

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

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

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

Name: Melissa Nelson

Street/Mailing Address: [REDACTED]

City/State: [REDACTED] Zip Code: [REDACTED]

Day Telephone: [REDACTED] Evening Telephone: [REDACTED]

Fax Number: [REDACTED] E-mail Address: [REDACTED]

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: **See attached.**

- 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: See attached.

- Please provide three letters of reference.

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


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. **See attached.**

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: 6/27/21

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

MELISSA L. NELSON

JUDICIAL EXPERIENCE

Judge Pro Tem, Whatcom County District Court, 2005-Present
Judge Pro Tem, Bellingham Municipal Court, 2010-2018
Commissioner Pro Tem, Whatcom County Superior Court, 2011-2016

PROFESSIONAL EXPERIENCE

Senior Counsel and Assistant Attorney General, 1990-Present
Washington State Attorney General's Office, Bellingham Regional Services Office

Associate Attorney, 1988-1990
Brett & Daugert, Bellingham, WA

Judicial Law Clerk, 1987-1988
The Honorable Judge John A. Petrich
Washington State Court of Appeals, Division II

EDUCATION

Santa Clara University School of Law, J.D. 1987
Top 15% of Class; Dean's list; Comments Editor, Santa Clara Law Review

Seattle Pacific University, B.A. 1984
Magna Cum Laude

EXPERIENCE WITHIN THE ATTORNEY GENERAL'S OFFICE

General Counsel to Western Washington University, 2018-present

- Full time legal representative to Western Board of Trustees, President, Provost, Vice Presidents and Directors
- Responsible for litigation and client advice in multiple areas of law, including risk management, personnel, discrimination, ADA, Title IX, student discipline, contracts, public records and open public meetings
- Member of Western's Covid-19 Incident Management Team

Litigation—1990-2018

- Tried over 100 juvenile dependency and termination of parental rights cases in four counties; efficient high-volume litigator; experienced in alternative dispute resolution; recognized as state expert in juvenile litigation
- Five years as lead attorney in Bellingham; trained staff and attorneys and coordinated juvenile litigation
- Ten years as team member of the Whatcom County Family Treatment Court; participated in planning, policy development and implementation of the therapeutic court; attended National Drug Court implementation training
- 2005-2007 member of Torts Division, defending multiple state agencies in civil litigation, including jury trials

Appeals—2010-2018

- Regional Services Appellate Coordinator responsible for seven Division offices
- Primary editor for all juvenile appellate briefs arising out of the Division, ensured that briefs and oral arguments were persuasive, timely, and consistent with statewide legal positions
- Trained and mentored new and experienced attorneys in appellate writing and oral argument
- Briefed and argued multiple appeals in the Court of Appeals
- First chair on two successful Washington State Supreme Court cases

Administrative Law

- Three years as team leader responsible for implied consent appeals and employment security judicial review cases
- Ten years representing the Department of Licensing and Department of Employment Security in superior court appeals
- Ten years representing the Department of Social and Health Services in day care and childcare center licensing administrative hearings

Additional Higher Education

- Eight years General Counsel for Whatcom Community College; three years General Counsel for Skagit Valley College; three years General Counsel for Bellingham Technical College

OTHER EXPERIENCE

- Past member of the leadership team of the Whatcom County Domestic Violence and Child Maltreatment Coordinated Response Committee
- 2001 Attorney General Conference Committee, Co-Chair 1999 and 2006 Regional Services Conference Committees
- Presenter at multiple trainings regarding appeals, trial practice, and therapeutic courts
- Faculty at Attorney General Basic Litigation training

HONORS

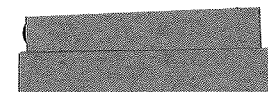
- 2021 President's Team Recognition Award, WWU Covid-19 Incident Management Team
- 2016-2020 Performance Plus Award
- 2015 Senior Counsel Award
- 2013 Attorney General's Office Excellence Award Winner
- 2005 Recognition Award from DSHS Children's Administration
- 2001 Commendation Letter from Attorney General Christine Gregoire
- 1999 Letter of Recognition from Governor Gary Locke
- 1998 Outstanding Employee/Team Award

COMMUNITY ACTIVITIES

- Past President, Whatcom Women Lawyers
- Past board member, Whatcom County Humane Society
- Past WSBA Young Lawyers Network Representative
- YMCA Mock Trial Competition organizer and judge
- Past member of WCBA Law Related Education and Judicial Selection Committees
- Law Day participant
- 1999-2003 Sehome High School assistant cross country and track coach
- Member of Brigid Collins Family Support Center founding advisory board
- YMCA youth soccer and T-ball coach
- Northern Heights Elementary School PTA member and school volunteer
- WFC Rangers soccer team manager

REFERENCES

Bob Ferguson, Attorney General
Hon. David Grant, Whatcom County District Court
Melynda Huskey, Ph.D., Vice President, Enrollment and Student Services,
Western Washington University
Sarah Reyes, Bellingham Office Section Chief



Application for Appointment as Whatcom County District Court Judge

Melissa Nelson

Question D.1

In 2005, the first time I sat as a pro tem judge in District Court, I felt a weight of responsibility, but also the joy of opportunity. The responsibility to act with the utmost integrity, to listen carefully to each person and to treat them fairly and with dignity. The opportunity to use my experience, analytical skills, intelligence and compassion to impact the both the community and individuals in a positive way.

The many professional challenges and opportunities I have faced across the ensuing 16 years, both as a pro tem judge and as an Assistant Attorney General, have taught me a great deal. Time has only enhanced my vision for how a District Court Judge can impact our community. Today, as a candidate for appointment, I bring forward my 33 years of public service legal practice, combining litigation, appeals and advising Western, the second-largest employer in Whatcom County. I understand and value the duty to provide ethical and just treatment to all. I also bring forward the energy and enthusiasm to develop creative solutions to problems, but I respect the practices that are already working. I will bring an independent, efficient, practical and compassionate voice to the bench.

Judges make decisions that truly impact people's lives. Making such decisions requires a deep sense of fairness, humility and responsibility. I want to carry forward these traits, my depth of experience and my devotion to public service to serve the people of Whatcom County as the next District Court Judge.

District Court appeals to my practical nature. It is often the primary entry point of Whatcom County citizens into the judicial system. Some may enter because they received speeding tickets, fished without a license, had disputes with neighbors or were victims of harassment. Others enter when mental illness results in poor choices leading to trespass, shoplifting or fights. Another group arrives due to substance use, from under-aged drinkers to people with serious addiction issues, whose actions place the community at risk. Still others desire to resolve complex civil cases.

I bring to the court a perspective that is highly relevant, but different from that of prosecutors and defense attorneys. The parents and families I worked with for over 25 years in the dependency court system face the same issues as many District Court litigants. Their lives are impacted by substance abuse, mental illness, violence and poverty. As an Assistant Attorney General, a large portion of my work involved collaborative efforts with people across the aisle to develop and implement court ordered service plans addressing the issues that were endangering children. But rather than resolving criminal cases, our task involved identifying and remediating safety and behavioral issues so that families could be reunited. My experience puts me in the position to enable District Court to move forward with County's goals of reduced recidivism and incarceration while creatively exploring ideas that maintain accountability and victim safety, including therapeutic interventions such as treatment courts.

As a judge, I want every person to be heard, feel heard, and believe they have meaningful access to justice. Access to justice requires the Court be aware of and responsive to the needs of the disabled. It means attention to language and reading ability. Victims need safe access to the courthouse or alternative ways to appear. Offenders need accountability, but that accountability must include tailored services, including alternatives to incarceration that will assist in rehabilitation. The court must remain mindful that often less advantaged people are disproportionately impacted by multiple court appearances and sentences imposed. I want to ensure that every person receives just and equal treatment by the Court and their constitutional rights are honored.

Representing Western has immersed me in a wide range of complex legal issues, akin to representing a small city. Working with such a large, diverse client requires clarity, patience, flexibility and humor. My work on issues such as the Covid-19 pandemic response, the Americans with Disabilities Act, laws against discrimination, and human resources is particularly relevant to the management of the Court.

Whatcom County District Court is efficiently run and well-placed to continue promoting the County's goals of public safety, justice, fiscal responsibility, harm reduction, healing and prevention. The Court also faces challenges as it responds to lingering Covid-19 issues, works to improve access for disabled individuals and continues to seek evidence-based solutions for issues relating to substance abuse, violence and mental illness. Finally, although the past and present judges and commissioners have done an outstanding job with the Court's work, women and other diverse groups are notably absent from the District Court bench.

My high level of combined experience inside and outside of the courtroom positions me well to assist the Court as it moves forward with continued efficiencies and new challenges. I have the intelligence, grit, optimism, and creativity to continue the Court's excellent work and assist in effecting the changes necessary to navigate the complex and critical times facing Whatcom County.

