

PERSONAL DATA QUESTIONNAIRE

1. State your full name: **PAUL NOLAN LALLEY**

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

2. Office address (include zip code): **Campbell Durrant Beatty Palombo & Miller, P.C.
535 Smithfield Street, Suite 700
Pittsburgh, PA 15222**

Office telephone (include area code): **412-395-1273**

Name of law firm, if associated: **Campbell Durrant Beatty Palombo & Miller, P.C.**

3. Date and place of birth: **September 22, 1970, Abington, Pennsylvania**

4. Are you a naturalized citizen? If so, give date and place of naturalization: **No.**

5. Family status:

- a) Are you married? If so, state the date of marriage and your spouse's full name, including maiden name, if applicable:

Yes. Jessica (Jewell) Lalley. Married on June 5, 2004 in Pittsburgh, PA.

- b) Have you been divorced? If so, state the date, the number of the case and the court:

No.

6. Have you had any military service? If so,

- a) Give dates, branch of service, rank of rate, and present status:

No.

b) Have you ever been rejected or released from any of the armed services for reasons other than honorable? If so, give details:

No.

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:

**University of Pennsylvania, Philadelphia, PA (Fall 1989 – Graduated Spring 1993).
Bachelor of Arts in History (*cum laude*).**

**University of Edinburgh, Scotland, United Kingdom (Fall 1991 – Spring 1992). Junior
year exchange program through the University of Pennsylvania.**

**Dickinson School of Law, Carlisle, PA (Fall 1993 – Spring 1996). Juris Doctor
awarded 1996.**

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.

Pennsylvania (Admitted in 1996).

U.S.D.C. for the Eastern District of Pennsylvania (Admitted in 1997).

U.S.D.C. for the Western District of Pennsylvania (Admitted in 2009).

United States Court of Appeals for the Third Circuit (Admitted in 2003).

**New Jersey (Admitted in 1996) (I am currently administratively suspended from
practice in New Jersey due to my failure to submit the annual registration forms and fees.
I have never practiced in New Jersey and intend to resign my New Jersey license).**

U.S.D.C. for the District of New Jersey (Admitted in 1997).

9. Describe chronologically your law practice and experience after your graduation from law school, 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:

**See attached CV. I clerked for the Honorable Sandra Schultz Newman of the
Pennsylvania Supreme Court from December of 1997 until March of 2001, and
from September 2001 to September of 2002.**

- b) Whether you practiced alone and, if so, the addresses and the dates:

Not Applicable.

- 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:

See attached CV.

- d) Any other relevant particulars:

10. With respect to your practice:

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

My current practice is primarily focused on representing and advising public sector clients in labor and employment matters. Prior to my move to the Pittsburgh area in 2009, I worked for Mike Levin, who is general counsel to the Pennsylvania School Boards Association, and my practice was primarily focused in representing school districts and public school entities in employment matters, although I also handled other matters for school district clients that involved non-employment issues.

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

As indicated above, my clients are predominantly local governmental bodies (I have also represented Commonwealth agencies), and my practice focuses primarily on labor and employment matters, including grievance arbitration and collective bargaining. I have also handled constitutional cases involving local governmental entities, as I describe in more detail below.

11. With respect to the last five years:

- a) Did you appear in court regularly, occasionally, or not at all? If the frequency of your appearances in court has varied during this period, describe each such variance, giving the dates thereof:

I was associate counsel in one jury case that was tried to verdict in the last five years in Allegheny County. I have occasionally been in state and federal court for litigation cases that I have handled, although more recently I have shifted my practice more towards traditional labor work and advising clients, and away from litigation.

