

# **Kalamazoo County Judicial Candidates - Anti-Racism and Equity Responses**

## **Brought To You by The Equity Collective**

### **Questions sent to Judicial Candidates:**

How long have you been/were you a practicing attorney? What is/are your field(s) of law? Share any systemic disparities you are aware of in the Criminal Legal System

Share example(s) of how and why you have implemented or advocated for any anti racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?

What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?

**Answers given have been copied and pasted verbatim.**

**The Equity Collective Organizations are non-partisan and are NOT endorsing any candidate. We are only providing Candidates' answers as information.**



## Ken Barnard – Candidate for 9th Circuit Court



**How long have you been/were you a practicing attorney? What is/are your field(s) of law?**

**Share any systemic disparities you are aware of in the Criminal Legal System.**

- 24+ years
- I am an assistant prosecutor. I have practiced in Probate, District, Circuit and Family Courts
- Courts in our country need to address disparities in cash bail, the school to prison pipeline, underrepresentation of minorities on juries, disproportionate penalties, and access to justice and quality legal representation

**Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?**

- In 2019, I developed, organized, and moderated a forum at the Douglass Center on bond reform and practice.
- I have worked to prevent crime and recidivism rather than just react to crime. As far back as the mid-2000's I ran a program called Safe Summer, which brought together numerous providers to connect with youth. Thousands of young people participated.
- In the courtroom, I have lodged objections to attorneys who have attempted to remove Black jurors from cases. This has resulted in more inclusive juries.
- I have used my position as a Kalamazoo County Bar Association director to ensure that the bar promotes diversity, equity, and inclusion. In November 2020, I coordinated with the Judge Charles A. Pratt Bar Association to arrange a presentation "Diversity Matters: A Communication-Based Approach to Cultural Competency." I have helped arrange other events on immigration, expungement law, racial issues in jury selection, and access to Justice for LGBTQ+. These speaker events have informed local attorneys and encouraged equitable work by the local bar.

**What antiracist and equitable policies/procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?**

- Ensure that bail does not disproportionately affect people of color.
- Prevent the prosecution of young children (as young as seven) in the legal system for behavior that should be addressed in the home or school.
- Continue and expand the use of Zoom technology to increase access to the court. This will aid low-income individuals with not being unduly burdened with missed wages, babysitting, and gas costs.
- Make expungement more accessible so that those who have served their sentence have a chance to improve their lives and provide for their families.

## Rebecca D'Angelo – Candidate for 9th Circuit Court



**How long have you been/were you a practicing attorney? What is/are your field(s) of law?**

**Share any systemic disparities you are aware of in the Criminal Legal System.**

- My qualifications for judicial office come from 20 years of experience working in the family, criminal and civil courts.
- I am a senior trial prosecutor who is in the courtroom every day. With that, I have the responsibility to learn about each Defendant, hear each side and litigate the case to best of my ability. In order to do that, I often meet victims and witnesses at their homes, walk with them in their neighborhoods and listen to their fears.
- In addition to my career and experience, I am personally and morally ruled by integrity and commitment to following the law. I will not allow my personal or political preferences to impact decisions I make on the bench. However, I will always be a proactive Judge. I will continue to be aware of the needs of Kalamazoo County residents by being actively involved in this community.
- During my experience working in the criminal justice system, I have seen the percentage of minorities and lower socioeconomic classes represent the majority of cases that are brought in Kalamazoo County Courts in comparison to the number of Kalamazoo County residents who are Caucasian and of different socioeconomic classes.
- The disparity in cases is a systemic problem created by lack of resources, services, and opportunities in these areas of Kalamazoo.
- I have also seen a disparity in minority representation in our juror panels. The random pooling of addresses/people is equal and balanced but jury service is not always accessible or affordable to all people and promoted as a positive opportunity within our County.

**Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?**

- As a prosecutor, I have aided in the promotion of diversity, inclusion, and equity by actively inquiring on cases about the background and challenges of a Defendant or a victim. I do this so I can fashion a disposition recommendation that will be equitable to all parties and facilitate change and opportunities for rehabilitation of the Defendant. I also intentionally explore and educate myself on Kalamazoo County community resources that embrace diversity and inclusion to recommend to the court, Defense Attorneys, and probation as possible alternatives for sentencing.
- I personally recognize unconscious bias and its effects on people and our society. By recognizing this, I can actively work to combat biases and ensure equitable treatment of all persons who appear in court.

