

THE SUPREME COURT & YOUR SCHOOLS

A Multi-Depth Guide to Understanding Who Really Controls Education in Washington

Created: December 11, 2025

For: Moses Lake School District Transparency Initiative

HOW TO USE THIS DOCUMENT

Think of this as a swimming pool with marked depths. You decide how far you want to go:

-  **SHALLOW END** - Quick overview (5 minutes)
-  **WADING DEPTH** - The McCleary story (15 minutes)
-  **SWIMMING DEPTH** - The 2012 Court that decided it (20 minutes)
-  **DEEP DIVE** - Today's 2025 Court profiles (45+ minutes)

Stop whenever you want. Each section stands alone.

SHALLOW END: What You Need to Know

The Power Hierarchy Over Moses Lake Schools

WASHINGTON STATE SUPREME COURT (9 Justices)
 ↓ (ordered billions in spending)
WASHINGTON STATE LEGISLATURE
 ↓ (passes education laws)
HOUSE EDUCATION COMMITTEE (19 Members)
 ↓ (controls which bills advance)
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (OSPI)
 ↓ (implements state policy)
MOSES LAKE SCHOOL DISTRICT
 ↓
YOUR CHILDREN

The One Sentence You Need:

In 2012, nine judges you probably never heard of ordered the Washington State Legislature to spend an additional \$13+ billion on K-12 schools, and the Legislature had no choice but to obey.

Why This Matters to Moses Lake:

- **Property taxes increased** statewide to fund the order
- **School funding formulas changed** affecting every district including Moses Lake
- **Local levy flexibility reduced** - less local control
- **Teacher salary structure changed** from local to state funding
- **\$100,000/day fines** against the state until they complied (2014-2018)

The “Non-Partisan” Reality:

When you vote for Supreme Court justices, the ballot says: - **NON-PARTISAN** - Name - (Maybe) current position - **THAT'S IT**

You don't get: - Their judicial philosophy - Who appointed them (if applicable) - Their previous rulings - Their political affiliations - Their donor connections - Their organizational memberships

Yet these nine judges have more power over your schools than your locally elected school board.

 **STOP HERE** if you just wanted the basics.

 **KEEP READING** to understand the McCleary decision story...

WADING DEPTH: The McCleary Story

How Nine Judges Forced \$13 Billion in New Spending

The Lawsuit (2007)

Who sued: Network for Excellence in Washington Schools (NEWS), plus: - Mathew and Stephanie McCleary (Chimacum School District parents) - Robert and Patty Venema (parents) - Multiple school districts - Washington Education Association (teachers union - major funder)

What they claimed: Washington State violated Article IX, Section 1 of the State Constitution:

“It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.”

The argument: The state wasn't fully funding basic education - they were forcing local school districts to use local property tax levies to cover basic costs that the state constitution required the state to pay.

The Trial Court Ruling (2010)

Judge John Erlick, King County Superior Court:

“State funding is not ample, it is not stable, and it is not dependable.”

Ruling: The state was failing its constitutional duty.

State appealed to Washington Supreme Court.

The Supreme Court Decision (January 5, 2012)

Case Number: 84362-7

Opinion Written By: Justice Debra Stephens

Vote: NOT unanimous on all points

Main Holding: The state legislature has failed to fulfill its constitutional obligation to fully fund K-12 basic education.

Key Requirements Ordered: 1. Define what “basic education” actually means 2. Determine the actual cost of providing it 3. Fully fund it through “regular and dependable tax sources” (not local levies) 4. Complete this by September 1, 2018

The Controversial Part: The Court retained jurisdiction over the case - meaning they would continue to oversee and judge whether the Legislature was making progress.

