



February 19, 2020

North Carolina Judicial Standards Commission
P.O. Box 1122
Raleigh, 27602

Re: Complaint against
John S. Arrowood
North Carolina Court of Appeals

As a citizen of North Carolina and the chief executive officer of a public policy non-profit organization interested in public integrity and the rule of law, I file the following official complaint against State Appeals Court Judge John S. Arrowood in *Holmes v. Moore* (No. COA19-762)

Judge John S. Arrowood was in the majority on the three-judge panel that issued a preliminary injunction on the state's voter ID law pending a final decision.

However, as a candidate for this office, Mr. John S. Arrowood declared his public opposition to requiring photo identification for voting. In a questionnaire for the People's Alliance PAC (Durham 2018) John S. Arrowood was asked:

24. How will you vote if the November ballot contains constitutional amendment referenda in favor of voter identification, "Marsy's Law," and the filling of judicial vacancies?

Mr. Arrowood answered:

I intend to vote against the Voter ID and Judicial Vacancy amendments.

While I am in favor of the provisions of Marsy's law related to victims' rights, I am still unsure about how that would fit in the constitution as opposed to in the statutes themselves.

With this answer, Judge. Arrowood violated Canon 1 of the North Carolina Code of Judicial Conduct by failing to uphold the integrity and independence of the judiciary personally observing, appropriate standards of conduct to ensure that the integrity and independence of the judiciary shall be preserved.

Further Judge Arrowood violated Canon 2 by failing to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

As it was highly foreseeable that some type of Voter ID case(s) would come before the Court of Appeals, Judge Arrowood violated Canon 3 by making public comment about the merits of a pending proceeding or controversy arising in North Carolina.



Further, in advice previously made available through Judicial Standards from the University of North Carolina School of Government, judicial candidates are instructed that they should not respond to survey questions if the answers would “not promote public confidence in the integrity and impartiality of the judiciary and/or could cast substantial doubt on capacity to decide the impartiality any issue that may come before you.

These appear to be violations of the North Carolina Code of Judicial Standards dealing with a subject matter of high public interest. Your attention is requested and required for the citizens of North Carolina.

Best Regards,

A handwritten signature in black ink that reads "Donald Bryson".

Donald Bryson

President & CEO

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CANON 7 OF THE
N.C. CODE OF JUDICIAL CONDUCT

A judge may engage in political activity consistent with his status as a public official.

The provisions of Canon 7 are designed to strike a balance between two important but competing considerations: (1) the need for an impartial and independent judiciary and (2) in light of the continued requirement that judicial candidates run in public elections as mandated by the Constitution and laws of North Carolina, the right of judicial candidates to engage in constitutionally protected political activity. To promote clarity and to avoid potentially unfair application of the provisions of this Code, subsection B of Canon 7 establishes a safe harbor of permissible political conduct.

A. Terminology. For the purposes of this Canon only, the following definitions apply.

(1) A *Acandidate@* is a person actively and publicly seeking election to judicial office. A person becomes a candidate for judicial office as soon as he makes a public declaration of candidacy, declares or files as a candidate with the appropriate election authority, authorizes solicitation or acceptance of contributions or public support, or sends a letter of intent to the chair of the Judicial Standards Commission. The term *Acandidate@* has the same meaning when applied to a judge seeking election to a non-judicial office.

(2) To *Asolicit@* means to directly, knowingly and intentionally make a request, appeal or announcement, public or private, oral or written, whether in person or through the press, radio, television, telephone, Internet, billboard, or distribution and circulation of printed materials, that expressly requests other persons to contribute, give, loan or pledge any money, goods, labor, services or real property interest to a specific individual's efforts to be elected to public office.

(3) To *Aendorse@* means to knowingly and expressly request, appeal or announce publicly, orally or in writing, whether in person or through the press, radio, television, telephone, Internet, billboard or distribution and circulation of printed materials, that other persons should support a specific individual in his efforts to be elected to public office.

