

Montoya-Lewis, Whitener for state Supreme Court

Yakima Herald-Republic editorial board

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State Supreme Court, Position 3

The contest for Position 3 on the Washington Supreme Court features a pair of strong candidates with extensive experience.

The sitting justice is Raquel Montoya-Lewis, who was appointed to the post in December by Gov. Jay Inslee following the health-related retirement of Chief Justice Mary Fairhurst. Montoya-Lewis was a Whatcom County Superior Court judge for five years before joining the state Supreme Court and counts 15 years of tribal court judge experience on her resume as well. She has taught law at Western Washington University. She is the first Native American on the high court.

Her foe is Dave Larson, who was a trial lawyer in state and federal courts for 23 years before being appointed municipal judge for the south King County city of Federal Way in 2008. A former president of the Federal Way school board, Larson ran unsuccessfully against Justice Charles Wiggins in 2016.

Both candidates offer a diversity of experience that would benefit the court. But we give the edge to Montoya-Lewis. While Larson would bring valuable perspective as a municipal court judge who deals with more common, everyday issues than those dealt with by Superior Court judges and appeals court judges, he can't match the diversity of Montoya-Lewis' experience and perspective.

Among Montoya-Lewis' strong points, she has served with multiple boards and committees that focus on children, youths and juvenile justice reform and helped develop a tribal therapeutic drug court "from the ground up." She also shared with the editorial board that she is no stranger to criticism as a tribal judge, facing the wrath of fellow Native Americans when she issued unpopular decisions.

While we'd prefer a justice from Eastern or Central Washington, she has presided in a county that has issues similar to what we see east of the Cascades, including water availability for residential development and the importance of agriculture, including dairy. In that regard, we would encourage Montoya-Lewis to look to Chief Justice Debra Stephens, not because she is the only justice from Eastern Washington (she lived in Spokane), but because her votes and published opinions most consistently support government transparency and common sense. (We note that Stephens and Justice Charles Johnson are running for reelection unopposed this year.)

Larson can tout a connection to the Yakima Valley, having worked to preserve and strengthen several municipal courts — not always successfully — in Granger, Toppenish and Sunnyside in recent years. However, it's more important to measure the work of a judge or justice by the decisions they make rather than whether they come from a more rural background, he noted.

"I have 35 years of experience, and I don't know of anybody on the court who has a broader breadth of experience than I do," he told the editorial board.

Larson ran into problems during his 2016 campaign when Microsoft co-founder Bill Gates and other wealthy state residents poured hundreds of thousands of unsolicited dollars into two ad campaigns. The Gates' effort aired positive TV ads about Larson, while another political action committee aired attack ads against Wiggins. Larson, who has said in the past that the ads cost him votes, is taking no corporate donations this election season.

Larson's legal experience, efforts to improve the courts, and extensive work in the community are of great credit, and we believe he'd make a fine justice. But Montoya-Lewis' more rounded resume makes her the better choice.

State Supreme Court, Position 6

This contest is cut and dried in favor of the sitting justice, former Pierce County Superior Court Judge G. Helen Whitener, who was appointed to the state Supreme Court by Gov. Jay Inslee in April — the same month her opponent, Richard Serns, passed the bar.

Whitener, a native of Trinidad, has extensive judicial experience, including time as an administrative law judge for the state Board of Industrial Insurance Appeals (which often sent her east of the Cascades, including Yakima) and as a city and county pro tem judge before joining the Pierce County Superior Court bench in 2015. As an attorney, she dealt with civil and criminal cases for 14 years. She is a faculty member at the state Judicial College and teaches law and civics at Lincoln High School in Tacoma. She is rated exceptionally well qualified by several bar associations.

"I believe I that I am the best candidate for this position because experience matters," she told the editorial board, noting that she has already taken part in more than 20 arguments before the state Supreme Court since her appointment.

Serns, a lifetime educator who is retired, suggests that his nontraditional path gives him different perspectives that could be a welcome addition to the high court. However, he has never practiced law, offers no legal experience that would qualify him for this position, and admits that Justice Whitener is highly qualified for her role on the high court.

Whitener's appointment followed the retirement of Justice Charles Wiggins; his term was set to end in 2022, when the seat will again be on the ballot.

Members of the YakimaHerald-Republic editorial board are Bob Crider and Bruce Drysdale.