

2004 Voter Guide

NC Supreme Court and Court of Appeals Judicial Elections

Election: November 2, 2004



In an effort to fulfill our mission of encouraging active and informed citizen participation in government, the League of Women Voters North Carolina (LWVNC) has created the 2004 Voter Guide for Judicial Elections for all statewide races.

This year, for the first time, candidates running for the NC Supreme Court and Court of Appeals could choose to run in publicly funded elections. The League applauds this effort by the NC State Legislature and would like to inform citizens about all candidates running in the judicial elections. Please share this Voter Guide. Permission to copy and distribute this Guide is granted, provided that none of the information is altered in any way and that the LWVNC is acknowledged.

All judicial elections are non-partisan. Candidates were asked to provide a picture, contact information, biography, and response to five questions. Biographies are limited to 200 words, responses to 300 words. Responses have been posted verbatim. "No reply" is noted where none was received.

The League of Women Voters is a nonpartisan organization of women and men founded in 1920. It neither supports nor opposes candidates or political parties.

List of Candidates

Supreme Court

North Carolina Supreme Court Seat 1

- 1 [Sarah Parker](#)
- 2 [John M. Tyson](#)

North Carolina Supreme Court Seat 2

- 1 [Ronnie Ansley](#)
- 2 [Rachel Lea Hunter](#)
- 3 [Howard E. Manning, Jr.](#)
- 4 [Betsy McCrodden](#)
- 5 [Fred Morrison, Jr.](#)
- 6 [Paul Martin Newby](#)
- 7 [Marvin Schiller](#)
- 8 [James A. Wynn, Jr.](#)

Court of Appeals

North Carolina Court of Appeals Seat 1

- 1 [Linda McGee](#)
- 2 [Bill Parker](#)

North Carolina Court of Appeals Seat 2

- 1 [Wanda G. Bryant](#)
- 2 [Alice C. Stubbs](#)

North Carolina Court of Appeals Seat 3

- 1 [Barbara Jackson](#)
- 2 [Alan Thornburg](#)

The Voter Guide is a service of the League of Women Voters North Carolina (LWVNC). The LWVNC depends on public support for its work. Contributions to the Citizen Education Foundation, the 501 (c) (3) of the LWVNC, are tax deductible. This Voter Guide is funded in part by a grant from the Z. Smith Reynolds Foundation.

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**North Carolina Supreme Court Seat 1
(You may vote for one)**

Sarah Parker



Address: Sarah Parker for Supreme Court Committee, Post Office Box 1841, Raleigh, North Carolina 27602

Phone: 919-755-1334

Email: sepj@mindspring.com

Campaign website:
www.justicesarahparker.com

Employer: State of North Carolina

Occupation: Associate Justice Supreme Court of North Carolina

Are you participating in the Public Campaign Financing Fund program? Yes

John M. Tyson



Address: 101 Hay Street, Suite 2, Fayetteville, North Carolina 28301

Phone: (910) 483-3696

Email: tyson4court@earthlink.net

Campaign website: www.tysonforcourt.com

Employer: People of North Carolina

Occupation: Judge, North Carolina Court of Appeals

Are you participating in the Public Campaign Financing Fund program? Yes

All judicial elections are non-partisan

Biographical Information

Sarah Parker

I am a native of Charlotte, North Carolina, where I was educated in the public schools. After graduating from high school in 1960, I attended Meredith College in Raleigh, North Carolina, for two years and completed my undergraduate education at UNC-Chapel Hill, receiving a BA degree in English Education in 1964. I then served as a Peace Corps Volunteer in Turkey from 1964 to 1966. When I returned to the United States, I entered law school at UNC-CH, received my JD Degree in 1969, and was admitted to the Bar that same year. From 1969 through 1984, I practiced law in Charlotte. On January 3, 1985, I was sworn in as a judge on the North Carolina Court of Appeals and served on that Court for eight years. In 1992 I was elected to the North Carolina Supreme Court, and I have served as an Associate Justice of the North Carolina Supreme Court since January 1993.

John M. Tyson

Born on July 14, 1953, in Cumberland County, NC. Married to Kirby Thomason Tyson, 1975. Children: son, Jason, 1978; daughter, Caroline, 1979; son, John Havens, 1982; and son, Henry, 1983. Life-long member of First Presbyterian Church, Fayetteville, NC, past Chairman of the Board of Deacons.

Currently serves as Judge of the NC Court of Appeals (2001 to present) and Adjunct Professor of Law, Campbell University School of Law (1987 to present).

Judge Tyson earned a Master of Laws in the Judicial Process (LL.M.), from University of Virginia School of Law (2004); a Master of Business Administration (M.B.A.), from Duke University (1988); a Juris Doctor with honors, from Campbell University School of Law (1979 - Member of the Charter Class); a Bachelor of Arts, from UNC-Wilmington (1974). He has also attended and taught numerous judicial and legal seminars.

Judge Tyson's professional experience includes the private practice of law, Tyson & Associates PLLC (1993-2000); Adjunct Professor of Law, Campbell University; Senior Vice President of Development, Blockbuster Entertainment Group (1996); Certified Mediator/Arbitrator (1991 - present); Real Estate Director and Counsel, Revco Drug Stores (1982-93); Real Estate Manager and Counsel, Family Dollar Stores (1980-82); State Probation/Parole Officer, NC Department of Corrections (1975-76); Public School Teacher (1974-75); see www.tysonforcourt.com.

Five Questions Posed to Supreme Court Judicial Candidates

1. Explain how your professional experience and interests have prepared you to serve on the North Carolina Supreme Court.

Sarah Parker

As a practicing attorney for almost sixteen years, I was a general practitioner, handling commercial real estate transactions, estates and complex civil litigation including tort, products liability, Title VII, insurance and contract actions in both state and federal court. This experience and my eight years as a judge on the North Carolina Court of Appeals prepared me well for the work of the Supreme Court.

For almost twelve years as an Associate Justice of the North Carolina Supreme Court, I have demonstrated my qualification to sit on our State's highest Court by performing the duties of the office with fairness, impartiality, diligence, and integrity. My record as an appellate judge for almost twenty years reflects that I am an honest, hardworking, capable judge with common sense.

Throughout my legal career, I have participated in Bar activities by serving as an officer and on numerous committees of both the Mecklenburg County Bar and the North Carolina Bar Association and by attending and contributing to continuing legal education programs.

John M. Tyson

During the past 30 years, I have served as a judge, lawyer, business owner, law enforcement and military officer, a mediator and arbitrator, and a law professor at Campbell Law School. Since being elected a judge on the NC Court of Appeals in 2000, I tested for and was Certified a Specialist in Real Property Law in 2003 by NC State Bar and earned a Master of Laws in the Judicial Process (LL.M.) from the University of Virginia School of Law in 2004. My work ethic, judicial performance, and commitment to improve my skills as a judge set me apart. Most importantly, I care about people and desire to serve our community and State.

My wife, Kirby, and I are married for 30 years. We, with faith, raised and educated our four children. My parents taught me the values of hard work and personal faith in God. They, along with other family, teachers, and our church, instilled in me the difference between right and wrong, respect and compassion for all people, and the responsibilities of freedom. While in physical poverty during the Depression, my parents' dedication to honesty, family and community service, and their dream for their children to be educated beyond what they had achieved, secured their faith. These values form the foundation of our Country. The courts exist to reaffirm and protect these values by providing justice for the innocent, punishing the guilty, and by resolving civil disputes in a prompt and fair manner. Please visit my website: www.tysonforcourt.com for more information on my experience and interests.

**2. How would you respond to a claim that you are an activist judge?
Do you agree or disagree?**

Sarah Parker

I would ask on what basis the claim is being made. In my view, I am not an activist judge. I do, however, appreciate the need to maintain the delicate balance between the predictability of the law and the adaptability of the law if our citizens are to have confidence in the rule of law as the vehicle for the peaceful resolution of disputes in civil matters and the punishment of wrongs against the people in criminal matters.

John M. Tyson

I am not an “activist” judge and believe that activist or result oriented judges violate the oath of office that every judge takes. I strongly believe in the Constitutional separation of powers: the legislative branch makes the law, the executive branch executes and enforces the law, and the judicial branch interprets and applies the law. Judicial activism is the intrusion by judges into matters that are rightfully and constitutionally reserved to the General Assembly. There is a strong presumption in favor of the validity and constitutionality of acts of the General Assembly. Judges should not be “robed legislators” who create a crisis of legitimacy and competence in public policy matters, and demean the judiciary.

Judges should strictly adhere to judicial restraint, and uphold the legislative power based upon majority vote of elected representatives of the People to make the laws consistent with the United States and North Carolina Constitutions.

Judges should not use the courts as a back door for social and public policy changes that cannot be obtained through a majority vote in the our General Assembly. Please visit my website: www.tysonforcourt.com for more information on my experience and interests.

3. What do you think the greatest area of need is in the North Carolina justice system? How would you work to fill that need?

Sarah Parker

In my opinion the greatest need in the North Carolina justice system is adequate funding for the judicial branch of government. With a growing population and an increasing case load, the court system is straining to provide basic services to the public; without adequate funding, the courts cannot provide justice without “denial or delay” as mandated by the North Carolina Constitution. For example, several Clerk of Court offices have been forced to open an hour later on account of understaffing and the volume of cases to be processed. The trial of capital cases has been delayed for lack of court reporters who are essential to produce a transcript of the proceedings.

The impact of funding inadequacies, in my opinion, is most devastating in the area of juvenile justice. Although the services are provided through the executive branch of government, the inability to provide necessary mental health and substance abuse treatment to youthful offenders is the precursor to recidivism with its attendant expense and human suffering as these young offenders become adults.

This funding problem is not new, and some progress has been made. The solution is to find ways to persuade the Legislature to address these funding needs.

John M. Tyson

The greatest need in the judicial system is effectiveness and accountability. The People of North Carolina deserve swift justice, not back-log and delay. People cannot put their lives on hold while awaiting a decision from the courts for more than a year. As a Judge with the NC Court of Appeals, I took steps to promote efficiency and effectiveness. Even though court policy allows 90 days for opinions to be filed, I average 40 days, using the taxpayer’s time and resources judiciously. If elected to the Supreme Court, I will apply this same work ethic.

The “report card” of my service on the Court of Appeals shows that I have ruled on more than 1,200 cases, written over 450 opinions, and completed my work in a timely manner – filing in half the time the Court’s rules allow. Overall, the Supreme Court, which reviews Court of Appeals’ opinions, affirmed my majority opinions more than 95% and has unanimously adopted 17 of my dissenting opinions during the last three years. I am dedicated to being efficient and effective and providing Justice for All. My accountability and performance is open for all to review at www.tysonforcourt.com.

4. The report "Justice in Jeopardy, A report of the Commission on the 21st Century Judiciary," which was approved by the American Bar Association (ABA), states, "The politics of crime imposes intense pressure on judges to decide criminal matters in a manner that satisfies popular expectations." As a judge in one of the highest courts in NC, how will you resist that pressure?

Sarah Parker

I will resist that pressure in the way I have resisted it since I became a judge almost twenty years ago, that is, by rendering decisions based on the law applicable to the facts of a particular case without regard to partisan politics, special interests, or a personal agenda and by striving to the best of my ability to administer the law fairly and impartially to all who come before the Court.

