

WHIT DAVIS HAS BUILT A GRASSROOTS COALITION AS A PUBLIC DEFENDER FIGHTING FOR THE DISENFRANCHISED

NOW HE WANTS TO BE FORSYTH COUNTY DISTRICT COURT JUDGE

By William Laurie

Upon graduating from Duke University with a degree in environmental science and policy, Winston-Salem native Whit Davis left the Tar Heel state for the harsh northeast winters of Boston.

He took a job as an environmental scientist for a civil engineering firm, and it was common for him to spend countless hours raking through soil examining plants for his company's clients.

"I was out in dirty jeans and long-sleeved shirts digging holes in the ground and looking at plants to determine where the boundary was between wetlands," Davis says. "We'd have to determine what wetlands our clients were impacting and submit applications to local and state environmental regulatory boards explaining how they were going to mitigate the damage caused. "It kind of cemented my interest in going to law school," he adds, "and working on the legal side of environmentalism rather than the environmental side."

After two years in Beantown, Davis indeed enrolled in law school, at the Tulane University School of Law in New Orleans. He became a student-attorney and helped represent several neighborhood groups and environmental organizations that were fighting against the U.S. Army Corps of Engineers' Industrial Canal Lock Replacement Project, which the groups deemed "unnecessary, costly and environmentally irresponsible."

Davis and two other attorneys were successful in getting an injunction in federal court that halted the project until it complied with the law.

After earning his law degree in 2011, Davis returned to Winston-Salem and worked in private practice for two years before joining the Forsyth County Public Defender's Office.

FIGHTER FOR DISENFRANCHISED

Davis' advocacy for New Orleans residents who couldn't afford to pay for legal counsel was foreshadowing, and his support for disenfranchised and marginalized people didn't end when he graduated law school.

Since the May 25 murder of George Floyd by a now former police officer in Minneapolis, Davis has joined protestors in Winston-Salem as demonstrations nationwide have called for police and criminal justice reform and an end to systemic and institutionalized racism.

He supports overhauling a bail system in which criminal suspects charged with even the slightest misdemeanor may languish in jail for months because they're unable to pay bail – a practice that disproportionately impacts Black men.

For almost any minority lawyer, these advocacy stances would appear standard. But Davis is white. Yet, he's earned a reputation for his dogged pursuit of justice for his mostly minority clients.

"The criminal actions and inactions of the police officers involved in the senseless killing of Mr. Floyd prompted me to protest for the first time in my life," Davis says. "I never saw myself as a protester or as someone who would speak at a protest. I fight vigorously on behalf of my clients every day in the courtroom, but my advocacy in the criminal justice system really ended there.

"But after the death of Mr. Floyd, I had to take it out of the courtroom and onto the streets with the millions of other Americans and people around the world because things hadn't changed in the six years since Eric Garner's similar killing at the hands of (New York) police," Davis says.

Now, the 36-year-old Davis is hoping his trove of goodwill and his experience as a public defender will propel him to a seat on the Forsyth County district court bench. He is running for the 21st Judicial District seat that is being vacated by Judge Laurie Hutchins, who is retiring.

"I'm asking voters to cast their ballot for district court judge, seat 8, for me because I'm a product of this community and have served this community for the last seven years and know the problems facing the residents of Forsyth County that utilize the court system."

BROAD COALITION SUPPORT

Davis grew up in Winston-Salem, attended Reynolds High School, and matriculated to Duke University before attending law school in New Orleans.

"This community has given me a lot and I want to give back," he says.

Davis had a mostly homogenous childhood, he says, until he arrived at Reynolds High and later Duke, where he met students from different races and socioeconomic backgrounds. His father was a child clinical psychologist who specialized in kids with learning disabilities and his mother taught art to elementary students in the local school system.

"By attending Duke University I got to know people from all over the country and all over the world, which gave me even more exposure to different kinds of people," Davis says.

He says he has received campaign endorsements from Equality North Carolina, which is the nation's oldest LGBTQ advocacy group and the state's largest, and also from the Young Democrats of Forsyth County.

"I have the legal experience and the right temperament to be a district court judge," Davis says. "I have the right balance of compassion, fairness and patience that it takes to adjudicate wisely and to treat all parties fairly."

Davis' challenger for the seat is Mike Silver, a Republican administrative law judge.

"My opponent has mentioned his experience repeatedly," Davis says. "He's been a licensed attorney longer than I have, but I'm in district court every day and also go to superior court. Before I joined the public defender's office, I worked in private practice and I've also done civil work, so I understand that side of the law, as well. Half of what district court judges do involves civil work."

'A VOICE FOR PEOPLE'

Davis, a Democrat, counts Forsyth County District Court Judge Denise S. Hartsfield and Chief Justice of the North Carolina Supreme Court Cheri L. Beasley among his role models.

