

PERSONAL DATA QUESTIONNAIRE

1. Write your full name. *PATRICIA ANN Mc CULLOUGH*

2. Date and place of birth: *11-15-56*
PITTSBURGH, PA

3. 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 MARRIED 37 YEARS to CHARLES PATRICIA Mc CULLOUGH. MARRIED ON 5-1-82.*

 - b) Since assuming your current judicial position, have you been divorced? If so, state the date, the number of the case and the court: *NO*

4. Have you had any military service? If so,
 - a) Provide dates, branch of service, rank of rate, serial number and present status:
N/A

 - b) Have you ever been rejected or released from any of the armed services for reasons other than honorable? If so, please provide details:
N/A

5. List each college and law school you attended, including dates of attendance, and the degrees awarded.
UNIVERSITY OF PITTSBURGH SCHOOL OF LAW (1978-1981) J.D.
UNIVERSITY OF PITTSBURGH (1974-1978) B.A., MAGNA CUM LAUDE

6. For the last five years or portion thereof during which you have held judicial office, please indicate:
 - a) The percentage of your time devoted to:
 1. Civil: *95% (INCLUDING ADMINISTRATIVE AGENCY LAW)*

 2. Criminal: *0% - 1%*

3. Other:

4. Administrative responsibilities: *5%*

COMMONWEALTH COURT I.O.P. COMMITTEE
VARIOUS SEARCH COMMITTEES

b) Please identify ten (10) of the more significant opinions you have rendered and citations thereto if the cases were reported:

SEE ATTACHED, "RESPONSE TO 6 B)"

7. Are you now an officer or director or otherwise actively engaged in the management of any business enterprise? If so, please provide details, including the name of the business 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: *N/A*

8. Since assuming your current judicial position, have you 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, please provide details. Do not include summary traffic offenses: *No.*

9. Are you under any ongoing federal, state or local investigation for possible violation of a criminal statute? If so, please provide particulars: *No.*

10. Since assuming your current judicial position, has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? If so, please provide particulars: *No.*

11. Since assuming your current judicial position, have you been a party to or otherwise been involved in any other legal proceedings? If so, please provide particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Do 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: *No*

12. Since assuming your current judicial position, have you 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, please provide particulars: *No*

13. If you so desire, please 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).

*MAEHLER SCHOLARSHIP - DOLLETT
OMEGA DELTA KAPPA HONOR SOCIETY
DISTINGUISHED WOMEN OF AMERICA
OAKLAND CATHOLIC SCHOOL - ST. LUCY AWARD*

SEE ATTACHED RESUMES

14. In the space provided below, if desired, please provide any additional comments concerning your retention candidacy. *SEE ATTACHED.*

15. 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.

Patrick A. McCallough
Type or print name


Signature

6/5/19
Date

RESPONSE TO QUESTION # 6 b)

I. En Banc Majority

1. *Office of Open Records v. Center Township*, 95 A.3d 354 (Pa. Cmwlth. 2014) (en banc) (OOR had authority to conduct in camera review of documents to ascertain whether redactions were proper under the attorney-client privilege or attorney work-product doctrine)
2. *PPL Electric Utilities Corporation v. City of Lancaster*, 125 A.3d 837 (Pa. Cmwlth. 2015) (en banc) (held that certain ordinances enacted by a city were preempted under the Public Utility Code, 66 Pa.C.S. §§101-3316, and Section 1511(e) of the Business Corporation Law of 1988, 15 Pa.C.S. §1511(e), and, consequently, were invalid, but an ordinance seeking to impose an annual right-of-way maintenance fee based on costs of maintaining the same was not preempted)
3. *Philadelphia Federation of Teachers v. School District of Philadelphia*, 109 A.3d 298 (Pa. Cmwlth. 2015) (en banc), aff'd, 144 A.3d 1281 (Pa. 2016) (the Public School Code does not empower a school reform commission to unilaterally implement changes or modifications to the benefits of bargaining unit employees)
4. *Maula v. Northampton County Division of Assessment*, 149 A.3d 442 (Pa. Cmwlth. 2016) (en banc) (failure of owner (inaction) to pay real estate taxes on a parcel of land was not "other action of the owner" sufficient to constitute a split off under 72 P.S. §5490.2)
5. *Arneson v. Wolf*, 117 A.3d 374 (Pa. Cmwlth.) (en banc), aff'd, 124 A.3d 1225 (Pa. 2015) (executive director of OOR, as an appointed officer under Pa. Constitution, could not be removed by the Governor without cause)
6. *Commonwealth v. Irland*, 153 A.3d 469 (Pa. Cmwlth. 2017) (en banc), aff'd, 193 A.3d 370 (Pa. 2018) (common law forfeiture does not exist in Pennsylvania)
7. *Borough of Emmaus v. Pennsylvania Labor Relations Board*, 156 A.3d 384 (Pa. Cmwlth. 2017) (en banc) (affirmed order of PLRB certifying an association as the exclusive bargaining representative of all borough firefighters because they were employees of the borough)
8. *Rachel Carson Trails Conservancy, Inc. v. Department of Conservation and Natural Resources*, 201 A.3d 273 (Pa. Cmwlth. 2018) (en banc) (conservancy could not obtain an easement by prescription against the Commonwealth; DCNR is not an

indispensable party and this Court lacks jurisdiction over remaining claims against private landowners)

