

Wade A. Kagarise

August 20, 2017

Candidate for Pennsylvania Superior Court.

1. Please describe your background and experiences that qualify you for this office.

From 1998 to 2005, I served as an assistant district attorney and from 2006 to 2013 I served as a chief deputy district attorney. I was responsible for the prosecution of various criminal cases including serious criminal matters such as rape, assault, and murder. As a chief deputy district attorney, I was responsible for the supervision of other attorneys and staff in addition to other leadership responsibilities. I also had a private practice from 2001 to 2013. In private practice, I engaged in litigation focused on family, civil and labor law. During my current service as a Judge (2014 to present) I have a general docket which allows me to issue hundreds of decisions each year in all areas of the law including criminal, family, and civil matters. I have also been an adjunct professor in the criminal justice department at Saint Francis University since 2009. I am active in my community and am a Veteran of the United States Army Reserves where I served as an infantryman. I have attached a copy of my campaign biography for further review.

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?

I am a strict constructionist. A judge's job is to apply the law to the facts and render a decision accordingly. A judge should also give appropriate deference to the other branches of government. When a Judge renders decisions on legal issues based on their personal view of what is "just" or fair as opposed to what the law requires, they, in my opinion, erode the confidence in an impartial and objective judiciary. As a result and due to my deference for the other branches of government, I do not subscribe to the concept of a "living constitution".

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

Justice Clarence Thomas. I share Justice Thomas's views as an originalist and believe that the constitutional role of the Supreme Court is to interpret the law and not make law.

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

In our democracy, the legislature is most affected by the will of the voters as opposed to the judiciary. As a result and due to my beliefs as a strict constructionist, I believe that judges should always give great deference to the actions of the legislature provided said actions are constitutional and in accord with the law.

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?

I think the delay that exists in the movement of many cases through the civil justice system is probably the most frustrating problem for litigants and lawyers. In my judicial district we conduct consistent and regular conferences on all civil cases to make certain that each side has the opportunity to request that the matter proceed at a given pace. I also believe judges must work hard and not unduly delay decisions in civil matters. In light of the fact that I am not in a judicial policy making position within the judiciary and not a member of the legislature, I have not given extensive thought to remedies that may address certain problems. I do believe that consistent enforcement of judicial conduct provisions is/ or would be helpful in addressing the conduct of judges who do not appropriately address decisions in a timely manner.

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

I do believe that our current judicial system provides opportunities for judges to penalize frivolous litigation. However, in addition to the system allowing penalties, we must elect trial judges who are willing to implement penalties for frivolous litigation and elect appellate judges who are willing, when appropriate, to uphold trial court penalties. Those who want to ensure that we have such judges need to be more actively involved in the democratic process.

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

In my career as a former civil litigator in central Pennsylvania and now as a Judge in Blair County, my answer to this question based on my experience is No. I rarely see damage awards that I believe are excessive. I don't think it would be appropriate to opine on the appropriateness of the awards of damages in other judicial districts as a general statement. I would be happy to comment on any case specific examples that may be provided. I would state, however, that judges have the ability to address and reduce excessive awards. As stated above, we need to elect judges who are willing to do so when appropriate.

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?

I am inclined to think my answer to this question would be yes but have not given extensive thought to the ramifications of such a rule change. I would point out that Rule of Civil Procedure 1006(d)(1) allows a Court, for the convenience of parties and witnesses, to transfer an action when appropriate to another jurisdiction in the Commonwealth. Therefore, I support the election of judges who would do so when it is appropriate and in the interests of a fair administration of justice.

10. Please identify any endorsements your campaign has received.

Our campaign has received many endorsements including but not limited to the Pennsylvania Republican Party, Pennsylvania State Troopers Association, Firearms Owners Against Crime, LifePAC, Pennsylvania State Building and Construction Trades Council and various fraternal order of police lodges. We have been recommended by the Pennsylvania Pro-Life Federation and the Pennsylvania Bar Association. We received a recommendation from the Pennsylvania Fraternal Order of Police in the primary and await their decision on endorsement for the Fall.

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 provided pro bono work.

Blair County Bar Association, Inn of Court, Pennsylvania Conference of State Trial Judges, Rotary, American Legion, United Church of Christ, Blair County Chamber of Commerce and Pennsylvania and Blair County Republican Committees.

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.

I have not.

FROM THE DESK OF

WADE KAGARISE

MEET JUDGE WADE KAGARISE

Judge Wade Kagarise's candidacy offers voters a deep range of personal and professional experience for the Superior Court. Judge Kagarise is a Republican nominee for one of four open positions on the Superior Court.

COMMON PLEAS JUDGE

Judge Wade Kagarise currently serves on the Court of Common Pleas of Blair County where he presides over hundreds of criminal, family, and civil matters each year. After his election to the bench, service beyond the courtroom quickly expanded with an appointment by Governor Tom Corbett to serve as a member of the State Council for Interstate Juvenile Supervision. He also received an appointment to the legislative committee of the Conference of State Trial Judges. Today, Judge Kagarise leads the Blair County Court's Mental Health Services Committee, created to redesign standards for delivering needed mental health services for eligible offenders. Before his election to the bench, Kagarise was tapped by Senator Pat Toomey to serve on a bipartisan advisory committee on federal judicial appointments.

PROSECUTOR & PRIVATE PRACTICE ATTORNEY

Wade Kagarise served as a prosecutor for over 15 years, and in 2006 was promoted to Chief Deputy District Attorney in the Blair County District Attorney's office. During his service, he helped deliver thousands of convictions, including the successful prosecution of homicide and death penalty cases. As a private practice attorney, he earned a reputation as a patient, thorough advocate for clients involved in family, civil, and labor law matters. Wade is licensed to practice law in the Supreme Court of Pennsylvania, the United States Court for the Western District of Pennsylvania, and the United States Court of Appeals for the Third Circuit.

EDUCATIONAL BACKGROUND

Since 2009, Kagarise has been an adjunct professor in the Criminal Justice/Sociology Department of Saint Francis University, teaching courses in Criminal Law and the American Court System. He graduated with honors from the Indiana University of Pennsylvania with a bachelor's degree in criminology and then earned a Juris Doctorate from Widener University School of Law.

COMMUNITY & MILITARY EXPERIENCE

A resident of Hollidaysburg, Pennsylvania, Wade is a longtime Rotarian and personally supports several community and service organizations. He is a veteran of the U.S. Army Reserves where he served as an Infantryman.

FOR LIFE, LIBERTY, & THE CONSTITUTION.

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PAID FOR BY KAGARISE FOR SUPERIOR COURT COMMITTEE.