



April 13-16, 2023

Pennsylvania Youth
and Government

MODEL CONVENTION

JUDICIAL HANDBOOK

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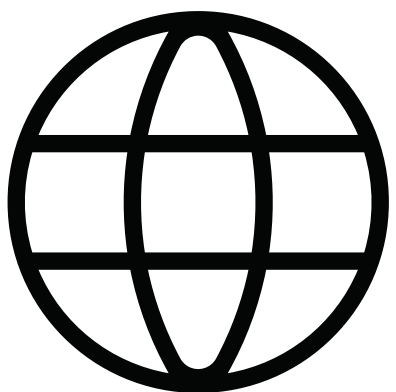
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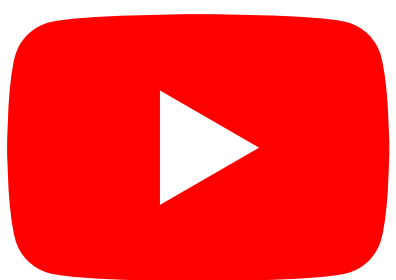
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Thank you to our Alumni Volunteers, Board Members, & Club Advisors that make PA YAG possible!

Alumni Volunteers

Alumni Coordinator: Rick Teetsel

Bruce Beatty	Anastasia Cerritelli	Scott Cerritelli	Riley Compton
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Chris Zanoni			

Club Advisors

Emidalys Serrano	Taylor Howard	Amanda Lutz	Tim Rothermel
Alicia Dinnell	Andrew Silviera	Kate Kovatch	Danielle Snyder
Robin Mann	Chris Hutelmyer	Melinda Burton	Cody Wells
Garrett Keiser	Kara Beam	Beth Zampogna	David Holden
Andrea Moffet	David John	Anastasia Cerritelli	Scott Cerritelli
Alison Kroh	Keith Layman	Chris Boggess	Kim West
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Maggie McConnell	Robin Abel	Connie Myers	Chris Zanoni
Matthew Taylor	Megan McGuire	Hanna Oleski	Edison Nicholson

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Name	Employer	Office
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Bruce Nilson, Jr.	Red Curve Solutions	Vice President
Bruce Beatty	CSL-Behring, Inc.	Treasurer
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Jason Reimer	Members 1 st	Legal Counsel

Name	Employer
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Irene Bizzoso	Prothonotary, Supreme Court of Pennsylvania
Ben Dannels	Senior Associate, Greenlee Partners
Tim DeFoor	PA Auditor General
Deb Curcillo	Judge, PA Court of Common Pleas
John Fabian, Jr.	Morgan Stanley
Tom Gentzel	Gentzel Insights, LLC
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Linda Lloyd	PA Gaming Control Board
Jon McCreary	Jones Day
Ted Mowatt	Wanner Associates
Daniel O'Brien	RBC Capital Markets, LLC
Elizabeth Parker	Law Offices of Elizabeth A. Parker
Riley Stoddard	Youth Governor of Pennsylvania



Riley Stoddard

Youth Governor

Riley Stoddard is a senior from Garnet Valley HS Delegation. She is so excited to serve as the 77th Youth Governor of the Commonwealth of Pennsylvania, having participated as both a Delegation Leader for her club and a Gold Senate Chair (2021) and Blue House chair (2022). Riley has made Youth and Government a large part of her life, even advocating for the program from Capitol Hill to the South Lawn of the White House. Outside of Youth and Government, Riley is involved in other programs and activities like the debate team, Model U.N., and Interact club. She has worked as an intern for her state senator and loves to work on campaigns around election season. She has committed to George Washington University and will be majoring in political science. As Youth Governor, Riley is excited to serve and hopes to uplift delegates to have a successful conference.



Priyanka Nambiar

Chief Justice

Priyanka Nambiar is a junior from the Hershey High School Delegation, and she is honored to serve as Chief Justice for the 22-23 YAG year. This is her fourth year in the program, as she has spent two years being an attorney and two years as a justice. Priyanka is also a two-time attendee of the National Judicial Conference. Outside of YAG, she loves theatre, dancing, drawing, and writing, and she especially adores watching romance movies. Her goal is to make sure all attorneys are prepared for their arguments with the resources she has provided throughout the year, and she aims to create a positive, comfortable, and encouraging courtroom environment for all of the delegates this year!



Laura Phillippy

Lieutenant Governor

Laura Phillippy is from the Hershey High School Delegation. In her years in the Youth and Government program, she has served as a Gold Senate Whip, a Gold Senate Committee Chair, as Gold Lieutenant Governor, and currently, as Blue Lieutenant Governor. At her school, Laura participates in cross country and track and field. Outside of school, she enjoys tap dance, drawing, and being outside. Laura is thrilled to be serving as Lieutenant Governor alongside this year's team of Presiding Officers and says that she expects an amazing Model conference this year.



Diya Singh

Speaker of the House

Diya Singh is a junior from the Obama Academy delegation. Before having the honor of serving as Blue Speaker of the House, Diya served as a Gold House Committee Chair (2021), a Blue House Committee Chair (2022), and attended the Conference on National Affairs twice (2021 & 2022). Outside of YAG, Diya enjoys watching 2000's Rom-Coms, playing Soccer, and reading. This year, Diya hopes to ensure an engaging and lively debate experience, so that all delegates can feel the true magic of the House (including press and judicial delegates watching from the balcony). Serving as the Blue Speaker of the House is absolutely surreal to her, and she looks forward to an amazing Model Convention!



Shivani Umesh

Gold Lt. Governor

Shivani Umesh is a junior at Seneca Valley High School and a member of the Rose E. Schneider YMCA Delegation. Previously in the Youth and Government program, she has served as a Gold Senate Committee Chair. Outside the program, she is an interviewer for health professionals on her podcast, soccer enthusiast, and Academic Decathlon State Champion. This year, Shivani hopes to be a champion of advocacy, helping delegates fulfill their goals in the Senate Chamber. Serving as a Lieutenant Governor has been a dream for her since she fell in love with the program and cannot wait for Model!



Lael Laing

Gold Speaker of the House

Hello everyone! My name is Lael Laing and I'm from the Friendship YMCA Delegation. This is my second year in Youth and Government, and I've had the pleasure of serving as Friendship Y's 2022-2023 Delegation Leader. Outside of the program, I'm a huge Los Angeles Clippers fan, an avid reader, and I love listening to music. As Gold Speaker, I can't wait to bring an exciting model experience to first-year and veteran Gold delegates alike through open communication and collaboration.



Jodi Lasher

Editor in Chief

Jodi Lasher is a senior at Central Dauphin High School and is from the Friendship Y delegation. She was Press Manager of Videography and Photography last year and is thrilled to be serving as Editor in Chief this year. Outside of YAG she is a competitive swimmer and music lover. She is honored to have taken on the role of Editor and can't wait to work with everyone at Model!

Lt. Governor Daniel B. Strickler Service to Youth Award

Daniel B. Strickler was born in Columbia, Pennsylvania, near Lancaster, on May 17, 1897. He was one of the State's best known military leaders, long associated with the Pennsylvania National Guard's 28th Infantry Division. He served with the Division on active duty, commanding troops, during four wars. Strickler was one of the country's first boy scouts joining the Columbia troupe in 1910, within a year after the international scouting movement was first founded. Upon graduating from Columbia High School, where he was class President and highest honor student, he enlisted in the National Guard when it was called to active duty on the Mexican border. In the campaign of 1916, he soldiered with the 28th Division in southern Texas near El Paso searching for Pancho Villa and rose to the rank of sergeant.

After World War I he attended Cornell University. Upon graduation from Cornell Law School in 1922, Strickler returned to Lancaster to practice law. He became active in local politics. In the early 1930's he was a representative in the Pennsylvania legislature. In 1932, during prohibition, he was named Lancaster's Commissioner of Police. During this period, he was also active in the military reserves rising to the rank of full colonel.

After the Pearl Harbor attack, he returned to active duty, taking a reduction in rank to Lieutenant Colonel so he could have a combat command. During World War II, first as a battalion commander and later as a regimental commander, he fought with the 28th through France and Belgium. In the Battle of the Bulge conflict he received a battlefield promotion from lieutenant colonel to full colonel. After World War II, Strickler again returned to the practice of law in Lancaster.

In 1946 he was a leading contender to be the Republican candidate for Governor of Pennsylvania but ended up on the ticket as Lt. Governor, behind Governor James Duff. It was during this time that he led a group of Pennsylvania citizens which initiated the Youth & Government program in order to "help the youth of [Pennsylvania] to understand the nature, merits, and workings of its own government."

When the Korean War started in 1950, Strickler resigned his office as Lt. Governor to take over as commanding general of the 28th Division. Strickler remained in active military service, with the rank of major general, through most of the 1950's. Strickler received many military decorations for his World War II service, including the Bronze Star, the Silver Star with Oak Leaf Cluster and the Legion of Merit. After retiring from the military in 1957, as a Lt. General, Strickler once again took up his law practice in Lancaster. Even at the age of ninety, he could occasionally be seen at the local court house filing a brief or probating a will.

He was active in local civic causes ranging from President of the Chamber of Commerce, the YMCA and the Lancaster Bar Association to serving as an elder of his local Presbyterian Church. He headed several local charities and was active in many other community groups.

He had simple patriotic feelings and believed in serving his country and community. It is in his honor and with his spirit that YMCA Youth & Government presents the Lt. Governor Daniel B. Strickler Service to Youth Award.

Past Recipients

2004 Bruce Beatty
2005 Daniel B. Strickler
2005 Rick McCann
2006 R. David Tive
2007 Chris Yurky

2007 David John
2008 Sheldon Parker, Jr.
2009 Ted Mowatt
2010 Maryellen McMillan
2011 Chad Wissinger

2012 Wiley Parker
2014 Jason Reimer
2015 Lydia Mitchel
2016 Doug Gellatly
2019 Jason Benion

Master Schedule

Thursday, April 13th:

TIME	ACTIVITY	LOCATION
7:00 PM	Model Convention Registration Begins	Hilton 2 nd Floor Lobby
8:00 PM	Opening Joint Session Lt. Governors Laura Phillippy & Shivani Umesh Presiding Governor's Welcome Address Keynote Address Senior Recognition Swearing in of Delegates	Harrisburg Ballroom
9:15 PM	Program Area Trainings Press Corps Lobbyists Admin Judicial Gold House Blue House Gold Senate Blue Senate Advisor Meeting	Harrisburger Lochiel United States Delaware/Juniata Harrisburg Allegheny/Susquehanna William Penn Leland Penn Harris
10:45 PM	Delegation Meetings	See Meeting Location List
11:30-6:00 AM	Curfew	In Rooms

Friday, April 14th:

TIME	ACTIVITY	LOCATION
6:00 AM	Breakfast Opens	Pennsylvania Ballroom
7:00-7:15 AM	Delegation Leaders Meeting	Bridgeport
	Committee Chairs Meeting	William Penn
7:45 AM	Depart for Capitol	2 nd Floor Lobby
8:30 AM	See Individual Schedules	
10:00 AM	Governor's Press Conference	
11:30-1:30 PM	Lunch- See Individual Schedules	
5:00-7:00 PM	Dinner	East Wing Rotunda
9:00 PM	Dismiss to Hotel	East Wing Rotunda
9:30-10:30 PM	Delegation Meetings	See Meeting Location List
11:30-6:00 AM	Curfew	In Rooms

Saturday, April 15th:

TIME	ACTIVITY	LOCATION
6:00 AM	Breakfast Opens	Pennsylvania Ballroom
7:00-7:15 AM	Committee Chairs Meeting	William Penn
7:45 AM	Depart for Capitol	2nd Floor Lobby
8:30 AM	See Individual Schedules	See Individual Schedules
11:30-1:00 PM	Lunch- See Individual Schedules	
6:00 PM	Dismiss to Hotel	East Wing Rotunda
7:00 PM	Dinner Gubernatorial Debate @ 7:30 PM	Harrisburg Ballroom
8:00 PM	Mandatory Fun Whitaker Center	2nd Floor Lobby
10:15 PM	Delegation Meetings	See Meeting Location List
11:00 PM	On Floor/Quiet Time	
11:30-6:00 AM	Curfew	In Rooms

Sunday, April 16th:

TIME	ACTIVITY	LOCATION
6:00 AM	Breakfast Opens Luggage Storage	Pennsylvania Ballroom Metro Rooms
7:30 AM	Candidates Fair	2nd Floor Lobby
8:45 AM	Program Area Elections Senate House Judicial Press Admin/Lobbyists	Penn Harris Pennsylvania Ballroom Leland Harrisburger Brady/Bridgeport
9:30 AM	Gubernatorial Town Hall/Elections	Harrisburg Ballroom
10:30 AM	Final Bill Signing/Supreme Court Decision	
11:00 AM	Closing Joint Session Awards and Presentations Announcement of PO Corps-Elect Announcement of National Conference Selection	
1:00 PM	Adjournment CONA/NJC Selections Meet in Leland	

Judicial Schedule

Thursday, April 13th:

9:00-11:00 PM PRACTICE ROUNDS

9:00-11:00 PM	All Attorneys	Delaware/Juniata
	Proceed to corresponding room during your team's allotted practice time	

SHADED BOXES INDICATE BLUE TEAMS FOR PRACTICE ROUND

TIME	METRO A	METRO B	METRO C	BRADY	BRIDGEPORT
9:00 PM	A v. 1	B v. 2	C v. 3	D v. 4	E v. 5
9:15 PM	F v. 6	H v. 7	I v. 8	J v. 9	L v. 10
9:30 PM	M v. 11	N v. 12	O v. 13	P v. 14	Q v. 15
9:45 PM	R v. 16	17/18	A v. 1	B v. 2	C v. 3
10:00 PM	D v. 5	E v. 6	F v. 7	G v. 8	H v. 9
10:15 PM	I v. 10	J v. 11	K v. 12	L v. 13	M v. 15
10:30 PM	P v. 16	Q v. 18	R v. 19	S v. 20	--

Gold Judiciary Schedule

Friday, April 14th:

TIME	ACTIVITY	LOCATION
8:30 AM	Attorney Prep	East Wing Tables
9:00 AM	Round 1 Follow individual schedule for corresponding color judiciary	Courtrooms

ROUND 1	COURTROOM 1- SUPREME COURT	COURTROOM 2- SC BOARD ROOM
9:00 AM	A v. 18	B v. 17
9:30 AM	C v. 16	D v. 15
10:00 AM	E v. 14	F v. 13
10:30 AM	H v. 12	I v. 11
11:00 AM	J v. 10	L v. 9
11:30 AM	M v. 8	N v. 7
12:00 PM	Gold Judiciary Lunch	Café/Strawberry Square
1:00 PM	Gold Judiciary Round 1 Cont.	Courtrooms

ROUND 1 CONT.	COURTROOM 1- SUPREME COURT	COURTROOM 2- SC BOARD ROOM
1:00 PM	O v. 6	P v. 5
1:30 PM	Q v. 4	R v. 3
2:00 PM	__ v. 2	__ v. 1
3:30 PM	Gold Judiciary Round 2	Courtrooms

ROUND 2	COURTROOM 3- RYAN LIBRARY	COURTROOM 4- 100 RYAN
3:30 PM	B v. 11	A v. 6
4:00 PM	D v. 17	E v. 16
4:30 PM	F v. 15	C v. 18
5:00 PM	I v. 13	H v. 14
5:30 PM	Gold Judiciary Dinner	East Wing Tables
6:30 PM	Gold Judiciary Round 2 Cont.	Courtrooms

ROUND 2 CONT.	COURTROOM 3- RYAN LIBRARY	COURTROOM 4- 100 RYAN
6:30 PM	L v. 1	J v. 2
7:00 PM	N v. 3	M v. 4
7:30 PM	P v. 5	O v. 8
8:00 PM	R v. 7	Q v. 10
8:30 PM	__ v. 9	__ v. 12

9:00 PM Depart for Hotel East Wing Rotunda

Saturday, April 15th:

TIME	ACTIVITY	LOCATION
8:30 AM	Attorney Prep	East Wing Tables
9:00 AM	Round 3 Follow individual schedule for corresponding color judiciary	Courtrooms

ROUND 3	COURTROOM 3- RYAN LIBRARY	COURTROOM 4- 100 RYAN
8:30 AM	A v. 15	B v. 18
9:00 AM	C v. 10	D v. 6
9:30 AM	E v. 3	F v. 16
10:00 AM	H v. 8	I v. 4
10:30 AM	J v. 5	L v. 1
11:00 AM	M v. 12	N v. 13
11:30 AM	O v. 2	P v. 7

12:00 PM	Gold Judiciary Lunch	Café/Strawberry Square
1:00 PM	Gold Judiciary Round 3 Cont.	Courtrooms

ROUND 3 CONT.	COURTROOM 3- RYAN LIBRARY	COURTROOM 4- 100 RYAN
1:00 PM	Q v. 9	R v. 11
1:30 PM	__ v. 14	__ v. 17

2:30 PM	Announcement of Gold Semi-Finalists	Supreme Court Chambers
2:45 PM	Gold Semi-Finals	Courtrooms 3/4
3:30 PM	Announcement of Gold Finalists	Supreme Court Chambers
3:45 PM	Gold Finals	Supreme Court Chambers
6:00 PM	Dismiss to Hotel	East Wing Rotunda

Blue Judiciary Schedule

Friday, April 14th:

TIME	ACTIVITY	LOCATION
8:30 AM	Attorney Prep	East Wing Tables
9:00 AM	Round 1 Follow individual schedule for corresponding color judiciary	Courtrooms

ROUND 1	COURTROOM 3- RYAN LIBRARY	COURTROOM 4- 100 RYAN
9:00 AM	A v. 20	B v. 19
9:30 AM	C v. 18	D v. 16
10:00 AM	E v. 15	F v. 13
10:30 AM	G v. 12	H v. 11
11:00 AM	I v. 10	J v. 9
11:30 AM	K v. 8	L v. 7
12:00 PM	M v. 6	P v. 5

12:30 PM	Blue Judiciary Lunch	Café/Strawberry Square
1:30 PM	Blue Judiciary Round 1 Cont.	Courtrooms

ROUND 1 CONT.	COURTROOM 3- RYAN LIBRARY	COURTROOM 4- 100 RYAN
1:30 PM	Q v. 3	R v. 2
2:00 PM	S v. 1	--

3:30 PM	Blue Judiciary Round 2	Courtrooms
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ROUND 2	COURTROOM 1- SUPREME COURT	COURTROOM 2- SC BOARD ROOM
3:30 PM	B v. 7	A v. 8
4:00 PM	D v. 9	C v. 10
4:30 PM	F v. 11	E v. 12
5:00 PM	H v. 13	G v. 15
5:30 PM	J v. 16	I v. 18

6:00 PM	Blue Judiciary Dinner	East Wing Tables
7:00 PM	Blue Judiciary Round 2 Cont.	Courtrooms

ROUND 2 CONT.	COURTROOM 1- SUPREME COURT	COURTROOM 2- SC BOARD ROOM
7:00 PM	L v. 19	K v. 20
7:30 PM	P v. 2	M v. 1
8:00 PM	R v. 5	Q v. 3
8:30 PM	--	S v. 6
9:00 PM	Depart for Hotel	East Wing Rotunda

Saturday, April 15th:

TIME	ACTIVITY	LOCATION
8:30 AM	Attorney Prep	East Wing Tables
9:00 AM	Round 3 Follow individual schedule for corresponding color judiciary	Courtrooms

ROUND 3	COURTROOM 1- SUPREME COURT	COURTROOM 2- SC BOARD ROOM
8:30 AM	A v. 15	B v. 11
9:00 AM	C v. 10	D v. 13
9:30 AM	E v. 3	F v. 16
10:00 AM	G v. 8	H v. 2
10:30 AM	I v. 6	J v. 5
11:00 AM	K v. 1	L v. 9
11:30 AM	M v. 12	P v. 19
12:00 PM	Blue Judiciary Lunch	Café/Strawberry Square
1:00 PM	Blue Judiciary Round 3 Cont.	Courtrooms

ROUND 3 CONT.	COURTROOM 1- SUPREME COURT	COURTROOM 2- SC BOARD ROOM
1:00 PM	Q v. 18	R v. 7
1:30 PM	S v. 20	--
2:30 PM	Announcement of Blue Semi-Finalists	Supreme Court Chambers
2:45 PM	Blue Semi-Finals	Courtrooms 1/2
3:30 PM	Announcement of Blue Finalists	Supreme Court Chambers
4:20 PM	Blue Finals	Supreme Court Chambers
6:00 PM	Dismiss to Hotel	East Wing Rotunda

Delegation Meeting Rooms

Delegation	Room
Booker T. Washington	Harrisburger
Boyertown East, West, YMCA	Metro C
Brandywine YMCA	Harrisburger
Brookville	Delaware
Butler YMCA	Metro A
Camp Hill	Harrisburger
CCA	Harrisburger
Friendship YMCA	Leland
Garnet Valley HS	Metro B
Hershey	Harrisburg Ballroom
Knoch HS	Bridgeport
Lower Dauphin	William Penn
Middletown	Lochiel
Obama Academy	Susquehanna/Allegheny
Rose E. Schneider YMCA	Penn Harris
Somerset HS	Juniata
Springfield Township HS	United States
YLIE	Brady

Capitol Room Directions

Begin all directions by standing in the Main Capitol Rotunda facing stairs.

Courtroom Directions

Supreme Court Chambers & SC Board Room: Take elevators near Main Capitol Rotunda entrance (either side) to 4th floor. Exit elevator and walk around the fourth floor balcony. Enter the Supreme Court chamber doors.

For Ryan rooms (Courtrooms 3 & 4): Go around Main Capitol Rotunda staircase and walk through hallway into East Wing. Take the escalator downstairs into the East Wing Rotunda. Turn right off the escalator and turn 360 degrees so that you are facing the escalator and lunch tables. Walk down the hallway to the left behind the lunch tables. Walk to the end of the hall and then follow the State YMCA signage to the Ryan building.

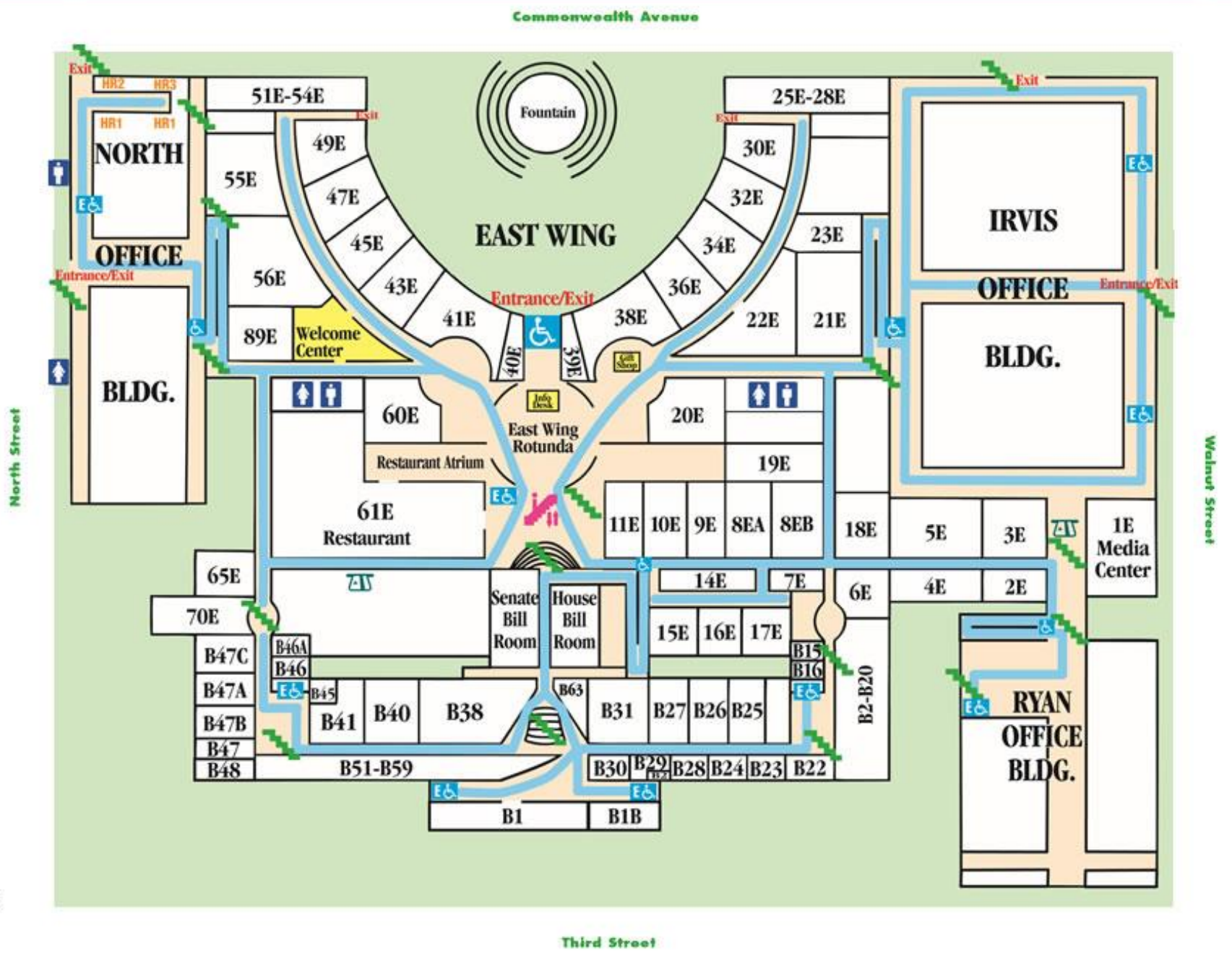
100 Ryan: Enter Ryan building. Located on ground floor of Ryan building.

Ryan Library: Enter Ryan building and walk up main staircase to second floor. Ryan Library is straight ahead at the top of the staircase.

Prep Area

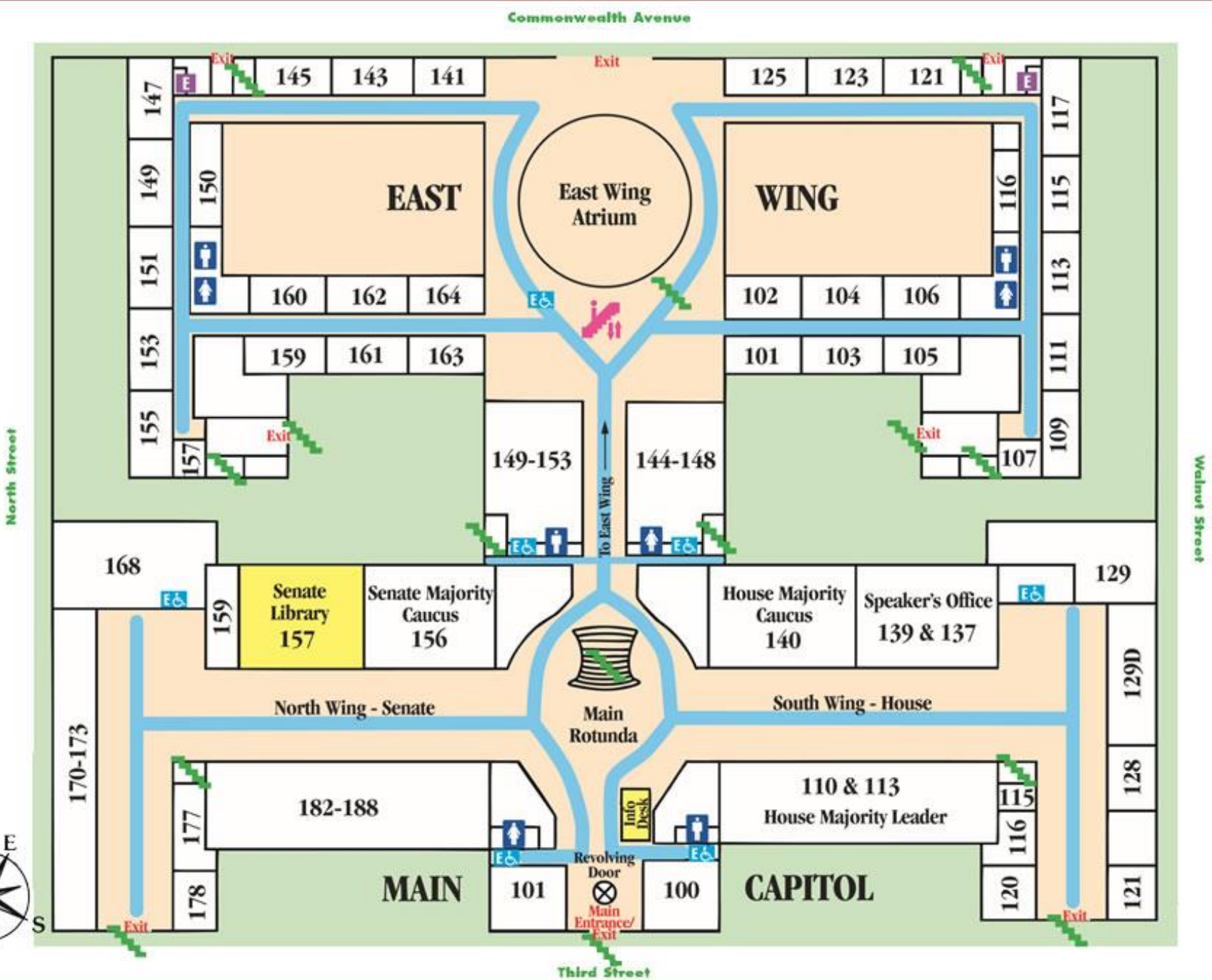
Go around Main Capitol Rotunda staircase and walk through hallway into East Wing. Take the escalator downstairs into the East Wing Rotunda. Tables are located to the right and left of the East Wing Escalator.