B. Permissible political conduct. A judge or a candidate may:

(1) attend, preside over, and speak at any political party gathering, meeting or other convocation, including a fund-raising function for himself, another individual or group of individuals seeking election to office and the judge or candidate may be listed or noted within any publicity relating to such an event, so long as he does not expressly endorse a candidate (other than himself) for a specific office or expressly solicit funds from the audience during the event;

(2) if he is a candidate, endorse any individual seeking election to any office or conduct a joint campaign with and endorse other individuals seeking election to judicial office, including the solicitation of funds for a joint judicial campaign;

(3) identify himself as a member of a political party and make financial contributions to a political party or organization; provided, however, that he may not personally make financial contributions or loans to any individual seeking election to office (other than himself) except as part of a joint judicial campaign as permitted in subsection B(2);

(4) personally solicit campaign funds and request public support from anyone for his own campaign or, alternatively, and in addition thereto, authorize or establish committees of responsible persons to secure and manage the solicitation and expenditure of campaign funds;

(5) become a candidate either in a primary or in a general election for a judicial office provided that he should resign his judicial office prior to becoming a candidate either in a party primary or in a general election for a non-judicial office;

(6) engage in any other constitutionally protected political activity.

C. Prohibited political conduct. A judge or a candidate should not:

(1) solicit funds on behalf of a political party, organization, or an individual (other than himself) seeking election to office, by specifically asking for such contributions in person, by telephone, by electronic media, or by signing a letter, except as permitted under subsection B of this Canon or otherwise within this Code;

(2) endorse a candidate for public office except as permitted under subsection B of this Canon or otherwise within this Code;

(3) intentionally and knowingly misrepresent his identity or qualifications.

D. Political conduct of family members. The spouse or other family member of a judge or a candidate is permitted to engage in political activity.

Political Conduct For All Judges

WHAT YOU CAN DO

- \$ Attend political gatherings, including political party meetings and conventions, political organization meetings, and campaign events and fundraisers for candidates for public office - 7B(1) (Mere attendance at a candidate=s campaign events and fundraisers will not be construed as a public endorsement of that candidate in violation of 7C(2).)
- \$ Speak to political gatherings - 7B(1)
- \$ Be a member of a political party and identify yourself as such - 7B(3)
- \$ Contribute to a political party or organization - 7B(3) (A candidate=s campaign committee is not a Apolitical organization@ within the meaning 7B(3) therefore you may not contribute to it unless it is your own or a joint judicial campaign of which you are a part. *In re Wright*, 313 N.C. 495 (1985).)
- \$ Act as a leader or hold any office in a political party at the national, state, or local level - 4C, 5B(2) and 7B(6)
- \$ Serve as an officer, director, *etc.* of a political organization, defined by the Commission as Aa political party or other group, a principal purpose of which is to further the election or appointment of candidates to political office,@ because such an organization is Aconducted for the...political advantage of its members@ - 5B
- \$ Allow your spouse or other family members to be politically active - 7D
- \$ Make speeches in support of a political organization, including a political party - 7B(1) and 7B(6)

WHAT YOU CANNOT DO

§ Solicit funds for a political organization, including a political party - 7C(1)

§ Make a financial contribution or loan to any individual seeking election to any office - 7B(3)

Examples:

May you serve as an ex-officio member of the county party executive committee to select the successor to a county elected public official such as the sheriff, clerk of superior court, register of deeds, or county commissioner? Yes, this conduct is permissible pursuant to 4C and 7B(1), and the same reasoning would allow your service as your precinct=s representative on the county=s party platform committee.

May you serve on the board of directors of the Lincoln Forum? Yes, service would be allowed as per 4C and 5B(2) provided such service does not cast substantial doubt on your ability to decide impartially any issue that may come before you.

