



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

Name Michelle Tong

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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

What office and which seat are you running for? San Francisco Superior Court Judge, Seat No. 18

What other elected positions have you held previously?

None.

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 have participated in numerous local San Francisco elections.

I did field visibility for Judge Linda Colfax when she ran for SF Superior Court judge and prevailed.

I organized fundraisers and canvassed closely and heavily on Daniel Flores for SF Superior Court Judge, in which he prevailed.

I worked on Jeff Adachi for Mayor campaign - organized numerous fundraisers, participated in the questionnaire process, field organizing and canvassing.

I have financially contributed to numerous local candidates over the years.

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

Member, State Bar of California, 2005-Present

Member, Asian American Criminal Trial Lawyers Association, 2013 –Present

Member, Public Defenders for Racial Justice

Asian Law Caucus, Alumni and Annual Event Stage Manager

- 4) Please list any organizations or elected officials who have endorsed you. *For identification purposes only

Elected / appointed leaders

Hon. Bruce Chan, SF Superior Court Judge
Hon. Linda Colfax, SF Superior Court Judge
Hon. Teresa Caffese, SF Superior Court Judge
Hon. Michael Begert, SF Superior Court Judge
Hon. Ellen Chaitin, SF Superior Court Judge (Retired)
Hon. Jim Collins, SF Superior Court Judge (Retired)
Chesa Boudin, SF District Attorney-Elect
Mano Raju, SF Public Defender
Jeff Brown, Former SF Public Defender*
Hillary Ronen, SF Supervisor
Matt Haney, SF Supervisor
Shamann Walton, SF Supervisor
Rafael Mandelman, SF Supervisor
Dean Preston, SF Supervisor-Elect
Matt Gonzalez, Former President, SF Board of Supervisors*
Eric Mar, Former SF Supervisor*
John Avalos, Former SF Supervisor*
Jenny Lam, Commissioner, SF Board of Education*
Cindy Elias, SF Police Commissioner*
John Hamasaki, AABA President-Elect and SF Police Commissioner*
Edwin Prather, Oakland Police Commissioner*
Bevan Dufty, President, BART Board of Directors*
David Campos, Chair SF Democratic Party*
Keith Baraka, SF Democratic Party*
Tami Bryant, SF Democratic Party*
Honey Mahogany, SF Democratic Party*
Frances Hsieh, SF Democratic Party*
Peter Gallota, SF Democratic Party*

Community leaders

Anne Irwin, Founder and Director, Smart Justice California
Aarti Kohli, Executive Director of Asian Americans Advancing Justice – Asian Law Caucus*
Audee Kochiyama-Holman, Director of Alumni Relations, Asian Americans Advancing Justice – Asian Law Caucus*
Angela Chan, Policy Director and Senior Staff Attorney, Asian Americans Advancing Justice – Asian Law Caucus*
Rudy Corpuz, Executive Director of United Playaz*
Ron Stueckle, Co-Founder/Director of Justice Services, Sunset Youth Services*
Omoredede “Rico” Hamilton, Street Violence Intervention Program (SVIP) Coordinator – Western Addition, TL and SOMA *
Amancio “Jojo” Liangco, Founding President of Bayanihan Resource Center*

Andy Clark, SF Assistant District Attorney*

Tinnetta Thompson, Former SF Assistant District Attorney*

Hadi Razzaq, Coalition on Homelessness Board member*

Jamal Trulove, Actor and Activist

Peggy Saika, Former President/ED of Asian Americans/Pacific Islanders in Philanthropy (AAPIP)*

Gen Fujioka, Policy Director, Chinatown Community Development Center*

Douglas Horngard, Criminal Defense Attorney

V.Roy Lefcourt, Criminal Defense Attorney

Clubs: SF Berniecrats, SF Young Democrats

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?

A strength of the San Francisco Superior Court is its collaborative court system which includes Young Adult Court, Behavioral and Mental Health Court, Community Justice Court, Drug Court, Veterans Justice Court to name a few. These courts address underlying root issues of people that are intertwined in the criminal legal system. These courts are intended to give alternative support to the accused to lower recidivism and rehabilitate, instead of simply seek convictions and incarcerate.

One weakness of the Superior Court is that some of the collaborative courts are impacted and clients that could really benefit from an opportunity to participate are unable to.

Another weakness is that participation in these courts comes with a high price tag. For example, if a client wants to participate in Mental health court, many clients sit in jail for months waiting for a program to be released to. Clients have to plead to charges and give up / waive their jail credits to participate in these programs. Thus, there is little incentive to participate when the reward is low.

Finally, the SF bench has more former prosecutors and corporate law Firm attorneys compared to former public defenders and social justice attorneys. The San Francisco judiciary has definitely grown in diversifying its membership. However, it must continue in this path so that the San Franciscans will not be intimidated by judges and court system by having judges that have a familiarity working in the community.

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

I've been a SF Public Defender for 16 years in January 2020. My experiences are:

- Tried over 50 jury trials
- Provided legal trainings inside and outside of office in areas of forensics, "gang" prosecutions, psychological legal defenses.
- Handled 1000's of cases

I've spent nearly everyday over the last 16 years going in and out of the Hall of Justice. Some of my trials were at the Civil Courthouse. I know the "culture" and rules of San Francisco Superior Court. Also, being a PD ethically requires competency in immigration law and all collateral consequences of a criminal conviction. Sometimes, clients have overlapping legal issues such as criminal protective orders, family / child custody issues, housing issues.

