

## Election 2023: Justice, PA Supreme Court

As you know, the Judicial Branch in Pennsylvania has several levels. Operation Wildfire has reviewed the candidates running for the Centre County Court of Common Pleas, the Commonwealth Court and the Superior Court. In this issue we'll discuss the Supreme Court and the candidates who would like to be the next Justice.

### What is the Supreme Court?<sup>1</sup>

The Supreme Court is the highest court in the Commonwealth and the oldest appellate court in the nation. The Court's administrative powers and jurisdictional responsibilities are vested with the court by the Pennsylvania State Constitution and a collection of statutes known as the Judicial Code. The Supreme Court has several committees and boards responsible for writing and enforcing rules for judges, attorneys and litigants to ensure an efficient and fair judicial review. Annually, the seven justices receive over 3,000 requests for appellate review.

Most often, but not exclusively, the Court reviews:

- Requests for discretionary appeals from the Commonwealth Court and Superior Court
- Direct Appeals from a lower court's decision, including when a sentence of death is issued
- Requests to intervene in a lower court's proceedings
- Requests to deliver a body from illegal detention

There are seven members of the Supreme Court. This year, there is one vacancy due to the death of Chief Justice Max Baer.

### The Candidates

The candidates are, in alphabetical order, Judge Carolyn T. Carluccio, Judge Deborah A. Kunselman, Judge Daniel D. McCaffery and Judge Patricia A. McCullough. Whoever wins the November General Election will take the open seat on the bench and serve for the next 10 years.

### Judge Carolyn T. Carluccio

- Areas of Legal Expertise
  - President Judge, Montgomery County Court of Common Pleas since 2022 (the first female to hold the position)
  - Judge, Montgomery County Court of Common Pleas since 2009
  - Federal Assistant U.S. Attorney
  - Chief Public Defender in Montgomery County
  - Extensive experience in criminal, civil, juvenile and family court matters
  - Clerk for President Judge Albert Stiffler, Superior Court, State of Delaware
- Service to the Legal Profession
  - Pennsylvania Bar Association – Government Lawyers Section (Vice Chair), House of Delegates, Women in the Profession Committee
  - Pennsylvania Conference of State Trial Judges – President (July 2023), President-Elect (2022)
  - Montgomery County Bar Association - Executive Committee, Board of Directors, Judiciary, Bench/Bar, Financial Management, Nominating Committee, Government Relations, Community Outreach, Membership, Criminal Defense, Rules of Criminal Court, Middle School Jury Project, Diversity Committee, Awards
  - Conducted extensive training for state, local and federal law enforcement personnel and attorneys in areas of federal asset forfeiture, drug interdiction and prosecution, money laundering and white collar crime
  - Instructor, Widener University School of Law, Intensive Trial Advocacy Program
- Service to the Community
  - AIM Academy, Director
  - Gwynedd Mercy University, President's Council

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<sup>1</sup> The Unified Judicial System of Pennsylvania, Supreme Court of Pennsylvania, <https://www.pacourts.us/courts/supreme-court/>

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- Villanova Law School, Member Writing in Practice Partnership
- Drexel Law School Criminal Law Concentration Advisory Board
- Montgomery County Community College, Women's Leadership Council
- Montgomery County Community College foundation, Board of Directors
- Teach Civics Education to 6<sup>th</sup> Grade in Norristown Area School District
- Mission Kids, former Founding Board Director
- Montgomery Child Advocacy Project, former Founding Board Director
- Education
  - J.D., Widener University School of Law
  - B.A., Dickinson College

To learn more about Judge Carolyn Carluccio, visit <https://www.judgecarluccio.com/about>

## **Judge Deborah A. Kunselman**

- Areas of Legal Expertise
  - Judge, Superior Court of Pennsylvania since 2018
  - Judge, Court of Common Pleas of Beaver County (2006-2017)
  - Experience in civil litigation, family and employment law, and government and municipal law
  - Chief Solicitor to Beaver County
- Service to the Legal Profession
  - Pennsylvania Bar Association
  - Pennsylvania Conference of State Trial Judges, Judicial Education Committee
  - Beaver County Bar Association
- Service to the Community
  - Youth Basketball Coach
  - Youth Cheerleading Sponsor
  - Central Valley Quarterback Club, Football Program Coordinator
  - Religious Education Instructor, St. Francis Cabrini Parish
  - Our Lady of Fatima Parish, Parish Council and Religious Education Instructor
  - Stepping Out Program for local high schools
- Education
  - J.D., University of Notre Dame School of Law
  - B.A., The Pennsylvania State University

