

**PA PAC Questionnaire for  
North Carolina Appellate Division Candidates – 2020**

Please return the completed questionnaire along with your resume or biographical statement describing education, work history, community service, and prior political experience as soon as possible, but by January 8 at the latest.

You may e-mail your responses to Tom Miller at [tom-miller1@nc.rr.com](mailto:tom-miller1@nc.rr.com) or you may send a printed copy of your responses to PA PAC c/o Tom Miller 1110 Virginia Avenue, Durham, NC 27705-3262

Please note that following the January 8 deadline, the People’s Alliance PAC may publish your responses to this questionnaire and your resume.

When answering this questionnaire, please repeat the questions in your response document with each question numbered and organized as it appears here. Type your responses in italics, bold, or a different font to distinguish your responses from the questions. Do not use colors or shading.

Please try to confine your responses to no more than 300 words unless another word limit is indicated. Do not feel obliged to exhaust the limit for each question.

If you use words or ideas from another person, please attribute your source.

Thank you for completing this questionnaire and your willingness  
to serve the people of North Carolina.

Candidate’s name: Chris Brook

Court and seat you are running for: North Carolina Court of Appeals seat 13

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**About you:**

1. Please describe how your religious and philosophical beliefs may affect your conduct and decision-making if you are elected.

My conduct as a judge on the North Carolina Court of Appeals is governed by the North Carolina Code of Judicial Conduct. In a broader sense, my faith and philosophical beliefs are consistent with what I see as the lodestar of my service as a member of the judiciary: to treat each party appearing before our Court equally and with respect.

2. Would you support requiring race equity training for all North Carolina judges? If not, why not? Can you provide an example of your own advocacy for race-equity and diversity?

Yes. I benefited enormously from race equity training, in particular as it pertained to discussions of implicit bias, before joining the judiciary. As Legal Director of the American Civil Liberties Union of North Carolina, I presided over the organization's legal department wherein I successfully prioritized the hiring and retention of professionals reflecting the diversity of North Carolina.

**About your practice of law:**

3. Please describe your practice as a lawyer. Describe the areas of your practice and your specialties. If, over time, your practice has evolved or changed, describe the changes. Describe your various client bases as a part of your answer.

Upon graduating from Carolina Law, I worked in the Raleigh offices of Cranfill, Sumner & Hartzog from 2005-2008. My practice at CSH ran the gamut from workers' compensation to election law and generally focused on trial court proceedings.

I was then a staff attorney at the Southern Coalition for Social Justice from 2008-2012. At SCSJ, I worked on subject matters ranging from voting rights to environmental justice to heirs' property. My clients were almost exclusively North Carolinians; they were typically low-wealth individuals and communities and often times persons or communities of color. My practice continued to focus on trial court proceedings during this time. However, I was also advising clients outside of litigation. For example, much of my heirs' property work centered on advising Black families in eastern North Carolina on how best to protect land that had long been a part of their families.

While practicing at CSH and SCSJ, I was also an adjunct law professor at Carolina Law. I taught as a part of the school's Research, Reasoning, Writing, and Advocacy Program from 2007-2011. (I have also lectured at Carolina Law, Wake Forest Law, North Carolina Central Law, and Elon Law on topics corresponding with my public interest practice areas.)

From 2012 to my appointment to the North Carolina Court of Appeals in April 2019 by Governor Cooper, I was the Legal Director of the American Civil Liberties Union of North Carolina. In this role, I oversaw the organization's legal department and litigation docket. My work tracked the subject matter areas focused on by the American Civil Liberties Union of North Carolina, including protecting the civil rights and liberties of all North Carolinians. My clients again were almost exclusively North Carolinians; they also were disproportionately low-wealth and disproportionately from marginalized communities. I continued to work frequently in trial courts but also broadened my practice to include more appellate work during this time period. This included working on cases before the North Carolina Court of Appeals and North Carolina Supreme Court. I also had a robust federal appellate court practice, successfully vindicating North Carolinians' First Amendment rights on multiple occasions before the Fourth Circuit Court of Appeals. In one of these cases, I argued before a rare, full en banc sitting of all 15 judges on the Fourth Circuit and, after winning there, led efforts before the Supreme Court of the United States. These efforts culminated in the Supreme Court refusing to review our victory below.

