

Supreme Court candidate talks candidacy, McCleary

By RICHARD BYRD, Staff Writer | Posted: Wednesday, July 13, 2016 4:00 pm

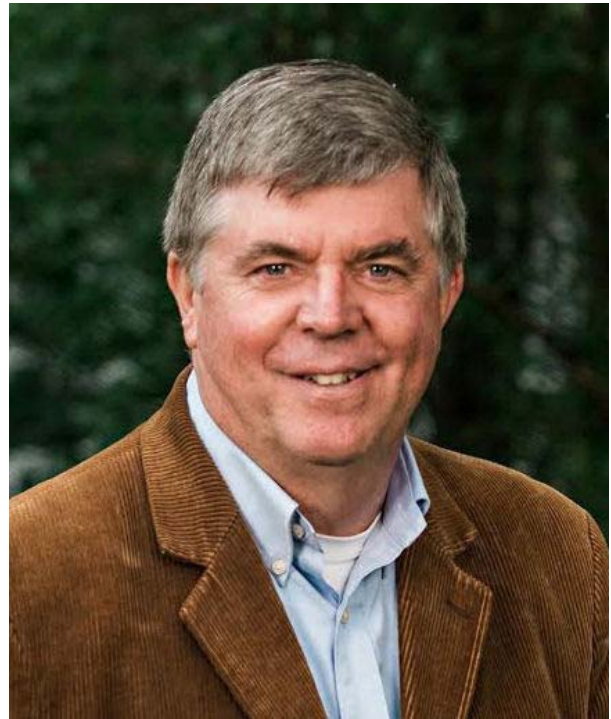
MOSES LAKE — This year's Washington Supreme Court races could come down to the court's funding of education decision in the McCleary ruling. Retired Gonzaga law professor David DeWolf isn't holding back when it comes to stating his belief that the court's decision in McCleary was an inappropriate use of its authority.

A California native, DeWolf, who made a campaign stop in Moses Lake on Monday, grew up in cities all over the Golden State, eventually graduating from high school in the San Francisco Bay area and completing his undergraduate studies at Stanford University. He would go on to receive a teaching credential at the University of California-Santa Barbara and later attended and graduated from Yale Law School in 1979. After law school DeWolf clerked for an Idaho Supreme Court judge for about a year, which he explained is a typical practice for grads fresh out of law school.

"Then I joined a firm, Lukins and Annis, in Spokane and was there for four years," he recalls. "Then I started teaching in Oklahoma and was there for three years at Oklahoma City University. I then spent a year at a private practice in California, then I got an offer to teach at Gonzaga, so I moved there in 1988 and was there up until my retirement this past May."

DeWolf's retirement stemmed, in part, from the shrinking law school enrollment nationally, which in turn prompted Gonzaga to trim its personnel budget. With DeWolf in a position where he could afford to retire, and the opportunity to run for the state Supreme Court presenting itself, he decided to step away from Gonzaga in May. Because most of law school consists of reading opinions by supreme courts and appellate courts, one of the major factors that convinced DeWolf to run was the opportunity to be responsible for the care and maintenance of the legal system.

"The other reason that propelled me at this particular moment was that the Washington Supreme Court has come to a place that is really rather concerning for people that value the constitutional



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system that we have,” he explained. “Where in the McCleary case we have in an unprecedented way, this Supreme Court has assumed for itself powers that really belong to the legislature and the governor to work out the public policy for education.”

The Supreme Court’s McCleary decision, which stemmed from *McCleary v. State of Washington*, declared the state was failing to meet its constitutional responsibility to fully fund K-12 education. The court ordered the legislature to produce a funding plan in order to meet the funding obligation. The justices noted how past efforts by judges to set successful education policies have failed and the legislature, not the courts, is in the best position to meet educational needs, according to the Washington Policy Center.

DeWolf acknowledged the constitutional role for the court in education, but it is his belief that the decision was not an appropriate use of the court’s authority. He said as time has gone on he has become increasingly bothered by the lack of an exit strategy for the path the court chose.

“This adversarial relationship is literally holding the state in contempt. And most people understand that to mean, well we are really mad at the legislature for not appropriating enough money,” he remarked. “But in a more general sense, the actual party is the state and it’s, I believe, damaging to the court’s authority and prestige to be in a position where it’s holding the state in contempt.”

He is running against Supreme Court Justice Mary Yu of Seattle.

With three incumbent judges up for re-election, all three of whom were on the side of imposing what DeWolf called “contempt against the state” in *McCleary*, he says if all three challengers defeated the three incumbents there will be a change in the way the court understands itself. On the flip side, he says if the incumbents were to be re-elected, “it would send a terrible message about the lack of accountability of, gee you can do something this badly wrong and the people will shrug their shoulders and say how are the Mariners doing?” He says he is hoping for the sake of state and the court itself, voters will make the right decision come election time.

For more information on DeWolf visit www.dewolfforjustice.org.

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