

Kimberly A. Thulin
1754 Academy Road
Bellingham, WA 998226
(360) 961-4743
Thulin5@msn.com

July 29, 2021

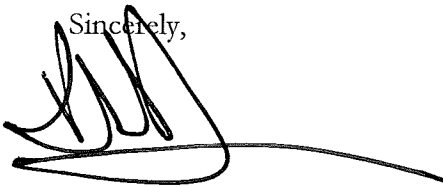
Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, WA 98225

Re: District Court Judicial Application

County Council,

Thank you for your consideration of my application materials for Whatcom County District Court Judge. After much consideration, I have decided to withdraw my request to be appointed to the position of Whatcom County District Court Judge.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly A. Thulin', with a long horizontal flourish extending to the right.

Kimberly A. Thulin

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



RECEIVED
JUN 25 2021
WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

APPLICATION FOR APPOINTMENT AS WHATCOM COUNTY DISTRICT COURT JUDGE TO FILL VACANCY

Name: Kimberly Thulin

Street/Mailing Address: _____

City/State: _____ Code: _____

Day Telephone: _____ Evening Telephone: _____

Fax Number: _____ E-mail Address: _____

A. Qualifications: Per RCW 3.34.060, to be eligible to serve as a district court judge, a person must:

1. Be a registered voter of the district court district and electoral district, if any; and
2. Be a lawyer admitted to practice law in the state of Washington.

Are you a registered voter of Whatcom County? (X) Yes () No

Are you a lawyer admitted to practice law in the state of Washington? (X) Yes () No

B. Resume: A resume up to two (single-sided) pages in length may be attached to address the following:

- Occupation (if retired, please indicate occupation prior to retirement).
- Professional/Community Activities.
- Education.
- Qualifications related to the position of Whatcom County District Court Judge.

C. References:

- Please provide three letters of reference.

D. Questions: No more than two sheets of paper (single-sided) may be attached to address the following:

1. Describe why you are interested in serving as Whatcom County District Court Judge. In narrative fashion, relate your qualifications to this position.
2. Do you intend to run for the office of District Court Judge in the next general election (see RCW 3.34.100, RCW 29A.24.050, 1973 AGO No. 76, and 1975 AGO No. 73 for meaning of "next general election" in this instance)?

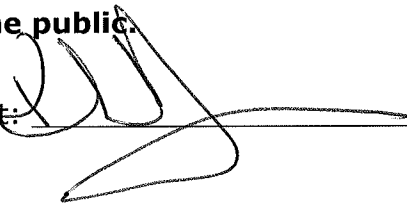
3. Are you currently, or have you in the past been an employee, agent, consultant, or officer of any business or agency (including the field of law enforcement or corrections) that is currently or in the future potentially seeking to establish a business relationship with Whatcom County? If so, please explain.
4. Have you ever had a sustained complaint against you by the State Bar Association (Office of Disciplinary Counsel) or the Commission on Judicial Conduct? If so, please explain.

E. Essay: Please describe your familiarity with the current problems, litigation, rules, regulations, and policies of the Whatcom County District Court Office. Provide a one-page (single-side) summary of your top three concerns regarding the above issues.

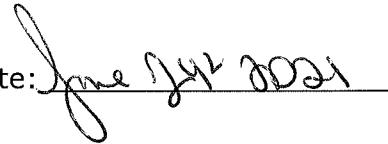
F. Certification: I certify that this application and any other submitted materials contain no misrepresentations or falsifications and that the information given by me is true and complete. I hereby authorize Whatcom County to verify or supplement information given by me in this application and any other submitted materials. I hereby release any and all of my employers or references from any liability or claim that I might have as a result of disclosure of information. I further understand that should investigation at any time disclose any misrepresentation or falsification, I may be disqualified from appointment to the office of Whatcom County District Court Judge.

As a candidate for appointment as District Court Judge to fill the vacancy, I understand the above information and any other materials submitted with this application will be available to the County Council, County Executive, any County department, and the public.

Signature of applicant:



Date:



Applications must be submitted to the Clerk of the Whatcom County Council by 4:00 p.m. on June 28, 2021

Your application may be no more than thirteen single-sided pages total, composed of the following maximum number of pages (all single-sided).

