

2026 RACE PROFILE: NORTH CAROLINA COURT OF APPEALS JUDGE SEAT 1

Democratic Judge John Arrowood is seeking reelection to a second term on the Court of Appeals Judge Seat 1. Arrowood was appointed to the seat in 2007 but lost a bid for a full eight-year term the following year. He was appointed back onto the court in 2017 by then-Democratic Governor Roy Cooper and won the seat in 2018, becoming the first openly gay person to win statewide election in North Carolina. Administrative Law Judge Michael Byrne won the Republican primary in March against Superior Court Judge Matt Smith.

Campaign Finance

Candidate	Total Contributions	Total Expenditures	Cash On Hand (12/31/25)
John Arrowood (Re-Elect Judge Arrowood)	\$268,239	\$54,180	\$214,059
Matt Smith (Committee to Elect Matthew B. Smith)	\$166,646	\$27,275	\$142,357
Michael Byrne (Elect Michael C. Byrne)	\$21,873	\$17,099	\$4,773

Michael Byrne (R)

Byrne is running for office as a conservative pro law-enforcement candidate. Byrne is running for the Court of Appeals on an overtly conservative platform centered on “pro-law enforcement credentials” and experience in administrative and appellate work. He describes himself as “your CONSERVATIVE candidate,” defining conservative judges as those who “apply the law, not ‘make’ the law,” emphasize protecting rights under the North Carolina Constitution, and stress fairness and serving “the people.” Byrne touts his endorsements from all three major statewide police organizations—the National Association of Police Organizations, the North Carolina Fraternal Order of Police, and the North Carolina Police Benevolent Association—which he describes as an “unprecedented” combination in a North Carolina judicial primary.

Byrne’s legal career was dedicated to representing law enforcement and public employees in personnel fights. Before his 2020 appointment as an administrative law judge, Byrne spent more than a decade as a litigator largely focused on representing law enforcement officers and other state employees in disciplinary and whistleblower fights. His campaign biography emphasizes that he restricted his practice to representing law enforcement and public employees and served as a referral attorney for multiple law enforcement organizations, and he claimed that agencies often settled with his clients “primarily because I’ve beaten them so much.” Notable cases included Byrne defending corrections officers and staff fired after an inmate died of dehydration while handcuffed, a prison supervisor terminated after multiple sexual-harassment complaints, officers fired after a controversial drunk-driving stop involving a Highway Patrol captain, and several DMV and Ethics Commission whistleblowers who alleged political retaliation from higher-ups.

Byrne is being attacked for his past donations to Democrats, including John Arrowood. Attacks on Byrne by his Republican primary opponent have centered on his past donations to Democratic candidates. Byrne contributed \$500 to John Arrowood in 2018, the first general election cycle after appellate races became partisan, and also made donations to Democratic Governor Roy Cooper. His

opponent, Matt Smith, has used those contributions to question Byrne's commitment to Republican causes, while Byrne insists he did not realize Arrowood was a Democrat at the time.

Matt Smith (R)

Matt Smith is running as the leader of a slate of "Conservative Judges" and the true reliable Republican in the race. Smith is positioning himself as a movement conservative jurist, running as part of a slate of "Conservative Judges" and telling GOP voters he is the "proven Conservative" in the only contested statewide judicial primary. His campaign biography emphasizes an 18-year trial career, followed by rapid elevation from district court (2020) to superior court (2022), where he has presided over a wide range of criminal and civil cases in multiple counties. Smith has made Michael Byrne's past donations to Democrats a central contrast point, using them to claim the mantle of the most reliable Republican in the race. Smith has argued that Byrne's donations "raise questions about Byrne's loyalty to the GOP." In a widely shared Facebook post, Smith told supporters that while he has "worked very hard for years to ensure we elect Conservative Judges," Byrne has been "financially supporting the Democrat opponents of the Conservative Judges and Justices that I and many of you, have actively championed for,"

Michael C. Byrne (R)

Michael Byrne has been serving as an administrative law judge since 2020. Prior to that he was an attorney in private practice. Byrne lives in Cary and is running for appeals court on a platform touting his experience and conservative pro-law enforcement credentials.

NOTE: There is another attorney Michael J. Byrne who also [practices law](#) in Raleigh. Every effort has been made to distinguish between these two attorneys in the preparation of this memo.