May you attend a party convention, party legislative reception, party fundraising event, or Young Dem/Young Rep meeting? Yes, attendance at such events is allowed by 7B(1), and you could pay for a ticket to such functions because 7B(3) permits you to contribute to a political party or organization.

May you speak to a Young Dem/Young Rep meeting re: judicial campaigning? Yes, 7B(1) allows you to attend and speak at political gathering.

May your name be listed as a special guest, guest of honor, contributor, etc. on the invitation to a political party fundraising event? Yes, a listing of this nature would be permitted by 7B(1), so long as you do not expressly endorse a candidate (other than yourself) for a specific office or expressly solicit funds from the audience during the event. However, you may not be listed as a sponsor, as the Commission considers sponsorship analogous to assistance in raising funds, prohibited by 4C and 5B(2). You may never solicit funds for a political party, organization or individual as per 7C(1).

May you work in the Rep/Dem party booth at the county/state fair handing out literature, including candidates= campaign literature? Yes, if you are a candidate as defined by 7A(1), you may publicly endorse other candidates. However, while you

are working at the booth, contributions to the party **may not** be accepted.

May you contribute to non-judicial candidates who are not family members? No, 7B(3) prohibits such contributions whether or not you are a judicial candidate and whether or not you are related to the individual. In fact, the Court censured the respondent judge in *In re Wright*, 313 N.C. 495 (1985), for contributing to the campaign committees of a senatorial and a gubernatorial candidate, one of whom had appointed the respondent to his judgeship and both of whom, if elected, would be in positions to appoint/recommend the appointment of judges, and declared the conduct to be Aconduct prejudicial to the administration of justice.@

May your name be listed as a special guest on the invitation to a judicial candidate=s campaign fundraising event? Yes, 7B(1) allows you to be listed or noted within any publicity relating to such an event. However, at the event you may not expressly endorse a candidate (other than yourself) for a specific office nor expressly solicit funds from the audience.

May you attend a \$100.00 reception for a judicial candidate? Yes, 7B(1) allows you to attend such political gatherings, however you can pay no more than the reasonable cost of any food and beverage provided because the excess would be a contribution in violation of 7B(3).

May you contribute to the campaign of a cousin to whom you are close? No, 7B(3) provides that you may not personally make financial contributions or loans to any individual seeking election to office (other than yourself) except as part of a joint judicial campaign.

May your spouse contribute to her sister=s campaign for the legislaure? Yes, 7D allows your spouse to make political contributions, but it must be made solely in your spouses name.

May you use official court letterhead for a letter recommending an individual for appointment to a judgeship? No, personal stationery must be used so that the recommendation does not lend the prestige of judicial office to advance the appointment candidate=s private interests in violation of 2B. However, should your recommendation be formally requested by the appointing official, then your response would be in furtherance of your public duties, thereby necessitating use of official court letterhead.

Political Conduct Rules Apply Differently to Those of You Who Are Candidates

WHAT YOU CAN/CANNOT DO

	<u>Non-Candidate</u>		<u>Candidate</u>
Attend candidates= campaign events, including fundraisers	<u>Judge</u> Yes	7B(1)	<u>Judge</u> Yes
Contribute to family member candidate	No	7B(3)	No
Recommend an individual=s appointment to judgeship	Yes	2B	Yes
Make speeches in support of, publicly endorse, or solicit non-monetary support for:			
non-judicial candidates	No	7B(2)	Yes
judicial candidates	No	7C(2)	Yes
Solicit funds for candidates	No	7C(1)	No
Contribute to:			
non-judicial candidates			
judicial candidates	No	7B(3)	No
	No		No

Examples:

May you endorse candidates even if you are an unopposed judicial candidate?

Yes, 7B(2) allows judicial candidates to endorse any individual seeking election to any office, and it contains no requirement that your candidacy be opposed.