Question D.2

Yes. I intend to run for the office of District Court Judge in the next general election.

Question D.3

I have never been an employee, agent, consultant, or officer of any business or agency that has or anticipates having a business relationship with Whatcom County. I have received payment from the County as a District Court Pro Tem Judge and a Superior Court Pro Tem Commissioner.

Question D.4.

I have never had any type of complaint against me by the State Bar Association or the Commission on Judicial Conduct.

District Court has a complex management structure. The Court's authority is created by the legislature while the responsibilities of its judges and staff, including hiring and oversight authority, are defined by the State Supreme Court. However, the same staff are Whatcom County employees subject to a collective bargaining agreement. Administrators are exempt Whatcom County employees. In practice, personnel issues relating to staff are handled by the Whatcom County Human Resources Office. Just like other County departments, the District Court has a long record of working collaboratively with Human Resources and I anticipate that continuing in the future.

My sixteen years serving the Court as a pro tem judge have familiarized me with its day-to-day operations, policies and practices. During this time, I have seen the Court evolve and improve its practices by adding text and phone reminders for appointments and court dates, alcohol monitoring bracelets, and the expanded use of jail alternatives. I understand and laud the goals and purposes behind these improved technologies.

When identifying issues facing an organization, I find it essential to speak to the people doing the work. Three primary issues arose in my conversations with people who manage and interact with the Court: Covid-19 recovery, administrative impacts from new legislation and information system upgrades, and the need for continued improvement in accessibility.

The Court administration, staff and Probation Department are highly efficient and effective. Despite the pandemic-related limitations, the District Court staff have remained current in most of their work. Jury trials, however, were paused for fifteen months. As of May 25, 2021, the Court resumed one jury trial per week, half of its usual capacity. Governmental lifting of Covid-19 restrictions appears imminent, but it is vital that the Council appoint a judge qualified to step in and hear trials on day one.

District Court Probation has also been deeply impacted by pandemic restrictions. Probationers are behind in sentencing requirements due to unavailability of many direct services. New people are arriving for pretrial monitoring and probation, possibly suffering from more severe mental health or substance abuse issues due to the pandemic. The Probation Department will be challenged with increased workload at a time when they are recovering from an unprecedented year and processing recent and pending retirements.

In 2021, the Legislature passed major changes in the way the Court addresses victims of domestic violence, sexual assault and harassment. A crucial safety improvement allows petitioners to appear remotely commencing July 25, 2021. Covid has provided an entry into Zoom and other technologies, but remote hearings are more time and resource intensive. My work advising Western as they moved to fully remote operations would enable me to help the Court evaluate and improve operational efficiencies relating to on-line hearings. I also want to explore collaboration with County libraries, the Northwest Justice Project and DVSAS to establish safe log-in spaces for petitioners. The legislature also passed a comprehensive bill relating to the *Blake* Supreme Court decision. Simple possession is now a misdemeanor and District Court may soon see an influx of these charges. Beneficially, this legislation opens the door to research and funding focused on reducing barriers to accessing behavioral health and recovery support systems for people with untreated substance abuse. I am especially inspired that it includes money to fund grants for therapeutic courts within district and municipal courts. One of my goals is to re-start a therapeutic domestic violence docket and to explore establishing a sobriety court for DUI defendants. Mental Health Court is already strong, and I would welcome the opportunity to serve there. The challenge for Court administration will be adjusting to and processing these changes, while facing state-mandated upgrades to its information systems.

Finally, the Department of Justice settlement relating to accommodations for the deaf and hard of hearing raises the specter on County-wide ADA issues. Citizens will be looking for new areas to challenge. My work advising the Office of Civil Rights and Title IX Compliance at Western positions me particularly well to assist the Court in the complexities of ADA compliance.



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE – PO Box 40100 – Olympia, WA 98504-0100

June 21, 2021

Whatcom County Council
Attn: Dana Brown-Davis, Clerk
311 Grand Avenue, Suite 105
Bellingham, WA 98225-4038

RE: Reference for Melissa L. Nelson, Applicant for Whatcom County District Court

Dear Councilmembers:

This letter is written in support of Melissa Nelson's appointment to the Whatcom County District Court.

Melissa joined the Attorney General's Office (AGO) in 1990, and has dedicated her career to serving the people of Whatcom, Skagit, Island, and San Juan Counties. She is a skilled attorney with experience in a broad range of subject matters, and has been selected as a Judge or Commissioner Pro Tempore by three different courts.

Much of Melissa's legal practice has been focused on child abuse and neglect cases in Whatcom County. This work is driven by her passion and empathy for child victims and their parents, as well as her devotion to the community in which she works and resides.

One of many examples of Melissa's commitment to building community and improving the lives of Washingtonians is her involvement with Whatcom County's Family Treatment Court (FTC). She was part of the team that developed and implemented FTC as a grass roots volunteer effort with no funding. Years later, the program is fully funded and going strong. It promotes stable, long-term family reunification by helping parents address substance abuse issues, improve their parenting skills, and access services.

District courts handle misdemeanor and gross misdemeanor criminal cases, as well as civil and small claims matters. Many of the psychological issues are similar with the population Melissa has served in the dependency arena. This includes substance abuse and DUI cases, domestic violence and child abuse, mental illness, and poverty-related issues such as lack of housing and reliable transportation and the inability to pay fines. Melissa's experience with Family Treatment Court demonstrates her commitment to therapeutic options and alternatives to incarceration, as well as her ability to build a program from the ground up.

ATTORNEY GENERAL OF WASHINGTON

Whatcom County Council
June 21, 2021
Page 2

In addition to Melissa's expertise in juvenile dependency and termination matters, she serves as general counsel to Western Washington University and provides legal advice on subjects including contracts, compliance with state and federal law, labor and employment issues, the Public Records and Open Public Meetings Acts and Title IX compliance. In all matters, she is dedicated to providing her clients with sound legal advice and diligent representation.

Melissa is also a seasoned appellate attorney with experience in brief writing and oral arguments. She works and interacts regularly with our Solicitor General's Office, which assists the AGO in preparing and presenting appellate cases in state and federal courts.

Melissa is well liked and respected by her supervisors and colleagues, and is the recipient of numerous accolades including an AGO Excellence Award for achievement, professional conduct, client and customer service, leadership, initiative, and innovation. In 2015, she received the "Senior Counsel" designation, which recognizes the significant and important contributions of senior attorneys in our office. Melissa is widely regarded as an excellent writer, critical thinker, and consummate professional.

Beyond her career and professional achievements, Melissa is actively engaged in her community, which includes service as past president of Washington Women Lawyers, as an organizer and judge for the YMCA Mock Trial Competition, and as a past member of the Whatcom County Bar Association's Law Related Education Committee.

We are confident that Melissa has the intellect, temperament, and integrity required for this important position. She would bring a valuable and respected voice to the Whatcom County bench.

Thank you for your consideration. If we can provide additional information, please contact us at (360) 664-9083.

Sincerely,



BOB FERGUSON
Attorney General



NOAH G. PURCELL
Solicitor General

RWF/NGP/jlg

**WHATCOM COUNTY
DISTRICT COURT**

Whatcom County Courthouse
311 Grand Avenue, Suite 401
Bellingham, WA 98225-4081

BRUCE VANGLUBT
Administrator



**MATTHEW S. ELICH
DAVID M. GRANT**
Judges

ANTHONY S. PARISE
Commissioner

June 24, 2021

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

Dear Councilmembers:

I write to recommend Melissa Nelson for appointment to the District Court bench. Melissa is no stranger; I've known her personally and professionally for over twenty years. I know she would be a great fit. She has a wonderfully diverse skill set and professional resume. Equally important, she is a caring, intelligent and open-minded individual. She is an exceptionally skilled and knowledgeable attorney who's well-versed in the law. She's a critical thinker with a good sense of justice. She is a person of integrity. One who is ethical and strives to do what is right for individuals and the community as a whole. Essentially, she has all the right tools and attributes to be a great District Court judge.

The District Court is more than a traffic court. The Court handles a wide array of cases both criminal and civil in nature. Civil cases can range from small claims up to \$10,000 with parties representing themselves to full-blown jury trials with claims up to \$100,000 in value. These civil cases can present issues such as personal injury, breach of contract, damages to personal property and even debt collection and garnishment. In addition to these actions for monetary awards, the District Court is a place people can turn for protection from acts of harassment, domestic violence or sexual assault. On the criminal side of the spectrum, the Court handles all the misdemeanor and gross misdemeanor criminal prosecutions (punishable by up to 364 days of incarceration) pursued by the Whatcom County Prosecutor's Office. The Court also staffs and manages a Probation Department that provides pretrial and post-conviction supervision services for the Court and the cities of Bellingham, Lynden, Sumas, Everson, and Blaine. When combined, the Clerk's Office and Probation employ 32 people. As you may know from the recent events surrounding the Bellingham Municipal Court, judicial oversight of court staff is an important facet of being a judge.