BACKGROUND & PHILOSOPHY

Byrne's judicial philosophy is "Get it right." "Michael's judicial philosophy is summarized by the one-sentence directive the Chief Judge at OAH gave him when he first started there: 'Get it right.' He believes passionately in due process, fairness, giving all sides a chance to be heard, and deciding cases strictly based on the law, without fear or favor." [Elect Michael C. Byrne, accessed [2/11/26](#)]

2020: Byrne became an administrative law judge. "In June 2020, Michael was sworn in as an Administrative Law Judge, where in just over five years he has issued almost 400 Final Decisions (opinions). Michael writes his decisions himself instead of delegating this important work to others. Michael's top priority is giving fair hearings to all parties. Nine of Michael's decisions were later appealed to the Court of Appeals. All were unanimously affirmed (upheld) by the Court of Appeals, most recently in October 2025." [Elect Michael C. Byrne, accessed [2/11/26](#)]

2008-2020: Byrne worked as a litigator and operated the Law Offices of Michael C. Byrne. "Byrne has served as a litigator over the past 12 years, appearing in more than 270 contested cases on behalf of petitioners. Most recently he operated the Law Offices of Michael C. Byrne, P.C. Byrne has appeared in numerous cases before the N.C. Court of Appeals and N.C. Supreme Court." [North Carolina Bar Blog, [6/23/20](#)]

- **Byrne's practice was focused on "representing law enforcement and public employees."** "After several years of trial and appellate practice in North Carolina's State and Federal courts,

Michael restricted his law practice to representing law enforcement and public employees in the North Carolina Office of Administrative Hearings (OAH), Superior Court, the Court of Appeals, and the Supreme Court. Between 2005 and 2020, Michael appeared in over 270 cases in OAH, serving as a referral attorney for multiple law enforcement organizations. (See his endorsements from three law enforcement organizations and read this article from a police organization about Michael's work supporting police officers.)" [Elect Michael C. Byrne, accessed [2/11/26](#)]

- **Byrne said state agencies frequently settled with his clients “primarily because I’ve beaten them so much.”** “Byrne declined to discuss the specifics of the case. But he frequently represents public employees who want to fight back against what they claim are unfair disciplinary actions and terminations. He said some agencies he deals with are reasonable when considering whether to settle. Others, he said, refuse to back down in a manner ‘approaching childishness.’ ‘Most of my cases these days with the agencies tend to be settled,’ Byrne said. ‘At the risk of sounding that way, I think it's primarily because I've beaten them so much.’” [Charlotte Observer, 3/11/19]

1995: Byrne received a law degree from Campbell Law School. [North Carolina Bar Blog, [6/23/20](#)]

1991: Byrne graduated from North Carolina State University. “He is a graduate of North Carolina State University, where he graduated cum laude with a degree in English in 1991, and Campbell Law School (1995).” [North Carolina Bar Blog, [6/23/20](#)]

Judicial Campaign

Byrne has been endorsed by all three major police organizations in North Carolina. “I am the only NC Court of Appeals candidate endorsed by: The National Association of Police Organizations (NAPO): 241,000 sworn officers and 1,000 police organizations nationwide; The North Carolina Fraternal Order of Police (FOP): Part of the nation's largest police fraternal organization; The North Carolina Police Benevolent Association (PBA): NC's largest law enforcement organization. This combination of endorsements is unprecedented in a NC judicial primary.” [Elect Michael C. Byrne, accessed [2/11/26](#)]

Byrne emphasizes experience, conservatism, and fairness in his campaign materials. “Michael Is Your EXPERIENCED Candidate: Decades of trial work: 272 cases as a lawyer in the Office of Administrative Hearings and more than 20 cases in the Court of Appeals and Supreme Court. Almost 400 decisions in more than five years as an Administrative Law Judge. Upheld by the Court of Appeals* in complex cases like Certificate of Need and public employment. Experience like this can only be earned. And it’s what’s needed to win a Court of Appeals seat for Republicans. Michael Is Your CONSERVATIVE Candidate: ‘Conservative Judge’ is more than words on a piece of paper. Conservative judges know that fairness comes first. They listen to both sides. They know the law. They protect the rights in our North Carolina Constitution. They apply the law, not “make” the law. Conservative judges serve the people. That’s Michael’s record, in 390 decisions and counting. Michael Is Your FAIRNESS Candidate: As an attorney, Michael ensured fairness for NC law enforcement officers and other state employees from Administrative Hearings all the way to the state Supreme Court. He never lost a law enforcement officer case in the Supreme Court or the Court of Appeals. As an Administrative Law Judge, Michael protects the rights of all parties. He issues decisions strictly based on due process and the law, without fear or favor. Michael will bring to the Court of Appeals decades of proven legal expertise.” [Elect Michael C. Byrne, accessed [2/11/26](#)]

