

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 28 2021  
WHATCOM COUNTY  
COUNCIL

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

Name: Jeffrey A. Lustick

Street/Mailing Address: \_\_\_\_\_

City/State: \_\_\_\_\_

Day Telephone: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**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:

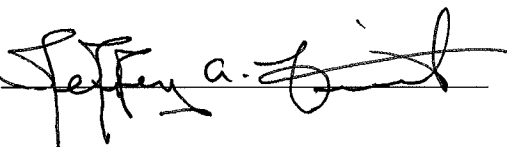
1. Describe why you are interested in serving as Whatcom County District Court Judge. In narrative fashion, relate your qualifications to this position.
2. Do you intend to run for the office of District Court Judge in the next general election (see RCW 3.34.100, RCW 29A.24.050, 1973 AGO No. 76, and 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: June 28, 2021

***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

# Jeffrey A. Lustic

A twenty-five-year career of richly diverse legal practice, including extensive service as a Judge *Pro Tempore* in District and Municipal Courts, criminal prosecutor at the city, state, federal, and military levels, and public and private defense counsel to the public at large. Skilled and experienced in a wide spectrum of criminal and civil legal matters, engaged in national and local news media as an ambassador of the legal profession, and providing volunteer service in leadership roles within the Whatcom County legal community and across Washington State.

## JUDICIAL EXPERIENCE

### Judge *Pro Tempore* – Whatcom County, WA

Whatcom County District Court: August 2005 – 2006, October 2019 – present  
City of Bellingham & City of Ferndale: October 2019 – present

- Provides average of 4.8 hours of judicial service at Whatcom County District Court weekly, presiding over various criminal and civil cases as assigned.
- Presides over criminal judicial matters in District and Municipal Courts, including arraignments and first appearances, bail hearings, warrant quashes, motion hearings, change of plea hearings, sentencing hearings, restitution hearings, jail reviews, indigency reviews, and jury and bench trials.
- Presides over post-conviction judicial matters in District and Municipal Courts, including fine payment reviews, probation violation hearings, assessment and treatment plan reviews, probation sanction hearings, contested probation violation trials, and probation termination hearings.
- Presides over various civil judicial matters in District Court, including anti-harassment and domestic violence hearings, name change petitions, dangerous dog appeals, vehicle impound hearings, traffic mitigation hearings, traffic infraction trials, small claims trials, and civil jury and bench trials.
- Periodically presides over specialized Mental Health and Domestic Violence Courts, conducts in-court reviews of participants' progress.
- Maintains professional working relationships with judges, commissioners, probation officers, court administrators, and court clerks; adheres to Rules of Professional Conduct and the Code of Judicial Conduct; participates in continuing judicial legal education.

## LEGAL EXPERIENCE

### Criminal Defense Attorney – Bellingham, WA

Lustick, Kaiman & Madrone, PLLC: May 2004 – present

- Founder, operator, and manager of a regional law firm located in Whatcom County, with three full-time attorneys and two legal assistant staff members.
- Represents clients in civil and criminal matters in municipal, state, tribal nation, federal, and military courts throughout the State of Washington.
- Defends clients litigated bench and jury trials in cases involving traffic infractions, misdemeanors, gross misdemeanors, and felonies.
- Prepares legal memoranda, motions, and appellate briefs, and makes arguments regarding criminal and civil matters before the court.
- Serves as a conflict defense council in Superior Court and as a contract Federal Public Defender in U.S. District Court in Bellingham and Seattle, WA.
- Drafts wills, powers of attorney, and trust documents; assists clients with formation of business entities and LLCs; and provides notary services.

### Legal Services Panel Attorney – Washington State

Aircraft Owners and Pilots Association: 2010 – present

- Serves on nationwide panel of recognized aviation legal experts who provide on-call legal advice and services to a 384,000+ member organization.
- Represents aviators in legal matters, including airmen defense before the Federal Aviation Administration and National Transportation Safety Board.
- Advises aviators regarding purchase and sale agreements, escrow transactions, and establishing LLCs, partnerships, and aircraft ownership entities.
- Attends periodic nationwide aviation legal education seminars and provides instruction to fellow attorneys; comments in news media on aviation topics.

### Radio Legal Commentator – Bellingham, WA

KGMI Radio 790-AM: March 2003 – present

Seattle, WA

KOMO Radio 1000-AM: 2008 – present

- Content provider for national and local news talk radio stations on issues of constitutional law, criminal law, criminal procedure, and current events.
- Speaks on broadcasts to inform and educate the public on important legal topics and current events involving area courts and national legal issues.

### Cable Television Legal Commentator – Seattle, WA

NBC and CBS Regional: 2008 – present

Manhattan, NY

Turner Broadcasting Systems (TBS): February 2008 – April 2010

- Content provider for national and local television stations on issues of constitutional law, criminal law, criminal procedure, and current events.
- Appeared on television broadcasts providing legal analysis and commentary of noteworthy trials to nationwide audience on TruTV (formerly Court TV).
- Served as guest panelist and expert legal commentator for national broadcast of Don Lemon Tonight and Anderson Cooper 360° on CNN.

### Criminal Litigation Associate – Bellingham, WA

Childress Law Firm: March 2003 – May 2004

- Represented clients in misdemeanor, gross misdemeanor, and felony criminal matters in local municipal, state, tribal nation, and federal courts.
- Defended clients at criminal jury and bench trials and provided *pro bono* legal services to indigent community members in Whatcom County.
- Prepared legal memoranda, motions, and appellate briefs, and made arguments of criminal matters before courts and administrative appeal boards.

### Assistant City Attorney & Lead City Prosecutor – Bellingham, WA

City of Bellingham: September 2001 – March 2003

- Supervised all legal, personnel, and budgetary functions of the city attorney's criminal division, and led a prosecution team of two staff attorneys, two legal assistants, and one paraprofessional victim advocate; appraised and evaluated subordinates and assisted the city attorney in hiring decisions.
- Prosecuted infraction, misdemeanor, and gross misdemeanor criminal offenses charged under the Revised Code of Washington and Bellingham Municipal Code, exercised full discretionary decision-making powers as a municipal prosecutor, and managed appeals to Superior Court.
- Served on county-wide committee to synchronize law enforcement response in domestic violence cases, collaborated with county prosecutors and sheriff's office officials to maximize prosecution of domestic violence offenders, and contributed to training of victim advocates and first responders.
- Produced valuable results by holding offenders accountable, reducing caseloads, utilizing jail alternatives programs, and promoting treatment services.

**Staff Judge Advocate & State Defense Counsel – State of Washington**

Washington Air National Guard: September 2001 – September 2009

- Served as principal military legal advisor, military prosecutor, and state defense counsel for Air Force Reserve Component of over 15,000 personnel.
- Established a new and innovative nationwide military defense counsel system that was adopted by the National Guard Bureau, enabling National Guard Legal Officers to act as uniformed defense counsel for military members accused of criminal offenses under state and national military justice codes.
- Deployed to support contingency combat operations, drafted wills, trusts, and powers of attorney for National Guardsmen assuring wartime readiness.

**Judge Advocate General Officer – United States Air Force**

Various Duty Stations Worldwide: October 1997 – September 2001

- Held Secret (S/SBI), Top Secret (TS), Sensitive Compartmented Information (TS/SCI), and Special Category (TS/SPECAT) security clearances.
- Appointed as Command Legal Advisor to military commanders with operational control and responsibility over thousands of personnel and millions of dollars in military assets and spending authority, provided important legal services to military members to maintain national wartime readiness.
- Litigated hundreds of military felony and misdemeanor courts-martial as military prosecutor, area defense council, and circuit military defense counsel; prosecuted homicide and child abuse offenders, defended military service members in courts-martial and discharge boards & termination proceedings.
- Promoted to Chief of Operations Law for elite Air Force Special Operations Wing, prepared classified rules of engagement, instructed unit commanders and operators on Status of Forces Agreements, and coordinated threat assessment and military targeting on warfighting commander's special staff.
- Participated in joint Department of Defense and State Department civil affairs and benevolent missions in Central and South America.
- Reviewed government contracts, authorized payment of military claims, and represented the U.S. Government on labor and environmental issues.
- Managed Air Force Legal Assistance Program by drafting wills, powers of attorney, and trust documents, and providing general legal advice and military notary services to thousands of military personnel and their families; certified by the Judge Advocate General to act as Trust Specialist.

**Special Assistant U.S. Attorney – United States Department of Justice**

United States Attorney District of Nebraska: August 1998 – December 1999

- Concurrent to military assignment, appointed as prosecutor for criminal offenses committed by civilians on federal reservations throughout Nebraska.
- Prosecuted 15 criminal misdemeanor drug, trespassing, and theft cases in the Magistrate's Division of the United States District Court in Omaha, NE.
- Conducted arraignments, bench trials, sentencing hearings, and probation violation hearings under supervision of District Attorney.
- Worked on regional task force with FBI and DEA special agents to secure sealed indictments from a Federal Grand Jury in a drug conspiracy case.

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**EDUCATION**


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**U.S. Air Force Judge Advocate General School** – Maxwell AFB, Montgomery, Alabama: Feb – July 1997, various courses 1998 – 2008

- Certified under UCMJ and designated as Military Lawyer.

**Gonzaga University School of Law** – Spokane, Washington.

- Juris Doctorate with Honors (*cum laude*): May 10, 1997; class rank: 12th out of 162. Dean's List 4 semesters.

- Phi Delta Phi academic honor fraternity: Chapter President 1996-97, Chapter Clerk 1995-96, awarded Balfour Service Scholarship 1997.

**Western Washington University** – Bellingham, Washington.

- Bachelor of Arts Degree, School of Arts and Science: June 1993.
- Academic majors: Sociology and Criminology.
- Legal Information Center volunteer, Reporter for The Western Front.

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**PUBLIC SERVICE, MEMBERSHIPS, & AWARDS**


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- **President, Vice President, Secretary, and Member** – Whatcom County Bar Association, Bellingham, WA: 2001 to present. President 2005 – 2006; VP 2004 – 2005; Secretary 2003 – 2004. As President, revised constitution and bylaws and reinvigorated membership by creating and promoting a monthly lunch speaker program and offering Continuing Legal Education seminars to members. Promoted WCBA charitable fundraising activities.
- **Newsletter Editor** – Whatcom County Bar Association: 2002 – 2004. Reduced publication costs by streamlining publishing process and generated revenue by selling advertisement space for the first time in the newsletter's history.
- **Pro Bono Service Award Recipient** – Washington State Bar Association: Awarded for years 2016 – 2020 for direct *pro bono* legal services.
- **Volunteer & Ex Officio Chairperson** – Law Advocates, Bellingham, WA: 2005 – 2006. Provided direct *pro bono* legal assistance to the general public as part of the Street Law Program on Saturday mornings in downtown Bellingham. Assisted in Law Advocates' annual charitable fundraising efforts.
- **President and Vice President of the Board** – Baker Creek Neighborhood Council, Bellingham, WA: 2003 to 2005. Elected to neighborhood council with responsibility of enforcing covenants and maintaining neighborhood quality of life. Founded Baker Creek Neighborhood Block Watch in 2006.
- **Volunteer Member, Legal Officer, and Search & Rescue Pilot** – U.S. Air Force Auxiliary, Civil Air Patrol. Member since age 12 (1983). Awarded Civil Air Patrol Bronze Medal of Valor for lifesaving action, October 28, 2017. Currently ranked as Lieutenant Colonel. Qualified in Cessna 182 and 206 aircraft.
- **Volunteer Pilot for Experimental Aircraft Association** – Burlington, WA: May 2005 to present. Donates hundreds of free airplane flight hours to local youths in personally owned Cessna 182. Instructs aerospace education to middle school students in Skagit County as part of Young Eagles Program.
- **Volunteer Member and Legal Officer** – American Legion Post # 7, Bellingham, WA: 2010 to present. Served as Post Legal Officer from 2010 – 2014, helped veterans obtain benefits from the Department of Veterans' Affairs and advised Post Officers regarding personnel and operations matters.
- **Volunteer Member** – Sons of the American Legion, Post # 7, Bellingham, WA: 2010 to present. Advocates for veterans' benefits to state agencies.
- **Youth Volunteer** – Sacred Heart Parish, Bellingham, WA: 2015 – 2019. Assisted with presentation of religious education curriculum.
- **Teen Court Program Advisor** – Lynden High School: 2019 – 2020. Provided feedback & information on legal proceedings to student participants.
- **Top-100 Award Recipient** – National Trial Lawyers Association: Awarded for years 2016 – 2019 for outstanding achievements in trial advocacy.
- **Member** – Phi Delta Phi, Legal Service Honor Fraternity: 1995 – present. Offers academic and career mentorship to law students nationwide.
- **Member** – Washington Pilots Association: 2005 – present. Provided relief flights during COVID-19 pandemic. Assisted in raising charitable donations.



If there is anything I have learned in 24 years of law practice, it is that nothing is more personally and professionally satisfying than helping to change someone's life for the better. Lawyers generally see such cases only a few times in a legal career, but as a judge, opportunities to work for positive outcomes come along almost every week. More than anything else, this is why I want to be a judge; I want to make a positive difference in people's lives.

I want to be a Judge in the District Court (rather than Superior Court or any other court) because it is the true court of the people. About two-thirds of all matters heard in District Court involve litigants who are not represented by an attorney. These individuals may be seeking an order of protection from a family member, or they may have been wronged by a landlord in a lease transaction, or they may have been caught speeding on the freeway. If they are facing a criminal misdemeanor or gross misdemeanor charge, they come to court on their own and will maybe get a lawyer to represent them later.

With over three years of recent experience serving in Whatcom County District Court as a Judge *Pro Tempore*, I enthusiastically understand that most litigants need some level of support and guidance to succeed in their individual legal matters. I have repeatedly demonstrated through my *Pro Tempore* work that I have a good judicial temperament and disposition to be welcoming, accommodating, and patient to all individual *pro se* litigants and to the attorneys who practice in court while ultimately maintaining judicial fairness and impartiality. I have presided over every variety of case that occurs in this Court. I am proud that I have strong and productive working and personal relationships with the court staff, the administrators, and the other judicial officers. Based on all of this, I know I am prepared to succeed as a judge if I receive the appointment.

I began my legal career in 1997 by volunteering for service as a U.S. Air Force Judge Advocate Officer. My first duty assignment was as a military prosecutor where I rapidly learned trial advocacy, and litigation skills and mastered the rules of evidence and criminal procedure. I volunteered to prosecute the toughest cases and became a well-known prosecutor throughout the military, handling 200 litigated cases in just three years. My reward for all this hard work was to be competitively selected to serve as a Military Defense Counsel, and later as a Circuit Defense Counsel, I traveled the East Coast handling defense cases while training and mentoring young defense lawyers all around the Air Force. My military service also led into an appointment as a Special Assistant U.S. Attorney, where I prosecuted civilians who committed offenses on Federal installations.

In 2001, I transferred my commission to the Washington Air National Guard after being hired as the Lead Prosecutor in Bellingham Municipal Court. This is where I first regularly encountered unrepresented defendants, and I quickly realized that I enjoyed working with these defendants at the misdemeanor level criminal practice. In this role, I was immersed in the prosecution of DUIs, domestic violence assault, theft, and traffic cases, not unlike the cases that are regularly handled in the District Court every day. I represented the City of Bellingham in several litigated jury trials and worked on committees with county prosecutors and victim advocates to protect victims' rights and coordinate handling of domestic violence cases.

On top of my work for the City of Bellingham, my military legal career continued with the Washington Air National Guard where my first assignment was as the Chief Defense Counsel for the entire State of Washington. In 2003, I was selected to lead a nationwide team to study problems in the military justice system. My work on the team resulted in the creation of a new program to provide conflict-free, independent legal counsel to all Army and Air National Guard personnel who are facing military prosecution or involuntary separation. This innovative program was later implemented nationwide by the National Guard Bureau, and that experience gives me confidence that I could create similar programs, such as specialized courts or community treatment programs, while serving as a district court judge.

In 2004, I returned to the criminal defense side of the courtroom when I joined the law firm of a senior DUI defense lawyer who took the time to teach me a whole new perspective of defending individuals. I attended a national-level training course on working with disadvantaged clients and earned certifications in the use of the breathalyzer and police field sobriety testing. I started handling civil cases as well as defending suspended drivers in litigation with the Department of Licensing. This is when I began to fully understand the impacts prosecution can have on ordinary people. It is also when I really started to see the inequities in the system and began working with the County Bar Association taking pro bono defense cases.

In 2005, I founded my own law firm in Bellingham, and after a few years I became an employer and gained law partners. My practice began to focus on the most severe crimes, like homicide and serious assault cases. Over the years, I have represented a total of about six thousand men and women at all levels of court including persons of color and persons from diverse ethnic backgrounds, people without permanent housing, and people from marginalized segments of society. That year, I was also appointed by Judge Ira J. Uhig and served my first term a Judge *Pro Tempore* in Whatcom District Court.

In one memorable defense case in 2008, I was asked by a Court Administrator to accept an appointment to represent an undocumented immigrant from Namibia, a country in south-west Africa, who had been arrested for aggressively panhandling and trespassing in Sunset Square. I was this gentleman's third lawyer because he refused to plead guilty despite the best attempts of his previous lawyers to get him to do so, who claimed his case was unwinnable. Although the client could not speak much

English, he was able to communicate he was innocent and not a threat to anyone. I studied the evidence and agreed with him. I was also facing a hyperaggressive city prosecuting attorney, determined to prosecute the man so he would be deported. During the six-hour trial, I argued the defendant had never been given a legally binding trespass notice to stay away from the square. However, when deliberating its verdict, the jury disregarded this and unanimously convicted the defendant in just 15 minutes. After the verdict was read, I made a motion to set aside the verdict, and for the next 20 minutes, I passionately and vigorously argued the point of law to the judge. The trial judge agreed and did something that rarely happens in trial courts: she overturned the jury's verdict and acquitted the gentleman. To this day, this tenacious defendant from Africa, with his "unwinnable" case and his special acquittal, serve as a constant reminder to me of the hidden bias that sometimes sits just under the surface, even in our local courts. This case also inspires me at times when I am serving as a judge to be intentionally and deliberately fair, to be courageous and willing to do what is right and just. This single case is one of the proudest moments in my entire legal career.

As my career has progressed, I have also volunteered in community-based organizations, providing pro bono legal services to indigent and marginalized communities. I was president of my neighborhood counsel and founded a block watch. I served as an officer of the Whatcom County Bar Association and participated in Street Law with LAW Advocates. I have handled about 100 cases as a contract public defender. I have worked *pro bono* with disabled veterans in the American Legion to get their health benefits. I appeared on nationwide and local TV and radio as a legal commentator, helping the public to better understand the American legal system and legal news issues. All my service activities served to promote the public's trust and confidence in our legal system, which is also a duty I have when serving as a *pro tempore* Judge.

Currently, I also have over 17 years of experience building two separate successful businesses. I have developed and honed my management and organizational skills, which I learned from work inside government, the military, and in the private sector. I am a trained organizer and communicator. I have experience hiring and promoting employees and managing employee benefits. I know how to effectively motivate people to reach their peak efficiency and their maximum potentials. If appointed judge, I will be able to draw from my experiences, lessons learned, talents, and skills to ensure that I help in leading the District Court Team.

In the fall 2018, when Judge Grant appointed me to a second term as a Judge *Pro Tempore*, I accepted the opportunity with great honor and respect for the responsibility entrusted to me. This time, because of my additional years of professional experience and given where I was in my personal life, I was much more mentally present in this role than before. This time, I realized that I could help people every day when serving as a judge, and I began to savor every opportunity to do just that.

I spent my first year of the term promising myself I would not get too attached to the job, because it was supposed to be temporary, but the truth is being a judge really clicked with me. I can say that few things have given me more joy and personal fulfillment at this stage of my life than being asked to cover the bench and to be the best judge I can be. I have prioritized serving the District Court over work in my two businesses and often reschedule my calendar items to fill in when a new opportunity is offered. I have done this because I enjoy this work more than I could have ever anticipated. When I wear the robe, I do so with honor, and I carry out my duties with patience, compassion, fairness, and an understanding that the persons before me seek justice, understanding, redemption, and grace. It is important to me that all litigants before me feel seen and respected, and I ensure that I have fulfilled my duty by summarizing my rulings in a way that is understandable, informative, and educational, so that they may walk away knowing the rule of law was applied and justice was served.

Members of the Council, I am respectfully asking that you please weigh my qualifications and unequivocal commitment to serve our community and appoint me to fill the position of District Court Judge. Whatcom County has already made an investment in me as a judge *pro tempore* with all the on-the-job training I have received in the last three years. My work in the law is well-rounded and diverse, having served as a prosecutor, public defender, civil attorney, criminal defense counsel, and most recently, as a part time Judge. The culmination of my legal work has well prepared me to dedicate my future as a District Court Judge.

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)?

Yes, if appointed, I will run in the election of 2022 to retain the District Court Judge position.

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.

Yes, in 2005, I was appointed a Judge *Pro Tempore* by Judge Ira Uhrig in Whatcom District Court and was in a business relationship with the County in my individual capacity. Between 2008 and 2012, my law firm was an independent contractor for Public Defense Services with Superior Court, and I was assigned numerous cases as a Conflict Defense Counsel. From 2018 to the present, I have served as a Judge *Pro Tempore* in my individual capacity.

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.

No.

I am very familiar with all aspects of the Whatcom County District Court. I have worked as a defense attorney, a contract public defender, and as a Judge *Pro Tempore* in District Court for 17 years. However, over the past 2½ years, I have not taken any District Court criminal or civil cases so I can focus on my service as Judge *Pro Tempore*, avoid conflicts of interests, and maintain fairness to all parties. Presently, I serve an average of 4-5 hours per week, every week as a Judge *Pro Tempore*. In this role, I regularly apply the District Court Local Rules, the State Rules of Evidence, the Civil and Criminal Rules for Courts of Limited Jurisdiction, the Supreme Court General Rules, all relevant provisions of the U.S. and State Constitutions, the Revised Code of Washington, the Washington Administrative Code, and County Ordinances. I read Court of Appeals and Supreme Court decisions that may influence or impact on my duties as a Judge *Pro Tempore*. I frequently review the Washington Rules of Professional Conduct and the Code of Judicial Conduct and abide by them. I am also familiar with the Clerk's Office operating procedures, including the Clerk's policies on scheduling hearings and assigning personnel. Based on my experience, my top three concerns facing Whatcom County District Court are:

**(1) Access to Justice.** This topic encompasses a broad range of important social justice issues that the Whatcom County District Court should now address. It starts with removing systematic barriers that discourage or prevent persons of all ethnicities and languages from feeling welcomed in court or from receiving the maximum access and benefits from their court. The pandemic showed that ZOOM and phone conferences are highly effective substitutes to removing some barriers to participation and facilitating more in-person appearances. It also allowed many people to feel more safe appearing without encountering barriers to access. The Court experimented with these systems but is now scaling them back. If appointed, I will preserve video and phone appearances since they increase user participation at almost no cost. The Court must also start offering access to services in languages other than English. For example, all rights advisement forms and guilty plea statements in our courtrooms for criminal defendants are 100% in English. These forms are among the most important forms needed to preserve the rights of the accused in criminal cases. Also, the court sometimes has difficulty scheduling interpreters in person, and on 20+ occasions while on the bench, I have had to call my wife who is a fluent Spanish speaker to act as an interpreter because none were available. We must, at a minimum, begin allowing interpreters to appear over Zoom or telephone. The Court should also prioritize hiring clerks who are fluent in Spanish, Russian, or Punjabi so that non-English speaking persons can receive services from the court in their own language. There is nothing worse than having a Court system limit access because of a language or cultural barrier, or fear from being at court. If I am appointed judge; I pledge to fix this.

**(2) Assessment & Treatment Services.** After the State Supreme Court's *Blake* decision decriminalized felony drug possession and with the State Legislature's new drug crimes act, the court should prepare for an increase of misdemeanor drug cases. My approach as Judge will be on assessing and treating drug defendants and making treatment services available to pre-trial defendants who need them. District Court's Mental Health Court has been very successful, and I would relaunch it with the less-stigmatizing name of "Treatment Court," and I would expand it to include a drug treatment category. Drug offenders would have the chance to complete treatment as an alternative to convictions and jail for their substance use. Another area of concern in Whatcom County is the lack of availability of domestic violence assessment and treatment services. Presently, there is only one part-time DV assessment agency which is unable to provide assessment or treatment to indigent or non-English speaking clients. For DV cases, I envision creating a Community Court concept where judges, attorneys, and probation officers all work together and standardize DV assessment and treatment in Whatcom County courts. I have already discussed a Community Court concept with Judge Lev (Bellingham), Judge Lewis (Lynden) and Judge Kaiman (Ferndale) who are willing to work together and form collaborative partnerships.

**(3) Bail and Alternatives to Corrections.** Bail is an issue that some social justice commentators have called *ground zero* for systemic discrimination in the courts. People who are presumed innocent under the law should not languish in jail simply because they cannot afford to pay bail. A person's inability to pay bail must not be coercive, forcing them to forego legal defenses and plead guilty just to get out of jail. Prosecutors sometimes recommend a bail amount, but ultimately the Judge sets the bail. Presently, District Court has no unified policies or guidelines for judges to use for determining fair bail, and this often results in setting arbitrary bail amounts. I will create risk assessment tools and use functional substitutes to bail, such as electronic monitoring and book and release orders. If a bail must be set, each defendant's socio-economic circumstances and ability to pay bail will be considered. I will create a new process to review all cases where a defendant is being held on bail every two weeks. When it comes to serving a post-conviction jail sentence, I will expand the use of jail alternatives programs. Currently, the Court does not permit the use of alternative programs that are not managed by the Sheriff's Office. Valuable, secured, and verified community-based, non-government, user-funded, lower cost alternative programs, such as Friendship Diversion Services which is used extensively by other local courts, are not currently being allowed in District Court. If appointed Judge, use of these jail alternatives programs will be authorized, making them more available to socially disadvantaged, unemployed, and indigent defendants. My approach will ensure that our jail is utilized primarily for violent and repeat offenders, and those who pose a serious danger to community safety if released.

