

WALLA WALLA UNION-BULLETIN

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Judge candidates emphasize differences

Richard Wernette and Scott Wolfram have a lot of similarities, but they believe it is the differences that will matter most.

*TERRY McCONN
Walla Walla Union Bulletin*

WALLA WALLA - On the surface, the two candidates who want to replace retiring Walla Walla County Superior Court Judge Donald W. Schacht early next year have quite a bit in common.

They are close to the same age, have practiced law in a variety of areas locally for decades, have been at their respective firms for years and have judicial experience.

But differences outweighed similarities when Richard Wernette and Scott Wolfram met in a recent joint interview to discuss their experience and qualifications.

Wernette said voters should elect him because of his commitment to a safer community and his courtroom experience.

Wolfram believes he should get the nod because he is better qualified and has been performing the job part time for nearly a decade.

The winner of the Aug. 7 election will step up to the bench in early January.

Wernette said he has 26 years of experience in the specific legal areas in which judges spend most of their time.

He estimates 80 percent of Superior Court matters relate to felony criminal cases and family law issues.

Wernette attends nearly all Monday criminal dockets representing numerous indigent defendants and those who retain him, and has advocated for more than 100 over the years who have decided to take their cases to trial.

In addition, his legal expertise ranges from handling difficult child custody and visitation disputes to complicated property division issues.

"In the area a judge spends his time on, I think I have an advantage over Scott," Wernette said.

Wernette also pointed to his judicial experience, which includes having presided over criminal matters as a judge pro tem in the lower Walla Walla District Court and for nine years as the Municipal Court judge in College Place.

He also has been an on-call Superior Court commissioner for seven years, occasionally filling in for either of the two judges if they are unavailable.

But Wolfram countered that Wernette rarely fills in because he, Wolfram, has fulfilled the Superior Court commissioner role - which is part time - on a daily basis since his appointment nearly 10 years ago.

Appointed by the Superior Court judges, Wolfram signs paperwork at the County Clerk's Office between 1 and 1:30 p.m. every weekday related to a variety of matters, including domestic relations' orders, warrants and show-cause directives.

He presides over the domestic and protection-order calendar every Friday afternoon and, every other Friday, rules on state paternity issues, he said.

Whenever Schacht or the county's other full-time Superior Court judge (currently Wolfram's friend, fellow Valparaiso University alumnus and former law partner, John Lohrmann) has taken vacation, Wolfram has been the primary substitute, setting bail for newly arrested suspects, accepting guilty pleas and sentencing convicted defendants.

He estimates the nine years of part-time judicial work have resulted in about two years worth of full-time experience.

"The difference between Richard and me is it's something Richard wants to do and it's something I already do," Wolfram said.

He conceded he has participated in fewer trials than Wernette - having presided over just a handful and having not tried a case in a lawyer's role for five or six years. But Wolfram said he's resolved between 150 and 200 complicated medical malpractice, personal injury and product liability disputes through mediation, which is valuable background for a judge.

While agreeing that Wolfram has gained some judicial experience, Wernette took issue with the contention it totals about two years. And he downplayed the significance of signing warrants and uncontested orders at the Clerk's Office.

"It's not something that's complicated to handle," Wernette said, adding later that appointed Superior Court commissioners don't have the full extent of powers as elected judges. "Otherwise, we wouldn't need elected Superior Court judges," he said.

Wolfram responded that when a judge is gone, he routinely is appointed judge pro tem and therefore rules on issues that appear on civil and criminal dockets in the judge's absence.

Wernette said he's not discounting Wolfram's role as a commissioner. "I just don't think it's as critical or extensive as he suggests."

What is crucial, Wernette believes, is to elect a judge with extensive experience in criminal cases.

"My number one focus is to make this a safer community," he said, relating the concern and uneasiness residents have expressed to him about the increasing frequency of armed violence.

To that end, "I will be doing the right and fair things to make people responsible and make them accountable for their behavior," particularly those who commit violent crimes, he said.

And repeat offenders "should have some consequences if other things haven't worked," he added.

