

Candidate Questionnaire

WA Supreme Court, Position 4

Candidate Information

Your Name: Judge Sean O'Donnell

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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?

My framework for legal decision-making starts with the Constitution's text and the cases that have interpreted it. Washington's Constitution provides civil rights, individual freedoms, and fundamental democratic rights that are in many ways broader than their federal counterparts. I take that language seriously.

At the same time, legal precedent is not immutable. In Washington State, the test of whether to overturn precedent can be summarized simply: is the prior decision clearly wrong and is the prior decision clearly harmful. If the answer to those questions is "yes" then it may be appropriate to consider overturning that precedent. This is not a casual thing for judges or justices to do — but we have collectively seen examples of when overturning precedent is justified.

When a case is politically controversial, I am careful not to prejudge issues. I wait until I hear all of the arguments, read the briefing, and conduct my own analysis. In short, I start with the Constitution's text, I apply precedent faithfully, and I never lose sight of the fact that the law exists to serve people.

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?

As a candidate for the Washington State Supreme Court, I need to be careful not to prejudge issues or make policy commitments that could come before the Court. Doing so could compromise my ability to hear those cases impartially and would be improper under Washington's Judicial Code of Conduct. What I can say is that my approach to any case is the same: I begin with the Constitution, the laws enacted by the Legislature, and the legal precedent that guides the Court, and will always maintain impartiality in reaching my decisions.

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?

I chose to be a judge because I believe I have the ability to stand up for what is right and to not let outside pressure influence me. I have made unpopular decisions as a judge, I remember my oath to uphold our

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State Constitution and my duty as a judge under our judicial canons. One example worth noting is when I upheld the constitutionality of Washington's weapons surrender statute in the face of a Second Amendment challenge. Another example is when I allowed a lawsuit to proceed against a school district when there were serious allegations of racism against a teacher and an accusation that the school's administrators had covered up the teacher's conduct.

The way I handle pressure in cases like this is to remember why I sought the job, what its purpose is, and I keep in mind that it is a privilege to be in a position where I can make these decisions for our community.