

Name: Linda Wynn Drain
Court: Collin County Court at Law #4

1. What current or past judge do you most want to inspire your approach to judicial excellence, and why?

Judge Curt Henderson because of his efficient approach to managing his docket, his extensive knowledge of the law, his application of the law to the facts, and his firm but even-handedness in the way he treats parties on both sides of the bar.

2. What has been the greatest accomplishment in your legal career? In your personal life? An accomplishment that I am proud of is serving as a founding member of the Collin County Bench Bar Foundation. The Bench Bar Foundation helps foster relationships between judges and attorneys, promotes continuing education and ethics for attorneys, and engages in philanthropic activities in the community. The personal accomplishment I'm most proud of is raising my daughter to be a self-reliant, productive citizen

3. What, if anything, would you change to improve the procedures and efficiency of the court you are seeking?

I would seek to add a drug court similar to the DWI court already established in Collin County.

4. Do you feel that ALL citizens have equal and adequate access to justice in our county? How would you improve that access?

Yes. Collin County's indigent defense plan meets the requirements of the Fair Defense Act. It ensures that indigent persons receive an adequate defense when charged with a crime. Collin County has full time staff who determines whether defendants meet the guidelines for court appointed representation. As the county continues to grow, I would encourage the Commissioner's Court to increase staffing in this area.

5. Collin County tracks indigent defense dollars ordered by each judge. What effect would that reporting have on your decisions to order that the county pay for a defendant's defense?

My experience as a prosecutor and as a defense attorney provides me with the background to evaluate each indigent case to determine its complexity and the time required to provide an adequate defense. I will base my decisions on payments to attorneys on these factors.

6. What do you perceive as the greatest obstacles to justice in Collin County?

As a result of my daily court appearances, I have observed an increase in delays and crowded court dockets. Collin County continues to be one of the fastest growing counties in the country. As the County continues to grow, timely court hearings will become an issue that the judges and the Commissioners' Courts will need to monitor and address to ensure defendants are provided with their Constitutional right to a speedy trial.

7 Incarceration is the most expensive criminal sanction available. How would that fact affect your sentencing decisions?

I would use the full range of programs that serve as an alternative to incarceration in appropriate cases. An excellent example of this is the DWI court already implemented in Collin County. As I mentioned above, I would seek to implement a drug court along a similar model as the DWI court. These programs use behavior modification techniques to address the underlying causes of addiction. They have proven to reduce recidivism, enhance public safety, and are considerably less expensive to taxpayers than incarceration.

8 Without commenting on a specific case or type of cases, should Collin County explore more or different types of alternative sentencing? What do you think works? What would you like to try?

DWI and Drug Courts are programs that work, and I will seek to expand these when I become judge. The Deferred Prosecution Program for youthful, first time offenders accused of certain misdemeanor non-violent crimes is also a worthwhile program.

9. Recently a Dallas judge made the news when he replaced a white juror with a minority one in a capital trial where the jury was all white and the defendant was not. Do you believe it is important for a minority defendant to have a jury that contains minority members?

No. Based on my experience as both a prosecutor and defense attorney, I have observed cases in Collin County where minorities were not represented on the jury and the defendants received fair trials. As the County has become more diverse, it has become less common to see juries comprised of a single race.

10 When a judge's sense of justice appears to be at variance to the strict application of the law, what approach should an ethical judge take to resolve the conflict?

Judges should follow the law. In most cases they have broad discretion to ensure justice is done. Our criminal justice system operates within a republican style of government where the laws are created by the legislators who are elected by the citizens. With our form of government, it is vital that judges adhere to their role of administering justice within the dictates of the law.

11 Do you believe that our system of partisan election of trial judges should be continued? How can it be improved?

Yes. We have a long tradition in Texas of electing judges in partisan elections and the process seems to have served our state well. The Texas Public Information Act provides transparency in campaign finances and in how judges rule in various cases. This serves as a check against judges placing their party affiliation ahead of their duty to follow the law.

12 Tell the voters one thing about yourself that isn't on any website, nor discussed at any forum.

For approximately a year I worked for a downtown Dallas law firm who hired me because of my extensive trial and courtroom experience, yet because of the types of cases that we handled, I

rarely had an opportunity to utilize those same experiences. I left that firm to return to Collin County because I missed litigating cases and trials. I now appear in court almost daily handling a wide variety of cases.