



Pennsylvania Coalition for Civil Justice Reform Judicial Candidate Questionnaire – 2021

<u>Stacy Wallace</u>	<u>April 22, 2021</u>
Candidate Name (Print)	Date
<u><i>Stacy Wallace</i></u>	<u>Commonwealth Court</u>
Candidate Signature	Position Sought

1. Please describe your background and experiences that qualify you for this office. Also identify all membership organizations including bar associations, legal 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.

I graduated from Duquesne University School of Law in 2004 and passed the Pennsylvania Bar Exam that same year. I have served as a judicial intern and judicial Law Clerk at the Court of Common Pleas of McKean County, and as a Judicial Extern Law Clerk and Judicial Clerk for the Superior Court of Pennsylvania. The Commonwealth Court sits as a trial court on election law matters and when the Commonwealth is a party to the lawsuit. The court sits as an appellate court when governmental agencies are a party to the lawsuit. Because of my litigation experience as well as having sat as a specially appointed master, I am well-equipped to sit as a trial judge. Because of my experience reading and writing appellate briefs and applying the law to the appellate case and because of my experience drafting appellate judicial decisions, I am qualified to sit as an appellate judge. Additionally, I have relevant substantive experience for matters that the Commonwealth Court handles including election law matters, municipal law matters, and regulatory matters such as banking and unemployment compensation. Throughout my career, I have represented a diverse and extensive range of clients across both the public and private sectors and provided pro bono and discounted legal services to local and regional nonprofits, as well as many individuals clients. I have represented victims of domestic violence, advocated for those with mental and physical

disabilities, assisted families purchasing their first homes, and helped business owners form businesses, resolve human resource matters, and avoid liability issues. I have served as general counsel and retainer counsel for businesses and corporations. Since 2012, I have been the proud owner and proprietor of Stacy Wallace Law, LLC, in Bradford, where I continue to serve my fellow citizens and guide them through Pennsylvania's legal system. (My husband also owns a business; he owns a civil engineering firm in Bradford, PA.)

Current Community Experience & Association Memberships:

- The Guidance Center, Board of Directors
- Kiwanis Club of Bradford
- McKean County Bar Association, President
- Pennsylvania Bar Association, Appellate Advocacy Committee
- Pennsylvania Bar Association, Judicial Administration Committee
- Pennsylvania Bar Association, House of Delegates Zone 7
- Pennsylvania Bar Association, Real Property, Probate, & Trust Law Section
- Pennsylvania Bar Association Solo & Small Firm Section
- University of Pittsburgh at Bradford, Advisory Board of Directors
- Believers Chapel, Toddler Room Volunteer

Past Community Experience & Association Memberships:

- American Inns of Court
- American Red Cross, Board of Directors Chairperson
- American Red Cross, Meals on Wheels Committee Chairperson
- American Red Cross, Governance & Nominating Committee Chairperson
- American Red Cross, Financial Development Committee Chairperson
- Court Appointed Special Advocates ("CASA"), McKean County Board of Directors
- Downtown Bradford Revitalization Corporation, Board of Directors
- Evans Memorial United Methodist Church, Board of Trustees Secretary
- Evans Memorial United Methodist Church, Praise Team
- Evergreen Elm, Board of Directors
- Kiwanis Club of Bradford, Board of Directors
- McKean County Bar Association, Treasurer
- McKean County Bar Association, Vice President
- McKean County Bar Association, Criminal Conference *Ad Hoc* Committee,
- McKean County Bar Association, Young Lawyers' Division Chairperson
- Pennsylvania Bankers Association, Government Relations Policy Council
- Pennsylvania Bankers Association, Trust Advisory Committee
- Pennsylvania Bar Association, Mock Trial Coordinator
- Pennsylvania Bar Association, Municipal Law Section
- University of Pittsburgh at Bradford, Alumni Board of Directors President
- University of Pittsburgh at Bradford, Advisory Board of Directors
- Young Women's Christian Association ("YWCA"), Nominating Committee

2. 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?
Originalist.

3. Please identify the current U.S. Supreme Court Justice or Pennsylvania Supreme Court Justice that you believe most closely reflects your judicial philosophy and explain why.
It is difficult to choose only one justice as I respect many, yet I would not identify with any of them on all matters. Justice Samuel Alito consistently reflects a conservative judicial philosophy of applying the law to the facts of the case specifically at hand. Therefore, regarding who closely reflects my judicial philosophy, I relate often with Justice Alito.

4. To what extent do you believe that a judge should or should not defer to the actions of the legislature?
If a statute is unconstitutional, then a judge should strike down the statute. Otherwise, a judge's role is not to circumvent the actions of the legislature.