Who Dissented (Partially): - **Chief Justice Barbara Madsen** - joined by Justice James

Johnson - Issue: They agreed the state wasn’t meeting its duty, but dissented on the Court retaining jurisdiction and continuing to oversee the Legislature - **Reasoning:** This crosses separation of powers - judiciary shouldn’t supervise the legislative branch ongoing

The 6-Year Battle (2012-2018)

Timeline:

2012: Court orders Legislature to show progress

2013: Legislature adds \$1.6 billion but Court says not enough

January 2014: Court issues stern warning - “show real and measurable progress”

September 2014: Court holds Legislature in **CONTEMPT** - first time in Washington history

August 2015: Court begins **\$100,000/DAY FINES** against the state

2016: Opponents try to unseat three justices in elections - **FAIL**

2017: Legislature passes major property tax reform plan

November 2017: Court says plan doesn’t meet September 2018 deadline

2018 Session: Legislature adds another \$776 million + \$105 million for fines

June 7, 2018: Court declares victory - **LIFTS CONTEMPT ORDER**

Total collected in fines: Over \$100 million (placed in education account)

The Impact

What Changed:

1. **Teacher Salaries:** Moved from local levy funding to state funding
 - State minimum salaries increased dramatically
 - Local districts lost flexibility to set own salary schedules
 - Property taxes shifted from local levies to state levy
2. **Class Size Reductions:** Mandated K-3 class size limits
3. **Full-Day Kindergarten:** Required statewide
4. **Transportation:** State now must fully fund student transportation
5. **Materials/Supplies/Operating Costs (MSOC):** State must cover these basic costs
6. **Property Tax Changes:**
 - State property tax rate INCREASED
 - Local levy rates CAPPED
 - Some districts (like Spokane) faced NET funding DECREASES despite increased state spending
 - Result: Spokane cut 325 positions (8% of staff) in 2019

The Unintended Consequences:

While state spending increased by billions: - Some districts experienced funding SHORTFALLS due to levy caps - Local control reduced - Teacher strikes increased (unions argued McCleary money should mean higher raises) - One-size-fits-all state approach replaced local flexibility

Moses Lake Impact: Property taxes increased, funding formulas changed, less local control over teacher compensation



STOP HERE if you understand the McCleary story.



KEEP READING to learn about the 2012 justices who made the decision...



SWIMMING DEPTH: The 2012 Court That Decided McCleary

Who Were These Nine People?

When the McCleary decision came down on January 5, 2012, here were the nine justices:

THE MAJORITY (7 Justices)

Chief Justice Barbara A. Madsen (*partially dissenting on jurisdiction*) - First elected: 1992 - Appointed by: N/A (elected) - Status in 2012: Chief Justice - **Partial Dissent:** Agreed state failed duty, but opposed continued judicial oversight - Chairs: Gender and Justice Commission

Justice Charles W. Johnson - First elected: 1990 (defeated incumbent Chief Justice Keith Callow) - Status: One of longest-serving justices - Concurred with majority

Justice Gerry L. Alexander - Appointed: 1995 by Governor Mike Lowry (D) - Former Chief Justice - Described as “centrist” - Concurred with majority

Justice Mary E. Fairhurst - Elected: 2002 - Future Chief Justice (2017-2019) - Concurred with majority

Justice Tom Chambers - Appointed: 2007 by Governor Christine Gregoire (D) - Concurred with majority

Justice Susan Owens - Elected: 2000 - Concurred with majority

Justice DEBRA STEPHENS - AUTHOR OF OPINION ★ - Appointed: 2008 by Governor Christine Gregoire (D) - **First woman from Eastern Washington on Supreme Court** - Described as “brilliant” and “particularly avid and incisive questioner” - **Wrote the 62-page McCleary opinion** - **Currently Chief Justice (2025)** - Education: Gonzaga Law School

THE PARTIAL DISSENTERS (2 Justices)

Chief Justice Barbara Madsen (*on jurisdiction issue only*) - **Position:** Agreed state failed constitutional duty - **Dissent:** Opposed court retaining jurisdiction to oversee Legislature - **Reasoning:** Separation of powers - judiciary shouldn’t supervise legislative branch - **Quote context:** “Judicial restraint” concerns

Justice James M. Johnson (*joined Madsen’s partial dissent*) - Most conservative member of court - Retired April 2014 due to health concerns - **His Dissent (from later orders):**

“The legislature should not have the court’s orders held to its head.”

“The court simply do[es] not have enough information to know whether the legislature’s outlined progress is adequate.”

“The workings of a state involve many interconnected parts, and it is unhelpful to view one piece in isolation, when other state matters have evolved.”

