

ALLEGHENY COUNTY BAR ASSOCIATION

JUDICIAL CANDIDATE PLEDGE

I, Thomas P. Caulfield, a candidate for judicial office, have familiarized myself with the Code of Judicial Conduct and the Code of Civility, as promulgated by the Supreme Court of Pennsylvania. I have directed special attention to Canon 4 of the Code of Judicial Conduct, including Rules 4.1, 4.2 and 4.4. I agree to conduct my judicial campaign consistent therewith and further consistent with *Republican Party of Minnesota v. White*, 536 U.S. (2002). I further pledge that all campaign advertising will be done fairly, accurately, truthfully, and will maintain the dignity appropriate to the judicial office which I am seeking.

Amended 11/18/2014



Signature of Candidate

2-1-21

Date

ALLEGHENY COUNTY BAR ASSOCIATION COMMITTEE ON THE JUDICIARY PERSONAL DATA QUESTIONNAIRE

ACKNOWLEDGMENT AND AUTHORIZATION

As a candidate or potential candidate for Allegheny County Court of Common Pleas, the Pennsylvania Appellate Courts or the U.S. District Court for the Western District of Pennsylvania, I hereby acknowledge and authorize the procedures of the Allegheny County Bar Association Committee on the Judiciary, including the following:

1. If I become a candidate, the Allegheny County Bar Association Committee on the Judiciary will make available to the public the Questionnaire, Supplemental Questionnaire and my responses, except for the questions and responses which are acknowledged to be confidential, which information shall remain available only to the Committee.
2. My responses are provided without breaching client confidentiality as embodied in Rule 1.6 of the Rules of Professional Conduct.
3. If I become a candidate, the rating assigned to me by the Committee will be publicly announced. The Committee's rating of any person shall expire two (2) years from the date on which the person's evaluation was completed; provided, however, when the rating period expires during the year of a Municipal Election cycle, the rating shall expire on December 31, of that year.
4. Should I receive a *Not Recommended at this time* or *Unqualified* rating the Committee will endeavor to notify me prior to a public announcement. If I withdraw from the race, the rating will not be announced and the questionnaires will not be published.
5. I hereby authorize the Pennsylvania Judicial Conduct Board, the Disciplinary Board of the Supreme Court of Pennsylvania, and the Pennsylvania Board of Law Examiners to transmit my entire file and record, including confidential information contained therein, to the Allegheny County Bar Association Committee on the Judiciary. I hereby specifically waive any confidentiality rights I may have in those records.
6. I hereby authorize the Judicial Conduct Board, the Disciplinary Board, and the Board of Law Examiners, or the equivalent, in any jurisdiction where I have practiced, been admitted to practice or have applied to either take a bar examination or for admission to the bar to transmit my entire file and record, including confidential information contained therein, to the Allegheny County Bar Association Committee on the Judiciary. I hereby specifically waive any confidentiality rights I may have in those records.
7. The Allegheny County Bar Association Committee on the Judiciary may change, during the course of my campaign for office, the original rating assigned to me for cause.

2-1-21
Date

Thomas P. Caulfield
Type or print name
[Signature]
Signature

ALLEGHENY COUNTY BAR ASSOCIATION JUDICIARY COMMITTEE
PERSONAL DATA QUESTIONNAIRE
FOR APPLICANTS CURRENTLY ON THE BENCH

I am seeking a rating for the following court:

- ☒ Allegheny County Court of Common Pleas
☐ Pennsylvania Commonwealth Court
☐ Pennsylvania Superior Court
☐ Pennsylvania Supreme Court
☐ United States District Court for Western District of Pennsylvania
☐ United States Court of Appeals for the Third Circuit

1. State your full name:
Thomas Patrick Caulfield

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

No.

2. Office address (include zip code):
District Court 05-2-08
21 Yost Blvd, Suite 100
Pittsburgh, PA 15221

Office telephone (include area code):

(412) 646-1837

Name of law firm, if associated: None

3. Date and place of birth:
October 6, 1966
Braddock, PA

4. Are you a naturalized citizen? If so, give date and place of naturalization:

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: August 1, 2018. Lisa Vogel Phillips

- b) Have you been divorced? If so, state the date, the number of the case and the court:
September 12, 2000. FD-00-007882. Allegheny County
April 11, 2016. FD-15-008793. Allegheny County

6. Have you had any military service? No. If so,
a) Give dates, branch of service, rank of rate, and present status:

- 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:

Community College of Allegheny County. Fall 1984-Spring 1986.

