TBD
King County Bar Association	TBD
Washington Women Lawyers	TBD
Loren Miller Bar Association	TBD
QLAW: the GLBT Bar Association	TBD
Latina/Latino Bar Association	TBD
Joint Asian Judicial Evaluation Committee	TBD

Which organizations and individuals have endorsed you in this race?  
**None to date. I am not seeking individual endorsements actively although I will accept endorsements from organizations I respect. On the other hand, while I will accept individual donations (only by direct mail to my campaign treasurer) I will not accept financial contributions from organizations.**

Which judicial candidates have you endorsed in the past five years?  
**Do not recall, if any. Since I have been largely inactive in the last five years likely I did not endorse any judicial candidates for lack of knowledge. In prior years I typically endorsed**

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several candidates in every election cycle (including Justice Johnson for his 2<sup>nd</sup> term).

Have there ever been any successful claims made against you or your malpractice carrier? If "yes" please attach explanation.

**What is the definition of "successful?"** Some years ago I paid less (approximately \$25,000) to settle a claim than was required to carry the matter to trial.

It was a case of a "good deed gone bad"; i.e., I over-extended myself to help out family members avoid their financial catastrophe. Years earlier I drafted a will for my aunt who had four primary beneficiaries: two sons, a severely retarded and incapacitated daughter, and that daughter's daughter who apparently was the product of an institutional rape. The granddaughter was for all practical purposes raised by the grandmother (the client) and thus was treated for all purposes as a fourth child. The two sons were nominated as executor and alternate executor and I was nominated as second alternate as well as trustee for the incapacitated daughter.

Upon her death some years later the nominated executor procrastinated for about five years. Although I was his attorney I finally had to resign from his representation and threaten to seek his removal due to the conflict (and potential harm financially) his procrastination was causing with and to my beneficiary.

I then encouraged the first alternate to then serve but he refused so I ended up serving as personal representative in a very difficult and complex estate which was "land rich" and "cash poor" and lacking both the liquidity and credit-worthiness to enable the preservation of the estate and realization of maximum value to the beneficiaries. For example, the decedent owned 13 acres of commercial property in Covington which was a former pig farm purchased just after the turn of the century and now worth about \$2MM +/- and a house that should have been condemned on Capitol Hill which was then suitable for conversion to about 17 condo units. The decedent, however, had no income other than what she received in Social Security and very little in liquid assets (maybe about \$5,000). Ultimately, I made the IRS my banker of choice by deferring payment of estate tax and using the cash as needed to protect assets and avoid forced sales (including property tax foreclosures) and feeling that paying the interest rate of the IRS was far better than any rate I could obtain commercially. At the time I represented several large financial institutions and "picked" their brains to see if they say away I could obtain reasonable loans as needed. They could offer no other solutions.

To make a long story short I was eventually sued by the other beneficiaries claiming I had damaged them by incurring interest due the IRS and possible subjection to penalties. Ironically, I had made distributions to them so they would avoid foreclosure of a partnership interest in commercial property adjacent to I-405, horrendous interest rates and penalties on credit cards, and to make mortgage payments on a home subject to foreclosure. In fact that was the cheapest money available to allow orderly liquidation without forced sales and/or loss of estate assets to foreclosure or tax sale, or sale in bad markets. In other words, I acted entirely as a reasonably prudent owner would given the circumstances even though I had no financial interest in the outcome, and could have saved myself a lot of grief by simply plunging ahead.

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In short, I did exactly what I know my sainted Aunt Rhoda would have wanted me to do and moreover, I would do it again with only one exception: I would have gone into court sooner to get orders of sale rather than providing my first cousins with as much input as I did and trying to “mediate” their great differences. Indeed, every sale I did make I was accused of selling for “far too little.”

The case is Estate of Rhoda V. Wahlman, King County Superior Court. Please review (or request a copy of) the very detailed settlement order concerning both the allegations made and the factual truth before considering this as a blot on my qualifications. Indeed, reviewing it carefully would suggest that I am a creative and resourceful lawyer and know how to function at an above average level in areas of real estate, real estate financing, and wills and probate even though not my regular area of practice.

List any complaints you have received through any Bar Association, Judicial Conduct Committee or Board, or private insurance carrier. (Attach on a separate sheet of paper.)

None.

What is your strongest area of legal expertise?

Trial and Appellate advocacy. See resume attached. I can submit a list of representative cases handled if requested.

What recommendations do you have for improving court system funding and administration?

Without intending to be facetious I have numerous recommendations I intend to make and will actively pursue if elected.

What actions have you taken in the last five years on issues regarding access to the judicial system?

None other than quasi pro-bono representations assisting individuals to seek justice when the size of their claim relative to the complexity of claim precluded representation on a reasonable fee having any relevance to time, skill and effort required. I have been largely enjoying myself as a “recovering lawyer” since about 2000-2001.

What recommendations do you have for increasing access to the judicial system (Civil and Criminal)?