May you, as a judicial candidate, run and pay for a campaign ad that asks people to vote for you and 3 other judicial candidates? Yes, such an ad would be allowed pursuant to 7B(3), and even though your campaign pays for it and thereby makes a contribution to the other candidates= campaigns.

May you and the other judges in your judicial district issue an invitation to a

non-fundraising reception for a judicial candidate? Yes, but *only* those judges who are themselves judicial candidates, because issuance of the invitation constitutes a public endorsement and solicitation of support allowed by 7B(2) for judicial candidates, but prohibited by 7C(2) for judges who are not candidates.

Political Conduct Related to a Judicial Candidate=s Own Campaign

WHAT YOU CAN DO

- \$ Form a campaign committee to solicit and manage the expenditure of campaign funds - 7B(4)
- \$ Personally solicit campaign funds and public support for your candidacy - 7B(4)
- \$ Conduct a joint campaign with other judicial candidates - 7B(3)

WHAT YOU CANNOT DO

- \$ Allow public officials/employees subject to your direction or control to do for you what you cannot do yourself - 3B(2)
- \$ Intentionally or negligently misrepresent any fact - 2A
- \$ Intentionally and knowingly misrepresent your identity or qualifications - 7C(3)
- \$ Preside in certain proceedings in which particular individuals involved in your or your opponent=s campaign appear - 3C(1)
- \$ Continue to hold judicial office once you become a candidate for election to non-judicial office - 7B(5) (A *Acandidate@* is defined as one who makes a public declaration of candidacy, declares or files with the appropriate election authority, or authorizes the solicitation or acceptance of contributions or public support or sends a letter of intent to the chair of the Judicial Standards Commission - 7A(1))
- \$ Use or allow the use of campaign funds for your/your family=s private benefit - 2A and 2B and state law

Examples:

May you solicit campaign support from defendants and attorneys appearing before you where the solicitations occurred, respectively, in the courtroom during court and in a courthouse hallway during a recess? No, the Court ordered the respondent=s censure in *In re Stephenson*, 354 N.C. 201(2001), for such conduct which the Court declared to be willful misconduct in office and conduct prejudicial to the administration of justice in violation of Canons 1, 2A and 3A(1) of the Code.

May your name and biographical information be included in a political party=s mailing to promote its slate of candidates, including non-judicial candidates? Yes, you may identify yourself as a member of a political party as per 7B(3) and endorse other candidates as per 7B(2).

May you post a campaign sign in a conspicuous location in a building where you are holding court? No, the use of public property for campaign purposes violates Canons 1 and 2 and may be against the law.

May you use official court letterhead for a letter seeking campaign contributions or support for your candidacy? No, this would use State resources for campaign purposes in violation of Canons 1 and 2 and possibly the law.

May you use stationery bearing the State seal and your official mailing address and telephone number for a campaign mailing if a statement appears at the bottom making it clear that State funds were not used for printing and mailing? No, a personal/campaign address and telephone number need to be used so it will be clear that State resources are not being used for campaign purposes in violation of Canon 2 and possibly the law.

May your campaign committee issue a fundraising event invitation where the return envelope notes it is for your personal attention, the return address includes your name, and the response card begins with a promise of support to you personally? Yes, 7B(4) allows you to personally solicit campaign funds and request public support from anyone for your own campaign.

May your campaign committee distribute a campaign mailing comprised of an informational letter signed by you and an enclosure on which forms of

support, including monetary support, could be indicated? Yes, you may authorize or establish a committee of responsible persons to secure and manage the solicitation and expenditure of campaign funds as per 7B(4).

May you or your campaign committee contribute your campaign funds to non-judicial candidates? No, pursuant to 7B(3) you may not make financial contributions or loans to any individual seeking election to office (other than yourself) except as part of a joint judicial campaign as permitted in 7B(2).

May you hold a campaign fundraiser in your home to benefit your candidacy? Yes, 7B(4) allows you to personally solicit campaign funds and request public support from anyone for your own campaign.

