

Questions for Candidates for Court of Appeals Conservative Coalition of Harris County

This questionnaire will be posted onto the Conservative Coalition of Harris County website for public voter viewing.

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| Candidate Name | Position for which Candidate is Running |
| TERRY ADAMS | FIRST COURT OF APPEALS, PLACE 5 |

Please give your answer to each of the following questions and please include your rationale with each answer. Please be concise and clear.

1.

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| Please describe the qualifications and experience that make you the best candidate for the office for which you are running. |
| Answer: After serving as a Briefing Attorney for Justice Raul Gonzalez at the Texas Supreme Court, my law practice for the next 31 years has been focused exclusively on appellate law. I have handled appeals in the courts of appeals across Texas, the Texas Supreme Court, the Federal Court of Appeals for the Fifth Circuit, and the United States Supreme Court. I have also assisted trial counsel in numerous litigation matters with dispositive law motions, jury charges, and post-verdict motions in preparation for an appeal. I am recognized by Texas Super Lawyers and The Best Lawyers in America as being one of the top appellate lawyers in Texas. |

2.

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| Please describe what you believe are the most significant issues in this race and why. |
| Answer: The key issue in this race is appellate experience. This is vitally important because a court of appeals in Texas is the only appellate court that will review most cases in Texas. This is because the Texas Supreme Court and the Texas Court of Criminal Appeals have discretionary jurisdiction and generally accept about only 10 percent and 7 percent respectively of the cases filed with them. That means more than 91 percent of the cases in Texas stop at a court of appeals. Substantial appellate experience coupled with a conservative judicial philosophy is thus critical to ensure that the cases coming before the First Court of Appeals, Place 5 are decided correctly and expeditiously under the existing law. |

3.

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| Which Supreme Court Justice most closely represents your judicial philosophy? Please explain why. |
| Answer: Antonin Scalia. I share former Justice Scalia's conservative judicial philosophy; namely that an appellate court justice must follow legal precedent, not legislate from the bench, look to the plain meaning of statutes as enacted by the Legislature, and follow the original meaning of our Constitution as understood by our Founding Fathers. |

4. List the state(s) in which you are or have been licensed to practice law, and the date(s) you received such licenses.
Answer: Texas, 1988.
5. List the state or federal court(s) in which you are or have been licensed to practice, and the date(s) you received such licenses.
Answer: Texas, 1988; United States Supreme Court, 1999; U.S. Court of Appeals for the Fifth Circuit, 1990; U.S. Court of Appeals for the Ninth Circuit, 1999; U.S. Court of Appeals for the Northern District of Texas, 1993; U.S. Court of Appeals for the Southern District of Texas, 1989; U.S. District Court for the Eastern District of Texas, 1993; U.S. District Court for the Western District of Texas, 1993; U.S. District Court for the District of Columbia, 2011.
6. Are your licenses in “good standing” in each state and federal jurisdiction in which you have been licensed; why or why not?
Answer: Yes.
7. Please list the undergraduate colleges or universities, law schools and any other graduate schools that you attended, the years you attended, the degrees you received and the years of any and all graduations.
Answer: Denison University, B.A. 1981; South Texas College of Law, J.D. 1987.
8. What carries the greatest influence in your rulings: civil and criminal case law, the Constitution, state statutes, or other?
Answer: This is dependent on the subject matter of a particular appeal. In every instance, I will follow precedent, uphold the Constitution, and follow the plain meaning of statutes.
9. Please identify what changes can be made to the court of appeals system to make it more efficient from your point of view.
Answer: To ensure that the cases before me are handled with the highest level of efficiency, I will work tirelessly, work collaboratively with my colleagues and assist them when needed, and I continue to utilize the latest technology.

10. What has been your greatest accomplishment in your legal career? In your personal life?
Answer: The greatest accomplishment in my legal career has been winning important cases at the Supreme Court of Texas:
Henry v. Cox, 520 S.W.3d 28 (Tex. 2017) (clarifying the separation of powers provision in the Texas Constitution and holding that the judiciary cannot direct the actions of the head of a county commissioners court in the performance of its executive branch functions);
Greer v. Abraham, 489 S.W.3d 440 (Tex. 2016) (clarifying the First Amendment rights of online publishers in defamation suits brought by public officials);
Sullivan v. Abraham, 488 S.W.3d 294 (Tex. 2016) (setting forth the standard to recover attorneys fees as damages under the Texas Citizen Participation Act);
AG Volkswagen v. Valdez, 909 S.W.2d 900 (Tex. 1995) (holding that foreign privacy laws can protect a foreign corporation from discovery in Texas litigation).

