

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: ___Kendra Montgomery-Blinn_____

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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.

Cannon 7 of the Judicial Code of conduct allows a Judge or Candidate to engage in limited political activity, including party affiliation. I am a Democrat and identify as politically and socially liberal. My professional career and personal volunteer work have often been in support of a progressive values. I do not believe that striving to make Durham a more equitable place for all people is part of a political agenda.

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

I believe that a Judge's religious beliefs do not belong in the courtroom. As a Judge, I would never seek common ground with others based on religion. My personal philosophy is that each person deserves to be treated with respect, regardless of their circumstances.

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.

I have always been active in Durham. The Judicial Code of Conduct will require that I change my service in some ways. However, Cannon 5 of the Judicial Code of Conduct specifically permits judges to be involved in civic and charitable activities. I stepped down from the People's Alliance Board and as Co-Chair of the Education Team this year, but intend to remain an active member of the PA and other Durham organizations.

As a Judge, my service would evolve as I find new ways to support Durham. Judge Morey is the perfect example of how a Judge may comply with the Judicial Code of Conduct while tirelessly serving this community beyond her daily duties. I intend to follow Judge Morey's example and continue my work supporting public schools and young people.

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 have experience working in the justice system from multiple angles.

I spent eight years as the Executive Director of the North Carolina Innocence Inquiry Commission. Under my leadership, the Commission grew from a staff of three to a staff of eight and was made into a permanent state agency by the General Assembly. Most importantly, during my time representing the Commission, eight wrongfully convicted men were declared innocent and released from prison. I witnessed firsthand the disastrous consequences when the justice system gets it wrong. I have learned that we can never rush to judgment and must always guard against implicit bias.

I have served twice in the Durham District Attorney's Office. I began my career as Durham's Juvenile Court Prosecutor. Judge Morey and Judge O'Neal taught me that the court system should be about trying to find the best resolution for everyone. I believe that the restorative justice model of juvenile court can be brought to other parts of the court system.

Two years ago, I returned to the Durham District Attorney's Office. I now prosecute homicides and other violent crimes. A good prosecutor always seeks the right resolution for a case. As a Judge, I would continue to seek a just outcome, even when it not the most popular solution.

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

I will discuss a recent case of a young lady charged with felonies relating to discharging a firearm in a crowded place. This case was assigned to me and came with serious felony charges. The defendant was a 16 year-old with no prior convictions. She had been working with Project Build through her school. I met with her counselor at Project Build and learned that she had lost multiple family members to gun violence. I learned that she felt threatened and made terrible choices. She chose to fire a gun into the ceiling. She was young and did not comprehend all of the possible dangerous ramifications of her choices.

I was able to craft an option for this young lady that required extensive intervention with Project BUILD and school. This was a second chance for her to have a clean record if she was willing to take advantage of these resources. I also worked with the owners of the business where this happened, and they ultimately supported this resolution as an example of restorative justice.

To date, I have received multiple positive reports that this young lady is doing well with Project BUILD and in school. I could have sought to charge her with the highest felonies and seek a prison sentence and a permanent felony record. However, I was able to learn more about this person as an individual and had the discretion to craft a resolution that gives her an opportunity to change her life. This also gives Durham an opportunity to embrace her as a wanted member of our community. I have been able to work out these types of resolutions in many cases involving teenagers. I am grateful for this type of discretion and grateful that I serve a community that does not support a “lock em up” attitude.

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.

