



League of Women Voters
of Plano/Collin County
www.lwvcollin.org

Voters Guide

Mar. 2, 2010 Primary Elections Collin County Court at Law Judges and JPs

Early voting – February 16 – 26, 2010

Election day – Polls open 7 a.m. to 7 p.m.

This Voters Guide is published by the League of Women Voters of Plano/Collin County to help citizens prepare to cast an informed vote. The League of Women Voters, a nonpartisan organization, encourages informed and active participation in government. The League does not support or oppose any political party or candidate.

This guide includes contested races in which two or more candidates are running regardless of party. All candidates for the respective offices were invited to participate. If a candidate did not respond by the deadline, "No response from the candidate" is printed. Responses were limited to 100 words and truncated with /// after the 100th word. Where there are multiple candidates for the same office in a party, the candidates appear in ballot order.

Candidates for Collin County Court at Law #2 Judge

4 year term. Must be 25 years or older, a U.S. citizen, a practicing lawyer, a resident of Texas and a resident of the district represented. Responsible for cases including misdemeanor or criminal cases, class C appeals, civil matters, mental health cases and probate matters.

Sharon Ramage, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

I have a BSW from UTA and a law degree from Baylor Law School (1992). I have been licensed 17 years, working five years as a prosecutor with the Tarrant County District Attorney's Office, and spent 2-1/2 years in the Crimes against Children Division. I have been in private practice since 1997, practicing in the areas of criminal defense, appeals, civil/family law, and school and administrative law. Since 2003, I have served as a hearing officer in contested administrative hearings.

2. When should an elected judge disqualify himself/herself from a case?

Texas Rule of Civil Procedure 18b(1) specifies the statutory requirements for disqualification of a judge. Additionally, a judge shall recuse himself in any case in which his impartiality might reasonably be questioned and under the circumstances listed in TRCP 18b(2). In criminal cases, the rules for disqualification are found in Article 30 of the Texas Code of Criminal Procedure. I intend to follow the law.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

Differences in sentencing occur because each case has different facts, issues, parties and fact finders. The law gives discretion to the judge and jury to assess punishment within the statutory range based on evidence presented. The judge's responsibility is to sentence within the legal range of punishment after providing both sides a fair and impartial trial, fairly considering all the evidence. The Texas Code of Judicial Conduct prohibits a judicial candidate from commenting about the manner in which she would apply the range of punishment to particular type of case.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

The law requires appointment of counsel to indigent defendants charged with a misdemeanor punishable by confinement or a felony. Collin County has adopted countywide procedures for timely appointment of counsel and determination of indigence in order to insure representation. The manner in which these guidelines are applied in individual cases is beyond the scope of an appropriate answer under the provisions of the Texas Code of Judicial Conduct. However, judges must be diligent in assuring that fair determinations are made regarding indigence.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

In general, the mental status of an inmate is brought to the attention of the court by lawyers, court personnel, or jail personnel. I would support continuing education for the bar and court personnel on the signs of mental illness. I would also support the development of specialized programs for mentally offenders who do not meet the criteria for court ordered commitment, but who need ongoing monitoring for compliance with treatment.

6. What measures do you support to reduce the rates of incarceration and recidivism?

The drug court established by another court has proven to be a successful measure in reducing the rates of incarceration and recidivism for those types of offenses. I would support similar measures for other types of misdemeanor offenders, including offenders who have a diagnosed mental illness and whose offense is related to mental illness to insure compliance with treatment in an effort to reduce recidivism.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

Caseloads increase as the county grows, so docket efficiency is important. With the current economy and unemployment rates, we need to be more efficient and become creative in the manner in which we conduct the business of the court. I would like to have an early (8:00) docket so citizens can make an appearance early and continue on with their workday. This would maximize trial and hearing time during the day. I would also like to explore the feasibility of a once a month optional evening docket.

Jerry Lewis (Incumbent), Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

Bachelor Business Management, West Texas A & M University, Canyon Juris
Doctorate, University of Texas School of Law, Austin

U.S. Army, Judge Advocate General Corps, 4 years active duty & 5 years reserves
2 years civil practice, contracts, construction, and consumer law, with the then-

largest firm in Collin County

8 years, Assistant District Attorney, Collin County, last 2 as the First Assistant

23 years as Judge of Court at Law No. 2

2. When should an elected judge disqualify himself/herself from a case?

Whenever there is a conflict of interest because of the parties or the subject matter known to the judge. There are procedures in place for this that work quite well in the Courts at Law.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

No. In the County Courts at Law, punishment is normally recommended by the Assistant District Attorneys and agreed to by the defense attorney. In cases without agreement, strong consideration is given to what juries have given in similar cases in the past as well as in similar agreed cases. In all situations, punishment is awarded to fit the crime, to prevent repetition, and to serve the victim, if any.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

There is not enough money in all of Collin County to pay for everyone's attorney. It is a struggle for all people, regardless of financial status. To try to be fair, judges appoint attorneys if the defendant meets what all the judges have agreed is indigent status. This line is low; but it is the very best we can do as a community.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

These citizens must be given the benefit of the procedures for mental health commitments and competency evaluations. Usually, the jail staff, the defendant's attorney, or their family calls attention to the need to begin the process to move the defendant into evaluation and treatment from just sitting in jail. The Courts at Law work these defendants into treatment as fast as mental health facilities allow.

6. What measures do you support to reduce the rates of incarceration and recidivism?

The use of devices designed to prevent use of alcohol by DWI offenders, such as an Ignition Interlock, assisted by in-car cameras are extremely important. Regular contact with supervision officers and jail staff to test for alcohol and other drugs in their system are a major tool for judges. I look for every opportunity to involve a defendant with substance abuse problems in third-party intervention. Lastly, and the most costly, sometimes it just takes a stiff jail sentence.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

Tax dollars are going to be harder to get and must go farther to provide the same services. It will take a judge with experience and knowledge of our existing systems and resources to maximize the court's usefulness. I will continue to evaluate and make changes to our in-house procedures to make the time the attorneys and parties spend in court more productive. Secondly, I am totally dedicated to doing everything possible in No. 6 above. Anything I can do to prevent a defendant's coming back saves all of us money.

