

## People's Alliance PAC 2021 Questionnaire for North Carolina District Court Judicial Candidates

Please return this completed form along with a **resume or biographical statement** describing your education, work history, community service, and prior political experience as soon as possible, but by August 27, 2021 at the latest. Please note that following this deadline, the Durham People's Alliance PAC may publish your responses to this questionnaire and your resume.

Please e-mail your responses to Nana Asante-Smith at [asante.nana49@gmail.com](mailto:asante.nana49@gmail.com)

Thank you for completing this questionnaire and your willingness to serve the people of North Carolina.

Candidate's name: Dorothy Hairston Mitchell

Judicial Seat sought: District Court Judge in Durham County

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*When answering this questionnaire, please repeat the questions in your response document with each question numbered and organized as it appears here. Type your responses in italics, bold, or a different font to distinguish your responses from the questions. Please do not use colors. Please respond to questions using your own words and cite outside sources when applicable. You may explain your answer to every question, but please be concise. Please limit your answer to each question to 400 words. Please do not feel obligated to use the full word allowance if it is not necessary.*

*Judges and judicial candidates in North Carolina are allowed substantial freedom of political speech. PA PAC believes that every question in this questionnaire may be answered fully within the scope of the applicable rules. For more information on the scope of permitted political speech for judicial candidates, we refer you to the January 2, 2020 memorandum of the Judicial Standards Commission on Permitted Political Conduct. You may find it at:*

<https://www.nccourts.gov/assets/inline-files/2020-Political-Conduct-Memo.pdf?lqEnTi0CGRseARDEGD.mXt60PMdBDGef>

### About you:

1. How do you characterize yourself politically? What values, policies, or platforms have influenced your decision to vote for one candidate over another?

*I would describe myself politically as a progressive democrat. As a child, two things I looked forward to were becoming a registered voter and becoming a lawyer. I registered to vote when I turned 18 years old and I became a lawyer at the age of 25. My political views have been shaped by many life experiences over the years.*

*I believe we as citizens should work together for the betterment of all. Those who that have the ability to effectuate change have a duty to do so, especially for those who are unable. The values and platforms that influence me the most to vote for one candidate over another are inclusiveness, equity, protecting children*

*and families, defending the rights of minorities and the underprivileged, and dismantling structural racism. As a woman of both Black and Korean descent, I look for candidates who not only represent the ideals that line up with both cultures, but that are diverse as well.*

2. Have you ever been convicted of a criminal offense (other than a minor traffic or minor drug offense)? If the answer is yes, please describe the circumstances and the outcome.

*No, I have never been convicted of a criminal offense.*

3. Have you personally ever been a party in a civil legal proceeding? If the answer is yes, please explain the circumstances and the outcome of the case.

*Unfortunately, I have been a party in a civil legal proceeding. This is very difficult for me to speak about due to the tragic nature of it, even though I was not at fault. In December 2015, I was involved in a fatal automobile accident. I was taking my oldest son, who was seven at the time, to school when a woman ran through a stop sign straight into my car out of nowhere. I immediately got my son out the car and called 911 for assistance. Once EMS arrived, I learned the woman had passed away. My son and I were injured, but I was most devastated, not only for the woman but also for her family members who had begun arriving at the scene. I had just lost my mother two months earlier, so I knew all too well how overwhelming it is to lose a mother.*

*As for the legal claim, the woman was considered at fault by the investigating officer, and her insurance company immediately accepted liability. However, close to one year later, I was served with a complaint filed by the administrator of the woman's estate for the claim of wrongful death. I was again devastated and retraumatized. My insurance company entered into a settlement of what was deemed a doubtful and disputed claim, with no admission of any fault or liability on my part. The lawsuit was dismissed and never proceeded to trial.*

#### **About your practice of law:**

4. Please describe your practice as a lawyer. Describe the areas of your practice and your specialties. Describe the diversity of your client base as a part of your answer.