Virtually all of my proposals will do so. To mention a few:

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1. Creation of mandatory mediation panels similar to the current arbitration program;
2. Requiring appellate courts to fully state ALL the facts claimed to be material to the appeal and also state the issues as stated by the parties;
3. If the forgoing does not remedy the serious problems I have observed require the Court of Appeals to publish all its decisions. I can hardly believe the number of unreported decisions which fly in the face of existing case law. Such decisions are not only intellectually dishonest, they deprive a party of justice, cause both parties to expend more money than they need to, and encourage more litigation and less settlement by allowing litigation to continue as a “crap shoot.” They also diminish the courts although such opinions are seldom known to anyone other than the parties.
4. Implementation of a meaningful state-wide evaluation system of appellate judges.
5. As a Supreme Court Justice I would accept more cases for review and push other Justices to do likewise. There are far too many submitted based upon a split between the divisions which only create more uncertainty and thus more litigation and more cost to both taxpayers and litigants. The Supreme Court is not overworked!

If a sitting Judge, what committees have you been appointed to and what are the significant accomplishments of those committees or yourself? If not, which committee assignments would you seek?

**Those dealing with rules and ethics particularly.**

Have you reviewed the General Rule Definition of the Practice of Law, and the Practice of Law Board’s Work? – Do you have comments or ideas? Would you be in favor of the proposed Legal Technician Rule? This rule allows trained, tested and licensed non-lawyers to provide specifically defined legal services without supervision by a lawyer. Please explain.

**Not at this time. I do have ideas and comments from prior experience with such matters.**

Have you been appointed as a guardian or Guardian Ad Litem? If “yes”, please give the details?

**Not that I recall.**

How have you promoted diversity within your staff?

**Hiring the first black paralegal in the office. Recommending the hiring of minority law students when I served on the Hiring Committee (my recommendations were not heeded.)**

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What are the main messages of your campaign? What is your campaign plan? How many doors have you knocked on to date, pieces of mail planned, budgeting, staffing? What is the fundraising goal for your campaign? How much have you raised to date? Why will you win?

1. To ensure that intellectual honesty is restored throughout the court system (mind, I am not saying this is a problem with all judges or even a significant minority, but this issue should not be allowed anywhere in the courts of this state); and
2. To exercise the leadership missing from the Supreme Court for many years to see to the rectification of many existing problems (rather than waiting for the WSBA to make an issue of it) and to present a much more public presence and availability and encourage judges at all level to do so.

I have read this questionnaire and understand and approve the content and all provided information.

Printed Name	C. F. (Frank) Vulliet a/k/a Charles F. Vulliet	Date: June 18, 2008
Signature		

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### PROFESSIONAL RESUME

#### CHARLES F. VULLIET

Business Address: 200 Washington Mutual Building  
7900 SE 28<sup>th</sup> Street  
Mercer Island, WA 98040  
(206) 789-0881

Post Office Box 4667  
Sunriver, Oregon 97707  
(541) 593-8684  
(541) 598-7928 (FAX)

Undergraduate Education: University of Washington, Bachelor of Arts (Modern European History), August 1964

University of Washington Extension, Certificate in Construction Management, June 1999; Certificate in Commercial Real Estate; June 2000.

Legal Education: University of California, Hastings College of the Law, Juris Doctor; June 1971 (37/357)

Newhouse Scholarship (academic recognition)

Editorial Board, Hastings Law Journal, 1969-1971

Comment, "Forum Non Conveniens in California", 21 Hastings L.J. 1245 (1970).

#### Court Admissions:

##### State

Washington Supreme Court  
Oregon Supreme Court

October 12, 1971  
April 30, 1984

##### Federal

United States Supreme Court  
United States Court of Appeals for the  
Ninth Circuit  
United States District Court, Western District  
of Washington  
United States District Court, Eastern District

November 9, 1981  
August 29, 1973  
October 26, 1971  
July 19, 1979

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of Washington  
United States District Court, District of Oregon  
17, 1984  
Certified as Article 27(b)-trial/defense counsel,  
1979  
Judge Advocate General of the Navy

December

October 12,

## Professional Practice and Experience:

Founded C.F. Vulliet & Associates June 1, 1993 to specialize in trial and appellate advocacy in commercial, casualty and property cases. Reduced and relocated practice to Mercer Island as The Vulliet Law Office in September 1998 with emphasis on real estate, development, and construction matters.

Stoel Rives Boley Jones & Grey (formerly Jones Grey & Bayley). Law Clerk, summer, 1970; Associate, June 1971 to December 1976; Partner or Principal/Shareholder from January 1977 through May 1993.

Practice devoted to civil litigation representing both individuals and business concerns ranging from small proprietorships to publicly held corporations or their subsidiaries. Historically one-third of my practice involved business or commercial transactions and disputes, one third related to casualty, tort and products liability claims, and the remainder relates to property interests. Specific subjects cover a broad range: contracts, sales, Uniform Commercial Code, maritime matters, insurance coverage, real property and equitable interests, real estate financing and security, fiduciary and estate litigation, marital and business dissolution and valuations, injunctions, construction contracts, and professional negligence, business torts, and fraud claims. Casualty, personal injury and products liability representation was on behalf of both plaintiffs and defendants.

