

Pennsylvania Coalition for Civil Justice Reform Judicial Candidate Questionnaire

PAUL LALLEY

Candidate Name (Print)

9/29/2017

Date

Paul N. Lalley

Candidate Signature

COMMONWEALTH COURT

Position Sought

1. Please describe your background and experiences that qualify you for this office. (Feel free to attach a prepared resume or biography.)

I am "Highly Recommended" by the Allegheny County Bar Association and "Recommended" by the Pennsylvania Bar Association for Commonwealth Court. I have litigated cases in the Commonwealth Court's original and appellate jurisdiction, and have argued four cases in the Pennsylvania Supreme Court, including two cases that resulted in landmark rulings under the Pennsylvania Constitution. I have also argued a case involving constitutional issues before the United States Court of Appeals for the Third Circuit. Early in my career, I served as a law clerk to Pennsylvania Supreme Court Justice Sandra Schultz Newman. My resume is attached and demonstrates that I have the experience and qualifications to serve on the Commonwealth Court.

2. What is your general judicial philosophy? Do you believe in the concept of the "living constitution" with respect to the Pennsylvania and United States Constitutions?

The Commonwealth Court's duty is first to apply the controlling precedent of the United States Supreme Court and the Pennsylvania Supreme Court. I believe that the courts should interpret the Pennsylvania and United States Constitutions to effectuate the intention of the drafters of those documents, by reference to the carefully-chosen language that they used.

3. Please identify the current U.S. Supreme Court Justice that you believe most closely reflects your judicial philosophy and explain why.

Justice Samuel Alito most closely reflects my philosophy because he is the most faithful to the language used by our Founding Fathers in his interpretation of the United States Constitution, and he is the most faithful to the language used by Congress in issuing rulings that review federal legislation.

4. To what extent do you believe that a judge should or should not defer to the actions of the legislature?

A judge should defer to the legislature on all matters within the General Assembly's constitutional purview and should strike down challenged legislation only when it clearly, plainly, and palpably violates the constitution.

5. What particular problems have you detected in Pennsylvania's civil justice system? Are there reforms that you would like to see enacted or adopted as a remedy?

Delay in the disposition of cases is a problem that Pennsylvania's courts have attempted to address with varying degrees of success. I would support reforms that promote a quicker progress of a case through pretrial discovery, pretrial motions and trial, through appropriate calendar control rules, because undue delay in the progress of civil litigation increases the costs to litigants.

6. Do you believe our judicial system adequately deters and penalizes frivolous litigation? If not, what reforms would you like to see?

I believe that judges already have the tools they need to penalize frivolous litigation, through both the Pennsylvania Rules of Civil Procedure and their common-law authority. However, I believe that judges are generally too reluctant to employ those tools.

7. Do you think excessive damage awards are a problem in our courtrooms?

Yes.

8. Do you support the equal representation of plaintiff and defense counsel involved in civil litigation on the Pennsylvania Supreme Court's Procedural Rules and Evidentiary Rules Committees?

Yes.

9. Do you support extending the venue rule for medical liability cases in Pennsylvania Rule of Civil Procedure 1006(a.1) to cover all personal injury cases and defendants?

Yes.

10. Please identify any endorsements your campaign has received.

Firearm Owners Against Crime.

Pennsylvania Pro-Life Federation.

Pennsylvania Coal Alliance.

11. Please identify all membership organizations including bar associations, professional associations, professional societies, civic, community, charitable, religious, educational, social, political and labor organizations to which you are or have been affiliated or have provided pro bono work.

Please see my attached resume.

12. Have you ever been convicted of or pleaded guilty to a violation of any federal, state, county or municipal law, regulation or ordinance (excluding minor traffic offenses but including DUI or reckless driving)? Been the subject of a formal disciplinary proceeding as an attorney? If so, please give the particulars and the result.

No.



