

People's Alliance PAC 2021 Questionnaire for North Carolina Superior Court Judicial Candidates

Please return this completed form along with a resume or biographical statement describing your education, work history, community service, and prior political experience as soon as possible, but by **April 15, 2021** at the latest. Please note that following this deadline, the Durham People's Alliance PAC may publish your responses to this questionnaire and your resume.

Please e-mail your responses to Tom Miller at tom-miller1@nc.rr.com.

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

Candidate's name: _____ Brian Clifford Wilks _____

Judicial office sought: _____ Superior Court Judge _____

Address: _____ 510 S. Dillard Street 9th Floor Judge's Chambers, Durham, NC 27701

E-mail address: _____ brianwilks@hotmail.com _____

Phone: _____ (919) 808-3206 _____

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. Please do not use colors. Please respond to questions using your own words and cite outside sources when applicable. You may explain your answer to every question, but please be concise. Please limit your answer to each question to 400 words. Please do not feel obligated to use the full word allowance if it is not necessary.

Judges and judicial candidates in North Carolina are allowed substantial freedom of political speech. PA PAC believes that every question in this questionnaire may be answered fully within the scope of the applicable rules. For more information on the scope of permitted political speech for judicial candidates, we refer you to the January 2, 2020 memorandum of the Judicial Standards Commission on Permitted Political Conduct. You may find it at:

<https://www.nccourts.gov/assets/inline-files/2020-Political-Conduct-Memo.pdf?lqEnTi0CGRseARDEGD.mXt60PMdBDGef>

About you:

1. How do you characterize yourself politically? What values, policies, or platforms have influenced your decision to vote for one candidate over another?
 - ***I characterize myself politically as a Democrat and I have always been a Democrat since I first began voting at 18. The values that influenced me to vote for one candidate over the other have been guided by not what that candidate could do for me personally or financially, but what that person could offer to the citizens as a whole and those underrepresented in our society.***

2. Have you ever been convicted of a criminal offense (other than a minor traffic or minor drug offense)? If the answer is yes, please describe the circumstances and the outcome.
 - ***I have never been convicted of a criminal offense.***
3. Have you personally ever been a party in a civil legal proceeding? If the answer is yes, please explain the circumstances and the outcome of the case.
 - ***I have never personally been a party in a civil legal proceeding.***

About your practice of law:

4. Please describe your practice as a lawyer. Describe the areas of your practice and your specialties. Describe the diversity of your client base as a part of your answer.
 - ***I began my legal career in 1996 as a contract attorney with Womble, Carlyle, Sandridge and Rice Winston-Salem, NC Office where I was tasked with document review to identify responsive documents for a special project within the firm. After identifying responsive documents, I then had to determine if any privileges existed that would cause those documents not to be subject to the discovery request.***
 - ***In 1997, I became an Assistant Public Defender where I practiced criminal defense exclusively, representing indigent defendants charged with crimes. I tried various types of cases from low level misdemeanors to serious felony offenses including rape and armed robbery cases. I appeared in all levels of trial court, which included juvenile, district and superior courts. My client base was as diverse as the types of cases I handled, with one common theme being the individuals who were unable to afford counsel were appointed the services of our office.***
 - ***In 2001, I left the Public Defender's Office to enter private practice, where I represented all types of clients in cases that ranged from real estate closings, civil proceedings, and criminal cases, both state and federal, family court and bankruptcy court cases in all the various levels of trial court. My client base continued to encompass indigent clients, as I was on the criminal court appointed list, and extended to citizens that were able to hire an attorney for representation.***
 - ***During my time in the Public Defender's office, I became an Adjunct Professor at North Carolina Central University School of Law teaching law school students, through interschool competitions, how to conduct trials in both civil and criminal cases. I have been an Adjunct Professor, on and off, through the 2019-2020 academic year.***
 - ***I left private practice and began working for the State of North Carolina at the North Carolina Attorney General's Office, representing the North Carolina Department of Correction in personnel matters. I also handled appellate issues for the State. My client base was diverse in that I was able to engage with on a statewide basis who were employed by the North Carolina Department of Correction.***
 - ***In 2007, I returned to Durham to work in the Durham County District Attorney's Office where I was the District Court Supervisor responsible for supervising all District Court matters for the State. In this role, I created policies and procedures to assist the District Courts with smooth, effective operation of all its criminal courts. I was able to facilitate networking services in the courtrooms to allow the Assistant District Attorneys access to criminal records to help better administer justice. I conducted training seminars for the newly hired Assistant District Attorneys, as well as law enforcement officers during Basic Law Enforcement Training to assist them with effectively presenting evidence during trials. I also negotiated misdemeanors and screened felony matters to district court, when appropriate; and conducted trials and probable cause hearings in the absence of the assigned felony prosecutor. In this role, my client base was diverse in race and ethnicity as I was representing victims of crimes and constantly negotiating with criminal defendants and interacting with various law enforcement agencies to administer justice.***

