

## PERSONAL DATA QUESTIONNAIRE

1. State your full name: Seamus Patrick McCaffery

Have you ever been known by any other name? **Yes.** If so, please list  
James McCaffery

2. Office address (include zip code): The Superior Court of Pennsylvania  
530 Walnut Street, Suite 1776  
Philadelphia, PA 19106

Office telephone (include area code): 215-560-5848

Name of law firm, if associated: N/A

3. Date and place of birth: June 3, 1950; Belfast, Ireland

4. Are you a naturalized citizen? **Yes.** If so, give date and place of naturalization:  
November 14, 1971 in Philadelphia, Pennsylvania

5. Family status:

a) Are you married? **Yes.** If so, state the date of marriage and your spouse's full name, including maiden name, if applicable: September 9, 1990 to Lise Rapaport

b) Have you been divorced? **Yes.** If so, state the date, the number of the case and the court: May 7, 1987. June Term, 1986, No. 1296 Philadelphia Court of Common Pleas, Family Division

6. Have you had any military service? **Yes.** If so,  
a) Give dates, branch of service, rank of rate, and present status:

July 1968 – December 1985: United States Marine Corps (Res ).  
Attained the rank of Captain. Serial # \_\_\_\_\_ honorably discharged.

December 1985 – present: United States Air Force (Res ). Attained the rank  
of Colonel. Serial # \_\_\_\_\_ ; currently serving as an Air Force Liaison  
to the Department of Homeland Security.

b) Have you ever been rejected or released from any of the armed services for reasons other than honorable? **No.** If so, give details:

7. List each college and law school you attended, including dates of attendance, and the degrees awarded and, if you left any institution without receiving a degree, the reason for leaving. List scholastic honors:

LaSalle College (now University), September 1971 – December 1976  
Received B.A. degree in May 1977.

Temple University School of Law (Evening Division), August 1985 – May 1989  
Received Juris Doctor degree in May 1989. Dean's List for one semester.

8. List all jurisdictions in which you have applied to take a bar examination, have applied for admission or have been admitted to practice. Include dates of admissions and if not admitted, give application dates and explain the outcome.

New Jersey:	December 21, 1989
Pennsylvania:	May 25, 1990
Eastern District of Pennsylvania:	September 19, 1990
District of Columbia:	May 29, 1991

9. Describe chronologically your law practice and experience after your graduation from law school and until you became a member of the judiciary, including:

a) Whether you served as clerk to a judge and, if so, the name of the judge, the court, and the dates of the period you were a clerk: **No.**

b) Whether you practiced alone and, if so, the addresses and the dates: **No.**

c) The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected and the nature of your connection with each:

Lavin, O'Neil, Ricci, Cedrone & DiSipio (formerly  
George J. Lavin & Associates)  
190 N. Independence Mall West  
Philadelphia, PA 19106

Associate at this firm from August 1989 through December 1993.

d) Any other relevant particulars:

- 10 a) What was the general character of your practice, dividing it into periods with dates if its character changed over the years?

August 1989 – December 1993: general civil trial practice.

January 1992 – December 1993: Pro Bono Associate Counsel to the Philadelphia Democratic City Committee: general civil and criminal trial practice.

- b) Describe your typical clients and mention the areas, if any, in which you concentrated your practice:

At Lavin Coleman, typical clients were automobile manufacturers such as General Motors, appliance manufacturers such as General Electric, and insurance carriers such as The Home Insurance Company and Royal Insurance Company. I specialized in product liability and insurance defense, as well as environmental litigation.

As pro bono associate counsel for City Committee, I handled a wide variety of criminal offenses, Motor Vehicle Code infractions, domestic relations matters, small claims matters, zoning and city ordinance violations, election law litigation, and workers' and unemployment compensation matters for constituents unable to afford private counsel.