Wernette said his experience makes him more qualified to render those judgments.

But Wolfram bristled at the remarks, retorting: "People are being held accountable now when I am on the bench doing sentencing.

"I do that routinely," he said. "It's not something I want to do. I am doing that."

Wolfram added that the sum of Wernette's background in criminal law is that of representing defendants - the goal of which is to "get people off" or advocate for a lenient sentence.

"Now what he wants to do is take the bench and hammer these guys," Wolfram said.

Wernette countered that providing a strong legal defense is essential for the justice system to work and quickly took issue with the word "hammer."

He stressed that a judge's job is to be fair and impartial. "And part of that job is to hold people accountable," he said.

Both agreed, however, that society has a better opportunity of reducing crime when defendants are young and charged in Juvenile Court, which also is presided over by Superior Court judges. Wolfram said he has the edge there because of his experience as a deputy prosecuting attorney handling juvenile cases in the late 1970s and early '80s.

Wernette has amassed a campaign chest that is considerably larger than Wolfram's, according to listings last week on the state Public Disclosure Commission's website.

As of that report, Wernette had spent more than \$21,000 compared to Wolfram's nearly \$5,000.

Both Wernette and Wolfram have run unsuccessfully in past judicial races.

Wernette came in second to Lohrmann's bid four years ago.

In the early 1980s, Wolfram failed to unseat Howard Martin, who was then the county's District Court judge.

Terry McConn can be reached at terrymconn@wwub.com or 526-8319.

Richard Wernette

AGE: 52

OCCUPATION/EXPERIENCE: Private law practice 26 years in areas such as family law, business, wills, probate, personal injury, property disputes and criminal defense. One of five attorneys providing indigent criminal defense for Walla Walla County; partner in the law firm McAdams, Ponti, Wernette and Van Dorn; Walla Walla County Superior Court commissioner seven years, College Place Municipal Court judge nine years.

EDUCATIONAL BACKGROUND: Idaho State University bachelor of arts academic honors 1982, University of Idaho law degree 1985, Washington State Judicial College 2003.

COMMUNITY SERVICE: Past board president Lillie Rice Center, Blue Mountain Action Council and Walla Walla County Bar Association. Past board member United Way and various Blue Mountain Action Council-related housing development boards, YMCA youth sport coach eight years, volunteer high school DUI prevention program "Every 15 Minutes." Public speaker for Leadership Walla Walla, Department of Corrections Leadership, Washington Agriculture Leadership and DARE graduation. Former Walla Walla Community College Business Law instructor.

FAMILY: Wife Deborah and three children, Wendi (Wernette) Small and son-in-law Nat Small, Cara and Weston. Expecting his first grandchild from the Smalls in November.

Scott Wolfram

AGE: 57

OCCUPATION/EXPERIENCE: Attorney Minnick-Hayner law firm in Walla Walla since 1989, personal injury and civil litigation; acting Walla Walla County Superior Court commissioner since 2003; member of Superior Court Judges Association; general, civil and trial practice in Walla Walla since 1979, including past deputy prosecuting attorney and five years as attorney with the law firm of Lohrmann, Parker & Wolfram; past special assistant attorney general representing DSHS in child abuse and neglect cases; admitted to practice law in Washington, Oregon and federal court in Washington.

EDUCATIONAL BACKGROUND: Valparaiso (Ind.) University, 1976, bachelor of science degree business administration with distinction; Valparaiso University School of Law, 1979, juris doctor degree.

COMMUNITY SERVICE: Current member of Walla Walla Catholic Schools Board of Directors and Lutheran Church — Missouri Synod Northwest District Board of Directors; Concordia University (Portland, Ore.) Board of Regents; past board member of Campfire, Goodwill, Kiwanis, United Way, Friends of Walla Walla, Boy Scouts of America (Pioneer District), Walla Walla Council on Child Abuse and Neglect, Little League of Walla Walla.

FAMILY: Wife Laurie and four grown children, Kristopher, Joshua, Stephanie and Benjamin. Active member of Trinity Lutheran Church in Walla Walla.