WHATCOM COUNTY  
SHERIFF'S OFFICE

**BILL ELFO**  
SHERIFF



PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4038  
(360) 778-6600

June 28, 2021

Whatcom County Council  
311 Grand Avenue, Suite 105  
Bellingham, WA 92885

RE: Endorsement of Jeffrey A. Lustick for Appointment as Whatcom County District Court Judge

Dear Councilmembers,

I am writing to recommend the Whatcom County Council's appointment of Judge *Pro Tempore* Jeffrey A. Lustick as the next Whatcom County District Court Judge. In my opinion, Mr. Lustick is exceptional qualified and will be able to fulfill the duties of judge immediately after being appointed.

I have known Mr. Lustick since 2003 when I was first elected as sheriff. At that time, he was an Assistant City Attorney and Lead City Prosecutor for the City of Bellingham. Although his duties focused on the prosecution of DUI cases, domestic violence assaults, thefts, and other misdemeanor and traffic cases in the Bellingham Municipal Court, I was fortunate to have frequent positive and productive interactions with him. During his employment, Mr. Lustick's handling of the City Prosecutor's Office showed me that he had integrity, intellectual honesty, fairness, good judgment, and good common sense. This was readily apparent from his excellent service on an interagency committee that worked to coordinate law enforcement response and victim advocacy in all domestic violence cases county-wide. While working on this committee, Mr. Lustick readily established himself as a strong leader and helped the committee establish new community policies in support of domestic violence victims. He also worked to create outreach among local domestic violence support agencies and facilitated training of victim advocates for service in the Superior, District, and Municipal Courts.

After leaving his position with the City of Bellingham, Mr. Lustick entered private practice in Bellingham and opened a criminal defense law firm. Over the past 15 years, while managing his law firm, Mr. Lustick has donated his time to the local community by volunteering to defend indigent and marginalized clients for no fee and serving as a conflict attorney for the Whatcom County Superior Court and for the Office of the Federal Public Defender in Seattle. He has also volunteered for the Western Washington University Legal Information Center where he has given public talks on Constitutional Rights and has acted as a mentor for students interested in attend law school. All these activities demonstrate Mr. Lustick's commitment to equal justice under the law, and his fairness and open-mindedness with sensitivity to and respect for all persons, regardless of race, color, gender, sexual orientation, and national origin.

I have seen Mr. Lustick professionally and vigorously defend clients against charges ranging from misdemeanors to serious felonies. As a defense counsel, he never shies away from the most difficult and controversial cases. This is what has made Mr. Lustick one of the most outstanding attorneys in Whatcom County. In one notable case, Mr. Lustick defended the International and National President

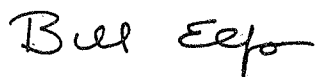
and controversial cases. This is what has made Mr. Lustick one of the most outstanding attorneys in Whatcom County. In one notable case, Mr. Lustick defended the International and National President of an outlaw motorcycle gang in Federal District Court in Seattle. The defendant lived in Bellingham and was charged with 34 counts of racketeering, attempted murder, witness intimidation, and criminal conspiracy in federal court in Seattle. One may assume that when a defense attorney takes on an unpopular case such as this one, that their reputation may suffer or they may be subject to social consternation, but that is not what happened. Mr. Lustick's work on the case resulted in the federal prosecutor agreeing to dismiss 33 of the charges in exchange for a plea by his client to one conspiracy count. His client received credit for time served and was placed on probation. The way that Mr. Lustick handled this case with his professionalism and integrity earned him high praise from the legal community and resulted in a just result for his client.

Currently serving in his second term as a Judge *Pro Tempore* in Whatcom District Court for Judges Matthew Elich and David Grant, Judge Pro Tempore Lustick is a highly respected part-time judge. He regularly serves several hours per week on the bench, and has demonstrated the competence, ability, and experience needed to manage pretrial and trial proceedings. When he has presided over litigated trials, he readily demonstrates an ability to address diverse legal issues, to weigh conflicting testimony, fairly apply the law to the facts, and master the dynamics of the trial process. I have also heard excellent feedback from county prosecutors and my deputies that he runs a respectful and dignified court and is fair and welcoming to all who appear before him.

Over the years, I have also gotten to know Mr. Lustick personally, and I can confidently attest to his character for honesty, integrity, and hard work. He is a dedicated servant leader with a long history of personally volunteering in our community, including founding a neighborhood block watch, and serving as the Board President of the Baker Creek Neighborhood Association. Mr. Lustick loves this community and if you appoint him as the next Whatcom District Court Judge, he will serve this community with pride and dignity, hopefully for many years to come.

Judge *Pro Tempore* Jeffrey Lustick is the only candidate for the open position who has served as a federal, military, and city prosecuting attorney, as a private, public, and military defense attorney, and recently and frequently as a *pro tempore* criminal and civil trial judge in Whatcom District Court and for two area municipal courts. His unique set of qualifications and experience make him extremely experienced, and he is a well-rounded applicant to fill Judge Grant's shoes. Judge *Pro Tempore* Lustick will fit into the position right away with no learning curve. With his 24 years of service to this community, I believe that Mr. Lustick has earned your highest consideration, and I sincerely urge you to appoint him as our next District Court Judge without hesitation.

Very Sincerely,

A handwritten signature in black ink that reads "Bill Elfo". The signature is written in a cursive, slightly slanted style.

Sheriff Bill Elfo

June 27, 2021

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

RE: Appointment of Jeffrey A. Lustick for District Court Judge, Position 1

Dear Members of the Whatcom County Council:

It is my pleasure and honor to recommend Judge *pro tempore* Jeffrey A. Lustick, for the position of District Court Judge presently filled by retiring Judge David Grant. Mr. Lustick is the most qualified person in our community who could fill this position and appointing him to serve in this capacity would be a tremendous benefit for the people of Whatcom County. It is noteworthy that Judge *pro tem* Lustick is particularly familiar with District Court operations from years of service there and thus, ready and able to step in with the utmost smooth transition.

I have been serving as the Judge for Bellingham Municipal Court since first taking office in 2002, when I became the first woman to ever be elected to court since the founding of Whatcom County in 1890. I have now been serving as the Bellingham Municipal Court Judge for almost 20 years, and during this time I have had numerous opportunities to become familiar with Judge *pro tem* Lustick's legal abilities and character. I first met Mr. Lustick when I was the Court Commissioner at Bellingham Municipal Court prior to my election, when he was working as the Lead City Prosecutor for the City of Bellingham. Over the years, I have been impressed by Mr. Lustick's courtroom presence, vast knowledge of the law, and his good judgment and communication skills.

There is a perception in the legal community that a district court judge seat is an entry level position for which no training or experience is required. Nothing could be further from the truth. The District Court is an essential community institution, as it is a place that addresses issues of public safety, supports those who are in the process of changing their lives for the better through post-conviction supervision, and performs other important duties. In this regard, Judge *pro tem* Lustick has proven through his experience as a former prosecutor, public and private defense attorney, and work as a *pro tem* judge, that he is exceptionally well qualified to fulfill the critical duties of this position.

In terms of public safety, some of the most important hearings conducted in the district court are petitions for domestic violence protection orders, sexual assault protection orders, and anti-harassment orders. Nationwide, violence against women, black and indigenous people of color, minority populations, and members of the LGBTQIA+ community—most notably against transgendered women of color—is on the rise. As community leaders and as private citizens, it is our duty to protect and advocate for victims to the best of our abilities. When we fail these individuals, they are vulnerable to repeated abuse, which can and too often leads to death. This is not acceptable. The District Court is often the last resource that victims have when they have tried everything else to receive relief and protection, and they deserve to feel confident that they will be heard and that an experienced and discerning judge will be fair and effective.


Over the past three years, Judge *pro tem* Lustick has heard about 50 petitions for protection orders initiated by members of high-risk populations; in each case he has applied his expertise in the law and in identifying patterns of victim and predatory behaviors to provide relief to the parties. In the summer 2019 I presided over the arraignment of a person charged with domestic violence where the defendant pled not guilty, and I issued a pre-trial protection order between the defendant and named victim. I was surprised to later learn that the city prosecutor had dropped the charges against this man, and I felt genuine concern over the well-being of this alleged victim. Since the City prosecutor chose not to prosecute, the victim sought protection and filed for a Domestic Violence Anti-Harassment Order in Whatcom County District Court. The matter was assigned to be heard by Judge *pro tem* Lustick. His ability to break through the respondent's testimony and pick up on the nuances of deflection tactics used by perpetrators, his ability to quickly and accurately assess that the petitioner was in a critical situation, and his ruling to grant the order in this case represents

a level of understanding that is hard to find even amongst seasoned judges. His keen ability to weigh testimony and cut to the heart of the matter is precisely what the community needs in this judicial position.

Another important way that the District Court has an opportunity to positively influence the community is through its probation program. Without reservation from my decades of experience, I believe that Whatcom County has one of the best probation departments in this state. At this time, it is my understanding that the post-conviction sentencing options through WCDC are jail, work-release, work-crew, electronic home monitoring, and probation. Probation is the best option offered at this time that focuses on helping a convicted person to make positive changes in their life. Judge *pro tem* Lustick has a committed judicial philosophy that rehabilitative efforts, when appropriate, far outweigh incarceration. Judge *pro tem* Lustick always makes genuine attempts to inspire and connect with these individuals. While probation hearings can often feel rushed, impersonal, and recriminatory, Judge *pro tem* Lustick consistently conducts these calendars with patience, empathy, grace, and steadfast leadership. He makes it a priority to ensure that each person on probation understands that they have a support system in their probation officers and in the court, and he invites them to reach out for help and utilize the resources available to them to facilitate their success in the program. Likewise, Judge *pro tem* Lustick energizes the probation officers and encourages them to feel supported in their work. Fueled by his experience advocating for his defense clients, Judge *pro tem* Lustick's investment in the satisfactory completion of probation requirements from those in his courtroom demonstrate that he understands the long-term impacts of this program on a person's life. Our community needs a district court judge who focuses on rewarding the positive behavior of those in the probation program and inspires them to go above the minimum requirements for completion, and Judge *pro tem* Lustick has proven that he is more than capable of accomplishing this.

Also, in terms of public safety, is the issue of Driving Under the Influence. Presiding as a judge in DUI cases is not easy, as there are several important points to consider—the most complex being *proof* of the driver's impairment level. The law and procedure behind admissibility of a chemical breath or blood test requires a precise understanding of principles of scientific evidence, balanced between protections of constitutional and statutory law. It's my understanding that Judge *pro tem* Lustick has received Breath Test Trial Evidence Training from the Washington Prosecutors Association and completed the Breathalyzer Technical Course from the Washington State Patrol. As a defense counsel, he also attended seminars encompassing the administration of the standardized field sobriety test and went through the accreditation process for board certification as a DUI defense attorney. As Judge *pro tem*, he draws on his experience both defending and prosecuting these cases when hearing and making rulings in DUI cases; this fundamental understanding of all aspects of DUI laws and evidence standards make him exceptionally well-qualified to fill the position of District Court Judge.

In my experience, the best trial judges often come from the best trial lawyers. For the past 17 years, day in and day out, Jeffrey Lustick has made his career as a successful trial lawyer, by prosecuting and defending cases in district, municipal, and superior courts all around the state, and federal and military courts around the country. A good trial judge must be able to draw on years of trial experience and participating in jury trials. They must know the laws and criminal procedures that are used in every case from arraignments to pre-trial hearings, to jury trials, to sentencing hearings. Trial judges must be able to referee the handling of witnesses testifying on the witness stand and have a razor-sharp ability to make decisions about objections and admissibility of testimony. Judges must balance the interest of public safety and the defendant's right to fairness and due process. Jeffrey Lustick meets and exceeds all of these requirements, has a temperament and demeanor that is conducive to efficiency and accessibility in all legal proceedings before him, treats everyone with impartiality and respect, and carries out the duties of District Court Judge fairly and without prejudice. Please do not hesitate to appoint Jeffrey Lustick to serve as the next District Court Judge of Whatcom County.

Sincerely,  
  
Judge Debra Lev  
Presiding

June 22, 2021

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

Subject: Appointment to District Court Judge to replace Judge David Grant.

Dear County Council Members:

I wish to offer my strong recommendation of Jeffrey A. Lustick for the Whatcom County District Court Judge appointment.

I have been employed by the Whatcom County District Court for the past five years; two years as a clerk-cashier and the past three years as a Deputy Court Clerk under Presiding Judge Dave Grant, Judge Matt Elich, and Commissioner Tony Parise. My current duties include working in the courtroom and directly assisting the presiding judicial officer during all criminal and civil hearings, bench trials, jury trials and traffic court cases. I have had the pleasure of being the courtroom clerk assigned to Jeffrey Lustick hundreds of times over the last two and a half years in his role as Judge Pro Tempore in District Court.

Jeff is a take charge person who can successfully manage court proceedings in a respectful, thorough, just, and orderly manner. With his positive attitude, he is a motivator with exceptional leadership qualities. Jeff is a compassionate person who cares deeply for others. He has a natural outreach to others and is an adept listener. All these character traits make him an excellent person to become a judge.

Everyone can see that Jeff strongly supports District Court and he enjoys serving in the role of Judge. He is especially willing to help whenever help is needed. He has served as a pro tempore Judge regularly on average 3 to 4 hours every week over the last two and a half years. Also, sometimes, when our office finds out that a judicial officer is ill or unavailable, we call him on the phone, and he always comes right over to serve in the Court. I know that he has made pro tempore judge service a priority, and his strong commitment and dedication to serving the community is palpable and obvious.

Jeff is also adept and skillful at being a judge. He has years of experiences as both as defense counsel and a prosecutor handling the same kinds of cases we have here. He conducts all the typical functions of a District Court judge with dignity and respect. At times he seems so experienced, that it is hard to remember that he is temporary fill-in judge. I have clerked for him during every kind of hearing there is in District Court,



including arraignments, pre-trial omnibus hearings, criminal motions, traffic infractions (mitigations, contested and deferred), domestic violence anti-harassment order hearings, vehicle impounds, and small claims trials. He has also handled jury and bench trials as a pro tempore judge.

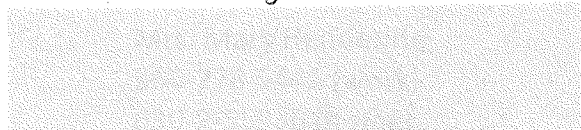
Jeff is a very smart and fair person in all matters. He is an exceptional listener to all parties: defendants, defense attorneys, prosecutors, witnesses, victims, spectators, and court staff. He has an excellent rapport with people and treats everyone with equity and respect. He has a welcoming smile and is easy to approach. He is well loved by the court staff and always conducts himself as a model judge.

A courthouse and a courtroom involve many people. With his incredible knowledge of the law, his positive attitude, and his passion for court, Jeffrey Lustick works well in this sometimes challenging and critical environment. His drive and his leadership abilities will be an asset to Whatcom County, and he is the exact person to fill Judge Grant's shoes right now. For these reasons, without any reservations, I give you my highest recommendations of Jeff to become our next judge.

If you have any questions regarding this recommendation, please contact me.

Very Sincerely,

*Mary Henderlite*



DISTRIBUTED TO

Mick Moynihan

Retired Judge

JUN 6 3 2007

ALL COUNCIL MEMBERS  
WHATCOM COUNTY COUNCIL

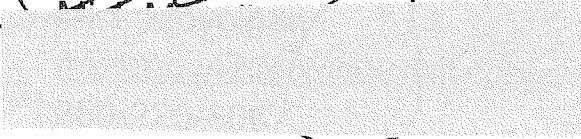
Barry Buchanan, Council Chair  
Members of the County Council

RE: Whatcom County District Court

I have just learned that Dave Grant has indicated that he will be stepping down as District Court Judge. Of course the duty to replace him falls upon the County Council and the purpose of this letter is to recommend that Jeff Lustick be appointed to replace him.

Jeff Lustick would be an excellent candidate for the position. He has served as a Judge Pro-Tem in the District Court and, from my perspective, he appeared in front of me when I served as a judge several years ago, and he acquitted himself well. My opinion of Mr. Lustick is that he is honest, straight-forward and has a complete and comprehensive knowledge of the law.

Very truly yours,



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JUN 07 2021

ALL COUNCIL MEMBERS  
WHATCOM COUNTY COUNCIL

June 5, 2021

Ms. Kathy Kershner  
Whatcom County Council  
311 Grand Ave.  
Bellingham, WA 98225

RE: District Court Judge vacancy

Dear Ms. Kershner,

I'm writing to share with you my recommendation on who should be appointed to fulfill the remainder of Judge David Grant's term as District Court Judge.

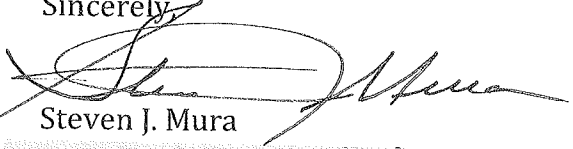
I strongly recommend that Mr. Jeff Lustick be your choice for appointment. In my 20 years of service on the Superior Court bench I had the pleasure of having Mr. Lustick appear in my court on numerous cases beginning soon after he entered private practice in Bellingham. I found him to be an outstanding intellect and amazing advocate for his clients. His courtroom demeanor was of the highest caliber. His courtroom ability, honesty and temperament ranks him at the very top of the local bar association.


I am also aware that for the past three and a half years he has acted as pro-tem judge in Judge Grant's courtroom presiding over both judge-alone and jury trials and has performed in an outstanding manner. This would permit him to judge in an excellent manner from day 1 without months in a learning curve.

My recommendation is based entirely on his professionalism and intellect. I have never gone out with him on a social basis at any time. Our relationship has been purely professional. I urge you to appoint him, and know that you will be extremely pleased with how he conducts himself as judge.

Please feel free to contact me at any time should you have any questions about my recommendation.

Sincerely,

  
Steven J. Mura



RECEIVED

JUN 28 2021

WHATCOM COUNTY  
COUNCIL

## Superior Court of the State of Washington

Hon. Evan Jones, Dept. 2

Email: [cmartin@whatcomcounty.us](mailto:cmartin@whatcomcounty.us)

(360) 778-5632

Fax: (360) 778-5561

Judge's Chambers and Courtroom on  
2<sup>nd</sup> floor



Whatcom County Courthouse

311 Grand Avenue, Suite 301  
Bellingham, Washington 98225

June 8, 2021

Whatcom County Council  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
ATTN: District Court Judicial Appointment

### RE: Application of Jeffrey Lustick

Councilmembers,

I understand that Council is now engaged in the important process of filing the expected vacancy in Whatcom County District Court Judge. By offering my comments below, I hope simply to add my experience with certain candidates to that discussion. Please accept my comments in the helpful manner in which they are intended.

I have known Jeff Lustick for nearly 15 years. For the majority of that time, I worked criminal cases opposite him in Municipal, District and Superior Court. In addition to these courtroom interactions, Jeff and I regularly spoke about cases, discussed the law, and negotiated settlements. Jeff is a great attorney. He displays a calm and thoughtful approach to the law that can only come from true understanding and gained perspective. He has "seen" just about everything. This demeanor has only increased in the last few years as Jeff has served as a *pro tem* judge in District Court.

Probably more importantly however, Jeff has extensive experience working directly with individuals in the court process. I have witnessed him on numerous occasions explain complex matters in an understandable and relatable way to his clients. Jeff demonstrates patience and compassion. These interpersonal skills, along with his knowledge of the law, will greatly benefit the people of Whatcom County and the District Court judiciary. I have complete confidence that, if selected, Jeff would be a great judge.

Please feel free to follow up with any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Jones". The signature is fluid and cursive, with a large initial "E" and "J".

Judge Evan Jones  
Whatcom County Superior Court, Dept. 2

HIGGINSON BEYER

A PROFESSIONAL SERVICES CORPORATION

June 6, 2021

REPLY TO: FRIDAY HARBOR OFFICE

WHATCOM COUNTY COUNCIL MEMBERS  
311 Grand, Suite 105  
Bellingham, WA 98225

Dear Council Members:

I am writing this letter in support of Jeffrey A. Lustick as the next Whatcom County District Court judge. I am an attorney in private practice with 40 years of experience. I also served as a municipal court judge for eight years during that time. I am currently serving on the Washington State Bar Association Board of Governors, an association that oversees the 40,000 attorneys in this state.

As a former municipal court judge myself and a long-time attorney, I am very familiar with the matters handled by District Courts. I believe that Jeff could "hit the ground running" as a judge. He has served as a District Court judge pro tem for the past three plus years handling both civil and criminal matters that are a routine part of the court's docket. During that time, he has developed a good working relationship with the court staff, probation office, and law enforcement. This greatly assists in the administrative aspect of the court's operation. Jeff is also familiar with the attorneys who regularly appear in District Court including both prosecutors and defense counsel, and this is a helpful aspect of being a judicial officer.

As both an attorney and as a judge pro tem, Jeff has handled the many different types of matters that are routinely seen in District Court, such as domestic violence petitions, criminal jury trials, traffic infractions, anti-harassment orders, civil disputes and small claims. This is a broad range of matters, each with its own special court rules, laws, and regulations that must be followed to insure the proper administration of justice and the rights of the parties.

Jeff is an extremely experienced criminal law attorney having served both as a prosecutor and as a defense attorney. It is very important to have a judge who understands the nuances of

criminal law in order to insure a fair process that complies with the law. This cannot really be learned except through experience, which Jeff has in abundance after handling hundreds of criminal cases during his career to date.

Over the years, Jeff has represented clients from many diverse populations including those who have traditionally received disparate treatment in the judicial system due to ethnicity, sexual orientation, mental health disabilities, and socio-economic backgrounds. He understands the needs and the concerns of these marginalized groups and will bring that sensitivity to his position as a judge.

Throughout his career, Jeff has been a champion of justice. The citizens of Whatcom County would be well-served with him as your next District Court judge and I unhesitatingly recommend him to you for that position.

If I may provide any further information, I would be pleased to do so.

Very truly yours,

HIGGINSON BEYER

  
Carla J. Higginson

cc: Jeffrey A. Lustick, Esq.

June 06, 2021

Whatcom County Council  
311 Grand Avenue  
Bellingham, WA 98225

Dear Council Members,


I am writing this letter to endorse Jeffrey Lustick for the vacant District Court Judicial position for the remainder of the current term.

During my 3 years of employment at the Whatcom County District Court, I had the pleasure of working with Mr. Lustick for the entire duration. He served as a pro tempore in the District Court frequently and heard all types of court hearings. I was able to assist Mr. Lustick in the courtroom many times and was always impressed by his even temper, thoughtful decisions and his empathy for the defendants. I also worked with him outside of the courtroom and he was always reliable and dedicated to assisting us with anything that we requested of him. He was willing to put in the hours and consideration it took to properly prepare for any hearing that he was covering. He has also maintained a good working relationship with the clerks and is comfortable with the courtroom procedures.

Mr. Lustick has the education, experience and qualifications to serve in this position and I feel that he would make an excellent Judge. I strongly recommend him to be appointed for this position.

Respectfully,

*Carrie W. O.*







LAW OFFICES OF  
**ALEXANDER RANSOM, PLLC**

June 4, 2021

Judicial Nomination Commission  
311 Grand Avenue  
Suite #105  
Bellingham, WA 98225

**RE: Nomination of Attorney Jeffrey A. Lustick for Whatcom County District Court Vacancy**

To Whom It May Concern,

I am writing this letter of recommendation for Jeffrey A. Lustick for Whatcom County District Court Judge. He is more than qualified to preside over the District Court's small claims, criminal and civil trials and hearings.

I have known Mr. Lustick for 15 years; first as a colleague in the criminal defense bar, later as an associate of his law firm and afterward when I opened my own law firm on 2008. Mr. Lustick is highly respected by both the prosecution and the defense bar. For years, he's managed Lustick Kaiman & Madrone, PLLC, a highly successful private criminal defense firm in Whatcom County.

Mr. Lustick would make a fine District Court Judge. He's served his country as a commissioned officer in the U.S. Air Force Judge Advocate General (JAG) Corps. After leaving active military duty as a JAG officer, Jeffrey was selected as the first person to be the Lead Municipal Prosecutor for the City of Bellingham. In 2005, he opened his law firm. Since then, Mr. Lustick has become a fine, well-rounded lawyer, and is already a fine Judge Pro Tempore for District Court.

I've observed Mr. Lustick exhibit excellent judicial temperament in court. He has a good sense of humor, self-discipline and varied interests outside of law (which are extremely important). He loves his family and is a good husband and father. Mr. Lustick has a keen legal mind. He has demonstrated his ability to analyze complicated legal issues and apply the law appropriately. He makes decisions that are just and fair. He is unbiased and impartial. He is intelligent, wise and patient.

Jeffrey Lustick has all of the credentials, experience and wisdom to be a fine District Court Judge. I hope the Judicial Nominating Commission will consider placing him on its short list for recommendation. Thank you for your consideration.

Sincerely Yours,

  
ALEXANDER F. RANSOM, ESQ.

June 28, 2021

Dear Whatcom County Council:

I am honored by the opportunity to endorse Jeffrey Lustick for the vacant District Court Judicial position, whom I feel is exceptionally well qualified. No doubt there are other qualified candidates but I am confident they will not possess Jeff's affable demeanor and his combination of experience, skill and integrity.

I practiced law in Whatcom County for 38 years, spending 18 years in private practice doing criminal defense, personal injury and judge pro tem work, and 20 years with the County Prosecutor's Office, the last 16 of which as the Assistant Chief Criminal Deputy. My daily responsibilities involved supervising the District Court Division and working with Judges Elich and Grant, as well as other district court personnel. Since my February 28, 2021 retirement, I have been appointed a judge pro tem, periodically sitting on the District Court Bench.

I first met Jeff in 2001 in his capacity as a Bellingham Assistant City Attorney. As a defense attorney, I negotiated many criminal cases with Jeff and soon learned that he could be taken at his word and that he was a prosecutor driven by fairness and justice. During my many years in the prosecutor's office, I resolved countless cases with Jeff, where he was the defense attorney, and his motivation always remained fairness and justice.

There are three essential requirements that make for an exceptional judge: The first is possessing a pleasant and steady courtroom presence; The second is being an expert on evidence (or as close as one can be), and lastly, carefully reading the submitted materials and attentively listening to all oral remarks in a given case. If a judicial officer maintains these standards, all parties, regardless of the outcome, will feel as though the system has treated them with respect and that they have been heard. Over the last few years, I have watched Jeff preside as a pro tem judge in the district court and have been nothing short of impressed. He is always prepared, approaches each matter with a respectful, straightforward tone and his concluding remarks always reflect an inherent sense of justice tempered with compassion.