11. What judicial office do you now hold? State whether you have been appointed or elected and the dates thereto. Describe the jurisdiction of such court and any limitations thereon. Have you ever held any other judicial office? If so, please state the offices, courts and the periods of such service. Please describe the jurisdiction of each of such courts, with any limitations upon the jurisdiction of each court:

I am currently serving as a Judge of the Superior Court of Pennsylvania, having been elected to this office on November 3, 2003, and having been duly commissioned on January 2, 2004. The Superior Court has exclusive appellate jurisdiction of all appeals from final orders of the courts of common pleas throughout the Commonwealth, except those appeals which are within the exclusive jurisdiction of the Supreme Court or the Commonwealth Court.

Prior to serving on the Superior Court, I served as a Judge of the Municipal Court of Philadelphia. I was elected to that office in November 1993. The court's jurisdiction is county-wide, and is comprised of civil matters as follows: small claims; landlord-tenant disputes; and Philadelphia City Code violations. The court's criminal

jurisdiction is as follows: trials of misdemeanors and summary offenses, and preliminary hearings in felonies, including homicides. While on the Municipal Court bench, I was also certified to and did preside over Common Pleas matters.

12. For the last five years or portions thereof during which you have held judicial office, indicate,

a) The nature of typical matters which came before you: (while I have been serving on the Pennsylvania Superior Court, from January 2, 2004 through the present)

Appeals from: criminal convictions, including non-capital first-degree murders; PCRA orders; family court orders, including custody, child and spousal support; domestic relations orders, including equitable distribution and protection from abuse; general tort judgments; business and contract disputes; employment matters; insurance coverage cases; declaratory judgments; property disputes; medical malpractice cases.

b) The percentage of your time devoted to:

1. Civil: 40%
2. Criminal: 60%
3. Other: N/A

c) The percentage of your time devoted to:

1. Jury: N/A
2. Non-jury: N/A
3. Appellate argument: 95% (including appellate matters submitted on briefs)
4. Other: 5%: wiretaps; miscellaneous motions

d) Five of the more significant opinions you have rendered and citations thereto if the cases were reported:

1. J.F. v. D.B., 897 A.2d 1261 (Pa. Super. 2006), *appeal denied*, \_\_\_, Pa. \_\_\_, \_\_\_ A.2d \_\_\_ (October 24, 2006)
2. Carrozza v. Greenbaum, 866 A.2d 369 (Pa. Super. 2004), *appeal granted in part*, 584 Pa. 154, 882 a.2d 1000 (2005)
3. Commonwealth v. Love, 896 A.2d 1276 (Pa. Super. 2006)
4. InfoSage, Inc. v. Mellon Ventures, L.P., 896 A. 616 (Pa. Super. 2006)
5. Commonwealth v. Dixon, 907 A.2d 533 (Pa. Super. 2006)

- e) Prior to becoming a Superior Court judge, I served as a trial judge on the Philadelphia Municipal Court for ten years. In that capacity, typical cases over which I presided included the following:

Civil: Small claims, landlord-tenant disputes, health code violations, licensing violations, housing code violations, environmental pollution.

Criminal: Trials involving driving under the influence of alcohol, drug offenses, violations of the Uniform Firearms Act, graffiti vandalism, thefts, assaults, domestic violence matters, recklessly endangering another person offenses; preliminary hearings involving all felonies, including homicides.

On October 17, 2001, I was appointed by the Pennsylvania Supreme Court as the Administrative Judge of the Philadelphia Municipal Court, and I served in that capacity until March 2003. During my tenure as Administrative Judge, I oversaw an 8.5 million dollar budget and over 220 personnel. I was responsible for the overall functioning of one of the Commonwealth's largest court systems, including making all judicial and personnel assignments, doing all hiring, transfers and promotions, and overseeing the scheduling of thousands of cases.

