

# SCBA JUDICIAL EVALUATION QUESTIONNAIRE

<b>I. Judicial Position</b>	
<b>Position Sought</b> Municipal Court Judge	<b>Court, Division, or District</b> Spokane Municipal Court Judge Position 3

<b>II. Personal Information</b>	
<b>Name (Surname(s) followed by Given Name(s))</b> Ochoa-Bruck, Gloria	<b>Email (Personal and Work)</b> <a href="mailto:gochoabruck@outlook.com">gochoabruck@outlook.com</a> <a href="mailto:gochoabruck@spokanecity.org">gochoabruck@spokanecity.org</a>
<b>Home Mailing Address</b>	<b>City, State, ZIP</b>
<b>Work Mailing Address</b> 1100 W. Mallon Ave, Annex, Spokane City, WA 99260	<b>City, State, ZIP</b> Spokane, WA 99260
<b>Phone Number (Personal and Work)</b> C: (509) 308-7578 W: (509) 622-5867	
	<b>Social Security Number<sup>1</sup></b> N/A
<b>WSBA Bar Number and Year of Admission</b> 31087 Admitted 2001	<b>Date of Birth (mm/dd/yyyy)</b> N/A

<b>III. Prior Evaluation and Application History</b>
<b>Please list all prior judicial positions sought. Please list evaluations you received as part of that process, including dates.</b>  2011 Spokane County District Court Judicial Appointment 2011 SCBA Judicial Evaluation – Well Qualified 2018 Spokane Municipal Court Judicial Appointment 2019 Spokane Superior Court Judicial Appointment 2019 Loren Miller Bar Association – Exceptionally Well Qualified 2019 Q-Law – Well Qualified 2021 Spokane Municipal Court Judge Election

<b>IV. Education</b>		
<b>Please list all law school, graduate, and undergraduate colleges and universities attended.</b>		
<b>College/University</b> Washington State University	<b>Month and Year Attended (From and To)</b> 8/1997 to 5/1998 and 8/2019-5/2021	<b>Degree Awarded</b> Master of Business Administration
<b>College/University</b> Washington State University	<b>Month and Year Attended (From and To)</b> 8/2016 to 5/2019	<b>Degree Awarded</b> Master of Arts in Criminal Justice and Criminology
<b>College/University</b> University of Idaho College of Law	<b>Month and Year Attended (From and To)</b> 8/1998 to 12/2000	<b>Degree Awarded</b> Juris Doctor
<b>College/University</b> Washington State University Columbia Basin College	<b>Month and Year Attended (From and To)</b> 8/1995 to 8/1997 9/1991 to 6/1995	<b>Degree Awarded</b> BA – Business Administration AA

V. Professional History	
<b>Please list all of your employment in the legal field, and any other employment that is relevant to your application for a judicial appointment.</b>	
<b>1. Present or Last Employer</b> City of Spokane	<b>Dates of Employment</b> <b>From</b> 11/2021 <b>To</b> Current
<b>Your Title</b> Spokane Municipal Court Judge Position 3	<b>Employer's Phone</b> (509) 622-5867
<b>Employer's Address</b> 1100 W Mallon Ave, Annex Spokane, WA 99260	<b>Supervisor's Name</b> N/A
<b>Nature of Practice (including frequency of court appearances and areas of special emphasis)</b> Presiding over a full time assigned docket of criminal misdemeanor cases.	
<b>Reason for Leaving</b> N/A	

<b>2. Previous Employer</b> Kalispel Tribe	<b>Dates of Employment</b> <b>From</b> 06/2021 <b>To</b> 11/2021
<b>Your Title</b> Kalispel Tribal Court Associate Judge	<b>Employer's Phone</b> (509) 445-1664
<b>Employer's Address</b> 22 Camas Flat Rd., Cusick, WA 99119	<b>Supervisor's Name</b> Tribal Council
<b>Nature of Practice (including frequency of court appearances and areas of special emphasis)</b> Presided over all criminal and civil cases filed in Tribal Court.	
<b>Reason for Leaving</b> Elected to serve as Spokane Municipal Court Judge	

<b>3. Previous Employer</b> Kalispel Tribal Economic Authority	<b>Dates of Employment</b> <b>From</b> 1/2021 <b>To</b> 6/2021
<b>Your Title</b> Sr. Director of Inclusion and Diversity	<b>Employer's Phone</b> (509) 435-7297
<b>Employer's Address</b> 100 N Hayford Rd., Airway Heights, WA 99001	<b>Supervisor's Name</b> Nick Pierre
<b>Nature of Practice (including frequency of court appearances and areas of special emphasis)</b> Reported directly to the CEO on Diversity, Equity, and Inclusion initiatives and policies.	
<b>Reason for Leaving</b> Appointed by the Kalispel Tribal Council to serve as Kalispel Tribal Court Associate Judge	

<b>4. Previous Employer</b> City of Spokane Mayor's Office	<b>Dates of Employment</b> <b>From</b> 12/2013 <b>To</b> 12/2019
<b>Your Title</b> Director of Local Government and Multi-Cultural Affairs	<b>Employer's Phone</b> N/A
<b>Employer's Address</b> 808 W Spokane Falls Blvd, Spokane, WA 99260	<b>Supervisor's Name</b> Former Mayor David Condon and Theresa Sanders
<b>Nature of Practice (including frequency of court appearances and areas of special emphasis)</b> Served as point of contact for criminal justice reform initiatives 808 W	
<b>Reason for Leaving</b> I served on the Mayor's cabinet as an appointee and the Mayor termed out of office.	

<b>5. Previous Employer</b> Ochoa Law, PLLC	<b>Dates of Employment</b> <b>From</b> 10/2009 <b>To</b> 12/2013
<b>Your Title</b> Private Practice Attorney	<b>Employer's Phone</b> N/A
<b>Employer's Address</b> 725 E 3 <sup>rd</sup> Ave, Spokane, WA 99202	<b>Supervisor's Name</b> N/A
<b>Nature of Practice (including frequency of court appearances and areas of special emphasis)</b> Practiced State and Federal Criminal Law, Personal Injury, Administrative Law, and limited Family Law	
<b>Reason for Leaving</b> Closed private practice to accept the position with the City of Spokane.	

**Please list any additional employment in the legal field, and any other employment that is relevant to your application for a judicial appointment, and include the same information sought in previous Section V questions.**

Spokane Tribal Court  
Chief Judge  
3/12 to 11/2013  
268 Agency Square Rd.  
Wellpinit, WA 99040  
(509) 258-7717  
Supervisor: Tribal Council  
Nature of Practice: Presided over all civil and criminal cases filed in Tribal Court  
Reason for Leaving: Gave notice to terminate judicial services contract. Closed private practice to accept the position with the City of Spokane.

Ochoa Anderson, PLLC  
Private Practice Attorney – Partner  
4/2007 to 9/2009  
7103 W Clearwater Ave.  
Kennewick, WA 99336  
Practiced State and Federal Criminal Law, Family Law, Personal Injury, and Administrative Law  
Reason for Leaving: Relocated to Spokane. Opened Ochoa Law, PLLC

Law Office of Gloria Ochoa and Ochoa Lawrence Law Group, PLLC  
Private Practice  
11/2002 to 3/2007  
7401 W Grandridge Ave.  
Kennewick, WA 99336  
Practiced State and Federal Criminal Law, Family Law, Personal Injury, and Administrative Law  
Reason for Leaving: Formed Ochoa Anderson, PLLC

Benton County Prosecuting Attorney's Office  
Deputy Prosecuting Attorney  
3/2001 to 11/2002  
7122 W Okanogan Pl. Bldg. A  
Kennewick, WA 99336  
Supervisor: Andy Miller  
Practiced in District Court, Juvenile Court, and the Civil Division.  
Reason for Leaving: Accepted Indigent Defense Contracts with Benton County District Court and Pasco Municipal Court and started private practice. I served as a Rule 9 Intern for the Benton County Prosecutor's Office the summers following my 1L and 2L years.