Paul N. Lalley

EDUCATION:

The Dickinson School of Law of the Pennsylvania State University

Carlisle, Pennsylvania

J.D. June 1996

The University of Pennsylvania

Philadelphia, Pennsylvania

B.A. History, *cum laude*, May 1993

PROFESSIONAL EXPERIENCE:

Senior Associate Attorney – Campbell Durrant Beatty Palombo & Miller, P.C., Pittsburgh, Pennsylvania October 2009 to Present

Represented school district and other municipal clients in labor and employment matters in state and federal court and before state and federal administrative agencies, including the Pennsylvania Labor Relations Board, the National Labor Relations Board, the State Civil Service Commission, the Pennsylvania Human Relations Commission, and the United States Equal Employment Opportunity Commission. Negotiated public sector collective bargaining agreements. Presented cases at labor grievance arbitration and fact-finding hearings. Handled all aspects of state and federal court litigation involving employment and constitutional issues. Successfully represented school districts before the Pennsylvania Supreme Court in a constitutional challenge to amendments to the Public School Code. Successfully argued for a one-year delay in the implementation of the Allegheny County property tax reassessment in 2012.

Associate Attorney - The Levin Legal Group, P.C., Huntingdon Valley, Pennsylvania September 2002 to September 2009

Handled all aspects of an active school law practice, including: prosecuted student expulsions; prosecuted employee discipline/termination cases; drafted board policies for public school districts and a charter school; negotiated tax exemption agreements; provided privacy law training for Pennsylvania school districts and intermediate units; negotiated terms of a multi-million dollar lease agreement for a charter school; drafted entire board policy manual for one school district; reviewed and prepared contracts on a variety of subjects for school district and charter school clients; and prepared numerous opinion letters for various school district and charter school legal issues.

Argued three cases before the Pennsylvania Supreme Court on public school legal issues; prepared appellate briefs in three cases and argued one case before the United States Court of Appeals for the Third Circuit; argued two cases and prepared appellate briefs cases before the Pennsylvania Commonwealth Court on school law issues. Prepared *amicus curiae* briefs on behalf of the Pennsylvania School Boards Association, Inc. and the Pennsylvania School Boards Association Insurance Trust before the United States Court of Appeals for the Third Circuit, for the Pennsylvania Supreme Court, and for the Pennsylvania Commonwealth Court.

Prepared state and federal court motions to dismiss, preliminary objections, summary judgment motions, discovery requests and responses; have taken and defended depositions in numerous cases;

acted as second chair during preliminary injunction hearings and a jury trial; and prepared cases for trial in state and federal court.

Represented public school employers in various administrative proceedings including: unemployment compensation hearings; factfinding conferences before the Pennsylvania Human Relations Commission; proceedings before the Equal Employment Opportunity Commission; and unfair labor practice charges before the Pennsylvania Labor Relations Board.

Law Clerk to Pennsylvania Supreme Court Justice Sandra Schultz Newman
December 1997 to March 2001; September 2001 to September 2002

As Administrative Law Clerk, assisted with the supervision of four staff attorneys and participants in internship and externship programs. Assisted with research and drafting of opinions in various cases, including capital cases on direct and collateral review, non-capital criminal cases, and civil and administrative appeals.

Associate Attorney – Obermayer Rebmann Maxwell & Hippel, Philadelphia, Pennsylvania
April 2001 to September 2001

Worked in Employment and Labor Department of large Philadelphia firm; represented clients at EEOC and PHRC factfinding hearings.

Associate Attorney - Elliott Reihner Siedzikowski & Egan, P.C., Blue Bell, Pennsylvania
September 1996 to November 1997

Presented and assisted with the presentation of various pre-trial motions, including assisting at injunction hearings and arguing procedural motions, and prepared all aspects of pretrial discovery.

PROFESSIONAL MEMBERSHIPS:

Admitted to the Bar of Pennsylvania; the United States District Court for the Eastern District of Pennsylvania; the United States District Court for the Western District of Pennsylvania; and the United States Court of Appeals for the Third Circuit.

Member of the Allegheny County Bar Association and the Pennsylvania Bar Association.

CASES:

Municipal Employees Organization of Penn Hills v. Municipality of Penn Hills, 92 A.3d 865 (Pa. Commw. Ct. 2014).