Justice Johnson’s Core Argument: - Legislature has “comparative advantage” in identifying policy goals and implementing them - Court is overstepping by evaluating the Legislature’s benchmarks and reform contents - This violates separation of powers doctrine - Legislature is solely responsible for education funding under constitution

THE CONSERVATIVE JUSTICE WHO WASN'T THERE

Justice Richard B. Sanders - Lost re-election in 2010 to Charles K. Wiggins - Most conservative justice on court - Had he still been on court in 2012, might have joined Johnson's dissent more forcefully

Charles K. Wiggins (replaced Sanders) - Elected: 2010 (defeated Sanders) - More moderate than Sanders - Voted with majority

The Stanford Study: Court Ideology (October 2012)

Campaign Finance Score (CFscore) Analysis: - Calculated based on: judicial campaign contributions, partisan leaning of donors, ideology of appointing governors - **Washington Supreme Court Score: -0.91 - Ranking: 5th most liberal state supreme court in America** - Scale: Above 0 = conservative, Below 0 = liberal

Context: This study was published in October 2012, nine months AFTER the McCleary decision.

The Separation of Powers Debate

Traditional View (Johnson/Madsen): - Courts interpret what the constitution requires - Legislature decides HOW to fulfill that requirement - Courts should not supervise legislative compliance ongoing - This is executive/legislative function, not judicial

Majority View (Stephens + 6 others): - Court has "primary responsibility for interpreting" the constitution - Without continued jurisdiction, court cannot ensure compliance - Legislature had DECADES to fix this (since 1978 Doran case) and didn't - Retained jurisdiction is necessary to prevent another 30+ years of non-compliance

The Unprecedented Nature: - First contempt order against state in Washington history - First time court imposed daily financial sanctions on Legislature - Longest-running judicial oversight of legislative budgeting in state history

Harvard Law Review Analysis (2015): The Harvard Law Review published analysis noting:

"Aggressive judicial intervention may impose complex costs, such as risking damaging the judiciary's relationship with the coordinate branches and causing short-term disruption to the education system."

The analysis noted the Court had "no technical resources to assess particular tradeoffs" in state budgeting, where education consumed 44% of the state's general fund in 2012.



STOP HERE if you've learned enough about the 2012 Court.



KEEP READING for complete profiles of TODAY'S 2025 Supreme Court...



DEEP DIVE: The 2025 Washington Supreme Court

Current Composition (As of January 2025)

Quick Facts:

- **Total Justices:** 9
- **Appointed by Democratic Governors:** 5
- **Elected (not appointed):** 4
- **Majority Female:** Yes (since 2013)
- **Majority People of Color:** Yes (as of January 2025)
- **Current Chief Justice:** Debra L. Stephens (wrote McCleary opinion)

THE NINE JUSTICES (2025)

Position 1: JUSTICE MARY YU

Term: Elected 2014, Re-elected 2016, 2022

Term Expires: December 31, 2028

How She Got There: Appointed January 2014 by Governor Jay Inslee (D) to fill vacancy

Background: - Historic: First LGBTQ, Asian American, and Latina member of Washington Supreme Court - Born in Chicago to Chinese immigrant mother and Mexican father - Education: Notre Dame Law School - Previous: King County Superior Court judge (2000-2014) - Career: Former prosecutor, public defender

Significance: One of multiple “firsts” on this court

Status: Announced retirement September 2024, leaving December 31, 2025

Replacement: Colleen Melody (appointed by Governor Bob Ferguson, November 24, 2025)

Position 2: JUSTICE SAL MUNGIA (NEWEST JUSTICE)

Term: Elected November 2024

Sworn In: January 13, 2025

Term Expires: January 12, 2031

How He Got There: Elected in contested race, defeated Dave Larson

Background: - Born in Tacoma to immigrants from Mexico and Japan - 38 years as civil trial and appellate attorney in private practice - Previously clerked for a Washington Supreme Court justice - Committee member: Drafted court rule (adopted 2018) to diminish racial bias in jury selection

Quote from swearing-in: > “You can speak up for those who don’t have a voice. You give hope to those that have lost sight of what hope is. You can give justice to those who’ve been robbed of justice.”