*I am currently an Associate Clinical Professor of Law and the Supervising Attorney for the Juvenile Law Clinic at North Carolina Central University School of Law. Law students in the Juvenile Law Clinic represent children in juvenile delinquency cases and long-term suspension and other education matters under my supervision. We are appointed by the Durham County Public Defender's Office for the delinquency matters. We receive long-term suspension and other education matters by walk-in and referrals. When school is on break and before students are ready to represent the children, I handle the matters on my own.*

*I also represent parents in Abuse, Neglect, & Dependency (AND) appeals. I am appointed to represent the parents by the Office of the Parent Defender. The appeals I handle range from adjudication to termination of parental rights. I am the Legal Director for the Center for Child & Family Health where I provide legal advice and training to other Center faculty and staff. On a limited and pro bono basis, I represent parents in AND matters at the trial level. I also serve as a Guardian Ad Litem for parents on a pro bono basis who are deemed incompetent by the court and for children when the GAL office has a conflict in AND cases. I also serve as a GAL for children in custody cases.*

*Before entering academia full-time, I was an assistant public defender in Durham county for about 3 ½ years. I not only represented persons in criminal district and superior court matters and juvenile delinquency matters, but I was one of two attorneys to represent parents in AND cases.*

*Before working in the Public Defender's Office, I was a private practitioner for approximately ten years. I began as an associate attorney in a small practice in Durham for about two years until I opened my own general practice. I represented clients in criminal law, juvenile law, family law, guardianship, bankruptcy, workers' compensation, personal injury, wills and estate administration.*

*For nine years, while in private practice and as an assistant public defender, I served as the defense attorney on the Durham County Drug Treatment Court team. In this role, I gained greater insight into the needs of those suffering from substance abuse and mental illness.*

*Throughout my legal career, my client base has been consistent primarily of indigent clients and those who are of lower economic status. However, I have represented people from all walks of life and of diverse backgrounds in race, gender, ethnicity, religion, and sexual orientation. I frequently tell my students and other lawyers I teach how being a good lawyer and true servant is about so much more than the advocacy in the courtroom. I often attend meetings with my clients outside of court, drive them to their various services and appointments, and make myself available to lend an ear when they are in need. I love being able to push and encourage my clients and see them grow. I am incredibly honored to advocate for and assist children and their families and adults in not only their legal matters but in other areas of their lives.*

5. Have you ever been publicly or privately disciplined by the North Carolina State Bar or any other professional or occupational licensing authority in North Carolina or any other state? "Disciplined" should be read to include reprimands, censures, and warnings in addition to license suspension, surrender, revocation, and disbarment. Is the State Bar or any governmental authority considering a complaint against you at the present time? Have you ever been found in contempt of court? For each "yes" answer, please tell us what happened and describe the outcome of the matter.

*No, I have never been publicly or privately disciplined by the North Carolina State Bar or any other professional or occupational licensing authority in North Carolina or any other state.*

*Neither the State Bar nor any other governmental authority is considering a complaint against me at the present time.*

*No, I have never been found in contempt of court.*

6. Please describe the nature and extent of any pro bono work you have done. Is there a pro bono matter to which you have contributed that best illustrates your values?

*Pursuant to Rule 6.1 of the North Carolina Rules of Professional Conduct, I participate in the following pro bono work:*

*Pro Bono Legal Services and Legal Services at a Substantially Reduced Fee:*

*I have participated in pro bono activities my entire career. In addition to the pro bono legal services listed in question 4 above, I have also drafted wills and other healthcare directives at no cost.*

*I was in private practice for approximately ten years before my employment with the Durham County Public Defender's office. During that time, I provided pro bono representation to a countless number of clients in various areas of the law. I also offered substantially reduced fees because I wanted to provide access for those who would otherwise be unable to hire counsel*

