

Lance Baxter
County Court at Law No. 3.

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

This may be easy for me because I went to work in 1987 with Judge Ray Wheless, and was his partner until 1999 when I left to form my own firm and he took the bench. I learned how to try a case from him. I learned how to deal with clients and other attorneys and judges from him. He is laid back and approachable and treats everyone, and I mean everyone, with dignity and respect. He knows the law and is reasonable. I think and hope I would run my court just like he does.

2 What has been the greatest accomplishment in your legal career? In your personal life?

As for my legal career, I have handled so many cases, but it would probably be my first court appointed criminal case. In the old days, we were appointed to cases without qualifying first. I was appointed to represent a client that was facing life in prison for aggravated robbery (1st degree felony). It was a case of mistaken identity and I had to believe him, because the evidence suggested he was guilty. We tried the case twice (the first ended in a hung jury). He was found not guilty the second time. He later invited me to his wedding and he has stayed clean for the last 20 years and now works as a truck driver. He has told me on numerous times how much he appreciated my efforts. We have used his case for the Collin County 8th grade mock trial problem.

As for my personal life, my greatest accomplishment is the type of children I have raised. I have 3 wonderful kids that have never gotten into trouble, they are respectful and fun. Two are attending TCU (where I went) and the other is a freshman at McKinney Boyd High School. In spite of me, they are just completely the best set of kids.

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

On the civil side: I would use pretrials to pre-admit evidence in civil matters. I would designate on afternoon a week to deal with the civil docket to keep it out of the way of the criminal cases and I will give civil cases a priority at least one week per month.

On the criminal side: I would use the full week to try cases and conduct hearings. I know coordination needs to occur between the court personnel and

the probation departments, but I see no reason that we cannot handle some pleas in the afternoons. I would also like to see a diversionary program used with more frequency for some first time offenders. The District Attorney will need to provide input regarding this and agree to it.

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

Adequate, but not equal. It is very clear that wealthier citizens have more access to justice, especially in civil matters. I think our indigent defendants in criminal matters are provided pretty good attorneys. Collin County has very good attorneys on its court appointment list. There are probably too many on the list and I would watch the attorneys to make sure they are treating the court appointed cases the same as the retained cases.

To improve the access, we need to streamline the processes regarding civil trials. I would look at doing a pre-trial conference to see if I can help with the resolution of the matters and get the parties to see one another face to face. I would require a face to face "settlement conference" early on in the case to force the parties to talk. I would like to see our old "Settlement Week" brought back, but it may infringe upon those making a living doing mediations.

On the criminal side, we need to get defendants out of jail on bond to allow them to work to pay for a lawyer of their choice. I would also try to make sure every defendant has an attorney. Many defendants have regrets after they plea their cases without the benefit of a lawyer. Many of these defendant's have mental health issues that need to be addressed. I would like to see persons with mental illnesses be treated in some form of informal probationary system that is able to monitor medications and avoid incarceration.

4 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?

None. A judge's job is to make sure indigent defendants have a fair day in court -- whatever it costs. It is the job of others (the Commissioner's Court) to finance those needs. All we as judges can do is make sure none of the players in the system are abusing it. It is just an unfortunate, but necessary cost of doing business. Most people do not want tax dollars used for indigent defense, but it is required by law. We can order indigent defendants to repay the cost of the attorney at the conclusion of the case and we may be able to do a better job of making sure those monies are collected to offset the costs.

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

It takes money to implement alternate programs. It takes money to pay for attorneys. It takes money to provide for the administration of justice. I guess the biggest obstacle is money.

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

It costs between \$70 and \$75 per day to house an inmate. I have always argued with prosecutors on misdemeanor cases that 10 days sends the same message as 20 days, and costs taxpayers half as much. The problem is that some defendants do not learn their lesson in 10 days. I would be mindful of the costs. Look at ways to allow inmates to earn 2 for 1 or 3 for 1 credit. For example, if you get all of your court costs and fees paid up front, maybe give extra good time credit. I would discourage persons sitting out the fees and costs because it defeats the purpose of trying to collect the costs. If by making a guy sit in jail (at a credit of \$50 per day) costs \$70 in actual cost to "sit out" \$50 of court costs, then we are costing the county an additional \$120 per day, because we write off the \$50 and then incur the cost of the incarceration. I would prefer to see community service be used to pay off court costs. An hour for every \$50 owed? It would provide a benefit and not cost the county. Enforcement would be the problem.

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?

The DWI Court seems to work very well. Diversionary programs are done in many states for different types of minor offenses. They cost less to the accused citizen and provide some education. I like the programs that explain to the youthful offenders how what they are doing hurts everyone. I would require community service and let it be done at any location, including religious groups, that serve the community.

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?

I think it is important because there is a perception involved. A person is supposed to have a jury of his/her peers. If the jury panel does not have any members of his/her race, there is a perception of unfairness. My experience is that minority jurors are just as harsh if not harsher on minority defendants.

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?

A judge is responsible for the strict application of the law. The legislature makes the law. As a judge, we just have to make the rulings based upon what is presented in court based upon the law as it exists at the time, not the law as we wish it would be. There is not much flexibility. When a sense of justice seems to be at variance, we, as judges, should do what any other citizen should do, contact your legislator and request a change. The only way to ethically handle it, without strictly following the law, is to talk to the parties and warn of the likely result based upon the law and give the litigants an opportunity to work out their situation to avoid the Court's order.

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

This issue has already apparently cost me one endorsement, but I stand by my belief that we should not be elected on a partisan basis. Dallas County lost about 40 really good Republican judges when Dallas County went Democratic a few years ago. Judges do not make policy, affect taxes, encourage economic development or any of that. Those are the jobs of the real politicians. I understand the argument that it is helpful to see whether a judge is a Republican or Democrat because you are able to know a little about him/her, but judges are supposed to be independent and justice is supposed to be blind.

The best way to improve the system of partisan elections is to stop letting people vote straight party. Require that the voters vote for each name on the ballot to avoid the "sweeps" like happened in Dallas. Maybe have mandatory bar polls or bar nominations for the persons interested in being elected judge.

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

I am a juggler. I used to be pretty good at it. I won a talent show at Lancaster High School and I was the halftime show at a college basketball game while a student at TCU.

--

Lance S. Baxter