

AFSCME DISTRICT COUNCIL 47
2023 CANDIDATE QUESTIONNAIRE
(Superior Court Judges)

CANDIDATE INFORMATION

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

Name: Jill Beck

Registration Address:

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Home Phone:

Work Phone:

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HQ Phone:

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Work Address:

Campaign Contact Information

Full Name of Campaign Committee: Elect Jill Beck

HQ Address: PO Box 81583, Pittsburgh, PA 15217

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Candidacy Information

What office are you seeking? Judge of the Pennsylvania Superior Court

With which party are you registered? Democrat

Who are your opponents? There are 2 available seats for the Superior Court. Also running for the Democratic nomination are Timika Lane and Patrick Dugan. On the Republican side, the candidates are rumored to include Maria Battista, Michael Dimino, Harry Smail, Jr., and Emily Yuhaniak.

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?

In my career, I have had the opportunity to litigate before, work with, and/or review the decisions of jurists at every level of every court in Pennsylvania. I have seen judges and justices who treat litigants fairly and with dignity; diligently consider the facts and evidence

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before them; and craft carefully researched decisions, applying the facts of record to the precedential law. I have also had the unfortunate experience with jurists who shame and demean litigants (and lower courts); prejudge cases without any consideration of the testimony or awareness of what is in the record; and allow the opinions and decisions of their staff to substitute as their own, serving more in a role of proofreader than decisionmaker. I know that there is a right way and a wrong way to do this job. My background and experience will ensure that I do the job right.

To do the job right a Superior Court Judge must be knowledgeable in the areas of the law that come before the Court so that she can proficiently apply the law to the particular facts of each case. The role requires a careful balancing of error correction through the appropriate lens and deference to the court below, without serving as a rubberstamp for any interest or usurping a role that is designated elsewhere.

I am well equipped for this aspect of being a Superior Court Judge. The Superior Court hears appeals of criminal, civil, family, juvenile, and orphans' court decisions. I have practiced as an attorney in each of these areas and know the law that goes into the Court. I also spent 10 years as a law clerk for Christine Donohue on Pennsylvania's appellate courts – 6 on the Superior Court and 4 on the Supreme Court – and have drafted approximately 500 decisions addressing the very subject matter that will come before me if elected. I have years of experience closely reviewing the Pennsylvania Rules of Court that apply to the matters that come before the Superior Court. I have litigated over 1200 cases that are within the Superior Court's jurisdiction. And I have briefed and argued cases before the Superior Court (and appellate courts across the country). These experiences have given me an intimate familiarity with the relevant areas of the law and the standards by which the cases must be reviewed. They have provided me with a strong working knowledge of the governing law and a firm understanding not only of what the law says, but how it applies in context.

To do the job right a Superior Court Judge must also be decisive and efficient. Litigants should not be required to wait years for a decision on whether, for example, they have the right to be free from incarceration, the ability to continue in their livelihood, or will be able to obtain custody of their children.

I know firsthand what it is like to await decision on appeal of a case that has taken months, or in some cases years, to prepare and try. I have made it my habit, both as a litigator and in my service on the courts, to have my work completed well in advance of prescribed deadlines. I have taken to heart the adage, "If you're on time, you're late," often stated to law students (including several of my classmates) by the illustrious John Murray.

But getting a decision out quickly should never result in sacrificing the quality or correctness of the decision, nor does it permit a jurist to allow her clerks to substitute their judgment for that of her own. As an extremely high-volume Court—one of the busiest in the country—it is far easier for a judge to abdicate her responsibilities in the name of "efficiency." This is a dangerous proposition, however, as the Superior Court is the court of last resort for approximately 96 percent of cases that are within its jurisdiction. It is also the sole means for litigants to obtain error review of questions concerning the right to liberty,

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parenthood, a person's health, wealth and safety, and all manner of constitutional rights—decisions that come with life-altering consequences for the parties involved and for Pennsylvanians at large. Each case must be treated as important, as it is undoubtedly the most important case to the litigants involved, deserving thoughtful consideration by the person elected to do the job.

The matters that come before the Superior Court are the clients I have represented for my entire career as a litigator. I can put a face to nearly every kind of case that the Superior Court reviews. I can say with assurance that I will never cast a case aside as unimportant. Further, my litigation work has mostly been in fast-paced, high-volume courts, and my clerking experience has been spent drafting decisions on these matters. I know how to work quickly, and yet thoroughly, to get to the correct and legally supported result, with a working knowledge of the Superior Court from both sides of the bench.

