

Dear Judge Gilliam:

I am sending you a draft of a letter I drafted for you to send to Burt Pines, the appointments secretary. I am also sending you a copy of my judicial application.

If you know anybody that knows Burt Pines or Lynn ~~St~~ Schenk ~~and~~ and can help me get appointed, I'd appreciate any help you could give.

Sorry I did not come by on May 15<sup>th</sup>. I am in a murder trial downtown and thought I'd be able to stop by.

I hope all is well with you and Rebecca. Please take care and thank you for assisting me in my quest for a judicial position.

Tracey Worthington



OFFICE OF THE GOVERNOR

July 18, 2000

The Honorable Earl B. Gilliam  
Senior Judge  
United States District Court  
940 Front Street  
San Diego, California 92101

Dear Judge Gilliam:

Thank you for your correspondence supporting Tracey Worthington for a judicial appointment.

We are grateful for your views, which we value, and you may be assured that your recommendation will receive careful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Burt Pines".

Burt Pines  
Judicial Appointments  
Secretary

May 17, 2000

Burt Pines  
Judicial Appointments Secretary  
Office of the Governor  
State Capitol  
Sacramento, CA 95814

Re: Judicial Application of Tracey Lazarus Worthington

Dear Mr. Pines:

I write this letter in support of the appointment by Governor Davis of Tracey Lazarus Worthington to the Superior Court of San Diego County. I have known Mrs. Worthington since 1987 when I personally chose her to be my judicial law clerk. There were over two hundred qualified applicants who applied for the position. I chose Mrs. Worthington based on her excellent academic abilities and, more importantly, her positive demeanor and personality.

In the year Mrs. Worthington worked for me, she was very professional. She wrote excellent briefs that guided me in deciding cases. Mrs. Worthington pinpointed issues and logically reached decisions. A federal judicial clerk in my employ also conducts status conferences and schedules cases for hearing. Mrs. Worthington always treated every advocate with respect. She was very courteous and personable. I never received a single complaint about Tracey Worthington.

Mrs. Worthington always expressed her desire to litigate cases and become a trial attorney. I encouraged her to pursue this goal with the San Diego County District Attorney's Office. Once she left my employ, I followed Mrs. Worthington's professional and personal life. Professionally, she is an excellent trial attorney whose reputation as a prosecutrix and criminal defense attorney is as an adept advocate who is respected by both sides as well as the judiciary. Mrs. Worthington's personality and disposition is perfect for a judge. She is very even-tempered, respectful of everyone's position and fair.

Personally, Mrs. Worthington is a wonderful person. She is a role model to women with a family. Her sense of fairness and honesty are wonderful judicial qualities.

It is my opinion that Tracey Worthington would be a fabulous addition to the Superior Court of San Diego County. She is committed to civil service and has witnessed first-hand the role of a judge, the job of a judge and the importance of treating every litigant and attorney with respect, compassion and civility. There is no doubt in my mind that Tracey Worthington is very deserving of an appointment. Should you have any additional questions or need any additional information in the evaluation of Mrs. Worthington's application, please feel free to call me to discuss her application in depth.



STATE OF CALIFORNIA  
OFFICE OF GOVERNOR GRAY DAVIS

APPLICATION FOR  
TRIAL COURT APPOINTMENT

Date: March 16, 2000

1. Name: Tracey Lazarus Worthington aka Tracey Lazarus 10/15/63 - 10/9/93  
(List any other names you have used and the dates.)

2. Specific Judicial Position(s) Sought:

Superior Court, County of San Diego

Municipal Court, County of \_\_\_\_\_

Judicial District(s) Any

3. Business/Government Title: Tracey Lazarus Worthington

Firm/Office: Attorney at Law

Address: 911 Hacienda Dr., Ste. C

Vista San Diego CA 92083

City County State Zip

Phone: ( 760 ) 726-9726 Fax: ( 760 ) 726-6787

4. Residence Address: 1286 Veronica Court

Carlsbad San Diego CA 92009

City County State Zip

Phone: ( 760 ) 931-8411 Fax: ( 760 ) 931-6996

5. Date of Birth: October 15, 1963 Place of Birth: Cincinnati, Ohio

6. Ethnicity (Optional): Caucasian Gender:  M X F

7. Driver's License No: [REDACTED] Social Security No: [REDACTED]

8. California Bar Admission Date: June 6, 1989 Bar No: 140802

9. If you are currently serving as a judge, magistrate, commissioner, referee or administrative law judge, were you:

Appointed? \_\_\_\_\_ Date: \_\_\_\_\_

Elected? \_\_\_\_\_ Date: \_\_\_\_\_

10. Are you a registered voter?  Yes  No County: San Diego

List all current and past political party affiliations, with dates: Democratic

Party from October 1981 -- Present

11. Identify your State Senator and Assembly Member:

Senator: Bill Morrow Assembly Member: Howard J. Kaloogian

12. Educational History (inverse chronological order):

<u>Colleges/Law Schools Attended</u>	<u>From</u>	<u>To</u>	<u>Degree Received</u>	<u>Date Degree Received</u>
<u>Catholic University of America</u>	<u>8/85-5/88</u>		<u>J.D.</u>	<u>May 1988</u>
<u>Newcomb College of Tulane University</u>	<u>8/81-5/85</u>		<u>B.A.</u>	<u>May 1985</u>

13. Professional Work History (inverse chronological order):

<u>Employer</u> (include current address)	<u>Position</u>	<u>Supervisor</u> (include current phone No. and current address)	<u>From</u>	<u>To</u>
<u>Self - 911 Hacienda Dr. Ste. C, Vista, CA 92083</u>	<u>Attorney</u>		<u>08/96 - Present</u>	
<u>District Attorney's Office Hall of Justice 330 W. Broadway San Diego, CA 92101</u>	<u>Deputy District Attorney</u>	<u>Carlos Armour (760) 806-4004</u>	<u>11/89-8/96</u>	
<u>Honorable Earl B. Gilliam U.S. District Judge 940 Front Street San Diego, CA 92101</u>	<u>Judicial Law Clerk</u>	<u>Hon. Earl B Gilliam (619) 557-2690</u>	<u>10/88-10/89</u>	
		<u>U.S. District Court 940 Front St. San Diego, CA 92101</u>		

14. If you previously applied for a judicial appointment, specify the year and position sought.

I have never previously applied for a judicial appointment.

