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



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

Name: Royce Buckingham
Street/Mailing Address: _____
City/State: _____ Zip Code: _____
Day Telephone: _____ Evening Telephone: _____
Fax Number: _____ E-mail Address: _____

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

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

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

Are you a lawyer admitted to practice law in the state of Washington? 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.

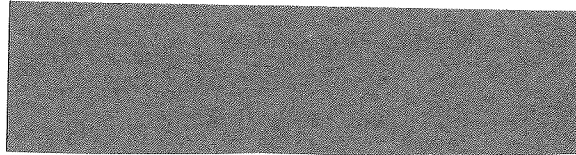
Signature of applicant: _____  _____ Date: 6-28-21

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

ROYCE BUCKINGHAM



EXPERIENCE

May 1993 – Present - WHATCOM COUNTY PROSECUTING ATTORNEY'S OFFICE

Current Position - Senior Deputy, Civil Division. Legal Advisor to the Whatcom County:

Planning Department – Current Planning, Long Range Planning, Building & Codes,
Fire Marshal, Land Division, Planning Commission
Auditor – Elections, Licensing, Recording
Health Department – Water Law, Sewers, Public Health
Treasurer – Local Tax Law, Collections, Finance, Investment, Foreclosure
Ethics Commission – Ethics Code Violations (Elected Officials)
Boundary Review Board – Annexations

Other Positions Held:

District Court Deputy I – Adult Misdemeanors

Juvenile Court Deputy II – Juvenile Misdemeanors and Felonies

Superior Court Senior Deputy – Adult Felonies

Criminal law responsibilities included: charging decisions, jury trials, pleas, sentencing, motions, appeals, driving offenses, property crimes, assault, child abuse, domestic violence, sexual abuse, sexual assault, arson, homicide, and other crimes. Significant criminal cases include the arson that destroyed the Mason building in downtown Bellingham and the Denton Hendricks murder in Lynden.

Legal advisor to all other Whatcom County departments as needed:

Council, Executive, Assessor, Prosecuting Attorney, Parks and Recreation, Public Works, Superior Court Clerk, District Court Probation, Sheriff.

COURTS

I have practiced before the following courts and administrative boards over the last 28 years:

District Court, Juvenile Court, Superior Court, Washington State Court of Appeals, Hearing Examiner, Mental Health Commitment Hearings, Whatcom County Ethics Commission, Shoreline Hearings Board, Canvassing Board, Boundary Review Board, Growth Management Hearings Board, Board of Tax Appeals, Washington State Public Disclosure Commission, Building & Codes Board of Appeals.

Other jurisdictions: King County, Snohomish County, Skagit County, Lane County, OR.

RELEVANT CERTIFICATIONS AND TRAINING

Certified Public Official (CPO) – WA certificate program, County Development Institute.
Washington State Bar Association (WSBA) – member in good standing for 28 years.
Admitted to the United States Federal District Court in 2005.
Continuing Legal Education (CLE) – 28 years annual certified education with the WSBA.
Groundwater Training (Structural Racism) – Racial Equity Institute, host Heather Flaherty.
Implicit Bias Training – host Washington Supreme Court Justice Raquel Montoya-Lewis.

EDUCATION

Bachelor of Arts – English, Whitman College
Doctor of Jurisprudence – University of Oregon School of Law
Willamette Law Review Article – *The Erosion of Juvenile Court Judge Discretion*

PERSONAL

Whatcom County resident for 28 years. Married with two children—ages 17 and 20. Eagle Scout, college athlete (baseball), published author (13 novels), runner, past board member of Big Brothers/Big Sisters, AAU basketball coach, rec baseball coach. My first job out of law school was with Whatcom County.