Being a judge is much more than presiding over hearings and trials, and issuing rulings. The job requires not only a command of both civil and criminal law, but an ability to manage people. When on the bench the judge must manage the courtroom and the people who come before the Court to assure their voices and concerns are heard and addressed in a fair, just and meaningful way. Ms. Nelson has already demonstrated an ability to do all that. When off the bench, the judge must help manage the professional and clerical staff members of the Court and Probation Department. Melissa can do that. She brings to the table an impressive array of managerial skills and knowledge. She has years of experience counseling managers of large public institutions in just such affairs. She stands prepared and ready to assist Mr. Van Glubt in working with the staff of the court and probation from a managerial perspective.

Ms. Nelson has the disposition and interpersonal skills needed to properly manage a courtroom. In District Court we retain electronic video records of all our proceedings. As a judge I can replay any proceeding of the Court whenever I wish. Across the years, I've had the luxury of observing Melissa and all the other *pro tempore* judges employed by the District Court, whether I was present in the courtroom or not. Doing this has been a part of my role as presiding judge the past 12 years. I have a good feel for her work and the work of others on the bench. I've always found myself impressed with her courtroom demeanor and performance. Proceedings were always conducted fairly, competently and without bias or prejudice. She was decisive and yet patient, compassionate and respectful to all. She demonstrated a clear understanding

of the issues and the law surrounding the cases before her. Moreover, she was sensitive to and able to accommodate the needs of those who appeared in court without the benefit of counsel in order to make sure their matters were fairly heard.

From her work as an appellate attorney, Melissa understands the importance and methodology of properly recording judicial decisions in and out of the courtroom. It's a question of accountability and necessary for appellate purposes. As a judge she'd be called upon to do this from the bench as trials and hearings unfold before her, and while off the bench in the operation of the Court for case management purposes. Her understanding of appellate work and proper managerial process will empower her to ensure the records of her proceedings will meet the needs of all parties who appear before her and the public. From an appellate perspective, it's a valuable skill to bring to the bench; a skill she already possesses.

One shouldn't overlook Ms. Nelson's 27 years of litigation experience. She's handled large scale and complex civil litigation. She's helped train staff attorneys. She became an expert in litigating juvenile dependency and parental rights cases. Her practical knowledge of the rules of evidence, criminal and civil procedure puts her in a great position to handle evidentiary and procedural questions as a District Court judge. Moreover, given her experience, she is certainly well suited to assist from the bench in the professional development of the many new attorneys who routinely appear in the District Court.

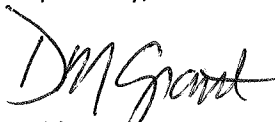
I am familiar with the personal and professional demands of the office. I have a sense of what more I wished I could have brought to the job myself. I believe Ms. Nelson can readily fill my shoes and meet the needs of the Court now and in the future. Given her track record for developing new court programming, I have no doubt that she'll advance the structure and offerings of the Court to better meet the current challenges and changing needs of the public and judicial system. She'll bring a renewed vigor and vision to the court. If she's on the bench, you'll likely see a more robust approach in the Court's response to the many issues surrounding domestic violence and the processing of civil protection orders. She will champion greater access to the Court. I'm confident she'd be an excellent judge.

Speaking of my thoughts, I think it is important for you to understand that the thoughts expressed in this letter are my own. They should not be implied to the Court itself, other judicial officers of it, or staff. However, having said that, I am pleased to say Melissa has always received great reviews from staff. I am confident she would be readily accepted as a judge and welcomed by Court and Probation staff. She has always received praise as a *pro tem* judge, and I'd expect nothing different in the future.

In sum, Ms. Nelson has the breadth of knowledge and experience needed to excel on the bench. With her energy, skill set, personality, sense of justice, personal and professional ethics, as well as her visions for the Court, and her desire to serve the public, I am convinced Melissa would do wonderfully both on the bench and in the management of the Court. I would feel honored to have her replace me.

Please don't hesitate to contact me should you have any questions or need for additional information or insight. While I'll be unemployed beginning July 1st, Mr. Bruce Van Glubt has my personal contact information and can share that with you as needed.

Respectfully,



David M. Grant



OM 445, MS 9001
516 High Street
Bellingham, Washington 98225
(360) 650-3839
www.wvu.edu

23 June 2021

Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

Dear Council Members:

I write in support of Melissa Nelson's application for District Court Judge. Melissa has been the lead Assistant Attorney General for Western Washington University for the past three years, and the nature of my work as Vice President for Enrollment and Student Services has kept us in very close contact during that time. I suspect that a week has not gone by since December of 2018 that we have not talked—and there have been weeks where we talked several times each day. I have come to rely on Melissa's legal advice during our 3 years as colleagues. Student Affairs is a never-ending source of complicated and challenging legal matters—sometimes tragic, sometimes humorous, often highly implausible. Melissa has been unflappable in matters as serious as murder or rape, and as wearisome as how best to reconcile two apparently contradictory clauses in a Federal financial aid regulation. She brings a calm and interested attitude to every problem I present. Her legal advice is always presented with clarity, intelligence, and deep engagement.

I have watched her navigate extremely challenging situations involving many internal and external constituents, and been envious of her ability to maintain a clear position on the law without unnecessarily irritating colleagues who wanted to hear something different. Her ability to articulate and carefully re-articulate a position to powerful colleagues pressuring her for a change she isn't prepared to advise is admirable. She is, in a word, judicious.

Melissa is also highly principled, a quality absolutely essential in any judicial appointment. I have found her to be ethical and humane in her professional role, as well as a fine colleague. Despite the extreme pressure of COVID, rapidly changing federal directives, complex interactions of Federal and state law, and the very wide range of legal issues on which she advised us, Melissa met every deadline, answered every question, and found time to be an encouraging leader on the institutional COVID-19 response team. Her expertise in the full range of legal questions confronting us has been invaluable.

I believe she would bring to the bench the same qualities she has brought to our work together: a wide-ranging intelligence, a compassionate understanding of complex human problems, and an unflinching commitment to the ethical practice of the law. I strongly recommend her, despite the gap her elevation to the bench would leave in my daily work. And if I can answer any questions, or provide any other information, please don't hesitate to contact me, either at [REDACTED] or on my mobile at [REDACTED]

Sincerely,

A handwritten signature in black ink that reads "Melynda Huskey". The signature is fluid and cursive, with a long, sweeping underline.

Melynda Huskey, Ph.D.
Vice President, Enrollment and Student Services
Western Washington University



EVANFREEDMAN PhD, ABPP
Board Certified Forensic Psychologist

Forensic Mental Health Evaluations for Courts, Institutions, and Legal Professionals

06/23/21

Dear County Council Member,

I am writing in support of Melissa Nelson as Judge for the Whatcom County District Court.

I became acquainted with Ms. Nelson in my role as a Forensic Psychologist, testifying as an Expert Witness in Child Dependency cases. I was immediately impressed with Ms. Nelson's intelligence, command of the law, and her competency as a litigator. In preparing for cases I noted her focus on detail, willingness to learn, and ability to quickly understand complex psycho-legal issues. In her direct examination she asked clear and pointed questions, designed to support her case without dramatics or exaggeration. Her treatment of parents accused of having abused or neglected their children was both fair and simultaneously protective of the vulnerable children involved in these difficult cases.

Over the ensuing 20 years I have shared cases and consulted on legal matters with Ms. Nelson on numerous occasions. During this time I have observed her balanced and consistent temperament, her commitment to ethical practice, and her ability to do the right thing, even when her position may be difficult or unpopular. She has an exceptional sensitivity to the needs and challenges of marginalized populations, be those victims of domestic violence, those with substance use problems, or those with chronic mental illness. In my experience working with dozens of attorneys, it is rare to find a potential jurist with such compassion and intellectual clarity.

The Whatcom County District Court would be fortunate to have its first female jurist in Ms. Nelson. She will bring an objective and decisive presence to the bench. She will improve access to justice for all citizens of Whatcom County. In a time of social upheaval, global pandemic, and societal transformation, Ms. Nelson is exactly the type of person who should be providing legal opinions for our County.

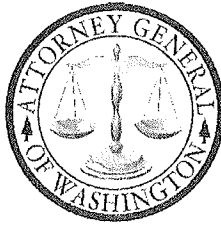
Sincerely,



Evan B. Freedman, PhD, ABPP
Licensed Psychologist #2306

Board Certified in Forensic Psychology, American Board of Professional Psychology





Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE – PO Box 40100 – Olympia, WA 98504-0100

June 21, 2021

RECEIVED

JUN 24 2021

WHATCOM COUNTY
COUNCIL

Whatcom County Council
Attn: Dana Brown-Davis, Clerk
311 Grand Avenue, Suite 105
Bellingham, WA 98225-4038

RE: Reference for Melissa L. Nelson, Applicant for Whatcom County District Court

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Much of Melissa's legal practice has been focused on child abuse and neglect cases in Whatcom County. This work is driven by her passion and empathy for child victims and their parents, as well as her devotion to the community in which she works and resides.