## **VI. Jurisdictions, Associations, and Awards**

**List all courts and jurisdictions in which you have been admitted to practice law and the dates of admission. Include administrative bodies.**

Washington State Bar Association – Admitted June 7, 2002  
Federal Court of Eastern Washington – Admitted October 22, 2003

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

Washington State Supreme Court Disability Justice Task Force; 2024 - Current  
Spokane County Bar Association; 2010 – Current  
Washington State Civic Initiative, Advisory Council; 2017 - Current  
Washington State Bar Foundation; Trustee; 2019 – Current  
American Bar Association Women in Criminal Justice Task Force; 2019 – 2023  
Washington State Bar Association Client Protection Board; 2011 – 2018

Spokane County Bar Association Board of Trustees; 2018 – 2020  
 Latina/o Bar Association of Washington Co-VP of Eastern Washington; 2018 – 2020  
 Washington State Bar Association Civil Rights Section Executive Committee; 2018 – 2019  
 Spokane County Jail Innovation Team; 2016  
 Spokane Public Schools Community Action Team; 2013 – 2016  
 Washington State Minority & Justice Commission's Spokane Youth & Law Forum; 2013 – 2017  
 Washington Initiative for Diversity Governing Council; 2014 – 2016  
 Spokane County Juvenile Court Diversion Neighborhood Accountability Board; 2011 – 2012  
 Latina/o Bar Association of Washington, Judicial Evaluation Committee; 2008 – 2013  
 Latina/o Bar Association of Washington, Executive Board; 2008 – 2010  
 Washington Association of Criminal Defense Lawyers; 2007 – 2012  
 Washington Association of Criminal Defense Lawyers, 2006 - 2012  
 Washington State Moderate Means Volunteer Lawyer, 2010 - 2012  
 Washington Young Lawyers Division Pre-Law Student Leadership Conference Co-Chair, 2008-2009  
 Washington State Minority & Justice Commission's Tri-Cities Youth and Law Forum Planning Committee, 2006-2009  
 Latina/o Bar Association of Washington, Executive Board of Directors, 2008 - 2010  
 Latina/o Bar Association of Washington, Judicial Evaluation Committee, 2008-2013  
 Washington Attorneys Assisting Community Organizations, Member, 2007 - 2010  
 Washington State Bar Association Committee for Diversity, 2006-2007  
 Washington State Bar Association Alternative Dispute Resolution Committee , 2006-2007  
 Washington State Bar Association Law Office Management Assistance Program Committee, 2006-2007  
 American Bar Association Young Lawyers Division General Practice, Solo and Small Firm Committee, 2006-2007

**Are you in good standing in every bar association of which you are a member? Yes If you answered “no”, please explain.**

N/A

**If you have been a judge, please identify court committees on which you served or administrative positions you have held. Include dates of services for each.**

American Bar Association Criminal Justice Section Judicial Function Committee – 6/2023 to 6/2025  
 Washington State Supreme Court Disability Justice Task Force – Currently Serving

**Please list any honors, prizes, awards, or other forms of recognition that you have received.**

2024 Girl Scouts Woman of Distinction  
 2022 Spokesman Review Difference Makers  
 2016 Leadership Spokane Lifetime Achievement Award  
 2015 Latina/o Bar Association Modelo de Excelencia/Model of Excellence Award  
 2013 Super Lawyers Rising Star  
 2012 Catalyst Magazine 20 Under 40  
 2006 Super Lawyers Rising Star  
 2001 Washington Mothers Against Drunk Drivers - DUI Prosecution

## VII. Professional Practice Experience

**How many of your appearances, either as counsel or as a judicial officer, in the last fifteen years were in:**

**WA Appellate Courts**

- ☒ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☐ > 100 cases

**WA Trial Courts**

- ☐ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☒ > 100 cases

**WA District Courts**

- ☐ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☒ > 100 cases

**WA Municipal Courts**

- ☐ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☒ > 100 cases

**WA Administrative Tribunals**

- ☐ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☒ > 100 cases

**Federal Appellate Courts**

- ☐ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☐ > 100 cases

**Federal Trial Courts**

- ☐ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☒ 50-100 cases  
☐ > 100 cases

**Federal Administrative Tribunals**

- ☒ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☐ > 100 cases

**Tribal Trial Courts**

- ☐ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☒ > 100 cases

**Tribal Appellate Courts**

- ☒ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☐ > 100 cases

**Other (please specify): N/A**

- ☐ 0 cases  
☐ 1-10 cases  
☐ 11-50 cases  
☐ 50-100 cases  
☐ > 100 cases

**What percentage of your practice in the last fifteen years was in:**

**Civil Litigation (excl. family law) 5%**

**Criminal Litigation 70%**

**Family Law Litigation 20%**

**Non-Litigation 5%**

**What percentage of your trials in the last fifteen years were:**

**Jury Trials 90%**

**Non-Jury Trials 10%**

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

Court	Number	% as sole/Chief Counsel	% Jury	% as the Arbiter
WA Superior Court	20+	90%	100%	
WA District Court	10+	100%		
WA Municipal Court	6+	100%	100%	85%
WA Administrative Tribunals				
Federal District Court	1	100%	0%	
Federal Administrative Tribunals				
Tribal Court				
Other (please describe)				

**APPELLATE EXPERIENCE:** Indicate the total number of appellate cases during your 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).

Court	Number	% as sole/Chief Counsel	% as the Arbiter
WA Supreme Court			
WA Division I COA			
WA Division II COA			
WA Division III COA			
WA Superior Court			
U.S. Supreme Court			
Federal Courts of Appeal			

**Briefly describe no more than eight significant matters that you directly handled as counsel, and include the reason that each is significant to you. For each, please provide the name of the judge or other judicial officer, and the citation, if applicable.**

**State of Washington v. Cecilio Cortez**  
**Franklin County Cause No. 01-1-50150-5**  
**Jury Trial: 08/29/2007**

Mr. Cortez was charged with Assault 2nd Degree. I interviewed all of the State's witnesses prior to trial and provided the State with the expected testimony from Mr. Cortez' witnesses. Mr. Cortez had no prior arrests or criminal history. Mr. Cortez had been dating a woman for over 6 months. and of a woman he had been dating for over 6 months. Unbeknownst to Mr. Cortez, the woman was married, and her husband had been out of the country attending to a family emergency for an extended period of time. Mr. Cortez did not discover she was married until he was confronted by her husband on the date of the incident when he arrived to pick her up from her apartment for a pre-scheduled date. Apparently, her husband had arrived unexpectedly planning to surprise her, and she had been unable to find a way to cancel the date. When Mr. Cortez arrived at her apartment and knocked on the door, it was answered by her husband. A confrontation between Mr. Cortez and the woman's husband ensued resulting in Mr. Cortez being charged with Assault 2<sup>nd</sup> degree.

Based on the victim witness interviews and the overall expected evidence to be presented at trial, there was strong evidence that indicated Mr. Cortez had not been the primary aggressor and had acted in self-defense. The assigned Prosecutor did not change their position, and the case proceeded to trial. We asserted self-defense and asked the Court to grant a special verdict instruction pursuant to RCW 9A.16.110 to authorize reimbursement of Mr. Cortez' costs of defending against the Assault charge if he was acquitted by the jury, and the jury made a finding he had acted in self-defense. Mr. Cortez was acquitted of the charges in less than 20 minutes and awarded attorney's fees and costs. This was especially significant to Mr. Cortez as the State had filed the case by Summons, Mr. Cortez had moved from the address it was mailed to, did not receive notice, which then resulted in a warrant for his failure to appear. He had been unaware of the charges or the warrant until he was stopped for an infraction over 5 years later. He had had no further contact with the woman after finding out she was married on the date of the incident. He worked at a production plant and incurred the expenses of hiring counsel and a private investigator, posting bond, and incurred lost wages.

This matter was significant to me because this was a case where checks and balances in our criminal justice system worked. The Court awarded Mr. Cortez reimbursement of his attorney's fees, cost of retaining an investigator, and lost wages. The assigned Prosecuting Attorney objected and we had to proceed to a full Motion hearing. In the end, Mr. Cortez prevailed. I believe that this case had an impact on future cases in this particular jurisdiction to incentivize the Prosecuting Attorney's office to review cases more carefully prior to trial.

**State of Washington v. Susy Efigenio**  
**Grant County Superior Court Cause: 08-1-00063-2**

I represented Ms. Efigenio in Grant County Superior Court on a charge of Kidnapping 1st Degree. Ms. Efigenio was 5 months pregnant and in custody at the time I was retained on the case. We were notified by the State that she would be charged as a co-defendant for an attempted murder arising out of an incident which was alleged to have been committed by her boyfriend and two of his associates. It was alleged that although she was unarmed and did not directly participate in the shooting, she had been the driver.