13. If a substantial portion of your practice had been before administrative boards, commissions or agencies during the five years before you became a member of the judiciary, identify the boards, commissions or agencies before which you practiced and estimate percentages of practice time devoted thereto:

N/A

14. If a substantial portion of your practice had been before Appellate courts during the five years before you became a member of the judiciary, identify the Appellate Courts before which you have practiced and estimate percentages of practice time devoted thereto:

N/A

15. Have you ever held public office other than judicial office? **No.** If so, give details, including the office involved, whether elected or appointed, and the length of your services, giving dates:

16. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? **Yes.** If so, give details, including dates:

In 1991, I unsuccessfully sought election as a Judge of the Philadelphia Court of Common Pleas. In 1997, I was the endorsed Democratic candidate for a seat on the Pennsylvania Commonwealth Court, but I lost in the primary.

17. Have you ever been engaged in any occupation, business or profession other than the practice of law or the holding of judicial or other public office? If so, give details, including dates:

I was a member of the Philadelphia Police Department from 1970 – 1989.

18. Are you now an officer or director or otherwise engaged in the management of any business enterprise? **No.** If so, give details, including the name of your enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service
19. Have you ever been arrested, charged with or convicted of violating any federal law or regulation, state law or regulation, or county or municipal law, regulation or ordinance? **No.** If so, give details. Do not include summary traffic offenses:
20. Are you under any ongoing federal, state or local investigation or indictment for possible violation of a criminal statute? **No.** If so, give particulars:
21. Has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? **No.** If so, give particulars:
22. If requested, will you submit certified copies of your latest tax returns (including Federal Income Tax)? **Yes.**
23. Prior to taking the bench, were you ever sued by a client? **No.** If so, give particulars:
24. Have you ever been a party or otherwise involved in any other legal proceedings? **Yes.** If so, give the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as co-conspirator or a co-respondent and any grand jury investigation in which you figured as a subject or in which you appeared as a witness:

As a member of the Philadelphia Police Department, I was a material witness in hundreds of cases. Other than in that professional capacity, I was involved in three cases: my divorce, referenced in answer to Question 5; a personal injury lawsuit, captioned as Seamus McCaffery and Lise Rapaport, h/w v. Mitchell F. Rothfeld,

Philadelphia County, Court of Common Pleas, March Term, 1993, No. 0540, an auto accident in which I was rear-ended; and an auto accident when I was nineteen years old, when a car crossed the median strip into my lane and struck my vehicle head-on. I do not have the caption of that matter

In my former capacity as the Administrative Judge of Municipal Court, I was named, along with the President Judge, in a case involving that court: Philadelphia County, Court of Common Pleas, November Term, 2002, No. 3839. The matter was transferred upon agreement of the parties to the Pennsylvania Supreme Court, where it was subsequently dismissed for failure to perfect.

25. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct or has any complaint against you been filed with the Court of Judicial Discipline? **No.** If so, give the particulars:

26. What is the present state of your health? (If any medical condition or issue exists, you may be requested to execute a medical record authorization form as part of the interview process.)

Excellent

27. Do any circumstances exist that would affect your ability to perform the function of the position you seek or fulfill the term of office? **None whatsoever.** If so, please explain:

28. Furnish at least five examples of legal articles, law review articles, briefs, or other legal writings which reflect your personal work. If briefs are submitted, indicate the degree to which they represent your personal work:

Please see answer to 12(d).

29. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. List chairmanships of any committees in bar associations and professional societies and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, disciplinary committee, grievance committee).

The Pennsylvania Bar Association and the Philadelphia Bar Association.

30. List your experiences in teaching and lecturing, including law school, continuing legal education, both for the legal community and the judiciary, and to non-legal audiences.

Pennsylvania Bar Institute CLE (courses on Municipal Court practices and procedures and appellate advocacy); District Attorney's Office of Philadelphia; Defender Association of Philadelphia; Temple Law School Federalist Society; Philadelphia Police Academy. Countless lectures and addresses to community and civic groups and associations regarding the nature and structure of the court system in Pennsylvania, with specific emphasis on the need for an independent judiciary.