One of many examples of Melissa's commitment to building community and improving the lives of Washingtonians is her involvement with Whatcom County's Family Treatment Court (FTC). She was part of the team that developed and implemented FTC as a grass roots volunteer effort with no funding. Years later, the program is fully funded and going strong. It promotes stable, long-term family reunification by helping parents address substance abuse issues, improve their parenting skills, and access services.

District courts handle misdemeanor and gross misdemeanor criminal cases, as well as civil and small claims matters. Many of the psychological issues are similar with the population Melissa has served in the dependency arena. This includes substance abuse and DUI cases, domestic violence and child abuse, mental illness, and poverty-related issues such as lack of housing and reliable transportation and the inability to pay fines. Melissa's experience with Family Treatment Court demonstrates her commitment to therapeutic options and alternatives to incarceration, as well as her ability to build a program from the ground up.

ATTORNEY GENERAL OF WASHINGTON

Whatcom County Council

June 21, 2021

Page 2

In addition to Melissa's expertise in juvenile dependency and termination matters, she serves as general counsel to Western Washington University and provides legal advice on subjects including contracts, compliance with state and federal law, labor and employment issues, the Public Records and Open Public Meetings Acts and Title IX compliance. In all matters, she is dedicated to providing her clients with sound legal advice and diligent representation.

Melissa is also a seasoned appellate attorney with experience in brief writing and oral arguments. She works and interacts regularly with our Solicitor General's Office, which assists the AGO in preparing and presenting appellate cases in state and federal courts.

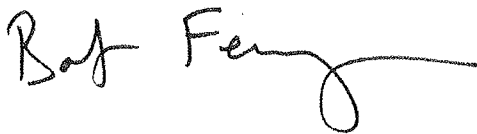
Melissa is well liked and respected by her supervisors and colleagues, and is the recipient of numerous accolades including an AGO Excellence Award for achievement, professional conduct, client and customer service, leadership, initiative, and innovation. In 2015, she received the "Senior Counsel" designation, which recognizes the significant and important contributions of senior attorneys in our office. Melissa is widely regarded as an excellent writer, critical thinker, and consummate professional.

Beyond her career and professional achievements, Melissa is actively engaged in her community, which includes service as past president of Washington Women Lawyers, as an organizer and judge for the YMCA Mock Trial Competition, and as a past member of the Whatcom County Bar Association's Law Related Education Committee.

We are confident that Melissa has the intellect, temperament, and integrity required for this important position. She would bring a valuable and respected voice to the Whatcom County bench.

Thank you for your consideration. If we can provide additional information, please contact us at (360) 664-9083.

Sincerely,



BOB FERGUSON
Attorney General



NOAH G. PURCELL
Solicitor General

RWF/NGP/jlg

Monica Rouse

From: riseandfish_nish <[REDACTED]>
Sent: Monday, June 28, 2021 8:57 PM
To: Council; Rud Browne; Todd Donovan; Tyler Byrd; Kathy Kershner; Ben Elenbaas; Barry Buchanan; Carol Frazey
Subject: Letter of Recommendation for Melissa Nelson

Dear County Council,

I apologize for the late submission, and respectfully ask that you consider this letter. I am writing in full support of Melissa Nelson's appointment for District Court Judge. I currently work with Melissa. Previously, I served as the interim vice provost for equal opportunity and employment diversity at Western Washington University and benefited immensely from Melissa's advice while serving in that office. During that time, she provided me with outstanding legal service and advice on the wide-ranging issues my office manages. While her legal acumen and professionalism alone are enough to elevate her to the top of the list, I want to highlight her commitment to equal opportunity, diversity, and inclusion, which I believe make her an ideal candidate for the bench. One particular example that comes to mind was developing a procedure to satisfy a critical accessibility issue. Melissa's sage guidance provided timely support and insight so that my office could respond to an emerging issue regarding technology and accessibility that directly impacted students and faculty.

Furthermore, as a former military trial attorney, I understand the importance of having a judge that is fair, neutral, and impartial, not just for the client's sake, but for the integrity of the entire judicial system. While she has served Western, I have seen firsthand how Melissa approaches legal issues with an open mind, and I have benefited immensely from her awareness of the impact biases and preconceived notions have on the integrity and legitimacy of policies and processes. As a result, her advice and counsel are steeped in the principles of ensuring access and due process regardless of one's identity or background. I have full confidence that Melissa would serve as a judge in a fair and equitable manner and that she would ensure access to all who come before her.

I am more than happy to further discuss Melissa's commitment to diversity, equity, and inclusion as well as her qualifications for this esteemed office. Please do not hesitate to contact me at [REDACTED] should you wish to do so. Thank you.

Sincerely,
Drew Nishiyama

Monica Rouse

From: Anne Egeler [REDACTED]
Sent: Wednesday, June 23, 2021 8:48 PM
To: Council; Rud Browne; Todd Donovan; Tyler Byrd; Kathy Kershner; Ben Elenbaas; Barry Buchanan; Carol Frazey
Subject: Whatcom County District Court Judicial Applicant Melissa Nelson

Good evening,

I'm writing to express my strong support for Whatcom County District Court Judicial Applicant Melissa Nelson. I worked with Melissa for many years while I was a Deputy Solicitor General for the Washington Attorney General's Office. Melissa is a leader in the Attorney General's Office, widely respected for her expansive legal acumen and work ethic. I know with certainty that she is well equipped for the intellectual challenge of being a district court judge.

But there's an additional reason that I'm reaching out. After decades of working for the Attorney General's Office, I accepted a position as a Deputy Prosecuting Attorney. In this role, I see each day how critically important it is that our judges be not just smart, but also mindful of the racial, economic, and ethnic differences in our communities. Melissa has built her reputation on fighting for the rights of those most in need of protection. And she had been equally tenacious in pursuing alternative solutions to problems and bringing people together. I have often watched her reach out to her opponent and find a compromise solution that was respectful of everyone's needs. In a number of cases, for example, she resolved conflicts between State and Tribal leaders. Melissa will bring this respect and awareness to the bench, and strengthen the community's faith in the courts' ability to provide justice to all--not just the powerful.

Thank you for your consideration.

Anne Egeler

Monica Rouse

From: Jon McGough [REDACTED]
Sent: Monday, June 21, 2021 7:41 AM
To: Council; Rud Browne; Todd Donovan; Tyler Byrd; Kathy Kershner; Ben Elenbaas; Barry Buchanan; Carol Frazey
Subject: District Judge Appointment - Melissa Nelson

Whatcom County Council

311 Grand Avenue

Suite 105

Bellingham, WA 98225

To Whom It May Concern:

Thank you for taking the time to read this letter in support of Melissa Nelson's application for the vacant district court judgeship. As a Whatcom County resident, colleague, and disability rights advocate, I have had the privilege of working together with Melissa on many occasions and know her to be caring, wise, and highly-qualified to fill this important role. As county leadership seeks to build trust with disabled community members in light of recent events, the importance of a disability positive judiciary cannot be overstated.

In my role as Director of the Disability Access Center at Western Washington University I have come to rely on Melissa's advice on a wide range of issues. Recently, the University has been working to resolve a complaint regarding the inaccessibility of the institutional webpages for blind and low-vision community members who rely on assistive technology to access website content. As General Counsel, Melissa played an essential role in guiding us through a voluntary resolution agreement with the U.S. Department of Education, Office for Civil Rights. This was a complex process requiring research, policy development, and ultimately leading stakeholders across campus to change the way we do business. Western's website went from being an institutional liability to an accessibility ranking in the top 5% of homepages across the internet. The sound policy Melissa guided us toward, has been the foundation of an inclusive online presence, and I am so grateful for her help in making this important change possible. As the pandemic forced us to transition to online education, having an accessible digital platform could not have come at a more important time!

Now as a university and a community we emerge from the pandemic, many within the disability continue to face challenges in accessing basic services for mental health and substance abuse treatment. Already, a concerning number of disabled and low-income people have been incarcerated in our state. This is such an important time in Whatcom County to empower local leaders like Melissa, who have developed and advocated for therapeutic courts. As a community of disability and non-disabled people, we need therapeutic courts now more than ever!

In short, Melissa has demonstrated in these ways, and so many more that she is committed to the well-being of all community members—including those of us who are disabled. I have benefited from the expanse of her legal knowledge and ask that you appoint her to this important role in such a critical time in our community. If there is anything else I can do to support her application, please do not hesitate to reach out.

