

**LIBERTY CITY LESBIAN, GAY, BISEXUAL AND TRANSGENDER DEMOCRATIC CLUB
OUTFRONT! PAC**

2007 JUDICIAL PRIMARY ELECTION QUESTIONNAIRE

Name: Seamus P. McCaffery Signature _____ Date: 3/19/2007
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Office you are seeking: Justice of the Pennsylvania Supreme Court

1) Have you been recommended by the Philadelphia Bar Association?

It is the Pennsylvania Bar Association which rates candidates seeking statewide judicial office. Therefore, my answer is with respect to that Association, not the Philadelphia Bar Association.

Yes. In recommending me, the Pennsylvania Bar Association noted the following:

“[Judge McCaffery] has demonstrated a life-long commitment to public service and is currently a Colonel in the United States Air Force (Res.) and Air Force liaison to the Department of Homeland Security. The Candidate offers a high level of energy and a strong work ethic. He is recognized for his strong personality and is an innovative and creative problem solver. He has great respect for the law, its institutions and traditions. He is committed to improving the public's understanding and respect for the legal system and the courts.”

For how many years have you practiced law?

I graduated from law school in 1989 and practiced until I was elected to the bench in 1993.

2) What has been the general nature of your practice and particular areas of concentration?
Please describe any changes throughout the years?

From 1989 – 1993, I engaged in a general civil trial practice at the law firm of Lavin, Coleman, O’Neill, Finarelli & Gray. I specialized in product defect and insurance defense work, as well as environmental litigation. From January 1992 – December 1993 I served as Pro Bono Associate Counsel to the Philadelphia Democratic City Committee. In that role I had a general civil and criminal practice. In particular, I handled a wide variety of criminal offenses, domestic relations matters, small claims matters, zoning and city ordinance violations, election law litigation, and workers’ and unemployment compensation for individuals unable to afford private counsel.

In 1993, I was elected a Judge of the Municipal Court of the First Judicial District of Philadelphia. In 2001, the Pennsylvania Supreme Court appointed me to the position of Administrative Judge for the Philadelphia Municipal Court. In January 2004, I was sworn in to my current position as Judge of the Pennsylvania Superior Court, the court of general, statewide, appellate jurisdiction for the Commonwealth of Pennsylvania.

3) Describe a few of the most significant cases you have litigated. Please give a summary of the substance of the cases, the citations if available, and why you believe they were significant.

As a practicing attorney many years ago, I handled numerous, nearly countless, pro bono matters

for individuals who were otherwise unable to afford counsel. I handled these matters on behalf of the Democratic City Committee and its many constituents across the city. Many of these individuals were labor union members or members of their families. Representing a widely diverse group of people in this way heightened my awareness of the need for unimpeded access to the courts for all citizens, particularly those without the means to afford legal representation.

While these cases may not themselves have "made law," they ultimately bore fruit when I became a Judge, both on the Municipal Court and on the Superior Court. In my capacity as a Judge, I have been and continue to be especially sensitive to the problems of unrepresented or under-represented litigants, and have constantly fought to make the judiciary more responsive to the needs of the community.

4) Have you published any scholarly works? If so, please list them.

I have authored literally hundreds of opinions and memoranda, both published and unpublished, during my years on the appellate bench. Many of these opinions have had an impact on all Pennsylvanians, given their precedential value. I believe these opinions reveal my dedication to the unbiased application of the law, insight into the way the law actually works for everyday people, and an appreciation for the fact that the law must be comprehensible to the courts, the bar and the citizenry. The opinions I have authored in my role as a Pennsylvania Superior Court Judge also demonstrate my capable writing skills and scholarship.

A few examples are the following:

1. J.F. v. D.B., 897 A.2d 1261 (Pa.Super. 2006), *appeal denied*, ___, Pa. ___, ___ A.2d ___ (October 24, 2006)
2. Carrozza v. Greenbaum, 866 A.2d 369 (Pa.Super. 2004), *appeal granted in part*, 584 Pa. 154, 882 a.2d 1000 (2005)
3. Commonwealth v. Love, 896 A.2d 1276 (Pa.Super. 2006)
4. InfoSage, Inc. v. Mellon Ventures, L.P., 896 A. 616 (Pa.Super. 2006)
5. Commonwealth v. Dixon, 907 A.2d 533 (Pa.Super. 2006)

5) State briefly why you are seeking the Democratic nomination to be a judge in Philadelphia, and what qualities you believe you possess that would serve you especially well if you were elected to the Court.

First, let me note that I am actually seeking a statewide position as a Justice of the Pennsylvania Supreme Court, rather than a judgeship within Philadelphia.

