

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

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

Candidate's name: KEITH A. BISHOP

Judicial Seat sought: 16TH JUDICIAL DISTRICT, WILKS' SEAT

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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?

RESPONSE:

- A) I characterize myself as a democrat.
- B) I vote for candidates who embrace principles of freedom, equity, and justice. Candidates who embrace free choice, equal voting rights for all, and equal access to the bounties of a free society earn my vote. Candidates who embrace unprincipled restraints on liberty as means of advancing their personal aspirations for popularity do not earn my vote. I believe in the respect for individual dignity, the pursuit of happiness and the security of the community. Candidates who appreciate these values get my vote.

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.

RESPONSE:

A) No.

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.

RESPONSE:

- A) Yes. I have been a party to a child custody action, which included claims for child support. The custody claims were resolved with joint legal and physical custody orders. The child support claims were adjudicated on a Worksheet B, then transferred to Alamance County, and were dismissed.
- B) My son lives with me. My younger daughter attends Howard University. My oldest child graduated from Boston College and Niagara University is married. I am no longer involved in family court.

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.

RESPONSE:

- A) I operate a general practice law firm, which represents clients across the state in the following practice areas: Medical Negligence (Med-Mal), Personal Injury, Family Law, Commercial Real Estate, Corporate Litigation, Criminal Litigation (Including Juvenile Litigation), Employment Law and Estate Planning.
- B) For years, I gave attention to representing clients with difficult cases, often when other lawyers refused to prosecute or defend the client's claim. I am now frequently to "go to" attorney for help with serious legal problems.
- C) My clients are diverse and include persons of Asian, African American, White, Hispanic, and African background. My clients are both individual and institutional.
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.

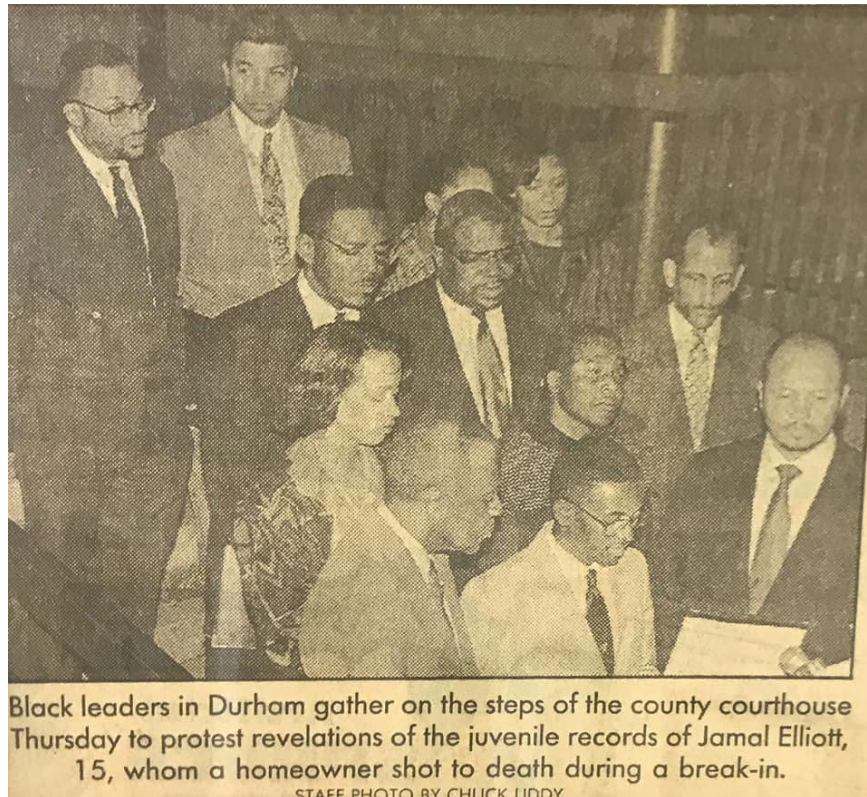
RESPONSE:

- A) Yes. I have been disciplined.
- B) In 2001 I received a disciplinary censure stemming from a 1998 Grievance in connection with a 1997 deposition. I instructed a client in civil deposition not to answer a question about a "criminal conviction" in a civil action, consistent with Carawin v. Tate, 53 NC App 161 (1981). The State Bar considered the issue for more than 3 years. I doubted the fairness of the delay and the correctness of the decision, but I accepted the censure and committed myself to further my professional development, in avoidance of any similar discipline. This experience has enabled me to be both humble and patient in evaluating conflicts.
- C) I have never been held 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?

RESPONSE:

- A) I have and continue to provide pro bono services to individual and non-profit institutional clients.

- B) I provided pro bono services to the Durham Branch NAACP as its Legal Redress Committee Chair. The picture below represents an occasion in which I, as Legal Redress Chair, stood side-by-side with NAACH Chair, James Black (then Husband of the Late Mariann Black), to address the misuse of juvenile records in a criminal prosecution by prosecutors.



- C) I provided pro bono services to restrain the expulsion of five NC Central University students from the University during their senior year in college. The students were able to graduate and lead successful professional lives. This is probably my most rewarding pro bono experience, because the students were, in each case, the first member of their family to graduate from college, serve as inspiring models to young people in their hometowns, and were the crowning achievements of their parents, grandparents, and ancestors, who invested their hopes and treasures in the students' college education. Failure was not an option for me in the representation, and success was an imperative for the families. I earned the respect of the late Chancellor, Julius Chambers, who yielded to my advocacy. My office boasts a framed original art piece, which is a gift to me in gratitude for my services to the students.

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?