Byrne is being attacked by his primary opponent for donations he made to Democratic Governor Roy Cooper and Democratic judicial. “Superior Court Judge Matt Smith and Administrative Law Judge Michael Byrne have tangled most recently over who is more conservative. Smith is a Union County native who earned his law degree from Campbell University and was a trial attorney. He won a district court seat in 2020 and superior court contest in 2022. Byrne grew up in Wake County and also got his law degree from Campbell. He has been an administrative law judge since 2020. Byrne donated \$500 to Arrowood in 2018, according to campaign finance records, in the first general election cycle after Court of Appeals races became partisan. Byrne said in an interview that he was unaware at the time that Arrowood was a Democrat. Smith said that contribution and others, including to former Gov. Roy Cooper, raise questions about Byrne’s loyalty to the GOP. Byrne points to endorsements from the National Association of Police Organizations, North Carolina Fraternal Order of Police, and North Carolina Police Benevolent Association as a sign he’s more than qualified.” [The Assembly, [2/10/26](#)]

NOTABLE CASES

2017: Byrne represented a state prison supervisor accused by multiple female officers of sexual harassment. “A state prison supervisor was fired this year after multiple female officers said he rubbed his groin in their presence and made sexual comments such as, ‘You don't know what I could do to you.’ Bernard Robinson, a former sergeant at Lumberton Correctional Institution south of Fayetteville, had worked for the state for 22 years before he was fired in February. Details of the accusations remained out of the public eye until this September when a judge affirmed the firing. [...] Robinson has denied all the allegations, saying the women either misunderstood him or were out to get him. The administrative law judge, Donald Overby, disagreed and said Robinson's behavior ‘unquestionably amounted to sexual harassment.’ But the case isn't done yet because Robinson has appealed again, said his attorney, Michael C. Byrne, who runs a Raleigh firm that specializes in representing state employees. The case is now in superior court.” [Raleigh News & Observer, 11/9/17]

2017: Byrne represented a former Pat McCrory administration spokesman who claimed he was fired by Governor Roy Cooper for being a Republican. “A former spokesman in the McCrory administration is fighting his dismissal in a case that could redefine which employees can be laid off when a new governor takes office. David Prickett, who was communications director for the Office of State Human Resources until Jan. 19, claims he was fired by the Democratic administration of Gov. Roy Cooper because he is a Republican. [...] ‘This type of arbitrary or politically motivated dismissal of employees who have done nothing wrong is exactly what our state personnel laws were passed to prevent,’ said Prickett's attorney, Michael C. Byrne, a Raleigh lawyer who represents state workers.” [Raleigh News & Observer, 1/28/17]

2015: Byrne represented corrections officers fired after the death of an inmate. “When an inmate died of dehydration last year after lying handcuffed for days in his feces and urine, Secretary of Public Safety Frank Perry ordered an investigation that culminated in the firing of nine employees. ‘We have been righteous with our investigation and dismissals,’ But after some employees challenged their firings, problems have emerged with many of the dismissals. Five of the nine employees have gotten their firings rescinded. In the latest case, an administrative law judge ordered reinstatement, back pay and attorney fees for Michael Youron, a psychologist who didn't treat inmate Michael Anthony Kerr and who was on leave for the last six days of Kerr's life. [...] Michael Byrne, the lawyer for Youron and four others who were fired, said the facts emerged in the Kerr case because of the Office of Administrative Hearings. Employees can gather evidence and cross-examine witnesses under oath before an independent judge. ‘Without those, it would have been unlikely that we would have won any of these cases,’ Byrne said. Byrne noted that for three years Gov. Pat McCrory has proposed removing the Office

of Administrative Hearings from the process when state employees challenge their firings. The legislature has not acted on McCrory's proposal.” [Raleigh News & Observer, 7/5/15]

