

## MEMORANDUM

TO: Mayor and City Council

FROM: Martin Fisher, Municipal Court Judge

SUBJECT: APPOINTMENT OF MUNICIPAL COURT JUDGE PRO TEMPORE

DATE: October 18, 2016

### Background

Chapter 2.04 of the City Code provides for the appointment of a municipal judge pro tempore to serve in the absence of the municipal judge. The current municipal court judge contract provides that I shall arrange for the compensation of any pro-tem judge between myself and that judge.

The Council previously appointed former interim municipal court judge Kathy Kelty as a pro-tem judge. Since then, Ms. Kelty has taken on other obligations and is no longer available to fill that position.

On the recommendation of attorneys who have appeared before her, as well as my own review, I am proposing that the Council appoint Dawn Reynolds as a pro-tem judge. Ms. Reynolds has an impressive resume (attached), including as a municipal court judge and pro-tem judge in the state of Washington and, more recently, in Florence.

Although the court needs to have a pro-tem judge available generally, at the moment the issue is fairly pressing. I am scheduled to have ACL reconstruction surgery that will leave me unable to take the bench for at least the first two weeks of November.

Consequently, I request to appoint Ms. Reynolds as Municipal Court Judge Pro Tempore, subject to Council approval.

### Recommendation

That Council approve the appointment of Dawn Reynolds as Municipal Court Judge Pro Tempore.

### Cost

None.



Martin Fisher, Municipal Court Judge

**Dawn M. Reynolds, JD, CLEA, CPO**  
**Brissenden & Reynolds-Attorneys at Law**  
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**Education:**

- Bachelor of Arts, English & Fine Arts, *summa cum laude*, University of Washington
- Master of Arts, *summa cum laude*, University of Washington
- Teaching Certification, 1985, K-12, Washington State University, Pullman, Washington, Honors
- Juris Doctor, 1992, University of Idaho College of Law, Moscow Idaho. Honors-- International Trial Lawyers "*Distinguished Achievement in the Art and Science of Advocacy.*"

**Summary of Qualifications:**

- Over twenty-five years experience as an attorney in both the public and private sector with experience in civil, criminal and administrative law.
- Licensed in Oregon, Washington (inactive), Federal District Court, the Ninth Circuit and the US Supreme Court.
- Experienced trial lawyer.
- Experienced appellate lawyer.
- Experienced municipal court judge (Washington & Oregon) and circuit court judge pro tem (Washington).
- Analytical, organized, innovative and possess the necessary judgment, objectivity and integrity to work effectively in achieving solutions and results.
- Excellent research and investigative skills.
- Management, administrative and long-range planning experience.
- Communications and outreach experience for higher education and municipal government.
- Highest ethical standards with a proven commitment to access to justice and civility in the law.

**Professional Experience: Current**

**Partner, Brissenden & Reynolds, Attorneys at Law, LLC: Current**

The firm provides general counsel to individuals and small businesses and non-profits. Ms. Reynolds provides direct representation in state, tribal and federal court. Ms. Reynolds currently specializes in elder law and elder abuse claims.

- Advises and represents clients, non-profit groups and public agencies in local, state and federal court and before regulatory agencies.

- ACLU Cooperating Attorney for the Washington Affiliate of the ACLU. Represented plaintiffs in racial, gender, ADA and sexual orientation discrimination as well as free speech claims.
- Served as Assistant City Attorney for Monmouth, Oregon and Dallas, Oregon and as an attorney for the Confederated Tribes of the Colville Reservation, Washington and the Coeur d'Alene Tribe in Idaho.
- Cleared large (2,000 +) backlogs of civil and criminal cases in the Dallas and Monmouth municipal courts
- Assisted in rewriting municipal and tribal codes in the areas of land use, criminal proceedings and child welfare. Was successful in codifying the right to counsel on the Coeur d'Alene reservation.
- Worked as a cooperating attorney for the American Civil Liberties Union in Washington and in Idaho.
- Represented clients on a variety of issues relating to free speech, employment discrimination based on sexual orientation, disabilities and gender and denial of due process.
- As a member of the Federal Bar Association and member of the Federal Appeals Panels for both Washington and Oregon, Ms. Reynolds has represented indigent criminal defendants in US District Court and in the Ninth Circuit in complex federal criminal and habeas appeals.
- Six years (1993-1999) as a Municipal Court Judge and Judge Pro Tem in Washington and completed 40 hours of training for sitting judges in that state. Completed 40 hours Mediation training at the University College of Law and 40 hours training for professional guardians in Washington State.
- Adjunct faculty at the University of Idaho's Law School and Washington State University's Criminal Justice Program. The courses included Criminal Procedure, Indian Law and Alternative Dispute Resolution.
- Serves on the Board of Directors for the National Association for Civilian Oversight of Law Enforcement.

