

In Our View: State Supreme Court Races

Lack of qualified challengers disappoints, weakens process

The Columbian

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Incumbents Steve Gonzalez, Sheryl McCloud and Susan Owens are all well-qualified for re-election to the state Supreme Court, and yet the choices before voters are disappointing. Owens and McCloud are running unopposed, after would-be challengers were deemed ineligible and removed from the ballot for the Nov. 6 election. Only Gonzalez has drawn a challenger, but Nathan Choi is a not reasonable option for voters.

The Columbian's Editorial Board recommends that Owens, McCloud and Gonzalez be retained on the state's highest court. This is merely a recommendation; while we laud the credentials of the three incumbents, we also lament the lack of worthy challengers. Even supremely qualified candidates should face a robust challenge that requires them to defend their records and be beholden to the public.

Initially, Owens and McCloud faced challengers who have been disbarred from practicing law in Washington. Those candidates argued that their previous status met the constitutional standard that limits the Supreme Court to people who "have been admitted to practice" law, but a Thurston County court ruled that they were ineligible. In 1916, the state Supreme Court determined in a similar case that, "This provision of the constitution, in our opinion, defines a personal status which must continue, and when the status ceases to continue the person is ineligible."

Meanwhile, the one remaining challenger for a position on the court also appears to be unqualified. Nathan Choi, a Bellevue attorney, failed to abide by state campaign disclosure rules during a 2017 run for appellate judge, and also was admonished by the King County Bar Association for falsely describing himself as a judge in campaign ads.

Gonzalez, a former federal prosecutor and King County Superior Court judge, represents a clear choice over a challenger who has been unable to follow campaign rules. The Seattle Times notes that Gonzalez "may not be a strong advocate for public records, especially in a pending case in which the Legislature is seeking special treatment to be less transparent than other public agencies," and that he has received large donations from labor groups. While that certainly does not disqualify him from being an effective jurist, it points out the need for qualified challengers to raise the level of discourse.

McCloud, a former defense attorney, was elected to the court in 2012 and authored the 2017 opinion that a Richland florist violated the state constitution in refusing to arrange flowers for a gay couple's wedding.

Owens, who was first elected to the Supreme Court in 2000, will turn 75 in the final year of her next six-year term, the age at which justices must retire. She points to the court's 2012 ruling in McCleary v. Washington as the highlight of her career.

The McCleary decision demonstrates the importance of the Supreme Court. It led to sweeping changes in property-tax law and public education that will impact generations of Washingtonians. It also demonstrates the need for competitive elections for the court; regardless of how voters feel about the McCleary decision, the public is better served when justices must defend their positions.

Washington is one of 15 states that choose Supreme Court justices through nonpartisan elections. While we have no reservations about recommending Gonzalez, McCloud and Owens for re-election, we feel that process is more effective when qualified challengers seek a seat on the bench.

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