

# REQUEST FOR QUALIFICATIONS

## JUDICIAL SERVICES – CHIEF JUDGE

ISSUE DATE: AUGUST 11, 2020

### I. COVER PAGE

---

#### INTRODUCTION

The Quinault Indian Nation is soliciting proposals for contracted services from judges or attorneys interested in providing judicial services as the Chief Judge of the Quinault Tribal Court. It is anticipated that the delivery of services under the contract will begin on January 1, 2021. The contract will be awarded for a period defined by Title 5 of the Quinault Tribal Code.

#### INSTRUCTIONS

All bid proposals must be submitted by certified mail or by a commercial delivery service that provides proof of the date of posting the package for delivery. Proposals submitted by this method shall be contained in a sealed envelope and clearly marked "Sealed Bid Proposal-Judicial Services." Proposals may also be submitted by email to one of the persons listed below. If submitted by email, the proposal shall be submitted in a security-protected PDF format. A proposal shall be received by no later than 11:59 PM **Friday, October 9, 2020**, and submitted to:

Lori Bruner  
Quinault Indian Nation  
Office of Attorney General  
PO Box 613  
Taholah, WA 98587  
[lbruner@quinault.org](mailto:lbruner@quinault.org)



## II. SCOPE OF WORK

---

### ESSENTIAL DUTIES AND RESPONSIBILITIES

As the chief judicial officer of the Quinault Indian Nation, the Chief Judge acts as presiding judge over all of the courts of the Quinault Indian Nation and as such has responsibility for the overall operation of the Quinault Tribal Court of Appeals, Quinault Tribal Court and Quinault Children's Court. The Chief Judge may also be requested to sit pro tem in the appellate court of any other Indian nation.

The duties of the Chief Judge are both judicial and non-judicial (administrative) and include all those that fairly lie within its scope, those that are essential to the accomplishment of the main purposes for which the office was created, and those that, although incidental and collateral, serve to promote the accomplishment of the principle purpose and shall include:

1. performance or delegation of judicial duties in all civil and criminal matters;
2. performance in civil marriage;
3. appointment of such personnel as required by statute;
4. the supervision of all trial and appellate judges sitting in any court of the Quinault Indian Nation, all court clerks and other officers and employees serving the courts of the Nation;
5. the admission and discipline of counsel;
6. monitoring and ordering of the expenditure of court funds as required by statute;
7. the adoption of uniform rules of pleading, practice and procedure applicable to any and all proceeding in the courts of the Nation;
8. the development of standardized court forms;
9. the carrying out of or supervision and delegation of all non-judicial matters of administration of the courts of the Nation including:
  - the supervision of selection of jurors
  - the supervision of and expeditious movement of the civil and criminal calendars
  - the implementation and enforcement in the Nation of all administrative rules, policies and directives of the courts of the Nation including: conducting administrative audits of the courts of the Nation; investigation of and taking appropriate action on complaints from litigants and others as to the operation of the courts making certain that judges, and counsel alike adhere to any canons of judicial and professional ethics or other rules of the court



- arranging for in-service training of court personnel
  - the surveying of the methods and systems of the courts both judicial and administrative to simplify or improve the administration of justice
  - the keeping of statistical records of the work of the courts
  - development of procedures for the collection and transmission of fines and fees and other funds deposited with the courts of the Nation
  - the implementation of standards and policies regarding hours of court, times for filing, and the publication of judicial opinions
  - the preparation and submission to the Business Committee of estimates of appropriations necessary for the maintenance and operation of the judicial branch of government
  - the representation of the judicial branch of government in all matters pertaining to budgets, personnel, and facilities of the courts of the Nation
  - the monitoring of contract compliance including the preparation of quarterly and annual reports as required under federal and other grant contracting
  - the approval and signing of all encumbrance requests and statement of indebtedness on behalf of the courts
  - the certification of the compensation and expense payable to pro tem judges, jurors, and regular court personnel
  - the procurement, distribution, exchange, transfer and assignment of such equipment, books, forms and supplies for the courts as are acquired with tribal or grant or contract funds
  - the exercise of such duties as may be required with respect to the care, maintenance and management of the law library.
  - the handling of public relations including provision for public information regarding the courts to tribal members and their families in particular
  - the carrying out of liaison work with law enforcement agencies and other public officials and agencies of the Quinault, other tribal, state and federal governments
10. the carrying out or delegation of any and all other duties and responsibilities arising under law or fairly lying within the inherent powers of the position.

