



# MARY YU

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## “SURROUNDED BY LOVE”

**A**t midnight on December 9, 2012, the first same-sex couples in Washington history were legally married. Emily and Sarah Cofer, two school teachers from Snohomish County, stood before Judge Mary Yu in a Seattle courtroom. Emily and Sarah wanted to be married by Judge Yu because she had presided over the adoption hearing for their daughter Carter.

Yu brought a special touch, a signature style to adoption proceedings that other court officers had carried out in assembly-line, “congrats, next” fashion. Yu kept the necessary legal rigor, but added ceremony. She wanted to ritualize the event in a more dignified manner. That was especially important to LGBTQ couples who had no legal status in the years before domestic partnerships and marriage.

Guests sat in Yu’s jury box. Sometimes they didn’t all fit. She invited comments. She stressed the joining of family. And care for the beloved child. She told squeamish grandparents: “Love who your child loves.”

And she did so in a warm way that blended her religious training, her devotion to the law, and her empathy as a member of the LGBTQ community. “She welcomed us and our family and friends and was adorable with Carter, who was only 6 months old at the time,” recalls Sarah Cofer. “We left feeling joyous about our family’s rights matching the commitment that goes into planning for and raising a child.”

Through word of mouth, Yu became the go-to judge for same-sex couple adoptions. After a full day as a trial judge in King County Superior Court, she’d set aside time after 4 p.m. She oversaw some 1,400 adoptions.

It was especially meaningful to her because her standing as a judge kept her from political activism for LGBTQ civil rights.

Adoptions were her most visible contribution to the cause. And they fit

Facing page: In addition to Mary Yu, Washington artist Alfredo Arreguin has painted portraits of Supreme Court Justices Steven González and Charles Z. Smith. *Alfredo Arreguin*



Yu brought a warm, personal touch to adoption proceedings, particularly for same-sex parents such as Emily and Sarah Cofer. *Cofer Family*

her well. “She shined,” says Barbara Wechsler, a Seattle attorney who brought the first adoption cases to Judge Yu. “Because these adoptions were both a celebration of humanity and a legal proceeding. It really let both aspects of who she was shine. And shine expertly.”

Yu had found her voice in some ways. Not on a soapbox, or in a spotlight. The adoption hearings were not public and went unpublicized. But in a role more befitting her persona:

strong but private, judicious but tender. It was the kind of passionate, yet not flashy commitment Yu would become better known for as she ascended to the state Supreme Court, and became the first openly LGBTQ person elected statewide.

ADOPTION HEARINGS were, and can still be, of particular legal significance to LGBTQ couples. Practically speaking, before domestic partnerships and marriage equality were lawful, a lesbian could be inseminated, carry a baby, deliver it, and be on the birth certificate as a parent. Her partner, however, did not have legal status as a parent. If a tragic accident struck the family while traveling, there was no telling how local law officials or hospitals might view a gay couple, or their child’s birth certificate. Even if a non-biological parent was on a birth certificate that was not a guarantee those rights would be recognized in all states.

A court order granted by a judge in an adoption hearing was bulletproof, the gold standard. The U.S. Constitution says court orders from one state, properly rendered, must be observed in other states. If a non-biological parent became part of an adoption decree they would be covered in other states.

It was responsible. It was insurance. “It was really important for military families,” Yu says. “It was important for people who might see themselves leaving Washington state. They were scared out of their minds. They were afraid if they took their kids to Disneyland, what did it mean?”

Washington state law did not preclude same-sex parent adoptions. Nor did it specifically allow them. The first adoptions that Barbara Wechsler, a family law attorney, handled in the late 1980s were done quietly. “We really didn’t want to



More than a hundred people gathered at Seattle Center for a 2014 reunion with Yu, who had united their families through marriage, adoption or both. *Mary Yu*

get much out in the public or the media, at that point. Because it just wasn't ready for it.”