The greatest accomplishment in my personal life is being married to my wonderful wife Anne for over 35 years and having three tremendous children of whom I am very proud.
11. Please explain why you do, or do not, support applying term limits to Court of Appeals Justices.
Answer: The Texas Constitution already prescribes a form of term limits by providing that a justice cannot serve past the age of 75 and cannot complete a six year term if he or she turns 75 during the first four years of that term. If Texas voters want an individual justice to serve until that time, then their will should be honored.
12. Do you believe that voluntary professional and community service is a necessary commitment for persons holding public office? What forms of voluntary professional and community service have you been involved with in the past? Currently?
Answer: Community service is important for everyone to do, including persons holding public office. I have been involved with the following groups: Texas Bar Foundation; Houston Bar Foundation; Memorial Drive Presbyterian Church, Food Pantry Ministry; Ecclesia, Community Ministry; Davis Dolls.
13. What do you think are the most important aspects of the Court of Appeals that voters should be aware of?
Answer: It is important for voters to be aware of the significance of the courts of appeals in Texas and that they are the only appellate court will that review the overwhelming majority of trial court decisions in Texas.
14. Do you have judicial experience? To what extent have you practiced in the area of Civil or Criminal law?
Answer: My law practice has been focused on handling civil appeals in the appellate courts across Texas for more than 31 years. Before that, I worked inside two Texas appellate courts. I worked for Justice Raul Gonzalez at the Texas Supreme Court as a Briefing Attorney and before as an intern at the Fourteenth Court of Appeals. Many of the civil appeals that I have handled over the past 31 years have involved criminal and quasi-criminal issues, such as the statute regarding the recovery of punitive damages and various administrative law provisions.

15. What ideas do you have to improve the efficiency of the appeals court to reduce case backlog?

Answer: The best way for a court to reduce backlog is through hard work, team work, and utilizing available technology to highest extent possible.

BY RETURNING THIS QUESTIONNAIRE, THE CANDIDATE ASSUMES FULL RESPONSIBILITY FOR ALL ANSWERS TO THIS QUESTIONNAIRE. THE ANSWERS ON THE FOREGOING REFLECT THE CANDIDATE'S BEST EFFORTS TO ANSWER THIS QUESTIONNAIRE HONESTLY AND DIRECTLY.

PLEASE SAVE YOUR COMPLETED QUESTIONNAIRE TO YOUR LOCAL MACHINE IN THE EVENT THAT THERE ARE ANY TECHNICAL PROBLEMS WHEN YOU ATTEMPT TO EMAIL IT BACK.

Once this questionnaire has been completed, please email it to:

alex@cchc-pac.org

* **Please note:** You **must** return your questionnaire from the email address to which it was sent. Questionnaires returned from any other email address will be considered fraudulent and will **not** be recorded and no answers will be published in the voter's guide. CCHC-PAC deems a return from the proper email address as authentication of the correct respondent.



N. Terry Adams, Jr.

Appellate Practitioner

The Law Office of Terry Adams

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Ranked as one of Texas' top appellate lawyers by *The Best Lawyers in America*, *H Texas Magazine*, and *Texas Super Lawyers*, Terry focuses his practice on civil appeals and original proceedings in state and federal courts of appeals, the Supreme Court of Texas and the United States Supreme Court. His practice spans commercial and business disputes, trade secrets, constitutional law, election law, administrative law, and arbitration issues.

Terry also utilizes his intricate knowledge of the law and court procedure to assist litigators with preservation of error at trial, the court's charge, post-verdict motions, dispositive law motions, and briefing during trial and in arbitration proceedings.

Notable Work

Constitutional Law: Obtained a reversal in the Supreme Court of Texas of a defamation case brought by a public official against an internet publisher.

Government: Successfully represented the head of a county commissioners' court in the Supreme Court of Texas in a case involving the separation of powers.

Texas Anti-SLAPP Statute: Successfully represented the president of a political advocacy group in the Supreme Court of Texas in a case involving the Texas anti-SLAPP statute and recovery of fees under the statute.

