

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Joseph F. Leeson, Jr.

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Eastern District of Pennsylvania

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Permanent Office Address (a fire occurred at my office building on February 9, 2014 – our offices have been temporarily relocated during reconstruction):

Leeson, Leeson & Leeson
70 East Broad Street
P.O. Box 1426
Bethlehem, Pennsylvania 18016

Temporary Office Address Effective February 17, 2014 (until completion of reconstruction of permanent office):

Leeson, Leeson & Leeson
One East Broad Street, Suite 320
P.O. Box 1426
Bethlehem, Pennsylvania 18016

4. **Birthplace**: State year and place of birth.

1955; Allentown, Pennsylvania

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1977 – 1980, Catholic University of America Law School; J.D., 1980
1973 – 1977, DeSales University; B.A. (cum laude), 1977

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1980 – Present
Leeson, Leeson & Leeson
Attorneys At Law
70 East Broad Street
P.O. Box 1426
Bethlehem, Pennsylvania 18016
Partner

1981 – Present
American Arbitration Association
230 South Broad Street
Philadelphia, Pennsylvania 19102
Arbitrator

2006 – Present
East Allen Township
5344 Nor-Bath Boulevard
Northampton, Pennsylvania 18067
Solicitor

2011 – Present
Bethlehem Township
4225 Easton Avenue
Bethlehem, Pennsylvania 18020
Tax Hearing Officer

2011 – Present
Borough of Bangor
197 Pennsylvania Avenue
Bangor, Pennsylvania 18013
Alternate Solicitor for Planning and Zoning

2013 – Present
City of Easton Board of Ethics
One South Third Street
Easton, Pennsylvania 18042
Solicitor

2011 – 2013
East Allen Township Municipal Authority
5340 Nor-Bath Boulevard

Northampton, Pennsylvania 18067
Solicitor

2004 – 2013
Northampton County General Purpose Authority
669 Washington Street
Easton, Pennsylvania 18042
Solicitor

2004 – 2010
City Council of the City of Bethlehem
10 East Church Street
Bethlehem, Pennsylvania 18018
Member of City Council
Chair of Finance Committee (2007 – 2010)
Vice President (2008 – 2010)

1991 – 2004
Northampton County Industrial Development Authority
669 Washington Street
Easton, Pennsylvania 18042
Solicitor

1998 – 2003
City of Bethlehem
10 East Church Street
Bethlehem, Pennsylvania 18018
Solicitor

1992 – 1997
City Council of the City of Bethlehem
10 East Church Street
Bethlehem, Pennsylvania 18018
Solicitor

1985 – 1991
Personnel Appeals Board of Northampton County
669 Washington Street
Easton, Pennsylvania 18042
Solicitor

1974 – 1976
Northampton County Government Study Commission
669 Washington Street
Easton, Pennsylvania 18042
Member, Board of Commissioners

Other affiliations (uncompensated unless otherwise indicated)

1980 – Present

Damar Construction, Inc.

70 East Broad Street

P.O. Box 1426

Bethlehem, Pennsylvania 18016

(Entity that owns law firm building)

President and Member of Board of Directors (50% Owner)

1980 – Present

DeSales University

2755 Station Avenue

Center Valley, Pennsylvania 18034

Member of President's Council

2001 – Present

Lehigh Valley Public Telecommunications Corporation

801 East First Street

Bethlehem, Pennsylvania 18015

Board Chair (2004 – 2006)

Board Member (2001 – Present)

2004 – Present

Carisal Investment Holdings B.V.I., Ltd.

2716 Barton Creek Boulevard #624

Austin, Texas 78735

(Owner of 1% of company)

2009 – Present

Conestoga Title Insurance Company

137-139 East King Street

Lancaster, Pennsylvania 17602

Title Insurance Agent (compensated)

2011 – Present

Janet Johnston Housenick and William D. Housenick Memorial Foundation

70 East Broad Street

P.O. Box 1426

Bethlehem, Pennsylvania 18016

Board Chair and President (compensated)

2004 – 2012

Pennsylvania Catholic Conference

223 North Street

P.O. Box 2835
Harrisburg, Pennsylvania 17105
Member of Administrative Board of Governors

