

AFSCME DISTRICT COUNCIL 47
2023 CANDIDATE QUESTIONNAIRE
(Supreme Court Justice)

CANDIDATE INFORMATION

Candidate Personal Contact Information (Fields marked with asterisks are required)

Name: **Daniel D. McCaffery**
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Campaign Contact Information

Full Name of Campaign Committee: **McCaffery for Supreme Court**
HQ Address: **305 Prospect Ave Unit 311, Bethlehem, PA 18018**
Campaign Manager Name: **Celeste Dee**
Campaign Manager Phone: **917-251-9696 Cell**
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Candidacy Information

What office are you seeking? **Justice of the Pennsylvania Supreme Court**

With which party are you registered? **Democratic**

Who are your opponents? **Debbie Kunselman (Primary) Carolyn Carluccio or Patricia McCullough (whomever wins the R Primary)**

If there is not sufficient space to respond to the following questions, please attach additional sheets to the questionnaire.

1. What in your background qualifies you to be a Judge of the Supreme Court?

With over 3 decades of combined legal and judicial experience, I am the most qualified candidate seeking the office. I have the most varied experience as prosecutor, defense attorney, commercial and municipal litigator, business development, trial, and appellate judge. I have tried more cases and presided over more litigation than any other candidate. I am the only Veteran serving on PA's Appellate Courts and have been appointed to the PA Court of Judicial Discipline by the PA Supreme Court. I routinely lecture on trial and appellate practice and judicial ethics. Finally, I am currently the supervising judge for Pennsylvania wiretap applications.

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2. How would you describe your judicial philosophy?

Attempting to label a judicial philosophy is dangerous & often misleading. In its most general terms, I would describe my approach to constitutional interpretation as "Living Constitution" – meaning that the constitution was intentionally drafted using broad language to allow its concepts to evolve with changing societal conditions. As to my approach to interpreting rules, legislation & statutes, I would describe myself as a textualist in that I attempt to give a common sense meaning and will give the intent to apply a reasonable analysis to interpret any ambiguous word or provision.

3. What are the most important factors you would look at in making a decision to reverse a trial court decision?

Different factors apply to different "trial Court decisions". I.E., A trial court decision involving a purely legal question, the appellate court standard of review is de novo and the standard of review is plenary. In other words, review without deference to the trial court decision. If the trial court decision involves the admission of evidence or other procedural abnormality, abuse of discretion is the standard applied.

5. What do you believe is the proper standard for review of arbitration awards on appeal?

Arbitration agreements are declared to be valid, enforceable & irrevocable. In an appeal from an arbitration award, a party seeking to overturn an award must demonstrate by clear, precise, and indubitable evidence that it was denied a hearing or that fraud, misconduct, or some other irregularity on the part of the arbitrator, or other parties caused an unjust and inequitable award. A trial court order affirming an arbitration award should be reversed only for abuse of discretion.

6. Under what circumstances would you consider setting aside or reversing an Arbitrator's award? Would you consider setting aside an Arbitrator's award if you disagreed with the award?

I would not consider setting aside an arbitration award if I disagree with the decision. I would only consider setting aside or vacating an arbitration award if the record proves that a party was denied a full and fair opportunity to be heard and present evidence on the issues. The arbitrators are the final judges of both law and fact, and an arbitration award is not subject to reversal for a mistake of either.

7. What would be your standard for reviewing an appeal to an arbitrator's award by a government agency that claims that it could not afford to pay that award because it was too expensive and might be burdensome to the taxpayers? Do you believe that you could overturn an Arbitrator's award on that basis alone?

Without giving an advisory opinion, I do not believe that an arbitrator's award, issued after a full and fair hearing with each side possessing an opportunity to be heard can or should be set aside because it would be "too expensive and might be burdensome to the taxpayers". The cost of negotiated contracts should be evaluated as a business decision and considered prior to entering into the agreement in question.