## **OTHER CONSIDERATIONS**

**Term of Office:** The Chief Judge shall hold office for a term as defined by Title 5 of the Quinault Tribal Code, unless terminated earlier by resignation, retirement, or removal.



**Salary:** To be set by the Quinault Business Committee at a reasonable level commensurate with the responsibilities inherent in the office. This is a full time position (40 hours per week).

**Indian Preference:** Indian Preference applies to all contract procurement with the QIN. The determination of who is an Indian Contractor is made by the Tribal Employment Rights Office according to Quinault Tribal Code, Title 97. Indian Contractors must provide certification from the Tribal Employment Rights Office in order to be considered eligible for Indian Preference.

### III. REQUEST FOR QUALIFICATIONS

---

#### MINIMUM QUALIFICATIONS

1. Good moral character with no felony convictions ever and no misdemeanor conviction in the year immediately preceding appointment
2. Juris Doctorate from an accredited Law School
3. Must be a member in good standing of a state bar association.
4. A minimum of ten years' experience practicing law.
5. A minimum of three years' judicial experience.
6. An ability to understand legal concepts as presented in ordinances, statutes and case law.
7. An understanding of the procedures involved in the processing of civil and criminal cases.
8. An understanding of and a willingness to provide legally required fairness in dealing with parties.
9. A willingness to consider and implement alternative justice systems.

#### PREFERRED QUALIFICATIONS

1. Experience working in and for Tribal Communities.
2. A minimum of ten years' experience practicing Indian law.
3. Experience with child welfare issues, and in particular, Indian child welfare.
4. Experience with wellness courts, drug courts and mental health courts.



5. Experience with treaty issues.

## **MINIMAL REQUIREMENTS**

### **In order to be considered, a proposal shall include the following elements:**

- All candidates responding to this RFQ must provide evidence of having graduated from an ABA accredited law school with a Juris Doctorate degree and evidence of good standing with any and all state bar associations of which he or she is a member.
- The completed Questionnaire for Position of Chief Judge, Quinault Tribal Court.
- To the extent not covered in the Questionnaire, a description of the candidate's: (a) experience with civil, criminal, and administrative proceedings, arbitration, mediation; (b) experience in family law representation, including but not limited to, child welfare and/or dependency cases; (c) courtroom experience, including the conduct of jury and bench trials, motion practice, and appellate proceedings; (d) experience as a mediator, arbitrator, hearings examiner, and/or judge; (e) experience in multijurisdictional issues; and (f) experience practicing before the courts of any federally-recognized Indian tribe.
- To the extent not covered in the Questionnaire, a description of the candidate's: (a) knowledge of precedents and legal decisions impacting issues confronting Indian Nations and the general operations of the Quinault Nation; (b) understanding of the cultural issues regarding justice and the role of the judiciary in Indian country; and (c) understanding of the jurisdictional basis, challenges, needs and opportunities of tribal courts.
- A list of at least three references, who are not relatives, regarding the reputation and qualifications of the candidate.
- The requested salary.
- To the extent not covered in the Questionnaire, a disclosure regarding any judgments or decisions, pending complaints, or ongoing disciplinary actions against the candidate before the Washington State Bar Association or any other bar of any state or territory of the United States or any tribal or Indian Nation bar, or any judicial disciplinary forum.
- A disclosure of representation in any matter in which the Quinault Indian Nation or any of its political subdivisions or enterprises was a party to such matter.



## IV. EVALUATION PROCESS

---

Step 1: Each proposal will be reviewed to determine whether it meets the Minimal Requirements. Only those proposals that address all of the Minimal Requirements will be reviewed under Step 2.

Step 2: Written proposals will be reviewed and evaluated by the Quinault Business Committee and Office of Attorney General. Points will be awarded among the criteria listed in Section V, Evaluation Criteria.

