

Judge Nancy Mulder



A PLAYER TO AN UMPIRE

Attorney at Law Magazine sat down with Judge Nancy Mulder of County Criminal Court #4 to discuss her career after seven years on the bench and 26 years as a criminal law attorney, and her life outside the courtroom.

AALM: What advice do you have for attorneys considering the switch to sitting on the bench?

NM: My advice for any attorney thinking of running for judge is making sure you have experience on both sides of the bar. I worked in the Dallas D.A.'s office as a prosecutor for 12 years. After my son was born, I left and opened a criminal defense practice. I thought I knew everything there was to know about criminal law when I left the D.A.'s office. I found out I did not! I learned so much in my eight years as a criminal defense attorney. Experience on both sides gives every judge a more balanced understanding on the bench.

AALM: Describe your style in the courtroom.

NM: My style is to be the best listener I can be. Listening attentively and patiently is the most important part of my job. Every single attorney, defendant, and victim just wants to be heard. Even if their case is one of ten I will hear that day, it's that person's only opportunity to tell me, or a jury, what happened. That, and sometimes attorneys just need to put on the "horse and pony show" for his or her client. I get that.

AALM: What do you find most challenging about your profession?

NM: For criminal attorneys and judges, the most challenging aspect of what we do is compartmentalizing the heightened emotion of some of the terrible crimes we see. We must put the emotion aside and focus on the law and the evidence. I think it's kind of like being a surgeon in the way, even though something terrible happened, we concentrate on fixing the problem and not the sometimes overwhelming emotion of the situation. Granted, that is easier said than done, but it's something most criminal attorneys learn in the first few years of practice.



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AALM: What do you miss about being a lawyer?

NM: I miss trying cases! Being a judge means going from being a player to being an umpire. I certainly don't miss juggling a large caseload or the stress of trial prep, but the excitement of arguing to a jury is thrilling. I do miss that.

AALM: Are there any changes in the legal community that you are excited about?

NM: There are so many changes happening in our criminal justice system not only here in Dallas but around the country. Right now, we are focused on restructuring how the system handles dual diagnosis mentally ill/drug addicted persons. Over the last five years, we've instituted early detection protocols when arrestees are brought into the jail, and free mental health/drug counseling services we give inmates a ride too upon release. The county has brand new apartment complex that will be used to house homeless people who want to get off the streets and take advantage of the services we offer them.

AALM: Are there any challenges that you believe need to be corrected in the legal community?

NM: The legal community could really help us by advocating with us for more funding. No one likes crime, but our politicians don't get re-elected by channeling money to aid the criminal justice system instead of filling potholes or building parks. One example of this is how the probation department's budget is so reduced that the State only pays for 40% of it. The other 60% is funded solely by the probationers! The fees they pay go directly to their probation officer's budgets—yes, including their paychecks. Most people on probation usually commit a crime when they are unemployed and desperate. But that means they can't pay their probation fees. If probationers are indigent, meaning they have no income or the one they have is below the federal poverty guidelines, I waive these fees. We obviously need to find a way for the State to increase the budget for probation. Our probation officers are overworked, need help, and deserve a living wage, too. Our big firms in town could really help us lobby for this!

AALM: How are you involved with the local community?

NM: In becoming more involved with the Dallas Bar Association, I hope to find some big firms who can help us lobby the state for more funding. I regret that as a young attorney I wasn't more involved with the local civil bar. We criminal attorneys and judges tend to stay in our own bubble. We need to change that!

AALM: Do you have any mentors? What are some of the most important lessons they taught you?

NM: I've absolutely had mentors! Of course, the most influential mentor is my former father-in-law Doug Mulder. His brilliance for trial strat-

egy made him legendary. He loved criminal law and we all spent hours discussing cases around the dinner table. He had an incredible memory that made him lethal when cross-examining a witness. He could recount word for word what a witness said or his closing arguments from cases he tried 40 years ago! I sat second chair with him on some criminal defense cases and he was a very supportive trial partner. In the 20 years I knew him, it's hard to describe everything he taught me, but I think I really learned how to create a logical and moving story to convey to a jury. He was the absolute best storyteller!

When I was a young felony prosecutor, I used to watch Toby Shook try cases. I took notes during his closing and punishment arguments so I could steal his great phrases! He became a good friend and taught me that preparation, preparation, and more preparation, is the key to winning a trial!

During that time, former head of the child abuse division Kate Porter told me “You will have problems with witnesses, evidence, or the law, and if you can't plead out a case, go to trial with what you have and make the best of it!” That was an “A-ha!” moment for me as a young attorney. There is no perfect case!

After the child abuse division, I was a young prosecutor in now Justice Lana Myers' trial court for three years. I really honed my evidence, cross-examination, and presentation skills in her court. She is truly the kindest and most patient person on the planet. I try to emulate that style in my court.

AALM: Anything else you'd like to add?

NM: Serving as a judge is truly the greatest honor of my life! Thank you!

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