May you advertise your political party affiliation on yard signs, brochures, etc. during your campaign even though the election will be non-partisan? Yes, 7B(3) allows a judicial candidate to identify himself as member of a political party,[@] and it includes no limitation as to partisan/non-partisan or opposed/unopposed elections.

May you respond to a survey form from a special interest group? Yes, but you should not respond to any portion of the survey soliciting responses that would:

- 1) not promote public confidence in the integrity and impartiality of the judiciary - 2A;
- 2) convey the impression that the group is in a special position to influence you - 2B;
- 3) cast substantial doubt on capacity to decide impartially any issue that may come before you - 4;

Closing Cautionary Notes

- 1) Be sure that participation in permissible political and campaign conduct does not result in running afoul of other Code provisions.
- 2) Emergency and Special judges are subject to the Code, including Canon 7.
- 3) Do not use State or other public resources in connection with political and campaign conduct.

People's Alliance PAC 2018 Questionnaire for North Carolina Appellate Division Judicial Candidates

Please return this completed questionnaire along with a resume or biographical statement describing your education, work history, community service, and prior political experience as soon as possible, but by July 20, 2018 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.

You may e-mail your responses to Tom Miller at tom-miller@nc.rr.com or mail them to Tom at 1110 Virginia Avenue, Durham, NC 27705

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

Candidate's name: **John S. Arrowood**

Judicial office sought: **North Carolina Court of Appeals**

Address: **210 N. Church Street Unit 1714 Charlotte, N.C. 28202**

E-mail address: judgearrowoodcampaign@gmail.com

Phone: **704-906-5695**

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.

About you:

1. Are you conservative or liberal? Please choose one and then explain your answer.

I am not sure that either of the labels fit me entirely. I will say I have never been called a conservative, and folks on the other side of the political spectrum call me liberal. On social and social justice issues I suspect that most people would call me a liberal; on fiscal issues I would probably be viewed as a moderate.

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

I am an Episcopalian and active in St. Peter's Episcopal Church in Charlotte. My ethics and beliefs govern my day to day life. With respect to how I will conduct my duties as a Court of Appeals Judge, my judicial philosophy is quite simple. I have no agenda to

pursue or platform to advance other than to dispense equal justice under the law without favoritism to any party, I pledge to perform my responsibilities independently, with integrity and to the best of my abilities.

3. Have you ever been convicted of a criminal offense (other than a minor traffic or drug offense)? If the answer is yes, please describe the circumstances and the outcome.

No

4. 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

About your practice of law:

5. 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.

For approximately 26 years before and after I served on the bench the first time, I have practiced with the same medium-sized law firm, James, McElroy and Diehl, P.A. My practice was mainly in the civil litigation area with approximate five percent in white collar criminal pardon and expunction practice. My civil practice was in complex commercial litigation with some work in employment and administrative law. I represented both individuals and businesses in commercial disputes, before administrative agencies and in employment cases. My practice was such that it has never compelled or qualified me to be a member of either the Advocates for Justice or the Association of Defense Counsel. Over time I did considerable work for the automotive and motorsports industry where one of my major clients has been the Hendrick family and their various companies. I have represented a variety of individuals in licensing and discipline disputes with state boards and commissions. I have represented plaintiffs with respect to issues related to the State Personnel Act and with employment disputes (both those related to claims covered by the EEOC's jurisdiction and issues as they relate to employment contracts). I also represent business clients of the firm in various employment contract disputes and before the EEOC. In my pro bono work I have served as an attorney for the "Lawyer on the Line" program with Legal Services, taking at least one situation per month.

6. If you have been a member of an appellate division court, please choose a recent decision you have written 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.