AA in Humanities. High Honors graduate

University of Pittsburgh. Fall 1986-Spring 1988.

BA in Philosophy.

University Honors College

University Scholar

summa cum laude graduate

University of Pittsburgh School of Law. Fall 1988-Spring 1991.

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 Bar. 1991

Western District of Pennsylvania. 1991

Third Circuit. 1999

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:

- b) Whether you practiced alone and, if so, the addresses and the dates:
- 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:
- d) Any other relevant particulars:

The Honorable Harry M. Montgomery, Superior Court of Pennsylvania.
Law clerk. Summer 1991.

Solo Practice. November 1991 – November 2004.
5437 Ellsworth Avenue, #104, Pittsburgh, PA 15232 November 1991-June 1992
333 Homer Drive, Turtle Creek, PA 15145 June 1992-December 2000
31 Barton Drive, Pittsburgh, PA 15221 December 2000-November 2004

Allegheny County Office of the Public Defender January 1992- July 2010
Suite 400, County Office Building
Pittsburgh, PA 15222
Staff Attorney 1992-2004
Supervisor 2004-2007
Deputy Director 2007-2010
Dates of management are approximate. I performed duties of both offices at various times due to military deployment of other managers.

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

My solo practiced changed greatly over the years. It began primarily as research and writing for other attorneys. These assignments included post sentencing motions and briefs in support thereof, and appellate briefs to the Pennsylvania Superior and Supreme Courts. As I began to grow a client base, my practice shifted to direct client representation at preliminary hearings and trials in the criminal division. Gradually, cases took me to courts in most of the surrounding counties, but especially Westmoreland and Washington Counties.

I also began to represent clients in more areas of the law: civil cases, landlord and tenant actions, family law cases, juvenile court proceedings, and hearings before Pennsylvania administrative bodies, mostly dealing with

unemployment claims. By the early 2000's, I had reduced my private practice to a few established clients and referrals from them, due to time constraints from a new position I had taken as a Legislative Assistant for State Representative Paul Costa.

As an attorney with the Office of the Public Defender, my practice was concentrated on preliminary hearings and pretrial issues, as well as post trial matters, issues of probation and parole, and commitment proceedings at mental health facilities. When I was in the trial division in 1994, I found that schedule greatly interfered with my ability to maintain a healthy solo practice, so I returned to pretrial services until taking on a full time management position in 2004.

From 2004 to 2010, my the last six years at the Office of the Public Defender's Office, my position in management allowed me the opportunities to represent individual clients in court as well as manage the people under my supervision.

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

My public defender clients were, by definition, indigent people charged with crimes, or facing mental health commitments.

My private practice produced a much more diverse collection of clients. Most were individuals, but I did represent a few small businesses. Most were people of modest means. Many were people who made too much to qualify for an attorney from the Public Defender. Some were people of means, and more than a few were family and friends in moments of need.

As I stated in the previous answer, my practice evolved over the years. It was, however, usually interesting, especially when I got the opportunity to practice in an unfamiliar area of the law, or a different county.

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:

Since July of 2010, I have been the Magisterial Judge for Court 05-2-08, which comprises the communities of Braddock Hills, Chalfant, Churchill, Forest Hills and Swissvale.

I was appointed to the bench by Governor Edward Rendell, following the recommendation of State Senator Jay Costa. The court was vacated by the Honorable Susan Evashavik-Dilucante, who had been elected to the Court of Common Pleas in November of 2009, and took the bench in January of 2010. I was unanimously approved by the Pennsylvania State Senate.

I was elected to a full six-year term in 2011, and to a second in 2017.

As a Magisterial District Judge, the limit of my court's jurisdiction in landlord and tenant, and civil matters is \$12,000.00. I have final jurisdiction in all summary traffic

and non traffic cases. I conduct preliminary arraignments, set bond, and hold preliminary hearings in all criminal matters before me.