15. List your residence address for the past ten years (include approximate dates).

Feb. 1998 - Present -- 1286 Veronica Ct., Carlsbad, CA 92009  
May 1993 - Feb. 1998 -- 2816 Avenida Valera, Carlsbad, CA 92009  
Jan. 1990 - May 1993 -- 7204 Shoreline Dr., #167, San Diego, CA 92122  
June 1988 - Jan. 1990 -- 3950 Mahaila Ave., #B36, San Diego, CA 92122

16. If you are a naturalized citizen, provide the date and place of naturalization.

I was born in the United States.

17. Provide the full name, occupation and business address of your spouse, if married, and the names and birth dates of your children, if applicable.

Spouse: Scott Meade Worthington

Occupation: Teacher

Bus. Address: County of San Diego  
Office of Education  
6401 Linda Vista Road  
San Diego, CA 92111-7399

Children: Ian Lazarus Worthington -- September 15, 1999

Riley Lazarus Worthington -- August 12, 1995

Stepchildren: Thomas Scott Worthington -- September 23, 1989

Joseph Meade Worthington -- November 29, 1982

18. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served, your rank or rate, your serial number and type of discharge.

I have never served in the military.

19. Identify any languages other than English that you speak fluently.

The only language I speak fluently is English.

20. List all courts in which you are presently admitted to practice, including the date of admission in each case. Provide the same information for administrative agencies having special admission requirement.

- a. All California Superior Courts -- June 6, 1989
- b. Federal District Court, Southern District of California -- June 6, 1989

21. Describe with specificity the nature of your current practice, including any areas of emphasis and specialization certified by the State Bar of California, and the nature of your typical clients. If your practice is substantially different now from in the past, give the details of your prior practice, including the time periods involved.

My current practice is primarily a criminal defense practice. The majority of my clients are charged with felonies ranging from possession of drugs to torture to murder. The remainder of my criminal clients are charged with misdemeanors. In my criminal defense practice, I represent both adult and juvenile offenders.

The remaining areas of my current practice are civil litigation and obtaining restraining orders for domestic violence victims and other individuals.

Prior to practicing criminal defense, I was a prosecutor in the County of San Diego District Attorney's Office from November 1989 through August 1996. As a Deputy District Attorney, I was assigned to the Domestic Violence/Family Protection Unit, the Major Narcotics Units, the Juvenile Branch and the North County Branch office. I prosecuted all levels of offenses from misdemeanors to felonies. I authored the Spousal Abuse Prosecutor ("SAP") grant for a special domestic violence prosecutor.

22. With respect to your entire career:

- (a) How many years of civil litigation experience do you have?  
Civil Litigation -- I have three years of civil litigation experience.
- (b) How many years of criminal practice do you have?  
Criminal Practice -- I have almost eleven years of criminal practice experience.
- (c) State the number of cases you have tried to verdict in courts of record during your career, including whether you were sole, associate or lead counsel. How many of these cases were (1) civil, (2) criminal, (3) jury and (4) non-jury?

I have tried approximately eighty cases to verdict in my career.

- 1. None of my trials were civil.



2. Eighty of the trials were criminal.
3. Fifty-six of the trials were jury trials; and
4. Twenty-four of the trials were non-jury.

(d) Provide the citations to all reported cases in which you were counsel of record in the trial or appellate courts.

None.

23. With respect to the past five years:

(a) What percentage of your practice has been devoted to litigation?  
100%

(b) How frequently have you appeared in court (times per month on average)?  
Seventeen days per month average.

(c) How frequently have you appeared at administrative hearings (times per month on average)?  
-0-

(d) What percentage of your practice involving litigation has been:  
(1) civil, (2) criminal and (3) administrative hearings?

1. 1%
2. 99%
3. 0%

(e) What percentage of your appearances was in: (1) federal courts, (2) state courts, (3) administrative agencies and (4) arbitrations?

1. 0%
2. 100%
3. 0%
4. 0%

(f) List the cases you have tried to verdict in courts of record during the past five years including whether you were sole, associate or lead counsel. For each case, list the case name and number, court, date, type of case, party represented, name of judge presiding, and the names, current addresses and telephone numbers of counsel for the other parties and the names, current addresses and telephone numbers of co-counsel, if applicable. If there were more than five such trials, please limit your list to the last five trials.

1. People v. Parkhurst, CN 104887, San Diego Superior Court, North County Judicial District, February 2000. I was sole counsel for Ms. Parkhurst who was charged with embezzlement. The jury reached a not guilty verdict.

Presiding Judge, Honorable Harry Elias.

Opposing Counsel  
Deputy District Attorney Clay Biddle  
District Attorney's Office  
325 S. Melrose Drive  
Vista, CA 92083  
(760) 806-4004

2. People v. Paisley, M767332 DV, San Diego Superior Court, San Diego Judicial District, February 2000. I was sole counsel for Mr. Paisley who was charged with battery on a significant other. The jury reached a guilty verdict.

Presiding Judge, Honorable Frank Brown.

Opposing counsel  
Lea Fields, Deputy City Attorney  
City Attorney's Office  
1200 Third Avenue, Suite 700  
San Diego, CA 92101

3. People v. Conway, SCN 079420, San Diego Superior Court, North County Judicial District, February 1999. I was sole counsel for Mr. Conway. Mr. Conway was charged with child molestation and annoying a child. The jury reached a guilty verdict.