Candidates for Collin County Court at Law #3 Judge

4 year term. Must be 25 years or older, a U.S. citizen, a practicing lawyer, a resident of Texas and a resident of the district represented. Responsible for cases including misdemeanor or criminal cases, class C appeals, civil matters, mental health cases and probate matters.

Stewart Matthews, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

I have two decades of experience in both private business and law which have taught me to listen to all options and weigh the merits of all arguments or ideas presented. My success is owed to maintaining the principles required to run a conservative and fiscally responsible business and law practice. However, I would never have been successful if I had not also earned the respect and trust of my colleagues. I would put forth the same effort and values to earn the respect and trust of the citizens of Collin County.

2. When should an elected judge disqualify himself/herself from a case?

When there is even the air of impropriety which could affect the public's perception of the Court.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

I have not seen where Collin County has a disparity in the sentences it provides.

I, for one, do not mind if Collin County is seen as tough on crime for those convicted of breaking the law. Keeping in mind, however, we do need to make certain the person accused is provided the proper and full application of his/her rights.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

In a word, no. While it is imperative that counsel be provided for those who truly are unable to afford counsel, it is also imperative to closely watch the tax dollars of the Citizens of Collin County.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

First, with respect. Second, there needs to be a method of verifying the disorder and determining if the person is capable of standing trial. Simply because a person has a mental disorder does not necessarily deem him/her incapable of being held accountable for his/her actions. If they are not capable of standing trial, then they need to be placed in a program which helps them with their disorder.

6. What measures do you support to reduce the rates of incarceration and recidivism?

The fear of simply being locked up does not deter as many criminals as is hoped. Instead, programs which help the person understand the consequences of their crimes and help reduce the reason for the behavior can also reduce the advent of repeat offenders. Drug abuse programs and anger management programs coupled with literacy training and job skill training can help a person rise from the situation which led to their actions. The cost of these programs can be offset by the criminal being required to help pay for the programs.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

The backlog of cases in the courts is a concern. This Court is too often seen as only a criminal court when actually it is a court of general jurisdiction. This can be alleviated by two separate actions – One, electing judges who are seen as civil docket judges, i.e., judges who are experienced in complex civil cases so there is not the perception the court is unable to handle such cases. Two, decrease the need to transport prisoners and delay time in waiting for attorneys to get to court by utilizing technology that could allow for closed-circuit hearings.

Lance S. Baxter, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

I graduated from Texas Christian University in 1983 with a business degree in Finance. I graduated from South Texas College of Law in 1986 with a Doctor of Jurisprudence degree. I have practiced BOTH civil and criminal trial law since in Collin County since 1987. I have served as a hearing master in a judicial capacity since 1996 for the Collin County Mental Health Court. I am very active in all of the local bar activities and have been awarded the Pro Bono Attorney of the Year Award in 1998 by Legal Services of North Texas.

2. When should an elected judge disqualify himself/herself from a case?

Whenever he/she is too close or interested in the parties or their attorneys and it would affect his/her ability to rule fairly.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

I do not think there is. The district attorney's office offers similar sentences for similar crimes. I think the quality of defense attorneys in Collin County provide most defendants very competent representation and it results in "competitive" sentencing.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

I do not think it does. It seems that most Defendants qualify for court appointed attorneys and the ones that retain are usually able to work out payment plans. Very few indigent defendants go forward without attorneys.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Being the mental health "judge" for so many years, I have a unique perspective of those suffering from mental disorders. Many do not fit into a situation that will do justice. Jailing them costs the county money and serves very little purpose. No one wants to just cut them loose without a consequence. I believe that obtaining mental health treatment as soon as possible is the only reasonable solution. I would like to see monitoring of the mental treatment and dismissal of cases if the person is mentally ill but treating well.

6. What measures do you support to reduce the rates of incarceration and recidivism?

I wish there were more education available and treatment/diversionary programs. I think the DWI/Drug court started by County Court at Law No. 4 is a tremendous step in the right direction. I would make sure every probationer earned his/her diploma or

GED while on probation. I wish there was more money available for treatment of substance abuse, because 90% of the crime involves people that either dropped out of high school or has a substance abuse issue or both.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

As always, money is an issue. We will need money for indigent defense. We will need to provide programs for the treatment and education of youthful offenders or we will see them again. I believe litigants should be able to get into court in a timely manner. I think our courts are adequately handling this issue right now by the hard work of our current judges.

Barnett Walker, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

While in the military I attended several universities before graduating *Summa Cum Laude* with a degree in criminal justice. After obtaining my doctorate of jurisprudence from SMU, I worked for the District Attorney's office where I prosecuted hundreds of cases ranging from misdemeanors to murder. I am now in private practice where I represent civil, criminal, juvenile, and family law clients. The majority of cases heard in this court are criminal cases. I feel that being the only candidate in this race with experience as both a prosecutor and defense attorney makes me uniquely qualified to serve this court.

2. When should an elected judge disqualify himself/herself from a case?

Judges should recuse themselves if:

- 1) a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned;
- 2) their participation could create an appearance of impropriety;
- 3) they have personal knowledge or information they cannot set aside;
- 4) they have any financial, social or personal interest in the result;
- 5) they have any biases or prejudices about the case, a witness, or a preference in the outcome;
- 6) they have had any relationship with a party or witness and after disclosing that information a recusal is requested.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

Not really. Each case is somewhat unique and there are a lot of variables that can affect sentencing. For instance, the skill and experience level of the attorneys, quality and quantity of the evidence, preferences of victims, prior criminal history, motives, and severity of the offense, to name a few. In my experience there is

usually little difference in how similarly situated defendants are treated. When there is a significant upward or downward departure in the sentence it is usually the result of jurors being asked to assess punishment without knowing what is typical for that particular offense.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

Yes, but many judges appoint inmates an attorney regardless of whether they qualify. A bigger problem is the number of people charged with a minor offense who cannot afford bail. They remain jailed at a cost of \$70 per day to taxpayers, until they lose their job and then need additional government subsidies for both them and their families. In “appropriate cases” where they pose no threat to themselves or others, and are not a flight risk, I favor lowering their bail so they can get out, return to work, hire their own attorney, and provide for their families.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

The Collin County Observer discussed this issue recently. Mental Health costs have skyrocketed and the Collin County jail is the largest provider of mental health services in the county. No one advocates denying someone treatment, but the usual difficulties associated with mental health management is exacerbated when the patient is incarcerated. Confinement limits access to family, support groups, treatment programs, and health professionals. We should explore the viability of working with other counties to create a cost sharing facility for inmates who need recurring treatment, and then work with healthcare organizations, volunteers, and social services to address the logistical issues.

