



**SFDCCC Candidate Questionnaire  
Superior Court Judge - March 2020**

Name \_\_Dorothy Chou Proudfoot\_\_

E-mail Address \_\_dorothy@dorothyproudfoot.com\_\_

Are you a registered member of the Democratic Party? Yes No

Have you read the California Democratic Party Platform? Yes No

Will you fight for its implementation in policies? Yes No

According to the California Code of Judicial Ethics, Judicial Canon 5, judges and candidates for judicial office may not “engage in political activity that may create the appearance of political bias or impropriety.” No judicial candidate should be promising to fight for implementation of the Platform.

What office and which seat are you running for? \_\_Superior Court Judge, Seat 18\_\_

What other elected positions have you held previously?

\_\_No political office\_\_

**PART I: GENERAL QUESTIONS (200 words or less)**

- 1) Are you a registered member of the Democratic Party?

**YES**

- 2) Please describe your contributions to the Democratic Party and/or increasing civic engagement in the democratic process at the local, state and or/national level in recent years.

I attended Emerge California Boot Camp, which not only trains women to run for office, but also develops a sisterhood of mutually supportive women seeking elective office.

I am a member of the National Association of Women Judges Independent Judiciary Committee/Informed Voters Project, which increases the public's knowledge of the judicial system and its role in the preservation of democracy.

I served on the Board of Governors of California Women Lawyers for five years. Our award-winning programs included "So You Want to Be a Judge?," a program to demystify the judicial appointment process in order to increase representation on the bench, and "Elect to Run," a program to encourage women, not just attorneys, to run for all elective office.

I served on the Civic and Judicial Appointments Committee of Queen's Bench Bar Association for two years, helping to organize events such as:

- Civic Appointments training – teaching about how to be appointed to State and Local Boards and Commissions;

- What Are They Thinking? - A panel and discussion examining issues facing women in the role of decision maker, and what women and men can do to change negative perceptions of women in power.

3) Are there any other civic causes or organizations that you are involved with currently? Please describe.

I am the President-Elect of the Earl Warren American Inn of Court. The Inns promote collegiality and congeniality in the profession while fostering professionalism, ethics, civility, and excellence in legal skills.

I am a sustaining member of the Asian American Bar Association of the Greater Bay Area and serve on the Public Law Committee.

I taught at the Bar Association of San Francisco's Women in Trial Intensive Advocacy Training.

I volunteer as a mock trial and moot court judge at the Thomas Tang Moot Court Competition, Philip J. Harley High School Mock Trial Competition, Empire Mock Trial – San Francisco, and Golden Gate University School of Law Litigation Center

I volunteer as an advisory committee member and mentor for the Race, Policy, and Law Academy at Oakland Technical High School.

I am a Vice President of Women Lawyers of Alameda County, and chair the Scholarship Committee (law student scholarships).

I volunteer as an scholarship application evaluator for two California Alumni Association Scholarships for minority undergraduates.

I am a member of the Asian Pacific American Democratic Caucus of Alameda County and have served on its Endorsement Committee.

I am on the California Band Alumni Association Council and serve on its Performance Committee.

4) Please list any organizations or elected officials who have endorsed you.

I'm proud to have the support of Senator Scott Wiener, Assemblymember David Chiu, DCCC member Mary Jung, and over twenty current and retired Superior Court Judges.

## PART II: SHORT-ANSWER QUESTIONS (250 Words or less)

- 1) What do you perceive as the strengths of the Superior Court? What are the current weaknesses and how would you like to see the judicial system improved?

The Collaborative Courts are clearly the jewel of the Superior Court. They serve as a nationwide model for other courts to emulate.

The system could be improved by increasing access to justice both logistically and substantively. For example, logistical access could include expanded hours for small claims would help alleviate the burden on the working class so that people are not forced to make the choice between pursuing their claims and losing their income or job, or abandoning their case because they can't afford to come to court. Substantive access should include improve implicit bias training. Judges should take ongoing training not just in recognizing implicit bias, but more importantly in how to effectively interrupt bias, to improve the quality of judicial decision making.

- 2) Please summarize your qualifications and experience for the office you are seeking. Have you ever had any experience with management?

As an Administrative Law Judge for the San Francisco Rent Board, I have adjudicated over 200 rent control cases from all over the City. Prior to serving as an ALJ, I served as a Deputy District Attorney for sixteen years, handling all types of cases, specializing in gang violence and sexual assault. I also gained federal court experience as a Special Assistant United States Attorney. Prior to my work at the DA's office, I practiced civil litigation at a San Francisco law firm.

I gained management experience while at the district attorney's office. In 2007, I became the youngest Felony Trial Team Coordinator, supervising and training other trial attorneys, assigning case loads and attorney court schedules and serving as the primary liaison to the judge to whom we were assigned.

I grew up in a three-generation, bilingual household, the daughter of Chinese immigrants. I attended UC Berkeley on a Chancellor's Scholarship, graduating in three years with a degree in English and also earned my law degree from UC Berkeley.

My experience, background, and character match one of the World Justice Project principles of the rule of law that "justice is delivered timely by competent, ethical, and independent representatives and neutrals who are accessible, have adequate resources, and reflect the makeup of the communities they serve."

3) Have you ever had to support a legal position that was contrary to your personal moral beliefs? Please describe.

