

People's Alliance PAC 2022 Questionnaire for North Carolina District Court Judge Candidates

Please return the completed form along with your resume or biographical statement describing education, work history, community service, and prior political experience, as well as a high-resolution headshot of yourself as soon as possible, but no later than Saturday, Mar 19th at 5pm, at the latest.

Please e-mail your responses to PAC Coordinators at papacboard@googlegroups.com by Saturday, March 19th at 5pm.

Please note that following the Saturday, March 19 at 5pm deadline, the People's Alliance PAC may publish your responses to this questionnaire and your resume.

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. Do not use colors or shading. Please try to confine your responses to no more than 300 words unless another word limit is indicated. Do not feel obliged to exhaust the limit for each question.

If you use words or ideas from another person, please attribute your source.

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

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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. 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. I would not want any party to feel that I would favor or disfavor anyone based on my personal beliefs that do not technically have a place in the courtroom. My religious beliefs will play no role in my judgments or orders in court, but my faith as a Jew**

leads me to care about the welfare of others, individually and as a whole. My philosophical beliefs only 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 unfair or disparate treatment.

2. Would you support requiring race equity training for all North Carolina judges? If not, why not? What, if any, other training should be mandatory? **Yes, of course. I have taken multiple such trainings and each one has been very valuable personally and professionally. Implicit bias training which is related should also be mandatory, but there are other biases to address that are important to a conscientious judiciary such as, for example, socio-economic bias, gender bias or bias based on sexual orientation or gender identity.**
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. **Yes, this past year a party akin to a “sovereign citizen” sued me, the Sheriff, a few deputies, court personnel, an attorney and his ex-wife after an absolute divorce proceeding I heard in family court. I granted his ex-wife’s request for a divorce in a short hearing and later learned he filed a federal civil lawsuit based on a variety of claims that the assigned federal judge later found were without merit after my counsel and other parties moved for a dismissal, which was allowed.**
4. Please describe a situation in which you took a controversial position and explain how you handled it. **One scenario took place in 2017 when I was vying for the appointment to the seat I now sit in as a judge. I personally did not feel my position then was controversial however others disagreed. I was at a candidate forum and asked if I supported raising the age of juvenile jurisdiction. I answered “yes” without hesitation and explained why. The other candidates present were then asked the same question, and one of them attacked me for answering the question stating that the N.C. Code of Judicial Conduct prevented me from answering. When I was able to respond, I simply explained that judges (and candidates for judge) were permitted to speak on issues that impact the fair administration of justice. I further explained why prosecuting teenagers as adults was unfair and applicable to the canon which permitted my speech at the time.**
5. Why should progressive voters support you? What expertise do you bring to your race? **Personally, I have a progressive worldview, however my personal politics have no place in my actual court rulings or judgments. Where my progressive views may come out is in the steps that I have taken to impact institutional bias and systemic discrimination in the justice system. I am also very aware of the far reaching impact any given court ruling can have on an individual party, his/her family and community, including vast collateral consequences. In my first 12 months on the bench, I co-founded the DEAR Program (www.deardurham.org) which dramatically increased access to free legal services enabling expunctions, driver’s license restoration and criminal justice debt relief. There are other court process changes I have made in the courtrooms I preside in that assist self-represented litigants navigate a complex court system, assist with affording sometimes exorbitant court fines & fees and more.**
My legal expertise is broad, especially after serving as a judge for approximately 5 years now following around 11 years as an attorney. Please see No. 6 for areas of practice which will answer the same questions essentially, however I have expertise in the following areas:

family law, criminal law, domestic violence and traffic matters, child support, juvenile delinquency matters and more.

