

Pa. Family Institute Questionnaire

Kurland for Judge

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1. Which of the following U.S. presidents best represents your political philosophy?

This question is asking for a political perspective or insight into personal views on politicized questions. My feeling is that judicial candidates should comport themselves to the same standards as sitting Judges and it is inappropriate and unhealthy for members of the judiciary to identify themselves with a political viewpoint. A Judge is entrusted with an office in the Courts. For the Courts to function with legitimate authority, there must be an appearance and reality that decisions are made in accordance with the rule of law and not politics. To the degree that an individual Judge is identified with a particular political viewpoint, the Court's decisions lose legitimacy and trust under the law and people in society can no longer live in a system of ordered liberty.

There is clearly permissive authority to answer this question pursuant to Republican Party v. White, 536 U.S. 765 (U.S. 2002) and Pa. Family Inst., Inc. v. Celluci, 521 F. Supp. 2d 351 (E.D. Pa. 2007). However, permission to do a thing does not mean it is right to do a thing. These concerns are generally expressed in the Pa. Code of Judicial Conduct and specifically as follows:

Canon 1 states, in relevant part:

A Judge shall uphold and promote the independence, integrity, and impartiality of the Judiciary [.]

Canon 4 states:

A Judge or Candidate for judicial office shall not engage in political or campaign activity that is inconsistent with independence, integrity, or impartiality of the Judiciary.

Furthermore, Canon 4.2(C)(5) reads:

(C) A judge who is a candidate for elective judicial office shall not:

...

(5) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court.

2. Which one of the current justices of the U.S. Supreme Court most reflects your judicial philosophy?
Justice Samuel Alito.
3. Rate your judicial philosophy on a scale of 1-10 with “living document” approach being a “1” and “strict constructionist” or “originalist” being a “10.”
Labels are a simplification of more complex ideas which is the nature and purpose of labels. With that caveat, I would characterize my judicial philosophy as one of textualism which is not offered by the question.
4. Please list the five organizations in which you are most involved as a member, through contributions, and/or volunteering.
 - a. Children’s Home of Reading-Board member and executive committee.
 - b. Mary’s Shelter- Board of Directors.
 - c. Berks Women in Crisis.
 - d. Opportunity House/ Children’s Alliance Center.
 - e. March of Dimes.
5. Decline to answer for reasons stated in question #1 and I would additionally reference Canon 2.2 which states:
“A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.”
6. Decline to answer for reasons stated in Question #1 and Question #5.