

## **PA PAC Questionnaire for Clerk of Superior Court Candidates – 2022**

**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.**

**Please e-mail your responses to PAC Coordinators at [papacboard@googlegroups.com](mailto:papacboard@googlegroups.com) by Saturday, March 19th at 5pm.**

**Please note that following the Saturday, March 19th 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.**

Candidate's name: Archie Smith

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### **About you:**

1. Why should progressive voters support you? What expertise do you bring to your race? The civil rights movement and the Viet Nam war shaped me as a member of the Woodstock generation of the 60s. It was a tumultuous time when conventional authority was challenged. Exposed to the struggle for equal rights and acceptance of people as people regardless of race, sexual orientation, socio/economic status or nationality, my mind was opened to the universal truths that bind us together and to reject blind acceptance of the policies and authority that seek to benefit from keeping us divided.  
My expertise as a member of the legal community has been continually refined and honed over the past 46 years as a licensed Attorney. After graduating from UNC-CH in 1972 and NCCU Law school in 1976, I practiced law until 2002 when I was elected Clerk. My 20 years of service as Durham's Clerk of Court have engrained in me the law, procedures and skills needed to be an effective Clerk of Court. My experience in this position enables me to confront and overcome challenges confronting the clerk is now second nature to me. I do not have to "learn the job" nor to get adjusted to the position and its responsibilities. I know and live what it takes to be Durham County's Clerk. In other words: my experience earned by being Clerk for 20 years.

2. Please describe your involvement in civic and professional organizations, noting any offices you may have held.

Over the years, I have served Durham County and the citizens of the state of NC in various capacities:

- President of the NC Conference of Clerks of Superior Court
- Clerk/Bar Joint Committee
- Durham Crime Cabinet
- Durham County Violent Crime Reduction Roundtable
- State Judicial Council
- NC Board of Law Examiners (14<sup>th</sup> Judicial District Bar Candidate Committee for 20 years, 12 as Chairman)

3. What relevant experience do you bring to the position and how will you transfer the skills you developed?

As the incumbent, I bring the expertise and experience of having been Durham's Clerk since 2002 to this election.

4. 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.

5. 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:

1. Plaintiff in a divorce action:

The divorce was granted.

2. Plaintiff in a small claims action for faulty mechanical repairs to a vehicle. A mechanic removed the engine and did not reinstall for 2 years:

I prevailed.

3. Plaintiff in a faulty contractor's work action:

The contractor failed to match the color of brick mortar to the rest of the house:

I prevailed

6. Please describe your experience managing a large staff of professional and non-professional employees?

I began by bringing the division managers (Assistant Clerks) together and convening regular Assistant meetings. Together, we identified unmet needs of the Clerk's office and then set out to cure them. My Assistants in turn have regular division meetings. I do not exercise an authoritarian hold over hiring the best candidates. We decided that each Assistant should have a strong voice in the hiring of staff that each

Assistant manages. To this end, the Assistant filling a vacancy is joined by three other Assistants in a panel for interviews. The finalists are further screened, and a selection is made. Then, after onboarding, the new hire has a 90-day probationary period. After this, if satisfactory, the new hire becomes permanent.

Other than traditional on the job training, each member of our staff is afforded opportunities for more training as it is offered by the NCAOC and the School of Government. Every member of our staff has been given written policies and best practices protocols as they begin their career with the Clerks office so that there is no question about policies governing what is expected of them.

All work and no play is not conducive to camaraderie and high morale. So, we have office events and social occasions in which the entire office joins together.

Sportswear polo shirts, jackets, umbrellas. etc., with a Durham County Clerk's office logo are given to staff to nurture an esprit d' corps.

When there is a personnel problem, we have a defined, written counselling procedure with a right of appeal to the elected Clerk.

Taken together, I as elected Clerk oversee an office where management decisions are made collaboratively and with input by those effected by those decisions. It works well.

7. Have you ever been the subject of a complaint to the North Carolina State Bar or the North Carolina Judicial Standards Commission? If the answer is yes, please explain the circumstances and the outcome. No

#### **Concerning the position of Clerk of Court:**

8. What could the Clerk's office do for the people of Durham that it is not doing now?  
I would like to participate with the Durham Bar to organize a formal Pro Bono adjunct to Legal Aid that screens needy litigants whose cases cannot be handled by Legal Aid. Time spent on these cases could be counted towards satisfying the Pro Bono work expectation of lawyers.

Presently, the NCAOC provides interpreters for non-English speaking litigants who qualify. This is at trial. There exists the need in our Spanish speaking community for help when involved with our court system. Our Clerk's office lists being bilingual as an advantage when advertising for new hires. But when we are fortunate enough to hire these candidates, begin training and are able to benefit from their bilingual skills, they are often lured to better paying jobs. A deputy clerk in the Clerk's office is in a position to be seen and appreciated by many people. As a result, the Clerk's office is to a certain extent a billboard for employers seeking bilingual staff. The judicial system itself has been guilty of sniping good employees from the clerk's office as well as Attorney's offices. A cure for this would be to work with leaders of the Hispanic community to develop a corps of volunteers who would volunteer to act as informal interpreters on a regular basis to help those with language barriers. While not certified as Court interpreters, the volunteers could bridge the gap for our Spanish speaking community. I volunteer myself and my staff to collaborate with these volunteers to educate them sufficiently about our legal justice system to the extent possible without placing them in **danger of practicing law without a license but to enable them to informedly help those without English reading/speaking skills.**

9. What is the most important function of the Clerk of Superior Court?

To act as gatekeeper to the Courts and to ensure that access to the Courts remain open for all who seeks its protections. The Clerk's office and its staff never act as Judges and shall never question the appropriateness of filings presented to the Clerk's Office. This is my response to the overarching role of the Clerk as the question is posed in the singular. If the question were open ended, I would expound upon the Clerk's role as comptroller, administrator and probably more deeply upon the Clerk's role as Jurist. Nevertheless, I am available to amplify this response about the Clerk's significant responsibilities in the arenas of estates, incompetency proceedings, land partitions, adoptions, domestic violence and the myriad of legal responsibilities I participate in on a daily basis.

