



BRENDA STALLINGS

Circuit Judge, District 6, Division 12

Stallings represents juveniles in Perry and Pulaski counties, teaches at William H. Bowen Law School as an Adjunct Professor, and the Criminal Justice Institute as a Certified Law Enforcement Instructor. Previously, she worked at the Center for Arkansas Legal Service.

How do you define justice?

As an adjunct law professor for the Bowen Law School, my students and I talk about what is justice. We typically think about justice in the context of the issue being judged fairly, and the punishment fitting the crime. That is part but not all. My definition of justice also includes how people are treated. People should be treated fairly in court. People should be respected regardless of their circumstances. People should be heard in court.

Can you explain your judicial philosophy in plain English?

I will respect those who come before my court. I will show compassion to those who come before my court. I will be committed to knowing the law and applying it fairly to everyone regardless of income, race, gender, or status. I will listen to those who appear in my courtroom and I will rule without delay.

What are the biggest changes you think we need to make to the criminal justice system?

Changes to the criminal justice system are under the control of the legislative and executive branches. The role of a judge in the criminal justice system is to oversee criminal trials, rule on evidence, and sentence convicted criminal defendants. If there is a bench trial, I would decide the facts of the case and make a ruling. As a judge, I can help the criminal justice system by ruling fairly and consistently with the law and the facts, treating all parties who appear in court with respect, and ruling without delay.

Judges can change the criminal justice system by utilizing sentencing alternatives such as restorative justice and diversion, and making sure the court has access to dispute resolution, mediation programs, mental health and substance abuse services as well as community service and competency development programs.

What role should money/cash bail play in pretrial release?

The purpose of bail is to ensure that a person will appear in court. The money/cash bail should be used only when necessary to make sure a defendant appears in court. The money/cash bail should be consistent, fair, and reasonable. Each case should be evaluated on a case-by-case basis.

To what extent do you believe that a judge should or should not defer to the actions of a legislature?

The judiciary and the legislature have different roles and are separate branches of government. The judges have to follow the law unless there is a challenge to a law established by the legislature. The judge then has to rule on the constitutionality of those laws which could result in a law being upheld or overturned.

Do you believe that policies criminalizing drug use in Arkansas have been effective or ineffective?

In general, laws that only criminalize drug users have not been effective. Research has shown that behavioral health and substance abuse treatment, counseling, therapy, and rehabilitation can be effective and I believe that these should be included among the options for dispositions.

What factors do you believe are driving the growing prison population and the overrepresentation of people of color and poor Arkansans? What role do judges play in addressing these disparities?

The over prosecution, disparate treatment, interactions with law enforcement, and sentencing disparities all contribute to the growing prison population. Judges can address disparities through the use of disaggregated case data to track disparities in sentencing and charges, by using sentencing alternatives such as restorative justice and diversion, and making sure the court has access to dispute resolution, mediation programs, mental health and substance abuse services as well as community service and competency development programs.

In what ways will you work to promote public transparency within your courtroom?

I am running to serve the people and my courtroom will be open to the public. People will be able to observe if the parties are treated fairly and respectfully. I will work to make sure that people clearly understand their cases, any charges against them as well as my decisions and the analysis I used to arrive at those decisions.

How would you make determinations on fines/fees in your courtroom?

Fines and fees have historically been used for punishment purposes. Fines and fees in my courtroom would be determined on a case-by-case basis. I would not primarily use fines and fees as punishment or a revenue source. I would review each case to determine if fines are needed to compensate victims and/or pay restitution for crimes committed. I will set fees and fines only after evaluating the totality of the case.

Would you support eliminating the \$10 monthly automation fee? Why or why not?

The \$10 monthly automation fee is part of the Arkansas Fines Collection Law and is triggered when a person is ordered to pay a fine, placed on probation, etc. As a judge I would be required to assess a person's ability to pay before ordering them to pay a fine, etc. The automation fee as well as other court related fees are used in part to generate revenue. My hope is that the court system would be fully funded by the state and county government.