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**Pennsylvania Coalition for Civil Justice Reform Judicial Candidate Questionnaire – 2023**

Maria Battista

Candidate Name (Print)

3/17/2023

Date

A handwritten signature in black ink, appearing to read "Maria Battista".

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Candidate Signature

Judge of the Superior 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.**

Please see attached resume.

- 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?**

Under Rule 2.2. Impartiality and Fairness, of the Code of Judicial Conduct "A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially."

It is not the role of a judge to legislate from the bench, and this is even more important when dealing with constitutional matters.

**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.**

The U.S. Supreme Court Justice whose judicial philosophy most closely reflects my own is that of Justice Antonin Scalia. As an originalist, Justice Scalia was an important voice on our nation's highest court. One of the most famous statements made by Justice Scalia on the U.S. Constitution during one of his speeches was "The Constitution is not a living organism. It's a legal document, and it says what it says and doesn't say what it doesn't say." Justice Scalia also believed it was up to Congress and the state legislatures to make the laws when the Constitution was silent on an issue and for the courts to practice judicial restraint.

**4. 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**In 2022, the Supreme Court rescinded the medical liability venue rules contained in Pa.R.C.P. Nos. 1006, 2130, 2156 and 2179.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. **Do you believe Pennsylvania should have 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 judicial candidate, I am required to follow the Code of Judicial Conduct and cannot comment on this question.

**5. 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.**

As a judicial candidate, I am required to follow the Code of Judicial Conduct and cannot comment on this question. Lawyer advertising is governed by the PA Rules of Professional Conduct.

**6. 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, a Latin term, in essence means to let a decision stand. The stare decisis doctrine means the courts and judges should follow existing precedent, which provides predictability and consistency in the law.

**7. 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?**

As a judicial candidate, I am required to follow the Code of Judicial Conduct and cannot comment on this question.

- 8. 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 judicial candidate, I am required to follow the Code of Judicial Conduct and cannot comment on this question.

- 9. 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?**

No.

- 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.

- 10. 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?**

As a judicial candidate, I am required to follow the Code of Judicial Conduct and cannot comment on this question.

- 11. Please list the endorsements your campaign has received to date.**

Republican Party of Pennsylvania