It would be, I believe, unprecedented in the long history of the Pennsylvania Supreme Court to have sitting on its bench a Justice with the unique range of experience that I possess in the enforcement, practice, implementation, and interpretation of the law of this Commonwealth. My background literally encompasses all facets of the judicial system -- as a patrol officer, detective, civil litigator, trial court judge, administrative judge and now, as an appellate judge on Pennsylvania's Superior Court. My almost twenty years of service as a Philadelphia police officer placed me right at the juncture where the law often first meets the people and where the critical -- frequently determinative -- tasks of investigation, documentation and preparation for trial occur. After becoming a member of the bar, my practice afforded me yet another perspective on our court system. I litigated a broad range of cases from product defect, insurance work and environmental litigation, and had a large pro bono practice wherein I represented individuals

unable to afford counsel in numerous cases affecting their daily lives and livelihood. Through this work, my understanding grew of the needs of litigants and lawyers in a busy trial practice.

As a Judge on the Municipal Court in Philadelphia County, with its crowded, demanding and varied docket, I was once again in a position to appreciate the meaning and impact the administration of justice has on the lives of everyday citizens. In part as a result of my previous experiences, I engaged in and was successful at creating and implementing some innovative court programs designed to address the immediate needs of our population in Philadelphia. These programs include Nuisance Night Court, where judges volunteer their time and go into the communities at night to handle quality-of-life crimes where and when they occur; Graffiti Court; and the nationally recognized Eagles Court at what was then Veterans Stadium.

In addition, as the Administrative Judge of Municipal Court, I was responsible for and had oversight of an enormous docket, budget, and staff, both judicial and support. In my capacity as the Administrative Judge, I also implemented several novel initiatives and procedural reforms -- all aimed at improving the court's functioning for both its employees and for the litigants coming before it.

I have brought all these experiences with me to the Superior Court bench. I believe that this broad base of understanding has informed every aspect of my being an appellate court judge, and has allowed me to read the briefs and record and hear the arguments in the cases before me with greater judgment, comprehension, common sense and pragmatism. Moreover, I have made a concerted and I believe successful effort to write opinions with a view to making them plainly intelligible to all those in the system "below" us -- trial judges, attorneys, witnesses and disputants. This is especially important to me because, having been in each of those roles myself, I am particularly conscious of the impact of the work of our Court and the need to make that work accessible to all involved with our Court.

I hope to take this breadth of knowledge and experience and apply it where it will, hopefully, have its greatest impact and be of greatest value -- the Supreme Court of Pennsylvania.

6) Do you believe that bias affects our justice system in any way? If so, how do you propose to eliminate it?

Yes, unfortunately, I realize that bias does impact the delivery of justice -- probably at all levels of our court system. Many strategies must be employed as part of an overall effort to be successful in the elimination of bias. Perhaps the first and most comprehensive should be through the education, awareness-heightening, and training provided to personnel throughout the system -- from patrol officers to court clerks to judges on the bench.

Moreover, we appellate court judges must be especially vigilant. We must closely scrutinize lower court opinions for direct or more subtle signals that the judgments were rendered based on personal prejudices instead of on the law and the facts of the case and with unimpeachable evenhandedness. When we are alert to biases which have influenced lower court opinions and refuse to permit such rulings to stand, we send a strong signal that we will not tolerate a discriminatory application of legal principles in our judiciary. I think that this, in turn, increases public confidence in the courts.

7) What are the most pressing needs of reform in our judicial system?

There are several ways I believe the judiciary can more successfully address the changing needs of Pennsylvania's citizens. First, the judiciary has to play a more prominent and effective role in educating the public about what judges properly can and cannot do and how the courts operate. Citizens sadly see judges as either remote, reclusive figures or as the caricatured, dramatized judges on TV and in film. As a result, in part, of these skewed images, citizens have a poor understanding of the judicial process and the role of judges. We need to be more open and informative about the role of the judiciary and the ways that role differs fundamentally from that of elected representatives in the legislative and executive branches. I believe that our Judges should increase dialogue and engage in much greater contact with the public in a variety of settings (not purely from the bench). In this way, judges can begin to enhance the public's understanding of the judiciary's appropriate role in their lives. By learning to differentiate the interpretive role of the judiciary from the law-making role of the legislature, the public will be far more likely to seek redress of problems from the elected and/or appointed officials who are best and most properly positioned to deliver solutions.

In addition, as you know from my summary in response to question 5, throughout my judicial career, I have consistently created and championed opportunities to help the judiciary address the changing needs of our communities. I think much more can be done in this regard. When we see immediate and urgent needs such as mental health problems, substance dependency, deteriorating neighborhoods and now, most recently, school violence, our courts must be prepared to welcome ideas and feedback from the people most impacted by these problems and take an active role to make the courts more effective in solving them. Our courts must continue to adapt to evolving social problems by implementing novel, even daring, approaches – all the while respecting the longstanding principles of our institutions and safeguarding individual rights and due process of law.