Growing up Ms. Efigenio had been a good student with goals and plans for her future. Ms. Efigenio became involved with the co-defendant in an abusive relationship and her life took a drastic turn. This case was significant because it required working with the client to assist her in making decisions and choices to prioritize her life and the life of her unborn child over other competing interests, while insuring I was a zealous advocate on her behalf, protected her constitutional rights and due process,

and insured the State met its burden of proof. This case was significant because I was able to negotiate a resolution to her matter that ensured Ms. Efigenio would be held accountable and also be able to care for her newborn child. Ms. Efigenio cooperated with the State and plead guilty to Rendering Criminal Assistance 3rd Degree.

Ms. Efigenio remained in contact and has not re-offended. In fact, she took full advantage of the opportunity and has since married, is a mother of two daughters, is employed, and petitioned the court to vacate her conviction. The resolution of this matter illustrated that although Ms. Efigenio was held accountable by the criminal justice system it did not have to result in her daughter being born in jail and taken into the foster care system, as well as provided her with an opportunity to change the trajectory of her life for her and her family.

**In Re: Justin Anderson**

**Employer: Saffron Mediterranean Kitchen**

**ES Reference Number: 357846 006**

I represented Saffron Mediterranean Kitchen located in Walla Walla on an Appeal after the Department of Employment Security granted the employee unemployment benefits after being terminated, for what my client's believed was termination for cause. The employee had been provided a copy of the employer's break policy on two separate occasions and had been given 3 documented warnings and two written warnings prior to the termination, for leaving his work area for unauthorized smoke breaks and not notifying his supervisor or his co-workers he was leaving to go outside and smoke. Not notifying anyone he was not at his station created a back log in the kitchen on orders and the ability for the staff to serve customers their meals in a timely manner. Saffron was a newly started small business owned by a husband and wife and they had to be very cost-conscious. They did their best to manage operating costs and provide their employees with steady hours and competitive pay. The Department's finding that the employee was not terminated for cause resulted in the employer's experience rating increasing which in turn resulted in higher premiums.

I filed a Petition for Review of the Department's Decision. The Commission overturned the Department and the employer was given the relief sought. This matter was significant to me in that it provided yet another example in which civil access to justice continues to be a critical need in our justice system. I offered a flat rate fee for small business matters which made it possible for them to afford to appeal the finding. The higher experience rating would have had a noticeable impact on the operating costs of a fledgling start up. This business has since gone on to flourish and thrive.

**State of Washington v. Martinson**

**Benton County Superior Court Cause: 05-9-02957-1**

Ms. Martinson was an 18-year-old who had been home schooled and had lived in a small town in Eastern Washington. Her parents were schoolteachers. Ms. Martinson had never been arrested or charged with a crime. Ms. Martinson moved to the Tri-Cities and enrolled at Columbia Basin College to complete an AA degree and then planned to transfer to a four-year institution. She obtained employment at Home Depot to help with her living expenses. Shortly upon arriving in the Tri-Cities she met and began dating a young man who worked in construction. It was alleged in the charging Information that her boyfriend went to her place of employment and as cashier, she did not charge him for an \$850 Dewalt power tool set. She only scanned and charged him for a small tool. Ms. Martinson was caught on camera and taken to loss prevention, but not before her boyfriend was able to leave the store and leave with the tool set. She immediately cooperated and they were both charged with the felony charge of Theft 2nd Degree. The tool set was never recovered. Ms. Martinson advised me that her boyfriend had asked her to do this for him and she didn't know how to tell him no. She was deeply remorseful.

Her boyfriend retained a private attorney, paid \$850 in restitution to Home Depot, and his attorney negotiated a dismissal of the felony in exchange for a plea to Theft 3rd Degree, a Gross Misdemeanor. Ms. Martinson could not afford an attorney, and she applied for and was appointed a public defender. Her attorney had her plead to the felony at her first pre-trial hearing following the arraignment. Sentencing was scheduled three weeks out. When her mother found out she had plead to a felony and understood the ramifications of the conviction, I was retained to file a Motion to Withdraw the Plea. Unfortunately, the judge denied the motion as the Court had gone through the colloquy on the record and made a finding the plea had been freely, intelligently, and voluntarily made. Following the denial of the motion, I was able to obtain an agreement from the Chief Criminal Deputy Prosecutor to allow her to withdraw the plea and enter a plea of guilty to the same misdemeanor theft charge that had been offered to the Co-Defendant.

This case is particularly significant to me because it highlighted the disparity that can occur in our justice system in terms of effective legal representation. Ms. Martinson should have been held accountable for her poor choices and violation of the law, however, given the overall circumstances, I did not see the justice in her lapse in judgment resulting in a bright, hardworking, motivated young lady with a bright future ahead of her to be crippled so early in life with the onerous consequences of a felony conviction. It was rewarding to receive a thank you card from her sometime later expressing her appreciation and advising she

would be graduating from college and having obtained a job in Florida as a showroom coordinator. She advised she would be petitioning to have her conviction vacated when she was eligible.

**United States v James Bacon**  
**Cause Number: 11-002-CI**

I was appointed by Federal Court to represent Mr. Bacon as a member of the CJA (Criminal Justice Act) Panel. Mr. Bacon advised me he was a member of the Valhalla Bound Skinheads and was awaiting sentencing on federal charges. The allegation was that when he and the alleged victim had been transported from the County jail to Federal Court, he assaulted another inmate charged with the Production of Child Pornography. Mr. Bacon was charged with Assault by Striking in Federal court since the incident occurred in the Federal courthouse building.

Mr. Bacon insisted on proceeding to trial so that he could testify as to his beliefs and the reasons why he committed the assault. Mr. Bacon believed the assault was justified given the nature of the charges against the alleged victim. This case was particularly significant to me due to representing someone with a belief system which differed drastically from my own. During our first meeting at the jail, he advised me that he wanted to make sure I knew he had no problem with people of color, and that me being a Latina was not an issue for him. What he had a problem with, was people of color and white people mixing races. I was appointed by the Court to represent him and as an officer of the Court it was my duty and obligation to represent my clients to the best of my ability regardless of personal beliefs. I was able to remain objective in my representation and advocacy. I treated Mr. Bacon with respect and represented him thoroughly and zealously through a bench trial in which he received his day in Court. Although he was found guilty, I served the legal profession as an officer of the court with integrity.

**State in detail your experience in adversary proceedings before administrative boards or commissions during the last ten years.**

I was in private practice from 2002 until I closed my practice December of 2013 to accept a position with the City of Spokane. Although it has been more than 10 years, I have experience representing individuals before the Department of Licensing, Department of Social and Health Services, Labor and Industries and Employment Security.

I have represented drivers in license suspension administrative hearings. I have represented employers and employees regarding the denial or granting of unemployment benefits in administrative hearings with Employment Security. I have represented injured workers with the Department of Labor and Industries. I have also represented licensed childcare providers with the Department of Social and Health Services.

**Describe any experience you have in Tribal courts and/or addressing Tribal law or Indian law issues in your practice.**

I served as Chief Judge for Spokane Tribal Court and as Associate Judge for Kalispel Tribal Court. I also had the opportunity to serve as Sr. Director of Inclusion and Diversity for the Kalispel Tribal Economic Authority.

In addition, I have participated in training in Indian Law .

National Judicial College – Special Considerations for the Rural Court Judge, March, 2013  
National Judicial College – ICRA: Protecting Rights in Tribal Court, March, 2013  
Department of Justice, Drug Abuse and Drug Endangered Children Training Program, August, 2013  
National Judicial College – Tribal Court Management of Alcohol and Drug Cases, January, 2012  
National Indian Nations Conference, Justice for Victims of Crime, December, 2012  
Indian Child Welfare Summit – Tribal and State Justice to Strengthen Indian Families, October, 2012  
National Judicial College - Essential Skills for Tribal Court Judges, March, 2012

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

I believe that my commitment to life-long learning greatly enhances my qualifications to serve as a judge. The more educated of the issues facing our justice system and the people that come before the court, the greater impact the judiciary can have in collaborative systems change that results in safer communities and better outcomes for those that find themselves before the court.

I have continuously invested in educating myself to expand my knowledge and expertise in order to be of greater service in every role in my career. In addition to returning to Washington State University in 2016 to earn a Master of Criminal Justice and Criminology degree, the following are training and professional development conferences and seminars I have actively participated in.