PRIMARY REFERENCES

Below are my primary references—people with whom I currently work most closely or who are most relevant to the District Court Judge position:

- Eric Richey Whatcom County Prosecutor [redacted]
- Flo Simon Chief, Bellingham Police Department [redacted]
- Mark Personius Director, Whatcom County Planning [redacted]
- Diana Bradrick Whatcom County Auditor [redacted]
- John Wolpers Manager, Whatcom County Environmental Health [redacted]
- Anna Webb Paralegal, Whatcom County Prosecutor’s Office [redacted]

LOCAL ATTORNEY REFERENCES

Below is a short list of opposing counsel with whom I work often. I regularly resolve client conflicts with these attorneys, and each has agreed to be speak with you about working with me.

- Brad Swanson Attorney [redacted]
- Jon Sitkin Attorney [redacted]
- Bob Carmichael Attorney [redacted]

D. Questions:

1. Why I am interested in serving as District Court Judge and qualifications.

Greetings Council,

I am Royce Buckingham, and I'm seeking the District Court judicial appointment in order to put my twenty-eight years of courtroom experience and career-long commitment to public service to their best use serving Whatcom County.

I'm a senior attorney for Whatcom County and have spent my entire adult working life in public service. I've prepared myself for the bench by making difficult legal decisions on behalf of the citizens of Whatcom County for the last three decades.

I have over thirteen years of experience practicing criminal law and fifteen practicing civil law. I've practiced in numerous courts and administrative forums and represented many clients in a wide variety of legal areas. I've practiced before, or worked with, every judge and commissioner in Whatcom County's courts, including former Judges Grant, Montoya-Lewis, Garrett, Snyder, Mura, Moynihan, Nichols, and judges from King, Snohomish, Skagit and Lane (Oregon) Counties.

About Me

My parents grew up on Montana farms (with outhouses), and both were first-generation college students. I grew up in Richland, Washington, where my father worked in public service for the federal government. I was an Eagle Scout, played sports, and was a good student. My parents sent me to Whitman College in Walla Walla, where I played collegiate baseball and studied abroad. When I graduated, I took out student loans to study law at the University of Oregon. During law school I interned with the King County and Lane County (Oregon) Prosecutor's Offices and published an article in the Willamette Law Review on juvenile court judges.

Early Career

After I passed the bar, my first interview was with the Whatcom County Prosecutor in 1993. I interviewed in a storage closet/conference room on the fifth floor of the "old" courthouse. After doing a mock trial in front of the entire attorney staff, I was offered a job by Dave McEachran and started working in District Court with another new attorney, Eric Richey.

I began my career in misdemeanors, practicing before Judge Dave Rhea and Judge Ed Ross. I then spent 13 years practicing criminal law in Whatcom County's District, Juvenile and Superior courts, with occasional trips to the State Court of Appeals. I handled everything from shoplift to homicide.

Personal

In 1997, I married KGMI crime reporter Cara Landi, and we now have two boys—Aspen, a junior at Northwestern University in Chicago, and Aiden, a senior at Bellingham High. Along the way, I volunteered with Big Brothers/Big Sisters, coached AAU basketball, coached children's rec baseball, and published 13 novels.

Civil Law Career

As a Senior Deputy Prosecutor, I was promoted to the Civil Division of our office and inherited the job of Dave Grant, who had been appointed District Court Judge. I've now spent 15 years practicing civil law. My primary clients are the Planning Department, the Auditor, the Treasurer, and the Health Department, but I've advised nearly every department in Whatcom County at one

time or another, including the Executive and the Council. The Planning Department is my busiest client. In this unique year, the Health Department and Elections were also challenging. I continually train and study law, and I've completed Certified Public Official training in preparation for a leadership position in our County. District Court Judge is exactly such a position.

Judicial Philosophy

I believe in a professional, welcoming courtroom where everyone has an opportunity to be heard and feels they have been treated fairly. The atmosphere in District Court should be respectful, efficient and not intimidating. The judge should work to maintain the dignity of citizens appearing before the court and treat the staff with courtesy.

A judge is different from a prosecutor, who is often an advocate. A judge must be impartial both in fact and in appearance.¹ Indeed, an unbiased judiciary is the foundation of our justice system. To that end, recognizing and eliminating bias are core functions of a judge right along with the safety of the community.

