

Board of Okanogan County Commissioners
Monday, December 13, 2021 PM

JD—Jim DeTro, BOCC, District 3
AH—Andy Hover, BOCC vice-chair, District 1
CB—Chris Branch, BOCC chair, District 2
LJ—Lalena Johns-clerk to the Commissioners
TE—Tanya Everett—Human Resources
CC—Chancey Crowell, Candidate for District Court Judge
TE—Ted Reinbold, Candidate for District Court Judge
KB—Katherine Burke, Candidate for District Court Judge

These notes were taken by an Okanogan County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized or paraphrased. Note takers comments or clarifications are in italics. These notes are published at <https://www.countywatch.org/> and are not the official county record of the meeting. For officially approved minutes, which are normally published at a later time, see <https://okanogancounty.org/Commissioners/Minutes%202014/March%204,%202014.htm>

The time stamps refer to the times on the AV Capture archive of the meeting on this date at <https://okanogancounty.org/avcapture.html> To locate items in real time, the clock on the wall in the AV Capture screen can be helpful.

Summary of significant discussions:

BOCC interviews three candidates for District Court Judge, Chancey Crowell, Ted Reinbold and Katherine Burke. They tell them they'll decide by end of the day, but after the Executive Session, they announce they've delayed the decision by a day. Also, the BOCC briefly discuss how the redistricting of their districts will happen. JD says that in the past, the adjustments were made where all three districts converge.

1:03:40—Chatting with CC, the first candidate for the position of District Court Judge. JD hasn't returned from the lunch break yet.

1:08:10—CB starts the meeting. Explains the procedure to CC. TE will ask questions of all three candidates so they'll be asked in a consistent manner. Because everyone sent in such complete applications, there will be only eight questions.

TE—CC and I aren't wearing masks because we're far enough apart.

CB—JD will be along shortly, but we'll proceed.

CC—I've known JD since I was a boy, so maybe it's better he's not here (joking).

TE— We have reviewed your application and supporting materials. Please describe what you believe to be the key qualities for this position and how your experience has prepared you for this appointment.

CC—The judge needs to know civil and criminal law. There are more civil cases coming to District Court than there are now. District Court has strict and finite discovery rules, but the trend is to restrict Superior Courts' discovery.

CC—The judge needs judicial demeanor and knowledge of how to apply the facts and then to come to a just result. (JD enters the hearing room.) I've been a presiding judge in East Wenatchee Municipal Court. Unlike Municipal Courts in Okanogan County, in East Wenatchee, the job is full time and I've done criminal court and protection orders. Treat people with respect and courtesy but sometimes you have to

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shut it down to make sure it's heard fairly. I have the ability to handle all situations. I've done budgets for 13 years in East Wenatchee so I think I'll be able to do the budget here. Approximately 12.5 years. I've participated in every part of the judicial system that would make me a good judge for here.

CC—I'm interested in being a District Judge here. Not looking to move on for a bigger job. Not interested in being a Superior Court Judge. If I'm appointed and if I'm reelected, I could serve 9 more years until I run up against the age limit to be a judge. Then I'll go back to practicing law somewhere.

TE—What are the three most important values you demonstrate as a leader? How will your leadership style complement the administration of the District Court?

CC—Calmness, courtesy, respect are the values you need. I've gotten along well with my staff for 12 years. Only a little turnover in the staff.

TE—Tell us about a time when it was important to encourage the open expression of ideas and opinions. How did you do this? How did you make it "safe" to present controversial or unpopular opinions?

CC—Quite frankly, I haven't had this happen in 12 years because we're good at communicating among ourselves. If it happened, I'd speak in private to the person with the problem first, and get the parties together if necessary and talk to them. In court, there are controversial arguments all the time, but as a judge, I have control and know what the facts are, so it's just listening to an argument. With personnel, it's different. But I've gotten along well with my staff always. One semi-troublesome person. I talked to him and there haven't been any problems since.

TE—There are times when you will be placed under extreme pressure on the job. How do you deal with such pressures?

CC—Frankly, at this point in my life, there's nothing that's going to happen in District Court that's going to put me under pressure because I've done it so much. I usually know more about the law than the young attorneys that appear before me. I can make a decision and stick with a decision. And so far, I've never had a decision overturned.

TE—Describe the process or methodology that you use when you are making decisions.