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, your practice has evolved or changed, describe the changes. Describe your various client bases as a part of your answer. **I have been a District Court Judge since my gubernatorial appointment in August 2017. Before I joined the bench, I was a practicing attorney in multiple courtrooms that I also preside in at present for nearly 11 years. I was an Asst. Public Defender in district criminal, domestic violence and traffic court as well as in civil juvenile delinquency court. I also have prior experience in child support matters and worked as a paralegal in the areas of civil litigation, estate planning and family law. I was also a Guardian ad Litem in Wake County many years ago and more. My website further details my prior work experience: www.judgeamandamaris.com. My client bases as an attorney (briefly on the court-appointed list as I interviewed for jobs just after law school) and as an Asst. Public Defender consisted of parties entitled to representation based on being indigent, both adults and juveniles.**

7. 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? **In No. 5 above I mentioned that I was a co-founder of the DEAR Program. I continue to Co-Chair the DEAR Advisory Board and dedicate a lot of my personal time to assuring DEAR is able to provide robust legal services to the people of Durham in the areas of expunction, driver's license restoration and criminal justice debt relief. Before I was a judge, I co-founded the first free legal expunction clinic in the state in a partnership with Legal Aid of NC in Durham. This was in 2008. We offered quarterly clinics and NCCU Law joined as partner early on to assist with the clinics. The same partners I worked with as a public defender for this clinic are partners to the DEAR Program along with many other new community, law school and government partners. The work I did for a decade as a public defender and now the work I've done as a judge epitomizes my dedication to realizing a more just court system through innovative programming and partnerships.**

8. 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" includes 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.**

Concerning law and policy:

9. What is the single greatest barrier to justice? **Individual and systemic bias.**
10. 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? **This is an important and complex question. Our legislators and candidates for the same should answer the question of legislation, however there are countless opportunities to amend our laws or create new laws to ensure we are doing everything we can to legislate away the influence of bias in our government systems. Yet laws can't change hearts and minds. Race equity training, education/literature and personal experiences can have an impact on individual bias, and in turn, institutional bias for the actors in those institutions. Our courts must start with race equity training for judges and other court actors. Then, racial bias bench cards to give judges daily reminders to check their own implicit biases in sentencing and rulings can help. Language access is important too. Also, creating programming that can attempt to "right" disproportionate direct and indirect, collateral consequences of bias in the justice system like the DEAR program is another way to address it.**
11. Should the North Carolina General Assembly abolish the death penalty? **YES.**
12. 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? **A lot should be done and recently more has been done with the creation of a new AOC (Administrative Office of the Courts) form to assist parties, lawyers and judges with applying an ability to pay assessment (for parties assessed fees or fines or court costs) in court at both sentencing and post-sentencing phases of a case. Contrary to popular belief, an ability to pay assessment is required for any party who requests it, by hearing where necessary or contested. I have long applied such an assessment to all parties who come before me any time it is requested or even insinuated as a need. There needs to be additional education across the court system so that all judges realize this is mandatory when requested. Parties also need to be informed (in court, if not before) that they can make the request otherwise they may not know to do so. The DEAR Program also assists with motions to remit past due fees and fines in traffic cases.**
13. What is your position on bail? What, if any, changes need to be made to the current bond schedule? **(Long answer warning.)**
My position on bail is that I am required to follow the current relevant law as a judge and consult the local bond guidelines set by the DA, Resident Superior Court Judge and Chief District Court Judge when setting a bond. Each time I must set a bond or conditions of pretrial release, I consult the applicable law under NCGS 15A-534 and required statutory considerations along with the pretrial report performed after an interview of the defendant and after hearing arguments by the Asst. Public Defender and ADA .
The current state law gives judges guidelines to consider when deciding whether pre-trial confinement is appropriate or required. Some of those provisions require either a secured bond or house arrest with electronic monitoring if certain concerns are present, (see subsection (b): "...such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of

evidence, subornation of perjury, or intimidation of potential witnesses”). Other provisions give a judge more discretion and the ability (or requirement) to impose an unsecured bond, written promise to appear or a custody release (see (b) also and (c)).

As a judge bound by the law, I start with the law in imposing pre-trial conditions or bail. I also consult with the local bond schedule or “presumptive bond” guidelines. Then I consider the particular evidence available (weight of) surrounding the offense, the nature of the offense, the threat to a victim or the community if the person charged is released, history of FTA or indication of flight or the contrary in community & familial ties including length of residence, employment, criminal record, present intoxication, mental health, age and disability of the defendant and the financial means of the defendant - all considerations I am required to consider under the state law, for the most part.