9. *Valley Stairs and Rails v. Workers' Compensation Appeal Board (Parsons)*, 202 A.3d 904 (Pa. Cmwlth. 2019) (en banc) (NTCP did not convert to NCP due to expiration of 90 days because disability did not commence on the day of injury since claimant received his full wages for that day)

10. *Penjoke v. Pennsylvania Board of Probation and Parole*, 203 A.3d 401 (Pa. Cmwlth. 2019) (en banc) (PBPP lacks the statutory authority to revoke street time credit previously granted to a parolee as a technical parole violator when it subsequently recommits the parolee as a convicted parole violator)

11. *Givelify, LLC v. Department of Banking and Securities*, __ A.3d __ (Pa. Cmwlth., No. 329 C.D. 2018, filed May 30, 2019) (company that employs software to capture and encrypt the identifying information of a donor and the religious/non-profit organization to which a donation is made was not transmitting money under section 2 of the Pennsylvania Money Transmitter Act)

II. Dissents where Supreme Court Agreed

12. *Office of Lieutenant Governor v. Mohn*, 67 A.3d 123 (Pa. Cmwlth. 2013) (en banc) (McCullough, J., concurring and dissenting), overruled as stated in 148 A.3d 142 (Pa. 2016) (constitutional right to privacy in one's home address)

13. *Department of Public Welfare v. Eiseman*, 85 A.3d 1117 (Pa. Cmwlth. 2014) (en banc) (McCullough, J., concurring and dissenting), rev'd in part, 125 A.3d 19 (Pa. 2015) (MCO rates constitute financial records that are subject to disclosure under the RTKL and not subject to trade secrets or confidential information exceptions)

14. *Robinson Township v. Commonwealth of Pennsylvania*, 96 A.3d 1104 (Pa. Cmwlth. 2014) (McCullough, J., concurring and dissenting), aff'd in part and rev'd in part, 147 A.3d 536 (Pa. 2016) (statute (58 Pa.C.S. §3218.1) that requires notice of a spill be given to public drinking water facilities but not private well owners does not bear a rational relationship to a legitimate government interest)

JUDGE PATRICIA A. MCCULLOUGH

Judge Patricia A. McCullough is a magna cum laude graduate of the University of Pittsburgh where she was selected a Chancellor's Undergraduate Teaching Fellow and obtained her J.D. degree from the University of Pittsburgh's School of Law in 1981. Judge McCullough also attended the Summer Semester Program for International Law and Human Rights at the University of Strasbourg, Strasbourg, France in 1980. While in law school, she was a law clerk for the Appellate Division of the Allegheny County District Attorney's Office.

After graduating from law school, Judge McCullough clerked for the Honorable Samuel Rodgers in the Washington County Court of Common Pleas. She then embarked on a multi-faceted career path gaining experience in non-profit corporate law, taxation, intellectual property, professional employment contracts, estate law, litigation and family law. She was Assistant General Counsel and an Adjunct faculty member for the University of Pittsburgh and also a member of its NCAA Career Counseling Panel. During her tenure at the University, she negotiated its AT&T Campus of the Future Network agreement and its athletic television syndication agreements. She then entered private practice and was a three term member of the Allegheny County Board of Property Assessment Appeals and Review, serving first as its vice chair and then as chair. Judge McCullough served as the Executive Director of Catholic Charities of Pittsburgh, where she oversaw the implementation of its free healthcare center and hosted a radio program, "In Our Times."

Judge McCullough has been active in many civic and charitable activities, including serving as a state and local committeewoman; a member of: the Allegheny County Bar Association's Anti-Bullying Program for elementary and secondary students, its Family Law and Women in the Law Committees; the United Way Strategic Planning Committee; Immigrants Against Domestic Violence Task Force; the Pennsylvania Health Concerns Committee; and the Pennsylvania Catholic Committee on Social Concerns. She is a former member of the National Association of College and University Attorneys, the Board of Directors for the Pittsburgh Leadership Foundation and the Advisory Board of Storehouse for Teachers.

In 2005 Judge McCullough was nominated by the Governor and unanimously confirmed by the Pennsylvania State Senate as a Judge on the Court of Common Pleas of Allegheny County. She commenced her ten year term as a Judge on the Commonwealth Court of Pennsylvania in January, 2010.