1991 – 2010
Lehigh-Northampton Airport Authority
3311 Airport Road
Allentown, Pennsylvania 18109
Board Chair (1995 – 1997)
Board Member (1991 – 2010)

1995 – 1999
Notre Dame Church
1861 Catasauqua Road
Bethlehem, Pennsylvania 18018
Member of Parish Council

1993 – 1999
Pennsylvania Public Television Network Commission
State Capitol Building
Harrisburg, Pennsylvania
Member of Board of Commissioners

1984 – 1998
Lehigh Valley Community Foundation (formerly Bethlehem Area Foundation)
968 Postal Road, Suite 100
Allentown, Pennsylvania 18109
Board Chair (1995 – 1997)
Finance Officer (1984 – 1986)
Board Member (1984 – 1998)

1991 – 1994
United Cerebral Palsy of Bethlehem Endowment Fund
336 West Spruce Street
Bethlehem, Pennsylvania 18018
Board Member

1981 – 1985
Bethlehem Community Concert Association, Inc.
10 East Church Street
Bethlehem, Pennsylvania 18018
Board Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social

security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Martindale Hubbell Legal Directory, AV Preeminent Peer Review Rating (2012 – Present)

National Board of Trial Advocacy, Civil Trial Advocate Certification (2007 – Present)

Pennsylvania “Super Lawyer” (2010, 2013)

Distinguished Alumni Award, DeSales University (2007)

Boss of the Year Award, Lehigh-Northampton Counties Legal Secretaries Association (1989)

Young Man of the Year of the City of Bethlehem, Bethlehem Area Jaycees (1988)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Association for Justice (formerly Association of Trial Lawyers of America) (1982 – Present)

Bar Association of the District of Columbia (1998 – Present)

Bar Association of Lehigh County, Pennsylvania (1985 – Present)

Defense Research Institute (1982 – Present)

Federal Bar Association (1991 – Present)

National Diocesan Attorneys Association (2006 – Present)

Northampton County Bar Association, Pennsylvania (1980 – Present)

Pennsylvania Association for Justice (1982 – Present)

Pennsylvania Bar Association (1980 – Present)

Pennsylvania Defense Institute (1982 – Present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Pennsylvania, 1980

District of Columbia, 1998

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court, 1986
United States Court of Appeals for the Third Circuit, 1981
United States Court of Appeals for the Fifth Circuit, 1981
United States Court of Appeals for the Sixth Circuit, 1992
United States Court of Appeals for the Eleventh Circuit, 1981
United States Court of Appeals for the District of Columbia Circuit, 1981
United States Court of Appeals for the Federal Circuit, 1983
United States Court of Appeals for the Armed Forces, 1981
United States Court of Federal Claims, 1981
United States Tax Court, 1981
United States Court of International Trade, 1981
United States District Court for the Eastern District of Pennsylvania, 1981
United States District Court for the Middle District of Pennsylvania, 1981
United States District Court for the Western District of Pennsylvania, 1989
United States District Court for the District of Columbia, 1999

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Bethlehem Area Chamber of Commerce (1981 – 2000)
Bethlehem Area Jaycees (1980 – 1995)
 Treasurer (1984 – 1986)
Bethlehem Community Concert Association, Inc. (1981 – 1985)
Boy Scouts of America, Troop 352 of Bethlehem (2005 – 2011)
 Assistant Scoutmaster (2005 – 2011)
Damar Construction, Inc. Board of Directors (1980 – Present)
 President (1980 – Present)
DeSales University President's Council (1980 – Present)
Janet Johnston Housenick and William D. Housenick Memorial Foundation (2011 – Present)
 Board Chair and President (2011 – Present)
Knights of Columbus (2011 – Present)
Lehigh-Northampton Airport Authority Board of Governors (1991 – 2010)
 Board Chair (1995 – 1997)
 Treasurer (2003 – 2005)

