

# Judicial candidates clash on campaign ethics claims

By RYAN MINNERLY, Staff Writer | Posted: Sunday, May 15, 2016 9:00 am

MOSES LAKE — The judicial race for the Grant County Superior Court bench seat currently occupied by Judge David Estudillo is heating up, as candidates clashed this week on an issue involving claims of misleading statements and an opinion issued by the Judicial Ethics Advisory Committee.

Estudillo was appointed to replace Judge Evan Sperline last August and is the incumbent for the position. In accordance with state law, Estudillo's appointment is good for the remainder of Sperline's term, which was about one year. Estudillo is now running to retain the bench seat and is being challenged by attorney and judicial candidate Nick Wallace.

Early this week, Estudillo's campaign released a statement accusing Wallace's campaign of making false and misleading statements in campaign materials. In the statement, Estudillo accuses Wallace of stating in campaign publications "that he is running to 'replace retired Judge Evan Sperline,'" when Estudillo is, in fact, the incumbent.

Additionally, Washington state's Judicial Ethics Advisory Committee, which interprets the Code of Judicial Conduct (CJC), issued an opinion April 29 that the Estudillo campaign called "strongly worded." Estudillo's campaign said statements "such as those made by local judicial candidate Nick Wallace are false, misleading, lack integrity, and amount to a violation of the Code of Judicial Conduct."

The opinion does not name Wallace, Estudillo or Sperline at any point. Estudillo's release acknowledges that Wallace is not named in the opinion, but states that "the conduct described in the opinion appears to describe campaign statements made by Wallace over the past several months."

The Ethics Committee's opinion aims to answer the question of whether a judicial candidate may indicate to potential voters that he is running to replace the retired judge without acknowledging that there is an appointed incumbent judge already in the position. The opinion states that such statements are "materially misleading as to the status of the judicial office," and therefore violate the Code of Judicial Conduct.

"Representations from a judicial candidate, or their campaign, that create an impression that a judicial seat is vacant after an appointment, or that the candidate is running to replace the judge who created the vacancy, would violate (the CJC)," the opinion states.



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In response to the statement from Estudillo's campaign, Jeremy Huberdeau, chairman of Wallace's campaign, issued a statement Thursday claiming that the release from Estudillo's campaign was drafted to "purposely mislead" Grant County voters "in an effort to smear Mr. Wallace."

Huberdeau said, via the release, that the title of the Estudillo's release — "Judicial Ethics Committee Finds Wallace Statements False and Misleading" — is "a blatant misstatement of fact."

"It is a falsehood. No such finding has been made," Huberdeau's statement said, citing that neither Wallace nor his campaign were mentioned in the Ethics Committee's opinion.

In email correspondence with the Columbia Basin Herald, Estudillo said opinions issued by the Ethics Advisory Committee regarding interpretations of the CJC are never intended to name a specific judge or candidate. He said the opinion specifically addresses that kind of statements without naming names.

Estudillo included documentation to accompany his campaign's release this week, which included posts made on the "Nick Wallace for Judge" Facebook page in which the campaign indicates Wallace is the most qualified candidate "to replace Sperline." A March 21 post on the page, for example, tabs Wallace's campaign as one "to replace Judge Sperline on the Grant County Superior Court."

In correspondence with the Herald, Huberdeau said that Wallace and his campaign do not deny that statements were made referencing replacing the retired Judge Sperline. Prior to the Ethics opinion, Huberdeau said, there was not clear guidance on this matter and if there had been, it would have been followed. Huberdeau also said it is the intention of Wallace's campaign to heed the Ethics opinion moving forward in the campaign.

"We are not trying to hide the fact that some of our campaign material referenced a Judge Sperline replacement," Huberdeau said via email correspondence with the Herald. "At the time, there wasn't any indication that this was perhaps an error or misleading to the public in any way. In fact, it didn't even cross my mind personally that it was potentially an issue of debate. Now that we have the Ethics Opinion, both sides have clear guidance on the issue."

Estudillo also said his intention was never to "smear" Wallace and his campaign for the Superior Court bench seat. His reason for bringing the matter to light, he said, was to point out that Wallace's previous campaign statements were "misleading to the voters, and voters deserve to have all the facts." He also said he had brought the issue up with the Wallace campaign previously, but no changes were made.

"I wish to run an honest campaign, based purely on my own record and credentials, and would hope that Mr. Wallace would do the same," Estudillo said via email.

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