



Pennsylvania Coalition for Civil Justice Reform Judicial Candidate Questionnaire – 2023

Megan Martin

April 10, 2023

Candidate Name (Print)

Date

Megan Martin

Judge of the Commonwealth Court

Candidate Signature

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.**

(I have also attached my biography.)

I have dedicated my legal career to public service. Anyone who knows me knows I believe public service is a calling, and that I have been called to serve. I love being part of something that is so much bigger than myself, and providing legal service that impacts the people of our great Commonwealth. For decades, I have ardently supported legal careers in government service because it is in doing this special work that I believe attorneys have unparalleled opportunities to perform meaningful legal work that improves the lives of millions of people. I believe it is truly a privilege and a calling to practice law in the context of public service.

My career of service demonstrates how I answered that call to serve. I have spent the last three decades cultivating a deep understanding of, and harbor a deep respect for, our government. I am the only attorney I know who has served in all three branches of our state government and as an attorney for our United States Navy. This is a unique and special distinction of which I am tremendously proud. This work, in its totality, has given me unmatched skills and experience in government law and process to capably serve as a judge on our unique and special Commonwealth Court, which only hears government cases.

I am again answering the call to serve, this time by running to serve on our Commonwealth Court.

The depth and breadth of my legal experience is what makes me the best candidate for our Commonwealth Court. I have a nearly 30-year career of service that has given me unique, comprehensive, one-of-a-kind legal experience in administrative law (government law and process) that I alone will bring to our Commonwealth Court. This is what truly sets me apart as a candidate. I

understand our government, the way it operates and the many complex issues it faces. I know the legal issues, the legislative issues, the regulatory issues, the policy issues, and the operational issues. There are few who possess such comprehensive insight into our Commonwealth, and this makes me especially poised to serve as a judge on our Commonwealth Court.

I have had a legal career of service unlike any other, which has afforded me the unique opportunity to serve as an attorney in all three branches of our state government and as an attorney for our US Navy. I have concentrated my legal practice on government – serving it, learning it, and revering it.

My service as a Judicial Law Clerk gave me understanding of how a judge decides cases and writes opinions, manages a heavy caseload, and interacts with counsel. My service in the administrations of two governors has given me extensive experience in administrative law and an in-depth understanding of the many, complex legal issues our state government faces. I learned the intricacies of our state government from the top, down. My service to the Navy has given me extensive litigation and transactional experience in administrative law on myriad issues from government contracts to civilian personnel matters. It was the honor of my career to serve those men and women who so selflessly serve all of us.

My service at the Senate as the Secretary-Parliamentarian for more than a decade has given me one-of-a-kind understanding of the legislative process that I alone will bring to our Commonwealth Court. I am proud to have broken the glass ceiling at the Senate by becoming the first and only woman to serve as its Secretary-Parliamentarian since the position was created in statute more than 100 years ago. I was a statutory officer of the Senate, and by law, I performed three important roles for the Senate: Secretary; Parliamentarian; and, Right-to-Know Law Appeals Officer. I was the chief legislative officer of the Senate, and was responsible for fairly, impartially and in a non-partisan manner, managing the legislative process for the Senate. I always kept our Constitution, laws, and the rules of the Senate as my North Star. I was unanimously elected five times by the Senators, which is a testament to the fair and judicious way in which I acted. Each time I was elected, I took the same oath that the Senators and our judges take to “support, obey and defend” our US and Pennsylvania Constitutions, and I took this oath very seriously.

I will also bring more than ten years of quasi-judicial experience to the Commonwealth Court from my role as the Senate’s Right-to-Know Law (RTKL) Appeals Officer. In this important role, I reviewed Senate RTKL Appeals and issued legal opinions in accordance with the RTK Law. I defended the constitution and adhered to the RTK Law as it was written by the General Assembly. I reviewed each appeal with fresh, independent, fair, and impartial eyes. By law, my opinions were appealable to our Commonwealth Court; I was never appealed or reversed. For transparency, I posted all of my decisions online at www.secretary.pasen.gov/RTKL.cfm.

I have often remarked that serving as the Senate’s Secretary-Parliamentarian was a professional opportunity of a lifetime for many reasons, but especially because it gave me the tremendous responsibility of managing the legislative process for the Senate of PA – a momentous responsibility that I did not take lightly. I am regarded nationally and across the Commonwealth for the judicious way in which I carried out my important responsibilities at the Senate, and for my expertise in administrative law and process. Importantly, I will bring this judicial temperament and wide-ranging experience to our Commonwealth Court.

For my vast body of work, I was “Recommended” by the PA Bar Association’s Judicial Evaluation Commission, which concluded “The candidate’s substantial administrative law experience will serve her well as a Commonwealth Court judge and, therefore, the commission recommends her as a candidate.”

Further, I am proud to share that in November 2022, I was honored by my law school *alma mater*, Widener Law Commonwealth, with its Excellence in Public Service Award. The award recognizes my dedicated career of service. Moreover, for my body of work in service as the Secretary-Parliamentarian, I was recognized nationally and awarded the National Conference of State Legislatures’ (NCSL) 2021 Legislative Staff Achievement Award, a national award recognizing excellence in supporting the work of a state legislature and strengthening the legislative institution.

Of this I am certain, I know government, and this knowledge sets me apart as a judicial candidate for Commonwealth Court. I have spent the last 3 decades learning the intricacies of our government. I have gained this comprehensive knowledge through my very special career of service, and this makes me ideally suited to serve as a judge on our unique and special Commonwealth Court - the only court in the Commonwealth and the Nation to hear only government cases. This one-of-a-kind experience will enable and empower me to serve with excellence as a judge on our Commonwealth Court. It would truly be my honor to serve.

