

## **STEVE SMITH**

*Candidate for Judge – 361<sup>st</sup> District Court*

2014 Election Cycle

### **QUESTIONNAIRE RESPONSES**

**1. Please tell us about yourself, why you are running for District Judge; and, what background, education and experience you have had to prepare you to execute the duties of a Texas District Judge.**

As a candidate for re-election to the 361st District Court, let me share my background. I came to Brazos County in August 1977 to practice law. I met Becky here at church and we married in 1978. We have two children – Christopher (30) and Laura (26). Our children attended and graduated from College Station schools. We lost Becky to ovarian cancer in April 2005. I have a B.Mus.Ed. degree with high honors from Abilene Christian University and a Juris Doctor from the University of Texas School of Law. I've been actively involved in our community since moving here, helping to found our local Crimestoppers and serving as an officer or board member of the Arts Council, Brazos Valley Symphony, March of Dimes, MSC OPAS and Optimist Club. I've been an active member of the A&M Church of Christ since 1977. Beginning as an associate at the firm of Dillon, Giesenschlag, Sharp and Delaney, I later became a partner in the firm of Dillon & Giesenschlag in 1980; and was thereafter a partner in the firms of Dillon, Lewis, Elmore & Smith and Hoelscher, Lipsey, Elmore & Smith. During my law practice, I tried jury cases involving felony and misdemeanor criminal, civil and family matters. I became Board Certified in Civil Trial Law in 1988 by the Texas Board of Legal Specialization. At the urging of several colleagues, I applied to become an Associate Judge of the College Station Municipal Court in 1988. Serving as Associate Judge until 1992, I then became the Presiding Judge. I was elected judge of County Court at Law No. 1 in 1994 and began my service as judge of the 361st District Court on January 1, 1999. During my career, I've tried literally everything from traffic citations to capital murders.

During my time on the bench in the 361st through December 2013 we've disposed of 32,889 cases, more than 35% of the total of 92,546 cases disposed during that time by our three District Courts. I was honored to be selected by the elected trial and appellate judges of Texas as Chair of the Judicial Section of the State Bar, and have been privileged to serve as a judicial educator here in Texas and at the National Judicial College. I believe my combination of education, judicial experience, Board certification and community involvement makes me uniquely qualified to continue as judge of the 361st District Court.

**2. Please describe a factual historical case that has been resolved in the 361st/85th District Court which demonstrates the role District Court plays in our Texas judicial system.**

I feel it's not possible to demonstrate the role of our District Courts by describing one specific case. Let me explain what the job of District Judge entails through a description of the types of cases we handle. Our District Courts are general jurisdiction courts, meaning we handle criminal, civil and family law cases. Criminal law includes both felonies (which can involve prison time or even death) and misdemeanors (which can involve potential county jail time). Felony cases can range from credit card abuse, forgeries and drug possession all the way up to capital murder. Misdemeanor cases often involve theft, minor drug possession and DWI. During my time on this bench, we've disposed of nearly 18,000 criminal cases, including include 5 capital murder cases (3 death penalties, two life sentences without parole) and many other significant cases involving murder, aggravated sexual assaults, aggravated robberies, and aggravated arson. Civil matters are disputes between two or more parties that seek damages or other relief from the courts. They can involve injuries, contract disputes, contests over property and the like. Probably the most significant civil case handled by our court during my time here has been the litigation arising out of the Bonfire collapse (all cases settled without trial). We've also handled contract cases involving damage claims in the millions of dollars. As a Board Certified Civil Trial attorney, I think I'm uniquely qualified in this area of law. Family law cases make up the balance of our docket. They involve divorce, child custody/support/visitation, and terminations of parental rights. This part of the docket also provides one joyous type of litigation – adoptions. As the only candidate who has actually tried all these types of cases as both an attorney AND a judge, I think I am best suited for this bench.

**3. What improvements are necessary and can be made in the Brazos County Judicial System?**

While our courts have been diligent in keeping up with case disposition, it is clear that our community's growth may soon entail the need to create other courts. We have the same number of district courts and county courts at law today as we did on January 1, 1986. Our population has doubled during that time. Sadly, a growing population often brings with it a growing crime rate. The Commissioner's Court has assisted the courts by providing associate judges to handle some matters. This has enabled the District Courts to maintain the ability to keep as current on their docket as is possible. We are also constructing much-needed courtrooms on the fourth floor of the courthouse

that will provide more comfort for both litigants and jurors during their time here. I believe that the highest priority of government at any level is the protection of its citizens to enable them to enjoy the liberties we have in this country and state. I will be supportive of actions that enable those citizens to access the court system, and to have their disputes resolved as fairly and expeditiously as possible.

**4. How can voters judge who is most qualified both personally and professionally when there are many questions that candidates for judge cannot answer?**

To assess an individual's personal and professional qualifications to be a judge, one should look at a candidate's education and legal experience. They should also consult with those who know and support a candidate. A candidate's commitment to the community through public service and volunteer involvement is also a key factor that should be considered. For an individual who has served as a judge, it might be important to speak with jurors and litigants who have appeared in that judge's courtroom. Finally, since we elect judges on a party basis, it would be appropriate to consider a candidate's history of involvement in and support for the Republican Party as well as their overall philosophy (e.g., conservative vs. liberal).

**5. If elected, what will you do as District Judge to respect the laws of Texas?**

Since I presently hold this position, I intend to continue to be a judge who will treat litigants with courtesy and fairness; who will carefully listen to the evidence; who will apply the law as it is written without injecting my personal feelings; and will always remember it is my duty to interpret and apply the law – not to create it. That's a job for our elected representatives. I will also make sure that our proceedings are conducted with the solemnity that the law requires. I would sincerely appreciate your support and vote on March 4th.