Warm regards,

Jon McGough

[REDACTED]



Orrick, Herrington & Sutcliffe LLP
701 Fifth Avenue
Suite 5600
Seattle, WA 98104-7097
+1 206 839 4300
orrick.com

Rob McKenna



June 28, 2021

Via Email

Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, WA 98225-4038

Re: Letter in Support of Melissa Nelson, Applicant for Whatcom County District Court Judge

Dear Council Members:

I am writing in support of the appointment of Melissa Nelson to the Whatcom County District Court Bench. Melissa has dedicated her legal career to public service for the people of the State of Washington. Consistently, and over time, she has demonstrated the integrity, intelligence, and ability to fairly analyze and apply the law that is essential to serving as a judge.

During my tenure as Washington State Attorney General from 2005-2013, Melissa showed herself to be a highly skilled litigator and appellate advocate in the Attorney General's Office. She served as a civil litigator in our Torts Division and as a high-volume trial lawyer in our Regional Services Division.

I came to know Melissa best, however, through her appellate advocacy. In 2011 and 2012, Melissa was selected by the Office as first chair for two Washington State Supreme Court cases. Only the strongest advocates and writers are approved to handle Supreme Court cases and, even then, advocates are trained and mentored through a rigorous process by the Solicitor General's Division. The Supreme Court dismissed Melissa's first case after her brief was filed—a tribute to her writing skills. In her second case, I met personally with Melissa prior to her oral argument. She presented as extremely well-prepared, calmly and effectively answering each difficult question I posed. She went on to successfully argue her case before the nine-member Court.

Appellate work requires intense analysis of legal nuances. An advocate also must step back from the analysis and write in a persuasive but clear and straightforward manner. This ability to understand and explain the law plainly and directly is also central to the work of a judge. In addition, Melissa has authored and edited briefs that address constitutional issues of great importance to the courts—the right against self-incrimination, the right to counsel, court room closure, competency to stand trial, the appearance of fairness and judicial bias.



Whatcom County Council

June 28, 2021

Page 2

Melissa's litigation and appellate background, combined with her years of pro tem experience, have prepared her well for the bench. Over a successful career in public service, she has repeatedly demonstrated the character, sense of justice, and commitment to treating every person equally that the bench requires. I strongly support her appointment to the District Court.

Sincerely,

A handwritten signature in cursive script that reads "Rob McKenna".

Rob McKenna



Washington State Court of Appeals

Division Two

909 A Street, Suite 200, Tacoma, Washington 98402
REBECCA R. GLASGOW, JUDGE

June 28, 2021

Re: Recommendation for Melissa Nelson

Dear Whatcom County Council:

I am writing in support of Melissa Nelson's application for the district court position in Whatcom County. Melissa possesses a combination of longstanding pro tem experience, skill, good judgment, and unflappable demeanor that I think you will find compelling.

I have no doubt that Melissa would be an excellent judge. I had the pleasure of working with her at the Attorney General's Office where we worked together on appeals. The Attorney General's Office assigns only its best attorneys to manage appellate cases, and it was clear to all of us that Melissa has a brilliant legal mind. She quickly understands the crux of any legal issue and she has excellent judgment. I have watched her navigate complex legal issues with ease, she is always able to clearly articulate legal concepts both verbally and in writing, and she was always firm and clear about the limits of our clients' legal authority and arguments. In my experience, people at the highest levels of government trust Melissa's judgment and seek her counsel when a difficult decision needs to be made.

Melissa has a strong work ethic and I am confident that she will be both efficient and compassionate. Melissa has an even and pleasant temperament and her friendly nature will likely put people at ease in her courtroom. She is an excellent communicator. I also have no doubt that Melissa can control a courtroom. She has the ability to make sure people feel heard while also ensuring a calendar moves efficiently.

Melissa would bring the kind of perspective to the Whatcom County bench that is especially valuable. She is deeply involved in her community and her experience in juvenile dependencies and terminations means that she deeply understands the complex and difficult dynamics that bring people into contact with the courts. I believe that she would bring a valuable perspective to the Whatcom County bench.

Whatcom County would undoubtedly benefit from Melissa's appointment.

Whatcom County Council

June 28, 2021

Page 2

Please feel free to contact me at [REDACTED] if you have questions.

Sincerely,

/s/ Rebecca R. Glasgow

Judge, Court of Appeals, Division II

** This letter is based on my personal experience working with Melissa and under Canon 1.3 of the Code of Judicial Conduct, I do not speak on behalf of the Court of Appeals.

June 28, 2021

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

RE: Letter of Reference for **Melissa Nelson**, Whatcom County District Court Judge Applicant

Dear Council Members:

I am writing this letter of reference for Melissa Nelson for Whatcom County District Court Judge. I have known Melissa since she became General Counsel to Western Washington University in December 2018. In my role as Associate Director of Human Resources at Western, I have had the pleasure of working with Melissa on a wide variety of legal matters.

In my opinion, Melissa would make an excellent judge in Whatcom County's District Court. Melissa's extensive legal experience and expertise, along with the care and balanced approach she brings to each situation, make her a trusted and valued advisor at Western. She has consistently shown her ability to analyze complex legal issues, identify best options through appropriate application of the law, and communicate in a clear manner that is easy to understand.

Melissa's time and expertise are in high demand in her current role with the Attorney General's Office. However, I am continually impressed with her ability to be efficient and responsive, all while maintaining a thoughtful approach. Melissa works well under pressure; exhibiting composure, attentiveness, and active listening to those with whom she is working. She has a calm and trusted presence that supports her ability to successfully work with a wide variety of individuals with diverse backgrounds and personalities. In addition, Melissa is fair, ethical and integrous; qualities that would serve her well in the role of Whatcom County District Court Judge.

I cannot speak highly enough of Melissa; she is respected, trusted, and valued. Thank you for your consideration of appointing her as Whatcom County District Court Judge.

Sincerely,

A handwritten signature in cursive script that reads "Lea Aune".

Lea M. Aune, MBA, CLRP, SHRM-CP

Monica Rouse

From: Angela Cuevas <[REDACTED]>
Sent: Sunday, June 27, 2021 3:21 PM
To: Council; Rud Browne; Todd Donovan; Tyler Byrd; Kathy Kershner; Ben Elenbaas; Barry Buchanan; Carol Frazey
Subject: District Court Judicial Appointment - Melissa Nelson

To the Whatcom County Council:

I have known Melissa Nelson since 1990 when we both started working for the Washington State Attorney General's office. Since then we have had opportunities to work together on state-wide projects across agencies we both represented. We were part of a Statewide Dependency Workgroup tasked with improving coordination between dependency cases and paternity testing. These issues greatly impact court participants.

Melissa was also on the team that started Family Treatment Court in Whatcom County. An innovative therapeutic court at the time and even more valuable now.

I have known her to have a professional and kind demeanor in our interactions and to treat others with respect.

I am aware that she has been a regular *pro tem* judge for district court for some time, and although I have not personally observed her, she has a reputation for being fair.

Melissa's vast experience working in dependency cases has exposed her to issues that routinely appear in district court cases. Issues such as domestic violence, mental health issues, substance abuse, homelessness and poverty involving families. With this knowledge and experience,

Melissa has a grasp of the issues and barriers that face litigants in district court.

Melissa has long had an interest in improving the court process by the implementation of therapeutic courts. Her wide-ranging legal experience will help ensure innovation and access to district court for the community.

I am not endorsing any candidate for District Court Judge. I will say, however, that if Melissa Nelson is appointed to replace the honorable David Grant, that she would be a highly capable and competent replacement and jurist.

Angela A. Cuevas
Commissioner
Whatcom County Superior Court

Monica Rouse

From: John Meyer <[REDACTED]>
Sent: Sunday, June 27, 2021 6:36 AM
To: Council
Subject: Melissa Nelson, District Court

Dear Councilpeople:

Please strongly consider Melissa Nelson for the pending appointment to Whatcom County District Court. You have read her application and know that, on paper, she is immensely qualified. I have known and observed Melissa professionally for numerous years in her role as an Assistant Attorney General. First, she staffed the Skagit Valley College Administration and Board of Trustees during the time that I served as a member of that Board. It was a difficult time during the presidency of a person who was not a fit for the school. Ms. Nelson gave good, sound advice and was never intimidated or less than totally professional.

Next, she appeared in front of me several times during my twenty-plus year service on the Skagit County bench. She was always well-prepared and armed with good, clear, and logical arguments. Now, she is the Assistant AG for Western Washington University, where I serve as Chair of the Board of Trustees. Nothing has changed; in fact, Ms. Nelson has accumulated years of wisdom and experience in a broad variety of situations which would benefit the citizens of Whatcom tremendously.

Ms. Nelson has all the qualities necessary to be an outstanding District Court Judge. I have seen dozens of judges over the years from both sides of the bar, so I feel confident in that assertion. She is intelligent, wise, measured, pleasant, kind, and respectful. She will study and listen to all sides of any argument before making a decision. Litigants, both Plaintiff and Defendant, would leave her courtroom always believing that they received a fair shake. She has reached the stage of her career where this would be a logical next step. She would do you and the entire County proud were she to receive this appointment. Thank you.