CC—Most decisions we make are either preliminary rulings about whether we should dismiss the case. You read the briefs, you hear the facts and argument. Decide what facts are relevant, what laws are relevant to the issues and reach a decision based on what you believe to be a fair and just result.

TE—What actions have you taken in the last year to maintain your technical competence in the operation of your practice?

CC—Not currently in practice, but I'm still a member of the bar association, both as a judge and attorney. Required to have a minimum of 15 hours of continuing legal education or continuing judicial education. I've exceeded it every year. I'm not a joiner but I'm a member of the association for District Court Judges. They have seminars I go to, but not in-person these days. I get about 20-30 hours each year, and I get updates. Things change. For example, rules for who gets fined have changed due to US Supreme Court rulings and also Washington Supreme Court rulings. Those are things you have to keep up with.

TE—What important trends do you see in the criminal justice system?

CC—I'll try to be politically correct. With new changes and with misguided attempts by the state legislature to reform the police, with Covid and restrictions the legislature put on police, case filings in

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my court in East Wenatchee and also in Chelan & Douglas Counties, the trends in criminal justice system is to treat everybody softly. I don't agree, but the law's the law. In District Court, the maximum sentence is 364 days and I've only done that once in my career. Fines and assessments are going by the wayside. That will continue. I see prosecutors who don't want to prosecute or amend charges.

CC—Another trend—I've seen young attorneys who aren't trained very well. In my day, there were a lot of mentors who trained new attorneys. But that doesn't happen much anymore. They don't know how to make a motion, for example. I hope this will change.

CC—Another trend—In the next ten years, the District Court will be much more civil cases. Most of what District Courts did was criminal, but I've done lots of civil court. As an aside, criminal law is easier than civil. There's a finite set of rules, but civil law has more rules.

TE—Do you have any questions?

CC—Do you have any idea when you'll make a decision? My only question because I know all about how to do the job.

CB—I hope to do it today.

TE—If they make the decision today, I'll call everybody today.

CC—I appreciate your time.

TE—The next candidate will be here in 30 minutes, so I'm going back to my office.

AH—I'll go talk to the Undersheriff about some negotiations.

CB—Recess until 2:15?

JD—Perfect.

2:00:00—Chatting with TR until interview begins.

2:07:05—CB—It's 2:30, so we'll begin the next interview. Explains the procedure to TR, which is the same as it was for CC.

TE—We have reviewed your application and supporting materials. Please describe what you believe to be the key qualities for this position and how your experience has prepared you for this appointment.

TR—The answer is corny, but true. Henry Rawson (Okanogan County Superior Court Judge) came to my high school class when he was to be a District Court Judge and I knew that was the job I've always wanted. It's the area where you see the most people and an impact on the most peoples' lives. I'm good at that. 1000s of cases a year and from the judicial standpoint, you're not making law but implementing it. I've lived in Okanogan County my whole life and I know the community. The ability to reach a person is different than in other communities.

TR—I spent my whole career working within systems. I don't want to be an advocate and hold a position that I'd have to hold to forever. I want to look for the right answer in a calm and collected way within the system. The way to benefit people is by knowing the law, using it well and keeping the calendar running. It's by having your staff like you and the people in the court room like you. It's by being a good member of your community. Judges Rawson and Culp do a good job at that. Of the three candidates, we're all successful lawyers and know the law, but I know the system and Okanogan County. Plus, I'm electable, so you won't have to retrain another guy soon.

TE—What are the three most important values you demonstrate as a leader? How will your leadership style complement the administration of the District Court?

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TR—I'm a good listener. I like to come to conclusions with the people around me. The job isn't to come up with a new idea, it's to solve a problem. It's good to get input from everyone involved and be able to see the situation so you don't set off on a tangent.

TR—Also, I have the ability to be forceful when necessary. I grew up in a family of lawyers and they're louder than I am. I can get listened to if I have to.

TR—In law, there's a term—splitting the baby. Judges want to compromise, and I like to compromise. But I also know when it's important to come to a conclusion for those involved.

TE—Tell us about a time when it was important to encourage the open expression of ideas and opinions. How did you do this? How did you make it “safe” to present controversial or unpopular opinions?

TR—I tell people they're not going to get in trouble for making a mistake. You'll get in trouble for hiding the mistake. It's so true in the law—mistakes made all the time. If you can encourage the mentality of “if you come back, we can fix it”, that goes a long way to getting things right. Sometimes the judge has to say where the fault was made and how to move forward. Judge isn't a political position at all, but I've got lots of friends on every side of the political divide because I want to know where we are. That comes from listening to everyone. We get stronger by hearing all the information.