Washington State Supreme Court Symposium - Pre-Trial Justice: Reducing the Rate of Incarceration, May, 2016  
Department of Justice: Hate Crimes Conference, April, 2016  
Governor Inslee's Race and Justice Summit, April, 2016  
Project Management Training (40 hour course), February, 2016  
Spokane Police Department: Force Encounter Training, January, 2016  
Results Based Leadership Training, December, 2015  
Washington State Criminal Justice Training Commission: Implicit Bias Training, November, 2015  
2015 Summer Institute – Reducing Recidivism, July, 2015  
Race - The Power of an Illusion – Train the Trainer, March, 2015  
Washington Leadership Academy - Train the Trainer Boot Camp, February 2015  
Governing for Racial Equity Conference, March, 2014  
National Council of Juvenile and Family Court Judges – Child Abuse and Neglect Institute: The Role of the Judge, September, 2013  
Department of Justice, Drug Abuse and Drug Endangered Children Training Program, August, 2013  
National Council of Juvenile and Family Court Judges Juvenile Justice Reform: Models for Change, July, 2013  
National Council of Juvenile and Family Court Judges – Institute for New Juvenile and Family Court Judges, April, 2013  
National Judicial College – Special Considerations for the Rural Court Judge, March, 2013  
National Judicial College – ICRA: Protecting Rights in Tribal Court, March, 2013  
National Judicial College – Tribal Court Management of Alcohol and Drug Cases, January, 2012  
National Indian Nations Conference, Justice for Victims of Crime, December, 2012  
Indian Child Welfare Summit – Tribal and State Justice to Strengthen Indian Families, October, 2012  
National Center for Justice and the Rule of Law, Search and Seizure of Computers and Digital Evidence, September, 2012  
Attorney Training for Service as Pro Tem: District and Municipal Court, September, 2012  
National Judicial College - Essential Skills for Tribal Court Judges, March, 2012  
Northwest Institute for Dispute Resolution Civil Mediation, August 2000

In addition, I have invested in my leadership development:

2014 Washington Equal Justice Community Leadership Academy  
2012 Leadership Spokane  
2012 Washington State Bar Association Judicial Institute Fellow  
2005 Leadership Tri-Cities Class XII  
2005 Washington State Bar Association Leadership Institute Fellow

**Optional: Please list leadership positions you've held in bar associations and professional societies that you believe to be of particular significance.**

In the spirit of not being repetitive, what would be in this section has been included in other sections of the questionnaire.

**Optional: Have you published any books or articles in the field of law? If so, please list them, giving the citations and dates. Also, please give the dates, topics, and forums of any presentations you have given on legal topics (e.g., Continuing Legal Education).**

I have served as a panelist on the following Continuing Legal Education events.

Indian Law Section Annual CLE, 2023  
WSBA Civil Rights Committee: A Look at Police and People of Color - Racial Progress or a Deepening Racial Divide, 2017  
Legal Executives Summit: Fight or Flight: How to Keep Your Attorneys from Fleeing, 2014  
Everyday Ethics for Small Firm Attorneys: Advertising, Online Conduct and Referrals and File Retention Firm Changes and Ethical Issues, 2014  
10th Annual SCBA Diversity Bar Luncheon: Beyond Altruism: Why diversity matters in the success and health of your business, 2014

Third Annual Statewide Diversity Conference: Top 10 Junior Attorney Mistakes and How to Avoid Them, 2008  
 The 3rd Annual WSBA Solo and Small Firm Conference: 24 Karat Gold Tips for Managing Your Solo/Small Firm Practice So That It Is Less Stressful and More Productive and Fulfilling, 2008  
 The 3rd Annual WSBA Solo and Small Firm Conference: Criminal Law Practice Tips for the Solo/Small Firm Practitioner, 2008  
 Bar Leaders Conference: Tips from Successful Practitioners and How LOMAP can Support the Success of your Practice, 2006  
 Getting Ahead and Giving Back: Diversity in Washington's Legal Community: The Nuts and Bolts of Solo Practice: The Dos and Dents of Practice and Tips for the Solo and Diverse Practitioner – 2007  
 Washington Women Lawyers Leadership Symposium: Tools & Insight to Maximize Your Practice at Every Stage of Your Career – 2006

Please note that I accept invitations to speak at events and/or participate in panel discussions when it works with my schedule. This list is not exhaustive.

## VIII. Judicial Interest and Experience

**In 75 words or less, please describe why you are seeking a judicial position.**

I am seeking re-election to continue serving as Spokane Municipal Court Judge. My experience as a Tribal Court Judge, Deputy Prosecutor, Defense attorney, and work in policy and criminal justice systems change provide me with a unique and valuable perspective. I bring a balanced approach to Municipal Court of balancing restorative justice and rehabilitation, compassionate accountability, and community and public safety in addition to my record of service to the legal profession and the community.

**In 75 words or less, please describe the type of judge you aspire to be.**

I believe that every person that comes before the Court should be treated with dignity and respect, afforded the opportunity to be heard, and regardless of the outcome of their matter, have confidence in our justice system. Each case is important to each of the parties, and it is the Court's duty to be knowledgeable of the law, to rule with fairness and impartiality, and be educated and informed.

**Have you ever held a judicial office? Yes If you answered “yes”, please provide details, including the courts involved, whether elected or appointed, and periods of your service.**

Elected as Spokane Municipal Court Judge Position 3  
 November 2021 – Current

Appointed by Tribal Council Kalispel Tribal Court Associate Judge  
 June 2021 – November 2021

Appointed by Tribal Council Spokane Tribal Court Chief Judge  
 March 2012 – November, 2013

**Have you ever held public office other than a judicial office? No If you answered “yes”, please provide details, including the offices involved, whether elected or appointed, and periods of your service.**

N/A

**Please briefly identify all of your experience as a neutral decision-maker (e.g. permanent or pro tem judge in any jurisdiction, administrative law judge, arbitrator, hearing officer, etc.). List the courts/jurisdictions and provide approximate dates.**

Pasco Municipal Court Judge Pro Tem  
2007-2008

Benton County District Court Judge Pro Tem  
2008

**If you seek an appellate court position, please describe how your previous judicial experience prepared you to serve as an appellate court judge.**

N/A

## **IX. Community and Civic Activities**

**Please list community and civic activities, including dates and leadership roles you have held, over the last fifteen years.**

### Civic Activities

Washington State Commission on Hispanic Affairs, 2012 - 2017  
Office of the Superintendent of Public Instruction Student Discipline Task Force, 2014 and 2016  
Washington State Joint Legislative Task Force on Use of Force, 2016  
Spokane Public Schools Community Action Team, 2013 – 2016  
Spokane County Juvenile Court Diversion Neighborhood Accountability Board, 2011 – 2012

### Community Activities

Families with Partners and Children, Board of Directors, 2025 - Current  
Fairchild Airforce Base Honorary Commander, 2024 - Current  
Take Up The Cause, Board of Directors, 2024 - Current  
Empire Health Foundation, Board of Directors, 2023 - Current  
Providence Health Mission Board , Board of Directors; 2020 – Current  
Numerica Credit Union, Board of Directors; 2016 – Current  
Spokane Rotary Club 21; 2014 – Current  
Gonzaga University School of Law Center for Civil and Human Rights Advisory Board; 2018 – 2021  
YMCA Youth in Government, Board of Directors; 2018 – 2021  
Latino Hope Foundation, Founder, Board of Directors; 2015 – 2020  
Mujeres in Action, Board of Directors; 2020 – 2021  
Empire Health Foundation, Board of Directors; 2017 – 2019  
Family Impact Network, Board of Directors; 2018 – 2019  
Spokane County Human Rights Task Force, Board of Directors; 2017 – 2019  
Spokane County Excelerate Success Leadership Team; 2014 – 2018  
Washington State University Elson S. Floyd College of Medicine, Equity Committee; 2017 – 2018  
College Success Foundation, Advisory Board Member, 2015 - 2016  
Spokane County United Way, Board of Directors, 2014 - 2016  
Hispanic Business Professionals Association, 2009 – 2015

Habitat for Humanity of Spokane Board of Directors; 2014 – 2016  
 Boys and Girls Club of Spokane County Board of Directors; 2014 - 2016  
 Hispanic Business Professionals Foundation Board of Directors; 2014 – 2015  
 Tri-Cities Hispanic Chamber of Commerce, Vice-President; 2008 – 2009  
 Inland Northwest Latino Chamber of Commerce, Member, 2009 - 2011  
 Tri-Cities Hispanic Chamber of Commerce, Vice-President, 2008 – 2009  
 Junior Achievement Volunteer Class Instructor, 2008-2009  
 Pasco Downtown Development Association Board of Directors, 2006-2007

## **X. Access to Justice and Diversity in the Legal Profession**

**Please describe any activities that you have engaged in to eliminate bias or improve access to the judicial system.**

I have a proven track record and a history of participating, contributing and working on eliminating bias and improving access to justice throughout my legal career and have continued my commitment as a judicial officer.