Presiding Judge, Honorable Richard Mills.

Opposing counsel  
Deputy District Attorney Wendy McGrivey  
District Attorney's Office  
325 S. Melrose Drive  
Vista, CA 92083  
(760) 806-4004.

4. People v. Walker, SCN 075541, San Diego Superior Court, North County Judicial District, January 1999. I was sole counsel for Mr. Walker. Mr. Walker was charged with committing a residential burglary and having a previous true finding for a residential burglary as a juvenile. The jury convicted him of the residential burglary; however, the judge did not find the "strike" to have been proven beyond a reasonable doubt.

Presiding Judge, Honorable Joan Weber.

Co-counsel  
Vince Garcia  
Department of Alternate Public Defender  
410 S. Melrose Drive  
Vista, CA 92083  
(760) 940-6450

Opposing counsel  
Deputy District Attorney Kristen Speiler  
District Attorney's Office  
325 South Melrose Drive  
Vista, CA 92083  
(760) 806-4004

5. People v. Eastman, SCD 132597, San Diego Superior Court, San Diego Judicial District, November - December 1998. I was sole counsel for Mr. Eastman. Mr. Eastman was charged with committing a murder, conspiracy to commit robbery and robbery. He also was alleged to have two prior robberies and three prison priors. Mr. Eastman was convicted by the jury of all counts and Judge Kennedy found all the allegations proven beyond a reasonable doubt.

Presiding Judge, Honorable William Kennedy.

Co-counsel Vicki Banks  
3636 Fourth Avenue, Ste. 300  
San Diego, CA 92103  
(619) 260-2636

Opposing Counsel  
Deputy District Attorney Kimberly Lagotta  
District Attorney's Office  
P.O. Box 121011  
San Diego, CA 92112-1011  
(619) 531-4040

24. List 10 significant litigated cases in which you have appeared as counsel (which may include one or more of the cases listed in your response to the preceding question) and provide the name of the case; the case number; a brief description of the case; the names, current addresses and telephone numbers of counsel for the other parties; the name of the court and the judge or arbitrator before whom the case was litigated; the dates involved; the disposition; whether the case was tried, and, if so, before a judge, jury or arbitrator; whether you were sole, lead or

associate counsel; and the names, current addresses and telephone numbers of co-counsel, if applicable.

a. People v. Eastman, SCD 132597

This was originally a four defendant case in which it was alleged the four defendants conspired to rob a drug dealer and in the course of the robbery the dealer was murdered. The case had interesting issues regarding conspirator liability, when a person joins a conspiracy, and corroboration of aider and abettor testimony. Two of the defendants pled guilty to a robbery charge in exchange for testifying against the remaining defendants.

The jury trial was presided over by the Honorable William Kennedy of the San Diego Superior Court, San Diego Judicial District in November-December 1998. Mr. Eastman was found guilty on all counts and allegations.

I was sole counsel for Mr. Eastman.

Co-counsel  
Vicki Banks  
3636 Fourth Avenue, Suite 300  
San Diego CA 92103  
(619) 260-2636

Pennie McLaughlin  
Office of the Public Defender  
233 "A" Street, Suite 400  
San Diego, CA 92101  
(619) 338-4720

Albert Bradley  
Office of the Alternate Public Defender  
110 W. C Street, Suite 1200  
San Diego, CA 92101  
(619) 236-2523

Opposing counsel  
Deputy District Attorney Kimberly Lagotta  
District Attorney's Office  
Hall of Justice  
300 W. Broadway  
San Diego, CA 92101  
(619) 531-4000

b. People v. O'Connor and LaBerge, SCN 015705

This was a multiple defendant murder case with special circumstances in which the defendants killed the mother of O'Connor's baby. Defendant O'Connor pled guilty to first degree murder with a personal use of a firearm allegation. Defendant LaBerge had a jury trial. The jury hung on murder.

The jury trial was presided over by the Honorable Harry Elias, San Diego Superior Court, North County Judicial District, in July 1995.

I was the Deputy District Attorney prosecuting the case.

Opposing Counsel  
Herbert J. Weston  
203 W. Vista Way  
Vista, CA 92083  
(760) 945-5535

Larry Beyersdorf  
Office of the Public Defender  
233 "A" Street, Suite 400  
San Diego, CA 92101  
(619) 338-4700

c. People v. Walker, SCN 0075541

This was a two defendant residential burglary case. It was significant because both co-defendants had prior true findings in juvenile court for residential burglary. However, the packet the District Attorney's Office had to use to prove each prior contained different information. The issue was what type of evidence is admissible to prove a juvenile true finding is a "strike" for enhancement purposes.

There was a jury trial on the underlying charge and a court trial on the issue of whether the prior was a "strike." The jury found Mr. Walker guilty; however Judge Weber did not find the prior to be a strike beyond a reasonable doubt.

The trial was presided over by the Honorable Joan Weber of the San Diego Superior Court, North County Judicial District, in January 1999.

I was sole counsel for Mr. Walker.

Co-counsel  
Vincent Garcia  
Office of the Alternate Public Defender  
410 S. Melrose Dr.  
Vista, CA 92083  
(760) 940-6450

Opposing counsel  
Deputy District Attorney Kristen Speiler  
District Attorney's Office  
325 S. Melrose Dr.  
Vista, CA 92083  
(760) 806-4004

d. People v. Sevacos, SCN 056947

People v. Sevacos was a three-strikes case in which my client was charged with two counts of failing to register as a sex offender and one count of unlawful

sexual intercourse with a minor. Mr. Sevacos' two prior strikes were from Rhode Island. The case had unique witness issues and legal issues regarding the use of out-of-state priors and the definition of "residence" for purposes of the registration statute. The jury acquitted Mr. Sevacos of the registration counts, but found him guilty of the unlawful sexual intercourse with a minor charge.

I was sole counsel for Mr. Sevacos.

