

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: ***_Lora Christine Cubbage***

Court and seat you are running for: ***Court of Appeals (seat 05)***

Address: ***P.O. Box 36403 Greensboro, NC 27416***

E-mail Address: ***loracubbage4judge@gmail.com***

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About you:

1. Please describe how your religious and philosophical beliefs may affect your conduct and decision-making if you are elected. ***My religious and philosophical beliefs affect my decision making to the degree that I believe everyone deserves justice and mercy; compassion and accountability. I believe you can hold people accountable for their actions and rule with compassion in your tone and demeanor and all the parties come out of the proceeding feeling like they have been heard and understand why a particular decision was made.***

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 absolutely would support race equity training. No matter our ethnicity or training we all have implicit biases when it comes to others that are different than ourselves. I think it is paramount and valuable***

to identify what those biases are and how to manage them especially when in a position where decision making affects the lives of others.

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. **Briefly after law school I practiced civil and criminal law in a private firm doing defense criminal and plaintiff's civil work. I swore in as an Assistant District Attorney in 2007 prosecuting criminal cases for the State. After 4 ½ years, I swore in as an Assistant Attorney General defending the state in Worker's Compensation cases for six years, and argued to the Court of Appeals on WC cases as well as criminal appellate cases. I successfully ran for District Court Judge in 2016 and Superior Court in 2018. I have practiced in every courtroom on the trial court level and handled all misdemeanor & felony cases, family law - support and custody, divorce and equitable distribution, juvenile delinquency and abuse, neglect and dependency cases, business litigation to include contract law, estate law, land ownership cases, acquisition and other business issues that came before the court. I have presided as a trier of fact in the District Courts and presided over many jury trials on the Superior Court bench.**

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. **NO. COA11-789 : this was my first court of appeals cases in which the attorneys and elected officials that I looked up to were involved. Justice Mark Martin was a COA Judge and was the Chief Judge on this case. Former Senator Doug Berger was the plaintiff's attorney. This case was affirmed in part and remanded in part so that the Industrial Commission could make findings under the Russell test to support the ruling. The role of a Court of Appeals judge is to determine whether in the record the trial court judge had any evidence to support the ruling handed down. I selected this decision because the temperament of a judge making decisions need to be absent any personal and party affiliated factors. The values of the judges in these positions must be to protect and defend the NC and US Constitutions and the rights given to every person. The goal is to hear the voice of the parties even through cases argued by brief and apply the law appropriately.**

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. **As a judge we cannot do much pro bono work due to the law that says we cannot give legal advice. However, I was part of the group of lawyers that collaborated to ensure tornado victims in Guilford County knew how to navigate**

the insurance issues to get repairs to their homes. I participated in the expungement law clinic as a person who will direct others to the correct attorney for pro bono advice on their issue. In the discretion of the court, I have appointed attorneys for people that I can tell do not have a competent understanding of the nature of their case and do not understand how to navigate the legal process once they are in court.

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. ***Not that I know of***

Concerning law and policy:

7. Should the North Carolina General Assembly repeal the death penalty? ***I believe that the lawmakers have to take careful and deliberate consideration of their decision to repeal laws and the voice of the people as a whole should always be part of that decision making process.***

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? ***Judges have wide discretion to determine if an alternative solution to incarceration is warranted and I believe Judges should exercise that discretion in non violent cases. I believe as a society we have to focus on the root of problems such as addictions and mental health issues and find funding for treatment.***

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? ***I think most Judges can ascertain if that is going on in the jury selection process and there are ways to handle this issue that does not disrupt the selection process.***

10. Should the North Carolina General Assembly should 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 in the rights of all persons as guaranteed in the NC and US Constitutions and protecting and defending those rights are the duties of the Judge.***

11. Is the decision of the United States Supreme Court in *Roe v. Wade* well founded in law? ***I believe that the Judges that decided that case gave careful consideration to their decision and that is the law that is on the books and what must be followed.***

12. What changes, if any, should be made to North Carolina sentencing laws? ***Lawmakers are giving consideration to the sentencing guidelines in NC and especially for non-violent crimes and when and if they make any changes the Judges have to adhere to those changes.***

13. What is your position on appointment versus election of judges? Should judicial elections be partisan? ***I believe seats in the judiciary are the people's seats and in every branch of government the voice of the people is critical. For vacant seats with unexpired terms, the process seems to be working out well. I believe that Judges deal with human lives and make decisions that will change their life forever and party affiliation should not play any role in that process. Every person that has an***

experience with our judicial system should not be fearful about the party affiliation of the judge that is presiding over their case.

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 handles over 6,000 cases per year and as with any agency workload and manpower has to be assessed periodically and should include a jurisdictional assessment.***

15. What changes, if any, should be made to the Rules of Appellate Procedure? How would you change access to the appellate courts? ***The board that handles devises the Rules of Appellate Procedure have done a great job with guidance on how to navigate the process.***

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 vote for the candidates whose core values and beliefs best match my beliefs and values in that the NC and US Constitutions calls for every person to be treated equally and that no one should be denied equal protection of the laws.***

Thank you for completing this questionnaire.

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