



PROGRESSIVE MASSACHUSETTS

2020 GOVERNOR'S COUNCIL QUESTIONNAIRE

Date: 8/1/2020

Candidate: Padraic Rafferty

Office Sought: Governor's Councilor, 7th District

Party: Democrat

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Email questions to elections@progressivemass.com.

Questionnaire Responses (excepting sections labeled CONFIDENTIAL) will be published on our website.

Questions about Your Candidacy & Platform

1. Why are you running for Governor's Council? What has drawn you to this office in particular?

Having lost my father to terminal cancer at a young age, my outlook on life is to help others in need, as my father did as a union steward while employed by the Commonwealth for 26 years. As the Governor's Council seat for District 7 was vacated in 2019, I saw an opportunity where the next candidate must bring first-hand experience in the Court system in order to effectively vent gubernatorial nominations and assure current and future issues are addressed.

I chose to announce my candidacy for Governor's Council after being in the courtroom throughout the Commonwealth the last several years as a practicing attorney. This position on the Governor's Council would allow me to continue practicing law, but also give myself a chance to be a public servant for the Commonwealth to assure access and equal justice is enhanced in our court system.

Furthermore, if elected, I want to advocate for a more diverse pool of Judges in our Commonwealth and Worcester County, specifically individuals who are female or of minority descent.

2. What prepares serve in this capacity?

I believe, as any job or potential candidate, the individual must have experience. For this position, I am the only candidate who has been in the courtroom in multiple capacities, in multiple courts, and in multiple counties. I am a former Prosecutor in the Worcester District Attorney's Office, and since leaving for private practice, I have represented individuals in Juvenile, District, Superior, and Probate Court. A substantial portion of my practice is as a Criminal Defense Attorney. However, I have also handled divorces, child custody arrangements, RMV and Board of Appeal Hearings, SORB Appeal Hearings, and represented individuals as a union attorney for labor issues in administrative hearings.

Having a diversified resume in multiple courts on both sides of the criminal and probate system is imperative to assure our system is working and to first-hand see the issues and problems in the system. Importantly, I have the ability to see potential future candidates for positions and see their true beliefs and integrity when the spotlight is not necessarily on them. Furthermore, I will see future potential candidates in Court who could be a terrific future nomination for our

court system and encourage them to apply for positions in order to promote a fair and equal justice system.

3. What factors do/will you consider when determining whether an individual should be confirmed as a judge, a member of the Parole Board, or a member of any of the other boards and positions considered by the Council? How much weight/importance do you give to each of the factors you consider? Do you have any litmus tests?

I believe one must possess a vast amount of knowledge and personal experience before they are affirmed for a position. More importantly, a candidate must possess the ability to be impartial, fair, and apply the law. Additionally, I believe that a nomination must possess integrity and common sense as each case is so unique to one another. A person who will or could make a decision because of political or media ramifications is not someone qualified for one of these positions.

For example, with respect to District Court Judgeships, I believe that it is imperative to have both prosecutorial and defense experience in order to have a sense of understanding for each member involved in a criminal case. If a candidate was a former prosecutor, I would assure that candidate had the conversations with victims, witnesses, law enforcement, and pro-se defendants and gained a compassionate understanding and perspective when dealing with all those individuals. I would also review their demeanor as a prosecutor; whether they were able to balance the safety of the community and show compassion to the defendant and others involved and whether their prosecutorial record demonstrated rehabilitation, opposed to punishment, to promote a more effective system.

Alternatively, I believe a nomination for a District Court Judgeship must also be experienced as a defense lawyer. The need for understanding both sides is so instrumental, as a defense lawyer not only represents your rights in Court, but a defense lawyer also can appreciate the magnitude of other consequences outside of Court, such as family relationships, financial impacts, current and future employment ramifications, and the forever battle regarding the disease of addiction.

A candidate who has a significant understanding of each individual's perspective in the case makes for a great candidate for a Judgeship.

4. What issues do you intend to prioritize during questioning in confirmation hearings?

As I similarly stated in question three, I believe reviewing a nomination's professional resume is vital and what that individual may have done in certain circumstances. If elected to the council, I will propose scenarios and ask how that individual may rule or decide in the hypothetical case, to clarify his positions and views on issues.

As an advocate for substance abuse and addiction, I will question their understanding of the disease and how they would rule whether someone has been charged with a first time possession case or is a multiple time offender, and what sentence is most appropriate to rehabilitate that individual. I believe relapse is part of recovery, and I would advocate for judges who will promote such understanding and will try and advocate as much as possible for that individual to get help and surround themselves with a structure of sobriety and dignity.

5. What role can the Governor's Councilor play in helping to help end mass incarceration in Massachusetts?

As the Governor's Council cannot legislate, it is a position that has the ability to raise issues at the hearings, which can get the Governor or Lt. Governor's attention to fix cultural and systemic issues. The ability to attend hearings and offer solutions or demonstrate what courts or communities are doing for rehabilitation or outreach programs is powerful. Common sense and methodical arguments can get everyone's attention, including Government Officials who can be the leaders to legislate.

6. Many people are unaware of the existence of the Governor's Council. How will you seek to increase transparency and civic engagement if elected?

If elected, I intend to continue going out into the community and participate in programs that help and assist the less fortunate residents of Worcester County and the Commonwealth. I have participated in Food Pantries, feeding the poor, and donating to veteran organizations. As an assistant district attorney, I went and spoke to children at public schools regarding our court system and raise awareness for bullying and substance abuse. I would like to continue and build an outreach program to educate issues I see in the courts, allow the community to voice their issues, and make the community feel that their voice is heard.

Additionally, I want to advocate for female or minority qualified and impartial attorneys to apply for these positions. After speaking with many candidates or even potential candidates in Worcester County, they have been discouraged from applying and going through the process because they feel they will not

make it. I will be a leader in Worcester County to encourage those unwilling to apply because we are doing a disservice to the potential candidate and the Commonwealth itself.