The case was litigated in San Diego Superior Court, North County Judicial District before the Honorable David Ryan in May 1997.

Opposing counsel  
Deputy district Attorney Laura Rogers  
District Attorney's Office  
Hall of Justice  
300 W. Broadway  
San Diego, CA 92101  
(619) 531-4040

e. People v. Humphries, SCD 119968

This case was a thirteen count pandering and unlawful sexual intercourse with a minor case involving three separate minor victims. In the jury trial, the prosecution gave all three minor victims immunity to testify against my client. Mr. Humphries was convicted of eleven of the thirteen counts.

I was sole counsel for Mr. Humphries.

The jury truly was litigated before the Honorable David Gill of the San Diego Superior Court, San Diego Judicial District in November 1996.

Opposing counsel  
Deputy District Attorney Garrett Randall  
District Attorney's Office  
Hall of Justice  
300 W. Broadway  
San Diego, CA 92101  
(619) 531--4044

f. People v. Holmes, SCN 004242

This case was an attempt arson and child endangerment case in which the defendant attempted to burn his home down while his wife and children were inside. The defendant's wife attempted to claim the marital privilege and desired immunity before she would testify. The jury convicted Mr. Holmes on all counts without the testimony of his wife.

The jury trial was presided over by the Honorable Lisa Guy-Schall of the San Diego Superior Court, North County Judicial District in August 1994.

I was the Deputy District Attorney prosecuting Mr. Holmes.

Opposing counsel  
Herbert Weston  
203 W. Vista Way  
Vista, CA 92083  
(760) 945-5535

g. People v. Prosser, SCN 011141

People v. Prosser was a domestic violence premeditated attempt murder case with a not guilty by reason of insanity plea. There were seven psychiatrists and psychologists who testified at the court trial. The verdict was guilty of the attempt murder but the court found the defendant insane at the time of the commission of the offense.

The court trial was presided over by the Honorable Morgan Lester at the San Diego Superior Court, North County Judicial District in April-May 1995.

I was the Deputy District Attorney prosecuting Mr. Prosser.

Opposing counsel  
William Saunders  
Office of the Public Defender  
400 S. Melrose Dr., Ste. 200  
Vista, CA 92083  
(760) 945-400

h. People v. Laurentius, CN055957

In People v. Laurentius, my client's home was searched pursuant to a search warrant. The police found approximately thirty-eight grams of methamphetamine in a car at his home. I made a motion to quash and traverse the search warrant on the grounds that the police officer affiant misled the magistrate in the affidavit and that the car was not listed in the warrant. The motion to suppress was granted.

I was sole counsel for Mr. Laurentius.

The case was litigated before the Honorable Harry Elias, San Diego Superior Court, North County Judicial District in July 1998.

Opposing counsel  
Deputy District Attorney Kathryn Flaherty  
District Attorney's Office  
Hall of Justice  
300 W. Broadway  
San Diego, CA 92101  
(619) 531-4040

i. In re Damion M., JDA 79664/Petition #166245

This was a homicide case involving a fifteen-year old who was charged with a robbery and brutal murder of a gun shop owner. The minor and another individual hit the victim over the head numerous times as they robbed him of guns. Since he was a minor, this was a bench trial before the Honorable Runston Maino of the San

Diego Superior Court, North County Judicial District in September 1993. Judge Maino made a true finding on the murder and robbery charges.

I was the Deputy District Attorney prosecuting the minor.

The opposing counsel were:

Gary Gibson and Richard Gates

Office of the Public Defender

233 "A" Street

San Diego, CA 92101-4007

(619) 338-4700

j. In Re Lawrence S., JDA 77825/Petition # 00163281

This was a possession for sale of marijuana case involving a seventeen-year old child. The case was significant because it was the first case in San Diego County to involve law enforcement's use of intercepting wireless/cordless telephone conversations.

The legal issues involved the distinction between cordless v. cellular telephones and the different rights of privacy involved in each. The minor admitted the truth of the charge before the Honorable Bonnie Dumanis, San Diego Superior Court, Juvenile Division, in July 1992. Judge Dumanis is currently on the San Diego Superior Court, San Diego Judicial District.

I was the Deputy District Attorney prosecuting the minor.

Opposing counsel was Judy Conrad. She has left San Diego County, and I have no forwarding address.

25. Summarize your experience in court prior to the last five years. If during any prior period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same information which was requested in Question 23.

Prior to the last five years, I was constantly in court. During that time, I was a Deputy District Attorney in San Diego County. My assignments included prosecuting domestic violence cases, major narcotics cases and juvenile cases. From 1990 - 1995, the following would be true.

(a) What percentage of your practice has been devoted to litigation?  
100%

(b) How frequently have you appeared in court?  
Daily

(c) Admin. Hearings

-0-



(d)

- (1) Civil  
0%
- (2) Criminal  
100%
- (3) Administrative hearings  
0%

(e)

- (1) Federal Courts  
0%
- (2) State Courts  
100%
- (3) Administrative agencies  
0%
- (4) Arbitrations  
0%

(f) (1) People v. O'Connor and LaBerge, SCN 015705

This was a multiple defendant murder case with special circumstances in which the defendants killed the mother of O'Connor's baby. Defendant O'Connor pled guilty to first degree murder with a personal use of a firearm allegation. Defendant LaBerge had a jury trial. The jury hung on murder.

The jury trial was presided over by the Honorable Harry Elias, San Diego Superior Court, North County Judicial District, in July 1995.

I was the Deputy District Attorney prosecuting the case.

Opposing Counsel  
Herbert J. Weston  
203 W. Vista Way  
Vista, CA 92083  
(760) 945-5535

Larry Beyersdorf  
Office of the Public Defender  
233 "A" Street, Suite 400  
San Diego, CA 92101  
(619) 338-4700

(2) People v. Prosser, SCN 011141

People v. Prosser was a domestic violence premeditated attempt murder case with a not guilty by reason of insanity plea. There were seven psychiatrists and psychologists who testified at the court trial. The verdict was guilty of the attempt murder but the court found the defendant insane at the time of the

commission of the offense.

