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## State Supreme Court justices make their case for Port Townsend audience

By Charlie Bermant  
Peninsula Daily News

PORT TOWNSEND — Prior to her appointment as a state Supreme Court justice, Mary Yu thought trial judges were the judicial workhorses while those on the higher courts had an easier ride.

“We, as trial court judges, always thought that we are the hardest-working judges in the court system, hearing thousands of cases a year,” Yu, who served for 14 years as a King County Superior Court judge, told about 60 people at a forum at the Cotton Building on Friday night.

“We looked at the appellate court and the Supreme Court who deal with 150 or 200 cases and wonder, ‘What are they doing up there?’

“I have learned that it is voluminous work, with thousands of petitions filed by people who are seeking to have their cases heard by a higher court,” Yu said.

“Not all of them will be heard, but every single one is taken very seriously because every case has the potential of changing how we view our constitution.”

Yu, 57, appeared with her colleague Justice Debra Stephens, 49, at the 90-minute forum, which included a statement from each judge followed by a question-and-answer session.

Both justices are on the Nov. 4 general election.

Yu, an appointee, is unopposed, while Stephens faces John “Zamboni” Scannell, a disbarred Bremerton lawyer whose eligibility to serve has been questioned.

“I see my role as a judge as a storyteller for our democratic values,” Stephens said.

“It’s my job to read the cases, learn about them and understand the traditions, to make people real and determine how a constitution that was written in 1889 is still relevant in 2014, to decide whether a right of privacy is expected for text messages that you send on your cellphone.”

Yu and Stephens were joined by Jefferson County’s two serving jurists, Superior Court Judge Keith Harper and District Court Judge Jill Landes.

Harper, 60, described his goals as a judge.

“When people walk out of the courtroom, I want them to think that they had a fair hearing, there was a fair decision and they have respect for the judicial system in general and our

court in particular.”

Landes is running for re-election in the general election against challenger Cheryl Potebnya, former Jefferson County deputy prosecutor.

“Not everyone will be pleased by our decisions,” said Landes, 64.

“But I want them to come into my court thinking they were heard and treated with respect no matter where they came from.

“I am not making judgments of them as a person, but sometimes I have to judge their behavior.”

The Supreme Court justice position, a six-year elected term, pays \$164,221 a year. Nine justices sit on the court.

Stephens, a native of Spokane, was appointed to the court effective 2008 by Gov. Chris Gregoire and was subsequently elected.

She was the first woman from Eastern Washington to sit on the court.

Yu, appointed by Gov. Jay Inslee in May, is the first Asian-American/Latina to sit on the court as well as its first openly gay member.

The justices were invited to Port Townsend by the Jefferson County Bar Association, whose president, Rafael Urquia, extended the invitation to Yu while attending a recent leadership training session.

Yu accepted and recruited Stephens for the trip. Urquia noted that both judges represent firsts on the court, though these pale in significance compared with another first.

“The most important first is that Justice Yu is the first Supreme Court Justice to visit Port Townsend within three months of joining the bench,” he said.

Stephens spoke out against the 2010 U.S. Supreme Court’s Citizens United ruling, which supports the notion that corporations have the same rights as individuals in regard to campaign contributions.

“I’m particularly concerned about the effect of money on elections because judges in this state run for election,” Stephens said.

“It’s hard to know how to vote for judges. It’s difficult to find out information about them, and no one wants to give money to judges.

“It’s not like a contribution gets you a friend on the court.

“We are doing our job by being fair and impartial.”

Stephens said court decisions don’t contain the horse-trading aspect of a legislative

position.

“I have never seen anyone say that if you vote with me on this case, I will vote with you on that case,” she said.

“That just doesn’t happen, because everyone wants to have integrity with each decision.

“The lobbying has to do with us trying to get others to see our point of view and reach the greatest consensus possible, not because a 9-0 opinion has a greater precedential weight than a 5-4 decision, but there is a different sense to the public if we can be as unanimous as possible.”

Some of the questions asked of the judges described specific cases in general terms in an apparent effort to solicit an opinion, which was not forthcoming.

“We cannot render an opinion on something that is likely to come before us,” Yu said in response to a question about the use of body cameras by police.

“If we offer an opinion, we could end up in judge jail in terms of judicial ethics.”

Yu pointed to the conduct of U.S. Supreme Court justices who have spoken out in support of the death penalty as examples of bad judicial behavior.

“I’m offended when they talk about capital punishment in such a way that if I was on death row, I wouldn’t think I had a fair shot in having my case heard by them and whether it would receive proper consideration,” she said.

“This undermines what we are trying to do.”

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