I served a leadership role as part of the planning committee for the Washington State Commission's Youth and Law Forum held annually in the Tri-Cities from 2006 to 2009 and continued to participate after relocation to Spokane. I was the co-chair and co-founder of the Spokane Youth and Justice Forum which held its inaugural forum in March of 2014. I have served as the Washington State Bar Association's Pre-Law Student Leadership Conference as Co-chair from 2008-2009 and volunteered as a participant in prior years. In my role as Director of Multi-Affairs for the City of Spokane I worked closely with the Spokane Regional Law and Justice Council's Racial and Ethnic Disparities sub-committee. In addition, in my role as a Commissioner for Washington State Commission on Hispanic Affairs I served 5 years working with legislators and policy decision makers on criminal justice related issues that impact the Latino community.

Throughout my career I have actively participated in numerous racial equity, implicit bias and equity trainings as well as contributed as a presenter on panel discussions and presentations to civic groups and legal organizations on implicit bias, racial and ethnic disparities and inequity. I am currently serving on the Washington State Supreme Court's Disability Justice Task Force and serve on the planning committee for a Symposium being held in September to present the recommendations and findings.

**What are the most significant barriers to access to justice today? In what ways have you seen these barriers in your practice? How have you worked to increase access to justice?**

Our civil and criminal justice systems are fraught with barriers to access to justice for our most impoverished and marginalized members of our communities.

On the civil side, aggrieved parties do not have the right or access to an attorney for serious life changing legal matters. Pro bono and free legal aid services are scarce and not enough to meet the need and the demand by litigants who cannot afford to retain private counsel.

In the criminal justice system, public defense is not adequately funded to ensure legal counsel can provide meaningful representation with access to adequate criminal defense investigations, access to experts, and the ability for counsel to spend the necessary time and resources on every case.

In private practice when I held indigent defense contracts with Pasco Municipal Court, Benton County District Court, and Grant County District Court, and now on the bench, it is routine to come across indigent individuals that have multiple legal issues that need to be addressed outside their criminal proceedings that included among others child custody, child support, driver's licensing, housing, social security disability benefits, employment, and immigration status related issues to name a few.

Many of the solutions that are needed to address and rectify this issue require intentional and comprehensive inter-agency collaborative partnerships and public/private partnerships. The justice system alone cannot solve barriers to access to justice, but they can serve an important and valuable role.

**As a member of the bench, what role, if any, do you believe that a judge has to enhance equal access to justice?**

I have served as a public defender and held contracts for indigent defense representing individuals charged in Pasco Municipal Court, Benton County District Court, Grant County District Court, Benton-Franklin Superior Court and Federal Court. I have represented clients in Benton, Franklin, Adams, Grant, Walla Walla, Asotin, Garfield, Douglas, Spokane County and a variety of Municipal Courts in Central Washington.

This experience has afforded me the opportunity to represent individuals of varying cultures, racial and ethnic backgrounds, education levels, sexual orientation, cognitive and physical disabilities, and socio-economic status. I have had the opportunity to represent individuals diagnosed with serious mental health issues and co-occurring disorders. It has also allowed me the opportunity to see first-hand how different each jurisdiction's criminal justice systems can operate and the varying difference in demographic composition of each community that create unique needs that impact equal access to justice to the most marginalized in each community.

I believe a judge can greatly enhance equal access to justice by being actively involved, informed and educated on what role the Court can best take to improve access to justice. Judges can serve a key role in working to establish collaborative partnerships with partner agencies, improving and/or establishing a culture of procedural justice, and where appropriate advocating, for the necessary resources to provide equal access to the courts.

As an example, in my role as Chief Judge for Spokane Tribal Court I lead the convening of an inter-agency work group that met monthly with key stakeholders and systems leaders to work together on improving outcomes for youth and those involved with the court living on the reservation. Although it was a small system, this led to positive results and built collaborative partnerships. Judges should be involved in the community and learn how they can contribute to building a safer community and getting better outcomes for those served by the courts.

**What experiences, training, or knowledge do you have in addressing diversity in the legal profession?**

Being of Mexican descent and learning English as a second language I have had an opportunity to understand the importance culture, language and socio-economic backgrounds have in our justice system. I have also learned that our individual lived experience is not enough to ensure we are culturally competent. It is important as legal professionals to invest in our individual cultural competence and understand how our biases and underdeveloped cultural competence can impact the outcomes and experiences of those different from us we serve and work with.

Throughout my career, I have been asked to serve as speaker on the issue of diversity in the justice system by various groups and organizations and speak at various professional conferences, seminars and plenary boards. Examples are serving as a guest speaker at the Annual Statewide Diversity Conference in 2008, the Annual WSBA Solo and Small Firm Conference in 2008, Leadership Tri-Cities in 2007, 2008 and 2009, Leadership Spokane almost every years since graduating from the program in 2013. I am frequently asked to speak on several panels every year on diversity, equity and inclusion topics for several other local and state-wide organizations. I am scheduled to be the keynote speaker at this year's Latino Health Equity conference being held in Spokane in September.

As a member of cohort two for Just Lead Washington I returned to participate in training on facilitating discussions about race and racial and ethnic disparities. I served as a member of Governing for Racial Equity that works with the legal profession on increasing the diversity of leadership in the private sector and public institutions.

In my role as Director of Local Government and Multicultural Affairs and service as Chair of the Commission on Hispanic Affairs I had the opportunity to both learn and teach on issues related to diversity, equity and inclusion in the legal profession and the criminal justice system.

I am also certified Intercultural Development Inventory (IDI) Certified Administrator which provides me the qualifications to administer a cultural development assessment, conduct training on cultural competence, and work with individuals on expanding and developing their individual cultural competence.

#### **What can a judge, or court, do to improve diversity in the legal profession?**

A judge can serve a critical role in improving diversity in the profession by being involved in state and local bar events, programs, and initiatives that advocate for increasing the diversity of the legal profession. Judges can expand their impact by participating in events, programs and initiatives with public schools, colleges and universities to share with incoming youth opportunities for careers in the legal profession and the role of the court in our justice system. I routinely invite K-12 students to job shadow in my courtroom and make myself available to college students and law students.

In particular, a judge can serve a powerful role in improving diversity in the judiciary by serving as a mentor to diverse attorneys who aspire to pursue a judicial career. One excellent example of such an effort is the Judicial Institute. The Judicial Institute identifies diverse attorneys from across the state interested in learning how to prepare for a judicial career. I was a participant in the inaugural Judicial Institute in January 2012. Judges serving on courts across the state participated in the training and shared their pathway to the bench. Their advice, guidance and mentorship has resulted in several participants of the Judicial Institute running for judicial office or being appointed and/or hired to a judicial position. This program has continued to the present and has provided a pipeline to the bench for underrepresented communities.

### **XI. Discipline, Disputes, and Conflicts**

**Have you ever been held, arrested, charged, or convicted by federal, state, or other law enforcement authorities for violation of any federal law, state law, county or municipal law, regulation, or ordinance? No If you answered "yes", please provide details, including case numbers. (Do not include traffic violations for which a fine of less than \$300.00 was imposed.) Please feel free to provide your view of how it bears on your present fitness for judicial office.**

N/A

**Has a client ever made a claim or suit against you for malpractice? No If you answered "yes", please provide details and the current status of the claim and/or suit.**

