

WA Supreme Court race is nonpartisan; the endorsements are not

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Dave Larson, a Federal Way municipal court judge, left, and Sal Mungia, a civil lawyer in private practice, are facing off for an open seat on the state Supreme Court. (Courtesy of the campaigns)

By [David Gutman](#)

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It's been a dozen years since Washington had a contested race for an open state Supreme Court seat.

This year, with the retirement of Justice Susan Owens, voters will choose between Dave Larson, a Federal Way Municipal Court judge who has run for the state Supreme Court three times before, and Sal Mungia, a veteran civil litigator who's never been a judge, but has the support of eight of the nine current justices.

While justices must win statewide election and serve six-year terms, most of the current court initially got their seats through appointment, not election.

Five of the nine current justices were appointed to fill open seats and subsequently won elections to keep those seats. Four of the nine were appointed by Gov. Jay Inslee. Two justices on the ballot this year, Chief Justice Steven González and Justice Sheryl Gordon McCloud, are running unopposed.

The court is nonpartisan and candidates run with no party affiliation, but it doesn't take much of a detective to suss out where the traditional alliances lie.

Mungia is endorsed by eight justices, as well as Inslee, two former Democratic governors, four other Democratic statewide elected officials and the state Democratic Party.

Larson touts no endorsements on his website or in the state voters' pamphlet, but is endorsed by the state Republican Party.

Larson says he is running, in part, to keep politics out of the judicial system.

"In recent years, we've got to a point where we want to install people that will fulfill our political interests in the courts, and that has to stop," he said. "Politics has kind of hijacked and overwhelmed the judiciary and it's diminished confidence in the judiciary."

Mungia, who was asked to run by González, said his primary focus would be upholding the rule of law, but he wants to push for systemic changes in two areas: increasing access to justice for those who can't afford an attorney, and fighting bias in the legal system.

"I think we both want change," Mungia said, "but I want change going forward. I think he wants change kind of going back."

Larson previously ran for the state Supreme Court in 2000, when he lost in the primary, and in 2016 and 2020, when he advanced to the general election but lost to incumbents.

A graduate of the University of Puget Sound and Seattle University Law School, he worked in private practice on civil litigation, largely representing insurance companies, for about 20 years. In 2008, he was appointed as a judge in Federal Way Municipal Court, and has served as that court's presiding judge since 2009.

He previously served as president of the Federal Way School Board.

Municipal courts handle misdemeanor cases. Larson said the cases he hears most frequently are DUIs, domestic violence, theft, cases involving addiction and mental illness.

"These are the most important courts in our state," Larson said. "Because we can keep people from graduating to felonies, and that's why my motto is I run a repair shop not a junkyard."

Mungia, a graduate of Pacific Lutheran University and Georgetown University Law School, clerked for a state Supreme Court justice and a federal judge immediately after law school, but other than that has worked in private practice his entire 40-year career.

A partner at the Tacoma firm, Gordon Thomas Honeywell, he focuses on civil lawsuits, largely personal injury work. He is a past president of the Washington State Bar Association, the Western States Bar Conference and Legal Aid of Washington. He has argued cases in both the state Supreme Court and the U.S. Supreme Court.

In 2020, during the height of the George Floyd protests, all nine state Supreme Court justices wrote an [open letter to the legal community](#), taking responsibility for “the role we have played in devaluing black lives,” and calling on lawyers and judges to do better.

The state Supreme Court has changed the state’s rules for jury selection, making it more difficult to exclude Black jurors. At least [17 other states](#) — from conservative states like Texas and Mississippi to liberal ones like New York and California — have since made or are trying to make similar changes.

The court has changed the [standard for police stops and seizures](#) in Washington, requiring race, and law enforcement’s history of discrimination, to be taken into account when determining if a stop is legal. It has applied the same standard to try to stamp out discrimination in [civil cases](#).

Mungia said he would have signed the 2020 letter.

“I do think that was completely appropriate for the court to acknowledge the systemic racism that’s historically been part of the legal system and the bias that still exists within the legal system,” Mungia said. “And instead of saying that others need to address it, the court really said we need to address it amongst ourselves.”

Larson said he would have had concerns about signing the letter. If it was simply an “aspirational, this is where we need to go” letter, he probably would have signed it.

But, he said, if the letter was going to be cited in cases and briefs, as it has, he probably would not have.

“Because it goes against the grain in terms of the way we’re supposed to operate with due process,” he said. “If you write a unilateral letter and then use that as controlling authority of cases, that’s problematic.”

Both candidates said courts should have a deep respect for precedent, following prior court decisions whenever possible. But both also said there are times when precedent should be overturned.

Larson: “Undoing injustice, that has to happen when it’s appropriate to do so, it’s like you know it when you see it.”

Mungia: “When precedent is based upon racism, homophobia, sexism, ableism, where the very foundation of it is not sound, then precedent plays less, if not much less, role in your decision.”

Both candidates brought up the most notable recent instance of overturning precedent, the Dobbs case, in which the U.S. Supreme Court overturned a 50-year-old precedent and removed the constitutional right to an abortion.

“You don’t want Supreme Court opinions changing just because the composition of the court changes,” Mungia said. “They got the Dobbs decision wrong.”

Larson cited the Dobbs case as an example of why “you should not look to the judiciary for social issues.”

“It’s not a judicial issue in Washington, nor should it be,” Larson said. “The judiciary needs to stay in its lane and not get involved in public policies.”

He said he hasn’t followed the U.S. Supreme Court that closely and didn’t want to comment on whether he agreed with the Dobbs decision.

As judicial role models, Larson cited Gerry Alexander who served on the state Supreme Court from 1994 to 2011.

“When a case was decided you knew it came from the right place, agree or disagree with him, that’s the kind of judge want to be,” Larson said. “If I had to pick, it’s more important for the people I rule against to have confidence in me than the people I rule in favor of.”

Mungia named Thurgood Marshall, who was a civil rights lawyer before serving on the U.S. Supreme Court from 1967 to 1991.

“A brilliant civil rights leader,” he said, “that’s someone who made such a huge difference in this country.”