

Richard "Larry" Mitchell

Questionnaire

King County District Court

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

**Professional History**

8. Year admitted to practice law in Washington: 1992

9. Employment History (in reverse chronological order):

a. Start Date: 1995 End Date: Still employed

Organization: City of Redmond, WA

Address: 8701 160<sup>th</sup> Avenue NE, P.O. Box 97010, Redmond, WA 98052

Phone No.: 425-556-2108

Position/Title: Prosecuting attorney

Supervisor: Jane Christensen

Nature of Practice (including frequency of court appearances):

Prosecution of state and city criminal misdemeanor statutes; prosecution of state and city civil traffic infractions; prosecution of city civil code enforcement violations. Appear in court on 4-5 days per week. All criminal and infraction cases filed and prosecuted in King County District Court. Civil code enforcement appeal hearings heard by City Hearing Examiner.

Reason for leaving: Still employed

b. Start Date: 1993 End Date: 1995

Organization: City of Redmond, WA

Address: 8701 160<sup>th</sup> Avenue NE, P.O. Box 97010, Redmond, WA 98073-9710

Phone No.: 425-556-2108

Position/Title: Deputy prosecuting attorney

Supervisor: Christy Bonilla

Nature of Practice (including frequency of court appearances):

Same as above

Reason for leaving: Promoted to prosecuting attorney

c. Start Date: 1991 End Date: 1993

Organization: City of Redmond, WA

Address: 15670 NE 85<sup>th</sup> Street, P.O. Box 97010, Redmond, WA 98073-9710

Phone No.: 425-556-2108

Position/Title: Code enforcement officer

Supervisor: James Roberts

Nature of Practice (including frequency of court appearances):

Investigated and prosecuted city civil code violations. The City Hearing Examiner heard code violation appeals were so no court appearances were made.

Reason for leaving: Applied for and was hired as City of Redmond deputy prosecuting attorney

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

d. Start Date: 1979 End Date: 1989  
Organization: Richard Lawrence Mitchell, Attorney at Law  
Address: various locations  
Phone No.:  
Position/Title: Solo practitioner  
Supervisor: Self employed attorney  
Nature of Practice (including frequency of court appearances):  
Part time attorney handling wills, divorce actions, and collection matters with infrequent court appearances

Reason for leaving: Relocated to Washington state

e. Start Date: 1972 End Date: 1989  
Organization: Eastern Airlines  
Address: Atlanta International Airport, Atlanta, GA  
Phone No.:  
Position/Title: Customer service representative  
Supervisor:  
Nature of Practice (including frequency of court appearances): n/a

Reason for leaving: Company went bankrupt and shut down

f. Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_  
Position/Title: \_\_\_\_\_  
Supervisor: \_\_\_\_\_  
Nature of Practice (including frequency of court appearances):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Reason for leaving: \_\_\_\_\_  
\_\_\_\_\_

Please continue, if necessary, on a separate piece of paper in the above format as needed.

10. Please list all other courts and jurisdictions in which you have been admitted to practice law and the dates of admission. Please provide the same information for administrative bodies having special admission requirements.

State of Georgia, 1979 – All state trial and appellate courts

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

11. Please list all bar associations and professional societies of which you are a member and give the titles and dates of any offices that you have held in such groups.

State Bar of Georgia - 1979  
Washington State Bar Association - 1992

12. Are you in good standing in every bar association of which you are a member? Yes If you answered "no", please explain.
13. If you have ever been a judge, please identify any court committees on which you have served or administrative positions you have held. Please state the dates of service for each.

I have not previously served as a judge.

14. Please list up to five of your most significant professional accomplishments. (If applicable, please provide the case and court name and the citation if a case was reported (and copy of the opinion).

Briefed and argued the following cases for the City of Redmond in the Washington Supreme Court:

City of Redmond v. Arroyo-Murillo, 149 Wn.2d 607 (2003) – City prevailed  
City of Redmond v. Moore, 151 Wn.2d 664 (2004) – Defendant prevailed  
City of Redmond v. Bagby, 155 Wn.2d 59 (2005) - City prevailed

Several years ago I was standing in a parking lot speaking with a friend. A woman approached me and identified herself as a victim in a domestic violence case that I had prosecuted. I did not recall then (nor do I now) the case she referred to nor did I remember her. She told me that at the time she did not want the defendant to be charged and was very angry that the City went forward with prosecution. Although she did not mention the outcome she thanked me for disregarding her wishes and proceeding with the case. She stated that the City's effort to hold her abuser accountable for his behavior made her realize that she was free to make choices and that she did not have to remain in a domestic abuse situation. She said she had ended her relationship with the defendant and went on to build a healthier and better life for herself. She again thanked me for my work, told me that the case had been a turning point in her life, wished me well, and walked away. Hearing her speak of the positive effect the City's prosecution had for her is one of the most gratifying moments of my professional career.

