

**PA PAC Questionnaire for
North Carolina Appellate Division Candidates – 2020**

Please return the completed questionnaire along with your resume or biographical statement describing education, work history, community service, and prior political experience as soon as possible, but by January 8 at the latest.

You may e-mail your responses to Tom Miller at tom-miller1@nc.rr.com or you may send a printed copy of your responses to PA PAC c/o Tom Miller 1110 Virginia Avenue, Durham, NC 27705-3262

Please note that following the January 8 deadline, the People's Alliance PAC may publish your responses to this questionnaire and your resume.

When answering this questionnaire, please repeat the questions in your response document with each question numbered and organized as it appears here. Type your responses in italics, bold, or a different font to distinguish your responses from the questions. Do not use colors or shading. Please try to confine your responses to no more than 300 words unless another word limit is indicated. Do not feel obliged to exhaust the limit for each question.

If you use words or ideas from another person, please attribute your source.

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

Candidate's name: __ Gray Styers _____

Court and seat you are running for: _ North Carolina Court of Appeals, Seat 06 _____

Address: __ P.O. Box 1246, Raleigh, NC 27602 _____

E-mail Address: _styersforjudge@gmail.com _____

Phone: __984-389-6228 _____

Website: __www.StyersforJudge.com _____

About you:

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

As the son of a high school science teacher and the product of a liberal arts education, I believe that decision-making should be rationale and fact-based. As a Christian, I take seriously the admonition of Micah 6:8, "to do justice, to love kindness, and to walk humbly with your God," but I am also disturbed when the institutional church acts to align itself with secular powers. As a serious, life-long student of American History, I believe the Founding Fathers crafted a Constitution that is sufficiently flexible so that judges can apply it to changing circumstances over time, based upon collective and accretive experience and knowledge. As a lawyer for over 30 years, I understand the value of precedent and the central role of the rule of law in a free society. As I say in my campaign website, legal cases are about real people, with real issues, not about abstract legal theories, and I believe

court decisions have real consequences, to both the parties and to our state, and I want my conduct and decision making to always be cognizant of those consequences.

I strongly believe that judges should be fair and independent. Their role is to apply the applicable law to the facts of the case. A judge's personal opinions about a particular policy should not bias him or her for or against a particular side in an appeal, and all parties should feel that they will receive a fair hearing of their arguments. This is the underpinning of our state Constitutional rights in Art. 1, Sec. 18 ("right and justice shall be administered without favor") and Sec. 19 ("the law of the land") and of the legitimate functioning of the judiciary. Consequently (as explained in certain responses below), I do not personally believe it is appropriate for judicial candidates to express detailed opinions about specific policy issues or potential legislation on which they may be called upon to render decisions if they are elected.

2. **Would you support requiring race equity training for all North Carolina judges? If not, why not? Can you provide an example of your own advocacy for race-equity and diversity?**

Yes. I believe that, if done well and done right, it could help improve judicial decision-making.

When I served as President of the Wake County Bar Association, I appointed a record number of African-American committee chairs and vice-chairs. I also expanded a Minority Leadership Recruitment and Development initiative, which culminated in the election during my tenure of an African-American attorney as President-elect. My newsletter columns as President promoted diversity, and the leadership of our local Bar Association included more African-American attorneys at the end of my term than when we began. We are still not where we need to be, but we made progress.

About your practice of law:

2. **Please describe your practice as a lawyer. Describe the areas of your practice and your specialties. If, over time, your practice has evolved or changed, describe the changes. Describe your various client bases as a part of your answer.**

After completing my clerkship for Chief Judge Sam J. Ervin, III on the Fourth Circuit US Court of Appeals, I begin my career in private practice as a civil trial attorney and represented clients in numerous trials and appeals. Always being interested in public policy and government, I was able to steer my practice toward environmental, wireless telecommunications, and public utilities law in the mid- to late-1990s. These areas of the law were rapidly evolving and intellectually challenging, and involved both state regulatory and local permitting issues. In 2007, the Renewable Energy Portfolio Standards was enacted, and I saw the development of clean, renewable energy as an opportunity that built upon my previous experience. I am now a frequent speaker about renewable energy issues. I currently co-chair both the Energy & Natural Resources practice and the Infrastructure & Development practice at my national law firm. My current practice includes representation of utilities and telecommunications service providers, municipalities, and renewable energy facility developers.