Usually, adoption hearings went before court commissioners, officials a notch below judges who attended to less complicated, often uncontested legal matters. In King County there was no way of knowing which commissioner might preside over a case, Wechsler says. Some might be delightful; some might be wooden; and, in the early years, at least one refused to officiate for religious reasons. All had busy workloads, lines of people waiting and reason to be brisk.

In the best case, Wechsler told clients, their adoption hearing would be nice but brief under a commissioner. In the late 1990s, Wechsler and other attorneys began to “special-set” adoption hearings before King County judges. Shortly after Yu was first appointed a judge in 2000, one of Wechsler's clients said she'd like to have Yu, whom she knew from volunteer work, preside over her child's adoption hearing.

“Judge Yu was special in the way she handled it,” Wechsler says. “She just made it a magical experience.” For the next 14 years, Wechsler would tell clients that they could see a commissioner or Judge Yu. “Then I would say, ‘Judge Yu is a lesbian, and welcomes these, and feels honored—she would always say that she feels honored to preside for these adoptions.’” When clients heard that, most felt Yu's courtroom was a safe harbor.

Other attorneys began favoring Yu. Although adoptions added work to the end of her day, Wechsler believes Yu “wanted to use this precious time for the

community she viewed during this historical period as needing more affirmation.”

Yu created her own model. It was foremost a legal affair. But she incorporated celebration, even fun.

Wechsler recalls one hearing where everyone in the family wore hats for some reason. Yu let them know their hats were wonderful and she loved them. But there was a rule in court: everyone had to remove their hats. And, to add a flourish to the end of the ceremony, they all celebrated by tossing their hats in the air.

She impacted families in other ways, Wechsler says. In one case, a client’s father was uneasy that his daughter was a lesbian and reluctant to attend her adoption hearing. But he came. Yu so changed his viewpoint that when Wechsler’s client came back for a second adoption, her father was eager see Judge Yu in action again.

“What I had said,” Yu recalls, “was that ‘The most important thing is to love who your children love. That would be the most important thing that you could do— to love who your child loves. It’s that simple.’ ”

It was an amazing 14 years, Wechsler said, before Yu became a Supreme Court Justice. Even after she began working at Olympia’s Temple of Justice, Yu would commute on Friday afternoons back to Seattle for adoptions.

“It was the most uplifting, satisfying, important time in my legal career,” Wechsler says.

MARY ISABEL YU’s father was born in China and went to work on a cargo ship while still a boy. When docked in New York, he jumped ship, hoping for freedom. At the time there was no such thing as legal immigration for people of Chinese descent. There hadn’t been since 1882’s Chinese Exclusion Act, a ban ignited by vicious stereotypes and fanned by ambitious politicians. “We have today to decide whether we shall have on the Pacific Coast of the United States the kingdom of Christ or the kingdom of Confucius,” said Senator James G. Blaine, who sought the Republican nomination for president in 1880. Blaine, a future secretary of



Emily and Sarah Cofer, with daughter Carter, were married by Yu just after the stroke of midnight, December 9, 2012. *Cofer Family*

state, also likened Chinese people to an infectious disease.

Yu’s father, Choi Kun Yu, later met his bride, Serafina Gomez, in a noodle factory where they both worked. Yu’s mother had come to America from Mexico, where she toiled in fields during her childhood, picking strawberries and asparagus. Yu’s father never spoke English well, but that was the family’s common language.

Mary and her brother Richard were raised on Chicago’s South Side in a predominantly Irish Catholic working-class neighborhood called Bridgeport. Mary liked to read but was not a great student. As she grew into her teen years, she preferred socializing. Her parents didn’t want her hands to be as dirty and calloused at theirs. They hoped she could become a secretary in an office.

In 1971, she went to a Catholic high school, St. Mary of Perpetual Help. Her parents thought it would be safer, if not academically superior. “I think my parents were convinced that if I went to a public school I probably would’ve dropped out. And that may have been true, on the South Side of Chicago in those days,” she says.



