When Gov. Chris Gregoire appointed Debra L. Stephens to the Supreme Court more than six years ago, local observers wondered whether the selection was nothing more than regional tokenism. Stephens has more than proved herself and, with the recent retirement announcement by Associate Justice James Johnson, more “tokenism” is in order for the court.

Stephens’ selection – and subsequent election – broke a seven-year drought on the state’s highest court during which there was no representative from Eastern Washington. Stephens remains the sole justice from the east side of the Cascade Range.

The application deadline is Friday, and the governor’s office says it expects to announce Johnson’s replacement by the end of April. The Spokane County Bar Association doesn’t evaluate candidates for appointments as it does for contested elections, but if the governor’s office requested such an assessment, the Bar would provide one if given enough time, says Executive Director Penny Youde.

The appointee would have to stand for election this fall, but donning the robe in the meantime would provide a huge political advantage. So Gov. Jay Inslee should look at this as a long-term selection.

Of course, the chief consideration for such a choice is the wisdom to intelligently interpret whether laws conflict with Washington’s Constitution. However, there will probably be several qualified candidates, so it’s not untoward to push for more regional balance among the nine seats. Currently, the court has a decidedly West Side tilt.

The selection of a qualified jurist from east of the Cascades would be a nod to the Gregoire slogan of “One Washington,” which she invoked in selecting Stephens. We believe a continued commitment to regional balance would help further the goal of cooperation and inclusion.
Johnson cited unspecified health concerns for his retirement, and we wish him the best. Since the departure of Richard Sanders, Johnson has often been the sole voice for the libertarian principles of limited government.

While we supported the court’s landmark McCleary decision on the state’s duty to amply finance basic education, we also agreed with Johnson’s dissent that the court went too far in handing itself a role in the process.

Johnson also issued an important dissent in a Public Records Act ruling that handed the governor’s office an expansive “executive privilege” exemption. His arguments have provided the intellectual fodder for efforts – so far unsuccessful – to get the Legislature to limit that privilege.

So, philosophical balance will also be a critical component of Inslee’s selection. The court will be weakened if it doesn’t have someone to challenge the thinking of the majority.

The governor was once a prosecutor in Yakima County and represented that area in Congress. He's never shy about citing that regional connection when visiting Eastern and Central Washington.

As he ponders this judicial appointment, we can think of a sure-fire way to show that travel can be broadening.

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