John M. Tyson

Judges should not be influenced by "popular expectations" but by a careful, strict interpretation and application of the law. Our judges must serve all the People consistent with the United States and North Carolina Constitutions, and not political groups. United States and North Carolina law holds that the death penalty is a constitutional and proper punishment for aggravated and premeditated murder. It serves as a deterrent to the most heinous crimes. As a Supreme Court Justice, I will uphold the law and rule in death penalty cases according to the laws and Constitutions. My opinions will not be swayed to appease popular opinion or create public policy that justifies these opinions. Judicial activism is a dangerous practice and perverts the judicial oath. All of my prior opinions are available to the public at my website www.tysonforcourt.com and the Court's website www.nccourts.org.

5. The same report states that high courts are becoming more politicized and campaigns are increasingly focused on intensely political issues. What does this mean for campaigns and the courts in North Carolina? What steps will you support to blunt the possible negative effects of these changes?

Sarah Parker

What this development means for campaigns is that judicial campaigns will become a battle of spin, innuendo, deception, and negative advertising, a type of campaigning we in North Carolina fortunately have seen infrequently in previous judicial campaigns. The impact of this type of campaigning, in my opinion, will be to compromise the independence and integrity of the judiciary for several reasons. First, when a judicial candidate solicits votes by announcing his/her position on political issues, the average voter infers that the candidate is tacitly signaling that that is how he/she will rule on an issue if it comes to the Court. When the issue arises in a case and the litigant realizes that certain judges have already expressed personal views concerning the issue, that litigant will likely feel that he/she cannot receive a fair and impartial hearing; and the judge is likely to feel bound by the positions taken on the campaign trail. The judge may then be compelled to recuse, thereby forcing the Court to function without the benefit of all members of the Court. Further, issue-oriented campaigning for judicial office will, in my opinion, cause the Court to become more activist and to move from its traditional role of interpreter of the law to policymaker with respect to political issues more appropriately left to the General Assembly.

John M. Tyson

I believe that the People of North Carolina should be provided information on what a candidate believes, whether or not they are a judicial candidate. Even though these political issues are timely topics, it is a positive step for voters to know your record and performance as judge. North Carolinians have a right to know my beliefs and can look at all my prior record and rulings and be assured that I fully evaluate the facts of each case and apply the law as written by the General Assembly in a fair and consistent manner.

It is not my duty as an appellate judge to broadly or liberally interpret the law in order to reach an outcome that matches my personal beliefs or popular opinion. I signed a pledge with the North Carolina Bar Association not to engage in personal attacks on my opponent and to conduct an ethical campaign. A judge's performance and accountability are the foundation upon which voters should make their choice. I support the continual election of judges as required by the North Carolina Constitution and supported by the great majority of voters in North Carolina.

The United States and North Carolina Constitutions provide inalienable rights for North Carolinians, and these rights must be protected. Justice should not depend on race, sex, age or religious beliefs. No person should be denied life or liberty without full and fair due process of law. As a Supreme Court Justice, Judge John M. Tyson will protect our families and our Constitutions. Please visit my website: www.tysonforcourt.com for more information on my experience and interests.

Supreme Court Seat 2

You may vote for one of eight candidates in a winner-take-all election for this seat. The candidates are: Ronnie Ansley, Rachel Lea Hunter, Howard E. Manning, Jr., Betsy McCrodden, Fred Morrison, Jr., Paul Martin Newby, Marvin Schiller, and James A. Wynn, Jr.

Ronnie Ansley



Address: ANSLEY for SUPREME COURT
19 W Hargett St, Suite 406
Raleigh, North Carolina 27601
Phone: 919-832-4416
Email: ansleyr@mindspring.com
Campaign website: www.voteansley.org
Employer: Law Offices of James R. Ansley
Occupation: Attorney

Are you participating in the Public Campaign Financing Fund program? Not participating in Campaign Financing Fund program

Rachel Lea Hunter



Address: NW 1251 Maynard Road Box 332
Cary, NC 27513
Phone: 919-386-0246
Email: rachel@rachelforcourt.com
Campaign website:
<http://www.rachelforcourt.com/>
Employer: Browne, Flebotte, Wilson, Horn and Webb PLLC
Occupation: Associate Attorney

Are you participating in the Public Campaign Financing Fund program? No, I do not believe in public welfare for candidates of any office.

All judicial elections are non-partisan

Biographical Information

Ronnie Ansley

- Born November 20, 1961 - Halifax County, NC
- Raised in Northampton County, NC (Gaston) by my parents and four older siblings
- Family home lacked running water until age 5; never had an indoor bathroom until attended college
- 1984 completed undergraduate degree at NCSU
- Worked as a sales representative selling livestock feed to local farmers in central and western NC
- 1988 completed Master's degree in agricultural education at Clemson University while living in southwestern NC
- 1991 received Juris Doctor from Mississippi School of Law
- 1991 established Law Offices of James R. Ansley
- 1991 – present, solo practitioner of law providing legal services (civil and criminal) to private citizens, juveniles, and indigent clients
- Former State Vice President of the FFA
- Active sponsor of state FFA Creed Contest, leadership school scholarships, and other awards sponsorships
- Current State Vice President and life member of the NC FFA Alumni Council
- Active sponsor of children's and youth community programs (past and present sponsorships include - Wake Teen Medical Services, the Fatherhood Development Planning Committee, Teen Court, Lunch with a Lawyer program, Special Olympics, and Shrine Circus)

Rachel Lea Hunter

I grew up and attended various elementary schools in Monroeville, PA. I attended high school at Fox Chapel High where I was invited to be a member of the honor society and graduated at the top of my class.

After graduating high school, I went to Chatham College, a small private women's college. Two years later, I transferred to Carnegie Mellon where I received a B.S. in Chemistry with a Minor in Biochemistry.

I earned my law degree from the University of Pittsburgh, graduating among the top third of my class in 1988.

I have drafted hundreds of legal opinions on behalf of various judges throughout my career as a clerk in Pennsylvania. I presently prepare appellate briefs, review and prepare wills, living wills, health care powers of attorney and durable powers of attorney. I assist Pre-Paid Legal members on a variety of issues, including estates, domestic relations, bankruptcy, debtor/creditor and consumer issues.

My hobbies include needlepoint and cross-stitch, gardening, cooking, and traveling. I am a history buff, including the study of ancient Roman Law.

Five Questions Posed to Supreme Court Judicial Candidates

1. Explain how your professional experience and interests have prepared you to serve on the North Carolina Supreme Court.

Ronnie Ansley

Appellate judges and justices have the challenging tasks of applying established legal principles to situations that are, in themselves, the product of an ever changing society. This task can best be undertaken by a justice with a variety of professional and life experiences. As a trial attorney, my entire legal career has been devoted to serving the people of NC through arguing and interpreting both statutory and case law. Having made an estimated 13,000 to 15,000 court appearances and having served as a mediator, I have developed a keen understanding of the human element involved in every case. Hearing and deciding cases as an arbitrator since the mid-1990's has helped me hone my ability to weigh the law fairly and even-handedly as to both sides of an issue.

As a former school teacher and college instructor, I have developed both my writing and teaching skills. With a background in agriculture and agricultural sales, I have developed an understanding and appreciation for rural North Carolina and the issues faced there. As a small business owner I know first hand the challenges facing both employer and employee in our ever-changing economic environment. As a community volunteer, I have witnessed the struggles experienced by nonprofit organizations, community service agencies, and North Carolinians in need. I have had the opportunity to live in eastern and western NC as well as the piedmont. The Supreme Court works with issues of law that truly make a difference in the lives of North Carolinians and society as a whole. Because of my extensive legal background and varied life experiences, I am uniquely qualified to consider all cases before the court with fairness and equity.

Rachel Lea Hunter

I have been preparing legal briefs and opinions since 1986. The ability to do this well, while having a thorough knowledge of state and federal Constitutional issues, is paramount toward my success as a North Carolina Supreme Court Justice. My interests in ancient history and law have contributed to much of my knowledge today. I have worked with individuals of all backgrounds and am very well-respected by my colleagues. The character and fair-mindedness that I have exhibited throughout my career will play well as a Justice.

**2. How would you respond to a claim that you are an activist judge?
Do you agree or disagree?**

Ronnie Ansley

I do not believe I am an activist judge. My job is much like that of a referee at a sporting event. My job is not to pick a side prior to or during a case. My job is to weigh the law and the facts without preference to either side before the court. I firmly believe in our State and U.S. Constitutions and will uphold both without regard for any personal opinion I may have as to any issue before the Court. Appellate judges and justices have the challenging task of applying established legal principles to situations that are, in themselves, the product of an ever-changing society.

Rachel Lea Hunter

My campaign is one against judicial activism. Whether it comes from the left or the right, activism is wrong. It is not the role of the judiciary to create new law. The judiciary is in place to look at law as it is written by the legislature, validate the Constitutionality of that law, and rule on it based on the Constitutionality. Too many individuals have used the bench to promote their causes. This must stop immediately and I will do my part to end judicial activism.

3. What do you think the greatest area of need is in the North Carolina justice system? How would you work to fill that need?

Ronnie Ansley

I feel the greatest area of need in the North Carolina justice system is the need for fair and impartial judges and justices. I believe judges and justices must be honest, informed, fair, and impartial while applying the law consistently and even-handedly to every person and case before them. I have tried to build and live my life by these tenets and will carry that belief with me to the Supreme Court bench.

Rachel Lea Hunter

There needs to be assurance that what has happened in other states with activist judges does not occur in North Carolina. We do not need a repeat of Massachusetts in our great state. We must work to ensure that judges are fair-minded and that they work toward resolving cases based on the Constitution, the Supreme law of the land. If I lead by this great example, I feel that there will be a positive influence felt by my colleagues on the court.

4. The report "Justice in Jeopardy, A report of the Commission on the 21st Century Judiciary," which was approved by the American Bar Association (ABA), states, "The politics of crime imposes intense pressure on judges to decide criminal matters in a manner that satisfies popular expectations." As a judge in one of the highest courts in NC, how will you resist that pressure?

Ronnie Ansley

As an Associate Justice of the North Carolina Supreme Court, I will not decide any case based upon popular expectations; I will follow and apply the law. The job of a judge is to look at the facts and apply the law to those facts without preference to either side before the court. The hallmark of an elected jurist is to apply the law fairly without regard for personal opinions or public pressures.

Rachel Lea Hunter

Given my thorough respect for the law and the Constitution, I have no notion to ever give in to any pressure. By establishing myself as a Justice who will fairly and evenly apply the Constitution to all issues brought before me, I believe that any pressure will be taken away because the popular expectations that allegedly exist will not be placed upon me.

5. The same report states that high courts are becoming more politicized and campaigns are increasingly focused on intensely political issues. What does this mean for campaigns and the courts in North Carolina? What steps will you support to blunt the possible negative effects of these changes?

Ronnie Ansley

Due to the focus on intensely political issues before the courts, I feel it is more important than ever to elect judges and justices that understand the need to be impartial and to keep “politics” out of the judiciary. All issues before the court should be decided based upon the law and the merits of the case and not in any way based upon political ideology.