The early Yu crew on Chicago’s South Side, where they grew up: infant Mary, her brother Richard and cousin Yolanda. *Mary Yu*



Yu’s parents, Serafina Gomez and Choi Jun Yu, had worked in farms and factories. “My mom would always say she didn’t want our hands to look like hers,” Yu said. *Mary Yu*

Mary fell in with girls from the school. They drove around, listened and danced to Motown grooves. They went to house parties and drank beer and Boone’s Farm wine. “I look back at that era and what I was struggling with was making sure I fit in—that I was part of a group,” she says.

A young English teacher, Joan Finnegan, saw potential. Yu calls Finnegan “the most influential person” in her life. Yu didn’t know anyone who went to college. In her junior year, Finnegan encouraged her to think about her future, and college. “She could just see I

would've been one wasted life if I didn't get out of Bridgeport and go someplace and do something. And she was an incredible mentor and guide. I ended up going to the college that she took me to, which happened to be her alma mater."

While studying at Rosary College (now Dominican University), outside Chicago, she joined a Latin American student group. The church's "liberation theology," and its emphasis on economic and social justice, was thriving. "Central America was on fire," Yu

recalls. She became a religious studies major, thinking that might be the best route to doing good. The Dominican sisters affiliated with the college "were revolutionary women way before their time in educating and empowering women."

After graduation, Yu took a job with the Archdiocese of Chicago, starting as a secretary in the Office of Peace and Justice. Chicago's Catholics were soon led by Cardinal Joseph Bernardin, considered liberal by the Vatican's standards.

Yu worked to eliminate poverty and related issues of red-lining in housing and insurance, not with charity, but by Saul Alinsky-style organizing. "We weren't feeding people," she says. "We were actually organizing people to politically have power to change the dynamics." In five years, Bernardin promoted her to director of the office. One of the programs Yu funded was run by an organizer named Barack Obama.

Her altruism and ambition were eventually tested by limits of the gospel. The church tried to convert hearts and persuade people to do good. But it couldn't stop hate. Obama had gone off to Harvard Law School. That got Yu and others in her circle thinking.

"The law provides tools to bring about change," she says. "And I thought, 'Gosh, I want those tools. I want the ability to systemically address these issues and make people do that right thing. And the law makes people do the right thing. You don't have to personally believe it, but you've got to follow the law. So, you're not going to discriminate against this Black family despite the fact that you might be a racist and a bigot.'"



Cardinal Joseph Bernardin was supportive of Seattle Archbishop Raymond Hunthausen when the Vatican cracked down on him for allowing Mass to be celebrated by gay Catholics in a Seattle cathedral. *Archdiocese of Chicago*

She enrolled at Notre Dame Law School. Her female partner landed a job

with Seattle University. Soon Yu was commuting to Notre Dame from Seattle.



“What makes Mary stand out is her high level of passion and commitment to doing the right thing,” said Bobbe Bridge, who was Yu’s client as presiding judge of King County Superior Court. *Mary Yu*

NOTRE DAME ALUMNI take care of one another. Yu says she’s proof. She got an internship in the office of King County Prosecuting Attorney, thanks to a lawyer, Mike Duggan, who reached out. A Notre Dame grad, Duggan said the prosecutors’ office was a great place to work, and she should spend a summer there. She did and ended up staying.

She started in the criminal division and later transferred to the civil division, where county agencies were her clients. Employment lawsuits, contracts, construction, public records disclosure—the noncriminal legal matters of the county were her bailiwick. Bobbe Bridge, presiding judge of King County Superior Court, was a client; so was Ron Sims, the charismatic county executive.



