

North Carolina Supreme Court




**TREY
ALLEN**

REPUBLICAN



**SAM
ERVIN**

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Nonpartisan Candidate Guide to the 2022 Allen-Ervin Supreme Court Race

The North Carolina Supreme Court [has seven members](#), with two seats up for election. This race is between Republican Trey Allen and incumbent Democrat Justice Sam Ervin. We've covered the race between Republican Richard Dietz and Democrat Lucy Inman in another guide. Justices serve eight-year terms.

The outcome of this election will determine what party controls the Court. [The Democratic justices have a narrow 4-3 majority](#). Both open seats are held by Democrats, so Republicans only need to win one race to gain control of the Court.

The North Carolina Supreme Court can have a [significant impact on state policy and individual rights](#). Just this year, the Court held that a legislature elected based on racially manipulated districts, [cannot propose amendments to the North Carolina constitution](#), issued a decision eliminating [protection from legal liability for nurses](#) acting pursuant to a doctor's instruction, and created a [mandatory parole review](#) for prisoners sentenced as juveniles who have subsequently served 40 years in prison. The Court will also soon decide whether the [state's voter ID law is unconstitutional](#) and whether individuals [convicted of a felony can be prevented from voting](#).

To help you decide, we've assembled background about the candidates' education and previous work experience, along with rulings they've made as sitting judges, public statements, and publicized endorsements, to indicate how they might rule on key issues in the future.

For more information about the race, see [this article about the candidates' "core beliefs,"](#) and these [descriptions of the candidates](#).

TREY ALLEN
treyalennc.com

Background

Trey Allen is currently the [General Counsel for the North Carolina Administrative Office of the Courts](#). He was [appointed in 2021 by Supreme Court Chief Justice Paul Newby](#), a Republican justice.

He has a [bachelor's degree from UNC Pembroke](#) and a [law degree from UNC Chapel Hill](#).

SAM ERVIN
ervinforjustice.org

Background

Justice Sam Ervin currently serves as [a justice on the North Carolina Supreme Court](#), a position he has held since 2015. Prior to that, he [served on the Court of Appeals for six years](#).

Ervin has an [undergraduate degree from Davidson College](#) and a [law degree from Harvard](#).

After law school, Allen served as [a judge advocate for the U.S. Marine Corps](#), then worked in private practice at the law firm Tharrington Smith, where he represented local school boards, before joining the [faculty at the UNC School of Government](#).

Judicial Rulings

- Allen has not served as a judge.

Statements

- Allen considers himself an [originalist](#), in that he believes the Constitution must be interpreted based on the understanding at the time it was ratified in 1789. [“Judges should follow the constitution as it was understood at the time of ratification.”](#)
- He believes in [the right of citizens to bear arms and the “fundamental right” of parents to oversee the care and control of their children](#). Also says, [“Our constitutional rights don’t take a break during a state of emergency.”](#)
- Allen says his legal philosophy is best exemplified by [Supreme Court Justices Antonin Scalia](#) and [Clarence Thomas](#).
- In July 2021, Allen said that his Christian [“faith and family are core to who I am.”](#)
- Regarding the decision to make North Carolina judicial elections partisan, Allen said, [“To the extent that judicial candidates who belong to a particular party are likely to share the same judicial philosophy, party labels can give voters useful information.”](#)

Endorsements

Allen is endorsed by [North Carolina Right to Life](#), North Carolina Troopers Association, and the [North Carolina Values Coalition](#), an [“advocate for pro-family positions.”](#) Here is a [list of his other endorsements](#).

[Prior to becoming a judge](#), Irvin worked for the law firm Byrd, Byrd, Ervin, Whisnat & McMahon handling civil, criminal, and administrative matters, and then served on the North Carolina Utilities Commission.

Judicial Rulings

- As a justice, Ervin voted with the Court majority to say that [the North Carolina constitution can’t be amended by lawmakers from districts with borders created in a racially gerrymandered way](#).
- He voted to [create a mandatory parole review for prisoners sentenced as juveniles, who have served 40 years in prison](#).
- Ervin [voted to invalidate redistricting maps](#) that a lower court had found were “a result of intentional, pro-Republican partisan redistricting.”
- In 2015, he dissented from a Court decision to allow the use of vouchers (public dollars) to [send low-income students to private and religious schools](#).

Statements

- As to how constitutional provisions should be construed, Ervin said in October 2022, [“If the language is clear and unambiguous, the provision should be interpreted as written.”](#) If not, he would look at earlier cases, as well as a provision’s context, intended purpose, and historical context.
- Regarding the decision to make North Carolina judicial elections partisan, Ervin said, [“I strongly believe that the decision to make North Carolina judicial elections partisan again was an unfortunate one.”](#)

Endorsements

Ervin is endorsed by the [NC Sierra Club](#), the [North Carolina state AFL-CIO](#), [Equality NC](#) (an LGBT+ rights organization), the [Fraternal Order of the Police \(Lodge #9\)](#), and the Durham Committee on the affairs of Black People. Here is a [list of his other endorsements](#).

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