

Pennsylvania Coalition for Civil Justice Reform Judicial Candidate Questionnaire - 2019

__Megan McCarthy King____

Candidate Name (Print)

___July 25, 2019_____

Date

__Megan McCarthy King

Candidate Signature

Pennsylvania Superior Court Judge

Position Sought

1. Please describe your background and experiences that qualify you for this office. Also 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 list any leadership positions held. (Feel free to attach a prepared resume or biography if all requested information is included.)
 - a. Resume attached.
 - b. My background is a well-rounded professional practice that has given me the requisite tools to become an effective Superior Court judge. Not only do I have significant trial experience, but I have appellate and academic experiences. I have handled civil and criminal matters on appeal when I clerked for Justice Thomas Saylor of the Pennsylvania Supreme Court. I have written appellate briefs and argued in front of both the Pennsylvania Superior and Supreme Courts. And, I have taught Education Law and Special Education laws at the graduate school level.
 - c. I have a successful conviction rate in trials and prosecuting complex cases, including homicides, sexual and physical assaults, and intricate financial exploitation cases, perpetrated against the most vulnerable victims – children, the elderly, and care dependent adults. The District Attorneys in Lancaster and Chester Counties recognized my leadership and abilities and promoted me to supervisor and deputy of the most challenging units within the District Attorneys’ offices. In 2018, I was named the Pennsylvania Blue Ribbon Champion for Children, in recognition of my work to bring justice to our most vulnerable victims. I have an overriding sense of fairness, compassion, and impartiality. With every case, I take an entire picture approach, taking into account all of the dynamics. I value my responsibilities as a prosecutor, to be a

minister of justice and not simply an advocate, to ensure defendants are accorded procedural justice and guilt is decided upon the basis of sufficient evidence, and to honor the significant repercussions for victims, defendants, and the public.

2. What is your general judicial philosophy? In matters of constitutional interpretation, would you describe yourself as an originalist, textualist, pragmatist, or some other term that indicates how you approach constitutional interpretation?

- a. I view myself as a jurist who strictly applies the laws. I adhere to the philosophy that the Constitution is a fixed document that is meant to be taken literally, and the rules of lawmaking and governance are clearly defined within its context.
- b. A judge's duty is to apply the text of laws to cases - that is the judicial power that our Constitution vests in the courts. I had the opportunity to clerk for Justice Saylor after working as a prosecutor in Lancaster County. Justice Saylor taught me the importance of following the law, statutes, and constitutions to an eventual decision rather than bending the law to a desired outcome.

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 is the current U.S. Supreme Court Justice that I believe most closely reflects my judicial philosophy. Justice Alito is a strict constructionist and applies the laws as written.

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 actions of the legislature. I believe in the distinct and separate roles of each of our branches of government, and that judges should not legislate from the bench. Judges should uphold the constitution and follow the laws as they are written.

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

Frivolous litigation is the practice of carrying out a lawsuit of little legal merit that has little or no chance of succeeding in court. As a victim of a frivolous lawsuit from someone I prosecuted, the county had to expend considerable resources on what was clearly a vindictive and retaliatory lawsuit. Judges should not be afraid to grant summary judgment when no issue of material fact exists.

6. Do you think excessive damage awards are a problem in our courtrooms? Please explain your answer.

As a prosecutor, I have not seen excessive damage awards in my cases. However, I am aware that in other venues, verdicts have resulted that are not related to the evidence before the jury. A judge should help ensure that the verdict in a case is consistent with the evidence.



7. Do you support the equal representation of plaintiff and defense counsel on the Pennsylvania Supreme Court's Civil Procedural Rules Committee, Appellate Court Procedural Rules Committee, and Committee on Rules of Evidence?

Yes.

8. Venue:

A. Do you support the current venue rules for medical liability actions found in Pa.R.C.P. Nos. 1006, 2130, 2156 and 2179?

B. Do you, and will you oppose all efforts to eliminate the current medical liability venue rules or otherwise broaden venue in medical liability cases?

C. Do you support extending the current venue rule for medical liability cases in Pennsylvania Rule of Civil Procedure 1006(a.1) to cover all civil actions?

A-C. The venue guidelines were brought into law subsequent to 2002's Medical Care Availability and Reduction of Error (MCARE) Act and after a recommendation from the Interbranch Commission on Venue, which then ensured plaintiffs were only permitted to sue in the county where their alleged injury took place – a standard that currently remains in place.

I believe that all civil matters should have the same set of rules applied for choosing venue. Judges should not legislate from the bench. Judges should uphold the constitution and follow the laws as they are written

9. Do you support statewide standards governing the time within which judges and courts should issue an order, decision, or opinion or otherwise dispose of motions and cases?

Yes. Justice delayed is justice denied.

10. Would you support the imposition of reasonable limits on personal injury lawyer advertising?

I believe this is an issue best suited for the legislature to address. I believe in the distinct and separate roles of each of our branches of government, and that judges should not legislate from the bench.

11. What is the proper role of stare decisis when deciding cases in the appellate courts? Do you agree that predictability in the law is important to maintain a healthy business and medical climate in Pennsylvania?

The goal of any justice system should be to create a level of legal fairness throughout society. Judicial precedent provides consistency and predictability that everyone can rely on when there is an issue that they face personally or professionally in court. It allows for cases to be treated and decided in a manner that is similar to past decisions and provide predictability in the law.