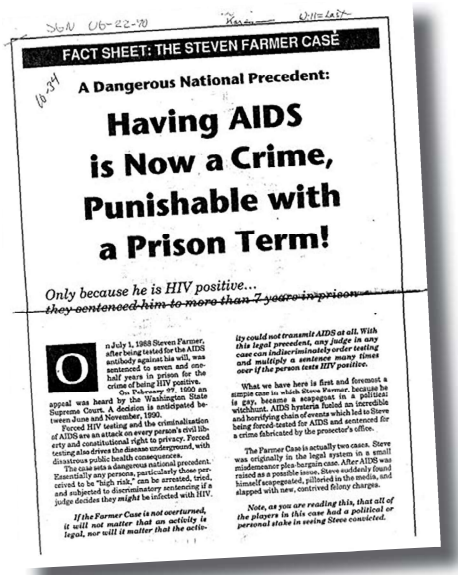
She worked 12-hour days. She was energetic and tough. Sims wanted to hire her away. After just five years, County Prosecutor Norm Maleng promoted her to deputy chief of staff in 1999. Maleng once said about his hiring philosophy: “What I want to know is what is in that person’s soul or heart.” He called Yu one of the “best and brightest people in law” he had ever known.

“Norm was really committed to diversity in the office,” Yu recalls, and put gays, lesbians and people of color in positions of power.

But Maleng had also been a lightning rod in the LGBTQ community. His prosecutors

If asked to name the most capable lawyers he knew, King County Prosecuting Attorney Norm Maleng said in 1999, “Mary would be on any list that I would give you.” *King County Prosecutor’s Office*





Steven Farmer became the first person in Washington forced to take an HIV test, leading to critical headlines and protests. *King County Prosecutor's Office*

sentenced to seven-and-a-half years, far beyond the usual range for his crimes. Protesters accused Maleng and Roe of being "AIDS-phobic" if not homophobic. "AIDS is Now a Crime," said a *Seattle Gay News* headline. The state Supreme Court ruled three years later that Farmer's forced HIV test violated his constitutional rights. Governor Mike Lowry granted him clemency.

Farmer was sentenced years before Yu arrived in Seattle, but she knew the story. She defends Maleng. He gave his prosecutors autonomy, which they respected him for. "He didn't micro-manage how those trial deputies went out and did what they did."

What's more, he had promoted Yu and other LGBTQ people. That "speaks loudly," Yu says. As does the fact he set up a unit to prosecute hate crimes against the LGBTQ community. She calls him a visionary in understanding equality.

In 2000, Governor Gary Locke appointed Yu to a judgeship in King County Superior Court. The first Chinese-American governor in the U.S., Locke wanted to diversify the judiciary. Judge Janice Niemi, considered a leading feminist when she was a state senator, asked Yu to replace her. "Big shoes. Big shoes," Yu says of filling Niemi's seat.

went hard after a gay man, Steven Farmer, in the late 1980s, for unlawful contact with two teenagers. As the AIDS crisis was beginning to accelerate, one of Maleng's senior prosecutors, Rebecca Roe, argued that the court should force Farmer to test for HIV, the virus that caused AIDS, before sentencing him on counts of sexually exploiting a minor and patronizing a juvenile prostitute. The health of Farmer, a movie-handsome airline steward, was not a legal issue in those convictions.

Maleng was seeking the Republican nomination for governor against more conservative rivals. Some saw Roe's stance as politically related.

Judge Charles V. Johnson (not to be confused with a Supreme Court justice of the same name) ordered a blood draw for Farmer. He tested HIV-positive. He was

Within months, she was thrust into an election to defend her post. Her opponent tried to float innuendo about Yu’s sexual orientation. Most of the press ignored him. Those that didn’t, depicted him as an opportunist.

It was true that Yu hadn’t tried cases in Superior Court at the time of her appointment. “That was the conversation from those who didn’t know her,” said Bobbe Bridge, Yu’s former client, who became a Supreme Court justice. Yu was elected, and re-elected. In 2005, she was named the state’s judge of the year by a group that included both plaintiff and defense lawyers.

A reporter from *The Seattle Times* sat in Yu’s court one late Wednesday afternoon. A confused, uncooperative defendant refused to sign routine paperwork, wrongly convinced he would be surrendering his rights. Although most of the courthouse had emptied in anticipation of the Thanksgiving holiday, Yu was in no hurry. “She said ‘please’ and ‘thank you’ and took considerable pains to explain everything.” Her strategy worked, although it took nearly an hour. But justice was served, with patience and respect.

