

High court race pits justice with 21 years experience against challenger licensed in May

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State Supreme Court Justice G. Helen Whitener, defending the seat to which she was appointed in April, compared her decades of legal experience during a Kitsap Bar Association forum Friday to her opponent, who was licensed in May and has neither been in a trial nor had a client.

"I would not get on a plane with a pilot who just got his license and hadn't gotten some flying under the guidance of a well-seasoned pilot," Whitener said. "That might be a bad analogy but it is very similar to what we've been discussing."

Richard Serns, a former school administrator, acknowledged his lack of courtroom experience, but emphasized parallels between working in education -- as schools have multiple state and federal laws to which they must conform.

In an interview following the forum, Serns said he was motivated to run because he believes his skillset fits that of the high court, as opposed to trial courts, and that he wants to serve the public.

Serns also noted the state constitution does not require any experience to be a Supreme Court justice, which leads him to believe the framers envisioned a place for a person like him.

"The skillset is listening carefully, asking probing questions, research, research, research, deliberate, confer and write," he said. "All of those things I've had extensive experience at."

He added: "I wouldn't think it would be a strong court with nine people with my background, but sometimes an outsider can bring a new set of eyes and that can be helpful to deliberations."

Serns graduated from law school in 1999 but didn't take the bar exam until February after he retired as superintendent from Winlock schools in Lewis County. In 1997 he received a PhD in school leadership with an emphasis in policy development.

Whitener, who served as a Pierce County Superior Court judge before her appointment, hearing felony and higher-stakes civil cases, said that it was her trial experience that qualifies her to review trials for errors. Not just in grasping the gravity of the facts and how it affects lives, but understanding how cases even arrive for review at the Supreme Court.



"There is something about working your way through a case in the trial-level court that is something you cannot get from a book," Whitener said. "You are dealing with people, you are dealing with their lives, you are dealing with the implications your actions have in creating that record or not creating that record in regards to whether or not they are going to have a hearing at the higher court."

Though both candidates acknowledged the role courts play in systemic racism and discrimination, Whitener noted that she belongs to groups that have been traditionally excluded, including being a Black woman. She sees part of her job outside to the court to be a role model to show those who come from marginalized backgrounds that they can be successful. Whitener was appointed by Gov. Jay Inslee to the high court in April to replace retired Justice Charlie Wiggins, of Bainbridge Island.



Both reflected on how the decisions they have made in their careers have affected them afterward, knowing that they had permanently altered the course of peoples' lives and kept them awake at night.

"I cannot pinpoint one particular case," Whitener said, noting she had been a judge in weighty criminal, civil and family law cases where lives and futures were at stake. "But I can tell you just about all of them, because I always think about did I do the right thing."

Whitener has 14 years of experience as a courtroom attorney -- both as a defense attorney and prosecutor -- and has been a judge since 2013.



Serns said teachers and administrators constantly make decisions that affect the lives of students and employees.

"In that respect it's very comparable to a legal case where someone is incarcerated or receives some type of penalty," Serns said. "In all of those cases you always struggle because I think if you are a person of empathy at all you not only want to do the right thing, but your heart goes out to the other person who is receiving that. While you should be empathetic you can't let that interfere with what decision that needs to be made."