Step 3: The Nation will conduct reference checks for the highest scoring Proposal(s). If the reference checks are positive, interview(s) will be scheduled.

Step 4: The winning candidate will be notified.

Step 5: Contract negotiations will commence with the selected candidate.

Step 6: If negotiations with the initially selected candidate fail to produce a contract, the Nation reserves the right to enter into negotiations with one or more other candidate(s), or engage alternative options under the Nation's Procurement Policy, including to republish the RFQ.

## V. EVALUATION CRITERIA

---

Responders shall be assessed using the following criteria for selection:

**1. PRICE: 20%**

Up to twenty (20) points will be awarded based on the proposed rates in relation to the number of hours of service to be provided.

*If the lowest bid or price by an Indian Contractor is within the cost differential in the table below, when compared with the lowest bid or price by a non-Indian Contractor, then the Indian Contractor shall have the opportunity to match the overall lowest bid or price:*



*PROCUREMENT VALUE COST DIFFERENTIAL*

*\$5,000.00 OR LESS – 15%*  
*\$5,001.00 OR MORE – 10%*

**2. EXPERIENCE: 30%**

**Up to thirty (30) points will be awarded based on the following factors:**

- A. Length of time in practice (a minimum of 10 years relevant experience is preferred);
- B. Depth of practice:
  - In civil, criminal, and/or administrative proceedings;
  - In arbitration and/or mediation;
  - In family law;
  - Courtroom experience, including the conduct of jury and bench trials, motion practice, and appellate proceedings;
  - As a mediator, arbitrator, hearings examiner, and/or judge;
  - In multi-jurisdictional issues; and
  - In practicing before the courts of any federally-recognized Indian tribe.

**3. SUITABILITY: 30%**

**Up to thirty (30) points will be awarded based on the following factors:**

- A. Demonstrated cultural competence with tribal/Indian communities, including experience and accomplishments in advocacy for issues of tribal nation justice and an understanding of the unique challenges facing tribal communities with respect to the justice system; and
- B. Understanding of the jurisdictional basis, challenges, needs and opportunities of tribal courts in relation to serving as the chief judge of the court of a sovereign nation and comprehension of the distinct but often overlapping jurisdiction among tribal, state and federal forums.

**4. LEADERSHIP QUALITIES: 20%**

Up to twenty (20) points will be awarded based on experience working within organizations and communities with divergent interests and competing stakeholders, and experience working with multidisciplinary teams.



## VI. TERMS AND CONDITIONS

---

- A. The Nation reserves the right to reject any and all submittals, and to waive minor irregularities in any proposal.
- B. The Nation reserves the right to request clarification of information submitted, and to request additional information from the proposer.
- C. The Nation reserves the right to award any contract to the next most qualified candidate, if the successful candidate does not execute a contract within five (5) days after the award of the proposal.
- D. Judicial services by the chosen candidate commence on a date to be agreed upon by the parties, but no later than sixty (60) days upon execution of the contract for services.
- E. The contract resulting from acceptance of a proposal by the Nation shall be in a form supplied or approved by the Nation, and shall reflect the specifications in this RFQ. The negotiation and execution of such contract will be deemed by the parties to have occurred within the Quinault Indian Reservation and any interpretation shall be in accordance with the laws of the Quinault Indian Nation. A copy of the contract will be available for review. The Nation reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in the RFQ, and which is not approved by the Office of Attorney General.
- F. The Nation shall not be responsible for any costs incurred by the person chosen in preparing, submitting, or presenting its response to the RFQ.
- G. Payment by the Nation for the services will be made on the same basis as employees of the Nation are paid.
- H. Indemnification. The chosen candidate shall indemnify, defend, and hold the Nation, its elected officials and employees, agents and volunteers harmless from any and all claims, losses or liability, including all costs and attorneys' fees, arising out of that person's performance of obligations pursuant to the Contract, including claims arising by reason of accident, injury, or death caused to persons or property of any kind occurring by the fault or negligence of the person chosen, his/her/their associates, agents, and employees. To the extent that any of the damages referenced by this paragraph are caused by or resulting from the concurrent negligence of the Nation, its agents or employees, this obligation to indemnify, defend, and hold harmless is valid and enforceable only to the extent of the negligence of the person chosen, its officers, associates, agents and employees.
- I. Standards for Judicial Services. The chosen candidate shall comply with the standards for judicial services as provided in Title 5 of the Quinault Tribal Code, and as may otherwise be adopted by the Nation, and with the Washington State Code of Judicial Conduct.





