

Questions for Judicial Candidates

- 1.) Have you read the US Constitution in its entirety? **Yes** No
- 2.) On a scale of 1 to 10 where do you place your judicial philosophy? 1 representing "living document" philosophy and 10 representing "strict constructionist" philosophy.
- 1 2 3 4 5 6 7 8 9 **10**
- 3.) Do you believe the Federalist Papers play a significant role in helping us interpret the true meaning of the US Constitution? **Yes** No Have you read the Federalist Papers? **Yes** No Please indicate which: I have read **1.) all** or 2.) part of the Federalist Papers.
- 4.) Have you read the PA Constitution in its entirety? **Yes** No
- 5.) Which sitting US Supreme Court Justice best exemplifies your judicial philosophy? (Please circle)
- John Roberts Clarence Thomas Samuel Alito Sonia Sotomayor Elena Kagan Amy Coney Barret **Neil Gorsuch** Brett Kavanaugh Kentanji Brown Jackson
- 6.) Name at least one past US Supreme Court Justice which you admire because of his or her judicial philosophy. **Justice Antonin Scalia, Justice William Rehnquist**
- 7.) Which former US president within recent decades represents your political philosophy? (circle)
- John F. Kennedy Lyndon B. Johnson Richard Nixon Gerald Ford Jimmy Carter **Ronald Reagan** George H.W. Bush Bill Clinton George H. Bush Barack Obama Donald Trump Joe Biden
- 8.) If you are currently a judge, were you appointed or elected to that position?
- N/A**
- 9.) Either as a judge or, if you are not currently a judge, as an attorney, please name two prominent cases you have been involved in – please include a brief description of the case.

a) *Minard Run Oil Co. v. U.S. Forest Service*, 2009 U.S. Dist. LEXIS 116520, 2009 WL 4937785 (W.D. Pa. Dec. 15, 2009) (“*Minard Run II*”). The *Minard Run II* litigation involved several related cases seeking declaratory relief from the U.S. District Court of Western Pennsylvania concerning the exercise of private oil and gas rights on federal land. Under Pennsylvania law, the surface owner in a “split estate” context (where

mineral rights have been severed from the surface) lacks the legal authority to veto or condition the exercise of mineral rights. The dispute arose when the U.S. Forest Service unilaterally decided that it has “reasonable regulatory authority” over private oil and gas development in the Allegheny National Forest (“ANF”) by virtue of the United States’ sovereign power to protect public lands. Based on this self-appointed regulatory authority, the Forest Service imposed a drilling ban on all private oil and gas development in the ANF, nearly bankrupting the local industry. Following a preliminary injunction hearing, the court held that the Forest Service lacks its asserted regulatory authority and was essentially no different than other surface owners under Pennsylvania law. On appeal, the Third Circuit Court of Appeals affirmed. *Minard Run Oil Co. v. U.S. Forest Service*, 670 F.3d 236 (3d Cir. 2011). On remand, the district court entered final judgment based on law of the case. *Minard Run Oil Co. v. U.S. Forest Service*, 894 F.Supp.2d 642 (W.D. Pa. 2012). The Third Circuit Court of Appeals once again affirmed. *Minard Run Oil Co. v. U.S. Forest Service*, 549 Fed. Appx. 93 (3d Cir. 2013). I represented Minard Run Oil Company and the Pennsylvania Independent Oil and Gas Association (“PIOGA”) as lead counsel.

b) *Appeal of New Century Pipeline*, 43 A.3d 544 (Pa. Cmwlth. 2012). *New Century Pipeline* is an example of a zoning appeal to the Commonwealth Court. In response to the shale gas boom in Pennsylvania, municipalities began restricting oil and gas development through zoning. In this case, the Bradford Township Zoning Hearing Board (“ZHB”) interpreted a local ordinance in a manner that precluded use of compressor stations to transport natural gas from gathering lines to market, thereby effectively halting production. After an evidentiary hearing and an adverse decision before the ZHB, New Century Pipeline appealed to the Court of Common Pleas, which affirmed (per the Hon. William F. Morgan, S.J.). I was retained to handle the appeal to Commonwealth Court, which we won. Substantively, *New Century Pipeline* took on added importance in municipal zoning of oil and gas activities when certain provisions of the 2012 Oil and Gas Act were struck down as unconstitutional. *See Robinson Township v. Commonwealth*, 52 A.3d 463 (Pa. Cmwlth. 2012), *affirmed in part, reversed in part*, 83 A.3d 901 (Pa. 2013). Prior to *Robinson Township*, Section 3304 of the 2012 Oil and Gas Act prevented municipalities from banning compressor stations through zoning. Although this provision was struck down, if an area is zoned to allow for oil and gas production as a permitted use, under *New Century Pipeline* a municipality cannot at the same time ban compressor stations needed for production.

10.) To which organizations do you currently belong and for how long? Please include civic, charitable, religious, educational, social and fraternal organizations.

Penn State Alumni Association (over 40 years); Temple University Alumni Association (over 35 years); Pennsylvania Bar Association (over 35 years); Erie County Bar Association (over 25 years); Presque Isle State Park Complex Advisory Committee (over 20 years); Presque Isle Partnership (over 20 years); State Water Plan Great Lakes Regional and Statewide Committees (over 15 years); Environmental Hearing Board Rules Committee (over 10 years); Erie Yacht Club (over 40 years); Erie Club (over 20 years); Roman Catholic Church (Erie Diocese; over 25 years); Hagen History Center (over 5 years); National Trust for Historic Preservation (over 5 years)

11.) Have you been endorsed, if so by whom or by which organization?

Republican Party of Pennsylvania

Senator Dan Laughlin

Pennsylvania Bar Association - Highly Recommended. The PA Bar Association does not endorse but rates judicial candidates, and I received the highest rating. I am the only Republican candidate for the Commonwealth Court recommended by the PA Bar Association.