Summary

My references will tell you that I'm good to work with and that I have a sense of humor, a professional demeanor and high ethics. I believe my extensive and varied experience is what will set me apart from most of the (also excellent) other candidates. Citizens come to District Court to have their legal matters decided, and I've been making difficult legal decisions that affect the lives of the people of Whatcom County for going-on three decades. Thank you for your consideration.

Additional References²

The following co-workers and community members have all agreed to act as additional references:

Satpal Sidhu	Executive	[Redacted]
Bill Elfo	Sheriff	[Redacted]
Sarah Rothenbuhler	Owner/CEO, Birch Equipment	[Redacted]
Evan Jones	Superior Court Judge	[Redacted]
Dave Freeman	Superior Court Judge	[Redacted]
Tyler Schroeder	Director of Administrative Services	[Redacted]
Steve Oliver	Treasurer	[Redacted]
Erika Lautenbach	Director, Whatcom County Health Department	[Redacted]
John Romaker	Chief Deputy Assessor	[Redacted]
Dave McEachran	Former Elected Prosecutor, Whatcom County	[Redacted]
Dona Bracke	Assistant Chief Deputy / District Court Supervisor	[Redacted]
Amy Keenan	Senior Planner, Whatcom County	[Redacted]

- 2. Do you intend to run for the office of District Court Judge in the next general election? Yes.**
- 3. Are you currently seeking, or have you sought a business relationship with Whatcom County? No.**
- 4. Have you had a sustained complaint against you by the Bar or Judicial Conduct Commission? No.**

¹ This is a non-partisan position, and I have refrained from actively participating in politics as a prosecutor for my entire career, except to support the campaign of my own employer, the elected Prosecutor.

² Note: all of my references are happy to discuss my attributes, but a number of them do not wish to "endorse" a single candidate.

E. Essay: Current problems, litigation, rules, regulations, and policies of the Whatcom County District Court Office. Summary of three concerns.

Concern #1 – Access to justice.

Providing access to justice involves eliminating barriers and delivering fair outcomes, including for people facing financial, language or other disadvantages. District Court is often a “pro se” courtroom where citizens either don’t or can’t pay for a lawyer. I have a concern that District Court moves fast and can be confusing. For example, I’ve seen judges use complex legalese or berate litigants for not knowing the law. A judge’s job is to help people understand the law and to help them resolve their criminal and civil issues. As judge, I anticipate meeting with staff and stakeholders to review procedures to help remove institutional barriers and assist pro se citizens in understanding, navigating and trusting the court to handle their business. One of my favorite quotes from former District Court Judge Rhea is “let’s get your business taken care of.”

Concern #2 – How is pretrial monitoring working in District Court?

Our District Court has a robust pretrial monitoring system to reduce the use of cash bail and to ensure defendants appear in court.³ District Court uses a risk assessment tool, and the results are provided to the judicial officer before the first appearance of a defendant.⁴ The assessment is based on “static” information (such as criminal history) and does not require questioning of defendants, which might violate their pretrial right to silence.⁵ Risk assessments provide judges and probation officers with an objective tool to evaluate release and require pre-trial conditions.

Static risk assessments rely upon information that has been statistically shown to correlate with risk of non-appearance and re-offense, but these tools have also been criticized as being based on information that statistically disadvantages certain groups. Thus, when a judge uses the risk tool, that judge must consider dynamic factors beyond the tool when setting bail and release conditions. These additional factors can be supplied by a defense attorney.

Pretrial, District Court Probation also meets with defendants to discuss the “unmet needs” they may have, including shelter, health care, dental, food, clothing and others. This is an opportunity for the court system to intervene and offer solutions to underlying problems that contribute to criminal behavior. This protocol echoes the LEAD program, in which law enforcement diverts suspects to services at the point of contact on the street. District Court monitoring has evolved in recent years,⁶ and it works well, according to staff. Our County’s pretrial monitoring is something we can be proud of and something I will promote as judge, refining and expanding when needed.

Concern #3 – Is District Court putting too many people in jail?