The court trial was presided over by the Honorable Morgan Lester at the San Diego Superior Court, North County Judicial District in April-May 1995.

I was the Deputy District Attorney prosecuting Mr. Prosser.

Opposing counsel  
William Saunders  
Office of the Public Defender  
400 S. Melrose Dr., Ste. 200  
Vista, CA 92083  
(760) 945-400

(3) People v. Fields, SCN 003926

This was an attempt murder and assault with a deadly weapon.

There were two victims; one was the defendant's "girl friend" and the other was the "girl friend's" date. The case involved many domestic violence issues because the victim testified untruthfully. I was the Deputy District Attorney prosecuting Mr. Fields.

The case was tried before the Honorable Lisa Guy-Schall, San Diego Superior Court, North County Judicial District in June 1994.

The opposing counsel was Mr. Robert Scott. He is deceased.

(4) People v. Holmes, SCN 004242

This case was an attempt arson and child endangerment case in which the defendant attempted to burn his home down while his wife and children were inside. The defendant's wife attempted to claim the marital privilege and desired immunity before she would testify. The jury convicted Mr. Holmes on all counts without the testimony of his wife.

The jury trial was presided over by the Honorable Lisa Guy-Schall of the San Diego Superior Court, North County Judicial District in August 1994.

I was the Deputy District Attorney prosecuting Mr. Holmes.

Opposing counsel  
Herbert Weston  
203 W. Vista Way  
Vista, CA 92083  
(760) 945-5535

(5) In re Damion M., JDA 79664/Petition #166245

This was a homicide case involving a fifteen-year old who was involved in a robbery and brutal murder of a gun shop owner. The minor and another individual hit the victim over the head numerous times as they robbed him of guns. Since he

was a minor, this was a bench trial before the Honorable Runston Maino of the San Diego Superior Court, North County Judicial District in September 1993. Judge Maino made a true finding on the murder and robbery charges.

I was the Deputy District Attorney prosecuting the minor.

The opposing counsel were:

Gary Gibson and Richard Gates

Office of the Public Defender

233 "A" Street

San Diego, CA 92101-4007

(619) 338-4700

26. If you are currently serving as a judicial officer, commissioner, or administrative law judge, provide the following information:

I am not currently a judicial officer, commissioner or administrative law judge.

- (a) Describe briefly your judicial duties.
- (b) List 10 significant cases in which you presided as the judicial officer and provide the following information: name of case, court or administrative agency, case number, brief description of the case, dates involved, and the names, current addresses and telephone numbers of counsel for the parties. Furnish a copy of any opinions, orders or decisions in those cases which included substantial discussion of legal issues.
27. Describe the nature and extent of your service, if any, as a judge pro tem, as an arbitrator, or as a mediator, either privately or through a judicial arbitration program. Describe the more significant cases and identify the counsel involved (including names, current addresses and phone numbers) and dates of your service.

I have never served as a judge pro tem, an arbitrator or a mediator.

28. If you lack significant trial experience, describe the experiences or special skill you possess which you believe qualify you for a judicial position.

I do not lack sufficient trial experience. In fact, my trial background is extensive both as a prosecutor and a defense attorney. Litigating cases from both perspectives uniquely qualifies me to relate to all parties that would appear before me as a judicial officer.

29. Have you ever taught at a law school? If so, which school? When? What was the nature of your appointment? Which course(s) did you teach?

I have never taught at a law school, but I have been a guest lecturer at both San Diego State at San Marcos and Palomar College in the area of domestic violence prosecution and defense.

30. Have you ever been engaged in any occupation, business or profession other than the practice of law? If so, provide the details, including dates.

I have never engaged in any occupation, business or profession other than the practice of law.

31. (a) If you are now an officer, director or otherwise engaged in the management of any business enterprise (whether for-profit or non-profit), identify the name of such enterprise, the nature of the business, the title of your position, the nature of your duties, the term of your service and whether you intend to resign such position immediately upon your appointment to judicial office. If you do not intend to resign, please provide the reasons.

I am not an officer, director or in a management position of any business enterprise.

- (b) During the past five years, have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization or association of any kind? If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, the dates such compensation was paid, and the nature of any services rendered by you.

I have not received any fees or compensation from any business enterprise, institution, or organization.

32. (a) If you do not currently hold judicial office, have you ever held judicial office or been a candidate for judicial office? If so, identify the courts involved, whether elected or appointed, and the dates of service and dates of candidacy.

I have never held a judicial office or been a candidate for judicial office.

- (b) If you have had prior quasi-judicial service, provide the name of the agency, the position held, type of matters heard, the number of matters adjudicated, and the dates of service.

I have not had prior quasi-judicial service.

33. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, provide the details, including the offices involved, whether elected or appointed, and the dates of your service.

I have never held public office or been a candidate.

34. Have you written, edited or published any legal books, articles, letters to editor or reports? If so, please list them, giving full citations, dates, and a general description of the subject matter. Please attach a copy of any letters to editor or op-ed articles you have authored.

I co-authored a note entitled, "Don't Make Them Leave Their Rights at the Door," Journal of Contemporary Health Law and Policy, May 1988. The note was a fifty state search of patients' rights in nursing homes.

35. List any honors, prizes, awards, scholarships, fellowships or other forms of recognition you have received.

In March of 1993, I received an outstanding achievement award from the San Diego County District Attorney's Office for contributions in the field of narcotics law enforcement. In April 1995, I received a commendation from the City of Oceanside, California, for excellence in domestic violence prosecutions.

36. (a) List all bar associations and legal professional societies in which you are or have been a member and give the titles and dates of any offices you have held and committees on which you served.