8) For what organizations have you done pro-bono work?

As noted above, I handled many pro bono matters for individuals on behalf of the Democratic City Committee. My clients were often labor union members or members of fraternal organizations. They were unable to afford legal counsel on their own and required help with a vast spectrum of legal issues. These individuals came from every conceivable part of the city and were representative of our entire population here in Philadelphia County.

9) List all organizations and associations of which you are or have been a member, including charitable, non-profit, civic, religious, educational, social and fraternal organizations. How would your work with these organizations influence the kind of judge you will be?

Alliance of Bikers Aimed Toward Education (A.B.A.T.E.);
American Legion Post 937; Ancient Order of Hibernians,
Division 39; Fraternal Order of Police Lodge 5; LuLu Shriners;
March of Dimes (Member, Board of Directors); Philadelphia
Civil War and Underground Railroad Museum Advisory
Committee; Philadelphia Emerald Society; Philadelphia Irish
Society; Reserve Officers Association; Veterans of the Vietnam
War, Inc. and The Veterans Coalition; Ducks Unlimited;
Pennsylvania Rifle & Pistol Association; Pennsylvania and

Philadelphia Bar Associations; Marine Corps League, Montgomery County Detachment; Pennsylvania Chiefs of Police Association; Retired Police, Fire & Prison Guard Association of Philadelphia.

My affiliation with these organizations is reflective of what I believe has been clear about my judicial philosophy from the beginning. These diverse organizations share some common threads that are reflected across my professional life. I believe in a commitment to public service and “giving back” – to our city, our country, our Commonwealth and to communities bound together by experience and principles. I have worked for countless charitable functions through these organizations, and deeply value their commitment to help those in need. I am proud of my lifelong and continuing role in the military. Throughout my years in both law enforcement and in the armed services, I have been exposed to, worked alongside, and supervised people from all walks of life, from all backgrounds and with a wide variety of beliefs. I think these experiences – and my continued affiliation with the above organizations – have made me more tolerant, open-minded and more willing to listen to many points of view. These characteristics are an integral and indispensable part of my judicial philosophy.

10) Do any of the above organizations, associations or clubs prohibit or limit its membership on the basis of race, color, religion, sexual orientation, gender, disability, national origin, sexual orientation or gender identity?

No. The organizations I have mentioned above do not invidiously discriminate based on any of the protected categories described above.

11) Do you support the rights of LGBT people to the following:

- a. Marriage?
- b. Civil Unions?
- c. Domestic Partnership?
- d. Second-parent adoption?
- e. Protection from workplace discrimination?
- f. Protection from housing discrimination?
- g. Protection from acts of violence based on their sexual orientation or gender identity?

I unequivocally support the equal treatment and protection from discrimination of all people regardless of gender, sexual orientation, race, religion, or ethnicity. I have a long and open record of standing behind and fairly enforcing the many civil rights, anti-discrimination and anti-hate-crime laws that are applicable in our commonwealth. I strongly believe in and defend privacy rights and believe in their applicability across gender and sexual orientation lines. I believe that the law should not deny anybody – certainly not based on the gender of their chosen partner -- the

opportunity to establish lifelong, stable, legally cognizable partnerships.

I am proud to have earned and have enjoyed the support of the LGBT community throughout my professional career. I have also earned the endorsement of the Philadelphia Gay News, both in the past and in my current candidacy for the Supreme Court.

12) What is your experience with the LGBT community both generally and/or professionally?
As an attorney, have you ever represented LGBT clients?

As I mentioned above, my many years in law enforcement and the military have afforded me the opportunity to serve alongside and supervise many gays and lesbians. Also, during my years as a patrol officer, I worked in the 6th police district in Philadelphia and had extensive interactions with the gay and lesbian community there. On the Municipal Court bench, I had numerous occasions to deal with bias crimes against gay and lesbian citizens and expressed many times my disgust and outrage at crimes motivated by hate.

13) Do you support a woman's right to choose?

I subscribe to the long line of cases recognizing the protected right of a woman to choose and I follow those laws without hesitation.

14) Have you ever been the subject of any investigation for any alleged breach of ethics or professional conduct by any court, administrative agency, bar association, disciplinary committee, judicial conduct committee, or other professional group? If so, please explain and state the result of the investigation including any disciplinary action.

No.

15) Have you ever had a legal malpractice claim filed against you or have been sued based upon your legal services? If so, please explain and include the outcome.

No.

Please return by Friday March 16th via e-mail to matt@libertycity.org

Or via mail to:

Liberty City Lesbian and Gay Democratic Club

C/o Matthew Woodcock

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