6. What measures do you support to reduce the rates of incarceration and recidivism?

I believe education and personal accountability are key components to reducing crime and recidivism. If elected, I will establish a voluntary drug and alcohol program similar to the ones in County Courts #4 and #5. The program offers convicted defendants an opportunity to have certain fines and fees probated and their community service waived, in exchange for entering into an intensely supervised program, with random urine testing, longer probation periods, and routine meetings with the judge. This program which was once viewed as being “soft on crime” has saved countless lives, helped people achieve sobriety, without costing taxpayers at dime.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

With the economy forcing more and more families to become dual income households, the rise in latchkey kids and unsupervised teens has sparked an increase in truancy and juvenile delinquency. Children who drop out of school severely limit their earning potential, are at greater risk to abuse drugs or alcohol, and are far more likely to end up in trouble. We should enforce truancy laws and

encourage attendance by suspending the driving privileges of those who refuse to attend school and do not qualify for a hardship exemption.

Sajeel S. Khaleel, Democrat

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

My seven years experience as a criminal defense attorney, immigration attorney and general practitioner have prepared me for the position of Collin County Court at Law Judge. As a defense attorney, I understand the need for due process and equal treatment; as a resident of Collin County, I also understand the concerns for just punishment. It is the impartial application of the rule of law in relation to these interests that distinguishes us as a democratic society. I am an experienced, fair, open-minded and patient individual and will utilize all of my skill and judgment in this position.

2. When should an elected judge disqualify himself/herself from a case?

An elected judge must make decisions based on the facts of the case before them and the relevant legal principles. Neither personal bias nor public opinion should play a role in the judge's logic. If his/her impartiality is compromised or threatened to be, then the judge should disqualify himself/herself from the case.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

No. Each case is decided on its own merits with a presentation of the facts and law specific to each case. During my campaign, however, I have come across several voters that have a perception that there are disparities in sentencing in Collin County. As a legal system, we must work harder to provide transparency to end that perception.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

No. The judge, however, must be able to determine on a case-by-case basis whether a defendant requires a court-appointed attorney and whether justice would be served in appointing an attorney.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Incarcerated individuals with mental disorders should be provided with adequate care as quickly as possible. This can be done through a coordination of efforts among various institutions, including mental healthcare, the public sector and the judicial system.

6. What measures do you support to reduce the rates of incarceration and recidivism?

I support preventative measures, such as providing education, assisting in obtaining jobs, providing healthcare, probation, rehabilitation and diversion, to reduce the rates of incarceration and recidivism. I still think that if an individual commits a crime, then there are consequences.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

The Collin County Courts at Law are courts of general jurisdiction; therefore, a host of issues may arise before me, if elected. The predominant issue, however, will most likely be financial litigation due to the harder economic times our society faces. In this, my experience in writing and litigating contracts for both corporate and consumer clients will provide me with the insight to adequately issue a judgment.

Candidates for Collin County Court at Law #4 Judge

4 year term. Must be 25 years or older, a U.S. citizen, a practicing lawyer, a resident of Texas and a resident of the district represented. Responsible for cases including misdemeanor or criminal cases, class C appeals, civil matters, mental health cases and probate matters.

Linda Wynn Drain, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

I have a Bachelor of Arts Degree and a Juris Doctorate. From 1996 until 2001, I served as an Assistant District Attorney in the Collin County District Attorney's Office, where I prosecuted misdemeanor and felony cases. I have served as a Master for Mental Health Hearings since 2008. From 2001 until present, I worked in private practice. I am a partner at Nolte, Drain & Rosenthal, PLLC. My practice areas include criminal, family, and juvenile law, as well as wills and probate. I also worked in civil litigation for approximately a year.

2. When should an elected judge disqualify himself/herself from a case?

A judge is required to disqualify himself when the judge's impartiality might be called into question. Examples include:

- If the judge has a personal interest in the case or has a family member or close relationship with anyone involved in the case;
- If the judge has a financial interest in the case;
- If the judge was previously a lawyer or a material witness on the same or a related case, or was associated with the lawyers on the case or a related case;
- If the judge has prior personal knowledge of disputed facts.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

No. I have practiced criminal law primarily in Collin County for over 13 years. Occasionally, I try cases in other counties however, so I'm also familiar with sentencing practices outside of Collin County. Collin County's sentencing practices are consistent with those of surrounding counties. They are designed to facilitate moving cases more quickly through the over-burdened court system while affording defendants and civil litigants a speedy trail and due process.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

No. With the passage of the Fair Defense Act in 2001, Texas made major improvements in ensuring that indigent defendants are afforded their right to legal representation as required by the US and Texas Constitutions. This act required Counties to adopt formal, uniform procedures for indigent defense. In 2007, the Texas Legislature amended the Fair Defense Act to provide additional safeguards for indigent defendants. Collin County is in compliance with the Fair Defense Act. The financial guidelines in place within Collin County better ensure that tax dollars are only expended for defendants who are truly indigent.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Ensuring that inmates with mental or emotional disorders have access to proper counseling and medications is a vital step in reducing the likelihood that their condition will worsen while incarcerated. The Sheriff's Office and County Health officials have implemented stringent procedures to ensure inmates are properly screened and treated for mental and emotional disorders during initial processing at the County Jail.

6. What measures do you support to reduce the rates of incarceration and recidivism?

I support DWI courts since the traditional methods of treating offenders with alcohol addiction have proven to be ineffective in reducing recidivism. The DWI court in Collin County has implemented a program that targets certain offenders who are likely to reoffend. The program uses the principles of behavior modification to increase the likelihood they will abstain from alcohol. Offenders are closely monitored by court and probation staff and medical personnel, and provided with incentives to encourage them from reoffending. Court supervised programs such as these can change behaviors of individuals who put other citizens at risk when driving while intoxicated.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

Collin County has continued to be one of the fastest growing counties in the nation, and there is no sign that this trend will abate in the near future. As Collin County's population continues to grow, the demands on the court system will increase as well.