ADMISSIONS, APPOINTMENTS, MEMBERSHIPS & COMMUNITY SERVICE

- Admitted, United States Supreme Court
- Admitted, Pennsylvania Supreme Court
- Admitted, United States District Court for the Middle District of PA
- Member, National Conference of State Legislatures (NCSL), American Society of Legislative Clerks and Secretaries, 2012-2022
- Appointed, Commissioner, 2020 Mason’s Manual Commission, National Conference of State Legislatures (NCSL), 2013-2020
- Member, Pennsylvania Bar Association (PBA)
- Member, PBA Government Lawyers Committee
- Member, PBA Administrative Law Section
- Member, PBA Women in the Profession Commission
- Member, National Rifle Association
- Member, St. Katharine Drexel Church, Mechanicsburg, PA
- Volunteer, Widener Law Commonwealth, Harrisburg, PA
- Volunteer, Trinity High School, Camp Hill, PA
- Volunteer, Good Shepherd School, Camp Hill, PA
- Volunteer, St. Joseph School, Mechanicsburg, PA
- Member, Board of Directors, YWCA of Greater Harrisburg (YWCA), 2007–2009
- Pro Bono Attorney, YWCA Domestic Violence Legal Clinic, 2008-2009
- Co-Chair, Social Awareness Subcommittee of the PBA’s Govt. Lawyers Committee, 1997-2000
- Member, Junior League of Harrisburg, Inc., 1996-2000
- United Way - Appeals, Policies and Procedures Committee, 1998-2001
- Girl Scouts - Fund Development Committee, 1996
- Captain, Governor’s Office Teams for the American Cancer Society’s *Making Strides Against Breast Cancer Walk* & American Heart Association’s *Heart Walk*, 1995-2001.

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?

I will be a fair, impartial, and independent judge on the Commonwealth Court. I will be a judge for all the people of our great Commonwealth and will approach each case without bias and with an open mind. I am a strict constructionist. I am a textualist and an originalist; I do not believe the constitution is a “living document.” Moreover, I will follow the law and apply precedent to the facts of the cases that come before me. Further, I deeply respect our government and its separation of powers. Serving in all three branches has given me perspective from each and a thorough understanding of the roles of each branch. I will bring this approach of exercising judicial restraint and adhering to our separation of powers to the Commonwealth Court, as well. Finally, judges should check their politics at the door of the courthouse. They should not be influenced by current events and the politics of the day when making their decisions. They should remain fair, impartial, and independent in their application of the law to the facts before them. This is what the people of Pennsylvania expect and deserve. I will be that judge.

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.

PA Supreme Court Justice P. Kevin Brobson. Justice Brobson and I have a similar judicial philosophy of strict constructionism, a respect for and understanding of the separate roles of each branch of our government, and the view that judges should faithfully apply precedent to the matters that come before them. Justice Brobson is an individual whom I both professionally and personally admire. It is his vacant seat on our Commonwealth Court to which I aspire, and it would be my honor to be elected by the people to this seat. Further, I admire the way in which Justice Antonin Scalia and Justice Ruth Bader Ginsburg, despite their very different judicial philosophies, were great friends who admired and respected each other. Given the hostile political climate we are living in today, it would be refreshing if people across the political spectrum could embrace such tolerance and respect of divergent ideas.

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?**

This is an issue with which I am quite familiar, as I served as Governor Tom Ridge’s Representative on his Medical Malpractice Work Group in 2001. At that time, we carefully, thoughtfully, and comprehensively reviewed this issue because of the public outcry for tort reform due to rising medical malpractice costs and the perception of a crisis in that medical professionals were leaving Pennsylvania, limiting their practices and/or electing not to practice at all, or retiring early. The Governor established an internal work group, on which I was his representative. Legislation was enacted to address this matter – the

Medical Care Availability and Reduction of Error Act (MCARE Act). This Act created a carve-out in our Rules of Civil Procedure that these actions can only be brought in a county where the cause of action arose. It is my understanding that this change eliminated forum-shopping and caused an overall decrease in medical malpractice claims.

I participated in the review of this issue 20 years ago and supported the changes made then for the reasons stated above.

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.

The Rules of Professional Conduct govern attorney advertising. Any changes would need to be thoughtfully considered, keeping in mind issues of free speech and the ability to pursue your occupation, to name a few.

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?

Precedent exists to maintain the rule of law. Defending the rule of law helps promote a world without chaos and gives consistency to our judicial decision-making process. It ensures that individuals in similar situations are treated alike rather than being subject to the personal views of a particular judge. I respect the rule of law. I respect precedent. After serving the past decade as the Senate's Parliamentarian, I have an even deeper understanding of, and respect for, precedent and order. I saw first-hand at the Senate what happens when precedent and rules are not followed – chaos. To ensure that we followed the established parliamentary and legislative-process precedent, when I was first elected at the Senate, I researched and compiled the Senate precedent of parliamentary decisions from the 1880s to the present. I used this guide throughout my decade-long tenure at the Senate to advise each Presiding Officer at the Senate Rostrum during Senate Session.

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?

On all matters, I will follow the law as it is written by our General Assembly.

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 do not believe that it is appropriate for me to comment on this other than to say that I will follow the law as it is written by our General Assembly.

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?**
- 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.

No.

10. Should Pennsylvania appellate court judges be appointed or elected?

- 1. If you believe they should be appointed, what system should be implemented to accomplish this?**
- 2. 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?**

Any changes to how judges in the Commonwealth are selected would be through a Constitutional amendment process. This means the General Assembly, as the peoples’ representatives, would lead such a process. It would not be appropriate for me to comment any further.

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

Republican Party of Pennsylvania

Pennsylvania Pro-Life Federation

Fraternal Order of Police, Lodge #41

Commonwealth Partners Chamber of Entrepreneurs

Recommended by the PA Bar Association