North County Bar Associations;  
San Diego County Bar Association;  
National Association of Criminal Defense Lawyers; and  
California District Attorneys Association.

- (b) List all organizations and clubs, other than the bar associations and professional societies identified in response to Item 36(a), in which you have been a member during the past 15 years, including the titles and dates of any offices you have held and committees on which you served.

Doris Tate Crime Victims Bureau;  
San Diego County Domestic Violence Council;

North County Domestic Violence Task Force;  
Boy Scouts of America - Eagle Scout Review Committee;  
YMCA;  
Sierra Club;  
San Diego Tennis and Racquet Club;  
La Costa Resort and Spa; and  
San Diego Playgoers

(c) Are you a member of any club, organization or association that the policy or practice prohibits or limits its membership on the basis of race, color, religion, sexual orientation, gender, disability or national origin? Have you ever been? If so, identify the organization and provide details.

No.

37. Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.

I provided free legal advice to the non-profit organization CHOICES in Recovery. It is a certified and court recognized drug/alcohol residential and outpatient treatment program. I advise them on court procedures and privacy issues.

The address is:  
CHOICES in Recovery  
733 S. Santa Fe  
Vista, CA 92083  
(760) 945-5290

I also represent indigent individuals charged with felonies ranging from burglary to murder. The County of San Diego Bar Association has a section called the Private Conflicts Counsel that administers indigent defense work by local private criminal defense attorneys. The agency can be contacted through:

Patricia Robinson  
Private Conflicts Counsel  
1333 Seventh Avenue  
San Diego, CA 92101  
(619) 702-6199

38. Describe the nature and extent of your involvement in community affairs other than those associated with the legal profession.

I assist at the Domestic Violence Week Fair at El Camino Real Mall by working at a booth and providing information on domestic violence. I also have spoken at local schools on domestic violence related issues. However, as a parent of four children, ages 6 months, 4, 10 and 17 years old, my community involvement mainly consists of attending different sporting events, being a team "Mom," speaking at "Career Day," being a classroom parent, and driving to different school-related activities.

39. Have you ever been summoned, cited, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty or no contest to, the violation of any felony or misdemeanor (excluding traffic infractions), or have you ever been requested to appear before any prosecuting attorney or investigative agency in any matter, military or civil? If so, provide the details, including the date, description of the alleged offense, locality and disposition.

No.

40. Have you ever held or applied for a commission, certificate, credential or license which required proof of good character, other than admission to practice law? If so, provide the date of application, issuing authority, disposition of the application, and, if granted, your number and present status.

No.

41. (a) Have you ever held a bonded position? If so, specify the nature of the position, date(s) and amount of bond. (b) Has anyone ever sought to recover upon your bond or to cancel same? (c) Have you been refused bond? Provide the details if you answered yes to either (b) or (c).

No.

42. As an attorney or judicial officer, have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee or other professional group? If so, provide the particulars, including the applicable dates and disposition. (Identify every complaint even if it was dismissed or did not result in disciplinary action.)

No.

43. As a member of any organization, or as a holder of any office or license (including a driver's license), have you ever been suspended, or otherwise disqualified, or had such license suspended or revoked? Have you ever been reprimanded, censured or otherwise disciplined? Have any charges, formal or informal, ever been made or filed against you? If so, state the complete facts, dates, disposition and organization in possession of the records thereof.

No.

44. Have you ever been sued by a client? If so, provide the particulars, including the case name and number, court, resolution, and name, current address and telephone number of counsel for the plaintiff.

No.

45. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, provide the particulars, including the amounts involved and name, current address and telephone number of the claimant and claimant's counsel.

No.

46. Have you ever been a party to or claimed an interest in any civil proceedings (including dissolution of marriage, bankruptcy, damage suites, etc.)? If so, provide the particulars, including the case name and number, court, disposition, and names, current addresses and telephone numbers of counsel for the parties in each case.

No.

47. Have you ever been a party or otherwise involved in any other legal proceedings? If so, provide the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, named as a co-conspirator or correspondent, and any grand jury investigation in which you were identified as a subject, or in which you appeared as a witness. Provide the names, current addresses and telephone numbers of counsel for the parties in each case.

I was a plaintiff in a small claims action in 1994 in which I sued a tenant in a rental condominium I owned for past rent.



48. Are there any unsatisfied judgments against you, or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court (including any orders for child and spousal support)? If so, state the full details.

No.

49. Have you ever been sanctioned in excess of \$1000 by any court, or have you ever been cited for contempt of any court or tribunal having the power of contempt? If so, give the details, including dates and names, current addresses and telephone numbers of the judges involved and counsel for the adverse parties.

No.

50. Have you ever been charged in any civil, criminal or administrative action with conduct alleged to involve moral turpitude, dishonesty and/or unethical conduct? If so, provide the particulars, including the applicable dates and names, current addresses and telephone numbers of the counsel for the adverse parties.

No.

51. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, provide the particulars, including the amount at issue, date and status of the claim or other collection procedure.

Yes. In October 1997, the Employment Development Department issued a tax lien against my home for approximately \$880.00. The money was owed for a household employee for the tax year 1996. The tax was paid; however, I sent the payment to the wrong governmental agency. The day after the lien was placed against my home, I sent the payment to the Employment Development Department and the lien was lifted thereafter.

52. Have you filed appropriate tax returns as required by federal, state, local and other government agencies? If not, provide an explanation, including the amount at issue, date and resolution.

Yes, except for the Employment Development Department tax referred to in question number fifty-one.

53. (a) Are you able, with or without reasonable accommodation, to perform the requirements of a trial court judge? These requirements include, among other things:

Attentively receiving, analyzing and concentrating on information for a total of eight or more hours within a work date of reasonable duration;

Perceiving a courtroom clearly, reviewing all types of evidence, including exhibits;

Reviewing and processing substantial volumes of information, originally presented in written form (e.g., legal briefs, cases, jury instructions, transcripts);

Comprehending attorneys and others;

Absorbing, analyzing the weighing complex issues quickly and accurately; and,

Responding to situations with discretion, judgment and restraint while under pressure.

