

Franklin County Bar Association  
Judicial Candidate Questionnaire  
(Adopted November 2, 2017)

The information provided in response will remain confidential and will be used by the Franklin County Bar Association's Judiciary Committee in its evaluation process. Upon conclusion of the process, the candidate may give permission to the Judiciary Committee to publish the responses. Failure to answer all questions may result in "Not Presently Qualified" rating by the Judiciary Committee.

Following the vote by the Judiciary Committee, the candidate will be given the option to release the responses (in whole or part) from this questionnaire to the public along with the Bar Association's recommendation.

FULL NAME (including all aliases): Ian Michael Brink

OFFICE ADDRESS: 157 Lincoln Way East, Chambersburg, PA 17201

HOME ADDRESS: XXX, Shippensburg, PA 17257

DATE AND PLACE OF BIRTH: XX, 1972 in XX, NY

MARITAL STATUS: Married

SPOUSE'S NAME (if applicable): Billie Jo Brink

DO YOU HAVE CHILDREN? YES

(If YES, please share the names and ages with the Judiciary Committee.)

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EDUCATION:

UNDERGRADUATE

The Pennsylvania State University

Degree: Administration of Justice, B.S. 1994

LAW SCHOOL

Thomas M. Cooley Law School

Degree: Juris Doctorate, Cum Laude 1999

DATE OF ADMISSION TO PENNSYLVANIA BAR: September 14, 2005

ADMISSION TO OTHER BARS (Places and Dates)

United States District Court for the Middle District of Pennsylvania, 2018 - present

State of Michigan, June 2, 2000 – 2008

TYPE OF PRACTICE (Past and Present): See attached resume.

BAR ASSOCIATION AND PROFESSIONAL SOCIETY MEMBERSHIPS (Include offices held):

Franklin County Bar Association

Pennsylvania Bar Association

Pennsylvania District Attorney's Association

Public Defender's Association

Pennsylvania Association of Criminal Defense Lawyers

LEGAL POSITIONS HELD (Include clerkships, solicitorships, government service): See attached resume.

COMMUNITY SERVICE ORGANIZATION MEMBERSHIPS (Include offices held):

Patriotic Order of Sons of America - Orrstown

Kiwanis – Downtown Chambersburg

OTHER RELEVANT INFORMATION (May include military service, awards, publications):  
None.

Have you ever had a disciplinary action filed against you? If so, please explain.

Yes. While working in the Public Defender's Office, it is not uncommon for an inmate at the Franklin County Jail to file a disciplinary complaint against an attorney. During my 13 years with the Public Defender's Office, I believe I received 10 to 15 such complaints. As required, I responded to Disciplinary Counsel in writing to each of the complaints filed. All of the disciplinary complaints filed against me were dismissed by Disciplinary Counsel due to lack of any merit with the complaints.

Have you ever had a formal fee dispute litigated or heard by the Bar? If so, please explain.

No.

Have you ever been charged with a felony, misdemeanor, or non-traffic summary offense? If so, please provide the date, county and state, offense, and disposition of the charge.

No.

Are you under any ongoing federal, state, or local investigation or indictment for possible violation of a criminal statute? If so, please explain.

No.

Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities? If so, please explain.

No.

Has a lien for child support been filed against you? If so, please explain.

No.

Have you filed for bankruptcy within the last ten (10) years? If so please explain.

No.

Please provide the Judiciary Committee with the names you have or had used on social media including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

Instagram: XX

Facebook: XX

Please provide the names and contact information for three (3) attorneys in Franklin County who can provide information to the Judiciary Committee regarding your fitness to serve on the Court of Common Pleas. NOTE: The Judiciary Committee of the Franklin County Bar Association will contact these attorneys as part of its evaluation.

Matthew D. Fogal, Esq.

Franklin Co. District Attorney, 157 Lincoln Way East, Chambersburg, PA 17201

Office: XX Cell: XX

David S. Keller, Esq.

Keller, Keller, Beck & Ross, LLC, 1035 Wayne Avenue, Chambersburg, PA 17201

Home: XX Alternate Phone: XX

Lauren E. Sulcove, Esq.

