

## **PA PAC Questionnaire for North Carolina Court of Appeals Candidates – 2022**

**Please return the completed form along with your resume or biographical statement describing education, work history, community service, and prior political experience, as well as a high-resolution headshot of yourself as soon as possible, but by Sat Mar 19 at 5pm, at the latest.**

**Please e-mail your responses to PAC Coordinators at [papacboard@googlegroups.com](mailto:papacboard@googlegroups.com) by Saturday, March 19 at 5pm.**

**Please note that following the Saturday, March 19 at 5pm 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 Durham.**

Candidate's name:           **Darren Jackson**          

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

**Like many other Americans, judges can and do have deep religious convictions. Those beliefs however should not interfere with performance of the job and I think judges should always be cognizant of their personal religious and philosophical beliefs so that they are careful to base their legal opinions on the law and facts before them and nothing else. That is what I endeavor to do.**

2. Would you support requiring race equity training for all North Carolina judges? If not, why not? What, if any, other training should be mandatory?

**I think it is a good idea to recommend and offer racial equity training to all judicial branch employees. I myself have taken a racial equity class and I think I learned from it.**

3. Please describe a situation in which you took a controversial position and explain how you handled it.

**I try in each and every case to make the right decision, no matter whether it will be controversial or not. Over 10% of my opinions are dissents, so it often happens that I am on the losing end of panels and that is ok. I think the important thing is having core principles that you don't compromise on and let those core beliefs lead you. Its ok if the ultimate decision is controversial when it is based on the law. If folks do not like the decision, they can always change the law. That's not the job of the Court of Appeals.**

4. Why should progressive voters support you? What expertise do you bring to your race?

**I am asking all voters to consider supporting me. See answer to #5 about my experience and what sets me apart from my opponents who only argue about who is more conservative or best represent "American values." Instead, I have a record of experience of serving all different types of people in a wide variety of legal situations.**

5. What special expertise or competency would you bring to the Court of Appeals if you are elected?

**25 years of small town legal experience in a general practice setting. From small claims court to the NC Supreme Court, I have represented people and small businesses in every type of North Carolina court. My work experience includes criminal jury trials, civil jury trials, administrative hearings, state tort claims, small claims, workers' compensation hearings and appeals, condemnation cases, federal tort claims, DMV hearings and appeals, and municipal government hearings. All of these cases come to the NC Court of Appeals and I am the only candidate in my race with such varied and relevant experience.**

**Additionally, I am the only candidate in my race that has ever filed an appeal or done work in front of the NC Court of Appeals. Now I have over 15 months of experience as a judge on the NC Court of Appeals.**

6. 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.**

**About your practice of law:**

7. 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.

**See response to question #5. I represented a diverse group of clients, people of all races, income levels, and backgrounds. My experience includes court appointed work and was sometimes paid in vegetables or homemade canned goods. Typically, I represented the injured party or workers in civil cases but I also sometimes defended small businesses in disputes.**

8. 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.

**In re D.A.H.**

<https://www.nccourts.gov/documents/appellate-court-opinions/in-re-dah-0>

**This was a case involving a school resource officer and a filing of a juvenile delinquency. I found for the student and ruled that he had a Fifth Amendment protection against self-incrimination at the schoolhouse; that Miranda warnings are required when juveniles are subjected to custodial interrogation at school; and that the trial court erred in denying juvenile's motion to suppress statements made during custodial interrogation at school where no Miranda warnings were given.**

**The UNC School of Government did a good write up for folks interested in learning more:**

[https://nccriminallaw.sog.unc.edu/questioning-youth-at-school-when-is-it-a-custodial-interrogation/?fbclid=IwAR06Fkk\\_YcNFyQ16LPBfpqvo0vZrIZ7QSpwyWLKtvD1-eyVrfZhsMx5Zp1s](https://nccriminallaw.sog.unc.edu/questioning-youth-at-school-when-is-it-a-custodial-interrogation/?fbclid=IwAR06Fkk_YcNFyQ16LPBfpqvo0vZrIZ7QSpwyWLKtvD1-eyVrfZhsMx5Zp1s)

9. 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.
10. 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.

**I believe I have been very active in my community, both professionally on bar committees and privately. I have served on numerous boards, including Chambers of Commerce, Bank**

boards, PTAs, church committees, and many non-profits. I have been very involved in coaching youth sports going back to before I had children.

