

2010 Candidate Questionnaire

SECTION I

BASIC CANDIDATE INFORMATION

1. Name as it will appear on the ballot

First Name	Middle Initial or Nickname	Last Name
Bryan		Chushcoff

2. Office sought (include office, jurisdiction, position/district number):

Supreme Court Justice, Position 6

3. Are you the incumbent? Yes x No

4. How long have you resided in this district/city?

I am a life-long resident of Washington State

5. How long have you resided in King County?

I live in Pierce County. I did reside in King County while attending the University of Washington in the 1970's.

6. Is the office sought partisan or nonpartisan? Partisan x Nonpartisan

7. If partisan, please indicate party:

CAMPAIGN CONTACTS

Campaign Name: Chushcoff4Justice

Address: P.O. Box 6948

City/State/Zip: Tacoma, WA 98417

Campaign Phone: (253) 759-9279

Campaign Fax: _____

Campaign E-mail: Chushcoff4Justice@gmail.com

Campaign Website: _____

POLITICAL BACKGROUND

1. Beginning with the most recent position, please list public offices you have held. Include positions on appointive boards or commissions.

Public Office	Elective or Appointive?	Dates Held	Leadership Role (if any)
Superior Court Judge for Pierce County Washington, Position 4	Elective	Jan. 1997 to date	I am the Presiding Judge of Pierce County Superior Court

2. If you ran for public office but were not elected, please list those races below:

Office Title	Year of Run
Superior Court Judge for Pierce County Washington, Position 9	1995

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SECTION II

In this section, we are seeking responses that reflect the four ratings criteria: involvement, effectiveness, character, and knowledge. These are defined as follows:

- **Involvement:** What has the candidate done previously in family, neighborhood, community, volunteer work, employment or public life to suggest readiness to accomplish challenging objectives? How do these activities demonstrate readiness for the challenges unique to the office sought?
 - **Effectiveness:** Has the candidate demonstrated promise of being productive in the office sought? Has the candidate shown the ability to work with other people?
 - **Character:** Do the candidate's personal traits show the ability to take on the responsibilities of campaigning for and holding the public office she or he is seeking? Is the candidate a leader, participant or observer? Is the candidate trustworthy, reliable and candid?
 - **Knowledge:** Has the candidate demonstrated the willingness and ability to learn and adapt? Does the candidate understand the duties and challenges of the office sought? Does the candidate have a firm grasp of the issues important to his or her constituency and their potential effects?
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1. In one page or less, why are you running for this office? (Note: the interview committee will be given a copy of this statement before your interview; at the beginning of your interview you will have the opportunity to expand on this statement in any way you wish.)

I am running for the Supreme Court because we need experienced and distinguished judges who can make a difference on our highest court.

The people of Washington State deserve Supreme Court Justices who can work together. My colleagues twice elected me Presiding Judge for Pierce County. I oversee the second-largest trial court in the State with a budget of nearly \$14 million.

I believe the Supreme Court is a place to ensure public safety and to resolve disputes, not to expound personal philosophy. With more than 30 year's experience helping people with their personal and legal difficulties, I have the legal scholarship to correctly apply the law. With this experience, I have come to know and understand people's problems and I share their concerns.

I want Washington to be a safe place for families and a prosperous place for jobs and business. I grew up in Washington. I met a payroll for 19 years before becoming a judge. It has been rewarding to help people through difficult times as a judge and as a lawyer and I would be honored to build on this, my life's work, as a Supreme Court Justice.

2. Describe your most important personal characteristics or traits as they relate to the office you seek.

I believe that I have demonstrated the personal qualities necessary to be an excellent Supreme Court Justice.

Legal scholarship is important to correctly developing and applying the law. But with experience one learns that more than legal scholarship is required. Good judgment and an understanding and empathy for the human condition are essential to the task. Also required is thoughtful consideration of the practical implications of how the rule of law announced by the court will impact the people and the trial courts. For the decisions of any court are made for flesh and blood people for whom the outcome will often have profound and lasting effect. I have done just this as a judge and lawyer for more than 30 years.

A Justice should also, of course, be diligent and patient in performing their tasks and - most importantly in the Supreme Court - persuading their colleagues. To be an effective Supreme Court Justice means to be an effective member of a group that has to work together on every matter presented to it. This takes courtesy, civility, leadership and patience. I have demonstrated this by twice being elected by my colleagues Presiding Judge for Pierce County Superior Court and by carrying out the important responsibilities that go with it.

To assure the public confidence in the integrity of the entire judiciary, members of the Supreme Court must act to maintain the highest ethical standards.

3. Please describe, in sufficient detail, one to three accomplishments or contributions of which you are most proud. These examples should illustrate skills and capabilities you think apply to the office you are seeking. These accomplishments may have occurred at any time in your personal, professional, or public life.

A. During my time in private practice, a new associate lawyer had a couple in to discuss a Will. When they arrived, both were upset. The wife related that she had been recently x-rayed as part of the testing to assess her injury sustained in a minor traffic accident. She reported to her physician that she thought she was pregnant but a pregnancy test was negative. Later, it was learned that she had been pregnant after all. The doctor was recommending an abortion due to a risk of birth defects. The new lawyer asked me what to do.

I suspected the physician of acting precipitously in fear of a malpractice claim. I learned that it was early enough in the pregnancy that there was no danger to postpone the already-scheduled abortion procedure. My colleague and I sought out specialized medical advice on the subject and the radiation exposure and the risk of birth defect was minimal. The clients determined to proceed with the pregnancy and they were elated at the birth of their healthy boy.