- ***In 2008, I was appointed to the Durham County District Court Bench where I have presided in every courtroom for at least a full 3-year rotation covering criminal, traffic, civil, child support, abuse, neglect and dependency, family court, and juvenile delinquency cases. In this role, while not having a specific client base, I have had the opportunity to engage with citizens from every walk of life, ethnicity, race, religion or sexual orientation, which has enabled me to develop my judicial temperament, acumen and skills.***
 - ***I have run for the office of District Court Judge, and been re-elected to that office in 2010, 2014 and 2018.***
5. Have you ever been publicly or privately disciplined by the North Carolina State Bar or any other professional or occupational licensing authority in North Carolina or any other state? “Disciplined” should be read to include reprimands, censures, and warnings in addition to license suspension, surrender, revocation, and disbarment. Is the State Bar or any governmental authority considering a complaint against you at the present time? Have you ever been found in contempt of court? For each “yes” answer, please tell us what happened and describe the outcome of the matter.
- ***I have never been publicly or privately disciplined by the North Carolina State Bar or any other professional or occupational licensing authority in North Carolina or any other state.***
6. Please describe the nature and extent of any pro bono work you have done. Is there a pro bono matter to which you have contributed that best illustrates your values?
- ***Before taking the bench, I participated in the first iteration, I believe, of the expungement program. I would also frequently assist citizens while in the courtrooms that needed assistance, while in private practice.***

Concerning law and policy:

7. 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 if anything should the legislature and our courts do to address the issues of mass incarceration and racial bias in the administration of justice?
- ***I believe that racial bias should always be at the forefront of the thought process in the criminal justice system. There is a disproportionate number of people of color that appear in the courtroom, daily. I feel that the issues of racial bias and racial equity should be brought to the court’s attention as it plays out in the administration of justice. There need to be more studies done to address the issue of racial bias and racial equity. The studies should not be the end of the inquiry because, a study without action accomplishes nothing. All involved in the court system should be made to attend racial equity training. I personally have been through racial equity trainings and feel that there should be refreshers offered as much as possible.***
8. Should the North Carolina General Assembly abolish the death penalty?
- ***As a Judge, I am obligated to follow the law, as it exists and not how I wish the laws were written. As a Christian, I see problems with the execution of the death penalty. First, it appears that the death penalty is disproportionately applied to people of color. Second, with all the advances in technology and science, once executed, the death penalty is a type of punishment that cannot be taken back should science or technology reveal an error.***
9. What, if anything, should be done to improve access to justice for people with limited financial means or who mistrust the system? How should courts handle requests to waive court costs, fines, failure to appear fees, probation supervision fees and attorney’s fees in criminal court?