Significance: With Mungia’s arrival, **majority of court is now people of color**

Election Results (November 2024): - Mungia: Narrow victory - Defeated: Dave Larson - Primary: Defeated Todd Bloom and David Shelvey

Position 3: JUSTICE RAQUEL MONTOYA-LEWIS

Term: Elected 2020

Term Expires: January 13, 2027

How She Got There: Appointed December 2019 by Governor Jay Inslee (D) to fill vacancy

Background: - **Historic:** First Native American justice on Washington Supreme Court - Member: Pueblo of Isleta - Education: UCLA School of Law - Previous: Whatcom County Superior Court judge - Focus: Tribal sovereignty, indigenous rights, criminal justice

Election Results (November 2020): - Defeated Dave Larson in general election

Significance: Brings tribal law and indigenous perspective to court

Position 4: JUSTICE CHARLES W. JOHNSON

Term: First elected 1990, Re-elected 1996, 2002, 2008, 2014, 2020

Term Expires: January 13, 2027

How He Got There: Elected 1990 (defeated incumbent Chief Justice Keith Callow)

Background: - **Longest-serving current justice** (35 years as of 2025) - First defeated incumbent Chief Justice in 40 years when elected (1990) - Education: University of Washington School of Law - Previous: Pierce County Superior Court judge - Former Chief Justice: multiple terms

Significance: - Was on court for McCleary decision (2012) - voted with majority - Institutional memory spanning multiple decades - Witnessed entire evolution of education funding litigation

Position 5: JUSTICE BARBARA A. MADSEN

Term: First elected 1992, Re-elected 1998, 2004, 2010, 2016, 2022

Term Expires: January 13, 2029

How She Got There: Elected 1992

Background: - **Second-longest serving current justice** (33 years as of 2025) - Chief Justice: Multiple terms - Education: Seattle University School of Law - Previous: King County Superior Court judge - Chair: Gender and Justice Commission

McCleary Role: - **Chief Justice in 2012 when McCleary decided - Partially dissented** on continued judicial oversight - Argued court was overstepping separation of powers

Significance: - Direct connection to McCleary decision - Represents continuity from 2012 court to present - Opposed ongoing judicial supervision of Legislature

Described by critics as: “Wants to drive the court in a certain direction” focused on gender equity

Position 6: JUSTICE G. HELEN WHITENER

Term: Elected 2022

Term Expires: January 13, 2029

How She Got There: Appointed April 2020 by Governor Jay Inslee (D) to fill vacancy

Background: - Education: Seattle University School of Law - Previous: Washington Court of Appeals, Division I - King County Superior Court judge

Significance: After her appointment in 2020, court was called “**arguably the most diverse court, state or federal, in American history**”

Election Results (November 2022): - Won re-election unopposed (no challengers)

Position 7: CHIEF JUSTICE DEBRA L. STEPHENS

Term: First appointed 2008, Elected 2010, Re-elected 2016, 2022

Term Expires: January 13, 2029

How She Got There: Appointed November 2008 by Governor Christine Gregoire (D) to fill vacancy

Chief Justice: January 2025 - January 2029 (4-year term)

Background: - **WROTE THE McCLEARY OPINION** (2012) - **First woman from Eastern Washington on Supreme Court** - Education: Gonzaga University School of Law - Previous: Washington Court of Appeals, Division III (Spokane) - Spokane County Deputy Prosecuting

Attorney

Described as: “Brilliant” and “particularly avid and incisive questioner”

Significance: - Author of the most consequential education decision in state history - Now leads the court as Chief Justice - Direct continuity from McCleary to present day

Previous Chief Justice term: 2019-2020 (completed Chief Justice Mary Fairhurst’s term when she retired)

Position 8: JUSTICE STEVEN C. GONZÁLEZ

Term: First elected 2012, Re-elected 2018, 2024

Term Expires: January 13, 2031

How He Got There: Appointed February 2012 by Governor Christine Gregoire (D) to fill vacancy

Background: - Education: UC Berkeley School of Law - Previous: Washington Court of Appeals, Division I - King County Superior Court judge - Former Chief Justice: 2021-2024

Election Results (November 2024): - Won re-election unopposed (no challengers)