Legal ethics has also been a deep interest. I have taught Professional Responsibility at the UNC School of Law and served as an Advisory Member to the Ethics Committee of the NC State Bar.

3. If you have been a member of an appellate division court, please choose a recent decision you wrote for the court which you feel best illustrates your learning, values, skills, outlook, and temperament as a jurist. If the decision is published, you may simply cite it. If the decision you have selected is unpublished, please provide us with a copy. Please explain why you selected the decision and tell us how it demonstrates your particular fitness to hold the judicial office you are seeking.

N/A

4. If you have not been a member of an appellate division court, please describe your practice, if any, in that division. Please provide us with the citation of an appellate decision in a case in which you advocated as lead attorney for one of the parties. The decision you choose should best illustrate the learning, values, skills, outlook, and temperament you would bring to the court as the holder of the judicial office you seek. If the decision you have chosen is unpublished, please provide us with a copy. You may also provide us with the brief you wrote in that case. Explain why you selected this decision.

I have argued a number of appeals before both the Supreme Court and the NC Court of Appeals, usually from administrative agency decisions, and am a member of our firm's Appellate Practice group, led by Matt Leerberg, author of North Carolina Appellate Practice and Procedure (LexisNexis). Although it was only my second argument before the NC Supreme Court, the appellate decision I would like to highlight is State ex rel. Utilities Comm. v. Piedmont Nat. Gas Co., 346 N.C. 558, 488 S.E.2d 591 (1997). In that case, I represented Frontier Natural Gas, formed by entrepreneurs to extend retail natural gas service for the first time to Warren County and four counties in northwestern North Carolina. Industry was leaving those areas, legislation had been enacted to promote utility extensions for less expensive energy resources, and my clients wanted to invest in largely rural areas state. When Piedmont Natural Gas intervened and wanted, instead, to establish, for the first time, exclusive rights to serve those county in opposition to our efforts, we suddenly became very much the underdog. Yet, through a thorough understanding and analysis of the law and its intent, hard work, perseverance, and coalition building with local officials and the NCUC Public Staff (who eventually supported our efforts), we were able to prevail at the Utilities Commission and at NC Supreme Court in this opinion written by Justice Whichard. Today, thousands of residents and businesses in those rural counties are able to receive natural gas service instead of relying upon more expensive propane or fuel oil.

5. Please describe the nature and extent of any pro bono legal work or other volunteer work you have done which best illustrates your values as a lawyer and as a person.

When I served as statewide chairman of the 4All Service Day pro bono program of the NC Bar Association, I became increasingly aware of how many of our state's citizens need greater access to legal advice and representation than they can afford (and more extensive assistance than the 4All program could provide). I worked with the Bar Association leadership and Legal Aid of North Carolina (LANC) to create a new program, now called Lawyer-on-the-Line, that engages hundreds of private-practice attorneys for pro bono work through LANC to assist low-income North Carolinians. I have volunteered as a Lawyer-on-the-Line pro bono attorney myself since the program's inception. My most recent case (this past summer) was for a woman in Warren County who had paid a contractor, in advance, for renovations to her home that were never completed. I was successful in helping her recover the entire amount. For more information about my creation of the Lawyer-on-the-Line

program and service, feel free to contact Victor Boone at LANC, or Dean Martin Brinkley at the UNC School of Law (who was Bar Association President when the program was founded).

6. Have you ever been the subject of a complaint to the North Carolina State Bar or the North Carolina Judicial Standards Commission? If the answer is yes, please explain the circumstances and the outcome.

No

Concerning law and policy:

7. Should the North Carolina General Assembly repeal the death penalty?

I believe it is inappropriate for a judicial candidate to opine on what the North Carolina General Assembly should or should not do or on any potential legislation that would result in such a repeal. It is also worth noting that cases involving the death penalty are not heard by the Court of Appeals.

8. North Carolina incarcerates an extraordinary number of people, including persons convicted of non-violent crimes. Those who are incarcerated are disproportionately people of color. What should be done to address the problems of mass incarceration and racial bias in our legal system?

