

Karen Herman

Survey Response

Candidate for Judge Court of Appeal 4th Circuit At Large

Election Day - November 8, 2022

1. Safe Communities : I support substance abuse and mental health treatment conducted by medical professionals, not police and deputies. I support crisis intervention by highly trained and skilled individuals who work to de-escalate tension and promote nonviolence among our communities. As a member of the judiciary, I will advance and protect a public health approach to resolving issues that arise from these challenges. **AGREE**

2. Poverty and Justice : Economic stability is essential for safety, and many of our community members are prevented from secure housing, leading to employment challenges, and carries an impact on mental health. People accessing the courts should be given consideration for their socio-economic and health conditions. **AGREE**

3. School-to-Prison Pipeline : I support a separation between the criminal justice system and schools. As a judge, I will work to end zero-tolerance policies in schools, and shift behavioral issues back to schools, without criminal justice system involvement. **AGREE**

4. Habitual Offender Sentencing Enhancement : I agree that maximum sentences already account for "the worst of the worst" in any given criminal activity, and people who have been previously punished are deemed to have served their time (including onerous probation terms). I believe habitual offender laws are unnecessarily punitive. **DISAGREE**

5. Sentencing Reform : I support the creation of a trauma assessment tool that would be used prior to sentencing. I will work to ensure that people charged with crimes are informed of all collateral consequences that accompany a conviction--voting, employment, housing, education, professional licensing, and the reduction in rights during all potential future criminal allegations. Further, I support an end to excessively long and punitive sentences that provide no meaningful opportunity for rehabilitation, hope, or second chances. **AGREE**

6. Technical Violation of Probation : I support the speedy review of people accused of technical violations, within the 10-day "hold" on their release. I will work to allow individuals accused of crimes to live their lives and have a chance for alternatives to confinement, treatment, or weekends in jail to restore them, rather than ruin their futures and their families. **AGREE**

7. Charge or Release : I believe Louisiana should take steps towards charging the accused within ten days, on non-capital cases, or released with or without bond, according to flight risk.

AGREE

8. Judicial Transparency : I will recuse myself if any of these financial supporters, or their immediate family members, are scheduled to appear in my courtroom, including other elected officials. **DISAGREE**

9. Voting Rights: As an elected official and community leader, I will support and enforce Act 271 (the notification of rights prior to entering a guilty plea), along with the streamlined voter registration system under Act 127 (both passed in the 2021 legislative session). **AGREE**

10. Equal Treatment Under the Law : I expect all government employees to maintain the highest ethical standards but recognize that, like all humans, we sometimes fall short. I will not stand for preferential treatment in my courtroom and will be particularly mindful of the relationship between prosecutors and police. My decisions, including those regarding bond or sentencing, will be consistent regardless of race, gender, wealth, or network connections.

AGREE

11. Accountability : I support the creation of a judicial reporting system that includes the demographics of people accused and the specific outcomes, such as dismissals, deferrals to alternatives, bond rulings, detention, voir dire, number of court dates, and punishment. **AGREE**

12. In your opinion, do you believe that a judge's spouse should be held to a similar ethical standard as the judge themselves? Yes or No (please explain) : YES-Several of the Canons of Judicial Conduct would not apply to my spouse, but as an attorney, my husband is subject to the Rules of Professional Conduct which establish similar ethical guidelines.

13. Do you anticipate any conflict based on personal relationships and former business interests? Yes or No (please explain) : NO-However, if one were to arise, I would be guided on recusal by the Codes of Civil and Criminal Procedures and the Canons of Judicial Conduct.

14. Additional Income: YES

15. Which of your previous positions do you think provided you with the most experience for this role? (Please explain) : I have served as a Criminal Court Judge for the last thirteen years. During that time, I have presided over hundreds of jury trials, as well as ruling on thousands of motion hearings. In addition, I have had to write per curiam memoranda to both the Fourth Circuit Court of Appeal and the Louisiana Supreme Court. I have also served as an Appellate Judge in regard to appeals from Municipal and Traffic Court (by matter of law). These experiences have made me more than qualified to ascend to the Fourth Circuit Court of Appeal. I strongly believe that one must be fully prepared and experienced enough to be able to start from day one, without needing a learning curve. Louisiana citizens do not deserve having to wait on someone getting caught up to speed in order to do their jobs. I'm the only candidate with elected judicial experience.

16. Community Oversight of Criminal Legal System : I support the establishment of strong and empowered community boards, which will monitor public servants in the police department, the courthouse, and the jails. I believe judges and prosecutors should be held accountable for their actions. I support judicial accountability in open and transparent courtrooms. **AGREE**

17. Precedent and Stare Decisis : Judges review pre-existing caselaw to make their rulings, and at times must decide whether to follow precedent, to overturn precedent, or to make a ruling on a new law or ordinance. What rationale do you follow in making such determinations?

In Louisiana, where we have a Civilian, as opposed to Common Law tradition, it is legislation that is paramount. When a new statute is enacted, the courts generally look to the plain language of the statute first and then, if necessary, surrounding legislation and/or legislative history.

18. Precedent and Stare Decisis : Louisiana voters overwhelmingly amended the constitution to end non-unanimous juries prior to the U.S. Supreme Court deeming them as unconstitutional. Despite this, neither group mandated the reversal of roughly 1500 convictions where one or two jurors maintained their position of “not guilty.” Louisiana appellate courts disagreed on the constitutionality of these past convictions, and the state Supreme Court decision is forthcoming. If you were on the Louisiana Supreme Court, which way would you rule on retroactivity, and why?

This is an issue that is likely to come before me. Under the Judicial Canons, I believe I am prohibited from pre-judging the issue, since this is an open, pending matter.

19. What impact, if any, do you believe race has had on Louisiana’s justice system?:

Unfortunately, the racial prejudices that we encounter in society at large have permeated certain aspects of the civil justice system. As a Judge, I have always endeavored to treat everyone fairly and equally, to be sensitive to disparate circumstances and to try and gain an understanding of the socioeconomic or other hardships that the people who come before me have encountered.

In 50 words or less, tell our community why they should trust you with their vote.: I have been a compassionate, fair and hard-working Judge for the last 13 years. I have never run for any other seat except the one I currently hold. My first commitment is to serve my community in the best way possible, as I have done throughout my legal career. Through my work as Founding executive director of CourtWatch NOLA, through my Mental Health Court and Drug Court dockets and as an advocate for women struggling with breast cancer, I have gained a broader insight into the needs of the whole community. I will continue to exercise my strong work ethic and apply the law fairly, equitably, compassionately and without bias. I sincerely appreciate your consideration of my candidacy.