- b) What percentage of these appearances was in:

1. Federal courts: **Approximately 40%.**
2. State courts of record: **Approximately 60%.**
3. Other courts:

c) What percentage of your litigation was:

1. Civil: **100%**.

2. Criminal: **0%**.

d) State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel or associate counsel: **I was associate counsel in one jury case (in Allegheny County) and I was sole counsel in one bench trial where the evidence was submitted through deposition testimony, rather than an in-court hearing (Allegheny County).**

e) What percentage of these trials were:

1. Jury: **See above.**

2. Non-jury: **See above.**

12. Summarize your experience in court prior to the last five years, indicating as to that period:

a) Whether your appearances in court were more or less frequent:

My state and federal court appearances were approximately the same then as they have been in the last five years. I handled litigation cases but my practice was a mix of litigation and client counseling/grievance arbitration.

b) Any significant changes in the percentages stated in your answers to question 11(b), (c) and (e):

I would say that the mix of state and federal court prior to the last five years was more federal court than state court (approximately 60% federal court, and 40% state court).

c) Any significant changes in the number of cases per year in courts of record you tried to verdict or judgment (rather than settled), as sole counsel, chief counsel or associate counsel.

Prior to the last five years, I was associate counsel in one jury case in Montgomery County that was tried to verdict.

13. Describe five of the most significant litigated matters which you personally handled and give the citations thereto, if the cases were reported. Give a capsule summary of the substance of each case and a succinct statement of what you believe to be the particular significance of the case. Identify the party or parties whom you represented and describe in detail the nature of your participation in the litigation and the final

disposition of the case. Also state as to each case a) the dates of the trial periods; b) the name of the court and the judge before whom the case was tried; and c) the individual name, address and telephone numbers of co-counsel for each of the other parties;

In January of 2012, I successfully argued on behalf of the Pittsburgh Public Schools for a one-year delay in the implementation of the Allegheny County property tax reassessment, which allowed taxpayers to appeal their property assessments and enabled Allegheny County taxing authorities to establish more accurate tax rates. A copy of an article in the January 13, 2012 *Pittsburgh Post Gazette* about Judge R. Stanton Wettick's decision is enclosed. There were numerous counsel and multiple parties involved, including Ira Weiss (412-391-9890), who represented one group of plaintiff property owners in the underlying case, *Clifton v. Allegheny County*, GD 05-028638.

In September of 2010, the Pennsylvania Supreme Court unanimously reversed an *en banc* Commonwealth Court decision in *West Mifflin Area School District v. Zahorchak*, 4 A.3d 1042 (Pa. 2010). I represented the plaintiff school districts and was effectively sole counsel on the case. The matter was filed as an original jurisdiction petition for review in the Commonwealth Court. The lawsuit (ultimately successful) challenged as unconstitutional special legislation an amendment to the School Code that authorized the Secretary of Education to assign students from the recently-closed Duquesne High School to neighboring school districts' high schools. No discovery was taken; the case was presented on a stipulation of facts. My opposing counsel was Joseph M. Miller (formerly Chief Counsel to the Department of Education; presently legal counsel for the State System of Higher Education. His telephone number is 717-720-4070). A copy of an article in the *Pittsburgh Post-Gazette* about the decision is enclosed.

In 2003 and 2007, I argued twice in the Pennsylvania Supreme Court in *Burger v. McGuffey School District*. These cases involved the ability of a school board to dismiss its superintendent. My only involvement in the first case (which upheld the school board's authority to suspend its superintendent without pay, pending dismissal proceedings) was to brief and to argue the case (successfully) before the Pennsylvania Supreme Court. It is reported at 839 A.2d 1055 (Pa. 2003). I handled all aspects of the second case, in which I successfully convinced the Washington County Court of Common Pleas (former Judge Paul Pozonsky) to dismiss Dr. Burger's appeal on the grounds that Section 1080 of the Public School Code (which requires that a school board dismiss its superintendent only for cause after a school board hearing) violated the school board's state constitutional powers to remove its appointed civil officer. Dr. Burger successfully appealed that ruling to the Pennsylvania Supreme Court. The decision is published at 923 A.2d 1155 (Pa. 2007). My opposing counsel in the second *Burger* case was Brian Cox.

