

## Editorial: Recommended for state Supreme Court, Position 8: Gonzalez

By The Yakima Herald-Republic editorial board [Oct 22, 2018](#) Updated [Oct 22, 2018](#)



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Even if he wasn't widely viewed in the legal community as a fair and contemplative jurist, even if he hadn't been anointed by 11 bar associations with the highest rating of "exceptionally well qualified," even if hadn't worked collaboratively with his fellow justices and extensively on community outreach, Steven Gonzalez would be our overwhelming choice to be reelected to the Washington State Supreme Court, Position 8.

The reason: His challenger, Bellevue attorney Nathan Choi, lacks any judicial experience and seemingly a modicum of ethical grounding, as well as failing to display a nuanced grasp of state law during an hour-long meeting with the Herald-Republic editorial board.

Choi, simply, is not a worthy candidate. When he unsuccessfully ran in 2017 for appellate judge, he was found to have failed to abide by state campaign disclosure rules. He also was admonished by the King County Bar Association for falsely describing himself as a judge in campaign ads. He was sued by the state Attorney General for not following Public Disclosure Commission laws for reporting campaign expenses and contributions. In May, after Choi failed to respond to the AG's office, a Thurston County judge granted an order of default against him.

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Any of those actions alone would raise serious doubts about a candidate's fitness for office. Taken together, they all but disqualify Choi. In the editorial board meeting, Choi essentially cited his own incompetence with computers in uploading public disclosure records as the reason he violated disclosure rules: "I did not intentionally violate it."

Asked to respond to Choi's apparent legal and ethical lapses, Gonzalez was measured but pointed, saying "It's important to know the law of the state of Washington. Mr. Choi has declared under oath that he does not. I take him at his word."

Justice Gonzalez — not to mention the state's populace — deserves a more serious opponent on which to debate the Supreme Court's role as the final arbiter in cases such as the repeal of the death penalty, the disposition of the McCleary case for educational funding and denying foster children the automatic right to an attorney.

But this November, sadly, the three justices up for reelection face no real opposition. Justices Sheryl Gordon McCloud and Susan Owens are running unopposed because both of their challengers were removed from the ballot this summer because they had been stripped of their law licenses for misconduct. Gonzalez, at least, has an opponent.

Choi's shortcomings, however, should not overshadow Gonzalez's competence on the court after being appointed by then-Gov. Christine Gregoire in 2011 and elected the next year. He has a wealth of experience on the bench (seven years on the Supreme Court, 10 before that on the King County Superior Court) and, before that, as a federal prosecutor.

One gauge of Gonzalez's widespread support is his endorsements. He is supported by both current attorney general, Democrat Bob Ferguson, and former AG, Rob McKenna, a Republican. He also has the backing of Gov. Jay Inslee, a Democrat, and Secretary of State Kim Wyman, a Republican.

Choi dismissed Gonzalez's bipartisan endorsements and highest ratings from bar associations. He suggested, without providing any specifics, that the endorsements amount to a "quid pro quo," or, at the very least, might sway a judge's opinions. "I perceive (bar rankings) as, like, an elite, like, (saying) 'We know more about this than you do.' It should be brought to the people (to) look at his past rulings and what not."

As for rulings, Gonzalez has mostly voted with the majority on cases.

The Supreme Court has been called upon twice this summer to rule on whether voter initiatives should be placed on the ballot. Gonzalez voted with the majority to bring Initiative 1639, the measure about gun ownership changes and purchase requirement, to the public because Secretary of State Wyman had certified the initiative. But he voted against bringing any version of I-940, the use of police force measure, to the ballot. In a split decision, the Court ruled only the original initiative, not the Legislature's amended one, should go forward.

In another ruling, an aggravated murder case against Conner Schierman of Kirkland, the court reached two split decisions — upholding the conviction by a 5-4 margin and a 6-3 vote to uphold the death sentence. Gonzalez voted with the majority in both decisions. Despite the split court in that and other decisions, Gonzalez does not feel there is a deep philosophical divide among court members.

“The vast majority of cases we agree on,” he said. “I don’t think you’d want a court that agreed all the time on every case. It’s important to have debate.”

The same holds in judicial elections. The people deserve lively debate on key legal issues. They did not get that in this election cycle. Fortunately, though, Gonzalez gives voters a clear and reasonable choice.

• *Members of the Yakima Herald-Republic editorial board are Bob Crider and Sam McManis.*

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