

From: **Lisa Daugaard**

Date: Sat, Mar 23, 2019 at 1:37 PM

Subject: judicial conduct complaint about Ed McKenna's use of individual cases to promote self/political/policy positions?

To: Christie Hedman, Ann Benson, Hillary Behrman, Anita Khandelwal, Hurley, Katherine Hurley, Gordon Hill, Christine Jackson, Rick, Lichtenstadter

Cc: Dave Prachi

WDA and DPD friends,*

I'm shocked and alarmed at the shenanigans Ed McKenna is engaged in over in Municipal Court. He has arranged ahead of time with KOMO reporters on multiple occasions for them to be in the courtroom before he sentenced defendants (this has happened at least two times, maybe more). Makes it seem like he had a predetermined plan before allocution, among other problems.

The reporter, Matt Markovich, told me directly with respect to the sentencing of Francisco Calderon that he was called by McKenna. With respect to the guy this week, [James Lamping](#), who received the "creative sentence" or whatever McKenna called it, I am guessing it was the same. KOMO knew to be in the courtroom with cameras for McKenna to impose a huge jail term and then stay it to compel him to do drug treatment. (Side note: why do this rather than a suspended sentence but as a publicity stunt? Not sure what the difference is except that the term to be imposed is already fixed.)

Finally, EM apparently stepped down from the bench for an hour in the middle of the court session to talk privately with Ari Hoffman, Council candidate in D2. Heard that from an assistant City Attorney.

I suspect there may be judicial ethics issues about EM's political organizing work in which he goes around town saying untrue things about policy and practice, misrepresenting the efficacy of court programs, and generally advocating for a general approach to crime that might cause reasonable people to question his impartiality in individual cases. But it seems to me there is *no question* he is over the line when he (1) meets with a candidate in the courthouse during the court session; (2) uses individual cases to send a message; and (3) calls reporters in advance of allocution because he has already determined he is going to send a message. Seems like there are appearance of

fairness and impartiality issues, as well as functional denial of allocution (if you've already decided what you're going to do, what is the point of the defendant speaking?)

Can someone explore and, if well-founded, make, a judicial ethics complaint? I'd rather that it not be PDA, as EM is already going around town attacking me by name as a threat to public order, but there are those of you who would be expected to object to this. Maybe the City Attorney could join?

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*WDA = Washington Defender Association, a private advocacy organization

DPD = The King County Department of Public Defense, a government agency that provides lawyers for indigent clients in criminal cases, including misdemeanor cases before the Seattle Municipal Court

-Editor