Significance: Appointed just one month AFTER McCleary decision came down

Position 9: JUSTICE SHERYL GORDON McCLOUD

Term: First elected 2013, Re-elected 2019, 2024

Term Expires: January 13, 2031

How She Got There: Appointed February 2013 by Governor Jay Inslee (D) to fill vacancy

Background: - Education: Harvard Law School - Previous: Washington Court of Appeals, Division I - Seattle City Attorney’s Office - Focus: Government accountability, public records

Election Results (November 2024): - Won re-election unopposed (no challengers)

INCOMING: JUSTICE COLLEEN MELODY

Appointment: November 24, 2025 by Governor Bob Ferguson (D)

Takes Office: January 1, 2026

Term Expires: December 31, 2028 (completing Justice Yu’s term)

Election: Must run in November 2026 to keep seat

Background: - Age: 43 - Current: Chief of Civil Rights Division, Washington Attorney

General's Office - Hired by: Bob Ferguson (2015) when he was Attorney General - Education: University of Washington Law School - Previous: U.S. Department of Justice Civil Rights Division - From: Spokane, Washington

Governor Ferguson's Comments: > "Anyone who has had any interaction with Colleen in a legal setting would all agree that she has a brilliant legal mind."

Her Comments on Courts: > "State courts are actually the place where most of us who are able to access justice go to seek it. They have never been more important than they are right now."

"The rule of law seems more fragile than it has to me at any point during my lifetime."

SUMMARY ANALYSIS: The 2025 Court

Political Composition

Appointed by Democratic Governors: 5 - Mary Yu (Inslee) - Raquel Montoya-Lewis (Inslee) - G. Helen Whitener (Inslee) - Debra L. Stephens (Gregoire) - Steven C. González (Gregoire) - Sheryl Gordon McCloud (Inslee) - Colleen Melody (Ferguson) - incoming

Originally Elected (No Appointment): 4 - Charles W. Johnson (1990) - Barbara A. Madsen (1992) - Sal Mungia (2024)

(Note: Stephens, González, and Gordon McCloud were appointed initially but then won competitive elections)

Diversity Milestones

Historic Firsts Represented: - First Native American justice (Montoya-Lewis) - First LGBTQ justice (Yu) - First Latina justice (Yu) - First Asian American justice (Yu) - First woman from Eastern Washington (Stephens) - First court with majority people of color (2025) - First court with supermajority women (2013-present)

Current Demographics: - **Gender:** 6 women, 3 men (67% female) - **Race/Ethnicity:** Majority people of color - **Geographic:** Representation from Eastern Washington, tribal communities

McCleary Continuity

Still on Court from 2012 McCleary Decision: 1. **Chief Justice Debra L. Stephens** - WROTE the opinion 2. **Justice Barbara A. Madsen** - Partially dissented 3. **Justice Charles W. Johnson** - Voted with majority

Three of nine current justices were on the court that decided McCleary and enforced it through 2018.

The “Non-Partisan” Election Reality

What voters see on ballot:

- DEBRA L. STEPHENS
Supreme Court Justice, Position 7
- [Challenger Name]
[Occupation]

What voters DON'T see: - Appointed by Governor Christine Gregoire (Democrat) - Wrote McCleary opinion ordering \$13 billion in new spending - Progressive voting record - Chairs Gender and Justice Commission - Campaign donor information - Organizational affiliations - Judicial philosophy

Recent Election Results Pattern: - **2024:** All three races - two incumbents unopposed, Mungia won narrow contest - **2022:** All three incumbents - ALL unopposed - **2020:** Mixed - some contests, but incumbents won

Since 2010: Only ONE incumbent has lost re-election (Richard Sanders, 2010)

Reality: Washington Supreme Court races are effectively: - Dominated by incumbents - Rarely competitive - Low information for voters - High re-election rates

THE POWER THESE NINE PEOPLE HOLD

What Washington Supreme Court Can Do:

1. **Order Legislature to spend billions** (McCleary)
2. **Strike down voter-approved initiatives** (Charter Schools, 2015)
3. **Abolish death penalty** (State v. Gregory, 2018 - unanimous)
4. **Hold Legislature in contempt** (2014-2018)
5. **Impose daily fines on state government** (\$100,000/day)
6. **Retain jurisdiction over cases indefinitely** (supervised Legislature for 6 years)
7. **Interpret state constitution independently of federal constitution** (State v. Gunwall)
8. **Regulate practice of law statewide**
9. **Adopt court rules** for all proceedings
10. **Govern entire state court system**

Areas of Impact on Education:

- **School funding** (McCleary)
- **Charter schools** (struck down 2012 initiative, later upheld different version)
- **Teacher strikes** (legality and limitations)
- **Special education services** (constitutional adequacy)
- **School discipline** (student rights)
- **Testing requirements** (constitutional boundaries)

- **Local levy authority** (limits on local control)

WHAT VOTERS NEVER LEARN

When you vote for Supreme Court justices, you typically don't know:

About Their Appointment:

- Which governor appointed them (if any)
- Why they were selected
- Who else was considered
- Political connections
- Campaign supporters

About Their Judicial Philosophy:

- Originalist vs. Living Constitution approach
- Judicial restraint vs. Judicial activism
- Textualist vs. Purposivist interpretation
- Views on separation of powers
- Approach to precedent

About Their Record:

- Major opinions they've written
- Cases they've decided
- Dissents they've filed
- Voting patterns
- Areas of expertise

About Their Background:

- Professional experience beyond bullet points
- Organizational memberships
- Political activities before bench
- Who funded their campaigns
- Conflicts of interest disclosures

About Their Positions:

- Views on education funding
- Stance on local vs. state control
- Opinion on judicial oversight of Legislature
- Philosophy on constitutional interpretation
- Approach to controversial issues

All you get is: - Name - Current title - “NON-PARTISAN”

Yet these are the nine people who: - Ordered \$13+ billion in new education spending - Held the Legislature in contempt - Fined the state \$100,000/day - Changed property tax structure statewide - Reduced local levy authority - Mandated teacher salary changes

THE QUESTION FOR MOSES LAKE VOTERS

When you vote for: - **Education Committee members** → You get to research their campaign finance, voting records, bills sponsored, organizational affiliations, public statements

When you vote for: - **Supreme Court justices** → You get their name and “NON-PARTISAN”

Yet the Supreme Court has arguably MORE power over your schools than the Education Committee.

The Irony:

We spent dozens of hours researching: - Rep. Shaun Scott’s Marxist affiliation and \$11,000 PDC violations - Rep. Matt Marshall’s Three Percenter militia leadership - Every Education Committee member’s donors, votes, backgrounds

But when it comes time to vote for the nine people who can: - Order billions in new spending - Change the entire funding structure - Hold elected officials in contempt - Impose daily fines on government

We get almost zero information.

RESOURCES FOR FURTHER RESEARCH

Official Sources: - Washington Courts website: www.courts.wa.gov - Ballotpedia: Washington Supreme Court pages - Washington Secretary of State: Election results

Court Decisions: - McCleary v. State (2012): Case No. 84362-7 - All subsequent McCleary orders (2012-2018) - Full opinion available at courts.wa.gov

Analysis: - Harvard Law Review: “McCleary v. State” (2015) - Washington Policy Center: McCleary analysis - Stanford Study: State Supreme Court Ideology (2012)

News Coverage: - Seattle Times: Supreme Court coverage - Washington State Standard: Court news - NPR: McCleary coverage

FINAL THOUGHTS

This document was created to give Moses Lake voters information they normally NEVER receive about the people who have enormous power over their schools.

The Washington Supreme Court: - Operates in “non-partisan” elections - Rarely faces competitive races - Incumbent re-election rate near 100% - Voters receive minimal information - Yet holds vast power over education, taxes, and government

The same transparency and equal scrutiny we applied to the Education Committee should apply to Supreme Court justices.

The question: Should voters have access to the same depth of information about Supreme Court candidates that we now have about Education Committee members?

Your decision: How deep did you dive? Did you stop at the shallow end or swim to the deep end?

END OF DOCUMENT

Document Status: Complete multi-depth guide

Next Steps: User determines placement on Moses Lake transparency website

Suggested Location: Separate section with clear warning about depth/complexity