4. If you have been a member of an appellate division court, please choose a recent decision you wrote for the court which you feel best illustrates your learning, values, skills, outlook, and temperament as a jurist. If the decision is published, you may simply cite it. If the decision you have selected is unpublished, please provide us with a

copy. Please explain why you selected the decision and tell us how it demonstrates your particular fitness to hold the judicial office you are seeking.

One opinion that I think helps to illustrate my approach as a jurist is *State v. Ames*, 2019 WL 5704102. The case involves a terrible crime committed by a juvenile and the application of federal and state cruel and unusual punishment jurisprudence to these facts. My majority opinion begins by concisely but thoroughly laying out the facts. It then summarizes the governing jurisprudence before assessing the constitutionality of the punishment imposed. The opinion demonstrates the fact that I am conversant with recent developments in constitutional law as the punishment of juveniles has been considered repeatedly by federal and state courts in the past generation. Further, regardless of whether the (lawyer or non-lawyer) reader agrees with the outcome arrived at, the opinion accessibly explains how the majority reached its conclusion.

5. If you have not been a member of an appellate division court, please describe your practice, if any, in that division. Please provide us with the citation of an appellate decision in a case in which you advocated as lead attorney for one of the parties. The decision you choose should best illustrate the learning, values, skills, outlook, and temperament you would bring to the court as the holder of the judicial office you seek. If the decision you have chosen is unpublished, please provide us with a copy. You may also provide us with the brief you wrote in that case. Explain why you selected this decision.

N/A

6. Please describe the nature and extent of any pro bono legal work or other volunteer work you have done which best illustrates your values as a lawyer and as a person.

As noted above, I was a public interest attorney from 2008 to 2019. In that capacity, I worked primarily with clients with limited or no means of paying for legal representation.

But my commitment to pro bono legal work actually pre-dates my becoming a licensed lawyer in North Carolina. While a student at Carolina Law, I was active in the school's Pro Bono Program and served as its Director in my third year. I carried that work forward in my practice, providing pro bono election law assistance while I was practiced at CSH. While at SCSJ, I started a pro bono housing law clinic at El Centro Hispano in Durham with my friend Diane Standaert. And, until my appointment to the bench, I provided free legal consultations for two hours a month through the Chapel Hill Women's Center/Compass Center.

7. Have you ever been the subject of a complaint to the North Carolina State Bar or the North Carolina Judicial Standards Commission? If the answer is yes, please explain the circumstances and the outcome.

No.

**Concerning law and policy:**

7. Should the North Carolina General Assembly repeal the death penalty?

As there are current cases pending in North Carolina related to this subject I believe that, pursuant to the provisions of Canon 2 and Canon 3 of the North Carolina Code of Judicial Conduct, and most particularly Canon 3(A)(6), it would be inappropriate for me to comment on this subject.

8. North Carolina incarcerates an extraordinary number of people, including persons convicted of non-violent crimes. Those who are incarcerated are disproportionately people of color. What should be done to address the problems of mass incarceration and racial bias in our legal system?

Racial bias is anathema to the fair and equal administration of justice. As a judge on the Court of Appeals, I apply legal precedent, including those that prohibit racial bias, to the facts of cases that come before our Court.

The March 2017 Final Report of the North Carolina Commission on the Administration of Justice commissioned by former North Carolina Chief Justice Mark Martin provides many useful recommendations for addressing disparities in our criminal justice system. Those ranged from raising the age of juvenile jurisdiction to 18 to suggesting pilot programs to ensure defendants entitled to pretrial release are treated consistent with governing law. Though many of these suggestions call for legislative action and are, as such, beyond the ambit of my work, I do frequently mention these recommendations at public speaking opportunities. I do so consistent with Canon 4 of the North Carolina Code of Judicial Conduct, which states members of the judiciary “may engage in activities concerning the economic, educational, legal or government system, or the administration of justice.”