2013: Byrne represented police officers fired for allegedly covering up a drunk driving incident by a State Highway Patrol captain. “Late one night, a Butner Public Safety officer pulled over a suspected drunken driver who turned out to be a captain in the State Highway Patrol, and took him to a hotel instead of jail. When word leaked out, the repercussions were swift: Four law enforcement officers were fired within months. But 3-1/2 years later, the case against the officers has crumbled. All but one of them have won court battles challenging their dismissals, as judges found there was insufficient evidence that the patrol captain was drunk, or that the Butner officers gave him special treatment or tried to cover it up. [...] Attorneys for the fired officers say the case has been devastating, tarnishing their reputations and forcing them into years of litigation. Raleigh attorney Michael C. Byrne, who represented one of the Butner officers, says his client was railroaded in a politically motivated purge while the Perdue administration did damage control. At the time, then-Gov. Bev Perdue, reacting to this and a spate of other episodes of trooper misconduct, assured the public there would be ‘zero tolerance’ for unethical or illegal behavior in the ranks. ‘These people ruined his career over a false allegation when they, honestly, should have known better,’ Byrne said Wednesday. ‘They should have given an experienced, ethical law enforcement officer at least the benefit of the doubt, with an eye toward finding the facts.’ Byrne’s client, former Butner Capt. Bruce Williams, who was 45 days from retirement eligibility when he was fired, won his job back but chose to retire. After several years without a job, he now works for the Granville Sheriff’s Department. After a settlement in February, he is collecting more than \$100,000 in back pay, Byrne said. The state will also pay him \$14,000 in attorney’s fees, according to the settlement.” [Raleigh News & Observer, 10/23/13]

2012: Byrne represented a DMV law enforcement agent who said his superiors put a tracking device in his car. “A high-ranking law enforcement officer in the state Division of Motor Vehicles says his superiors planted a hidden tracking device in his state-issued car in hopes of finding something to use against him in a long-running personnel dispute. Michael Weeks, a supervisor in the License and Theft Bureau, made the accusation in a lawsuit filed Thursday in Wake County Superior Court. The suit contends DMV Commissioner Mike Robertson and at least two other top officials in the division were part of a conspiracy to discredit him. [...] ‘What stands out here is the breach of trust,’ said Michael C. Byrne of Raleigh, who is Weeks’ attorney. ‘For people who risk their lives on a regular basis to protect us, to have their own senior management hiding a tracking device in their vehicle for no legitimate reason is a pretty sad occurrence.’” [Raleigh News & Observer, 2/3/12]

2008: Byrne represented a State Ethics Commission employee who said she was fired for raising concerns about preferential treatment being given to Democratic Lt. Gov. Beverly Perdue. “A former State Ethics Commission employee who was fired after raising concerns about possible preferential treatment to Lt. Gov. Beverly Perdue filed a whistleblower lawsuit in state Superior Court on Tuesday. Amanda Thaxton, an office assistant, said the firing has hit her hard financially, and she wants a judge to reinstate her immediately. She is seeking an award of triple damages -- as the state’s whistleblower law allows -- plus legal fees for being fired for reporting her concerns to the state auditor and the State Personnel Commission. ‘This was [Thaxton’s] first job out of college,’ said her attorney, Michael C. Byrne of Raleigh. ‘She comes in from Elon University, gets a job from the state and then is abruptly fired for cooperating and engaging in protected activity. That’s just not right.’” [Raleigh News & Observer, 9/3/08]

2007: Byrne represented a DMV whistleblower who claimed he was forced to undergo a psychological evaluation. “An assistant director at the N.C. Division of Motor Vehicles filed a

whistle-blower lawsuit in state court Tuesday, saying he is being retaliated against after he reported that DMV Commissioner George Tatum had sought to help a friend get a vintage truck title for a replica. Shortly after making the allegation last month in a memo, Joey Gardner was interviewed about it by two internal affairs officers. Later that day, two of Gardner's superiors told him that he was suspended with pay and ordered him to undergo a psychological evaluation. They took his badge, gun and the keys to his state car. A deputy secretary at the state Department of Transportation, which oversees the DMV, reinstated Gardner before the day was over. But Gardner, who is a sworn officer in the DMV's license and theft bureau, still does not have his gun and is being required to undergo the evaluation, said his attorney, Michael Byrne. 'This is just blatant abuse, not only of Mr. Gardner but of this policy, which is designed for genuine mental health emergencies,' Byrne said. 'This is something that reminds one more of the Soviet Union than of North Carolina.' Byrne said Gardner is seeking a return of his gun, an end to the evaluation, attorneys' fees and monetary damages from DOT and the DMV for violating the state whistle-blower act." [Raleigh News & Observer, 7/18/07]

