

**2024 Pierce County Democrats Endorsement Questionnaire
-Judicial Races-**

Candidate Name: John M. Cummings

Position sought: Pierce County Superior Court, Department 4

Date submitted: 3/12/24

For judicial endorsements, the Pierce County Democratic Central Committee (PCDCC) seeks to endorse well-qualified candidates with the education, experience, ability, and temperament to reach just decisions in the cases brought before them, who will also work to make the justice system more understandable, accessible, and equitable for all. The Endorsements Committee screens candidates and then makes endorsement recommendations to the PCDCC.

The PCDCC may withdraw endorsement of any judicial candidate if they determine the candidate has acted in conflict with the answers provided during the screening process or it determines the candidate has violated the letter or the spirit of the Code of Judicial Conduct or the Rules of Professional Conduct.

*You may respond N/A (not applicable) if appropriate. Expand or decrease space as needed.

Questions

1. Why are you running for this position?

I'm running for Pierce County Superior Court Judge to pair my passion for serving our community with my unmatched breadth of legal experience. Our society is facing serious challenges to the rule of law. We must ensure that everyone in our community feels that the Justice System is doing its job to uphold their rights to liberty and security. That's why it's so important for Judges to have demonstrated their values not just in their legal work, but also in the community. As Judge, I promise to serve as a fair and impartial jurist with an unwavering commitment to Justice.

2. What are your qualifications for seeking this office, and what was the nature of your legal background and experience?

Judges must have balanced legal experience, expert knowledge of the law, and a record of demonstrating their values in our community. I'm an expert civil litigator, pro tem Judge, and longtime Deputy Prosecuting Attorney. I've prosecuted some of the most heinous murders with the most vulnerable victims, including cases of child trafficking and sexual assault and have over 100 jury trials under my belt. I've been rated "Exceptionally Well Qualified" – the highest rating – by several WA bar associations. My depth of trial experience in both civil and criminal law is unmatched and uniquely qualifies me to serve as Superior Court Judge. Lastly, I've been active in our community in both legal and private spheres: I have set up name-change clinics to help transgender youth, actively organized for Justice both politically and civically, and volunteered with non-profits like the Oasis Youth Center and Tacoma Rainbow Center. My service demonstrates my commitment to equity and justice, and shows the character and values that I bring to the Superior Court bench. I speak Spanish conversationally and regularly use that skill to welcome community members to the courtroom and ensure understanding.

3. If your past legal practice emphasized one area of law, how will you prepare to decide other disputes?

I have extensive experience in both civil and criminal law. I have represented employers and employees and conducted independent employment investigations which require an impartial approach. I have represented tenants and landlords, small and large businesses, construction companies and homeowners, subcontractors and general contractors. My unique breadth of experience is essential to both my knowledge of the law and the ability to hear cases fairly and impartially.

4. What are the most important issues for the jurisdiction you would serve or for the court you seek to join?

The most important issue facing the Pierce County Superior Court is access to justice. Far too many people are unable to afford an attorney, and our system, including the bench, the Department of Assigned Counsel (Public Defenders), and even the Prosecutor's Office are overburdened. Every case deserves the full attention of the parties involved, and every person deserves to have their voice heard.

5. Why should the Pierce County Democratic Party support you for this position?

I am uniquely qualified for this position and have demonstrated my values in our community, as explained in my answer to Question 2 and elsewhere in my answers here.

6. Please list your key endorsements:

I am currently reaching out to organizations for their endorsement but none have yet made a decision in this race. Elected officials who have already endorsed my campaign include: Washington State Supreme Court Justices Charles Johnson, Barbara Madsen, Raquel Montoya-Lewis, Susan Owens, Debra Stephens, Helen Whitener, and Mary Yu; twelve Pierce County District and Superior Court Judges; Congresswoman Marilyn Strickland; Speaker Laurie Jinkins, Pierce County Councilmembers Marty Campbell, Robyn Denson, Jani Hitchen, and Ryan Mello; Every member of the Tacoma City Council: Tacoma Mayor Victoria Woodards and Councilmembers Joe Bushnell, Olgy Diaz, John Hines, Sarah Rumbaugh, Jamika Scott, Catherine Ushka, Kristina Walker, and Kiara Daniels; and many more local-level elected officials, attorneys, and community leaders: john4judge.com/endorsements.

7. Provide ratings from any Bar Associations, either in this election or a prior one.

Loren Miller – Exceptionally Well Qualified
Joint Asian Bar – Exceptionally Well Qualified.
Queer Lawyers Association of Washington – Exceptionally Well Qualified.
Latina/o Bar Association of Washington – Well Qualified.

8. Has any professional or disciplinary body made a finding that you violated any rule or code of judicial or professional conduct? If so, please provide a full explanation.

None.

9. To what Bar groups or sections do you belong now or have belonged to in the past?

Washington State Bar Association
Tacoma-Pierce County Bar Association (Trustee 2020-2022)
Queer Lawyers Association of Washington
Robert J. Bryan American Inns of Court Inn of Court
Pierce County Prosecuting Attorney's Guild

10. How have you supported pro bono or low-cost legal services?

I have taken cases pro bono and at significantly discounted rates in order to help provide legal assistance to those who otherwise wouldn't have been able to afford an attorney. I also coordinate a pro bono Name Change clinic that is in its second year and is very successful.