9. Do you think that racial discrimination in the use of peremptory strikes in jury selection is a problem, and, if so, what can be done to address it?

Racial discrimination in the use of preemptory strikes in jury selection is unconstitutional. *See Batson v. Kentucky*, 476 U.S. 79 (1986). Just last year the United States Supreme Court found racial discrimination in the use of preemptory strikes when, over the course of six trials, the prosecution struck 46 of 48 potential Black jurors after subjecting Black and white jurors to “dramatically disparate questioning[.]” *Flowers v. Mississippi*, 139 S.Ct. 2228, 2251 (2019).

As a judge on the North Carolina Court of Appeals, my job is to faithfully apply the *Batson* line of cases from our federal and state judiciary as well as Section 16 of Article I of the North Carolina Constitution, which states, in pertinent part, “no person shall be excluded from jury service on account of . . . race[.]” to cases that come before me.

10. Should the North Carolina General Assembly should enact legislation designed to protect gay, bisexual, lesbian, and transgender people from discrimination in housing, employment, public accommodation, and access to government benefits and services?

If I were a member of the North Carolina General Assembly, then, yes, I would support such legislation. As a judge on the North Carolina Court of Appeals, I have a different set of responsibilities, including to apply the law fairly and equally in every case that comes before our Court.

11. Is the decision of the United States Supreme Court in *Roe v. Wade* well founded in law?

*Roe v. Wade*, as affirmed and modified by, among other cases, *Casey* and *Whole Women's Health*, remains binding precedent. Beyond that factual observation and because cases pertaining to women's reproductive health may come before the Court of Appeals, I believe that, pursuant to the provisions of Canon 2 and Canon 3 of the North Carolina Code of Judicial Conduct, it would be inappropriate for me to comment further on this subject.

12. What changes, if any, should be made to North Carolina sentencing laws?

In recent years, there has been broad discussion around the punishment of juveniles and young people. North Carolina, for example, raised the age of juvenile jurisdiction. If I were a member of the North Carolina General Assembly, then I would wish to become better informed on these topics and the state of legal reform. As a judge on the North Carolina Court of Appeals, my role is to apply the law fairly and equally in every case that comes before our Court. I am committed to the principle of equal justice under the law.

13. What is your position on appointment versus election of judges? Should judicial elections be partisan?

Article IV, section 16 of the North Carolina Constitution states state court judges shall be elected by "qualified voters." Both appointing and electing judges have their pros and cons, but electing judges is the decision that the framers of our state Constitution made.

I do not believe judicial elections should be partisan. The independence of our state judiciary is sacrosanct. Anything that suggests that judges are simply politicians in robes merits skepticism even at the best of times. But requiring members of the judiciary to run as partisans at the present moment, when, as Chief Justice Roberts has eloquently noted, judicial independence is under attack, is a particularly fraught proposition.

14. What changes, if any, should be made to the composition of the court to which you seek election? What changes, if any, should be made to its jurisdiction?

I would not change the composition of the North Carolina Court of Appeals. The Court has functioned well with 15 members. Further, we have a very heavy caseload so any reduction in the number of judges on our Court would be inconsistent with the efficient and fair administration of justice in my opinion.

The jurisdiction of the Court of Appeals and the Supreme Court is for our General Assembly to decide. That being said, I am concerned that allowing termination of parental rights cases to bypass the Court of

Appeals and go straight to the Supreme Court on appeal is inconsistent with the efficient and fair administration of justice. Our Court had built up a great deal of termination of parental rights expertise over the years; I am not convinced that sidelining the Court of Appeals in these cases is in the public's best interests.