RESPONSE:

- A) This question lends itself to a deep dive into philosophy and justice. On the surface, however, I offer the following observations:
- i) The legislature should regularly review its statutory enactments to ensure equity is achieved in the administration of justice, intentional and unintentional over-prosecution of the poor is

curtailed, and excess imposition of financial and penal burdens on under-represented communities are restrained.

- ii) The absence of a reliable standard for the determination of pre-trial cash bail in criminal cases remains a source of inequity in our State.
 - iii) When executive power is deployed in ways that offend citizens, citizens take their grievances to the judiciary, the neutral arbiter, for relief. Often the neutral arbiter fails to appreciate the precarious balance it must strike between the rights of citizens and the deployment executive power. Selecting judges with a capacity to understand this dynamic will likely rebalance the equities. Court administrators should develop training modules to better understand and apply concepts of neutrality and equity to help judges navigate this challenge.
 - iv) North Carolina incarcerates an extraordinarily large number of people because the judiciary orders the incarceration.
 - v) Incarcerated persons are disproportionately people of color because they are, generally, persons without adequate capacity to effectively resist the State's prosecutorial resources in an adverse judicial process. Perhaps, it is time for society to embrace a new social logic, which includes principles of equity in conflict resolution.
 - vi) The concept of incarceration as the sole means of conflict resolution seems like a remnant of a bygone era, which is embraced because no acceptable alternative has been sufficiently articulated for consideration by citizens.
 - vii) There is much work to be done in this State, especially by the Legislature, which only in the past few days has raised the minimum age for juveniles to be charged to 8 years.
8. Should the North Carolina General Assembly abolish the death penalty?

RESPONSE:

A) Yes.

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?

RESPONSE:

- A) Some out-of-the-box thinking is needed to improve access to justice for people with limited financial means and people who distrust the system of justice now in place. I would consider the following options:
- i) Lawyers admitted to practice in one State should be permitted to practice law in any State. This free-market approach will directly give individuals the option to access legal services from a nationwide pool of legal service providers and mediate the denial of access.
 - ii) The adoption of uniform laws will better inform citizens of a transient nation of penal restrictions. A citizen should not leave New York, where it is legal to possess up to 3 ounces of Marijuana, travel to Virginia, where it is legal to possess up to 1 ounce of Marijuana, and travel to North Carolina and be arrested for possession of less than ½ ounce of Marijuana.
 - iii) An equitable review of pre-trial custody is necessary. The inconsistencies inherent in the process is magnified by racial disparities.
 - iv) Citizens do not understand all the inequities in the legal processes, but they have a sense that the legal system is not functioning fairly. We each have an obligation to advocate for greater equity in the administration of justice.

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

RESPONSE:

- A) I have extracted my April 23, 2008, response to a similar Indy Week question as an appropriate response to this inquiry:

**Are you in favor of raising suggested bond guidelines for serious felonies?
Are you in favor of unsecured bonds for Class 2 and 3 misdemeanors?
Explain.**

I have no absolute position on this issue.

A. If, in my estimation, a bond is insufficient to secure the attendance of a Defendant at his trial, then I would insist that the bond be set high enough to secure the attendance of the Defendant.

B. If not, then I do not see the need to use the bond mechanism as a means to pre-punish a Defendant. I do not favor overly restrictive policies that offend the prosecutor's ability to deal with each case in a fair manner that vindicates the right of Durham Residents.

C. Similarly, I do favor unsecured bonds for all non-violent misdemeanors.

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

RESPONSE:

A) We continue to make progress in this area of language specialists in court proceedings. Our challenges probably reflect a more systemic problem in our educational system and a failure to plan for the increased capacity in a global economy. I would suggest raising the level of awareness is perhaps the first step in addressing this issue.

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?

RESPONSE:

A) This inquiry requires an assessment and existing conditions that may require judicial action and, therefore, may be inappropriate for a candidate to offer opinion.

B) Courts, as neutral arbiters, should thoroughly evaluate cases and controversies on the merits and be guided by principles of equity in the administration of justice in resolving the legal disputes.

C) Courts have authority to address conflicts brought to their attention, which require resolution.

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?

RESPONSE:

A) Equity, to me, means freedom from bias or favoritism. Racial equity, then, means freedom from bias and favoritism based on race. Equity embraces moral correctness and rejects actions that offend human dignity.

B) Equity is a principle of law that embraces the rights of men to live in harmony with freedom with dignity. Equity de-legitimizes functional legislative edicts that are inimical life, liberty, property, and security.

C) Yes. I attended the equity and diversity training seminar offered to members of the Durham County Bar.

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.

RESPONSE:

- A) My general view is that programs, which divert citizens from functional legal restraints, including incarceration, should be embraced when they are likely to justice serve a good purpose. I would reserve my further observation of these programs as they are likely to be within the scope of judicial review.

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

RESPONSE:

- A) I am unsure what is being asked here and would decline to venture an answer.

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

RESPONSE:

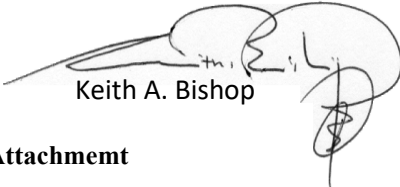
- A) My general view is that parties of adequate capacity are free to make their own bargains. These bargains or agreements should be embraced and supported as consent resolutions of conflicts, unless they are the product of prohibited conduct.
- B) My 2008 comment to the Indy Week on this point is included below to further clarify my view without further commenting on issues likely to be presented to the judiciary for decision.

When is it inappropriate to plea bargain cases?

It is appropriate to plea bargain cases when doing so is approved by the victims.

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

With Best Regards,


Keith A. Bishop

/Attachment