TE—There are times when you will be placed under extreme pressure on the job. How do you deal with such pressures?

TR—I didn't apply for this job when it was open eight years ago because I was going through divorce with a two year old daughter. Since then, I'm great friends with my ex-wife, we co-parent, I've gotten remarried, live next door to my parents. They do child care. I have the best support system known to man. Thankful for it, so it really helps with pressure. I'm prepared to take on this job.

TR—My current job involves working with foster children for the Tribe. Some cases have ended well, but some end badly, tragically. I've learned it's important to have people to talk to and also learned sometimes you need to put the job down and go live your life.

TE—Describe the process or methodology that you use when you are making decisions.

TR—The judicial answer is look at the facts and the law and apply the law to the facts, but it's really more complex. I didn't like family law cases because when it comes to divorce, everybody's losing. There's lawyer's fees, maybe cutting the household income in half, moving children around, etc. When I did do these cases, I took them when people realized this was true. The judge needs to get people to see in District Court that this is a bad situation and how do we reach a conclusion that's the best we can. Some judges don't see this. They get angry or need to prove a point. In making decision, need to realize you're working with real people, working within the law, but if you apply the human-centric process, you can come to a better outcome.

TE—What actions have you taken in the last year to maintain your technical competence in the operation of your practice?

TR—I was in family law for 11 years, and then moved to a new job with the Tribe two years ago. I had to take the Tribal bar, had to learn a completely new setup. Learned to work with a completely new different group of people. I'm a quick learner and a quick study. I'll hit the ground running, learn the new job and be happy to do it.

TE—What important trends do you see in the criminal justice system?

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TR—Technology. The people in the court systems have to communicate with each other—prosecutor and defense need to communicate with the court, clerks too. Electronic filing system planned by Washington State, but the Federal system have already been doing this for a long time. It’s going to be something we have to do.

TE—Do you have any questions?

TR—When will the decision be made?

JD—Probably today.

TE—I’ll phone people today if they make a decision this afternoon.

TR—Anything else I can tell you?

CB—All the applications were so complete, so there’s nothing more.

2:29:50—TE—3:30 is your next interview. (One hour away)

CB—We could review minutes.

JD—I move to approve minutes from Nov. 29 and 30, and Dec. 6, 7 and 8. Motion passes 3-0.

JD—We could have an executive session, but we need Dave (Gecas, Deputy Pros. Atty).

LJ—He’s on his way.

AH—How about vouchers?

BOCC approves:

- payroll voucher for >\$482,000,
- Public Health voucher for \$32,735.45,
- Tonasket EMS District voucher for November payment to Lifeline of \$16,200
- Oroville EMS District voucher for the November payment to Lifeline of \$9,680.

Dave Gecas arrives. BOCC goes into executive session for ten minutes to discuss potential litigation.

2:51:10—LJ—Cari (Hall, County Auditor) sent a reminder about redistricting.

CB—Our redistricting.

BOCC discuss redistricting

3:08:05—TE and CB explain the interview procedure.

CB—Would you like to introduce yourself?

KB—I’m Katherine Burke, Prosecuting Attorney for Ferry County. Native of Okanogan County. I’m hear to hopefully persuade you into being your next District Court Judge.

TE—We have reviewed your application and supporting materials. Please describe what you believe to be the key qualities for this position and how your experience has prepared you for this appointment.

KB—Key quality for any judicial position is patience. Mostly dealing with adversarial process, emotions can run high. Keep a level head, be patient with everyone because that will foster an easier process for everyone. My experience as prosecutor has prepared me for that. Contentious cases and contentious defendants and attorneys. So instead of rising to the bait, you have to take a step back. In the end that serves everyone better. I also have to be patient in my dealings with witnesses, even law enforcement witnesses. People aren’t always available when I want, but we have to work around their schedules. Also recalcitrant witnesses. Have to see things from their perspective.

KB—Another key quality is knowledge. You don’t have to know every single law, but helpful to have core fundamental of how District Court works. I’ve been both a defense attorney and prosecutor. And in Ferry County, I’ve done both Superior and District Court.

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KB—And there’s humility. As a public servant, I have to serve litigants, the parties, the public. So you have to put aside personal feelings and be willing to admit when you’re wrong. I don’t think I’ll never make a mistake.