It is not always the case that attorneys, such as Jeff, with successful and long-running careers will seek judicial office. This appointment offers the Council a unique opportunity to fill this position with a candidate who will serve the residents of Whatcom County with integrity, fairness and justice.

Respectfully,

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

Warren J. Page

June 28, 2021

Whatcom County Council Members  
311 Grand Avenue, Suite A  
Bellingham, WA 98225

Subject: Letter of Recommendation for Appointment of Judge Pro tempore  
Jeff Lustick to the position of Whatcom County District Court Judge

Dear County Council Members:

My name is Jonathan Rands. I am a criminal defense attorney in private practice located in Bellingham, WA. I am writing to endorse Mr. Jeff Lustick, who has served extensively as two-term a Judge Pro tempore in Whatcom District Court, as he is the most qualified choice to fill the judge position which is soon to be vacated by Judge Grant.

I have practiced criminal defense exclusively for 20 years. The focus of my work has been on defending people charged with criminal offenses involving substance and alcohol use, specifically cases of impaired and intoxicated driving. I have served as a criminal defense counsel in over 4,000 infraction, misdemeanor, gross misdemeanor, and felony cases, trying about 250 of these cases to jury of six or twelve jurors.

I have appeared before approximately 200 different judges in my career. I have also represented about 300 people in administrative drivers licensing appeal cases before the Washington Department of Licensing, and I have appeared before 30 different Administrative Law Judges. Through the many years of legal practice, my caseload has taken me to every District and Municipal Court within in Whatcom, Skagit, Snohomish, Island, and San Juan Counties. I have also served as a Judge Pro Tempore in the Municipal Courts of Bellingham, Blaine, and Ferndale.

Bases on my career experiences, I am absolutely certain that Judge Pro Tempore Jeff Lustick is exceptionally well qualified to serve as the next District Court Judge. Of all the judges that I have observed in my career, Judge Pro Tempore Lustick ranks in the highest tier because of his professional demeanor and his judicial temperament as a judge.

I have noticed that when presiding over cases in court, he is constantly respectful of the citizens, lawyers, victims, law enforcement officers, probation officers, and litigants who appear before him. He is also always highly prepared for whatever kind of case he is presiding over, whether it be as basic as a contested traffic infraction motion or something as complex as a motion to suppress chemical breath testing evidence in pending DUI case.

At all times, Judge Pro Tempore Lustick seems to be a step ahead of the attorneys and litigants in his court, which is a quality that he no doubt developed from his own experience as a prosecutor a trial defense counsel. He is also highly committed to being prepared, fair, and above all, committed to being an impartial jurist who follows the law and uses his discretion wisely. I have never seen any favoritism in any of his decisions to one party or the other, rather, Judge Pro Tempore Lustick also follows the rules, the statutes, and the legal precedents.

Another reason why the appointment of Judge Pro Tempore Lustick is so important, is that the Whatcom District Court presently has looming backlog of criminal cases which will be headed to a jury trial in just a few weeks once the fully court reopens after COVID. As our elected Council members, you have a responsibility to the community to maintain consistency in our justice system. You are responsible for appointing a qualified judge who is most capable to taking on this busy and difficult case backlog beginning starting day one.

Maybe some other Pro tempore Judges can cover traffic court for a day or two but Judge Pro Tempore Lustick is the one applicant for this position who has significant experience presiding over jury and bench trials as a judicial officer in *this* court. I speak for many of my colleagues who believe that if appointed, Judge Pro Tempore Lustick will make a seamless transition to successfully address the backlog of case while leading the court into development of updated processes addressing inclusiveness and access to justice.

I have also had the pleasure of knowing Judge Pro Tempore Lustick on a personal level. He is kind and generous. He is levelheaded and well mannered. Whenever serving on the bench, he is inviting and welcoming to the public.

For all these reasons, I urge you to make your pick based on the candidate who is the most qualified and experienced in the job and based on who will be the best fit for the job right now. That person is Judge Pro Tempore Jeff Lustick, and I urge you to appoint him as District Court Judge.

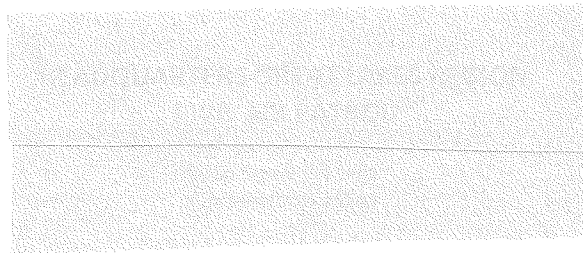
Very Sincerely Yours,

*Jonathan Rands*

Attorney at Law

*Please accept this electronic signature during these days of COVID where electronic communication is becoming the normal*

cc: Judge Pro Tempore Jeffrey Lustick



5 Jun 2021

Whatcom County Council Members  
311 Grand Avenue  
Bellingham, WA 98225

RE: Letter of Recommendation for Lt Col Jeffrey A. Lustick, CAP in support of Judicial Appointment  
as a Whatcom County District Court Judge

Dear Honorable Members of the Whatcom County Council:

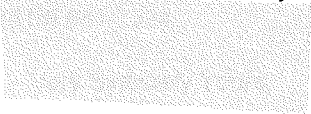
My name is Colonel Matthew R. Creed, CAP, and I am the commander of one of eight Civil Air Patrol regional commands. The Civil Air Patrol is the national civilian auxiliary of the United States Air Force and is comprised of highly dedicated volunteers who fulfil vital local, state, and nationwide missions of emergency services and disaster relief, aerospace education of the public, and a cadet program to develop and motivate youth. In my role as a CAP Region Commander, I directly oversee and control all mission operations, aviation activities, personnel management, and logistical functions of over 6,000 volunteers and 200 groups and squadrons across six states comprising the Civil Air Patrol Great Lakes Region.

It gives me great pride to recommend the Whatcom County Council's appointment of Lt Col Jeffrey A. Lustick, CAP, of Bellingham, WA, for the position of Whatcom County District Court Judge. Lt Col Lustick has been a CAP volunteer for an outstanding total of 38 years, having first joined as a cadet in 1983 in Skagit County, WA. As a cadet, he showed incredible potential for leadership and eventually rose to be the highest-ranking cadet in the United States in 1989, when he was promoted to the prestigious grade of Cadet Colonel. As a cadet, he completed flight training on a CAP scholarship and earned a private pilot's license. He was awarded the CAP Certificate of Recognition for Lifesaving in 1985, and he was recognized as the Cadet of the Year Award for the Pacific Region. Later as an adult member of CAP, he was recognized as the Idaho Wing Senior Member of the Year Award and he served as Idaho Wing Director of Cadet Programs. This he did while attending Gonzaga University Law School fulltime from 1994 to 1997. After his graduation with honors from law school in 1997, Lt Col Lustick joined the United States Air Force Judge Advocate General's Corps where he would go on to serve a total of 12 years on active duty and in the Air National Guard as a commissioned officer and lawyer. During this entire period, Lt Col Lustick remained active in Civil Air Patrol and made valuable contributions to the cadet programs in the Nebraska and Florida Wings. I am pleased to also mention that in 2018, Lt Col Lustick was awarded the Civil Air Patrol Bronze Medal of Valor for saving the life of an elderly citizen who struck by a reckless driver and almost killed in a crosswalk in Bellingham. Lt Col Lustick's distinctive accomplishment and his illustrious volunteer career in the CAP make Lt Col Lustick one of the most highly decorated CAP officers currently serving in CAP.

For the past four years, Lt Col Lustick has served on my staff as my Command Legal Advisor. In this role, he greatly assists my staff and me by providing timely and sage legal advice and real-world expertise whenever he is needed. When the Civil Air Patrol had a need for a qualified attorney to litigate a high-level membership review board, Lt Col Lustick was the first and obvious choice, and was appointed to fulfill this role by our National Vice Commander. He is also a faculty member of the Civil Air Patrol National Legal Officer's College and trains other volunteer CAP legal officers from across the country. Lt Col Lustick is held in high esteem as the recognized subject matter expert on membership quality actions, and he has

recently called upon by the CAP's National Personnel Officer to write policy manuals that have become mandatory regulations for the entire CAP. In these roles, Lt Col Lustick is in contact with me on a weekly basis where I have observed the exceptional and impressive quality of his legal acumen on numerous occasions.

Lt Col Lustick and I have also often talked about his service to Whatcom County and various local municipalities as a Pro Tempore judge, a role that I know he undertakes frequently and thoroughly enjoys serving in. From all that I know about Lt Col Lustick and my many positive experiences with him, there is no doubt that if appointed, Lt Col Lustick he will be an incredibly fair, thoughtful, ethical, kind, and patient jurist. Lt Col Lustick is a selfless servant leader who is worthy of your trust and reliance as the next Whatcom County District Court Judge.

If you would like to discuss my recommendation with me or if you desire any further information about Lt Col Lustick, please do not hesitate to contact me at 



Matthew R. Creed, Colonel, CAP  
Commander:

cc: CAP/JA  
Lt Col Jeffrey A. Lustick, CAP



**ANIMAL LAW OFFICES  
OF ADAM P. KARP, JD, MS**

**By Email**

Tuesday, June 8, 2021

Whatcom County Council  
311 Grand Ave., Ste. 105  
Bellingham, WA 98225  
360.778.5010  
[council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)

**Ref.: *Recommendation of Jeffrey A. Lustick for District Court Judge***

Dear Council:

I write to offer my enthusiastic endorsement of Jeffrey A. Lustick for appointment to fill Judge David Grant's position on the Whatcom County District Court bench.

Mr. Lustick and I have practiced roughly the same period of time (I have been licensed since 1998, Mr. Lustick since 1997). Last year I appeared before him as a *pro tem* judge in district court and found his demeanor, quality of judging, and fairness to a cantankerous *pro se* opponent to be above reproach and eminently measured. He showed no bias, or even appearance of bias, despite my having known him for years prior to that hearing. I primarily came to know Mr. Lustick in his capacity as a criminal defense attorney to whom I would consult on various cases, and always found his advice to be judicious.

Having practiced in Whatcom County for the last 18 years and appeared before nearly every jurist in district and superior court over that tenure, having represented hundreds of individuals throughout dozens of jurisdictions within Washington, Oregon, and Idaho, including state and federal courts, having taught as an adjunct professor at two law schools for many years, and having authored a hornbook and several annotations, treatises, and articles on various aspects of civil and criminal law, I believe I have a good background from which to draw in rating Mr. Lustick as exceptionally qualified.

I hope you appoint him in Judge Grant's stead.

Respectfully,

ANIMAL LAW OFFICES



Adam P. Karp, Esq.





June 28, 2021

Whatcom County Council  
311 Grand Avenue  
Bellingham, WA 98225

RE: Letter of Support of the Appointment of Jeffrey Lustick as District Court Judge

Dear Whatcom County Council Members

My name is James Heintz and I am a small business owner and licensed real estate Broker in Bellingham, WA. I have lived and raised my family in the great community for nearly 30 years. I care about our community and have taken a great interest and concern of the wellbeing of Whatcom County. For this reason, I am contacting you with my resounding endorsement of Jeffrey Lustick as the next Whatcom County District Court Judge.

I have known Jeffrey both personally and professionally for about 20 years. Over this time, I have always found Jeffrey to be one of the most levelheaded thinkers that I know and a trusted advisor on a range of subjects, not just the law. He is honest, committed to social justice and is professional in everything he does. I am aware that he has already been serving as a part-time judge in District Court on top of his responsibilities as a managing partner in his busy law firm.

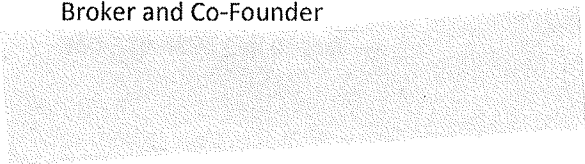
Prior to coming to Bellingham, Jeffrey served our country as a commissioned officer and lawyer in the US Air Force right after graduating with honors from Gonzaga University Law School. He is talented and well-rounded and has served as a federal prosecutor in Nebraska, a city prosecutor in Bellingham Municipal Court and a public and private defense counsel in the county, state & federal court systems. Jeffrey is also a strong communicator and business leader and has worked awfully hard to establish his law firm and his aircraft brokerage into two innovative and extremely successful local small businesses.

As a business owner, father and active member of the Whatcom County real estate and business communities, I know that we would be lucky to have Jeffrey Lustick serve on the Bench. Jeff would bring a tremendous amount of professionalism and dedication to the Whatcom County District Court and I am pleased to give him my strongest recommendation. I sincerely hope the Whatcom County Council will appoint him without delay.

Respectively Yours,

A handwritten signature in black ink, appearing to read "James Heintz". The signature is fluid and cursive.

James Heintz  
Broker and Co-Founder



DAVID R. OSGOOD

NEW CENTURY LEGAL CO, INC.

June 28, 2021

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

Re: Recommendation of Jeffrey Lustick for Appointment as District Court Judge

Dear Distinguished Councilmembers:

I am writing to give you my highest endorsement of Mr. Jeffrey Lustick for appointment as Whatcom County District Court Judge. I believe that Mr. Lustick's decades of trial practice, combined with his thoughtfulness, skill and temperament will make him an excellent judge and an asset to your Bench. Mr. Lustick's successful service as Judge Pro Tempore in the Whatcom County District Court has demonstrated his worth and is earning him the respect and recognition of prosecutors, defense counsel, and other judges on the court.

My practice is in Seattle, Washington, and I have an extensive background on Civil Rights issues going back twenty-five years, working with the ACLU, National Black Chamber of Commerce, Lambda Legal Defense and Education Fund, and Human Rights Campaign, among others. Over time, I have had occasions to consult with Mr. Lustick on issues as diverse as veterans service issues, mental health treatment issues, and anti-harassment orders affecting members of the LGBTQ+ community. During the course our dealings, I have come to appreciate Mr. Lustick's awareness and sensitivity to social justice; his keen insight, as well as the depth of Mr. Lustick's knowledge and an honest perspective that can only be offered after thousands of hours of courtroom experience.

I have also witnessed Mr. Lustick interact with clients with calmness, patience, and compassion, while maintaining the strict ethical integrity of the justice system. Knowing of his history, and the scope of his legal career, especially his service as a Judge Pro Tempore, I cannot help but think that he is the ideal candidate for the Whatcom County District Court judicial position. I am therefore very happy to strongly recommend you appoint him District Court Judge.

Very Sincerely Yours,

*David R. Osgood*

David R. Osgood, Attorney at Law

Law Office of John R. Guardi

June 7, 2021

Whatcom County Council  
311 Grand Avenue  
Bellingham, WA 98225

**Re: Letter of Recommendation for Jeff Lustick  
for District Court Judge**

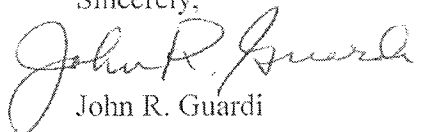
I write this letter to the Council in support of Mr. Jeff Lustick for the District Court judge position following Judge's Grant's retirement. I have known Mr. Lustick for almost 20 years, first when he was a Bellingham prosecutor and then as a private attorney. In addition, I have appeared before him many times when he has served as a *pro tem* judge in various courts.

I support Mr. Lustick for the position because I believe he possesses the qualities I like to see in a judge in general. First, I believe he has the proper judicial temperament overall. He listens to all parties and counsel, is polite and patient, and treats each person before him as a judge with consistent courtesy and respect. I have observed Mr. Lustick on the bench showing such restraint, patience and courtesy also when provoked. Second, his legal experience is extensive – as JAG officer, federal magistrate and judge in Whatcom County, and as a private attorney with his own law firm. I observe him apply the law to the facts in a manner that shows his general understanding of community and society dynamics – law enforcement, racial and cultural diversity, and most fundamentally, the rights and obligations of parties before the court. I also would add I think Mr. Lustick is reasonable in his judicial decisions on matters before him.

I think Mr. Lustick has demonstrated over the years he has behaved professionally and ethically and has been a leader in general, including of his law practice. He is predictably the same person in every setting in which I have known him, and shows himself and character as such.

For these reasons, I highly recommend him for the District Court judge position.

Sincerely,

  
John R. Guardi

**TORY F. JOHNSON, P.S.**  
*Attorney-at-Law*

**Tory F. Johnson**

Please reply to: Bellingham Office

June 7, 2021

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

Re: Jeffrey A. Lustick

Dear Whatcom County Council Members:

I have known Jeffrey Lustick as a colleague for many years, and I highly recommend him to be appointed to the position of Judge in the Whatcom County District Court. Throughout the many years I have known him, Jeffrey has always shown a high regard for our profession as well as respect for the law.

Jeffrey has a bright legal mind which he uses daily to advocate for his clients; I have no doubt he will do the same as a Judge. In addition, Jeffrey's tremendous work ethic and diligence to his clients will serve him well as a Judge.

I have no reservations recommending Jeffrey for this esteemed position, and know that he will serve the residents of Whatcom County with faithfulness and diligence to the law.

If you require any additional information or would like to discuss Jeffrey's recommendation further, please do not hesitate to contact me.

Thank you for your consideration.

Very truly yours,

TORY F. JOHNSON, P.S.



Tory F. Johnson

[Redacted]

---

[Redacted]

James T. Hulbert

[jamesthulbert@gmail.com](mailto:jamesthulbert@gmail.com)

June 24, 2021

Whatcom County Council  
311 Grand Avenue  
Bellingham, WA 98225

*Re: Jeffrey Lustick Application for Whatcom County District Court Vacancy/Appointment*

Dear Members of the Whatcom County Council.

My name is James T. Hulbert. I have practiced law in Whatcom County for twenty-four years. I spent the first eighteen years of my practice in the office of the Whatcom County Prosecuting Attorney, and I now practice as an associate attorney at Adelstein, Sharpe & Serka in Bellingham.

I have known Jeffrey Lustick since the early 2000s when he was hired as an assistant City Attorney Prosecutor for Bellingham. During my time with the Whatcom County Prosecutor's Office, I attended a weekly domestic violence task force meeting with Mr. Lustick, and observed him to highly knowledgeable regarding the challenges faced by domestic violence survivors as they seek help from the legal system. In my experience, Whatcom County District Court has a high volume of domestic violence-related cases, and I am confident that Mr. Lustick will be able to continue the strong work started by Judge's Elich and Grant to serve those touched by domestic violence without missing a beat.

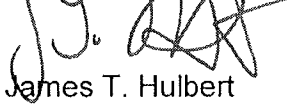
When I moved to the felony division of the Whatcom County Superior Court, I prosecuted many criminal defendants who were represented by Mr. Lustick, who had by then moved to the private bar. Mr. Lustick and I dealt with many serious cases, the results of which would impact the accused for decades to come. Despite these high stakes, and the high-pressure environment, I consistently observed Mr. Lustick to display unflappably-calm demeanor, sterling communication skills and a shrewd legal mind as he argued successfully for clients who came from all portions of the socioeconomic spectrum.

Over numerous hours in court, I have observed Mr. Lustick's legal acumen to be impeccable, and his verbal presentation skills to be without peer. Whether forced by circumstances to be quick on his feet, or given the luxury of time to reflect, his decision making skills consistently enable him to pursue justice across a wide scope of legal issues. I have no doubt that Mr. Lustick is well prepared for the intellectual rigors of the Whatcom County District Court bench.

Stated simply, the citizens of Whatcom County deserve Mr. Lustick's wisdom, intelligence and leadership on the bench as their local legal community continues to evolve.

Mr. Lustick's application represents an exciting opportunity for the Whatcom County Counsel to ensure justice for those who have business in Whatcom County District Court. Please do not hesitate to contact me if you would like further information regarding any of the above.

Very respectfully yours,

A handwritten signature in black ink, appearing to read 'J. Hulbert', with a stylized flourish extending from the end.

James T. Hulbert

## WHATCOM COUNTY PROSECUTING ATTORNEY

### CHIEF CRIMINAL DEPUTY

Erik Sigmar

### ASST. CHIEF CRIMINAL DEPUTY

Dona Bracke

### CRIMINAL DEPUTIES

David Graham  
Kellen Kooistra  
Benjamin Pratt  
Gordon Jenkins  
Kacie Emerick  
Christina Garcia  
Jesse Corkem  
Evan Sterk  
Nicole Meyer  
Julia Monroe  
Maggie Peach  
Andrew Bogle  
Kayleigh Mattoon

### Eric Richey

Whatcom County Courthouse  
311 Grand Avenue Suite 201  
Bellingham, WA 98225-4079  
(360) 778-5710 /Main Office FAX (360) 778-5711

### CHIEF CIVIL DEPUTY

Karen Frakes

### CIVIL DEPUTIES

Royce Buckingham  
Christopher Quinn  
George Roche  
Brandon Waldron

### CIVIL SUPPORT ENFORCEMENT DEPUTIES

Janelle Wilson/Lead  
Dionne Clasen

### APPELLATE DEPUTIES

Kimberly Thulin  
Hilary Thomas

### ADMINISTRATOR

Vanessa Martin

June 24, 2021

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

Dear Council Members,

My name is Benjamin Pratt. I am a Senior Criminal Deputy Prosecutor with the Whatcom County Prosecutor's Office, and have worked for the county since 2017. I'm writing to you in support of Jeffrey Lustick's bid for appointment to the Whatcom County District Court bench. I've known Mr. Lustick since the beginning of my employment with the county, and have had the opportunity to observe firsthand his thorough grasp of the law, easy command of the courtroom, and overall skill as a legal practitioner. I strongly recommend him for judgeship.

I initially met Mr. Lustick in 2017, when I began prosecuting criminal cases in District Court and he was serving as a defense attorney. Despite the adversarial nature of our roles, we had a strong professional relationship and I always found Mr. Lustick to be respectful, persuasive, and effective as an advocate for his clients. He built a solid reputation among my coworkers for his candor and professionalism. And while working with Mr. Lustick as defense counsel was always a positive experience, it was his prowess behind the bench that compelled me to write this recommendation on his behalf.

During the 2018 calendar year, I recall Mr. Lustick beginning to express an interest in becoming a Judge. As a first step down that path, he began appearing as a Judge Pro Tem. He was appointed to make limited appearances to fill in for sitting District Court Judges Grant and Elich when they were unable to hear certain matters (due to recusal, disqualification, or other unavailability). I initially had my reservations about whether a practicing Criminal Defense attorney would be fair and impartial while serving on the bench part time -- especially one I'd personally worked with on multiple cases. Those reservations were dispelled by the end of my first hearing before Judge Pro Tem Lustick. At that hearing, and all the ones that followed, I felt heard, respected, and treated fairly. While I didn't win every argument or motion I had before him, I never left a hearing without understanding Judge Pro Tem Lustick's ruling and the case law he'd relied upon to arrive at his conclusions.

In his role as a Judge Pro Tem, Mr. Lustick had the somewhat unusual opportunity to preside over a trial. In a criminal jury trial, a Judge Pro Tem can only preside when both the prosecution and the defense agree to it; such an agreement is a rarity, and it speaks to Mr. Lustick's reputation for fairness and skill that when, in late

September of 2018, I brought a criminal defendant to jury trial on two counts of Assault in the 4th Degree - Domestic Violence, both parties consented to Mr. Lustick's appointment as trial judge. Presiding over a trial is a demanding exercise; a trial judge must simultaneously maintain a levelheaded demeanor, command authority over his or her courtroom and the people in it, and protect the integrity of the defendant's right to due process. It requires exceptional grasp of the rules of evidence and the ability to conduct rapid legal analysis to make near-instantaneous rulings, all the while bearing in mind that a person's liberty is at stake. In my view, that trial in 2018 was the first true test of Mr. Lustick in his role as a judge.

At trial, Mr. Lustick put on a master class. Whether speaking to the jury or to the parties, Mr. Lustick made absolutely certain to speak in a way that would be easily understood by lawyers and non-lawyers alike -- deftly avoiding the kind of 'legalese' that attorneys are known for that can cause confusion and disengagement from the process. When issues arose in litigation, he fairly weighed the positions of both sides and ruled appropriately based on the law. When he needed to control his courtroom, Mr. Lustick spoke with clear direction that commanded respect. And when the jury rendered a verdict of guilty, Mr. Lustick imposed a fair and just sentence, complete with an explanation for the record that was both stern and victim-centric.

In my years in Whatcom, I have known and worked with many of the candidates who are asking your consideration for appointment to the District Court bench. What sets Mr. Lustick apart from the others is not just that he has the necessary judicial temperament, or that his grasp on the case law and court rules is stellar; it is that he has already spent years demonstrating those things by doing the job, and doing it well. I have every confidence that if you appoint Mr. Lustick to the bench, he will transition into the role seamlessly, and that his experience and discernment will be of great service to the people of Whatcom County.

Thank you for your time,

  
\_\_\_\_\_  
Benjamin Pratt  
Senior Criminal Deputy Prosecuting Attorney



June 10, 2021

Whatcom County Council  
311 Grand Ave.  
Bellingham, WA 98225

Dear Council Members,

I am writing to recommend Jeffrey Lustick for the office of Whatcom County District Court Judge. As a judicial officer, I am not permitted to use my Court's letterhead, and this recommendation is based on my personal experience as an attorney and Bellingham Municipal Court Commissioner, having known Mr. Lustick for approximately twenty years.

I first met Mr. Lustick when he was a new prosecutor in the Bellingham City Attorney's Office. Mr. Lustick was diligent, highly organized and committed to seeing justice done. He created many of the pleadings, such as plea forms, that we still use today in the Bellingham Municipal Court. Mr. Lustick was also a Judge Advocate, like myself and former Whatcom County Superior Court Judge Mura, and served our country and its service members in the reserves while excelling as a civilian attorney. Mr. Lustick transitioned from the public sector to become a private attorney, where he founded a successful law firm and frequently appears before me as defense counsel in criminal cases and civil infractions. Mr. Lustick is consistently well-prepared, insightful, and creative in finding appropriate outcomes in these cases. One example is that, when representing a criminal defendant with mental health issues, he proposed a mental health deferred prosecution, which I granted. What's remarkable about that is that few attorneys I see in court seem to know that this option is even available in cases involving mental illness, much less how much it can help their clients address core causes of criminal behavior and achieve a successful outcome for them and the community.