I briefed and argued *Combs v. Homer Center School District*, 540 F.3d 231 (3d Cir. 2008) in the United States Court of Appeals for the Third Circuit. The case involved a challenge to the provision of the Public School Code that regulates homeschooling. The challenge was brought by six families in different school districts in Pennsylvania who homeschooled their children for religious reasons,

and was supported by the Homeschool Legal Defense Association in Virginia (Michael K. Farris was lead counsel in the Third Circuit case). I represented one of the six school districts at the trial court level (which were removed to federal court and consolidated before Judge Arthur Schwab of the U.S.D.C. for the Western District), and assisted with the summary judgment motion that was granted by Judge Schwab. To the best of my knowledge, the *Combs* decision still stands as the Third Circuit's standard for evaluating "hybrid" rights claims where First Amendment freedom of religion claims are asserted in conjunction with another federal constitutional right. The dismissal of the plaintiffs' federal constitutional claims was upheld but Judge Schwab's dismissal of their state Religious Freedom Protection Act claims was vacated with direction to remand those claims to state court (at which point my involvement ended).

Although an unpublished Commonwealth Court decision, I was successful in *Oravitz v. Saxonburg Borough*, 2011 WL 7443931 (Pa. Commw. Ct. 2011), in obtaining affirmance of the ruling of the Butler County Court of Common Pleas (Judge Horan) that sustained a demurrer. I represented the Borough and handled all aspects of the case as sole counsel. Plaintiff claimed that she was sexually harassed by a member of the Saxonburg police department and sued the Borough, claiming that the officer's alleged harassment of her violated the public accommodations provisions of the Pennsylvania Human Relations Act. I prevailed at the trial court and in a 2-1 decision at the Commonwealth Court, even though the Pennsylvania Human Relations Commission filed an *amicus curiae* brief in support of the Plaintiff. Allocatur was denied. Plaintiff was represented by Daniel W. Ernsberger. His information is included on the certificate of service on the enclosed Appellee's Brief in that case.

14. If a substantial period of your practice has been before administrative boards, commissions or agencies during the past five years, identify the boards, commissions or agencies before which you have practiced and estimate percentages of practice time devoted thereto:

I have had cases in the last five years before the National Labor Relations Board, the Pennsylvania Labor Relations Board, the State Civil Service Commission, and various local school boards for administrative hearings. Although difficult to measure, I would estimate that only about ten percent of my practice or less was before those boards (I have had only one NLRB case, two PLRB cases, and two State Civil Service Commission cases in the past five years, but I have had multiple hearings before local school boards).

15. If a substantial portion of your practice has been before Appellate courts during the past five years, identify the Appellate Courts before which you have practiced and estimate percentages of practice time devoted thereto:

In the past five years, I have practiced before the Pennsylvania Supreme Court, the Commonwealth Court, and the United States Court of Appeals for the Third Circuit. My Pennsylvania Supreme Court case was the *West Mifflin* case in 2010. My Third Circuit case during that time frame is the appeal from former Judge McLaughlin's decision in *Adams v. County of Erie*, 2011 WL 4574784 (W.D. Pa. 2011), which is an unpublished Third Circuit decision in 2014. I have had multiple Commonwealth Court cases (I believe five) during the previous five years, and one original jurisdiction matter that was filed with the Commonwealth Court and later withdrawn. As a percentage of my practice during this time period, I would estimate my appellate court work at twenty-five percent or less.

16. a) Have you ever held judicial office? If so, give dates and details, including the courts involved, whether elected or appointed, periods of services, and a description of the jurisdiction of each of such courts with any limitations upon the jurisdiction of each court:

No.

- b) Have you ever held public office other than judicial office? If so, give details, including the office involved, whether elected or appointed, and the length of your service, giving details:

I was appointed by the Wallingford Swarthmore Board of School Directors to serve on their Tax Study Commission in 2006, which was a creation of Act 1 of the Special Session of 2006. I was its Chairman, and the Commission's role was to recommend to the School Board local tax measures to propose at a referendum to reduce property taxes. The Commission issued a lengthy (I believe 50 page or more) report to the School Board, a substantial portion of which I authored. Otherwise, I have served in no other elected or appointed public office.