Collin County judges and the Commissioner Court will need to monitor this situation closely to ensure court dockets are manageable and litigants' cases are adjudicated in a timely fashion so that they can petition the legislature as needed.

Matthew Goeller, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

I have been a licensed attorney practicing in Collin County over 20 years. I have 20+ years experience in criminal law, both as a State Prosecutor and defense attorney. I am Board Certified in Criminal Law by the State Bar of Texas Board of Legal Specialization, and have been Board Certified for 20 years. I have been a faculty member at the University of Texas at Dallas, having taught *Constitutional Law*, and have been on the faculty at Collin College for the past 22 years, teaching courses in criminal justice, specifically, the *Texas Penal Code & Criminal Procedure*.

2. When should an elected judge disqualify himself/herself from a case?

Texas Judicial Ethics clearly state that a judge shall recuse himself in any proceeding in which his impartiality might reasonably be questioned. The Texas Constitution states that no judge shall sit any case when the judge shall have been former counsel in the case. The Texas Rules of Procedure dictate that judges shall disqualify themselves in all proceedings in which they have served as counsel or with a lawyer with whom they have previously practiced law in association with the matter in controversy. A judge must refrain from business and financial dealings that may adversely affect his impartiality.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

I do not believe this is a problem in Collin County. Our present judiciary, prosecution, and the Collin County Criminal Defense Lawyer's Association go to great lengths to ensure that sentencing is a product of the particular facts of any given case, and not the product of race, national origin, socioeconomic status, sex, age, religion, disability, or sexual orientation. Texas Judicial Canons mandate that a judge shall not, in the performance of his or her duties, by words or conduct manifest any bias or prejudice based on the same factors.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

At the County Court at Law level, I do not see the indigent financial guidelines under the Fair Defense Act working as to deny counsel to defendants. Many defendants elect to represent themselves in plea negotiations with the State, notwithstanding their declaration they can afford to hire counsel, as is their right. Because legal fees

associated with misdemeanor cases are generally much less than for more serious felony charges, the majority of non-indigent defendants are able to hire counsel if they choose to do so.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Inmates with severe mental disease or disorder that rise to the level of incompetency should be evaluated and sent to an appropriate psychiatric hospital or outpatient facility until competency has been restored. If competency is not likely to be restored, the inmate should be moved out of the criminal justice system and into the civil mental health/mental retardation system, per the law in our Code of Criminal Procedure. Those that suffer mental health problems but are nonetheless competent and sane should be placed in a specialized mental health caseload in either the jail/prison system or the probation system.

6. What measures do you support to reduce the rates of incarceration and recidivism?

The largest common denominator in our jail and prison system is the lack of any meaningful formal education, i.e., a high school diploma. Almost one-half of the 150,000+ inmates in our Texas Department of Criminal Justice do not have a high school diploma or GED certificate. I strenuously support any and all efforts to keep high school students in school. Rates of prison incarceration are directly related to high school drop-out rates.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

Closely related to Question #6, I believe the County Courts at Law, in partnership with District Attorney and Probation officials, must place an emphasis on requiring defendants granted probation to obtain their high school diploma or GED certificate. Obtaining this fundamental education will increase the likelihood of a successful probation and rehabilitation, and decrease the likelihood of future criminal conduct.

Chrysti Bryant, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

I received a business administration degree from The University of Texas at Arlington. While in law school, I worked with the Tarrant County District Attorney's Office. I graduated from Texas Wesleyan University School of Law in June 1997 and was licensed to practice law in November 1997. I am a civil trial attorney, defending those who have been targeted by personal injury lawyers. I have been involved in numerous cases ranging from minor automobile accidents to complex

multi-party litigation. I previously worked as an attorney with the Texas Department of Public Safety suspending the driver's licenses of drunk drivers.

2. When should an elected judge disqualify himself/herself from a case?

A Judge should disqualify himself if he has any interest, personal or pecuniary, in the outcome of the matter.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

No. The juries and judges have wide latitude in their sentencing within the statutory guidelines and are in the best position to determine the sentence at the time.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

No. These guidelines were carefully considered when the Indigent Defense Plan was put into place. The guidelines are in compliance with the Texas Fair Defense Act and provide representation to those qualified indigent persons accused of criminal acts as provided by the laws and constitutions of the United States and Texas.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Those persons who are determined to be competent and understand the nature and quality of their actions should be treated like any other Defendant accused of criminal acts. While incarcerated, they should have access to appropriate mental health treatment. Efforts should be made to recommend resources available to persons with mental disorders should they choose to utilize those resources. Persons with mental disorders should be supported in their efforts to make positive changes in their life so that they can realize their full potential and hopefully become productive citizens.

6. What measures do you support to reduce the rates of incarceration and recidivism?

I support drug and alcohol rehabilitation programs, educational programs for school children and Battering Intervention programs.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

The treatment of illegal aliens who are arrested in Collin County will be of increasing importance in Collin County. I hope there is a continued effort to determine the best way to handle each situation involving these persons.

David Rippel, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

As a Husband and father I want to ensure that victims are treated fairly and that litigants receive justice. My legal experience includes a Judicial Clerkship. My private practice reflects the same diversity of cases that County Court 4 decides. With an emphasis on trial work, I have tried and negotiated thousands of civil and criminal cases. Having served as a Company Commander, Battalion Commander, and a veteran in the U.S. Army, I offer unique leadership skills. A few of my other noteworthy accomplishments are the achievement of Eagle Scout and service as President of Plano West Rotary Club.

2. When should an elected judge disqualify himself/herself from a case?

As a judge I will disqualify myself when I am aware of any bias that might influence my official action, either against or in favor of any party to a proceeding pending before me.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

No, I believe that our judges follow the law in sentencing defendants, so there are no disparities.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

I believe that Collin County has correctly followed the Fair Defense Act and that indigent defendants are provided court-appointed attorneys.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

People who have mental disorders should receive all of the rights that our laws afford. There are varying degrees of mental disorder. The inmates in our county jail who are diagnosed with mental or emotional disorders are treated for their disorders. The law presumes that defendants are sane and to prove insanity, the defense must convince a jury that the defendant suffered from a severe mental disease or defect and did not know his or her action was wrong . I support our laws.