Main Capitol Basement and Lower (Concourse) Level East Wing



KEY:

- Access
- Hearing Room
- ATM
- Escalator
- Ladies Restroom
- Interior Walkway
- Accessible Elevator
- Elevator
- Stairs
- Men's Restroom
- Accessible Walkway



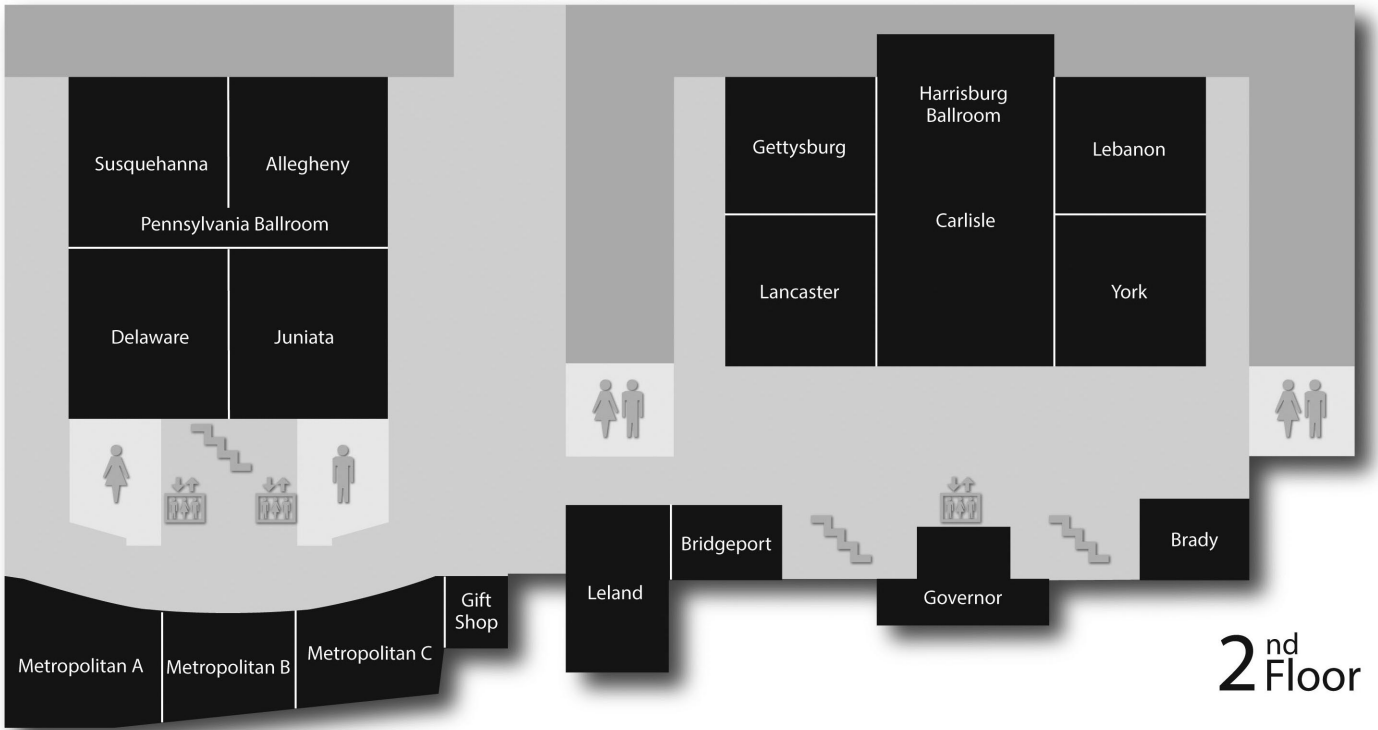
Maps of the Facility

Harrisburg Hilton Hotel

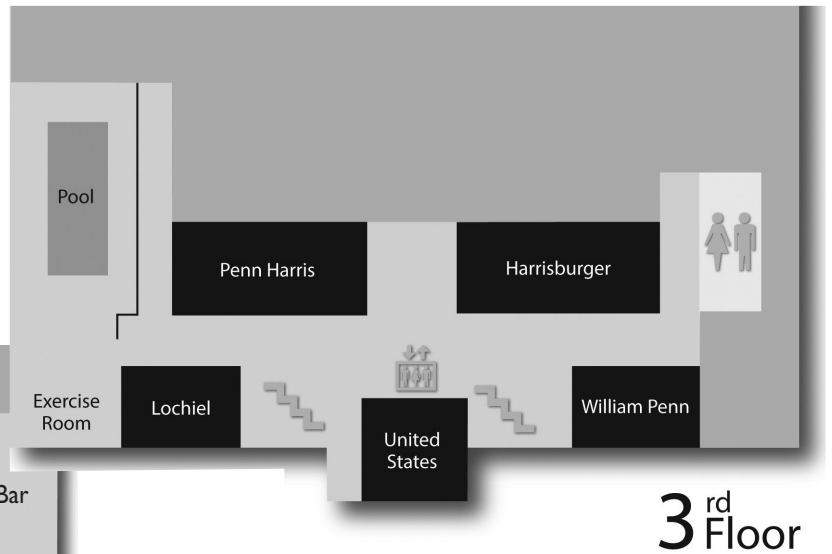


HARRISBURG

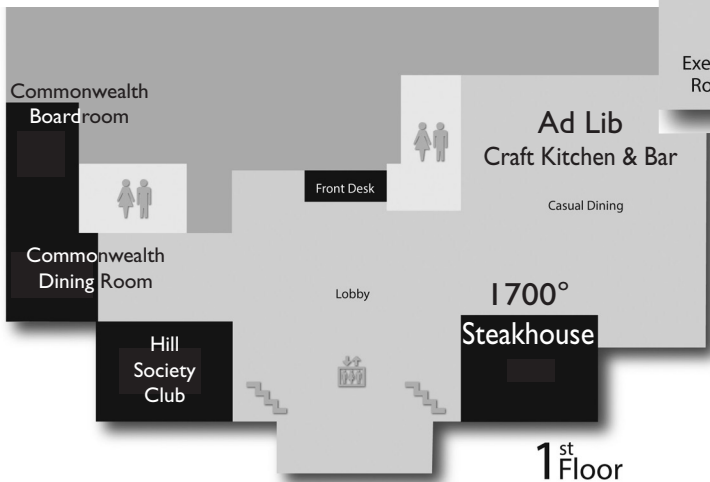
↑ To Parking Garage
Whitaker Center & Strawberry Square



2nd Floor



3rd Floor



1st Floor

Blue Attorneys

Mehnaz	Ahmed	Hershey High School	Attorney	She/her	Team R
Angelina	Berg	Hershey High School	Attorney		Team 10
Riley	Berkoski	Boyertown YMCA	Attorney	She/her	Team 1
Nicholas	Black	Obama Academy	Attorney	he/him	Team 15
Delaney	Bradley	Boyertown YMCA	Attorney	She/her	Team S
David	Bray	Hershey High School	Attorney		Team 18
Alyson	Brisbois	Boyertown YMCA	Attorney	She/her	Team S
Frankie	Brittingham	Brandywine YMCA	Attorney	She/her	Team A
Lucy	Caroff	Obama Academy	Attorney	She/her	Team 15
Kaitlyn	Castorani	Commonwealth Connections Academy	Attorney	She/they	Team C
Kristina	Chronos	Hershey High School	Attorney		Team J
Daniel	Dada	Garnet Valley High School	Attorney	he/him	Team E
Layla	Digiacomio	Hershey High School	Attorney	She/her	Team K
Kara	Donaghue	Hershey High School	Attorney		Team 13
Maggie	Dye	Hershey High School	Attorney	She/her	Team J
Deladem	Dzimega	Friendship YMCA	Attorney	They/them	Team D
Jasmin	Echeverria	Friendship YMCA	Attorney	She/they	Team D
Sabrina	Falzone	Boyertown YMCA	Attorney		Team 1
Jo	Fernandez	Rose E. Schneider YMCA	Attorney	she/they	Team P
Colleen	Fitzpatrick	Rose E. Schneider YMCA	Attorney	She/her	Team Q
Violet	Foley	Hershey High School	Attorney	She/her	Team 7
Tillman	Green	Hershey High School	Attorney	He/him	Team G
Kaitlyn	Hardy	Rose E. Schneider YMCA	Attorney		Team 16
Aliah	Hunter	Commonwealth Connections Academy	Attorney	She/her	Team 3
Sahiti	Kulkarni	Friendship YMCA	Attorney	She/her	Team 5
Selina	Lin	Hershey High School	Attorney	She/her	Team L
Yanwei	Liu	Hershey High School	Attorney	She/her	Team 12
Jason	Lyn-Sue	Hershey High School	Attorney	He/him	Team H
Quinn	Madden	Lower Dauphin High School	Attorney		Team 20
Vivan	Mahendru	Garnet Valley High School	Attorney	He/him	Team E
Maura	Mormak	Butler YMCA	Attorney	She/her	Team 2
Lily	Mubbala	Friendship YMCA	Attorney	She/her	Team 5
Praharshitha	Nagraj	Garnet Valley High School	Attorney	She/her	Team 6
Daniel	Nunez	Hershey High School	Attorney		Team 8
Louise	Olszewski	Hershey High School	Attorney		Team I
Cecelia	Olszewski	Hershey High School	Attorney		Team 13
Will	Olszewski	Hershey High School	Attorney	He/him	Team H
Peter	Otto	Lower Dauphin High School	Attorney		Team 20
Tayen	Parke	Hershey High School	Attorney	She/her	Team 9
Ava	Platt	Rose E. Schneider YMCA	Attorney	She/her	Team 16
Connor	Pugliese	Hershey High School	Attorney	He/him	Team 8
Kloe	Roxbury	Butler YMCA	Attorney	She/her	Team 2

Lanley	Rushton	Commonwealth Connections Academy	Attorney	She/her	Team B
Cailyn	Sharma	Hershey High School	Attorney	She/her	Team R
Leah	Sherman	Commonwealth Connections Academy	Attorney	She/her	Team B
Naomi	Tanjung	Hershey High School	Attorney	They/them	Team 9
Brenna	Tressler	Lower Dauphin High School	Attorney	She/her	Team M
Aarav	Tripathi	Hershey High School	Attorney		Team 18
Ta'miyea	Turner	Friendship YMCA	Attorney	She/her	Team F
Lucy	Vargo	Hershey High School	Attorney	She/her	Team K
Elizabeth	Vojt	Hershey High School	Attorney	She/her	Team 11
Katherine	Wallace	Hershey High School	Attorney	She/her	Team 11
Asa	Wang	Hershey High School	Attorney		Team 7
Grace	Wang	Hershey High School	Attorney	She/her	Team 12
Emma	Wang	Hershey High School	Attorney	She/her	Team I
Damien	Wiedmeyer	Rose E. Schneider YMCA	Attorney	He/him	Team P
Paige	Wilson	Knoch High School	Attorney	She/they	Team 19
Nicole	Yang	Hershey High School	Attorney	They/them	Team L
Jude	York	Garnet Valley High School	Attorney	He/him	Team 6
Aaron	You	Hershey High School	Attorney		Team G

Gold Attorneys

Cadi	Eckert	Boyertown West	Attorney		Team 1
Abriana	Giannini	Boyertown West	Attorney	She/her	Team A
Maya	Lopez	Boyertown West	Attorney	She/her	Team 2
Roxanna	Samuel	Boyertown West	Attorney	She/her	Team A
Madison	Seiscio	Boyertown West	Attorney		Team 2
Z	Timberlake-Nev	Boyertown West	Attorney	She/her	Team 1
Jaylah	Allen Bates	Boyertown YMCA	Attorney	She/her	Team B
Kaylene	Wetzel	Boyertown YMCA	Attorney	She/her	Team B
Alondra	Cardiel	Butler YMCA	Attorney	She/her	Team 4
Raegan	Conaway	Butler YMCA	Attorney		Team 3
Taylor	Driskell	Butler YMCA	Attorney	She/her	Team 17
Savannah	Flores	Butler YMCA	Attorney	She/her	Team C
Elizabeth	Lamberti	Butler YMCA	Attorney	They/them	Team D
Ayda	Revitsky	Butler YMCA	Attorney	She/her	Team 4
Riley	Rittersdorf	Butler YMCA	Attorney	She/her	Team D
Chloe	Schoentag	Butler YMCA	Attorney	She/her	Team 18
Lucca	Unik	Butler YMCA	Attorney	He/him	Team C
Drew	Weifenbaugh	Butler YMCA	Attorney	He/him	Team 17
Hope	Boulingui	Friendship YMCA	Attorney	They/them	Team 5
Anna	Connolly	Garnet Valley High School	Attorney	She/her	Team 6
Summer	Fritchey	Garnet Valley High School	Attorney		Team F
Eden	Goldstein	Garnet Valley High School	Attorney	She/her	Team E
Ryan	Simone	Garnet Valley High School	Attorney	He/him	Team F
Saanvi	Singh	Garnet Valley High School	Attorney	She/her	Team E
Ryann	Small	Garnet Valley High School	Attorney	She/her	Team 6
Taylor	Tempesta	Garnet Valley High School	Attorney	She/her	Team 7
Tobi	Timmons	Garnet Valley High School	Attorney	He/him	Team 7
Anne	Burke	Hershey High School	Attorney	She/her	Team 16
Ethan	Castillo	Hershey High School	Attorney	He/him	Team Q
Ryan	Cruz	Hershey High School	Attorney		Team I
Alexandra	Drabick	Hershey High School	Attorney	She/her	Team 9
Isaiah	Ferenci	Hershey High School	Attorney	He/him	Team J
Elijah	Ferenci	Hershey High School	Attorney	He/him	Team 10
Abigail	Gurka	Hershey High School	Attorney	They/them	Team L
Prisha	Jamwal	Hershey High School	Attorney	She/her	Team H
Aj	Johnson	Hershey High School	Attorney	He/him	Team 10
Sidak	Kochar	Hershey High School	Attorney	She/her	Team 9
Nathan	Lin	Hershey High School	Attorney	He/him	Team I
Kara	Mace	Hershey High School	Attorney	She/her	Team J
Mya	Ondeck	Hershey High School	Attorney	She/her	Team 11
Veer	Patel	Hershey High School	Attorney	He/him	Team P
Ariadne	Payatakes	Hershey High School	Attorney	She/her	Team 12
Jovani	Prince	Hershey High School	Attorney	He/him	Team P
Hailey	Serrano	Hershey High School	Attorney	She/her	Team L
Ramya	Sharma	Hershey High School	Attorney	She/her	Team M
Ian	Stokes	Hershey High School	Attorney	He/him	Team 13
Claire	Walker	Hershey High School	Attorney	She/her	Team 16
Elijah	Wellington	Hershey High School	Attorney	He/him	Team 13
Re'	Westman	Hershey High School	Attorney	She/her	Team M
Kailey	Whipple	Hershey High School	Attorney		Team 8
Dayme	You	Hershey High School	Attorney	They/them	Team 8
Angela	You	Hershey High School	Attorney	She/they	Team 11
Joyeeta	Zaman	Hershey High School	Attorney	She/her	Team H

Samuel	Gilligan	Knoch High School	Attorney	He/him	Team 14
Landen	Gracie	Knoch High School	Attorney	He/him	Team 14
Carl	Cogan	Obama Academy	Attorney	He/him	Team N
Cade	Paredes	Obama Academy	Attorney	They/them	Team N
Abby	Huppert	Rose E. Schneider YMCA	Attorney	She/her	Team 15
Eva	Sanzi	Somerset High School	Attorney		Team R
Lindsey	Shaffer	Somerset High School	Attorney		Team O
Adria	Spehar	Somerset High School	Attorney		Team O

Justices

Talynn	Allen	Obama Academy	Justice	She/they	
Kenza	Bey	Obama Academy	Justice	She/her	
Lauren	Fetterhoff	Friendship YMCA	Justice		
Priyanka	Nambiar	Hershey High School	Chief Justice	She/her	
Khadijah	Riarh	Hershey High School	Justice	She/her	
Heather	Schwartz	Rose E. Schneider YMCA	Justice	She/her	
Valerie	Shen	Hershey High School	Justice	She/her	
Minhul	Shoaib		Justice	She/her	
Ling	Wu	Hershey High School	Justice		



BRIEF SCORING RUBRIC

Team ID: _____

Grader: _____

Use of Facts _____

- 1 Facts are minimally included or completely absent, or are continuously erroneous.
- 2 Facts are moderately included, with occasional errors.
- 3 Facts are well included but not incorporated into argument.
- 4 Facts are well included and incorporated into argument, but not used effectively.
- 5 Facts are fully included and effectively incorporated into argument.

Understanding of Legal Issues _____

- 1 Shows little or no understanding of legal issues presented.
- 2 Addresses some, but not all, issues, or includes irrelevant issues.
- 3 Addresses all issues presented, but does not develop arguments fully.
- 4 Demonstrates understanding of all legal issues.
- 5 Demonstrates exceptional understanding of legal issues throughout the argument.

Knowledge and Use of Cases _____

- 1 No discussion of cases in argument section.
- 2 Sporadic use of cases; cases may be recapped, but not used to support argument.
- 3 Moderate use of cases; some errors in understanding or application of cases.
- 4 Cases used well to address correct legal issues, but application to this case is lacking.
- 5 Demonstrates understanding of cases and application to this case; uses cases to support arguments and refutes or distinguishes cases supporting opposing side.

Effectiveness and Persuasiveness _____

- 1 Does not use persuasive writing style; team does not advocate for their position.
- 2 Attempts to use persuasive writing style, but advocacy is incomplete or largely ineffective.
- 3 Satisfactory efforts made to persuade regarding all issues, but analytical or substantive errors detract from effectiveness.
- 4 Good efforts made to persuade regarding all issues; applies knowledge in a way that is largely effective, but minor mistakes keep argument from reaching full potential.
- 5 Applies knowledge of the case to all issues in an effective way; refutes opposing arguments; persuades the reader.

TOTAL _____



State YMCA of PA
Youth & Government

COMMENTS ON BRIEF

Team ID: _____

Use of Facts

Understanding of Legal Issues

Knowledge and Use of Cases

Effectiveness and Persuasiveness



Attorney Scoring Sheet: Oral Arguments Commonwealth (Appellant) Team

Round (circle one): **1** **2** **3**

Grading Justice:

Appellant Team #		
FILL OUT THIS FORM COMPLETELY USE FOLLOWING SCALE TO RATE STUDENT ATTORNEYS ON THE LISTED CRITERIA. PLEASE ENTER A SCORE FOR EVERY CATEGORY. 1 is worst, 5 is best. See Scoring Guidelines for more detailed descriptions.		
Attorney Name(s):		
Application of Facts	1 2 3 4 5	1 2 3 4 5
Knowledge of Legal issues	1 2 3 4 5	1 2 3 4 5
Knowledge and Successful use of Case Law	1 2 3 4 5	1 2 3 4 5
Overall Presentation of Oral Argument:	1 2 3 4 5	1 2 3 4 5
Individual Totals		
Team Total		

Commonwealth/Appellant Team # _____

Comments:



Attorney Scoring Sheet: Oral Arguments Defendant (Appellee) Team

Round (circle one): **1** **2** **3**

Grading Justice:

Appellee Team #		
FILL OUT THIS FORM COMPLETELY USE FOLLOWING SCALE TO RATE STUDENT ATTORNEYS ON THE LISTED CRITERIA. PLEASE ENTER A SCORE FOR EVERY CATEGORY. 1 is worst, 5 is best. See Scoring Guidelines for more detailed descriptions.		
Attorney Name(s):		
Application of Facts	1 2 3 4 5	1 2 3 4 5
Knowledge of Legal issues	1 2 3 4 5	1 2 3 4 5
Knowledge and Successful use of Case Law	1 2 3 4 5	1 2 3 4 5
Overall Presentation of Oral Argument:	1 2 3 4 5	1 2 3 4 5
Individual Totals		
Team Total		

 Defendant/Appellee Team # _____

Comments:



SCORING GUIDELINES

APPLICATION OF FACTS

- 1: Facts are continuously erroneous in argument.
- 2: Facts are ineffective and unnecessarily incorporated, with errors.
- 3: Facts unnecessarily recapped, erroneous, or not incorporated in argument.
- 4: Facts are well recapped but not effectively used throughout argument.
- 5: Facts are well recapped and important facts are incorporated throughout the argument.

KNOWLEDGE OF LEGAL ISSUE(S)

- 1: No understanding/ineffective understanding of legal issues.
- 2: Legal issues stray from case and articulation hinders presenter's message.
- 3: Presenter articulates most legal issues but strays slightly from the point.
- 4: Throughout most of the argument, an articulation of important legal issues is apparent.
- 5: Intelligent articulation of legal issues throughout the argument. Presenter is clearly knowledgeable of the legal issues at hand.

KNOWLEDGE AND SUCCESSFUL USE OF CASE LAW

- 1: Weak application and analysis.
- 2: Application of case law supports argument but only meekly advances the stance of the presenter's message.
- 3: Application of case law somewhat advances the overall stance and supports the argument.
- 4: Case law application advances and greatly supports the argument but no innovation is present.
- 5: Application of case law advances the argument and greatly supports the presenter's message. An obvious understanding and innovation are present.

OVERALL PRESENTATION OF ORAL ARGUMENT

- 1: Speaker shows serious distress and is unable to answer questions.
- 2: Speaker is not able to answer questions, but shows few signs of distress.
- 3: Argument is somewhat composed.
- 4: Speaker answers questions completely, but with hesitation or conference with their partner. They are composed and prepared.
- 5: Speaker is composed and does not seem distressed or bothered. They answer all questions completely and confidently.



2023 State YMCA of Pennsylvania Judicial Program Case File

Introduction to *Partridge v. Foreman*

Earlier this year, the Virginia defamation case of *Depp v. Heard* received national attention. It was impossible to escape the round-the-clock news coverage and legal commentary surrounding the case.

Most defamation lawsuits do not have that kind of celebrity status, but they all boil down to the same core allegation: the defendant's false statement caused real, tangible harm to the plaintiff. And all defamation cases involve a core liberty protected by the federal and state constitutions—the freedom of speech.

For example, this year's case is *Partridge v. Foreman*, a civil lawsuit in which Carol-Ann Partridge claims Darius Foreman defamed her rental property business in Pittsburgh. Foreman made several tweets that called out what he saw as problems with Partridge's rental practices. He specifically tweeted that one of her units had black mold and that a second had severe structural problems that caused the house to be unlevel.

Both of those tweets were false. And so Partridge alleges that Foreman's false tweets caused a dramatic drop in tenants renting her apartments, condos, and row houses.

Foreman raises the freedom of speech as a defense, and argues that even if his speech was false, he is not liable to Partridge because he did not publish his tweets with actual malice. He moved for summary judgment arguing that Partridge could not point to evidence showing he tweeted what he did with actual malice.

The Court of Common Pleas and Superior Court agreed with Foreman, and dismissed Partridge's defamation action. Partridge has now appealed to the Supreme Court of Pennsylvania.

Issues on Appeal

The two questions on appeal for this year's case problem are:

1. Was Partridge a private figure for purposes of defamation law; and

2. Was there enough evidence in the record to conclude that Foreman published his tweets with actual malice.

If the answer to either question is “yes,” then the lower courts were wrong, Partridge's case will be reinstated, and she will be able to present her case to a jury. If the answer to both questions is “no,” then Partridge’s case is at an end.

A Primer on Defamation Law

The courts frequently point to the tension between the law of defamation and the freedom of speech. Because speech about public figures—like elected officials—is so critical to the free exchange of ideas, we are suspicious of any efforts that may make people hesitate to speak their mind. And so the Supreme Court of the United States held in *New York Times v. Sullivan* that to succeed in a defamation action a public figure must prove the speech at issue was made with “actual malice.”

At the other end of the spectrum are private figures: because speech about private figures is typically less important to society and private individuals might not be able to respond to false statements, they do not need to prove the defendant made their statements with actual malice. Instead, they need to only show that the defendant “negligently disregarded the truth.” This is much easier to prove than actual malice.

However, the courts have recognized a third group of people for purposes of defamation law. They are called limited-purpose public figures. These are people who may not be a household name or celebrity, but are still involved in public discourse. If a person is a limited-purpose public figure, then they will be treated like a public figure for speech related to certain topics. For example, a teacher who frequently speaks at a school board meeting might be a limited-purpose public figure for speech about education policy.

At issue in our case is whether Partridge was a private figure or limited-purpose public figure for speech related to her rental units.¹ This critical question determines what intent she has to prove Foreman had when he tweeted: either negligence or actual malice.

¹ The parties agree that Partridge is not a “public figure,” like Johnny Depp or Amber Heard. As such, participants cannot make that argument in their brief or in their arguments. The first question is only whether she was a private figure or a limited-purpose public figure.

A person speaks with “actual malice” when they (1) make intentionally false statements; or (2) recklessly disregard the truth when speaking. For example, if a person ignores clear warning signs that their speech about a public figure is false then they have acted with actual malice.

In our legal system, though, you cannot simply say someone acted with actual malice to get your case to a jury. Instead, a defendant in a defamation case may argue in what is called a summary judgment motion that there is not enough evidence to conclude they acted with actual malice, and so a trial would be pointless. If the judge agrees, they will grant the defendant summary judgment and dismiss the defamation case.

Under Pennsylvania law, a plaintiff must be able to point to “clear and convincing” evidence showing actual malice to survive a summary judgment motion. Evidence of actual malice is “clear and convincing” if it leaves you with the impression that what the plaintiff alleges has a high probability of being true. But as with every legal standard, there is no exact definition of what is “clear and convincing” enough.

In our case, Partridge argues that there is clear and convincing evidence that Foreman recklessly disregarded the truth. If she’s right, then the court incorrectly entered summary judgment against her, and she will be able to present her case to a jury. As such, this appeal is not about whether she *wins*, it is about whether she has enough evidence to justify getting to a jury.

The Parties’ Argument on Appeal

On appeal, Partridge complains that the lower courts applied the incorrect intent standard to her defamation claim. But even if actual malice was the correct standard, she argues that there was enough evidence in the record to survive summary judgment. Her arguments are explained in greater detail below.

First, she argues that it was inappropriate to apply the actual malice standard to her case. In defamation law, private individuals only need to prove that the defendant negligently disregarded the truth when they published their false statements. And Partridge maintains that she is a private individual. Therefore, she argues that the trial court applied the wrong intent requirement to her claim.

Foreman disagrees. Although he admits that Partridge is not a public figure like Johnny Depp or Amber Heard, he argues that she is a limited-purpose public figure for speech related to her rental units. As such, she must still prove he tweeted with actual malice.

Second, although she does not think she had to prove actual malice, Partridge appeals the lower courts' conclusion that there was not enough evidence of actual malice to survive summary judgment. To get to a jury, she had to show clear and convincing evidence that Foreman either tweeted with the knowledge that his tweets were false, or that he recklessly disregarded the truth when he tweeted. Partridge argues that the record clearly and convincingly supports that Foreman recklessly disregarded the truth when he tweeted about her units.

Foreman again disagrees. He responds that the evidence is simply not enough to show he actually recklessly disregarded the truth of his tweets.

It is now your turn to take these arguments and bring them to the next level. You will draft briefs that argue your position in writing. Then at the Model Convention, you will make your case in person during several rounds of oral argument.

A Quick Note on Exhibits

This year's case has a new type of material—mock exhibits. You will find six exhibits (A through F) in the case materials after the Court of Common Pleas opinion and order. Please feel free to cite to these like the Common Pleas and Superior Court opinions do. For example, if you wanted to cite the March 1, 2021 tweet, you would do something like the following: In his second tweet, Foreman alleged that Partridge's property is "plagued by BLACK MOLD." Exhibit E.

When you use deposition testimony, you should cite it as follows:

- If all of the information is on the *same* page, then: Exhibit [Letter] at [Page Number]:[Starting Line Number]-[Ending Line Number]. For example, Exhibit A at 2:4-7.
- If the information you are citing spans several pages, then: Exhibit [Letter] at [Page Number]:[Starting Line Number]-[Ending Page Number]:[Ending Line Number]. For example, Exhibit A at 2:21-3:6.

You should use the mock exhibits when creating your statement of facts or when making your argument. They can be a powerful tool to bolster your case. For example, maybe, there is something in the record that you don't think the lower court opinions have picked up on. Using the underlying exhibits to make your points is a great way to show where the other courts misstepped.

If you have any questions at all about how to use or cite to an exhibit, please let us know. These materials are new for us all, and we hope to integrate them as smoothly as possible.

* * *

In drafting your brief and presenting your oral argument, you may rely only on the materials listed below. You may not conduct any other research and may not rely upon any other legal materials.

- Contents -

1. Opinion of the Court of Common Pleas;
2. Exhibits from the Court of Common Pleas;
3. Opinion of the Superior Court Affirming the Court of Common Pleas;
4. Dissenting Opinion of Superior Court Judge Menzler;
5. Case Excerpts.²

² These cases are edited, not all pages of the opinion are included, and portions of the cases may be changed, reorganized, out of order, or omitted entirely. You should use the page numbers as they appear in the materials provided. So, for example, a citation to the third page of the *American Future Systems* case would be: *American Future Systems, Inc. v. Better Business Bureau of Eastern Pennsylvania*, 923 A.2d 389, 3 (Pa. 2006). Please note that the Court of Common Pleas and Superior Court opinions in this case cite to the original cases, not the edited cases.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA - CIVIL DIVISION**

PARTRIDGE

Plaintiff,

vs.

FOREMAN,

Defendant.

Docket No. - CP-CV-854-2021

October 5, 2021

MEMORANDUM OPINION

Roberts, K., Judge,

I. Introduction

Carol-Ann Partridge rents out various properties across Allegheny County. She serves as the landlady for rental units including apartments, condos, and row houses in Pittsburgh. These rental units are her sole source of income. As such, she personally provides rental maintenance and oversees her properties. She claims that Darius Foreman, the Defendant, significantly harmed her rental business by publishing false statements about her and her properties on Twitter.

Foreman is a self described political organizer. He works to provide resources to tenants throughout Pittsburgh to protect them from what he views as predatory rental practices. He argues that Partridge's defamation case cannot proceed because all of his tweets were protected by the freedom of speech.

This Opinion addresses Foreman's pending Motion for Summary Judgment. By way of his Motion, he advances two arguments:

First, Foreman argues that Partridge was a limited-purpose public figure in regards to her rental properties. Since she was a limited-purpose public figure, Foreman continues, Partridge will have to prove Foreman published his tweets about her rental properties with actual malice.

Second, Foreman contends that Partridge cannot point to clear and convincing evidence demonstrating he maliciously published his tweets. As such, he argues, there is no genuine dispute as to his intent, and he is entitled to summary judgment in his favor.

Partridge disagrees. She responds that she is not a limited-purpose public figure. Instead, she argues she is a private figure. And that means she need only prove that Foreman negligently disregarded the truth when he tweeted about her rental units and practices. Further, she also argues that even if actual malice is the correct standard in this case, there is still a dispute as to whether Foreman recklessly disregarded the truth when he published his tweets. As such, she asks that I deny Foreman's motion and allow the case to proceed to a jury.

II. Facts

For about a decade now, Carol-Ann Partridge has rented out apartments, condos, and row houses in downtown Pittsburgh, Lawrenceville, and the Strip District. She started renting properties after she served on the Allegheny County Board of Health where she witnessed firsthand the challenges that renters face. Exhibit A at 2:25-3:6.

Some of her units require more maintenance per month than others, but all of them require upkeep. After all, some of her properties are over 100 years old. Partridge attends to that maintenance personally. If she can, she tries to fix any issues on her own. If not, she'll find a contractor to remedy the problem. In the past year, she has spent roughly 50% of her revenue on maintenance and inspections. Exhibit A at 2:2-7, 13-18. Partridge includes information about unit maintenance when she advertises her properties online. Exhibit A. at 3:10-16.

Partridge was concerned about the maintenance cost of her properties, so she reached out online for help last February. She posted to a website called LandLordHelp! seeking advice. Exhibit C. The parties agree that LandLordHelp! is not a public forum because you have to have special permission to join it. But people other than landlords and landladies can and do join. For example, Darius Foreman—a political activist in Pittsburgh—joined the website. He does not rent properties. Nor does he rent his own home. Exhibit B at 2:11-16.