15. What changes, if any, should be made to the Rules of Appellate Procedure? How would you change access to the appellate courts?

The Rules of Appellate Procedure should make it more straightforward to preserve matters for appellate review. For example, the Rules should permit an objection and ruling on a motion in limine to preserve the issue for appeal such that a party does not have to object every time the evidence is introduced.

The Rules should also streamline the motion for panel rehearing and en banc rehearing procedures. For example, the Fourth Circuit Court of Appeals rules require parties to petition for en banc review at the same time and in the same document as they petition for rehearing. Such a revision to our Rules is advisable in my opinion.

The North Carolina Court of Appeals recently launched the North Carolina Appellate Pro Bono Program. Working with the North Carolina Bar Association Appellate Practice section and the North Carolina Pro Bono Resource Center, our Court has worked to pair low-wealth individuals with pro bono appellate attorneys. I am fully supportive of such efforts to increase meaningful access to our appellate court system and look forward to their expansion in the coming days.

I am also working with colleagues on the Court to expand our mediation program to allow litigants access to alternative means of resolving disputes even at the appellate court level.

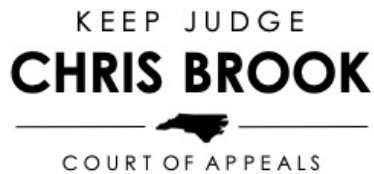
**Your politics:**

16. Who did you vote for in the 2012 and 2016 presidential and gubernatorial elections? Who did you vote for in the 2014 and 2016 U.S. Senate elections?

I voted for Barack Obama and Hillary Clinton for President in 2012 and 2016, respectively. I voted for Walter Dalton and Roy Cooper for Governor in 2012 and 2016, respectively. I voted for Kay Hagan and Deborah Ross for U.S. Senate in 2014 and 2016, respectively.

*Thank you for completing this questionnaire.*

*Please do not forget to provide us with your resume or biographical statement.*



### **About Judge Chris Brook**

Chris spent his formative years in Raleigh, attending Daniels Middle School and Broughton High School. He received his undergraduate and Juris Doctor (J.D.) degrees from the University of North Carolina at Chapel Hill. At Carolina Law, he was managing editor of the North Carolina Journal of International Law and Commercial Regulation and director of the school's Pro Bono Program. From 2007 to 2011, Chris served as an adjunct professor at Carolina Law.

Chris first practiced law in the Raleigh office of Cranfill, Sumner & Hartzog. He then worked as a staff attorney at the Southern Coalition for Social Justice in Durham. From 2012 through his appointment to the Court of Appeals by Governor Roy Cooper, Chris was the legal director of the American Civil Liberties Union of North Carolina. Chris was admitted to practice in North Carolina state courts as well as each federal district court in the state, the Fourth Circuit Court of Appeals, and the Supreme Court of the United States. He successfully litigated matters in both state and federal court, including before a rare sitting of the full Fourth Circuit.

Active in the local community, Chris serves as Chair of the Board of the Orange County Partnership for Young Children and Vice-Chair of the Board of Transplanting Tradition Community Farm. In 2012, he was a founding member of a monthly housing law clinic at El Centro Hispano in Durham. Chris also served on the Size of the School Task Force and Pro Bono Alumni Board at Carolina Law, and as an attorney volunteer at the Compass Center for Women and Families. Chris is the incoming Chair of the North Carolina Bar Association's Constitutional Rights and Responsibilities Section.

Chris has received numerous recognitions for his contributions to the community and the legal profession in the state. He was inducted into the James E. and Carolyn B. Davis Society upon his graduation from Carolina Law and was subsequently honored as the school's Outstanding Recent Graduate. In 2016, the North Carolina Association of Women Attorneys awarded him with the Gwyneth B. Davis Public Service Award. Chris was also the winner of the North Carolina Justice Center's Defender of Justice Litigation Award in 2017.

Paid for by Keep Judge Chris Brook