6. What measures do you support to reduce the rates of incarceration and recidivism?

I support the Texas Department of Criminal Justice Education measures to reduce rates of incarceration and recidivism. Examples of such programs are the Adult Education Program and the Life Decision Program.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

I believe that delays in a case causes harm to litigants and to the justice system. The volume of work in Collin County Court at Law 4 is immense and in order to reduce the back log I will need to work swiftly and efficiently.

Candidates for Collin County Court at Law #6 Judge

4 year term. Must be 25 years or older, a U.S. citizen, a practicing lawyer, a resident of Texas and a resident of the district represented. Responsible for cases including misdemeanor or criminal cases, class C appeals, civil matters, mental health cases and probate matters.

Shawn Ismail, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

I am an Economics graduate from Austin College and I have a law degree from St. Mary's University. What distinguishes me is my experience. As a general practitioner and a small business owner, I have worked in many areas of law including civil and criminal law. I have conducted every type of case imaginable in the criminal context as well as handle various types of cases in the civil arena. I know how to balance the case load in the County Courts and move both criminal and civil cases.

2. When should an elected judge disqualify himself/herself from a case?

A judge elected or not should disqualify themselves when there is an issue or litigant that may have a connection to the Judge. The Judge must be at all times, fair and impartial as to the issues or the parties before the Court.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

The sentencing in Collin County reflects the views of the public. The public constitutes the Juror pool, and Judges are deferential to the jury and their rulings. The fact that occasional deviation from the State wide numbers show up in Collin County Juries is only a reflection of the Jury sentiment in Collin County.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

Collin County adheres to the Texas Fair Defense Act. The procedures to receive court appointed lawyers is consistent in all courts in the county. Collin County meets all statewide standards in assessing the need for a court appointed lawyer for a defendant determined to be indigent. For more information visit: <http://www.texasfairdefenseproject.org/>

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

The Code of Criminal Procedure has provisions addressing this issue. The proper context to look at is whether the inmate is incapacitated due to a mental or emotional disorder. If after a mental health evaluation, the result of the evaluation is that the person is unaware of the proceedings, then matter should be stayed or abated and mental health proceedings should be initiated.

6. What measures do you support to reduce the rates of incarceration and recidivism?

It is important that DWI and Drug offenders receive extra attention from the Courts. These types of offenses present the largest risk of recidivism and the greatest risk to the community. Extra attention with a DWI Court or Drug Court is a policy I plan to institute.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

Be a great steward of tax payer resources; I plan to use every minute doing the work that has to be done.

Minimize Sheriff expenses by streamlining the docketing process for indigent defendants. Work with the Sheriff's office to establish video plea procedures to avoid transport to the Courts as this is a strain on the Sheriff's office and a danger to the community.

Stagger the announcement docket to allow an additional docket day every week.

Establish/Update County Court local rules for civil cases to reduce undue use of Court time for pre trial disputes(discovery, scheduling, limine).

Jay Bender, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

A qualified judge is one who has experience dealing with people, budgets and an understanding of the law. My people experience is broad; whether it was being a college athlete, serving in the Navy, providing consulting services to Fortune 50 companies or being elected SBA President in law school, I have dealt with all types of people. Furthermore, being fiscally conservative with regards to budgeting is why I am a successful small business owner. Finally, my exceptional legal knowledge comes from my immense trial experience as well as my academic honors such as my Concentration in Criminal Law.

2. When should an elected judge disqualify himself/herself from a case?

Our legal profession is self-policing. This is both a privilege and a responsibility. Anytime the impartiality of the judge would cast a doubt on the integrity of our legal system a recusal is justified. The confidence in our legal system must be maintained. There are judicial canons that govern recusals, but common sense goes a long way. If we keep in mind the importance that there never be a question regarding the integrity of our legal system then it should be easy to determine when a recusal is appropriate.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

No. Above the columns of the SCOTUS it is engraved "*Equal Justice for All*"; therefore, the term disparity seems to indicate a problem in sentencing by being unequal. However, our law provides for a range of punishment. If our lawmakers wanted to ensure everyone convicted of the same crime received the exact same sentence they could easily change the law by removing any range and assessing a specific sentence. A judge should be consistent and consistency means that there is no disparity. Furthermore, it is the defendant's sole right to choose either the judge or the jury to determine sentencing.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

No. Our Constitution does not check itself at the courthouse steps simply because one cannot afford a lawyer; rather it applies to all citizens equally. However, court-appointed attorneys are only provided to indigent defendants where the punishment has the potential for jail time. These attorneys are paid for with tax dollars. Having strict guidelines reduces the likelihood of people simply not wanting to pay for their own attorney thus shifting their personal burden onto the tax payer. Therefore, having guidelines minimizes free-rider syndrome and tax payer burden while still providing necessary legal services for those with demonstrated true need.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Jail does little to rehabilitate but is intended to deter and punish. MHMR defendants usually have substance abuse problems and a high propensity to recidivate. Our probation department, which I fully support and look to for guidance as they are the experts, currently has a mental health caseload available for these defendants. I believe that it is better for our community to address the root cause of the problem in an effort to prevent future crimes or more serious crimes. Furthermore, incarceration is very expensive but should always be an option because the safety of our community is imperative.

6. What measures do you support to reduce the rates of incarceration and recidivism?

The goal of sentencing is to rehabilitate, deter and punish those convicted of crimes. This court has jurisdiction over misdemeanors; relatively low level crimes.

Incarceration costs a lot of tax dollars, does little to rehabilitate and is intended to deter and punish. Moreover, defendants who are sentenced to jail do not have to pay restitution to compensate their victims. However, restitution can be ordered as a condition of probation. Because of this, incarceration should be used sparingly. I support all measures to reduce recidivism as long as the administration of those measures does not put public safety in jeopardy.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

The overwhelming majority of the court's docket is criminal, which is why it is imperative that the judge have a strong background in criminal law. Being a veteran myself and the child of a war hero, I foresee family violence as being the most pressing issue going forward for the types of cases handled by this court. As our service members return home, the strains placed on them and their families will undoubtedly create a greater caseload for this type of offense. We need to have a cost-effective, proactive, supportive approach using a pre-trial diversion program.

