

Name: Matthew Goeller  
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 Billings Learned Hand, 1872-1961, Chief Justice of the Second Circuit Court of Appeals, 1939 to 1951. Learned Hand is one of the most often quoted jurists in American legal history, in part because of his superior command of the English language--myself, as every judge, would strive to have their writings be considered "legal literature". His essay on liberty and the courts should be an inspiration for all Americans:

*"I often wonder whether we do not rest our hopes too much upon constitutions, upon laws, and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it."*

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

I consider my reputation amongst my colleagues to be my greatest accomplishment--I take great pride when my colleagues in the bench and bar considered myself to have been a tough but fair prosecutor, where the ends never justified the means. I take equal pride in my reputation as being a zealous advocate for the criminal accused, or for those who cannot speak for themselves, whether that be a child or the mentally ill.

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

Have a good working relationship with the other judges that would allow for easy access to another court for agreed dispositions when a particular judge is in a trial or other contested hearing.

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

Because of Constitutional case law and Texas law regarding the appointment of counsel for indigent defendants, I believe the vast majority of those accused of crimes have equal access to justice. In civil cases, indigency does not mandate appointment of counsel. The Courts should work closely with volunteer pro-bono attorneys and non-profit legal services organizations to help indigent citizens obtain counsel and access to the judicial process.

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?

None. The judges and the County Commissioners have implemented a Fair Defense Act that specifies how appointed counsel is to be paid for professional legal services rendered on behalf of the indigent accused. The County has an Indigent Defense Coordinator that screens and either rejects or approves the appointment of counsel. If counsel is appointed, Texas law states that the court SHALL order that counsel be paid, according to the Plan and Fee Schedule. Tracking of these expenditures should be of no significance or concern for the judiciary.

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

Presently, the difficult financial times for many citizens the result of the poor economy. Too many people have lost their jobs and cannot afford good lawyers to help them in civil and family law matters.

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

In Class A & B misdemeanor cases in a County Court at Law, incarceration is the exception, not the rule. In cases where a non-violent offender is sentenced to jail, the use of work-release jail, off-work hours jail, community service, and electronically-monitored house arrest are all viable sentencing alternatives.

- 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?

same answer as #7.

- 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?

It is more important that the jury pool, or those summoned to jury service, be a demographic reflection of the county, as near as possible. Regarding individual jury selection cases, we have Texas statutes and U.S. Supreme Court precedent that seek to end race-based decisions in jury selection by both the government and the defense. A judge needs to be well-versed in the law and procedures that govern *Batson v. Kentucky* hearings (peremptory jury strikes based on 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?

An ethical judge must never resolve this conflict by substituting his or her personal beliefs for that which is based on the law and the evidence. Judges plays a very dangerous game when they purposely affect the outcome of a case based on what they believe is justice in a particular case, notwithstanding the rule of law.

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

Yes--partisan elections for the judiciary are appropriate, contingent upon a strict adherence to the Canons of Judicial Responsibility--the most important being a prohibition on judges and judicial candidates from making comments, directly or indirectly, on any subject matter that may potentially come before the court.

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

I love to cook and bake. And I **never, ever**, use pasta sauce out of a can or jar!