N/A

<p><b>Have you ever been a party, witness, or consultant in any legal proceeding? Yes</b> If you answered “yes”, please provide details, including the case number. Do not list proceedings in which you were merely a guardian ad litem or stakeholder.</p> <p>I have been a party in my personal divorce proceedings.</p>
<p><b>Have you ever been the subject of a complaint to any bar association, disciplinary committee, court, administrative agency, or other professional group? No.</b> If you answered “yes”, please provide details.</p> <p>City of Spokane Public Defender’s office filed a Writ of Prohibition in Spokane Superior Court for not granting Motions to Disqualify Judge where there was no evidence the assigned public defender had obtained the informed consent of their client. Superior Court denied the Writ and it was not appealed.</p>
<p><b>Have you ever been disciplined or cited for breach of ethics or unprofessional conduct? No</b> If you answered “yes”, please provide details.</p> <p>N/A</p>
<p><b>Have you ever been subject to employment discipline, such as a warning, reprimand, suspension, demotion, or termination for cause? No</b> If you answered “yes”, please provide details.</p> <p>N/A</p>
<p><b>If you have ever served as a judge, commissioner, or in any judicial capacity, has a complaint for misconduct in that capacity ever been made against you? No.</b> If you answered “yes”, please provide details.</p> <p>N/A</p>
<p><b>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, where it is incorporated, 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.</b></p> <p>N/A</p>
<p><b>Are you aware of anything that may affect your ability to perform the duties of a judge? No.</b> If you answered “yes”, please provide details.</p> <p>N/A</p>

<p><b>Please list the names, phone numbers, and job titles/employers of up to 5 professional references.</b></p> <p>Vanessa Waldref Attorney at Law Singleton Schreiber 509-353-2767</p> <p>Inga Laurent Professor Gonzaga University School of Law 509-313-3747</p> <p>Brian Anderson Attorney at Law Anderson Law, PLLC 509-734-1345</p>
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Dr. Becky Bull Schaefer  
Professor  
Gonzaga University  
309-648-3825

Dr. Jacqueline van Wormer  
Innovative Justice Program & Analysis County Executive  
Travis County, Texam  
509-6282663

**Please list the names and phone numbers of up to 10 opposing counsel who know you best, including at least three opposing counsel on cases that went to trial.**

Andy Miller  
509-851-4190

Judge Dan Kathren  
509-735-8476

Judge Jim Bell  
509-735-8476

Adrianne Farabee  
509-735-3591

Scott Johnson  
509-579-0080

Shawn Sant  
509-545-3543

Trial Cases

Julie Long  
509-545-3543

Terry Bloor  
509-551-1557

Anita Petra  
509-735-3591

Tamara Hanlon  
509-735-3591

**If you have been a judge or otherwise have served as a neutral decision-maker within the last 10 years, please list the names and phone numbers of the last 10 attorneys who have appeared before you.**

Judge Don Colistro  
509-991-7215

Chris Bugbee  
509-327-7277

Lorraine Parlange  
509-789-7603

Fr. Bryan v. Pham S.J., J.D., J.C.D., Ph.D.  
509-313-5793

Todd Dixon  
509-835-5988

Joni Morse  
509-835-5988

Chelsea Heindel  
509-835-5955

Jeff Sawyer  
509-835-5988

Ted Jeckering  
509-477-4890

Connor Brandt  
509-835-5988

**For the last five trials in which you participated (whether as a trial lawyer or decision-maker), please list as appropriate the following for each: case name, subject matter, court, judge (with phone numbers), and opposing counsel or counsel appearing before you (with phone numbers).**

City of Spokane v Kathry Rocco  
Case No. 4A0838024  
Charge: Driving While Suspended 1<sup>st</sup> Degree  
Jury Trial Commenced: 02/20/2025  
Prosecutor: Ryan Dalessi  
509-835-5988  
Defense Counsel: Patrick Donahue and Andrew Nonnenmacher  
509-835-5955

City of Spokane v Anjanette Bingham  
Case No. 4A0229102  
Charge: Assault 4<sup>th</sup> and Disorderly Conduct  
Jury Trial Commenced: 01/16/2025  
Prosecutor: Conor Brandt  
509-835-5988  
Defense Counsel: Brian Raymon  
509-835-5955

City of Spokane v John Russell  
Case No. 4A0178568  
Charge: Assault 4  
Jury Trial Commenced: 01/09/2025  
Prosecutor: Ryan Dalessi and Rule 9 Intern Stephen Szambelan  
509-835-5988  
Defense Counsel: Patrick Donahue and Andrew Nonnenmacher  
509-835-5955

City of Spokane v Titus Lewis  
Case No. 4A0379606  
Charge: Malicious Mischief 3rd  
Jury Trial Commenced: 10/10/2024  
Prosecutor: Ryan Dalessi  
509-835-5988  
Defense Counsel: Travis Jones and Katherine Westerman  
509-835-5955

City of Spokane v Steve Larson  
Case No. P23000374  
Charge: Driving Under the Influence  
Prosecutor: Joni Morse  
509-835-5988  
Defense Counsel: Doug Phelps  
509-892-0467

**Please list the names and phone numbers of 5 additional attorneys familiar with your professional qualifications, skills, experience, and attributes.**

April Anderson  
509-710-1848

Julie Watts  
509-280-5622

Vanessa Mathisen  
509-995-1281

Janea Ball  
509-435-5898

Nancy Isserlis  
509-954-7144

**Please list the names and phone numbers of up to three non-attorneys who have either been represented by you or who have worked for you.**

Previous Employment

Lynne Delvin  
509-531-4357

Jamie Bradley  
509-999-3998

Prior Client

Island Ainsworth  
509-554-8177

**Please provide a writing sample of your work (between five and 10 pages long), written and edited by you, within the last five years.**

**XII. Rating and Evaluations – The Governor’s Office requires individuals seeking judicial appointment to utilize, to the fullest extent possible and as early as possible, the ratings processes from state, county, and affinity bar organizations. To facilitate the process, many of these organizations accept this questionnaire as the principal application in their evaluation process and may also require completion of a supplemental questionnaire.**

- Candidates are encouraged to seek ratings from multiple bar associations as early as possible so that your ratings are received by the application deadline or shortly thereafter. You may seek a rating before a notice of vacancy is posted; contact the relevant bar association for its policies and availability.

- Contact affinity bar associations to determine whether an evaluation process will be conducted. Contact information can be found on the Washington State Bar Association's website at <https://www.wsba.org/connect-serve/other-bars/affinity-bar-associations>. This webpage contains a link to the list of Judicial Evaluation Committee Representatives for those associations who participate in standing judicial evaluation committees. Note that some of the affinity bar associations may conduct judicial evaluations when judicial vacancies occur, even if committee representatives are not listed on the webpage.
- Contact the relevant county bar associations to determine whether an evaluation process will be conducted. Contact information for county bar associations can be found on the WSBA website at <http://www.wsba.org/Legal-Community/County-Bar-Associations>
- If you are applying for a state Court of Appeals or Supreme Court position, contact the Washington State Bar Association (WSBA) Judicial Recommendation Committee to request an interview. The Committee screens and interviews candidates and provides a rating that is reviewed by the WSBA Board of Governors and referred to the Governor for consideration. Committee information can be found on the WSBA website at <http://www.wsba.org/jrc>.

List all ratings you have received from any bar association at any time. Please provide the name of the organization, the rating it gave you, and the year in which the rating was given.

2019 Loren Miller Bar Association – Exceptionally Well Qualified  
2019 Q-Law – Well Qualified

To the extent not covered above, list the organizations you have contacted for an evaluation.

N/A

**XIII. Attestation – All information provided in this questionnaire is true and complete to the best of my knowledge. I understand that the Governor's Office may verify this information, and that untruthful or misleading answers are cause for rejection of my application or for dismissal if appointed.**

**Date**  
7/14/2025

**Signature**

Gloria Ochoa-Bruck  
/s/

IN THE MUNICIPAL COURT FOR THE CITY OF SPOKANE  
IN THE STATE OF WASHINGTON

CITY OF SPOKANE,

Plaintiff,

v.

McQUAIN, DAKOTA M.,

Defendant.

Cause No: XZ0378737

FINDINGS OF FACTS AND  
CONCLUSIONS OF LAW ON  
DEFENDANT'S MOTION TO  
SUPPRESS

THIS MATTER having come before the Court upon the Defendant's Motion to Suppress based on CrRLJ 3.6, defense counsel for Mr. McQuain motions the Court to suppress the Toxicology Report, based upon the fact that Mr. McQuain's blood was drawn into vials that expired after collection of the blood sample, but before toxicological testing. The Court having read the briefs, considered the exhibits submitted by the parties, heard testimony of Dawn Sklerov, Technical Lead for the Washington State Toxicology Laboratory, Suzanne Perry, expert witness for the defense, and argument by counsel, makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. The Defendant, Dakota M. McQuain, is charged with Driving Under the Influence in violation of RCW 46.61.502.5, from on or about May 1, 2020.
2. The Court has jurisdiction over this matter, as the allegation occurred in the City of Spokane.

