

King County Democrats 2024 Endorsement Questionnaire

Candidate name
David Keenan
Candidate name pronunciation
key-nun
Candidate pronouns
he/him
Campaign Filer_Name
Retain Judge Keenan
Campaign email
judgetavidkeenan@gmail.com
Campaign phone
(206) 391-0002
Number we can text or call if we have questions about this form
(206) 391-0002
Campaign website
https://judgekeenan.com/
Campaign Facebook page
https://www.facebook.com/JudgeDavidKeenan?mibextid=dGKdO6
LinkedIn
https://www.linkedin.com/in/davidskeenan/
Instagram
https://www.instagram.com/davidshanekeenan?igsh=cmxwbDI3bmswdnRz&utm_source=qr
X/Twitter
https://twitter.com/JudgeDaveKeenan
Link to candidate headshot
https://twitter.com/JudgeDaveKeenan/photo
Campaign manager name
David Keena
Campaign manager email
judgetavidkeenan@gmail.com
Campaign manager phone
(206) 391-0002
What type of position are you running for?
King County Superior Court
What position are you running for?
King County Superior Court, Position 26
Does your campaign have a code of conduct for staff and volunteers?
No

List your Bar and legal association ratings.

Pending.

How does your lived experience inform your understanding of justice?

I keep a 1968 newspaper article documenting a hearing in King County Juvenile Court and it reads: "A 17-year old girl, four months pregnant, wept during her entire court hearing." The 17-year old is my mother. By 1982, it was me appearing in King County Juvenile Court. And though I only recently met my father, one of the first things I learned about him is that he was also convicted in King County Superior Court. My lived experience includes growing up with my mother, paying rent with a Section 8 housing voucher and (barely) covering food and expenses with a welfare check and food stamps. I grew up around domestic violence and dropped out of Garfield High School. Though I faced many challenges, I know that being a white cisgender male made things easier for me. Being raised in poverty around violence and the criminal legal system informs my discretion as a judge and reminds me that people are more than the worst thing they have ever done. Knowing the advantages my race gives me reminds me how crucial reform is to address the under-resourcing and over-incarceration of BIPOC communities, members of our LGBTQ+ community, and those living with disabilities.

What role do you see for the judiciary in addressing injustices from the criminal justice system?

Judges should be active in addressing injustices in the civil, criminal, and foster care legal systems. First, the Code of Judicial Conduct allows and encourages judges to engage with community and work for equal access to justice. Judges should work on legislation to provide more alternatives to pretrial incarceration, conviction, and post-conviction incarceration. I have served on the Superior Court Judges' Association Legislative Committee and currently serve on the Washington Supreme Court Minority and Justice Commission Rules and Legislation Committee. I have worked on legislation and testified in the Legislature in every legislative session since becoming a judge in 2017, especially in the areas of juvenile criminal legal system reform, civil legal aid, legal financial obligations, and second-look legislation. In addition, judges should work to change court rules to provide great access to justice. I chair the Washington Supreme Court Access to Justice Board's Rules Committee where we work to change and add court rules to increase access to the civil legal system for low-income communities.

How do you balance adherence to precedents against changes in society?

While judges must consider controlling precedent in their decision-making, the context of that precedent matters, particularly to the extent that the precedent relied on discretion. Black, Indigenous, and other communities of color, along with members of our LGBTQ+ community, women, and those living with disabilities have historically been excluded from the mechanisms that select judges, from the legal system in general, and from the judiciary, and this means that, for example, the bulk of U.S. and Washington Supreme Court decisions were issued entirely by white cisgender men. When those past decisions by white cisgender men are applied to perpetuate current harm against marginalized communities, it is useful to question just how valid those precedents are. I have personally reviewed and taught about Washington Supreme Court decisions discriminating against members of the Black, AAPI, disabled, and LGBTQ+ communities, and some of those cases have not been expressly overruled. Conversely, where historically marginalized communities have come to rely on hard-fought precedents to vindicate their important rights, those precedents ought not lightly be set aside.

How will you make sure racial, sexual, gender, and other implicit and explicit forms of discrimination are not responsible for guilty pleas or excessive sentences in criminal cases in your jurisdiction?

I think judges sometimes forget that RCW 9.94A.4321 requires that the judge "shall determine if the [plea] agreement is consistent with the interests of justice and with the prosecuting standards." In other words, judges are not rubber stamps. This, to me, is the difference between access to process and access to justice. Judges should play a meaningful role in scrutinizing plea agreements and ensuring that those charged with violations of law are heard, understood, and have a meaningful say in the outcome of their cases. Similarly, though many proposed sentences are agreed recommendations, again, judges are not bound by those recommendations and should independently assess the case using their discretion. Finally, one of the best ways to reduce bias in guilty pleas and sentencing is to change laws. The criminal legal system works as designed in perpetuating bias. There are simply very few alternatives to guilty pleas, and if there were more pre-filing and post-filing diversion alternatives, for example, we might have fewer guilty pleas. If we had more deferred disposition and post-conviction incarceration alternatives, we might have less incarceration.