Application	2 pages
Resume	2 pages
Reference Letters	6 pages
Question Responses	2 pages
Essay	1 page

Professional Experience

SENIOR APPELLATE DEPUTY PROSECUTOR

Whatcom County Prosecutor's Office • Bellingham, WA • 2001- Present

- Represent the State of Washington, Whatcom County in felony, misdemeanor criminal appeals and collateral attacks filed in Whatcom County Superior Court, Division One of the Courts of Appeals and State Supreme Court; responsibilities require research, brief writing, presentation of oral argument; and
- Manage all criminal appeals arising out of Whatcom County District Court; and
- Provide legal advice and in-house training to trial deputies; and
- Washington Association of Prosecuting Attorneys State Appellate Committee member.

1999-2000 LAW Advocates, Attorney. Represented victims of domestic violence in dissolution, child custody and paternity proceedings.

2001 Whatcom County Prosecutor's Office, Special Deputy Prosecutor. Represented the State Division of Child Support and wrote contract briefs for criminal appeals.

1996 Skagit Valley Community College, Constitutional Law Instructor.

1991-1999 Skagit County Prosecutor's Office, Deputy Prosecutor, Special Assistant Attorney General.

- Represented the Washington State Division of Child Support in modification, dissolution, and civil proceedings in Skagit and Whatcom Counties (1996-1999).
- Trial deputy in District, Juvenile, and Superior Court; responsible for review of criminal referrals, training/advising law enforcement officers and agencies, represented the County in behavioral health hearings, and the State in criminal trials and motion hearings (1992-1999).

Education

2002 National District Attorneys Association

- Intensive Appellate Advocacy Training Program

1998 University of Washington Law School Foundation

- Certified in Professional Mediation Skills

1991 Willamette University, School of Law Juris Doctorate

- Client Counseling Competition Winner and Moot Court

1988 University of Washington B.A. Psychology

Community Leadership

2018 Co-presenter on 'Ethics and the Appellate Lawyer,' Washington State Prosecuting Attorneys Appellate Conference, Leavenworth, Washington.

2015-2017 President, Squalicum High School Band Booster Club, Bellingham.

2013-2016 Chair, Squalicum Boys Tennis Parent Athletic Activities Club, Bellingham.

2014, 2015 Judge, Future Business Leaders of America, Northwest Region of Washington State.

2005-2007 President, Vice-President, Parkview Elementary Parent Teacher Association, Bellingham.

1995-1996 Board Member, Whatcom County Crisis Services, Bellingham.

June 21, 2021

Members, Whatcom County Council
County Courthouse
311 Grand Avenue, Suite #105
Bellingham, Washington 98225-4038

RE: Application of Kimberly Thulin for appointment as District Court Judge

Dear Members of the Whatcom County Council:

From 1994 to 2019, I was a judge on the Washington State Court of Appeals, Division One. I became acquainted with Kimberly Thulin in 2001, when she began to represent the State of Washington in appeals from criminal cases decided in Whatcom County. Over the next twenty years she responded to well over 150 appeals. I personally sat on panels in dozens of cases that she briefed and argued on behalf of the State. Her professional skills were consistently impressive. She wrote well, she was honest and straightforward in argument, she was punctual, she remained composed and competent under pressure, and she always displayed a comprehensive command of the law.

Ms. Thulin's skill with appeals shows that she will be an outstanding judge and will quickly earn the respect of the lawyers who practice before her. Mastering appellate practice requires not only diligence in keeping up with new developments in the law, but also careful study of older cases to understand where the law came from. I have confidence that her legal rulings will be solid.

For many citizens, being in District Court as a defendant, juror or witness is their first and sometimes their only contact with the judicial system. Ms. Thulin is a fair and open-minded person who will make that experience as positive as possible. She has a reassuringly calm demeanor. And with her experience as an instructor and trainer, she will be able to explain what is going on in the courtroom to people who are relatively unfamiliar with legal proceedings.

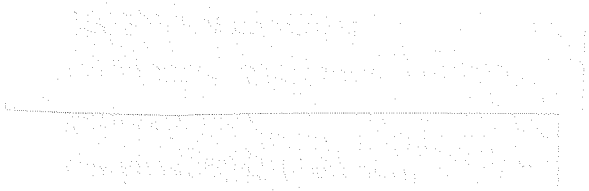
In short, I regard Ms. Thulin as superbly qualified for the appointment. She will be a stellar addition to the Whatcom County judiciary. If I can provide further information, please do not hesitate to call on me.

