

High court challenger questions decisions of Justice Richard Sanders

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Bainbridge Island attorney Charlie Wiggins was on the Harbor this past week drumming up support for his candidacy to unseat State Supreme Court Justice Richard Sanders.

Wiggins, a one-time appeals court judge who now specializes in appeals cases, said he's received the endorsements of Grays Harbor Superior Court Judges Gordon Godfrey, Dave Edwards, Mark McCauley and retired judge David Foscue.

Court of Appeals Judge Joel Penoyar of South Bend is also endorsing Wiggins.

Together, Wiggins says he has the endorsements of more than 40 sitting and retired judges.

"It's pretty unusual in a race with an incumbent to see judges endorsing against the incumbent," Wiggins said.

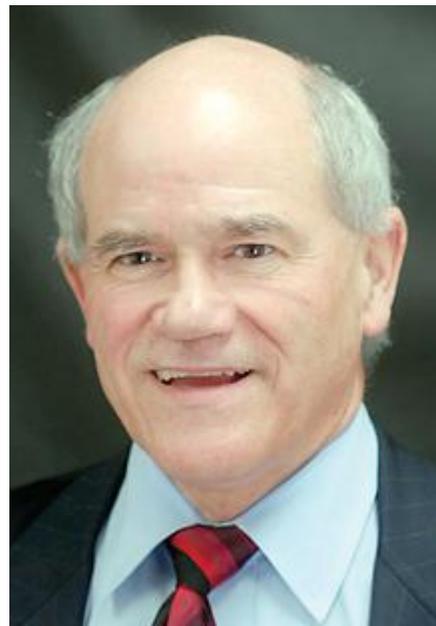
Wiggins said he's ready to take on Sanders.

"When an incumbent has been in a position like he has for 14 years, it's not enough for me to say I'm the best guy for the job," Wiggins added. "I have to say there's a reason to remove this person. I don't like running what looks like a negative campaign. I'd prefer not to do that. But there's no choice here and I think people need to know the truth."

In 2005, the state Commission on Judicial Conduct admonished Sanders after he toured a special commitment center on McNeil Island and interviewed prisoners, who may have had cases before the court. Admonishment is the lowest form of punishment given by the commission. The commission also ordered Sanders not to hear cases involving sex offenders talking about controlling their urges — an act known as "volitional control" — for two years.

"I think it's extraordinary," Wiggins said. "I can't recall a single incident where a Supreme Court justice went and interviewed someone who was party to an appeal that is pending before the court. The inmates on McNeil invited all nine judges to visit them and all but one said not on your life. And he was advised by two other justices not to do it."

Wiggins also points out a case last year where Justice Sanders wrote a majority opinion involving a Public Records Act lawsuit, when he had a personal public records lawsuit in



Wiggins

Thurston County that was very similar to the one before the court. The court had to throw out the opinion and hear the argument again without Sanders.

"To me it's not just a lapse in the rules, it's a question of integrity and of good judgment," Wiggins said.

In an interview with the Yakima Herald-Republic earlier this week, Sanders said he remains "dumbfounded" over the McNeil Island controversy, noting that his sanction was the most minor form of discipline possible and was given only for the "appearance of partiality."

"It would be like getting pulled over by a traffic officer who says, 'Hey, I know you didn't just run that red light but somebody thought you did, so I'm going to give you a ticket.' "

Sanders, who is seeking his third term, also accused Wiggins of using "smear and innuendo" to distort his record.

Wiggins is a 1976 graduate of the Duke University School of Law. He was appointed by then-governor Mike Lowry to be an Appeals Court judge in 1994, but when facing election, he didn't win the seat.

Wiggins says he's never run a statewide campaign before. Thus far, he's visited 15 counties, has spoken with dozens of practicing attorneys, judges and prosecutors, but besides a few kick-off rallies, it's been mainly a low-key campaign.

Sanders has raised \$37,531 for his re-election campaign, according to filings with the Public Disclosure Commission. Wiggins has raised \$41,970. Wiggins figures he'll need a couple hundred thousand dollars for his campaign. But he says he is worried that special interest groups may be willing to shell out thousands in a negative independent campaign against him. Sanders has had the support of the Building Industry Association of Washington in the past.

"Yeah, I fear that," Wiggins said. "I don't know what's going to happen there."

Besides campaigning, Wiggins said his trip to the Harbor also involved a case he's involved with. Wiggins says he'll be representing Spradlin Rock Products against the Grays Harbor PUD.

A jury recently awarded Spradlin \$4.2 million in his lawsuit in payment for work his crews completed for the PUD following the December 2007 storm. The PUD has paid some of the amount, but has appealed the jury verdict.

Wiggins will team with Spradlin's trial attorney, Hoquiam's Jon Parker, to work the appeals court case.

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