*Activities to Improve the Law, The Legal System, or the Legal Profession:*

*I serve on the following Boards and Commissions pursuant this category (see NC RPC Rule 6.1 Comment 8):*

- *NC State Bar Council (I currently serve on three committees and two subcommittees)*
- *Indigent Defense Services Commission (currently Vice-Chair and I serve on four committees)*
- *16<sup>th</sup> Judicial District Bar and Durham County Bar Association*

*I teach various CLE courses regularly with the School of Government and other entities at least twice per year and sometimes more. I also provide small training sessions and mentor other lawyers in various areas of the law.*

***Non-Legal Community Service:***

*I often volunteer with my family, church, and the various organizations I am involved with. I do so by serving at the Durham Rescue Mission, at the Food Bank, providing food and clothes to homeless citizens, and school supplies to children, to name a few activities. I serve on the Board of Directors for Global Scholars Academy, a public charter school whose mission is to provide quality education to underserved children. I am Vice-Chair of the board, and I serve on three standing committees and provide legal expertise when needed.*

*There are three mothers that I have been representing pro bono over the last few years that best illustrate my values. I represent one mother in an AND case and in various criminal cases. I am the Guardian Ad Litem for two other mothers in AND cases. All three women have severe mental illness in varying degrees, have housing issues, and two suffer substance abuse issues. I previously represented two of the mothers, and I agreed to continue to assist in their cases so that they could have continuity in representation. I am grateful I can provide some comfort to these clients and assist them not only in the courtroom but in navigating the various services they participate in. I help all three clients with obtaining and maintaining housing and I often drive the clients to their treatment appointments and attend meetings with them. I believe it is my duty to assist the whole person when I can.*

**Concerning law and policy:**

7. North Carolina incarcerates an extraordinary number of people, including persons convicted of non-violent crimes. Those who are incarcerated are disproportionately people of color. What if anything should the legislature and our courts do to address the issues of mass incarceration and racial bias in the administration of justice?

*Systemic racism exists and must be combatted. First, I think it should be mandatory for all legislators and anyone involved in the court system to attend racial equity and implicit bias training. I worked on a NC State Bar Council subcommittee in which we studied whether lawyers should be required to have mandatory CLE focusing on racial equity and implicit bias. We recommended all NC lawyers attend “Diversity, Inclusion, and Elimination of Bias” Training beginning in 2022 as part of their mandatory CLE requirements, which was approved by the full council. That proposed amendment is pending before the Supreme Court of North Carolina.*

*I also think the legislature should enact laws that require racial equity and implicit bias training for law enforcement because they are in a position in which they often rely on their discretion to enforce laws. The legislature should also look for ways to fund more social programs and resources and criminal justice programs that address drug addiction, homelessness, and lack of employment that often result in criminal activity. For example, drug and alcohol prevention programs, accessible substance abuse and mental health treatment, affordable housing, job training programs, drug treatment court programs, mental health court programs, and diversion programs that would address these issues. The legislature should also consider amending the sentencing statutes so that certain non-violent crimes do not result in active sentences.*

*Our courts should utilize alternative sentencing options such as drug treatment court and mental health court when available instead of incarceration. I am a strong advocate for these programs because most of the persons who commit non-violent crimes suffer from substance abuse and mental health issues. These issues should be treated as the medical conditions that they are. In addition to attending racial equity and implicit bias training, courts should also arm themselves with how racial bias shows up in the criminal justice system. If they see it, they should look for the appropriate ways to interrupt it.*

8. Should the North Carolina General Assembly abolish the death penalty?

*Yes, the North Carolina General Assembly should abolish the death penalty.*

9. What, if anything, should be done to improve access to justice for people with limited financial means or who mistrust the system? How should courts handle requests to waive court costs, fines, failure to appear fees, probation supervision fees and attorney's fees in criminal court, prayers for judgment continued, and similar requests?