How will you ensure people have equal access to the law, considering the prohibitive cost of civil litigation?

Civil legal aid for low-income communities has probably been the issued I've worked on most as an attorney and judge. As an attorney, I served as board president at Northwest Justice Project—Washington's largest civil legal aid provider, and on the board of TeamChild, which provides civil legal aid to vulnerable youth. Now, I serve on the Supreme Court's Access to Justice Board, which helps coordinate the delivery of civil legal aid throughout Washington. As an attorney and now judge, I work to help find resources to support the numerous civil legal aid providers in Washington Alliance for Equal Justice to help ensure that money is not a barrier to addressing civil legal problems in, for example, accessing public benefits, employment, credit, housing, and healthcare.

What public interest work have you done in the last five years?

Access to Justice Board; board member.
Washington Supreme Court Disability Justice Task Force; member.
Washington Supreme Court's Minority & Justice Commission Rules and Legislation Committee.
Current board member at Choose 180, which works to keep primarily youth of color out of the criminal legal system.
American Bar Association; member of Judges' Advisory Committee to the ABA Standing Committee on Ethics and Professional Responsibility; former Judicial Division Liaison to the Council on Diversity in Education
National Association of Women Judges Ensuring Racial Equity Committee.

Administrative Office of the Courts Anti-Racism Trainings Task Force.
Washington State Bar Association Diversity, Equity, and Inclusion Council Pathways Into the Profession Subcommittee.
Washington Superior Court Judges' Association Unrepresented Litigants Working Group.
King County Superior Court Diversity, Equity, and Inclusion Committee.
Current member of the King County Bar Association Anti-racism and Equity Committee.
Current member of the King County Bar Association Rev. Dr. Martin Luther King, Jr. Luncheon Committee.
Racial Justice Institute Fellow at the Shriver Center on Poverty Law.

As a member of the legal profession, what accomplishments are you most proud of?

As a judge, I think I am most proud of the anti-racism work I have been able to do with my colleagues and community. After George Floyd's murder, the Washington Supreme Court courageously issued a letter reminding judges that our work has devalued Black lives. I went on to serve as the first sitting judge to be a Racial Justice Institute Fellow at the Shriver Center on Poverty Law, have presented individually and with colleagues on institutional racism and truth and reconciliation in the courts to the Berkeley Judicial Institute, the Washington State Bar Association, the Federal Bar Association, and the King County Bar Association. In 2021, 2022, and 2023, I presented to all of the incoming students at the University of Washington School of Law on the topics of interpersonal, institutional, and structural racism in the law. I'm proud of this work because I hope that I and my colleagues are helping address the lasting effects of racism in legal systems and building a diverse pipeline to and within the profession.

What conditions compel you to sentence below the minimum standard?

This is an important question and points to an important conversation about sentencing laws. Thus far, the sentencing statutes and case law generally prohibit judges from broadly addressing the lasting effects of, for example, racism when considering whether there are substantial and compelling reasons legally justifying a departure below the minimum sentencing range. In some ways, I think the question posed here is perhaps the wrong question. Again, the system works as designed; by statute and case law, the range of things a judge can legally consider in a below-range departure is fairly limited. What judges and the Legislature should look at (and this is the subject of much work in the last few years, yet still no statutory changes) is whether the sentencing grid and the current determinate sentencing regime is consistently producing justice.

Fines and fees present an obstacle for many people seeking justice. How can you address that issue?

Apart from civil legal aid, this is the issue I work on most as a judge. I served on the Supreme Court Minority and Justice Commission Legal Financial Obligations Consortium, attended the National Conference of State Legislatures' Fines and Fees Policy Learning Consortium, and attended PolicyLink's Cities and Counties for Fine and Fee Justice bootcamp. I have worked on legal financial obligation legislation in nearly every legislative session as a judge, and for example helped draft House Bill 1412 addressing restitution interest, and helped this session on House Bill 5974 addressing juvenile restitution. Judges can also work on court rules in this area, and so for example I helped draft and implement General Rule 39 helping to simplify the process to seek remission of legal financial obligations.

CERTIFICATION: The candidate hereby certifies that, to the best of their knowledge, the provided information is true and accurate.

Yes