While Mr. Lustick's legal abilities are exceptional, his recent interest and experience in working in the judiciary should set him apart from other candidates. Judges are not simply lawyers in robes. Being an effective judicial officer means setting aside the biases that many lawyers acquire, particularly when one has spent most of their career in one role, such as a prosecutor or defense attorney. Mr. Lustick has served in both those roles, and then shown objectivity as a Judge Pro Tem in Whatcom County District Court and Bellingham Municipal Court. He is well-respected by the bar, court staff, and the judiciary as Judge Pro Tem. I strongly recommend Mr. Lustick for the position of District Court Judge.

Respectfully,

A handwritten signature in black ink, appearing to read "P. Smiley", written in a cursive style.

Pete Smiley

From the Desk of Gene Knutson

**DISTRIBUTED TO**

**JUN 14 2021**

June 11, 2021

**ALL COUNCIL MEMBERS  
WHATCOM COUNTY COUNCIL**

Whatcom County Council Members

311 Grand Avenue

Bellingham, WA 98225

Dear Whatcom County Council,

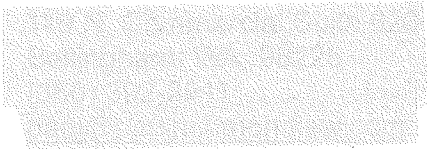
I am writing you as both a citizen of Whatcom County and as a City Council member. I strongly endorse Jeffery Lustick for the position of Whatcom District Court Judge. I first met Jeff nineteen years ago when he worked in our municipal court as a prosecutor. I always valued Jeff's work, he was straight forward in his approach and worked well with all. He was in front of council often and always handled himself well. Often times government does not always agree with the legal staff, but he was very convincing on what was the right thing to do. Jeff applied the law on all his decisions. As a Judge Pro Tempore he is ready on day one for the job. His experience is very impressive and speaks volumes on how he is qualified for this position. His years as a military prosecutor and defense counsel and all his work locally readies him for the Judge position. He is a dedicated public servant who would make a great Judge for years to come. During his time as city prosecutor he had to tell us things we did not want to hear but things we needed to hear and that is what leaders need to do. Jeffery Lustick is the right person for this position. I hope you see that to.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Knutson". The signature is fluid and includes a large loop at the end.

Gene Knutson Bellingham City Council 2<sup>nd</sup> Ward

Paul Richmond Law



RECEIVED

JUN 15 2021

WHATCOM COUNTY  
COUNCIL

BY HAND

TO  
Whatcom County Council Members  
311 Grand Avenue  
Bellingham, WA, 98225

June 11, 2021

**Letter in Support of Jeffrey Lustick for District County Judge**

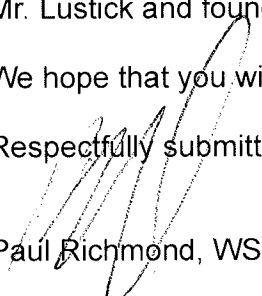
I am writing a letter in support of Jeffrey Lustick as District Court County Judge.

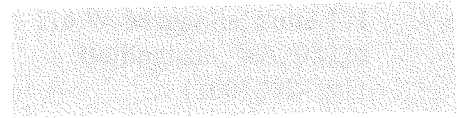
I am familiar with Mr. Lustick both as Court Commissioner and Counsel.

Jeffrey Lustick presided over a trial involving a restraining order that involved members of the homeless advocacy community and involved issues of potential civil liberties and of import to the public. This hearing largely filled the court room with interested observers. Jeffrey Lustick was what you would hope for in a Judge, cognizant of the law, fair to all sides, and giving all an opportunity to be heard. I have also observed Jeffrey Lustick in other shorter hearings. Our office has also been involved in one contentious matter with Mr. Lustick and found him to be fair and interested in the rights of all parties.

We hope that you will consider Jeffrey Lustick for this position.

Respectfully submitted

  
Paul Richmond, WSBA 32306



June 4, 2021

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

Dear Council Members:

It gives me great pleasure to write a letter of recommendation on behalf of Mr. Jeffrey Lustick, who is the founding partner of the Lustick, Kaiman and Madrone PLLC Law Firm in Bellingham, WA. I have known Jeff for over 18 years, since the time he served as my Judge Advocate Officer when I was Commander of the 262 Information Warfare Aggressor Squadron at McChord AFB, WA. He worked as both a military and federal prosecutor.

He graduated from the Gonzaga Law School Cum Laude in 1997 and was admitted to the Washington State Bar that same year. Over the years, I have known Jeff to work in all aspects of law. He worked as a prosecutor for the City of Bellingham for three years, where he was as a public defender and defense counsel.

Jeff has also served as a Judge Pro Tempore in Whatcom County District Court, Bellingham Municipal Court, and Ferndale Municipal Court for over three and a half years. In this capacity, he has successfully handled every type of case ranging from small claims, criminal jury trials, criminal motion hearings and anti-harassment hearings.

As a part-time job, he fills in several times a month and is very familiar with his responsibilities and duties. He has a close working relationship with the clerks and court staff. Recognizing that there is a large backlog of cases due to the Covid-19 Pandemic, Jeff is committed to leaving his private practice immediately, in order to serve Whatcom County in the capacity of a District Court Judge for many years.

In my opinion, Jeff has both the professional skills and abilities, together with his personal qualifications of honesty, commitment, vision, and accountability to make him a preeminent candidate for the position of District Court Judge. Please give him your serious consideration as you make your selection to fill this most important position.

Respectfully,

HERBERT G. PORTER  
Ferndale City Council  
Position # 1

Kasie Wagner

Whatcom County Council Members  
311 Grand Avenue, Suite A  
Bellingham, WA 98225

Dear Whatcom County Council Members :

As a court clerk, it has been an absolute pleasure to work with Jeffrey Lustick. In my nine years at the Court, I have observed Mr. Lustick to be exceptionally professional as an attorney. More recently, I've been graced with the opportunity to work with him as a protem judge. In that time, Mr. Lustick has shown himself to be honest, patient, impartial, and highly ethical.

Jeffrey Lustick is originally from Mount Vernon and graduated with honors from Gonzaga in 1997. He was admitted to the bar in Washington in October of 1997 and has remained in good standing ever since. His experience as a prosecutor for the City of Bellingham, his time as a military prosecutor and defense counsel with the U.S. Air Force/Air National Guard and his service as a federal prosecutor for the U.S. Attorney's Office in Omaha, NE has earned him the reputation of a highly esteemed and seasoned attorney.

Mr. Lustick has made a career of serving the community. Not only has he devoted 17 years as a private defense attorney in Bellingham, he has also served as a Judge pro tempore in Whatcom County District Court, Bellingham Municipal Court and Ferndale Municipal Court. His combined experience and contribution to the legal profession has earned the respect of his peers, fellow clerks, and court staff.

In summary, I believe Jeffrey Lustick would make an excellent judge and fully support his appointment.

Sincerely,



Kasie Wagner



## FERNDALE MUNICIPAL COURT

P.O. Box 291  
Ferndale, WA 98248-0291

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3 June 2021

Whatcom County Council  
311 Grand Ave. Suite 105  
Bellingham WA 98225

*RE: Letter of Support for Judicial Candidate Jeffrey Lustick*

Dear Council Members:

I am writing to express my support for Mr. Jeffrey Lustick's application for appointment to the Whatcom County District Court. Mr. Lustick would serve the people of Whatcom County exceedingly well, and I strongly recommend that he be appointed.

Mr. Lustick has been the preferred judge pro tem in Ferndale Municipal Court since I took office in 2019. Mr. Lustick has all the qualities that a judge needs. He knows the applicable statutes and court rules. He has a patient and calm judicial demeanor, and he strives to provide litigants with fair and well-reasoned rulings. He is decisive and maintains the appropriate decorum in the courtroom. The clerks and other staff in Ferndale Municipal give his performance as a pro tem rave reviews, and he has been asked back many times when I have been unavailable. In addition to serving as a pro tem in Ferndale, Mr. Lustick has spent hundreds of hours as a pro tem for Whatcom County, and has accumulated a tremendous amount of experience on the bench. Mr. Lustick is friendly and approachable, but also has the leadership qualities that make him an outstanding candidate to supervise the staff at District Court.

On a personal note, I have known Mr. Lustick for 18 years. You would be hard pressed to find a more ethical or hard-working attorney to appoint to the bench. In my opinion, Whatcom County is fortunate that a candidate of his caliber is willing to leave private practice and devote himself full time to public service. Once again, I strongly recommend that he be appointed. If you would like any further information, please feel free to contact me.

Sincerely,



Judge Mark A. Kaiman

---

**Court Office Location**  
2220 Main Street  
Ferndale, WA  
Phone: (360) 384-2827  
Fax: (360) 312-0106

**Courtroom Location**  
5694 Second Avenue  
Ferndale, WA

**Website**  
[ferndalecourts.org](http://ferndalecourts.org)  
[info@ferndalecourts.org](mailto:info@ferndalecourts.org)

LAW OFFICES  
OF  
MICHAEL K. TASKER

---

June 8, 2021

Whatcom County District Court  
311 Grand Ave. Suite 401  
Bellingham, WA 98225

Re: Endorsement of Jeffrey Lustick for District Court Judge

Dear Selection Committee:

I have practiced in this jurisdiction for over fifteen years. During this time I have had an opportunity to get to know Jeffery Lustick. I believe Jeffery possesses the temperament, intelligence, legal knowledge, and wisdom to be an excellent judge. If he is appointed, I believe he will diligently serve, and do his best to render fair and thoughtful rulings.

Should you find it important to understand my perspective regarding this endorsement in greater detail, I will make myself available to provide the same upon request. My email is

[REDACTED]

Best Regards,



Thomas Dunn

[REDACTED]

June 8, 2021

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

Dear Council Members:

I am writing to express my support for Jeff Lustick to be appointed to serve the remainder of Judge David Grant's term in Whatcom County District Court. I have worked for the Whatcom County Public Defender's Office since November 2019 and have practiced almost exclusively in district court during that time. Prior to working here in Whatcom County, I was a public defender in Spokane County and a judicial clerk for the Washington State Court of Appeals.


There have been numerous occasions in our district court where Mr. Lustick has served as judge pro tempore and presided over my cases. It has always been clear from his conduct in court and rulings from the bench that Mr. Lustick strives to properly follow and apply the law. Where some judicial officers will substitute their personal feelings in place of the law, Mr. Lustick does not. He also places a strong emphasis on having litigants and lawyers conduct themselves professionally, and show respect for all, while in court.

Further, Mr. Lustick has always been willing to balance the needs and concerns of the community, with the needs and concerns of a defendant. He carefully listens to arguments from both sides, and makes a fair decision based on the information provided to the court. Importantly, Mr. Lustick is willing to make use of alternative sentences (such as our jail alternatives program) to ensure that appropriate sentences are imposed without also crippling a defendant's livelihood. It is my experience that this type of thoughtful and balanced approach boosts public confidence in the courts, improves community safety, increases the court's efficiency, and reduces recidivism.

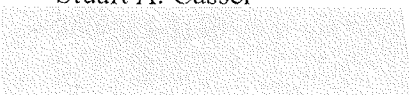
Also, I have been part of the Mental Health Court (MHC) team since August 2019. Mr. Lustick has served as judge pro tempore in MHC and has demonstrated the type of temperament and patience needed in an MHC judge. If appointed to the bench, I believe this experience greatly enhances Mr. Lustick's ability to preside over our MHC program, should Judge Elich want to step back from the program.

Overall, I believe Mr. Lustick has the necessary experience, knowledge, and temperament to be an effective district court judge. I support his application to be appointed to serve the remainder of Judge David Grant's term in Whatcom County District Court. I believe he has been, and will continue to be, a fair, thoughtful, and ethical judicial officer.

Respectfully,



Stuart A. Cassel





**From the Desk of  
Skagit County Superior Court Judge  
Thomas L. Verge**

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June 29, 2021

Whatcom County Council Members  
311 Grand Avenue  
Bellingham, WA 98225

Dear Council Members:

My name is Tom Verge and I currently serve as an elected Superior Court Judge in Skagit County. I write this letter in support of Jeffrey Lustick to be appointed to fill the position of Whatcom County District Court Judge, filling the vacant seat from Judge David Grant's retirement.

I am currently serving my 17<sup>th</sup> year on the bench: 11 years as a Whatcom County Superior Court Commissioner (2005-2016); 5 years as a Skagit County District Court Judge (2016-2020); and in November 2020, I was elected to my current position. So, I feel I am qualified to assess the suitability of a person to become a judge.

I've known Mr. Lustick professionally for nearly 20 years. He has appeared before me numerous times, always prepared, always pleasant, all the while zealously advocating for his client's interests. As a judge, I always appreciated such thorough professionalism.

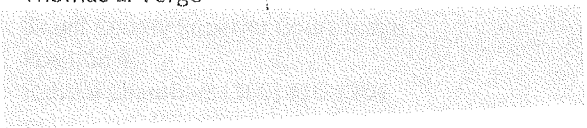
Mr. Lustick is precisely the type of attorney you want to see move onto the bench. He is empathetic, quietly professional and kind. Judges represent the community that they serve and I can think of no better person to serve and represent the citizens of Whatcom County. His knowledge of the law, his integrity and his ability to listen will serve Whatcom County citizens well. I believe that all appearing before him will literally leave the courtroom feeling that they were heard and treated with compassion and respect.

I urge you to appoint Jeffrey Lustick as your next Whatcom County District Court Judge. I thank you for your time.

Best Regards,



Thomas L. Verge



## Monica Rouse

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**From:** [REDACTED]  
**Sent:** Tuesday, June 29, 2021 9:22 AM  
**To:** Council  
**Subject:** District Court Judge

Hello Council Members-

It has come to my attention that Judge David Grant is retiring and a new appointment by this Council to the Whatcom County District Court bench will soon be taking place. I would encourage the council to strongly consider Attorney Jeffrey Lustick to be appointed as Judge Grants replacement.

I am a lifelong resident of Whatcom County and have known Jeff for 14 years through aviation. Jeff has always been extremely personable and professional with my interactions with him for various reasons. His listening and communication abilities are superb both professionally and personally. Jeff serves on the Board of Directors of the Strato Airport Condo Association and even before that he has helped bring many people together with different opinions and come to great solutions that benefit all.

I see no better person who has served our country, is a local resident with local knowledge, and who already knows how our judicial system works then Jeff Lustick.

It would be a great benefit to Whatcom County to have Jeff as our next Whatcom District Court Bench Judge.

Thank you for your consideration of Jeffrey Lustick.

/s  
Brett Milewski

[REDACTED]

June 28, 2021

Members of the Whatcom County Council  
311 Grand Ave  
Bellingham, WA 98225

Dear Council Members:

My name is Brent Papineau and I am an author, writer, and blogger. I lived in Bellingham and Ferndale for several years in the 90's and have resided in various places around the country, such as North Dakota, Wyoming, and now I reside in Jacksonville, Florida.

During the COVID19 pandemic as my business slowed down, I took up a new hobby of "court watching." In my spare time, I started watching video feeds of the small courts which were putting up feeds of their court trials and hearings. Because of my past ties to Whatcom County, I noticed that Whatcom County District Court was broadcasting live feeds of its hearings, and so I subscribed to the court's YouTube channels and started regularly watching. I receive alerts on my phone when the court is in session.

I remember a while ago on the channel, I overheard Judge Grant talking about his retirement. This made me curious, and I found out via the Whatcom County Council website that you are soliciting applications from candidates to fill Judge Grant's position. I am writing to you today to put in my two cents worth about a pro tem judge that I have seen frequently on the channel named Jeff Lustick. After watching him on the feed for several months, I really think he should be someone you seriously consider for this position, and I hope that he will apply.

Whenever I see that Judge Lustick is presiding in court, I do my best to watch because he is always very interesting. He is pleasant and cheerful and runs the court hearings in a fair and respectful way. Of all the other judges I watch, Judge Lustick is noticeably more respectful and patient, even when he is faced with an unruly or disrespectful person in court.

One case that really sticks out in my mind is when Judge Lustick was handling a small claims case. The plaintiff was the mother from a Mexican American family who were throwing a Quinquennia for their 15-year-old daughter. They were suing a photographer who did not provide professional quality video and photography services for the event. Basically, the pictures turned out all yellowish and were unfocused and the video never got produced. Judge Lustick found in favor of the Plaintiff, and I remember the ruling he made in the case. Judge Lustick gave the family reimbursement for the photographic services and took the time to sympathize and soothe the mother who was noticeably

crying and heartbroken. She was upset because the photographs of her daughter were done so poorly, and she felt responsible for hiring the bad photographer. Judge Lustick obviously understood this and told her that he understood how important the daughter's Quinquennia was to the mother and her family, and took extra time to comfort the lady in a very professional and heartwarming way.

In another case I watched, I remember Judge Lustick ruling in favor of one party in a way that I didn't see coming. He denied the plaintiff's claims, but Judge Lustick also took a lot of time to explain his ruling to the plaintiff and state why the Plaintiff did not win his case. Judge Lustick mentioned that even though, in his opinion, the law probably should be changed at the Legislative level, he could not and would not rule against the current law. In my opinion, this is a completely appropriate thing to do as a judge, and it gives the average citizen faith in the justice system.

If you get a chance to appoint pro tem judge Jeff Lustick to a permanent seat on the Whatcom County District Court, you really should do so. Your citizens deserve a continuation of the fair, honest, and correct judgements that he provides as a judge.

In Thankful Regards,

Brent Papineau



From: Steven Burger, Contact Counseling Recovery Services

To: Whatcom County Council Members;

I am submitting this letter in support of the appointment of Jeffrey Lustick to the Whatcom County District Court Bench. I have worked as a Substance Use Disorder Professional since 1989. In that time I have provided addiction counseling services to clients in various settings. I have worked in inpatient and outpatient treatment centers, public and tribal schools, hospitals, jails, and prisons. This includes 4 years providing treatment and assessment services to clients incarcerated and/or under supervision with the Washington State Department of Corrections, as well as working for 5 years at Lummi Counseling Services serving Native Americans under the jurisdiction of the Lummi Tribal Court. For the past 12 years I have provided assessments at Contact Counseling for persons who were arrested for DUI or Domestic Violence offenses. It is in my role at Contact Counseling where I have gotten to know Jeffrey Lustick.

In my experience, Mr. Lustick has been a strong advocate for his clients as well as supporting the necessity of them following through with treatment services when necessary. I have found him to have a very good understanding of the issues surrounding Substance Use Disorders, and the need for appropriate treatment. As a person who was born in Mt. Vernon, and having a well-established law firm representing residents of Whatcom and Skagit Counties, Mr. Lustick has a firm grasp of the needs of our community.

I am impressed with Mr. Lustick's desire to improve access to services for DUI and Domestic Violence offenders. Access to services is an especially difficult obstacle for people overwhelmed with their legal problems as well as existing substance use disorder, and mental health issues.

Mr. Lustick has a great deal of integrity. I see this in his willingness to leave a successful private practice to serve our community on the bench. He has extensive past experience as a public defender, military defense counsel, as well as a private DUI, DV and criminal defense attorney. He has past experience as a federal military prosecutor, judge pro tempore for Whatcom County District Court, the Bellingham Municipal Court, and the Ferndale Municipal Court. He has also has filled in for the Whatcom District Court Mental Health Court. This well rounded resume' offers Whatcom County residents the opportunity to be immediately served by someone with unparalleled qualifications.

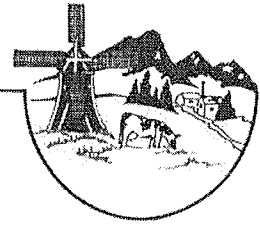
Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Burger', written over a white background.

Steven R. Burger, BA SUDP

6/23/2021

# CITY OF LYNDEN



## LYNDEN MUNICIPAL COURT

Terrance G. Lewis, Judge  
Greg Greenan, City Prosecutor: (360) 647-1500  
Angela Anderson, Public Defender: (360) 483-5200  
Court Office: (360) 354-4270

June 9, 2021

Whatcom County Council Members  
311 Grand Avenue  
Bellingham, Washington 98225

*Re: Recommendation of Jeffrey Lustick for Whatcom County District Court Judge*

Dear Whatcom County Council Members:

It is my pleasure to recommend local attorney Jeffrey Lustick to fill the Whatcom County District Court judicial position soon to be open due to the impending retirement of Judge David Grant.

I have been fortunate to live and practice law in Whatcom County for over forty years. As such, I am familiar with all the courts in Whatcom County. Today, I am in my nineteenth year as Municipal Court Judge in Lynden.

I have known and worked with Jeff Lustick for the past twenty years. Jeff is smart, reliable, polite, and works well with others. Jeff was a city prosecutor for Bellingham, and both a military and federal prosecutor. He has worked as a public defender and private defense counsel. Notably, for the past 3 ½ years, he has served as judge *pro-tem* in Whatcom County District Court, hearing all manner of cases.

The day-to-day work of a District Court Judge is challenging. David Grant did a terrific job for eighteen years. Jeff Lustick has the broad range of experience to assume that challenging role.

I would be happy to answer any questions concerning my recommendation of Jeffrey Lustick for your consideration as Whatcom County District Court Judge. I can be reached at [360-354-4270](tel:3603544270) by email at [terrance.g.lewis@cityoflynden.org](mailto:terrance.g.lewis@cityoflynden.org)

Sincerely,

A handwritten signature in black ink that reads "Terrance G. Lewis". The signature is written in a cursive style.

TERRANCE G. LEWIS  
Lynden Municipal Court Judge

## Jacqueline Lassiter

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**From:** Bob Delgatto <[REDACTED]>  
**Sent:** Tuesday, June 29, 2021 12:50 PM  
**To:** Council  
**Subject:** Whatcom District Court Judge appointment

Whatcom County Council Members-

My name is Bob Delgatto and I have been a resident of Bellingham and Whatcom County for 22 years. I am employed as a project manager for a local corporation and I work on public and government projects throughout the United States. I am writing today to give you my strongest endorsement in favor of the County Council appointing Attorney Jeffrey Lustick as the District Court Judge to replace Judge Grant who is retiring.

I have personally known Jeffrey for over 12 years. Jeffrey's daughter and my daughter have been friends since 2014, and I know Jeffrey as a friend, a fellow father, an enthusiastic aviator, and a well cultured professional person with strong values. He isn't in law for the money. Rather, he is completely dedicated to helping others and serving our community. He is a man of great moral fiber who has a strong work ethic. He is a proven leader in his career field and has excellent organizational and communication skills.

Jeffrey has expressed to me on numerous occasions how much he has enjoyed serving as a part time Judge for the court over the last 2.5 years, and how proud he has been of his service. I know that he fills in very frequently whenever one of the other judges is absent or otherwise busy. When he talks about serving as a judge his whole face lights up, his tone of voice is positive and serious, and I can see he is meant to be a judge. Obviously, with all of the real-world practical experience that Jeffrey has as a fill-in judge, I have no doubts that he will be able to function as a fulltime judge without needing any training or having a delay in service caused by a learning curve.

As someone living in this community for decades and who is very concerned with public safety, I think it's imperative that this Council choose our next judge based on their experience and qualifications and based on their willingness to serve for all of the right reasons. We deserve a qualified person who can act as our judge right away, and someone who will use the judge seat to protect the community while promoting the rule of law. My honest assessment is that Jeffrey Lustick meets all of these descriptions and should be appointed judge right away.

Thank you for your consideration,

Bob Delgatto

[REDACTED]

## Jacqueline Lassiter

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**From:** Perry Eskridge [REDACTED]  
**Sent:** Tuesday, June 29, 2021 1:52 PM  
**To:** Council  
**Subject:** District County Judicial Appointment

Council Members,

You have before you one of the most important appointments you will, perhaps, make during your tenure on the Council. The appointment of judges is a function that impacts not only the single judge you appoint, but the function and management of that court for the judge's tenure and for all Whatcom County citizens who appear in that court.

I confess that I was surprised watching the conversation the Council had concerning the gender of the people who have served as District Court Judge and the suggestion that the Washington Women Lawyers would be reviewing applications. That discussion has the tinge of unlawful hiring on the basis of sex and should have been avoided at all costs. Viewing the Committee of the Whole discussion including your own legal counsel discussing only "white males" serving as judges on the District Court was disconcerting, say nothing of the discussion of the legal profession generally.

If the Council seeks to *recruit* under-represented populations to submit application for appointment, that is certainly different from how the instant discussion seemed to proceed. In that instance, it would be entirely appropriate to solicit applications from the Washington Women Lawyers. That was not, however, the discussion that seemed to be taking place and the appearance is that the Council is moving toward the singular path of appointing a woman to improve demographics.

The appointment of a judge is serious business. Only the most qualified should be interviewed and, from amongst those (hopefully) highly qualified candidates should Council choose the most qualified candidate. Selection could nearly be accomplished by removing all identifying information from the application materials and review conducted solely on experience as outlined in the application materials.

I would suggest that, in addition to the Whatcom County Bar Association and the County Prosecutor's Office, you might confer with the Washington Criminal Defense Lawyers Association ( <https://www.wacdl.org/>) as members of that Association are most likely to have worked closely with the applicants whom I know have applied and would be able to provide insight into those applicants' level of professionalism. I personally would be seeking information on caseload management, office management (this applicant will manage an entire court!), collegiality, legal knowledge, etc. It is one thing to successfully litigate in court, it is quite another to manage a legal practice including administrative matters and, more importantly, successfully build that practice.

To that end, I would strongly encourage the consideration of Jeffrey Lustick. I have known Jeff for over 20 years and know that he has an excellent reputation state-wide for professional criminal defense. I refer my own clients who face criminal actions to Jeff and, without exception, Jeff has secured excellent outcomes for every client I have referred. His knowledge of criminal law is encyclopedic and he is likely one of the premier criminal defense attorneys in Washington. My clients speak very highly of Jeff and I know my referrals and trust in Jeff are not misplaced.

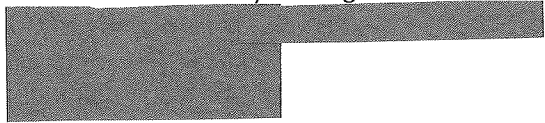
Jeff's reputation exceeds that of the criminal law and extends to civil law matters. While I am familiar with Jeff's criminal law work, it is his work in civil aviation law that also is commendable. My colleagues at the Federal Aviation Administration hold Jeff in very high regard for the caliber of legal work he performs on civil aviation matters including representation of mechanics, pilots, and aircraft owners. Jeff is known for his comprehensive knowledge of aeronautical regulations, civil legal proceedings, and the manner in which he treats both administrative law personnel and the FAA legal staff.