One of my concerns was the number of defendants District Court refers to our aging jail facility. However, Wendy Jones, the supervisor of the jail, explained to me that “District Court is not the problem.”⁷ District Court currently imposes low or no bail, utilizes sentencing alternatives and prioritizes monitoring and services over incarceration as methods of crime reduction. I am on-board with continuing this philosophy and reserving jail as a tool for public safety.

³ Bruce VanGlubt, District Court Probation Administrator.

⁴ Discontinued for in-custody hearings during the pandemic (but still used for pre-trial monitoring after in-custody hearings).

⁵ Upon any conviction, a “dynamic” tool involving interviews is used for post-conviction probation.

⁶ Other additions include the pretrial unit, a behavioral health unit, a DV unit and text reminders for court.

⁷ Wendy Jones is Chief of Corrections.

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 Corkern
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 28, 2021

RE: District Court Judge Appointment

Dear Honorable County Council Members,

I recommend that you appoint Royce Buckingham to District Court Judge. This is an opportunity for Whatcom County to have a great judge in District Court.

Here's why:

I've been working with Royce since he and I passed the bar in 1993. We have moved up through the Whatcom County Prosecutor's Office together, and in every decision I've seen him make—three hundred and sixty-five days a year for almost thirty years—he has always focused on “doing what's right.” He's one of the people I go to talk to about really difficult cases and sticky problems. And after we've talked through all of the facts and legal issues from every angle, he'll often ask, “okay, given all of that, what's the *right* thing to do?” In short, good ethics and a strong personal moral compass. It makes complete sense that he was an Eagle Scout.

Royce is also the classic quick study when presented with a case, the facts, the law or just a problem—he listens and comprehends things right away. Then he makes prompt, well-reasoned judgments, which I trust. When we disagree, he appropriately questions my logic, and when confronted with different facts or a different point of view, he is willing to change his position. All of these attributes are exactly what we want in a judge.

Royce was an excellent trial attorney in our criminal division for thirteen years, where he tried all kinds of cases, including our most serious felonies. He's currently a Senior Civil Deputy and a voice of reason and practicality in our civil division, where he represents the County on some of its most important issues,

including health and elections this year. And everyone knows he's one of the best writers in my office. I often go to him on important matters to articulate our office's position in writing.

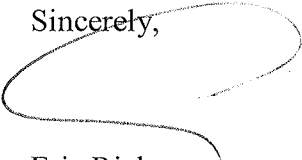
District Court Judge is an important position, because the District Court handles a high volume of cases affecting a large number of our citizens. It is a highly visible position to the public. It demands a thoughtful person with a professional demeanor who does the right thing every time, even in small cases. We need to promote and sustain public trust in our legal system in this way. We owe this to our citizens, especially during these times when public confidence in its own government has been shaken. Royce will be a stabilizing and calm presence as judge, and he has attended trainings to stay abreast of new ideas and to understand change so that the District Court can evolve as society's expectations evolve.

I think it's worth highlighting that Royce has three decades of experience and has handled an incredibly wide variety of cases—pretty much every criminal charge we have and fifteen years of civil issues covering nearly all of our County departments. His resume should cover this, but in case it doesn't, there you go.

I know that you will have several good candidates, which is great! Actually, I know and have worked with almost all of them. It is my opinion that Royce is the best choice among them, and I know I'm not alone in thinking this.

Good luck with your decision,

Sincerely,



Eric Richey
Whatcom County Prosecutor

Flo Simon

June 16, 2021

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

Dear County Council,

It is my pleasure to offer a reference letter for Royce Buckingham for the position of District Court Judge,

I have known Royce for 28 years, beginning when he got hired as a prosecutor in the Whatcom County Prosecutors office. Royce spent 13 years prosecuting cases in District court as well as Superior court and Juvenile court. As a patrol officer I had occasion to testify on cases that Royce was prosecuting. Royce always made sure that I was prepared in the cases we worked together. Royce was fair and professional when dealing with victims as well as defendants and witnesses.

