

AFSCME DISTRICT COUNCIL 47
2019 CANDIDATE QUESTIONNAIRE
(Common Pleas Court Judges)

CANDIDATE INFORMATION

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

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Campaign Contact Information

Full Name of Campaign Committee: Jessica Brown for Judge
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Campaign Manager Name: Lauren Townsend
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Candidacy Information

What office are you seeking? Philadelphia Court of Common Pleas

Are you the incumbent? Yes ___ No X If yes, year first elected:

With which party are you registered? Democratic

Please list union leaders you seek input from when developing your legislative agenda:
As I am running for judge, I do not have legislative agenda.

Who are your opponents?

The position of judge is not one in which there are opponents per se.
This year there are eleven openings, I am aware of some other individuals who are seeking one of these positions, but do not know all.

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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 Court of Common Pleas? Why do you want to be a judge?

I have extensive litigation experience in both criminal and civil matters. I have tried hundreds of cases. I started my career an attorney at the Defender Association of Philadelphia. In that capacity, I tried both bench and jury trials in the Common Pleas Courts of Philadelphia. I then spent over 10 years as a trial attorney for the U.S. Department of Labor. At the DOL my practice was exclusively civil prosecution of companies that violated federal worker protection laws. For example, I prosecuted companies that stole their employees' pensions or failed to provide fall protection at construction sites. I have since moved on to represent labor unions in private practice at Willig, Williams and Davidson. At WWD, I represent unions in court, at arbitrations, and in proceedings before both state and federal labor boards. This experience representing individuals and interests in court makes me qualified to proceed over both civil and be criminal matters.

I want to be a judge because I believe that this City needs qualified individuals who care about working people on the bench and I am such an individual. I want to help make our City a better place by providing a courtroom where people are treated with respect and feel as if their voices are heard.

2. How would you describe your judicial philosophy if you are a sitting Common Pleas judge?

My overarching judicial philosophy is to first and foremost treat everyone who enters my courtroom with respect. I would examine each case from a neutral posture, considering the facts and law and then apply those facts to the law as necessary. As a judge at the trial level, I would follow all relevant appellate precedent in reaching my conclusion.

3. Common Pleas Judges are sometimes asked by employers to set aside or vacate arbitration awards. What considerations, if any, would compel you to set aside or modify an arbitration award pursuant to a collective bargaining agreement? Are there any circumstances under which you believe you would set aside an arbitration award?

Arbitration awards in the Pennsylvania Court of Common Pleas are governed by Acts 195 and 111. The Pennsylvania Supreme Court has interpreted these acts as providing for a narrow set of circumstances under which a Common Pleas Court Judge may modify or set aside an arbitration award. Under Act 195, a reviewing court may modify or overturn an award only where the award fails to draw its essence from the collective bargaining agreement or violates a very narrow public policy test. Under Act 111 a reviewing court may modify or overturn an award only if the arbitrator lacked jurisdiction over the issues in dispute, if the proceedings were irregular, if the

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arbitrator exceeded her authority, or if the arbitrator improperly decided constitutional questions.

As a trial judge in the Court of Common Pleas, I am bound by this precedent and would only set as or modify an arbitration award if after considering the facts and applying this law to those facts, I felt such an action was required by the law.

4. Common Pleas Judges are often asked to issue injunctions in connection with labor disputes. What considerations would compel you in judging whether it is appropriate to issue an injunction in a labor dispute?

I would consider the law governing injunctions as set out in statute and caselaw. As a trial judge, I am bound by this existing precedent. I would then consider the facts of the matter and apply the law to those facts. I would grant an injunction if it was required by the pre-existing law.

5. Have you performed any pro bono work in your career within the last 2 years and if so, what was it?

I serve as a member of the Public Policy Committee of the Pennsylvania Prison Society. I served as a member of the Democratic Party's Voter Protection team during the 2020 general election. I am a judge of elections at my polling place. Additionally, I provide my church, St. Timothy's Episcopal Church, with pro bono legal work by attending finance committee meetings when necessary.

6. What would you consider in deciding to limit picketing in a labor dispute?

I would consider the law governing limitations on pickets as set out in statute and caselaw. As a trial judge, I am bound by this existing precedent. I would then consider the facts of the matter and apply the law to those facts. I would limit only picketing if it was required by the pre-existing law.

7. Under what circumstances do you believe alternatives to incarceration are appropriate? What do you believe are the most effective programs for preventing recidivism?

I believe that there are times where alternatives to incarceration are appropriate and that there are programs which can help prevent recidivism. As a judicial candidate however, I am bound by the canons of judicial ethics not to provide a more specific answer to this question, as it could cause me to have to recuse myself from matters in the future. However, I would make individualized sentencing decisions for each person before me. In so doing, I would consider the statutes governing sentences, reports prepared by experts, evidence entered at sentencing, and the arguments of counsel.

8. How many and what types of cases have you handled in the last several years?

Since June 2018, when I joined Willig, Williams and Davidson, I have practiced exclusively labor and employment law. In this capacity, I have arbitrated at least 50

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cases and practiced before the Pennsylvania Labor Relations Board and National Labor Relations Board multiple times. I have also represented unions in civil proceedings in both federal and state court. Further, I have represented Taft-Hartley Pension and Benefits Funds in civil proceedings.

Before joining Willig, Williams and Davidson, I worked as a senior trial attorney at the Office of the Solicitor of the United States Department of Labor. In that capacity, my practice consisted almost entirely of civil enforcement of worker protection laws via litigation in both the federal courts and administrative proceedings.

9. With an Adult Probation/Parole Department and a Prison Department so severely understaffed and underfunded, including the Options program and psychological services, what will you do to make sure that your judicial orders don't turn into a series of "unfunded mandates," without any real force of law?

It is imperative that judges keep informed of the actual availability of resources to ensure that it is possible for their orders to be carried out. As a judge, I would work to explore options that do not unnecessarily tax the Department of Probation and Parole or the Prisons. For example, where appropriate, I would ask the Defender Association to use its social work staff to locate programs and resources that a defendant could be ordered to participate that is not staffed or funded by the Department of Probation and Parole or the Prisons.

10. What is your position on mandatory sentences?

As a general principle, I am not a supporter of mandatory sentences, as it deprives the judicial system of determining what is the most just outcome for each matter. As a practical matter, however, since the U.S. Supreme Court's 2013 decision in *Alleyne v. United States*, there are very few crimes in Pennsylvania for which are legal mandatory sentences, thus this issue is unlikely to come before me.

11. Would you be in favor of a liaison from the probation department to discuss court problems with court administrative judges? Why or why not??

I am in favor of a liaison from the probation department to discuss court problems with court administrative judges. I almost always believe that more communication between stakeholders is a good thing. Hence, it makes sense to me that having a liaison between parts of our judicial system can improve it as a whole.