Black & Davison, 1110 Kennebec Drive, Chambersburg, PA 17201

Office: XX Cell: XX

State why you think you are qualified to serve as a judge on the Court of Common Pleas in the 39<sup>th</sup> Judicial District. Please include any professional, occupational, or other experiences that you have had that should be considered by the Judiciary Committee in its evaluation.

I am qualified to serve as a judge on the Court of Common Pleas in the 39<sup>th</sup> Judicial District because I have the experience and demeanor necessary to maintain with continuity the great service President Judge Van Horn has provided to the citizens of Franklin and Fulton counties.

It was a wonderful experience right out of law school to see first-hand what a judge does every day. When I was a law clerk for Chief Circuit Judge Leopold P. Borrello, he allowed me full access to learn about everything that he did as a judge. I was in court at all times that he was in court so I could see and hear everything that was going on in court. In chambers, I was present during discussions with attorneys about cases. He discussed with me what happened in court and why he would make a certain decision in a case. I conducted legal research and drafted opinions for matters he took under advisement. We would discuss the opinions I wrote for him to make sure that he was making the right decision. He expected the attorneys that appeared before him to be prepared and know the law that was applicable to the case before him. I vowed then that I would never appear before a judge in any court without being fully prepared and knowing the law applicable to the case I was handling. No matter how difficult a case was he always treated the parties and attorneys before him fairly and impartially. I could not have had a better start to my legal career than learning everything I did from Judge Borrello.

I always found it very amusing that attorneys "practice" law. As with anything that you want to get better at you need to train and practice. Being a trial attorney requires that you attend trainings about how to perform better in court and then put that knowledge you have learned into action by practicing law in court. I bring 18 years of training and practicing law in court to be the next judge for Franklin and Fulton counties.

I have been a trial attorney for 18 years. I have appeared in court thousands of times representing civil clients both as plaintiffs and defendants, criminal defendants, and now the Commonwealth of Pennsylvania. I have appeared before 50 to 60 judges during my career. When you appear before a judge, you quickly learn the things that a good judge does in running a courtroom. I have the knowledge that I have gained by appearing before various judges and seeing how they run their courtrooms.

I have stood on both sides of the aisle in civil and criminal cases zealously representing my clients and pursuing justice. Having stood on both sides of the aisle, I fully understand the issues that each side is facing in trying to zealously represent their clients. I also understand the importance of having a judge that will be fair and

impartial to both sides. Early in my career, I would appear before judges in various counties in Michigan. Unfortunately, a few times I clearly felt that I was not being treated fairly because I was not an attorney from the county in which the judge was sitting. No party or attorney should ever enter a courtroom and feel like the deck is stacked against them because the judge does not treat them fairly and impartially.

A courtroom is a unique place. It is unique because a court room is governed by the Rules of Evidence. I am well-versed in the Pennsylvania Rules of Evidence and have litigated over 50 trials (over 30 have been jury) since I have been an attorney in Franklin County. The next judge needs to be well-versed in the Pennsylvania Rules of Evidence and know how to conduct a trial. I have that knowledge.

The most serious criminal case is when the Commonwealth is seeking the death penalty for a defendant. I received specialized training regarding the handling of death penalty cases. As Chief Public Defender, I was one of a few attorneys in Franklin County that was qualified under Rule of Criminal Procedure 801 to represent a defendant charged in a death penalty case. So I am the most qualified to make sure that death penalty cases are conducted properly.

As Chief Public Defender, I met regularly with several county-wide committees such as Criminal Justice Advisory Board, Criminal Case Flow Management Committee, Technology Committee, Behavioral Health Committee, and the Re-Entry Coalition. I was active in the committee meetings and suggested changes that were adopted by the court in regards to criminal case flow. I also had the privilege to assist with the creation of the Good Wolf Treatment Court. Ever learning, the training and discussion during the development of the Good Wolf Treatment Court gave me a new perspective on the handling of cases involving defendants addicted to controlled substances.