3. On May 1, 2020, at approximately 1915 hours, Spokane Police Officer Herzog was on patrol in the area of Crestline and Decatur in the City of Spokane. (See Declaration of Dustin Howie in Support of Defendant's Motion to Suppress – Exhibit A).
4. Officer Herzog observed a vehicle driving in excess of the posted speed limit. The officer noted that the vehicle was not slowing down to clear multiple uncontrolled intersections it was passing through. *Id.*
5. The officer activated his emergency lights and initiated a traffic stop. He observed the vehicle continue to travel, roll through a stop sign, and change lanes without signaling. The vehicle continued to travel approximately 8 blocks after the officer activated his emergency lights before pulling over and stopping in front of 2410 E Everett. *Id.*
6. Officer Herzog pulled in behind the vehicle where he observed the driver sticking his hands out the window. The defendant exited the vehicle and walked backwards to the officer's patrol car as instructed by the officer. *Id.*
7. It was unclear to Officer Herzog, why the defendant had continued to travel after he initiated the traffic stop. He advised the defendant he was detaining him for failing to stop when he had initiated his emergency lights. He placed the defendant in handcuffs to prevent him from fleeing. *Id.*
8. The officer smelled the odor of Marijuana coming from the defendant. Officer Herzog conducted a pat frisk for weapons of the defendant's outer clothing. He felt a hard cylindrical object he believed may possibly be a syringe which could be used as a weapon. Upon removing the item, it was found to be a Vape pen of some kind.

9. Dispatch advised that the registered owner of the vehicle was Dakota McQuain. Officer Herzog verified with the driver and defendant that he was Dakota McQuain. *Id.*
10. Officer Herzog advised the defendant of his rights. Defendant waived his rights and agreed to talk to the officer. Defendant advised the officer that he had not seen the officer behind him until he had turned onto Everett. *Id.*
11. Based upon the odor of marijuana, the traffic violations he had observed, the defendant's reported lack of awareness he had initiated a traffic stop, and he had followed him for several block with his emergency lights on, Officer Herzog believed that the defendant was likely under the influence of Marijuana and/or other intoxicating substances. *Id.*
12. Officer Breese, a trained DRE (Drug Recognition Expert), arrived at the scene at approximately 1920 hours and assisted Officer Herzog with the investigation by conducting the Standard Field Sobriety Tests. Based on the totality of the circumstances Officer Breese placed the defendant under arrest. (See Declaration of Dustin Howie in Support of Defendant's Motion to Suppress – Exhibit B).
13. Officer Breese asked the defendant if he would be willing to provide a breath sample. The defendant agreed to provide a sample on a PBT. Officer Breese obtained a PBT sample of .000 from the defendant at 2000 hours. Officer Breese transported the defendant to the BrAC room at the Public Safety Building to conduct a DRE Evaluation. *Id.*
14. Officer Breese conducted a DRE Evaluation and concluded that it was his opinion that the Defendant was under the influence of Cannabis and unable to operate a vehicle

safely. (See Declaration of Dustin Howie in Support of Defendant's Motion to Suppress – Exhibit C).

15. Officer Herzog applied for a search warrant for the Defendant's blood. It was granted by Commissioner Caniglia. The warrant was served on the Defendant at 2222 hours by the jail nurse. (See Declaration of Dustin Howie in Support of Defendant's Motion to Suppress – Exhibit A).

16. Officer Breese provided Officer Herzog two gray topped vials containing white powder substances that were sealed in a box with the expiration of 06/30/2020. *Id.*

17. Officer Herzog provided the blood vials to Ofc. McLucas who transported them to property. *Id.*

18. Two vials with 8ml each of blood were collected from the defendant and sent to the Washington State Toxicology Laboratory on May 1, 2020. (See Declaration of Dustin Howie in Support of Defendant's Motion to Suppress – Exhibit G).

19. The Toxicology Laboratory received two Vacutainer-grey topped tubes May 5, 2020. They were assigned Tox Case # ST-20-05107. The consisted of 2 vials marked ST-20-05107-A and ST-20-05107-B. (See Declaration of Dustin Howie in Support of Defendant's Motion to Suppress – Exhibit H).

20. The following tests were conducted on the blood sample vials by Forensic Scientists within the Toxicology Laboratory:

- a) ST-20-05-107-A was tested by Headspace – Gas Chromatography for the presence of acetone, ethanol, isopropanol, and methanol on 12/17/2020. The following result was obtained: None Detected.

- b) ST-20-05-107-A was screened by Liquid Chromatography/Time of Flight Mass Spectrometry for positive mode compounds on 08/11/2020. The following result was obtained: None Detected.
- c) ST-20-05107-A was tested by Enzyme Multiplied Immunoassay Technique (EMIT) for the presence of cannabinoids on 09/03/2020. The following results were obtained: Presumptive positive for cannabinoids. (test conducted by Corie Flay, Forensic Scientist 2).
- d) ST-20-05107-A was tested by Liquid Chromatography/Tandem Mass Spectrometry for cannabinoids on 12/27/2020. The following results were obtained:

Carboxy-THC	150 ng/mL
THC	8.2 ± 2.2 ng/mL (k=3, 99.7% confidence level). <i>Id.</i>

21. The 4 tests were conducted utilizing the blood sample contained in the vial labeled ST-20-05-107-A. The contents of the vial ST-20-05-107-B were not utilized.
22. Dawn Sklerov examined the results and compiled the results into the Toxicology Test Report dated January 5, 2021, which was returned to the Spokane Police Department. (See Declaration of Dustin Howie in Support of Defendant's Motion to Suppress – Exhibit H).
23. The Toxicology Report was provided to defense counsel in the exchange of discovery. (See Court Record).

### **PROCEDURAL HISTORY**

1. On February 3, 2022 counsel for the Mr. McQuain filed "Defendant's Motion to Suppress" the Toxicology Test Report and all testimony related to the findings in the report. (See Court Record).

2. The City responded on February 24, 2022 and defense filed a reply on February 28, 2022. *Id.*
3. The Court held an evidentiary hearing on April 25, 2022. Both parties presented expert witness testimony. Dawn Sklerov, the Technical Lead for the Washington State Toxicology Laboratory, and Suzanne Perry, expert for the defense, were deemed qualified to testify as experts. *Id.*
4. On April 26, 2022, the Assistant City Prosecutor assigned to the motion, Lauren Beattie, filed a supplemental declaration attaching an email communication from the Toxicology Laboratory. The email communication included an attachment with a letter from BD Life Sciences. “See attached for BD Vacutainer Expiration letter. For clarification, used means the specimen must be collected on or before the expiration to be within claims.” (See Supplemental Declaration of Lauren Beattie, Exhibit 2, – Email from Bobby Thomas, Technical Specialist, BD Life Sciences dated April 26, 2023 at 8:23 AM).
5. On April 27, 2022, defense counsel for the Mr. McQuain filed an objection to the supplemental declaration and moved to strike it. (See Court Record).
6. The Court heard argument surrounding the supplemental declaration on April 29, 2022. The Court denied the motion to strike and permitted defense counsel to submit supplemental responsive filing. *Id.*
7. On May 5, 2022, defense counsel filed supplemental materials consisting of BD Life Science’s FDA filings and application for FDA approval for BD Vacutainer Tubes. BD Vacutainer tubes were used for the extraction, storage, and transport of Mr. McQuain’s blood samples. *Id.*

8. On May 9, 2022, the City filed an additional supplemental declaration per the Court's instruction at the April 29, 2022 hearing to include the full email correspondence with the Toxicology Laboratory from April 26, 2022. *Id.*
9. The Court made an oral ruling May 9, 2022 and instructed the City to draft Findings of Fact and Conclusions of Law. *Id.*
10. The parties were not in agreement with the City's proposed Findings of Fact and Conclusions of Law. On June 14, 2022, defense counsel filed Defendant's Motion and Memorandum of Authorities in Opposition to the City's Proposed Findings of Fact and Conclusion of Law. A motion hearing was schedule for July 8, 2022. *Id.*
11. The July 8, 2022 hearing was continued to July 21, 2022. *Id.*
12. On July 21, 2022, parties advised the Court that a case with the same issue involving a blood test that was collected and tested after the vial's expiration date was pending in Courtroom A and it was anticipated a similar case with the same issue would be filed in Courtroom C, making this a city-wide issue. The parties requested an en banc hearing.
13. An en banc hearing was scheduled and held on August 12, 2022 in Courtroom C for this matter and City of Spokane v Mark Bedeker.
14. The City of Spokane filed a Statement of Additional Authorities on August 15, 2022.
15. Defense counsel filed Defendant's Objection and Motion to Strike Statement of Additional Authorities and Sanctions.
16. On August 19, 2022, the City filed a response.
17. On August 20, 2022, defense counsel filed a response to the City's response.