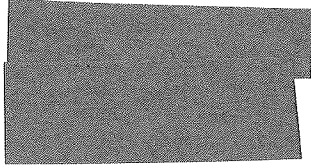
Perhaps the singular experience that provides me certainty that Jeff is the most exceptional candidate is answered from the perspective of, "Who did Judge Grant rely on to help with the administration of the District Court?" Judge Grant, despite who he may endorse now, appointed Jeff as Judge Pro Tempore with all the powers and duties of the elected judge over the administration of cases before that court. Jeff, who was chosen by the departing judge to serve in that judge's absence, is the best candidate to assume that judge's position upon vacation of the bench; Judge Grant's actions speak louder than his words.

I wish you the best with your deliberations. If I can be of any assistance, please do not hesitate to contact me.

Law Office of R. Perry Eskridge



John Stark



June 4, 2021

To members of the Whatcom County Council

Greetings.

Jeff Lustick has asked me to contact you about his application to be appointed to the Whatcom County District Court bench to fill a vacancy of about one year.

Based on my dealings with Jeff during my years as a reporter for The Bellingham Herald, I'm confident that he is a solid candidate for this responsibility.

As you know, he has already been serving regularly on the District Court bench in a pro-tem capacity.

I interviewed Jeff on several occasions during his years with the City Attorney's office, and later discussed newsworthy cases with him during his years in private practice. Jeff impressed me as an intelligent, articulate attorney with a gift for explaining legal matters to laymen like me. The ability to do that is valuable in a court setting in which judges often deal with citizens directly, rather than with other lawyers.

I hope you will give his application strong consideration.

Sincerely,

John Stark

**Law Office of Aaron M. Lukoff**  
**& Associates, PLLC**

215 Flora St.  
P.O. Box 1153 Bellingham, WA 98227  
Ph.: (360) 647-5251 Fax: (360) 933-4361  
Email: aaron@lukofflegal.com

**June 29, 2021**

**Sent Via: Email**

**Jeff Lustick**  
**222 Grand Avenue, Suite A**  
**Bellingham, WA 98225**  
**(360) 685-4221**

**Re: Recommendation for Whatcom County District Court position as Judge**

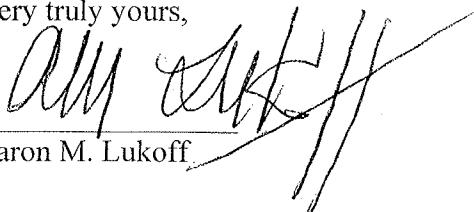
To whom it may concern,

I am writing today to recommend Jeff Lustick for the position of Judge that is opening up at the Whatcom County District Court. This position was held by the honorable David Grant. Over the past several years Jeff Lustick has acted as a Judge pro tem on the bench at Whatcom County District Court and he has always done a good job of being fair and thoughtful in this capacity.

I wholeheartedly endorse Jeff Lustick for this position as Judge. I believe he will do a good job of being fair to defendants and will make sure that their rights are upheld.

Should you have questions feel free to contact our office.

Very truly yours,

  
\_\_\_\_\_  
Aaron M. Lukoff

222 Grand Avenue, Suite A  
Bellingham, WA 98225  
360.685.4221  
www.Lustick.com



Jeffrey A. Lustick, Esq.  
Mark A. Kaiman, Esq.  
Adrian M. Madrone, Esq.

June 30, 2021

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

To the Whatcom County Council:

I am writing in support of Jeffrey A. Lustick's application for appointment to serve as Judge in Whatcom County District Court. I am Jeffrey's current law practice partner along with Mark Kaiman. Jeff hired me as an associate in 2010 and we became partners in 2014. I have worked very closely with Jeff for over a decade. We have co-chaired jury trials together and have worked on many complex and challenging cases. Over the past three years, I have spoken with Jeff often as he has been sitting as Judge *Pro Tem* in District Court. I have seen his thoughtfulness in this position, his desire to do the right thing, and his focus on treating all courtroom litigants with dignity and respect. He has taken this role quite seriously, and the feedback I have heard from prosecutors, defense attorneys, and court clerks has been overwhelmingly positive.

In my opinion, Jeffrey is the single candidate who can enter this position and be fully prepared to hit the ground running at full speed. Because he has been serving as judge *pro tem* for the last three years, he will require little time to familiarize himself with the role and the obligations of the job. His *pro tem* service has demonstrated that he already knows how to do the job well. This is important when considering a position on a court that operates at such high volume. The right candidate must not only be thoughtful, knowledgeable, and considerate, but must also be efficient and expeditious in their administration of justice. Jeffrey Lustick is this candidate.

I urge you to appoint Jeffrey A. Lustick as our next Judge in Whatcom County District Court. I am confident he will serve this community with integrity and dignity.

Please do not hesitate to contact me if you would like any further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adrian Madrone", written over the word "Sincerely,".

Adrian Martinez Madrone



June 30, 2021

In re: Letter of Recommendation for Judge Pro Tempore Jeff Lustick

Dear Whatcom County Council Members,

My name is Jason Smith and I am the owner of Law Offices of Jason Ans. Smith and North County Public Defense, PLLC. I am writing to express my support for Judge Jeff Lustick.

Judge Lustick possesses a voluminous knowledge of the law, a caring and compassionate temperament, and a sincere desire to connect with the attorneys and defendants who appear before him. Judge Lustick would be the ideal choice to fill any vacancy on the bench and would be uniquely qualified to serve on the Whatcom County District Court.

I have personally appeared before Judge Lustick numerous times throughout my career and I have always found him to be a fair, impartial and knowledgeable judicial officer. Judge Lustick considers issues from all sides and balances the rights of criminal defendants with the interests of the State in a manner consistent with the highest standards of the legal profession.

I am proud to endorse Judge Lustick in any bid he makes for a permanent judicial position. If you have any questions please don't hesitate to contact me.

Sincerely,

Jason Ans. Smith

Owner – North County Public Defense, PLLC

1720 IOWA ST  
BELLINGHAM WA 98229  
PHONE: 360-684-3062  
FAX: 360-393-4823  
admin@northcountypd.org

July 3, 2021

Elliott Korona, JD



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

VIA E-MAIL TRANSMISSION

Dear Honorable Councilmembers:

My name is Elliott Korona and I am writing you today to recommend the appointment of Jeffrey Lustick as the next Whatcom County District Court Judge.

I am an attorney admitted to the State Bar of Arizona and U.S. Supreme Court. I am a 2012 graduate of Phoenix School of Law, where I earned a Juris Doctor degree. I also graduated from Embry-Riddle Aeronautical University with a Bachelor of Science in Global Security and Intelligence Studies in May of 2008. I am presently serving as a Banking Secrecy Act/Anti Money Laundering (“BSA/AML”) Deposits Line of Business Director for First Republic Bank in New York, New York. I have been employed in the banking industry within the BSA/AML field since October of 2012. I am also a volunteer legal officer for the United States Air Force Auxiliary, better known as the Civil Air Patrol (“CAP”), where I presently serve as the primary legal advisory to the state-level commander of the CAP’s Ohio, New Hampshire, and Virginia Wings. I have served as a faculty member of for the CAP National Legal Officers College. I have an additional duty assignment as the assistant command legal advisor to the Great Lakes Region, which comprises the states of Michigan, Wisconsin, Illinois, Indiana, Kentucky, and Ohio. I started serving in CAP as a cadet in 2001, and presently hold the grade of Lieutenant Colonel.

I have known Jeffrey Lustick from his extensive volunteer legal work done on behalf the national command-level of the Civil Air Patrol. As a volunteer CAP legal officer, all Jeffrey’s legal work is strictly *pro bono*, and is not compensated. Very few CAP volunteers ever have an opportunity to serve at this high level, and Jeffrey’s service is a testament to the excellence in legal advice and assistance that he always provides. In role as a fellow regional command legal advisor, he has given sage and timely advice regarding the CAP’s emergency service and disaster relief missions. He has participated on teams of other lawyers to solve important legal issues related to property use and personnel matters.

Since 2018, Jeffrey has served as a member of faculty for the CAP National Legal Officers College where he has instructed other volunteer legal officers on how to respond in cases of Federal Aviation Administration Enforcement Actions. He also authored a training program to teach other

volunteer CAP legal officers around the nation how to litigate personnel action and termination appeals before an administrative board. Jeffrey is widely revered as the legal subject-matter expert in the Civil Air Patrol in the field of adverse membership actions and litigated membership termination appeals. His work has been used in almost state level headquarters around the country. He is a highly reliable and sought-after legal expert.

I have also gotten to know Jeffrey personally during our mutual service in CAP, and I can tell you without a doubt, he is of the highest moral character. He is ethical; he possesses sound legal and practical judgement; and has the temperament needed to serve in this position with the court with care and compassion.

I am also aware that Jeffrey has frequently served (as in on a weekly basis) as a judge pro tempore in the court where he is applying to become a fulltime judge. If he is his selected, he will be giving up his part of an extremely successful and lucrative law firm in Bellingham, just to serve the public. That is a measure of his dedication to service, and it matches the level of commitment that Jeffrey puts into any community service he is providing.

In this day and age when there are so may outside influences on our decision makers, however, I urge the County Council to realize and place premium value on Jeffrey's current and recent service as a Judge Pro tempore and to place a great weight to Jeffrey's experience as a former prosecutor and great work as a defense counsel. Jeffrey is the most well-rounded attorney I have seen in years and his talents will make him a resounding success if appointed to the District Court bench fulltime.

It has been my pleasure recommending the appointment of Jeffrey Lustick for the position or District Court in Whatcom County. If you have any further questions, I may be reached at

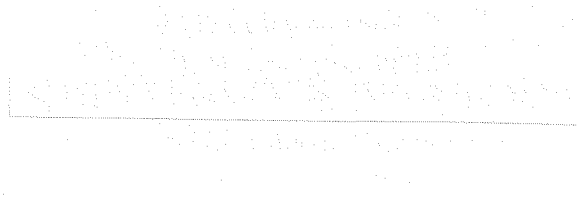
[REDACTED]

Very Truly Yours,

*Elliott Korona*

Elliott Korona, JD  
Attorney at Law

## **Rick H. Merrill**



Whatcom County Council Members  
311 Grand Ave, Suite #105  
Bellingham, WA 98255

RE: Jeffrey Lustick

Dear Council Members,

I am writing to support Mr. Lustick for appointment to the District Court Bench.

I am bumping up against being a Washington State Bar member for 30 years and close to 40 years working in the Washington State Courts.

I have known Mr. Lustick through the Bar and Court system for approximately 2 decades. I have watched him in court as an advocate for his client and for the last few years as a judicial officer.

Rarely have I seen a person that is more suited for the position of Judge then Mr. Lustick. In fact, as I sit here reflecting, I cannot think of anyone that would be a better fit.

He has always presented himself in respectful manner and has a superior command of the law, keeping abreast of current changes as the appellate courts direct us.

I believe Mr. Lustick to be a person that continuously strives to do his job to the best of his ability.

Judge Grant was a very well-respected judicial officer and I believe Mr. Lustick would continue that tradition.

Respectfully,

Frederick H. Merrill  
WSBA#21088



Nancy C. Ivarinen  
Attorney at Law

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June 14, 2021

TO: Whatcom County Council

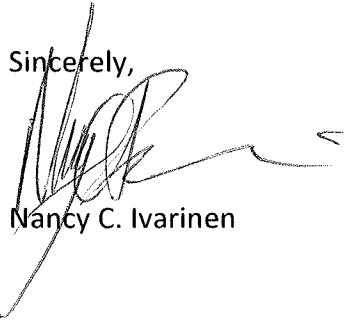
RE: District Court Judge

RECEIVED  
JUL 06 2021  
WHATCOM COUNTY  
COUNCIL

Jeff Lustick would be an excellent choice for appointment to the District Court bench.

Judicial temperament is critical when dealing with members of the public. District Court cases frequently involve *pro se* litigants who may not fully understand the court process or courtroom decorum. When I have been in his courtroom Jeff Lustick, as a pro tempore judge, has exhibited exceptional skill when dealing with difficult people. He listens to the parties and conducts his court hearings in a way that makes both sides feel like they had their day-in-court. Citizens' access to justice includes their opportunity to tell their side of the story to an impartial and knowledgeable judge. Jeff Lustick is that kind of judge.

Sincerely,



Nancy C. Ivarinen



Whatcom County Council  
311 Grand Avenue  
Bellingham, WA 98225

RECEIVED

MAY 06 2021

WHATCOM COUNTY  
COUNCIL

RE: WHATCOM COUNTY DISTRICT COURT POS 1;  
Reference for appointment of Jeffrey Lustick.

To the honorable council members of Whatcom County:

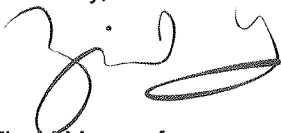
I would like to take a brief moment to explain why I have no reservations in recommending my friend, colleague, rival, mentor, and peer, Jeffrey Lustick, for appointment to the District Court position soon to be vacated by the Honorable Judge David Grant.

In the simple words of a dear friend who described Jeff, "he's one of us." He's one of the very well educated, very well trained, very experienced professionals who understands the common person's legal issues. And although many of us think of District Court as the home of misdemeanors and domestic violence cases, it's also the court where the average citizen will have their small claim heard or their speeding ticket contested or mitigated. It is the people's court much more than almost any other court in our State.

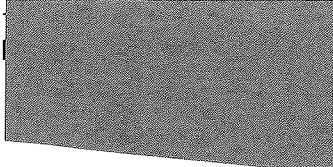
I have observed my colleague Jeff wear the prosecutor hat and the defense attorney hat and the judicial hat, (and also a western style hat very similar to the Honorable Judge Ira Uhrig). And, in every one of those rolls he has maintained a respect for the person on the opposite end and for those around him and has never let power or the authority granted to us by the constitution go to his head. More importantly, prior to writing this letter I had a chance to express to him that access to justice and race equity are both important to me and I was encouraged not only by the lack of resistance but the receptiveness that he expressed.

Jeff is not afraid to confront difficult issues, rise to the challenges and succeed where others may not. He has proven that in his career and his reputation among colleagues and peers. For these reasons and more, I am encouraging you to appoint Jeff Lustick for the position of District Court Judge.

Sincerely,



Ziad I Youssef,  
Attorney and Citizen in Whatcom County  
Founder of MyTrafficMan.NET





Serving Washington  
for Over 30 Years

2 Prospect St  
Bellingham, WA. 98225  
360-734-1111

July 5, 2021

Angela Luke  
2 Prospect Street  
Bellingham, WA

Whatcom County Members  
311 Grand Avenue #105  
Bellingham, WA. 98225

Dear County Councilors,

It is my pleasure to send you my highest recommendation for Jeff Lustick, who is applying for the vacant judge seat on the Whatcom County District Court. My name is Angela Luke, and I am a 40 year resident of Whatcom County. I am a small business owner and a licensed bonding and recovery agent. I regularly work in a position where I get to observe a lot of criminal court hearings, and I deal directly with individuals facing criminal charges as part of my job. I have known Jeff for over 20 years both as a member of the local bar and as a friend. I have also had opportunities to see Jeff serving as a substitute judge in district court, and I could not be happier to recommend him for this appointment.

When Jeff is serving as a fill-in judge, he is so professional and at ease in the job that it is impossible to tell that he is not already a full-time elected judge. Jeff is always a wise kind, and careful judge. It is his nature to speak very respectfully to all the litigants and he is extremely professional. Whenever he sets a pretrial bail or bond amount, he methodically and carefully goes through the required steps under the law of balancing community safety and ensuring that a bail is set at an appropriate limit. I can say from personal experience, that the defendants who appear before him when Jeff is serving as fill-in judge, uniformly respect him and know that he is very fair.

Jeff has also been very successful as a small business owner and private defense attorney. I knew him when he first launched his criminal defense law firm here in Bellingham and have enjoyed watching him build his firm into what it is today. Jeff also built a positive reputation all around Whatcom County as a reliable and trustworthy defense attorney. He is a quintessential trial attorney with a very fast wit and an encyclopedic knowledge of the law. No case was too big for him to handle, and whatever case he handled, turned out well because he always put the hard work in. It only makes sense that he would now be ready to take the next step forward and enter public service as a trial judge.

If you want the best person for this judge position, in my opinion, that is without question, Jeff Lustick. Whatcom County deserves a judge with the caliber of experience and legal and judicial qualifications that only Jeff has. Please feel free to contact me at ~~206.733.1000~~ if you have any questions.

Very Truly,



Angela Luke  
Bellingham, WA. 98225

July 6, 2021

Dear County Council Members:

My name is Corwin McCaig, and my family and I have been residents of Whatcom County since 2007. We presently live in Lynden, WA and are very involved in the aviation community. I am writing today to strongly recommend Jeffrey Lustick for the vacant judge position which the Council will soon be filling by appointment.

I am a commercial airline pilot, a flight instructor, and a corporate manager, and I recently started up two new aviation companies in Whatcom County in the past two years. One of these aviation companies is Lynden Aviation Services, LLC and the other is CK Aviation Holdings, LLC. All my business is local and is within the greater Whatcom County area, and I make a point of buying in our local community.

I have known Jeff Lustick since 2016. When I needed business legal advice, I sought out Jeffrey's legal counsel because he is one of the foremost aviation law attorneys in the state. He is also well versed in civil litigation and extremely knowledgeable when it comes to advising businesses on how to avoid lawsuits. Jeff even made it possible for my companies to establish important local connections which have helped us grow and flourish in the business community. During all my dealings with Jeff, I always found him to have an authentic and real character with an uncompromising commitment to the law. Thanks in part to his great and timely advice, my companies are now on a firm footing and are moving forward financially.

Jeff not only has an impressive resume and list of achievements, service as a military and federal prosecutor and recent service as a part-time judge, but he also has what very few others can offer. He has a rare ability to determine a great pathway forward for a commonsense solution to any problem. Moreover, the intangible talents that Jeff possesses only come from experience and empathy within. He has a well-defined sense of integrity, a strong character, and a wealth of real-world practical assistance where it really matters.

Council members do not be tricked into thinking that experience, qualifications, and a strong character are not needed to be a judge. They are dearly needed! As a small business owner and resident of this treasured community, I want judges in this county who have "been there and done that" like Jeff has. The entire community benefits when a person with Jeff's background and positive spirit moves into an important job like being a district judge. I for one, am looking forward to seeing Jeff move on to further serve our community in such a critical and important judicial role. Jeff has proven his commitment and has the experience we would like to see in such in our judicial system.

Please contact me at:  if you would like any further information.

Best Regards,



Corwin McCaig

Lynden, WA

July 6, 2021



Whatcom County Council Members  
311 Grand Avenue, Suite # 105  
Bellingham, WA 98226

RE: Appointment of the next Whatcom County District Court Judge

Dear Honorable Councilmembers:

I am the President of Haskell Corporation, a construction company based in Bellingham. Haskell Corporation has been in business in Bellingham since 1890, and I am the 5th generation Haskell family member to lead this company. We have always been based in Whatcom County and always plan to. Haskell Corporation employees anywhere from 100 employees to upwards of 600 people at times, most of which are based in Northwest Washington. As a member of the Bellingham and Whatcom County community, born and raised in Bellingham, I have a true appreciation for the importance of our court system and the need to have excellent individuals in service to the community as a judge.

Mr. Jeff Lustick is applying for appointment by this Council as the next Whatcom County District Court, and I strongly recommend that you appoint him. I have known Jeff for several years and I sincerely believe, from what I have learned about him, he is a qualified and experienced candidate for this position. Jeff is an ethical, honorable, and conscientious lawyer, and he is a strong leader. He is fair and open minded and has the character needed to be a judge.

Jeff is an honor graduate from Gonzaga Law School. He began his legal career in public service as a Judge Advocate in the Air Force and successfully prosecuted and defended hundreds of federal and military cases. After the military, he continued his public service at the Bellingham City Prosecutor's office, prosecuting hundreds more DUIs, assault, and domestic violence cases, just like the District Court handles every day. Later, Jeff founded a new criminal defense firm, and he did not hesitate to take on all the big cases. In the process, he has built a sterling reputation as one of the greatest criminal defense lawyers in the state. Starting in 2005, Jeff began serving as a part-time judge and most recently, he fills in frequently for the same judge who just retired.

I know that if he is appointed, right off the bat, Jeff will be an excellent District Court Judge for all of Whatcom County. It is imperative that this candidate have the legal expertise, experience, leadership skills, and the trust of the voters needed to be resoundingly re-elected at the next election. I therefore sincerely urge you to appoint Jeff Lustick for this vital judicial position.

Sincerely,



Evan Haskell  
President

**HASKELL CORPORATION**

July 8, 2021

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

Dear Whatcom County Council Members,

My name is Ariane Takano. I am writing to recommend Judge *Pro Tempore* Jeffrey Lustick as the next Whatcom County District Court Judge. I have experience as a deputy prosecuting attorney in the District Courts of both Yakima County and Whatcom County, and currently work as a Labor Advocate for the Washington Federation of State Employees. Mr. Lustick's qualifications and years of service as a judge *pro tem* will allow him to immediately take on the significant responsibilities of the position without the downtime or training that such transitions often require.

During my time as a prosecutor in Whatcom County, I have had the opportunity to appear before Mr. Lustick on numerous occasions, including arraignments, pretrial omnibus hearings, bail hearings, probation hearings, and motion calendars—essentially the bread and butter of District Court. Mr. Lustick has also presided over matters I appeared for that required more prep work from the bench, such as a Driving Under the Influence (DUI) bench trial, a contested dangerous dog hearing, and Mental Health Court. I have also had the unique experience of appearing before Mr. Lustick as a newer attorney eager to learn and adapt and excel. Despite Mr. Lustick's obvious expertise, I was struck by the fact that he has never "talked down" to me from the bench, nor touted his years of experience during negotiations in his capacity as a defense attorney. While fairness and impartiality are traditionally important judicial traits that Mr. Lustick certainly holds, humility in the legal profession is a less prevalent—but I believe equally important—attribute that Mr. Lustick possesses. This same humility is further demonstrated by the calm patience, empathy, and ever-present respect that Mr. Lustick displays when interacting with all members of the community and courtroom.

District Court is face-paced, high-volume, and often involves novel situations that demand the ability to expertly problem-solve on the spot. I have observed Mr. Lustick address unusual legal issues during the pandemic with thoughtfulness and decisiveness. In addition, District Court absolutely must operate on a regimented schedule in order to fit in all the cases of the day. Time squandered on the bench due to lack of judicial experience (figuring out court forms, timelines, and procedures) has the very real result of court calendars running overtime and domino-effect delays for the remainder of the day. The unfortunate outcome is not only rushed hearings and attorneys/court staff showing up late for other obligations, but of more concern, defendants and litigants having to take additional hours off of work or pay additional parking fees in order to attend their late court hearings. District Court simply does not have the capacity to accommodate ineptitude from the bench. Mr. Lustick has handled hefty court dockets involving complex pleas and unexpected disruptions with precision, efficiency, and care. He has regularly balanced "making good time" with thoroughly addressing every matter before the court. This skill is integral to the smooth operations of District Court and cannot be picked up on the fly.

I believe Mr. Lustick's interest in judgeship comes from a place of genuine investment and commitment to the community, rather than the privilege to take advantage of an opportunity. Given the serious demands of a court system that involves a backlog of cases due to COVID, repeat DV and DUI offenders, and the legitimate need for treatment/rehabilitation, Mr. Lustick will competently fulfill the District Court Judge role with the requisite experience and temperament to serve the Whatcom community with integrity. I strongly recommend that he be appointed.

Respectfully,



Ariane Takano  
WSBA #53643



7/8/2021

• • •

Matthew A. Skau  
Yranela & Associates, PLLC

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

**Dear Council Members,**

I am writing to you today to encourage you to consider Jeff Lustick to replace Judge Grant in Whatcom County District Court.

My name is Matthew Skau. I practice as a criminal defense lawyer based out of King County, but our firm takes cases all over the State of Washington. I also serve as a King County District Court Judge pro-tem. Prior to practicing at my current firm, I worked in Whatcom County with the Law Office of Ziad Youssef for two years. In that time I appeared in front of Judge Grant regularly as well as Mr. Lustick.

I was always impressed with Mr. Lustick's professionalism and careful, balanced approach to justice. This approach no doubt derives from his many years of experience in all roles of our justice system, having served as a military prosecutor, defense counsel, and pro-tem judge. I was confident enough that he would weigh any matter carefully and fairly that I chose to take a difficult DUI case to a bench trial in front of him. My case hinged on technical legal arguments that I felt an experienced legal professional would be better able to weigh than a jury. Although he ultimately ruled against my client, finding him guilty, I had no cause to complain that he did not give the matter the diligence and consideration it deserved.

There may be some among you who operate under the belief that District Court Judge is something akin to an "entry-level position" when it comes to the judiciary and that any lawyer could do it as well as any other. In my personal experience nothing could be further from the truth. I have witnessed firsthand the extreme miscarriages of justice that can happen when a newly-appointed judge hits the bench with no criminal law experience. Being able to look at the law as written does not grant the institutional knowledge necessary to ensure your rulings are fair, equitable, and in line with other rulings by other judges in that court. Justice requires fairness and consistency, and without direct, hands-on experience in the District Court system, without that institutional knowledge, fairness and consistency go out the window.

Yranela & Associates, PLLC

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Although I do not know the resumes of all the candidates before you, I have a hard time imagining that any of them surpass Mr. Lustick's wide and deep experience in this job, and I truly believe that our justice system is best served by the person most experienced in all aspects of its administration. You must, of course, balance many interests in making your decision, but if your primary interest is in the smooth, fair, and consistent operation of justice in Whatcom county, I would encourage you to select Mr. Lustick for this role.

