



Pennsylvania Coalition for Civil Justice Reform Judicial Candidate Questionnaire – 2023

Carolyn T. Carluccio 2/25/23
Candidate Name (Print) Date

A handwritten signature in blue ink that reads "Carolyn Carluccio".

Candidate Signature Supreme Court
Position Sought

1. Please describe your background and experiences that qualify you for this office. Please list all membership organizations such as bar associations, legal associations, professional associations, civic, community, charitable, religious, educational, social, political, and labor organizations to which you belong or have provided pro bono work. Please include any leadership positions held.

Education:

WIDENER UNIVERSITY SCHOOL OF LAW (former Delaware School of Law), Wilmington, Delaware Juris Doctor Degree 1985; National Moot Court Competition Team; Executive Board Member, Moot Court Honor Society; Chairperson, G. Fred DiBona Competition; Vice-President, Women’s Law Caucus.

DICKINSON COLLEGE, Carlisle, Pennsylvania, BA 1982 Cum Laude; Bachelor of Arts, Spanish with American Studies concentration. Editor and creator of campus Spanish newsletter, Off-Campus Recruiter and Admissions Representative, Varsity Lacrosse.

UNIVERSITY OF MADRID, Madrid, Spain, 1980 – 1981

Admissions:

Court Admissions: Pennsylvania, Delaware, Eastern District of Pennsylvania, District of Delaware, Third Circuit Court of Appeals, and United States Supreme Court.

Pennsylvania Bar Association, Member 1985 – Present; Montgomery Bar Association, Member, 1985 – Present; Delaware Bar Association, Member 1987, still hold license as inactive status.

Professional Career:

JUDGE, Court of Common Pleas, Montgomery County, Pennsylvania: January 2010 – Present; President Judge 2022 – Present; Administrative Judge, Family Division 2018 – 2021; Since elected in 2009, has been assigned to sit in the Criminal, Family and Civil Court Benches, and back-up Judge to Juvenile Court. In January 2018, appointed as the Administrative Judge of the Family Division. Instituted Mortgage Foreclosure Court; handled all condemnation cases. Created and implemented Custody 2.0 in the Family Division and the Civil Backlog initiative to resolve pandemic-related delays. Both programs served to assure efficient disposition and justice to Montgomery County families. First woman President Judge of the third largest county in the state. Spearheaded changes in every division of the court aimed at bringing efficiency and fairness to the justice system. Shepherding the redevelopment of the historic Montgomery County Courthouse.

CHIEF DEPUTY SOLICITOR, Montgomery County, Pennsylvania: February 2006 – December 2009: Represented the County of Montgomery, the County Commissioners and their 52 Departments in contract negotiations, real estate matters, personnel and labor law issues, farmland and open space preservation, Health Department litigation and purchasing negotiations and contracts. Successfully negotiated a complex \$27 million real estate transaction involving the purchase of private real estate for the County from an Investor/ Developer, saving the County nearly a million dollars in broker and legal fees. Selected as sole litigator in high publicity case in Montgomery County Orphans Court in re Barnes Foundation. Appointed to Commissioners Budget Committee overseeing all operating and capital expenditures of a \$600 million budget, chosen to serve on Montgomery County Board of Elections, Vice Chair (2007). Appointed to Willow Grove Air Force Base Land Reuse Authority Board. Chaired County Commission to Investigate Campaign Contribution Limits. Acquired land for the County's award-winning 60-mile trail system.

ACTING DIRECTOR OF HUMAN RESOURCES, Montgomery County, Pennsylvania: July 2008 – March 2009. Directed and managed all Human Resource functions relating to more than 3,700 county employees, including hiring and firing, benefits, workers and unemployment compensation, salary administration, employee relations and labor law issues, streamlined first major change in over 10 years of health care coverage saving Montgomery County taxpayers \$2 million dollars.

CHIEF PUBLIC DEFENDER, Montgomery County, Pennsylvania: January 2002 – February 2006. Served as first female Chief Public Defender. Managed 3rd largest Public Defender’s office in the Commonwealth and largest criminal defense team in the County, including staff and 35 attorneys.

