

King County Democrats Central Committee Judicial Candidates Questionnaire

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|-------------------------|---------------|-------------------------|-----------------------------|
| Name | Doug Schafer | Position Sought | State Supreme Court, Pos. 4 |
| Campaign Address | P.O. Box 1134 | Campaign Manager | Self (and Webmaster=self) |
| City | Tacoma | Phone Number | 253-383-2167 |
| State | WA | Fax Number | 253-752-7220 |
| Zip Code | 98401-1134 | E-mail Address | doug@doug4justice.org |
| Precinct | | Web Page | http://www.doug4justice.org |

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| Incumbent (yes or no)? | no | COMMITTEE RECOMMENDATION <i>(Leave Blank - For Committee Use Only)</i> |
| Present Position | Self employed lawyer | |

| WHAT RATINGS HAVE YOU RECEIVED? | | | |
|--|------------------|----------------------------------|--------------------|
| Martindale-Hubbell | B V (1988) | Northwest Indian Bar Association | |
| King County Bar Association | Not qualified | Hispanic Bar Association | |
| Washington Women's Lawyers | | Asian Bar Association | |
| Loren Miller Bar Association | | Korean Bar Association | |
| Lesbian and Gay Bar Association | sought | Municipal League | |
| NARAL | Endorsed in 2000 | Women's Political Caucus | (I forget -- 2000) |

| PLEASE ANSWER THE FOLLOWING QUESTIONS. | | | |
|---|------|-------------------------------|--|
| Law School & **Undergraduate Schools Attended - Degrees Awarded | | | Year of Graduation & Degree |
| Seattle U. (formerly U. of Puget Sound) Law School | | | 1978, JD (with Honors) |
| U. of Washington | | | 1971, BA (recreation admin.) |
| Hours of Pro Bono performed during last five (5) years: | | | Countless and uncounted. |
| Type of Pro Bono: | | | Public interest causes |
| Have you ever been a prosecutor for any government entity? If "yes", where and for how long? | | | |
| no | | | |
| Have you ever defended a person accused of a crime? If "yes", where and how many cases? | | | |
| no | | | |
| Have you ever served as an Arbitrator or Mediator? If "yes", where and how many times? | | | |
| no | | | |
| How many times have you participated as an attorney in: | | | |
| Superior Court jury trials | none | Federal District Court trials | none |
| Arguments in Court of Appeals | 3 | Arguments in Supreme Court | one |
| Municipal Court | none | District Court | none |

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| Have there ever been any claims made against you or your malpractice carrier? If "yes" please attach explanation. |
| none |

List any complaints you have received through any Bar Association, Judicial Conduct Committee or Board, or private insurance carrier. (Attach on a separate sheet of paper.) *Several State Bar complaints, all since 1996 (none before), were dismissed as unfounded, but one nationally visible disciplinary case is pending at the state supreme court. It's well-covered in L.A. Times cover story June 10, 2000. See <http://www.DougSchafer.com>*

**PLEASE ANSWER THE FOLLOWING QUESTIONS IN 50 WORDS OR LESS
(USE AN ADDITIONAL SHEET OF PAPER IF NECESSARY)**

1. What is your strongest area of legal expertise?

I'm a quick study who dives very deeply into subjects and details, and who questions everything. When I was with small-to-medium sized firms (including Seattle's Graham & Dunn), I was sometimes described as a "Renaissance lawyer," for my expertise included tax, corporate/banking/securities, employee benefits, general business, and estate planning. As a solo the last 13 years, I formed several banks, waged a public company proxy contest (vs. First Mutual Bank, Bellevue, and Bogle & Gates), battled with Dept of Labor to change national ESOP policies, lobbied (as a public citizen) legislature and judiciary effectively to significantly change guardianship laws and practices, prodded Commission on Judicial Conduct to change some rules and practices, exposed a corrupt Superior Court judge, and represented many folks in routine estate planning and estate settlements. I chose not to be a trial lawyer or trial judge, nor to I seek to be a Court of Appeals judge (ruling mostly on matters of trial procedure). But I aspire to make the kind of contribution to the State Supreme Court that Justice Doliver made (and he, lacking trial lawyer experience, was considered "not qualified" by state and local bars when Gov. Evans appointed him).