THE ADOPTION JUDGE became the marrying judge in 2012. Washington’s new marriage equality law took effect on December 6. The state mandates a three-day waiting period between the issuance of a marriage license and a wedding to legally consummate the bond.



Yu’s bailiff, Takao Yamada, here on December 9, 2012 with Carter, Sarah and Emily Cofer, implored the judge to start officiating marriage ceremonies at midnight. The Yu crew worked until 7 a.m., marrying 12 couples. *Barb Kinney*

Bailiff Takao Yamada suggested that Yu start officiating ceremonies at midnight. The idea came to Yamada because his parents could not be married in Virginia before a 1967 U.S. Supreme Court decision struck down the state’s ban on mixed-race marriages. “He’s a young man who is Japanese and white, and he said, ‘You know, judge, we should do this at the stroke of midnight because people should not have to wait to be married,’ ” Yu recalls. Court officials approved the idea. Yu says some court-

house staff volunteered to work without pay.

Yu’s team didn’t want to give celebrities preferential treatment. The Yu crew decided that the first couple to call would be the first to wed.

Hello, Sarah and Emily Cofer.

When marriage became legal in Washington, Sarah and Emily wanted to get hitched right away. “Judge Yu had made Carter’s adoption a beautiful day and we wanted the same experience for our legal wedding,” Sarah Cofer says. They contacted Yu’s office. They heard her plan. They said they’d be up for midnight matrimony. They booked a hotel room close to the courthouse and walked there with friends and family.

“When we first arrived in the courtroom,” Sarah recalls, “[Judge Yu] ushered us into her chambers where she ran us through what to expect, and we laughed and relaxed as she told us to ignore the camera clicks.” Anne Levinson, a backstage LGBT community-leader for decades, had orchestrated a series of midnight ceremonies around the state. Levinson volunteered to hold Carter, then 9-months old, during the ceremony. With their motor drives whirring, photojournalists snapped away at the historic occasion.

“Carter did great for it being the middle of the night,” Sarah says. “Judge Yu was warm and welcoming, she presided over the ceremony with comfort and joy that made it feel like a personal event even in such a public setting.” Sarah and Emily left with the feeling they were “surrounded by love.”

Images from Yu’s courtroom went national, including a picture of her upraised hands gently on the wedding couple’s faces, an almost priestly posture. Some photos conveyed solemnity. But Yu wasn’t feeling that during one of most magical moments in her career. “Because it’s pure joy to celebrate that commitment between two people and to have the law sanction it. It meant so much to these individuals.”

And yet, Yu has mixed feelings about marriage. For herself, she isn’t sure the institution really defines love and commitment. For the sake of justice, she’s wary of deciding equal rights at the ballot box. “I just am not persuaded that civil rights, or human rights, is something that occurs by popular vote,” she says, “because popular vote assumes the majority, right? And it just can’t be that endowed rights are up for a vote in that way.”



Daphne Draayer & Vanessa Williams met while skating for the Rat City Rollergirls. “This beats a championship any day,” Draayer said about getting married in Yu’s courtroom. *Barb Kinney*

LESS THAN TWO years later, Governor Jay Inslee appointed Yu to a vacancy on the state Supreme Court. In May 2014, Yu replaced Jim Johnson, a conservative who had come under fire, along with Justice Richard Sanders, for racially insensitive comments. In the court’s 2006 decision against gay marriage, Johnson wrote that gays and lesbians already had a right to marry—someone of the opposite sex.



Standing with Yu at her 2014 swearing-in at the Temple of Justice were mentors Anne Levinson, Ruth Woo and Phyllis Gutierrez Kenney. A leader in the marriage equality campaign, Levinson said Yu was the first judge she called about officiating the first marriages. *Mary Yu*

It sounded cruel. “Just mean-spirited,” Yu says.