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:

As a Magisterial District Judge, I hear a wide variety of cases touching on every area of the law. I hear traffic and non-traffic summary matters, including truancy cases from the Woodland Hills School District. Violations of borough ordinances, especially property maintenance and building code violations are heard at least one day per month. Civil matters, such as debt collection cases and breach of contract issues, with a limit of \$12,000.00 in damages are heard several times per week, as are landlord and tenant cases for both residential and non residential properties. I review and sign when appropriate search and arrest warrants. I arraign defendants and set their bail, and conduct their preliminary hearings.

b) The percentage of your time devoted to:

1. Civil: 40-50%
2. Criminal: 10-20%
3. Other: 30-40%

c) The percentage of your time devoted to:

1. Jury: N/A
2. Non-jury: N/A
3. Appellate argument: N/A
4. Other: N/A

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

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? If so, give details, including the office involved, whether elected or appointed, and the length of your services, giving dates:

I was elected as a member of the Churchill Borough Council in November of 2005. I served a four-year term and won a second term in 2009. I had to resign from that position in July of 2010 prior to being sworn in as Magisterial District Judge. I was Council President from January 2008 until my departure.

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

In 1996, I ran for a seat in the Pennsylvania House of Representatives, 34th District.
In 2001, I ran for Magisterial District Judge, coming in second to Judge Evashavik-Dilucente.

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 hold a real estate license, but I do not use it beyond making the occasional referral.

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 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. Prior to taking the bench, were you ever sued by a client? No. If so, give particulars:

23. Have you ever been a party or otherwise involved in any other legal proceedings? No
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:

24. 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? If so, give the particulars:

I have never been disciplined for a breach of ethics or unprofessional conduct. Four complaints were filed with the Court of Judicial Discipline.

One case involved a landlord who had filed a complaint against her tenant seeking possession of a rental property in Swissvale. That same unit was the subject of a non-traffic complaint filed by the borough for moving the tenant in without first obtaining an occupancy permit. The landlord failed to respond, and there was a warrant for her arrest. The borough routinely withdraws the citations once the occupancy permit is granted. I asked the landlord if that had been resolved so I could dismiss that case and recall the warrant. She resented the question and filed a complaint. The court requested the files for the cases and a written explanation from me. The case was dismissed without a hearing.

In the second case, a man claiming to be a sovereign citizen was charged with harassing his neighbor. After receiving the complaint, he began to harass the staff at my office. It started as insulting and demeaning phone calls. Then he began to come into the office and yell at them in person. The abuse did not abate, despite our attempts to address his concerns. Most concerning was the fact that the intensity of his behavior increased each day. Staff's fears grew with each encounter, and per AOPC protocols they put the office into lockdown on more than one occasion following his comments to them. His behavior towards me, and the male police officers that dealt with him, was less abusive than what he directed to the four women who work in my office. After five consecutive days, several in-person instances of harassment and dozens of phone calls, the police arrested him for obstruction when he began to interfere with members of the public trying to access the court.

On day four the staff had received over 30 phone calls from this person. The police arrived to try to convince him to leave. It was the second time that day he had to be escorted out. This interaction was captured on an officer's bodycam. Over 20 minutes later, he finally left. Immediately after, the officer came into the staff area without turning off his camera. When he asked what to do next, I said to shoot him. It was said sarcastically in an attempt to break the tension. This video was turned over in the discovery process, and the defendant posted it to YouTube. I alerted court administration and made them aware. Several months later, it was edited and posted to FaceBook. I was not in the office when a reporter arrived seeking comment, since I had taken the afternoon off to prepare for my wedding later that day. A statement of apology was drafted and released. The court reviewed the case filings only. I was never asked for a statement. The case was dismissed without a hearing.

The other two complaints were dismissed without any information sought from my office. I have no idea who filed them, or what they were about. I merely received dismissal letters.

25. Currently or within the past five (5) years have you suffered from any medical or other condition which could affect or impair your judgment, reliability, or ability to perform the essential functions of the judicial position you are seeking? No. If so, describe.

26. Do any circumstances exist that would affect your ability to perform the function of the position you seek or fulfill the term of office? No. If so, please explain:
27. Furnish one (1) example of a legal article, law review article, briefs, or other legal writing which reflects your personal work. If a brief is submitted, indicate the degree to which it represents your personal work:
28. 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 Special Court Judges Association of Allegheny County since 2010. For the last two years, I have been Second Vice President of that organization.