2. What suggestions do you have for improving court system funding?

Consider bold moves to pare the cost of civil litigation for both litigants and the taxpayers. Consider efficiently using technology to reduce judicial personnel and fixed costs. Courts need stable and adequate funding. I don't know enough yet to offer good suggestions. Brainstorming: since the gross revenue received by the state's licensed lawyers correlates closely to utilization of the state's court system, perhaps levy a B&O tax surcharge on lawyers and law firms to fund the courts. The Organized Bar certainly would object, but who else would? Sure the levy might get indirectly passed on to clients, but those who most use lawyers would be the ones primarily funding the court system.

3. What suggestions do you have for increasing access to the judicial system?

I distinguish between accessing "legal advice" and accessing the court system, the latter of which requires lawyers, except that paralegal-type work (e.g., routine dissolutions, bankruptcies, probates) should be permitted by lower cost freelance nonlawyers. Citizens should be permitted to obtain "legal advice" from whoever they choose to get it from, with consumer protection laws requiring truthful disclosure of providers' credentials and licenses. The Organized Bar (with its self-serving guild mentality) appears unaware (because nearly all the Bar leaders are trial lawyers) that there already are many, many subjects about which businesses and individuals already get sound legal advice from nonlawyer providers. Every regulated industry has many nonlawyer consultants. Real estate, employee benefits, and investment professional give sound legal advice routinely. Insurance agents and financial planners do as well.

To the extent "access to the judicial system" means civil litigation, I suggest both adequately funded legal aid programs and pro bono incentives for lawyers (e.g., praise and CLE credit). I also suggest bold experiments of nontraditional pre-trial rules (e.g. "lay down the cards" discovery) and nontraditional tribunals to resolve modest disputes more quickly and cheaply.

4. What actions have you taken in the last five years on issues related to access issues?

Nothing comes to mind. I have personally answered my office phone for years, freely dispensing "radio talk show lawyer" advice, so I've contributed in that small way to "access."

5. If a sitting Judge, what committees have you been appointed to and what are the significant accomplishments of those committees or yourself?

N/A

6. Have you reviewed the proposed Definition of the Practice of Law, proposed GR 22 - Do you have comments? Would you be in favor of regulated non-lawyer practice to assist those in need in less complex matters? Please explain.

See Question 3, above. (The Supreme Court adopted it as GR 24 on 9/1/2001). I strongly support responsible non-lawyers selling law-related advisory and document preparation services, and I have doubts about just how much government regulation of that is needed. See, for example, for financial planners RCW 21.20.040(4) and WAC 460-24A-040 and --050(3) (waiving investment advisor examinations for credentialed persons). The Organized Bar "protected" the public from "unethical" discount lawyers until the U.S. Supreme Court declared their minimum fee schedules lawless in 1975, and protected the public from "unethical" lawyers who advertised until that court declared the prohibition unconstitutional in 1977. The U.S. Dept. of Justice brought an antitrust action against the ABA in the late 1970's. The Organized Bar's financial self-interest in its Practice of Law Rule project is much too obvious, but it is upholding its long-standing traditions.

7. Have you been appointed as a guardian, GAL or *Special Master? If "yes", please give the details?

Please see my website at <http://www.doug4justice.org>, most particularly the content under the heading "Doug's Past Guardianship Projects." I've never been a guardian or Special Master, but (in order to get an inside view of guardianship system problems) I took the training and was on the Pierce County Title 11 GAL registry from 1996 to mid-1998. I was appointed GAL in about a half-dozen guardian-petition cases. I dropped off that registry, not wishing to focus my career on that type of a practice. I had become immersed in the guardianship world in 1995 because I saw such profound problems that so many lawyers and judges were ignoring. Things have improved considerably, thanks to dedicated efforts of many others, as well.