I would support all candidates for judicial offices pledging not to discuss issues while campaigning or while on the bench. I would also support full disclosure of all donations regardless of size and the names of all campaign workers and volunteers, in order to remove even the hint of impropriety and/or conflict of interest from the bench. Further, I would support programs that put all judicial candidates on equal footing which would remove any thought or appearance of influence from any person or group (i.e., more public service type announcement from candidates, voters’ guides, etc.)

Rachel Lea Hunter

I can only speak for myself. I campaign on issues that are strictly Constitutional. I believe that my campaign supporting the First Amendment protected rights of college students is in line with the Constitution. I believe that others unfortunately fall outside of the realm of current law and Constitutional thought in their campaigns. But that is for the voter to decide. Keeping the process open to voters to decide who our judges will be is much better than a small room full of bureaucrats nominating individuals to the bench. In our Constitutional Republic, voters are the ultimate deciding factor. If they elect someone to the bench that is perceived as running a 'politicized' campaign, I would rather defend their right to vote that way than to take away yet another choice of the people.

Supreme Court Seat 2 (Continued)

You may vote for one of eight candidates in a winner-take-all election for this seat. The candidates are: Ronnie Ansley, Rachel Lea Hunter, Howard E. Manning, Jr., Betsy McCrodden, Fred Morrison, Jr., Paul Martin Newby, Marvin Schiller, and James A. Wynn, Jr.

Howard E. Manning, Jr.



Address: Committee to Elect Manning to
Supreme Court Post Office Box 18627
Raleigh, N.C. 27619
Phone: (919) 783-8023
Email: allnmoore@aol.com
Campaign website: No reply
Employer: State of North Carolina
Occupation: Resident Superior Court Judge,
District 10-B

**Are you participating in the Public
Campaign Financing Fund program?** Yes.
Judge Manning has qualified for and is
participating in the Public Financing Fund
program.

Betsy McCrodden



Address: P.O. Box 6121, Raleigh, NC 27628
Phone: 919.833.0650
Email: info@betsymccrodden.com
Campaign website:
www.betsymccrodden.com
Employer: Elizabeth G. McCrodden, P.A.
Occupation: Attorney/Mediator

**Are you participating in the Public
Campaign Financing Fund program?** Yes

All judicial elections are non-partisan

Biographical Information

Howard E. Manning, Jr.

Born July 25, 1943. BA UNC, 1965. JD UNC, 1968. Licensed to practice law in N.C. and S.C. by examination. Married to Elizabeth Manning since August 27, 1966. Children: Howard III and Ana. Christ Episcopal Church, Raleigh. Interests include, walking, formerly running, (NY Marathon 1980) and camping. Worked as member of the legal profession for 36 years, including 4 years in voluntary military service as Navy Judge Advocate (1968-72), 21 years in the private practice of law concentrating on trial practice (civil and criminal)- earned AV rating, and 11 years of public service as Superior Court Judge. Public service honors: News & Observer - Tar Heel of the Week, April 1993 for work as independent investigator into carbon monoxide deaths at housing authority project; N.C. Academy of Trial Lawyers Outstanding Trial Judge Award June 2001 for work in Leandro case. N.C. Child Advocacy Institute-Champion for Children. October 2 002; N.C. School Psychology Association 2004 Legislative/Public Policy award, September 2004 for making a significant and positive difference in the lives of North Carolina's public school students through their public policy work.

Betsy McCrodden

Betsy McCrodden was born and reared in Hamlet, North Carolina. She graduated from Randolph-Macon Woman's College and, with honors, from the School of Law, UNC-Chapel Hill, where she served on the Law Review staff.

Betsy has practiced law in North Carolina for 27 years and has taught professional ethics at the law school at UNC-Chapel Hill. She has also devoted her life to public service. She served on the board and as President of the League of Women Voters of Wake County and on the board of LWV-North Carolina. She coached soccer and served as a deacon in her church and as president of Washington Elementary School PTA. She has sat on numerous boards and commissions including Randolph-Macon Alumnae Association, Wake Education Partnership, Wake County Community Assessment Committee, and the North Carolina Congress of Parents and Teachers.

Most recently, she chaired the Task Force of the new North Carolina Center for Women in Public Service which prepares women for public service.

Betsy and her husband, Brian, live in Raleigh and have two grown daughters, Laura and Sarah.

Five Questions Posed to Supreme Court Judicial Candidates

1. Explain how your professional experience and interests have prepared you to serve on the North Carolina Supreme Court.

Howard E. Manning, Jr.

Betsy McCrodden

The North Carolina Supreme Court is the cornerstone of our judicial system. The Supreme Court is vested with the responsibility for interpreting the North Carolina Constitution. The Supreme Court is required to review cases where the death penalty has been imposed. The Supreme Court also reviews decisions of the Court of Appeals.

The overwhelming majority of appeals that come to the Supreme Court from the trial court division are cases that are tried in the Superior Courts.

I believe Supreme Court Justices should possess significant trial experience in both civil and criminal cases in the Superior Court. I possess that significant trial experience and am well qualified to serve.

As a Superior Court Judge, I presided over large and complex civil cases and many serious criminal cases affecting the lives and constitutional rights of North Carolinians. For example:

Assigned as trial judge in two landmark N.C. Intangibles Tax Refund Cases (Smith/Shaver) in which the State of North Carolina was required to refund more than \$550,000,000 to taxpayers.

Assigned as trial judge in Leandro, et al. v. North Carolina, et al. charged with deciding whether or not the State of North Carolina is meeting its Constitutional obligation to provide North Carolina's school children with the opportunity to obtain a sound basic education.

Appointed in 2004 by Chief Justice Lake as Presiding Judge of the three-judge panel established by G.S. 1-267.1(a) to hear legal challenges to N.C. legislative redistricting plans.

Assigned as trial judge in over 10 murder cases where the State was initially seeking the

My legal practice has provided a valuable mix of experience that will benefit the people of North Carolina. I have been in private practice and have served as Assistant Attorney General and chief deputy commissioner of the North Carolina Industrial Commission. In 1993, Governor Hunt appointed me to the Court of Appeals, where I developed a reputation for independence, fairness, and hard work. Since leaving the Court, I have been in private practice focused on dispute resolution, including mediation and arbitration.

Because the Supreme Court is North Carolina's highest court and is the appellate court deciding the most complex legal issues, its justices should be of the highest caliber. Three areas of my experience distinguish me as the candidate with this qualification. First, I have appellate court experience - analyzing the law, applying the law to the facts, and writing concise opinions. My record as judge attests to my ability and integrity.

Second, the Supreme Court is the final arbiter of death penalty cases. As Assistant Attorney General, I prosecuted death penalty cases before the Court. Since leaving the bench, I have handled the appeals of men on death row. I, therefore, have a unique and firm understanding of these important cases, and I will bring that to the Court.

Third, workers' compensation claims have grown tremendously in recent years, reflecting changes in North Carolina's economy and constituting an important part of our jurisprudence. It is time to put someone on the Supreme Court who has experience in this important area of the law. As chief deputy commissioner of the Industrial Commission and more recently as mediator of hundreds of workers' comp cases, I have that experience. You will find lawyers on both sides of these cases attesting to my knowledge and impartiality.

death penalty. In 8 cases a death qualified jury was selected. In 3 cases the jury recommended the death penalty. All of these cases were affirmed on appeal. The 3 cases where the death penalty was imposed were affirmed by the Supreme Court.

2. How would you respond to a claim that you are an activist judge? Do you agree or disagree?

Howard E. Manning, Jr.

I disagree. I have been a fair and impartial judge who has treated litigants, witnesses and lawyers with fairness, firmness and respect. I have no personal, social or political agenda to impose on the public. The court is no place for imposing one's personal ideologies disguised as a judicial decision. On the Supreme Court I will continue to work hard, apply my experience and knowledge of the Courtroom to the record and reach a fair and reasoned decision based on the law and the facts, regardless of public opinion or for political gain.

There are cases in which the courts are called upon to decide issues relating to constitutional rights of citizens. In the event the court finds that the constitutional rights of citizens are being violated, the court must act to remedy the constitutional violation. In such cases, it is the duty of the court to order the constitutional violation to cease and to fashion a judicial remedy to correct the damage done by the violation. Superior Court judges often have to remedy constitutional violations and to fashion judicial remedies to correct the wrong. Undertaking that duty does not make the judge an "activist judge."

An "activist judge" is a judge who uses the court to impose the judge's personal, social or political agenda on the public through judicial decision. The Supreme Court is not a place for imposing one's personal, social or political agenda by judicial decision. Voters should beware of a candidate for any judicial office, especially the Supreme Court, who panders their personal, social or political ideologies as the cornerstone of their qualification for judicial office. That person, if elected, may very well become an "activist judge" who would decide your case on the basis of ideology rather than the law.

Betsy McCrodden

"Activist judge" is a phrase which is often misunderstood to be synonymous with the word "liberal." Anyone who has studied the judiciary understands that activist judges have been both liberal and conservative depending upon the outcome reached in a given case. While I do not believe that I was ever characterized as an activist judge - either when I was deciding cases at the Industrial Commission or on the Court of Appeals - I do believe that there were cases in which I was required to interpret laws which were not clear and which, therefore, required judicial interpretation.

When such interpretation is required, judges should rely on their understanding of legislative intent, general rules of construction, and their sense of justice. They should not rely on personal ideology or any other extraneous influence to reach a result.

3. What do you think the greatest area of need is in the North Carolina justice system? How would you work to fill that need?

Howard E. Manning, Jr.

The greatest area of need in the North Carolina Justice System is sufficient funding from the General Assembly so that the third branch of government can keep pace with North Carolina's rapidly increasing demand for access to the justice system and the services that our justice system provides. The North Carolina Justice system needs modern information technology, upgrades to existing systems as well as expanded services to citizens who need access to the courts. As a sitting judge, I do now, and will in the future, justify and explain the critical needs of our justice system to members of the bar, the general public and members of the legislative and executive branches of government.

Betsy McCrodden

The justice system is the place where no one wants to be - whether in civil or criminal court. My answer to your question focuses on how to improve that system - not how to keep people out of the system in the first place.

For the justice system to function, people must have confidence in judges. The greatest need in the justice system, therefore, is to have judges who do the hard work of judging without regard to politics, personalities, or personal ideology. The greatest need is for judges whose actions, both on the bench and off, are above reproach.

As a member of the Supreme Court, I will bring to the job the same qualifications I brought to the Court of Appeals: fairness, independence, and integrity.

4. The report "Justice in Jeopardy, A report of the Commission on the 21st Century Judiciary," which was approved by the American Bar Association (ABA), states, "The politics of crime imposes intense pressure on judges to decide criminal matters in a manner that satisfies popular expectations." As a judge in one of the highest courts in NC, how will you resist that pressure?

Howard E. Manning, Jr.

The foundation of our Judicial Branch of Government in North Carolina is its integrity and independence. As a Superior Court judge for over 11 years, I have resisted the pressure, if any existed, of deciding matters in criminal cases based on the prevailing "popular" sentiment in the communities where I have been assigned to hold court.

In criminal trials, the jury decides guilt or innocence. The Superior Court judge does not "decide" the case, but does impose the sentence after a verdict of guilty. In the case of a guilty plea, the Court also imposes the sentence. In all criminal cases I impose sentences based on the facts of the particular case within the sentencing guidelines set forth by the legislature without regard to "popular" sentiment or "popular" expectations.