Very truly yours,

A handwritten signature in black ink that reads "Mary Kay Becker". The signature is written in a cursive style with a long horizontal flourish at the end.

Mary Kay Becker

Judge, Washington State Court of Appeals (Retired)



June 22, 2021

Dear members of the Whatcom County Council,

I met Kim Thulin a number of years ago through my daughter's involvement in the SQHS Marching and Concert band. When I joined the band booster program, I quickly saw how extremely capable Kim was in her role for 2 years as president of the group. It can be a challenging task to coordinate the efforts of parents with varied skill and motivation levels but Kim seemed do it both effectively and with grace.

We were continually looking for ways to grow and support the program and during these discussions I found that Kim was an imaginative and global thinker. She was quite resourceful in finding people and opportunities that would move the program forward and always open to the ideas of others as well.

I also found her to be quite diplomatic which was a particularly useful trait when dealing with the multiple personalities involved with the group. And, as anyone who has worked as a volunteer knows, there are the people who are mostly talk vs those who actually dig in and do the work. To my relief Kim fell in the second camp so we spent many long hours working together and, in my book, that speaks volumes.

As a community member, I have always appreciated Kim's willingness to explain and discuss issues as well as her ability to articulate her thoughts clearly. She is an astute thinker and level headed in her approach to things and is a great asset to any group.

In summary, I believe Kim Thulin would be an excellent choice to complete the remaining term of the Whatcom County District Court Judge position and hope she will be given the opportunity to contribute her many skills.

Please don't hesitate to contact me with any questions or for follow up information.

With regards,



Becky Brunk

Realtor; Coldwell Banker Bain



June 23, 2021

RE: Letter of Recommendation for Kimberly Thulin

To Whom It May Concern:

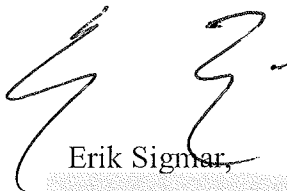
I enthusiastically recommend Kimberly Thulin for District Court Judge. I have had the distinct pleasure of working closely with Kimberly at the Whatcom County Prosecutor's Office over the course of the past five years. She is a trusted confidant, and a wise and measured attorney.

In regards to her judicial qualities, Kimberly is highly experienced and accomplished in the profession of criminal law. As an appellate attorney for the prosecutor's office, Kimberly handles criminal appeals, including appeals from District Court. Kimberly's responsibilities include assisting Deputy Prosecutors with legal issues that arise during trial, reviewing jury instructions, and conducting training. Therefore, Kimberly is uniquely qualified regarding the legal demands of a District Court judge.

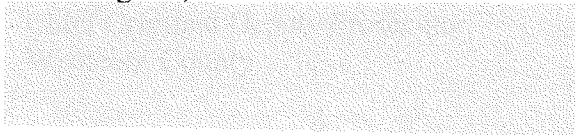
I can assure you that Kimberly would not only be exceptionally well informed, but she demonstrates higher qualities of judicial temperament. Kimberly is decisive and direct, while maintaining sensitivity. You can count on Kimberly to be fair, compassionate, and understanding of the big picture.

Thank you for your consideration, and please do not hesitate to call me if you have any questions, or if I can be of further service.

Sincerely,



Erik Sigmar



Kimberly Anne Thulin

Members of the Whatcom County Council,

**WHATCOM COUNTY DISTRICT COURT JUDGE
APPLICATION QUESTIONS**

1. I am seeking to be appointed the next Whatcom County District Court Judge because I have the legal experience, ability, temperament and, as my resume reflects, a committed interest in public service. Whatcom County District Court may be the only interaction community members have with our judicial system; as such, the position requires not only someone with legal education, but also, someone with a command of the local and state court rules, evidentiary rules and standards of review applicable to various types of decisions a judge will be required to make. The position further requires someone who is personable, to ensure all persons appearing in court whether a litigant, a witness, member of the public or attorney feel respected and meaningfully heard regardless of the outcome of a case. I am that candidate.