Hartsfield, who has known Davis for about eight years, thinks people throughout Forsyth County – particularly in the African American community – are beginning to realize he is genuine.

"My first impression of Mr. Davis was he was very interested in seeing how the other side lived," says Hartsfield, who has been a judge for 18 years. "He appeared to come from a very, very good family but he seemed to have been sheltered, with few times where he'd been on the other side of U.S. 52 interacting in East Winston where the African American community lived. Yet, he was interested in learning about that community, and that impressed me.

"Initially, I thought maybe he was just being inquisitive, but subsequently his work in the public defender's office told me this was more than curiosity," she says. "It was about helping and really being a voice for people who are not allowed to have a voice."



Judge Denise Hartsfield

Hartsfield says one of the criticisms that people might level toward Davis is he may not understand how most of the Blacks who will appear in his courtroom if elected live. Hartsfield says that is an unfair and inaccurate criticism.

"He's a hometown boy from

Winston-Salem who's made his Winston-Salem experience bigger and better by his tie in the public defender's office and his associations with grassroots organizations in the area," she says.

In her courtroom, Hartsfield says she has observed Davis' willingness to go the extra mile for clients.

"Because the public defender's (office) caseload is so big and because they get assigned so many cases, a lot of times the public defenders don't even recognize their clients by face," she says. "Whit gets to know his people and goes above and beyond."

She has known Davis to meet with clients at all times of the day or night and even give them money to add minutes to their phone.

"He does what he has to so he's able to stay connected with them. I think he's tremendously suited to sit on the bench," Hartsfield adds. "Gone are the days when you could have a one-party bench, a same-sex bench or people who all believe in the same thing. Being a judge is about applying the law. When your belief system allows you to reach out to all kinds of people ... you're in a better position to administer justice in its purest form."

'A HUMBLING SPIRIT'

Forsyth County Sheriff Bobby Kimbrough got to know the judicial candidate when Davis volunteered on his campaign for sheriff and agrees that Davis is good at connecting with people of different backgrounds.

"He has a very humbling spirit and never came in as though he was better than anyone," Kimbrough says. "Once we were asked to help raise money for a playground in Piedmont Circle, a public-housing community, and Whit was a part of that. It said a lot to me that he thought enough of us to try to help put in a playground. It wasn't about his face being out there. He showed up to make a difference."

He thinks a Davis win in November would be good for the community.

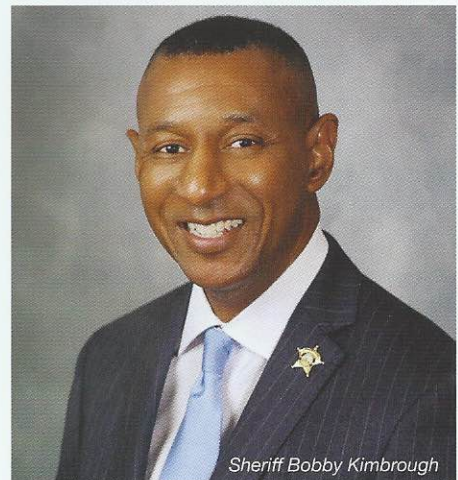
"We need people on the bench who can actually assist in doing things that need to be done," Kimbrough says. "We need people to step up and make decisions that aren't comfortable, decisions that aren't popular; people who will make decisions that are the right decisions to make."

As a public defender, Davis represents people primarily on traffic offenses, but those charges can extend from a simple speeding ticket to second-degree murder if the driver of the vehicle is impaired during a traffic accident that involves a fatality.

Since March, the public defender's office has worked on getting people released

from prison who have been jailed for misdemeanors or nonviolent offenses. It's been well documented that COVID-19 is spreading throughout many prisons.

"The focus in our office has been on getting as many of our clients out of jail as possible, whether that means getting their bonds unsecured, lowered or disposing of their case," he says. "It's been a collaboration with the district attorney's office, and law enforcement has also played a role because they haven't been arresting people as frequently for misdemeanors."



Sheriff Bobby Kimbrough

Kimbrough applauds Davis and others in the public defender's office for their efforts and dismisses critics who say Davis lacks the experience needed to become a judge.

"What I think happens in life is that what you've done prepares you for different tasks," Kimbrough says. "Sure, Whit has never been a district court judge, but the work he's done has prepared him for that task."

'CAPABLE OF EMPATHIZING'

Davis acknowledges that the judicial system is stacked against African Americans and that people of color are more likely than whites to be stopped by police while driving, to have their bodies and vehicles searched, to be killed by police, and to receive longer sentences if convicted. Black defendants also are more likely than whites to receive the death penalty, especially if the victim is white, Davis says.

While he says he intends to impart fair and equal administration of the law – as blindfolded Lady Justice implores – he also suggests that justice should be tempered with mercy, empathy and compassion.

"I think it's important that the people we elect to the bench understand the people who are coming before them," Davis says. "And that they're capable of empathizing with them."