Sincerely,

Matthew A. Skau  
Attorney, WSBA# 41927  
Yranela & Associates, PLLC



Stephen A. Brandli, Attorney

Whatcom County Council  
311 Grand Ave., Ste. 105  
Bellingham, WA 98225

EMAIL ONLY

July 11, 2021

Dear Councilpersons,

I write to endorse Jeffrey Lustick to fill Judge Grant's position at the Whatcom County District Court. I have known Jeff for approximately 12 years as he has come to San Juan County where I practice. Jeff is smart, level-headed, caring, and experienced.

Jeff will no doubt inform you of his background and experience. Instead, I am going to focus on an important consideration that has not been given enough attention lately: the experience necessary to do this job.

I am a liberal who believes that women and minorities should be given every opportunity that white men receive, and that our justice system benefits from a diverse judiciary. All other considerations being equal, I would choose a woman or minority as a judge until we have more diverse representation. However, I have seen several instances across the state in which lawyers have been chosen as judges before they are ready.

While a lawyer can restrict her practice to her competencies, a judge must pull from deep experience to be effective. This experience must cover much more than the broad range of substantive law that a judge is required to apply. It must cover procedural rules and customs, managing courtrooms, and creating an impression of expertise, wisdom, and confidence.

Frankly, the single greatest factor in the satisfaction that my clients receive from the legal system is the extent to which they believe that they received a fair hearing from a wise and knowledgeable judge who listened to their case and considered it carefully and impartially. Creating this impression is far more difficult than it sounds. Learning to play this important role begins with the judge's extensive experience as a lawyer participating in judicial proceedings and observing those jurists who come before. It cannot be taught, and it does not come quickly.

When I ran for San Juan County District Court judge against a young woman with only three years of experience as a lawyer, Judge Grant wrote:

A District Court judge draws on legal and personal experience to be the most effective at administering justice. In my opinion, in this year's election for San Juan County District Court judge, only Steve Brandli has the experience and perspective for this job.

540 Guard Street, Suite 220 • PO Box 850 • Friday Harbor, WA 98250  
(360) 378-5544 • (360) 230-4637 (fax) • [www.BrandliLaw.com](http://www.BrandliLaw.com)

Jeff Lustick has the legal experience to assume Judge Grant's position. He has an extensive and diverse background as a lawyer and has invaluable bench experience. Whatcom County should settle for no less.

Sincerely,

A handwritten signature in black ink, reading "St A. Brandli". The signature is written in a cursive style with a period at the end.

Stephen A. Brandli

Timothy J. Arnold

RECEIVED

JUL 12 2021

WHATCOM COUNTY  
COUNCIL

July 12, 2021

Whatcom County Council Members  
311 Grand Avenue  
Bellingham, WA 98225

Council members,

I am writing to regarding Mr. Jeffrey Lustick's current application to fill the District Court vacancy left by Judge David Grant. As a member of the local legal community—particularly that of the public defense community—I hope this letter contextualizes your consideration of his application.

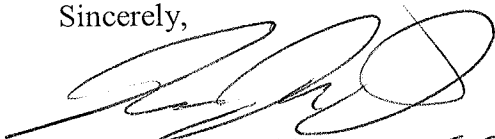
I have observed Mr. Lustick in both his capacity as a private defense attorney, and while serving as a Judge Pro Tempore. When appearing as private counsel, Mr. Lustick is prepared, punctual, cordial, professional, and well-versed in handling the multitude of random occurrences that arise through court appearances. As a pro tempore, Mr. Lustick expands on those qualities, bringing integrity to the bench.

As a defense attorney, my interest is in a neutral judiciary that correctly, and fairly, applies both the law, and the application of it. I can say without question that each time I've appeared before Mr. Lustick as a pro tempore, I knew both the State and I would receive a fair hearing, and genuine consideration of legal argument. Mr. Lustick addressed my clients with dignity, respect, and empathy. It is the empathy that distinguishes Mr. Lustick. Having practiced as both a prosecutor and as defense counsel serves Mr. Lustick well to understand all aspects of the cases brought before him, the interests of the practitioners before him, and the situation clients are in.

It is my feeling when appearing in front of Mr. Lustick that he intends on bringing integrity, and the perception of it, to the bench. To date, I have not had a single client say anything negative about Mr. Lustick, even when our particular legal argument resulted in an unfavorable ruling.

It is my firm belief that should Mr. Lustick be chosen to serve our community as the next District Court Judge, Whatcom County would be well-served, and could be confident knowing that the Judge approaches those before him fairly and respectfully. I am available to the counsel for any questions that may arise. I appreciate you taking the time to consider this letter.

Sincerely,



Timothy J. Arnold, WSBA 50669

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Tuesday, July 13, 2021

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

I am proud to recommend Mr. Jeff Lustick for immediate appointment as Whatcom County District Judge. He has the experience and temperament necessary to properly hear both civil and criminal cases in District Court and has been doing so for many years as a Judge pro tempore.

As a fellow attorney in the Pacific Northwest legal community, I have worked with and against Jeff many times over the years when he was a prosecutor and a defense counsel. I have seen first-hand the respect with which he treats others, even opposing parties. Jeff's depth of legal knowledge and experience is just what our local District Court needs.

As a lawyer whose practice includes District Court in many Washington counties, I also see the desperate need for an experienced judiciary in other counties and small jurisdictions. Small Claims and District Court is where many people who cannot afford expensive legal help end up for resolution to their important legal issues. A District Court Judge with compassion, experience, and large breadth of knowledge, like Jeff is when serving as a Pro Tempore Judge, is absolutely required. As many litigants in the District Court are self-represented, our citizens depend on the District Court Judge to know the law and apply it to their cases fairly. Our local court system will be lucky to have an experienced attorney with direct judicial experience such as Jeff Lustick presiding over cases in District Court.

Jeff's legal background is replete with important and valuable experiences as an advocate in the city, county, state, military, and federal court systems. Most importantly, Jeff has 3 years of real-world service as a Judge Pro Tempore in Whatcom County District Court, Bellingham Municipal Court, and Ferndale Municipal Court. As a substitute Judge, he has successfully handled every type of case that District Court judges face such as small claims trials, criminal jury trials, civil and criminal motion hearings, various traffic matters and domestic violence anti-harassment hearings. This experience and his unique qualifications sets Jeff apart from other candidates, and represents a big bonus for the court system as training delay and getting up to speed will not be necessary.

Jeff also has filled in during Whatcom DC Mental Health Court which is a sensitive treatment court that requires continuity and familiarity to be able to handle well. And Jeff

already has close working relationships with Judge Matthew Elich, Bruce Van Glubt (the Whatcom District Court administrator), all the clerks and court staff of the District Court. Given that the District Court already has a significant backlog of cases due to COVID and since the departure of Judge Grant, more and more criminal and civil cases are being set for trial, we need Jeff appointed as soon as possible. For his part, he is willing to leave a successful private practice right away to serve Whatcom County with distinction. I have discussed the possible time in service with Jeff, and I think if given this opportunity, he will probably go on to serve as a District Court Judge for the next 20 years.

Please select Jeff Lustick for the appointment as Whatcom County District Court Judge. I can be reached via e-mail at [positivelaw@gmail.com](mailto:positivelaw@gmail.com) if you have any questions about Jeff.

Respectfully Submitted,



Shawn Alexander  
Attorney at Law

July 10, 2021

Whatcom County Council Members  
311 Grand Avenue  
Bellingham, Washington 98225

Re: Recommendation of Jeffrey Lustick for Whatcom County District Court Judge

Members of the Council,

I first met Jeff Lustick while I was assigned as the Headquarters Staff Judge Advocate for the Washington Air National Guard, a position that I held for the last 11 years of my military career. As such, I was the legal advisor to WA ANG Commander and the rest of the command staff. I also supervised all of the JAG officers serving in the WA ANG. Jeff joined the WA ANG upon separating from active duty and, therefore, overseeing his duty performance fell within my area of responsibility. In every respect his performance was exceptional and I was convinced that he would rise to take the position as HQ SJA as his career progressed. I was disappointed when he left the Guard but understood that the pressure of his growing law practice, the extent of his community involvement and his devotion to family made that his best choice. I was very happy to see that he returned to service as a member of the Civil Air Patrol where he has continued to excel and impress.

In my civilian capacity I have been a judge in one capacity or another for approximately 38 years. Beginning in 1984 I have continuously served as a part-time municipal court judge for one or more towns and/or cities in Whitman County, Judge Pro Tem in the Whitman County Superior Court and Court Commissioner in the Whitman County District Court. I was appointed as the full-time Whitman County District Court Judge in January, 2001. I retired from that position effective January, 2019 at which time I was again appointed as the part-time Municipal Court Judge for the City of Colfax, a position that I currently hold. I am also again a part-time Court Commissioner for the Whitman County Superior and District Courts as well as a Court Commissioner for the Asotin County Superior Court. Prior to my appointment as a full-time judge I also maintained an active criminal and civil litigation private practice. I have litigated or presided over tens of thousands of cases.

I relate my background only to demonstrate that I have the experience to know what makes a good judge and I am absolutely convinced that Jeff Lustick will make an outstanding judge. I will not repeat Jeff's vast experience and his superlative qualifications, I am sure that others from your community who work with Jeff on a daily basis can do that far better than I, but I wish to comment on another critical aspect of being a district court judge. That aspect of the job is the people who come before a limited jurisdiction judge each and every day.

Without question a judge must be well versed in the law and I have little doubt that all of the candidates you are considering meet this criteria. Similarly, I have no doubt that each of the candidates can weigh facts, apply the law and announce a decision in compliance therewith. Equally important, however, is the ability to conduct every case in a manner that creates confidence in the Court's decision, demonstrates respect for the person before the judge and engenders respect for the judicial system and



the rule of law. This is particularly true for the district courts as they, along with the municipal courts, are the place where the majority of people who come to court first encounter the legal system.

The position of District Court Judge is not a ministerial one. It is not a job that every competent and capable lawyer can do well. It is a position that requires extensive legal knowledge and the ability to discern the character of the person before you and “what makes them tick” in very short order. Depending on the type of case before you, the judge must fashion their comments, announce their decision and explain the result in a manner that demonstrates an understanding of what the person is experiencing, that acknowledges the significance of the matter to that individual and clearly explains the basis of, and reason for, the Court’s decision. Only then will a litigant leave court believing that he has been fully heard, that his case has been carefully considered and that they have been treated fairly. They will more readily accept the result if they are satisfied that they have had their “day in court”.

Likewise, when sentencing an offender the court should consider alternatives to the standard disposition of fines, jail and probation if an alternative may result in getting to the root cause of the criminal behavior and create an opportunity for the person to change for the better. I know that Jeff is committed to this sentencing approach as it is through the creative use of sentencing alternatives that a person can be helped to become a contributing member of society. District court is where this can happen most effectively as it is the place where people frequently land when first getting involved in criminal behavior. Efforts at changing that behavior rather than simply punishing it can pay great dividends but it is not the easiest option. It takes time, skill, perception and a willingness to “think outside the box” in order to fashion an appropriate alternative sentence for a particular individual. Jeff is clearly committed to investing this extra effort. A judge committed to the alternative sentencing approach, and who is effective in changing behaviors as a result, can benefit the offender tremendously, as well as the community as a whole.

The breadth and scope of Jeff’s background and experience are extraordinary. His legal abilities are unquestionable, he genuinely wants to help people and his commitment to excelling as a judge has been amply demonstrated during his service as a Judge Pro Tem. Quite simply, Jeff has all of the professional and personal qualities needed to be an excellent district court judge. As a judge he will continue to be a tremendous asset for Whatcom County and all who come before him. I cannot imagine that there is a better qualified candidate for the position before you for consideration. I strongly recommend that you select Jeffrey Lustick as Whatcom County’s next District Court Judge.

Sincerely,

*//S//*

Douglas B. Robinson  
Colfax Municipal Court Judge  
Whitman County District Court Judge (Ret)  
Colonel, Washington Air National Guard (Ret)

Witt Law Firm, P.S.

Morgan M. Witt

Attorney at Law

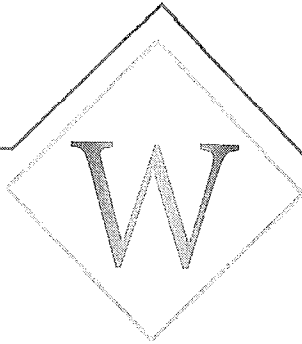
415 Pine Street/P.O. Box 726

Mount Vernon, WA 98273

Ph 360.336.1614 / Fx 360.707.4081

[morgan@legalwitt.com](mailto:morgan@legalwitt.com)

[www.legalwitt.com](http://www.legalwitt.com)



**Whatcom County Council Members**

**311 Grand Avenue, Suite # 105**

**Bellingham, WA 98225**

**Sent via email only: [council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)**

**Re: Whatcom County District Court Judge Appointment**

Hello Whatcom County Council Members –

July 14, 2021

I write this letter in support of the proposition that experience matters when it comes to filling a judicial position at any level. Jeff Lustick is the candidate that is the best qualified to be appointed as the next Whatcom County District Court Judge due to his extensive experience serving as a judicial officer in Whatcom County District Court.

Learning on the job is a precarious prong to base a decision upon since the judge at the district court level has a broader and more significant impact on the rights of Whatcom County residents than any other judicial position. There are more cases at the district court level statewide than at the superior court level statewide. From gross misdemeanor DUI's or Domestic Violence cases to infractions and small claims matters, district court judges need a broad and diversified legal background to address the numerous and varied cases that must be decided upon.

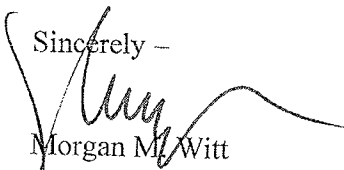
Consequently, experience is the primary consideration when appointing a judge to the bench.

Jeff Lustick has been a lawyer in Washington State since 1997. He has worked all aspects on the law. He was a city prosecutor for the City of Bellingham, a military prosecutor and military defense counsel, a federal prosecutor, a federal public defender and a private defense attorney for the past 17 years in Whatcom County.

More recently and more importantly, Jeff Lustick has served consistently over the last three years as a judge pro tempore in Whatcom County District Court, Bellingham Municipal Court and Ferndale Municipal Court. Additionally, Jeff Lustick has an established, professional working relationship with existing Whatcom District Court Judge Elich and Whatcom District Court Administrator, Bruce Van Glubt.

As an attorney who represents clients in Whatcom County District Court for the past 28 years, I can affirm to you that experience does matter when deciding on who the next Whatcom County District Court Judge will be. Jeff Lustick would be my recommendation for that position.

Sincerely –

  
Morgan M. Witt  
Attorney at Law

218 W. Champion Street  
Bellingham, WA 98225  
410 Myrtle Street  
Mount Vernon, WA 98273



L A W F I R M O F  
David N. Jolly, P.S.

(425) 493-1115  
(360) 734-3847 (Bellingham)  
(360) 336-8722 (Mount Vernon)  
(425) 645-5713 (Fax)  
E-mail: david@davidjollylaw.com  
www.washdui.com

DUI | CRIMINAL DEFENSE | TRAFFIC TICKETS

July 14, 2021

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

Dear Whatcom County Council:

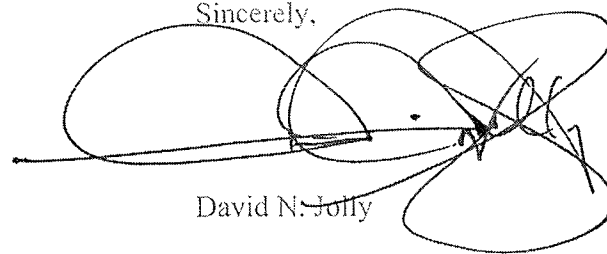
I am writing to support Mr. Jeff Lustick and his application for Whatcom County District Court Judge. I highly recommend Mr. Lustick for this position.

I am a local attorney in Bellingham and have known Jeff for more than a decade. During this period of time I have witnessed first-hand Jeff's competence, knowledge and thorough understanding of the law. Jeff is an attorney who his colleagues look up to and seek counsel in. Quite simply, he is one of the Whatcom County finest attorneys.

In recent years I have appeared in front of Jeff when he appeared as Judge Pro Tem in both Whatcom County District Court and Bellingham Municipal Court. I can assure the County Council that appearing as a Judge Pro Tem and appearing composed, prepared and competent is not an easy task. However, Jeff has excelled in this position and has always had the attention and respect from all attorneys. His experience in this capacity has proven he is more than capable of excelling as the Whatcom County District Court Judge.

I would be happy to provide further insight if necessary but I wish to inform the Council that I have the greatest respect for Jeff and whole heartedly support him for the position of Whatcom County District Court Judge. There is no-one more qualified or competent.

Sincerely,



David N. Jolly

LAW OFFICE OF  
DAVID A. NELSON, P.S.

---

Telephone:

July 7, 2021

Whatcom County Council  
311 Grand Ave.  
Bellingham, WA 98225

Re: Jeff Lustick, applicant for District Court Judge

Dear Sir/Madam,

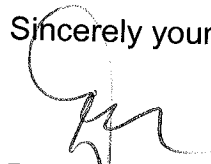
I support Jeff Lustick for Whatcom County District Court Judge. I have known Jeff for many years both personally and professionally. I have appeared in front of him when he has acted as a protem judge in the Whatcom District Court. I firmly believe that Jeff is eminently qualified for this position.

Jeff has prepared for this job for many years. He has served as prosecutor, defense attorney, and judge in all of the courts in Whatcom County. Jeff consistently acts as a reasonable and knowledgeable jurist in the courts he presides in. Attorneys and litigants know they have been heard in his court. I know that Jeff cares about this community and every person who appears in his court. I have seen Jeff act with wisdom and with empathy as a judge. I have also seen a strong work ethic in his professional practice. He would be a great asset to the District Court.

I know all of the applicants applying for the position of Whatcom County District Court. I believe that Jeff stands out due to his experience, knowledge and maturity. There will be no learning curve for Judge Lustick.

I hope that you will consider the most qualified, experienced and competent individual for this important position. I am available for any questions regarding this letter.

Sincerely yours,



David A. Nelson  
Attorney at Law

July 13, 2021

Whatcom County Council  
311 Grand Avenue, Suite 105  
Bellingham, WA 98226

RE: Letter Supporting Jeff Lustick for Appointment as Judge

To Whom it May Concern:

My name is Charlie Harger, and I am a news reporter with a major news talk radio station in Seattle, WA. I am writing in my personal capacity to tell you about my longtime friend and co-worker, Attorney Jeff Lustick of Bellingham, who is an applicant for appointment as a judge on the Whatcom County District Court. I strongly recommend Jeff for this position.

I hold a Master of Science degree in strategic communications from Arkansas State University and have worked in the news media and communications fields for over 25 years. For the past 20 years, I have worked in top-rated and major market radio news environments. I have been with my current employer in Seattle for over 17 years where my duties include reporting on crime and public safety stories, anchoring news broadcasts, writing news copy, reporting on sporting events, editing and fact checking, and producing broadcast news content. I am a 4-time recipient of the Edward R. Murrow Award for ethical and precise news reporting, and I have also received a nomination for a regional Emmy Award. I was recognized by the Associated Press Television Association as "Reporter of the Year" and am a 2-time recipient of "Best Investigative Reporting." I also serve as an adjunct faculty member at Green River Community College in Auburn, WA where I instruct students on radio broadcasting and podcasting, social media, and emerging technologies in the media industry.

I have known Jeff for the last 18 years. We first met when I was working as a talk show host at KGMI NewsTalk Radio 790-AM in Bellingham. From the moment met, I could tell Jeff is a talented communicator with a sharp analytical mind. He was an on-air legal analyst and commentator and had a weekly legal segment as part of my show. In this unpaid, volunteer role, Jeff produced and presented a different legal topic each week which we would discuss live on the air for 10-12 minutes during my talk show. He also sometimes filled in as a host on the show when I was away. Often, his segment presentations would generate call-ins from our listeners, and Jeff would remain on the air after his to answer the listener's questions.

During my time at KGMI, Jeff also analyzed and commented on numerous news stories for the afternoon and morning news programs. He usually commented on legal cases that were in the statewide or nationwide news cycle, but sometimes he would discuss local legal issues too. Jeff was always very clear and concise and very informative when speaking over the airwaves to the public on any legal topic.

I recall one of Jeff's most memorable radio segments at KGMI when he executed a Last Will and Testament and a Power of Attorney for my co-host, Amanda Hostetler, live on the air, and I acted as one of the witnesses for Amanda's signatures. The will execution segment, which was done with Amanda's consent, turned out to be one of the most humorous, entertaining, and informative segments that Jeff ever did. He used his vividly descriptive communications skills to take the listener through each step of the will signing process and explained all of the many reasons why people should have their wills, powers of attorneys, and advanced healthcare directives prepared. I know that this segment was a tremendous service to the community, and it broke down the common misconceptions about wills and powers of attorney that the public sometimes has. It was also probably the first ever will execution in the world done on a live radio program!

When I left KGMI and joined my current employer, to my delight, Jeff was already on the roster of talented news analysts working for the station. This allowed me to keep working with Jeff whenever I wanted to and to

keep presenting his legal analysis and explanations, but now to an even larger audience. For example, while on the radio with me, Jeff has spoken on such incredibly important and compelling legal topics as analysis of the U.S. Supreme Court's decision legal to legalize LGBTQ-IA marriage; analysis of a General Court-Martial at Joint Base Lewis-McChord of an Army soldier accused of war crimes and murders in Afghanistan; commentary and analysis on the two presidential impeachment processes; the statewide initiative for the legalization of marijuana, and recently he even explained the Washington State Supreme Court's landmark decision to strike down most of the state's felony drug offenses. He has always responded every time I request his help.

Over my years working with Jeff, he has been a reliable and trustworthy sounding board for me, and I sometimes call him just to get his take on crime stories that I am working on. I have repeatedly relied on Jeff because his legal analysis and the way he explains it is always crystal clear, concise, and easy to follow. His way of explaining and analyzing legal topics is also always impartial, fair, and non-biased. I really cannot think of a story he has contributed to in which he displayed any political agenda.

As a broadcaster and producer, I find Jeff's style of legal commentary and analysis to be extremely valuable to the public. Furthermore, Jeff received zero compensation for his work and considers his legal commentary to be a pro bono donation so the public will better understand the law and have increased respect for the justice system. From the feedback that I get from his work on our station, I can tell you the public is appreciative, and it gains a valuable insight from Jeff's work.

Jeff also strikes me as an excellent role model for other attorneys to follow. He has given his time in the local Bellingham community to perform pro bono legal service. He has served in many different legal roles including as a military legal officer, a prosecuting attorney, a criminal defense lawyer, and most recently as a fill-in judge. His work in the local, regional, and on national media with CNN, TruTV (formerly CourtTV), and on local TV and radio stations has introduced hundreds of thousands of people to the fair, level-headed, trustworthy, and wise attorney that Jeff is. He is never overbearing, he is consistently congenial, and always presents himself in an approachable manner. I believe all of these are excellent and sometimes rare qualities for a legal professional to have. In my years of experience as a legal news reporter, I know they are also traits needed to be an excellent judge.

In conclusion, while Jeff's appointment would mean that I would be losing him as on-air talent at my radio station, my loss would be Whatcom County's gain. Jeff will bring a multitude of legal and practical life experiences, vast knowledge, sage judgment, and a sense of humanity into being a judge. I know that Jeff will welcome litigants and make them feel comfortable. He will earn and hold the respect of prosecutors, defense counsels, defendants, and plaintiffs. He will explain his legal reasoning in terms that everyone can understand and appreciate, and his work as a decisionmaker will help people in disputes find peace. He will comfort victims of crime and will represent every person in your county with dignity and honor. You will be remiss if you do not select Jeff for this judicial position.

Respectfully,

**e/s/ Charlie Harger**

Charlie Harger  
Phone

# KORODY LAW, P.A.

118 W. Adams Street, Ste 500  
Jacksonville, FL 32202  
(904) 383-7261 • (904) 204-9548 (fax)  
patrick@korodylaw.com  
www.korodylaw.com

July 15, 2021

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

Re: Letter of Recommendation for Jeffrey A. Lustick, Esq.

Dear Council Members:

Jeffrey A. Lustick, Esq. has my strongest possible recommendation to fill the district court judge vacancy in your county.

As background, I spent 10 years on active duty in the United States Navy Judge Advocate General's (JAG) Corps and currently serve in the JAG Corps reserve at the rank of Commander. From 2011 to 2013, I was the Navy's senior trial counsel (prosecutor) for Navy Region Northwest. My office was on-board Naval Base Kitsap. I was responsible for the prosecution of Sailors at court-martial throughout the region, supervising and training a team of trial counsel and paralegals. I also personally prosecuted complex cases and cases with potential political or medial interest. I left active duty in 2015 and opened my own law practice in Jacksonville, Florida.

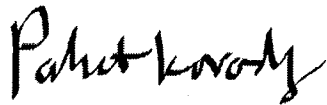
I met Jeff in 2011 shortly after reporting to Naval Base Kitsap. He was opposing counsel on a court-martial. I learned that he was former active duty Air Force JAG and also served in the Air National Guard. Over the next two years, I would try several jury trials against Jeff. I also was aware that he represented numerous Sailors in administrative separation proceedings. Jeff is the most professional opposing counsel I litigated against during my two tours as a Navy trial counsel. His filings were timely, meritorious, and well-written. He was always well-prepared for court. He was a stellar advocate in the courtroom. He enjoyed an outstanding reputation among the military judiciary and my office as a consummate professional. I can attest that he earned the respect and confidence of the military legal community in the Northwest when I was stationed there.

Because I truly respected Jeff as a lawyer and owner of a law practice, I sought Jeff out as a mentor after I transferred from Naval Base Kitsap. He has been extremely helpful to me at every stage of my transition from active duty to the civilian practice of law and the opening of my law firm.

Jeff and I speak regularly and I was not surprised to hear several years ago that he began serving as a judge pro tempore. He has the absolute right temperament to serve as a judge and it was the logical progression for a lawyer of his caliber. I am now not surprised that he is seeking to fill the judicial vacancy in your county.

Without any hesitation, Jeff should be selected to fill the judicial vacancy. I have no doubt that he will administer justice for your community fairly, transparently, and in accordance with the law for decades to come.

Sincerely,

A handwritten signature in black ink that reads "Patrick K. Korody". The signature is written in a cursive, slightly slanted style.