Yes to all requirements.

- (b) Have you ever illegally used drugs? If so, when was the last time you did so? Are you currently engaged in the illegal use of drugs? Please feel free to explain.

No.

- (c) At any time in the last ten years have you been diagnosed as having, or have you received treatment for, pathological or compulsive gambling? If so, provide information to show whether and how well the condition is currently controlled.

No.

- (d) Is there any reason that, with or without reasonable accommodation, you could not exercise the discretion, judgment, and emotional and mental discipline required of a judge?

No.

54. If any articles or allegations have ever been printed or broadcast or otherwise made public concerning you or your activities, views or statements (irrespective of factual accuracy) which may reflect adversely on your character or job performance,

identify the material, explain fully, and attach a copy of each publication to this application. (If the volume is extensive, attach representative samples of the publications and specify where the balance may be reviewed.)

Not applicable.

55. Are you aware of any individual(s) or group(s) who may oppose your appointment? If so, identify the potential opponents and provide any needed explanation.

No. Based on both my past prosecutorial experience and current defense practice, I have broad based support for my judicial appointment.

56. Describe any aspects of your personal, business or professional conduct or background which may reflect positively and/or adversely on you or the Governor or which you believe should be disclosed to the Governor in connection with your application for appointment to judicial office.

As a long-standing advocate for domestic violence victims, I am frequently invited to address numerous law enforcement groups, women's groups, local bar associations and educators on the cycle of violence and its impact on victims, prosecutors and defenders within this specialized area. I authored the original domestic violence grant for the San Diego County District Attorney's Office. My history of interest and expertise in this area of the law demonstrates a commitment to this concern unrelated to fashion or whim.

57. What role can an attorney or judge play in making our society a better place? Relate any personal or professional efforts you may have made in this regard.

Attorneys and judges can make our society a better place by being good role models to the community. Although judges should not be activists while serving in their judicial role, they have a duty to help promote and educate citizens. Members of the legal profession should be involved in their community by working within the community. The activities can range from coaching their children or helping at the child's school to mentoring more disadvantaged individuals. If citizens see attorneys and judges contributing their time and energy, their model will spark and motivate others to contribute as well. Attorneys and judges owe it to their community to become actively involved.

As an attorney, I have volunteered my time to be the classroom "Mom" for one of my children. Additionally, I have spoken at "Career Day" at numerous high schools. When I was a Deputy District Attorney, I lectured at high schools and colleges on the issue of domestic violence. I also served Thanksgiving Dinner in 1991 and 1992 at St. Vincent De Paul's church.

58. Why do you want to be a judge?

I want to be a judge to sustain the trend of gender diversity, coupled with the highest qualifications and broadest professional standards. I am an experienced trial attorney who has both prosecuted and defended those accused of a crime. I am hardworking, evenly tempered and intelligent. My professional background, coupled with my high ethical standards would bring to the public a renewed faith, confidence and respect for our judiciary.

Why do you believe you are qualified?

During my many years as a trial lawyer, I have advocated from both sides of the counsel table and believe I have an understanding of the needs and wants of all parties, providing a thoughtful and balanced approach to the courtroom. Because of this balance and understanding, I would not have to learn the concerns of the "other side," thereby assuring an efficient and fair administration of law during courtroom proceedings. Finally, my role as a federal judicial clerk gives me keen insight and awareness into the concerns of the court in keeping cases moving through the system quickly and without error, while at the same time treating every litigant with respect and humanity.

In addition to my legal knowledge, my best attributes are my sense of fairness and my ability to realize how my actions affect everyone involved. These traits would form the foundation for an even-tempered and even application of the law.

What would you seek to accomplish if appointed?

