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Jurisdiction of Office: State Wide

Specific Office: Washington State Supreme Court Position No. 3

Are you a democrat: Non-partisan Office

Have you ever been a member of another political party? No

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

1. Please describe your background (education, employment, community and civic activity, union affiliation and political activity).

As for my education, I grew up in the working-class neighborhoods of Seattle and went to high school in Burien. I earned my bachelor's degree *magna cum laude* from the University of Notre Dame. I earned my law degree from Cornell Law School, where I served on the Cornell International Law Journal, the Public Interest Law Union, and the Latino/a Student Association.

I began my career in private practice for six years, first at an international law firm and then at a litigation boutique in my hometown of Seattle, litigating complex commercial and white-collar criminal defense matters. Heeding my call to public service, I then spent a decade as a federal civil rights lawyer at the U.S. Attorney's Office in Seattle ("DOJ"), where I founded the office's Civil Rights Program and investigated and/or litigated a wide variety of civil rights matters, defending the rights and freedoms of all persons. As discussed further below, I was the lead line attorney in the Seattle Police consent decree matter for eight years. In all, I actively litigated among the most complex and impactful cases in the region for 16 years.

As an attorney, I regularly volunteered at the King County Bar Association's Neighborhood Legal Clinic Program's Spanish Language Legal Clinic, where I later helped merge with the El Centro de La Raza clinic. I served on KCBA's Pro Bono Service Committee, was Chair of its Neighborhood Legal Clinic Program's Advisory Committee, and Chair of its Spanish Clinic Subcommittee. In 2016, President Obama nominated me to be a U.S. District Court Judge for the Western District of Washington, which expired and was returned to the President in January 2017 without U.S. Senate action.

In January 2018, Governor Jay Inslee appointed me to the King County Superior Court, where I presided over approximately four dozen trials in all types of criminal, civil, and domestic matters. I also served on leadership at the court, namely, a term as the Chief Judge of King County's Patricia H. Clark Children & Family Justice Center, and served on the Court's Executive, Budget, Rules, and History committees. In 2022, Governor Inslee appointed me to my present position on the Washington Court of Appeals, Division I, where I have authored over 200 opinions in all types of matters.

I remain active in the community. I am an Adjunct Professor of Law at the Seattle University School of Law, where I am teaching a course on Washington Constitutional Law, have taught a civil rights course, and supervised independent studies students and externs. Until recently, I was on faculty at the DOJ's National Advocacy Center, the Washington State Judicial Institute, and the Washington State Judicial College. Finally, I am currently the chairperson of the Washington Supreme Court's Interpreter and Language Access Commission, which ensures language justice in our courts, and am a Member of the Washington Commission on Judicial Conduct, which ensures that judges remain ethical.

While I myself have not been a member of a union, both my parents were proud members of unions all their careers, namely the Machinist union and the Washington Educational Association union. Their membership directly benefited my five siblings and

me by providing a solid, livable working-class salary to my family, so we could take advantage of all the opportunities this community offers.

I have not been engaged in political activity since I became a civil rights lawyer, and for the nearly nine years I have been a judge, because of the federal Hatch Act and our canons of judicial conduct, which largely prohibit political activities.

2. Please tell us about your proudest accomplishment either through your civic, public and/or community involvement?

I was, from its inception, the lead line attorney in the investigation, negotiations, and implementation of the “historic” consent decree involving the Seattle Police Department (SPD), which we found had engaged in a pattern of constitutional violations. Through groundbreaking developments in policy, training, and oversight mechanisms—while respecting labor rights, this case revolutionized the manner in which the City of Seattle oversees its officers’ use of force and non-biased policing practices. This process has and will continue to result in a safer, fairer Seattle. We saved lives from potential police violence.

For this work, and among the honors I received while at DOJ, I received the EOUSA Director’s Award for “extraordinary professional achievements and excellence,” among the highest awards given to the nationwide United States Attorney community; the Thomas C. Wales Performance Award, the highest award given at the Seattle U.S. Attorney’s Office; and the Assistant Attorney General for Civil Rights Division’s Distinguished Service Award, among the highest awards in that Division.

3. What injustices have you perceived, either within or outside the courtroom, and what was your response to those events?

There are many structural barriers to some people’s entry into our justice system. I enforced various federal laws requiring equal access to the judicial system itself. Specifically, my office reached agreements to improve the Snohomish and King County Superior Courts’ disability and interpreter programs, respectively. The agreement with King County resulted in over 400 persons, who were limited English proficient (LEP), receiving interpreter services (in a sample 18-month period) who otherwise would not have. Similarly, we investigated and identified obstacles to the deaf and hard-of-hearing’s participation in hearings in Snohomish County. We created policies and practices to ensure those important members of our community could fully participate. We then built off our experiences with those courts to make material amendments to the State’s general rules covering persons with disabilities (GR 33), and

to help develop model LEP policies. It was literally my career as a federal civil rights attorney to identify and correct such injustices in our system of justice.

Another injustice is the prohibitive cost of civil litigation. We must ensure that pro se individuals have the time and available resources to pursue their actions. We must have efficient courts that permit the parties to resolve their disputes expeditiously. Finally, we must advocate for additional funding for civil legal foundations. I can commit that I will continue to do so if elected as a justice.