ASSISTANT UNITED STATES ATTORNEY, District of Delaware, Office of the United States Attorney: January 1989 - August 1997. Extensive federal jury trial experience, managing cases from the investigative stages through appeal. Prosecuted large-scale drug dealers, bank robbers, money launderers and white-collar criminals; handled fraud and gun cases, and high security cases representing the United States Army. Civilly represented the United States Department of Health and Human Services and the Small Business Administration. Handled bankruptcy and civil forfeitures. Lead counsel in the USA’s first jury conviction of a health care billing company for Medicare and Medicaid fraud. One of three prosecutors in federal Strike Force Drug and Money Laundering initiative leading to convictions in racketeering and narcotics of defendants from coast-to-coast. Created and implemented the District’s first Federal Asset Forfeiture program resulting in millions of dollars of drug proceeds forfeited to law enforcement. Successfully briefed and argued numerous Third Circuit appeals. Served as District Professional Responsibility Officer.

Professional Associations:

Pennsylvania Bar Association, Member		1985 – Present
• Government Lawyers Section, Vice Chair		2007
• House of Delegates, Delegate from Zone 9		2002 – 2012
• Women in the Profession Committee, Member		2002 – Present
Pennsylvania Conference of State Trial Judges		Officer 2017 - Present
• Executive Committee		2013-2017
• Nominating Committee		2015
• Officer positions held	President	July 2023
	President-Elect	2022
	Vice President	2021
	1st Vice President	2019 – 2020
	Treasurer	2018
	Secretary	2017
Montgomery Bar Association, Member		1985 – Present
• Officer positions held	President	2011
	President Elect	2010
	Vice President	2009
	Treasurer	2008

Secretary 2007

- Council of Past Presidents 2012 – Present
- Served on over fifteen committees of the Bar Association including but not limited to: the 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
- Chaired Personnel and Salary Committee, Law Reporter Committee, Women in Law Committee, Community Outreach and Executive Committee
- As Chair of Community Outreach Committee:
 - Created Video “What You Need to Know About the Law” (2012)
 - Initiated “Courting Art” – Award winning community art initiative aimed at adorning the walls of the Montgomery County Courthouse with art of County residents without cost to taxpayer
- Spearheaded Leadership Academy for young attorneys (2013 – Present)

Montgomery Bar Foundation, Officer 2007 – 2009

Montgomery Bar Association Political Action Committee, Officer 2007 – 2009

American Inns of Court:

- Richard Rodney Chapter, Barrister (1989 – 1992)
- Desmond McTighe Chapter, Master (2001 – 2003)
- Montgomery American Inns of Court, Master (2004)
- Montgomery County American Inn of Court re-establishment (2022-Present)

Delaware Bar Association, Member

- Diversity Committee

District of Delaware:

- Bankruptcy Fraud Working Group
- Professional Responsibility Officer

Pennsylvania Association of Criminal Defense Lawyers, Member 2002 – 2006

Public Defenders Association of Pennsylvania, Board of Directors 2004 – 2006

Commonwealth of Pennsylvania, licensed Real Estate Salesperson 1982 – 2019

- National Associations of REALTORS®, Member
- Pennsylvania Association of REALTORS®, Member
- TriState REALTORS® Commercial Alliance, Member

Civic Affiliations:

AIM Academy, Director (2015 – 2021)

Gwynedd Mercy University, President’s Council (2010 – Present)

Villanova Law School, Member Writing in Practice Partnership (2011)

Drexel Law School Criminal Law concentration Advisory Board (2014)

Montgomery County Community College, Women's Leadership Council (2012 – 2016)
Montgomery County Community College Foundation, Board of Directors (2003 – 2009)

- **Vice Chair (2006 – 2009)**
- **Art Barn Capital Campaign Committee**
- **Nominating Committee, Chair**
- **Special Events Committee**

Justinian Society, Member Philadelphia and Delaware County

Teach Civics Education to 6th grade in the Norristown Area School District (2010 – Present)

Mission Kids, former Founding Board Director

Triangle Club, former Board of Directors (first female Director)

Montgomery Child Advocacy Project, former Founding Board Director

Columbus Monument Committee, former President

Americans of Italian Heritage Council, Inc., former Solicitor

Little Tower Foundation, Director

Awards:

Montgomery Bar Association, Past President's Award

Montgomery Bar Association, Committee of the Year Award - Women in Law

Montgomery Bar Association President's Award – Leadership Academy

Margaret Richardson Award

Main Line Today – Woman of Power – Women on the Move Award

YWCA Exceptional Women Tribute

Inspector General's Integrity Award presented for "Outstanding Leadership in the Fight Against Health Care Fraud"

Department of the Treasury – Criminal Investigation Division Recognition Award

Delaware State Police Commendation and Dedication Award

Drug Enforcement Administration Award for Outstanding Contributions in the Field of Drug Law Enforcement

Federal Bureau of Investigation Commendation "...lead prosecutor in a complicated healthcare fraud investigation"

United States Postal Inspection Service Official Commendation

Bureau of Alcohol, Tobacco and Firearms Recognition Certificate of Appreciation

United States Secret Service Certificate of Appreciation for Exceptional Work

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?