**Vice President, Elite Performance Assessment Consultants, LLC: (May 2010-present).**

- Elite Performance Assessment Consultants (EPAC) provides performance audit services and training to public safety and law enforcement agencies to reduce risk and liability, improve performance and build community trust.
- EPAC plans, performs and analyzes risk assessments of existing law enforcement agencies and conducts site specific audits and reviews.
- Provides in-depth analysis of public safety training, policies and practices.
- Works with clients to plan and design instruments and conduct performance audits which conform to Generally Accepted Government Auditing Standards (GAGAS) established by the federal government.
- Provides professional training, teaches as a Certified Instructor with the California Police Officers Safety and Training (POST) and the Robert Presley

Institute for Criminal Investigation (ICI. Courses include Preparation for Court, Presenting Testimony and Evidence, and Managing Risk and Liability.

**Relevant Experience:**

**May 2008-May 2010 Deputy Police Auditor/Interim Auditor, City of Eugene, Oregon.**

- Developed instruments for measuring internal affairs investigations and their outcomes to increase objectivity, transparency and accountability.
- Worked closely with a Civilian Review Board to identify areas of police training and policy that needed to be addressed.
- Monitored and reviewed internal affairs investigations to improve thoroughness and objectivity.
- Managed the process by which civilians complained about police performance and conduct and ensured the process was open to as many people as possible.
- Conducted interviews, performed research into applicable legal standards and best practices.
- Analyzed data, prepared reports to managers, commissions, local policy makers and the public.

**Assistant City Attorney:** City of Dallas, Oregon and Monmouth , Oregon March 2004 – April 2006.

After moving to Oregon in 2003 worked in the firm of Shetterly, Iris and Ozias and served as the Assistant City Attorney for Monmouth and Dallas, Oregon. Handled civil and criminal cases, advised the City of Dallas on issues relating to land use and employees. I left this position to become a member of the Federal Criminal Appellate Panel.

**Relevant Licenses:**

Current Licenses Held: Oregon State Bar Association, Federal Bar Association, U.S. Supreme Court; Washington State Bar Association (inactive)

**Relevant Certifications:**

Current Certifications: Certified Law Enforcement Auditor (CLEA), Certified Instructor for the California Commission on Police Officers Standards and Training (POST). Certified Police Oversight Practitioner (NACOLE); Alternative Dispute Resolution, University of Washington College of Law.

**Relevant Administrative Experience:**

**Project Director:** International Agricultural Trade Program, Washington State University, College of Agriculture, Pullman, Washington. 1986 to 1988.

- Obtained funding and developed a series of teleconferences on international agricultural trade.
- Designed and implemented programs that represented the first use of multiple satellites to link separate conference broadcast sites. Live, interactive conversations between experts (including the U.S. Secretaries of State and Agriculture) on separate panels at

Washington State, the University of Nebraska and the University of Georgia, were broadcast to a national audience which could call in with questions.

**Assistant General Manager:** Washington State University, Educational Telecommunications and Technology, Edward R. Murrow Communications, Pullman, Washington. (1984 to 1986.)

- Responsible for management of a staff of fifty full-time and one hundred fifty part-time employees.
- Lead a management team in developing long-range goals for public radio and television and development of the statewide Washington Educational Telecommunications Systems.
- Prepared and negotiated contracts related to the development of a regional microwave system for the long-distance learning system.
- Coordinated student training opportunities within the department.
- Prepared grant applications and consulted on the development of radio and television programming and development.