I have been fortunate to have never been forced into supporting a legal position opposed to my moral beliefs. I have certainly disagreed with the application of various laws on the books, but in my prior job, on the occasions when I thought the interests of justice would be served by the use of prosecutorial discretion NOT to charge offenses or enhancements, I have been successful in convincing management to trust my judgement.

4) What do you perceive are the primary causes of the high rates of incarceration among communities of color? Do you believe the Court has a role to play in criminal justice reform?

Both explicit and implicit bias affect the disproportionate rates of incarceration among communities of color.

The Court does have a role to play in criminal justice reform, but not in the conventional advocate role. Judges cannot engage in political activity that may create the appearance of political bias or impropriety. They cannot be driven by politics or the system of checks and balances central to our democracy cannot function. Historically, the Courts have been the institution which protect the rights of communities of color and other marginalized groups, by exercising judicial independence and courage in their decisions.

5) What is your perspective on the current bail schedule? How did you arrive at that understanding? How can the system be reformed?

Judicial Canon 5B(1)(a) prohibits judges or judicial candidates from making statements to the electorate that commit the candidate with respect to cases, controversies, or issues that are likely to come before the courts. County bail schedules are set by each court, so I do not believe any judicial candidates are permitted to answer this question.

6) San Francisco is facing a car break-in epidemic that is perceived to be organized by crime networks. What do you believe are the factors leading to this problem? What is the court's role in preventing offenders returning to crime?

If organized criminal networks are to blame for this issue, it follows that the people caught committing these crimes are not the ones making the business decisions to engage in this activity. The people who become justice-involved are frequently themselves being exploited, due to a variety of factors, including lack of economic opportunity or historical substance use. If a perceived consequence does not fall on the

instigator of the offense, there really is no deterrent effect of any enforcement action, especially since income inequality produces a virtually limitless pool of people to exploit.

The Court's role should be as a partner in reducing recidivism, because the Court is not the entity solely responsible for bringing offenders before it - making charging decisions is the job of the District Attorney. Once a person is brought before the Court, the Court can prioritize services to get at the root cause of the individual's conduct. Car break-ins are not considered to be the most serious of crimes, but they can have severe economic effects on large numbers of people nonetheless. In addition to the property that may be taken, which a victim may not be able to afford to replace, many people need their cars every day to get to work, pick up their children, and can ill afford to have the car out of commission.

7) How does your background and experience prepare you for legal cases pertaining to the rights of women, people of color, people with disabilities, and LGBTQ?

As a woman of color, I value diversity and the balance it brings to social and legal issues. My experience dealing with people from different ethnic, socioeconomic, and educational backgrounds has taught me humility, creativity, and tenacity in protecting the rights of all people. As the first Asian American President of Marin County Bar Association in its 80-year history, it was brought home to me that diversity is not enough unless it is coupled with inclusion.

I served on the Amicus Committee of California Women Lawyers for four years, recommending to the Executive Board which friend-of-the-court briefs the organization should join to further the organization's mission to advocate for women's rights, for example, signing on to briefs in the last year which:

- challenged the Trump administration's rules exempting employers from complying with the contraceptive coverage mandate in California, Massachusetts, and Pennsylvania cases;
- highlighted the gender discrimination in the Masterpiece Cakeshop case where the baker refused to bake a wedding cake for a same-sex couple; and
- argued for transgender students' right to use the restroom of their choice (in Oregon and Florida).

This work provided me with a framework for how to view legal structures through a gendered lens, and to recognize the exponentially increased burdens on intersectional communities.

8) Do you believe there should be implicit bias training for judges? Why or why not?

Yes. It is easy to condemn others for expressing explicit racism or sexism, but the insidious nature of unaddressed implicit bias will continue to hold us back from achieving true fairness in the way we treat others and make decisions.

9) Does the court have a role in determining the outcomes of those with mental illness or the homeless who are caught up in our criminal justice system? If so, what is that role?

Yes. The Court must work with justice partners, the treatment community, and supportive housing services to divert people out of the carceral model. Mental Health Court is an excellent example of how the Court can take an active role in improving the way we deal with these cases.

10) Should the court ensure a fair hearing in the case of pro per or unrepresented litigants in family court or housing court? If yes, how can the court improve the process to ensure fairness in these types of proceedings?

Yes, it is the role of all judges to ensure fair hearings in all proceedings, not just the ones with lawyers. Working as an Administrative Law Judge at the Rent Board has shown me alternative modes of ensuring procedural fairness. Neither party is represented by an attorney in the majority of cases I have presided over at the Rent Board, because many of the types of hearings should be navigable without an attorney.

In my experience, one way to ensure fairness is to allow more latitude in the questioning of witnesses and in fact, ALJs often ask questions of the parties and witnesses in order to understand the issues important to the litigants. Another way to be more cognizant of language access. Often, LEP individuals do not disclose their need for interpretation in serious legal matters, in an effort to be less of a bother, or out of embarrassment. The Courts can take a more active role in assuring that language ability is not the driving force behind the result of a case.

11) What do you perceive are the biggest obstacles the court faces in civil litigation? How can this be improved to best serve the general public?

Court backlog is the biggest obstacle the Court faces in civil litigation in general. I am a big believer in mediation where appropriate, but there are some cases that just need to be tried. Because of this, efforts to move cases out of litigation and into alternative dispute resolution options cannot solve the problem alone. The best way to improve backlog issues is to increase funding to the Courts.