

People's Alliance PAC 2017 Questionnaire for North Carolina Trial Division Judicial Candidates

Please return this completed form along with your resume describing your education, work history, community service, and prior political experience as soon as possible, but by April 21, at the latest.

You may e-mail your responses to Tom Miller at tom-miller1@nc.rr.com. Please note that the Durham People's Alliance PAC may publish your responses to this questionnaire and your resume.

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

Candidate's name: AMANDA L. MARIS

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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.

You may explain your answer to every question, but please be concise.

About you:

1. Are you conservative or liberal? Please choose one and then explain your answer.

Progressive/Liberal - I am a person who embraces progressive values.

2. Please describe how your religious and philosophical beliefs may affect your conduct and decision making if you are elected.

Canon 2 of the The N.C. Code of Judicial Conduct requires, in part, that a judge promote public confidence in the integrity and impartiality of the judiciary. My religious beliefs will play no role in my judgments or orders in court. My philosophical beliefs will impact my conduct and decision making in court in a general sense: I believe that all people should be treated with dignity and respect and that no party or individual should receive more favorable or disparate treatment.

3. Have you ever been convicted of a criminal offense (other than a minor traffic or drug offense)? If the answer is yes, please describe the circumstances and the outcome. **NO**
4. 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. **NO**
5. If you become a judge, do you envision any community involvement beyond the specific duties

of the office? If yes, please describe that involvement. **Absolutely, engaging in the community is essential to my judicial philosophy. A judge who is connected to the issues at work in the city s/he serves is best situated to be aware of how the court can engage with the community whether it is educational opportunities, mentoring, cooperation with other government institutions on relevant programming, etc.**

I am currently the Education Team Co-Chair in the People's Alliance and I serve on the PA Board. I would very much like to continue doing work on the education team and within PA as permitted by the Code of Judicial Conduct. I will continue my other current work in the community on the boards of two youth-related organizations, one operating in our courts and the other operating in cooperation with our public schools, the Durham County Teen Court and Restitution Program and Rebound - Alternatives for Youth. I am also a member of my synagogue, Judea Reform Congregation, and the Jewish Community Center (JCC) - both involve community engagement within and outside of the Jewish community. I am open to a variety of opportunities for community collaboration and engagement so long as approved by the Code of Judicial Conduct.

About your practice of law:

6. Please describe your practice as a lawyer. Describe the areas of your practice and your specialties. If, over time, these have changed, describe the changes. Describe your client base as a part of your answer. **I am currently an Assistant Public Defender and have served in this capacity for nearly 10 ½ years. I represent indigent persons facing incarceration. I practice criminal law (in several district courts and Superior Court), and I regularly practice in juvenile delinquency court. When I began the practice of law as a sole practitioner (3-4 months total), I practiced law in criminal court, juvenile delinquency court and child support court. (I have prior experience in family law, estate planning and civil litigation working for attorneys in these areas of practice as a paralegal.)**

7. Please describe a case you have handled as an attorney that best illustrates the abilities and temperament you would display as a judge.

There are countless cases that have impacted me over the years. I will describe a case early on in my career that impacted me in a few ways and helped shape my perspective on the judicial system. I had a 16-year old client with no prior record charged with a weapons offense. At the time, this offense was not one that the District Attorney's office would offer a deferred prosecution agreement (that would have permitted an "earned" dismissal). Our only choices for resolving the case were plea or trial. The facts I can share generally are that the client was in a car where a gun was found. He was the closest person in proximity to where the gun was found of those in the vehicle - he was charged. He had no knowledge that the gun was there, and he had recently switched seats in the car with another teen prior to the officers' arrival on scene. The progression of this case once he became my client was slow. We met three times before the trial, and I watched my client's innocence disappear as he realized that the one boy in the car who was his friend would not testify for him willingly. The other two boys were not well-known to him and had gotten a ride in the car prior to my client becoming a passenger. He did not want to involve them and was fearful of them.

