



Nikole Hecklinger <nikoleforjudge@gmail.com>

King County Superior Court | King County Superior Court, Position 23 | Nikole Hecklinger

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King County Democrats 2024 Endorsement Questionnaire

Candidate name

Nikole Hecklinger

Candidate pronouns

she/her

Campaign Filer_Name

People for Nikole Hecklinger

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What type of position are you running for?

King County Superior Court

What position are you running for?

King County Superior Court, Position 23

Does your campaign have a code of conduct for staff and volunteers?

No

List your Bar and legal association ratings.

JAJEC – Exceptionally Well Qualified; WWL, LBAW, LMBA – Well Qualified; KCBA, Cardozo – Qualified; QLaw – not currently performing judicial ratings

How does your lived experience inform your understanding of justice?

My whiteness has brought me more privilege than my identities that disadvantage me – a queer Jewish woman. I was a child of divorce and an absent father, but with grandparents who supported us. I was raised to treat all people with respect, dignity, and kindness, and the value of education and work. As a teen, I became involved in social justice causes. When my mom divorced my stepsisters' dad my senior year, I remember going to the lawyer's office with her and seeing how stressful it was. I went to UW for college, staying close to home, volunteering for the Disabled Student Union, and in legal aid, plus working. I became a domestic violence victim but left that relationship right before law school. I came out during law school and volunteered with a legal committee to fight discrimination. All this informed my decision to do public interest legal work. It makes me aware of systemic barriers and implicit biases and helps me remember that everyone who comes to the courts has their own lived experience. Most recently, I lost my mom to aggressive AML cancer. Supporting and advocating for her care also became part of my understanding of justice.

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

Courts have a central role in addressing injustices in the criminal legal system at all stages of legal proceedings. At the outset of cases, trial courts set bail and conditions of release. Judges must both listen to victims and follow the law, not popular opinion. It is vital for courts to provide adequate resources for charged people, guaranteeing their rights. Simultaneously, victims' rights must be honored. Delays caused by the legal process can harm both charged people and victims. For charged people, it includes the loss of liberty and the ability to defend themselves. For victims, it may mean ongoing traumatization and an inability to obtain closure. Judges need to understand implicit and systemic bias and how to address it in the courtroom and the court system. Judges also need to be willing to examine past injustices and be willing to reexamine rulings and precedents, such as in the sentencing of children, disabled and abused people, and racial disproportionality.

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

Though imperfect, precedent can be a valuable tool to ensure the law is applied fairly and consistently. There can, however, be conflicting precedents from different courts, and specific holdings may not make sense in different scenarios. Sometimes, following precedent has harmful impacts, which would not result in justice. There is a history of precedents involving slavery that have continued to be part of current case law, which is dehumanizing. When deciding what precedent applies in situations involving changes in society, it is important to examine other aspects of jurisprudence that address the overarching issues or the issues before the court. Ultimately, there must still be a rule of law in the case and not the personal preference of a judge. As a public defender, I fought for the recognition that youthfulness should be considered at sentencing. While my earliest efforts were not always successful, the Washington Supreme Court ultimately affirmed this change to precedent.

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 spent many years addressing these issues as a public defender and judicial officer. Incarcerated people are more likely to accept less favorable plea offers than charged people at liberty. BIPOC and immigrant individuals are more likely to be arrested, prosecuted, convicted, and incarcerated. As a judicial officer, I reflect on these realities as I handle plea and sentencing calendars. I review the plea paperwork with the charged person to ensure to the best of my ability that they understand their rights, the consequences of the plea, what they are accepting responsibility for, and that their plea is informed and voluntary. At sentencing, I explore what alternatives to jail are available and whether a case is eligible for deferral of sentence. I look for information that would help me be aware of any bias that may have resulted in the plea offer or sentencing recommendation. I will continue using the skills I have developed over the past 25 years while handling pleas and sentences. I have made plea bench cards – judicial guides – for my colleagues and will continue to work with my peers who do not have criminal practice experience to ensure they are aware of these issues.

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

My professional and volunteer work background has been with people who cannot afford the ever-increasing cost of litigation. Regardless, I committed to assisting each person to the best of my ability. I learned to work with people from varied backgrounds and levels of education. I aided people who had substance abuse disorders, behavioral and mental health issues, and other disabilities. This was essential training for my work as a judicial officer. I am conscientious about how I communicate with nonlawyers – explaining legal processes, rights, and requirements to them. I am patient and actively listen, and I have the ability to guide people to get the information needed with time considerations. I will continue

to actively work in the judicial community to support programs that aid the unrepresented while working to make the courts better prepared for the increase in unrepresented parties.

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

Working as a public defender for 25 years, until 2022, was the main public interest work I did during the first part of the past five years. As a court commissioner, I volunteered for the Charles V. Johnson Youth Law forum, National Adoption Day, the Color of Justice program, and other youth engagement opportunities at the court. I have done legislative consulting for a nonprofit organization, regularly volunteer at legal clinics, and provide pro tem judicial service. I regularly prepare and serve food to the unsheltered and food-insecure community. I have helped in the library and after-school program at an elementary school. I have also volunteered for community and for social causes and hosted international high school exchange students. I was recently invited to join the executive council of a community nonprofit organization.

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

I am most proud of my cumulative career in public defense, assisting thousands of people through some of the most stressful and daunting periods of their lives. Representing clients in criminal cases ranging from driving without a license to murder, representing parents and children in dependency, guardianship, and termination cases, representing detained people in civil commitment matters, and children in juvenile court. I include in this my assistance of people at volunteer legal clinics. Treating clients, their supporters, witnesses, victims, opposing counsel, and judges with dignity. Being mindful of everyone's humanity, having empathy, actively listening, and involving the individual in the decision-making process. This has earned me the endorsement of Justice Mary Yu and many King County judges.

What conditions compel you to sentence below the minimum standard?

For felonies, the Sentencing Reform Act (SRA), along with caselaw, provides the framework and standards for sentencing. The courts must be accountable to the public, ensuring that punishment is proportionate, promotes respect for the law, is proportional to similar sentences, protects the public, is a good use of public resources, and reduces the risk of reoffense. RCW 9.94A.010. The court may grant an exceptional sentence below the bottom of the sentencing range with mitigating circumstances. The SRA provides a nonexclusive list of those factors. RCW 9.94A.535. I would consider the facts presented in the case, mitigation information about the charged person, the victim's perspective, rehabilitative measures taken or reasonably available, and other information provided in deciding when that is appropriate.

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

The court in the case of Blazina and the legislature in RCW 10.01.160 together have provided significant authority to courts not to impose legal financial obligations on charged people who are indigent. In King County, it is rare for a judicial officer to impose fines or fees in criminal sentencing. The courts also have the authority to provide a waiver of costs for court-operated electronic home detention. In civil cases, the court has the authority to waive filing fees. The court can make a finding of indigency to waive the cost of initiating an appeal. The court can do more. Access to electronic court records involves a paywall, which is prohibitive to many. Providing free online record viewing would not only address the economic impact but would also improve transparency and align with the value of open courts.

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

Yes

Created on: April 26th, 2024