11. Do you have a judicial philosophy? If so, please describe:

As a prosecutor, I listened deeply and prepared each matter to the fullest. As a civil litigator, my research is impeccable and my legal knowledge broad. As a judicial officer, I am effective, intelligent, and fair. As a Superior Court Judge, I will ensure that all people are heard; I will share the truth of my lived experience; and I will critically examine my actions and attitudes to remove barriers to justice.

12. How is being a judge different than being an attorney?

Judges are entrusted with significant authority over both the conduct of the courtroom, overseeing the rules of evidence, and in sentencing. As such, Judges, must have the legal and lived experience to see cases from different angles and to administer justice equitably, ensuring that every person is treated with respect and has their voice heard. They must also be able to learn quickly, optimize efficiently, and hear lived experiences that are different than their own. I have proven track record of being able to do that.

IF ELECTED TO THIS POSITION.....

13. How would you educate and inform the public about your court and the justice system?

Educating people about the court system has been central to my career I coached mock trial for eight years, preparing young litigators to help clients. I mentor three young people who have been or are going to law school. I volunteer for Law Day to educate young people about the system. My legal clinic always features a training for youth on how to appear in and participate in court; this helps them know how to pursue their rights and decreases the intimidation that may otherwise be a barrier to their pursuit of Justice. As a judge I will continue and expand this work by using the network I have built in our community to seek input from people whose lived experiences are different from mine, listen to key stakeholders throughout the system, and explore new and real solutions to improve access to Justice.

14. What would you do to provide greater access to the civil judicial system, regardless of economic status?

Judges serve a crucial role in enhancing equal access to justice. Judges can encourage people to attend law school, serve as mentors to ensure their success, and refuse to tolerate behavior in their courtroom which reinforces systemic bias. We must encourage jurors, staff, and attorneys to notice their own implicit biases. We must assess which litigants – or groups of litigants – are struggling to secure counsel. Judges set the rules of procedure, and we can examine whether rules inadvertently exclude certain communities. We control who speaks in court, who sits as a juror, and how the court rules are implemented. Most importantly, judges set an example for other legal professionals by modeling difficult conversations and sitting with discomfort – skills that are essential to the Work of Diversity, Equity, Inclusion, Belonging, and Justice.

15. Do you believe the judicial system produces different results for different demographics? If so, what would you do to remedy that problem?

Yes, I don't believe this is a subject for debate as the data demonstrates this discrepancy plainly. As Judge, I will be committed to collecting data about my cases and rulings that will enable me to conduct this kind of self-reflection. I intend to center DEI in every conversation about court policy or procedure. I intend to develop an equity checklist and equity lens for my Department. I intend to regularly seek the input of the Tacoma-Pierce County Minority Bar Association on how my department can be more equitable, diverse, and inclusive. At the same time, I will take personal responsibility to this Work by educating myself about DEI, rather than waiting for a marginalized community member to teach me.

16. Do you believe there is a problem with the way legal financial obligations (LFOs) or other costs and fines are currently imposed upon criminal defendants? If so, what would you do to remedy that problem?

Yes. Remediating this problem is threefold. First, judges need to be open to understanding that the courts and lawyers have been evolving on this issue for years, so there are likely LFOs that need to be revisited which have already been imposed and which are creating a barrier for some folks to become productive community members while also failing to bring in revenue - a lose-lose for everyone. Recently LFO clinic efforts are admirable, and I support them. Second, I am committed to carefully reviewing legal financial obligations when I impose them to ensure we are accomplishing the goals of Justice when imposing LFOs. Finally, we need to educate community leaders and stakeholders to understand that systems which rely too heavily on defendants to fund the Courts do not typically produce safe communities and explore more sustainable models for reducing the chances that a defendant will reoffend and return to the Court System.

17. Do you support or oppose alternatives to criminal prosecution, such as drug courts, mental health courts, diversion programs, etc.? What changes would you make, if any?

I support them. The data shows that these programs produce safer communities, improve outcomes for defendants, and are less costly to the court and overall system. I have worked closely with judges who have pioneered courts such as this and observed case staffing sessions in which the parties prepare for a defendant to appear before them. Frankly, these systems are miraculous: they often produce an environment in which all parties are working together to protect the community. I look forward to supporting these courts and helping to optimize their implementation on our Superior Court.

18. How would you approach any caseload or court congestion issues?

The Pierce County Superior Court has a significant backlog that is contributing to the problem of access to justice. Without a reliable and efficient court system, the cost of hiring an attorney increases, as does the personal, professional, and financial burden on individuals interacting with the court. Although the backlog is decreasing, with the retirement of 4 of our most experienced Judges this year it is essential that we elect candidates with the requisite legal experience and knowledge of the law to step seamlessly into this role in order to continue making progress. I have the experience to fill that gap without causing bottlenecks which may plague a judicial officer whose experience was not as broad as mine. I have optimized every work environment in which I have worked, and I look forward to using that skill as a Judge.

19. Is there anything else you would like to share with the Committee?

I have volunteered alongside many of you on ballot measures and for candidates who we have mutually supported. Although the Judicial Canons of Ethics require that I no longer participate in partisan politics or weigh in on policy issues, I believe that my past involvement in causes championing equity and justice for all clearly all demonstrate the values that I bring to public service.