It became increasingly clear to me that not only did I need to win this trial to keep his record "clean." I needed to win this trial so that my client would have some faith in the justice system. He was innocent, and while his innocence was presumed, he didn't feel that "the system" would help him. The trial preparation for the case involved contacting witnesses, preparing him and his mother to testify and reviewing the law. We had the trial, and he was found not guilty. I ran into his mother a few years later, and she told me he was in college and doing well. They were able to expunge that charge from his record, but he changed from that experience.

His case taught me how fragile our youth are in the criminal justice system (the same is true in

juvenile justice), and that sometimes our job as attorneys goes beyond zealous advocacy and good client relationships consistent with the Rules of Professional Conduct. Sometimes the job of the attorney is to save a life or a child's (or client's) outlook on their own life and place in the world. I was patient and empathetic with my client, and I worked very hard to prepare his defense and get him a favorable outcome. As a judge, I will continue to be sensitive to all who come before me, knowledgeable about the law and procedure, and acutely aware of the impact my decisions can have on real lives.

8. Please evaluate yourself as the judge you think you will be if you are elected. Please use the five categories used by North Carolina Bar Association in its periodic Judicial Performance Evaluation survey and in your answer take into account how you think other attorneys would evaluate you. **I have included each of the 5 categories below with my self-evaluation in parentheses.**

Those who know me as an attorney know me to be an ethical and fair person who advocates zealously for her clients, is prepared and effective. As a judge, I would not be an advocate, but I would remain fair, prepared and efficient.

1. Integrity and Impartiality | Judge is fair to all persons, bases decisions on facts and law, and refrains from inappropriate ex parte communications (I will not discuss cases ex parte, and I will rely on the law for all of my decisions. Being fair to all persons will be paramount to my judicial philosophy - I believe others would think I will stay true to this and give me a 4-4.5);

2. Legal Ability | Judge demonstrates knowledge of law and rules of procedure and evidence (In the courtrooms I have worked in a lot, attorneys will rate me favorably 4-4.5. In others I need to become more of an expert in but am proficient in, attorneys may rate me a little less high at first, 4) ;

3. Professionalism | Judge exercises patience, is courteous to all and attentive to proceedings at hand, fulfills out-of-court duties and responsibilities, and upholds the dignity of the office (This is very important to me personally- I would like to think it will be highly apparent once I am a judge - 4-4.5);

4. Communication | Judge speaks clearly and understandably, prepares coherent decisions, and carefully reviews orders before entry (I am a very thorough person who is quite detail-oriented within reason- 4-4.5);

5. Administrative Skills | Judge is punctual and prepared, controls the courtroom appropriately, uses courtroom time efficiently, enforces deadlines appropriately, makes timely decisions, and enters orders promptly (I intend to always be prepared -and early- for court. I will respect people's time by being as efficient as possible and prompt in delivering orders parties are waiting on, 4-4.5)

9. 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 license suspensions, 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

10. 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? **Yes, after about a year of being an Assistant Public Defender, I wanted to do more for the legal and general community. I attended my first Public Service Committee Meeting within the Durham County Bar Association.**

At the meeting, there was a request for the committee to assist Legal Aid of NC in Durham with a growing demand for expunctions. I volunteered to lead the effort with another private attorney. We founded a quarterly expunction clinic with Legal Aid. I prepared all of the materials to train other attorneys that would staff the clinics and organized the clinics. I have continued to maintain these clinics over the past decade and expanded them in number with the help of the NCCU Law Criminal Litigation Clinic Professor and her students. Other private attorneys came on board to lead and participate over the years. Founding and managing this clinic illustrates my value on community, teamwork and helping others. It also illustrates that I understand the impact of the law (convictions, lingering dismissals or others dispositions) and the many collateral consequences stemming from the criminal justice system.

