

Judge, 2 attorneys seek state Court of Appeals appointment

By **Paris Achen**, Columbian courts reporter

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John Hays Longview attorney (Steve Nissle)



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 Rich Melnick Clark County Superior Court judge
 (Troy Wayrynen (/staff/troy-wayrynen/)/The Columbian)

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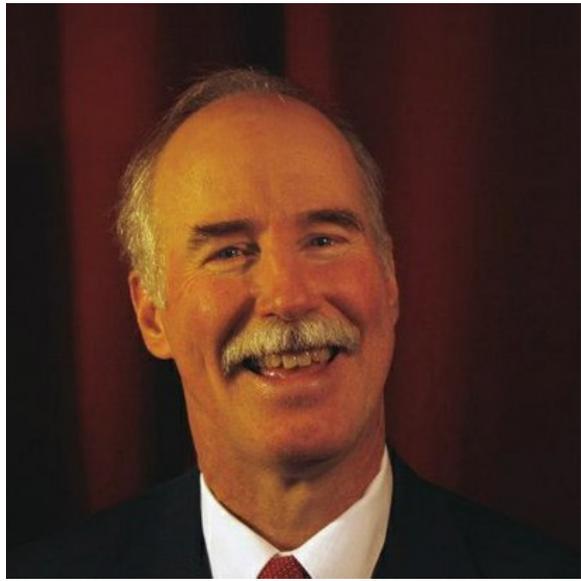
Two men from Clark County and one from Cowlitz County are seeking a governor's appointment to the state Court of Appeals.



Clark County Superior Court Judge Rich Melnick, Vancouver attorney Mark Muenster and Longview attorney John Hays said they have applied to succeed Division 2 appellate Judge Joel M. Penoyar.

Penoyar plans to retire at the end of his term, Feb. 28. The application period closed Monday. The appointee would have to run for election in November if he draws a challenger, said Jaime Smith, a spokeswoman for Gov. Jay Inslee.

The governor's general counsel plans to conduct interviews by the end of the month, she said. One of the applicants could be appointed as soon as mid-February, she said. The annual salary is \$164,238.



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 Mark Muenster Vancouver attorney
 (Handout)

A Clark County resident hasn't served on the appellate court since October 2005, when Judge J. Dean Morgan retired.

Melnick, 58, of Hockinson has been a Superior Court judge since February 2010. After graduating from Lewis and Clark Law School, he began his career in 1981 at the Clark County Prosecuting Attorney's Office. While a prosecutor, he headed up the county's first Appellate Bureau. In 2004, he became a District Court judge and continued in that role until he joined the Superior Court bench.

"Appeals have always been an interest of mine," Melnick said. "I think it's important to have a trial judge on the Court of Appeals. The law provides standards for when to review what trial courts do. I think (experience as a trial judge) helps me to understand; it has given me maturity."

Muenster, 59, of Vancouver has been a criminal attorney since 1980. After graduating from Boston University School of Law, Muenster joined the King County Department of Public Defense in 1980. He was largely appointed to do appellate work. In 1987, he partnered with Vancouver defense attorney Steven

Thayer to found the law firm, Thayer and Muenster. Muenster opened a solo practice in 1995.

"I've done a lot of appellate work over the course of my career," he said. "... It is the most interesting and enjoyable work I've done as a lawyer."

Hays, 60, of Longview is an appellate attorney who takes largely Clark County cases. After graduating from Seattle University School of Law (formerly the University of Puget Sound School of Law), Hays went into criminal and civil law.

"The majority of my practice has always been appellate cases," he said. "I've done 400 to 500 appeals in my life."

The Division 2 court convenes in Tacoma and is made up of three districts. Two judges represent District 3, which hears appeals from six counties: Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum. The other District 3 judge is Division 2 Acting Chief Justice Jill Johanson of Cowlitz County. Penoyar is from Pacific County.

"The districts are supposed to be loosely geographically representative," Muenster said. "We are the biggest county in the district by far, population-wise. It seems there should be a Clark County representative on the

court."



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 John Hays Longview attorney
 (Steve Nissle)



[Paris Achen \(/staff/paris-achen/\)](/staff/paris-achen/)

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