**What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?**

- If I am elected to the 9th Circuit Court, I plan to promote equity, inclusion, and diversity by increasing the awareness of community resources such as Urban Alliance, The Momentum Program, and Isaac Foundation to the judiciary, prosecutors, defense counsel, DHHS and the MDOC. I intend to hold monthly round table meetings where all parties involved in the justice system are invited to attend. At these monthly meetings, I will invite (3) different community resources to present about organization and services they offer.
- I believe that as a Judicial Officer, I have the responsibility to be informed, knowledgeable and proactive about the needs of Kalamazoo and to ensure that dispositions being ordered are equitable, attainable and promote lasting change for the Defendant and Kalamazoo County.

## Josh Hilgart – Candidate for 9th Circuit Court



**How long have you been/were you a practicing attorney? What is/are your field(s) of law? Share any systemic disparities you are aware of in the Criminal Legal System.**

- 9 years
- Divorce, Custody, Housing, Criminal
- Disproportionate policing in communities of color.
- Laws that are more likely to target poor people, people of color, and people with disabilities/mental health challenges.
- Disproportionate charging of crimes against poor people, people of color, and people with disabilities/mental health challenges.
- Disproportionate representation on juries of poor people and people of color.
- Disproportionate representation of people of color within the legal system - - court staff, prosecutorial staff, defense attorneys.

**Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?**

- Creating a Client Advocate position, primarily for people of color historically alienated by the criminal justice system, as part of the indigent defense program in Kalamazoo.
- Inviting community members with lived experiences with racism and interaction within the criminal justice system to be part of the office community in local public defender office (including staff, Village partners, and volunteers).
- Advocated for racial awareness in application of Resisting and Obstructing charge, disproportionately leveled against Black people.
- Participation in Truth, Racial Healing and Transformation Law Design Team.
- Advocated for a public database that would provide the community with real-time data about arrests, charges, bail, case disposition, etc., sortable by race and neighborhood, among other factors.
- Client Advocate has initiated surveys for clients, set up a help desk at the courthouse, consults with clients that have complaints, works with attorneys to improve client relationships / cultural awareness, recruits volunteers from our former clients.
- Multiple employees with lived experiences in the criminal system, Village partner organizations run and staffed by those with lived experiences in the criminal justice program. Volunteers that were former clients (see above).
- Little progress on Resisting and Obstructing, but we are only getting started. R&O law in Michigan is so loosely written that it subjects anyone having an amygdala response around law enforcement to possible felony charges. More public awareness necessary.
- County Commission passed a resolution to create such a database and is currently configuring an internal County Committee to oversee the project.

**What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?**

- Running a courtroom in which the process and timelines of the case are transparent to all appearing before it.
- Ensuring those subject to the authority of the Court understand that their perspective is valued and that I will endeavor to understand it and reflect it, to ensure parties feel heard and treated fairly.
- Engaging in community dialogue about how the courts could better serve the public and reduce the trauma experienced by parties subject to its authority during court procedures.
- Expanding upon Kalamazoo's history of specialty courts and other practices to reduce incarceration.
- Taking advantage of Kalamazoo Defender's service hub (Village) to maximize opportunities to avoid incarceration.
- Explore ways lifelong trauma may be recognized in the Court to ensure those bereft of privileges enjoyed by the broader community are not unjustly penalized for the lack of the privileges and the ramifications that lack of privilege may produce in a young person's psychological responses

## Joseph Hohler III – Candidate for 9th Circuit Court



**How long have you been/were you a practicing attorney? What is/are your field(s) of law?**

**Share any systemic disparities you are aware of in the Criminal Legal System.**

- 15 years, including the last 2 ½ years as a family court/juvenile court referee.
- Primarily family law, juvenile law, and neglect/abuse law.
- As a private attorney, I represented children in delinquency cases, where unequal policing and prosecutions were prevalent for BIPOC children. As a referee, I've seen the lack of court/probation funding force the system to ignore the root causes of many cases, which inevitably reach back to income and housing instability of the family.

**Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?**

- I currently work in county government, where I've been involved with Diversity, Equity and Inclusion committee, which is making a strong effort to draft and implement a policy to make the county more responsive to the people's needs.
- As a hearing official I've made every effort to model fairness and respect to those who appear before me, and to all those I work with.
- More important, I recently revised the county's parenting time policy to make it gender neutral, and inclusive, so as to better match the lived experiences of those involved with the court.