News about Yu focused on her barrier-breaking. She was the first openly LGBT justice, the first Latina, and the first of Asian descent. (Unlike Amy Coney Barrett, the first U.S. Supreme Court justice to receive her law degree from a Catholic university, fellow Notre Dame alum Yu joined three justices in Olympia from Gonzaga Law School. Mary Fairhurst, Barbara Madsen and Debra Stephens all received their degrees from the Catholic school.)

She avoided criticizing her colleagues’ marriage-equality ruling. But she did announce her presence in lower-key fashion at Christmas, giving all of her fellow justices a coffee-table book by B. Proud, a lesbian photographer .

Soon, Yu, the daughter of a farmworker, was writing the court’s unanimous decision in a 2015 case, *Demetrio v. Sakuma Brothers Farm*. It affirmed that farmworkers have a right to paid rest breaks.

She had been a bit reticent about filling a Supreme Court seat, knowing that she would have to run for election statewide in 2016. “I wondered if people would vote for someone like me—an Asian, Latina, openly gay woman. But I realized that if I didn’t say yes, how was I going to encourage young people of color to step forward every time an opportunity presents itself?”

She won her election with 57 percent of the vote, although none of the counties east of the Cascades. She carried on with her mentoring activities. For 14 years she served as a judge for mock trials at Seattle Girls’ School, a middle school that serves mostly students of color. “This is the time when they’re developing the habit of either sitting back or standing up and doing things for themselves,” Yu

says. “It’s important to see a minority female judge.”

She’s also traveled to schools around the state, planting encouraging words. After one visit with college students and high schoolers in Spokane, Gonzaga student Sanskruti Tomar said, “To see another queer woman of color in that position is so inspiring. I’ve looked up to her for years.”

Yu’s compassion ran afoul of the state Commission on Judicial Conduct in 2018. Yu had posted messages on Facebook encouraging people to support two charitable organizations, including one that benefits homeless people. The commission ruled that such “solicitations” did comport with the state’s Judicial Code of Conduct “no matter how noble the case.” Yu agreed to the commission’s least severe, cautionary sanction.

In 2021, Seattle University Law School honored Yu, its “Distinguished Jurist in Residence,” with the creation of a \$100,000 endowed scholarship in her name. The first recipient, Erin Lewis, a nonbinary person of color, said Yu inspired her and “stands as a promise of what can be for those who live authentically.”

Annette Clark, dean of the law school, said Yu’s dedication to students went above and beyond. While on vacation, Yu took time to speak at an orientation for first-year law students by Zoom. What Clark didn’t know until Yu later posted a picture of her setup was that the justice addressed students from a friend’s condo bathroom which she had rigged with several ring lights and a background image of a stately courtroom.

Clark then unveiled a portrait of Yu by Alfredo Arreguin, who compares his painting style to jazz. Chief Justice Steven González told the Seattle University crowd that Yu initially said “no” to a portrait; he suggested she also added some saltier words.



Erin Lewis, inaugural winner of Seattle University’s Mary Yu Scholarship, called Yu “not just a trailblazer but all of our wildest dreams come true.” *Laura Anglin*



The Cofers send Yu a holiday card every year so she can see how Carter, 9 years old here, has grown since Yu presided over her adoption when she was 6 months old. *Cofer Family*

“You can’t take the Chicago kid out of me,” she says.

She relented to the Chief’s request. She was also mindful that a recent former president had breathed life into anti-Chinese sentiments. “It so surprised me how quickly we could slip back to being the worst of ourselves,” she says.

Looking at Arreguin’s colorful portrait, Yu envisioned her ancestors and the dreams that led her parents to America. “It represents something bigger than me. It represents an immigrant story. It represents opportunity.”

And glancing back at her own career, the history-making judge who changed the face of Washington’s judiciary had no problem pointing to a peak—those 1,400 adoptions she presided over. “I can’t say enough about how much each of those individuals and families and children really matter to me. When I look at the hierarchy of joy and what I’ve gotten, it would be those adoptions. They’re at the top.”

**Bob Young**