



# LATONYA AUSTIN HONORABLE

Circuit Judge, District 6, Division 5

Prior to launching The Austin Law Firm, PLLC, LaTonya worked for the Arkansas Attorney General's office under Mark Pryor, as a Deputy Prosecuting Attorney, and as a Deputy Public Defender.

How do you define justice?

Using equity to achieve equity.

Can you explain your judicial philosophy in plain English?

Yes. My judicial philosophy is using judicial discretion to be equitable and fair in my rulings, in order to bring justice (equity) to the people who appear in my court, which will, in turn, begin to change the negative perception of the judicial system.

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

As a judicial candidate charged with adhering to the rules of judicial conduct, I cannot speak on my personal opinions about what changes I think we need to make to the system. I can, however, say that using the interpretive and discretionary powers of the Court, I will ensure that equity and fairness are the hallmarks of 5th Division.

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

Under Arkansas law, money/cash bail should be used, not as a pretrial punishment, but as an assurance that a defendant will appear in court. "(a) The judicial officer shall set money bail only after he determines that no other conditions will reasonably ensure the appearance of the defendant in court." Rule 9.2 – Release on Money Bail, Ark. R. Crim. P. 9.2

Using judicial discretion, the heart of my platform, I will abide by the law and render equitable decisions regarding bail – money or otherwise.

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

The only role of a judge is to interpret the law. The legislature is tasked with making the law. As such, deference must be given to the laws as passed by the legislature and other applicable rules and case law of the State of Arkansas.

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

The judicial code of conduct states that "[a] judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments, inconsistent with the impartial performance of the adjudicative duties of judicial office." As this issue is constantly being litigated and legislated, in an abundance of caution, it is in my and the public's best interest that I not answer this question. I want to avoid the very appearance of impropriety.

**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?**

Equitable use of judicial discretion will affect every part of the judicial system. These and any other disparities will, either directly or indirectly, be affected by the use of this discretion.

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

As most court proceedings are open to the public, I will allow the public to attend and observe how an "Honorable Courtroom" will be run. Balancing health concerns with other, sensitive privacy issues, I will attempt to conduct hearings and trials in a public setting at all times; provide reasoned and explained rulings; and be reasonably accessible to address concerns of litigants, counsel and the public.

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

Being equitable in rulings means taking into account the entire situation of all parties and rendering a decision that is fair and just, based on those circumstances. Judges are required to consider the ability to pay when determining, not just the rate of pay, but how much in fines and/or fees an individual must pay. Using fairness to achieve fairness is a part and parcel of this process, and it will be a part of my process, pursuant to Arkansas law. This, naturally, is not a "cookie-cutter" approach to assessing fines and fees. It must be determined based on applying the law in an equitable manner, using everything that I know and the tools to which I have access.

**Arkansans are facing crushing amounts of court debt, how would you address fines & fees in your jurisdiction?**

Being equitable in rulings means taking into account the entire situation of all parties and rendering a decision that is fair and just, based on those circumstances. Judges are required to consider the ability to pay when determining, not just the rate of pay, but how much in fines and/or fees an individual must pay. Using fairness to achieve fairness is a part and parcel of this process, and it will be a part of my process, pursuant to Arkansas law. The law allows various ways to handle court debt, including but not limited to time pay (with a fee), waivers, and community service in lieu of fines/fees. I will use whatever is in my arsenal as a judge to achieve justice, just as my judicial philosophy states: "using judicial discretion to be equitable and fair in my rulings."

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

As a previous City Attorney, I litigated this issue. As such, since I know that it is something that is not only legislated, but litigated, I cannot answer this question, as I am prohibited by judicial ethics from doing so.