I believe it is inappropriate for a judicial candidate to opine on what the North Carolina General Assembly should or should not do or on any potential legislation that would change the sentencing or rates or incarceration, but I will say generally that I personally believe that racial bias is a real concern and that the number of people who are incarcerated for non-violent crimes exacts a significant toll on the fabric of our society.

9. Do you think that racial discrimination in the use of peremptory strikes in jury selection is a problem, and, if so, what can be done to address it?

Every defendant deserves a fair and unbiased jury of his or her peers. Art. I, Sec. 26 of our state Constitution prohibits "exclu[sion] from jury service on account of . . . race." Judges at all levels need to be observant and attuned to evidence of a racially discriminatory motive for peremptory strikes.

10. Should the North Carolina General Assembly enact legislation designed to protect gay, bisexual, lesbian, and transgender people from discrimination in housing, employment, public accommodation, and access to government benefits and services?

I believe it is inappropriate for a judicial candidate to opine on what the North Carolina General Assembly should or should not do or on any potential legislation that would result in such protection, but I will say that I personally oppose any discrimination because a person is gay, bisexual, lesbian, or transgender.

11. Is the decision of the United States Supreme Court in *Roe v. Wade* well founded in law?

Yes. *Roe v. Wade* was a 7-2 decision of the US Supreme Court and has been the law of the land for over 45 years. Its reasoning has been cited by numerous subsequent cases at all levels.

12. What changes, if any, should be made to North Carolina sentencing laws?

I believe it is inappropriate for a judicial candidate to opine regarding North Carolina sentencing laws or any potential legislation that could change those laws, but I personally believe that North Carolina trial judges should have reasonable flexibility in order to tailor an appropriate criminal sentence to the circumstances of the crime and the defendant. Sentencing laws that unreasonably restrict a judge's discretion and require imposition of longer sentences than necessary do not serve the goals of our justice system.

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

I believe it is inappropriate for a judicial candidate to opine on potential legislation that could alter the process by which judges are selected. I will personally observe, however, that fundamental challenges with our process of electing appellate judges are (1) that the vast majority of voters have no little or no idea who the judicial candidates are on the statewide ballot and (2) that, to gain some incremental name recognition, candidates for statewide positions have to engage in significant fundraising from attorneys and potential litigants who may appear before them. While there is value in traveling the state and meeting with voters and groups such as the People's Alliance PAC, I believe an appointment process, with an independent merit review of potential appointees, can be crafted that is preferable to the current election process. I believe the experience, judgment, intellect, and values of the candidate should be more important than party identification, but the challenge, again, is how to effectively communicate that information.

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

The Court of Appeals is an extremely hard-working court with a large caseload. I take very seriously Art. I, Sec. 18 of our state Constitution that "[a]ll courts shall be open; every person . . . shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay." The Court of Appeals -- as the court to which litigants in almost all cases have a right of appeal -- is integral to protecting this Constitutional right. I believe it is inappropriate for a judicial candidate to otherwise opine on potential legislation regarding the composition, size, or jurisdiction of the Court of Appeals.

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

Two reforms would, in my opinion, improve access to the appellate courts, consistent with Art. I, Sec. 18 cited in the previous response. The first would be to expand the Appellate Pro Bono Program for pro se appellants to ensure that they have attorneys to help them navigate the appellate process and advocate their positions. The second would be to accelerate implementation of electronic filing resources and processes, whereby parties could reduce the printing costs of the record (especially for transcripts of trial proceedings) and the travel and/or shipping efforts to physically deliver paper documents to Raleigh.

Your politics:

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

I understand the reasons for asking this question, but I personally believe that a person's vote in past elections is private. Public records show that I am a registered Democrat, and those who know me are well aware that I have supported and worked for a number of Democrats over the past 38 years (including Rep. David Price's very first campaign in 1986). I have served (at various times) as President of the Young Democrats of Wake County, on the Executive Committee of both the North Carolina College Democrats and Young Democrats, as Second Vice-Chair of the North Carolina Fourth Congressional District Democratic Party, and as parliamentarian of the Wake County Democratic Party annual meetings.

Thank you for completing this questionnaire.

Please do not forget to provide us with your resume or biographical statement.