John M. Meyer, Judge (Ret.)
Skagit County Superior Court
Langley, WA

June 24, 2021

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

Re: Support of Melissa Nelson for Whatcom County District Court Judge Position

Dear Whatcom County Councilmembers:

I am writing to enthusiastically recommend Melissa Nelson for appointment as Whatcom County District Court Judge. I have worked with, and as opposing council to, Melissa for almost fifteen years and admire her fierce commitment to justice and her exceptional legal mind.

I first met Melissa when she served as the lead juvenile attorney for the Attorney General's Office and I represented the Nooksack Indian Tribe in state court dependency proceedings. While there were times when the Tribe's interests were in harmony with the state's and other times when our client's positions were averse to each other, Melissa advocated zealously and was a respectful and responsive partner in seeking solutions in the best interest of children and their families.

More recently, I had the opportunity to join Melissa at the Attorney General's Office. During our shared time at the AGO, Melissa served as the Appellate Specialist and provided invaluable assistance to me. Not only did she elucidate various complicated nuances of the law, but she also offered effective practical courtroom pointers that could only have been gleaned from years of experience sitting as a judge and litigating as an attorney.

Melissa's commitment to the larger Whatcom County legal community is unparalleled. Not only has she practiced as an attorney for over thirty years in Bellingham, and served as a pro tem judge or commissioner for sixteen years, she has also been instrumental in the founding of the Brigid Collins Family Support Center and Whatcom Women's Lawyers.

Melissa's varied legal experience makes her an exceptional candidate for the District Court Judge position. As an executive member of the Bellingham-Whatcom Commission on Sexual and Domestic Violence and a past member of the DVSAS board, Melissa's foundational work on the Whatcom County Family Treatment Court is particularly significant to me. Finally, as a tribal attorney, Melissa's expertise in the field of Indian Child Welfare makes her uniquely qualified for this position.

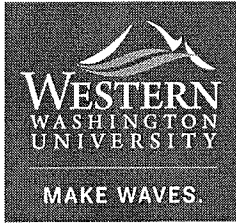
In short, Melissa is an exceptional applicant to be appointed to the Whatcom District Court bench.

Please don't hesitate to contact me if I can provide any other information.

Sincerely,



Ken Levinson
Nooksack Child Support Director/Staff Attorney



Sabah Randhawa, President

Old Main 450 MS 9000
516 High Street, Bellingham, Washington 98225
(360) 650-3480 - Fax (360) 650-6141
www.wwu.edu

June 25, 2021

Whatcom County Council
311 Grand Ave #108
Bellingham, WA 98225

Subject: Melissa Nelson, District Court Judge Applicant

I am writing in support of Melissa Nelson's application for a Whatcom County District Court Judge position that is becoming available due to a retirement.

Ms. Nelson has served as the Senior Counsel and Assistant Attorney General with the Washington State Attorney General's Bellingham Regional Services Office since 1990. In particular, I have worked closely with Ms. Nelson since 2018, when she was appointed to serve as the General Counsel to Western Washington University.

Ms. Nelson's legal analysis and advice on a wide variety of topics and issues have been exemplary. She seeks to identify viable options on complex matters and analyze their relative merits and potential risks and consequences. Ms. Nelson's legal analysis is thorough, based on the relevant understanding of the law and sound professional judgment. Her work considers the impact on a particular department, as well as the broader and long-term impact on the university.

I have been impressed with Ms. Nelson's ability to engage in difficult conversations and actively listen to all parties before sharing her perspectives. In addition to the consideration of law, Ms. Nelson is savvy in considering and assessing the broader socio-economic and political aspects that impact a situation. She is thoughtful and thorough and open to having her work stand up to outside scrutiny.

Ms. Nelson is deeply committed to equity, diversity, and inclusivity. This commitment is reflected in her personal values and in her work and interactions. Even in situations where Ms. Nelson disagrees with other's perspectives, her interactions are based on respect, kindness, and humanity.

Ms. Nelson brings a steady temperament to all situations. Her ability to listen, consider all aspects of a complex matter, and do thorough research based on case law are an asset to Western Washington University in a wide range of issues that we encounter as a large, complex organization. I strongly recommend Ms. Nelson for the Whatcom County District Court Judge position.

Please do not hesitate to contact me if I can provide additional information.

Sincerely,

Sabah Randhawa
President

June 22, 2021

Whatcom County District Court
RE: Applicant Melissa Nelson

It is with great pleasure I write this letter of support for Melissa Nelson. I am the Assistant Vice President for Human Resources at Western Washington University and have been working at Western for over 34 years in Human Resources. I have been working with Melissa Nelson since December 2018.

Melissa brings a unique quality to her position as General Counsel to Western. After a number of Assistant Attorney General personnel while at Western I have often stated to Melissa, that "I deserve her". The reasons for this comment begin with her talent for listening. Simply said, in every conversation, I feel heard. She is prompt to respond when reaching out and follows up quickly.

Melissa presents with a calm demeanor, which welcomes a productive conversation. When emotions run high in a group meeting, I can be assured Melissa will work to focus the conversation on the subject at hand, all while validating the concerns of the people in the room.

She is a kind individual! It is clear she models respect and appreciation for all people. Melissa recognizes individual need for fair treatment and justice, and is committed to work through the issues presented to her with a desire to seek resolution.

It truly amazes me the shear volume of work she expects from herself and yet is quick to respond and provide her level of expertise with such ease.

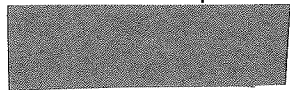
Melissa is a treasure for any organization. While I wish you the very best in your endeavors, you would be fortunate to call Melissa, an employee!

My very best,

Chyerl Wolfe-Lee


June 22, 2021

Dr. Janis Velasquez Farmer



Dear Whatcom County Council members:

My name is Dr. Janis Velasquez Farmer and I currently serve the community as the director of equity, diversity, and inclusion for Bellingham Public Schools. I write this letter to you to demonstrate my belief that Melissa L. Nelson will bring unparalleled leadership and equitable access to justice to the district court.

It has been my honor to live and learn alongside Melissa, both personally and professionally, for over 10 years. On a personal level, I've seen her show love and dedication to the educational community and the community at large. She is kind, caring, and, when in her presence, everyone is their best selves.

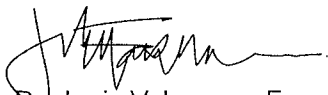
As a professional, not only does she exceed the expectations of this position in experience, this is the work of her dedication and spirit. As founder and co-owner of Emerge Strategic Designs, I have worked with many local organizations and leaders. Melissa brought my colleague and I to her office to facilitate a conversation to increase connection and further the work of diversity and inclusion. She added this facilitation to promote creative opportunities for learning and engagement, demonstrating a keen awareness of her professional environment. Additionally, she stands out from other candidates based on her ability to creatively and intentionally increase access to the justice system.

- Melissa creates and develops ideas to increase awareness and understanding of equity by modeling effective inquiry. She motivates, inspires, and challenges colleagues to grow, while advocating for systemic fairness centered on community voices.
- Melissa has begun exploring opportunities to increase access to the justice system. The pandemic provided a time to pause and reflect on access, not only to the system, but to language, transportation, computers, and the internet. In our conversations, she has shared ideas to engage local interpreters, work with our library system, and improve accommodations for community members.
- As a problem solver, Melissa relies on her past work experience, coupled with current learning in equity, diversity, and inclusion, to ensure that each individual and each issue receives her dedication, integrity, and critical compassion. With these lenses, she is an advocate for constitutional rights and justice.

Melissa's wealth of experience from different courtrooms and environments adds value to the team of judges in Whatcom County. In our frequent discussions of racial equity and access to justice, she reflects on her work with various attorneys, court systems, the Attorney General's office, and in education. She encourages critical approaches and utilizes her knowledge of judicial affairs to further collective understanding.

As a community member and servant leader in Whatcom County, I appreciate your full consideration of Melissa L. Nelson for the Whatcom County District Court. Her addition to the bench will demonstrate the County's commitment to equity and fairness.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Janis Velasquez Farmer". The signature is fluid and cursive, with a long horizontal flourish at the end.

