

# In Our View: Retain High Court Justices

Supreme Court incumbents have proven their ability to defend state's constitution

The Columbian

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This year's elections for the state Supreme Court represent a positive sign for our democracy. In 2014, four justices sought re-election, and two of them drew no challengers while the others were opposed only by fringe candidates. This year, three justices are on the ballot, with each of them facing qualified opponents.

Below are the recommendations of The Columbian's Editorial Board for the state Supreme Court. As always, these are merely recommendations designed to foster discussion, as The Columbian trusts the ability and desire of voters to examine the candidates and cast informed ballots.

Position 1: The Columbian recommends that Mary Yu be retained on the bench. Yu was appointed to the court in May 2014, after serving on the King County Superior Court, and won election in November of that year. She was not part of the Supreme Court's 2012 decision in *McCleary v. Washington* regarding school funding, but the issue weighs heavily on all of this year's contests for the court.

David DeWolf, who recently ended a 28-year career teaching at the Gonzaga University School of Law, says he is running in part because of the court's judgment in the *McCleary* case. He says education funding should be solved by the Legislature, not the courts. But the Legislature had failed for some 35 years to live up to the state constitution's mandate to make K-12 funding its "paramount duty," and judicial oversight was reasonable and necessary.

Yu's supporters include both Republicans and Democrats, along with many judges from across the state. DeWolf's support comes mostly from conservative lawmakers who agree with him on the *McCleary* decision. Yu's broad-based view of the judiciary makes her the superior candidate.

Position 5: The Columbian recommends that Chief Justice Barbara Madsen remain on the court. Madsen is facing a vigorous challenge from Kittitas County Prosecutor Greg Zempel, and is opposed by supporters of charter schools in the state.

Madsen, who has been on the court since 1992, authored the ruling in a 6-3 decision that charter schools are unconstitutional because they use public money but are not governed by an elected board. A political action committee, Stand for Children, which favors charter schools, has launched an expensive campaign to support Zempel.

Zempel says the court would benefit from having an elected prosecutor on the bench, and he has support from numerous county prosecutors throughout the state. But Madsen also has support from some prosecutors and law-enforcement officials, and her experience makes her the best choice for Position 5.

Position 6: The Columbian recommends that Justice Charles Wiggins be retained despite a strong challenge from Federal Way Municipal Court Judge Dave Larson. Since being elected in 2010, Wiggins has written the most decisions on the court and has earned the respect of colleagues. He sided with the majority in retaining jurisdiction in *McCleary v. Washington*, a decision with which Larson disagrees.

Wiggins' opinions sometimes are criticized as impractical, but he has demonstrated a deft legal mind that alternates between siding with the majority, with the minority, or offering a dissenting opinion.

Before taking a seat on the municipal bench, Larson worked as a private litigator. He also has experience as a school board president that provides him with insight into education issues.

Larson is a worthy challenger who deserves consideration, but The Columbian recommends that Wiggins be retained on the court.