Maritime matters include vessel casualties and seaworthiness, tower's liability, insurance coverage under various insurance forms, vessel liens, charter party issues, LHWCA issues, salvage, seaman's claims, and materialmen's liability for alleged vessel deficiencies.

## Professional Memberships and Activities

American, Washington State, Oregon, and King County Bar Associations; Maritime Law Association of the United States (Proctor), Washington State Trial Lawyers.

ABA Litigation Section; Commercial and Financial Transactions (Vice Chair, 1981-1987), Federal Procedure, Trial Evidence and Pre-Trial and Discovery Committees. Chaired or participated in numerous subcommittees and planning and preparation of professional subjects for ABA annual meetings and Litigation

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Section meetings. Coordination Committee, 1986 Litigation Section meeting, Seattle.

Washington State Bar Association Court Rules Committee (1988-1991). Initiator and drafter of Washington Evidence Rule 904 (adopted 1992) to expedite the economic proof of non-disputed and formal matters. Court Improvement Committee, Legal Services to the Armed Services Committee (Chair). Committee on Professionalism (1999-2002). Committee of Law Examiners (1999). Former chair, Washington State Bar Committee on Legal Services to the Armed Forces.

Oregon State Bar, House of Delegates (1997-1998).

Maritime Law Association of the United States (Uniformity of U.S. Law Committee). Written and oral presentations on problems of local legislation, pilot negligence and vessel/owner liability.

King County Bar Association; Management, Operations and Planning Committee (1985-87); Court Congestion Committee, (1982-5), initiator and drafter of revised local rules adopted by the court; Annual Judiciary Dinner Task Force (1986-88). Subcommittees involved early disposition through settlement, reorganization of the Clerk's office, court referral to referees, and pretrial orders and settlement procedures; Lawyer Referral Committee (1975-79; Chair 1978-9); Vice Chair, Bar Administration Committee; Public Affairs and Public Information Committee, Delivery of Legal Services and Specialization Subcommittees; Young Lawyers section committee on court reform.

### Professional Presentations:

August 1981	Program Chair, "Litigation of Breach of Warranty Cases under the Uniform Commercial Code," Washington, D.C.
July, 1985	Program Chair, "Officer and Director Liability to the Corporation for Negligence under the Business Judgment Rule." Speaker, "Controlling the Derivative Shareholder Action through Direct Corporate Action against Officers and Directors." ABA Annual Meeting, Washington, D.C.
September 1985	Speaker, "Prosecuting the Cost-effective Contract Case in Mandatory Arbitration," Washington State Trial Lawyers Association, Seattle and Spokane.
October 1986	Program participant, "Jury Selection: Social Scientists, Trial Lawyers and Trial Judges," ABA Litigation Section Meeting, Seattle.
December, 1996	WSTLA Case Evaluation Clinic

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### Judicial Experience:

Judge Pro Tempore, Snohomish County Superior Court; Member, King County Mandatory Arbitration and Federal Court Mediation Panels; Early Disposition Panel, King County Superior Court; Military Magistrate and Review Officer, U.S. Naval Reserve, also member of numerous special courts martial when on active duty.

### Other Employment:

United States Naval Reserve; commissioned September 1965. Active Duty: USS PYRO (AE-24), various division officer billets and Operations Officer; Assistant Military Personnel Officer, 13th Naval District; Reserve experience includes Naval Control of Shipping Organization; Operations Officer, USS EVANS (DE-1023); Weapons Officer, USS THEODORE E. CHANDLER (DD-717); Qualified Officer of the Deck and Command Duty Officer; Appointed to the Judge Advocate General's Corps of the Navy, 1975. Former Commanding Officer, Voluntary Training Unit 2208 (Law), Seattle.

Insurance Department, Crowley Maritime (1969)  
Manager, Sporthaus Mahr (1964-5).

Village Bike & Ski (part-time employment from 2004-present, primarily during ski season)

### Civic/Community Activities and Interests:

Boy Scouts of America (Troop Committee Chair)  
Virginia V Foundation (Pro bono representation)  
Intiman Theatre Board of Trustees (1989-1992)  
King County Bar Foundation (President's Council 1993 – 1998)  
Mercer Island Civil Service Commission (1994 - 1995)  
Second Chance Board of Trustees (1996 - 1998)  
Senate candidate, Washington State Legislature (1996)  
The Harbor Club (Board of Governors, 1995-1998).  
Truman Club of Deschutes County (Board Member, 2007- )  
Bend Ski Club (Board Member, 2006-current)  
Mt. Bachelor Ski Education Foundation (Masters race program, 2007-current)  
United States Ski Association (licensed Masters racer; Level I alpine race official)

### Business Interests:

Founded the St. Cerque Company, LLC in 1998 to provide real estate development/project management services "from Concept to Completion".

Other Education and Training: Computer software applications in Microsoft Word,

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Excel, Outlook and Project to intermediate or advanced levels (Catapult, 1998-9).