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Madsen, Yu, Larson for Washington Supreme Court

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Looming large in the three Washington Supreme Court races are two rulings: One on basic education funding; the other on charter schools. Two of the incumbents, Chief Justice Barbara Madsen and Justice Charles Wiggins, sided with the majority in the 2012 McCleary ruling, which said the state was not meeting its constitutional obligation to provide ample funding for basic education. Justice Mary Yu was appointed in 2014 and was elected to a two-year term later that year.

Position 1: Retired Gonzaga Law Professor David DeWolf is challenging Justice Yu. He says the court ruled incorrectly on McCleary and in the charter school case. He claims the state constitution doesn't offer a "positive right" on education funding, calling the "ample funding" provision a preamble not a mandate. He says the entire issue should be left to legislators.

Yu says the constitution makes a strong statement in calling education funding the state's "paramount duty." We agree. The Legislature needed to be prodded by the court. She says the court respects its constitutional limitations, which is why it's been patient with lawmakers. She says the court wants to see a funding solution and is not interested in devising one itself.

Yu was a trial judge for 14 years in King County and prided herself on practical rulings that people could follow. She is well-regarded and has impressive endorsements. DeWolf is a scholar but has never been a judge.

We prefer Justice Yu's practical experience and judicial philosophy.

Position 5: Chief Justice Madsen is being challenged by Kittitas County Prosecutor Greg Zempel, who has never been a judge. Zempel acknowledges that he wasn't initially up to speed on the two school cases. He doesn't take issue with the McCleary ruling, but he says the court has overstepped in retaining control. Madsen agrees; she wrote the dissent.

Zempel's chief frustration is with the court's criminal justice rulings that he calls impractical. He cites a felony-murder ruling that overturned hundreds of convictions as an example. Zempel also disagrees with the court's charter school decision.

The court ruled that charter schools are not eligible for funds set aside for “common schools,” which are overseen by elected boards. Madsen says the charter-school ruling reflects the progressive era when the state constitution was written.

On the criminal justice side, she is endorsed by many law enforcement officials, including prosecutors. Madsen, who joined the court in 1992, has the clear edge in experience and gets our endorsement.

Position 6: Federal Way Municipal Court Judge Dave Larson is challenging Justice Charles Wiggins, who was elected to the court in 2016 after a career as an appellate attorney.

Larson’s leap from municipal court may seem large, but it’s the same one Justice Madsen took. Larson was also a trial lawyer for many years. In 2008, he was appointed to municipal court, which was in disarray because of scandals, and he took a leadership role to stabilize the situation. He is the former president of the Federal Way school board and is intimately aware of the funding inequities caused by decades of inaction by the Legislature.

While he and Wiggins agree the state has been derelict in its obligation, they disagree on court oversight. Larson says the court has overstepped and added a political distraction by retaining jurisdiction. That’s our position, too.

Larson says beyond deciding cases, the Supreme Court should be taking the lead on larger criminal justice issues such as the impacts of mental illness, addiction and homelessness. He says that Spokane County “gets it” with its smart-justice reforms, but that other counties don’t have the benefit of a \$1.75 million MacArthur Foundation grant to reduce jail populations. He says the Supreme Court should propose legislation.

Justice Wiggins has been a workhorse since joining the bench, cranking out the most decisions. He clearly likes the work and has the respect of colleagues, as his many endorsements show. He is a reasonable choice to remain on the court, but we like the idea of someone who thinks differently, has real-world education expertise and wants the court to engage in ways to head off problems before they reach the criminal justice system.

Dave Larson gets our endorsement.