

Candidate Questionnaire

WA Supreme Court, Position 1

Candidate Information

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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?

I interpret the Constitution contextually, taking into account the text, history, context, and intent of the drafters. And I also believe in legal pragmatism, which teaches that judges must focus on the law's impacts in the real world, focusing on everyday people as we decide cases and administer our justice system. The Constitution and laws are not written to serve institutions or elites; they are written to serve everyday people of all walks of life. And that approach does not change when a matter is politically controversial. As a civil rights lawyer, many (or maybe all!) of my cases were controversial. No matter the case, the assignment is the same: interpret and uphold the Constitution and its protections for each of us.

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?

The public-trust doctrine is part of Washington constitutional law and protects public interests in rivers, lakes, shorelands, tidelands, and other bodies of navigable water. And in addition to the Constitution, a suite of statutes and regulations govern emissions, pollution, use, and development of natural spaces. At the same time, the statewide Growth Management Act provides a blueprint for development priorities. Both sets of regulations--environmental and development-related--are afforded deference and have to be harmonized whenever possible. These are frequent disputes, and my Court is charged with laying these priorities alongside each other and determining the interpretation that best gives effect to the full scope of the Legislature's intent.

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?

My work to hold the federal government accountable to the rule of law is the best example. I filed dozens of cases against the Trump Administration over two terms, starting with the Muslim Travel Ban and ending with Birthright Citizenship, that challenged the policy priorities of President. I handled that pressure by working hard and ensuring that before my team filed anything, we were certain we had the factual evidence and the legal arguments fully prepared. If I learned anything in years of litigating against

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the federal administration, it is that the rule of law is strong and will hold if we make a great case, and that there can be absolutely no substitute for strong values and hard work.