If I had to point out a few specifics it would be the time I served as a mentor in the Communities in Schools program at East Wake Middle and my 20+ years of service with the East Wake Education Foundation. At the EWEF, all services are free to the families and is designed for children ages birth to five and their parents. Emphasis is placed on introduction to reading, improvement of listening skills and activities that enhance the gross and fine motor skills of the child. For many children in our community, this is one of the few opportunities they have to pre-school education prior to starting kindergarten.

11. What is your judicial philosophy?

**I try to approach each case in a fair and impartial manner without any preconceived bias or desired outcome. That is the only true way to do justice.**

12. 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 I have not.**

**Concerning law and policy:**

13. What do you perceive as the greatest obstacle(s) to justice, if any?

**The effects of history's injustices are hard to quantify. According to some statistics, although Black people make up 13.4 percent of the population in the US, they make up:**

- **22 percent of fatal police shootings,**
- **47 percent of wrongful conviction exonerations, and**
- **35 percent of individuals executed by the death penalty.**

**African Americans are incarcerated in state prisons at multiple times the rate of whites. Black men face disproportionately harsh incarceration experiences as compared with prisoners of other races. Racial disparities are also noticeable with Black youth, as evidenced by the school-to-prison pipeline and higher rates of incarceration for Black juveniles.**

**I have been in criminal court rooms in this state, where almost every single person sitting in the defendant area of the courtroom was Black or Brown.**

**You have to start by recognizing that fact. Then we have to work beginning at the local level to hold the system accountable.**

14. How can our legal system be more equitable and accessible to all?

**More resources from the State of North Carolina at all levels and at every step of our legal system. That alone would not solve the problem, but it would be a big step forward.**

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

**I believe judicial elections should be nonpartisan. I fought for that in the General Assembly and voted against changing judicial elections back to partisan contests.**

**As for appointment versus election of judges, I am against life-time appointments for judges and think everyone should remain accountable in some way. Merit appointment with some sort of retention election (or reappointment process) seems like a potential middle ground. Getting politics out of the judiciary will be hard, but ultimately I think would lead to a better system.**

16. How would you define the relationship between the North Carolina Legislature and the North Carolina Court of Appeals? What changes, if any, would you make to that relationship?

**While I was in the General Assembly, the Republicans tried to abolish 3 seats from the Court of Appeals. Luckily, they lost that suit in court. The branches of government should remain separate, but equal branches.**

**However, in the constant fight over limited resources, the court system needs good advocates for their needs. I think it is important for the legitimacy of the courts that they remain out of the political fray and on good terms with both the executive and legislative branches of government.**

17. What is the most important function of the North Carolina Court of Appeals?

**The North Carolina Court of Appeals is the state's intermediate appellate court. The Court of Appeals reviews the proceedings that occurred in the trial courts for errors of law or legal procedure; it decides only questions of law – not questions of fact. The role of the Court of Appeals is to decide if the trial court correctly applied the law, or if there was prejudicial error in the conduct of the trial. I think its important that we do this job timely and in a transparent fashion, recognizing that people's lives are up in the air waiting on a final decision.**

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

**Discussed earlier, but I would like to see our judicial elections return to being nonpartisan.**

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

**Rule 21 has been interpreted to be narrower than the statute (15A-1444) that lays out the jurisdiction of the appellate courts in criminal appeals. Recently, the Supreme Court opinion in State v. Ricks, [2021-NCSC-116](#), has been interpreted in a way as to deny criminal defendants the right to appeal through the Writ of Certiorari if they do not show a meritorious argument. This is leading to more appeals being denied by simple order at the Court of Appeals, which are not published and often not easy to find. Furthermore, if**

a judge dissents, the dissent is also not published so unless you are counsel or a party in this particular case, nobody will ever know about it nor the legal reasoning.

Now the State has taken this one step further and argued to the NC Supreme Court that dissents from these types of orders do not automatically qualify a case for hearing at the Supreme Court.

The end result of this interpretation of the statute and Rule 21 is that the courts are acting in a less transparent manner in my opinion.

**Your politics:**

20. For whom did you vote in the 2020 United States Senate and presidential elections?

**I voted for President Biden/Vice-President Harris and Cal Cunningham for Senate.**

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