Horvath v. Pittsburgh Public Schools, 83 A.3d 312 (Pa. Commw. Ct. 2014).

Colella v. Borough of Wilkesburg, 2013 WL 3545152 (Pa. Commw. Ct. 2013).

Toth v. California University of Pennsylvania, 844 F.Supp.2d 611 (W.D. Pa. 2012).

Oravitz v. Saxonburg Borough, 2011 WL 7443931 (Pa. Commw. Ct. 2011).

Adams v. County of Erie, 2011 WL 4574784 (W.D. Pa. 2011).

West Mifflin Area School District v. Zahorchak, 4 A.3d 1042 (Pa. 2010).

Burger v. School Board of the McGuffey School District, 923 A.2d 1155 (Pa. 2007).

Burger v. Board of School Directors of the McGuffey School District, 839 A.2d 1055 (Pa. 2003).

Hanover School District v. Hanover Education Association, 839 A.2d 183 (Pa. 2003).

Combs v. Homer Center School District, 540 F.3d 231 (3d Cir. 2008).

Sanford v. Stiles, 456 F.3d 298 (3d Cir. 2006).

Angstadt v. Midd-West School District, 377 F.3d 338 (3d Cir. 2004).

Ziegler v. Eby, 77 Fed.Appx. 117 (3d Cir. 2003).

Sampson v. School District of Lancaster, 262 F.R.D. 469 (E.D. Pa. 2008).

Organtini v. Methacton School District, 2008 WL 324022 (E.D. Pa. 2008).

Pennsylvania School Boards Association, Inc. v. Barnes, 885 A.2d 97 (Pa. Commw. Ct. 2005).

Reich v. Berks County Intermediate Unit, 861 A.2d 1005 (Pa. Commw. Ct. 2004).

Combs v. Homer Center School District, 468 F.Supp.2d 738 (W.D. Pa. 2006).

Pursel v. Parkland School District, 70 Pa. D.&C.4th 129 (Lehigh County CCP Jan. 11, 2005).

PUBLICATIONS, ARTICLES & PRESENTATIONS:

Member, Editorial Advisory Board, *Pennsylvania School Laws and Rules Annotated* (Thompson Reuters 2014).

Pennsylvania Borough News, April 2010, co-author with J. Chadwick Schnee, "The Process of Conducting Loudermill Hearings: The Investigatory Interview."

National School Boards Association's *Inquiry & Analysis*, December 2002, co-author with Michael I. Levin and Harlan Schreiber, "Is the HIPAA Beast Coming to Your School District?"

PSBA Bulletin, August 2003, co-author with Michael I. Levin, "The 'Long' and 'Short' of It – Proposed Changes in Determining Exempt Status Under the Fair Labor Standards Act."

PSBA Bulletin, February 2004, co-author with Michael I. Levin, "Mandate Waivers: When the Public School Code Provides Freedom From the Public School Code."

PSBA Bulletin, April 2004, co-author with Michael I. Levin, "Health Savings Accounts: The Cure For Escalating Employee Health Care Costs?"

PSBA Bulletin, December 2004, co-author with Michael I. Levin, "'That's Not in My Job Description' – The Importance of Maintaining Accurate, Up-To-Date Job Descriptions For School District Officers and Employees."

Presenter, California Council of School Attorneys, September 2003 Meeting, "Impact of HIPAA on Public School Districts."

CIVIC/NONPROFIT GROUP MEMBERSHIPS:

Member, Board of Directors, Westminster Early Childhood Education Programs, LLC.

Chairman, Wallingford-Swarthmore School District Local Tax Study Commission, Sept. – Dec. 2006.

Member, the Pennsylvania Society.

Member, Penn State Alumni Association.

Member, LaSalle College High School Alumni Association.

NEWSPAPER ARTICLES:

"Sexual Harassment by the Police Not Covered by PHRA." Pittsburgh Post-Gazette, January 23, 2012.

"Judge Delays Reassessment Change 1 Year to Help Schools." Pittsburgh Post-Gazette, January 13, 2012.

"Law That Sent Students Out of Duquesne Illegal." Pittsburgh Post-Gazette, October 1, 2010.