

Name: Barnett Walker

Court: Collin County Court at Law #3

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

There are several judges that come to mind. I admire the judicial restraint of Justice Antonin Scalia. The Constitution should be applied as written and any changes, no matter how appropriate or justified, must be brought about by Constitutional Amendment, and not by judicial activism. I also admire the tireless dedication and courage of Judge Ray Wheless, who amidst criticism of being “soft on crime,” instituted Collin County’s first DWI/Drug court program. The program has been instrumental in helping over 100 citizens achieve sobriety, and has saved an untold number of lives by reducing intoxicated fatalities.

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

My most satisfying legal accomplishment has been working with law enforcement, investigators, families, and victims to incarcerate defendants who sexually assaulted innocent young children. These crimes can be difficult to prosecute because they often go unreported for years, there is rarely any physical evidence, seldom other witnesses, and these young children must muster the courage to face their attackers in open court, and testify about the graphic and humiliating events they endured.

My greatest personal accomplishment is having had the honor and privilege of serving our country for 22 years; and being named the Senior Non-Commissioned Officer of the Year for the United States Air Force.

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

- a) In appropriate cases where a defendant poses no threat to the community, I am in favor of reducing bail. It costs taxpayers roughly \$70 per day to house someone in jail. Defendants charged with minor offenses who are unable to post bond often remain in jail, lose their jobs, and eventually qualify for a court-appointed attorney and welfare benefits for them and their family. This comes at a tremendous expense to the taxpayers. I favor lowering bonds so individuals can return to work, hire their own attorneys, and support their families.
- b) Institute a DWI/Drug Court program to foster sobriety and reduce the number of intoxicated drivers and drug addicts.
- c) Grant attorneys more time during jury selection to question the panel. We must ensure that those who are selected to serve on the jury are able to be fair to both sides, follow the law, and render a just verdict.
- d) Create a DVD of the mandatory “Dangers and Disadvantages” form that is required to be given to defendants who cannot read. This would reduce interpreter costs.

e) Courts generally schedule two jury trials per week. In criminal cases, there is normally a police officer who testifies at trial. Many officers work weekends, so their days off fall during the week. When possible and provided neither side objects, I would attempt to schedule trials on the days that the police officers are already scheduled to work. This will help reduce the amount of overtime paid by various law enforcement departments and the necessity for the officers to work 12 days in a row before having a day off.

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

I do not believe that all citizens have equal access to justice, but I do believe that they have adequate access to justice. We live in a market driven economy. Wealth often provides access to better cars, homes, and even doctors. Attorneys in high demand can usually charge more for their services, but even attorneys who charge a modest fee may be too expensive for many citizens to afford. Therefore access is not equal.

With that said, those who face criminal charges do have adequate access to justice. If they cannot afford an attorney, the court will appoint them one. All attorneys are required to have fulfilled certain requirements to become licensed and they must have met certain experience requirements to be on the appointment list. There are also procedures in place to rectify situations when an attorney does not provide adequate representation. There is always room for improvement, but the system does provide adequate access to justice.

Improvements - On a local level, many very talented attorneys who decide to start their own private practice apply to be placed on the court appointed list. We can explore the possibility of requiring these attorneys to provide a certain number of hours of pro bono (free) services in exchange for being on the list. On a national level, we should seek tax incentives for attorneys who provide free legal services or at reduced costs; and credit towards the annual continuing legal education requirements that attorneys are required to fulfill.

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?

It would have no effect on my decisions. There are guidelines for determining whether someone qualifies for court appointed legal counsel. Judges have a certain amount of discretion and I would view each situation on its own merits and not concern myself over the statistical data.

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

Placing arbitrary time limits on jury selection creates an unnecessary obstacle to obtaining justice. By the time a case comes to trial both sides have usually spent a lot of time, money, and effort preparing for trial. In misdemeanor cases, attorneys are often limited to 20-30 minutes to question a panel of 20-25 individuals about their beliefs, life experiences, and ability to follow the law. This only provides attorneys with about one minute to question each potential juror. With so much at stake, it is important to give both sides enough time to choose a jury that can be fair and impartial.

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

I will base my sentencing decisions on the facts of each case and what is warranted, not on the costs that will be incurred. Incarceration is not always necessary to rehabilitate someone or to deter others from committing crimes. I would be amenable to exploring all forms of sanctions.

- 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?

We should be open to exploring all forms of alternative sentencing. I have recently drafted a proposal that will permit certain first-time offenders who have been found guilty of minor offenses, to be placed on non-reporting probation so that community supervision officers can concentrate resources on high-risk probationers like drug dealers and sex offenders. The proposal has the support of all of the candidates running for District Attorney. I will also institute a DWI/Drug court program to reduce repeat offenses.

- 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. It is only important to ensure that every defendant has a jury of citizens that can follow the law and render their decision based strictly on the evidence. It is dangerous to assume that someone will allow their decision to be influenced by race. Requiring a minority defendant to have a minority on the jury could harm the defendant. Imagine a situation where during jury selection the minority members on the panel expressed strong preconceived beliefs that were harmful to a defendant. It would be unconstitutional to force a defendant to have one of these individuals on the jury.

- 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 must follow the law regardless of their personal beliefs. If they are unable to do so, they should resign. In cases where they have a conflict of interest, bias, personal knowledge of the facts, or someone could reasonably question their impartiality, the judge should recuse himself or herself from the proceeding.

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

Yes. I believe inquiring into the political affiliation of judicial candidates is a proper topic; however, it is also proper to insist that judges set aside their personal and political beliefs and base their ruling strictly on the law and evidence. Other states select judicial candidates by a merit system or appointment committee, (usually made up of lawyers) and then voters elect someone from that list. Those systems limit the choices available to citizens and erroneously suggest that lawyers are somehow better positioned than citizens to know who would make a good judge.

One option to address the real or perceived influence that contributions have on officials is to have contributions made directly into a blind trust account so that candidates are unaware of who or how much a particular person, firm, or group donated.

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

I enjoy trying to fix things around the house but am not very good at it. I successfully replaced a bathroom toilet assembly in a mere 5 hours. The instructions stated it was a 45 minute project.