Instead, Foreman joined LandLordHelp! in order to “keep intel on the enemy.” Exhibit B at 2:3-5. You see, Foreman is a political activist in the “war against greed just so people can have a decent place to live.” Exhibit B at 2:10. In the past, Foreman has brought to light serious issues like apartment complexes ignoring HVAC maintenance or illegal evictions by

landlords seeking to get out of current rental contracts. However, he never got much public attention for bringing those issues to light.

He came across Ms. Partridge's post to the LandLordHelp! seeking advice and decided to screenshot and tweet her post to the public at large. Exhibit D. That first tweet received thousands of likes, and was retweeted or quoted hundreds of times as well. Mr. Foreman then made two additional tweets about Ms. Partridge in March 2021.

His second tweet stated that he knew "for a fact that at least one of Carol-Ann's properties is plagued by BLACK MOLD," and that she received "multiple complaints" but had "done NOTHING to fix" it. Exhibit E. He based this tweet on a conversation with a former tenant, who accidentally gave him an incorrect address. Exhibit B at 4:20-5:3. It turns out, though, that that person was never actually a tenant of Partridge. In fact, the parties have not been able to track down this person's actual identity beyond confirming that they were not a former tenant.

Foreman's third tweet stated that one of Ms. Partridge's row houses definitely had "structural problems" and that he'd be "surprised if anything is level in that trash heap." Exhibit F. He tweeted that information based on driving up to the row house and talking to a former tenant. Exhibit B at 5:10-16.

The Defendant's tweets were reported on by the Pittsburgh Evening News and the *Pittsburgh Weekly Gazette*. Foreman was interviewed for both

the T.V. segment and the newspaper article. Ms. Partridge did not participate in either. But a few weeks later she was approached by a reporter on the street. When given the opportunity, she tried “to set the record straight” about her rental properties. Exhibit A at 4:10-5:3. Her response was broadcast on the Evening News. However, despite her efforts to correct the record, her business is still in “freefall.” Exhibit A. at 5:4-7.

In the end, Mr. Foreman’s second and third tweets were false. There is no evidence that any of Ms. Partridge’s units have black mold or structural problems.

III. Procedural History

Even though his tweets were false, Defendant moved for summary judgment and asked this Court to dismiss the case against him. By way of his motion, he argues that his tweets about Partridge and her properties are protected speech under the Pennsylvania Constitution.

To start, he contends that Partridge is a limited-purpose public figure for speech related to her rental properties.¹ As such, he argues that he can only be liable for false speech about her properties if she can prove he published his tweets with actual malice.

Then he argues that Ms. Partridge cannot prove he acted with actual malice when he tweeted about her properties. He maintains that there is no evidence he tweeted knowing that the information was false.

¹ He does not argue that Ms. Partridge is a general public figure.

Partridge disagrees on both counts, and asks that this Court deny Foreman's motion and allow her case to proceed to a jury.

IV. Legal Standard

"Because one individual's speech has the ability to harm another person's reputation, there is an inevitable tension in the law between the goals of protecting freedom of expression and safeguarding reputation from unjust harm." *American Future Systems, Inc. v. Better Business Bureau of Eastern Pennsylvania*, 923 A.2d 389, 395 (Pa. 2007). "[I]n the context of defamation law [Pennsylvania's] Constitution's free speech guarantees are no more extensive than those of the First Amendment." *Id.*

Because "public figures assume special prominence in the affairs of society," we require plaintiffs to prove a heightened intent for allegedly false speech about public figures. *Id.* at 401, 405. To determine a person's publicity status, courts must evaluate their "[a]bility to rebut the defamatory statements" and whether they voluntarily exposed themselves to the controversy. *Id.* at 401.

A person can be a limited-purpose public figure too. A limited-purpose public figure "is an individual who voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues." *Id.* (cleaned up). "To determine such status . . . it is necessary to consider the nature and extent of an individual's participation in the particular controversy giving rise to the defamation." *Id.* The question of

a person's publicity status is "a question of law for the court to determine in the first instance." Standard Pa. Practice 2d § 32:63; *accord Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974).

And if a party is a limited-purpose public figure, they are required to prove actual malice on the part of a defendant when suing for defamation. *Id.* at 405. ("Under all of these circumstances, we are satisfied that . . . Appellant was a public figure Therefore, to establish its defamation claim, Appellant was required to prove that the Better Business Bureau published its statements with actual malice.").

For example, the plaintiff in *American Future Systems* created advertisements promoting its "no-risk" offer. *Id.* That business practice became the subject of its defamation suit. And so the Pennsylvania Supreme Court held the business was a limited-purpose public figure for the "limited purpose of commentary concerning its business practices." *Id.* Because the plaintiff was a limited-purpose public figure, it had to prove the defendant's allegedly defamatory statements were made with "actual malice."

Actual malice, though, does not really mean "malice." It means that a defendant published the defamatory statement "with knowledge that it was false or with reckless disregard of whether it was false or not." *Ertel v Patriot-News Co.* 674 A.2d 1038, 1042 (Pa. 1996). To survive a motion for summary judgment on the issue of actual malice, the plaintiff must point to "clear and convincing evidence that" the defendant made statements "they

knew were false or printed them with reckless disregard of their falsity.” *Tucker v. Philadelphia Daily News*, 848 A.2d 113, 131 (Pa. 2004). A reckless disregard for the truth means the defendant “made the false publication with a high degree of awareness of probable falsity, or entertained serious doubts as to the truth of his publication.” *Joseph v. Scranton Times L.P.*, 129 A.3d 404 (Pa. 2015).

V. Discussion

I address both issues in turn. If I hold that Ms. Partridge is a private figure, then I will deny Foreman’s Motion.² If she is a limited-purpose public figure then I will have to decide if there is clear and convincing evidence that Foreman tweeted his tweets with actual malice. If there is, then I will deny the Motion as well.

1. Private or Limited-Purpose Public Figure

I hold that Partridge is a limited-purpose public figure for speech related to her properties. First, she served previously on a public board related to housing issues in Allegheny County. Exhibit A at 3:1-4. Second, she actively advertised the maintenance of her properties like the plaintiff in *American Future Systems*. Exhibit A at 3:10-16. Finally, she actively dove into the debate about her properties when given the chance so she could “set the record straight.” Exhibit A at 5:2-3.

² Defendant admits that if Ms. Partridge is a private figure, then the negligence standard would apply to his intent. Under that standard, he agrees that there is a factual dispute as to whether he negligently disregarded the truth when he tweeted.

Based on these facts, I find that Partridge both chose to voluntarily enter the public discourse about her rental properties by advertising and responding to the reporter. It is also clear that the topic of her properties was a topic of public discussion based on the news coverage and degree of publicity that Foreman's tweets received.³ So that means that Partridge will have to point to clear and convincing evidence that Foreman made his tweets with actual malice.

2. Actual Malice?

To start, there is no evidence that Foreman *knew* the information in his second and third tweets was false when he sent the tweets. Instead, Partridge contends that Foreman recklessly disregarded the truth when he tweeted.

As for the second tweet (Exhibit E), Partridge points out the fact that the source was never a tenant and actually gave Foreman the wrong address first. Further, Foreman never personally verified the presence of black mold in any of her units. Exhibit B at 5:7-9. But as Foreman testified that "everyone makes mistakes" about their address when they move around so he was not actually suspicious of the source. Exhibit B at 5:1-6. In light of this evidence, I cannot say that Foreman recklessly disregarded the truth when he published his first tweet.

³ Partridge does not contend that Foreman's tweets were speech about a non-public issue. As such, all that matters is her status as a private or limited-purpose public figure.

The third tweet (Exhibit F) is a closer call. As Partridge argues, Foreman was riding a wave of success from his original tweet about Partridge and had a motive to sensationalize the truth. Also, it appears that the former tenant who complained about the structural issues to him had a bone to pick with her. And Foreman admits that the source sent him a copy of the lawsuit where the tenant had lied about Ms. Partridge and the property. Exhibit B at 5:17-6:7. Moreover, Foreman did not ever actually enter the row house when he tweeted. Exhibit B at 6:12-16.

Still, even viewed together, I cannot agree that this evidence is “clear and convincing” proof that Foreman recklessly disregarded the truth of his tweets because he was not “highly aware” of its potential falsity. Maybe an additional investigation into the original source would have turned up more information. Maybe not. The fact remains that he did not actually suspect it was false when he tweeted. Exhibit B at 6:25; *see also* 6:5-7 (“Q. So is it fair to say that the former tenant had a bone to pick with Ms. Partridge? A. Maybe.”).

Because Partridge has not introduced evidence that Foreman was highly aware that his tweets could be false, she has not shown he recklessly disregarded the truth when he tweeted. Accordingly, she cannot prove by clear and convincing evidence that his tweets were made with actual malice.

VI. Conclusion

For these reasons, I hold that (1) Partridge was a limited-purpose public figure for speech related to her rental properties; and (2) Partridge cannot point to clear and convincing evidence that Foreman published his tweets with actual malice.

Therefore, I grant Foreman's motion for summary judgment. An appropriate Order follows.

By The Court *Roberts, K.*

Judge Roberts

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA - CIVIL DIVISION**

PARTRIDGE

Plaintiff,

vs.

FOREMAN,

Defendant.

Docket No. - CP-CV-854-2021

October 5, 2021

ORDER

AND NOW, this 5th day of October, 2021, I **GRANT** Defendant Foreman's Motion for Summary Judgment. Accordingly, the case is **DISMISSED** with prejudice.

So Ordered.

By The Court *Roberts, K.*

Judge Roberts

EXHIBIT A

Condensed Excerpts of Partridge Deposition

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA - CIVIL DIVISION**

PARTRIDGE

Plaintiff,

vs.

FOREMAN,

Defendant.

Docket No. - CP-CV-854-2021

June 4, 2021

Deposition of Carol-Ann Partridge,

taken pursuant to the Pennsylvania Rules of Civil Procedure, before Lizanne Baker, Certified Reporter-Notary Public in and for the Commonwealth of Pennsylvania on June 4, 2021, at the law offices of Cameron Zinc, One PPG Place, Pittsburgh, Pennsylvania 15222, scheduled to commence at 9:30 o'clock a.m.

Lewis Blair appeared for Plaintiff.

Patricia Mitchell appeared for Defendant.

* * *

PARTRIDGE, CAROL-ANN

1 **By Ms. Mitchell:**

2 **Q. How much of your rental revenue do you spend on maintenance**
3 **per year?**

4 A. I'd estimate around 50% of my rental revenue, or about 6% of the
5 property value. But it definitely varies. Sometimes I spend more sometimes
6 it's less. I go above and beyond the rule of thumb which is that about 1%
7 of the property value should be allocated for maintenance per year.

8 **Q. What type of maintenance do your units require?**

9 A. That also depends. Sometimes it's as easy as repainting a wall, or
10 spraying for mold. Other times I have to call a contractor or handyman to
11 do the project. For example, I don't want to mess with anything that
12 involves the structure.

13 **Q. How do you monitor the maintenance needs for your units?**

14 A. Well, maintenance is pretty important to me. You hear horror stories
15 about bad conditions in rental units and no one should have to live like
16 that. So I have an inspector do yearly checks as well as inspections when
17 a new tenant moves into the rental unit. Renters also have my cell number,
18 so they can text or call me any time a specific problem comes up.

19 **Q. You mentioned "horror stories" and "bad conditions" in rental**
20 **units. Could you describe what you mean?**

21 A. Oh, I mean, -- uh, things like leaks or no heat, those kinds of persistent
22 conditions are pretty bad. A tenant can't live comfortably with those kinds
23 of conditions. And those kinds of fixes have to come before any revenue
24 you make from the unit. People deserve to live comfortably.

25 **Q. It sounds like maintenance is important to you?**

PARTRIDGE, CAROL-ANN

1 A. Definitely. I used to serve on the Board of Health for Allegheny County.
2 That board provides resources to renters who are having persistent living
3 condition problems with the property they are renting. Being on that board
4 is what inspired me to start renting out my units -- I figured that if someone
5 provided reliable services it would help the community and also be a good
6 business.

7 **Q. How long were you on the board of health?**

8 A. I served for five years, right before I started renting my properties. But
9 I didn't have any rentals while I was on the board.

10 **Q. Do you advertise your rental units?**

11 A. I guess that depends on what you mean by "advertise." I post my rental
12 units on Zillow when they open up, for example. It's really crucial to getting
13 renters, I don't really have a choice or I wouldn't have anyone renting.

14 **Q. What information do you include in the Zillow post?**

15 A. I usually talk about the amenities of the unit, and some information on
16 my maintenance practices.

17 **Q. Let's talk about Mr. Foreman's Tweets. And I'd like to start with
18 your post to LandLordHelp! Why were you posting there?**

19 A. I was really feeling the financial pressure from the maintenance costs.
20 Ever since the pandemic, costs have just skyrocketed. So I wanted to see
21 if anyone had suggestions.

22 **Q. And did anyone actually ever complain about not having granite
23 countertops?**

24 A. No, that was just an exaggeration I guess.

25 **Q. So that was false?**

PARTRIDGE, CAROL-ANN

1 A. I wouldn't say false, it was just a joke. You're reading too much into it.

2 **Q. Okay. Am I correct that you were motivated by improving your**
3 **"bottom line," like you said in your post?**

4 A. I don't know if I'd say that. I don't think that's fair.

5 **Q. Why not?**

6 A. You -- you're taking it out of context. It's just not fair. I was stressed.

7 **Q. What else could it mean, isn't that what you wrote?**

8 A. I mean, I guess I said bottom line, but I didn't mean it was my main
9 motivation. I just don't agree with your characterization.

10 **Q. I guess we can agree to disagree on that Ms. Partridge. Moving**
11 **on, when did you first see Foreman's tweets?**

12 A. A friend called to let me know that I was on the Evening News because
13 I was a predatory landlady. It was surreal. None of the tweets about the
14 mold or the structural problems were even close to right! And then a few
15 days later the *Pittsburgh Weekly Gazette* published a similar story. It was
16 around that time that the camera guy approached me.

17 **Q. Could you tell us more about that?**

18 A. Well, I was going to check up on the house in Lawrenceville that the
19 tweets said had structural problems, and a camera guy and reporter came
20 at me and started asking a bunch of questions. All I remember is saying
21 that nothing in the tweets was true and that I was a good landlady. I was
22 so freaked out to be cornered on the street like that.

23 **Q. Why did you respond?**

24 A. I guess because I was being accused of things that were not true. None
25 of my units had mold problems. And I was surprised to hear about the

PARTRIDGE, CAROL-ANN

1 complaint that things weren't level in that row house.

2 **Q. Is it fair to say you were trying to set the record straight?**

3 A. Yeah, I'd say so.

4 **Q. What were the impacts of these tweets?**

5 A. My rentals have been cut down by about half. My entire business is in
6 freefall because everyone thinks I'm renting out terrible places. It's really
7 devastating.

EXHIBIT B

Condensed Excerpts of Foreman Deposition

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA - CIVIL DIVISION**

PARTRIDGE

Plaintiff,

vs.

FOREMAN,

Defendant.

Docket No. - CP-CV-854-2021

June 10, 2021

Deposition of Darius Foreman,

taken pursuant to the Pennsylvania Rules of Civil Procedure, before Lizanne Baker, Certified Reporter-Notary Public in and for the Commonwealth of Pennsylvania on June 10, 2021, at the law offices of Cameron Zinc, One PPG Place, Pittsburgh, Pennsylvania 15222, scheduled to commence at 9:30 o'clock a.m.

Lewis Blair appeared for Plaintiff.

Patricia Mitchell appeared for Defendant.

* * *

FOREMAN, DARIUS

1 **By Mr. Blair:**

2 **Q. Mr. Foreman, why are you on LandLordHelp! if you're not a landlord?**

3 A. In the fight against predatory rental practices, it's important to keep intel
4 on the enemy. What their latest tactics are. What people should prepare for
5 before it even happens. It really is a constant battle.

6 **Q. You make it sound like it's a war?**

7 A. It is. People are being squeezed. Wages haven't even come close to keeping
8 pace with rent. And now landlords are doing everything they can to get as
9 much money as they can from people without providing anything back to them.
10 It's a war against greed just so people can have a decent place to live.

11 **Q. Do you rent your house?**

12 A. No, I don't.

13 **Q. Do you own it?**

14 A. I do.

15 **Q. Have you ever rented a property Mr. Foreman?**

16 A. No.

17 **Q. How much is your house valued at?**

18 **By Ms. Mitchell: Objection. That's not really relevant Lewis.**

19 **By Mr. Blair: You can answer anyway Mr. Foreman.**

20 A. My home cost about \$850,000.

21 **Q. If you don't rent, why are you so concerned about rental practices?**

22 A. It's important to the community, Mr. Blair.

23 **Q. But you've never personally been exposed to "predatory" rental
24 practices, right?**

25 A. It affects my neighborhood. A lot of my neighbors rent. And if their house

FOREMAN, DARIUS

1 isn't maintained they suffer, and the entire neighborhood suffers.

2 **Q. So that's a "no," right?**

3 A. What -- no, I just said how it affects me.

4 **Q. You said it affects your neighborhood, but not you personally.**

5 A. I'm part of my neighborhood, so it does affect me.

6 **Q. Okay. Mr. Foreman, what were you thinking when you tweeted out**
7 **Ms. Partridge's post to LandLordHelp?**

8 A. I thought it was honestly pretty funny and ridiculous. Her post is exactly
9 the kind of mindset we have to fight against.

10 **Q. Is it fair to say that this tweet really blew up?**

11 A. I don't know what you mean by "blew up."

12 **Q. It was popular, right? It got thousands of retweets, quotes, and**
13 **likes, didn't it?**

14 A. If you call that popular, I guess so.

15 **Q. What would you call it?**

16 A. I don't know what I'd call it. That kind of stuff isn't really important to me.

17 **Q. Wasn't it your most liked tweet ever?**

18 A. Yes.

19 **Q. And you were interviewed on the news and by the *Pittsburgh***
20 ***Gazette* about it, right?**

21 A. Yeah.

22 **Q. But you wouldn't call it "popular"?**

23 A. I don't think about that.

24 **Q. Alright, if you say so. Had you ever tweeted about a specific**
25 **property before you tweeted about Ms. Partridge?**

FOREMAN, DARIUS

1 A. No, that was the first time.

2 **Q. And your two other tweets about Ms. Partridge also received**
3 **hundreds of likes and retweets.**

4 A. Yes, that sounds right.

5 **Q. What did you do to investigate the two tweets you made about Ms.**
6 **Partridge's property?**

7 A. I reached out to some of Ms. Partridge's tenants, current and former, and
8 asked them about any problems they had with the property. They told me
9 they had some problems with maintenance.

10 **Q. Like what?**

11 A. One guy told me that it took five days to fix the air conditioning in his
12 apartment in July, for example. Another told me that he thought he had mold
13 in the basement of his house, which he told Ms. Partridge about, but she didn't
14 have anyone come and clean it. And then I talked with a former tenant about
15 how the row house she lived in was really unlevel—like everything she hung
16 on the walls looked crooked.

17 **Q. Let's unpack that. Did you ever tweet about the air conditioning?**

18 A. No, that was a problem, but I thought the mold and structure were really
19 problematic.

20 **Q. So for the mold complaint, did you verify they were a current tenant**
21 **before you tweeted about the "black mold"?**

22 A. I mean, they told me the address and I looked it up—Carol-Ann owned it.

23 **Q. But was that the first address they gave you?**

24 A. No, they gave me another address by accident first. When I asked if they
25 were sure it was her property, they said they got it mixed up.

FOREMAN, DARIUS

1 **Q. Was the first address they gave you even in the right neighborhood?**

2 A. No, they said it was in Bloomfield first. So I asked them if they were sure
3 because she didn't have any units that I could find in Bloomfield.

4 **Q. Didn't that make you suspicious?**

5 A. No, everyone makes mistakes, especially when you move around from
6 place to place.

7 **Q. Did you ever personally observe black mold in any of my client's**
8 **rental units?**

9 A. No.

10 **Q. How did you learn about the unlevel row house that you tweeted**
11 **about?**

12 A. One of Ms. Partridge's former tenants emailed me and told me all about it.

13 **Q. What did she say?**

14 A. She said that the whole house was like sinking.

15 **Q. Is that all?**

16 A. Yeah, that's all that's important.

17 **Q. Didn't she also send you a copy of a lawsuit she filed against Ms.**
18 **Partridge in small claims court?**

19 A. She did.

20 **Q. What do you remember about that?**

21 A. Apparently Ms. Partridge kicked her out of the place in 2017 or 2018
22 because she wasn't paying her rent.

23 **Q. Did you investigate that lawsuit?**

24 A. No.

25 **Q. So you didn't know that Ms. Partridge actually won that case**

FOREMAN, DARIUS

1 **because the tenant had lied about Ms. Partridge and the property?**

2 A. I don't remember.

3 **Q. Is it possible?**

4 A. It's possible.

5 **Q. So is it fair to say that the former tenant had a bone to pick with**
6 **Ms. Partridge?**

7 A. Maybe.

8 **Q. But you did nothing to investigate that?**

9 A. No, I didn't think I needed to.

10 **Q. You went to the row house, right?**

11 A. Yes.

12 **Q. And you said it "definitely had structural problems" and that you'd**
13 **be surprised if anything was level in the house?**

14 A. Yes.

15 **Q. And you said that without ever going inside?**

16 A. Right.

17 **Q. In the end, you were wrong about the mold and the structure,**
18 **weren't you?**

19 A. I guess.

20 **Q. We've looked at the various inspections of both properties, and**
21 **both said there was no mold and that the house had no structural or**
22 **leveling issues, right?**

23 Yes.

24 **Q. So you were completely wrong in both tweets.**

25 A. Sure, but I didn't know that when I tweeted so it doesn't matter.

EXHIBITS C-F

Post to LandLordHelp!

Foreman Tweets



Carol-Ann P.

February 21, 2021 · 對




Help! I'm trying to decrease my maintenance costs which are really eating into my bottom line. . . I try to provide nice accommodations, and there are no persistent problems (everyone has heat, LOL!). The problem is that so many of my units, especially row houses, are ancient and require more work than I'd hoped. . .

Meanwhile, I'm still getting complaints from tenants! I know they aren't "luxury" but I do my best to respond to issues. Like, "boo-hoo I don't have granite counters" or "wah! it took days to fix the AC." Some people are so detached from reality.

[Like](#) · [Comment](#) · [Share](#)


Exhibit C

 **Foreman**
@RentalJustice412

SMH - this is exactly the kind of attitude that forces people to live in squalor. No one is complaining about counter tops . . .

3:14 PM · Feb 24, 2021

5.8K Retweets **2.5K** Quote Tweets **4K** Likes

 **Carol-Ann P.**
February 21, 2021 · 🌐

Help! I'm trying to decrease my maintenance costs which are really eating into my bottom line. . . I try to provide nice accommodations, and there are no persistent problems (everyone has heat, LOL!). The problem is that so many of my units, especially row houses, are ancient and require more work than I'd hoped. . .

Meanwhile, I'm still getting complaints from tenants! I know they aren't "luxury" but I do my best to respond to issues. Like, "boo-hoo I don't have granite counters" or "wah! it took days to fix the AC." Some people are so detached from reality.

[Like](#) · [Comment](#) · [Share](#)

Exhibit D

 **Foreman**
@RentalJustice412

I know for a fact that at least one of Carol-Ann's properties is plagued by BLACK MOLD. And despite multiple complaints she has done NOTHING to fix them. Probably trying to improve her precious bottom line. What a leech.

11:45 AM · Mar 1, 2021

2.2K Retweets **358** Quote Tweets **680** Likes

Exhibit E

**Exhibit F**

IN THE SUPERIOR COURT OF PENNSYLVANIA

PARTRIDGE

Appellant,

vs.

FOREMAN,

Appellee.

Docket No. 4 WDA 2022

Appeal from the Order Granting Summary Judgment Entered October 5, 2021 In the Court of Common Pleas of Allegheny County
Civil Division at No: CP-CV-854-2021

BEFORE: MENZLER, JENKINS, and NEWMAN, JJ.

MAJORITY OPINION BY JUDGE JENKINS:**Filed July 27, 2022**

The court below dismissed Carol-Ann Partridge’s defamation action on the grounds that Darius Foreman’s tweets about her were protected by the freedom of speech. Judge Roberts first held that Partridge was a limited-purpose public figure, meaning that Partridge would have to prove Foreman published his tweets with actual malice. She then held that Partridge could not point to clear and convincing evidence establishing actual malice.

The trial court aptly summarized the key facts in this case, and we do not repeat them here.

I. Issues on Appeal

Partridge asks us to reverse the trial court and allow her case to proceed to a jury. She points to two errors on appeal:

1. Partridge first contends that the trial court erred by requiring her to show actual malice because she was a limited-purpose public figure. Instead, she argues that she was a private figure and, as such, she needed to only satisfy the less-burdensome negligence intent requirement for defamation.¹

¹ As the trial court notes, the parties agree that if the negligence standard is to be applied, then Partridge has enough evidence to get to a jury and Foreman’s summary judgment motion should have been denied.

2. Partridge's second issue on appeal is that *even if* actual malice was the right standard, there is clear and convincing evidence in the record that Foreman published his tweets with actual malice because he recklessly disregarded the truth of what he was alleging.

II. Standard of Review

Before turning to our discussion, we remind ourselves of the standard of review that governs the scope of our appeal. When reviewing a trial court's order granting summary judgment, our review is *de novo*, meaning we do not have to provide the trial court's determination any deference. *Lewis v. Philadelphia Newspapers, Inc.*, 833 A.2d 185 (Pa. Super. 2003). Instead, we review this case as if we were evaluating it for the first time.

III. Partridge is a Limited-Purpose Public Figure.

Partridge opens this appeal by arguing that the trial court incorrectly determined that she was a limited-purpose public figure. If Partridge is right, and she is a private figure for purposes of defamation law, then the trial court applied the wrong standard of intent to Foreman's tweets. So if she is indeed a private figure, we will reverse the court below.

Unfortunately "trying to decide whether a particular plaintiff is a public or private figure is much like trying to nail a jellyfish to the wall." *Snead v. Redland Aggregates LTD.*, 998 F.2d 1325, 1329 (5th Cir. 1993). And "inquiries into limited-purpose public figure status are particularized and fact-sensitive." *American Future Systems, Inc., v. Better Business Bureau of Eastern Pennsylvania*, 923 A.2d 389, 404 (Pa. 2007).

Although far from precise, the core focus of our inquiry is the "nature and extent of an individual's participation in the particular controversy giving rise to the defamation." *Id.* at 401 (quoting *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 352 (1974)). Evidence showing voluntary participation in the public discourse is highly relevant. For example, a person or company can become a limited-purpose public figure for speech related to their business by engaging in advertising. See *id.* at n.13 (collecting advertising cases).

Here, we think that the question about Partridge's publicity status is much closer than the trial court. But we reach the same conclusion—she was a limited-purpose public figure for speech related to her rental units. Although she engaged in some advertising, it was not the "vast" promotional efforts that the Plaintiff in *American Future Systems* engaged in. And while she did previously serve on a public board, we do not think this provides

much help to the defendant because that was so long ago. We hardly think Carol-Ann Partridge is a household name like Johnny Depp or Amber Heard, for instance. *See, e.g., John C. Depp, II v. Amber Laura Heard*, Case No. CL-2019-2911 (Cir. Ct. of Fairfax County).

But it is undeniable that Partridge found herself in an important public debate regarding rental housing standards in the city of Pittsburgh. And it was partly her own doing. Although the LandLordHelp! website is not a public forum, she did voluntarily choose to make her post to that group. All of Foreman's tweets flow from that single post. That coupled together with all of the other evidence (including former public service, advertising, and her comments to the reporter) are strong indicators that she was a limited-purpose public figure.

We are mindful that Partridge may have had her publicity (or, here, mostly infamy) unfairly forced upon her. But that is the price we pay to be able to freely engage in important conversations. The things we say; the things we post; and the things we tweet have consequences. The critical importance of the freedom of speech weighs in favor of finding that Partridge was a limited-purpose public figure.

And so we affirm the trial court's holding on the first issue on appeal.

IV. Partridge Cannot Point to Clear and Convincing Evidence that Foreman Acted with Actual Malice.

Because Partridge is a limited-purpose public figure, she must be able to point to clear and convincing evidence that Foreman tweeted his tweets with actual malice.

Here, Partridge does not argue that Foreman actually thought his tweets were false when he published them. Instead, she argues that he tweeted with a reckless disregard for the truth because he should have had serious doubts about the accuracy of what he was alleging.

For the purpose of establishing that a defendant acted with reckless disregard for the truth, there must be sufficient evidence to permit the conclusion that the defendant in fact "entertained serious doubts as to the truth of his publication." *Joseph v. Scranton Time L.P.*, 129 A.3d 404 437 (Pa. 2015).

As with the first issue, we think this is a closer call than the trial court framed it. The court below relied primarily on the "fact that [Foreman] did not actually suspect" his tweets were false. While it is true that the reckless disregard issue is viewed subjectively (meaning from what Foreman actually

knew), we think that the correct analysis requires a closer examination into whether Partridge could clearly and convincingly argue that Foreman did actually suspect falsity. In other words, we cannot simply rely on Foreman's instance that he did not actually suspect it was false.

But even when viewed from that point of view, we also conclude that Partridge cannot clearly and convincingly establish Foreman suspected falsity. The strongest evidence that Partridge has is that the third tweet (Exhibit F) appears to have been based on information from a disgruntled former tenant. However, disgruntled tenants may tell the truth, even if they are more likely to be biased. As such, this is far from "clear and convincing" evidence that Foreman suspected the tweet was false.

All other evidence on this point is even weaker. A mistake of address is hardly cause to suspect that the person is lying, for example. In sum, we do not think that there is enough evidence for Partridge to point to, that establishes Foreman disregarded a high risk of falsity when he made his second and third tweets.

Yes, it is very unfortunate that both of Foreman's sources were wrong. However, one of the pillars of American democracy, freedom of speech, is at stake. Were we to allow individuals to bring suit in such a case as the present, we would be opening the floodgates of litigation into our courthouses, and potentially placing innocent individuals at risk for liability for simply partaking in a freedom guaranteed to American citizens.

When looking at the precise question, whether Foreman recklessly disregarded warning signs that the information he received was false, we do not think he did. And we do not think Partridge can point to clear and convincing evidence supporting that conclusion. As such, the court below was right to grant summary judgment to Foreman and dismiss this case.

* * *

For these reasons, we hold that the Court of Common Pleas was right to grant Darius Foreman summary judgment and dismiss Partridge's defamation action. The Court of Common Pleas Order of October 5, 2021, is affirmed.

Jenkins, M.

Jenkins, M.

Judge of the Superior

Court Date: 7/27/2022

DISSENTING OPINION OF JUDGE MENZLER

In the pursuit of fame, Darius Foreman published lies about Carol-Ann Partridge which has decimated her livelihood. He should have to pay for the harm he caused. But instead, the Court today affirms a deeply flawed analysis by the trial court and denies Partridge her right to a trial.