**What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?**

- Internally, the court needs to embrace a robust DEI policy, and implement a system of *truly* color/gender blind hiring. The court must also strive for diversity at all levels - it does no good to be diverse at the lower levels if there is no diversity at the top
- Beyond this, taking simple steps to increase access to court services for all members of the community, not just to those who can afford an attorney, will take us a long way toward achieving an equitable court system. This would include making court forms readily available to unrepresented parties, scheduling hearings in a timely manner, and expanding access to court-funded mediation.

## **Julie Jensen – Candidate for 9th Circuit Court**



**How long have you been/were you a practicing attorney? What is/are your field(s) of law?**

**Share any systemic disparities you are aware of in the Criminal Legal System.**

- I have been a practicing attorney for 30 years. I have practiced in many different areas of law. At the Court of Appeals I handled appellate matters in all practice areas. I spent 10 years working at an insurance defense litigation firm handling primarily negligence law, estate planning, worker's compensation, and general litigation matters. I have also practiced administrative law for 10 years at the Department of Attorney General in circuit courts across the state as well as administrative courts handling unemployment matters. For the last 10 years, I have practiced tax law for the Department of Treasury where I am also the co-liaison to Michigan's 12 federally recognized Native American Tribes. Therefore, I have developed a specialty in Indian law.
- In my experience working with Native American tribes and their tribal populations, systemic racism exists as a result of the complicated relationship with the federal government, which Justice Marshall once described as paternalistic in that the federal government was said to have a trust responsibility to protect Native lands and resources. This complicated relationship has manifested in jurisdictional issues among tribal, state, and federal courts, which has dramatically affected the treatment of Native American youth offenders. Native American youths are exponentially more involved with the federal justice system than any other race. The federal penal system with its focus on punishment rather than rehabilitation has systematically resulted in longer sentences for Native juveniles for the same or similar offenses of other offender.

**Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?**

- In my role as co-tribal liaison at Treasury, I was the co-author of the Department's Native American consultation policy, which implemented Governor Whitmer's Executive Directive 2019-17. The consultation policy was developed to promote meaningful and mutually beneficial communication and collaboration on matters of shared concern and to ensure adherence to principles fundamental to a government-to-government relationship. I believe in the importance of the consultation process because it emphasizes trust, respect, and shared responsibility among governments and among persons of different races and cultures. It results in an open and free exchange of information, mutual understanding, and informed decision-making. The consultation process recognizes equality among diverse populations and institutionalizes a policy to ensure equitable representation.
- I have also enrolled in a year-long Intercultural Development Program offered by the Michigan Civil Rights Department intended to increase my cross-cultural awareness through an Intercultural Development Inventory and Plan. I believe that increasing the cultural competency of individuals working within an organization can benefit the community as a whole when those individuals work to institutionalize that cultural knowledge so they can adapt to diversity and better serve diverse populations.

**What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?**

- Work with members of the community to launch public education campaigns on the topic of race relations and cultural competence.
- Advocate for funds to be used for initiatives related to racial fairness and sensitivity, and to ensure legislative support for these goals and objectives.



## Rachel A. Viñales– Candidate for 9th Circuit Court

How long have you been/were you a practicing attorney? What is/are your field(s) of law? Share any systemic disparities you are aware of in the Criminal Legal System.



- I have practiced law for 9 years, working the entirety of my career as a public defender in indigent criminal defense.
- Based on my experience as an indigent criminal defense attorney, I have seen firsthand that there are systematic disparities at virtually every stage of the criminal legal system, including, but not limited to:
  - **The drafting and promulgation of new laws:** frequently advocacy groups champion laws that, while facially neutral, are discriminatory in their application.
  - **Enforcement of laws and policing:** some laws are enforced disproportionately against Black or brown people. For example, in Kalamazoo County, I have personally witnessed that Carrying Concealed Weapon and Resisting & Obstructing laws are unevenly enforced against people of color, particularly against young Black men.
  - **Prosecutorial discretion in charging:** prosecutors often over-charge defendants or pile on multiple charges to drive up the potential penalties and make the risk of trial overwhelming. Such overcharging frequently dilutes the presumption of innocence and is intended to coerce defendants into plea agreements.
  - **Sentencing enhancements and habitual offender laws:** as with overcharging, as mentioned above, sentencing enhancements are often used to coerce defendants into plea bargaining. They are also disproportionately enforced against Black defendants, resulting in their over-incarceration.
  - **Prosecutorial discretion in plea negotiations:** Research shows that people of color, particularly Black defendants, are disadvantaged and receive worse plea offers than their white counterparts.
  - **Jury service:** I have observed throughout my career that juries rarely actually reflect the community as a whole. While criminal defendants are disproportionately Black (largely as a result of the factors described above), Black jurors are underrepresented in jury pools.
  - **Jury selection:** As a result of case law from the United States Supreme Court, Black jurors are frequently stricken from jury pools as long as prosecutors are able to provide a race-neutral reason for the strikes. This contributes to the underrepresentation of Black jurors on juries.
  - **Trials:** Likely as a result of juries that are not truly made up of their peers, Black defendants are more likely to be convicted at trial than their white counterparts
  - **Sentencing:** Black defendants often receive harsher penalties than their white counterparts

Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?

- As an attorney, my advocacy for anti-racist and/or equitable policies relies on data that proves systematic disparities. I believe all people should be treated fairly in the legal system, regardless of race. As a result, much of my continuing legal education concerns equity issues and the application of anti-racist practices to the law. Some examples of how I have used these tools to advocate for more equitable outcomes are:
  - Using data illustrating systematic inequities to push back against inequitable practices in the criminal legal system, such as in sentencing memos and bond advocacy;
  - using this data to negotiate more equitable plea agreements for my clients;
  - in jury trials, where race is an obvious issue, asking about implicit bias and other equity issues in jury selection
- In addition to my legal advocacy for anti-racist and/or equitable policies and outcomes, I have also been part of the Anti-Racist team at my office for the last two years. Our primary function has been to recommend policies and procedures to the organization to ensure that our office is living up to its mission to be an Anti-Racist organization. I have also undergone anti-racist trainings and participated in racial healing circles through TRHT.

What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?

- If elected judge, I commit to implementing the following anti-racist and/or equitable policies/procedures/ initiatives:
  - As an administrator of legal staff, I will look to hire diverse candidates with differing life experience.
  - I will seek to establish an anti-racist courtroom culture, by hiring staff who acknowledge systematic inequities and commit to adhere to antiracist policies and procedures.
  - I will seek out continuing education on equity issues and anti-racist trainings, and will encourage my colleagues on the bench and my staff to do the same.
  - I will seek to act in a way that encourages public confidence and trust in the courts, particularly among marginalized communities who are most often harmed by the criminal legal system, including:
    - committing to transparency in my decisions
    - treating everyone who comes into my courtroom with dignity and respect
    - practicing the same empathy and compassion that is a large part of my work as a public defender, and recognizing that legal system is often traumatizing for its participants
  - I will consider mitigating circumstances in criminal sentencings, and will consider alternatives to incarceration whenever appropriate.
  - I will use existing channels and seek out new channels to connect any parties who may come into my courtroom, especially criminal defendants, with helpful community services.
  - As a public servant, I will remain open to dialogue with the community and listen to their concerns.
  - I will recognize that I am not an expert on all things and will defer to the relevant experts in the community in seeking equitable solutions and outcomes.
- I'm sure I have missed some specific areas, but in all things, I will attempt to find solutions that strengthen our community and push back against systematic inequities whenever possible.

## **Thomas J. Allen – Candidate for 8th District Court**



**How long have you been/were you a practicing attorney? What is/are your field(s) of law? Share any systemic disparities you are aware of in the Criminal Legal System.**

- 15 YEARS
- ALL types of lawsuits in ALL Kalamazoo County Courts. My experience is wider than the other candidates.
- There is still sentencing and prison disparity for non-white defendants and veterans. Judges must be watchful about that. Others are also involved: The legislature makes the laws. The Prosecutor decides which charges to bring, and whom to charge. The Parole Board (executive branch) decides on prison release.

**Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?**

- I have regularly represented non-white defendants, children and parents in neglect cases, and unaccompanied minors from foreign countries. My Campaign Committee includes: Kurtis Wilder, former Michigan Supreme Court Justice; David Worthams, Member Michigan Civil Rights Commission; Lori Santiago, Kalamazoo Business Owner, former Director Kalamazoo Hispanic American Center (my website [www.thomasjallenforjudge.com](http://www.thomasjallenforjudge.com) has a tab in Español); Tom Edmunds, former US Air Force Brig. General (Ret.) and Veteran.

**What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?**

- Support Clean Slate efforts
- Use more Court Translators
- Consult with Community Leaders (like those on my Campaign Committee)
- Keep open the courtroom for celebrations and cultural education (Martin Luther King Day, Juneteenth, el Día de los Muertos).
- Offer childcare at the court for parties, witnesses, and jurors.