From my earlier term on the Court, I would call your attention to four cases to review; two cases where I wrote the majority opinion both dealing with personal injury and toxic

substances fact situations. In one case, *Cameron v. Merisel Properties, Inc.*, 187 N.C. App. 40, 652 S.E. 2d 660 (2007), the Plaintiff prevailed on a large jury verdict. In the other *Curl v. American Multimedia, Inc.*, 187 N. C. App. 489, 654 S.E. 2d 76 (2007) the Defendant prevailed because the law did not recognize a current injury.

I also invite your attention to two cases where I wrote a dissent and that position was adopted by the North Carolina Supreme Court; *Saft American, Inc. v. Plainview Batteries, Inc.*, 189 N.C. App 579, 659 S.E. 2d 39 (2007) rev'd 363 N.C. 5, 673 S.E.2d 864(2009) a personal jurisdictions case where I wrote in favor of finding jurisdiction and *State v. Moore*, 194 N.C. App. 754, 671 S.E. 2d 545 (2009) rev'd 363 NC 793, 688 S.E. 2nd 477 (2010) where I wrote a dissent to overturn a conviction. In each case the Supreme Court agreed and in *Saft* merely adopted my reasoning per curiam.

From my current term I would call your attention to a couple of dissents I have written in *State v. Brawley* 17-287 adopted by the Supreme Court and *State v. Cromartie* 17-350. In one case I would have ruled for the State in the other for the Defendant.

I think that by reading these opinions you can get a flavor of how I think and analyze cases in an attempt to carry out my judicial philosophy. I also think they show that I decide the cases by applying the facts presented to the law as it exists; which is what an intermediate appellate court is bound to do.

7. If you have not been a member of an appellate division court, please describe your practice 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

8. Please describe the nature and extent of any *pro bono* legal work or other volunteer work you have done. Is there a *pro bono* or volunteer effort your contribution to which best illustrates your values as a lawyer and as a person?

As set forth above, I volunteered with Legal Services through their "Lawyer on the Line" program where I take one client per month. I also contribute to the Access to Justice Campaign and in one of the large class actions I was defending for an automotive client was successful in getting 1/3 of the cy pre pot directed to assist Legal Services of North Carolina and to Legal Aid of the Southern Piedmont. I also did pro bono work for the Mint Museum and St. Peter's.

9. 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:

10. What is your position on 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.

11. What, if anything, should be done to improve access to the courts for people with limited financial means?

I have witnessed, as a Superior Court Judge, that more poor and disadvantaged citizens appeared before me in situations related to the criminal justice system. Whether that is because of selective enforcement or some other reason I cannot say. I believe that it is imperative that all people without regard to their background or means be afforded competent and capable defense counsel and the ability to present a full and fair defense. In the civil area it is critical that the various legal services organizations continue to be funded at the federal level and that the cuts recently made in state funding be restored.

12. 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 can you do in your role as an appellate judge to address the issues of mass incarceration and racial bias in the administration of justice?

As a Court of Appeals Judge, we review the record on appeal to determine if the trial court erred in various rulings that it made. Issues with respect to whether non-violent persons are incarcerated and the length of incarceration allowed are governed by the sentencing statutes. If the trial court acts within the confines of the statute the appellate judge has no ability to overturn those decisions. The issues with respect to sentencing and the length thereof are legislative questions.

With respect to racial bias if raised and a record made below the Courts can address the issues particularly with respect to the peremptory strikes are used in jury selection those are addressed under the framework of United State Supreme Court case of Batson v. Kentucky 476 U.S. 476 U.S. 79 (1986)

13. 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?

I believe in North Carolina that in some jurisdictions trial courts have found in doing review of death case under the NC Racial Justice Act have found issues with respect removal of minority jurors as it relates to death penalty cases. The legislature has since repealed that statute. The mechanism to address this issue now is through the making of challenges under Batson referenced above. Under the North Carolina Supreme Court precedent that has interpreted the Batson analysis and that are binding on the N.C. Court of Appeals defendants have found it a very high bar to cross to obtain a new trial under this line of cases.