Oil and Gas: Represented an offshore drilling company in the Fifth Circuit and successfully defended injunctive and declaratory relief from attack by an intervenor environmental

Areas of Practice

Appellate

Litigation

Education and Clerkships

J.D., South Texas College of Law – Houston

Editor-in-Chief, *South Texas Law Review*

B.A., Denison University, Political Science, Economics

Briefing Attorney, the Honorable Justice Raul A. Gonzalez, Supreme Court of Texas

Judicial Intern, Fourteenth Court of Appeals at Houston

Admissions

Texas

Court Admissions

United States Supreme Court

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of Texas

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Western District of Texas

U.S. District Court for the District of Columbia

group that required the government to act upon specific drilling permit applications.

Trade Secrets: Secured victories for a catalyst activation company in two mandamus proceedings in the court of appeals involving discovery of confidential customer information and won again on appeal involving claims for breach of fiduciary duty and misappropriation of trade secrets.

Aviation: Successfully represented an airplane component manufacturer in upholding a dismissal with prejudice based on the trial court's inherent power.

Residential Home Builder: Successfully represented a home builder in a commercial dispute involving noncompliance with a condition precedent.

Residential Home Builder: Successfully represented a home builder in a mandamus proceeding involving the disqualification of opposing counsel's firm.

Residential Home Builder: Obtained a writ of mandamus in the Supreme Court of Texas for a home builder compelling arbitration against a non-signatory to an arbitration agreement.

Voting Rights Act: Obtained reversal of an award of attorneys' fees to a plaintiff who was not a prevailing party at trial.

Election Law: Successfully represented a state senator in the court of appeals in an election contest mandamus involving candidate residency under the Texas Constitution.

Healthcare: Obtained a reversal for a healthcare provider under the Texas Medical Liability Act where the plaintiff did not timely serve an expert report.

Healthcare: Obtained mandamus relief in a case of first impression under the Texas Medical Liability Act holding that a mandatory stay of all discovery is required under the Act when a healthcare defendant pursues an interlocutory appeal based on the sufficiency of a medical report.

Automotive: Successfully obtained reversal of an administrative final order for a truck manufacturer where the agency re-decided its own judicially affirmed determination of good cause to terminate a dealership.

Automotive: Obtained a writ of mandamus in the Supreme Court of Texas upholding German privacy laws for an automobile manufacturer in a discovery dispute.

Professional Honors

Named to *The Best Lawyers in America* (Appellate), 2019

Selected as a *Texas Super Lawyer*, Thomson Reuters (Appellate), 2011-2019

Named a Top Lawyer in Houston by *H Texas Magazine*, H Texas Partners, 2007-2019

Rated AV Preeminent by Martindale-Hubbell, 2003-2019

Professional Activities

Member, State Bar Court Rules Committee, 2019-2022

Member, Jury Task Force, Supreme Court of Texas, 1996

Board Member, Advisory Council for the *South Texas Law Review*

Member, Supreme Court of Texas Historical Society

Fellow, Texas Bar Foundation

Fellow, Houston Bar Foundation

Affiliations

State Bar of Texas, Appellate Practice and Advocacy Section

Houston Bar Association, Appellate Practice Section

American Bar Association

Texas Association of Defense Counsel

College of the State Bar of Texas

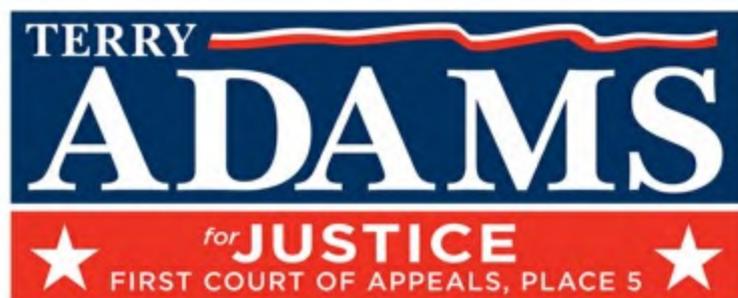
Bar Association of the Fifth Circuit

Newsroom

Quoted in "Texas High Court Pauses Trial in Galveston Separation of Powers War," *Texas Lawyer*, January 8, 2016

Quoted in "Texas High Court Likely to Boost Medical Malpractice Reform," *Law 360*, January 4, 2013.

Terry Adams for Justice
First Court of Appeals, Place 5



pd pol ad - Terry Adams Campaign

- ✓ **Over 30 years of appellate law experience**
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