

# King County Democrats 2024 Endorsement Questionnaire

<b>Candidate name</b>
Salvador "Sal" Mungia
<b>Candidate name pronunciation</b>
Sal Mun-jee-uh
<b>Candidate pronouns</b>
He/Him/His
<b>Campaign Filer_Name</b>
Sal for Justice
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<b>Campaign phone</b>
(253) 209-3605
<b>Number we can text or call if we have questions about this form</b>
(253) 209-3605
<b>Campaign website</b>
<a href="https://www.salforjustice.com/">https://www.salforjustice.com/</a>
<b>Campaign Facebook page</b>
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<b>What type of position are you running for?</b>
Washington Supreme Court
<b>What position are you running for?</b>
Supreme Court, Justice Position 2
<b>Does your campaign have a code of conduct for staff and volunteers?</b>
No
<b>List your Bar and legal association ratings.</b>
Cardozo Society of Washington State: Exceptionally Well-Qualified Joint Asian Judicial Evaluation Committee: Exceptionally Well-Qualified Latina/o Bar Association of Washington: Exceptionally Well-Qualified Pierce County Minority Bar Association: Exceptionally Well-Qualified

Tacoma-Pierce County Bar Association: Exceptionally Well-Qualified  
Washington Women Lawyers: Exceptionally Well-Qualified  
Q Law of Washington: Well Qualified

### **How does your lived experience inform your understanding of justice?**

I was born and raised in Lakewood, Washington. My parents were working class immigrants; my father was a cook in the United States Army and, later, at Western State Hospital in Lakewood. My mother was a seamstress and worked in a fabric store. I attended law school at Georgetown University Law Center, graduating with honors in 1984, and in 1986 I joined the law firm of Gordon Thomas Honeywell in Tacoma. Coming from a working class family, I'm well aware of the way socioeconomic status impacts how one is treated within social systems. Economically we didn't have much when I was growing up, but what I did have was two parents who loved me, who cared about me, who sacrificed for me. This is how I feel my lived experience informs my understanding of justice: the reason I became an attorney: to help people with no power, no voice, no meaningful access to the legal system. Seeing my parents mistreated and discriminated against imprinted a desire in me to advocate for those treated unfairly and unlawfully, and solidified what I knew from a very early age — I want to advance justice for communities and constituencies like the one I came from.

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

Judges not only have the authority to advocate for improvements to the administration of justice, but also, in my opinion, the duty to do that. That duty includes advocating for improvements to the administration of justice as it affects those within the criminal justice system. The Washington Supreme Court has adopted Standards for Indigent Defense which is codified in Court rules. It recently asked the Council on Public Defense to recommend updates to those standards. Ensuring that public defenders' caseloads are not onerous so that those lawyers can provide competent representation to their clients is one example of the judiciary's role.

The judiciary, especially the State Supreme Court, can address injustices within the criminal justice system by promulgating rules that provide for greater diversity on juries. The Washington Supreme Court did that with the adoption of General Rule 37 which makes it more difficult to exclude people of color from serving on juries. More work needs to be done by getting the jury pools themselves to be representative of the people within the community.

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

Our society is one based upon the rule of law and one component of the rule of law is that precedent must be followed. It should be the rare circumstance where precedent is not followed. Stability and reliability are important in our society and judges should not change laws simply to put their views into place. That is the role of the legislature, not the judiciary. It is difficult to state a general rule of when precedent should not be followed. Each case and scenario is case specific. However, where precedent was based upon racist, sexist, agist, homophobic, ableism, etc. beliefs, then those decisions' precedential values are diminished from other cases.

### **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?**

In my opinion, only someone without a good understanding of both explicit and implicit biases would ever say that they could ensure that those biases would not play a part of convictions or excessive sentences in the criminal justice system. The majority of our society have biases – especially implicit bias. (Anyone who has ever taken, or at least is familiar with, Harvard's Implicit Association Test knows that to be true.) Our judicial system has taken steps to try to reduce bias affecting the justice system. We now show a video to new prospective jurors talking about explicit and implicit bias. Jurors are instructed during trial to watch for their biases. Taking steps (such as GR 37) to increase the diversity of juries helps to produce juries that decide cases with a reduced amount of bias. Continuous training about bias for judges (which again the courts have been doing) will help reduce the amount of bias affecting the legal system. I was one of the six-member committee that drafted and proposed General Rule 37 to the Washington Supreme Court. If elected, I will continue my work of reducing the effect of bias within the justice system.