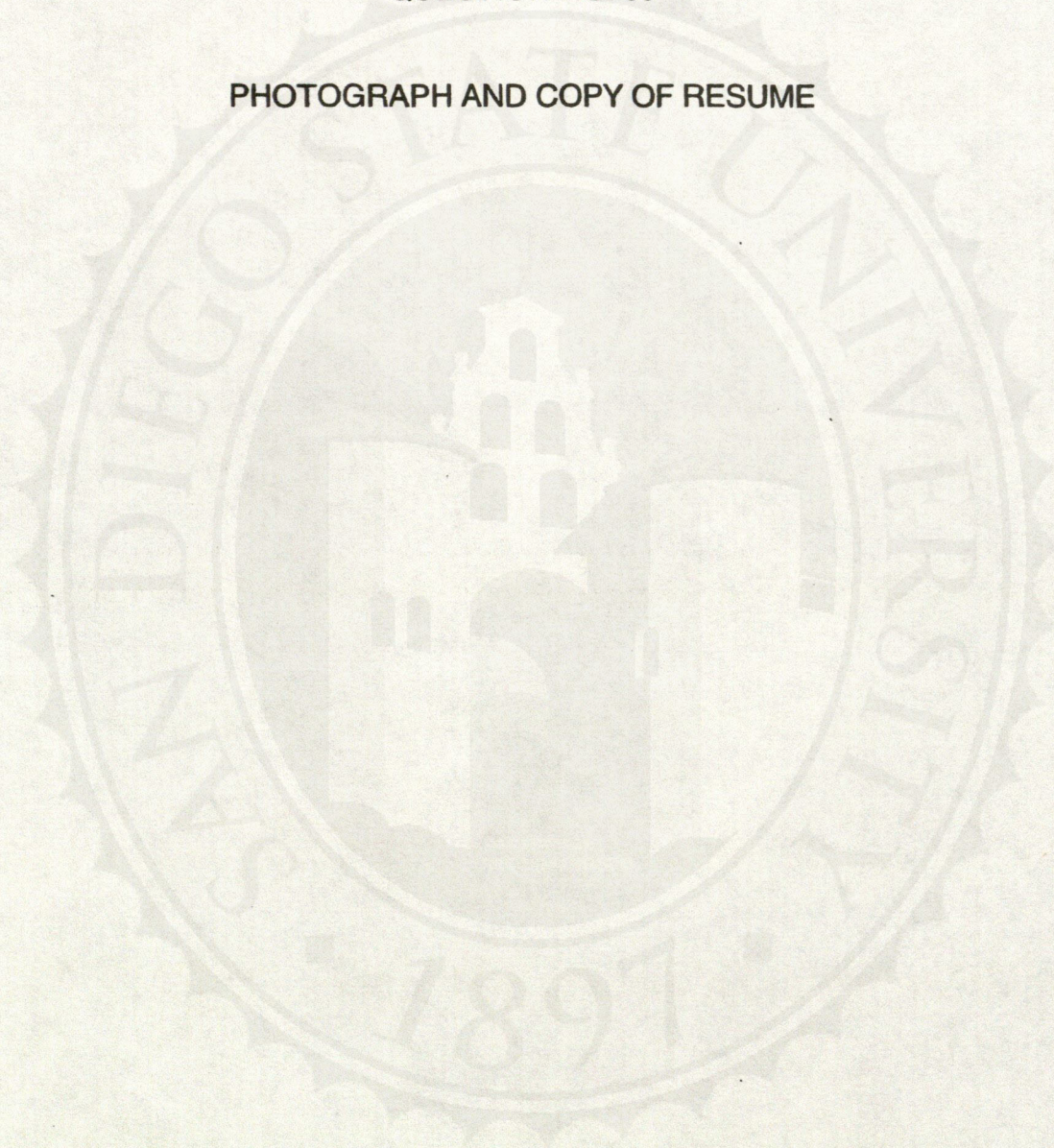
I would try to make the judiciary more responsive to the public. There is a feeling amongst the community that the judiciary is not in touch with society and not responsive to individual needs. The community is losing respect for the judicial process. Additionally, the public believes those with financial means are treated better and receive different justice than those who are indigent. In order for this erroneous perception and trend to be reversed, I would speak directly to community leaders, schools and agencies to educate the public on the role of judges and seek to restore the public's confidence in the judiciary and process as a whole. I would also attempt to hold each litigant and/or defendant who appeared in my courtroom to the same standard regardless of their financial status or the status of their counsel.

Lastly, I would be a role model to women who have children. I would try to set an example that women can have positions of responsibility, while still devoting time to raising a family.

59. Please attach your photograph (optional) and a copy of your resume.
60. Attach a sample or samples of your legal writing (such as a portion or all of an appellate brief, memorandum of points and authorities, opinion letter, etc.). The sample(s) should not exceed a total of 25 pages.
61. Please list five references (name, current address and telephone number).
1. Honorable Earl B. Gilliam  
U.S. District Judge, Southern District of California  
District Court  
940 Front Street  
San Diego, CA 92101  
(619) 557-2690
  2. Gregory A. Vega  
United States Attorney, Southern District of California  
Office of the United States Attorney, Southern District of California  
880 Front Street, Suite 6293  
San Diego, CA 92101  
(619) 557-5610
  3. Honorable K. Michael Kirkman  
San Diego Superior Court  
325 South Melrose Drive  
Vista, CA 92083  
(760) 940-4584
  4. Maggie Elvey  
Director of Education & Research  
Crime Victims United of California  
The Senator  
1121 L Street, Suite 406  
Sacramento, CA 95814  
(916) 448-3291
  5. Honorable Runston G. Maino  
San Diego Superior Court  
325 South Melrose Drive  
Vista, CA 92083  
(760) 806-6307

QUESTION NO. 59

PHOTOGRAPH AND COPY OF RESUME



# TRACEY LAZARUS WORTHINGTON

911 Hacienda Drive, Suite C  
Vista, CA 92083  
(760) 726-9726

Member, California Bar; admitted June, 1989. State Bar No. 140802.



## LEGAL EXPERIENCE

**LAW OFFICE OF TRACEY L. WORTHINGTON**, August 1996 to present.

Practice with heavy emphasis on criminal defense litigation and minor civil litigation. Criminal defense of both felony and misdemeanor cases, ranging from murder to driving under the influence. Clients are both retained and indigent. Civil litigation is in the area of restraining orders.

**COUNTY OF SAN DIEGO DISTRICT ATTORNEY'S OFFICE**, November 1989-August 1996.

Deputy District Attorney assigned to the North County Division, Major Narcotics Unit, Juvenile Division and Family Protection Division. Prosecuted all levels of cases from murder to petty theft. Authored the Spousal Abuse Prosecutor Grant.

**LAW CLERK TO HONORABLE EARL B. GILLIAM, FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA**, October 1988-October 1989.

Research and wrote legal memoranda for federal district court judge. Conducted settlement and pre-trial conferences with attorneys on civil cases assigned to our courtroom. Drafted the opinion in Daubert v. Merrill Dow.

**SIERRA CLUB LEGAL DEFENSE FUND**, December 1987-May 1988.

Intern to environmental legal defense fund. Drafted portions of Supreme Court brief on the subsistence rights of Alaskan Indians. Met and counseled client in North Carolina on lawsuit regarding endangered birds on federal land. Researched and tracked Superfund compliance of certain companies.

## EDUCATION

**CATHOLIC UNIVERSITY OF AMERICA**, Washington, D.C. Juris Doctor, May 1988.

**NEWCOMB COLLEGE OF TULANE UNIVERSITY**, New Orleans, LA.

B.A. in History and Political Science. Graduated May 1985.

## PUBLISHED WRITINGS

"Don't Make Them Leave Their Rights at the Door," Journal of Contemporary Health Law and Policy, May 1988.