- 31 List all organizations other than bar associations, professional associations or societies of which you are or have been a member, including civic, charitable, religious, educational, social and fraternal organizations:

Alliance of Bikers Aimed Toward Education (A B A T E.); American Legion Post 937; Ancient Order of Hibernians, Division 39; Community College of Philadelphia Justice Curriculum Advisory Committee (Board Member); Fraternal Order of Police Lodge 5; John LeClair Face-Off Against Hunger Committee; LuLu Shriners; March of Dimes (Member, Board of Directors); Philadelphia Civil War and Underground Railroad Museum Advisory Committee; Philadelphia Emerald Society; Philadelphia Irish Society; Reserve Officers Association; Richard Vaux F & A M Lodge; Vietnam Veterans Memorial Society.

- 32 List any honors, prizes, awards or other forms of recognition which you have received (including any indication of academic distinction in college or law school) other than those mentioned in answers to the foregoing questions.

Philadelphia Emerald Society Policeman of the Year, 1990; North/South Club Man of the Year, 1994; Shomrin Friendship Award, 1995; United States Air Force Squadron Commander of the Year, 1995; United States Air Force Reserves Squadron Commander of the Year, 1995; Ancient Order of Hibernians Division 17 Humanitarian Award, 1996; American Legion Post 937 Man of the Year, 1996; Pennsylvania Air Force Association Distinguished Pennsylvania Award, 1996; selectee for the Emerald Education Association Matthew Carey Award for 1997; Catholic War Veterans – Man of the Year, 1997; Retired Philadelphia Police and Firefighters – Man of the Year, 1997; Pennsylvania Law Enforcement Hall of Fame Inductee, 1998; Chapel of Four Chaplains – Legion of Honor Bronze Medallion, 2000; John Peter Zenger – Distinguished Jurist Award, 2002.

In addition, I have been the recipient of numerous military awards, medals and decorations over the course of my 39 years of military service. Some of my more recent honors include:



Award of Excellence from the Assistant Secretary of Defense for Homeland Defense for my activation and duties in connection with Hurricanes Katrina and Rita, 2005.

The Air Force Commendation Medal for my service during Hurricanes Katrina and Rita, 2006;

The United States of America Meritorious Service Medal (Fourth Oak Leaf Cluster) for my accomplishments and duties while assigned to Federal Emergency Management Agency Region III, 2006;

Global War on Terrorism Service Medal, 2006.

- 33 State any other information which may reflect positively or adversely on you or which you believe should be disclosed in connection with consideration of you for an election/retention to an Appellate Court of Pennsylvania.

During my tenure as the Administrative Judge of the Philadelphia Municipal Court, I was responsible for several initiatives which significantly helped to streamline the court's operation. These particular accomplishments, along with my creation of the first National Football League Court, held at Veterans Stadium during Eagles games, brought nationwide attention to the innovations I instituted while in charge of Philadelphia Municipal Court.

My most significant achievement as a Judge of the Philadelphia Municipal Court was my creation of Nuisance Night Court in 1996. I established this innovative court to handle nuisance crimes throughout Philadelphia's neighborhoods. I organized a cadre of Philadelphia judges who, along with me, volunteered their time to staff these Night Courts.

I also helped to create the first Philadelphia graffiti court, and I was recognized by the local media, including the Philadelphia Inquirer and the Philadelphia Daily News, as Philadelphia's "quality of life" judge for my many efforts in helping to resolve quality of life problems throughout the city's neighborhoods. I regularly volunteered my time to speak at a wide variety of community and civic organizations throughout the city, a practice I have continued during my tenure on the Superior Court. My volunteer Night Court program won recognition as one of the most innovative and constructive programs to come out of the Philadelphia court system in years.

34. Why do you wish to become a Justice or Judge? What special strengths do you feel you possess that would particularly well qualify you for the position of Justice or Judge?