**Community Relations Director:** Bellevue College (formerly Bellevue Community College), Community Relations, Bellevue, Washington. (1981-1984).

- Member of the five-person senior management team responsible for all internal and external media management, lobbying state and local governments, and fund-raising.
- Worked to ensure healthy labor and employment relationships among administration, staff and faculty as well as promote student concerns and support the needs of the Board of Directors.
- Initiated the BC Foundation.
- Principal writer and editor of \$900,000.00 grant benefiting a cooperative program for a consortium of community colleges in the Puget Sound area.
- Solicited the first educational grant awarded by the Microsoft Corporation.
- Organized a statewide conference bringing together 500 participants and leaders from Labor, Business and Education, and initiated a statewide survey to determine attitudes and awareness of the community college system within the state.

**Relevant Skills:** Certified Mediator, Oversight Practitioner, Law Enforcement Auditor, Proficient in legal research and writing.

**Computer Skills:** Proficient in the use of Microsoft Word, Excel and PowerPoint;

**Professional Memberships & Service:** Current: Board of Directors Member for the National Association for Civilian Oversight of Law Enforcement (NACOLE) Chair of the Conference Committee and the Scholarship Committee; former chair of the Membership Engagement and Development Committee, and the Strategic Planning Committee, Member and/or past member: Finance, Professional Standards Committee, Best Practices Committee and Newsletter Committee. Established ongoing legal training for professional oversight practitioners, led the

effort to produce a complete set of policies and procedures for the operation and governance of the organization, developed FAQs and answers for the organization to use in assisting communities looking to develop or improve oversight programs; working to develop definitions for terms frequently used in oversight; developing oversight training modules for use in local and regional training. Lay Eucharistic Minister for St. Thomas Episcopal Church and choir member.

Inns of the Courts, Salem, Oregon, International Law Enforcement Auditors Association (ILEAA); Federal Bar Association, Oregon Bar Association, Washington Bar Association, American Bar Association: Criminal Law, State and Civil Rights; Past: Oregon Bar Association: Board of Governors, President Polk County Bar Association; Member, Lane County Bar Association; Washington Bar Association: Access to Justice Committee, President-Whitman County Bar Association, Washington Trial Lawyers Association; American Civil Liberties Union-Washington Affiliate, Member, Board of Directors (Nine Years) and cooperating attorney.

Presenter: Legal Standards in Law Enforcement (established as an annual panel for NACOLE) 2013, 2014, 2016

The Auditor/Civilian Review Board Model of Oversight

The Use of Systemic Audits in Oversight (Moderator)

Community Policing and Oversight (Moderator)

Strengthening Oversight (Presenter)

Legal Standards in Auditing Law Enforcement Agencies

Building Transparency & Accounting in Law Enforcement through Auditing

Papers Presented: *Filling the Gap: Using Generally Accepted Auditing Standards to Achieve Independence, Transparency and Accountability in Police Oversight*, NACOLE-Seattle University Symposium on Police Oversight. February 2015

**Community Service:** Board member for A Gift of Time, a non-profit that provides respite care for individuals responsible for meeting the ongoing special needs of family members; Mentor at Whitworth Elementary in Dallas, Oregon. Past: Board Member (five years) for the Polk County Community Development Corporation, a non-profit agency that develops and manages a \$5,000,000.00 investment in housing for low-income individuals in Polk County; Board Member of the Diocesan Council for the Episcopal Diocese of Oregon including the Vision Committee; Polk County Master Gardeners, Commissioner—appointed for two terms, Washington State Department of Fish and Wildlife setting policy and adopting rules affecting fish, wildlife and habitat in Washington State; Board of Directors for the Whitman County United Way; Pullman Parent Teacher Association Governing Council, Pullman Kiwanis Board of Directors; Officer for Fortnightly Book Club. Coach: WSU synchronized swim club, “Fish Fans.”

**Hobbies/Recreation:** Walking, hiking, kayaking, canoeing, swimming, yoga, piano (badly), gardening, and reading.