As a member of the Supreme Court, I will make my decision in criminal appeals based on the evidence, the record and the law and without regard for how that decision might resonate with the popular public sentiment of the moment. Judicial independence and integrity demand nothing less. To do otherwise would be a violation of my judicial oath, the public trust in the judiciary and the constitution of North Carolina.

Betsy McCrodden

Judges at any level of our judiciary are exposed constantly to the torn fabric of our society. Whether reviewing a heinous crime or a business deal gone awry, judges see the ugly side of daily life.

Judges, however, are not prosecutors. They are elected by the people to make certain that the persons who come before them receive fair trials. The bases of our protection as individuals against overreaching government action are our constitutions. The oath of office each judge takes requires him to uphold the U.S. Constitution as well as North Carolina's Constitution and its laws, to the extent they are not inconsistent with the U.S. Constitution.

As a judge on the highest court in North Carolina, I will be true to that oath.

5. The same report states that high courts are becoming more politicized and campaigns are increasingly focused on intensely political issues. What does this mean for campaigns and the courts in North Carolina? What steps will you support to blunt the possible negative effects of these changes?

Howard E. Manning, Jr.

Betsy McCrodden

The U.S. Supreme Court in *Republican Party of Minnesota v. White*, 356 U.S.765 (2002), decided it was an unconstitutional infringement on the right of free speech for a Code of Judicial Conduct to prevent candidates for judicial office from stating their views on “disputed legal or political issues.” As a result, candidates for judicial office may express their opinions on disputed legal or political issues.

I believe that this may damage the independence and integrity of the judiciary as it may encourage some judicial candidates to pander to special interests for votes while causing voters on opposing side of the disputed legal or political issue to lose faith in the ability of the judicial system to render fair and impartial decisions should the candidate win.

While stating one’s views on hot button issues is permissible, a judicial candidate must maintain actual and apparent impartiality and uphold the integrity and independence of the judiciary. A judicial candidate may not promise, outright or implied, that they would rule a certain way in a particular type of case. To do so compromises the integrity and independence of the judiciary.

There is nothing that requires a judicial candidate to pander to special interests by expressing their “personal” views on disputed legal and political issues of the day. In my opinion, pandering to the voters in such a manner compromises the integrity and independence of the judiciary and diverts the voters’ attention from the relevant qualifications and courtroom trial experience, if any, the candidate has for judicial office.

I have no control over the conduct of other candidates. However, I will not make statements commenting on pending “hot button” issues, nor put myself in the position of

We are already seeing the effects of this trend in North Carolina. I fear it is a forewarning of fractious debate, political divisiveness, and the election of judges whose ideologies will dictate their decisions.

The U.S. Supreme Court has lifted the gag rule on persons running for judgeships. Responsible persons seeking judgeships, however, should refrain from staking themselves out on positions on issues that may come before them. I support organizations that promote such restraint and independence. I also support education of the public in matters pertaining to the judiciary. An electorate that is informed as to the serious purpose of the judiciary and that understands the distinction between legislation and judging, will appreciate and support judges who are not ideologically motivated.

appearing to have made my mind up on an issue I may have to decide in the future.

Supreme Court Seat 2 (Continued)

You may vote for one of eight candidates in a winner-take-all election for this seat. The candidates are: Ronnie Ansley, Rachel Lea Hunter, Howard E. Manning, Jr., Betsy McCrodden, Fred Morrison, Jr., Paul Martin Newby, Marvin Schiller, and James A. Wynn, Jr.

Fred Morrison, Jr.



Address: 900 Indian Trail Drive
Raleigh, NC 27609
Phone: 919-876-6348
Email: cbmorrison@mindspring.com
Campaign website: N/A
Employer: State of North Carolina,
Office of Administrative Hearings
Occupation: Senior Administrative Law Judge

**Are you participating in the Public
Campaign Financing Fund program?** Yes

Paul Martin Newby



Address: 6108 Chowning Court, Raleigh, NC
27612
Phone: (919) 302-0028
Email: newbyforcourt@yahoo.com
Campaign website: www.newbyforcourt.com
Employer: United States Attorneys Office,
Eastern District of North Carolina
Occupation: Assistant United States Attorney

**Are you participating in the Public
Campaign Financing Fund program?** I am
participating in the Public Campaign Financing

All judicial elections are non-partisan

Biographical Information

Fred Morrison, Jr.

I was born in Memphis and grew up in Newport, TN just across the border from Asheville, NC. My father owned and operated a wood products company where I worked during the summers. It was there that I learned the values of hard work and honesty. We had Bible study once a week during lunch break.

I graduated cum laude from Wake Forest University School of Law in 1963. I passed the bar exam and practiced law for a year before being appointed as Solicitor of Thomasville Recorders Court as well as attorney for the Thomasville City School Board. In 1969, I moved to Raleigh to serve as Legal Counsel to the Governor. In 1974, I was appointed as the first Executive Director of the NC Inmate Grievance Commission. I returned to private law practice in 1981 until being appointed as an Administrative Law Judge in 1986 where I have served for 18 years.

I have served as President of the Thomasville Jaycees and the North Carolina Jaycees. I am an active member of Raleigh's First Presbyterian Church.

I am now applying to the people for a promotion to the NC Supreme Court.

Paul Martin Newby

I was born in Asheboro and grew up in Jamestown, NC, where I graduated from Ragsdale High School. I attended Duke University and graduated Magna Cum Laude in Public Policy Studies. My law degree is from UNC-Chapel Hill. I have practiced law for 25 years. I began my law practice in Asheville. Next, I was general counsel for a real estate development company in the Charlotte area. During the Reagan Administration, I was appointed as an Assistant United States Attorney and have served in that role for the last 20 years, handling a wide variety of civil and criminal litigation, from defending medical malpractice cases to taking assets from drug dealers, proving that "crime doesn't pay!" I have been married for 21 years to Macon Tucker Newby from Wilson. We have four children ranging in ages from 4 to 16. I am a Boy Scout Scoutmaster and an Eagle Scout. I teach Sunday School and work with youth at Christ Baptist Church.

Five Questions Posed to Supreme Court Judicial Candidates

1. Explain how your professional experience and interests have prepared you to serve on the North Carolina Supreme Court.

Fred Morrison, Jr.

I have spent a lifetime studying and working in our North Carolina legal system. I have the longest legal career of the eight candidates seeking the Orr seat on the NC Supreme Court. I have been a member of the North Carolina State Bar for over 41 years.

The large majority of my legal career has been spent in service to the citizens of North Carolina (35 years as a State employee). As a justice on the North Carolina Supreme Court, I would simply elevate my career of service to the citizens of North Carolina.

Over the years, I have learned the importance of fairness and impartiality, values that I have followed during my service as an administrative law judge for the past 18 years.

Since March 1, 1986, the North Carolina Office of Administrative Hearings has had as its goal the provision of independent administrative law judges to conduct hearings and issue decisions "in a fair and impartial manner to protect the due process rights of citizens who challenge administrative action." I have enjoyed serving as an administrative law judge and think that this service has helped prepare me for a position on our state's highest court which receives many appeals concerning state agency decisions.

Upon election to the Supreme Court, I will seek to continue rendering opinions according to our laws in a fair and impartial manner. I believe that my education, training, and experience will be beneficial to the work of the court. I will be guided by the law in making my decisions on the court.

Paul Martin Newby

During my 25 years of practicing law, I have handled a wide variety of civil and criminal matters. I believe that I have litigated in practically every area of the law, from real estate matters to defending medical malpractice and other personal injury actions to enforcing our criminal laws. I respect our law enforcement community, understand the challenges they face and appreciate the security we enjoy because of their sacrifices. I understand the negative impact of judicially expanded tort litigation on the medical and small business communities. As a husband and father of four, a Boy Scout leader and an Eagle Scout, I support traditional family values. As a practicing attorney, I am very aware of the need for our laws to be consistent, stable and predictable. The rule of law must be followed. Judicial activism is undermining our system. I know the importance of applying the law as written and will do so as a judge.

**2. How would you respond to a claim that you are an activist judge?
Do you agree or disagree?**

Fred Morrison, Jr.

I have never heard the claim that I am an activist judge, nor would I label myself as one.

Throughout my career, I have strived to listen carefully and apply the law fairly based on the facts of the case before me. I believe in equal application of the law to all people in any given circumstance, regardless of their station in life.

I will never use my position as a justice to create laws, that's the Legislature's job in Raleigh. If my desire was to make laws, I would be running for a seat in the General Assembly rather than on the Supreme Court.

Paul Martin Newby

I am a principled conservative who is opposed to judicial activism. Our traditional values are under assault. Across our nation, judges are imposing their views upon us, threatening the very foundations of our culture. Judicial activism is wrong. We need judges who will enforce the Constitution, not rewrite it. I agree with our Founding Fathers that there must be checks and balances between the branches of government. Courts should have a limited role. Legislatures should make laws, not courts. I believe that a court should look at the original intent of the writers of the Constitution or statute and apply it accordingly. A judge should never superimpose his opinion, but should fairly and impartially apply the law as intended.

3. What do you think the greatest area of need is in the North Carolina justice system? How would you work to fill that need?

Fred Morrison, Jr.

Perhaps the greatest need facing the North Carolina judicial system today is that of adequate funding. Over the past 41 years of my legal career, judicial workloads have become larger and larger, without needed increases in funding.

As we advance into the 21st Century, it becomes more and more important that we take advantage of the capabilities of modernizing our equipment and resources.

The easier it is to catalogue, organize, and ultimately find judicial research, the faster we will be able to work. We can take on larger caseloads, in turn decreasing the amount of backlogs of cases waiting to be heard. This in turn saves time and money.

Another important benefit of modernization of the tools that a judge can use is thorough research. The easier it is to pinpoint an area of law and decisions affecting that law, the easier it is to render a fair and impartial decision based upon what the law currently is.

Paul Martin Newby

The greatest need in the North Carolina justice system is to stop judicial activism. Judicial activism undermines the public confidence in the rule of law and leads to cynicism. The law must be fairly, consistently and predictably applied. I fully respect the rule of law and will apply the law as intended. As a principled conservative, I am committed to the rule of law and judicial self-restraint.

4. The report "Justice in Jeopardy, A report of the Commission on the 21st Century Judiciary," which was approved by the American Bar Association (ABA), states, "The politics of crime imposes intense pressure on judges to decide criminal matters in a manner that satisfies popular expectations." As a judge in one of the highest courts in NC, how will you resist that pressure?

Fred Morrison, Jr.

Yes, I will resist that pressure. I took a lot of grief in attempting to resolve grievances from prison inmates for seven years. The best thing that a judge can do to resist popular demands/expectations while serving on the court is to do his or her job by looking to the law as his or her guiding star. The law is blind to social trends and popular feelings. Only by endeavoring to base decisions upon the law applicable to any given case, can a judge on any court protect himself or herself from outside influences. I believe in "Let justice prevail, though the sky fall."

Paul Martin Newby

As a practicing attorney and prosecutor, I disagree with the premise that judges are prejudiced against the defendant. There is great respect for our heritage of individual rights and liberty. My experience is that often a judge will create or enlarge the rights of criminal defendants beyond those specified by the Constitution or by statute. Again, the real threat is from judicial activism, not from courts fairly and impartially applying the law as written. The law must be administered justly, but it must be administered. "Lady Justice" is blind-folded for a reason; justice is rendered equally to all. Our Constitutions and statutes provide protection for individual rights but also for the punishment of those who violate the law.