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

No.

18. 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:

No.

19. Are you now an officer or director or otherwise engaged in the management of any business enterprise?

a) 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.

No.

b) Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are elected and confirmed? If not, give reasons:

Not Applicable.

20. 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? If so, give details. Do not include summary traffic offenses:

No.

21. Are you under any ongoing federal, state or local investigation or indictment for possible violation of a criminal statute? If so, give particulars:

No.

22. Has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? If so, give particulars:

No.

23. Have you ever been sued by a client? If so, give particulars:

No.

24. Have you ever been a party or otherwise involved in any other legal proceedings? 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:

Yes. I was sued in federal court by a *pro se* Plaintiff, Gerald Singleton, in 2012. Mr. Singleton was a former Pittsburgh Public Schools police officer who was fired for cause, and whose dismissal case I presented at a grievance arbitration hearing. The case was dismissed on a motion to dismiss.

25. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, give the particulars:

No.

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.)

I believe that the present state of my health is very good. I exercise regularly. I do not take any medications. I do not have any known chronic medical conditions (although, much to my wife's annoyance, I have not been for a physical in many years, so that statement is based purely on my own self-assessment). I believe that I am a reasonably fit 44-year old father of two young daughters (5 and 2 years old) who, like most people, would benefit from losing ten pounds and refusing dessert more frequently than I do.

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? If so, please explain.

No.

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:

There are four briefs submitted (three for the Commonwealth Court, one for the Allegheny County Court of Common Pleas). All four of these briefs are my own work, with the exception that I may have had some proofreading/editing assistance from paralegals (who typically check citations, grammatical errors, etc.). I am also submitting articles that I substantially wrote or co-wrote for the *Pennsylvania Borough News* and the *PSBA Bulletin*.

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).

I am a member of the Pennsylvania Bar Association and the Allegheny County Bar Association. I am also a member of the Pennsylvania School Solicitors' Association.

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

From 2006 to 2008, I periodically was an unpaid guest lecturer for a school principals' training program taught through the Graduate School of Education at the University of Pennsylvania, where I would teach on public school legal issues. Every year since 2010, I have been a co-presenter on multiple topics on public

sector employment legal issues at the Public Employer Labor Relations Advisory Service, an annual program sponsored by the Pennsylvania Municipal League. I have also presented on the Right to Know Law (October of 2013), and on public employee rights under the First Amendment and Pennsylvania's Whistleblower Law to the Pennsylvania State Association of Boroughs (the latter of which was broadcast on the Pennsylvania Cable Network in August of 2013).

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:

The Pennsylvania 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.

I received the CALI Award for Excellence in law school for the highest grade in a class on religious liberty constitutional issues.

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 to an Appellate Court of Pennsylvania.

I received the "highly recommended" rating for Commonwealth Court from the Allegheny County Bar Association's Judiciary Committee in October of 2014. A copy of that rating is enclosed.

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?

I want to be a Judge of the Commonwealth Court because I believe passionately in that Court's critical role in balancing the powers and obligations of our Commonwealth government (including its political subdivisions) against the rights and responsibilities of its citizens, consistent with that Court's constitutional and statutory authority and duty. I believe that my extensive practice experience before the Commonwealth Court in its original and appellate jurisdiction (in panels and *en banc*) and my prior appellate court clerkship qualify me to serve on that Court. I believe that I treat people fairly and that I would give all litigants the open-minded consideration of their positions that is essential to the proper administration of justice in this Commonwealth. I would diligently review the parties' arguments and the record in their cases to arrive at the result that, in good conscience, I believe would be the correct ruling.

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.

PAUL N. LALLEY
Type or print name

Paul N. Lalley
Signature

12/11/2014
Date