Dr. Janis Velasquez Farmer

Director of Equity, Diversity, and Inclusion - Bellingham Public Schools
Founder, Co-Owner of Emerge Strategic Designs



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Regional Services Division
2211 Rimland Drive, Suite 325, Bellingham, WA 98226

June 30, 2021

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

Re: Melissa Nelson, Applicant for District Court Judge

Whatcom County Councilmembers:

I am writing in reference to Melissa Nelson and her application for the Whatcom County District Court Judicial position. I currently serve as Section Chief of the Bellingham location of the Office of the Attorney General, and supervise all AGO staff in Whatcom County. I have worked with Ms. Nelson for 17 years. Ms. Nelson is a valued member of the Bellingham Office of the Attorney General, and our most experienced attorney at this location. Ms. Nelson has represented many of our state agency clients in the Bellingham Office of the Attorney General, has served in a statewide appellate advisor capacity, and serves as a mentor and leader among our team of 12 attorneys. She currently represents Western Washington University, which requires expertise in a variety of practice areas, including advising on law enforcement issues, personnel matters, contract issues and most recently the legal challenges posed during the COVID-19 pandemic.

Ms. Nelson has worked closely with the courts during her time in our office. From actively participating in Court Improvement meetings and Table of Ten meetings with the Washington Court Improvement Training Academy to improving local Dependency Court practice in both Whatcom and Skagit Counties, to being a member of the team that founded the first Dependency Family Treatment Court in Whatcom County, Ms. Nelson has been a leader in implementing best practices in our courts.

Ms. Nelson is highly regarded by her peers at the Attorney General's Office and has developed strong working relationships with both attorneys and professional staff during her time with our office. Ms. Nelson always has an open door to mentor newer attorneys and staff in our office, answering questions and discussing challenging legal issues. She excels in both identifying all sides of a legal issue and to helping newer attorneys anticipate and understand opposing positions they may encounter.


I believe that Ms. Nelson would bring all of these attributes to the bench if selected for this position. Her legal expertise, experience, and knowledge of the local bench, bar, and community,

ATTORNEY GENERAL OF WASHINGTON

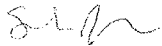
June 30, 2021

Page 2

as well as her demonstrated ability to work with professional legal staff make her an excellent candidate for a judicial position. Ms. Nelson has dedicated her career to public service, and this position would be an excellent opportunity to continue to serve the local community.

If you would like any additional information, please do not hesitate to contact at 

Sincerely,



Sarah J. Reyes
Section Chief
Office of the Attorney General-Bellingham

Jacqueline Lassiter

From: Council
Sent: Thursday, July 15, 2021 9:59 AM
To: Jacqueline Lassiter
Subject: RE: District Court Judge Position applicant Melissa Nelson

From: Dona Bracke
Sent: Monday, June 28, 2021 12:32 PM
To: Rud Browne <RBrowne@co.whatcom.wa.us>; Todd Donovan <TDonovan@co.whatcom.wa.us>; Tyler Byrd <TByrd@co.whatcom.wa.us>; Kathy Kershner <KKershne@co.whatcom.wa.us>; Ben Elenbaas <BElenbaa@co.whatcom.wa.us>; Barry Buchanan <BBuchana@co.whatcom.wa.us>; Carol Frazey <CFrazey@co.whatcom.wa.us>
Subject: District Court Judge Position

Members of the Whatcom County Council-

I currently hold the position of Assistant Chief Criminal Deputy in the Whatcom County Prosecutor's Office. I have been practicing law for over 42 years. I have been a prosecutor, a criminal defense attorney, a civil litigator and a Court Commissioner over that span of time. When informed that Melissa Nelson was applying for the position being vacated by Judge Grant's retirement, I felt it important to weigh in on the selection process.

I have known Ms. Nelson in a professional capacity only. She was a regular Judge Pro Tempore for the Felony 3:00 in-custody calendar for Superior Court. From the first day appearing in front of her she exhibited a calm, judicial demeanor and was balanced in her approach, questions and rulings. She maintained that same behavior during each time I appeared in front of her. I was impressed with her breadth of knowledge and overall presence in the courtroom.

Given her background, legal training and experience it is no wonder she was able to perform in the manner I have described. I am not aware of all of the candidates vying for this position, however, I would be surprised if they were able to exceed her level of experience and demeanor. She would be an excellent choice for this position.

Thanks for taking the time to consider my input. If you have any questions I would be happy to speak with you.

Sincerely,

Dona Bracke

Jacqueline Lassiter

From: Lance Calloway
Sent: Friday, July 16, 2021 2:59 PM
To: Council
Subject: FW: Consideration of Melissa Nelson for Whatcom County District Court Judge

Lance Calloway

From: Lance Calloway
Sent: Tuesday, June 22, 2021 2:47 PM
To: rbrowne@co.whatcom.wa.us
Subject: Consideration of Melissa Nelson for Whatcom County District Court Judge

Good afternoon Councilmember Browne,

I am submitting my letter of support for the appointment of Melissa Nelson to fill the vacancy for judge on the Whatcom County District Court. I have known Melissa for approximately 8 years and during this time I have gained a huge respect for her. Over this period of time, I have gained an appreciation of her intelligence, consideration of thought, and commitment to her family and community. I have appreciated Melissa as she has continually exhibited her ability to share thoughtful perspectives in casual discussions as to our community and society overall. Melissa has always been one to step up and volunteer to assist, whether it's helping with her son's sports endeavors or if it is taking on the responsibility and care of a horse of a close friend who had recently passed away. Melissa cares and does not shy away from stepping in to assist.

My relationship with Melissa is personal and not professional. However, I've learned through numerous conversations with her that she takes the same commitment and passion into her professional life as she does in her personal life. I was amazed as to learn of the challenges she had shared as Senior Counsel for the Washington Attorney General's office in working with juveniles in our community's justice system. The decisions and situations she had to manage with care and compassion while balancing the law for the betterment of the young people she was charged with exhibits knowledge and experience in making the tough decisions on what is beneficial to all in the long run. I can only sense it is this type of consideration, compassion, intelligence, and experience which is a key component we all want to see within our judicial system.

I want to reiterate my support for Melissa Nelson to fill the vacant Whatcom County District Court position as I believe she exhibits the strong character and intelligence to serve the citizens of Whatcom County with equity and fairness.

Thank you in advance for hearing my thoughts on Melissa becoming our newest District Court Judge.

Lance Calloway

Jacqueline Lassiter

From: Wendy Bohlke
Sent: Friday, July 23, 2021 10:35 AM
To: Council
Subject: Good Morning. First, I want to thank all of you for your service to Whatcom County as elected officials. What a time we are in. I write to support the application of Melissa Nelson to the position of Whatcom County District Court Judge. Ms. Nelson shar...

Good morning, Council Members,

First, I want to thank all of you for your service to Whatcom County as elected officials. What a time we are in.

I write to support the application of Melissa Nelson to the position of Whatcom County District Court Judge.

Ms. Nelson shared with me a copy of her application materials which have been submitted to you. They demonstrate she is an exemplary candidate for the post. I want to address one component of her many qualifications, which is her experience as a non-partisan attorney in an office led by elected public officials in partisan elections.

I was hired by Attorney General Slade Gorton in 1979. I went on to serve Attorney Generals Kenneth Eikenberry, Christine Gregoire, Robert McKenna and Robert Ferguson - three Republicans and two Democrats.

When I had my final interview with Attorney General Slade Gorton, I told him that I had heard on the radio news that morning that he was running for US Senate against Senator Magnusson and wondered how that news might affect my position should he prevail. He replied that the Attorney General hires applicants who are excellent attorneys; partisan party membership is not relevant. He went on to indicate that when a new Attorney General is elected, the tradition has been (and has remained) that the newly elected Attorney General brings in attorneys and staff to serve only in the inner circle, but the rest of the staff would likely not experience staff changes. Such was my experience in my thirty plus years with the office.

After four years in the Seattle office of Attorney General, I was designated to serve as legal counsel to Western Washington University, Whatcom Community College, and Skagit Valley College. After a year, I was designated the Section Chief of the Bellingham Regional Office which included responsibilities for counsel to many state agency clients in Whatcom, Skagit and Island counties.

I was the Section Chief of the Bellingham Regional Office of Attorney General for over twenty years. The selection process for hiring assistant attorneys general has been and remain rigorous and non-partisan. In 1990, I approved the hiring of Melissa Nelson. She has served with energy, excellence and distinction. She maintained a large caseload of matters in the various courts we brought cases in or responded to. She earned the deepest respect of the numerous judges she appeared before, as well as from the leadership of institutions of higher education that she served as legal counsel. And I should know, because during the years I conducted annual performance reviews, I sought and received input from the judges our staff appeared before and the agency staff and leadership to whom she provided counsel.

Further, our professional staff respect her and hold her in great affection, as do I. What a good human being she is.

I recommend Melissa Nelson without reserve. Should you wish to speak to me to confirm this recommendation, please contact me at your convenience. I retired June 30, 2013, after 34 years of service with the Attorney General.

Thank you for your kind attention.

Wendy Bohlke

Jacqueline Lassiter

From: Paul Mueller
Sent: Monday, July 26, 2021 2:52 PM
To: Council
Subject: Melissa Nelson - Recommendation for Whatcom County District Court Judge

Dear Councilmembers -

I am writing today to pass along my recommendation for the appointment of Melissa Nelson JD to the position of Whatcom County District Court Judge.