The Judge that I think I will be if I am elected:

- a. Integrity and Impartiality. I believe one of the most important qualities that I possess is integrity. I have made some extremely difficult decisions in my career, but my decision making process always comes down to what is the right thing and what will I wish I had done years from now. A Judge must be impartial. I am able to listen and reserve judgment only for the law and never for people’s affiliations.**
- b. Legal Ability. I am an intelligent and hardworking lawyer. If I do not know an answer to a legal question, I know how to find it. My colleagues would say that I am willing to take the time to do legal research and make certain that I get it right.**
- c. Professionalism. I strongly believe that the law is a profession. As lawyers, we must be honorable because we represent this profession to one another and to non-lawyers. I take extremely seriously my role as an officer of the court. This means that I treat everyone with respect and hold myself to the highest standards.**

- d. **Communication.** Communication is as much about listening as it is about explaining. I will always listen to all parties and make certain that I understand each argument before I rule. When I rule, I will do so clearly.
 - e. **Administration Skills.** I have been the Executive Director of a State Agency. I understand that duties of any job are much more than what the public sees. It is important for a Judge to keep up with all of their duties, even those that require paperwork and forms. My peers know that I am not afraid of hard work.
 - f. **Overall Performance.** I believe in our criminal justice system, and I know that it can be better. I will always be working to approach each case as it fits into the system as a whole.
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 to 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?

For my entire career, I have worked for government agencies and been prohibited from representing clients pro bono. I have been dedicated to other types of volunteer work, as is clear from my resume.

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?

The North Carolina Judicial Code of Conduct, Cannon 3, requires judges to refrain from comment on pending cases or cases in controversy. The state of the death penalty is a case in controversy and subject to review by the highest courts. However, this provision does not apply to Judicial Candidates. All who know me well, know that I have long and openly opposed the death penalty. As the Executive Director of the North Carolina Innocence Inquiry Commission, I was part of an innocence exoneration from death row. In law school, I interned at the Center for Death Penalty Litigation.

If appointed, I would be able to comply with the Judicial Code of Conduct. Additionally, rulings in capital cases are not in the jurisdiction of a District Court Judge.

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?

During my leadership with the Innocence Inquiry Commission, eight men were exonerated and found innocent of crimes that they did not commit. Seven of those men were African American. Our justice system is imperfect in many ways. One of the most obvious ways is disproportionate impact on persons of color. The judicial system was designed by wealthy white men, and like most power systems, has never evolved.

In my career as a prosecutor, I am acutely aware of the impact a felony conviction will have on a young person. I seek opportunities to offer deferred prosecutions (dismissals after compliance with probation) for young people and those without criminal records. I am aware that a criminal conviction will profoundly change a person's opportunities for the remainder of their life. As a Judge, I would continue to look for opportunities to seek restorative justice.

Study after study has shown that implicit bias effects all of us. I am committed to acknowledging my own personal biases as well as those inherent in this system. Being aware of bias gives us the best opportunity to look for ways to make better decisions. I have personally attended multiple race-equity trainings. I will take every opportunity for further training.

As a Judge, I would constantly try to guard against bias in myself and those in the court system. I would openly address bias when possible. A judge is one gatekeeper in the system, and I am not afraid to address cases of racial disparity in law enforcement, prosecution, and defense. As a Judge, it would also be critical to have my own set of guidelines to apply in each case. In this way, I could step back and have a neutral rubric to apply to my judgments.

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?

Research and studies have shown over and over that racial bias exists in policing and the court system. Studies in Durham, have shown disproportionate traffic stops, even when other factors are controlled for.

I have seen deeply troubling law enforcement investigations through my work with the Innocence Inquiry Commission. I have also worked with top-notch law enforcement officers as a prosecutor.

I believe that most law enforcement officers are trying to do their best on a daily basis. Overt efforts to discriminate are rare, but do exist and must be dealt with swiftly. The more

systemic problem is implicit bias. As a Judge, I would have a unique duty to keep my eyes open for bias, and I would not be afraid to address it. As a prosecutor, I have dismissed cases when policing was not of the highest standard.

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?

Yes. Discrimination exists, yet our State and Federal Constitution require that all people receive fair treatment under the law. When that is not readily complied with, additional legislation is often necessary to ensure due process.

