

## 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](mailto:tom-miller1@nc.rr.com).

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

Candidate's name: **Charles F. Carpenter**

Judicial office sought: **Superior Court Judge**

Address: **95 Forest Oaks Drive, Durham, NC 27705**

E-mail address: [cfc@cccattorneys.com](mailto:cfc@cccattorneys.com)

Phone: **919-682-9691 (office); 919-795-1076 (cell)**

*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 consider myself to be progressive. I have been a life-long registered Democrat. My values include fairness, empathy, equality (racial, gender, ethnic, religious, and economic), and integrity. I support candidates that demonstrate these qualities through their policies and actions. I support platforms that promote environmental protections, economic equity, educational opportunity, and legal justice.**

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.

**No**

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.

**No. However, as a church Trustee for Resurrection United Methodist Church, I was named as a representative defendant (along with all of the other Trustees), in a lawsuit brought in the 1990's against the church by a real estate agent who alleged he was owed a commission on a real estate sale. That suit was dismissed by the Judge on summary judgment.**

**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 have practiced law in Durham from the beginning of my legal career. As a lawyer in private practice, I have dealt with nearly every area of the law. While my current practice is on the civil side, I have in the past, represented clients in criminal and administrative matters.**

**Other areas in which I have represented clients in the past include family law, real estate, tax law, trademarks, municipal law, admiralty, estate administration, corporate transactions, and bankruptcy. My practice in recent years has been more in the areas of torts (representing plaintiff's or claimants who have been harmed and injured in medical negligence, personal injury, and products liability cases), business litigation, and construction law. I have successfully handled numerous lawsuits involving consumer issues including fraud, warranty claims, defective products, unfair trade practices, contract claims, and unfair collection practices. I have tried numerous jury trials in Superior Court (approximately 20), bench trials in both Superior and District courts (too many to count), and I have conducted trials in both the U.S District Courts and the Bankruptcy Courts. I have tried one matter before a Special Master appointed by the Court. I have been involved in numerous civil Superior Court mediations as an attorney, and I have represented clients in numerous arbitrations.**

**On the appellate level, I have been actively involved in at least ten cases in the Court of Appeals, and made oral arguments in several of them. I have been counsel of record in three cases before the State Supreme Court, and I argued before the Court in the last one just a few years ago.**

**In addition to my active trial practice, I am a certified Superior Court Mediator, serving as the mediator for all types of civil cases in counties across the State. Lastly, I am an Arbitrator for civil District Court cases in Durham County. In that role I have arbitrated numerous cases involving many different issues and claims.**

**I have been active in the local Bar Association and the 14<sup>th</sup> (now 16<sup>th</sup>) Judicial District. I served on the Medico-Legal committee for many years. I have served as a member of the Board of Directors. Most recently, I served on the local Bar Grievance Committee for eight years, the last two as Chairman.**



One reason I have lived in Durham my entire adult life is that I appreciate our City's diversity and the respect with which Durham residents honor multiple viewpoints. I believe our ability to work and live with one another across racial, ethnic, and political boundaries has made us stronger as a city, and better as people. I have represented everyone from individuals to small business owners, to corporations. My clients are of every gender, ethnicity, religion, and economic background. I have had the opportunity to practice with (and against) some of the best lawyers in North Carolina. I have also appeared before numerous judges over the years, so I feel like I recognize and understand what qualities make a "good" judge.

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.

No

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?

I have taken on pro bono litigation cases. These usually involve helping someone collect monies owed for work performed, getting back something that belongs to them, or helping someone defend a claim made against them by a more economically advantaged plaintiff. My most memorable pro bono case (*Haynie vs. Lanza*) was one I handled several years ago. I represented a handyman carpenter who had performed renovation work on a number of houses for a real estate developer who bought distressed homes, repaired them, and then resold them. While the developer's intentions seemed to be noble, her real method of operation was to hire independent workers like my client, get them to perform the work, and then not pay them what was promised. Worse, if they tried to sue her, she would counter-sue them claiming they owed her money, which discouraged them from pursuing their claims. I took the case, and after a lengthy trial, we won a verdict against the developer, proving along the way that her non-payment scheme was intentional, thereby entitling my client to additional punitive damages. The result of the case (which was a featured story in *The Independent* and in the local newspapers) was that the Attorney General's office opened an investigation of the developer, and in the face of pending criminal fraud charges, she fled to Florida. Over the years I have participated in "Ask a Lawyer" type call-in programs sponsored by the local and State Bars, and local media, providing free advice and answering legal questions. Finally, I often provide help to people who call our office with legal issues that I feel they can handle themselves in Small Claims Court, and I provide them guidance on how to proceed.

**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 agree that we are too quick to incarcerate those convicted of crimes. Worse still, once we lock up people, we provide far too few educational, retraining, and rehabilitative services, which results in massive problems when inmates are eventually released back

into society. This problem is compounded by systemic racism and poverty. Certain non-violent and victimless crimes, such as possession of recreational drugs for personal use, should not result in incarceration. Such crimes (which should perhaps be reclassified as legal activities by the Legislature) lend themselves well to alternative programs such as diversion, treatment, and retraining (especially programs like TROSA). I agree that there is systemic racial bias in the administration of justice. In the long term, increased and sustained funding for public education programs on racial equity and ethnic bias might begin to address a change in these biases. In the short term, bringing judges into the system who have an awareness of the problem is necessary.