To learn more about Judge Deborah Kunselman, visit <https://kunselmanforpa.com/>

## **Judge Daniel D. McCaffery**

- Areas of Legal Expertise
  - Judge, Superior Court of Pennsylvania since 2020
  - Judge, Philadelphia Court of Common Pleas (2014-2019)
  - Assistant District Attorney of Philadelphia
  - Partner, Jaffe, Friedman, Schuman, Nemeroff, Applebaum and McCaffery, P.C.
  - Experience in civil, criminal, family, personal injury and commercial and municipal litigation
- Service to the Legal Profession
  - Pennsylvania Bar Association
  - Montgomery County Bar Association
- Service to the Community
  - U.S. Army, First Cavalry Division, and U.S. Army Reserve
  - Lecturer, Pennsylvania Appellate Practices and Procedures, Temple University School of Law
  - Presenter, Judicial Ethics and Recusal, Duquesne University School of Law, Wecht Institute
  - Ancient Order of Hibernians, Division 39
  - Free and Accepted Masons, Lodge 400
  - Youth Sports Coach
- Education
  - B.A., Temple University
  - J.D., Temple University School of Law

To learn more about Judge Daniel McCaffery, visit <https://judgemccaffery.com/>

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## Judge Patricia A. McCullough

- Areas of Legal Expertise
  - Judge, Commonwealth Court of Pennsylvania since 2009
  - Judge, Allegheny County Court of Common Pleas (Appointed in 2005)
  - Assistant General Counsel, University of Pittsburgh Office of General Counsel
  - Experience in civil and administrative and litigation matters including challenges to laws and government action, election integrity, Second Amendment, education, zoning, insurance, redistricting, Right to Know Law, workers' compensation, unemployment compensation, taxes and freedom of religion
  - 25 years of legal practice in private, corporate and government sectors
- Service to the Legal Profession
  - American Bar Association
  - Pennsylvania Bar Association
  - Allegheny County Bar Association
- Service to the Community
  - Board Member, Pittsburgh Leadership Foundation
  - Volunteer Co-Leader, Women's "HOPE" Program, Allegheny County Jail
  - Adjunct Faculty, University of Pittsburgh
- Education
  - J.D., University of Pittsburgh School of Law
  - B.A., University of Pittsburgh

To learn more about Judge Patricia McCullough, visit [www.judgemccullough4supremecourt.com](http://www.judgemccullough4supremecourt.com)

## Why Your Vote Matters

There have been many instances of Supreme Court activism, from changing the rules of the election process to stopping Governor Wolf's infringements on individual liberties during the COVID-19 pandemic. Perhaps the biggest reach into the legislative process has occurred in redistricting at both the federal and state level.<sup>2</sup>

Supreme Court Justices in 2018 threw out a Republican-crafted map, replacing it with a map that has since produced nine Republican and nine Democratic members of Congress from Pennsylvania. In February, 2022, the PA Supreme Court wrested control of choosing new district lines again. It was the second time in four years the state's high court has stepped in to direct congressional redistricting, and the latest example around the country of state courts playing politics in highly charged redistricting battles. The decision came after Governor Wolf vetoed a proposed map that passed the Republican-majority Legislature on nearly party lines.<sup>3</sup>

Your vote matters because the citizens of Pennsylvania deserve and need Justices who will interpret the law fairly and objectively based on facts and by following legal precedent and practice, never legislating from the bench. Your vote matters because our system works best when each branch of government sticks to its job. For those reasons, Operation Wildfire encourages you to vote for Judge Carolyn T. Carluccio for Justice of the Pennsylvania Supreme Court.

## The Wildfire Judicial Slate

Operation Wildfire does not support the notion of politics in the Courtroom and thus we support those candidates who will enter their Courtrooms without a political agenda. We support those candidates who will listen to the facts of each case and will make decisions consistent with the laws of the Commonwealth.

Justice of the Supreme Court  
Judge of the Superior Court  
Judge of the Commonwealth Court  
Judge of the Court of Common Pleas

Carolyn T. Carluccio  
Maria Battista and Harry F. Smail, Jr.  
Megan Martin  
Julia Rater

## What's Ahead?

Operation Wildfire reviews the importance of the Primary Election.

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<sup>2</sup> The Lincoln Institute, "Supremely Activist," January 3, 2023

<sup>3</sup> CBS News Pittsburgh, February 3, 2022