I respectfully dissent.

I. Partridge Was A Private Figure Who Was Forced Into The Limelight.

I agree with the statement of the law as outlined by my fellow judges, but I disagree entirely with their analysis.

To start, Partridge has been retired from public service for many years. Although the Majority mentions this, they fail to see the critical implication that carries: the default here is that Partridge was a private figure to begin with. As such, the question is whether there is enough evidence to transform her back into a limited-purpose public figure.

The answer to that question is a resounding “no.” Partridge’s advertisements (if you could call them that) were just some listings on Zillow. That is not like putting up an ad on a billboard or engaging in a mailing campaign. And as she testified, those kinds of posts are not really voluntary—they’re a required part of her business.

The Majority then points to her post on the LandLordHelp! website as a voluntary act that thrust her into the public discourse. Not so. Her post was to a limited audience and was a cry for help and advice with her struggling business. There is no evidence *her* post generated any notoriety.

It was not until Foreman tweeted a screenshot of her post that her words entered the arena of public debate. Finally, her comments to the reporter were made *after* Foreman tweeted. Therefore, there is no evidence she voluntarily entered the public debate about rental conditions.

If anything, Foreman made her infamous. He turned her into the “enemy” (his term) and in a self-serving action, transformed Partridge’s plea for help into a public shaming. She had no say in the matter.

Thus, I cannot agree that Partridge is anything but a private figure. That means the court below should be reversed and Partridge needs to only prove that Foreman published his tweets while negligently disregarding the truth to a jury.

II. There Is Clear And Convincing Evidence Of Actual Malice.

Even if the Majority's holding on the first issue was right (it's not), they also reach the incorrect conclusion on the second issue. There is clear and convincing evidence that Foreman tweeted what he did with a reckless disregard for the truth.

First, I cannot emphasize enough how serious his allegations were. Allegations of black mold, structural issues, or poor responsiveness are very harmful to a landlord or landlady's business. In fact, Foreman's lies have caused Partridge's business to drop substantially. That means he should have taken great care to verify his information before tweeting.

He did *anything but* verify the accuracy of his information.

Second, he ignored clear warning signs that the information he published was false. The first "source" (if you can call them that) gave him an entirely incorrect address. In light of the seriousness of the allegation and that obvious mistaken address, he should have taken multiple steps to confirm the information in his second tweet before publishing it. For example, he could have confirmed with a second source—as any reputable reporter would do. He did not. In fact, it seems like he did not even get contact information because that "source" can still not be identified today.

As to the third tweet, that source *actively sent* him information that would have caused him to worry about the truth of the structural problems. Foreman received and saw the documents from that disgruntled tenant's lawsuit. That would have put any reasonable person on "high alert" that the information they were receiving may be false.

But in the face of this clear evidence, Foreman simply maintains he was not subjectively suspicious. Which brings me to my final point.

Third, I think based on this record and Foreman's *motivation* to publish sensational information a jury could reasonably find in Partridge's favor. Keep in mind that this appeal is not about determining Foreman's liability. It is about whether Partridge can even tell her story to a jury. The Majority says there is simply not enough evidence to back up her case.

But I disagree. Ms. Partridge puts forth a compelling argument, which is probably true. Foreman had never had such success or fame until he tweeted about Partridge. So he kept going. He saw two obviously suspicious sources of information, but ignored the warning signs about their falsity to continue to promote his own fame. As such, he recklessly disregarded the truth when he tweeted the lies about Partridge's properties.

Or, at least, I think that is a plausible (if not correct) story based off of the record before me. I would let Partridge tell that story to a jury, and have them decide whether Foreman tweeted his tweets with actual malice. That is how our judicial system normally works, and I see no reason to depart from that long tradition here.

* * *

For the reasons explained above, I would reverse the court below and ensure Partridge has the right to have a jury hear her claims.

Menzler, T.

Menzler, T.

Judge of the Superior Court

Date: 7/27/2022

New York Times v. Sullivan

Supreme Court of the United States

January 7, 1964, Submitted | March 9, 1964, Decided

Reporter:
376 U.S. 254

JUSTICE BRENNAN

We are required in this case to determine for the first time the extent to which the constitutional protections for speech and press limit a State's power to award damages in a defamation action brought by a public official against critics of his official conduct.

Respondent L. B. Sullivan is one of the three elected Commissioners of the City of Montgomery, Alabama. He testified that he was 'Commissioner of Public Affairs and the duties are supervision of the Police Department, Fire Department, Department of Cemetery and Department of Scales.' He brought this civil libel action against the four individual petitioners, who are Alabama clergymen, and against petitioner the New York Times Company, a New York corporation which publishes the New York Times, a daily newspaper. A jury in the Circuit Court of Montgomery County awarded him damages of \$500,000, the full amount claimed, against all the petitioners, and the Supreme Court of Alabama affirmed.

Respondent's complaint alleged that he had been libeled by statements in a full-page advertisement that was carried in the New York Times on March 29, 1960. Entitled 'Heed Their Rising Voices,' the advertisement began by stating that 'As the whole world knows by now, thousands of Southern black students are engaged in widespread non-violent demonstrations in positive affirmation of the right to live in human dignity as guaranteed by the U.S. Constitution and the Bill of Rights.' It went on to charge that 'in their efforts to uphold these guarantees, they are being met by an unprecedented wave of terror by those who would deny and negate that document which the whole world looks upon as setting the pattern for modern freedom. . . . ' Succeeding paragraphs purported to illustrate the 'wave of terror' by describing certain alleged events. The text concluded with an appeal for funds for three purposes: support of the student movement, 'the struggle for the right-to-vote,' and the legal defense of Dr. Martin Luther King, Jr., leader of the movement, against a perjury indictment then pending in Montgomery.

The text appeared over the names of 64 persons, many widely known for their activities in public affairs, religion, trade unions, and the performing arts. Below these names, and under a line reading 'We in the south who are struggling daily for dignity and freedom warmly endorse this appeal,' appeared the names of the four individual petitioners and of 16 other persons, all but two of whom were

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identified as clergymen in various Southern cities. The advertisement was signed at the bottom of the page by the 'Committee to Defend Martin Luther King and the Struggle for Freedom in the South,' and the officers of the Committee were listed.

Of the 10 paragraphs of text in the advertisement, the third and a portion of the sixth were the basis of respondent's claim of libel. They read as follows:

Third paragraph:

'In Montgomery, Alabama, after students sang 'My Country, 'Tis of Thee' on the State Capitol steps, their leaders were expelled from school, and truckloads of police armed with shotguns and tear-gas ringed the Alabama State College Campus. When the entire student body protested to state authorities by refusing to re-register, their dining hall was padlocked in an attempt to starve them into submission.'

Sixth paragraph:

'Again and again the Southern violators have answered Dr. King's peaceful protests with intimidation and violence. They have bombed his home almost killing his wife and child. They have assaulted his person. They have arrested him seven times—for 'speeding,' 'loitering' and similar 'offenses.' And now they have charged him with 'perjury'—a felony under which they could imprison him for ten years.'

It is uncontroverted that some of the statements contained in the two paragraphs were not accurate descriptions of events which occurred in Montgomery. Although black students staged a demonstration on the State Capitol steps, they sang the National Anthem and not 'My Country, 'Tis of Thee.' Although nine students were expelled by the State Board of Education, this was not for leading the demonstration at the Capitol, but for demanding service at a lunch counter in the Montgomery County Courthouse on another day. Not the entire student body, but most of it, had protested the expulsion, not by refusing to register, but by boycotting classes on a single day; virtually all the students did register for the ensuing semester.

The campus dining hall was not padlocked on any occasion, and the only students who may have been barred from eating there were the few who had neither signed a preregistration application nor requested temporary meal tickets. Although the police were deployed near the campus in large numbers on three occasions, they did not at any time 'ring' the campus, and they were not called to the campus in connection with the demonstration on the State Capitol steps, as the third paragraph implied. Dr. King had not been arrested seven times, but only four; and although he claimed to have been assaulted some years earlier in connection with his arrest for loitering outside a courtroom, one of the officers who made the arrest denied that there was such an assault.

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On the premise that the charges in the sixth paragraph could be read as referring to him, respondent was allowed to prove that he had not participated in the events described. Although Dr. King's home had in fact been bombed twice when his wife and child were there, both of these occasions antedated respondent's tenure as Commissioner, and the police were not only not implicated in the bombings, but had made every effort to apprehend those who were. Three of Dr. King's four arrests took place before respondent became Commissioner. Although Dr. King had in fact been indicted (he was subsequently acquitted) on two counts of perjury, each of which carried a possible five-year sentence, respondent had nothing to do with procuring the indictment.

The trial judge submitted the case to the jury under instructions that the statements in the advertisement were 'libelous per se' and were not privileged, so that petitioners might be held liable if the jury found that they had published the advertisement and that the statements were made 'of and concerning' respondent. The jury was instructed that, because the statements were libelous per se, 'the law . . . implies legal injury from the bare fact of publication itself,' 'falsity and malice are presumed,' 'general damages need not be alleged or proved but are presumed,' and 'punitive damages may be awarded by the jury even though the amount of actual damages is neither found nor shown.' The jury returned a \$500,000 verdict for the respondent, which the trial court held was not excessive.

In affirming the judgment, the Supreme Court of Alabama sustained the trial judge's rulings and instructions in all respects. 273 Ala. 656, 144 So.2d 25. It held that '(w)here the words published tend to injure a person libeled by them in his reputation, profession, trade or business, or charge him with an indictable offense, or tends to bring the individual into public contempt,' they are 'libelous per se'; that 'the matter complained of is, under the above doctrine, libelous per se, if it was published of and concerning the plaintiff'; and that it was actionable without 'proof of pecuniary injury . . . , such injury being implied.' *Id.*, at 673, 676, 144 So.2d, at 37, 41.

In sustaining the trial court's determination that the verdict was not excessive, the court said that malice could be inferred from the Times' 'irresponsibility' in printing the advertisement while 'the Times in its own files had articles already published which would have demonstrated the falsity of the allegations in the advertisement'; from the Times' failure to retract for respondent while retracting for the Governor, whereas the falsity of some of the allegations was then known to the Times and 'the matter contained in the advertisement was equally false as to both parties'; and from the testimony of the Times' Secretary that, apart from the statement that the dining hall was padlocked, he thought the two paragraphs were 'substantially correct.' *Id.*, at 686—687, 144 So.2d, at 50—51. The court reaffirmed a statement in an earlier opinion that 'There is no legal measure of damages in cases of this character.' *Id.*, at 686, 144 So.2d, at 50. It rejected petitioners' constitutional contentions with the brief statements that 'The First Amendment of the U.S. Constitution does not protect libelous publications' and

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'The Fourteenth Amendment is directed against State action and not private action.' *Id.*, at 676, 144 So.2d, at 40.

Because of the importance of the constitutional issues involved, we granted the separate petitions for certiorari of the individual petitioners and of the Times. 371 U.S. 946, 83 S.Ct. 510, 9 L.Ed.2d 496. We reverse the judgment. We hold that the rule of law applied by the Alabama courts is constitutionally deficient for failure to provide the safeguards for freedom of speech and of the press that are required by the First and Fourteenth Amendments in a libel action brought by a public official against critics of his official conduct. We further hold that under the proper safeguards the evidence presented in this case is constitutionally insufficient to support the judgment for respondent.

I.

The general proposition that freedom of expression upon public questions is secured by the First Amendment has long been settled by our decisions. The constitutional safeguard, we have said, "was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth v. United States*, 354 U.S. 476, 484, 77 S.Ct. 1304, 1308, 1 L.Ed.2d 1498. "The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system." *Stromberg v. California*, 283 U.S. 359, 369, 51 S.Ct. 532, 536, 75 L.Ed. 1117. "(I)t is a prized American privilege to speak one's mind, although not always with perfect good taste, on all public institutions," *Bridges v. California*, 314 U.S. 252, 270, 62 S.Ct. 190, 197, 86 L.Ed. 192, and this opportunity is to be afforded for 'vigorous advocacy' no less than 'abstract discussion.' *N.A.A.C.P. v. Button*, 371 U.S. 415, 429, 83 S.Ct. 328, 9 L.Ed.2d 405.

The First Amendment, said Judge Learned Hand, "presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all." *United States v. Associated Press*, 52 F.Supp. 362, 372 (D.C.S.D.N.Y.1943). Mr. Justice Brandeis, in his concurring opinion in *Whitney v. California*, 274 U.S. 357, 375—376, 47 S.Ct. 641, 648, 71 L.Ed. 1095, gave the principle its classic formulation:

Those who won our independence believed . . . that public discussion is a political duty; and that this should be a fundamental principle of the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that

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the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed.'

Thus we consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. See *Terminiello v. Chicago*, 337 U.S. 1, 4, 69 S.Ct. 894, 93 L.Ed. 1131; *De Jonge v. Oregon*, 299 U.S. 353, 365, 57 S.Ct. 255, 81 L.Ed. 278. The present advertisement, as an expression of grievance and protest on one of the major public issues of our time, would seem clearly to qualify for the constitutional protection. The question is whether it forfeits that protection by the falsity of some of its factual statements and by its alleged defamation of respondent.

That erroneous statement is inevitable in free debate, and that it must be protected if the freedoms of expression are to have the 'breathing space' that they 'need . . . to survive,' *N.A.A.C.P. v. Button*, 371 U.S. 415, 433, 83 S.Ct. 328, 338, 9 L.Ed.2d 405, was also recognized by the Court of Appeals for the District of Columbia Circuit in *Sweeney v. Patterson*, 76 U.S.App.D.C. 23, 24, 128 F.2d 457, 458 (1942), cert. denied, 317 U.S. 678, 63 S.Ct. 160, 87 L.Ed. 544.

The constitutional guarantees require, we think, a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.

An oft-cited statement of a like rule, which has been adopted by a number of state courts, is found in the Kansas case of *Coleman v. MacLennan*, 78 Kan. 711, 98 P. 281 (1908). The State Attorney General, a candidate for re-election and a member of the commission charged with the management and control of the state school fund, sued a newspaper publisher for alleged libel in an article purporting to state facts relating to his official conduct in connection with a school-fund transaction. The defendant pleaded privilege and the trial judge, over the plaintiff's objection, instructed the jury that:

Where an article is published and circulated among voters for the sole purpose of giving what the defendant believes to be truthful information concerning a candidate for public office and for the purpose of enabling such voters to cast their ballot more intelligently, and the whole thing is done in good faith and without malice, the

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article is privileged, although the principal matters contained in the article may be untrue in fact and derogatory to the character of the plaintiff; and in such a case the burden is on the plaintiff to show actual malice in the publication of the article.

In answer to a special question, the jury found that the plaintiff had not proved actual malice, and a general verdict was returned for the defendant. On appeal the Supreme Court of Kansas, in an opinion by Justice Burch, reasoned as follows (78 Kan., at 724, 98 P., at 286):

It is of the utmost consequence that the people should discuss the character and qualifications of candidates for their suffrages. The importance to the state and to society of such discussions is so vast, and the advantages derived are so great that they more than counterbalance the inconvenience of private persons whose conduct may be involved, and occasional injury to the reputations of individuals must yield to the public welfare, although at times such injury may be great. The public benefit from publicity is so great and the chance of injury to private character so small that such discussion must be privileged.

The court thus sustained the trial court's instruction as a correct statement of the law, saying:

In such a case the occasion gives rise to a privilege qualified to this extent. Any one claiming to be defamed by the communication must show actual malice, or go remediless. This privilege extends to a great variety of subjects and includes matters of public concern, public men, and candidates for office.

78 Kan., at 723, 98 P., at 285.

We conclude that such a privilege is required by the First and Fourteenth Amendments. And, as such, we hold that the trial court erred by not requiring a showing of actual malice to support the judgement. We likewise reverse the Supreme Court of Alabama.

II.

Since respondent may seek a new trial, we deem that considerations of effective judicial administration require us to review the evidence in the present record to determine whether it could constitutionally support a judgment for respondent. This Court's duty is not limited to the elaboration of constitutional principles; we must also in proper cases review the evidence to make certain that those principles have been constitutionally applied. This is such a case, particularly since the question is one of alleged trespass across 'the line between speech unconditionally guaranteed and speech which may legitimately be regulated.' *Speiser v. Randall*, 357 U.S. 513, 525, 78 S.Ct. 1332, 1342, 2 L.Ed.2d 1460. In

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cases where that line must be drawn, the rule is that we 'examine for ourselves the statements in issue and the circumstances under which they were made to see . . . whether they are of a character which the principles of the First Amendment, as adopted by the Due Process Clause of the Fourteenth Amendment, protect.' *Pennekamp v. Florida*, 328 U.S. 331, 335, 66 S.Ct. 1029, 1031, 90 L.Ed. 1295; see also *One, Inc., v. Olesen*, 355 U.S. 371, 78 S.Ct. 364, 2 L.Ed.2d 352; *Sunshine Book Co. v. Summerfield*, 355 U.S. 372, 78 S.Ct. 365, 2 L.Ed.2d 352. We must 'make an independent examination of the whole record,' *Edwards v. South Carolina*, 372 U.S. 229, 235, 83 S.Ct. 680, 683, 9 L.Ed.2d 697, so as to assure ourselves that the judgment does not constitute a forbidden intrusion on the field of free expression.

Applying these standards, we consider that the proof presented to show actual malice lacks the convincing clarity which the constitutional standard demands, and hence that it would not constitutionally sustain the judgment for respondent under the proper rule of law. The case of the individual petitioners requires little discussion. Even assuming that they could constitutionally be found to have authorized the use of their names on the advertisement, there was no evidence whatever that they were aware of any erroneous statements or were in any way reckless in that regard. The judgment against them is thus without constitutional support.

As to the Times, we similarly conclude that the facts do not support a finding of actual malice. The statement by the Times' Secretary that, apart from the padlocking allegation, he thought the advertisement was 'substantially correct,' affords no constitutional warrant for the Alabama Supreme Court's conclusion that it was a 'cavalier ignoring of the falsity of the advertisement (from which), the jury could not have but been impressed with the bad faith of The Times, and its maliciousness inferable therefrom.'

The statement does not indicate malice at the time of the publication; even if the advertisement was not 'substantially correct'—although respondent's own proofs tend to show that it was—that opinion was at least a reasonable one, and there was no evidence to impeach the witness' good faith in holding it.

Finally, there is evidence that the Times published the advertisement without checking its accuracy against the news stories in the Times' own files. The mere presence of the stories in the files does not, of course, establish that the Times 'knew' the advertisement was false, since the state of mind required for actual malice would have to be brought home to the persons in the Times' organization having responsibility for the publication of the advertisement.

With respect to the failure of those persons to make the check, the record shows that they relied upon their knowledge of the good reputation of many of those whose names were listed as sponsors of the advertisement, and upon the letter from A. Philip Randolph, known to them as a responsible individual, certifying that the use of the names was authorized. There was testimony that the persons

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handling the advertisement saw nothing in it that would render it unacceptable under the Times' policy of rejecting advertisements containing 'attacks of a personal character'; their failure to reject it on this ground was not unreasonable. We think the evidence against the Times supports at most a finding of negligence in failing to discover the misstatements, and is constitutionally insufficient to show the recklessness that is required for a finding of actual malice.

The judgment of the Supreme Court of Alabama is reversed and the case is remanded to that court for further proceedings not inconsistent with this opinion.

Reversed and remanded.

Gertz v. Robert Welch, Inc.

Supreme Court of the United States

November 14, 1973, Submitted | June 25, 1974, Decided

Reporter:
418 U.S. 323

JUSTICE POWELL

This Court has struggled for nearly a decade to define the proper accommodation between the law of defamation and the freedoms of speech and press protected by the First Amendment. With this decision we return to that effort. We granted certiorari to reconsider the extent of a publisher's constitutional privilege against liability for defamation of a private citizen.

I

In 1968 a Chicago policeman named Nuccio shot and killed a youth named Nelson. The state authorities prosecuted Nuccio for the homicide and ultimately obtained a conviction for murder in the second degree. The Nelson family retained petitioner Elmer Gertz, a reputable attorney, to represent them in civil litigation against Nuccio.

Respondent publishes American Opinion, a monthly outlet for the views of the John Birch Society. Early in the 1960's the magazine began to warn of a nationwide conspiracy to discredit local law enforcement agencies and create in their stead a national police force capable of supporting a Communist dictatorship. As part of the continuing effort to alert the public to this assumed danger, the managing editor of American Opinion commissioned an article on the murder trial of Officer Nuccio. For this purpose he engaged a regular contributor to the magazine. In March 1969 respondent published the resulting article under the title 'FRAME-UP: Richard Nuccio And The War On Police.' The article purports to demonstrate that the testimony against Nuccio at his criminal trial was false and that his prosecution was part of the Communist campaign against the police.

In his capacity as counsel for the Nelson family in the civil litigation, petitioner attended the coroner's inquest into the boy's death and initiated actions for damages, but he neither discussed Officer Nuccio with the press nor played any part in the criminal proceeding. Notwithstanding petitioner's remote connection with the prosecution of Nuccio, respondent's magazine portrayed him as an architect of the 'frame-up.' According to the article, the police file on petitioner took 'a big, Irish cop to lift.' The article stated that petitioner had been an official of the 'Marxist League for Industrial Democracy, originally known as the Intercollegiate Socialist Society, which has advocated the violent seizure of our government.' It labeled Gertz a

'Leninist' and a 'Communist-fronter.' It also stated that Gertz had been an officer of the National Lawyers Guild, described as a Communist organization that 'probably did more than any other outfit to plan the Communist attack on the Chicago police during the 1968 Democratic Convention.'

These statements contained serious inaccuracies. The implication that petitioner had a criminal record was false. Petitioner had been a member and officer of the National Lawyers Guild some 15 years earlier, but there was no evidence that he or that organization had taken any part in planning the 1968 demonstrations in Chicago. There was also no basis for the charge that petitioner was a 'leninist' or a 'Communist-fronter.' And he had never been a member of the 'Marxist League for Industrial Democracy' or the 'Intercollegiate Socialist Society.'

The managing editor of American Opinion made no effort to verify or substantiate the charges against petitioner. Instead, he appended an editorial introduction stating that the author had 'conducted extensive research into the Richard Nuccio Case.' And he included in the article a photograph of petitioner and wrote the caption that appeared under it: 'Elmer Gertz of Red Guild harasses Nuccio.' Respondent placed the issue of American Opinion containing the article on sale at newsstands throughout the country and distributed reprints of the article on the streets of Chicago.

Petitioner filed a diversity action for libel in the United States District Court for the Northern District of Illinois. He claimed that the falsehoods published by respondent injured his reputation as a lawyer and a citizen.

After answering the complaint, respondent filed a pretrial motion for summary judgment, claiming a constitutional privilege against liability for defamation. It asserted that petitioner was a public official or a public figure and that the article concerned an issue of public interest and concern. For these reasons, respondent argued, it was entitled to invoke the privilege enunciated in *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964). Under this rule respondent would escape liability unless petitioner could prove publication of defamatory falsehood 'with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.' *Id.*, at 279—280, 84 S.Ct., at 726. Respondent claimed that petitioner could not make such a showing and submitted a supporting affidavit by the magazine's managing editor. The editor denied any knowledge of the falsity of the statements concerning petitioner and stated that he had relied on the author's reputation and on his prior experience with the accuracy and authenticity of the author's contributions to American Opinion.

The District Court denied respondent's motion for summary judgment in a memorandum opinion of September 16, 1970. The court did not dispute respondent's claim to the protection of the *New York Times* standard. Rather, it concluded that petitioner might overcome the constitutional privilege by making a factual showing sufficient to prove publication of defamatory falsehood in reckless disregard of the truth. During the course of the trial, however, it became clear that the trial court had not accepted all of respondent's asserted grounds for applying

the *New York Times* rule to this case. It thought that respondent's claim to the protection of the constitutional privilege depended on the contention that petitioner was either a public official under the *New York Times* decision or a public figure under *Curtis Publishing Co. v. Butts*, 388 U.S. 130, 87 S.Ct. 1975, 18 L.Ed.2d 1094 (1967), apparently discounting the argument that a privilege would arise from the presence of a public issue. After all the evidence had been presented but before submission of the case to the jury, the court ruled in effect that petitioner was neither a public official nor a public figure. The jury awarded \$50,000 to petitioner.

Following the jury verdict and on further reflection, the District Court concluded that the *New York Times* standard should govern this case even though petitioner was not a public official or public figure. It accepted respondent's contention that that privilege protected discussion of any public issue without regard to the status of a person defamed therein. Accordingly, the court entered judgment for respondent notwithstanding the jury's verdict.

Petitioner appealed to contest the applicability of the *New York Times* standard to this case.

II

The principal issue in this case is whether a newspaper or broadcaster that publishes defamatory falsehoods about an individual who is neither a public official nor a public figure may claim a constitutional privilege against liability for the injury inflicted by those statements. The Court considered this question on the rather different set of facts presented in *Rosenbloom v. Metromedia, Inc.*, 403 U.S. 29, 91 S.Ct. 1811, 29 L.Ed.2d 296 (1971). Rosenbloom, a distributor of magazines, was arrested for selling allegedly obscene material while making a delivery to a retail dealer. The police obtained a warrant and seized his entire inventory of 3,000 books and magazines. He sought and obtained an injunction prohibiting further police interference with his business. He then sued a local radio station for failing to note in two of its newscasts that the 3,000 items seized were only 'reportedly' or 'allegedly' obscene and for broadcasting references to 'the smut literature racket' and to 'girlie-book peddlers' in its coverage of the court proceeding for injunctive relief. He obtained a judgment against the radio station, but the Court of Appeals for the Third Circuit held the *New York Times* privilege applicable to the broadcast and reversed. 415 F.2d 892 (1969).

This Court affirmed the decision below, but no majority could agree on a controlling rationale. The eight Justices who participated in *Rosenbloom* announced their views in five separate opinions, none of which commanded more than three votes. The several statements not only reveal disagreement about the appropriate result in that case, they also reflect divergent traditions of thought about the general problem of reconciling the law of defamation with the First Amendment. One approach has been to extend the *New York Times* test to an expanding variety of situations. Another has been to vary the level of constitutional privilege for defamatory falsehood with the status of the person defamed. And a third view would grant to the press and

broadcast media absolute immunity from liability for defamation. To place our holding in the proper context, we preface our discussion of this case with a brief review of *Rosenbloom*.

In affirming the trial court's judgment in the instant case, the Court of Appeals relied on Mr. Justice Brennan's conclusion for the *Rosenbloom* plurality that 'all discussion and communication involving matters of public or general concern,' 403 U.S., at 44, 91 S.Ct., at 1820, warrant the protection from liability for defamation accorded by the rule originally enunciated in *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964).

In his opinion for the plurality in *Rosenbloom v. Metromedia, Inc.*, 403 U.S. 29, 91 S.Ct. 1811, 29 L.Ed.2d 296 (1971), Mr. Justice Brennan took the *New York Times* privilege one step further. He concluded that its protection should extend to defamatory falsehoods relating to private persons if the statements concerned matters of general or public interest. He abjured the suggested distinction between public officials and public figures on the one hand and private individuals on the other. He focused instead on society's interest in learning about certain issues: 'If a matter is a subject of public or general interest, it cannot suddenly become less so merely because a private individual is involved, or because in some sense the individual did not 'voluntarily' choose to become involved.' *Id.*, at 43, 91 S.Ct., at 1819. Thus, under the plurality opinion, a private citizen involuntarily associated with a matter of general interest has no recourse for injury to his reputation unless he can satisfy the demanding requirements of the *New York Times* test.

Two members of the Court concurred in the result in *Rosenbloom* but departed from the reasoning of the plurality. Mr. Justice Black restated his view, long shared by Mr. Justice Douglas, that the First Amendment cloaks the news media with an absolute and infeasible immunity from liability for defamation. *Id.*, at 57, 91 S.Ct., at 1826.

III

We begin with the common ground. Under the First Amendment there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas. But there is no constitutional value in false statements of fact. Neither the intentional lie nor the careless error materially advances society's interest in 'uninhibited, robust, and wide-open' debate on public issues. *New York Times Co. v. Sullivan*, 376 U.S., at 270, 84 S.Ct., at 721. They belong to that category of utterances which 'are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.' *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572, 62 S.Ct. 766, 769, 86 L.Ed. 1031 (1942).

Although the erroneous statement of fact is not worthy of constitutional protection, it is nevertheless inevitable in free debate. As James Madison pointed out in the Report on the Virginia Resolutions of 1798: 'Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that

of the press.’ 4 J. Elliot, *Debates on the Federal Constitution of 1787*, p. 571 (1876). And punishment of error runs the risk of inducing a cautious and restrictive exercise of the constitutionally guaranteed freedoms of speech and press. Our decisions recognize that a rule of strict liability that compels a publisher or broadcaster to guarantee the accuracy of his factual assertions may lead to intolerable self-censorship. Allowing the media to avoid liability only by proving the truth of all injurious statements does not accord adequate protection to First Amendment liberties. As the Court stated in *New York Times Co. v. Sullivan*, supra, 376 U.S., at 279, 84 S.Ct., at 725: ‘Allowance of the defense of truth, with the burden of proving it on the defendant, does not mean that only false speech will be deterred.’ The First Amendment requires that we protect some falsehood in order to protect speech that matters.

The legitimate state interest underlying the law of defamation is the compensation of individuals for the harm inflicted on them by defamatory falsehood. We would not lightly require the State to abandon this purpose, for, as Mr. Justice Stewart has reminded us, the individual’s right to the protection of his own good name ‘reflects no more than our basic concept of the essential dignity and worth of every human being—a concept at the root of any decent system of ordered liberty. The protection of private personality, like the protection of life itself, is left primarily to the individual States under the Ninth and Tenth Amendments. But this does not mean that the right is entitled to any less recognition by this Court as a basic of our constitutional system.’ *Rosenblatt v. Baer*, 383 U.S. 75, 92, 86 S.Ct. 669, 679, 15 L.Ed.2d 597 (1966) (concurring opinion).

Some tension necessarily exists between the need for a vigorous and uninhibited press and the legitimate interest in redressing wrongful injury. As Mr. Justice Harlan stated, ‘some antithesis between freedom of speech and press and libel actions persists, for libel remains premised on the content of speech and limits the freedom of the publisher to express certain sentiments, at least without guaranteeing legal proof of their substantial accuracy.’ *Curtis Publishing Co. v. Butts*, supra, 388 U.S., at 152, 87 S.Ct., at 1990.

The *New York Times* standard defines the level of constitutional protection appropriate to the context of defamation of a public person. Those who, by reason of the notoriety of their achievements or the vigor and success with which they seek the public’s attention, are properly classed as public figures and those who hold governmental office may recover for injury to reputation only on clear and convincing proof that the defamatory falsehood was made with knowledge of its falsity or with reckless disregard for the truth. This standard administers an extremely powerful antidote to the inducement to media self-censorship of the common-law rule of strict liability for libel and slander. And it exacts a correspondingly high price from the victims of defamatory falsehood. Plainly many deserving plaintiffs, including some intentionally subjected to injury, will be unable to surmount the barrier of the *New York Times* test.