Finally, outside the courtroom but still law-related, I believe that the events from Ferguson, Missouri (in 2014) to Minneapolis (in 2020) have shown that the most significant barrier to access to justice today may be the initial point of entry to the criminal judicial system: the misunderstandings, complexities, and injustices of some individual police encounters with racial minorities. I believe my years of experience and work with the SPD as a federal civil rights lawyer have given me unique insight into this barrier. I understand, in a visceral way, the perceptions and obstacles the police and diverse communities face in engaging in productive dialogue. As an attorney, I worked with both law enforcement and leading members of the affected communities to improve policy, training, and oversight mechanisms, which have made this initial point of contact in many ways more fair, safer for all involved, and ultimately more appropriate for the aspirations of our justice system. As a trial court judge and chief of the juvenile division, I continued to bring together, e.g., law enforcement, prosecutors, and juvenile justice advocates to continue that conversation, now at the earliest point of possible intervention. We saw remarkable reductions in detention and outcomes generally.

4. What will you do to restore faith in the integrity of the justice system?

I would answer this question in two ways. First, I would work to make our justice system more equitable to all persons, regardless of their race, ethnicity, color, national origin, gender, sexual orientation, or economic means. As a trial court judge, I supported alternatives to criminal prosecution, such as drug courts, mental health courts, diversion programs, and such alternatives. I was actively involved in expanding and crafting such alternatives when I was chief judge of the juvenile division of the King County Superior Court. I worked hard to ensure our Court deployed care teams with extraordinary experience and training and focused the full weight of the Court on the most serious cases or the most challenged juveniles who persistently reoffend, in a caring, comprehensive and scientific way, with results that were at times “miraculous” (as stated by one defense counsel), in terms of the number of kids detained, the protection of public safety, and the rehabilitation of the youth.

Referrals from law enforcement for juvenile crimes dropped 37% in 2020 as compared to 2016, and filings by the prosecutor were down a nearly identical margin. Admissions by judges to detention outpaced those drops, decreasing nearly 57% in 2020 as compared to 2016, without a hint of a systemic rise in subsequent referrals. In the third quarter of 2021, the average daily population of those under juvenile court jurisdiction dropped to 13.9 youth in a county of approximately 250,000 youth. To put this in context, this drop represents a 73% decrease since 2016 and at least an 88% decrease since 2000, when the Court took over juvenile probation, and over 215 kids stayed in detention each night. Of all racial groups, Black youth experienced the biggest drop in admissions, with 55% fewer admissions to detention in 2020 than in 2019. These are the kinds of changes the judiciary can bring by looking critically at their own processes and practices, while collaborating with all stakeholders.

Second, as a member of the Commission on Judicial Conduct, I would continue to ensure that our courts are the most ethical in the country. I will strive to ensure judicial independence, including being free from financial or other improper influence. This political season, there may be many questions about laws just passed. There will be many pressures for a candidate to make statements pledging or promising to rule in a certain way. Any candidate who does so, either implicitly or explicitly, may be violating their ethical duty to be open-minded, impartial, and fair. Similarly, we cannot make any statement that may affect pending or impending cases. I pledge to stay well inside that line. Whether people agree with any ultimate decision, in this way, faith will be restored that *our* State Supreme Court is ethical, even where other courts are not.

5. In cases involving “malicious harassment” or hate crimes, what are some of the issues in balancing free speech rights against the need to control offensive activity?

At the DOJ, I investigated and/or prosecuted a wide variety of civil rights matters, defending the rights and freedoms of all people to be free from discrimination, where hate crimes represent the outer extreme. There is a clear legal line between First Amendment rights, which I also fought to protect (for example, from police retaliation), and a “true threat.” As a judge, I have learned to apply that line even more clearly. Specifically, in prosecuting cases for felony harassment, the State must show the speaker acted with recklessness regarding the threat's threatening nature (i.e., knowing it would be threatening but ignoring that), not just that a reasonable person would view it as threatening. The two Rooseveltian rights to freedom from fear and the freedom to

speak are not remotely inconsistent. I'm the only person in the race who has applied and written on this type of analysis to real-world actual cases.

6. New technologies like AI and advances in practice are continually changing. How would you approach cases involving novel legal issues or emerging technologies?

I am currently the co-chairperson of the Washington Supreme Court's Interpreter and Language Access Commission, which was created to ensure language justice in our courts. This means developing policies, training, and accountability for courts to provide interpreter and translation services in our courts, so that a person, regardless of their national origin or English proficiency, can fully participate in our courts. There are many courts that are eager to replace human interpreters with AI translation services. My job as chair of that commission is to convene the various stakeholders: interpreters, court administrators, judges, lawyers, academics, and most importantly, the end user, i.e., the person who is limited English proficient, as my parents were. We break down novel issues into component parts, analyze them, discuss them collaboratively, and work towards our shared goal of open courts accessible to all, where technology is a tool, not the end goal.

7. A 2021 Gender Justice Study of Washington Courts found evidence of many gender inequities. How would you support a criminal justice system that rectifies these historical and systemic inequities?

As in racial and ethnic injustices, which often overlap in these cases, there are absolutely gender inequities in our justice system, which sadly reflect the inequities of our society. As a trial court judge, I took this challenge on one case at a time. When women were charged with crimes and given, for example, an alternative sentence, I worked with these women as complete human beings, who had pressures (such as child rearing or domestic violence trauma symptoms), which other defendants did not have. In my sentencing decisions, I was also cognizant and sensitized to the collateral consequences of convictions, particularly to families and other dependents. Our goal was to break cycles of violence and injustice.

Similarly, when I was chief of the juvenile division, we worked closely with community-based organizations, which provided services directly to girls that the court

could not. The outcomes were remarkable. During my time there, there were periods when we had zero girls in juvenile court detention in a county of 2.5 million people. I would love to take those concrete experiences statewide, particularly to counties that do not have the resources of King County.