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Why are state Supreme Court judges elected?

A hefty infusion of cash in the effort to unseat the current chief justice in the General Election makes the question worthy of discussion.

Editorial Board 36 min ago

Staunch advocates of charter schools, miffed that the Washington state Supreme Court invalidated the voter-approved initiative authorizing the privately run, publicly financed schools as unconstitutional, are pouring money into an election campaign to unseat Supreme Court Chief Justice Barbara Madsen, the author of the decision.

That's certainly their right.

But if legislating from the bench is not the role of the judiciary, why are state Supreme Court justices — who are expected to base their rulings on the state constitution rather than politics — elected?

Perhaps that's something to consider. What worked a century ago does not necessarily make sense today.

Having said that, we, too, were not thrilled with the court's decision. We strongly favor charter schools as a way to provide educational opportunity for students who do not necessarily thrive in the traditional public school model.

However, the high court ruling was necessary from a constitutional perspective. And a solution was available — convince the Legislature to fix the constitutional problems.

That was done in a compromise fashion.

Still, changes to the law were made to allow the charter school experiment to continue, including the new Willow School in Walla Walla set to open in 2017.

Making this ruling — or any specific ruling — the centerpiece of a political campaign for the state Supreme Court is troubling.

Stand for Children, an advocacy group that lobbies for charter schools, spent \$116,000 in July supporting Greg Zempel, seen as Madsen's chief opponent and a critic of the court decision. The Tacoma News Tribune newspaper reports this is the largest infusion of outside cash in a Washington judicial race in six years. The group is funded by some of the same donors who supported the 2012 initiative struck down by the high court.

Again, while this is all legal, it does seem to run contrary to the notion judges should not seek specific outcomes simply to please the public (voters).

Is there a better way to select judges?

Maybe. There are other models used, from having them appointed by a governor and then confirmed by a legislative body to the Missouri or merit plan.

This method calls for a nonpartisan commission to review applicants and then pass along a list of the most qualified to the governor to make an appointment.

After a year, the judge faces a retention election in which the people can accept or reject. If the judge is rejected, the process is repeated. Fifteen states, including California, use this method.

If the tenor of the coming judicial election becomes, well, unjudicial, Washingtonians might want to ponder revamping the way our Supreme Court justices are selected.

Editorials are the opinion of the Union-Bulletin's Editorial Board. The board is composed of Brian Hunt, Rick Eskil, James Blethen and Alasdair Stewart

Editorial Board