Don High, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

Graduated from Baylor University in 1982 with a BBA (Major in Accounting, concentration in finance), Graduated from Baylor Law School in 1985 with a J.D. I started my career in the tax department of Price Waterhouse and Co. In 1988 I came to work in the DA's office of Collin County and prosecuted criminal cases. Since 1994 I have defended criminal cases (including death penalty) and handled other types of cases. Since 1995 I have served as the municipal prosecutor for the city of Wylie. I am the only candidate in this race that is Board Certified in criminal law.

2. When should an elected judge disqualify himself/herself from a case?

A judge should disqualify himself when either the facts or the circumstances would prevent him or her from acting fairly or impartially. This could occur, but is not limited to, the following circumstances: 1) The judge is overly familiar with the litigants, 2) the judge has personal knowledge of the facts of the case, 3) the judge has a financial interest in one of the litigants, i.e. he owns stock in a corporation, or 4) the judge knows of a personal bias he/she might have that might prevent them from acting fairly or impartially.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

Actually I do not...Our judges are all fair minded and are open to applying the law openly, honestly, and fairly. I my 21 years of practice here I have not experienced

any unfair sentencing, and I have practiced both on the prosecution side as well as the defense side.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

No. There must be rules in place for the appointment of counsel. Prior to the Fair Defense Act, we here in Collin County conducted indigency hearings in every case where there was an issue with respect to appointed counsel. In those days, never did I see a defendant denied counsel when it was truly merited by their situation. In later years—after the Fair Defense Act was implemented in 2001, we have been given additional guidelines from the state. Instead of changing or seeing more defendants receive appointed counsel—we continue to do what we have done for many years.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

This is an excellent question, given the fact that the commissioner's court sets the budget for dealing with these types of persons. We as judges and lawyers have to initially determine if a person with a mental disability has the ability to understand the nature and consequences of his actions. If so, we deem them competent to stand trial. However, if we have some question about competency, it will be necessary to have them evaluated by a professional, and sometimes a very specialized professional. This is where-- if there is inadequate funding to pursue an adequate evaluation-- problems could result.

6. What measures do you support to reduce the rates of incarceration and recidivism?

The reason for criminal conduct in most cases is caused by an addiction or misuse of drugs or alcohol. We need to do more to treat these issues and get these people functioning again as a productive member of society. One thing the legislature did in the mid 90's was to create the Substance Abuse Felony Punishment Facility (aka SAFPF). We do not have such a facility for misdemeanor offenders. However, another court is concentrating on more closely monitoring drug and alcohol offenders. I would be interested in doing something similar.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

1) The growth rate—our commissioners will need to set up additional courts to keep up with demand, 2) The need to consider specialized courts in Collin County (e.g. drug courts, juvenile courts, family law courts) This is a natural consequence of growth-- Dallas and Tarrant Counties already have these courts in place, and 3) That we maintain excellence in our judiciary. With so many people coming to Collin County, and some who are running for office without spending adequate time here learning the intricacies of our county, we need to be sure that qualified candidates take the bench.

Terri Green, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Court at Law Judge.

County Court # 6 hears three types of cases, criminal (misdemeanor), civil and appeals. As a Teen Court Judge, I hear misdemeanor criminal cases. As a 20 year attorney, I have tried numerous civil trials in front of a jury. I am licensed to practice before the 5th Circuit Court of Appeals where I have a perfect record. I am the only candidate in my race **sworn in** to practice before the U.S. States Supreme Court in Washington, D.C. I have already completed the *Bench Bar for the Texas Judiciary* materials required by all Judges before they take the bench.

2. When should an elected judge disqualify himself/herself from a case?

A Judge should disqualify (or recuse himself) when a conflict of interest arises between him and the parties which renders him incapable of being fair, or when he becomes aware that he has represented one of the parties in prior proceedings, or when he can no longer perform the duties of a judicial officer impartially, or when he can no longer perform judicial duties without being biased or prejudiced.

3. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

Although there may be some disparities, I have not witnessed any in my cases. We, in Collin County are fortunate to have excellent judges who have taken an oath to strictly adhere to the guidelines as provided for in the Penal Code, Code of Criminal Procedure and Rules of Civil Procedure to ensure fairness in all phases of a criminal matter and not engage in judicial activism. Each judge should follow the punishment ranges to ensure that whatever sentence is handed down, either by the jury and/or a judge, is fair as it relates to the crime committed.

4. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

No. Local Rules effective January 9, 2009, establishes a procedure for determining indigency. It takes into consideration income, tax information, and liquid assets. Other factors considered are current incarceration and other government provided benefits for the defendant. They do **not** consider the defendant's ability to post bail, other family resources or current employment. There is a partial indigency program and a procedure to pay in installments. We must apply the balancing test to an indigent's request--the needs of the defendant versus the resources available to the County to meet those needs.

5. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

As an Attorney Ad Litem certified by the State of Texas, Judges appoint me to represent individuals who are incapacitated mentally, emotionally or physically.

I recently attended the Health Care committee meeting to learn how the county handles incarcerated defendants suffering from mental illness. The adult probation officer, defense counsel, county commissioner, county psychiatrist charged with treating these individuals and the aftercare representative spoke.

As the only candidate with such specialized training and experience, I would be able to recognize those defendants with mental and emotional issues and be equipped to refer them for treatment and aftercare immediately.

6. What measures do you support to reduce the rates of incarceration and recidivism?

As Teen Court Judge, I order “offenders who are minors” charged with alcohol and/or drug related crimes to a victims’ impact presentation and a course taught by Mothers Against Drunk Driving. I would support the same type of measures as Judge for Court #6. I would support the implementation of a DWI/Drug Court Program created by another court to give defendants an option for diagnosis, treatment and aftercare.

I believe it would be a benefit in all County Courts and I would work with the County Commissioners or other agencies to obtain funding in order to expand the program.

7. What other issues do you believe will be most pressing in Collin County Courts at Law, and what is your position on these issues?