5. The same report states that high courts are becoming more politicized and campaigns are increasingly focused on intensely political issues. What does this mean for campaigns and the courts in North Carolina? What steps will you support to blunt the possible negative effects of these changes?

Fred Morrison, Jr.

The state of North Carolina has taken a good step forward in making judicial campaigns a non-partisan process. We are attempting to remove political labels and limit contributions from special interest groups. Now more than ever, voters need to understand that our judicial elections should be about the integrity, ability, training and experience of the candidates rather than deep pockets of supporters. I have agreed to follow the resolution of the NC Bar Association urging all candidates to refrain from campaign conduct that would impugn the integrity of the judiciary.

That's why I'm running a campaign based on my experience and integrity, not on issues. Instead of showing biases and preconceived opinions, as a judge I will decide each case based on the facts and the law, not on a political ideology.

I also think that the state can do more. By adequately funding all judicial races, the state of North Carolina can ensure that its candidates are not forced to seek money from special interest groups. Public funding will create races that are about the candidates, not about politics, and I fully support a move to that end.

Paul Martin Newby

Our courts have become politicized because liberal activists have discovered that they can achieve political ends through the courts which could not be gained through the legitimate legislative means. Our Founding Fathers designed a system in which new laws are made through the legislature. However, activist judges are usurping the law-making role and legislating from the bench. The only answer to de-politicize the courts is to elect conservative judges who are principally opposed to judicial activism; judges who seek to enforce the law, not re-write it. I believe in the rule of law and will fairly and impartially apply the law as intended. If a party does not like a Constitutional or statutory provision as written, the remedy is to seek legislative change. Judges should not be changing or modifying the law, but simply enforcing it as written. If judges will simply apply the law, then the political debate will return to the legislature where it belongs.

Supreme Court Seat 2 (Continued)

You may vote for one of eight candidates in a winner-take-all election for this seat. The candidates are: Ronnie Ansley, Rachel Lea Hunter, Howard E. Manning, Jr., Betsy McCrodden, Fred Morrison, Jr., Paul Martin Newby, Marvin Schiller, and James A. Wynn, Jr.

Marvin Schiller

No Response

James A. Wynn, Jr.



Address:

Phone:

Email:

Campaign website:

Employer:

Occupation:

Are you participating in the Public Campaign Financing Fund program?

Address: The Judge Wynn for Supreme Court Committee

P. O. Box 1091; Raleigh, NC 27602

Phone: 919-461-3961

Email: judgewynn2004@aol.com

Campaign website: www.judgewynn.com

Employer: No response

Occupation: Judge, North Carolina Court of Appeals

Are you participating in the Public Campaign Financing Fund program? YES, I am participating in public financing for judges. Unfortunately, however, because there are eight candidates in this race for the Supreme Court, the amount provided was short by over \$100,000 of what was to be allotted to Supreme Court candidates. The Board of Elections has allowed me to continue to accept contributions up to the \$100,000 amount.

All judicial elections are non-partisan

Biographical Information

Marvin Schiller

James A. Wynn, Jr.

No Response

Judge James Andrew Wynn, Jr. earned a bachelor's degree in journalism at the University of North Carolina in Chapel Hill; a juris doctorate degree at Marquette University School of Law in Milwaukee, Wisconsin; and a Masters of Law degree in Judicial Process at the University of Virginia School of Law in Charlottesville, Virginia. Meanwhile, he became a Supreme Court Justice, Court of Appeals Judge, United States Navy Captain, and a twice nominated candidate for the United States Court of Appeals for the 4th Circuit.

In the American Bar Association (ABA), he served as the first African-American Chair of the Appellate Judges Conference whose membership includes over 600 federal and state appellate judges. Other ABA work includes service on the Joint Commission to Evaluate the ABA Model Code of Judicial Conduct, Standing Committee on Judicial Independence, State Judicial Selection Task Force, Chair of First Amendment and Judicial Campaign Speech Committee which revised Canon 5 under the Model Code of Judicial Conduct, and AJC representative in the ABA House of Delegates.

He is an Executive Board member of the Uniform State Laws Commission and was a drafter of Revised Uniform Arbitration Act, Uniform Tort Apportionment Act and proposed Genetic Discrimination Act. (response truncated)

Five Questions Posed to Supreme Court Judicial Candidates

1. Explain how your professional experience and interests have prepared you to serve on the North Carolina Supreme Court.

Marvin Schiller

No Response

James A. Wynn, Jr.

With 14 years as an appellate judge in North Carolina on the Supreme Court and Court of Appeals, I have more judicial experience than all seven of the other candidates in this race. Over the years, I have authored over 1800 opinions. Additionally, I am a national leader on Judicial Independence and Reform. Of the eight candidates in this race, I am the only one who has served on the Supreme Court and I am the only sitting appellate judge.

I am active in national organizations such as the American Bar Association where I chaired the 600-member Appellate Judges Conference and the National Conference of Commissioners where I sit on the Executive Board. I serve as a national spokesman for the Justice at Stake Campaign which addresses judicial independence and accountability issues.

**2. How would you respond to a claim that you are an activist judge?
Do you agree or disagree?**

Marvin Schiller

No response

James A. Wynn, Jr.

I strongly disagree. My judicial philosophy has been to follow the law not make the law. Judges should not bring an agenda to the courtroom

Judicial candidates who prejudge disputed issues before they have the benefit of the facts of each case and the law that controls it, confirm their inability to decide cases impartially. Indeed, such activists should more appropriately seek office in our legislature rather than in the judiciary.

Most importantly, I will accord each party to a court action the same considerations that I accord every citizen of this State – a fair, unbiased and impartial hearing on issues and controversies presented to the Court.

In sum, I adhere to the judicial philosophy that a judge should follow the law, not make the law.

3. What do you think the greatest area of need is in the North Carolina justice system? How would you work to fill that need?

Marvin Schiller

No Response

James A. Wynn, Jr.

In order of priority, the three most important concerns of our judiciary are: 1. Enhancing the Public's Confidence and Trust in the Judiciary 2. Promoting Judicial Independence and Accountability 3. Examining Judicial Selection – elected vs. appointed judges

I will continue to urge our Supreme Court members to revisit the ill-advised recent changes to the North Carolina Code of Judicial Conduct which promotes partisanship, allows judges to directly solicit money, allows judges to endorse non-judicial candidates, allows sitting judges to conduct themselves as candidates even when they are not in the current year's election, and permits judges to make pledges and promises on issues and controversies that are likely to come before the court.

I will further continue my work with the ABA Standing Committee on Judicial Independence and the Justice at Stake Campaign to address issues of special interest influence on the judiciary. I will continue to participate in community outreach programs to help the public better understand the role of judges and the decision-making process.

I will further continue to work to promote greater sensibility and understanding of diverse issues that confront the court. I will also complete another publication addressing the impact of the Brown decision 50 years later.

4. The report "Justice in Jeopardy, A report of the Commission on the 21st Century Judiciary," which was approved by the American Bar Association (ABA), states, "The politics of crime imposes intense pressure on judges to decide criminal matters in a manner that satisfies popular expectations." As a judge in one of the highest courts in NC, how will you resist that pressure?

Marvin Schiller

No Response

James A. Wynn, Jr.

This statement goes to the heart of judicial independence. During the course of my career, I have adhered to the role that is assigned to a judge to accord every citizen due process and a fair hearing. Judicial courage is a matter that each judge has to decide whether he or she will exercise it.

My judicial record of decisions assuredly confirms that I do not pander to special interest groups and I write decisions that conform with the law regardless of the political consequences. Thus, for example, in writing the dissenting opinion to the criminal case in which a drunk driver was subjected to a capital murder charge, I recognized the possible political fallout but pointed out that the decision reached far beyond drunk drivers and applied to sober grandmothers who drove 15 mph over the speed limit and caused an accident resulting in a death to one and a serious injury to another. Ultimately, our Supreme Court unanimously agreed with me.

5. The same report states that high courts are becoming more politicized and campaigns are increasingly focused on intensely political issues. What does this mean for campaigns and the courts in North Carolina? What steps will you support to blunt the possible negative effects of these changes?

Marvin Schiller

No Response

James A. Wynn, Jr.

Surely, this is not good for North Carolina's judiciary. It does not enhance the public's confidence in the judiciary and it promotes the concept that "Justice is for Sale". I have already encountered this with certain judicial candidates who seek to pander to single issue advocacy groups. In response I issued the following press release:

JUDGE WYNN DEFENDS JUDICIAL INDEPENDENCE Wynn Will Not Give In To Advocacy Group Demands; Calls On Other Judicial Candidates To Forego Answering Questions Which May Require Future Recusals

Raleigh, N.C. - Judge James A. Wynn, Jr., one of eight candidates vying for a single seat on the Supreme Court, issued a response today to voter questionnaires from single issue advocacy groups seeking to identify judicial candidates who are predisposed to their agendas. Responding to "Voter Guide" Questionnaires from the Political Action Committees of North Carolina Right to Life, Inc., Equality North Carolina, and North Carolina Family Policy Council, Judge Wynn stated:

Because answering the agenda questions may require recusal from cases presenting such issues, I respectfully decline to render a decision on issues and controversies that are likely to come before the court. For instance, a candidate answering that homosexuals should not have the right to adopt children, would be precluded from deciding that issue if it should come before the court since he or she has already indicated what the outcome should be.

Judicial candidates who prejudge disputed issues before they have the benefit of the facts of each case and the law that controls it, confirm their inability to decide cases impartially. Indeed, such activists should more appropriately seek office in our legislature

rather than in the judiciary.

To assist you in determining my qualifications for the Supreme Court, I offer my 14 years of judicial experience on the Supreme Court and Court (Response truncated)

**North Carolina Court of Appeals Seat 1
(You may vote for one)**

Linda McGee



Address: P.O. Box 1638
Raleigh, NC 27602
Phone: 919-606-9696
Email: judge@lindamcgee.org
Campaign website: www.lindamcgee.org
Employer: State of N.C., N.C. Court of Appeals
Occupation: Judge, N.C. Court of Appeals

Are you participating in the Public Campaign Financing Fund program? Yes, I am a certified candidate who has qualified for Public Campaign Funds.

Bill Parker



Address: P.O. Box 18365 Raleigh, NC 27619-8365
Phone: (919) 788-7122
Email: bparker@electbillparker.com
Campaign website: www.electbillparker.com
Employer: Self-employed
Occupation: Attorney, Parker, Hauser & Cabaniss

Are you participating in the Public Campaign Financing Fund program? Yes

All judicial elections are non-partisan

Biographical Information

Linda McGee

It has been my privilege to serve as a judge on the Court of Appeals for nine years. I have written over 1,000 opinions and helped decide more than 3,000 cases that affect families, our environment, and effective government. I am our Court's most senior woman judge. I have a record of being independent, impartial, open-minded, even-handed, and hard-working. I also have the added experience of practicing law for 17 years.

Teachers, police officers, firefighters, lawyers and working people across our state have endorsed me. My standard in life, and in the courtroom, has been to treat everyone with dignity and courtesy. The role of our courts is to apply the law objectively and fairly and I have worked to do that.