8. Should the North Carolina General Assembly abolish the death penalty?

**I would like to see North Carolina join those 20+ states that have abolished the death penalty. I was greatly influenced by Bryan Stevenson's book, *Just Mercy*, which I highly recommend to anyone considering this issue.**

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?

**I see the problem of limited financial means, and the problem of systemic distrust to be two often related but distinct problems. On the former issue, the Legislature and private sector businesses should be asked and encouraged to provide more funding for programs like Legal Aid and the Clinic programs at the law schools. My law firm just donated several hundred dollars' worth of extra office equipment and office supplies to the local legal Aid office. While attorney organizations generally encourage their members to provide pro bono representation, more could be done to recognize such work outside of the closed societies that are the Bar Associations. There are already some remedies available to those of limited financial ability in terms of waiving fees, through findings of indigency, but more could be done to look at this issue. Regarding those who mistrust the system, educational programs and community outreach programs would be a start. But ultimately, a change in American attitudes on race, and the role of law enforcement in the judiciary system, will have to occur before some persons will have faith in our systems.**

10. What is your position on bail? What, if any, changes need to be made to the current bond schedule?

**This is not an issue that I am fully versed on given my current civil practice. With that caveat, I will say that I draw a clear distinction between those charged with non-violent crimes, and those charged with violent crimes who might pose a flight risk or pose a continuing danger to society. In the first instance, bail should not be a barrier to pre-trial release. The latter category of individuals may require the denial of bail, or setting a very high bail amount. The Legislature needs to take a long look at the "cash" or "secured" bail bond system itself for reform legislation.**

11. What can be done to improve language access for parties, victims, and witnesses during court proceedings?

**I have personally witnessed this issue in the courtroom and within my practice. I have been involved in court cases that were delayed because interpreters were not available when needed. The Courts need to have more interpreters available. The question is always, "where will the funding come from?" We simply need the Legislature to step up and provide the necessary funding for equitable access to justice for speakers of all languages.**



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?

The issue at the core of this debate is on the one hand, the question of a judge's discretion at the time a defendant is originally sentenced (or re-sentenced as directed by an appellate court, or has his sentence revisited on a motion in the cause), and on the other hand, subsequent judicial intervention to alter an existing or already imposed sentence. I understand that the Legislature believes that judges do not have the authority to unilaterally alter existing sentences in all circumstances, while some judges believe that the discretion that they have in original sentencing situations extends to any and all post-sentencing reviews. This is an issue on which I need to receive further education and training. In any event, I would consider such matters on a case-by-case basis.

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 question of what racial equity means to me has a simple answer: All people are equal under the law. Justice should be blind to race, ethnicity, gender, and economic status. However, we clearly do not have racial equity in our society. More specifically, systemic racial bias is clearly evident in the criminal court system. Statistics involving the relationship between drug charges and race present just one example. Furthermore, prejudicial actions on the part of some law enforcement officers have resulted in the recent explosion of police violence against people of color, and in some cases, the subsequent miscarriage of justice in the courts. In civil courts racial bias and inequity result in lack of access to representation associated with the inability to pay for or to otherwise obtain counsel, which is not court appointed in civil cases. Indigent plaintiffs must therefore rely on overburdened Legal Aid offices, law school civil clinics, and pro bono attorneys. Regarding any formal training on my part, the required continuing education courses given by the Bar Association routinely include courses on racial justice, equity, bias, and other social ethics topics. For example, I recently attended a course entitled "Black Lives Matter in the Law", taught by C.J. Broderick from The Equity Paradigm as part of my annual continuing legal education.

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 strongly believe that diversion for nonviolent offenders should be encouraged and supported. However, since the diversion program rests within the office of the District Attorney, Judges cannot affect changes of policy singlehandedly. Nonetheless, Judges should do their best to understand and interpret the laws surrounding this issue in case society's best interests can be served by diversion sentencing options. If appointed to the position, one of the first things I intend to do is increase my knowledge about this issue through judge training before I take the bench. I would like to examine diversion policies more carefully and learn more about available options so that I can make informed decisions about each case brought before me based on the evidence presented.

15. How should we treat youthful offenders transferred to Superior Court?

My understanding is that North Carolina treats "youthful offenders" and "juvenile offenders" differently. Youthful offenders (defined as persons under the age of 21 who have been convicted of a serious crime and therefore incarcerated) are governed by very specific statutes about things such as sentencing, parole, training, and the like. On the other hand, juvenile offenders (generally those under 18 years of age) are tried in juvenile courts except in a few specific circumstances in which they may be "tried as an adult". If the question is directed more at the latter group, then my response is that a person's age and maturity, is always a mitigating factor that definitely should be taken into

consideration by the courts. I have been advised that specific criminal law and procedural rules, statutes, guidelines, and processes will be part of the required judicial training for whoever is appointed to the vacant seat. Further, my experience tells me that youth facilities are generally inadequate, underfunded, and overcrowded. I would support and recommend alternatives to youth incarceration such as education and job training, rehabilitation for substance abuse, work release, and mentoring. Furthermore, I fully believe in the expungement of juvenile records.

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?

The Court's role is to review the facts in the case and make a judgment about the deal independent of the prosecution and the defense. That does not mean second guessing every plea deal, but it is not meant to be a mere rubber-stamping process either. I do believe that the proposed deal should be given weight, but there still remains a role for the judge in considering the deal.

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