8. What are your staffing philosophies?

Doug Schafer, Candidate for State Supreme Ct. #4

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| <p>I have no staff. I don't really understand the question. Don't hire staff that you don't need. Treat staff with respect and professionalism. Follow contemporary human resource "best practices," and comply with all employment laws. Keep the office free of sex and religion.</p> | | | |
| <p>9. What is the fundraising goal for your campaign? How much have you raised to date?</p> | | | |
| <p>I believe I can deliver my message by means of no-cost or low-cost vehicles (forums, voters pamphlets, websites, TVW, talk shows, etc.) I have not raised any funds, nor have I sought to, nor have I spent much (under \$100). If funds are donated, I might run small ads in target population newspapers (e.g., seniors, youth) or radio spots in non-urban areas.</p> <p>If society truly desires an independent judiciary, it will make low-cost judicial electioneering possible. You should read the briefly filed in the U.S. Supreme Court's 2002 "gag rule" case (Repub. Prty v. Kelly/White) that documents the virtual buying of judicial posts by special interests in MI, TX, MO, and ID in recent years. It was authored by Prof. John Echeverria of Georgetown Environmental Law and Policy Institute. It is posted at http://www.law.georgetown.edu/gelpi/sjselect/index.html</p> | | | |
| <p>10. If you are a candidate in a contested primary race, what record of performance, ability, experience, personal qualities, and positions on issues distinguish you from your opponent(s)?</p> | | | |
| <p>Please see my websites at: http://www.doug4justice.org and http://www.EvergreenEthics.com and http://www.DougSchafer.com . I care about other people -- always have, always will. I know how to instigate changes. I have the personal courage to act boldly when I know that I am right. I have the integrity to do what's right even when it hurts (myself or others) or will exact a high personal toll. I will be a maverick when I must, a team player when appropriate, and sometimes a team leader (defacto or dejure). Please compare my public initiatives and accomplishments of the last seven years to those of Justice Johnson for the seven years before he was elected in 1990. He's a nice guy and an okay justice, but I hold more promise to shape the legal profession and judicial systems to best serve the citizens of our state and country.</p> | | | |
| <p>11. If you do not win the primary, is there any reason that you could not support your primary opponent(s) in the general election? Please explain.</p> | | | |
| <p>No reason. My hope is that during the course of my campaign, I will persuade Justice Johnson to take a leadership role in implementing the changes that I am seeking, should he be re-elected. I will work with him and anyone else who shares my vision, that is not original to me, but is urged in the writings of many law professors, such as Stanford Law Prof. Deborah Rhode, "In the Interests of Justice: Reforming the Legal Profession." (Oxford Univ. Press, 2000).</p> | | | |
| <p>PLEASE ATTACH THE FOLLOWING:</p> | | | |
| 1. | Your current resume. | attached | |
| 2. | A list of organizational and personal endorsements you have received in this race. | See below. | |
| 3. | A list of all elected and appointed positions you have sought or held in any political organization or in the federal, state or municipal government. (Include elected offices held, election contests in which you were a candidate, party offices held, campaigns in which you served as a volunteer, and political memberships.) | NONE | |
| 4. | A list of all judicial candidates you have openly endorsed or supported in the last five years. | See below. | |
| 5. | Current and past memberships in any clubs or organizations, including unions. | See below. | |
| Signature | <i>Doug Schafer</i> | Date | Aug 7, 2002 |

Attachment items:

#2: I filed (without prior public announcement) only 7 business days ago. I don't plan an endorsement-gathering campaign. NARAL endorsed me in 2000, and I expect it again will. I did not respond to SEAMEC's questionnaire in 2000, but I will this year (and believe it will positively rate me).

#4: As a non-courthouse lawyer, I never used to endorse judicial candidates, for all were strangers to me. I did endorse Court of Appeals (Div. II) Judge Art Wang (who I knew slightly) in 2000, and Pierce County Superior Frank Cuthbertson (whose wife I knew, and I'd met him) in 2001. I wrote Tacoma lawyer Henry Haas (who'd helped on local guardianship issues) a letter of endorsement when he ran for Superior Court judge in about 1999, but his team considered me too controversial to list with his endorsers (he lost).

#5: Current: Tacoma Kiwanis Club, Totem Folkdancers Club, ACLU, AARP, WSBA, ABA. Past: American Red Cross (Chapter board member), Tacoma Estate Planning Council (Pres. In '85-'86), The

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Mountaineers (Tacoma Branch, Pres. in about '85), Crystal Mt. Ski Patrol (active 20+ years), Forelaufers Ski Lodge Club, Tacoma Club (in '80s), local bar association. [end]