

Candidate Questionnaire

WA Supreme Court, Position 4

Candidate Information

Your Name: Judge Ian Birk

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1. Constitutional philosophy

When you interpret the Washington Constitution, what principles guide you in deciding what the constitution requires, particularly when the answer is politically controversial?

When interpreting the Washington Constitution, I am guided first and foremost by its text, history, and the principles established by the Washington Supreme Court. My responsibility as a judge is not to reach the result that is most popular or politically convenient, but to faithfully apply the law and protect the rights and principles embodied in our Constitution. When an issue is politically controversial, that responsibility becomes even more important. I approach each case with an open mind, carefully considering the arguments and precedent, while remaining committed to an independent judiciary, equal justice, and the rule of law.

2. Environment:

What role should the Washington Constitution play in protecting the state's natural resources and environment, and how would you approach a case where environmental protection conflicts with economic development?

This question anticipates issues that could come before the courts and therefore I am limited in my ability to answer. Constitutional provisions address both state lands and waters as well as state versus local authority. In Washington, the Growth Management Act and the State Environmental Policy Act both continue to present questions of policy to be developed by the Supreme Court. In terms of balancing environmental protection and economic development, I am proud to say I am the only candidate in my race endorsed by the Sierra Club, Washington Conservation Action, and the Urbanist. I would add that the Treaty Rights of Washington Tribes add an important component to environmental stewardship in our state. The recovery of the Elwha River provides an example. I wrote a decision upholding tribal sovereignty in a case involving salmon habitat recovery in *Flying T Ranch v. Stillaguamish Tribe of Indians*, [857398 order and opinion.pdf](#).

3. Judicial independence:

Can you describe a case or legal position where your decision put you at odds with powerful political or economic interests, and how you handled that pressure?

In my work on the Court of Appeals, I have handled cases involving government entities, corporations, prosecutors, and individuals, and my obligation to apply the law fairly has remained in every case. Sometimes, the law requires judges to stand up to powerful interests; this occurred in my recent decisions in *Rush v. State*, [874772.pdf](#), and *Simonton v. Health Care Authority*, [869884.pdf](#). I do not approach a case by asking who the parties are, what their political influence may be, or what result might be most

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popular. I ask what the law requires. Judicial independence means having the discipline to follow that answer even when it is difficult or unpopular. Courts are most deserving of public trust when litigants know that their cases will be decided on the law and the facts, rather than on politics, pressure, or favoritism.