

# Inquirer Judicial Candidate Questionnaire

Name: **Jack Panella**

Judicial post for which you are running: Supreme Court of Pennsylvania

Political party: Democratic

Campaign e-mail and website: jack@votejackpanella.com, www.votejackpanella.com

## Questions

### 1. Why are you qualified and well-suited to serve as a judge on the court for which you are running?

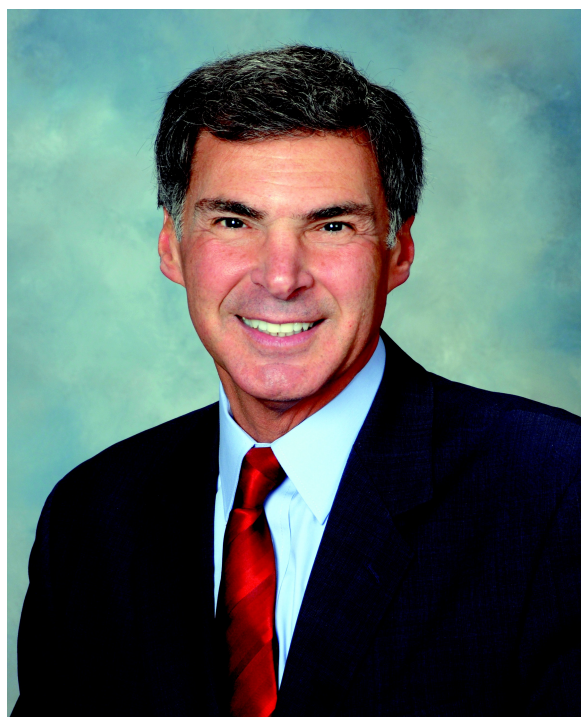
Running for statewide office is a challenging endeavor, and I didn't come to the decision to run lightly. I am motivated by a firm commitment to public service, and the belief that the citizens of Pennsylvania deserve a judicial system that strikes the right balance of independence and public accountability.

During my nearly 18 years on the bench, I have had the opportunity to preside over a wide variety of civil and criminal legal proceedings, from sensational and widely publicized murder trials to highly complex mass tort cases.

I have extensive experience and knowledge of judicial ethics and discipline. I am the Chair of the Judicial Auditing Agency; and I am the only judge in the history of Pennsylvania to have served as both the Chair of the Judicial Conduct Board and President Judge of the Court of Judicial Discipline.

I have been active in efforts to increase awareness and to make the courts more responsive and accessible to the public. In 2004, I was appointed to the Commission for Justice Initiatives, where I am the Chair of the Public Education and Community Outreach subcommittee. As part of my responsibilities, I conceived and wrote a popular short film on the history and operation of the Pennsylvania Judiciary. The video has been used as an educational tool in classrooms around the state and can be viewed on the websites of the Administrative Office of Pennsylvania Courts and the Supreme Court of Pennsylvania.

I also chaired the committee to redesign the Supreme Court website, in order to make the website more user friendly and provide assistance to self represented litigants. There is a great need in Pennsylvania, especially in the family law divisions of the trial courts, to provide helpful information to the public about the operation and administration of the court system.



I have worked to foster cooperation between Pennsylvania's legislative and judicial branches. As a member of the Pennsylvania Conference of State Trial Judges, I was the Chair of the Commonwealth Partners Program, which involves statewide meetings attended by judges and legislators to discuss and resolve issues of mutual concern. In recognition of the success of this program, I received the President's Award from the Conference of State Trial Judges in 2002.

One of the recent accomplishments that I am most proud of is the publication of the Sexual Violence Benchbook. I am one of the principal authors of the book, which provides judges with a comprehensive understanding of Pennsylvania's current sexual offense laws. The book has received widespread acclaim from the legal community and has been hailed in the press as a valuable resource for judges overseeing cases dealing with sexual crimes, violence and abuse.

I am proud of my work as a judge over the last 18 years and I believe I am the candidate with the experience and priorities to not only ensure fair treatment in our courts, but to help restore much needed public confidence in them.

**2. Did you receive a rating of "recommended" or higher from the state or local bar association? If not, why not?**

I am honored to have received a rating of "highly recommended" by the Pennsylvania Bar Association. In their announcement, they cited my "sound judicial temperament and exceptional administrative ability" and stated that I "possesses a rare combination of intellect, energy and skills" that qualify me for the Pennsylvania Supreme Court. I also received a Bar Association Rating of "highly recommended" for my 2003 campaign for Superior Court.

**3. If you are an incumbent judge, what's a recent instance in which you acted to preserve your judicial independence? If you are an aspiring judge, how do you plan to remain independent if elected to the bench?**

I constantly work to maintain my judicial independence by making promises to no one and by faithfully performing my job to uphold the Constitution of Pennsylvania. Recently, I was assigned a case with a troubled procedural history and disturbing facts. Although the case, *Hutchison ex re. Hutchison v. Luddy*, 946 A.2d 744 (Pa.Super. 2008), had been before the Supreme Court as well as the Superior Court on a number of earlier occasions, it was again before the Superior Court on the issue of post-judgment interest.

The plaintiff in this case had been awarded \$519,000 in compensatory damages, and \$1,000,000.00 in punitive damages, against the Diocese of Altoona-Johnstown. As a practicing Roman Catholic, I could have attempted to easily sidestep my judicial responsibilities. Instead, I chose to set an example for other judges: that we can't let our religious or ideological affiliations affect our considerations of the issues before us in a court of law. I accepted the case because of my deep seated convictions regarding the fair and unbiased application of the law, and I had no problem in ruling against the Diocese.

The issue in *Hutchison* was whether the minor plaintiff was entitled to post-judgment interest on the punitive damages award. There was precedent from the Commonwealth Court of Pennsylvania that the interest did not begin to run from the date of the jury's verdict. I applied the applicable statute, and ruled that the judgment was to bear interest from the date of the verdict, which essentially cost the Diocese of Altoona-Johnstown an additional million dollars. My decision, although it runs counter to

the decision of the Commonwealth Court and the position argued by the Diocese, is now the law of Pennsylvania.

**4. A number of Pennsylvania judges have been sanctioned for campaign activities, ex parte dealings, and other alleged misconduct. How can the state's judiciary prevent discipline scandals of the type seen recently?**

With campaigns for judicial offices attracting more attention and larger campaign contributions, the potential for, and perceptions of, conflicts of interest have grown tremendously. Additionally, I recognize that the misdeeds of some of my less scrupulous colleagues have severely damaged the public's faith in our legal system.

First we must increase judicial oversight. As part of its administrative responsibilities, the Supreme Court should increase the number of investigators for the Judicial Conduct Board, and implement programs to check statistics on magisterial courts and trial courts on a number of specific items which generate income for vendors who do business within the court system, such as fines/costs collection, placements in juvenile courts, and professional fees in family court and juvenile court. In my role as a member of both the Judicial Conduct Board and the Court of Judicial Discipline, I was exposed to allegations of abuses by judges in the granting and awarding of these types of contracts.

Secondly, Judges must vigilantly defend our judicial independence, and in cases where there is a clear conflict of interest, we must recuse ourselves. By taking a firm stand and holding ourselves up to the highest ethical standards, judges can help remove the incentive for those who would try to purchase influence over Pennsylvania's legal system.

**5. If you believe that gender, racial, ethnic, class or other forms of bias can infect the justice system, how will you work to keep your courtroom as bias-free as possible?**

I have always, and will continue, to instruct my staff to treat all individuals fairly and with respect regardless of their race, gender, faith or sexual identity. The citizens of Pennsylvania will always receive equal and fair treatment in my courtroom.