To provide context, I would like to begin by offering a little of my background. I have been in the risk management and insurance profession for over 35 years. I am a Western Washington University alumnus and hold a Chartered Property and Casualty Underwriter (CPCU) professional designation. I was hired as the University's Risk Manager in 1999 after spending 15 years in the aviation insurance underwriting industry. I was appointed to serve on the Washington State Risk Management Advisory Committee and presented with Washington State's Outstanding Risk Reduction Achievement and Commitment (ORCA) Award. I am currently Director of Risk Management at the University.

In my role at the University, I work closely with the Attorney General's Office. My professional association with Melissa began in 2004 while she was serving the University as a member of the Torts Division of the Attorney General's Office, and my association continued after she was appointed General Counsel for Western.

Over the years, I have appreciated Melissa's remarkable acuity with respect to the legal issues facing the University, including tort claims and lawsuits involving property damage, personal injury, civil rights, and general and vehicle liability; public records requests and related litigation; contract liability; regulatory and policy compliance; insurance coverage; and the interpretation of Washington State ethics laws as applied to employee activities. While some issues are complex and some are not, she approaches them all with a consistent level of energy, expertise and interest.

I have also appreciated Melissa's ability to place the potential risk of University activities within the larger University context and its objectives. Western presents a variety of risks, such as education abroad; experiential learning; employment practices; accessibility, diversity, equity, and inclusion; financial stewardship; information technology and cyber security; student organizations and activities; health and counseling centers; and compliance – local, state, and federal. She understands that some risks simply cannot be avoided without jeopardizing the essential qualities of a University program or course. However, she also knows that taking unplanned and unnecessary risks is inappropriate, so she approaches each risk with a thoughtful and objective assessment and response.

As you can imagine, the University has its share of committee meetings. Melissa is in the enviable position of being able to hold an audience's attention during these meetings. When she speaks, the campus community listens. She engages others in the discussion and offers her point-of-view (both pro and con) without offending them.

In closing, I would like to say that Melissa's contributions to the University are no less than exemplary. Her integrity and ethics are beyond reproach and I believe she upholds the highest standards within

her profession. I have no reservations in recommending her for the position of Whatcom County District Court Judge.

Thank you for your time and consideration,

Paul Mueller, CPCU
Director of Risk Management
Western Washington University
Bellingham, WA

July 27, 2021

Dear Members of the Whatcom County Council:

I write to endorse Melissa Nelson as our next District Court Judge. I know Melissa as a colleague in her role as Assistant Attorney General at Western Washington University, where I served for 20 years as VP for University Advancement and the President and CEO of the WWU Foundation.

Ms. Nelson has many traits that would serve her well as District Court Judge. Today I address three of those traits that I find highly desirable for a leader in any position, and especially a leader serving our community in such a critical role.

Most crucial in my mind is Melissa's intentional active listening. It is not only a skill, but also a commitment to take the time to truly listen. She deliberately goes into meetings with an open mind, is willing to consider all voices, and asks thoughtful questions to get to the core of the issue, agenda, or discussion. She absorbs and reflects on feedback, and acts on it.

From working with Melissa at Western on sensitive issues, I know she understands the equity and social issues facing our community members today. I appreciate her inclusiveness; her perspective, sense of fairness, and integrity will serve the court, the government, and our citizenry.

Melissa knows how to get things done. She has functioned well in large complex organizations, and she's been successful! That singular talent is one that takes experience and perseverance, and a sense of humor. She possesses all of those.

Thank you for considering my opinion and please call on me if I can provide any further details.

Kind regards,

Stephanie Bowers

Stephanie Bowers

Megan Richey
Manthey Momentum Sports Performance Training

August 2, 2021

Council Members
311 Grand Avenue
Bellingham, WA 98225

Dear Council Members:

As a native to Whatcom County, owner of a local small business and someone who is invested in this community, I fully support Melissa Nelson's application for District Court Judge. It would be incredible to see a strong, clear minded, and integrity filled woman hold this position.

I met Melissa a few years ago when she chose to bring her son to my gym for soccer training. I remember our first phone conversation where I heard deep care and support in her voice for her son. He was eager to improve his skills and she was eager to provide him the opportunities to do so.

After finishing up my soccer career overseas I returned to Ferndale to open my own training facility to provide technical skills training and athletic development training to young athletes in our community. After being exposed to some of the most incredible coaches in the world I wanted to bring back some of that to our beautiful community. Currently, I have the joy of serving both Whatcom County's youth and adults to stronger and healthier lives through fitness.

Melissa has consistently had her son enrolled in weekly trainings with me. As I have gotten to know him better it has shown me deeper into who Melissa is as well. Cody carries himself with a humble confidence, displays focused work ethic and most importantly is incredibly kind, supportive, and respectful with all kids that are a part of his training sessions. His character is a direct reflection on the deep values Melissa demonstrates through her work as she performs her duties with the utmost integrity.

One thing that has been really special this past year has been the opportunity to get to know Melissa better. She reached out to me with a desire to invest in her personal health and fitness and hired me as her personal trainer. She held a deep respect for my background as a professional athlete and saw value in the coaching that I provide her son. I did not understand just how humble or driven of a person she was until we had some one-on-one sessions together. She shared her elite running background with me and vulnerably shared the challenges that she was facing. I admire her for her desire to push herself physically to keep her mind and practice sharp. I gave her a rigorous home workout program to do. I could not believe her level of commitment to the plan. I also deeply respected her when she reached out to ask what changes we could make when modifications were needed. Normally, at that point, people will just give up and eliminate, but not Melissa. She wanted to make sure she was doing the movement correctly, then she wanted to know how she could improve and do better. She always brings her best without excuses. I am so proud of her for prioritizing self-care and her health amidst an extremely high stress (in my opinion) career.

Again, it is an honor to write this letter in support of Melissa Nelson's application for District Court Judge.

Kindly,

A handwritten signature in black ink that reads "Megan Richey". The signature is written in a cursive, flowing style with a large initial 'M' and 'R'.

Megan Richey



UNIVERSITY POLICE DEPARTMENT

2001 Bill McDonald Parkway, Bellingham, WA 98225

Business: (360) 650-3555 / Fax: (360) 650-3367

Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

Dear Councilmembers:

It is my privilege to recommend Melissa Nelson for District Court Judge. My recommendation is based on my more than 31 years of professional experience that includes county, municipal, and university law enforcement. In my professional capacity I have appeared in municipal, district, and superior courts hundreds of times, and interacted with dozens of elected and appointed judges. My interactions include providing testimony, seeking search warrants, and presenting evidence in all kinds of matters including traffic offenses, major crimes, and civil commitments. I understand and appreciate how critical it is to have highly qualified judges on the bench.

I have served Western Washington University as the Director of Public Safety and Chief of Police since 2013. I have worked closely with Melissa since she was appointed as an Assistant Attorney General to Western in 2018. I regularly and routinely consult with Melissa when forming a course of action and navigating multiple competing priorities that impact the institution; I rely on her professional advice and well considered legal opinions.

My interactions with Melissa include consultation regarding major incidents that potentially carry high liability to the institution. Examples of these include threat assessments, vehicle pursuit critiques, considering implementing potentially controversial programs such as body-worn cameras, and specific citizen complaint procedures. Melissa has served as a member of my Campus Community Public Safety Advisory Council since 2018. Most recently, Melissa provided valuable professional counsel regarding Western's approach to implementing the multiple complex legislation regarding police reform.

I appreciate Melissa's honest, candid, and sincere approach to her position. Her commitment to the law is uncompromising, while at the same time she is balanced and considered in providing counsel to me in my role as Chief and to Western.

I also need to acknowledge Melissa's long-time commitment to this region to the Whatcom County community. It is one of her strengths to be involved in and understand the community she serves with dedication.

In conclusion, I believe Melissa Nelson's education, training, and experience, have prepared her for this position. I enthusiastically endorse her to serve as District Court Judge.

Respectfully submitted,

Darin Rasmussen
Director of Public Safety/ Chief of Police

Jacqueline Lassiter

From: Kerena Higgins <
Sent: Tuesday, August 10, 2021 9:54 AM
To: Council <Council@co.whatcom.wa.us>
Subject: Support for Melissa Nelson as Candidate

Dear Council members: I would like to take this opportunity to offer my support for the candidacy of Melissa Nelson for the District Court vacancy. I have had the pleasure of working with Melissa for the past 20 years both as a colleague and in a supervisory capacity. In her role advising Western, Melissa encounters diverse and novel issues on a daily basis, requiring independent judgment and the ability to manage numerous competing priorities. Melissa is thoughtful in her research and effective in her listening. I think she would be an asset to the bench.

Thank you for your consideration.

Kerena Higgins