## **Becket Jones – Candidate for 8th District Court**



**How long have you been/were you a practicing attorney? What is/are your field(s) of law? Share any systemic disparities you are aware of in the Criminal Legal System.**

- Eleven years as of July 1, 2022.
- Criminal Defense (State and Federal Levels - every from minor misdemeanors to crimes punishable up to life in prison). Driver's License Restoration. Expungements (Set Aside of Convictions).
- Prior to becoming licensed, I also worked as a Law Clerk in two civil litigation firms, where I had heavy involvement in the drafting of / work related to: Motions for Summary Disposition, Landlord / Tenant Motions, Cost-Benefit Analyses on Title Insurance Defense Litigation, Requests and Responses for Discovery, Requests and Responses to Interrogatories, and the drafting on federal Bankruptcy Schedules / Petitions.
- Systemic racism is real, and often plays out due to individuals with both known and unknown biases. Within the Criminal Justice System this plays out with the over targeting and over criminalizing of both minority communities, and socio-economically poorer communities. The long term effect is vast economic disparities socially, and ultimately a vicious cycle. We as a community need to talk about the realities that exist in our world, and begin addressing them with positive action, instead of just lip service.

**Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?**

- In my role as an attorney I represent clients individually. And I fight very hard on behalf of my clients so they are seen as people, rather than black male, white male, hispanic male, etc. I would implore people to reach out to attorneys in Kalamazoo County to ask about me to get a complete picture on my advocacy - the attorneys in this community do not mince words.
- In terms of policy / initiatives on anti-racist / equitable grounds, I am proud to say that very early on in my career I discussed with the owner of my firm the intentional hiring of minority and female applicants at both support and attorney levels. That also said, it was an easy discussion as, this firm has always been open / supportive of those hiring practices. Over the years we have made that an intentional priority within our firm, and I believe our firm's success is largely attributable to those policies.
- Moreover, I am a listener and a learner. I have never walked in the shoes of anyone other than a nearly 40 year old white male. But I pride myself in my ability to actively listen to people, and act with empathy based on what I have learned.

**What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?**

- First, I will be very intentional in my work on the Bench, and will remain cognizant of my decisions both individually and collectively. Diversity, Equity, and Inclusion training is a must throughout the Court System, and I will advocate for that continued work / training from day one. We need to eliminate the invisible barriers to upward mobility in government, and really all sectors of life socially. More awareness, more personal growth, and more education is NEVER a bad thing.

## **Lana Maria Escamilla – Candidate for 8th District Court**



**How long have you been/were you a practicing attorney? What is/are your field(s) of law? Share any systemic disparities you are aware of in the Criminal Legal System.**

- I have been practicing law approximately 15 years. I have significant experience in the State of Michigan’s District Courts, Circuit Courts, Probate Courts and the United States Bankruptcy Courts for the Western and Eastern Districts of Michigan
- People of color, indigent people, and non-native speakers of English are disproportionately subjected to stronger penalties than white and/or affluent people because of the current systems in place as a result of trauma, bias, access and funds to adequate legal counsel.

**Share example(s) of how and why you have implemented or advocated for any anti-racist and equitable policies/procedures/ initiatives in your role as an attorney/judge? What were the outcomes?**

- Educating oneself and providing education for others is crucial in the role an attorney and judge. Past clients have consisted of those of diverse backgrounds where I have ensured that they have the resources they need. In certain cases, I have personally retained family members and friends who are fluent and culturally aware of our Arabic and Spanish clients to make sure the individuals truly understood the legal proceedings and I could represent them to the best of my ability. Working with different clients with diverse backgrounds has promoted me to want to continue to find ways to improve diversity, equity, and inclusion. Continuing to educate myself around systemic racism is a priority of mine.

**What antiracist and equitable policies/ procedures/initiatives do you plan/commit to doing in your newly elected judicial seat/future work?**

- I am committed to listening and in favor of continuing some of the work that has already started around Diversity, Equity and Inclusion. There needs to be more training on implicit bias, DEI, and work around systemic racism. Additionally, hiring staff that are representative of the community and having interpreters and translators available for all litigants is needed. Creating a courtroom where there is a zero-tolerance policy for racism is crucial. While some of the policies, procedures and initiatives are actively being worked on by our Judges, once I am elected, I look forward to working alongside them to see what still needs to be changed. Utilization of round tables to bring in the public and hear their voice will be beneficial in the process.