# Quinault Indian Nation

POST OFFICE BOX 189 • TAHOLAH, WASHINGTON 98587 • TELEPHONE (360) 276-8211

## QUESTIONNAIRE FOR POSITION OF CHIEF JUDGE QUINAULT TRIBAL COURT

Please feel free to provide your answers on a separate sheet of paper.

### GENERAL INFORMATION

1. Full name:
2. All other names by which you have been known:
3. Present occupation, name of employer, and title:
4. Office address and direct phone number:
5. Home address, phone number, cell phone number(s), and preferred email address:
6. Date of birth:
7. Are you a United States citizen?
8. If any member of your household is an attorney, will he/she practice before the Quinault Tribal Court if you are appointed? If yes, give name and relationship:
9. Identify any potential conflicts caused by people who would likely appear repeatedly before the court if you are appointed?
10. If you served in the United States Military, provide branch, dates of service, rank, serial number, present status, and type of discharge:
11. If still a reserve or national guard member, please give service branch and present rank.

## EMPLOYMENT HISTORY

12. IN REVERSE CHRONOLOGICAL ORDER, list all self-employment, law firms, public agencies, and private business or non-profit organizations by which you have been employed or with which you have been associated.

Provide the following for each:

- a. Firm/organization name
- b. Title of your position(s)—e.g., Associate, Partner, Counsel
- c. Dates of employment
- d. Name of your supervisor(s) or other point(s) of contact and their current telephone number
- e. Address of employer
- f. Telephone number of employer

## EDUCATION

13. IN REVERSE CHRONOLOGICAL ORDER, list all law schools, professional schools, colleges, and universities you attended. Provide the following for each:

- a. Institution's name
- b. Graduation date
- c. Degree(s) conferred
- d. Class standing or class rank
- e. Honors (Law Review, Awards, Moot Court)
- f. GPA
- g. Special certifications

14. List all major academic achievements you received and other significant activities in which you participated during your college or law school careers.

## PROFESSIONAL ADMISSIONS

15. List all courts, state bar admissions, tribal court bar admissions, and administrative entities having special admission requirements in which you are presently admitted to practice. Provide the following for each:

- a. Name of Court/State Bar/Administrative Entity
- b. Address and telephone number
- c. Date of admission

PROFESSIONAL EXPERIENCE HISTORY

16. Describe the general nature of your current legal practice. Please include any legal specialties you possess and the characteristics of your typical clients. Additionally, if your practice is substantially different now than previously, provide the same information with respect to your prior practice.

17. What percentage of your Courtroom appearances in the past five years were in:

Civil	_____	%
Criminal	_____	%
Administrative	_____	%
Other	_____	%

18. During the past five years:

- a. What percentage of your practice has been trial practice? \_\_\_\_\_%
- b. How many times per month have you appeared in court? \_\_\_\_\_
- c. How many times per month have you appeared at administrative hearings? \_\_\_\_\_
- d. What percentage of your practice involving litigation has been:

Civil	_____	%
Criminal	_____	%
Administrative	_____	%
Other	_____	%

- e. What percentage of your practice have you acted as a Mediator? \_\_\_\_\_%

19. Please identify no more than ten cases you tried to conclusion in courts of record. State briefly for each case:

- a. Were you sole, associate, or chief counsel?
- b. The issues presented and the decision of the court and for which party
- c. Name, current address, and telephone of your adversary(ies) and co-counsel
- d. Name, current address, and telephone of the judge(s) before whom you appeared
- e. Provide citations of any reported cases

20. Please identify up to five appeals you have handled to conclusion in district and appellate courts during the past five years. State briefly for each case:

- a. Were you sole, associate, or chief counsel
- b. The issues presented and the decision of the court and for which party
- c. Name, current address, and telephone of your adversary(ies) and co-counsel
- d. Name, current address, and telephone of the judge(s) before whom you appeared
- e. Provide citations of any reported cases

21. Please provide the following information regarding any courses, legal or non-legal, you have taught:

- a. Name of institution
- b. Names of courses taught
- c. Dates of courses taught
- d. Name of supervisor at teaching institution. Please include an address and telephone number.