14. Would you support legislation designed to protect gay, lesbian, and transgender people from discrimination in housing, employment, public accommodation, and access to government processes, benefits, and services?

Yes

15. Should magistrates, judges, or other government officials be excused from performing their lawful duties because of their religious beliefs?

Because this issue and other issues related to how religious beliefs may be used in various refusals to render services to the LGBTQ communities are currently being litigated I believe under Canons 2 & 3 of the North Carolina Code of Judicial Conduct it would be inappropriate for me to comment on this question.

16. Should state agencies with licensing, environmental protection, consumer protection, or similar functions make the final decisions in enforcement or other contested cases or should the final decisions in such matters be made by administrative law judges? What should North Carolina's law and policy be with regard to the deference courts afford regulatory agencies? What should our state's law and policy be with regard to who is an "aggrieved person" in cases of environmental law violations?

Because cases related to these questions may come before the N.C. Court of Appeals especially the question of how to apply agency decisions, 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)e, it would be inappropriate for me to comment on this subject.

17. Did you support "Raise the Age"? Are you satisfied with the current law?

Yes

18. Should judges be appointed or elected in North Carolina? If you believe judges should be appointed, who should appoint them? If you believe judges should be elected, what system should be employed to elect them? Should judicial elections be partisan?

I think that the ideal system for the selection of Judges when a vacancy to occur would be for there to be a bipartisan panel made up of attorneys together with representation of the public that looks like North Carolina conduct a process and recommend to the Governor several people to fill the vacancy, that the Governor make an appointment and that the person appointed must stand for retention in a non-partisan manner after having served a number of years in office. I also believe that this system should have a public financing component so that the judge is not required to raise large sums of money, many times from folks who appear before them.

I do not support the system currently being proposed by the proposed constitutional amendment the Legislature is placing on the ballot this year.

19. What is the most important decision of the Supreme Court of North Carolina in the last five years and why?

I do not think that I can single out a single decision as most important, I do believe that the issues related to separation of powers and the appropriate roles for the legislative and executive branches of government are the most consequential set of cases our Supreme Court has faced recently. I think this is true because while there have been issues with respect to voting rights at the Supreme Court the most consequential decisions are being made in the federal system.

20. Did you support or oppose the bill passed by the North Carolina General Assembly in 2017 that will reduce the number of Court of Appeals judges? How many judges should sit on that court?

Oppose.

15

21. What changes, if any, would you make in the relative jurisdiction of the North Carolina Court of Appeals and the Supreme Court of North Carolina?

I am concerned about the Legislatures movement of the 3.1 termination of parental rights cases and issues related thereto to the Supreme Court as an initial appeal. I think there needs to be some consideration made as to whether all cases initially heard by the Business Courts should be initially heard in the Supreme Court.

Your politics:

22. How are you registered to vote? Have you ever changed your voter registration? If you have changed your registration, please explain why.

Since I was 18 years old I have been registered as a Democrat in whatever domicile I have been resident.

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

**2012 Obama/Biden and Lt. Governor Dalton
2016 Clinton/Kaine and Governor Cooper
2014 Senator Hagan**

24. How will you vote if the November ballot contains constitutional amendment referenda in favor of voter identification, "Marsy's Law," and the filling of judicial vacancies?

I intend to vote against the Voter ID and Judicial Vacancy amendments.

While I am in favor of the provisions of Marsy's law related to victims' rights, I am still unsure about how that would fit in the constitution as opposed to in the statutes themselves.