12. Is it ever proper for an intermediate appellate court of error to abrogate existing common law and create new common law? If so, when would that be appropriate?

Please see answer to Question 11. I believe in the distinct and separate roles of each of our

branches of government, and that judges should not legislate from the bench. Judges should uphold the constitution and follow the laws as they are written.

13. Should appellate court judges be appointed or elected in Pennsylvania?

A. If you believe they should be appointed, what system should be implemented to accomplish this?

B. If you believe they should be elected, do you prefer the current state-wide election system or a system that would divide the Commonwealth into judicial districts?

I understand the arguments both for and against electing judges versus appointing judges. One can argue that the process of having judges go through the election process - seeking contributions and the approval of voters creates exerts influence into what should be an apolitical process. On the other hand, one can make the argument that elections, even though highly charged politically, are less political than an appointment because those that make the appointments may also have inherent and/or political interests.

Whether judges are elected or appointed, what matters is that Judges should be independent, and abide by a code of ethics; they must be fair and impartial, and not be swayed by public opinion.

14. Please identify any endorsements your campaign has received.

Commonwealth Partners Chamber of Entrepreneurs
Pennsylvania State Troopers Association (PSTA)
Pro Life Federation
Firearms Owners Against Crime
Recommended Pennsylvania Fraternal Order of Police
Recommended by the Pennsylvania Bar Association



MEGAN MCCARTHY KING
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EXPERIENCE

OFFICE OF THE DISTRICT ATTORNEY,
West Chester, PA 2015-present

Deputy District Attorney, Child Abuse Unit
Prosecute child abuse cases in Chester County, Pennsylvania.

- Prosecute homicides, physical abuse, sexual abuse, human trafficking, child pornography and other related crimes committed against children.
- Supervise a multi-disciplinary team consisting of Assistant District Attorneys assigned to the Child Abuse Unit, law enforcement, Chester County Children Youth and Families, Crime Victim Center (CVC) advocates, medical experts, and Probation and Parole Officers relative to the investigation, prosecution, and services offered to children who are the victims of child abuse.
- Responsible for assignment and tracking of Child Abuse cases (approximately 2000 in 2018).

OFFICE OF THE DISTRICT ATTORNEY, Lancaster, PA **2012-2015**

Assistant District Attorney, Supervisor - Elder and Care Dependent Abuse Unit

- Prosecute physical abuse, sexual abuse, and financial exploitation crimes committed against the elderly, care dependent adults, and children.
- Supervise coordination between and among the Lancaster County Office of Aging, Pennsylvania Area Agency on Aging, Department of Public Welfare-Person/Family Directed Support Waiver, United Disability Services (UDS), Behavioral Health and Developmental Services (BHDS), Lancaster County Children's Alliance (LCCA), victim witness advocates, and police departments for the investigation and prosecution of elder and care dependent abuse cases.

CABRINI COLLEGE, Radnor, PA **2008-2012**

Adjunct Professor, Graduate Studies

- Course Instructor for the following courses: School Law, Introduction to the Exceptional Learner (Special Education), Technology and Communication, and Fundamentals of Education Research.
- Responsible for creating and teaching online, traditional, and hybrid courses.

SUPREME COURT OF PENNSYLVANIA,
THE HONORABLE JUSTICE THOMAS SAYLOR, Harrisburg, PA **1999-2001**

Law Clerk

- Researched legal issues pertaining to Pennsylvania Supreme Court cases including death penalty, civil and criminal appeals.

OFFICE OF THE DISTRICT ATTORNEY, Lancaster, PA 1996-1999

Assistant District Attorney, Supervisor, Child Abuse and Neglect Division

- Supervised Assistant District Attorneys in the management of hundreds of child abuse cases.
- Successfully prosecuted child abuse, general crime, and juvenile cases.
- Researched and wrote appellate briefs, and argued cases before the Pennsylvania Supreme and Superior Courts.

HOUSE OF REPRESENTATIVES, Harrisburg, PA 1995

Republican Caucus, Research Committee

- Wrote, analyzed, and researched house bills for consideration by the Pennsylvania House of Representatives Education, Judiciary, and Insurance Committees.

UNITED STATES ATTORNEY'S OFFICE

WESTERN DISTRICT OF PENNSYLVANIA, Pittsburgh, PA 1994

Clerk, Criminal Division

- Researched federal case law relative to the sexual exploitation of children.

EDUCATION

M.A.Ed. Rosemont College, Rosemont, Pennsylvania 2009-2010

Master of Arts in Education

- Awarded Eleanor Mary Weisbrod Scholarship (4.0 GPA)

J.D. University of Pittsburgh School of Law, Pittsburgh, Pennsylvania 1992-1995

- Order of the Barristers

B.A. Vanderbilt University, Nashville, Tennessee 1988-1992

- Cum Laude

COMMUNITY SERVICE

Child Advocacy Center, Board President, West Chester, Pennsylvania 2017-present

- Supervise a multidisciplinary team for child abuse cases from the investigation to prosecution and addressing services to child and families who are victims of abuse.

St. Mary's Episcopal Church, Wayne Pennsylvania 2014-present

- Volunteer - St. Gabriel's Christmas "Meal in a Bag," "Little Free Food Pantry," Food Drive, gifts for children in need, and St. Mary's Christmas Pageant.

AWARDS

- Pennsylvania Blue Ribbon Champion for Children 2018

(Megan and her husband, Richard, live in Chester County with their three children - RJ, Thomas, and Elizabeth)