

AFSCME DISTRICT COUNCIL 47
2023 CANDIDATE QUESTIONNAIRE
(Superior 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: * Dugan 2023
HQ Address: * PO Box 63033
Campaign Chair: Bill Hamilton, President of the Pennsylvania Federation of Teachers
Campaign Manager Name: * Mary Wetherall
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Candidacy Information

What office are you seeking? * Pennsylvania Superior Court

With which party are you registered? Democrat

Who are your opponents? Judge Tamika Lane and attorney Jill Beck

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 Superior Court?

My career as a lawyer and sixteen years as a judge qualifies me to be a Superior Court Judge. I also believe that my journey through life qualifies me as I will bring a perspective that many lawyers and judges have not experienced. I relate to many of the citizens who have appeared in front of me over the past sixteen years. I was not born with a silver spoon in my

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mouth; it was more like a plastic spoon. My four siblings and I were raised mostly by a single mother who struggled to keep a roof over our heads and food on our table. We persevered, with dignity, because of my mother. My mother is my hero and remains my role model. Nothing was given to us. We had to earn it.

I went into the Army in order to qualify for Veterans' Education Benefits and I used them to successfully graduate Rutgers Camden School of Law at the age of 33. As a lawyer, I was a sole practitioner with emphasis on Dependency, Child Advocacy and Criminal Defense. In 2007, Governor Ed Rendell appointed me to be a judge on the Philadelphia Municipal Court. In 2009, I was elected to a full six-year term and in 2015 and 2021 I was retained for six-year terms. I helped find and have presided over Philadelphia Veterans Court since 2010. Veterans Court is a trauma-based treatment court with a "tough-love" holistic, wrap-around" approach to Criminal Justice. Our recidivism rate is less than 10%.

In 2019, my twenty-six peers on the Municipal Bench elected me to be their President Judge. In 2022, the Pennsylvania Supreme Court appointed me to a newly formed Judicial Ethics Advisory Board, designed to assist judges with ethics questions. Only nine judges were selected out of over one thousand state-wide for a position on this board.

I have the experience, leadership and respect of my peers to be a Superior Court Judge.

2. How would you describe your judicial philosophy?

My judicial philosophy mirrors the philosophy of our most recent United States Supreme Court Justice Ketanji Jackson who responded to this question in this manner: "My judicial philosophy is to approach all cases with professional integrity, meaning strict adherence to the rule of law, keeping an open mind, deciding each issue in a transparent, straightforward manner, without bias or any preconceived notion of how the matter is going to turn out."

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

I would like to preface my response to these questions by stating that many factors go into a judge's decision when asked to make rulings on a case, whether as a trial judge or as a judge on an appellate court in reviewing the evidence. Each case has its own facts, issues, and intricacies that cannot be considered in a vacuum. Each case stands alone and must be reviewed on a case-by-case basis. Each case must be objectively reviewed, without bias, prejudice, or stepping over the appellate court's jurisdiction and obligation to be fair to the litigants, regardless of outcome.

The most important factors in reversing a trial court's decision would be limited to analyzing the issues raised on appeal and a thorough, complete, and unbiased review of the entire

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trial transcript. Reversing a lower court's decision is not something to be taken lightly and should only take place when a clear error of law, a change in the law, or an abuse of discretion by the trial judge occurs. If the lower court's ruling is supported by both the facts/evidence and supporting caselaw, then the ruling below should stand on appeal and not be disturbed.

4. Under what circumstances would you set aside a jury verdict in a criminal case? What factors would you look at?

Again, the role of the Superior Court in a criminal matter is to act as a reviewing court in order to determine whether the trial judge's rulings were consistent with and applied in accordance with Pennsylvania caselaw, statutory law, as well as the U.S. and Pennsylvania Constitutions. As with any case, either civil or criminal, in an appeal to the Superior Court, in most cases, our review is limited to the issues raised by the appealing party. As to a criminal appeal, one must look to the sufficiency and weight of the evidence, that the defendant was afforded due process rights, and that the direct and circumstantial evidence supports the jury's verdict. As a Superior Court judge, our review is limited to a review of the underlying record in a fair, equal, and unbiased manner. If the lower court record reveals an error of law, or a manifest injustice regarding evidentiary issues or constitutional violations, then I would have no regret reversing a lower court verdict, however, I would only make a final decision after discussion and debate with my panel colleagues who also heard the appeal. Our decision is to be made fairly, and without fear of consequence or public opinion.

5. Under what circumstances would you reduce a jury award of damages? What factors would you look at?

I believe that the verdict of the jury in any case should be given great weight and consideration and should only be reversed in the event that the amount of the monetary award is contrary to the evidence related to the computation of the dollar amount awarded. As I judge, I would be hesitant to disturb a jury's verdict as to a calculation of damages, unless the award is wholly unsupported by the evidence of record. If the verdict is not shocking in conscience (either insufficient or excessive) to the value the jury awarded, and absent unfairness or impartiality, the jury is entitled to the last word and its determinations should not be disturbed on appeal.

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6. Under what circumstances would you modify a jury award of punitive damages? What factors would you look at?

In Pennsylvania, excessive punitive damages awards have been challenged on constitutional grounds, but there is no exact rule defining the calculation of awarding punitive damages. Like any other damages award, the decision of the jury must be given great weight, however, a punitive damage verdict must be given more scrutiny, as the appellate judges must look to the nature and extent of the conduct; the relationship of the punitive verdict to the harm; and any sanctions for comparable misconduct in statutory or decisional law for reference. If, after careful review, the jury's award was excessive or inadequate, the matter would need to be remanded to the trial level for further proceedings, as modifying an award is beyond the scope of the Superior Court's jurisdiction.