With the growth of the county, we will soon be experiencing more crime county wide. We need to be proactive and prepared by advocating for the creation of new courts during the next legislative session. Updating technology for use by the public is another issue. Having **certain** court records available online that can be downloaded onto a personal computer would be beneficial. Lastly, relocating the county courts to the new courthouse to create a more unified system with one central location would be beneficial for not only the Judges, but for attorneys, jurors, witnesses, experts, court personnel and the public.

Candidates for Collin County Justice of the Peace, Precinct 3, Place 2

4 year term. Must be 18 years or older, a U.S. citizen, a resident of Texas and a resident of the district represented. Responsible for civil cases and criminal misdemeanor cases punishable by fine only.

John E. Payton (Incumbent), Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Justice of the Peace.

First elected to this position in 1990; I have been honored to serve for the past 19 years. I have completed 500 hours of continuing legal education through the Justice Court Training Center at Southwest Texas, Texas State University, and the North and East Texas JPCA. Over the span of my career I developed and taught classes for the Texas Association of Counties, Collin County Bar, Collin County Juvenile Clinic, and Texas Teen Court Association. I received an Associate of Arts Degree Summa Cum Laude from Collin College; graduating with honors, first team Texas All Academic, and USA Today All-American.

2. How would you improve court processes in your precinct?

My office is continually working on new methods and practices to guarantee that we are utilizing all current technologies to provide state of the art service to our constituents. We have recently installed Odyssey Court Management for efficient court docketing. I have pioneered video broadcasting to the schools to save taxpayers money and allow administrators to stay on campus by linking to the court. I have opened two satellite courts in Allen and Lucas bringing a Justice Court to their area for the first time. I have initiated truancy court in Frisco for the convenience of my constituents.

3. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

The Texas Fair Defense Act of 2001 for the first time required all criminal courts in Texas to adopt both similar and formal procedures for providing appointed lawyers to those that couldn't afford representation. The procedures for how indigent defendants are determined to receive court appointed lawyers must be consistent in all courts in the county. Collin County meets all statewide standards in assessing the need for a court appointed lawyer for a defendant determined to be indigent.

For more information visit: <http://www.texasfairdefenseproject.org/>

4. The JP Courts are often referred to as "The People's Courts." What measures do you support to make the JP courts more accessible to working class citizens?

In 1990 I created civil night court for working citizens. I added teen court and community service projects which I personally supervise. I created students on service; directly supervising students building homes for Habitat for Humanity. I expanded teen court county wide providing access to all citizens of Collin County. I

created three satellite courts in Allen, Lucas, and Frisco; giving working citizens access to the office locally. I very successfully opened the first JP food bank for citizens in this difficult economy. My court is a liaison between many social services and my constituents linking them to permanent solutions.

5. What other issues do you believe will be most pressing in Collin County Justice of the Peace Courts, and what is your position on these issues?

Our kids are the future and by investing the time now we guarantee a positive outcome. Along with the truancy court intervention, community service projects, county wide teen court, habitat for humanity, and the new food bank project I am preparing to introduce a new Urban Debate League Program that will help at risk youth with their academics and make them a part of their school. I am introducing a mentor program to help keep kids engaged in school. These programs and a continued aggressive approach to truancy will reduce the number of children going into our juvenile detention system.

Rey V. Flores, Democrat

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1. Please describe the education and experience that qualify you for the position of Collin County Justice of the Peace.

I have a Master's of Education degree from TWU School of Family Sciences with concentration on Counseling and Human Development. I also have 27 years experience in Criminal Justice (probation) working as a caseworker, supervisor and administrator. I have been a felony court supervisor involved in negotiating with prosecutors and defense lawyer's probation case dispositions. I've testified in and made recommendations to the court and I've conducted a countless number of pre-sentence investigations. Additionally, I have conducted internal officer investigations leading to sanctions up to termination.

2. How would you improve court processes in your precinct?

I am bilingual and bring a cultural heritage and understanding to a continually growing population in this precinct. I offer a role model presence minority citizens can more easily relate to because of our commonality. Additionally, I would instigate a review of current court processes without prejudice, keeping what is effective, modifying what is needed and eliminating what is not. I would use my SMU contact to initiate court collaboration with graduate student involvement in scientific process, treatment and result analysis.

3. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

No, I do not believe that to be the case so long as a judge can overrule the policy when necessary to secure the defendant's right to representation. It does make it

harder on the defendants to obtain counsel and when they do, I suspect it costs the defendant considerably more than what the court would have paid a court appointed attorney. Additionally, retained attorneys frequently expect a retainer up front, so the defendant is forced to ask for continuances until they come up with the money. This effects dockets and slows dispositions down.

4. The JP Courts are often referred to as "The People's Courts." What measures do you support to make the JP courts more accessible to working class citizens?

I support a flextime schedule for the court. We did it with probation in Dallas and it worked quite well. On specific days, officers started their day later in the morning and stayed later in the evening. We also had a drug court conduct court one day a week after 6:00pm. That too, worked well for working class citizen. There are added costs, and Commissioner's court would have to approve facility use, but it can be effective.

5. What other issues do you believe will be most pressing in Collin County Justice of the Peace Courts, and what is your position on these issues?

The tightening economy and its effects on jobs will result in an increase of cases as some people become desperate and go outside the law. Where appropriate, the courts must be ready to sanction in accordance with the law, but also provide information in the aggregate of what resources the commissioner's court and the public at large should address to change behavior and stem recidivism. Creation and collaboration of resources are necessary to reduce duplication of services and assure services of need.

Candidates for Collin County Justice of the Peace, Precinct 4

4 year term. Must be 18 years or older, a U.S. citizen, a resident of Texas and a resident of the district represented. Responsible for civil cases and criminal misdemeanor cases punishable by fine only.

Douglas Reeves, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Justice of the Peace.

There are over 800 JPs in Texas. Less than 15% are attorneys. Some have only a high school education when taking office. In 1977 I earned a B.TH degree, worked toward an associate degree in Psychology, and worked toward a Masters in counseling. My experience in business (founding and directing) a non-profit organization for 22 years I believe qualifies me to manage the JP court.