It would be, I believe, unprecedented in the long history of the Pennsylvania Supreme Court to have sitting on its bench a Justice with the unique range of experience that I possess in the enforcement, practice, implementation, and interpretation of the law of this Commonwealth. My background literally encompasses all facets of the judicial system -- as a patrol officer, detective, civil litigator, trial court judge, administrative judge and now, as an appellate judge on the Pennsylvania Superior Court. My twenty years of service as a Philadelphia police officer placed me directly at the juncture where the law often first meets the people and where the critical -- frequently determinative -- tasks of investigation, documentation and preparation for trial occur. After becoming a member of the bar, my practice afforded me yet another perspective on our court system. I litigated a broad range of cases from product liability, insurance work and environmental litigation to a large *pro bono* practice representing individuals unable to afford counsel in numerous cases affecting their daily lives and livelihood. Through this work, my understanding grew of the needs of litigants and lawyers in a busy trial practice.

In 1993, I was elected to the Municipal Court of Philadelphia, the entry level judicial system for a large urban area with a crowded, demanding and varied docket. Once again, I was positioned to appreciate the meaning and impact the administration of justice in such a court setting has on the lives of everyday citizens. In part as a result of my previous experiences, I was instrumental in creating and implementing several innovative court programs designed to address the immediate needs of our population in Philadelphia -- including Nuisance Night Court, Graffiti Court and the nationally- recognized Eagles Court at then-Veterans Stadium, a first for the National Football League.

I also had the honor and challenge of serving as Administrative Judge of the Philadelphia Municipal Court, and my work there included not only the oversight of its enormous docket and budget but also the implementation of novel initiatives and procedural reforms -- all aimed at improving the court's functioning for both its employees and for the litigants it serves.

Throughout my professional life, I have used the insights, knowledge and skills developed elsewhere, in other aspects of my life, in order to inform and expand my role in every one of my professional endeavors. This is no less true now that I sit on the statewide, intermediate appellate court in our Commonwealth. I have seen first-hand what is required to build a trial record (both as a police officer/witness and as a civil trial attorney). I know what it is like to preside over trials, at both the municipal court and common pleas levels, always aware of the possibility of appeal and the

need to be sensitive to issues of fairness, due process and preservation of rights for further review.

I also fully appreciate what it takes to administer and improve a busy and often overwhelmed court system. I have brought all these experiences with me to the Superior Court bench. I believe that this broad base of understanding has enabled me to read the briefs, review the records, and listen to the oral arguments in the cases which come before me with greater judgment, comprehension and pragmatism. Moreover, I believe and trust that I write opinions with a view to making them plainly intelligible to all those in the system "below" us -- trial judges, attorneys, witnesses and disputants -- because, having been in each of these roles myself, I am especially conscious of the impact of the work of our Court

It is my hope and intention to take this breadth of knowledge and experience and apply it where it will, hopefully, have its greatest impact to date and be of its greatest value -- The Supreme Court of Pennsylvania.

35. Did you sign the PBA Judicial Campaign Advertising Guidelines? (Please return signed pledge with completed questionnaire.)

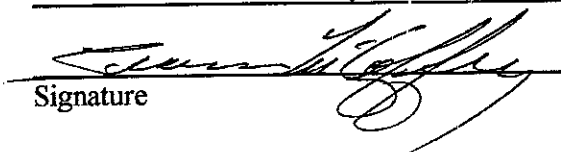
Yes.

**CERTIFICATION STATEMENT**

The undersigned certifies that all of the statements made in this questionnaire are true, complete and correct to the best of his/her knowledge and belief and are made in good faith.

Seamus Patrick McCaffery

Signature

A handwritten signature in cursive script, appearing to read "Seamus McCaffery", is written over a horizontal line. The signature is fluid and somewhat stylized, with a large loop at the end.

December 1, 2006