I am dedicated to helping young people become involved in our government and I have worked to expand teaching of civics. I chaired the N.C. Civic Education Consortium and co-chaired the Lawyers in Schools Committee of the N.C. Bar Association.

My husband of 33 years and my two sons have given me their support to pursue a life of public service. Having been a League member, I would very much appreciate your support.

Bill Parker

Bill Parker was born in 1949 in Little Rock, Arkansas to Baptist missionary William Parker, Jr. and teacher Mary Parker. Bill earned a B.A. in Political Science from the University of Texas-Pan American in 1971. As a fluent Spanish speaker, Bill taught bilingual education in Texas for three years before becoming a commissioned officer in the USAF in 1974.

Bill's distinguished Air Force career presented a variety of experiences that displayed his ability to make balanced decisions in difficult situations. He flew reconnaissance in support of the Grenada hostage rescue mission and the Beirut peacekeeping mission. He also dealt with sensitive international matters and negotiated key international agreements in Latin America and Europe. He received numerous medals and honors for his service.

Bill retired from the Air Force in 1994 and enrolled at Regent University School of Law. He has been practicing law in North Carolina since 1997. His law firm of Parker, Hauser and Cabaniss in Raleigh represents small businesses and medical practices.

Bill has been married to his wife, Nancy, for thirty-five years. His sons, William and Andrew, are both Air Force officers serving in Iraq and Afghanistan. His daughter Meredith is a Graduate Student at UNC-Chapel Hill.

Five questions posed to Court of Appeals Judicial Candidates

- 1. A large number of cases that come before the courts are in the following four categories: family and juvenile law, criminal cases, negligence and property issues. How has your professional experience and interest prepared you to rule on these types of cases?**

Linda McGee

For more than three decades, I have focused on the very real legal needs and problems in our state, both as a judge on the Court of Appeals and as a lawyer in private practice.

With nine years of experience as an appellate court judge, I have helped decide more than 3,000 cases from all across our state which have dealt with virtually all areas of the law. I have written more than 1,000 opinions, explaining the law in a straightforward manner. Nine years of actually deciding these important cases is the best experience available.

For more than 17 years I daily helped families and young people deal with the breakup of their family relationships, with the harmful results of abuse within their families, and with the many legal problems that young people face who are neglected or delinquent. I represented these families, many of whom I had known personally. My law practice included representing people in state and federal courts, in both criminal and civil cases. My experience in the courtroom day in and day out, working with the varied legal needs of people, has prepared me well to continue to decide cases affecting the lives of people who bring their legal issues to our court.

I have actively participated in women's organizations and bar groups to improve the legal rights of women and to advance our system of justice over the past 30 years. As co-chair of the N.C. Bar Association's Lawyers in Schools Committee and in serving on the American Bar Association's Standing Committee on Public Education, I have worked to bring greater understanding of the law to students and to the public.

Bill Parker

Regardless of the area of law that a particular case may fall under, judges must rely upon logic, reasoning and solid communication skills. These characteristics are acquired from one's life experiences as much as any time spent on a bench. My personal and professional background established a strong moral compass and an ability to clearly consider all aspects of a case before issuing fair and impartial rulings.

My years as a teacher taught me the value of providing discipline and guidance—both of which are essential in family, juvenile and criminal cases. My years in the service challenged me to make balanced, reasoned decisions in difficult situations. I flew reconnaissance in support of the Grenada hostage rescue mission and the Beirut peacekeeping mission in the 1980s. I also served as a staff officer and political negotiator in Latin America and Europe. My Air Force career established a sense of duty and a respect for this nation's laws and political processes. These values are invaluable to a judge, no matter what type of case he or she is presiding over.

In 1994 I enrolled at Regent University School of Law, whose faculty is dedicated to training "Christian Leaders to Change the World." At Regent I continued to develop my analytical and communicative skills, while never losing sight that God had given me the opportunity to use my education for His greater purpose. For the last seven years I have provided legal assistance to doctors and small businesses. Serving these clients has exposed me to a wide variety of law.

Experience certainly matters—but there are different kinds of experience. Familiarity with a broad range of situations often trumps knowledge in a specialized area. I have found this to be especially true when it comes to the legal profession.

2. What do you think the greatest area of need is in the North Carolina justice system? How would you work to fill that need?

Linda McGee

The greatest area of need in our state's courts is additional resources to continue to operate our court system fairly and efficiently. Our courts receive only three percent of our state's budget, which simply is inadequate to effectively operate our state's courts in all one hundred counties.

In order to help improve financial support for our courts, I and other incumbent judges continue to share with the public the financial needs of our courts. Once members of the public recognize these strong needs for added resources, they will be more supportive and become effective voices for improvements.

We often place great responsibilities and demands on our schools and on our courts to deal with far more problems of society than ever before. As with our schools, more financial support is required by our court system to meet these growing demands effectively and fairly.

All our citizens would benefit from a court system funded with adequate resources to ensure the courts are open and well prepared to decide important issues in civil and criminal cases.

Bill Parker

North Carolina's justice system faces the same crisis that courts across this nation are currently battling—the threat of judicial activism. Across this country we have seen a tendency for activist judges to trample upon our democratic heritage and the Constitution to serve their own political and cultural agendas. By using their position to manipulate laws passed by the legislature, they clearly violate the separation of powers principle—a principle which has stood as our nation's bulwark against tyranny for centuries.

Unfortunately, I do not have the power to single-handedly reverse this trend. That authority rests with you, the voters. All I can do is express my desire to defend our Constitution in my own actions on the bench. As judge, I pledge to uphold the principles that have made our state great. I will rule upon the law as it was meant to be applied, according to the original intent of the legislature.

3. The report "Justice in Jeopardy, A report of the Commission on the 21st Century Judiciary," which was approved by the American Bar Association (ABA), states, "The politics of crime imposes intense pressure on judges to decide criminal matters in a manner that satisfies popular expectations." As a judge in one of the highest courts in NC, how will you resist that pressure?

Linda McGee

More than one-fourth of the cases I have decided over the past nine years have been criminal cases. I have carefully considered the arguments of the criminal defendants and the arguments of the State in each of those cases. I applied the law to the facts and considered the merits of each case in careful detail. I will continue to give this same thorough review to every defendant in every criminal case that comes before the court, without bias or favoritism.

Although the Court of Appeals is an appellate court, and not a trial court where the judge imposes a sentence following a criminal conviction, the judges at our court carefully consider arguments for new sentencing hearings, along with all other issues raised in criminal cases. We constantly keep in mind that criminal laws are enacted to protect the public. We also understand our role in making certain an accused person's fundamental constitutional rights are protected in our system of criminal justice.

I have a reputation for fairness with a balanced approach in considering each case on its merits. I apply the law to the specific facts in the cases before me without any personal agenda. That is the role of a judge in our system of justice and I seriously adhere to that role.

Bill Parker

In light of my response above, the answer to this question is quite simple: I will rule according to the law, and nothing else. My sole political motive is to combat judicial activism. If I ruled upon a criminal manner simply to appease the public, it would violate everything that I have chosen to run upon. I do not intend to sacrifice my private practice and my personal integrity simply to placate popular desires. Instead, I will carefully study what the legislators have written, and rule according to established precedent and legislative intent.

4. The same report states that high courts are becoming more politicized and campaigns are increasingly focused on intensely political issues. What does this mean for campaigns and the courts in North Carolina? What steps will you support to blunt the possible negative effects of these changes?

Linda McGee

I applaud the N.C. Bar Association's efforts in encouraging judicial candidates and judges to reject negative campaigning that would bring disrespect to our system of justice. I was pleased to sign their pledge stating that I would campaign in a positive manner, just as I have always done.

For the first time, all judges in our state will be elected on a non-partisan basis in the 2004 election. One goal of non-partisan judicial elections is to strive to remove partisan politics from these races. Our Chief Justice formed an Advisory Committee on Permissible Political Conduct for Judges and Judicial Candidates, bringing together judges, lawyers, legislators and the public to consider these important campaign practices. I look forward to their report and welcome their recommendations to discourage negative judicial campaigning.

Public Campaign Financing for appellate court judges in our state now provides limits on campaign contributions and spending for candidates who choose to participate in the program. I am proud of the League of Women Voters' leadership statewide in educating the public about the state income tax return check-off. I have been a speaker at League events, sharing these important changes in funding of appellate judicial races.

I support the Legislature's stated purpose in enacting public campaign financing to "ensure the fairness of democratic elections in North Carolina and to protect the constitutional rights of voters and candidates from the detrimental effects of increasingly large amounts of money being raised and spent to influence the outcome of the elections, those effects being especially problematic in elections of the judiciary, since impartiality is uniquely important to the integrity and credibility of the courts." I have chosen to participate in public campaign financing and I am a certified candidate who has received public funds for my campaign.

Bill Parker

The appointment of judges at the federal level has become increasingly politicized as a result of judicial activism. The public now desires to know about a judge's ideology because judges have allowed their own cultural and personal agendas to guide their decisions, rather than the law and established legal precedent. Inasmuch as worldview influence's a judge's decision in some respect, voters deserve to know that worldview. Nevertheless, in spite of this increasing politicization, our judiciary must exercise extreme objectivity.

Because our founding fathers intended the judicial branch to act impartially, our judges must be evaluated according to the soundness of their legal reasoning, and not necessarily the outcome of particular cases. As a candidate, I prefer to discuss judicial philosophy rather than specific issues. Philosophy helps define the basis by which a judge will make his or her decision—it does not define what he or she will rule on any particular case. As a member of the Court of Appeals I would abide by the judicial canons, which limit one's ability to comment on cases that may come before the tribunal. This focus directs the public's attention—and the politics of judicial campaigns—to where it properly belongs.

5. The Commission report states that, "There is growing concern that the courts are not meeting the public's expectations in areas involving domestic relations, family violence, juvenile justice and substance abuse." What can be done to address these concerns and how will you work to alleviate them?

Linda McGee

Throughout my career as a judge and as a lawyer, I have worked with families. I have represented them as a lawyer and I have helped decide their legal issues as a judge. Twenty-five years ago I was a founding member of the N.C. Association of Women Attorneys, an organization that focuses on legal needs of women and families. When the first domestic violence laws were enacted in 1978, I worked with judges, law enforcement and women's groups to develop some of the first forms used to file domestic violence petitions.

I helped start an organization to protect the victims of family violence in northwestern North Carolina and we started a shelter home. I served as president of Legal Services of the Blue Ridge that helped low income people with their legal needs. I also helped bring mediation services to our area to more effectively deal with families' legal needs.

I serve on the N.C. Custody and Visitation Mediation Advisory Committee. One of the most effective programs we have advocated is Family Court. These specialized courts are an outstanding improvement in dealing with all legal problems of a family in a single court, before one judge who has the opportunity to learn about all the legal needs of a family and to help develop effective answers to those needs. Mediation to resolve child custody, visitation and support is expanding to help families resolve their own issues. District Court judges across the state continue to ask for Family Courts to be set up in their districts, but there have not been enough funds available. The positive results from our present Family Courts and from family mediation should be expanded to serve all our state's families in need.