2. How would you improve court processes in your precinct?

The court should be more accessible to the people. I will hear all of the cases that the law puts under this jurisdiction. In 09 some Frisco truancy cases were sent to The Colony, and southeast Plano. Now a JP from another precinct drives to Frisco

three times per month to hear truancy cases. JPs should hear truancy cases in their perspective precincts. The present system does not serve the community well. The parents that are required to go to The Colony or Plano have to take more time off from work. Children have to take more time off from ///

3. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

This question is not really geared to the JPs. The law provides that only indigent defendants facing incarceration are eligible for a court appointed attorney. Since JP courts preside over criminal cases with a “fine only” punishment, there is no appointment of attorneys.

However, I do have an opinion on the subject. The right to an attorney to adequately defend oneself from government prosecution is as fundamental a conservative principal as being tough on crime for those actually convicted. In past years, the cost of indigent defense skyrocketed. This cost taxpayers untold thousands. In response, Collin County instituted one of ///

4. The JP Courts are often referred to as “The People’s Courts.” What measures do you support to make the JP courts more accessible to working class citizens?

I will consider opening the court one Saturday per month as well as staggering hours for the purpose of holding court in the evening 2 or 3 days per week if needed, work at least 40 hours per week on the bench. Hear all of the types of cases that the jurisdiction brings to the court under the law. The JP court is supposed to be close to the people and the schools in the precinct.

5. What other issues do you believe will be most pressing in Collin County Justice of the Peace Courts, and what is your position on these issues?

First, I would say that access is the most pressing issue. As the county grows, every JP (especially 1 & 4) will see tremendous population increases, and the most recent redistricting fixes today’s problems-not tomorrow’s.

Surely, there is no plan to add any JPs. And, some counties of Collin’s size have more than just 5 to handle the case loads. So, as the county grows, so will the need to run offices that can be easily accessed by everyone—rich, poor, cash payers, and credit card writers.

Secondly, is the issue of truancy. The city courts don’t want to touch ///

W.M. “Mike” Yarbrough (Incumbent), Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Justice of the Peace.

From 1973 to 1993, I served in the Marine Corps. I received my B.A. from the University of New Mexico (1977) and my Juris Doctor (J.D.) from California Western (1982). My legal experience includes work as a federal and state prosecutor. I have taught law at the University of Oklahoma, and I have maintained a private practice. My judicial experience includes serving as a municipal judge and justice of the peace. I have served as Justice of the Peace during the past 11 years.

2. How would you improve court processes in your precinct?

Justice Court 4 has recently installed a new court technology software package. I would continue to utilize technology to the fullest extent possible.

3. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

As Justice of the Peace, Precinct 4, I do not appoint attorneys to represent indigents. The law does not require such appointments in the cases that this Court presently hears. Class C misdemeanors are punishable by fine only. The requirement to appoint counsel exists when defendants face incarceration within the range of punishment.

4. The JP Courts are often referred to as “The People’s Courts.” What measures do you support to make the JP courts more accessible to working class citizens?

Justice Courts hear more cases than the other courts of Texas combined. Small claims cases comprise only 5% of JP4’s docket meaning that rules of evidence and procedure apply to the vast majority of JP4’s cases. I conduct an open docket 4 days a week to take pleas, hold hearings, or to answer citizen general procedural questions regarding an individual’s case. I also have a website that provides assistance to all, including pro se litigants.

5. What other issues do you believe will be most pressing in Collin County Justice of the Peace Courts, and what is your position on these issues?

The most pressing issue for Justice Courts concerns the significant growth of Collin County, I am not overworked; however when growth occurs, the caseload goes up. The number of Collin County’s Courts at Law and District Courts have doubled in the last 20 years. Interestingly, the number of Justice Courts has remained constant. The Commissioner’s Court has redrawn the JP/Constable lines recently in an attempt to redistribute the workload, but eventually the Commissioners will add a new justice court.

Kelley Don Adley, Republican

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1. Please describe the education and experience that qualify you for the position of Collin County Justice of the Peace.

There is currently five Justice of the Peace Judges in Collin County. Four elected J.P. Judges do not have a law degree. I am a 20 year police officer; 10 years as an investigator with the DA in Dallas and Collin and I have a Master Peace Officer Certification, an MBA in Business Management and a Mediation certification. I feel I have the knowledge of the law and the ability to manage a staff of seven clerks and manage a docket of civil cases, eviction cases, traffic offenses and truancy cases.

2. How would you improve court processes in your precinct?

Currently, there is no attention to the growing problem of truancy in Precinct 4. All truancy cases are being filed with Justice of the Peace 3 or Denton County Justice of the Peace 2. Civil cases within Precinct 4 are being heard ten to eleven months after being filed. I would open the door to truancy allowing these cases to be filed in Precinct 4 and actively work to bring civil cases to a four to five month hearing date. This will take a full time elected official willing to work long hours to complete its mission.

3. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to defendants who cannot afford counsel?

I agree with the financial guidelines set up by Collin County except when a defendant loses a job due to an arrest. The guidelines are based on a certain income; if a defendant recently had a job loss those guidelines are not applicable to the defendant. The guidelines are based on a certain income based on the previous year and does not apply to a recent job loss. This denies representation to defendants who cannot afford counsel.

4. The JP Courts are often referred to as "The People's Courts." What measures do you support to make the JP courts more accessible to working class citizens?

I support the fact that citizens can file their civil case with the JP court and have self representation in an informal courtroom. Citizens should have their day in court in a timely manner. Proper notification to the plaintiff and defendant to prepare for their court date and to assure these cases are heard on the date of the hearing. A full time elected Judge willing to work eight hours a day will limit the amount of continuances and allow working class citizens to be heard on their initial court date.

5. What other issues do you believe will be most pressing in Collin County Justice of the Peace Courts, and what is your position on these issues?

State of Texas records indicate that between 2000 and 2010 Collin County has heard approximately 14,000 truancy cases and JP 4 has heard 47 of the 14,000 cases filed. Focusing the court's attention to handle Truancy cases along with the current docket will be the most pressing issue. The entire court staff must participate in bringing this new idea to the Justice of the Peace court in Precinct 4. Truancy is a growing problem and must be addressed in the JP Court and especially in Precinct 4.