Most importantly, to do the job right a Superior Court Judge must treat all litigants fairly and equally, regardless of the parties' race, religion, ethnicity, gender, gender identity, sexual preference, disability, or wealth. All persons are entitled to a fair consideration of their case, no matter who they are or what they are alleged to have done, and the writing deciding the appeal should reflect this. A judge should not be impatient or impertinent in her written decision, as this is indicative of a failure to treat those involved and the issues raised with the dignity and respect they deserve.

Ensuring a fair and unbiased decision on appeal is an extremely high priority for me. I have spent the great majority of my career as a litigator helping people and fighting for the rights of the underserved and most vulnerable members of our population. I have been actively involved in efforts to promote diversity, equity, and inclusion in our profession, our bar associations, our community, and through board service. I have done this with kindness, respect and collegiality, and have always completed my work with assiduous and comprehensive research, regardless of whether I was paid for my services or the demographic background of my client.

My broad professional experiences make me uniquely suited to be a Judge of the Superior Court. I have the work ethic and the experience to do the job with a high level of competence, integrity, ethics, and productivity without sacrificing the quality of the decisions. For every case I have litigated, I am prepared, thoroughly researched, and knowledgeable about the facts. For every case I have drafted, I have done so without prejudice or bias, after a careful review of the record and based on the precedential law. I have proven myself time and again to be an extremely hard worker; I do not stop until I find the right answer, even (and especially) when it is not the easy answer. I have the temperament, the skill, the drive, and the ability to do the job of a Superior Court Judge and to do it right.

2. How would you describe your judicial philosophy?

The judiciary is a separate but very important coequal branch of government. It is not the role of the Court to legislate, but neither is it permissible for the Court to serve as a rubber stamp

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for the legislative and executive branches of government (or the courts below). Appropriate deference to these bodies must be given when reviewing and interpreting their work, but it is solely in the Court's purview to determine the constitutionality of the measures taken and the legal correctness of their actions. The Court serves a critical role of interpreting our statutes and our constitutions (federal and state), which must be viewed in terms of the intent of the drafters at the time of their passage as well as the evolving standards of decency of our society.

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

The first and most critical factor is the standard of review that the Court must employ for a given issue. Reviewing a trial court's decision for an abuse of discretion, for example, is far different than conducting a *de novo* review. Additional factors include, *inter alia*, what issues and arguments the party(ies) raise; whether a question may be raised by the Court *sua sponte*; the existence or absence of precedential law governing the issues; the statute(s) (if any) that govern or control; whether the decision is supported by the facts and evidence of record; whether the error alleged has been preserved or does not require preservation; and whether there is any indicia of bias, prejudice, ill will, or misapplication of the law by the court below.

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

Vacating a criminal jury verdict on appeal is not something that is lightly done by the Superior Court, as it does not allow the Superior Court to substitute its judgment for the jury. Instead, there must have been a reversible error committed below. This includes, for example, a finding that an objected-to jury instruction was improper/illegal and not harmless error; there is evidence of improper considerations utilized in selecting the jury that was raised and not properly addressed by the trial court (e.g., a *Batson* or reverse-*Batson* issue); there is evidence of juror misconduct that was raised and not properly addressed by the trial court (e.g., a juror spoke with witnesses outside of the courtroom during the case); the trial court improperly admitted evidence/testimony that was not harmless error; viewing the record in the light most favorable to the Commonwealth, there was insufficient evidence to support the conviction; or the verdict is against the weight of the evidence such that it shocks the conscience of the Court.

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

A damage award should only be reduced by the Superior Court in very limited circumstances, such as the law prohibits the imposition of a given kind of damages awarded, the amount of damages is controlled by statute and exceeds the allowable amount, or the award of compensatory damages finds no support in the record. Even if the foregoing occurred, the Superior Court should only reduce the amount of the damages on its own (as opposed to remanding the case to the trial court) if the correct amount of damages can be determined with reasonable certainty pursuant to the law and the record.

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

The only circumstances wherein an appellate court should modify a jury's punitive damage award is if the award is barred as a matter of law or exceeds a statutorily prescribed amount. In any other case that might require modification of an award of punitive damages, the appellate court should vacate the award and remand the case to the trial court to make that determination in the first instance.

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