POLITICAL VIEWS

2016: Byrne testified at a hearing on legislation seeking to sharply limit Democratic Governor Roy Cooper's appointment power. "A plan to sharply limit Gov.-elect Roy Cooper's appointment powers cleared a state House Thursday evening in a 70-36 vote along party lines, despite objections from a state employees' group and Democrats. House Bill 17 had been introduced Wednesday evening, one of several measures to curb Cooper's power moving quickly through the legislature's special session. The House Rules Committee approved the bill earlier Thursday in a voice vote after a short meeting and public hearing, with Democrats voting no. The bill would make the governor's Cabinet appointments subject to approval by the state Senate and cut his ability to appoint members to UNC schools' boards of trustees. Another provision would cut the number of employees who serve at the governor's pleasure from 1,500 to 300, reversing an expansion that legislators approved for Republican Gov. Pat McCrory at the start of his term. It would prevent the governor from having any such employees in the state's budget office and human resources office. [...] Michael Byrne, a state personnel law attorney who spoke during the public hearing, said the change in exempt positions goes too far. 'For principles of sound personnel administration, whether the person is a Democrat or Republican, the governor needs sufficient people who report to him or her to support his or her agenda,' Byrne said. 'I submit that 600 is a more reasonable number - 1,500 was frankly too many.'" [Raleigh News & Observer, 12/15/16]

2013: Byrne opposed legislation promoted by Republican Governor Pat McCrory that he said would mean a "return to the 19th century system where state employees serve at the governor's pleasure." "Until the end of the 19th century, state personnel 'systems' were simple: When the governor's office changed parties, everyone was fired. State jobs were political "gifts," handed out to the winning side. Eventually a consensus formed that a state work force of purely political hires wasn't sound policy: Whoever the governor is, there are recurring government functions requiring experienced professionals, such as engineers, nurses, State troopers and the like. Firing these persons after every election and replacing them with inexperienced political loyalists didn't serve the public interest, nor did state workers serving at the pleasure of the governor and subjected to political interference in their jobs. The result is today's state personnel system, in which non-policymaking state employees have a 'property interest' in their jobs. This does not mean state employees 'can't be fired' – state workers are fired regularly. It does mean that after a dismissal or other serious disciplinary action, employees may appeal, at their expense, to an impartial decision-maker for a hearing on the dismissal. But legislation pending in the General Assembly, backed by Gov. Pat McCrory, will make it nearly impossible for state employees to challenge their dismissals, a practical return to the 19th century system where state employees serve at the governor's pleasure. Even the courts would be largely powerless to overturn

arbitrary or politically motivated personnel decisions by the governor's appointees. [...] North Carolina needs experienced, professional state workers serving without political influence and with some protection against arbitrary dismissal. The pending bill, pushed by McCrory, creates a system that is more complicated and less independent, and adds multiple layers of bureaucracy and expense. The ultimate result will be an end to independent decision-making in employee appeals, with all state employees serving at the political pleasure of the governor." [Michael Byrne Op-Ed, Raleigh News & Observer, 5/20/13]

- **Byrne praised the legislature for watering down the bill, but still expressed concerns about de-professionalizing the civil service.** "Gov. Pat McCrory is expected to sign a bill that speeds up the employee grievance process for state workers but backs away from earlier efforts to sharply curtail their civil service protections. The measure, initiated by the McCrory administration, also increases the number of political hires the governor can make to 1,500, moves the State Personnel Office under the direct control of the governor's office and shortens the appeal process for state employees who are fired or disciplined. But the measure no longer includes the most contentious proposal – removing the employee appeals process from independent administrative law judges to hearing officers named by political appointees of the governor. [...] Michael Byrne, an employment attorney, praised the legislature for vastly changing the bill, and protecting the rights of state workers. But he said the record high number of exempt positions was troubling. 'The danger there, is more institutional,' Byrne said. 'If you have a true interest in a professionalized civil service at the state level you are essentially telling some capable young woman or man who wants to enter government service that you can only get up to a certain relatively mid level before you have to have a political patron or you have to be politically involved.'" [Raleigh News & Observer, 8/5/13]

2007: Byrne accused Democratic Governor Mike Easley of breaking the law. "As an attorney litigating personnel cases in the Office of Administrative Hearings, I was appalled to read Highway Patrol Col. Fletcher Clay's attack on Administrative Law Judge Melissa Owens Lassiter (People's Forum letter, Sept. 25). I have appeared in Lassiter's court numerous times. She consistently demonstrates professional acumen and impartiality. Clay's ire clearly stems from the fact that his agency (a) appeared in court and (b) didn't get the decision it wanted. Does this result warrant such public petulance by a state official? Of course, one can hardly blame Clay, given that the governor who appointed him, Mike Easley, has now proclaimed that he will not allow the trooper concerned to return to the Highway Patrol whatever the courts decide -- despite the law explicitly stating that such employees are to be restored to the 'same or similar' position they had prior to their illegal termination. In my view, a governor and his officials unilaterally defying the law are a far greater threat to public employee discipline -- to say nothing of the public trust -- than a judge who merely enforces that law." [Michael Byrne Letter to the Editor, Raleigh News & Observer, 9/26/07]