

North Carolina FreeEnterprise Foundation
2010 Questionnaire
Candidates for North Carolina Appellate Courts

Please complete and return
by September 24 Deadline

SECTION I. Candidate Personal Profile Information

Name: DANIEL E. GARNER Party (optional): Democrat Republican Other: _____
Office Sought (circle): N.C. Supreme Court N.C. Court of Appeals seat: WYNN
Address: 5345 MILL DAM ROAD City: WAKE FOREST State: NC Zip: 27587
County of Residence: WAKE Length of Residence in County: most recently, since 1995
Home Phone: _____ Work Phone: _____ Mobile Phone: 919-612-2326
Email: GarnerForJudge@gmail.com Fax: _____
Gender: MALE Race/Ethnicity: WHITE Religion: PROTESTANT
Place of Birth (city/state): RALEIGH / NC Date of Birth: 1952
Marital Status (circle): Married Single Divorced Separated Number of Children: 11
Occupation: ATTORNEY Employer: OFFICE OF THE COMMISSIONER OF BANKS
Military Service: _____ High School: BROUGHTON, RALEIGH
Colleges/Universities Attended: UNC-Chapel Hill
Law Degree Received From: UNC
Previous Elected/Appointed Offices: _____

SECTION II. Candidate Campaign Information

Name of Campaign Committee: DANIEL GARNER FOR JUDGE COMMITTEE
Campaign Email: GarnerForJudge@gmail.com Campaign Website: www.GarnerForJudge.com
Campaign Phone: 919-612-2326 Campaign Fax: _____
Campaign Address: P.O. Box 739 City: Rolesville State: NC Zip: 27571
Campaign Treasurer: RACHEL GARNER Campaign Treasurer Phone: 919-612-8018
Political Consultants: MY WIFE & KIDS!

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Do you plan to participate in North Carolina public financing program?

Yes No Undecided

Considering your personal and professional associations, how likely are you to receive support from each of the following groups? *Please see attached statement # 1*

	Very Likely	Likely	Unknown	Unlikely	Very Unlikely
A. North Carolina Advocates for Justice (formerly the Academy of Trial Lawyers)	1	<input checked="" type="radio"/> 2	3	4	5
B. Medical Groups (ex. Doctors, Hospital Administrators)	1	<input checked="" type="radio"/> 2	3	4	5
C. Banking & Finance Industry	<input checked="" type="radio"/> 1	2	3	4	5
D. Utility/Telecommunications Companies	1	<input checked="" type="radio"/> 2	3	4	5
E. Real Estate & Construction Industry	1	<input checked="" type="radio"/> 2	3	4	5
F. Labor Unions	1	2	<input checked="" type="radio"/> 3	4	5
G. Retail/Wholesale Businesses	1	<input checked="" type="radio"/> 2	3	4	5
H. State Employees Association of N.C. (SEANC)	1	2	<input checked="" type="radio"/> 3	4	5
I. Insurance Industry	1	<input checked="" type="radio"/> 2	3	4	5
J. N.C. Association of Educators (NCAE)	1	2	<input checked="" type="radio"/> 3	4	5
K. Business Professionals (ex. Architects, Accountants, Engineers)	1	<input checked="" type="radio"/> 2	3	4	5
L. Transportation Industry	1	<input checked="" type="radio"/> 2	3	4	5
M. Agri-business Interests	1	<input checked="" type="radio"/> 2	3	4	5
N. Legislative Leadership Committees	1	<input checked="" type="radio"/> 2	3	4	5

Are there other groups not listed that you would expect to receive a campaign contribution or endorsement from? (Ex. Lillian's List, Anti-Tax Groups)

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SECTION III. CANDIDATE QUESTIONS & STATEMENTS

Instructions: Please respond to the following questions and statements by circling the response that best represents your position or opinion. You are invited to provide additional comments or explanations for your answers on a separate page. Please be sure to identify which question you are commenting on by noting the appropriate question number with your additional comments.

1. Of the justices currently serving on the United States Supreme Court, whose judicial philosophy most closely reflects your own? (Circle one response)

Alito Breyer Ginsburg Kennedy Roberts Scalia Sotomayor Stevens Thomas

2. Do you believe the words and meaning of the Constitution should be interpreted in the context of our present culture or as closely to the intent of the original authors as possible?

Present Culture Original Authors Undecided

3. Do you believe judges in North Carolina should be appointed by the Governor instead of elected by the people?

Yes No Undecided

4. Have you owned or managed a business? (If so, please describe below.)

Yes No

I founded a 3 man law firm in 1989. We closed in 1991 as a consequence of the effects of the 1991 recession on our small business clients.

5. For every \$100.00 of sales, about how much profit do you believe the average North Carolina business nets? (Circle one response)

Under \$1 \$1-5 \$5-10 \$10-25 \$25-50 Over \$50

6. Do you believe the current level of taxes paid by North Carolina businesses is too high, too low, or about right? (Circle one response)

Too high Too low About right

But THIS is a legislative matter, not a judicial one.

Attached statement #1 re: **supporters and endorsements**

I really do not know who would be most interested in supporting my election to the judiciary. I would hope that all of these listed constituencies would support the candidacy of a lawyer whose background and experience is as broad and various as mine is. Though I have an MBA, I do not think the workers represented by collective bargaining groups were treated any differently in my unemployment benefit hearings while I worked at the ESC. Same for the employers I heard in those cases. Similarly, though I taught in the public schools for four years, my wife and I have homeschooled our children throughout; I would hope that public school teachers would find me an acceptable candidate for judge nonetheless.

My real concern is that I and other members of the judiciary maintain impartiality and hear every litigant's case fairly and fully and attentively and decide every case on the law and the evidence, without regard to party or identity or affiliation. Our system of justice depends on it.

Attached statement #2 re: **judicial philosophy**

Voters should elect judges who understand that legislators legislate (make laws) and judges judge (interpret and apply law). **Our federal and state Constitutions require a separation of powers**; when a public servant in any branch casts off this constraint, he or she breaks faith and creates problems instead of solving them.

In hearing those 6,000 cases as an appeals referee for the Employment Security Commission, I concluded that **an honest judge must decide each case in accordance with the law and the evidence** rather than bend the law or the evidence to reach a particular result.

Occasionally, in my current role as counsel to the NC Commissioner of Banks, I have found myself thinking that the law should be different, but government lawyers are bound to the law just as those regulated. **Neither judges nor regulatory agencies should go beyond the law.**

This takes self-restraint and even humility on the part of trial judges, but also on the part of advocates and appellate court judges as well. An oath to uphold the Constitution (whether that of North Carolina or the United States) is not a mere formality.

Judicial restraint serves the cause of justice longer and more ably than judicial activism.

My "judicial philosophy" rests on a deep respect for other people, a deep respect for the law, and a strong desire to "do the right thing."

I would like very much to serve the citizens of North Carolina on the Court of Appeals. Please visit my website, www.GarnerforJudge.com, and please make me your first choice on November 2nd.



Daniel E. Garner

September 24, 2010