I have had the distinct pleasure to meet and talk with various attorneys in the Franklin County Bar and out of county attorneys during my time in Franklin County. If you speak with the attorneys that I have come in contact with over my time in Franklin County, I expect that they would say that I am friendly, hardworking, knowledgeable in the law, always willing to listen to their point of view, treat them with the utmost professional courtesy, and get the job done. Honored by the support of colleagues, I am excited to bring these same attributes with me as your next judge.

#### CERTIFICATION

The undersigned certifies that all of the statements made in this questionnaire are true, complete, and correct to the best of his/her knowledge and belief and are made in good faith.

DATE: 2/1/2019

SIGNATURE:  \_\_\_\_\_

# **IAN MICHAEL BRINK**

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## **PROFESSIONAL EXPERIENCE**

### **FRANKLIN COUNTY DISTRICT ATTORNEY'S OFFICE, Chambersburg, Pennsylvania** Chief Deputy District Attorney – March 2018 to present

- Prosecute felony and misdemeanor criminal cases from preliminary hearing through appeal.
- Supervise the prosecution of all criminal cases assigned to Judge Zook's courtroom.
- Supervise and assist two Assistant District Attorneys assigned to Judge Zook's courtroom.
- Serve as the on-call Attorney for Law Enforcement regarding the District Attorney's Get Back Up initiative.

### **FRANKLIN COUNTY PUBLIC DEFENDER'S OFFICE, Chambersburg, Pennsylvania** Chief Public Defender, First Assistant Public Defender, and Assistant Public Defender - November 2005 to March 2018

- Litigated over 3,000 felony and misdemeanor criminal cases from preliminary hearing through appeal.
- Appeared in court for over 30 criminal jury trials and dozens of non-jury trials.
- Handled administrative duties and managed six attorneys and five support staff.
- Certified under Rule 801 to handle Death Penalty cases.
- Assisted with the creation and development of the Good Wolf Treatment Court.
- Met regularly with other key stakeholders in several county-wide committees such as: Criminal Justice Advisory Board, Criminal Case Flow Management Committee, Technology Committee, Behavioral Health Committee, and Re-Entry Coalition.

### **UAW-GM LEGAL SERVICES PLAN, Flint, Michigan** Staff Attorney - August 2002 to November 2005

- Litigated cases pertaining to contracts, real estate, and property law.
- Appeared before various trial courts for motions, pre-trial conferences, and trials.

### **THE MAHJOORY LAW FIRM, PLC, Okemos, Michigan** Associate Attorney – April 2001 to August 2002

- Drafted civil pleadings, discovery, and appellate briefs.
- Litigated felony and misdemeanor criminal cases from preliminary hearing through appeal.

### **SAGINAW COUNTY CIRCUIT COURT, Saginaw, Michigan** Law Clerk to the Honorable Leopold P. Borrello – September 1999 to April 2001

- Observed all court proceedings before the Judge and performed legal research to assist the Judge in making legal rulings during trials and hearings.
- Drafted proposed opinions and orders for matters taken under advisement by the Judge.

### **MICHIGAN SUPREME COURT, Detroit, Michigan** Law Clerk Extern to the Honorable Marilyn J. Kelly – May 1999 to August 1999

- Drafted office memoranda evaluating applications for leave to appeal.

## EDUCATION

**THOMAS M. COOLEY LAW SCHOOL**, Lansing, Michigan

Juris Doctor, *Cum Laude*, September 1999

Class Rank: 5/101    GPA: 3.41

### **Honors and Activities:**

- THOMAS M. COOLEY LAW SCHOOL LAW REVIEW, Senior Associate Editor
- Certificates of Merit: Advanced Writing, Federal Administrative Law, and Gaming Law

**THE PENNSYLVANIA STATE UNIVERSITY**, University Park, Pennsylvania

Bachelor of Science – Administration of Justice, August 1994

## BAR ADMISSIONS

Commonwealth of Pennsylvania, 2005 to present

United States District Court for the Middle District of Pennsylvania, 2018 to present

State of Michigan, 2000 to 2008