5. Do you believe our judicial system adequately deters and penalizes frivolous litigation? If not, what reforms would you like to see?
Because this particular matter would likely come through statutory reform that may appear before the Commonwealth Court, I respectfully decline to directly answer this question. However, abusive litigation should be discouraged. Frivolous lawsuits can forever damage a person's reputation or force a business to fail. Accordingly, it is imperative that legal remedies exist to deter and penalize frivolous litigation. A court should apply the facts of a case to the law. Current legal safeguards provide for an independent cause of action for wrongful use of civil proceedings that include corresponding sanctions and remedies. This question asks if our "judicial system" properly deters. I think the question is whether our "legislative system" properly deters, and as a judge, I will apply the law – so long as it is constitutional.

6. a. Do you think excessive damage awards are a problem in our courtrooms?
I can only answer this as to my courtrooms in McKean County, but recognize and acknowledge this answer will likely be different throughout the state. In my county, where the population is approximately 40,000 people and the median household income is \$45,000.00, we rarely, if ever, have seen a lawsuit where an excessive damage award is a factor. Similarly, "big" verdicts in my county are small relative to verdicts in other areas of the state.

b. Describe what you view as the hallmark elements of an 'excessive' verdict warranting "remitter".

As an appellate court judge, I will be applying the law to the facts of each case and considering the lower court's decision within the proper standard of review. The grant or refusal of a new trial due to the excessiveness of the verdict is committed to the discretion of the trial court. The appellate court will look to whether the trial court committed an error of law or abused its discretion. In looking at whether the trial court properly applied the law, the appellate court will consider whether the jury verdict "shocked our sense of justice." The relevant factors the trial court considers in determining whether to grant a new trial include: (1) the severity of the injury, (2) whether the injury is manifested by objective physical evidence instead of the subjective testimony of the plaintiff, (3) whether the injury is permanent, (4) whether the plaintiff can continue to be employed, (5) the amount of the plaintiff's out-of-pocket expenses, and (6) the amount demanded in the original complaint.

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?

I neither support or oppose any of the Rules of Court. As a judge, I will apply the rules.

- 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?

I respectfully decline to answer this question as it may give a preconceived notion or appearance that I favor one class of parties over another.

- 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?

Please see above.

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?

In some instances, yes.

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

Limitations as set forth - either presently or in the future- by the PA Rules of Professional Responsibility should be complied with by practitioners.

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?

Stare decisis is the bedrock of our jurisprudence and ensures equal justice and application to all. Predictability in the law is important for all individuals. Therefore, yes, predictability is important in the business and medical climate.

12. Recent appellate decisions have weakened protections provided by the Peer Review Protection Act (PRPA) which provides an absolute privilege for certain designated health care providers to discuss negative patient events to ensure that they do not occur again. As a jurist, would you support the PRPA's intent and allow health care providers to police themselves without fear that their findings will be used against them in a subsequent malpractice case?

As a jurist, it is not my role to circumvent the legislature's intent in drafting a statute. The Peer Review Protection Act was written to serve the valuable purpose of maintaining high professional standards in the medical practice for the protection of patients and the general public. The authors of the statute considered that because of the specific expertise and skill level required in the practice of medicine, the medical profession itself is in the best position to police its own activities. This concept is not unique to the medical profession. I would need a mechanic to tell me if another mechanic aligned my car properly. I would need a lawyer to tell me if another lawyer properly drafted my last will and testament. In the medical field, the need for confidentiality in the peer review process stems from the need for transparent

evaluations of medical providers by their peers in the profession. Without the protection afforded through the confidentiality of the proceedings, the ability of the profession to effectively self-monitor would be thwarted. That being said, the facts of each case are and will continue to be uniquely applied to the law and considerations include standing and who carries the burden of proof.

13. Has your campaign committee received any campaign contributions from any political action committee (PAC), PAC Board, or other entity affiliated with Pennsylvania's plaintiffs' lawyer community, including but not limited to:
- LawPac, Fund for Change, the Committee for a Better Tomorrow, Pennsylvanians for the Disabled, Fairness PA, or PA Alliance Action? No.
 - If your answer is "Yes", please list the PAC(s).
 - Is your campaign planning on soliciting or accepting any funding from PACs listed in (a) between now and Election Day in November? No.

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

I prefer not to answer this question due to the judicial canons. However, I am thankful to be part of the current system where I am running to be elected by "we the people." "Merit selection," is brilliant marketing. On its surface, who can argue with "selecting by merit?" That being said, we all would be naive to believe that moving to an appointed-based system would remove politics.

- If you believe they should be appointed, what system should be implemented to accomplish this?
- 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 am currently running from northwestern Pennsylvania, from the north side of I-80 and the woods of McKean County. It is imperative that appellate courts represent all of Pennsylvania; I will have a better idea of whether judicial districts are necessary after November.

15. Please identify any endorsements your campaign has received.

I have received endorsements from the Pennsylvania Pro-Life Federation and the Republican Party of Pennsylvania. Also, I have received recommendations from leaders in the McKean County Bar Association and from the William Tyler Memorial FOP Lodge #64.