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Editorial: McCloud has perfect temperament for court

Voters have three choices to make in the Washington Supreme Court races, but only one of the contests calls for a difficult decision. Justice Susan Owens isn't facing serious opposition, and neither is Justice Steven Gonzalez. Both are experienced and qualified.

Meanwhile, four candidates are vying to replace retiring Justice Tom Chambers, and all have passed muster in various bar association surveys. We base our endorsement on the belief that justices should review cases to ensure that constitutional rights are protected, even if that means issuing unpopular rulings.

For that reason – and others – our endorsement goes to Sheryl Gordon McCloud, a veteran attorney who has persuaded appellate courts to make controversial but appropriate rulings. She has argued criminal justice cases in front of the Supreme Court for two decades and has demonstrated that she will address cases on their merits. Because her cases have been disruptive, she does not have the institutional constituency of other candidates. McCloud's record is wide-ranging, from defending Second Amendment rights to winning a recent reversal of a death penalty conviction. The consistent thread running through her work is that rights ought to be protected. Period.

Richard Sanders, who served three terms on the Supreme Court before his defeat in 2010, has a similar philosophy. His rulings on upholding the 1972 Public Records Act have been important in the fight for greater government transparency. However, he has made some questionable ethical decisions. Plus, Sanders, who is 67, is only eligible to serve one six-year term, because retirement is mandated at age 75.

Bruce Hilyer is a former prosecutor and a veteran judge on the King County Superior Court, which is where Gonzalez was plucked from. He points to his administrative accomplishments, such as raising fees to keep the courts open during a budget crunch. He is the clear favorite in the King County legal community. However, he says as a justice he would consider the consequences of his rulings and how they would affect other branches of government.

This issue has come up repeatedly since the 2002 and 2004 felony-murder cases in which the Supreme Court struck down murder convictions that in most states would have resulted in lesser charges, such as manslaughter. In 2002, the court overturned a felony-murder conviction. Two years later, it decided that all such cases should be overturned going back to 1975, when the statute was written. This affected scores of cases. Prosecutors were outraged. But the alternative would have been to deny equal treatment because it would've been messy.

John Ladenburg, formerly a county executive and head prosecutor for Pierce County, also criticizes the court for not considering the consequences of its rulings. Like Hilyer, he would consider the impacts on other cases. He also touts his administrative abilities.

We have endorsed Sanders in the past. Ladenburg and Hilyer are impressive public servants. But we prefer McCloud for her understanding of the proper role of the court, and the knowledge, temperament and independence she can bring to its deliberations.