Making the right judgment had to do with keeping foremost what was most important: the best interest of the client. Whether a valid claim of malpractice could have been made out would have been of little value in the circumstances. The answer was not, strictly speaking, a legal one. But a human solution and not a legal one was what the client needed.

B. While I was never employed in the public defender or assigned counsel's office, I regularly did work for them when they had an ethical conflict or for some reason a need to assign a case to private counsel outside their office. Around Christmas 1993, a crim gang member was on trial for the Hilltop shooting death of a man who had given a ride to two women. LaShonda Miller was a cocaine addict being held in jail on a

probation violation. She was three-months pregnant. She was also being held as a material witness in the murder case. Because she and several other witnesses refused to testify, she was going to be held in contempt of court. I was appointed to represent her.

Ms. Miller had been threatened and assaulted by “friends” of the defendant. Not only had her life been threatened, but so had the life of her mother and daughter. Because she was already in jail on the probation violation, the Court had little leverage to pressure her to testify.

When I met with LaShonda, she did not want to have anything to do with me; she refused to shake my hand. The judge wanted to remove the probation violation sanction so that her continued stay in jail at Christmas would be only for so long as she did not testify. While this might have appeared to have been what she wanted and would have been a temptation to her, it did not address the serious problem of what her life would be if she returned immediately to the street.

After much conversation, I gained LaShonda’s trust. She DID want to testify. She thought it the right thing to do but she was understandably worried about the consequences. Regrettably, neither then nor now does Washington State have anything comparable to the federal witness protection program

With the cooperation of the prosecutor’s office, we worked out an arrangement whereby LaShonda would remain on probation but have her sentence again suspended on condition that she be admitted to and successfully complete an inpatient drug treatment program located far from Tacoma. She remained in jail after testifying until a placement could be found for her.

Ms. Miller’s testimony provided the only direct evidence of the defendant’s involvement in the murder. A conviction was obtained.

As for LaShonda: she had her baby while still in treatment. For a time, I facilitated communication between her and family members as she remained in a confidential location. I lost contact with her after about two years but at that time she remained drug free.

Facilitating communication required patience and good listening. One who is empathetic, caring, interested and friendly is one to whom others can and want to communicate. These qualities served me well as I represented Ms. Miller.

- C. Other successes: the election in 1996; improvements to processing of family cases reducing the time to resolution in contested custody cases; being elected and re-elected Presiding Judge by my colleagues; successfully dealing with difficult budget issues.

4. Please list or describe current and past activities in the community in which you have acquired skills that relate to the office you seek. Include your role in the activity and the year(s) in which you were involved. Involvement consists of many areas such as family, neighborhood, community, employment, or public life.

Degrees: Bachelor of Arts – University of Washington, 1974; Business Administration Degree, Finance emphasis. Juris Doctor – University of Puget Sound School of Law, (now Seattle University), 1977.

Work Experience: During high school, college and law school, I worked during summer months and, occasionally, part-time during school. During law school, I worked as a legal intern for private attorney. I also worked part-time for the Weyerhaeuser Company. I worked through Manpower, Inc. at several local businesses during summer months doing bookkeeping. While attending the University of Washington I worked two summers as an assembly line worker at Nalley's Fine Foods.

Legal Experience: I was self-employed in the general practice of law from 1977 to January 1997. In those 19 years, I had my office in Pierce County but I appeared in courtrooms in many other counties: Kitsap, King, Thurston, Lewis, Grays Harbor and Clark. I did all phases of legal work: interviewing clients and witnesses; preparing for trial; doing legal research; and, trials and appeals of both civil and criminal cases. I supervised and trained office personnel while managing my law business.

Presiding Judge, Pierce County Superior Court. In November 1996 I won election to the Pierce County Superior Court, position 4 and commenced my duties as a Superior Court Judge on January 13, 1997. I was re-elected in 2000, 2004 and 2008. I am serving my 14th year as a Superior Court Judge.

As a Superior Court Judge I have been asked to preside over or to decide a wide variety of legal proceedings and disputes. I have also been active in administrative duties for the court. Most significantly, in 2002, my colleagues elected me to the court's five-member Executive Committee. I was made Assistant Presiding Judge in 2003 and continued in that role until I was elected to a two-year term to serve as the court's Presiding Judge for 2009-10. Earlier this year, I was re-elected to serve as Presiding Judge through 2012. Pierce County Superior Court is the second-largest trial court in the State of Washington.

5. Please describe the duties of the office you seek. Which are the most important duties and why?

The Washington Supreme Court is the highest appellate court of the State of Washington. Cases are most likely to be accepted by the court for review if there are legal issues that are novel or for which there is little precedent or if it appears that the Court of Appeals wrongly decided the legal issue involved.

In resolving the cases that are accepted for review, the Supreme Court is expounding the law to the lower courts, and particularly, to the superior courts. For it is in the trial courts that the vast majority of legal decisions affecting the people of the State of Washington are made.

To do the Court's work, the Justices must be diligent in reviewing petitions for discretionary review and to learn about and decide the cases they do review. That is, they must select wisely the cases they review. They must select and manage employees to help carry out the work. They need outstanding legal research and analysis skills to find the pertinent law and reach a correct resolution of the case. They must have excellent writing, listening and communication ability: a) to reason with their colleagues to the correct conclusion; and, b) to issue a decision that is understandable, practical and effective to promote the welfare of the people of the State of Washington.