*Much should be done to improve access to justice for people with limited financial means or who mistrust the system. First, there should be increased funding for more Public Defender offices, assistant public defenders, court-appointed counsel, Legal Aid offices, and law school clinical programs. Such entities and personnel have proven track records of providing quality access to justice to those with limited financial means. Therefore, they should be supported more.*

*There should also be more funding for Public Defender Office social workers who can assist, make referrals, and provide information to persons involved in the criminal justice system to help them with housing, mental health and substance abuse treatment, job training, and employment. People are more likely to trust the system if it includes people whose sole duty is to help in a way that makes sense to that person. The Durham County Public Defender's office is one of only a few Public Defender's offices that has an in-house social worker. In my experience, the social worker's assistance in a client's case is most beneficial in addressing the overall life issues a person may experience and decrease recidivism. Further, courts should treat everyone they encounter in the courtroom with respect and fairness which will help build trust amongst everyone. They should also insist that others operate with the same ideals.*

*Courts should handle requests to waive costs, fines, and failure to appear fees, probation supervision fees and attorney's fees in criminal court, prayers for judgment continued and similar requests on a case-by-case basis. Courts must follow the law as it relates to mandated fees. However, whenever discretion is allowed, courts should elicit any information that would assist the court in deciding whether to waive fees. A person's ability to pay, the burden any fees and fines may have on that person, and the victim's need to be made whole should guide the court in their decision. Too often, courts have a bright-line rule on these matters, resulting in a person being set up for failure and additional punishment due to their poverty and inability to pay.*

10. What is your position on bail? What, if any, changes need to be made to the current bond schedule?

*My position on bail is that cash bail should be eliminated for most misdemeanors and unsecured bonds or written promises to appear should be considered first for those misdemeanors and all non-violent offenses. Pretrial programs should be redesigned and expanded in order to serve more citizens. Participation in such a program allows for the citizen to continue working and taking care of their family while awaiting disposition of their case. Secured bonds should be reserved for the most violent offenses and for those persons who are considered a flight risk and/or who pose a danger to the community.*

11. What can be done to improve language access for parties, victims, and witnesses during court proceedings?

*What can be done to improve language access for parties, victims, and witness during court proceedings is to increase the number of interpreters in the courthouse. Durham in particular is very diverse, thus*

*there are people who speak many different languages and people who are hearing impaired. There should be additional interpreters that speak different languages and sign language too.*

*Everyone who comes into the courthouse should understand what is taking place in the court proceeding and should be able to communicate in whatever means they are accustomed to. Justice and fairness for all involved require it. The legislature should seek ways to increase funding to improve language access across the state.*

12. Do courts have the authority to shorten prison sentences and release prisoners in the interests of justice and in response to emergencies like the current pandemic?

*Yes, courts have the authority to shorten prison sentences and release prisoners in the interests of justice and in response to emergencies like the current pandemic when allowed by law and when addressed by way of a Motion for Appropriate Relief (MAR) on a case-by-case basis. Of course, the court must have a hearing in which he/she hears from both the defendant and the prosecutor as to why the motion should or should not be granted.*

13. What does racial equity mean to you and how will racial equity inform your work as a superior court judge? Have you any special training in issues related to racial disparities and equities?

*As a biracial woman who is both Black and Korean, I know far too well what racial inequity, implicit bias, and systemic racism are personally and professionally. Racial equity starts with first being aware that racism and implicit bias still exists. More importantly, it is imperative that we move beyond awareness of these things and make intentional steps towards eliminating the gap between white people and people of color. Racial equity involves giving people what “they need” to enjoy full, healthy lives. It is not equality, which seeks to ensure that everyone gets the “same things” to enjoy full healthy lives.*

*As a District Court judge, I would not hold a person’s race or ethnicity against them and I would insist on resources that are tailored to meet their needs. For example, when structuring judgments or civil orders that require the person to participate in services, I would consider whether or not the person has access to the appropriate services based on their needs, including specific racial or ethnic needs. I would treat everyone with respect and dignity no matter what their race or ethnicity is. I would also continue to be educated on racial equity, implicit bias, and systemic racism and always do all I can to fight them. I would encourage my colleagues to do the same.*

