

Tri-City Herald

Appeals court judge stepping away from the bench



Washington State Court of Appeals Judge Dennis Sweeney is retiring on April 30 after 21 years on the bench. He's seen in his home office in Richland overlooking Leslie Groves Park. (KAI-HUEI YAU/Tri-City Herald)

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Judge Dennis Sweeney enjoyed a lucrative law practice in the Tri-Cities when he learned a seat was about to open up on the Washington state Court of Appeals in Spokane.

He was reluctant to become a jurist, but was encouraged by friends and colleagues that it was the right time in his career and personal life to consider making the move.

Now, 21 years later, as he prepares to hang up his black robe and retire, Sweeney admits he shudders a little at the thought of how close he came to not getting on the Division III bench.

"It's been an enormously rewarding experience," Sweeney, a Richland resident, told the Herald. "Work on the Court of Appeals, if it's done properly, it's deeply intellectual, and not in the high-handed or elitist sense. But it is important that the judges who do this work have the intellectual wherewithal to identify the rule of law," understand its purpose and apply it so it makes sense.

The Washington state Court of Appeals has three divisions based in Seattle, Tacoma and Spokane. Division III covers everything east of the Cascades and is split into three districts. Sweeney represents District 2.

The Court of Appeals reviews the decisions of trial judges. It can affirm a case by finding that a judge did everything right, send it back for a new trial or sentencing, or dismiss the matter.

In the court's 44-year history, Sweeney is only the second person to hold his seat representing nine southeastern counties, according to Division III Chief Judge Kevin M. Korsmo.

Sweeney was elected in November 1991 after practicing law for 20 years. He was the first Tri-City member of the appeals court.

His replacement will be appointed by Gov. Jay Inslee, since Sweeney is leaving two years into a six-year term. His last day of work is April 30.

The Governor's Office could not confirm, but it is believed that applicants for the soon-to-be vacant seat must live in the district. Their resumes and lengthy questionnaires are due to the governor's general counsel by April 13, though the new judge won't start until July to save the cash-strapped court a salary and benefits for a couple of months.

Sweeney has been preparing for retirement for the past year and believes it is time to focus on himself and his wife, but his eyes still tear up at the thought of walking away from the job he came to love.

"It's been difficult. Part of it's the whole business of the court, and also part of it is I've been working almost full time since I was 16 and just to step away is hard," said Sweeney, 66. "But it's just time. That was then, this is now. That (emotion) is more visceral than intellectual."

Sweeney had an apartment in Spokane for more than a decade. Up until a couple of years ago, his wife Judy would make the weekly trip north with him. She says they spent more time with her husband while he was on the bench than when he was a lawyer.

Sweeney has been eligible to take retirement since age 60.

The couple recently concluded that "there's a time in your life to move away from political authority and money and maybe the prestige that goes along with that, and to work on a more internal ... to look more inside."

Judy Sweeney's mother died in July -- the last of their parents -- and the couple started thinking maybe it's time to go do something else.

Judge Sweeney has been a hospice volunteer with The Chaplaincy for a number of years. It is important work to him, visiting with other men in the last six months of their life, whether they don't have any family or friends around or their relatives need a little respite.

"The dying have so much to teach us. People get real at the end of their lives," he said. "It's been very enriching."

While continuing with his hospice work, Sweeney hopes to drive up to Alaska and travel to Italy and Japan to visit friends. And he just might be able to catch a few more of his two grandsons' soccer games in Seattle with his daughter.

Sweeney stopped working actively on the bench in December as part of the transition process. And since the court has no money to bring him back on a temporary basis, his priority has been wrapping up cases that were argued before the court last fall and any motions for reconsideration.

Kevin Korsmo, a fellow judge on the Court of Appeals, said it hasn't been easy walking by his colleague's nearly empty office, but Sweeney's impending departure has allowed him to take "an interesting trip down nostalgia lane."

Korsmo, who oversees administrative duties, said Sweeney was on the three-judge panel when Korsmo made his very first argument as an attorney before the court 21 years ago. Many of the people who argued before Sweeney then went on to become judges themselves, he said.

No one has been more dedicated to the court than Sweeney, who in many ways has been considered the philosopher judge, Korsmo said. Sweeney is concerned about how the job is performed, reminds his fellow jurists to keep the picture in mind so they don't step on somebody's toes and, in the end, brings them back to their first principles.

"We have a more reflective job and a lot of that involves weighing questions of authority and whose job is whose in the court system," Korsmo explained, comparing appeals judges to trial judges. "That is why we have to think carefully when looking at what a jury did, what a trial judge did, which things we think we can interfere with and understand. Nobody I have ever met has put more effort into this than Dennis as to what is the proper role of an appellate judge."

Renee Townsley, the clerk/administrator for Court of Appeals, Division III, said Sweeney has been an important part of the court and will be greatly missed.

"Judge Sweeney has a steadfast commitment to excellence which can be readily seen through his strong work ethic," she told the Herald in an email. "His love and respect for the law is very evident. The court and the citizens of Washington have benefited greatly from his service."

Sweeney started a study group in 1991 so he could continue to have social interaction with lawyers and judges after he got on the bench. The group meets every Friday morning in Richland, and for one hour they discuss a bound volume of published opinions, which can have up to 12 cases sometimes.

Attorney Larry Zeigler credits his longtime friend with getting the Washington State Bar Association to continue recognizing the meeting for legal education credit. The only rule they have in the group is they're not allowed to discuss a pending case or a matter they think may come before the Court of Appeals or the state Supreme Court.

"Quite candidly, it's the best hour I spend and has been for years, because it's just amazing the cross-section of lawyers and judges that are at that thing," Ziegler said. "I enjoy it so much more than being in a courtroom because you really can learn. You're never too old for that."

Brian Werst is one of "well over a dozen lawyers" who Sweeney said has worked for him over the years and now are scattered across the country.

Werst, a 1991 Pasco High graduate, applied to 50 clerkships out of Gonzaga Law School but hoped to get on with Sweeney because he knew of the judge from the Tri-Cities and had worked with his daughter. Even though the call for an interview came in the middle of finals, he was ecstatic and quickly shaved and cleaned up to be at the judge's chambers in two hours.

Werst was a law clerk for Sweeney from 1998 to 2000. His role was to do legal research and analysis so he could help get the judge prepared for oral arguments and later issue an opinion in the case.

"(Sweeney) often commented that the opportunity to clerk coming out of law school was like getting your masters degree in Washington law, and it really was. It was an unbelievable experience," said Werst, who is now a partner with a Spokane law firm.

The two have stayed in touch over the years, grabbing coffee or lunch when they have the time. Werst, whose parents still live in Pasco, said he always turned to the judge for career advice, and though Sweeney never offered an opinion, Werst would leave the conversation having made a decision.

"Probably more than anybody professionally, he taught me how to be a professional," he said. "That involves not only being a good attorney and representing your clients, but being a good person or trying to be a good person."

Werst said he is struggling mentally with the judge's decision to retire because he has come to consider the Court of Appeals and Sweeney as one. But he recognizes that Sweeney deserves it and will have more opportunity to be a great husband, father and grandfather.

"He's an incredible man," Werst said. "He's had an unbelievable influence on my life and I wish him the best."

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