### HONORS

22. IN REVERSE CHRONOLOGICAL ORDER, list any honors, prizes, or awards you have received following law school:

- a. Post-law school and graduate school
- b. Professionally

### PUBLIC OFFICE

23. Have you ever campaigned for, or held, public office? Provide details:

24. Have you ever held judicial office or been a candidate for judicial office? Provide the following for each:

- a. The courts involved
- b. Dates of your service
- c. Dates of candidacy

25. Have you ever served in a quasi-judicial capacity? Provide the following for each:

- a. The name of the agency
- b. What issues were addressed
- c. Number of cases adjudicated
- d. Dates of your service

### DISCIPLINARY PROCEEDINGS/OFFENSES

If you affirmatively answer the following series of questions (numbers 26-37), provide specific details including the following:

- a. Name(s) of lawsuit
- b. Docket number
- c. Court of record or disciplinary authority
- d. Parties of record and relevant dates
- e. Explain the final judgment

26. Have you ever been arrested, charged, or convicted for violation of any federal law, state law, county or municipal law, regulation, or ordinance? Do not include traffic violations for which a fine of \$200 or less was imposed unless it also included a jail sentence.
27. Have you ever been arrested, charged, or convicted of breaking the law of a foreign jurisdiction?
28. Have you, to your knowledge, ever been the subject of federal, state, or local investigation for possible violation of a criminal nature?
29. Have you ever been sued by a client? If so, please provide name of case, docket number, and outcome.
30. Have you ever been involved as a party to any criminal, civil, or administrative litigation?
31. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group?
32. Without regard to the outcome, to your knowledge, has there ever been a formal complaint filed against you by any court, administrative agency, bar association, or other professional group? If so, name of proceeding and docket number.
33. Have you ever been charged, or investigated to determine if you should be charged, with misconduct, incompetence, unsatisfactory performance of duty, or violation of law?
34. Have you, to your knowledge, ever been found not qualified for any public position by any court, administrative agency, bar association, or other professional group?
35. Have you ever been disciplined or terminated, or resigned to avoid possible termination, by any public or private employer, law firm, or any other entity because of misconduct, impropriety, or unsatisfactory performance?
36. Have you ever resigned from, or for other reasons ceased to be a member of, the bar or bench of any state or court in any jurisdiction, a member of any governmental body, a hearing officer, or the holder of any similar position?
37. Have any formal complaints been filed accusing you of sexual or non-sexual harassment, retaliation, hostile work environment, or disparate treatment on the basis of sex, race, color, national origin, religion, age, sexual orientation, or physical or mental disability status?

#### PROFESSIONAL AND OTHER ACTIVITIES

38. List all bar associations and legal professional societies of which you are a member. Give the titles and dates of any office you have held in such groups and list your committee memberships.

39. List all organizations and clubs, other than bar associations and professional societies identified in response to question number 38, of which you have been a member during the past ten years, including the titles and dates of any offices you held in such organization.
40. Describe your civic, philanthropic, community, social, or public service activities during the past five years, including any posts or offices you held and honors or awards you received.

#### SUPPLEMENTAL INFORMATION

41. In 500 words or less, state any achievements or actions you have accomplished, demonstrating your commitment to equal justice under the law.
42. In 500 words or less, state any achievements or actions you have accomplished, demonstrating your commitment to improving justice systems in Indian country and/or with respect to Tribal courts.
43. In 500 words or less, state any additional education or other experiences you believe would assist you in holding judicial office.
44. State any other pertinent information reflecting positively or adversely on you that you believe should be disclosed concerning your possible selection as Chief Judge.