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 December 17, 2015 memorandum of the Judicial Standards Commission on Permitted Political Conduct. You may find it at:

https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course_materials/04%20Political%20Conduct%20Guidance%20for%20Judges%202016.pdf

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

JOHN S. ARROWOOD
210 North Church Street Unit 1714
Charlotte, North Carolina 28202
(704) 906-5695 (cell)

john.s.arrowood@gmail.com
JSArrowood@aol.com

Personal:

Born: November 4, 1956
Burnsville, North Carolina

Religious Affiliation: Episcopalian

Employment:

Judge, North Carolina Court of Appeals (2007-2008, 2017-present)

Special Superior Court Judge
Charlotte, North Carolina (2007)
(Conducted hearings and trials involving a wide range of civil and criminal matters)

James, McElroy & Diehl, P.A.
Charlotte, North Carolina (1989-2007, 2009 to 2017)
(Practice involved complex commercial litigation in State and Federal Courts)
Martindale-Hubbell AV Preeminent Rated

North Carolina Court of Appeals
Staff Attorney, Senior Staff Attorney/Staff Director
Raleigh, North Carolina (1983-1985, 1986-1989)

Research Assistant to the Honorable S. Gerald Arnold
Judge (later Chief Judge), North Carolina Court of Appeals
Raleigh, North Carolina (1985-1986)

Wilson, Palmer & Cannon, P.A.
Lenoir, North Carolina (1982-1983)
(General practice of law)

Education:

University of North Carolina at Chapel Hill

Juris Doctor (1982)

Phi Delta Phi (Exchequer 1981-1982)

Catawba College

B.A. Magna Cum Laude (1979)

Awarded the Whitener Award, Most Outstanding Senior (1979)

Alpha Chi National Honor Society

Phi Delta Phi (Honor Society)

Bar Admissions:

North Carolina State Bar

United States Supreme Court

United States Court of Appeals for the Fourth Circuit

Western, Middle and Eastern Districts of the United States District Court for the District of North Carolina

Bar Associations and Activities:

American Bar Association

North Carolina Bar Association

Public Service Advisory Committee (2008-2009)

Appellate Practice Section Council (2017-2020)

Outstanding Young Lawyer Award, North Carolina Bar Association, Young Lawyer Division (1988-1989)

Young Lawyers Division of the North Carolina Bar Association

Co-Chairman, Appellate Survey Committee (1987-1988)

Chairman, Scholarship Committee (1988-1989)

Division Director (1989-1990)

Chairman, Special Projects Homeless Committee (1990-1992)

State Boards and Commission Service:

North Carolina Railroad Board of Directors (2001-2007)

North Carolina Arts Council (2003-2007)

North Carolina Banking Commission (1995-2001)

North Carolina Rules Review Commission (1999-2001)

Attorney General Advisory Commission on Statutes (1995)

North Carolina Election Law Review Commission (1994-1995)

Religious and Civic Involvement:

St. Peter's Episcopal Church
Vestry (2009-2012)
Delegate to Diocesan Convention (2006-2008, 2012-2014)
Outreach Commission (1999-2001)
Outreach Grant's Committee (2013-2015; Chair 2014-15)
Chancellor (2015 - 2017)
St. Peter's Choir School Board of Directors (2016-Present)
Mint Museum of Art
Board of Trustees (1998-2004, 2006-2007)
Executive Committee (2000-2004)
Advisory Board (2004-2006, 2007-2015)
Leadership Charlotte Class XVIII
Charlotte Center for Urban Ministries, Inc., Board of Directors (1995-1997)
The Brothers Foundation, Inc., Board of Directors (1995-1996)

Political Activities:

North Carolina Democratic Party
Executive Council (1995-2002) (2014-2016)
Chair Platform and Resolutions Committee (2002-2004)
Member of the Executive Committee (2005-2007) (2010-2017)
Delegate to Democratic National Convention (1996, 2000 (Delegation Whip),
2004, 2016 (Clinton Delegation Whip)
Gore 2000 NC Authorized Representative for Delegate Selection (2000)
Hillary Clinton NC Authorized Representative for Delegate Selection (2016)
Equality North Carolina PAC Board Chair (2005-2007)
Gay and Lesbian Victory Institute Board of Directors (2011-2017)
Vice-Chair (2014-2016)
One Victory Board of Directors (2015- present)