Our current bail system and related laws could certainly benefit from some adjustments. Allowing a judge more discretion in setting the bail would be helpful assuming the individual judge would operate in a just and equitable manner. Some existing provisions are too rigid. One important tool in the bail toolbox is the pretrial program that can be an alternative to cash bail. I always consider whether the pretrial program is an option for release from jail when a written promise or unsecured bond alone is not appropriate (for more serious offenses or when a victim or the community safety is at risk, etc.). The Pretrial Release Program in Durham is an excellent resource that can be used more often to enable release from jail when there are safety concerns for a victim or the community, or for the defendant’s welfare to ensure additional monitoring and safeguards without incarceration or pretrial confinement.

The current bond schedule or local presumptive guidelines could benefit from some study and assessment by all relevant stakeholders. They could be adjusted to include revisions related to the statutory considerations incumbent for a judge, offer more discretion to an individual judge “or exceptions to the rules” under certain facts and circumstances and could include or suggest an ability to pay assessment. All statutory considerations must be in a judge’s mind when addressing bail and we cannot get lost in the consideration of the nature of offense (class level) alone. The current bond schedule could include language designed to prevent that.

14. What can be done to improve language access for parties, victims, and witnesses during court proceedings? **In general, we could use an additional full-time or part-time Spanish language interpreter and could benefit from new technology to interpret documents accurately and more instantaneously. Many court forms are available in Spanish, but some documents and forms are not available, and in this day and age, everything should be in English and Spanish and readily accessible in all of our courts. We do have the ability to interpret all languages on a “language line” for spontaneous needs as they arise in court. Otherwise, there is a form process to request interpreters needed in advance that will assure proper coverage if a party or attorney makes the request. With Spanish, advance needs are not always known as first court dates for Spanish-speakers are fairly frequent and a delay can occur for these parties though the current staff interpreter is generally available quickly once called to a courtroom and works very hard.**
15. What does racial equity mean to you and how does racial equity inform your work as a District Court judge? Have you any special training in issues related to racial disparities and equities? **I have addressed this in part in my answers above, however what it means to me is**

understanding the history of oppression of Black Americans in this country including in all of our government institutions and how that has continued to the present day. It means understanding institutional bias and individual racial bias in the collective and personally as applied to yourself (or myself, in this context). I have attended several related trainings over the years. I have bench cards I have used at times, I continue to take relevant trainings, I educate myself with various books, and I have taken active steps to dismantle racism in our court system with programs like DEAR and others that support historically marginalized groups.

16. 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.

I am not an assigned judge currently to any of the diversion programs (Misdemeanor Diversion Program, Adult Drug Treatment Court and Mental Health Court). I have been a substitute judge for MDP, and I was the assigned APD in MDP before I was a judge. MDP should include older individuals to expand access. MHC should give second or multiple opportunities for participation for those who really need the program where it can. ADTC should include participants with lower suspended sentences so that more eligible people can participate who would benefit from it.

17. How has the COVID-19 pandemic changed the functions of the position you occupy or are seeking? **That's a long answer, but I think a lot of the answer is obvious. Courts are now nearly all back to meeting in person instead of virtually but for several months plus some courtrooms were exclusively virtual. This presented some difficulties (technical, Docket shrinkage etc). COVID also led to some court shutdowns and increased volume of pending cases in various courts. A lot of the damage like case backlogs has been addressed at present. Safety protocols are still in effect like masks and COVID-related questions upon entry to the courthouse. I still wear a mask every day in court. I can still recall how foreign that felt at first. It is second nature now and safety is always a paramount concern for me especially for more vulnerable persons in the courtrooms. Presently, I think all courtrooms are working efficiently despite any COVID-consequences whereas in 2020 we were not operating at full capacity.**

18. When both the defense and prosecution agree upon a bond request or agree on a lawful plea, what should the court do? What weight should the agreement be given? **A consented to bond or plea should be given considerable weight, however the relevant laws still apply so I must review the proposed plea or bond for legal sufficiency. I will also review it with any victim present in the courtroom and ask if they care to be heard before I make a decision. If a victim is identified but not present, I ask the two attorneys relevant questions Re: the victim before I decide to accept a plea or sign off on a bond. In general, for any plea or bond, I will make sure the law is complied with, the safety of any victim is ensured to the best of my ability and that the rights of the defendant are complied with under the law as well.**

Your politics:

19. For whom did you vote in the 2020 United States Senate and presidential elections?
Cunningham, Biden/Harris.

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