Bill Parker

This question is difficult to answer because the report does not state exactly what the public's expectations are. Nevertheless, this statement is included in the midst of several other statements regarding concerns related to the need for an "able and impartial" administration of justice. It goes on to declare that "The promise of America is broken if the public thinks that judges are captured by special interests, controlled by the wealthy and powerful, and unconcerned about the rights of racial, ethnic and political minorities." To alleviate these concerns, the report calls for "qualified judges" supported by adequate resources. Other recommendations involve the system itself. The responsibility for providing resources and changing the system lies with the General Assembly and the voters. As a judge, however, I pledge to rule upon these cases according to what the original intent of the law prescribes—not take advantage of loopholes to allow its manipulation.

Furthermore, I feel that I am well-qualified for work in these particular areas of law. Many of these types of cases demand negotiation between parties. As an experienced negotiator with the Air Force, and in my own relations with clients in my private practice, I have developed the balance of compromise and determination to capably handle conflicts in these areas.

North Carolina Court of Appeals Seat 2 (You may vote for one)

Wanda G. Bryant



Address: PO Box 2347
Raleigh, NC 27602
Phone: (919) 682-8260 / 274-5686
Email: wbryant2@nc.rr.com
Campaign website:
www.judgewandabryant.com
Employer: NC Court of Appeals
Occupation: Judge

**Are you participating in the Public
Campaign Financing Fund program? Yes**

Alice C. Stubbs



Address: Raleigh, North Carolina
Phone: 919-302-2118
Email: acstubbs1@yahoo.com
Campaign website:
www.judgealicesubbs.org
Employer: State of North Carolina
Occupation: District Court Judge,
10th Judicial District of North Carolina

**Are you participating in the Public
Campaign Financing Fund program? No
reply**

All judicial elections are non-partisan

Biographical Information

Wanda G. Bryant

A Biography Full of Firsts

Judge Wanda Bryant has served on the North Carolina Court of Appeals since 2001. She brings her 22 years of exemplary experience and public service in the legal profession and community to the State's second-highest court. Native to North Carolina, Bryant is oft-lauded for her richness in integrity, her strong work ethic and her common sense approach to work and life learned in her close-knit community in Brunswick County.

A first generation college graduate, Judge Bryant received her Bachelor of Arts degree at Duke University and studied at Oxford University, England. She received her Juris Doctor at N.C. Central University.

Making History

Judge Bryant began her legal career and made history when appointed the first female and first African-American prosecutor of the thirteenth prosecutorial district. She served as the first staff attorney for the Police Executive Research Forum in Washington, D.C.; then as Assistant United States Attorney in the District of Columbia. She served for eight years as a Senior Deputy Attorney General and first director of the Citizen's Rights Division until appointed by Governor Mike Easley to the N.C. Court of Appeals in 2001.

Alice C. Stubbs

DATE ADMITTED TO BAR: 1992

LEGAL/JUDICIAL EXPERIENCE:

1992 - 1993: Law Clerk for Honorable James B. Wolfe, Jr., Chief Bankruptcy Judge, Middle District of North Carolina, Greensboro, North Carolina

1993 - 1997: Private Practice with firm of Stubbs & Perdue, P.A., Raleigh and New Bern, North Carolina

1997 - present: District Court Judge, 10th Judicial District, Raleigh, North Carolina

ENDORSEMENTS: North Carolina Republican Party, Fraternal Order of the Police, Senator Elizabeth Dole, Congressman Richard Burr, Wake County Sheriff Donnie Harrison

After I was nominated by the Wake County Bar, Governor Jim Hunt appointed me to the Wake County District Court in 1997. I was elected in 1998 and 2002 and have presided over more than 50,000 cases. Since I became a certified juvenile judge in September of 2001, I have presided primarily in domestic and juvenile courts. As a mother of two young children, I understand the importance of cases which directly impact the lives of families. These cases make up a large percentage of those that are reviewed in the Court of Appeals. If elected on November 2, 2004, I will try to make rulings that are consistent, predictable and fair to all.

If elected, this will be my only agenda.

Visit my website at <http://www.judgealicestubbs.org/> and please vote for me on November 2.

Five questions posed to Court of Appeals Judicial Candidates

1. **A large number of cases that come before the courts are in the following four categories: family and juvenile law, criminal cases, negligence and property issues. How has your professional experience and interest prepared you to rule on these types of cases?**

Wanda G. Bryant

Alice C. Stubbs

A substantial number of cases we decide at the Court of Appeals involve family and juvenile, criminal, negligence and property law issues, with criminal law cases comprising the larger majority in those categories. As a former Assistant District Attorney I prosecuted criminal cases and juvenile delinquency cases. Our DA's office had significant overlap with DSS in cases involving child physical and sexual abuse. In such cases where the perpetrator was criminally prosecuted I presented trial testimony of social workers, mental health professionals and other witnesses. I also prosecuted criminal non-support cases, often in collaboration with DSS. As Citizen's Rights' Director in the Attorney General's Office for eight years, I filed criminal appellate briefs and provided direct assistance to crime victims and consumers. I gave presentations on juvenile law and family violence, with particular emphasis on child abuse and domestic violence. I co-authored and produced Child Sexual Assault Guidelines: Recommendations for Professionals, published in 1997.

As a Court of Appeals judge I have written many opinions involving issues in all of the above-mentioned categories: opinions involving juvenile delinquency, and family law including divorce, alimony, equitable distribution, child custody, child support, child neglect and abuse, and termination of parental rights; opinions on negligence issues ranging from medical negligence to premises liability; opinions on property law issues ranging from boundary disputes to zoning to condemnation cases. Further, I have written hundreds of criminal law opinions ranging from first degree murder to simple assault. As a judge-mediator at the Court of Appeals I have successfully mediated several cases involving divorce, negligence and property issues. I have also given CLE (continuing legal education) lectures on criminal and civil law issues to lawyers across the state.

Having served as a District Court judge for seven years, I have presided over more than 50,000 cases which fall into these categories. Since I became a certified juvenile judge in 2001, I have served primarily in juvenile and domestic courts. I have presided over numerous jury and non-jury trials involving negligence and property issues and thousands of criminal cases. During five years of private practice, I tried numerous criminal and civil cases in state and federal courts and handled numerous appeals in North Carolina and in the Fourth Circuit Court of Appeals.

2. What do you think the greatest area of need is in the North Carolina justice system? How would you work to fill that need?

Wanda G. Bryant

The Judicial Branch of government, overseen by the Administrative Office of the Courts (AOC), has just over 5500 employees. The judges, clerks, magistrates, DAs, public defenders, support staff and other AOC employees provide access to the courts and to the administration of justice in our state. However, this historically underfunded branch of government, which administers essential functions as dictated by our constitution, receives less than 3% of the total state budget of over \$14 billion. In recent years that budget has been cut to under 2.6%, prompting the Chief Justice to say that cuts and the threat of future cuts to an already strained judicial budget could directly impact the courts' ability to carry out core constitutional functions.

Meanwhile, the workload of the court, measured by court filings, has increased significantly to over 3 million cases per year as of 2003, with no appreciable increase in court personnel. Also, the complexity of the filings has increased the need for more specialized courts, like Business Court, Domestic Violence or Family Courts and Drug Treatment Courts. While many areas of our justice system need attention, addressing the budgetary needs will help ensure not only that core constitutional functions are carried out, but that other essential programs continue.

As a member of the Judicial Budgetary Needs Subcommittee of the NC Bar Association Administration of Justice Task Force (AOJTF) in 2002-2003, we looked closely at judicial budget issues. We met with the Chief Justice and AOC and made recommendations on what NCBA might do to assist AOC in its budget crisis. In part, as a result of those efforts, a bill was introduced in early 2003 entitled Judicial Branch Budget Fiscal Integrity and Accountability which, if passed will re-write portions of NCGS 7A-2 to allow AOC to have greater control over its budget.

Alice C. Stubbs

The greatest area of need in the North Carolina justice system is consistency and fairness in the trial and appellate courts. I do not have a political agenda and I will work hard to follow the law and render decisions which are predictable and consistent, both in published and unpublished opinions.

3. The report "Justice in Jeopardy, A report of the Commission on the 21st Century Judiciary," which was approved by the American Bar Association (ABA), states, "The politics of crime imposes intense pressure on judges to decide criminal matters in a manner that satisfies popular expectations." As a judge in one of the highest courts in NC, how will you resist that pressure?

Wanda G. Bryant

The role of an appellate judge is to review decisions from lower courts and tribunals to determine whether any error of law was committed. In making such determination, we are limited to reviewing the record on appeal in each case. (The parties usually decide which documents, etc. in their opinion are necessary to a full and fair hearing of the case on appeal). The full record on appeal usually includes written transcripts of testimony at the trial or hearing, any deposition testimony entered, exhibits introduced at trial or hearing, the judgments or orders of the lower court, and the legal briefs of the parties.

Over the last three and 1/2 years, the most intense pressure I face as a judge in producing an opinion, whether civil or criminal, is the personal and professional challenge of making sure I have reviewed the entire record, understand the issues, and draft an opinion which decides the ultimate issue(s) and does so in a manner the lower court and the parties can understand. I am not sure I know what "popular expectations" are in criminal cases; but I do know that my job is to fairly and accurately review the cases on appeal to determine whether any error of law was committed, and if so, further determine whether the error was prejudicial, in which case a new trial or sentencing hearing must take place; otherwise the lower court judgment or sentence must stand.

Alice C. Stubbs

Criminal cases are governed by the North Carolina Sentencing Guidelines. In many cases, judges do not have as much discretion as the public perceives that they do, because they are required to impose sentences that are within the sentencing guidelines. As an appellate judge, I will try to rule in a manner that is fair to the victim, the defendant, and the state, just as I have attempted to do in the trial court.

4. The same report states that high courts are becoming more politicized and campaigns are increasingly focused on intensely political issues. What does this mean for campaigns and the courts in North Carolina? What steps will you support to blunt the possible negative effects of these changes?

Wanda G. Bryant

I have been a champion of judicial campaign finance reform for the last three years, actively supporting pending legislation and standing with the Governor as he signed the bill into law. I was the first candidate to opt into this new system and among the first to qualify for public funds for my campaign. As stated in my opinion editorial in January: campaign finance reform **"promotes a fair and impartial election process and provides high quality, unbiased voter education. Fewer concerns about the influence of campaign contributions, a better educated electorate, and less blatant partisanship. Isn't that a better way to run our judicial elections?"** I think so. For more information on campaign finance reform see www.judgewandabryant.com.

Nevertheless, the challenge of an appellate judge candidate is to make the voting public aware of one as a person of intelligence and integrity, one who can be trusted to always honor those character traits in deciding legal issues. I want the public to know from my background, education, and experience that I am an independent jurist who will fully and fairly review cases regardless of the race, creed, color, religion or financial standing of the parties. An appellate judge or candidate who does not publicly state positions on hot-button political issues, is one whose judicial independence and integrity will not be compromised. Judges at all levels -- particularly the appellate level, where written opinions are relied upon as fair and impartial analyses of the law and the facts -- must maintain their independence. As a judge and judge candidate, I will continue to conduct my campaign according to the Code of Judicial Conduct and the Judicial Campaign Reform Act.

Alice C. Stubbs

Non-partisan elections are a step in the right direction. I have tried to run a campaign that is not political and to let the voters know that I am qualified but I do not have a political agenda. Both my opponent and I have vowed to run a positive campaign and we have both done so.

5. The Commission report states that, "There is growing concern that the courts are not meeting the public's expectations in areas involving domestic relations, family violence, juvenile justice and substance abuse." What can be done to address these concerns and how will you work to alleviate them?