I specifically have been assigned to prosecute cases that involve transgender victims of violent crime. I was chosen for these cases because of my dedication to making sure that all people are respected. In a recent trial, I requested pre-trial that the court use proper gender pronouns when referring to the Victim of a violent crime and addressed gender directly and openly during jury voir dire to make certain that the trial would be about the injuries and the crime, rather than the Victim herself.

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. I have personally attended two race-equity workshops, one hosted by dRworks of Durham and one by Racial Equity Institute of Greensboro. I have also attended a training for prosecutors about implicit bias. Each of these trainings was profound, and I will take opportunities to further my learning.

I strongly support extending these type of trainings to all involved in the court system. Fostering awareness of bias and systemic discrimination is an important early step.

16. Should magistrates, judges, or other government officials be excused from performing any of their lawful duties because of their religious beliefs?

No. Public servants choose this career and are required to uphold the duties of their office, the US Constitution and the NC Constitution. If a public servant personally objects to their duties, they have a right to resign from their office and no longer receive a tax-payer based salary.

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 support the efforts to raise the juvenile age. The current pending bill is inadequate, but an important step. I have personally worked in juvenile court and am keenly aware that youths

rarely commit crimes with the same motivation as adults. Research shows that the prefrontal cortex is not fully developed until well into a person's 20s.

I support the misdemeanor diversion court. I also support felony deferred prosecutions, which can be entered in District Court. A deferred prosecution allows a charged person an opportunity to comply with probationary conditions and, if successful, have a clean record.

As a prosecutor, I take every opportunity to offer deferred prosecutions to young people. I seek out specific programs, such as Project BUILD and youth mentoring programs that may give a young person a chance to avoid recidivism. I take great joy when a teenager complies with these conditions and I am able to dismiss the charges. I speak with the crime victims and ask them to support this opportunity for a second chance.

I am aware that there are scenarios where 16 year-olds cannot be eligible for deferred prosecutions or probation. I prosecute homicide cases, and I am well aware that there are times that seeking a just resolution must involve incarceration.

18. What can the trial courts do to help alleviate the "school to prison pipeline"?

The step that would have the biggest impact in the court system is raising the juvenile age. As I noted above, a 16 year-old rarely commits crimes with the same intention as an adult. Teenagers need opportunities to receive resources for crime prevention and to remain in school.

Durham Public Schools has recently created a program at the Durham County Jail, so that students may continue their schooling while incarcerated. This is an important program and we need more opportunities like this for young people who are incarcerated and on probation.

The School to Prison Pipeline does not start when a teenager is first charged with a crime. It starts when they are born. It begins based on the part of the city where they are born, the school they will attend, the income of their family, the involvement of their parents, their family history of incarceration, and the color of their skin. If we do not address systemic issues of poverty, racial discrimination, and child abuse we will never make real progress on stopping the pipeline. As a Judge, I will work to connect the courts system with other resources and speak up when there are opportunities to work in unison.

19. Do you support a mental health treatment court? What can be done to improve mental health care for prisoners in the jail?

Yes. The court system is simply not designed to treat people with mental health problems. Incarceration alone does not address the root problems of crime. If offenders can be restored through a specialty court and not recidivate, then the entire community benefits.

As a prosecutor, I have seen that Drug Treatment Court has been successful for many individuals. I have also seen that defendants and their attorneys will not seek to enter into these courts if they can find a less restrictive means of compliance with probation. If we fund a Mental Health Treatment Court, we need to provide a system where compliance will be both meaningful and possible.

It is time to accept that the courts system and the mental health system cannot function independently and exclusively. Our county must comprehensively review services at the jail and determine where resources can be reallocated so that inmates can receive mental health treatment prior to resolution of their case.

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.

I have been a registered Democrat since I was first eligible to vote. I have never changed my registration, and I have never missed an election.

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?

**I voted for Barack Obama in 2012. I voted for Hillary Clinton in 2016.
I voted for Walter Dalton in 2012. I voted for Roy Cooper in 2016.
I voted for Kay Hagan in 2014.**