Since 2018, I have been a member of the Special Court Judges Association of Pennsylvania. I sit on the Crimes Code Committee, which reviews pending legislation, makes comment as appropriate, and makes recommendations to legislators.

29. 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.

I do not have a regular teaching position, but I have been a guest lecturer on many occasions:

I have lectured on the role of the Judiciary to students at the Community College of Allegheny County.

I have lectured on the legal system, the Judiciary, and the role of local government at Point Park University.

I served as a Judge for mock trial students at Carlow University.

I lectured students on practicing before the Minor Judiciary at the University of Pittsburgh School of Law.

I co-presented on changes to the rules of criminal procedure to members of the bar and the Judiciary at the Bench Bar conference.

The ACLU was invited by the President Judge to provide legal education to the Minor Judiciary of Washington County on the issue of cash bail reform. I was one of the peer presenters who instructed the Judges how I have reduced cash bail in my court.

30. 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:

Churchill Recreation Board

Beulah Presbyterian Church Board of Deacons, including a year as Moderator

Beulah Presbyterian Church Session, including three terms as President of the Board of

Trustees.
Masonic Lodge #683.
Veterans of Foreign Wars Post 5008
The Rotary Club of Forest Hills

31. 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
32. 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 a Court of Pennsylvania.

Following the U.S. Supreme Court decision in *Obergefell v. Hodges*, the marriage laws in Pennsylvania were changed to allow same sex couples the same right to marry as heterosexual couples. I was proud to perform one such wedding the first day they were permitted. While some judges changed their policy about weddings to avoid the issue, I feel that I have a responsibility to make the court a place where all are welcome.

I serve on the board of trustees for the Fair Housing Partnership, based in Pittsburgh. This organization works to ensure that all federal and state laws and regulations relating to fair housing are followed. I believe that housing discrimination is an area that needs to be addressed. My work in this area makes me sensitive to the ongoing challenges many in our community face

33. 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 have unique qualifications that set me apart from the other candidates. I have the most judicial experience by far. For over a decade, I have been a Magisterial District Judge, deciding thousands of cases that touch on every area of the law that a Common Pleas Court Judge deals with. I have presided over cases from traffic violations to criminal homicide. No case is bigger than the case in front of me at that moment. The litigants before me, whether involved in a serious criminal case, a civil suit, a landlord-tenant issue, or a summary traffic case, are dealing with a major life event, and I treat them as such.

During my time on the bench I have developed a judicial philosophy that serves me well. I give each side the respect and time they deserve, and I encourage the parties to resolve their issues and arrive at a solution. This gives both sides ownership of the outcome as something they took part in, rather than a decision imposed from outside.

However, I understand my role. None of the cases brought before me are about me. The cases are about the parties, and when I am involved, it is because the parties could not arrive at a resolution. When that happens, I listen carefully to each case and make the best decision I can under the law. Not everyone leaves happy with the outcome, but everyone leaves knowing that he or she has been heard by the court.

My law practice prior to taking the bench also adds to my qualifications. As an attorney for the Allegheny County Office of the Public Defender, I saw first hand how the criminal justice system treats poor people - especially African Americans. For nineteen years, I fought for the rights of the accused. Criminal justice reform is not something that I had to study. I understand the problems and I am part of the solution and will continue to be.

I am incredibly proud of the work done at the Office of the Public Defender. During my time there as a member of the management team, the office progressed and was able to be released

from the consent decree put in place to increase staffing, funding and other issues critical to fair representation. When I was hired as an Assistant Public Defender, all attorneys were part time and were paid a relatively low salary. As a result, most attorneys maintained a separate private law practice. Until 2004, my practice afforded me the opportunity to practice in many of the surrounding counties. Learning the procedures in other jurisdictions broadened my skills. In fact, I did my best to learn from every Judge before whom I appeared. Sometimes the lesson was what not to do. Regardless, I always learned something that I can still use today in my courtroom.

34. Did you sign the ACBA Judicial Campaign Advertising Guidelines Pledge? (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.

Thomas P. Caulfield

Type or print name

Signature

2-1-21
Date