Concerning law and policy:

11. What are your views on the death penalty and the way death penalty cases are handled in North Carolina? As a matter of the administration of justice, what should the courts and legislature do about the death penalty? **Death penalty cases are not heard in District Court. Since such cases will never come before me as a District Court Judge, I can share that I oppose the death penalty and believe it should be abolished.**

12. 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 steps would you take to address the problems of mass incarceration and racial bias in our legal system? **For one, I would ensure that my judgments are as free of racial bias as humanly possible - I would follow the law controlling each courtroom and render decisions based on the evidence presented. We all suffer from implicit racial bias however, so as a judge, I would take affirmative steps to make sure my consciousness was awakened to the issue by using measures taken in other jurisdictions to address this issue. I think all court officials should engage in race equity training (see 15), and I have done such a training. There could be new programming put in place to promote such trainings and to remind participants of the lessons learned there once they return to their work.**

13. Do you believe that police disproportionately stop, search, and arrest persons of color for traffic violations and minor, non-violent drug offenses? Is racial profiling by law enforcement a problem? If your answer is yes, what steps would you take to address the problems of racial profiling and over-policing in neighborhoods of color? **The statistics show disproportionate minority contact in all levels of the criminal justice system. Our new police chief in Durham has taken some steps to address some of the issues raised by this question. The answer lies in police department policy (and training) changes but also in larger, societal changes and ways of thinking that involve parties of all kinds. I am always willing to sit at the table with our court officials, elected officials, law enforcement and community members and citizens to engage in meaningful efforts to address these issues. We also have to support neighborhoods of color with more community resources and positive police interaction when desired by the community, like PAL (Police Athletic League), for example.**

14. Do you support legislation designed to protect gay, lesbian, and transgender people from discrimination in housing, employment, public accommodation, and access to government benefits and services? **Canon 3 of Code of Judicial Conduct requires I abstain from public comment about the merits of a pending proceeding in any state or federal court dealing with a case or controversy arising in NC or addressing NC law. However, I support everyone's civil rights being free from government infringement and absolutely do not support the discrimination of anyone including LGBTQ persons.**

15. Do you support special training for law enforcement and court personnel designed to address race disparity problems in the justice system? Have you any special training in issues related to racial disparities and equities? **YES AND YES - I participated in the Greensboro Racial Equity Institute's race equity training last year (including the later debriefing session). I also attended a racial**

disparities in criminal justice CLE for attorneys last year. I have attended other events on race equity in education (anti-racist education conference at NCCU) and race equity issues for youth and women.

16. Should magistrates, judges, or other government officials be excused from performing any of their lawful duties because of their religious beliefs? **In the summer of 2015, it became law in NC that magistrates could be excused from performing marriages for same-sex couples for religious beliefs. This is not an issue in Durham as all civil magistrates here perform same-sex marriages. As a judge, I will follow the law as I am required to do so and the Code of Judicial Conduct. I am also in a same-sex marriage.**

17. Under what circumstances should sixteen year-olds be sentenced to active incarceration? Do you support a misdemeanor diversion court? Do you support raising the age for juvenile offenders? **I am the Assistant Public Defender in the Misdemeanor Diversion Program which I strongly support, and I will support programs like it. I support raising the age of juvenile jurisdiction and have said so publicly many times. Incarceration should be reserved for only the worst cases when it comes to our youthful offenders. Jail is no place for a child or teen.**

18. What can the trial courts do to help alleviate the "school to prison pipeline"? **This is an issue I am personally committed to addressing if I become a judge, and it is one I work on now as an Assistant Public Defender. The answer is not simple but involves attention to school discipline policies, truancy programs/courts, community programming for youth, and improving the relationship between the court system and the schools with respect to kids involved in the juvenile justice system with promotion of existing and new programming.**

19. Do you support a mental health treatment court? What can be done to improve mental health care for prisoners in the jail? **Absolutely. There is a mental health program that has been recently established and is near implementation. I support it and would help expand it into a court if the resources are available. For those inmates with mental health issues, we could hire additional staff within the jail to support more comprehensive treatment and the treatment of inmates with both urgent and nonurgent mental health issues. We could also have one staff person dedicated to connecting with existing mental health providers more quickly to engage the community in treatment. The current staff I am aware of in mental health in the jail works very hard to assist the inmates with mental health issues, but more staff would be helpful, including an on-site psychiatrist.**

Your politics:

20. How are you registered to vote? Have you ever changed your registration? If you have changed your voter registration, please explain why. **DEMOCRAT. NO.**

21. Who did you vote for in the 2012 and 2016 presidential and gubernatorial elections? Who did you vote for in the 2014 U. S. Senate election? **Obama and Clinton; Dalton and Cooper. Kay Hagan.**