

31st Legislative District Democrats Candidate Questionnaire

1. Your name: **John F. McHale**

2. Candidate for: **King County Superior Court Judge – Position 43**

Party Affiliation: **Judicial candidates are prohibited by the Code of Judicial Conduct from declaring party affiliation. This is a non-partisan race.**

3. Campaign information:

Manager: **Mary Ann Ottinger (425-466-0619)**

Phone: **551-258-3439**

Fax:

Address: **PO Box 20664, Seattle, WA 98102**

Website: **www.mchaleforjudge.com**

E-mail: **mchaleforjudge@gmail.com**

4. If elected, what positive changes will you champion that will benefit the 31st LD?

My priorities include: providing access to justice to all who have issues that need to be addressed in the King County Superior Court system; working with young people to educate them about our justice system to regain trust and respect that seems to have decreased in recent years; setting sentencing conditions to prevent recidivism; providing mental health care and substance abuse treatment services to individuals when possible rather than expensive jail time as a temporary fix; working to increase the mandatory arbitration limit from the current \$50,000.00 limit; working to have cases go out to trial on assigned dates without delay; providing family court services to individuals who cannot afford representation; and listening to and working with law enforcement and others to improve our justice system.

5. What are the three most critical issues you expect to encounter in the office you are seeking?

a. Addressing mental illness as it appears in criminal, family court, involuntary commitment proceedings and dependency cases.

b. Lengthy sentences for non-violent drug crimes have left those released with few options upon release and our community with a high recidivism rate. With a current focus on rehabilitation and restorative justice, the court and corrections system should be considering the ultimate consequences of release from the time of sentencing.

c. Providing access to justice to all is the overriding issue. Many people who do not qualify for Legal Aid or a Public Defender simply cannot afford an attorney to represent them. Thus, the court is faced with a significant number of Pro Se litigants who do not *choose* to appear pro se. This is not only difficult for the Court but is not true access to justice. Addressing this problem is a difficult task in light of funding limitations on King County Superior Court operations.

6. Please give us an example of when you had to make a critical decision that, due to its impact on others, was difficult. Tell us why you made your decision and what, if any, actions you took to mitigate any negative results.

During the years I worked in the Criminal Division of the King County Prosecutor's Office, I spent the majority of my time in the Felony Domestic Violence Unit. Domestic Violence cases were challenging in many ways. Frequently, victims changed their minds about testifying before trial, even in cases involving serious assaults or attempted murder. Often, without supportive witnesses, I had to decide whether to proceed to trial, significantly reduce pending charges, or dismiss cases altogether.

One such case sticks out as one where I had to make a critical decision. In *State v. Leonard Briscoeray*, a charge of attempted murder in the second degree, the victim completely changed her version of a harrowing incident in which Mr. Briscoeray beat her up and repeatedly attempted to shoot her in the face with a loaded, yet defective gun. By the time of trial, the victim wanted the charge dropped and the case dismissed. With such a serious charge involving a gun, I decided to take the case to trial despite her wishes and lack of support. Although I was disappointed and concerned that prosecuting the case would be difficult without a supportive victim, I understood that she was a classic domestic violence victim with concerns about the consequences of her testimony. I carefully explained why I intended to proceed to trial, that I would still be calling her as a witness, and that I would have to confront her current version of the event with previous versions given in a 911 call and statements to responding officers. I did not want to further victimize her for recanting as a witness, but I had to provide the jury with evidence of this serious offense. The victim was frightened by the process but appeared to understand my position. Ultimately, I believe I presented the case through her testimony in a way that did not belittle her and left the jury with an understanding as to why her story had changed over time. Mr. Briscoeray was ultimately convicted of Assault in the Second Degree and Attempted Murder in the Second Degree with a firearm enhancement.

7. What methods will you employ to communicate with your constituency on a regular basis?

Judges are limited by the Code of Judicial Conduct to a larger degree than other elected officials. However, I believe that judges need to do a better job of getting out into the community listening to the concerns of citizens about public safety issues -- drugs, gang violence, shootings, etc. In this process, I believe, judges also can clear up misunderstandings in the community about how the justice system works. Judges also need to be out in the community to better understand the nuances of the many varied cultures that interact in King County and issues that impact our diverse communities.

8. What other information would you like us to consider?

- The people of King County deserve to have excellence in their judiciary – at all court levels. The Superior Court, where serious felonies, sensitive juvenile matters, mental health issues, and family court matters are decided, should**

not only have judges who are “exceptionally well qualified” as judged by their peers, but also judges who have a broad range of experiences to equip them for the varied legal issues that come before the Court. With nearly 25 years of legal experience – both criminal and civil, and on both sides of the courtroom – I believe I am well prepared to give the people of King County the kind of judge they deserve. I have been rated “*Exceptionally Well Qualified*” by the King County Bar Association and four minority Bar Associations.

- Judges in our increasingly complex urban county should also have a background that shows they understand the many layers of our community. With more than 10 years’ experience working to find permanent housing solutions for King County’s chronically homeless, I believe I have shown that I am committed to improving life in our community for *everyone* who makes this home.
- Temperament is exceedingly important for a trial court judge. Those who come before our courts – many for the first and only time – deserve to be treated with patience and an appreciation for what an intimidating place our courts can be. I have such a demeanor and will treat even those society has somehow overlooked with an equal dose of accountability and respect.

I declare under penalty of perjury the foregoing is true and correct.

Signed at

Seattle, WA

Signature

Please return to:

Mark Boswell, Chair
31st District Democrats
P.O. Box 161
Sumner, WA. 98390

Or email to: webmaster@31stdistrictdemocrats.org