We believe, however, that the *New York Times* rule states an accommodation between this concern and the limited state interest present in the context of libel actions brought by public persons. For the reasons stated below, we conclude that the state interest in compensating injury to the reputation of private individuals requires that a different rule should obtain with respect to them.

With that caveat we have no difficulty in distinguishing among defamation plaintiffs. The first remedy of any victim of defamation is self-help—using available opportunities to contradict the lie or correct the error and thereby to minimize its adverse impact on reputation. Public officials and public figures usually enjoy significantly greater access to the channels of effective communication and hence have a more realistic opportunity to counteract false statements than private individuals normally enjoy. Private individuals are therefore more vulnerable to injury, and the state interest in protecting them is correspondingly greater.¹

More important than the likelihood that private individuals will lack effective opportunities for rebuttal, there is a compelling normative consideration underlying the distinction between public and private defamation plaintiffs. An individual who decides to seek governmental office must accept certain necessary consequences of that involvement in public affairs. He runs the risk of closer public scrutiny than might otherwise be the case. And society's interest in the officers of government is not strictly limited to the formal discharge of official duties.

Those classed as public figures stand in a similar position. Hypothetically, it may be possible for someone to become a public figure through no purposeful action of his own, but the instances of truly involuntary public figures must be exceedingly rare. For the most part those who attain this status have assumed roles of especial prominence in the affairs of society. Some occupy positions of such persuasive power and influence that they are deemed public figures for all purposes. More commonly, those classed as public figures have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved. In either event, they invite attention and comment.

Even if the foregoing generalities do not obtain in every instance, the communications media are entitled to act on the assumption that public officials and public figures have voluntarily exposed themselves to increased risk of injury from defamatory falsehood concerning them. No such assumption is justified with respect to a private individual. He has not accepted public office or assumed an 'influential role in ordering society.' *Curtis Publishing Co. v. Butts*, 388 U.S., at 164, 87 S.Ct., at 1996 (Warren, C.J., concurring in result). He has relinquished no part of his interest in the protection of his own good name, and consequently he has a more compelling call on the courts for redress of injury inflicted by defamatory falsehood. Thus, private individuals are not only more vulnerable to injury than public officials and public figures; they are also more deserving of recovery.

¹ Of course, an opportunity for rebuttal seldom suffices to undo harm of defamatory falsehood. Indeed, the law of defamation is rooted in our experience that the truth rarely catches up with a lie. But the fact that the self-help remedy of rebuttal, standing alone, is inadequate to its task does not mean that it is irrelevant to our inquiry.

For these reasons we conclude that the States should retain substantial latitude in their efforts to enforce a legal remedy for defamatory falsehood injurious to the reputation of a private individual.

We hold that, so long as they do not impose liability without fault, the States may define for themselves the appropriate standard of liability for a publisher or broadcaster of defamatory falsehood injurious to a private individual. This approach provides a more equitable boundary between the competing concerns involved here.

IV

Notwithstanding our refusal to extend the *New York Times* privilege to defamation of private individuals, respondent contends that we should affirm the judgment below on the ground that petitioner is either a public official or a public figure. There is little basis for the former assertion. Several years prior to the present incident, petitioner had served briefly on housing committees appointed by the mayor of Chicago, but at the time of publication he had never held any remunerative governmental position. Respondent admits this but argues that petitioner's appearance at the coroner's inquest rendered him a 'de facto public official.' Our cases recognized no such concept. Respondent's suggestion would sweep all lawyers under the *New York Times* rule as officers of the court and distort the plain meaning of the 'public official' category beyond all recognition. We decline to follow it.

Respondent's characterization of petitioner as a public figure raises a different question. That designation may rest on either of two alternative bases. In some instances an individual may achieve such pervasive fame or notoriety that he becomes a public figure for all purposes and in all contexts. More commonly, an individual voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues. In either case such persons assume special prominence in the resolution of public questions.

Petitioner has long been active in community and professional affairs. He has served as an officer of local civic groups and of various professional organizations, and he has published several books and articles on legal subjects. Although petitioner was consequently well known in some circles, he had achieved no general fame or notoriety in the community. None of the prospective jurors called at the trial had ever heard of petitioner prior to this litigation, and respondent offered no proof that this response was atypical of the local population. We would not lightly assume that a citizen's participation in community and professional affairs rendered him a public figure for all purposes. Absent clear evidence of general fame or notoriety in the community, and pervasive involvement in the affairs of society, an individual should not be deemed a public personality for all aspects of his life. It is preferable to reduce the public-figure question to a more meaningful context by looking to the nature and extent of an individual's participation in the particular controversy giving rise to the defamation.

In this context it is plain that petitioner was not a public figure. He played a minimal role at the coroner's inquest, and his participation related solely to his representation of a private client.

We therefore conclude that the *New York Times* standard is inapplicable to this case and that the trial court erred in entering judgment for respondent. Because the jury was allowed to impose liability without fault and was permitted to presume damages without proof of injury, a new trial is necessary. We reverse and remand for further proceedings in accord with this opinion.

It is ordered.

Reversed and remanded.

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Supreme Court of Pennsylvania

April 3, 2006, Submitted | May 31, 2007, Decided

Reporter:
923 A.2d 389

JUSTICE SAYLOR

The primary issues for resolution in this defamation case are whether consumer reporting agencies enjoy a conditional privilege that can only be defeated by showing actual malice, and under what circumstances a corporation can become a limited-purpose public figure by virtue of its advertising and solicitation activities.

Appellant, American Future Systems, Inc., doing business as Progressive Business Publications, publishes specialized "fast-read format" newsletters targeted to career-oriented individuals. These newsletters focus on business-related topics such as sales, marketing, advertising, financial management, business management, human resources, and safety and regulatory compliance. Appellant sells its newsletters through direct mail solicitations and a sales force of approximately 500 telemarketers from fifteen separate offices across the nation, and solicits 15,000 new subscriptions each week. The telemarketers call customers at their place of employment during regular business hours to offer them "no-risk" trial subscriptions to the newsletters.

The trial subscription includes two issues of the newsletter free of charge, but to cancel, the customer must write "cancel" on the first invoice. Invoices are sent monthly and, although they request payment, they do not state the cancellation policy and do not contain Appellant's phone number. If the first invoice is not returned to Appellant with "cancel" written upon it and no payment is immediately forthcoming, Appellant sends a second invoice, not to the customer, but to the accounts payable department of the customer's employer. Consistent with the trial offer, Appellant's policy is to terminate, without further obligation, any subscription for which a cancelled invoice is received within six months after the initial phone call. After six months of non-payment, however, past-due accounts are sent to a collection agency.

In 2001, the Better Business Bureau published a report concerning Appellant's sales practices. The report covered a three-year period beginning in 1998, and stated:

While this company responds to customer complaints presented to it by this Bureau, this company has an unsatisfactory business performance record due to a pattern of customer complaints alleging billing for unordered

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merchandise. Some consumers have claimed that they cancelled subscriptions but their cancellations were not honored.

Better Business Bureau Reliability Report, March 2001, at 1. The second page of the report contained the following disclaimer:

As a matter of policy, the Better Business Bureau does not endorse any product, service, or company. The Bureau's reports generally cover a three-year reporting period, and are provided solely to assist you in exercising your own best judgment. Information contained in this report is believed to be reliable but not guaranteed as to accuracy. Reports are subject to change at any time.

Id. at 2.¹

Upon learning of the report in early 2001, Satell wrote to the Bureau contesting the report and seeking its retraction. In particular, Satell explained that Appellant records its telemarketers' calls for training purposes, and, because Appellant collects customers' birthdates, it can disprove claims of unordered merchandise. Satell also noted that, in view of the 15,000 new subscriptions received each week, the number of complaints that the Bureau receives is extremely small by comparison.

As a result, the Better Business Bureau updated the report to state:

While this company responds to customer complaints presented to it by this Bureau, this company has an unsatisfactory business performance record due to a pattern of customer complaints alleging billing for unordered merchandise. Some consumers have claimed that they cancelled subscriptions but their cancellations were not honored. On March 16, 2001, Appellant responded to the the Bureau concerning the company's unsatisfactory business performance report. The company sells its publications through telemarketing solicitations. It claims that it tape records telephone solicitations for quality control purposes. The company states that it obtains the ordering person's birthdate to verify the order at a later date. According to the correspondence, orders are confirmed by fax within 24 hours, giving the orderer an opportunity to respond. The company claims it has a liberal cancellation policy permitting the customer to cancel anytime within the first three months of the telephone order and receiving a refund on all unsent issues. New subscribers receive two free issues with

¹ The Council of Better Business Bureaus is comprised of hundreds of separate non-profit corporations nationwide that publish company ratings and help resolve consumer complaints. The Better Business Bureau affiliate serving Appellant's geographical area prior to 2000 was the Better Business Bureau of Eastern Pennsylvania. In October 2000, however, the Better Business Bureau of Metropolitan Washington acquired that organization's assets, assumed its operations, and merged the territories. For convenience, we will refer to Appellees collectively as the Better Business Bureau, or simply, the Bureau.

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the right to cancel according to the company. The company claims that its Better Business Bureau complaint volume is negligible compared to its volume of business.

Better Business Bureau Reliability Report, April 2001, at 1. The updated report included the same disclaimer contained in the earlier one.

Dissatisfied, and following unsuccessful attempts to resolve the unsatisfactory rating, Appellant filed a defamation action against the Better Business Bureau, seeking compensatory and punitive damages and alleging that the Bureau failed to investigate the statements made in the reliability reports, which it contended were false and defamatory.

Appellant claimed that the Better Business Bureau published the statements negligently because, contrary to the Bureau's operations manual requiring it to thoroughly substantiate customer complaints before relying on them, the Bureau made no effort to determine whether such complaints were true prior to issuing the reliability reports. Further, Appellant alleged that the Bureau failed to determine whether the complaints were representative of the company as a whole, considering the size of its business. Satell testified that Appellant saw a reduction in profits as a result of the report.

The Bureau adduced documentary evidence of over one hundred complaints it received from customers stating that they had been billed by Appellant for unordered merchandise. The Bureau additionally presented the testimony of multiple witnesses who had had unsatisfactory dealings with Appellant.

It was undisputed that Appellant expends half a million dollars per year on marketing, and that at least \$2 million in revenue is generated annually through collection agencies. In this regard, one of the Bureau's witnesses testified that she paid the bill after being contacted by a collection agency, not because she believed she had ordered a subscription from Appellant, but solely to ensure that her company's credit rating did not suffer.

The court refused to instruct the jury that Appellant was a public figure but still required Appellant to prove the Better Business Bureau published its report with actual malice because it enjoyed a conditional privilege when issuing consumer reports. The jury ultimately rendered a verdict in favor of the Better Business Bureau, and completed a verdict form reflecting a finding that the Bureau did not defame Appellant.

Appellant moved for post-trial relief, requesting judgment notwithstanding the verdict or, in the alternative, a new trial, and asserting that the trial court had erred by instructing the jury that the Bureau was entitled to a conditional privilege requiring Appellant to prove actual malice. Rather, Appellant argued, the Bureau did

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not retain any conditional privilege and, moreover, because the court had determined that Appellant was a private-figure plaintiff, it only needed to prove negligence on the part of the Bureau in publishing false and defamatory statements. The trial court denied post-trial relief.

A unanimous panel of the Superior Court affirmed in a published opinion. While the panel acknowledged that negligence may be sufficient to defeat a claim of conditional privilege where the plaintiff is a private figure and the speech does not involve a matter of public concern, it indicated that statements on topics involving a recognized public interest are at the heart of the First Amendment's protections.

Thus, the panel ultimately agreed with the trial court that malice was required because the Better Business Bureau's statements pertained to consumer complaints about Appellant's sales practices, which the panel deemed to touch upon a matter of public concern. Accordingly, the Superior Court panel found no error in the trial court's jury charge even though it was on different grounds.

We initially allowed appeal to consider whether a private-figure plaintiff seeking to recover damages resulting from speech on matters of public concern must prove actual malice, either due to the existence of a conditional privilege on the part of the speaker, or as a general proposition. After hearing argument, we entered an order permitting the parties to file supplemental briefs on the issue of whether Appellant is a limited-purpose public figure. As there are no relevant facts in dispute concerning these matters, their resolution involves questions of law over which our review is plenary. See *U.S. Healthcare, Inc. v. Blue Cross of Greater Phila.*, 898 F.2d 914, 938 (3d Cir.1990) (noting that the classification of a claimant as a public or private figure is a "question of law to be determined initially by the trial court and then carefully scrutinized by an appellate court").

Because one individual's speech has the ability to harm another person's reputation, there is an inevitable tension in the law between the goals of protecting freedom of expression and safeguarding reputation from unjust harm. See *generally Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 342, 94 S.Ct. 2997, 3008, 41 L.Ed.2d 789 (1974); *Norton v. Glenn*, 580 Pa. 212, 228, 860 A.2d 48, 58 (2004) (referring to the "seesawing balance between the constitutional rights of freedom of expression and of safeguarding one's reputation"). On one side of the equation, the Court in *New York Times* determined that the First Amendment limits the reach of state defamation laws. See *New York Times*, 376 U.S. at 269, 84 S.Ct. at 720; *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 755, 105 S.Ct. 2939, 2943, 86 L.Ed.2d 593 (1985). On the other side, this Court has indicated that reputational interests occupy an elevated position within our state Constitution's system of safeguards,² and hence, in the context of defamation law the state

² While the Pennsylvania Constitution, as well as the First Amendment, protects freedom of speech and of the press, see Pa. Const. art. I, § 7, the state charter places reputational interests on the

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Constitution's free speech guarantees are no more extensive than those of the First Amendment. *See Sprague*, 518 Pa. at 439, 543 A.2d at 1085; *Norton*, 580 Pa. at 229, 860 A.2d at 58).

In particular, the Supreme Court began applying the First Amendment to defamation actions in 1964 in *New York Times*; a decade later, the *Gertz* Court determined that, although "the States retain substantial latitude in their efforts to enforce a legal remedy for defamatory falsehood injurious to the reputation of a private individual," *Gertz*, 418 U.S. at 345–46, 94 S.Ct. at 3010, they may not impose liability without fault. *See id.* at 347, 94 S.Ct. at 3010. In the wake of *New York Times* and *Gertz* this Court concluded that the former Pennsylvania state law conditional privileges (at least those that could be overcome by a showing of negligence) had "lost their significance" because, "[i]f a private-figure plaintiff is to maintain any cause of action at all, he must minimally establish the negligence on the part of the publisher. In doing so, 'he has by that very action proved any possible conditional privilege was abused.'" *Hepps v. Philadelphia Newspapers, Inc.*, 506 Pa. 304, 323, 485 A.2d 374, 384–85 (1984).

Under *Gertz*, therefore, the appropriate standard of fault depends on whether the plaintiff is a public or private figure. *See Gertz*, 418 U.S. at 343, 94 S.Ct. at 3008–09 (articulating that "the state interest in compensating injury to the reputation of private individuals requires a different rule should obtain with respect to them" as compared to public figures). If the plaintiff is a public official or public figure, *see Curtis Publ'g Co. v. Butts*, 388 U.S. 130, 164, 87 S.Ct. 1975, 1996, 18 L.Ed.2d 1094 (1967) (extending the actual malice requirement to public figures who are not governmental officials), and the statement relates to a matter of public concern, then to satisfy First Amendment strictures the plaintiff must establish that the defendant made a false and defamatory statement with actual malice. *See Gertz*, 418 U.S. at 343, 94 S.Ct. at 3008–09; *Milkovich*, 497 U.S. at 14–15, 20, 110 S.Ct. at 2703, 2706–07.

In contrast, states are free to allow a private-figure plaintiff to recover by establishing that the defendant acted negligently rather than maliciously. The Superior Court has adopted this test, *see Rutt*, 335 Pa.Super. at 186, 484 A.2d at 83 ("[A] private figure defamation plaintiff, seeking compensation for harm inflicted as a result of the publication of defamatory matter, must prove that the defamatory matter was published with 'want of reasonable care and diligence to ascertain the

highest plane, that is, on the same level as those pertaining to life, liberty, and property. *See Pa. Const. art. I, §§ 1, 11; Sprague v. Walter*, 518 Pa. 425, 438–39, 543 A.2d 1078, 1084 (1988). *See generally Norton v. Glenn*, 580 Pa. 212, 225–26, 860 A.2d 48, 56 (2004) (" 'The right of a man to the protection of his own reputation from unjustified invasion and wrongful hurt reflects no more than our basic concept of the essential dignity and worth of every human being ...' " (quoting *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 22, 110 S.Ct. 2695, 2708, 111 L.Ed.2d 1 (1990))).

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truth' or, in the vernacular, with negligence."), and at least one federal court has predicted that this Court will do so as well. See *Wilson v. Slatalla*, 970 F.Supp. 405, 414 n. 2 (E.D.Pa.1997). Indeed, we do find this to be the appropriate standard relative to a private-figure plaintiff for the reasons discussed above pertaining to the Pennsylvania Constitution's protections in the area of reputational interests, and in view of our understanding of the United States Supreme Court's present interpretation of the First Amendment.

This analysis contrasts with the framework employed by the trial court and Superior Court, under which those tribunals indicated that a private-figure plaintiff could be required to shoulder the burden of proving that the defendant acted with actual malice when issuing consumer reports. See *American Future Systems, Inc.*, 872 A.2d at 1210. In light of this discrepancy, and because the jury did not specify its basis for its finding of no defamation, we allowed supplemental briefing because of our concern that Appellant may not be a private figure, but may instead be a limited-purpose public figure relative to the statements at issue. If Appellant is a public figure for this purpose, then the trial court's error was harmless, as the First Amendment would require a showing of actual malice to support liability. See *Masson*, 501 U.S. at 510, 111 S.Ct. at 2429; *Gertz*, 418 U.S. at 342, 94 S.Ct. at 3008; *Ertel v. Patriot-News Co.*, 544 Pa. 93, 99, 674 A.2d 1038, 1041 (1996). See generally *Aldridge v. Edmunds*, 561 Pa. 323, 334, 750 A.2d 292, 298 (2000) (reciting that a new trial is not warranted in a civil case in spite of a trial court's error where the error did not cause prejudice).

Recognizing that public figures assume special prominence in the affairs of society, *Gertz* observed that two characteristics are particularly relevant to such designation, namely, the ability to rebut the defamatory statements due to greater access to the channels of communication than private individuals, see *Gertz*, 418 U.S. at 344, 94 S.Ct. at 3009 ("Public officials and public figures usually enjoy significantly greater access to the channels of effective communication and hence have a more realistic opportunity to counteract false statements than private individuals normally enjoy."), and voluntary exposure to controversy, see *id.* at 345, 94 S.Ct. at 3010 (indicating that "public officials and public figures have voluntarily exposed themselves to increased risk of injury from defamatory falsehood concerning them.").

Further, *Gertz* determined that the classification as a public figure arises in two circumstances: first, referring to an "all purpose" public figure, the Court explained that, "in some instances an individual may achieve such pervasive fame or notoriety that he becomes a public figure for all purposes and in all contexts." *Id.*, 418 U.S. at 351, 94 S.Ct. at 3013. Alternatively, a "limited purpose public figure," which according to the Court is more common, is an individual who "voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues." *Id.* To determine such status, the Court instructed that it is necessary to consider the "nature and extent of an individual's participation in the particular controversy giving rise to the defamation." *Id.* at 352,

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94 S.Ct. at 3013; see also *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 246 n. 3, 106 S.Ct. 2505, 2509 n. 3, 91 L.Ed.2d 202 (1986).

Traditionally, a plaintiff could only be considered a limited-purpose public figure relative to a pre-existing controversy in which he elected to participate. See *Rutt*, 335 Pa.Super. at 181–82, 484 A.2d at 81; cf. *Hutchinson v. Proxmire*, 443 U.S. 111, 134–35, 99 S.Ct. 2675, 2688, 61 L.Ed.2d 411 (1979) (noting that a defamation plaintiff does not become a public figure simply because the news media give him an opportunity to respond). More recently, however, some courts have held that a controversy may be created by a plaintiff's own activities, particularly with respect to widespread public solicitation and advertisements. In *National Foundation for Cancer Research (NFCR) v. Council of Better Business Bureaus*, 705 F.2d 98 (4th Cir.1983), for example, the court addressed whether NFCR could recover from the Council of Better Business Bureaus based upon an allegedly defamatory report concerning the Foundation's use of donated funds. The report stated that NFCR did not meet the Council's standards—which required a charitable institution to spend a reasonable percentage of its total income on program services—and further described aspects of NFCR's fund-raising campaign materials as inaccurate and misleading. The Fourth Circuit ultimately determined that NFCR was a limited-purpose public figure in relation to the public controversy surrounding its solicitation and use of funds. The court rejected NFCR's claim that the only controversy was a private dispute regarding the Council's evaluation of the charity, explaining that “[e]ven though the ‘public controversy’ which formed the basis of this lawsuit arose almost entirely from the Foundation's solicitation and use of funds for its cancer research, the mere fact that the NFCR generated the controversy does not preclude a finding that there was, in fact, a controversy.” *Id.* at 101. The court continued:

The evidence is uncontroverted that the Foundation had thrust itself into the public eye, not only through its massive solicitation efforts (almost 68 million pieces of direct mail solicitation in the past three years), but also through the claims and comments it made in many of these solicitations where it extolled its judicious use of donated funds in finding a cure for cancer, where it declared its objective to make “NFCR a household word,” and where it asserted the need “to present [NFCR's] case to the jury of the American people.” The Foundation vigorously sought the public's attention, and succeeded to a substantial degree, as is reflected by the approximately \$25,000,000 it raised in the past three years and the numerous inquiries the [Council of Better Business Bureaus] had received from the public and the media regarding NFCR. It was these inquiries which in fact led the Council to undertake its evaluation.

Id.

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A similar result was reached by the Third Circuit in *Steaks Unlimited, Inc. v. Deaner*, 623 F.2d 264 (3d Cir.1980). In that matter, the court determined that an Ohio corporation became a limited-purpose public figure by virtue of the extensiveness of its outreach to the public in attempting to sell its beef products upon entering the Pittsburgh area. While *Steaks Unlimited* recognized that one *Gertz* factor supporting limited-purpose public figure status concerns greater-than-normal access to the media, it additionally noted that *Gertz* itself had clarified that a "more important" factor is

"a compelling normative consideration underlying the distinction between public and private defamation plaintiffs." Simply stated, public figures are "less deserving of (judicial) protection ... because they have 'voluntarily exposed themselves to increased risk of injury from defamatory falsehood concerning them.'" In other words, public figures effectively have assumed the risk of potentially unfair criticism by entering into the public arena and engaging the public's attention.

Steaks Unlimited, 623 F.2d at 273 (ellipsis in original) (quoting *Gertz*, 418 U.S. at 344, 94 S.Ct. at 3009, and *Wolston v. Reader's Digest Ass'n*, 443 U.S. 157, 164, 99 S.Ct. 2701, 2706, 61 L.Ed.2d 450 (1979)); see also *Bruno & Stillman, Inc. v. Globe Newspaper Co.*, 633 F.2d 583, 589-90 (1st Cir.1980) (recognizing that, although many corporations have no particular advantage over private persons in gaining access to the channels of communication, the factor of "thrusting" one's self into the public eye via promotional efforts is "more significant" under *Gertz*). The *Steaks Unlimited* court observed that the plaintiff had launched an intensive advertising campaign upon entering the Pittsburgh area where it sought to sell its goods, and that the local bureau of consumer affairs, as well as the defendant local television station, had received numerous contacts from area customers complaining that the company was misrepresenting the type and quality of the beef being sold. Under these circumstances, the Third Circuit determined that the plaintiff was a public figure for the limited purpose of commentary concerning its products and sales practices.

Presently, Appellant insists that, in its telephone solicitations, it neither promoted its business performance record nor denied that it had ever become the subject of consumer complaints. Since these were the topics of the contested statements issued by the Better Business Bureau, Appellant argues that any comparison between the present matter and *NFCR* is misplaced, particularly as *NFCR* premised its holding on the fact that the plaintiff had employed its advertising campaign to highlight its careful use of donated funds, which was the very topic of the contested report in that matter. In this regard, Appellant also points out that the Fourth Circuit has since clarified that the designation of *NFCR* as a limited-purpose public figure was based, not only on the fact of extensive promotional advertising, but upon a "direct relationship between the promotional message and the subsequent defamation (indicating plaintiff's pre-existing involvement in the particular matter

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of public concern and controversy)." *Blue Ridge Bank v. Veribanc, Inc.*, 866 F.2d 681, 687 (4th Cir.1989). Thus, because the Fourth Circuit now deems both elements necessary, the *Blue Ridge Bank* court declined to find that a bank was a limited-purpose public figure based solely on its extensive promotional campaign, as the bank had not raised the subject of the defamatory statements—its corporate financial health—in its advertisements. See *id.* at 687–88.

We find the analysis of *NFCR*, as modified by *Blue Ridge Bank*, persuasive and adopt its framework. While we recognize, as Appellant argues, that *Blue Ridge Bank* limited *NFCR*'s holding to cases in which there is, *inter alia*, a subject-matter nexus between the content of the plaintiff's public solicitations and advertisements on the one hand, and the allegedly defamatory report at issue on the other, we believe that such is the case here. For present purposes, we may assume that Appellant is correct in asserting that its telephone solicitors neither promoted its business performance record nor denied that consumers occasionally complain about its order-cancellation policy. Nevertheless, it is undisputed that the telemarketers touted the cancellation policy and the purported lack of any risk in ordering a subscription; the Bureau's reports had at their core these same issues, as they reflected consumer complaints regarding such things as Appellant's alleged failure to honor cancellation requests and its decision to omit its phone number or cancellation policy from its invoices, thus depriving the employer's corporate offices (which may not know whether the order is valid, see, e.g., N.T. October 9, 2003, at 139) of a readily available means to request cancellation or inquire as to the validity of the invoice. Accordingly, here, as in *NFCR*, there is a subject-matter overlap between the promotional message and the allegedly defamatory speech. This, in turn, militates in favor of a determination that Appellant became a public figure for the limited purpose of commenting upon its sales practices under the *NFCR/ Blue Ridge Bank* framework.

As revealed at trial, moreover, Appellant expended significant time and resources in soliciting business and making its products known. Its campaign employed a force of 500 telemarketers at fifteen locations throughout the country to solicit 15,000 customers each week. Appellant's telemarketing director testified that these employees made approximately 25 million phone calls per year and actually spoke with 2.2 million business executives annually. See N.T. October 7, 2003, at 138–39. Pursuant to Appellant's invoicing policy, once the free subscription period passed, Appellant billed the customer and, if unpaid or not cancelled, the customer's employer, thus generating gross revenues of \$29 million in 2002 alone. As a result of these practices, hundreds of complaints were sent to the Better Business Bureau, and the statements of the Better Business Bureau were limited to reporting its receipt of such complaints and concluding that Appellant's business record was "unsatisfactory" on the basis of this pattern of complaints. Thus, we find that Appellant's national sales campaign and its "no-risk" offer resulted in a controversy concerning the authenticity of such practices, which invited comment regarding those aspects of its business.

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Finally, while Appellant maintains, with some validity, that companies should not be deemed limited-purpose public figures merely because they open their doors for business or advertise their products,³ inquiries into limited-purpose public figure status are particularized and fact-sensitive, accord *Bruno & Stillman*, 633 F.2d at 589; *Snead v. Redland Aggregates Ltd.*, 998 F.2d 1325, 1329 (5th Cir.1993), and cannot be resolved solely by reference to such a broad proposition. See generally *Snead*, 998 F.2d at 1329 (“[T]rying to decide whether a particular plaintiff is a public or private figure is much like trying to nail a jellyfish to the wall. The inquiry becomes even more difficult when the libel plaintiff is a corporation [.]” (internal quotation marks omitted)).

Here, Appellant's promotional efforts were vast, and, as noted, a subject-matter nexus existed between the Bureau's reports and the content of the sales pitch used by Appellant's telemarketers. Additionally, Appellant is a publishing company with an on-going direct-mail solicitation component and millions of customers on its mailing list. As such, it has greater access to the channels of effective communication than ordinary private citizens for purposes of counteracting statements it perceives as false. See *Gertz*, 418 U.S. at 344, 94 S.Ct. at 3009. Under all of these circumstances, we are satisfied that, consistent with *NFCR/Blue Ridge Bank* and *Steaks Unlimited*, Appellant was a public figure for the limited purpose of commentary concerning its business practices. Therefore, to establish its defamation claim, Appellant was required to prove that the Better Business Bureau published its statements with actual malice. Because the trial court instructed the jury that this precise level of fault was required for recovery, albeit on an erroneous basis, the trial court's error was harmless.

Accordingly, we affirm.

³ See, e.g., *Bruno & Stillman, Inc. v. Globe Newspaper Co.*, 633 F.2d 583, 589 & n. 6 (1st Cir.1980) (boat manufacturer was not a public figure merely by being in business or advertising to some extent); *Golden Bear Distrib. Sys. of Texas v. Chase Revel, Inc.*, 708 F.2d 944, 952 (5th Cir.1983) (stating that the “mere fact of advertising” does not render a business a public figure); *Vegod Corp. v. American Broad. Cos.*, 25 Cal.3d 763, 160 Cal.Rptr. 97, 603 P.2d 14, 18 (1979) (“[A] person in the business world advertising his wares does not necessarily become part of an existing public controversy.”); *Bank of Oregon v. Independent News, Inc.*, 298 Or. 434, 693 P.2d 35, 42 (1985); see also *Antwerp Diamond Exch. v. Better Business Bureau of Maricopa County*, 130 Ariz. 523, 637 P.2d 733, 737 (1981) (corporation's mail and telephone solicitations were insufficiently widespread to render corporation a public figure); *Worldnet Software Co. v. Gannett Satellite Info. Network*, 122 Ohio App.3d 499, 702 N.E.2d 149, 155 (1997) (software company was not a public figure where its Internet advertising was not “extensive”). But see *Sunshine Sportswear & Elecs., Inc. v. WSOC Television, Inc.*, 738 F.Supp. 1499, 1507 (D.S.C.1989) (“Just as the plaintiffs had the means to conduct their advertising campaigns, they could have used the same means to refute any criticism they received from the defendants. Accordingly, ... plaintiffs were public figures with regard to the controversy surrounding the broadcast [criticizing plaintiffs' merchandising practices].”); *Parker v. Evening Post Publ'g Co.*, 317 S.C. 236, 452 S.E.2d 640, 644 n. 3 (Ct.App.1994) (“[B]y extensively advertising his return to the car business, Parker ... invited the public's attention and assumed the accompanying risk of that attention. Thus, as to statements regarding Parker's dealership, it seems clear that Parker is a public figure.”).