Patrick K. Korody  
Attorney  
FL Bar # 0107361



15 July 2021

Whatcom County Council Members  
311 Grand Ave # 105  
Bellingham, WA 98225

Dear County Council Members:

My name is Victoria Wonser, I am a resident of Olympia, Washington, and I am writing today to strongly recommend Jeff Lustick for the position of judge in Whatcom County.

I have known Jeff for seven years. We have both served at the state-level of the Civil Air Patrol's Washington Wing at its headquarters on Joint Base Lewis McChord in Tacoma, WA. At the time, Jeff was assigned as the state-level legal officer and advisor to the state CAP commander, and I was a state-level assistant public affairs officer. I presently serve as the commander of the McChord Field Composite Squadron, and have kept in close contact with Jeff and his wife over the past several years.

I'm sure by now you've heard all about Jeff's bright legal scholarship, his diverse experiences as an attorney, and his excellent service as a temporary judge, but there's one thing that you I bet you haven't heard about him. What I am referring to is how he saved the life of a man who was struck down in an intersection in Bellingham on the on October 28, 2017.

That morning, Jeff was driving alone in his car west bound on Bakerview Road, and he was headed to the Bellingham Airport. When Jeff got to the intersection of Bakerview Road and Northwest Avenue, he saw a car come speeding through the intersection from southbound Northwest Avenue. The vehicle was turning left onto eastbound Bakerview, but the driver of this car was driving so fast that they did not see an elderly male pedestrian who was walking across Bakerview Road in the crosswalk. The car struck the man at high speed, throwing him onto the hood of the car and smashing his face and head into the car's windshield. As the vehicle abruptly stopped, the man was thrown onto the bare pavement and began to bleed profusely. The offending driver stopped at the scene but remained inside of their car.

Jeff was two cars behind the crosswalk on Bakerview and he saw the entire event unfold. Upon seeing the elderly man get hit by the car and be thrown onto the pavement, he sprung into action and drove his car into the opposite lane of travel, parked it to shield the man from oncoming cars, and then got out and immediately started giving first aid to the man. In total disregard for his personal safety, Jeff used emergency first aid skills that he had learned as a Civil Air Patrol ground search and rescue team member to revive man and keep him conscious and awake until the EMS and fire department arrived. By the time they did arrive, Jeff was covered in the man's blood, but Jeff never stopped applying direct pressure to the man's face and head to stop the major bleeding.

Later, the man would be airlifted to the Regional Trauma Center in Seattle where he would undergo surgery and would fully recover. But Because of Jeff's fast thinking and quick action, he stopped the man from passing away right there in that street after being hit by the car that morning. For Jeff's heroic and selfless action, the National Commander of the Civil Air Patrol, Major General Mark Smith, awarded Jeff the Civil Air Patrol Bronze Medal of Valor, which is CAP's second highest medal for distinguished and conspicuous heroic lifesaving action where danger to self is probable and known.

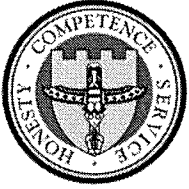
This single act of selfless courage and humanitarian service shows you exactly who Jeff really is. Jeff has served his community, state, and nation in many ways for many years, always touching the lives of the people around him. He is ready and willing to now serve as the next district judge in Bellingham, and I strongly recommend his selection.

Very Truly,



Victoria Wonser

Phone:



# TEICHERT

## LAW OFFICE

222 Grand Avenue · Suite A · Bellingham · Washington · 98225 · 360.305.0785 · [iteichert@teichertlaw.com](mailto:iteichert@teichertlaw.com)

July 15, 2021

**VIA EMAIL [Council@co.whatcom.wa.us](mailto:Council@co.whatcom.wa.us)**

Members  
Whatcom County Council  
311 Grand Avenue, Ste 105  
Bellingham, WA 98225

**Re: Letter of Support for Appointment of Jeffrey Lustick as Judge, Whatcom County District Court**

Greetings Whatcom County Council Members:

I write to express my strong support for the Whatcom County Council's appointment of Jeffrey A. Lustick as the next Whatcom County District Court Judge.

I have 27 years' experience in the practice of law. In 1994, I earned a Juris Doctor from Brigham Young University. Upon graduating from law school, I served two years as a judicial law clerk to Chief Justice F. Michael Kruse and Associate Justice Lyle L. Richmond of the High Court of American Samoa. I went on to receive a Master of Laws Degree (LLM), *With Highest Honors*, in early American legal history and environmental law from George Washington University Law School. In 2001, I opened my law firm, Teichert Law Office, PC, in Gateway Centre in Bellingham, WA. In 2006, I ran for election as Judge on the Washington State Court of Appeals, Division I. From 2008 to 2010, I served as a member of the Planning Commission of the City of Blaine, WA for two years. I opened my current law office based in Farmington, UT in 2016. My license in Washington was reactivated last year, and I still actively work in Washington. My career has involved numerous appeals, which I have briefed and argued before the United States Supreme Court, the Washington Court of Appeals, and the State Superior Courts across Washington State. I have recently been appointed as an Assistant Attorney General for Utah in the Constitutional Law Section of the office but have not begun my employment there yet.

I have known Mr. Lustick for 18 years and counting. We met right after he opened his solo practice criminal law firm in 2003 in the same building as my law office. As a new law firm owner, Mr. Lustick worked very hard to establish himself as a one of the best criminal defense attorneys in the state—which he undoubtedly is. Initially he volunteered to take on conflict cases from the Bellingham Municipal Court and the Whatcom Superior Court and received a lot of jury trial experience. During this time, I recall him going to trial almost every month. I also recall that his work on these jury trial cases produced an excellent track record, which garnered him an even better professional reputation in a short amount of time in practice.

I also recall in 2005, being very impressed when Mr. Lustick was retained by the President of an outlaw motorcycle organization, he took on one of the biggest cases of his career – the kind of case that would be the biggest case in any legal career in the criminal law field. His

client had been raided by the FBI, the ATF, and local law enforcement as part of a three-state search warrant execution. The case was covered in the news media nationally by CNN, Fox News, and the Associated Press. The defendant was charged by a federal grand jury in Seattle in a 37-count sealed criminal indictment alleging a host of extremely serious offenses, including federal racketeering (RICO) charges, conspiracy to commit murder, witness tampering, and trafficking in stolen motorcycle parts. At the time, Mr. Lustick was a young lawyer, which raised a lot of eyebrows as he was representing such a notorious client in U.S. District Court. Mr. Lustick never showed any fear and never stopped fighting for his client. As a defense counsel, Mr. Lustick often championed unpopular cases (as was his duty) with dignity and honor. In this case of the outlaw motorcycle gang president, Mr. Lustick's work really made a difference, resulting in his client pleading to one RICO count and receiving credit for time served with probation. In my opinion, an attorney with the work ethic, courage, tenacity, and legal acumen that was displayed by Mr. Lustick in this case, has what it takes to be a great judge.

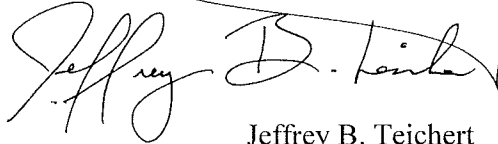
If appointed, Mr. Lustick will bring to the District Court Judge position an incredibly diverse legal background that you rarely see during a typical legal career. He began his career in 1997 as a U.S. Air Force Judge Advocate where he both prosecuted and defended hundreds of military and civilian cases in the federal legal system. He left active duty in 2001 and was hired by the City of Bellingham as the lead municipal prosecutor. In 2005, Mr. Lustick worked for a major national television network as an on-air legal consultant, explaining the inner workings of the criminal justice system to literally millions of people every time he was on TV. He has served as a private practice defense counsel and a contract public defender where he has defended thousands of individuals over two decades. He has successfully handled thousands of misdemeanor, gross misdemeanor, and felony criminal cases and civil cases at every level of trial court available, which are municipal court, state district court, state superior court, military trial courts, tribal nation courts, and federal district court. All of this unique and intensive personal experience legal means that Mr. Lustick has what it takes to be an incredible judge for the Whatcom District Court. Frankly, you are lucky he is willing to apply for this position.

Mr. Lustick initially started serving as a Judge Pro tempore back in 2005, and now frequently serves as a fill-in judge in Whatcom District Court on a weekly basis, presiding over a wide variety of cases, from DUI and domestic violence related cases to antiharassment orders and traffic cases, to civil garnishments and lawsuits. He has also served as a Judge Pro tempore in the municipal courts of Bellingham and Ferndale. Among these three courts, Mr. Lustick provides service as a substitute judge approximately 3 to 4 hours every week over the last several years. No other applicant applying for this judge appointment has as much frequent, recent, and legitimate service on the trial court bench as Mr. Lustick does, and none is as well rounded like he is with years of service in all three roles as a judge, prosecutor, and defense counsel.

In conclusion, I am very pleased to join the ranks of the many civic leaders, elected officials, judges, attorneys, and community members who are endorsing Jeffrey Lustick for the open District Court position. This vast and overwhelming community support for his appointment is on purpose because Mr. Lustick has the exact legal background and strong personal character to fit right into the open seat and start serving the people Whatcom County immediately.

Please feel free to contact me at [jteichert@teichertlaw.com](mailto:jteichert@teichertlaw.com) if you would like any further information about Mr. Lustick.

Sincere Regards,

A handwritten signature in black ink, appearing to read "Jeffrey B. Teichert". The signature is written in a cursive style with a large, sweeping flourish that extends upwards and to the right, crossing over the words "Sincere Regards,".

Jeffrey B. Teichert  
Attorney at Law



## FERNDALE MUNICIPAL COURT

P.O. Box 291

Ferndale, WA 98248-0291

---

RECEIVED

JUL 16 2021

WHATCOM COUNTY  
COUNCIL

July 9, 2021

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

Dear Whatcom County Council Members,

I am the Court Manager of Ferndale Municipal Court. After acting as clerk of court today with Pro Tem Jeff Lustick, I am compelled to write and encourage you to choose Mr. Lustick to replace Judge Grant in Whatcom County District Court.

Mr. Lustick has served as a pro tem judge for Ferndale for the past few years. I am always impressed with his experience and knowledge of the law and court procedure, while showing patience and respect for each person who faces him. He carefully considers each case before him, listening and asking questions. He works respectfully with the clerks, asking questions and remaining open to input from staff. When Judge Kaiman has to be away, Mr. Lustick is our first choice for pro tem.

Most of our courts are suffering a backup of cases due to COVID, and the best possible option for dealing with this situation is an experienced and capable judge. District Court will be well served to place Jeff Lustick in Judge Grant's position.

I would be happy to discuss this further, should you desire. Thank you for your consideration.

Sincerely,

Faith Miller  
Court Services Manager

July 16, 2021

Whatcom County Council  
311 Grand Avenue Suite 105  
Bellingham WA 98225

Dear County Council:

My name is Brenda Scamehorn, and my family and I reside in Everson, WA. I am aware that the County Council will soon make important choice when appointing someone to fill the District Court vacancy left by Dave Grant who has chosen to retire, so I wanted to take this opportunity to write you and highly recommend Attorney Jeff Lustick who has applied for this position.

A few years ago, when my family lived in Bellingham, Jeff supported my family through an extremely difficult time when we really needed him. My husband and I found out that a member of our family was being sexually exploited inside of our home by an adult who was renting a room from us. When we found out about this, we did not know where to go for help. At the time, Jeff was our neighbor, but we were not that that familiar him. We knew that Jeff was a criminal defense attorney in private practice and that he worked with defendants, but we were also aware that he was a former city prosecutor. So, despite our unfamiliarity with Jeff, we decided to go to him for help.

After we told Jeff what happened, he sprang into action and immediately contacted law enforcement on our behalf. He guided us through the process to fill out a witness statement and file a report with the police. Jeff also helped us get a victim witness interview scheduled with investigators, and he went to the interview with our family member. He was at our house late into the evening when law enforcement came over to conduct an evidence search. Because of Jeff's fast actions, the perpetrator was arrested the next day and it made my family member feel listened to, supported, defended.

But Jeff did not stop there either. Jeff continued to defend and support my family member all throughout this prosecution process. He met with the county prosecutor who was handling the case and made sure that felony charges and a sexual assault protection order were filed against the perpetrator. Jeff kept everyone in our family



constantly aware of the status of the case. Jeff also went to every Superior Court hearing that followed. I believe that due to his involvement, the case against the perpetrator was much stronger, and in the end, the strong backing that Jeff gave to my family member figured into the perpetrator's decision to plea guilty, thereby avoiding potentially painful jury trial process.

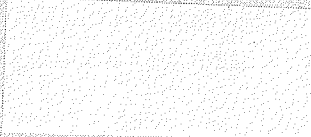
This entire situation was extremely stressful and difficult for my family member and my entire family to get through, but with the incredible and compassionate support of Jeff Lustick, it was much easier to get through. Jeff took the lead in making sure that my family member was well protected. She felt validated and supported at every step of the case. I would also like to point out that everything Jeff did for us was done for free and given out of the kindness of his heart. He never requested any fees nor asked for any payment for his work.

I am thrilled that Jeff Lustick has chosen to become an applicant for the open District Court Judge position. My family has continued to be in touch with Jeff and we know that he is a man of integrity with great moral character and wisdom. If appointed as the Whatcom County judge, I have no doubt that his compassion for protecting victims of sexual assault and other crimes will be significant and will serve to make Whatcom County a safer place.

I also think it is high time that our elected leaders choose to put someone in as judge who looks out for crime victims and has the knowledge and strength to defend victims in a way that makes them feel validated, listened to, and completely supported. Jeff Lustick is a person who does this, and I therefore strongly recommend that you appoint him as the next district judge.

Very Sincerely Yours,

  
Brenda Scamehorn





July 10, 2021

Whatcom County Council Members

311 Grand Avenue

Bellingham, Washington 98225

Re: Recommendation of Jeffrey Lustick for Whatcom County District Court Judge

Members of the Council,

I have known Jeff Lustick for over five years through the Civil Air Patrol. I followed a similar path in life as him and view him as a mentor and advisor. He started out in the Civil Air Patrol when he was twelve years old. I also started out when I was twelve years old. Both of us excelled through the Cadet Program and reached the pinnacle point of achieving the highest rank of Cadet Colonel which only 0.5% of cadets achieve. Along the way, we both encountered many challenges and overcame them. Additionally, we both were two of the three cadets who received the Cadet of the Year for Washington State two times since 1970. Jeff also volunteered as the Wing Legal Officer for Washington Wing where I also volunteered as a Legal Intern under his supervision. He would give me documents to review to better understand the legal department and further my interest in the legal field.

After CAP, we both decided to attend law school and then commission as officers in the United States Air Force. Throughout the time I was pursuing this similar path as Jeff, I would ask him for advice and his thoughts on how I was approaching each milestone and obstacle. He was always excited and open to providing advice to me and helping me achieve my goals. Jeff cares about his community and mentoring others. This is an important trait as a judge not just to mentor attorneys, but also younger judges in the future. His mentorship can be seen throughout all my experiences with him. Jeff has the experience, mentorship, and attitude to

perform outstandingly in a judicial position. His caringness is also an important trait to have as well when it comes to ensuring justice is served for what is fair and not just to better the statistics and numbers. I believe that Jeff far exceeds what a good judge entails.

Zachary C. Lam

July 20, 2021

RECEIVED

JUL 22 2021

WHATCOM COUNTY  
COUNCIL

Whatcom County Council Offices

Attn: Whatcom Council Members

311 Grand Avenue # 105

Bellingham, WA 98225

RE: Letter of Recommendation for Jeffrey A. Lustick as District Court Judge

Dear Council Members:

Hello, my name is Beth Mauden, and I am writing to all Council Members today with my strongest recommendation that you please act to appoint Attorney Jeffrey A. Lustick to the vacant position on the Whatcom District Court Judge.

I have been a small business owner and employer, a community leader, and a social justice activist and advocate in Washington State for over 50 years. I am currently the owner and operator of B & M Management Company, located in Skagit County. Starting in 1976 and lasting until 2006, I was the owner and operator of four Taco Time restaurant locations in Whatcom and Skagit Counties, during that time, I was one of the first women in business to ever open multiple franchise restaurant locations in Whatcom County.

I have worked on many social causes all over Washington State to enhance social justice and equity and promote human rights. Since 2009, I have been a member of Skagit Coalition Against Slavery and have worked as a direct advocate for persons victimized by domestic minor sex trafficking in our local community. I have also conducted several training sessions in local school systems to instruct school administrators and teachers to become more familiar with domestic minor sex trafficking. From 2007 to 2011, I was a member of the United General Hospital Foundation in Sedro Woolley, WA, and I served on the United General Hospital Advisory Committee from 2010 to 2011. I was also appointed to serve two years on the Governor's Advisory Board for Washington State Department of Labor and Industries.

I have known Jeffrey Lustick for over 30 years and have watched him grow into the experienced and qualified legal professional that he is today. I was very proud to hear that he has applied for appointment to the District Court Judge post recently vacated by retiring Judge Grant, and I have no doubt that Jeffrey is the very best candidate for this position. I think Jeffrey is a well-qualified lawyer and experienced judicial officer who you should select.

Jeffrey has always been interested in community service starting from his teenaged years when he served two terms as a Legislative Page: one in the Washington State Senate for Senator Lowell Peterson and one in the State House of Representatives for then Representative (and later Senator) Harriet Spanel. All throughout high school and college, Jeffrey was involved in local campaigns, some for democrats and some for republicans. He also worked as a signature gatherer and platform speaker for several statewide initiatives. He is not a political person, but rather he enjoys helping others achieve their goals in service to the community.

Immediately after graduating from Gonzaga Law School in Spokane, WA with honors in 1997, Jeffrey was accepted for a competitive position as a commissioned officer in the United States Air Force Judge Advocate General Corps. Jeffrey became a military lawyer and prosecuted and defended hundreds of courts-martial cases all around the nation. However, one of Jeffrey's most interesting duty assignments was with the 1st Special Operations Wing of the United States Air Force Special Operations Command as the Chief of Deployment and Operational law. In this position, he deployed in support of joint Department of Defense and State Department civil affairs and benevolent missions in Central and South America.

After transferring his military commission to the Washington Air National Guard in 2001, Jeffrey began his civilian legal career and quickly rose to become one of the finest defense lawyers in the United States. In 2005, he made national news from successfully defending the International President of an outlaw motorcycle club, and later became a legal consultant on TruTV, formerly known as Court TV. He has received many accolades for his excellent legal work, such as Super Lawyers Honors and being named one of the top 100 trial lawyers in the country over multiple years.

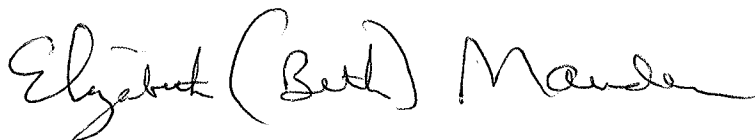
As a temporary judge in the Whatcom County District Court over the past three years, Jeffrey has provided his most valuable public service to date. Jeffrey has received a positive reputation among local victim's advocacy groups for his kind, compassionate,

and caring judicial temperament toward witnesses and victims of abuse and crime. When a victim appears in Jeffrey's courtroom, he recognizes them during court and makes them feel safe being in court. He then listens carefully to what they have to say, and readily and clearly informs them of their options under the state's victim rights act. Jeffrey always provides each victim the opportunity to safely give input before any decision is made involving the victim. When a perpetrator pleads guilty or is convicted after trial, Jeffrey ensures that the offender is held accountable, and is sentenced only after the victim has been given a meaningful opportunity to provide victim impact testimony. Jeffrey's in court treatment of victims is simply exemplary and because of the way he protects the rights of victims, it will directly benefit our community to have him serve now as a full-time judge on the court.

Jeffrey is also a person of integrity and good character. He is a husband and a father and cares deeply for our community. He is ethical and professional and has the perfect background as a former federal and military prosecutor and public and private defense counsel to take this next step into a judge position. Based on all these reasons, I am wholeheartedly endorsing and recommending that you appoint Jeffrey Lustick as District Court Judge in the Whatcom County District Court.

Please feel free to contact me at [redacted] via e-mail at [redacted]

Very Sincerely Yours,

A handwritten signature in cursive script that reads "Elizabeth (Beth) Mauden". The signature is written in black ink and is positioned below the typed name.

Beth Mauden

RECEIVED

JUL 22 2021

WHATCOM COUNTY  
COUNCIL

July 20, 2021

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

**RE: Endorsement of Mr. Jeffrey Lustick for District Court Judge Appointment**

**Dear Whatcom County Council Members:**

I am Steven D. Franklin; I am a resident of San Juan County, WA, and it is my distinct pleasure to send my personal endorsement of Mr. Jeffrey Lustick for his appointment as Whatcom County District Court Judge.

I am veteran of the U.S. Army and served as a helicopter pilot during the Vietnam War. My professional background is in the aviation services industry, where I have worked as a commercial airplane pilot and as President of Aeronautical Services, Inc., located in Friday Harbor, WA. Aeronautical Services, Inc. has existed for over 47 years and is a family-owned and operated business. My father, Roy Franklin, also built and established the Friday Harbor Airport and was the airport owner until 1983, when it was purchased by the Port of Friday harbor. Today, Aeronautical Services, Inc., employs approximately 65 people at over five different operating locations in San Juan and Island County. We are the exclusive cargo and freight transport agent for United Parcel Services in the San Juan Islands.

Attorney Jeffrey Lustick is a recognized aviation lawyer and legal expert in the field of aviation law on the national level. He is a former U.S. Air Force Judge Advocate and an avid pilot, with a special understanding of aviation legal issues and aviation contract law. He was selected as Legal Fellow on the prestigious Aircraft Openers and Pilot's Association legal provider panel and has acted as a chapter legal advisor on the Burlington and Lynden Chapters of the Experimental Aircraft Association. He has skillfully defended pilots in administrative and

enforcement actions before the Federal Aviation Administration and the National Transportation Safety Board. He has been a keynote speaker and has presented seminars to pilots and the aviation community at AirVenture in Oshkosh, WI, at the Arlington Fly In, and at the Northwest Regional Aviation Conferences in Puyallup, WA.

Jeffrey has also been a member of the Washington Pilot's Association and the San Juan Pilots Association for many years and has been very active in raising funds for these organizations to do charity work in the field of aviation training and education. He also flown medical transport flights for Angel Flight West, allowing individuals with debilitating illnesses or life-threatening health conditions to fly from local destinations to Seattle comfortably, entire for free, so they can receive treatment. Finally, Jeffrey has served as an aviation analyst and reporter for major market TV networks and radio stations. His outreach work has inspired many young people to pursue careers in aviation and has served to increase public awareness of the vital resources that aviation is in our community.

Jeffrey has a strong work ethic and an excellent ability to speak in public and communicate on a personal level. He has a great analytical mind and has strong abilities as a business leader. He is passionate about serving the community and has enjoyed serving as a Judge Pro tempore for the past 3 years in three different courts.

I have no doubt that given Jeffrey's splendid involvement in aviation law and the national aviation community, and with his successes as a local lawyer and parttime judge, that he would be highly successful as a fulltime district court judge. I therefore urge you to appoint him to this position.

Please feel free to contact me at [redacted] or via e-mail at [redacted]

With Warm regards,



Steven D. Franklin

Friday Harbor, WA

July 20th, 2021

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

Re: Recommendation of Jeffrey Lustick for consideration for Whatcom County District Court Judge

Honored Members of the Council,

I am privileged to be able to write to you as a private citizen on behalf of Jeffrey Lustick in support of his application for appointment as District Court Judge for Whatcom County. I first became acquainted with Jeff in 2001 when he joined the Washington Air National Guard after serving a distinguished active duty tour with the United States Air Force. At that time I was the Staff Judge Advocate (SJA) for the 194<sup>th</sup> Regional Support Wing based at Camp Murray in Tacoma, WA. Jeff came aboard the Air Guard as a Captain and was assigned to my legal office as a Deputy Staff Judge Advocate working under my direction. In that capacity he assisted me in the delivery of legal services on a broad range of legal topics. A partial list of the types of issues that could be forwarded to the SJA's Office for action could include the provision of legal advice and opinions to unit commanders on such varied topics as the handling of military justice cases, the processing and litigating of administrative discharge cases, guidance in responding to Freedom of Information Act Requests, the investigation and processing of sexual harassment complaints, environmental clean up and hazardous waste management issues, information security and protection of sensitive data, civil disturbances and demonstrations and coordination with local law enforcement, civil service labor law issues, equal opportunity employment law, and of course, answering questions and providing briefings on traditional law of armed conflict and rules of engagement for units deploying into an active theater of operations, to name just a few.

Additionally, Jeff and the legal office routinely provided legal assistance to qualified members of the Guard and Reserve, as well as retirees, on just as broad a range of more ordinary legal issues. In that capacity, Jeff oversaw the drafting and execution of wills, powers of attorney, and assisted clients in legal disputes with landlords, car dealers, credit reporting agencies, and financial lenders, as well as dissolutions of marriage, adoption law, child support obligations and support enforcement compliance, small claims court, employment rights for serving members of the Guard, and a host of other day to day legal matters. Jeff was also hand selected to take part in an innovative Area Defense Counsel program in which he acquired a reputation for being a zealous and exceptionally capable advocate.

This listing of the types of questions and issues that the SJA's Office might have had to deal with is not of course meant by any means to be exhaustive, but it does illustrate the sheer breadth and diversity of the legal environment that Jeff worked in during his tenure there. In turn, this required flexibility, determination, and dedication on his part to acquire the requisite knowledge and skills to provide thorough, meaningful advice and guidance to commanders and individual service members as needed. Time and again, Jeff's commitment to providing solid, thoroughly researched and thoughtful legal advice and his innate sense of fair play and demonstrated commitment to treating every individual with respect and dignity regardless of their rank or seniority earned him a reputation for stellar professionalism. As might be expected, his time management, organizing skills, and ability to set priorities were frequently tested as very often legal services had to be provided within the space of a single drill weekend to individuals or commanders. The same demands were placed on him when he had to provide legal services during a last minute mobilization of entire units preparing to depart for active duty in support of overseas operations either during drill weekends or during the course of the



month between drills. Additionally, not only did he acquire expertise in the far ranging legal practice that was a feature of working in the SJA's office, he also had frequent occasion to develop and hone his skills in dealing tactfully and diplomatically with senior unit commanders of the rank of Lieutenant-Colonel, Colonel, and occasionally even with Generals at State Headquarters. In that capacity, Jeff excelled at working with a diverse array of challenging leadership personalities and competing interests while maintaining a balanced, professional, and even-keeled approach in his negotiations and advocacy for his clients or when providing advice and counsel to commanders seeking legal guidance. Jeff further developed his leadership skills by assisting in the management and training of our paralegal staff and his professional, steady guidance and direction on that front made him a valued asset on our team.