*I am proud to say I have completed special training in issues related to racial disparities and equities. I have attended a two-day racial equity training course through the Durham County Bar Association and a four-day course with the Center for Child & Family Health.*

*I have done extensive research on racial equity, diversity, and inclusion (DEI). I chaired the Indigent Defense Services (IDS) Commission Diversity committee responsible for creating a Diversity and Equity Statement and Plan for the Commission. The statement and plan can be accessed here: <https://www.ncids.org/ids-commission-diversity-and-racial-equity-statement/> and my presentation before the Commission can be seen here: [https://youtu.be/-0LDPckS\\_0I](https://youtu.be/-0LDPckS_0I). I also did a presentation for the NC Child Treatment Program Advanced Training Conference entitled “Moving Beyond Diversity Towards Racial Equity in the Workplace.” I am also on the State Bar Council Diversity and Inclusion Subcommittee which is charged with formulating recommendations to present to the full council involving but not limited to adopting a DEI statement that sets forth the State Bar’s DEI mission and goals. Overall, in my role as a State Bar Councilor, I have been a huge advocate for adopting a State Bar DEI statement and plan, with hiring a State Bar DEI staff person, developing robust and engaging DEI CLE offerings, and with increasing the diversity of State Bar Councilors, attorneys, and staff.*

14. What are your thoughts on Durham's current diversion programs? If you believe these programs should be changed in any way please describe how and why.

*My thoughts on Durham's current diversion programs are that I am glad we have some, but I think we should have more. The ones we have (Misdemeanor Diversion Program and Mental Health Court) are effective in reducing recidivism and the number of persons and especially young people who come into the court system.*

*Our current Adult Drug Treatment Court is not considered a true diversion program in that it is a post-adjudication model. I think Durham should continue this program but should also consider a true diversion treatment court model. Such a diversion program is a pre-adjudication model where persons are offered admission into the Drug Treatment Court with an agreement that the charges will be dismissed or reduced after successful completion of the program. This type of program will not only address the substance abuse and mental health issues a person faces, but it will also keep them from having a record or adding to their record.*

*I would love to see Family Drug Treatment and Youth Treatment Courts back in our Durham court system. A high number of parents and children suffer from both substance abuse and mental health issues. Thus we must look for better ways to assist them in overcoming those issues. Family Treatment Court serves parents involved in AND cases who also suffer from substance abuse issues. Youth Treatment Court serves children involved in juvenile delinquency court who suffer from substance abuse issues. I served on the advisory council for Family Treatment Court and had many clients to participate in both courts. Both were highly effective and should not have been eliminated.*

15. What population, if any, is currently underserved, and what remedies can be implemented?

*In addition to the population and remedies I spoke about in previous answers, the population that is also currently underserved is the LGBTQIA+ (lesbian, gay, bisexual, transgender, queer, intersex, and asexual) population. This population has unique needs that are not fully addressed or addressed at all in the court system. Judges and other court personnel need education on LGBTQIA+ issues and how to address them. This population suffers from blatant and subtle discrimination in their everyday lives and in the court system, whether they are a victim, criminal defendant, or party in a civil case. There should also be more education on resources judges and other court personnel can refer this population to.*

16. What should the court do when both the defense and prosecution agree upon a bond request or agree on a lawful plea?

*The court should hear from both sides about the bond request or plea and review the facts in the case to determine if the bond or plea is appropriate. The court should begin with the presumption that the bond and plea is lawful and fair since both the defense and prosecution agree on them. We are all officers of the court and expected to act ethically and lawfully, so such a presumption is not unreasonable.*

Again, Thank you. Please do not forget to provide us with your resume or biographical statement.