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Supreme Court of Pennsylvania

May 6, 2015, Submitted | November 20, 2015, Decided

Reporter:
129 A.3d 404

JUSTICE STEVENS

This discretionary appeal concerns a defamation case wherein The Scranton Times L.P., The Times Partner, James Conmy, and Edward Lewis (collectively “the Media Defendants”) appeal from an order of the Superior Court, which affirmed in part and reversed in part the decision of the Honorable Joseph Van Jura of the Court of Common Pleas of Luzerne County and granted Thomas A. Joseph, Thomas J. Joseph, Acumark, Inc., and Airport Limousine and Taxi Service, Inc. (collectively “Appellees”) a new trial. For the reasons discussed in this opinion, we conclude the Superior Court erred in granting Appellees a new trial, and therefore, we reverse.

I. Factual and Procedural Background

This matter arises out of a series of articles written by James Conmy (“Conmy”) and Edward Lewis (“Lewis”) which appeared from June 1, 2001, to October 10, 2001, in the *Citizens' Voice*, a newspaper in the Wilkes-Barre/Scranton area owned by The Scranton Times L.P. The articles reported about the existence of a federal criminal investigation into the alleged ties of William D'Elia (“D'Elia”), the reputed head of the Bufalino crime family of northeastern Pennsylvania, and Thomas A. Joseph, Sr. (“Joseph, Sr.”) to organized crime activities. The articles included information related to the May 31, 2001, execution of search warrants by a large contingent of federal agents and state troopers at the Wilkes-Barre residence of Joseph, Sr., the office of Joseph, Sr.'s business, Acumark, Inc. (“Acumark”), the residence of Samuel Marranca (“Marranca”), the residence of Jeanne Stanton, and the residence of D'Elia. Specifically, the trial court summarized the challenged articles as follows:

On May 22, 2002, Appellees commenced a civil action against the Media Defendants. The complaint contained eight counts, including one count of defamation. On May 16, 2006, the matter proceeded to a non-jury trial before the former Judge Ciavarella, who at the conclusion of the trial entered a verdict in favor of Appellees and against the Media Defendants. Specifically, former Judge Ciavarella awarded compensatory damages in the amount of \$2 million to Joseph, Sr. and \$1.5 million to Acumark.

On appeal, a three-judge Superior Court panel affirmed former Judge Ciavarella's judgment. *Joseph v. Scranton Times L.P.*, 959 A.2d 322 (Pa.Super.2008) (“*Joseph I*”). Thereafter, the Media Defendants filed in this Court an Application for

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Extraordinary Relief, and exercising our King's Bench authority, we vacated former Judge Ciavarella's verdict, judgment, and all substantive orders entered in the case based on the appearance of judicial impropriety in the assignment and trial. *Joseph v. Scranton Times L.P.*, 604 Pa. 677, 987 A.2d 633 (2009) (*per curiam* order).

We remanded the matter to the Court of Common Pleas of Luzerne County for the assignment of a new judge for a new trial. *See id.*

Upon remand, Judge Van Jura was assigned the case. In May of 2011, a non-jury trial on the remaining claims was held before Judge Van Jura, who ultimately entered a verdict in favor of the Media Defendants and against Appellees.

In support of his verdict, in a December 8, 2011, opinion, Judge Van Jura began his analysis by examining the Act and setting forth the elements required to be proven by a plaintiff in a defamation case, as well as the elements the defense may prove in order to rebut a *prima facie* case of defamation. Trial Court Opinion filed 12/8/11 at 10–11. Additionally, he held Appellees, as plaintiffs, were required to prove the statements at issue were false. *Id.* at 12.

Judge Van Jura indicated that, in determining the appropriate standard of fault in order to satisfy the First Amendment strictures and the Pennsylvania Constitution's protections in the area of reputational interests, a court must first consider whether the plaintiff is a public or private figure. *Id.* at 12–22. In this vein, he recognized, if the plaintiff is a public figure, for a limited purpose or otherwise, in order to establish liability, the plaintiff must prove the defendant made a false and defamatory statement with actual malice, *i.e.*, with knowledge the statement was false or with reckless disregard of its falsity. *Id.* at 12–13. However, he further recognized, by contrast, if the plaintiff is a private figure, the plaintiff may establish liability by proving the defendant acted negligently rather than with actual malice. *Id.* at 13.

In applying the law to the facts and making credibility determinations, Judge Van Jura rejected the Media Defendants' claim that all or some of Appellees were all purpose public or limited purpose public figures. *Id.* at 13–22. Thus, he held the evidence revealed Appellees were private figures, and therefore, Appellees were required to demonstrate the Media Defendants published false statements negligently. *Id.*

As to whether Appellees met their burdens, Judge Van Jura held the articles contained false statements. He found there was “[n]o credible evidence ... admitted at trial demonstrating that any of the ‘defamatory statements’ published by the *Citizens’ Voice* concerning [Appellees], after reporting the initial searches of Acumark and Joseph, Sr.’s home, were true.” *Id.* at 20. Further, while the Media Defendants argued the articles reported on a government investigation without accusing Appellees of committing crimes, Judge Van Jura found “there was no credible evidence admitted at trial that the government was conducting an investigation that embraced the elements and events that were reported in the *Citizens’ Voice*.” *Id.* at 20 n. 13.

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However, Judge Van Jura did not explicitly opine as to whether Appellees met their burden of proving, at a minimum, the Media Defendants negligently published the false statements. Instead, he held that none of the Appellees have credibly shown with legal sufficiency any loss caused by the articles at issue because they did not prove “special harm.”¹

Judgment was entered in favor of the Media Defendants, and Appellees filed an appeal to the Superior Court. On appeal, a three-judge Superior Court panel affirmed in part and reversed in part, vacated the defense judgment, and remanded for further proceedings. *Joseph v. Scranton Times, L.P.*, 89 A.3d 251 (Pa.Super.2014) (“*Joseph II*”), appeal granted, --- Pa. ----, 105 A.3d 655 (2014).

Turning to the issues raised on appeal, the Superior Court, citing to 42 Pa.C.S. § 8343(a), set forth the elements a plaintiff is required to prove in a claim of defamation. *Joseph II*, 89 A.3d at 260. The Superior Court held “although the statute indicates that ‘special harm’ must be proven, our courts have held that a defamation plaintiff need not prove ‘special harm.’ ” *Id.*

Thus, the Court held: “in order to satisfy the ‘special harm’ element of a defamation claim, a libel plaintiff need only show ‘actual harm’ to establish general damages. A libel plaintiff need not show ‘special damages’ to satisfy the statutory burden of proving ‘special harm.’ ” *Id.*

After reviewing the parties' arguments on appeal, the Superior Court held:

(A) the trial court determined that [plaintiffs] met their burden of proof as to all elements except damages; (B) the trial court's conclusions that [plaintiffs] failed to prove general damages, *i.e.*[,] actual harm, is based upon misapplication of the law; (C) the trial court erred in failing to make a factual finding on whether [the Media Defendants] published the articles with actual malice; (D) the trial court erred in dismissing [plaintiffs'] false light [invasion of privacy] claims for want of proof of damages; and (E) the trial court's rejection of Acumark's special damages claim is supported by the record and is not against the weight of the evidence.

Id.

With regard to holding (C), the Superior Court held that actual malice was a relevant inquiry in this case even though the trial court had ignored it. The Court noted proof of actual malice permits the fact finder to award punitive and presumed damages, and consequently, the trial court erred in failing to make a finding as to whether the Media Defendants published the defamatory articles with actual malice. *Id.* at 269.

¹ **Program Note:** Participants do not need to focus on the distinction between “special harm” and “general harm” for the *Partridge v. Foreman* matter. This information is included only to provide context for the Supreme Court’s decision because the Court holds in this case that actual malice is required to obtain presumed damages or punitive damages.

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As to punitive damages, the Court reasoned that, while the trial court correctly determined Appellees, as private figures, were not obligated to prove actual malice in order to recover compensatory damages, it failed to recognize Appellees were required to prove actual malice for purposes of punitive damages. *Id.* Accordingly, the Superior Court held “the question of actual malice, as it relates to [Appellees'] claims for punitive damages, must be determined by the fact finder upon the retrial of this case.” *Id.* at 270.

Based on the aforementioned, the Superior Court held the trial court abused its discretion in denying, in its entirety, Appellees' post-trial motion for a new trial. Specifically, in sum, the Superior Court concluded the trial court should have granted in part Appellees' post-trial motion for a new trial since:

(1) it failed to consider [Appellees'] evidence of emotional distress, mental anguish, and personal humiliation; (2) it applied the incorrect standard of proof in requiring all [Appellees] to prove that the defamation was the sole cause, rather than merely a substantial cause, of their damages; (3) it held that the August 6, 2001[,] article was not of or concerning Joseph, Sr.; (4) it failed to make a factual finding on whether [the Media Defendants] published the articles with actual malice; and (5) it dismissed [Appellees'] false light [invasion of privacy] claims for want of proof of damages.

Id. Thus, the Superior Court affirmed in part and reversed in part the trial court's order denying Appellees' post-trial motion for a new trial, vacated the judgment in favor of the Media Defendants, and remanded for further proceedings.

The Media Defendants filed a petition for allowance of appeal, which this Court granted. Specifically, we granted review of the following issue, as framed by the Media Defendants:

a) Whether a court may disregard the First Amendment constraints on defamation actions by holding that proof of actual malice relieves plaintiffs of their burden to prove injury-in-fact?

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II. Arguments

The primary premise of the Media Defendants' argument is that the Superior Court erred in concluding the trial court abused its discretion in denying, in its entirety, Appellees' post-trial motion for a new trial. They allege the trial court entered a verdict in their favor because Appellees did not offer any credible evidence proving the newspaper articles at issue caused them an actual injury. Thus, they suggest the Superior Court's opinion, which ordered a new trial on the issues of whether the Media Defendants published the articles with actual malice, whether Appellees

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suffered general damages, and whether Appellees are entitled to punitive damages, contravenes Pennsylvania law in many respects.

III. Discussion

Our analysis begins with an examination of the relevant legislative authority which sets forth that in an action for defamation, the plaintiff has the burden of proving, when the issue is properly raised:

- (1) The defamatory character of the communication.
- (2) Its publication by the defendant.
- (3) Its application to the plaintiff.
- (4) The understanding by the recipient of its defamatory meaning.
- (5) The understanding by the recipient of it as intended to be applied to the plaintiff.
- (6) Special harm resulting to the plaintiff from its publication.
- (7) Abuse of a conditionally privileged occasion.

42 Pa.C.S. § 8343(a).

Where the plaintiff has met this burden, the Act sets forth the following, which the defendant has the burden of proving:

- (1) The truth of the defamatory communication.
- (2) The privileged character of the occasion on which it was published.
- (3) The character of the subject matter of defamatory comment as of public concern.

42 Pa.C.S. § 8343(b).

Recent changes to the tort of defamation have been shaped by First Amendment concerns, which have largely conflicted with former common law notions of presumed injury to reputation and damages. The U.S. Supreme Court has on several occasions described the contours of the law of libel, which involves the accommodation of federal constitutional interests of free speech and a robust press with state interests in protecting the reputations of its citizens from defamatory falsehoods.

For instance, in *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964), the U.S. Supreme Court recognized that defamation actions are subject to constitutional scrutiny. Therein, the Court declared the First Amendment protects certain defamatory speech. More specifically, the Court held:

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The constitutional guarantees require ... a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.

Id. at 279–80, 84 S.Ct. at 726. See *Norton v. Glenn*, 580 Pa. 212, 226, 860 A.2d 48, 56 (2004), *cert. denied*, 544 U.S. 956, 125 S.Ct. 1700, 161 L.Ed.2d 539 (2005) (acknowledging the U.S. Supreme Court has indicated public officials are required to prove actual malice as a prerequisite to establishing liability in defamation actions).

Following *New York Times*, the U.S. Supreme Court struggled with whether and how the *New York Times* standard should apply to private individuals. In *Gertz*, the Court concluded private plaintiffs may recover against media defendants under a standard less than actual malice since the strong and legitimate "state interest in compensating injury to the reputation of private individuals requires ... a different rule ... with respect to them." *Gertz*, 418 U.S. at 343, 94 S.Ct. at 3008–09.

After establishing the minimum requirement of fault, *Gertz* turned to the issue of presumed injury in defamation actions involving private figure plaintiffs and criticized defamation as an "oddity of tort law" because it allows recovery of compensatory damages without proof of actual loss, thus permitting juries to "award substantial sums as compensation for supposed damage to reputation without any proof that such harm actually occurred." *Id.* at 349, 94 S.Ct. at 3011. The Court concluded:

[T]he doctrine of presumed damages invites juries to punish unpopular opinion rather than to compensate individuals for injury sustained by the publication of a false fact. More to the point, the States have no substantial interest in securing for plaintiffs ... gratuitous awards of money damages far in excess of any actual injury.

Id. at 349, 94 S.Ct. at 3012.

Gertz addressed these concerns by holding that "the States may not permit recovery of presumed or punitive damages, at least when liability is not based on a showing of knowledge of falsity or reckless disregard for the truth." *Id.* at 349, 94 S.Ct. at 3011. In such cases, *Gertz* recognized that although the States have a strong interest in compensating private individuals for injury to reputation, the "state interest extends no further than compensation for actual injury." *Id.* See *Herbert v. Lando*, 441 U.S. 153, 159, 99 S.Ct. 1635, 1640, 60 L.Ed.2d 115 (1979) ("[N]onpublic figures must demonstrate some fault on the [media] defendant's part, and, at least where knowing or reckless untruth is not shown, some proof of actual injury to the plaintiff before liability may be imposed and damages awarded.").

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In *Gertz*, the U.S. Supreme Court indicated that only the State's interest in protecting an individual's *reputation* can justify the intrusion into otherwise constitutionally protected free speech.

In addition to limiting the availability of presumed damages to private figure plaintiffs against media defendants upon a showing of less than actual malice, as discussed *supra*, in *Gertz*, the U.S. Supreme Court also limited the availability of punitive damages holding:

We also find no justification for allowing awards of punitive damages against publishers and broadcasters held liable under state-defined standards of liability for defamation. In most jurisdictions jury discretion over the amounts awarded is limited only by the gentle rule that they not be excessive. Consequently, juries assess punitive damages in wholly unpredictable amounts bearing no necessary relation to the actual harm caused. And they remain free to use their discretion selectively to punish expressions of unpopular view. Like the doctrine of presumed damages, jury discretion to award punitive damages unnecessarily exacerbates the danger of media self-censorship, but, unlike the former rule, punitive damages are wholly irrelevant to the state interest that justifies a negligence standard for private defamation actions. They are not compensation for injury. Instead, they are private fines levied by civil juries to punish reprehensible conduct and to deter its future occurrence. In short, the private defamation plaintiff who establishes liability under a less demanding standard than that stated by *New York Times* may recover only such damages as are sufficient to compensate him for actual injury.

Gertz, 418 U.S. at 350, 94 S.Ct. at 3012. See *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 16, 110 S.Ct. 2695, 2704, 111 L.Ed.2d 1 (1990) (indicating where private individual brings defamation action "States [may] not permit recovery of presumed or punitive damages on less than a showing of *New York Times* malice." (citation omitted)).

In light of these landmark U.S. Supreme Court decisions, this Court has recognized that we may not interpret our state's Constitution as providing broader free expression rights than does its counterpart. Thus, "the protections accorded ... by the U.S. Supreme Court to the right of free expression in defamation actions ... demarcate the outer boundaries of our Commonwealth's free expression provision." *Norton*, 580 Pa. at 229, 860 A.2d at 58. See *American Future Systems, Inc.*, 592 Pa. at 77, 923 A.2d at 395 ("[I]n the context of defamation law the state Constitution's free speech guarantees are no more extensive than those of the First Amendment." (citations omitted)).

Therefore, consistent with this principle, we have acknowledged that defamation includes a requirement the plaintiff prove a constitutionally-mandated minimum

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level of fault in order for the court to impose liability on a media defendant. See *Norton*, 580 Pa. at 224–25, 860 A.2d at 55–56. As indicated, the appropriate minimum level of fault depends on whether the plaintiff is a public or private figure. More specifically, where, as here, the plaintiffs are private figure plaintiffs, this Court has held that Pennsylvania requires private figures to prove, at a minimum, negligence in a civil libel case. See *American Future Systems, Inc.*, 592 Pa. at 84–85, 923 A.2d at 400 (recognizing the *Gertz* Court's formulation for determining liability).

Based on the aforementioned, we continue to find no specific directive from the U.S. Supreme Court to cause us to abandon the long standing practice in this jurisdiction of allowing punitive, as well as presumed, damages in appropriate cases. Thus, unless the federal High Court concludes the Constitution requires otherwise, we reject the Media Defendants' and their *Amici's* argument to the contrary and permit private plaintiffs in libel cases involving media defendants to recover presumed and punitive damages upon their satisfaction of the *New York Times* actual malice test.

The Media Defendants contend the Superior Court erred in determining a new trial is warranted for the trial court to consider whether Appellees proved the Media Defendants published the defamatory articles with actual malice.

In analyzing the instant claim, we initially note that, as the Superior Court concluded, Judge Van Jura made no assessment of whether Appellees proved the Media Defendants published the articles with actual malice. Moreover, while Judge Van Jura acknowledged that private figure plaintiffs such as Appellees are required to prove, at a minimum, negligence in order to establish liability for defamation, see Trial Court Opinion filed 12/8/11 at 12, 22, we agree with the Media Defendants that he did not explicitly opine as to whether Appellees met their burden in this regard. Instead, Judge Van Jura concluded Appellees failed to meet their burden of proving the articles caused them an actual injury, which is constitutionally mandated by *Gertz* when private figure plaintiffs rest their defamation claims upon a negligence theory. However, we agree with the Superior Court that Judge Van Jura erred in failing to make a determination as to whether Appellees met the *New York Times* actual malice standard since Appellees argued in the trial court that the Media Defendants published the articles with actual malice, and thus sought presumed and punitive damages. Notwithstanding, we disagree with the Superior Court that a remand is necessary as to this issue.

"[T]he requirement that the plaintiff be able to show actual malice by clear and convincing evidence is initially a matter of law." *Tucker*, 577 Pa. at 626, 848 A.2d at 130 (citation omitted). "The question whether the evidence in the record in a defamation case is sufficient to support a finding of actual malice is a question of law." *Milkovich*, 497 U.S. at 17, 110 S.Ct. at 2705 (quotation marks and quotation omitted). This rule is premised on "the unique character of the interest protected by the actual malice standard." *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 685–86, 109 S.Ct. 2678, 2695, 105 L.Ed.2d 562 (1989). More

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fundamentally, the rule is derived from the recognition that “[j]udges, as expositors of the Constitution, must independently decide whether the evidence in the record is sufficient to cross the constitutional threshold that bars the entry of any judgment that is not supported by clear and convincing proof of ‘actual malice.’ ” *Bose Corp.*, 466 U.S. at 511, 104 S.Ct. at 1965.

Thus, in *New York Times*, after concluding the actual malice standard was applicable and the trial court judge erred in failing to instruct the jury properly as to the actual malice requirement, the U.S. Supreme Court reversed the judgment, holding the following:

Since respondent may seek a new trial, we deem that considerations of effective judicial administration require us to review the evidence in the present record to determine whether it could constitutionally support a judgment for respondent. This Court's duty is not limited to the elaboration of constitutional principles; we must also in proper cases review the evidence to make certain that those principles have been constitutionally applied. This is such a case, particularly since the question is one of alleged trespass across ‘the line between speech unconditionally guaranteed and speech which may legitimately be regulated.’ In cases where that line must be drawn, the rule is that we ‘examine for ourselves the statements in issue and the circumstances under which they were made to see ... whether they are of a character which the principles of the First Amendment, as adopted by the Due Process Clause of the Fourteenth Amendment, protect.’ We must ‘make an independent examination of the whole record,’ so as to assure ourselves that the judgment does not constitute a forbidden intrusion on the field of free expression.

New York Times, 376 U.S. at 284–85, 84 S.Ct. at 728–29 (quotations, citations, and footnote omitted).

As to what constitutes actual malice, the federal High Court has held the standard is not met through a showing of ill will or malice in the ordinary sense of the term, by virtue of the fact the media defendant published the material to increase its profits, or the failure to investigate before publishing, even when a reasonably prudent person would have done so, although the purposeful avoidance of the truth is in a different category. *Harte-Hanks Communications, Inc.*, 491 U.S. at 666–92, 109 S.Ct. at 2685–98. Rather, actual malice requires “at a minimum that statements were made with a reckless disregard for the truth.” *Id.* at 667, 109 S.Ct. at 2686. That is, “the defendant must have made the false publication with a ‘high degree of awareness ... of probable falsity,’ or must have ‘entertained serious doubts as to the truth of his publication[.]’ ” *Id.* (quotations omitted). Although courts should not place too much reliance on such factors, a media defendant's state of mind, including actual malice, may be proven by the plaintiff through circumstantial evidence. *Id.* at 668, 109 S.Ct. at 2686. Also, “[t]he standard is a subjective one—there must be

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sufficient evidence to permit the conclusion that the defendant actually had a 'high degree of awareness of ... probable falsity.' " *Id.* at 688, 109 S.Ct. at 2696 (quotation omitted). With these standards in mind, we now review the record to determine whether it could sufficiently support a finding of actual malice by clear and convincing proof. *Bose Corp.*, 466 U.S. at 511, 104 S.Ct. at 1965.

Lewis testified that, at the time he was writing the articles at issue, he knew that using anonymous sources, though critical to some important news stories, increased the risk of inaccurate information. N.T. 5/2/11-5/13/ 11 at 113. Lewis admitted he relied upon information from six confidential sources in order to write the articles at issue; however, he knew the confidential sources "well before [he] started writing these stories." *Id.* at 121. He noted the sources were in a position of authority to obtain the information, he trusted the sources, and he believed what the sources were telling him. *Id.* at 233, 247-48.

Moreover, Lewis informed the newspaper's editors of the identity of his confidential sources prior to the publication of the articles, he reviewed the sources' statements with the editors, and the editors gave him clearance to write the articles. *Id.* at 130, 249, 252. In providing information, two of the sources came to the newsroom to meet with Lewis. *Id.* at 195-97. After the stories were published, neither Joseph, Sr. nor Joseph, Jr. contacted Lewis to complain about the articles, and they never asked for a retraction. *Id.* at 255-56.

Regarding the statements published in the *Citizens' Voice* concerning a limousine and taxi service being used as a means to transport money, drugs, and guns, Lewis indicated his source was a driver at the service. *Id.* at 163-64, 212. Lewis indicated that, after he wrote the article, he reviewed the search warrant related to the investigation, and it discussed the transferring of suitcases and other contraband from the airport. *Id.* at 164. He admitted the search warrant did not mention guns. *Id.* at 164-65.

Christopher Harper ("Harper"), an associate professor of journalism, testified as an expert on behalf of Appellees. He indicated the use of confidential sources can be "very dangerous because the individual making the statements is not held accountable other than by the journalist who knows that individual's name." *Id.* at 924. Harper opined the editors in this case should have been more actively involved in overseeing the reporters' use of confidential sources, and the failure to do so was a violation of the newspaper's own standards. *Id.* at 925-29, 954. He testified the articles violated the newspaper's own written policies on ethics, as well as generally accepted newsroom practices, by relying excessively on confidential sources. *Id.* at 929, 932-36, 939, 942, 944, 948-49, 966, 970-71, 980.

Harper indicated the frequent use of confidential sources in this case increased the risk of inaccuracy, and the editors should have done their due diligence to ensure the accuracy of the articles. *Id.* at 971-73. Harper acknowledged evidence revealed that, in July or August of 2001, the then managing editor of the *Citizens' Voice*, Paul

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Leonard Golias ("Golias"), met with Lewis and Conmy to review the articles, and he determined the confidential sources were credible. *Id.* at 1011–14. However, Harper opined he "would expect more than that" from Golias. *Id.* at 1012. Moreover, Harper noted that one of the editors indicated in his deposition that he believed Joseph, Sr. had ties to organized crime and, therefore, under prevailing standard newsroom practices, he should have reported his personal bias to his superiors without participating in the publishing of the articles. *Id.* at 996–99.

Harper opined that Lewis and his editor could have ensured the accuracy of their reports regarding the by requesting to review the search warrant before reporting on it. *Id.* at 964–65. Harper reasoned, to a reasonable degree of certainty, that the articles did not conform to the standard of care expected of professional journalists. *Id.* at 981. He noted there were opportunities for the reporters to pursue information from sources other than confidential sources; however, Lewis and Conmy did not avail themselves of them. *Id.* at 981–82, 1005. With regard to Lewis corroborating the information he received from one confidential source with information from another confidential source, Harper testified "it is standard practice within journalism that you do not corroborate with a source who is confidential or anonymous. You need to corroborate with someone on the record." *Id.* at 1019.

Golias confirmed that prior to the publication of the August 5, 2001, article he met with Lewis and Conmy to review the development of the story, as well as the sources. *Id.* at 1584–85. At this meeting, he learned the identity of the reporters' confidential sources, and based on his experience, he believed the information provided by the sources was accurate. *Id.* at 1585–86, 1600, 1609–10. Golias admitted the use of confidential sources increases the risk of inaccurate information. *Id.* at 1590.

Applying the relevant standards, we conclude the proof presented to show actual malice lacks the convincing clarity which the constitutional standard demands, and hence that it could not constitutionally sustain a judgment for presumed or punitive damages in favor of Appellees under the proper rule of law. The evidence against the Media Defendants supports, at most, a finding of negligence, and thus, it is constitutionally insufficient to show the recklessness required for a finding of actual malice. *See Sprague v. Walter*, 518 Pa. 425, 437, 543 A.2d 1078, 1084 (1988) (indicating, to establish actual malice, the plaintiff's burden "requires more than a consideration of whether a reasonably prudent man would have published the article without further investigation, but rather requires the presentation of 'sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.' ") (quoting *St. Amant v. Thompson*, 390 U.S. 727, 731, 88 S.Ct. 1323, 1325, 20 L.Ed.2d 262 (1968) (emphasis omitted)). Consequently, we agree with the Media Defendants that the Superior Court erred in remanding for a new trial as to this issue.

IV. Conclusion

Joseph v. Scranton Times, L.P.

In conclusion, we affirm that portion of the Superior Court's order which affirmed the trial court's order denying Appellees' post-trial motion for a new trial, and we reverse that portion of the Superior Court's order which reversed and remanded as to the trial court's order denying Appellees' post-trial motion for a new trial. As there are no outstanding appellate issues, we reinstate the order of the trial court denying Appellees' post-trial motion for a new trial and judgment in favor of the Media Defendants. Jurisdiction relinquished.