After transferring from our office to other career opportunities in the Air Guard, Jeff worked as a unit legal advisor himself and was promoted to Major in recognition of his achievements and efforts on behalf of the Guard and Reserve. Eventually though, the demands of a burgeoning and successful private law practice and the needs of his family led him to make the difficult but understandable choice to scale back his military commitments and he decided to leave the Guard. However, he maintained his military affiliation via work with the Civil Air Patrol. From his resume' it is also abundantly clear that Jeff has continued to be very active in a large number of other civic and community activities and professional legal endeavors throughout his career, not the least of which has been his ongoing work as a judge pro tem in the Whatcom County District Court.

In short, during the time I had the chance to work with him, I observed Jeff to be intensely committed to serving the public and to public service. Jeff has an abiding and clear sense of ethics and fair play and he regards hard work as a challenge to be met with and overcome. He has an exceptional drive and sense of dedication to his work that are so key to his professionalism and commitment to excelling in all that he does.

During my years in the service I practiced in front of or observed a number of military judges at various court martial trials. Not surprisingly, the work of those judges required them to be neutral and impartial, to treat both sides at trial with respect, with dignity, and to be evenhanded to all parties, to apply the law impartially with appropriate consideration for due process and fair play, and to impose sentences while bearing in mind larger issues of accountability, safety, good order and discipline counter-balanced by weighing in an individual's total history and record of service and considerations of clemency as appropriate. These judges brought a thoughtful and skilled analysis of applicable law and statutes to their courtroom decision-making and an experienced, mature, and dignified demeanor to their practice.

Jeff clearly manifests these essential qualities of a judge and that consideration plus his extraordinary professional background make him well suited for the judiciary and he would be an exceptional addition to the bench.

I retired from the service and the practice of law many years ago, but I can without reservation respectfully recommend Jeff to you as Whatcom County's next District Court Judge.

Sincerely,

// S //

Neil G. Chang

Lieutenant-Colonel, Washington Air National Guard (Ret.)

July 21, 2021

Whatcom County Council  
311 Grand Avenue, Suite #105  
Bellingham, WA 98225  
[council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)

**RE: Letter of Recommendation for the Appointment of Jeffery Lustick as  
Whatcom County District Court Judge**

Dear Council Members,

My name is Tanner Hoidal, I am a 2020 Gonzaga Law School graduate, former intern to Jeff Lustick, and current associate attorney at Ojala Law Inc., P.S., in Monroe, Washington. I write this letter today to urge the Council to appoint Jeff Lustick as the next Whatcom County District Court Judge. Whatcom County deserves a fair, levelheaded, and experienced individual to fill the shoes of outgoing District Court Judge David Grant. I cannot think of anyone more qualified to fill that position than Jeff Lustick.

In the summer of 2019, I worked under Jeff as a licensed legal intern for his private practice, Lustick Kaiman & Madrone, PLLC. That summer, I worked very closely with Jeff, and was fortunate enough to not only learn more about the practice of law, but also more about who Jeff is as a person. Aside from being an excellent mentor and skilled attorney, I came to learn that Jeff is a patient, open minded, and thoughtful individual who will do just about anything for the people he cares about.

Jeff cares about his community. When he's not busy running his private practice or serving as Judge Pro Tempore, Jeff is out providing services for the people of Whatcom County. He has served as Program Advisor for Lynden High School's Teen Court Club, held various positions for the Whatcom County Bar Association, and is a Volunteer Legal Officer and Member of the American legion, Bellingham Post No. 7.

Although I have only been an attorney for slightly over a year, I recognize the importance of having someone on the bench who can effectively listen to and communicate with litigants. Jeff is a master listener and a remarkable orator, and I've seen this firsthand. Whether Jeff is working with clients or opposing parties in his role as an attorney, or working with court staff and litigators in his role as Judge Pro Tempore, Jeff carefully and consistently listens to those around him and is able to

Letter of Recommendation

July 21, 2021

Page 2

convey his thoughts and opinions in a clear and concise fashion. These are the qualities needed to fill the role of district court judge.

Lastly, it is my understanding that due to, in part, the politically charged climate our country currently sits in, the Council is considering appointing an individual solely based on their political leanings and or their status as a minority. Should the Council choose to appoint an individual based on these factors alone, the Council would be doing a great disservice to their constituents and anybody who happens to fall under the jurisdiction of the Whatcom County Courts. The legitimacy of the judicial branch rests entirely on its promise to be fair and impartial, and if the public loses faith in that, there is no reason to respect a judge's opinion any more than the opinions of the real politicians representing the electorate. I respectfully urge the Council to select a candidate based on merit and experience, not politics.

For these reasons, and without any reservations, I give you my highest recommendation to appoint Jeffery Lustick as the next Whatcom County District Court Judge. I have no doubt in my mind that Jeff will diligently and effectively fulfill the duties of District Court Judge and he will do so with a passion for serving his community.

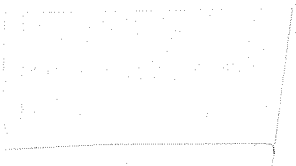
I will happily provide further information or testimony regarding this recommendation and or Jeff's fitness for District Court Judge at the request of the Council.

Sincerely,



---

Tanner J. Hoidal, Esq.  
Associate Attorney, Ojala Law Inc., P.S.



RECEIVED

JUL 23 2021

WHATCOM COUNTY  
COUNCIL

July 10, 2021

Whatcom County Council Members  
311 Grand Avenue  
Bellingham, Washington 98225

Re: Recommendation of Jeffrey Lustick for Whatcom County District Court Judge

Members of the Council,

I first met Jeff Lustick while I was assigned as the Headquarters Staff Judge Advocate for the Washington Air National Guard, a position that I held for the last 11 years of my military career. As such, I was the legal advisor to WA ANG Commander and the rest of the command staff. I also supervised all of the JAG officers serving in the WA ANG. Jeff joined the WA ANG upon separating from active duty and, therefore, overseeing his duty performance fell within my area of responsibility. In every respect his performance was exceptional and I was convinced that he would rise to take the position as HQ SJA as his career progressed. I was disappointed when he left the Guard but understood that the pressure of his growing law practice, the extent of his community involvement and his devotion to family made that his best choice. I was very happy to see that he returned to service as a member of the Civil Air Patrol where he has continued to excel and impress.

In my civilian capacity I have been a judge in one capacity or another for approximately 38 years. Beginning in 1984 I have continuously served as a part-time municipal court judge for one or more towns and/or cities in Whitman County, Judge Pro Tem in the Whitman County Superior Court and Court Commissioner in the Whitman County District Court. I was appointed as the full-time Whitman County District Court Judge in January, 2001. I retired from that position effective January, 2019 at which time I was again appointed as the part-time Municipal Court Judge for the City of Colfax, a position that I currently hold. I am also again a part-time Court Commissioner for the Whitman County Superior and District Courts as well as a Court Commissioner for the Asotin County Superior Court. Prior to my appointment as a full-time judge I also maintained an active criminal and civil litigation private practice. I have litigated or presided over tens of thousands of cases.

I relate my background only to demonstrate that I have the experience to know what makes a good judge and I am absolutely convinced that Jeff Lustick will make an outstanding judge. I will not repeat Jeff's vast experience and his superlative qualifications, I am sure that others from your community who work with Jeff on a daily basis can do that far better than I, but I wish to comment on another critical aspect of being a district court judge. That aspect of the job is the people who come before a limited jurisdiction judge each and every day.

Without question a judge must be well versed in the law and I have little doubt that all of the candidates you are considering meet this criteria. Similarly, I have no doubt that each of the candidates can weigh facts, apply the law and announce a decision in compliance therewith. Equally important, however, is the ability to conduct every case in a manner that creates confidence in the Court's decision, demonstrates respect for the person before the judge and engenders respect for the judicial system and

the rule of law. This is particularly true for the district courts as they, along with the municipal courts, are the place where the majority of people who come to court first encounter the legal system.

The position of District Court Judge is not a ministerial one. It is not a job that every competent and capable lawyer can do well. It is a position that requires extensive legal knowledge and the ability to discern the character of the person before you and “what makes them tick” in very short order. Depending on the type of case before you, the judge must fashion their comments, announce their decision and explain the result in a manner that demonstrates an understanding of what the person is experiencing, that acknowledges the significance of the matter to that individual and clearly explains the basis of, and reason for, the Court’s decision. Only then will a litigant leave court believing that he has been fully heard, that his case has been carefully considered and that they have been treated fairly. They will more readily accept the result if they are satisfied that they have had their “day in court”.

Likewise, when sentencing an offender the court should consider alternatives to the standard disposition of fines, jail and probation if an alternative may result in getting to the root cause of the criminal behavior and create an opportunity for the person to change for the better. I know that Jeff is committed to this sentencing approach as it is through the creative use of sentencing alternatives that a person can be helped to become a contributing member of society. District court is where this can happen most effectively as it is the place where people frequently land when first getting involved in criminal behavior. Efforts at changing that behavior rather than simply punishing it can pay great dividends but it is not the easiest option. It takes time, skill, perception and a willingness to “think outside the box” in order to fashion an appropriate alternative sentence for a particular individual. Jeff is clearly committed to investing this extra effort. A judge committed to the alternative sentencing approach, and who is effective in changing behaviors as a result, can benefit the offender tremendously, as well as the community as a whole.

The breadth and scope of Jeff’s background and experience are extraordinary. His legal abilities are unquestionable, he genuinely wants to help people and his commitment to excelling as a judge has been amply demonstrated during his service as a Judge Pro Tem. Quite simply, Jeff has all of the professional and personal qualities needed to be an excellent district court judge. As a judge he will continue to be a tremendous asset for Whatcom County and all who come before him. I cannot imagine that there is a better qualified candidate for the position before you for consideration. I strongly recommend that you select Jeffrey Lustick as Whatcom County’s next District Court Judge.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Robinson", written in a cursive style.

Douglas B. Robinson  
Colfax Municipal Court Judge  
Whitman County District Court Judge (Ret)  
Colonel, Washington Air National Guard (Ret)



THE APPLIANCE GIANTS

Since 1946

*"We Service What We Sell"*

July 19, 2021

Whatcom County Council Members

311 Grand Avenue, Suite 105

Bellingham, WA 98225

RE: Letter of Endorsement for Jeffrey Lustick for Appointment as District Court Judge

Dear Honorable Council Members:

My name is Jordan Roorda and I am the General Manager at Dewaard and Bode in Bellingham, Washington. The Dewaard and Bode Company has been in continuous operation in Whatcom County since 1946. We serve Whatcom, Skagit, San Juan, and Island Counties, and have 95 full-time sales, service, and management employees operating at three separate locations. Our company has grown throughout the years but is still locally family-owned and operates on the same values that our founders stood for, which are, honesty, integrity, and a commitment to serving our community. We are committed to creating a courageous, authentic community that welcomes a diverse group of participants, across lines of race, class, gender, sexual orientation, age, and socio-economic status.

Our concern for community wellbeing also extends into our local systems of civil and social justice, and we believe in having the best qualified and most experienced professionals who are willing and able to serve the community as judicial officers. Since the Whatcom County Council

is now undertaking the selection process for appointment of a new District Court Judge to replace Judge David Grant who has retired, we want to take this opportunity to emphasize how important it is that the County Council select Attorney Jeffrey Lustick of Bellingham as your judicial appointee.

Mr. Lustick is a local attorney with an excellent reputation for honesty, integrity, and commitment to serving our community. He has 24 years of legal experience and has served in the U.S. military as a Judge Advocate General Officer for 12 years and served as a municipal prosecutor for the City of Bellingham for 3 years. He has received professional accolades as one of the top 100 trial lawyers in the nation and was recently honored by the Washington State Bar

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Bellingham, WA 98226

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Bellingham, WA 98226

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# DEWAARD & BODE

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Association for pro bono service in the community. He has also served as a contract public defender in Whatcom and Skagit County Superior Court, Whatcom District Court, and the U.S.

District Court in Seattle where he has represented members of our community living at or below the poverty line.

Mr. Lustick has also worked in the community supporting and mentoring female business owners in the Latinx and Hispanic Communities within Whatcom and Skagit Counties as a member of the board of "Mujerxs in Business" With this dynamic business networking organization, Mr. Lustick helps businesses establish LLCs and writes LLC operating agreements.

He is currently helping the organization achieve its 501(c)(3) status with the IRS and recently collaborated with representatives of the greater Latinx and Hispanic Communities to develop the group's mission and core values statements. As an experienced businessman himself, Mr. Lustick is a real positive presence to these businesswomen, and they value his support and legal help.

Probably the most important aspect of our support of Mr. Lustick is that he has also distinguished himself for many years as a Judge Pro Tempore in the service of Whatcom County District Court, Bellingham Municipal Court, and Ferndale Municipal Court. As a principal Judge Pro Tempore, Mr. Lustick has served on the bench more than any other applicant for the position has. He has conducted all functions and judicial duties of the District Court Judge, from criminal jury trials to criminal and civil bench trials, and domestic violence anti-harassment hearings. Time and time again, Mr. Lustick has demonstrated his kind and compassionate judicial temperament and his willingness and commitment to follow the law.

He is also known for being a hardworking judge who safeguards the rights of victims and promotes inclusion and access to our justice system for everyone in our community.

In conclusion, I am proud to add my name to the long and growing list of distinguished community leaders, experienced business owners and managers, and local community members who are supporting Jeffrey Lustick for the position of District Court Judge. The fact that Mr. Lustick has earned such a strong base of support from all areas of Whatcom County and beyond is a true testament to his abilities as a legal professional, and it strongly suggests that he is well suited to serve in the position of District Court Judge. Mr. Lustick has the experience and the skills to start in this role immediately and I strongly urge the Council to appoint him without delay.

**MAIN SHOWROOM**  
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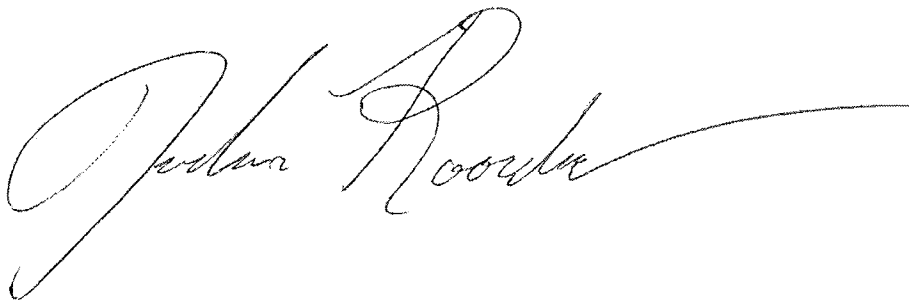
Very Sincerely Yours,

Jordan Roorda

General Manager

Dewaard and Bode

President Elect & Foundation President for Mt. Baker Rotary



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July 29, 2021

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

Subject: Appointment to District Court Judge of Jeffrey A. Lustick.

Dear County Council Members:

My name is Lyle Jansma, and my family and I reside in Bellingham, WA. I am a manager, an entrepreneur, and a private pilot. I own and operate a local business, Jansma Design, LLC. Within Jansma Design, LLC, I operate three photographic production companies, NW Home Photos, AeroCapture Images, and ACI Cockpit 360. I am an experienced professional photographer and have worked as a real estate and aviation photographer for many years. My assignments have ranged from working with local real estate agents supporting their efforts marketing local area properties, to working on a national level as photographic curator with the National Museum of the United States Air Force in Dayton, Ohio. My aviation images have also been published national and internationally in many aviation related publications including the prestigious Smithsonian Air & Space and EAA Sport Aviation.

I have known Attorney Jeff Lustick for over fifteen years. He has been my friend and mentor to me in both business and aviation. Within our aviation community, Jeffrey is a trusted advisory when it comes to buying or selling aircraft. He continually provides high quality legal advice on aircraft purchase and sales contracts and price negotiation to anyone who asks him. He has also helped pilots and aircraft owners prepare hangar leases and individual powers of attorney and wills. Jeffrey is the go-to guy for any legal issues which arise with the FAA or the NTSB. He also takes the time to give free airplane rides to teenagers as part of the local Young Eagles Program and the Bellingham Squadron of the Civil Air Patrol to encourage interest in aerospace careers by the youth of today.

Many members of the community are well aware of Jeffrey's excellent reputation as a local criminal defense lawyer, and perhaps many of us have also seen him on TV or heard him on radio talking about interesting legal topics or evaluating legal issues in the news. Jeffrey is a role model within the whole community for success, but he remains approachable and willing to help anyone who needs his help.

I am also aware that for the last three years, Jeffrey has served as one of the busiest pro tem Judges in all of Whatcom County. He has been successful as a substitute judge because of his professional and inclusive temperament, his wisdom, and his fairness and good judgment. Jeffrey also has the courage and ability to make difficult decisions under stress and the demonstrated capacity for hard work. As a lawyer with 24 years of diverse legal experience, I believe he is ready to be on the bench full-time.

As a business owner, a husband, and a father with a life long connection to Whatcom County, I want the best person to be appointed as a District Court Judge. I am growing more and more concerned about social justice and social inequity in our community, and I know that Jeffrey Lustick is sincerely in tune with these important issues as well. Jeffrey has a productive history of working with community civil rights advocacy groups and has given thousands of hours of his professional time to provide free legal services to people without homes, people without means, and to people who are affected by vectors of oppression in Whatcom County.

In summary, none of the other candidates before who are seeking this appointment has worked harder to develop their judicial character and skills, or served more time actually doing the duties of a District Court Judge than Jeffrey Lustick. Jeffrey is the rare person with the right balance of experience, knowledge, and leadership ability who the community really needs as one of its judges. I ask that based on this and all of the reasons already stated that you appoint Jeffrey Lustick as the next District Court Judge.

Please feel free to contact me at [ljlansma@whatcomcountypa.gov](mailto:ljlansma@whatcomcountypa.gov) if you have any questions about Jeffrey. I would be most honored to discuss his qualifications and benefits with you.

Best Regards,

A handwritten signature in black ink, appearing to read "Lyle Jansma", written in a cursive style.

Lyle Jansma

TO: Whatcom County Council Members

FROM: Dillon Honcoop

SUBJECT: Support for Appointment of Jeffrey A. Lustick to the Whatcom District Court

DATE: July 29, 2021

Dear County Council Members,

It is my distinct pleasure to recommend Bellingham lawyer Jeffrey A. Lustick for the Whatcom County Council's appointment as the next Whatcom County District Court Judge. I have known Jeffrey for 15 years and strongly believe that he is a great choice for this judicial position.

I am a lifelong, fourth generation Whatcom County resident and reside in Lynden with my wife and children. I am a 2006 graduate from Trinity Western University and graduated from Lynden Christian High School in 2001. I am presently employed as the Communications Director for Save Family Farming in Washington State. I have been in this position for the past four years. My organization, Save Family Farming, is the unified voice of Washington's family farmers with the unique role of conducting outreach to the non-farming public to build a better understanding of what our family farmers are doing to grow great food in a way that consumers today expect. Our constituent farmers, with very few exceptions, are environmental stewards and leaders, are excellent employers who care for and protect the interests of their employees and treat animals with respect and dignity.

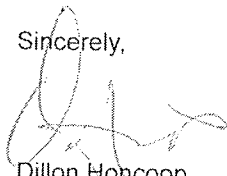
Prior to this position, I worked at KGMI Radio in Bellingham for eleven and a half years as a talk show host, as the brand manager, and as a news reporter and anchor for the local news. During my time with the radio station, I got to know Jeffrey quite well while he was serving as an on-air content provider for the news department and as an occasional fill in host on my show when I was away.

Jeffrey is an excellent lawyer with a strong work ethic. He has a way of explaining complex topics and fact patterns in a way that anyone can easily understand. He is good humored, respectful, polite, and sensitive to the people around him. He has great leadership qualities and has the personality skills needed to form and motivate teams and small working groups.

In addition to being a frequent, reliable, and popular content presenter on our live radio broadcasts, Jeffrey is also an accomplished local trial lawyer with over two decades of experience in the criminal court system. He has told me about his service as a temporary fill-in judge, and I know that he now desires to serve Whatcom County as the full-time judge. If given that chance, I know that he will succeed and because of his professional experience and qualifications, his communication skills, and his ability to lead.

Please contact me at [redacted] if you would like any further information or have any questions.

Sincerely,



Dillon Honcoop  
Lynden, WA

## Monica Rouse

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**From:** Monica Rouse  
**Sent:** Sunday, August 1, 2021 9:34 PM  
**To:** Council  
**Subject:** Re: Open court position

August 1st, 2021

Members, Whatcom County Council  
Courthouse Room #105  
311 Grand Avenue  
Bellingham, Wa 98225

Subject: Appointment to District Court for Jeff Lustick

My name is Jess Bass and I am a lifelong resident of Whatcom County. My father and I own and operate a small barber shop here in Bellingham that has been in business for over 50 years. My children have graduated from Whatcom County public schools and I consider myself deeply invested in both the community and its well being. I have become aware the Judge Dave Grant has retired and you, as a council, will appoint a replacement for his position. I am writing to ask that you appoint Jeff Lustick.

I have known Jeff Lustick for 20 years and have found him to be smart, honest, hard working, disciplined, balanced and possessing a high capacity for fairness. He has Graduated from Gonzaga University Law School and ran his own successful law firm. Before that, he was a highly respected military lawyer. His extensive law background includes being a prosecutor at the Federal, military, and city level, as well as being a defender of those same levels of government. He has done legal commentary on both radio and TV and has hosted multiple times on local programs because they acknowledge and appreciate his informed opinions and professional judgement and thought process. More recently he has expanded his professional base to filling in as a judge at both city and county court systems.

As a barber, I know nothing of law. I know nothing of the legal system that isn't common knowledge to anyone who watches Law & Order. But, what I do know after 30 years of cutting hair, is people. I know all types and kinds. Every creed, orientation, belief system, race, socioeconomic background, and political stripe gets a haircut eventually. Things like legal representation comes up more than you would imagine, and when it does Jeff Lustick's name is always at the front of line. His reputation as an advocate is unparalleled. I can unequivocally say that should I need legal council, Jeff Lustick will be my first call. His commitment to the community, belief in our legal system, as well as morals and values mirror my own. These qualities are apparent by the many clubs, teams, and community programs he has sponsored and volunteered for.

I ask that you place Jeff Lustick in the position vacated by Judge Grant. He has the intelligence, experience, demeanor and desire to serve the position. I believe strongly that Jeff Lustick would do an outstanding job and the community at large would benefit greatly from the unique set of qualities that he possesses. I can only imagine what a difficult and demanding job this would be and what a truly rare combination of talents it must take to do this service well. When I look at the list of requirements and skill sets needed to serve the public in such a manner, Jeff Lustick is the obvious choice.

Feel free to call me if you have any questions about my support of Jeff Lustick.

Sincerely,

Jess Bass

**MICHAEL P. SHEEHY**  
**ATTORNEY AT LAW**

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August 4, 2021

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

*RE: Judicial Candidate, Jeffrey A. Lustick for District Court Judge*

Dear Members of the Whatcom County Council:

It is my honor and privilege to provide a professional reference for Mr. Jeffrey Lustick for the position of Whatcom County District Court Judge. I have known Mr. Lustick for over twenty-years, and we worked together as Air Force Judge Advocates in the Washington Air National Guard. As a new Judge Advocate, I was extremely fortunate to have him as a mentor and a colleague. Mr. Lustick emphasized the importance of honesty and integrity with the Court and opposing counsel, while at the same time maintaining the ability to zealously advocate for a client. He advocated that your reputation is more important than resolving a case in a favorable manner. I give the same advice to new attorneys twenty years later and I try to emulate his values of honesty and candor to the tribunal.

Mr. Lustick is known as a fierce and fair litigator who knew trial procedure and evidence better than any other attorney in the Courtroom. He was promoted to the most sought-after position in the JAG community, Circuit Defense Counsel. This position is handpicked by the JAG leaders to handle complicated, high-profile defense cases at Air Force bases across the nation. Circuit Defense Counsel is also part of the Judge Advocate General's School Adjunct Faculty and are called upon to teach trial advocacy to new JAG lawyers. Only the brightest and most successful military attorneys are selected for this position.

Commanders in the Washington Air National Guard also sought out Mr. Lustick's advice for a myriad of issues ranging from disciplinary actions to military mission operational

**MICHAEL P. SHEEHY**  
**ATTORNEY AT LAW**

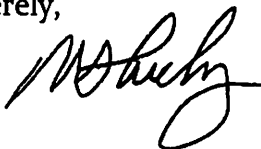
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guidance. Mr. Lustick was respected for his knowledge and legal expertise. He briefed servicemembers on rules of engagement, status of force agreements, and military benefits. He was credited with helping to make the Washington National Guard mission-ready when our Guardsmen were mobilized in 2004 for deployment in Iraq.

Over the course of his legal career, Mr. Lustick has represented thousands of clients as a prosecutor and defense attorney in criminal, juvenile, and family court matters, at both the trial and appellate levels, in both civilian and military courts. Mr. Lustick is highly motivated when facing daunting deadlines or handling stressful cases in a high-volume court. Coworkers rely on his legal advice and Judges trust and respect his opinion.

As an attorney for almost 20 years, Mr. Lustick has proven himself to be a smart and sound jurist. His extensive background in seeking justice and his deep understanding of the practice of law will allow him to bring a unique perspective to the bench. His experience as a prosecutor, Judge Advocate General, and a partner at a firm is beneficial to all who enter his courtroom. There is value in appointing Judges who have experience with clients and who understand the challenges and dynamic nature a client may bring to a case. His empathy and keen sense of fairness allow him to see beyond the courtroom and understand the greater context of some of the complex cases where decisions will impact or change a person's life. Mr. Lustick has a deep understanding of the law, and an appreciation for justice. Mr. Jeffrey Lustick is exceptionally well qualified to be a District Court Judge and I support his appointment without reservation.

Sincerely,



Michael P. Sheehy, WSBA #29914  
Attorney at Law