As a senior appellate attorney for the past twenty years, I have reviewed hundreds of trial transcripts from Whatcom Superior and District Courts which has given me the unique opportunity to understand the fundamental skills required to be an effective judge. In addition to my appellate work which requires understanding how to efficiently research, write and advocate legal positions, I have experience in litigating jury trials, representing clients in civil proceedings and have argued many times in the Courts of Appeal and Washington State Supreme Court. Success throughout my career has required an ability to work collaboratively with others, to listen thoughtfully, to consider legal positions meaningfully and to efficiently manage competing caseloads; skills a successful District Court judge should possess.

Notwithstanding my extensive legal experience, the moments of my career for which I am most proud are when I made a difference in someone else's life: the Rule 9 Intern I helped guide through the preparation of his first appellate brief and oral argument, a client for whom I was able to obtain visitation rights for after she successfully completed inpatient treatment, or the trial deputy I was able to quickly advise and reassure when a tricky legal issue arose mid-trial. These moments reflect that I will be a judge who cares deeply for those appearing in court, someone who will strive to uphold the law and procedure in an impartial manner and will do so with compassion, thoughtfulness and efficiency. I would be honored to be appointed to serve as the next Whatcom County District Court Judge.

2. If appointed, I will run for the office of Whatcom County District Court Judge in the next general election. While I have not previously sought an elected position, I understand the work and effort required to run and am fully committed to doing so.
3. No, I am not affiliated with any business or agency that is currently or in the future potentially seeking to establish a business relationship with Whatcom County.
4. I have not had any sustained Bar complaint by the Washington State Bar Association.

JUDICIAL APPLICATION ESSAY

Whatcom District Court is a well-run, busy venue that presides over criminal misdemeanor and gross misdemeanor cases, civil cases, small claims court, civil infractions, requests for warrants and protection order hearings. Washington State Court rules, in addition to Whatcom County local court rules and our Federal and Washington State Constitutions, provide the framework within which cases are processed in District Court. Which set of court rules apply to a District Court hearing depends upon the nature of the proceeding before the court. In addition to processing a large volume of cases through the system, District Court is also responsible for running various probation services and therapeutic opportunities, managing and updating electronic files both in and out of the courtroom, and for processing civil and criminal fines and bail bonds. All of this, and more, is managed day-today by the District Court administrator under the direction of the presiding District Court Judge.

While District Court is managed well, it nonetheless faces several challenges. COVID-19, without question, has significantly strained our traditional court systems. Through the issuance of emergency District Court and Washington State Supreme Court COVID -19 Orders, and with the assistance of the County IT department, District Court ensured continued public access to our Courts through remote and limited, in person hearings. Criminal and civil jury trials however, were suspended. Consequently, cases have stacked up. As COVID-19 restrictions are lifted and courts work through the COVID-19 impacted cases in addition to current filings, District Court will face understandable pressure to increase jury trial and docket availability to assure litigants are afforded their right to a timely trial and resolution of their case.

Statutory changes expanding the scope of civil disputes that may be filed in District Court and the Washington State legislature's passage of Senate Bill 5476, effective May 13th 2021, will also impact Whatcom County District Court in significant ways. In *State v. Blake*, 481 P.3d 521 (2021), the Washington Supreme Court found the strict liability possession of a controlled substance statute violated due process and was therefore, unconstitutional. In the wake of *Blake*, the Washington legislature passed Senate Bill 5476 making intentional possession of a controlled substance a misdemeanor offense and not a felony. While the bill requires diversion before charges can be filed, these drug cases *when filed*, will now be filed in Whatcom County District Court. Senate Bill 5476 will therefore necessarily increase both the scope of District Court judicial caseloads and require an increase in capacity of either law enforcement diversion assistance (L.E.A.D.) services or alternative

diversion programs to ensure compliance with the new law. Statutory amendments expanding the scope of civil disputes that may be filed in District Court will also significantly increase District Court filings. All of these challenges and changes will require thoughtful case management and efficient use of court resources by Whatcom County District Court Judges and administration.

Finally, while COVID-19 and statutory changes pose significant new challenges for Whatcom County District Court function, the next Whatcom County District Court Judge can and should prioritize community engagement. Community members are often unaware of how courts work, all the different types of cases the court hears and various therapeutic programs District Court administers. Educational outreach by the bench within the community will strengthen knowledge, accessibility and confidence in our judicial branch of government and importantly, Whatcom County District Court.