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

15. Please summarize up to eight of the most significant matters that you participated in as an advocate. Please include the dates of your participation and the reason each was significant to you. Please provide the citation if a case was reported. If you have been a judge, please include some cases that have been tried before you.

See response to Item 14 above referencing the cases decided by the Washington Supreme Court. Each of them addressed due process issues attendant to the suspension/ revocation of a driver's license/privilege to drive. Arroyo-Murillo involved the method used by the Washington Department of Licensing (DOL) to establish and update an address of record for a Washington driver and due process requirements in connection with a notice of suspension/revocation mailed by DOL to that address. Moore addressed the question of whether a driver was entitled to a pre- or post-suspension hearing at DOL for the purpose of challenging the suspension of a driver's license/privilege to drive as a result of DOL administrative action taken pursuant to information received from a court mainly affecting a person charged with violating RCW 46.20.342(1)(c), driving while license suspended in the third degree. Bagby addressed a similar question involving whether a driver who was convicted of a criminal offense and suffered a mandatory suspension/revocation of license/privilege to drive as a direct consequence of such conviction was entitled to an administrative hearing at DOL to challenge the suspension/revocation.

In 2001 a trial judge in King County District Court granted a defense motion to suppress breath test results in nine separate driving under the cases based upon a statistical analysis of the operation DataMaster instrument used by the Redmond Police department. The suppression did not result in the dismissal of any of the cases but did impair the City's ability to prosecute the nine separate defendants. None of the nine tests at issue showed any indication of an instrument malfunction or any irregularity. Since the judge's order was interlocutory the City was unable to file a RALJ appeal as a means of challenging the suppression. The City applied for and a writ of review was issued in King County Superior Court in case number 01-2-03839-7. After several months of preparation and argument the City was able to obtain in Superior Court a reversal of the lower court's suppression order. As a result the City was able to present important breath test evidence in all of the cases at the trial court level. The case was significant because an application for a writ of review is not often granted for matters originating in district court. \_\_\_\_\_

**Educational Background**

16. Please list all undergraduate and graduate (non-law school) colleges and universities attended, years of attendance, degree awarded and reason for leaving if no degree was awarded.

Georgia Tech _____	1970 – 1975	BS Industrial Mgmt
College/University	Dates of Attendance	Degree
_____	_____	_____
College/University	Dates of Attendance	Degree
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. Please list all law schools attended, years of attendance, degree awarded and reason for leaving if no degree was awarded.

John Marshall Law School _____	1976 - 1979 _____	Juris Doctor _____
Law School	Dates of Attendance	Degree

**Professional Experience**

18. Please summarize, briefly, the general nature of your current law practice.  
Criminal prosecution of misdemeanor cases in King County District Court handling all types of hearings including arraignments, pretrials, motions, bench and jury trials, sentencing and review hearings and appeals. Serve as legal advisor to Redmond Police Department and provide training to city police officers. Also prosecute civil traffic infractions in District Court and civil code violations before City Hearing Examiner. Occasionally represent the City in drug forfeiture hearings.

19. If you are in practice, please describe your typical clients and any areas of special emphasis within your practice.

See response to 18 above.

20. If your present law practice is different from any previous practice, please describe the earlier practice, including the nature of your typical clients and any area of special emphasis within your practice.

Part time private practice doing wills and divorce cases.

21. Within the last 5 years, did you appear in trial court:

Regularly                       Occasionally                       Infrequently

22. Within the last 5 years, did you prepare appellate briefs and appear before appellate courts:

Regularly                       Occasionally                       Infrequently

23. Within the last five years, how often did you appear in the court for which you are applying:

Regularly                       Occasionally                       Infrequently

24. Career Experience

(a) What percentage of your appearances in the last five years was in:

(1) Federal appellate courts	<u>  0  </u> %
(2) Federal trial courts	<u>  0  </u> %
(3) State appellate courts	<u> 10 </u> %
(4) State trial courts	<u>  0  </u> %
(5) Municipal courts	<u>  0  </u> %
(6) District courts	<u> 85 </u> %
(7) Administrative tribunals	<u>  0  </u> %
(8) Tribal courts	<u>  0  </u> %
(9) Other	<u>  5 </u> %
TOTAL	100%

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

(b) What percentage of your practice in the last five years was:

(1) Civil litigation (excl. family law)	<u>  15  </u> % (traffic infractions and code enforcement)
(2) Criminal litigation	<u>  85  </u> %
(3) Family law litigation	<u>   0  </u> %
(4) Non-litigation	<u>   0  </u> %
TOTAL	<u>100</u> %

(c) What percentage of your trials in the last five years were:

(1) Jury trials	<u>  70  </u> %
(2) Non-jury trials	<u>  30  </u> %
TOTAL	<u>100</u> %

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

- (d) State the number of cases during your total career that you have tried to verdict or judgment (rather than settled) in the following courts, and indicate for each court the following percentages: trials in which you were sole counsel or chief counsel, jury trials, and trials where you were the arbiter/decision maker.

<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% Jury</u>	<u>% as the Arbiter</u>
0	Municipal			
400	State Dist.	100 (criminal)	30	
0	State Superior			
0	Federal Dist.			
0	Administrative			
0	Tribal Courts			
2500	Other	100 (traffic infraction in state district)		

- (e) State the number of appellate cases during your total career where you appeared as counsel of record in the following courts, and indicate for each court the following percentages: cases where you were sole counsel or chief counsel, and cases where you were the arbiter/decision maker (if applicable).

<u>Number</u>	<u>Court</u>	<u>% as Sole / Chief Counsel</u>	<u>% as the Arbiter</u>
90	State Superior Court	100	
2	WA. Div. I COA	50	
0	WA. Div. II COA		
0	WA. Div. III COA		
3	WA. Supreme Court	100	
0	Fed. Cir. COA		
0	U.S. Supreme Court		

- (f) Briefly describe no more than five significant litigation matters that you directly handled as the sole counsel. For each, please provide the name and telephone number of opposing counsel, the name of the judge or other judicial officer, and the citation (if applicable).

See responses to numbers 14 and 15 which include the citations for Arroy-Murrillo and Moore.  
Opposing counsel in those matters: Donna Tucker, 425-466-9977; Cherilyn Church, 206-624-8105.  
Opposing counsel in the writ (case no. 01-2-03839-7): William Kirk, 425-822-1220

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- (g) State in detail your experience in adversary proceedings before administrative boards or commissions during the last five years. Did not participate in such proceedings.

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

25. Please briefly describe any legal non-litigation experience that you feel enhances your qualifications to serve as a judge.

I served as a City of Redmond civil code enforcement officer for 30 months which required that I conduct independent investigation of civil code violations and interpretation of Redmond Municipal Code and Redmond Community Development Guide. In addition I served as sign permit coordinator responsible for interpreting the city sign code and issuance of sign permits. I also reviewed business license applications to insure compliance with city zoning laws.

26. If you are now an officer or director of any business organization or otherwise engaged in the management of any business enterprises, please provide the following: the name of the enterprise, the nature of the business, the title of your position, the nature of your duties, and the term of your service. If you are appointed and do not intend to resign such position(s), please state this below along with your reasons for not resigning.

I am not an officer, director, or manager of any private business organization or enterprise.

27. Please list all chairmanships of major committees in bar associations and professional societies and memberships on any committees that you have held and believe to be of particular significance.

I have not served as chairman of any major committees.

**Judicial Interest and Experience**

28. In 50 words or less, please describe why you should be appointed / elected and are seeking a judicial position.

I have developed a good knowledge of the law and a sense of justice that I will use in deciding issues that come before me. A judge's action can have a profound effect on people's lives. I have the experience and maturity to make fair and responsible decisions.

29. In 50 words or less, please describe your judicial philosophy.

Parties before the court are entitled to a fair hearing and respectful treatment. Each case must be decided solely on the evidence and the law. For a defendant who is convicted the court must impose a sentence which protects the community and provides a defendant a reasonable opportunity for rehabilitation.

30. Have you ever held a judicial office or have you ever been a candidate for such office?  
No.

If you answered "yes", please provide details, including the courts involved, whether elected or appointed, and the periods of your service.

31. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office?

No. If you answered "yes", please provide details, including the offices involved, whether elected or appointed, and the length of your service.

The Governor's Office's  
Uniform Judicial Evaluation Questionnaire

32. Please briefly identify all of your experience as a neutral decision-maker (e.g. judge (permanent or pro tem) in any jurisdiction, administrative law judge, arbitrator, hearing officer, etc.). Give courts, approximate dates, and attorneys who appeared before you.

No experience as neutral decision-maker.

**Community and Civic Activities**

33. Please list your community and civic activities, including dates and leadership roles held, over the last 10 years.

No civic activities, efforts have been focused on work and family.