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

As with the last question, no one can ensure that all people will have access to the civil legal system. While that is certainly the goal, that goal is still far away. The current battle is to increase access to the justice system.

Increasing access to the civil justice system has been one of my core values during my legal career. I have served on non-profits that raise money for civil legal aid, I have spoken to attorneys about our professional duty to provide free representation to those who can't afford an attorney, and I have lobbied our state legislature and to our state's congressional delegation about increasing funding for civil legal aid. I have represented people on a pro bono basis who could not afford an attorney. I plan on continuing my efforts to increase access to the legal system if I win a seat on the Washington Supreme Court.

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

For the past year I have been representing the ACLU in a lawsuit against King County involving King County's failure to abide by settlement terms it agreed to years earlier. In an earlier lawsuit King County agreed to ensure that it would operate the King County jail according to certain standards. It breached that agreement. As a result of the lawsuit, King County has come into compliance with the majority of those requirements but is still out of compliance as to some others. Trial in this matter will be in December of this year.

From 2020 to 2022 I served on the Core Coordinating Team for "Heal the Heart of Tacoma." I was appointed by the Tacoma City Council to be a member of a group that had, as its goal, making Tacoma an anti-racist city.

From 2020 to 2022 I was a member of Treatment First Washington aka Washington Cares which examined alternatives to

incarcerating people in order to address substance abuse within our state.

From 2016 to 2022 I served on the Board of Directors of the Endowment for Equal Justice.

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

Likely first among the ones I am most proud of is my contribution as one of the six members of the committee that drafted, and proposed, General Rule 37. Our work took us five years before the Washington Supreme Court adopted the proposed rule. Since our state's enactment of GR 37, 14 states have adopted some version of the rule so it is having a national impact. As a result of GR 37, juries within our state are more diverse and judges and lawyers, since the adoption of the rule, have been more aware of how race and bias impact the legal system. Another accomplishment I am proud of is that I was one of ten co-sponsors of I-502 which legalized the use of recreational marijuana in our state. The ACLU-WA asked me to be one of the co-sponsors because of the advocacy I did while I was president of the Washington State Bar Association about decriminalizing recreational marijuana use. A third accomplishment I'm proud of was being one of the lead lawyers that represented the people incarcerated in the Pierce County jail in a class action lawsuit brought in federal district court. As a result of the litigation, Pierce County built a new jail and agreed to meet certain standards.

**One of the criteria for accepting a case is that it concerns a matter of substantial public importance. What issues meet that bar for you?**

Without serving on the Court this is difficult to answer – and the answer I give now may get modified with actual experience. But at least at this point in time, I would say that issues involving discrimination against historically marginalized groups would be a matter of substantial public interest. Consumer issues such as insurance coverage disputes and whether insurers are acting in good faith are matters of substantial public interest. The rights of those accused of violating criminal statutes is a matter of substantial public importance. Tort law, because it affects so many people, is a matter of substantial public importance.

**As a Supreme Court Justice, how will you decide when and how to change the law or create new law?**

The Washington Supreme Court, by definition, often creates new law whenever it issues an opinion. If it were already settled law then there would be reason for the Court to decide the case. But that new law is the result of the application of existing law (federal or state constitution or federal or state statutes) to a new factual scenario.

Again, judges don't get to change laws just because they don't agree with the law or don't think the law is a wise one. If a statute violates the federal or state constitution, then the Court must rule that the law is invalid because the federal or state constitution is superior to the statute. While in one sense that is creating new law by striking down an act passed by the legislature, in a broader sense it is maintaining existing law in that it is ensuring that the constitution prevails.

The state supreme court may, at times, change or create new law by overruling precedent – but that should only be done in exceptional circumstances as I outlined in an earlier response.

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

Yes

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