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Club Rosters

Booker T. Washington Center	Shatiana	Albelo	Gold Representative	she/her	Gold House Law and Justice 1	
Booker T. Washington Center	Jazareah	Hines	Gold Representative	she/her	Gold House Law and Justice 2	
Booker T. Washington Center	Dakarai	Keith	Gold Representative	he/him	Gold House Public Health and Welfare	
Booker T. Washington Center	Aliana	McCreary	Blue Representative	she/her	Blue House Consumer Protection	
Booker T. Washington Center	Gianna	Stewart	Gold Representative	she/her	Gold House Human Services	
Booker T. Washington Center	Cazmier	Tate	Gold Representative	he/him	Gold House Public Health and Transportation	
Booker T. Washington Center	Davasia	Thomas	Blue Representative Committee Chair	she/her	Blue House Environmental Resources and Energy	
Boyertown East	Ife	Agbelusi	Gold Representative	she/her	Gold House Law and Justice 1	
Boyertown East	Mercy	Agbelusi	Gold Senator	she/her	Gold Senate Law and Justice	GS-316
Boyertown East	Taylor	Albanese	Gold Senator	she/her	Gold Senate Law and Justice	GS-317
Boyertown East	Leah	Buckley	Gold Representative	she/her	Gold House Public Health and Transportation	GH-473
Boyertown East	Alaina	Gehring	Gold Senator	she/her	Gold Senate Public Health and Environmental Resources	GS-327
Boyertown East	Felisha	Gero	Gold Representative	she/her	Gold House Human Services	GH-448
Boyertown East	Aiden	Golovacha	Gold Representative	he/him	Gold House Law and Justice 1	GH-455
Boyertown East	Alexis	Henderson	Gold Representative	she/her	Gold House Human Services	GH-452
Boyertown East	Anna	John	Gold Senator		Gold Senate Public Health and Environmental Resources	
Boyertown East	Daniella	Kateusz	Gold Representative	she/her	Gold House Education 1	GH-406
Boyertown East	Riley	Maxey	Gold Representative	he/him	Gold House Law and Justice 2	
Boyertown East	Logan	McCullough	Press Corps	he/him		
Boyertown East	Harold	Miller	Gold Representative	he/him	Gold House Education 2	GH-401
Boyertown East	Allena	Murtagh	Gold Representative	she/her	Gold House Education 3	GH-424
Boyertown East	Grace	Myslinski	Gold Representative	she/her	Gold House Public Health and Welfare	GH-478
Boyertown East	Abby	Sauers	Gold Representative	she/her	Gold House Education 2	GH-412
Boyertown East	Lucas	Scheck	Gold Representative	he/him	Gold House Public Health and Welfare	GH-484
Boyertown East	Meghan	Wensel	Press Corps	she/her		
Boyertown East	Ethan	Westrich	Gold Representative	he/him	Gold House Public Health and Welfare	GH-479
Boyertown West	Stephen	Barcoski	Press Corps	He/him		
Boyertown West	Riley	Comfort	Gold Representative	He/him	Gold House Public Health and Transportation	GH-474
Boyertown West	Naomi	Dyer	Gold Representative	She/her	Gold House Education 1	GH-402
Boyertown West	Cadi	Eckert	Attorney			
Boyertown West	Jenna	Fox	Gold Representative	She/her	Gold House Education 1	GH-404
Boyertown West	Ella	Frantzen	Gold Representative	She/her	Gold House Public Health and Welfare	GH-480
Boyertown West	Abriana	Giannini	Attorney	She/her		
Boyertown West	Kendal	Gilbert	Gold Representative	She/her	Gold House Education 1	GH-405
Boyertown West	Lexi	Groman	Gold Representative	She/her	Gold House Education 3	
Boyertown West	JJ	Habres	Press Corps	He/him		
Boyertown West	Caleb	Hawley	Gold Senator	He/him	Gold Senate Education 2	GS-308
Boyertown West	Sophia	Izzo	Gold Representative	She/her	Gold House Education 4	GH-429
Boyertown West	Maya	Lopez	Attorney	She/her		
Boyertown West	Lily	Ochs	Gold Representative	She/her	Gold House Environmental Resources and Animal Welfare	GH-444
Boyertown West	Veida	Patterson	Gold Representative		Gold House Environmental Resources and Animal Welfare	GH-443
Boyertown West	Gienna	Perri	Gold Representative	She/her	Gold House Education 1	GH-403

Boyertown West	Maddison	Quigley	Press Corps			
Boyertown West	Gillian	Ricci	Gold Representative	She/her	Gold House Human Services	GH-453
Boyertown West	Ian	Saballos	Gold Representative	He/him	Gold House Law and Justice 2	GH-463
Boyertown West	Roxanna	Samuel	Attorney	She/her		
Boyertown West	Madison	Seiscio	Attorney			
Boyertown West	Z	Timberlake-Newell	Attorney	She/her		
Boyertown West	Joshua	Torres	Gold Senator	He/him	Gold Senate Law and Justice	GS-318
Boyertown West	Ariella	Zeigler	Gold Senator	She/her	Gold Senate Law and Justice	GS-315
Boyertown YMCA	Jaylah	Allen Bates	Attorney	She/her		
Boyertown YMCA	Riley	Berkoski	Attorney	She/her		
Boyertown YMCA	Delaney	Bradley	Attorney	She/her		
Boyertown YMCA	Alyson	Brisbois	Attorney	She/her		
Boyertown YMCA	Sabrina	Falzone	Attorney			
Boyertown YMCA	Ashley	Gheer	Press Corps	She/her		
Boyertown YMCA	Michelle	Leahy	Press Corps	She/her		
Boyertown YMCA	Gabriela	Martin	Blue Senator	She/her	Blue Senate Law and Justice	BS-113
Boyertown YMCA	Kim	Reinboth	Press Corps	She/her		
Boyertown YMCA	Izabel	Sandoval	Gold Representative	She/her	Gold House Environmental Resources and Animal Welfare	GH-438
Boyertown YMCA	Derek	Schoedler	Blue Representative Committee Chair	He/him	Blue House Education 1	BH-216
Boyertown YMCA	Alison	Shapin	Gold Representative	She/her	Gold House Public Health and Transportation	GH-476
Boyertown YMCA	Kaylene	Wetzel	Attorney	She/her		
Brandywine YMCA	Frankie	Brittingham	Attorney	She/her		
Brandywine YMCA	Lucy	Chiambalero	Blue Representative	She/her	Blue House Education 1	
Brandywine YMCA	Hope	Gibbons	Blue Representative	She/her	Blue House Education 3	BH-230
Brookville YMCA	Luke	Burton	Gold Representative	He/him	Gold House Education 3	GH-428
Brookville YMCA	Jordan	Daisley	Gold Representative	She/her	Gold House Education 1	GH-410
Brookville YMCA	Maddy	Golier	Governors Administration	She/her	Secretary of Education	
Brookville YMCA	Lucas	Haight	Blue Representative		Blue House Law and Justice 3	
Brookville YMCA	Bailey	Hammerle	Gold Representative	She/her	Gold House Environmental Resources and Animal Welfare	GH-439
Brookville YMCA	Violet	Harper	Gold Representative		Gold House Public Health and Welfare	GH-477
Brookville YMCA	Victoria	Hill	Blue Senator	She/her	Blue Senate Public Health and Welfare	BS-121
Brookville YMCA	Maeve	Jordan	Blue Representative	She/her	Blue House Consumer Protection	BH-205
Brookville YMCA	Katharine	Kelly	Blue Representative	She/her	Blue House Education 2	BH-274
Brookville YMCA	E	Kimmel	Blue Representative	He/him	Blue House Consumer Protection	BH-203
Brookville YMCA	Olivia	Miller	Gold Representative	She/her	Gold House Education 4	GH-431
Brookville YMCA	Sorren	Morelli	Gold Senator	He/him	Gold Senate Education 2	GS-309
Brookville YMCA	Cora	Parson	Gold Representative		Gold House Human Services	GH-449
Brookville YMCA	Josh	Semeyn	Gold Representative	He/him	Gold House Law and Justice 1	GH-481
Brookville YMCA	corinne	siar	Gold Representative	She/her	Gold House Education 3	GH-420
Brookville YMCA	Sage	Snyder	Blue Representative		Blue House Public Health and Welfare 2	BS-276
Brookville YMCA	Kerrigan	Swartz	Blue Representative	She/her	Blue House Transportation	BH-283
Brookville YMCA	Rees	Taylor	Gold Representative	He/him	Gold House Law and Justice 1	GH-460
Brookville YMCA	Alyssa	Tollini	Gold Representative		Gold House Education 4	GH-430
Brookville YMCA	Bryce	Weaver	Blue Representative	He/him	Blue House Consumer Protection	BH-204
Brookville YMCA	Carson	Weaver	Blue Representative	He/him	Blue House Law and Justice 2	BH-257

Brookville YMCA	Ella	Weaver	Gold Representative	She/her	Gold House Public Health and Transportation	GH-469
Butler YMCA	Melissa	Arcuri	Gold Senator	She/her	Gold Senate Education 1	GS-301
Butler YMCA	Jadyn	Baxter	Gold Representative	She/her	Gold House Law and Justice 2	
Butler YMCA	Alondra	Cardiel	Attorney	She/her		
Butler YMCA	Raegan	Conaway	Attorney			
Butler YMCA	Taylor	Driskell	Attorney	She/her		
Butler YMCA	Savannah	Flores	Attorney	She/her		
Butler YMCA	Russ	Harper	Press Corps	He/him		
Butler YMCA	Cayton	Hopson	Press Corps	He/him		
Butler YMCA	Savannah	Jageman	Press Corps	She/her		
Butler YMCA	Elizabeth	Lamberti	Attorney	They/them		
Butler YMCA	Samuel	Miller	Gold Representative	He/him	Gold House Public Health and Transportation	GH-485
Butler YMCA	Maura	Mormak	Attorney	She/her		
Butler YMCA	Isabella	Pletsch	Press Corps	She/her		
Butler YMCA	Ayda	Revitsky	Attorney	She/her		
Butler YMCA	Aris	Riglin	Press Corps	She/her		
Butler YMCA	Riley	Rittersdorf	Attorney	She/her		
Butler YMCA	Kloe	Roxbury	Attorney	She/her		
Butler YMCA	Chloe	Schoentag	Attorney	She/her		
Butler YMCA	Brooke	Schramm	Gold Senator	She/her	Gold Senate Education 2	GS-310
Butler YMCA	Aubrey	Thomas	Blue Senator	She/her	Blue Senate Law and Justice	BS-114
Butler YMCA	Ava	Tirk	Press Corps	She/her		
Butler YMCA	Amelia	Turner	Gold Senator		Gold Senate Public Health and Environmental Resources	GS-328
Butler YMCA	Lucca	Unik	Attorney	He/him		
Butler YMCA	Bethany	Unik	Governors Administration	She/her	Secretary of Health and Human Services	
Butler YMCA	Teagan	Unik	Press Corps	She/her		
Butler YMCA	Drew	Weifenbaugh	Attorney	He/him		
Butler YMCA	Mayha	Wilbert	Gold Representative	She/her	Gold House Law and Justice 1	GH-461
Butler YMCA	Salem	Wright	Gold Representative	He/him	Gold House Education 2	GH-486
Butler YMCA	Jun	Zheng	Blue Representative	He/him	Blue House Transportation	BH-284
Camp Hill	Evelyn	Aungst	Blue Senator	She/her	Blue Senate Public Health and Consumer Protection	BS-133
Camp Hill	Cecilia	Beem	Blue Senator	She/her	Blue Senate Education	BS-101
Camp Hill	Catherine	Booth	Blue Representative	She/her	Blue House Environmental Resources and Energy	BH-233
Camp Hill	Lia	Levy	Blue Representative		Blue House Law and Justice 3	BH-265
Camp Hill	Dylan	McInroy	Blue Representative	She/her	Blue House Environmental Resources and Energy	BH-234
CCA	Kaitlyn	Castorani	Attorney	She/they		
CCA	Aliah	Hunter	Attorney	She/her		
CCA	Laniley	Rushton	Attorney	She/her		
CCA	Leah	Sherman	Attorney	She/her		
Dover YMCA	Scarlet	Zeigler	Press Corps	She/her		
Friendship YMCA	Alex	Baturin	Blue Representative Committee Chair	He/him	Blue House Labor and Industry	BH-244
Friendship YMCA	Hope	Boulingui	Attorney	They/them		
Friendship YMCA	Jordan	Bowser	Governors Administration	He/him	Secretary of Labor, Industry, and Transportation	
Friendship YMCA	Emma	Burd	Gold Representative	She/her	Gold House Education 3	GH-425
Friendship YMCA	Yashica	Chhetri	Press Corps	She/her		

Friendship YMCA	Jillian	Colone	Press Corps	She/her		
Friendship YMCA	Caitlyn	Czoper	Press Corps	She/her		
Friendship YMCA	Olivia	Dedman	Blue Representative		Blue House Labor and Industry	BH-242
Friendship YMCA	Deladem	Dzimega	Attorney	They/them		
Friendship YMCA	Jasmin	Echeverria	Attorney	She/they		
Friendship YMCA	Lauren	Fetterhoff	Justice			
Friendship YMCA	Christopher	Fleming	Blue Representative	He/him	Blue House Public Health and Welfare 2	BH-277
Friendship YMCA	Olympia	Giannakopoulos	Blue Senator	She/her	Blue Senate Public Health and Welfare	BS-123
Friendship YMCA	Holland	Harrell	Blue Representative	She/they	Blue House Law and Justice 3	BH-266
Friendship YMCA	Sahiti	Kulkarni	Attorney	She/her		
Friendship YMCA	Lael	Laing	Presiding Officer			
Friendship YMCA	Jodi	Lasher	Presiding Officer	She/her		
Friendship YMCA	Kendal	Lorfink	Governors Administration	She/her	Gold House Liason	
Friendship YMCA	Mason	Lubold	Blue Representative	He/him	Blue House Education 1	BH-215
Friendship YMCA	Nicholas	Mabry	Gold Representative Committee Chair	He/him	Gold House Education 3	GH-426
Friendship YMCA	Eli	Mackey	Blue Representative	He/him	Blue House Law and Justice 1	BH-226,258,209,251
Friendship YMCA	Naysah	Mbarushimana	Press Corps	She/her		
Friendship YMCA	Jolene	McBarnett	Blue Representative	She/her	Blue House Education 2	BH-221
Friendship YMCA	Sarah	Messimer	Blue Senator	She/her	Blue Senate Public Health and Consumer Protection	BS-129
Friendship YMCA	Lily	Mubbala	Attorney	She/her		
Friendship YMCA	Katue	Mumfird	Press Corps	She/her		
Friendship YMCA	Cecilia	Oguntade	Gold Senator	She/her	Gold Senate Public Health and Environmental Resources	GS-329
Friendship YMCA	McKylee	Piotroski	Press Corps	She/her		
Friendship YMCA	Sydney	Plesco	Blue Senator	She/her	Blue Senate Law and Justice	BS-115
Friendship YMCA	Nuha	Rizwan	Gold Representative	She/her	Gold House Law and Justice 1	GH-456
Friendship YMCA	Nathaniel	Rosa	Press Corps	He/him		
Friendship YMCA	Sophia	Seiders	Attorney	She/her		
Friendship YMCA	Quinn	Stevens	Blue Representative	He/him	Blue House Labor and Industry	BH-243
Friendship YMCA	Brad	Tibbs	Blue Senator	He/him	Blue Senate Public Health and Welfare	BS-122
Friendship YMCA	Ta'miyea	Turner	Attorney	She/her		
Friendship YMCA	Shaniyah	Weidler	Attorney	She/her		
Friendship YMCA	Sage	Winters	Blue Representative	She/her	Blue House Law and Justice 3	BH-263
Garnet Valley High School	Jasmine	Balsi	Press Corps	She/her		
Garnet Valley High School	Shahzad	Bolduc	Press Corps	He/him		
Garnet Valley High School	Addie	Chauhan	Press Corps	She/her		
Garnet Valley High School	Anna	Connolly	Attorney	She/her		
Garnet Valley High School	Nahla	Cooper	Gold Senator	She/her	Gold Senate Law and Justice	BS-319
Garnet Valley High School	Natalie	D'Italia	Blue Representative	She/her	Blue House Law and Justice 1	BH-352
Garnet Valley High School	Daniel	Dada	Justice	He/him		
Garnet Valley High School	Sreenidhi	Das	Press Corps	She/her		
Garnet Valley High School	Ava	Elliott	Blue Representative	She/her	Blue House Environmental Resources and Energy	BH-235
Garnet Valley High School	Avery	Eskin	Press Corps	She/her		
Garnet Valley High School	Summer	Fritchey	Attorney			
Garnet Valley High School	Gianna	Gamble	Press Corps	She/her		
Garnet Valley High School	Eden	Goldstein	Attorney	She/her		

Garnet Valley High School	Mishty	Gupta	Press Corps	She/her		
Garnet Valley High School	Lila	Kakad	Press Corps	She/her		
Garnet Valley High School	Vivan	Mahendru	Attorney	He/him		
Garnet Valley High School	Praharshitha	Nagraj	Attorney	She/her		
Garnet Valley High School	Rylie	Parsons	Blue Senator	She/her	Blue Senate Law and Justice	BS-112
Garnet Valley High School	Ryan	Simone	Attorney	He/him		
Garnet Valley High School	Saanvi	Singh	Attorney	She/her		
Garnet Valley High School	Ryann	Small	Attorney	She/her		
Garnet Valley High School	Riley	Stoddard	Presiding Officer	She/her		
Garnet Valley High School	Taylor	Tempesta	Attorney	She/her		
Garnet Valley High School	Tobi	Timmons	Attorney	He/him		
Garnet Valley High School	Venus	Weber	Governors Administration	They/them	Attorney General	
Garnet Valley High School	Jude	York	Attorney	He/him		
Hershey	Mehnaz	Ahmed	Attorney	She/her		
Hershey	Ivanna	Amill-Fábregas	Gold Senator		Gold Senate Education 1	GS-302
Hershey	Sarah	Anderson	Blue Representative Committee Chair	She/her	Blue House Law and Justice 1	BH-254
Hershey	Akyra	Barrera Ryan	Press Corps			
Hershey	Angelina	Berg	Attorney			
Hershey	Syd	Bogush	Press Corps	She/her		
Hershey	David	Bray	Attorney			
Hershey	Emily	Bryant	Press Corps	She/her		
Hershey	Anne	Burke	Attorney	She/her		
Hershey	Mia	Caldonetti	Blue Senator	She/her	Blue Senate Public Health and Welfare	BS-124
Hershey	Ethan	Castillo	Attorney	He/him		
Hershey	Benjamin	Cedeno	Blue Representative		Blue House Education 2	BH-218
Hershey	Reginald	Chen	Blue Representative	He/him	Blue House Law and Justice 1	BH-255
Hershey	Kristina	Chroneos	Attorney			
Hershey	Madeline	Copeland	Press Corps	He/him		
Hershey	Ryan	Cruz	Attorney			
Hershey	Dhruv	Daita	Blue Representative	He/him	Blue House Environmental Resources and Energy	BH-236
Hershey	Shaunak	Dalal	Gold Representative	He/him	Gold House Public Health and Transportation	GH-470
Hershey	Claire	Dalto	Press Corps	They/them		
Hershey	Blaire	Dellasega	Blue Senator	She/her	Blue Senate Law and Justice	BS-116
Hershey	Layla	Digiacommo	Attorney	She/her		
Hershey	Claire	DiGiovanna	Gold Representative		Gold House Public Health and Transportation	GH-471
Hershey	Jeffrey	Ding	Blue Representative	He/him	Blue House Transportation	BH-285
Hershey	Kara	Donaghue	Attorney			
Hershey	Alexandra	Drabick	Attorney	She/her		
Hershey	Ellison	Dunkle	Press Corps	She/her		
Hershey	Maggie	Dye	Attorney	She/her		
Hershey	Benjamin	Farr	Press Corps	He/him		
Hershey	Isaiah	Ferenci	Attorney	He/him		
Hershey	Elijah	Ferenci	Attorney	He/him		
Hershey	Robert	Fitzsimons	Press Corps	He/him		
Hershey	Violet	Foley	Attorney	She/her		

Hershey	Rex	Forr	Press Corps	They/them		
Hershey	Benjamin	Fredrickson	Press Corps	He/him		
Hershey	Airam	Godfrey	Press Corps	They/them		
Hershey	Tillman	Green	Attorney	He/him		
Hershey	Abigail	Gurka	Attorney	They/them		
Hershey	Azeem	Hafiz	Gold Representative	He/him	Gold House Education 3	GH-427
Hershey	Judi	Ismail	Press Corps			
Hershey	Prisha	Jamwal	Attorney	She/her		
Hershey	aidan	jaskulski	Press Corps	He/him		
Hershey	Renato	Jimenez	Blue Representative	He/him	Blue House Labor and Industry	BH-247
Hershey	Aj	Johnson	Attorney	He/him		
Hershey	Maple	Kao	Gold Representative	She/her	Gold House Education 3	GH-422
Hershey	Lilith	Keller	Gold Representative	She/her	Gold House Human Services	GH-454
Hershey	Haris	Khalid	Blue Representative Committee Chair	He/him	Blue House Education 2	BH-222
Hershey	Isha	Khalid	Gold Representative	She/her	Gold House Education 4	GH-432
Hershey	Sidak	Kochar	Attorney	She/her		
Hershey	Sam	Koda	Blue Representative	He/him	Blue House Education 1	BH-210
Hershey	Justin	Lagman	Gold Senator	He/him	Gold Senate Education 2	GS-312
Hershey	Ana	Leon Kovatch	Gold Representative Committee Chair	She/her	Gold House Law and Justice 2	GH-465
Hershey	Nathan	Lin	Attorney	He/him		
Hershey	Selina	Lin	Attorney	She/her		
Hershey	Yanwei	Liu	Attorney	She/her		
Hershey	Leo	Liu	Blue Representative	He/him	Blue House Education 2	BH-211
Hershey	Yanhui	Liu	Blue Representative	He/him	Blue House Labor and Industry	BH-246
Hershey	Kai	Liu	Press Corps	He/him		
Hershey	Matthew	Locklier	Press Corps	He/him		
Hershey	Leo	Lu	Governors Administration		Secretary of Rural and Urban Affairs	
Hershey	Jason	Lyn-Sue	Attorney	He/him		
Hershey	Kara	Mace	Attorney	She/her		
Hershey	Holden	Mackley	Blue Representative	He/him	Blue House Public Health and Welfare 1	BH-271
Hershey	Lydia	McMullen	Press Corps	She/her		
Hershey	Sanskriti	Naik	Gold Senator	She/her	Gold Senate Education 2	GS-311
Hershey	Priyanka	Nambiar	Presiding Officer	She/her		
Hershey	Daniel	Nunez	Attorney			
Hershey	Louise	Olszewski	Attorney			
Hershey	Cecelia	Olszewski	Attorney			
Hershey	Will	Olszewski	Attorney	He/him		
Hershey	Mya	Ondeck	Attorney	She/her		
Hershey	Joey	Owsley	Blue Representative	He/him	Blue House Law and Justice 1	
Hershey	Mythili	Pai	Press Corps	She/her		
Hershey	Tayen	Parke	Attorney	She/her		
Hershey	Veer	Patel	Attorney	He/him		
Hershey	Disha	Patel	Blue Representative	She/her	Blue House Public Health and Welfare 2	BH-278
Hershey	Tulsi	Patel	Gold Representative Committee Chair	She/her	Gold House Education 2	GH-415
Hershey	Ainesh	Paul	Gold Representative	He/him	Gold House Law and Justice 2	GH-466

Hershey	Ariadne	Payatakes	Attorney	She/her		
Hershey	Aidan	Peters	Blue Senator	He/him	Blue Senate Education	BS-108
Hershey	Laura	Phillippy	Presiding Officer	She/her		
Hershey	Angela	Prince	Attorney	He/him		
Hershey	Connor	Pugliese	Attorney	He/him		
Hershey	Asad	Qureshi	Gold Representative	He/him	Gold House Law and Justice 2	GH-467
Hershey	Hajirah	Riarh	Blue Representative	She/her	Blue House Law and Justice 2	BH-259
Hershey	Khadijah	Riarh	Justice	She/her		
Hershey	Shiza	Saad	Blue Representative Committee Chair	She/her	Blue House Consumer Protection	BH-201
Hershey	Hailey	Serrano	Attorney	She/her		
Hershey	Nandita	Sethi	Gold Representative	She/her	Gold House Education 2	GH-414
Hershey	Cailyn	Sharma	Attorney	She/her		
Hershey	Ramya	Sharma	Attorney	She/her		
Hershey	Valerie	Shen	Justice	She/her		
Hershey	Joe	Sherma	Governors Administration	He/him	Secretary of Education	
Hershey	Junaid	Siddiqui	Blue Representative	He/him	Blue House Public Health and Welfare 1	BH-272
Hershey	Ian	Stokes	Attorney	He/him		
Hershey	Theodore	Sukernik	Gold Senate Committee Chair	He/him	Gold Senate Law and Justice	GS-320
Hershey	Ruth	Taguma	Gold Senator	She/her	Gold Senate Public Health and Environmental Resources	GS-325
Hershey	Atai	Tahasan	Blue Representative		Blue House Law and Justice 1	BH-253
Hershey	Naomi	Tanjung	Attorney	They/them		
Hershey	Sophia	Tanjung	Gold Representative	She/her	Gold House Education 2	GH-413
Hershey	Pushpesh	Thakur	Blue Representative	He/him	Blue House Labor and Industry	BH-245
Hershey	Aarav	Tripathi	Attorney			
Hershey	Annalese	Tsyapa	Gold Senator	She/her	Gold Senate Public Health and Environmental Resources	GS-323
Hershey	Sophia	Tunks	Press Corps	She/her		
Hershey	Lucy	Vargo	Attorney	She/her		
Hershey	Aiyanna	Verma	Gold Representative	She/her	Gold House Law and Justice 2	GH-464
Hershey	Luciana	Vitale	Gold Representative	She/her	Gold House Education 2	GH-416
Hershey	Elizabeth	Vojt	Attorney	She/her		
Hershey	Claire	Walker	Attorney	She/her		
Hershey	Katherine	Wallace	Attorney	She/her		
Hershey	Asa	Wang	Attorney			
Hershey	Grace	Wang	Attorney	She/her		
Hershey	Emma	Wang	Attorney	She/her		
Hershey	Sebastian	Weader	Press Corps			
Hershey	Elijah	Wellington	Attorney	He/him		
Hershey	Re'	Westman	Attorney	She/her		
Hershey	Kailey	Whipple	Attorney			
Hershey	Leah	Wilhelm	Press Corps	She/her		
Hershey	Lydia	Wolf	Press Corps	She/her		
Hershey	Ling	Wu	Justice			
Hershey	Nicole	Yang	Attorney	They/them		
Hershey	Dayme	You	Attorney	They/them		
Hershey	Angela	You	Attorney	She/they		

Hershey	Aaron	You	Attorney			
Hershey	Ella	Yurick	Blue Representative	She/her	Blue House Public Health and Welfare 2	BH-279
Hershey	Joyeeta	Zaman	Attorney	She/her		
Hershey	Leah	Zimmerman	Press Corps	She/her		
Knoch High School	Natalie	Anderson	Blue Representative Committee Chair	She/her	Blue House Law and Justice 3	BH-267
Knoch High School	Annissa	Bogan	Blue Senator	She/her	Blue Senate Law and Justice	BS-110
Knoch High School	Braelee	Bogan	Gold Senator	She/her	Gold Senate Law and Justice	GS-321
Knoch High School	Ava	Breese	Blue Representative	She/her	Blue House Public Health and Welfare 1	BH-269
Knoch High School	Nellie	Eichler	Press Corps	They/them		
Knoch High School	Lara	Ejzak	Lobbyist	She/her		
Knoch High School	Samuel	Gilligan	Attorney	He/him		
Knoch High School	Landen	Gracie	Attorney	He/him		
Knoch High School	Katie Jane	Hodges	Lobbyist	She/her		
Knoch High School	Remmy	Kovac	Gold Senator	They/them	Gold Senate Education 1	GS-303
Knoch High School	Zane	Nowicki	Gold Representative	He/him	Gold House Environmental Resources and Animal Welfare	GH-440
Knoch High School	Jack	Nowicki	Gold Representative	He/him	Gold House Environmental Resources and Animal Welfare	GH-445
Knoch High School	Angela	Parisi	Blue Senator		Blue Senate Public Health and Consumer Protection	
Knoch High School	Dara	Patten	Lobbyist	She/her		
Knoch High School	Toby	Reynolds	Blue Representative		Blue House Law and Justice 2	
Knoch High School	Alicyn	Rhodes	Blue Senator	She/they	Blue Senate Education	BS-109
Knoch High School	Andrew	Ripper	Blue Representative	He/him	Blue House Public Health and Welfare 2	BH-280
Knoch High School	Teaghan	Steighner	Attorney			
Knoch High School	Ashley	Walters	Blue Representative	She/he/they	Blue House Education 3	BH-232
Knoch High School	Paige	Wilson	Attorney	She/they		
Lower Dauphin	Carolyn	Clouser	Governors Administration	She/her	Secretary of Health and Human Services	
Lower Dauphin	Enzo	Dreon	Press Corps	He/him		
Lower Dauphin	Michael	Estes	Blue Representative	He/him	Blue House Environmental Resources and Energy	BH-238
Lower Dauphin	Maddie	Foreman	Press Corps	She/her		
Lower Dauphin	Elizabeth	Fredrick	Governors Administration	She/her	Blue House Liason	
Lower Dauphin	Jaime	Gallick	Blue Representative	He/him	Blue House Transportation	BH-286
Lower Dauphin	Alena	Henning	Press Corps	She/her		
Lower Dauphin	Braylee	Klinger	Press Corps	She/her		
Lower Dauphin	Alexia	Kouletsis	Press Corps	She/her		
Lower Dauphin	Quinn	Madden	Attorney			
Lower Dauphin	Peter	Otto	Attorney			
Lower Dauphin	Jainee	Patel	Blue Representative	She/her	Blue House Education 2	BH-223
Lower Dauphin	Claire	Rafferty	Blue	She/her	Blue House Environmental Resources and Energy	BH-237
Lower Dauphin	Elyana	Snyder	Gold Representative	She/her	Gold House Public Health and Transportation	
Lower Dauphin	Emma	Thomas	Blue Senator	She/her	Blue Senate Public Health and Welfare	BS-125
Lower Dauphin	Brenna	Tressler	Attorney	She/her		
Lower Dauphin	Jaxon	Umidi	Press Corps	He/him		
Lower Dauphin	Nikolai	Wagner	Press Corps	He/him		
Lower Dauphin	Grace	Walsh	Press Corps	She/her		
Lower Dauphin	Bailey	White	Attorney	She/her		
Lower Dauphin	Nathan	Wolfe	Press Corps	He/him		

Middletown High School	Aaliyah	Allensworth	Governors Administration	She/they	Press Secretary	
Middletown High School	Kylee	Baumbach	Press Corps	She/her		
Middletown High School	Gabriella	Garisto	Press Corps	She/her		
Middletown High School	Camillo	Gasper	Blue Senator	He/him	Blue Senate Public Health and Consumer Protection	BS-134
Middletown High School	mason	Gratkowski	Blue Representative Committee Chair	He/him	Blue House Education 3	BH-231
Middletown High School	Zoe	Handwerk	Gold Representative		Gold House Education 3	GH-423
Middletown High School	Kyle	Hickoff	Gold Senate Committee Chair	She/her	Gold Senate Education 1	GS-304
Middletown High School	Hannah	Hottenstein	Press Corps	She/her		
Middletown High School	Peyton	Hunt	Press Corps	She/her		
Middletown High School	Rashid	Ibrahim	Blue Senate Committee Chair	He/him	Blue Senate Public Health and Consumer Protection	BS-138
Middletown High School	Cooper	Johnson	Press Corps	He/him		
Middletown High School	Jospeh	Korsak	Blue Representative	He/him	Blue House Education 2	BH-319
Middletown High School	Isa	Markert	Gold Representative	He/him	Gold House Education 1	
Middletown High School	Dravin	Murti	Blue Representative Committee Chair	He/him	Blue House Public Health and Welfare 2	BH-282
Middletown High School	Aaron	Nordai	Blue Representative	He/him	Blue House Law and Justice 3	
Middletown High School	Cassidy	Pomranning	Blue Representative	She/her	Blue House Law and Justice 2	BH-260
Middletown High School	Devin	Ruzansky	Blue Representative	He/him	Blue House Public Health and Welfare 1	
Middletown High School	Derick	Sandstrom	Gold Representative	He/him	Gold House Environmental Resources and Animal Welfare	GH-441
Middletown High School	Layla	Wall	Press Corps	She/her		
Middletown High School	Madison	Yohe	Governors Administration		Blue Senate Liason	
Obama Academy	Viola	Aderholt	Gold Representative Committee Chair	She/her	Gold House Education 1	GH-407
Obama Academy	Ray	Alexander	Governors Administration	He/him	Executive Assistant	
Obama Academy	Talynn	Allen	Justice	She/they		
Obama Academy	Jeremiah	Batts	Press Corps	He/him		
Obama Academy	Kenza	Bey	Justice	She/her		
Obama Academy	Nicholas	Black	Attorney	he/him		
Obama Academy	Lucy	Caroff	Attorney	She/her		
Obama Academy	Carl	Cogan	Attorney	He/him		
Obama Academy	Na'Deja	Covington	Press Corps	She/her		
Obama Academy	Arya	Datta	Press Corps	He/him		
Obama Academy	Annabel	Degenholtz	Governors Administration	She/her	Gold Senate Liason	
Obama Academy	Savanna	Duckett	Lobbyist	She/her		
Obama Academy	Norma	Fruzynski	Press Corps	She/her		
Obama Academy	Sean	Gaines	Gold Representative	He/him	Gold House Law and Justice 1	GH-457
Obama Academy	Mariah	Gaines	Press Corps	She/her		
Obama Academy	Kimora	Hogan	Gold Senator	She/her	Gold Senate Education 2	GS-313
Obama Academy	Madelyn	Legler	Press Corps	She/her		
Obama Academy	Korey	Lowe	Blue Representative	He/him	Blue House Environmental Resources and Energy	BH-239
Obama Academy	Aavin	Mangalmurti	Blue Representative Committee Chair	He/him	Blue House Public Health and Welfare 1	BH-275
Obama Academy	Ava	Miller	Press Corps	She/her		
Obama Academy	Cora	Myers	Press Corps	She/her		
Obama Academy	Dior	Oliver	Press Corps	She/her		
Obama Academy	Laura	Paredes	Attorney	They/them		
Obama Academy	Henry	Pekich	Blue Senator	He/him	Blue Senate Law and Justice	BS-111
Obama Academy	Max	Pekich	Press Corps	He/him		