10. If elected, do you think visibility of the Clerk's office should be increased and if so what is your plan for doing so?
- This question is being addressed by the NC Conference of Clerks of Superior Court by way of a formal publicity committee. To the extent that the public is unaware of the services offered by the 100 NC Clerk of Court's offices, yes, I do believe that it would be beneficial. A rollout of a statewide initiative about the Clerk, the Clerk's office and its services is already in the making. Locally, I already make appearances before civic clubs and other organizations and present a program about the Clerk, the Clerk's offices, its services and am constantly "suggesting" that I'm available for this to anyone interested enough to listen. The resources to provide a more elaborate presentation via various media outlets is part of The Clerk's Conference agenda and should be brought to fruition in the near future.
11. What is the greatest challenge the Clerk of Superior Court faces? How will you overcome this challenge?
- It is a practical, unglamorous problem: keeping good employees. Our Durham County Clerk's Office has a roughly 10% attrition rate. Wake County has a 30% attrition rate. What this means in bottom line terms is that an employee quits and I have an opening roughly every six weeks. This, in turn, leaves a vacancy until the position is advertised, interviews conducted and the position filled. To further aggravate the hardship this imposes on the Clerk's offices, we are governed by a workload formula which presumes all hands-on deck with full time effective employees with no allowance for training or vacancies. As bad as this sounds it is light years ahead of the nonsensical formula for staff allocation which previously existed. In that program, a local legislator would introduce a bill before the legislature for his county Clerk to have additional staffing. The current workload formula was a great start and was due for review shortly after its initiation. But, because this required a somewhat elaborate statewide accounting audit task, it was not conducted or allowed. Currently the Clerk's Conference has been told that because of the eminent deployment of statewide e-courts it is not practical to reconfigure the workload formula because e-courts will dramatically change the legal system's operations. Our urban Clerk's offices collectively have an alarming rate of turnover. The attractiveness of career employment has been diminished by recent legislation which discarded the medical insurance benefit permanently conferred on judicial department employees who were tenured with this benefit after five years service thus diminishing the desirability of judicial department employment. The solution? Better pay and benefits for the judicial department. We need a carrot. I participate in the Clerk's Conference's lobbying efforts for relief.

12. How would you improve accessibility to the courts and court-related processes through your office?

Durham's Clerk's Office makes applicants for filing civil actions as an indigent available on a daily basis. Access to our Courts should never be denied because of poverty/inability to pay. The Clerk's role in this is a key role. I would anticipate working with qualified partners in our community such as the Criminal Justice Resource Center or the Durham County Bar (which already offers free legal assistance workshops on a fairly consistent basis) to prepare and publicize this service. It has to be collaborative.

Then, too, access without information could be self-defeating. To cure this, our office provides estate, name change and small claims packets to the public to assist in these transactional matters. We are constantly looking for means by which the sharing of information and assistance to the public can be effectuated. For years, the Clerk's office maintained a free public legal library which was open to the public and regularly updated. With the advent of the computer age, use of this resource dwindled to nothing. Now, almost everything is available through use of a browser/search engine. Anecdotally, I recently inquired of a lawyer as to which statute he was referring to. He had a problem with his smart phone and could not find the statute... I referred him to the bound statutes I keep in my office. He walked over to them, stared at the books for an uncomfortably long time, and then admitted that he did not know how to use them. I looked up the statute for the embarrassed lawyer and got him squared away. Our society is now acclimated to the use of technology for information in lieu of the traditional library and people can almost effortlessly access legal information online.

13. How would you use the power of the office in matters related to real property, such as foreclosure, evictions, and partitions?

I have personally.... not an Assistant Clerk or Hearing Officer...presided over every contested foreclosure for twenty years. I also have personally heard every partition action. While I must follow the law, I exercise the power of my office to extend time (continuances) to allow the Respondents an opportunity to resolve their issues.

As to evictions, I have partnered with Legal Aid and give the benefit of the doubt to those who would be adversely affected to allow for liberal continuances so that they can either resolve their issues directly with the lender or work out a solution whereby the property need not be partitioned. I have also partnered with Legal Aid and local government to provide paper notices with every eviction filed to notify the defendants of the financial programs available to assist them

14. How has the COVID-19 pandemic impacted the functioning of the Clerk's office?  
The Clerk's Office continued its work unabated. Masks, hand washing, etc.

15. As Clerk of Superior Court, what policy or organizational changes will you make that have not otherwise been anticipated by the questions in this questionnaire?  
I am impressed by the thought that went into the preparation of this set of questions. You covered the waterfront

**Your politics:**

16. For whom did you vote in the 2020 United States Senate presidential elections?  
Cal Cunningham  
Biden/Harris

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