The role of a judge is to read and apply the law as written. A judge must have the ability to review cases before them impartially and without bias. The role of the legislature is to set policy. The judicial branch serves a constitutional role as a check and balance on unlawful or unconstitutional actions by the legislative or executive branches. A judge has a responsibility understand the original intent of the authors.

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.

Justice Ruth Bader Ginsburg, quoting Justice Antonin Scalia at his funeral said, "I attack ideas. I don't attack people. Some very good people have some very bad ideas." Justice Scalia's originalism, embodied by the separation of powers, understanding original intent, and applying the law as written, reflects my judicial philosophy. As evidenced by his legendary relationship with Justice Ginsburg, Justice Scalia was able to separate ideas and people which earned him widespread recognition as one of the Court's leaders and mediators.

4. Do you support 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?

- a. IF your answer is Yes, how do you propose to achieve equal representation?

While I do not believe plaintiff or defense counsel should have a dominant role, the Courts should aspire to ensure all sides are equally and fairly heard.

5. Venue:

In 2022, the Supreme Court rescinded the medical liability venue rules contained in Pa.R.C.P. Nos. 1006, 2130, 2156 and 2179. These rules were the product of legislative, executive, and judicial cooperation during the early 2000s to help end a medical liability crisis through the prevention of forum shopping.

- a. Do you believe that a medical liability crisis existed in the late 1990s through early 2000s?
- b. Do you support or oppose the 2022 rescission of the medical liability venue rules?
- c. If elected to the Supreme Court, would you support efforts to restore the pre- August 2022 medical liability venue rule?
- d. Would you support or oppose a single venue rule for all civil cases similar to the rescinded medical malpractice venue rule which required that cases be brought in the county in which the cause of action arose?

As a judge and candidate, I am prohibited from commenting on potential rules changes to the Courts.

In 2002, rules regarding venue were adopted after significant research and deliberation in a process that was recognized as inclusive. Any changes to those rules should require substantive, data-driven and compelling evidence.

6. Would you support limits on personal injury lawyer advertising such as the prohibitions on unfair and deceptive practices set forth in the Pennsylvania Unfair Trade Practices and

Consumer Protection Act?

The legislature would be the appropriate body to include any specific profession under the Pennsylvania Unfair Trade Practices and Consumer Protection Act. Reasonable reforms that adhere to the principles of free speech and ability to pursue a profession may be worthy of consideration.

7. 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?

Precedent is the bedrock of jurisprudence in the United States. All Pennsylvanians want a judicial system that is consistent.

8. Recent appellate decisions have weakened protections provided by the Peer Review Protection Act (PRPA) which was intended to provide 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?

The role of a Judge is to understand the intent of the legislative authors and apply the law as written. The legislature should clarify portions of PRPA, should Courts find any provisions ambiguous.

9. A panel of the Superior Court in Spencer v. Johnson stated, in an alternative to its main holding, that the Fair Share act only applies when the plaintiff is comparatively negligent. Do you view this part of the Spencer v Johnson decision as dicta or a holding of the case?

As a Judge and judicial candidate, I am prohibited from commenting on the specifics of cases that may come before the Supreme Court. Straying from precedent or the plain meaning of the statute should require extensive evidence acquired through a transparent process.

10. Has your campaign committee received contributions from any political action committee (PAC), PAC Board, or other entity affiliated with Pennsylvania's plaintiffs' lawyer community, including but not limited to:

- a. LawPac, Fund for Change, the Committee for a Better Tomorrow, Pennsylvanians for the Disabled, Fairness PA, PA Alliance Action, or DT Pac?
- b. If your answer is "Yes", please list the PAC(s).
- c. Is your campaign planning on soliciting or accepting any funding from PACs listed in (a) between now and Election Day in November?

No.

11. Should Pennsylvania appellate court judges be appointed or elected?
 - 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, a system that would divide the Commonwealth into appellate judicial districts, or something else?

The Pennsylvania Constitution mandates that changes to how judges are seated must be accomplished through a constitutional amendment driven by the legislature. Any challenges to the amendment may come before the Supreme Court, thus prohibiting me from commenting on this issue.

12. Please list the endorsements your campaign has received to date.

Republican Party of Pennsylvania

Pennsylvania Pro-Life Federation