Royce then transitioned to the Civil Division at the Prosecutors office and has been working with the Planning Department, the Treasurer, the Health Department and the Auditor. The opportunity to work both criminal and civil cases has given Royce a broad perspective and a solid foundation to work from.

Royce and his wife Cara enjoy running and I have often run across them in my neighborhood. Family has always been important to Royce and Cara, who have two sons. Royce volunteered with various organizations that nurtured and mentored youth in our community. Royce also found the time to publish 13 novels, 3 of which are for middle school age children.

I find Royce to be highly ethical, competent and intelligent. He has a quick wit about him and enjoys interacting with people.

As the Chief of Police I want a judge who has the knowledge, skills and abilities that Royce consistently demonstrates and I highly recommend him for District Court Judge. He believes that recognizing and eliminating bias are core functions of a judge and I agree. I'd be happy to answer any questions that the Council might have. Please feel free to call me at [REDACTED]

Sincerely,



Flo Simon

25 June 2021

Nate Reiss, PhD

[REDACTED]
[REDACTED]

To: Whatcom County Council

From: Dr. Nate Reiss, PHD
Clinical Psychologist
Peace Health St. Joseph Medical Center- Behavioral Health Unit

Re: District Court Judge Position

Dear Councilmembers,

I am writing to strongly recommend Royce Buckingham for District Court Judge. I am a Licensed Clinical Psychologist for the Behavioral Health Unit at PeaceHealth St. Joseph Medical Center in Bellingham. Our mission is to treat and stabilize patients in behavioral health crisis and find outpatient resources to help them continue their wellness after discharge. Some of our patients are involuntarily detained under RCW Chapter 71.05 (Behavioral Health Law) after they experience a serious episode that endangers themselves or others. Our goal is to get our patients back to baseline functioning so that they can safely return to their daily lives. Until then, they are held in our care and given the right to court hearings if they wish to challenge their detention (on various legal timelines). My job involves the evaluation, treatment and expert testimony at court hearings regarding the diagnosis, condition, and prognosis of these patients.

Royce Buckingham routinely acts as our attorney at these hearings for the four years that I have worked here. He currently works with us approximately one week each month. His job is to represent the hospital on behalf of the State of Washington and legally defend medical decisions to involuntarily detain patients, when appropriate. Royce is a pleasure to work with professionally and personally.

I know Royce to be of strong character and professional excellence. As an attorney, he is knowledgeable, experienced, and able to integrate complex material efficiently. We have court three times a week, often with three to five cases on a single day, any of which can go to hearing right up to the moment the commissioner takes the bench. We typically provide Royce with case reports the day before (or the day of) the hearings, with little or no time to interview witnesses before the hearings. Commonly, Royce handles several hearings in a single day, involving multiple witnesses and aggressive opposing attorneys, even with little preparation time.

If our staff has a more complex legal question regarding RCW 71.05 (Behavioral Health Law), he is always happy to research the issue and answer questions. We call him on his personal cell phone number, and he is prompt, responsive and friendly every time we call to ask him for help.

Moreover, the most notable trait I have observed in Royce, and one of the most important in our profession, is compassion. Royce sincerely seeks positive outcomes for our patients to get the help they need, not just "win" cases. I routinely talk to him about legal strategies for court orders that help our patients navigate the complicated behavioral health system.

A good example of Royce's soft touch is his approach to cross-examination of patients and questioning of family members. This can be a sensitive time and a traumatic experience. When Royce cross-examines, he does so thoughtfully and empathetically. He typically explains in a soft tone that people are concerned and asks if they can simply explain problematic behavior; or their willingness to engage in treatment or take medication. If a patient is really struggling on the stand, Royce often asks no questions at all, but simply lets them have their say. As the Clinical Psychologist at the Behavioral Health Unit, I very much appreciate an attorney with empathy representing us.

When making legal argument to the commissioner, Royce is articulate, integrative, succinct, and honest. If you appoint Royce as judge, I am confident you will see the same high level of skill and integrity. If you have any questions, feel free to reach out to me for more information.

Sincerely,

 Nate Reiss, PhD