I have experience in immigration and labor law from the Asian Law Caucus. I filed 100's of applications for Naturalization and dozens of petitions for DV victims seeking immigration status on their own. I represented exploited restaurant workers receive overtime pay from their employers. I have experience helping tenants facing evictions when I worked at the Eviction Defense Collaborative.

I have experiences in criminal, civil, administrative, family law and immigration law. I have formed many alliances with social service agencies in San Francisco for all of the people I have served over the past 20 years.

My management experience takes form in the countless law student interns I have supervised. I am accountable for their work and the work of support staff which includes paralegals and investigators. I was chosen to be a felony manager but later withdrew from the position.

3) Have you ever had to support a legal position that was contrary to your personal moral beliefs? Please describe. [Yes. I have had clients resolve their cases by pleading guilty to charges even though I think the case should be fought. But legally, I had to support my clients.](#)

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?

Over policing, exorbitant bail schedules, and the disparate prosecution, conviction, and imprisonment rates of people of color, especially African Americans, are the primary causes of the high rates of incarceration among communities of color. The Court has a role to play in criminal justice reform by considering alternative means to bail.

Yes, the Court has a role to play in reform. They can work with justice partners to consider alternatives to systems in place now in order to improve society which could help with the judicial budget and experiences.

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

I support the efforts to reform the current money bail system with the eventual goal of complete eradication of this system. Such a system unfairly targets people on the basis of socioeconomic status, which, in turn, is unfairly and greatly influenced by factors such as race, gender, ethnicity, mental illness, and addiction.

Statistically, people facing criminal charges have a better chance of fighting and receiving better outcomes if they are out of custody. Such an advantage cannot only be available to those with money. I personally witness and experience this phenomenon as a deputy public defender working in the felony unit because all of my clients are indigent and most are incarcerated while awaiting trial because they cannot make bail. I have represented 100's of people who plead guilty / no contest to crimes simply because they wanted to get out of jail and were incarcerated while their case was pending because they could not afford bail.

- 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?

Factors leading to car break-in epidemic are precisely the exact same factors leading to most crime – poverty, addiction, mental illness, trauma, abuse, homelessness, and hopelessness. The court's role in preventing recidivism is to administer justice in the form of rehabilitation instead of retribution.

- 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?

I know the daily struggles of immigrants, restaurant workers, tenants, people accused of crimes, and crime victims who are adversely affected by the criminal justice system, many of whom are women, people of color, people with disabilities, and LGBTQ. I have spoken to hundreds of members of the community who have come to our courts to serve as jurors. I know there is frustration with the legal system because people feel they are not being heard. As a resident of this city, a deputy public defender, an immigrant rights' advocate, and community-based attorney, I will bring a unique perspective to the bench to help to better our communities and make all of us safe. As judge, I will bring decades of proven experience to serve this city and county to which I have dedicated my entire career.

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

I strongly believe there should be implicit bias training for judges. Over policing and the disparate prosecution, conviction, and imprisonment rates of people of color, especially African Americans, are the direct result of explicit and implicit bias which reinforces the systemic racism that pervades the criminal justice system and every other aspect of American society.

As a deputy public defender, I am in the trenches battling the racial, gender, and class biases of the criminal legal system. Most of my clients are people of color. Yet, there is a dearth of jurors of color and an appalling lack of class diversity among jurors that are reflective of my clients' backgrounds. I speak directly to jurors, colleagues, prosecutors, and judges about implicit and explicit bias in order to mitigate their devastating effects. As a judge, I will continue to actively foster awareness about internal biases not only among jurors, but also among my professional colleagues.

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?

The collaborative court system does have a role in determining the outcomes of those with mental illness because the courts within this system such as the Behavioral Health Court, Drug Court, and Veterans Justice Court mandate treatment for those accepted into those court programs. So much of crime is driven by underlying social and health issues such as poverty, addiction, mental illness (including PTSD which afflicts so many of our veterans). The exceptionally high rate of recidivism is attributable to the fact that we as a society do not address the root causes of crime and continue to punish and condemn individuals who have been convicted of committing crimes after they have served their sentences.

Judges have a lot of discretion in sentencing those found guilty of committing a crime. Judges give harsh sentences because they do not want to appear soft on crime despite overwhelming evidence that retribution dramatically increases recidivism while rehabilitation greatly reduces it. In many areas of sentencing, a judge can exercise their discretion by striking allegations that are based on past convictions which are designed to add years of exposure to the current case. As a judge, I will consider the circumstances of the accused, such as their social, family, mental health history, their criminal history (or lack thereof) amongst many other factors under the sentencing guidelines and intend to exercise my discretion appropriately.

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?

Absolutely. The Courts should ensure a fair hearing in the case of pro per or unrepresented litigants in family court or housing court because that is the court's foremost obligation.

If I am elected judge, I will make sure I am familiar with all the community resources available in all areas of legal needs so I can share this information with low income litigants and litigants of modest means. I will endeavor to make sure that the litigants who appear before me have the time they need to access as many resources as possible so they can be educated and empowered to be protected by and within the court process. I have done this throughout my legal career because I have participated in coalition building with a variety of other public interest agencies and non-profits. I envision bringing this same approach to the bench as a judge so that all litigants can have broader access to better ensure they receive effective legal assistance.

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?

The biggest obstacle the court faces in civil litigation is overwhelming number of criminal cases being litigated. The backlog in civil court is due to the overwhelming number of prosecutions of crimes in criminal court as well as inadequate funding by the government for courts, judges, and support staff to adequately accommodate the volume of civil and criminal cases.