Obama Academy	Sydney	Pellegrino	Press Corps	She/her		
Obama Academy	Zariah	Phillips	Press Corps	She/they		
Obama Academy	Vanessa	Prentiss	Press Corps	She/her		
Obama Academy	Makenzie	Rudolph	Lobbyist	She/they		
Obama Academy	Hirai	Shuda	Press Corps	He/him		
Obama Academy	Diya	Singh	Presiding Officer	She/her		
Obama Academy	Miriam	Spak	Blue Senate Committee Chair	She/her	Blue Senate Public Health and Welfare	BS-126
Obama Academy	Charles	Sweeney	Blue Representative	He/him	Blue House Law and Justice 2	BH-261
Obama Academy	Isaiah	Trumbull	Blue Senator	He/him	Blue Senate Education	BS-102
Obama Academy	Sam	Vicente	Blue Representative	He/him	Blue House Law and Justice 1	
Obama Academy	Isaac	Werner	Gold Representative	He/him	Gold House Education 4	GH-433
Obama Academy	Reece	Williams	Press Corps	She/her		
Obama Academy	Elliot	Younes	Blue Representative	He/him	Blue House Law and Justice 2	
Obama Academy	Cai	Young	Press Corps	She/her		
Rose E. Schneider YMCA	Caroline	Adams	Gold Senate Committee Chair		Gold Senate Public Health and Environmental Resources	GS-330
Rose E. Schneider YMCA	Reighan	Bean	Blue Representative	She/her	Blue House Public Health and Welfare 2	
Rose E. Schneider YMCA	Tom	Beresnyak	Governors Administration		Chief of Staff	
Rose E. Schneider YMCA	Miles	Bornes	Press Corps	He/they		
Rose E. Schneider YMCA	NATHAN	CRAIG	Blue Representative	He/him	Blue House Law and Justice 1	BH-256
Rose E. Schneider YMCA	Paige	Ditson	Blue Senator	She/her	Blue Senate Public Health and Consumer Protection	BS-131
Rose E. Schneider YMCA	Kyra	Fazio	Blue Representative		Blue House Transportation	
Rose E. Schneider YMCA	Jo	Fernandez	Attorney	she/they		
Rose E. Schneider YMCA	Colleen	Fitzpatrick	Attorney	She/her		
Rose E. Schneider YMCA	Sophie	Geil	Gold Representative Committee Chair	She/her	Gold House Public Health and Welfare	GH-482
Rose E. Schneider YMCA	Sarah	Ghaffar	Gold Representative	She/her	Gold House Law and Justice 2	GH-468
Rose E. Schneider YMCA	Kaitlyn	Hardy	Attorney			
Rose E. Schneider YMCA	Emma	Hensberger	Press Corps	She/her		
Rose E. Schneider YMCA	Abby	Huppert	Attorney	She/her		
Rose E. Schneider YMCA	Peter	Ko	Blue Senate Committee Chair	He/him	Blue Senate Law and Justice	BS-118
Rose E. Schneider YMCA	Julia	Lipscomb	Blue Representative Committee Chair	She/her	Blue House Transportation	BH-288
Rose E. Schneider YMCA	Nathan	McWilliams	Blue Representative	He/him	Blue House Education 3	BH-227
Rose E. Schneider YMCA	anusha	Nayak	Press Corps	She/her		
Rose E. Schneider YMCA	Delanie	Newell	Attorney	She/her		
Rose E. Schneider YMCA	James	Orlando	Blue Representative	He/him	Blue House Transportation	BH-287
Rose E. Schneider YMCA	Ram	Pillai	Blue Representative	He/him	Blue House Public Health and Welfare 2	BH-281
Rose E. Schneider YMCA	Ava	Platt	Attorney	She/her		
Rose E. Schneider YMCA	Nicholas	Porter	Blue Senator	He/him	Blue Senate Public Health and Consumer Protection	BS-137
Rose E. Schneider YMCA	Gizelle	Salsa	Gold Representative Committee Chair	She/her	Gold House Environmental Resources and Animal Welfare	GH-446
Rose E. Schneider YMCA	Dane	Schmidt	Press Corps	He/him		
Rose E. Schneider YMCA	Zoe	Schultz	Press Corps	She/her		
Rose E. Schneider YMCA	Heather	Schwartz	Justice	She/her		
Rose E. Schneider YMCA	Friyana	Sepai	Gold Representative Committee Chair	She/her	Gold House Public Health and Transportation	GH-472
Rose E. Schneider YMCA	Mardo	Shaker	Gold Representative	He/him	Gold House Education 2	GH-417
Rose E. Schneider YMCA	Robert	Staresinic	Blue Senator	He/him	Blue Senate Public Health and Consumer Protection	BS-130
Rose E. Schneider YMCA	Benjamin	Sutton	Blue Representative Committee Chair	He/him	Blue House Law and Justice 2	BH-262

Rose E. Schneider YMCA	Roshini	Umesh	Gold Representative	She/her	Gold House Education 4	GH-434
Rose E. Schneider YMCA	Shivani	Umesh	Presiding Officer	She/her		
Rose E. Schneider YMCA	Ben	Walsh	Governors Administration		Secretary of Law and Justice	
Rose E. Schneider YMCA	Damien	Wiedmeyer	Attorney	He/him		
Somerset	Nicole	Appel	Gold Representative	She/her	Gold House Public Health and Welfare	GH-483
Somerset	Malorie	Barron	Gold Senator	She/her	Gold Senate Education 1	GS-306
Somerset	Zachary	Gibbs	Blue Representative	He/him	Blue House Labor and Industry	BH-248
Somerset	Robert	Grega	Blue Senator	He/him	Blue Senate Education	BS-104
Somerset	Bradley	Hauger	Blue Representative	He/him	Blue House Education 1	BH-212
Somerset	Olivia	Hay	Gold Senate Committee Chair	She/her	Gold Senate Education 2	BS-314
Somerset	Drew	Hearn	Blue Senator		Blue Senate Education	BS-103
Somerset	Violet	Henry	Gold Senator	She/her	Gold Senate Education 1	GS-305
Somerset	oshyen	knisely	Gold Representative	She/her	Gold House Public Health and Transportation	GH-475
Somerset	Summer	Lindeman	Gold Representative	She/her	Gold House Education 2	GH-411
Somerset	Garrett	Marsh	Blue Representative	He/him	Blue House Environmental Resources and Energy	BH-240
Somerset	kylie	milller	Gold Representative		Gold House Education 4	GH-435
Somerset	Roger	Moore	Blue Representative		Blue House Law and Justice 3	BH-268
Somerset	Daniel	Polaski	Gold Representative	He/him	Gold House Human Services	GH-447
Somerset	Katie	Romesburg	Gold Representative Committee Chair	She/her	Gold House Human Services	GH-451
Somerset	Ava	Rush	Gold Representative	She/her	Gold House Human Services	GH-450
Somerset	Eva	Sanzi	Attorney			
Somerset	Lindsey	Shaffer	Attorney			
Somerset	Azul	Sosa Ayala	Gold Representative	She/her	Gold House Law and Justice 1	GH-458
Somerset	Luna	Sosa-Ayala	Gold Representative	She/her	Gold House Education 2	GH-418
Somerset	Adria	Spehar	Attorney			
Springfield High School	Alexander	Aharon	Blue Representative	He/him	Blue House Law and Justice 1	BH-241
Springfield High School	hannah	brandon	Blue Representative	She/her	Blue House Education 1	BH-213
Springfield High School	Leah	Brown	Press Corps	She/her		
Springfield High School	Serena	Choi	Gold Senator	She/her	Gold Senate Education 1	GS-307
Springfield High School	Norah	Conlin	Blue Representative	She/her	Blue House Consumer Protection	BH-208
Springfield High School	Asher	Dahlgren	Blue Senator	He/him	Blue Senate Education	BS-105
Springfield High School	Grace	Dailey	Blue Senator		Blue Senate Public Health and Welfare	BS-128
Springfield High School	Isaac	Darga	Gold Representative Committee Chair	He/him	Gold House Education 4	GH-436
Springfield High School	Leo	Dean	Blue Senator		Blue Senate Public Health and Consumer Protection	BS-132
Springfield High School	Ayla	DiBattista	Blue Representative	She/her	Blue House Education 3	BH-229
Springfield High School	Sophia	Gatti	Gold Representative	She/her	Gold House Environmental Resources and Animal Welfare	GH-442
Springfield High School	Anya	Geynisman	Gold Representative	She/her	Gold House Education 1	GH-408
Springfield High School	Zoe	Green	Blue Representative	She/her	Blue House Education 3	BH-228
Springfield High School	Gabrielle	Greene	Blue Senate Committee Chair	She/her	Blue Senate Education	BS-107
Springfield High School	Matt	Hood	Blue Representative	He/him	Blue House Consumer Protection	BH-202
Springfield High School	William	Horn	Blue Senator	He/him	Blue Senate Public Health and Consumer Protection	BS-135
Springfield High School	Ashley	Jenkins	Blue Representative	She/her	Blue House Education 2	BH-225
Springfield High School	Rebeca	Jimenez-Diaz	Blue Representative	She/her	Blue House Education 1	BH-214
Springfield High School	Michaela	Kelly	Blue Representative	She/her	Blue House Labor and Industry	BH-250
Springfield High School	Jordan	Kempner	Blue Senator	She/her	Blue Senate Public Health and Consumer Protection	BS-136

Springfield High School	Nathan	Levy	Blue Representative		Blue House Consumer Protection	BH-207
Springfield High School	Camryn	Licoll	Governors Administration	She/her	Secretary of Law and Justice	
Springfield High School	Madeline	Lodge	Gold Senator	She/her	Gold Senate Public Health and Environmental Resources	GS-324
Springfield High School	Helen	Lutz	Blue Senator	She/her	Blue Senate Education	BS-106
Springfield High School	Lillian	Martin	Gold Representative	She/her	Gold House Education 2	GH-409
Springfield High School	Kate	Matthews	Gold Representative Committee Chair	She/her	Gold House Law and Justice 1	GH-459
Springfield High School	Bryn	McGhiey	Gold Representative	She/her	Gold House Education 3	GH-421
Springfield High School	Ravi	Padmanabhan	Blue Representative		Blue House Public Health and Welfare 1	BH-273
Springfield High School	Maya	Pizzica	Blue Representative	She/her	Blue House Transportation	BH-289
Springfield High School	amelia	price	Blue Representative	She/her	Blue House Transportation	BH-290
Springfield High School	Sam	Pugh	Blue Representative	He/him	Blue House Law and Justice 2	
Springfield High School	Maya	Robinson	Blue Representative	She/her	Blue House Labor and Industry	BH-249
Springfield High School	Sophie	Seslow	Blue Representative	She/her	Blue House Education 2	BH-224
Springfield High School	Jack	Sharpe	Blue Representative	He/him	Blue House Public Health and Welfare 1	BH-270
Springfield High School	Maya	Splich	Blue Representative	She/her	Blue House Law and Justice 3	
Springfield High School	Iona	Stum	Blue Senator	She/her	Blue Senate Public Health and Welfare	BS-127
Springfield High School	Logan	Stum	Gold Representative	He/him	Gold House Education 2	GH-419
Springfield High School	Aidan	Tallon	Blue Representative	He/him	Blue House Consumer Protection	BH-206
Springfield High School	Adam	Thorp	Gold Senator	He/him	Gold Senate Law and Justice	GS-322
Springfield High School	Eli	Turner	Press Corps	He/him		
Springfield High School	Brooks	Wright	Press Corps	She/her		
YLIE	Othman	Albalkhi	Blue Representative	He/him	Blue House Law and Justice 1	
YLIE	Erica	Gall	Blue Senator	She/her	Blue Senate Public Health and Welfare	
YLIE	Eddie	Gonzalez	Blue Representative	He/him	Blue House Law and Justice 2	
YLIE	Cassandra	Gorton	Blue Representative		Blue House Law and Justice 3	
YLIE	Alycia	Jordan	Blue Representative	She/her	Blue House Education 1	BH-217,291
YLIE	lejohna	lindsey	Blue Representative	She/her	Blue House Education 2	BH-220
YLIE	ReAjanai	Pullium	Blue Representative	She/her	Blue House Public Health and Welfare 1	
YLIE	Solomon	Ravnell	Blue Representative	He/him	Blue House Public Health and Welfare 2	
YLIE	Gabriella	Rodney	Blue Representative	She/her	Blue House Education 3	
YLIE	nevaeh	williams	Blue Senator	She/her	Blue Senate Law and Justice	BS-119

Ling Wu

Chief Justice

Hershey



Have you held any positions in your club?

Through a selective process, I have been given the opportunity of being a part of my delegation's Fundraising and Service Committee in order to raise money for our delegation and provide back to the community. By being a part of this committee, I have been able to learn effective communication, collaboration, and developmental skills, making me knowledgeable of what is effective and what is not. Additionally, I have been given the opportunity to lead and assist within my club by reading delegates' briefs and giving feedback on their oral arguments. From this, I have solidified my knowledge of what works for briefs and oral arguments and makes them successful. If elected as Chief Justice, I will keep this mindset in mind in order to know what effective strategies will help guide attorneys to success.

Have you held any statewide positions?

I have the privilege of serving as a Supreme Court Justice for the past two years. By being able to work with the justice bench and alumni volunteers, I have gained experience in how to ask effective questions for attorneys, while creating a calm courtroom atmosphere. Observing small details such as body language, tone, and projection have led me to know an attorney's confidence level and case knowledge, allowing me to ask guiding or challenging questions. With the varying styles of justices, I have learned their questioning style and their connections to attorneys, making a large impact on the attorneys' experiences. From this experience, I know how a good justice will help attorneys succeed rather than making them feel terrified of the courtroom.

Why are you the most qualified candidate?

I started off YAG in the 8th grade by joining my friends and my sister, the former Chief Justice. I didn't know what to expect, yet I have been met with nothing but amazing experiences. As a young attorney, I took every opportunity to grow my public speaking and writing skills. With the help of senior pod leaders, former justices, and co-presidents, I have flourished in the program and risen to the challenge of developing expertise on judicial procedures and while increasing my public speaking abilities. By being a justice previously, I have gained experience in how to ask proper questions, create an inviting courtroom, and give effective feedback. Additionally, I have learned the different types of justices, their tactics, and their effects, making me aware of what a harmful justice will do to an attorney's experience. From my years as an attorney and justice, I am aware of what a helpful and harmful justice can do to an attorney. If elected as Chief Justice, I will remember my past in order to help anyone who is struggling at Model.

Is there anything else you want people to know?

I am a huge music listener! My favorite artists include Taylor Swift, TWICE, Queen, and Arctic Monkeys. My favorite films include Little Women (2019) and Tangled. I am involved in Mini-THON, Environmental Club, Marching Band, and other extracurriculars. Feel free to reach out to me on @ling4justice or in person if you have any questions!

Lydia McMullen

Editor in Chief

Hershey



Have you held any positions in your club?

I have been my club's press president for 2 years. The first year I was president, I was the only returning press member in my delegation. This compelled me to lead and inform people on topics that I have never experienced, due to Covid, like I would have with an in person Model convention. I had to adapt and ask questions to my fellow delegates to make sure my press delegates were informed on what they should be aware of.

Have you held any statewide positions?

I am the Eastern Press Manager. I was elected this year at EC. I work with Jodi Lasher, this year's Editor in Chief, and Ava Tirk, the Western Press Manager, to help promote the production of content in Press. We will create the Capitol Chronicle and post updates on social media. We help delegates create new project ideas and ease any nerves that might appear. I have held multiple positions in my delegation, allowing me to work with a lot of different delegates. With these experiences, I can learn how to work with many people. I have had to inform people on how an in-person Model worked, without me going due to Covid.

Why are you the most qualified candidate?

I think I am the most qualified candidate because of my experiences. I created the first tik tok account and Hershey Newspaper in my delegation. I am creative with new projects and ideas. I encourage my delegates and help promote a positive environment for everyone to thrive in. Last year at model, I won two awards: the Most Outstanding Member of Press and the Sam Condrick Spirit Award. The first award shows the amount of work I put into my press projects at model. This proves that I work hard on anything that is put in front of me and I try to create as much quality content as possible. The second award shows my actions as a leader in my own delegations. My advisors value the work I put into this club and made sure to show that I am doing a great job by selecting me for that award.

Is there anything else you want people to know?

I have been in the club for four years now. My first year I was led by Riley Bemis, who in the past was the Eastern Press Manager. Through the years, I have worked with people that have held statewide positions. This has allowed me to see how to be a great leader and really improve the club. I am a varsity athlete and participate in the National Honors Society and Math Honors Society. I am also in other clubs at my school. These all have allowed me to learn how to help people and make sure to listen to everyone's ideas.

Shivani Umesh

Lieutenant Governor

Rose E. Schneider YMCA



Have you held any positions in your club?

Within in my club, I am currently serving as the Legislative President. Not only do I lead debates in the legislative branch at my delegation but I also educate delegates on parliamentary procedure, governmental matters, and pressing issues in the state of Pennsylvania. Especially since my delegation acquired many new delegates in the legislative branch, to make them feel the most comfortable debating on the floor, I've introduced them not only to the basics of parliamentary procedure, but also to complicated procedures that only few know, such as amendment procedures. This way, younger delegates have the same access to resources as senior delegates, creating an equal opportunity for all delegates. Many new delegates also now feel comfortable to speak their opinion and share their voice on issues without worrying about parliamentary procedure. Additionally, I always strive to help any delegate that has the passion to come forward and want to learn more about the legislative branch. Even outside of the YMCA, I have given much advice to newer delegates inquisitive to learn. I hope to model these same principles, of equal opportunities, education, and determination, if elected as Blue Lieutenant Governor.

Have you held any statewide positions?

Currently, I am serving as the Gold Lieutenant Governor of the Pennsylvania Youth and Government program. Having been elected during West Elections Convention, I am a part of the 7-person Presiding Officer Board who oversees the entire PA Youth and Government program. Up to date, I have created and organized multiple resources for delegates to succeed in the program. During West EC, my campaign was centered around advocacy and accessibility of the senate: I wanted to help gold delegates easily integrate into the senate. Especially with smaller and/or newer delegations, senate leadership positions are sometimes not fully understood. Therefore, I spearheaded a brand-new initiative to visit delegations and present a seminar on senate debate and leadership positions. These delegation visits not only increased senate awareness but also encouraged delegates to apply for positions such as party leader and whip to advance their experience in the club. Collaborating with the Presiding Officers across the state, I have organized and planned statewide events such as Pre-Leg and Chair trainings. I have provided key resources for committee chairs and delegates for parliamentary procedures and bill writing; these resources help to ease gold delegates integrating into the senate. I have previously held the position of Gold Senate Committee Chair during Model Convention in Harrisburg. During this time, I prioritized certain aspects of debate and bill-writing that often feels daunting for gold delegates. Along with discussing bills with my committee members, I also advocated for their bills to be on the senate floor. I admired their passion for writing their bills, trying to find creative solutions to long-standing problems. Through experiences like these, I slowly learned to adapt and cater to young delegates' needs.

Why are you the most qualified candidate?

Currently, I am serving as the Lieutenant Governor of the Gold Senate. These transition years out of the pandemic are crucial to maintain and bringing back the program to its standards pre-pandemic, and I view experience as a key factor in this transition. Being a Lieutenant Governor allows me the invaluable opportunity to learn the ropes of being a Blue Lieutenant Governor under Laura Phillipy, our current Blue Lieutenant Governor. I have seen the essential elements of the backbone of this program, such as planning a pre-Legislative session, chair training, etc. I hope to carry that knowledge into the next year serving as your next Blue Lieutenant Governor.

Is there anything else you want people to know?

I have been in the senate the entirety of my involvement in Youth and Government. I've experienced the senate from all aspects a delegate can experience: debating a first year senate delegate, presenting your bill on the senate floor, presiding over debate as a senate committee chair, and even currently serving as a Lieutenant Governor of the Gold Senate. I am able to relate and connect with delegates of the senate, no matter the position, and I view this characteristic as key to presiding over a chamber.

Rashid Ibrahim

Lieutenant Governor

Middletown High School



Have you held any positions in your club?

Delegation Leader, Vice President, Legislative President, and Secretary

Have you held any statewide positions?

Gold Senate Committee Chair and Blue Senate Committee Chair

Why are you the most qualified candidate?

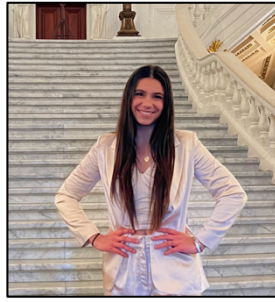
I've always tried and will continue to give my all to this program, as well better this program in ways that haven't been seen before, I'll push the concept of delegate decisions, where truly everyone in the program has a say on how the ship should be run. People have been my specialty my entire life, working well with others and leading a team has always been in my wheelhouse. I've lead several charity campaigns for a soccer league for under privileged Sudanese boys, as well I took issues that I saw in my school, and organized a group sit in and speech for our school board meetings which have allowed us to form a committee at my school for not only getting rid of those issues but to tackle what we can do to make our community better. As well YAG experience; I've been a gold senate committee chair and won outstanding committee chair, I was elected blue senate committee chair with the most votes in the state.

Is there anything else you want people to know?

Yo homies please walk up to me and we'll just have a conversation

Sarah Anderson

Speaker of the House Hershey



Have you held any positions in your club?

Within my club, I am currently a part of the service and fundraising committee where a selected group of individuals help Hershey as a delegation and as a community. In the committee, I help give ideas, organize, and fulfill service projects and activities. I serve as a chair within my delegation where I have chaired countless meetings, as well as helped my delegation with parliamentary procedure and encouraged (successfully) new members to debate! Additionally, I help to teach newer members and new chairs how to chair debate. I am a resource to those within the club and help all delegates.

Have you held any statewide positions?

Yes! This year I am serving as a blue house committee chair where I was elected in the top position at Elections Conventions. Additionally, Last year I served as a gold house committee chair for Public Health and Welfare. As a chair, I watched my committee grow and develop into great speakers. (Yes, just within the 3 days this happened). As a chair, it is one of my main priorities to get my committee members speaking, and as soon as they speak in committee, they become comfortable in the house. (Proud YAG mom moment). I loved helping my delegates within my committee during model last year, but also enjoyed my time before, where I read and gave feedback to every one of my delegate's bills in preparation for the convention.

Why are you the most qualified candidate?

Because of my experience as a Blue chair this year and a Gold Chair last year, I completely understand aspects in the house from different perspectives. I am extremely hardworking and always give 110% of effort. I believe with my experience being a committee chair as well as being a teacher in my delegation for chairing, I understand parliamentary procedure extremely well which will ensure smooth debate within the house. Additionally, with my experience organizing my committee, I will be able to give in depth and advanced guides for all members, as well as organize the house and give all preparations to delegates. I believe this club is run and organized beautifully, and my contribution will be perfecting the groundwork that has been laid.

Is there anything else you want people to know?

I am President of Model UN, I'm a research stakeholder for the Penn State Medical Center, I am a part of the Pennsylvania Youth Advisory Council, and I love to golf. These positions and experiences have shaped me into the leader I am. They have taught me how to advocate for my peers, contribute to the community, and teach/lead others to grow into their voices and become confident individuals. Also, I LOVE cats, and have four Siberian cats.

Julia Lipscomb

Speaker of the House Rose E. Schneider YMCA



Have you held any positions in your club?

Yes, in my club I am currently serving as both secretary and treasurer.

Have you held any statewide positions?

At last year's model, I served as a Gold House Chair, and this year I will be serving as a Blue House Chair.

Why are you the most qualified candidate?

I think my experience, my dedication, and my passion for YAG make me a qualified candidate. What I believe will set me apart are my ideas to improve debate and the delegates' House experience. My passion for helping delegates drives me to run for this position. I aim to improve delegates model experience in every way I can. Some of my ideas include having an up to date bill calendar available during model and creating a welcoming environment for delegates to participate in debate. My bill calendar is also an important topic. I plan to prioritize well written and relevant bills. I want to choose bills on topics that we can relate to and understand the importance of in our world. I believe these ideas and more will create fantastic debate and model experience.

Is there anything else you want people to know?

I completely understand that lobbying for your bill is an important part of model, and I want people to know I'll take the time to listen to or read their pitch for their bill. Also I love reading, so if you want you can always ask me about what I'm reading at the moment!

Aavin Mangalmurti

Speaker of the House

Obama Academy



Have you held any positions in your club?

This year I am proud to serve as Obama Delegation's legislative president. In that role I train delegates in parliamentary procedure, bill writing, and debating, concurrently allowing me to strengthen my legislative foundation that I may more effectively serve and help others in my statewide leadership roles.

Have you held any statewide positions?

I have served as a committee chair for three years, each presenting its own hurdles. Two years ago, I served as a Gold Senate committee chair during virtual Model. Whilst dealing with the Zoom calls, digital logistical tools, and combined chambers I effectively facilitated lively debate and decorum, all as a first year in the program. Last year I served as a Blue House committee chair. Alongside the gentle maneuvering necessary to maintain liveliness in a combined committee, the new in-person setting provided a host of challenges—both physical and mental—that I was able to take in stride. This year I am fortunate to again serve as a Blue House committee chair.

Why are you the most qualified candidate?

I think there are two aspects of a great speaker of the house: legislative knowledge and chairing capability. My roles as a bill-passer and Obama legislative president gives me the bill writing and parli-pro chops for the former. My committee chairing experience the latter. I am also the only two-time Blue House committee chair in the state.

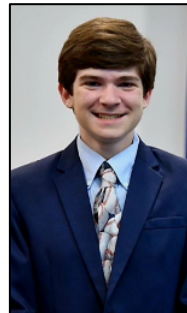
Is there anything else you want people to know?

I'm always available if you'd like to reach out! You can find me at @aavin4speaker on insta or text me at 412-584-2805. My favorite things to talk about are books, tea, and podcasts. See you all at Pre-Leg and Model!

Alex Baturin

Speaker of the House

Friendship YMCA



Have you held any positions in your club?

I have held the leadership positions of legislative chair and vice legislative chair. Additionally, I serve as a Camp Hill High School Delegation advisor. These roles have allowed me to work tirelessly with others towards ensuring a high level of preparedness and growth for all involved along with having enabled me to hone my skills as a leader, chair, and legislator.

Have you held any statewide positions?

Statewide, I have held the positions of senator and 3 time house committee chair. These roles have given me the opportunity to meet countless extraordinary delegates throughout the state. Additionally, getting to work as a chair both virtually and in person has helped me find the best methods of communication and instilled in me the importance of making sure I do everything I can to help ensure growth for all delegates. I have worked extremely hard each year to improve my chairing skills and will continually work hard to improve myself as a leader this year and beyond in order to maximize the YAG experience for everyone.

Why are you the most qualified candidate?

I believe that I am the most qualified candidate for Blue Speaker of the House because I have strong leadership skills, a comprehensive understanding of parliamentary procedure, and a deep understanding of the importance of making sure that all delegates feel included and understand the procedures, and the nuances of YAG so that they can get the most out of their YAG experience.

I believe that my experience and focus on encouraging the experienced and newer delegates will be instrumental in ushering in a highly successful Model.

Additionally, a thriving model hinges on a clear articulation of what needs to be done, when, and how. I have held several administrative and leadership roles, and believe that I will be able to help mold Model into an extraordinary opportunity to broaden ourselves and have a great time all the while.

My deep understanding of parli-pro has enabled me to run my committees in an efficient, productive, and beneficial manner wherein all delegates have been able to present their bills and debate them effectively and in a timely manner, while helping them enjoy the experience.

Lastly, I have, and will make sure to continue, to make sure that I am completely accessible, allowing all delegates to come to me with questions at any time and on any subject. I want YAG to be a life changing experience for everyone. I have seen firsthand how fulfilling and enjoyable YAG can be and I will always work tirelessly to make sure that each and every delegate are able to attain an extraordinary experience from YAG.

Is there anything else you want people to know?

I play High School Baseball, Golf, debate competitively, and enjoy spending time with my friends and family.

Lael Laing

Youth Governor

Friendship YMCA



Have you held any positions in your club?

I serve as Friendship YMCA's Delegation Leader/President

Have you held any statewide positions?

I serve as the Gold Speaker of the House

Why are you the most qualified candidate?

I believe that I am the most qualified candidate for Youth Governor because of my ability to listen and understand others, as well as my creativity when coming up with ways to improve the program. Not only do I have these ideas, I have tangible plans with detailed steps on how to implement them.

Is there anything else you want people to know?

One of my biggest priorities if elected would be to connect the delegations throughout the program year. My plan for the Interdelegational Network, or IDN, would make it much easier for delegation leaders to contact each other and plan more frequent meetings. Only seeing other delegations three times a year doesn't allow delegates to form connections to their fullest potential and expand upon the friendships they make at program events. The goal of the IDN would be to keep delegations in contact throughout the year to remedy this issue.

Diya Singh

Youth Governor

Obama Academy



Have you held any positions in your club?

Yes, I served as the Vice President of the Obama delegation from 2021 to 2022. In this position, I carried out administrative tasks and ensured that I was available as a resource to all delegates. This year, I do not have an official role in my delegation due to my commitment as a Presiding Officer, but I continue to dedicate myself to helping first-year members and offer my legislative and program expertise to the club.

Have you held any statewide positions?

Yes. I have been very fortunate to serve as a Gold House Committee Chair, a Blue House Committee Chair for which I was awarded "Outstanding House Chair", and I currently serve as a Presiding Officer in the Blue Speaker of the House position. This leadership experience has given me a deep understanding and appreciation of the PA YAG program. Serving as the Blue Speaker of the House over the past year has been especially valuable to me as a candidate, as I've been able to work closely with Governor Stoddard. Through this, I have gained a true understanding of the commitment and motivation required to fulfill the position, and what can actually be accomplished when elected. Additionally, I have been selected to attend the Conference on National Affairs twice and chosen as a 2023 YMCA Youth Advocate, which have both given me connections to YAG programs around the country, and the opportunity to meet and learn from many qualified and successful leaders.

Why are you the most qualified candidate?

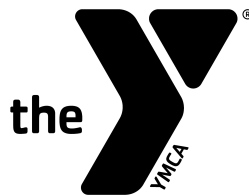
When I first joined Pennsylvania Youth and Government, I saw a complicated, elaborate, and well-oiled machine that I was eager to learn about and be a part of. Three years later, I have a deep understanding of its intricacies and inefficiencies, and would be honored to lead it. I am the most qualified candidate for this position because of my vast experience and dedication to YAG. My experience has been critical to my understanding of what the program needs from a Governor. I believe what YAG needs now is not only a Governor who has a genuine appreciation for each branch, but also a leader who will dedicate themselves to each of their complexities and needs. To become acquainted with each branch, I have taken the time to meet with accomplished members of Judicial, Press, and Legislative, to understand their respective programs and what a Governor can do to serve them best. Youth and Government has given me so much, whether it be the courage to speak in front of hundreds of people, a passion for politics, or some of the best friends I've ever had. I love being a part of YAG, and I will continue to let my profuse dedication motivate me to be an apt leader for every facet of the program.

Is there anything else you want people to know?

I'm so excited to meet all of you and tell you about my campaign! In my free time I like to read, (attempt) to cook and bake, play soccer, hang out with my puppy (he's a Havanese-poodle mix), and listen to music (hit me up with song recs). Be sure to follow @singh4gov on Instagram to learn about my platform and contact me with any questions!! (412-719-9956)

Not sure who your state legislators are?

Scan the QR code below to find out!



**Stay engaged with advocacy beyond Model & stay tuned
for more opportunities to get involved with the State
YMCA's advocacy efforts!**