Judge McCullough was appointed by the Pennsylvania Supreme Court to the Appellate Court Procedural Rules Committee in April 2016, and currently serves as its chair. She is a member of the Pennsylvania Bar Association's Appellate Advocacy Committee, Judicial Administrative Committee and Government Lawyers Committee; the Board of Directors of the Foundation of HOPE, and the Pennsylvania and Allegheny County Bar Associations. She volunteers as a lecturer and course planner for Continuing Legal Education courses for the Pennsylvania Bar Institute, county bar associations and community organizations, and is a volunteer for the Foundation of HOPE's Chaplain's prison ministry, a program of the Christian Associates of Southwestern Pennsylvania. Judge

McCullough is admitted to the United States Supreme Court, the United States Court of Appeals for the Third Circuit, the United States District Court for the Western District of Pennsylvania, and the Supreme Court of Pennsylvania.

MEMORANDUM

Response to Question # 14

It has been a privilege to serve as a judge on the Commonwealth Court of Pennsylvania. I thank the Commission for its efforts regarding retention candidates and the opportunity to share the requested information concerning my judicial work and volunteer efforts over the past ten years. Above all, I have abided by my oath of office to faithfully uphold the rule of law and the Constitutions of the United States and Pennsylvania; and also to be fair and impartial in my decision making.

Based on the Commonwealth Court's unique, dual jurisdiction, I have acted as both an appellate and a trial judge, presiding over hearings, motions, and bench trials in addition to sitting for panel and *en banc* argument sessions. My previous tenure as a judge in the Allegheny County Court of Common Pleas has proven useful in this regard. Commonwealth Court judges also preside individually over election law hearings, which require simultaneous filing of opinions to ensure adequate time for placement of candidates' names on the ballot. My work has required me to travel across the Commonwealth during most of the twelve months of the year, and I have also participated in special Court sessions scheduled in various counties across the Commonwealth. I have worked with law schools to provide numerous internship and mentoring opportunities for law students. In addition to ensuring that my opinions are filed in a thorough and timely manner, consistent with American Bar Association (ABA) and Commonwealth Court guidelines, I have managed two offices, as we are required to assign some of our staff to the Pennsylvania Judiciary Center in Harrisburg.

In addition to my work on the bench, I devote significant ongoing efforts toward the improvement of our system of justice. This has been an important goal for me throughout my legal career and I have maintained this commitment during my tenure on the Commonwealth Court in some of the following ways:

- (a) Appointed by the Pennsylvania Supreme Court as a Member and current Chair of the Appellate Procedural Rules Committee;
- (b) Teaching continuing legal education courses and preparing written course materials for the Pennsylvania Bar Association, Unemployment Compensation Board of Review, Allegheny County Bar Association and the Commonwealth Court Historical Society;
- (c) Conducting mock trials and presentations for the University of Pittsburgh School of Law, Duquesne University School of Law, Penn State University and other community groups;

- (d) Served as a Member of the Board of Directors of the HOPE Foundation and also as a volunteer instructor for six years in its Women's pod in the Allegheny County Jail, to restore lives and victims and reduce recidivism;
- (e) Assisted in events to honor veterans and to increase awareness of alternative methods to help physically disabled veterans and those suffering from PTSD;
- (f) Coordinated opportunities for at risk youth from Amachi, Auberlee and the HOPE Foundation's juvenile diversion program to participate in a summer equine therapy program;
- (g) Help to connect judges and community outreach programs to explore collaborative opportunities that will improve our justice system;
- (h) Initiated, through ACBA, a program to reduce cyber bullying in high schools and participated in its elementary school anti-bullying program;
- (i) Assisted in plans for a new and alternative residential treatment facility for those battling addiction;
- (j) Worked with the Women's Law Division to create support for mentoring opportunities for pre-release and reentry prison programs; and
- (k) Explore meaningful ways to address and combat trafficking.

I hope the above reflects my commitment to be fair and impartial, uphold the rule of law and Constitution of the United States and Pennsylvania, provide continuing legal education, and meaningfully contribute to an efficient and effective system of justice. As the birthplace of America's Constitution, Pennsylvania plays a key role in our nation's history and future. I am truly grateful for the opportunity to serve the residents of this Commonwealth as a judge in the Commonwealth Court, and I will continue to devote my efforts to faithfully serving the public.

Addendum to question # 11

While parties sometimes file litigation naming the judges who sat on their cases, based upon information from the Commonwealth Court's Chief Clerk, there is no record of any cases that name me or individual judges in our Court over the last ten years. Three matters did name the Commonwealth Court in conjunction with either the Superior Court or Supreme Court of PA, but have either been closed, have no docket number or in the case of *Sherese Abrams v Abbe Fletman* (Phila. Court of Common Pleas), Superior Court of Phila. PA and Commonwealth Court of PA, No. 8-4624, E.D.Pa, was referred by the Chief Clerk to AOPC but no disposition information was received. While it is not within the definition of the noted terms, the only other communication I have had in a judicial proceeding other than those which have come before me attendant to my official duties was in writing a character reference letter for my husband.