- ***To improve access to justice for people with limited financial means, the budgets for Public Defenders Offices and Legal Aid Offices should be increased, and the system should be statewide. An increase in budgets to current offices, and establishment of offices statewide, would allow more citizens with limited financial means more access to justice. A statewide Public Defender System and Legal Aid System, in conjunction with clinical programs currently provided by or local law schools, would improve access to justice by providing more avenues for representation to people with limited financial means.***
 - ***Unfortunately, mistrust of the court system is a result of under-representation and disproportionate impact of the application of law to marginalized communities. Stakeholders in the justice system must make a concerted effort to be as transparent and administer justice fairly and equitably to alleviate the mistrust of the justice system.***
 - ***There is no unified way to address the waiver of court costs and fees. There is often a conflict with a judges' desire to waive fines and fees, and the mandate of the Legislature to limit the wavier of court costs and fines. When it comes to fees, my primary objective is to ensure that if there is a victim, he/she is made whole and that justice involved citizens are not overly burdened with monetary obligations to the court that would prohibit their successful completion of probation, or ability to restore their driver's license. Therefore, I assist with the remission of fees, where permitted by law, to avoid financial distress on person who become justice involved.***
10. What is your position on bail? What, if any, changes need to be made to the current bond schedule?
- ***The bail system is guided by the North Carolina General Statutes. As judges, are obligated to consider whether there the accused person will appearing in court for the resolution of his case, and whether he/she poses a danger to the citizens, to included alleged victims. There has been some movement on non-violent crimes that have allowed for citizens to be released without posting bonds, after considering the above referenced criteria. The pretrial release program is a good resource in assisting Judges with reaching a good balance, especially in domestic violence cases.***
11. What can be done to improve language access for parties, victims, and witnesses during court proceedings?
- ***To improve the administration of justice as it relates to language access, we need to employ more interpreters. We have one dedicated interpreter for all criminal courts in the courthouse. If we know that there will be an extended hearing, we are able to request to have more interpreters assigned. We have access to a telephone language line to include other languages beyond Spanish. The language line is helpful for short issues but for longer hearings, we must continue those cases so that a specific language interpreter can be requested to appear in court.***
12. Do courts have the authority to shorten prison sentences and release prisoners in the interests of justice and in response to emergencies like the current pandemic?
- ***In response to a Motion for Appropriate Relief filed by an attorney, after hearing arguments of defense counsel and the district attorney, a judge may modify a prison sentence where allowed by law in the interest of justice.***
13. What does racial equity mean to you and how will racial equity inform your work as a superior court judge? Have you any special training in issues related to racial disparities and equities?
- ***The meaning of racial equity to me means being cognizant and vigilant in recognition of how race interacts with the criminal justice system. I have always understood and continue to understand that due to bias and disparities, there is a mistrust of the court system. As a black male, who has personally been exposed to bias and racial disparities, I am keenly aware of the effects the issue of racial inequities plays in our***

justice system. This knowledge will inform my work as a superior court judge. I have attended racial equity training and follow-up training and am a proponent of all stakeholders within the justice system attending such training.

14. What are your thoughts on Durham's current diversion programs? If you believe these programs should be changed in any way please describe how and why.
- ***I think the diversion programs in Durham are a good resource to limit the impact on justice involvement. Durham could benefit from more diversion courts, such as Family Drug Treatment Court and a Youth Drug Treatment and Mental Health Court to assist our youth who become involved with the criminal justice system due to substance abuse mental health issues.***
15. How should we treat youthful offenders transferred to Superior Court?
- ***Youthful offenders transferred to Superior Court are still juveniles and should be treated as such. Therefore, any Superior Court Judgement or sentence imposed should be structured after taking into consideration the juvenile's limited mental development.***
16. When both the defense and prosecution agree upon a bond request or agree on a lawful plea, what should the court do? What weight should the agreement be given?
- ***When there is an agreed upon bond request or lawful plea, the judge is still obligated to perform the judge's due diligence to ask questions about the bond and the plea. As judges, we must apply the law and the statutes as they relate to bonds. The bonding statute requires us to consider whether there is a concern that the defendant will appear in court. Also, judges are to consider the danger to the citizens if the defendant is released. Finally, there is an obligation to attempt to contact the victim in a case to notify that person of issues relating to their case. There may be situations after doing the court's due diligence that a plea may be rejected. When that has happened in the past, I have continued, the case to give the defendant an opportunity to see if another judge would be willing to accept the plea. I will continue this practice if appointed to superior court. The agreement between the defense and prosecution should be given weight as is all the other issues that have been discussed above.***

Again, Thank you. **Please do not forget to provide us with your resume or biographical statement.**