TE—What are the three most important values you demonstrate as a leader? How will your leadership style complement the administration of the District Court?

KB—Lead by example. So be willing to take risks. You’re going to sometimes be in a situation you’re not familiar or comfortable with, so you have to put yourself out there.

KB—Be patient as a leader. That ties into being a supervisor. Sometimes the job is high pressure and people make mistakes. So you have to be patient. Every employer needs to be patient and realize staff has a life outside the job.

KB—Humility ties in with the previous question. It’s a good quality in a leader.

TE—Tell us about a time when it was important to encourage the open expression of ideas and opinions. How did you do this? How did you make it “safe” to present controversial or unpopular opinions?

KB—In Ferry County, I helped to start a therapeutic drug court. Superior Court is based in Stevens County and they weren’t interested, so we based it in District Court. Very successful for a number of years, but laws changed and the way our grant funding was tied to implementation of providing suboxone, basically replacement therapy. Our team was torn over the issue, and people in leadership had strong opinions. Conflicting opinions from other people. People were afraid to speak up. In the end, as a leader should, I put my opinion out there even though I knew it wouldn’t be popular. After it calmed down, I approached the other member and said we need to have a discussion about this. We’re a team. If others are intimidated, then we’re not being effective. So that’s one example of taking a risk.

TE—There are times when you will be placed under extreme pressure on the job. How do you deal with such pressures?

KB—First, take a deep breath and figure out what’s causing the pressure. Then form a plan of attack. For me, most pressure comes from something that needs to be done. The sooner it gets done, the pressure is going to go away.

KB—Also, look at the big picture. Very rarely does one single decision dictate the outcome of the rest of your day, the rest of your week, the rest of your life. Put it in perspective. Part of doing that is looking at what other things I have. Work is important but it’s not the be all and end all. There are things like work/home life balance. That’s part of looking at the big picture.

TE—Describe the process or methodology that you use when you are making decisions.

KB—Figure out what decisions need to be made. Who are the stakeholders? Talk to who you need to talk to. Is it a decision you can make on your own? Do you need to talk to your staff? If it’s just me making the decision, I’ll look at the controlling authority—the laws, the case rules, case precedents. I have no problem asking others if I can’t find the answer I’m looking for.

TE—What actions have you taken in the last year to maintain your technical competence in the operation of your practice?

KB—Continuing Legal Education. I attend multiple CLE programs. How to proceed in times of Covid. It used to be a big deal to hold hearings using the phone, but not now. Questions of using remote testimony. I’ve also done Coroner training, which I wouldn’t have to do if I get this job. Also training in mediation. In adversarial processes, it helps if you know how to talk to people.

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TE—What important trends do you see in the criminal justice system?

KB—Biggest trend, and it's worrying, there seems to be a lack of respect for Law Enforcement and for governments and the judiciary in general. Stems from politics and media all playing off of each other. In the end, it has the effect of delegitimizing the court system. Part of it is Covid. If you're not being forced to show up at court anymore, but you can do it at the McDonald's pick-up window (which I've seen) the court loses a little bit of its oomph. But it's not just the courts. It's law enforcement, the lack of respect we see. Part of that comes from recent state legislation. People don't have to pull over anymore if there's no immediate probable cause. That's worrisome to me. I don't know the answer. I work closely with law enforcement so we all agree what the law is and how it's being interpreted.

TE—Do you have any questions?

KB—When do you want the new person to start?

TE—January 4th.

CB—And we'll decide today.

TE—If I get selected, I'll have to be replaced in Ferry County.

KB—Any more questions for me? I've got lots of recommendations. Also I urge you to talk to people in and around the Court House here in Okanogan County.

TE—I'll be making phone calls this afternoon, so you should hear today.

3:33:55—TE—do you want an Executive Session to discuss the candidates?

CB—Yes. Executive Session for 15minutes with TE to discuss the candidates.

CB & DT return. After several minutes, AH returns with someone with whom he's discussing census data.

LJ—I'll send the BOCC the ordinance that was approved at the last boundary point adjustments.

AH—Does the census data go down to the precinct level?

Other person—Yes.

JD—It's right at the top of the hill. All the districts converge at the school (next to the Granger Building) and that's where adjustments are usually made.

AH—We'll make a decision about the new District Court Judge tomorrow morning?

CB—It's whatever you decide. It's all yours.

Adjourn.