Wanda G. Bryant

As of 2003, our Supreme Court handled almost 2000 filings, including appeals, petitions and motions; the Court of Appeals handled close to 9000 filings, including 1700 appeals. At the trial court level over 100,000 felony cases, over 1.5 million misdemeanors, and over 150,000 estate and special proceedings were filed in the clerks offices across our state. In his 2003 State of the Judiciary speech Chief Justice Lake stated, "In most of the counties of this state, serious cases like child custody, abuse and support frequently do not receive the timely and detailed attention they deserve. There are simply too many cases for the available court personnel." Some of the above-noted problems are the result of an overburdened court system. It is my belief that if budgetary needs and issues (see response to question #2) are addressed, many of those problems will be resolved.

As for substance abuse, it is a matter of record that in many of the cases involving juvenile delinquency also involve substance abuse. By some accounts over 75% of cases of child abuse and neglect indicate parental drug use and abuse as a major factor. Substance abuse is also a major factor in the majority of the criminal cases in the trial courts. Drug treatment courts and family courts have made a positive impact on our approach to these issues. Again, if the budget issue can be addressed, we might then have a proper allocation of adequate resources committed to specialized family and juvenile courts as well as drug treatment courts.

Alice C. Stubbs

We need more alternatives for substance abuse and mental health treatment in domestic violence, juvenile, and criminal cases. Unfortunately, the legislature has not been able to allocate the resources necessary to meet these needs. Whether I am on the trial court or the Court of Appeals, I will continue to work hard to protect victims of domestic violence and to enter orders that provide safe, permanent homes for children.

North Carolina Court of Appeals Seat 3 (You may vote for one)

Barbara Jackson



Address: PO Box 31503 Raleigh, NC 27622-31503
Phone: (919) 426-8492
Email: bjackson2@nc.rr.com
Campaign website: www.barbarajackson.org
Employer: NC Department of Labor
Occupation: Attorney

Are you participating in the Public Campaign Financing Fund program? No

Alan Thornburg



Address: The Judge Thornburg Committee
PO Box 2777, Raleigh, NC 27602
Phone: No reply
Email: No reply
Campaign website: www.alanthornburg.com
Employer: State of North Carolina
Occupation: Judge - North Carolina Court of Appeals

Are you participating in the Public Campaign Financing Fund program? Yes

All judicial elections are non-partisan

Biographical Information

Barbara Jackson

I am almost a Wake County native, having moved here at age three. I graduated from the Wake County public schools and received both my undergraduate and law degrees from the University of North Carolina at Chapel Hill.

After graduation, I began my career clerking for (then Associate) Justice Burley B. Mitchell, Jr. of the North Carolina Supreme Court. I followed that experience with over a year in the office of Governor Jim Martin.

During the course of fourteen years practicing law, I have had the opportunity to practice in a wide variety of legal and professional settings. I have practiced in North Carolina state and federal court, and have even petitioned the United States Supreme Court for a writ of certiorari. In addition to these traditional legal forums, I have had the opportunity to practice extensively before municipal Boards of Adjustment—quasi-judicial bodies—and elected city councils, county commissioners, town boards of aldermen. Also, I have conducted both residential and commercial real estate closings.

My practice areas have included state constitutional law and matters of executive clemency, among others, while in the Governor's Office; special education and disability law while with the Governor's Advocacy Council for Persons with Disabilities; (response truncated)

Alan Thornburg

I grew up in the North Carolina mountains, and graduated from Sylva-Webster High School, Davidson College and Wake Forest University School of Law. As the son of Lacy Thornburg, as a Legislative Aide to Senator Terry Sanford, and as a law clerk to Judge Sam Ervin, III, I have been blessed with the finest role models in public service.

As a Judge currently sitting on the North Carolina Court of Appeals, I know that service as a Judge requires hard work, fairness, common sense, and, above all, integrity.

Prior to joining the Court, I practiced law in Asheville, where I also served on the boards of numerous civic and charitable organizations. From 2001 until 2004, I also served as a member of the North Carolina Board of Transportation, where I worked to bring economic opportunity to western North Carolina.

My wife, Sarah, and I are the proud parents of Sam, 2, and Sally, who was born this summer.

It has been my great honor to serve the people of North Carolina as a Judge on the Court of Appeals. I look forward to continuing that service, with your support.

Five questions posed to Court of Appeals Judicial Candidates

1. **A large number of cases that come before the courts are in the following four categories: family and juvenile law, criminal cases, negligence and property issues. How has your professional experience and interest prepared you to rule on these types of cases?**

Barbara Jackson

I began my legal career in 1990 clerking for (then Associate) Justice Burley B. Mitchell, Jr. of the North Carolina Supreme Court, obtaining experience researching the very same types of cases that come before the NC Court of Appeals. Since that time, I have had a varied career working for Governor Jim Martin, the North Carolina Governor's Advocacy Council for Persons with Disabilities, in private practice and as General Counsel to the North Carolina Department of Labor. This depth and breadth of experience, focusing on matters from executive clemency to special education law to real estate closings (both residential and commercial) to employment law matters all will serve me well in functioning as an effective judge on the Court of Appeals. In addition, the core research and writing skills developed in law school and as a law clerk are essential to mastering new areas of the law as none of us are fully prepared to take on every case in advance of hearing the issues presented to the Court—the ability to deal with the unfamiliar and render a fair and impartial decision is critical.

Alan Thornburg

As a current Judge on the North Carolina Court of Appeals, I have considered and ruled on a wide variety of cases, including cases in all of the above named categories. In addition, prior to serving on the Court, I practiced for several years with a general practice law firm, where I handled a wide variety of legal matters, including matters in many of the above named categories. I bring further experience in these areas of law gained from my service as a law clerk to Judge Sam Ervin, III, of the United States Court of Appeals for the Fourth Circuit. This diverse and practical first hand experience has given me both the legal knowledge and a common sense judicial temperament necessary to rule on cases in the above named areas of law, as well as on all other types of cases coming before the North Carolina Court of Appeals.

2. What do you think the greatest area of need is in the North Carolina justice system? How would you work to fill that need?

Barbara Jackson

I think lack of funding for the judicial system is a longstanding issue dating back many years, but the power of the purse lies with the legislature and the judiciary itself cannot provide that missing funding. Adequate funding is critical because the court system should be user friendly for North Carolina's citizens. This takes adequate technology and adequate funding. Constitutionally, the head of the judicial branch of government is the Chief Justice and I would do everything asked of me to support his efforts to increase funding for the judicial branch. Often it seems forgotten that the judicial branch is the third co-equal branch of government, not just a department of our state government. I believe that it is the responsibility of members of the judiciary to do everything within their power to educate the public as to the importance of the role of this more quiet branch of government and the critical effect it has on their daily lives.

Alan Thornburg

Courts across our state are facing an increasing volume of cases. The judges of the North Carolina Court of Appeals are dealing admirably with this challenge by making the necessary commitment to dispose of each case fairly and efficiently. There are several facets to this commitment to fairness: (1) protecting the rights of all parties before the Court, regardless of circumstance or socioeconomic status, without partiality toward any litigant; (2) improving the judicial election process with programs like the Public Campaign Financing Fund, a program in which I participate, which seeks to minimize the influence of campaign contributions in the selection of judicial candidates; and (3) refraining from making statements or taking positions which could be construed as pre-judging a specific issue that may come before me as a Judge.

I am especially concerned with the perception that the quality of justice may be determined by the financial abilities of the parties. As a member of the Bar, I will work to insure that our system does a better job of providing competent representation for all litigants.

3. The report "Justice in Jeopardy, A report of the Commission on the 21st Century Judiciary," which was approved by the American Bar Association (ABA), states, "The politics of crime imposes intense pressure on judges to decide criminal matters in a manner that satisfies popular expectations." As a judge in one of the highest courts in NC, how will you resist that pressure?

Barbara Jackson

The rule of law is critical for any judge deciding a case. Whether the parties are popular or unpopular, a judge must follow the rule of law—not popular expectation--and I have committed to do so. With that said, not every error that is made in the trial court is an error which would change the outcome of the trial and the judge also must be cognizant of that fact in reaching a final determination.

Alan Thornburg

Crime is a serious issue in our society, and the politics of crime can impact any political office. Regardless, a judge must ensure that the rights of all parties before the Court of Appeals – victim and perpetrator alike - are protected as required by our laws and Constitution. As a judge on the Court of Appeals, I seek to apply the law in a manner that is fair and impartial, without regard to political consequences.

4. The same report states that high courts are becoming more politicized and campaigns are increasingly focused on intensely political issues. What does this mean for campaigns and the courts in North Carolina? What steps will you support to blunt the possible negative effects of these changes?

Barbara Jackson

I have conducted my campaign in an issue oriented manner, focusing on my experience and qualifications for office. If someone asks me for my political affiliation, I have answered them with candor, since that may be information they consider to be important. In terms of the issues I have focused on discussing with voters, I have limited myself primarily to discussing my judicial philosophy as I believe it to be most relevant to my candidacy for this office. So long as the voters of North Carolina choose to select their judges by popular vote, each of us must choose our own best way to communicate with the voters. The United States Supreme Court has been clear that, with elected judges, the First Amendment does apply and we are free to express our opinions about a variety of issues. As stated above, the course I have chosen is to focus on my education, experience and judicial philosophy, which together should provide the voter with sufficient information to decide whether I am the candidate he or she wishes to support.

Alan Thornburg

Although the legal constraints on judicial speech have been loosened to allow greater latitude in such speech, I believe it is important for judges and judicial candidates to resist the temptation to engage in political debate which could be deemed as pre-judging a matter which may come before the Court. Overtly political statements made by judges or judicial candidates can have the effect of destroying the impartiality that is so crucial to a healthy judiciary. As such, I have not made pledges or taken positions on how I would rule on specific issues that might come before me as a Judge.

Furthermore, as judges, we are charged with interpreting and applying the law as it stands. It is my belief that, in order to effectuate this charge fairly and impartially, judges must resist the temptation to engage in judicial activism of any nature. Judges do not enact or otherwise make law, as that is a job well left to the legislature.

5. The Commission report states that, "There is growing concern that the courts are not meeting the public's expectations in areas involving domestic relations, family violence, juvenile justice and substance abuse." What can be done to address these concerns and how will you work to alleviate them?

Barbara Jackson

Fundamentally, I think many of the issues are legislative. Without the tools being provided by the legislative branch, the judicial branch is not at liberty to impose more stringent penalties on domestic abusers. Without adequate funding, substance abuse programs cannot be expanded prior to the potential commission of a crime. Further, once these cases reach the appellate level of the court system, they are not as susceptible to being solved through alternative means of dispute resolution or other creative methods. These types of solutions are best handled at the trial court level—closer to the parties and to the time in which their problems have arisen.

Alan Thornburg

The issues identified by the Commission report are important ones. The expanded role of such alternative means of dispute resolution as mediation and arbitration have helped to avoid the types of long, costly and acrimonious battles over such issues as custody and property distribution. Such efforts should be expanded.

In addition, parties have the right to expect from their appellate courts a degree of consistency in the opinions rendered, particularly in the above areas of law, thus contributing to a uniform body of law from which attorneys can advise their clients. I strive to follow this principle in my work on the bench.