18. A hearing was held on September 9, 2002. The Court denied defense counsel's motion for sanctions and admitted the Statement of Additional Authorities as exhibits. Defense counsel was granted leave to file any responsive materials.
19. At this time, this issue does not qualify as a city-wide issue that would necessitate an en banc decision. The City of Spokane filed a motion to dismiss City of Spokane v Mark Bedeker on September 12, 2022 that was granted. No similar motion has been filed in Courtroom C.

### **ISSUE**

Is a Toxicology Report admissible where a blood test sample is extracted and stored in a test tube vial prior to the manufacturer's indicated expiration date for use, and the contents of the vial are tested after the expiration date?

### **CONCLUSIONS OF LAW**

This Court has jurisdiction over both the personal and subject matter jurisdiction and the authority to make a lawful and binding ruling in this matter.

The Defendant argues that error in the test results arise when blood is drawn into vials that expire after collection of the blood but before toxicological testing is conducted. The Defendant contends that testing the blood sample after the vial's expiration date impacts the toxicological test's reliability due to adulteration and/or contamination rendering it unreliable and therefore inadmissible.

Based upon these findings of facts, the Court makes the following conclusions of law and enters the following order:

1. The blood sample in this case was extracted on May 1, 2020, using 2 BD Vacutainer-grey topped tubes with the expiration date of 6/30/2020. Two vials containing 8mm

of blood each, drawn from Mr. McQuain following the execution of a search warrant, were received by the Toxicology Laboratory on May 5, 2020. Testing was conducted by the Toxicology Laboratory using the blood sample from one of the vials on 8/11/2020, 09/03/2020, 12/17/2020, and 12/27/2020. A Toxicology Report was completed 01/05/2021 and provided to the Spokane Police Department.

2. The Vacutainer-grey topped tubes, (vials), are manufactured by BD Vacutainer. A manufacturer of blood collection tubes for laboratory testing. “BD Vacutainer Tubes, Needles and Holders are used together as a system for the collection of venous blood. BD Vacutainer Tubes are used to transport and process blood for testing serum, plasma, or whole blood in the clinical laboratory.” (See Declaration of Dustin Howie in Support of Defendant’s Motion to Suppress – Exhibit P).
3. Materials prepared from the manufacturer were filed by both the City and Mr. McQuain that BD Vacutainer does not guarantee its product if it is not used by the expiration date. The Defendant argues that use of the vials includes the extraction, transport, and testing of the blood sample.
4. Mr. McQuain filed the Access GUDID profile for the BD Vacutainer. It defines the Vacutainer as an “[e]vacuated blood collection tube IVD, anticoagulant/antiglycolytic.” It provides an expanded description as being “[a] glass or plastic tube, sealed with a stopper, containing a pre-measured amount of vacuum, an anticoagulant...and an antiglycolytic agent...It is intended to be used for the collection, and preservation and/or transport, of blood analysis and/or other investigation...This is a single use device.” The profile contains the FDA product code assigned to the product, indicates the device is packaged as sterile and no

sterilization methods are found. Under storage and handling, the profile indicates no storage/handling found. (See Declaration of Dustin Howie in Support of Defendant's Rebuttal Brief – Exhibit A).

5. After reviewing Exhibits A, B, C, and D in the Declaration of Dustin Howie in Support of Defendant's Rebuttal Brief, the testimony of Ms. Sklerov and Ms. Perry, and reviewing the record, the Court finds that the Vacutainer is a single use device that is intended for the extraction and collection of a blood sample, in a tube with a topper that is designed to vacuum seal the sample for preservation, that contains 2 chemicals; an anticoagulant to prevent clotting and an antiglycolytic to inhibit access to glucose in the blood that would produce other compounds, including ethanol. The Court finds that use of the tube is defined as when the user of the Vacutainer extracts the blood sample and seals it in the tube as directed by the manufacturer. The fact that it is then used to transport and store the sample after extraction for testing is a practical benefit of the device.
6. Following the Defendant's reasoning, the user of a Vacutainer tube would need to know with certainty when a sample would be tested prior to extracting a sample using a Vacutainer tube whenever an expiration is drawing close. Users of Vacutainer tubes would need to dispose of near expiring Vacutainer tubes by gauging the potential expected wait time for testing at their respective testing laboratories. No evidence was presented that the blood samples tested in this case were in fact contaminated or affected in any measurable or identifiable manner.
7. The Defendant also argues that the Vacutainer tube, being technically classified as a medical device, falls under the requirements for the maintenance of equipment at the

Toxicology Laboratory. The Court finds that upon receipt of the Vacutainer tubes containing extracted blood samples, the Toxicology Laboratory handles the tubes as a single use container for the storage and preservation of the blood sample submitted for testing. It is not equipment as defined by the Washington State Toxicology Laboratory or as intended by the ISO requirements.

8. RCW 46.61.506 (3) sets out the requirements to establish foundation for the admission of toxicology results of a blood sample in a DUI:

“The blood sample must be drawn by a qualified person. Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.”

9. In this case, the sample was drawn by a nurse at the Spokane County Jail. No evidence has been presented as to their lack of qualifications or issues with any irregularities with their drawing of the blood sample.
10. The samples were tested by scientists qualified and eligible to be employed by the Washington State Toxicology Lab. No evidence has been presented as to the Toxicology Lab scientist's lack of qualifications to test the blood samples.
11. No evidence has been presented that the toxicological testing of the samples was not conducted according to methods approved by the state toxicologist or that the testing methodologies used for testing of the blood samples are not in adherence to generally accepted testing methodologies by the scientific community.

12. Additional foundational requirements are set forth in the Washington Administrative Code. WAC 448-14-010 and WAC 44814-020 set out the criteria for approved methods of quantitative analysis of blood samples for alcohol. There is no WAC specific to the sample testing requirements for THC or other intoxicating substances.
13. The blood sample in this case was tested for the presence of alcohol utilizing the prescribed criteria in the WAC. No alcohol was detected in the blood sample.
14. No evidence has been presented of any irregularities with the testing process of the blood samples themselves for the presence of Carboxy-THC, or cannabinoids.
15. In addition to the statutory requirements prescribed in RCW 46.61.506 (3) and the criteria set forth in WAC 448-14-010 and WAC 44814-020 for the admissibility of a blood test result, the City “must present prima facie proof that the chemicals and the blood sample are free from adulteration that could conceivably introduce error to the test results.” *State v. Wilbur-Bobb*, 134 Wn. App. 627, 630, 141 P.3d 665 (2006) (citing *State v. Clark*, 62 Wn.App. 263, 270, 814 P.2d 222 (1991); see also *State v. Edrdman*).
16. Although Ms. Perry testified as to a wide range of potential circumstances in which a blood sample could be adulterated or contaminated from being stored in an expired vial, e.g. the rubber topper may have deteriorated and introduced contaminants, the vacuum seal in the topper may have introduced air into the sample, the chemicals contained in the vial to prevent coagulation and prevent ethanol from increasing in the sample, may have deteriorated and/or contaminated the blood after the expiration date, impacting the test results, etc., no evidence as to what may have been present in the Defendant’s blood samples to adulterate or contaminate the samples has been

provided. Ms. Perry has neither tested nor personally observed the blood samples.

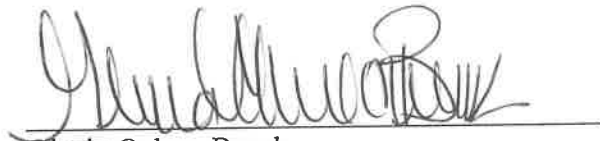
No evidence was presented that the blood samples were in fact, adulterated or contaminated. Ms. Perry's opinion testimony regarding the presence of contaminants in the sample is wholly speculative

17. The parties may argue to the jury whether the blood test is reliable considering the vials expired after collection but before testing. However, the expiration of the tubes before testing does not make the Toxicology Report inadmissible.

### **ORDER**

Based upon these findings of facts and the conclusions of law the Court enters the following order: the Defendant's motion to suppress the Toxicology Report is denied.

Dated: November 1, 2022



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Gloria Ochoa-Bruck  
Spokane Municipal Court Judge