Lehigh Valley Community Foundation (formerly Bethlehem Area Foundation)
 (1984 – 1998)
 Finance Officer (1984 – 1986)
 Board Chair (1995 – 1997)
 Lehigh Valley Public Telecommunications Corporation (2001 – Present)
 Board Chair (2004 – 2006)
 Northampton County Government Study Commission (1974 – 1976)
 Notre Dame Church (1994 – present)
 Parish Council Member (1995 – 1999)
 Pennsylvania Catholic Conference (2004 – 2012)
 Pennsylvania Public Television Network Commission (1993 – 1999)
 Pennsylvania Society (1995 – Present)
 Saucon Valley Country Club (1991 – Present)
 St. Thomas More Society of the Diocese of Allentown (2009 – Present)
 Union League of Philadelphia (1992 – Present)
 United Cerebral Palsy Endowment Fund (1991 – 1994)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Knights of Columbus, of which I have been a member since 2011, consists of Catholic men over the age of 18. There is a corresponding organization for women. During the first four years that I was a member of the Bethlehem Area Jaycees, membership was restricted to men. Prior to my joining the Saucon Valley Country Club and the Union League of Philadelphia, membership was restricted to men. Other than those that have been noted, to the best of my knowledge, none of the other organizations listed in my response to Question 11a discriminate or have formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

With Bob Cohen, Letter to the Editor, *Respect Needed During Time of Exploration*, MORNING CALL (Aug. 13, 2004). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

With Rhoda E. Allen, Frederick H. Bielefeld, James F. Coughlin, Jr., Francis E. Cronin, Daniel R. Gilbert, William F. Moran, Jr., Juliette C. Reinicker, Eric R. Shimer, Charles A. Smith and Carl E. Sunnergren, *Home Rule Charter for Northampton County and Northampton County Government Study Commission Final Report* (Jan. 9, 1976). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

2006 – Present: As Solicitor for the East Allen Township, I have participated in nearly all of the bi-weekly meetings of the Board of Supervisors of East Allen Township. I offered legal opinions during the meetings. Minutes available at [http://www.eatwp.org/BOS Meeting Minutes.html](http://www.eatwp.org/BOS%20Meeting%20Minutes.html).

2006 – Present: As Solicitor for the East Allen Township, I have participated in nearly all of the monthly meetings of the Planning Commission of East Allen Township. I offered legal opinions during the meetings. Minutes available at [http://www.eatwp.org/Planning Meeting Minutes.html](http://www.eatwp.org/Planning%20Meeting%20Minutes.html).

2011 – 2013: As Solicitor for the East Allen Township Municipal Authority, I attended and participated in nearly all of the monthly meetings of the Board of Directors of the East Allen Township Municipal Authority. I offered legal opinions during the meetings. Meeting minutes supplied where available.

2004 – 2013: As Solicitor for the Northampton County General Purpose Authority, I attended and participated in nearly all of the monthly meetings of the Board of Directors of the Northampton County General Purpose Authority. I offered legal opinions during the meetings. I have no notes, transcripts or recordings.

Proposed Bethlehem Human Relations Commission Ordinance: Legal Opinion Memorandum to Bethlehem City Council (May 11, 2011). Copy supplied.

2004 – 2010: As a member of the City Council of the City of Bethlehem, I participated in nearly all of the bi-weekly meetings of the City Council. I offered extemporaneous remarks during the meetings about City of Bethlehem

government matters and proposed ordinances and resolutions. On the occasions when I sponsored municipal ordinances and resolutions, I generally spoke in support of them during City Council meetings. These remarks were made extemporaneously and not from written text. During my six years on the City Council, these ordinances and resolutions included, but were not limited to, efforts to strengthen financial monitoring and control over City expenditures, efforts to strengthen monitoring and control over municipal borrowing, establishing salary levels for City officials, authorization for leasing City owned real estate, approvals of certificates of appropriateness for building and construction projects within historic districts, budget authorizations and budget item transfers. Minutes available at http://www.bethlehem-pa.gov/city_council/agenda_minutes/.

1991 – 2010: As a member of the Board of Governors, I participated in nearly all of the monthly meetings of the Lehigh-Northampton Airport Authority. I offered extemporaneous remarks during the meetings about Airport Authority matters, proposed budgets and air travel service. I have no notes, transcripts or recordings.

1998 – 2003: As Solicitor for the City of Bethlehem, I participated in nearly all of the bi-weekly meetings of the City Council of the City of Bethlehem. I offered legal opinions during the meetings. Minutes available at http://www.bethlehem-pa.gov/city_council/agenda_minutes.

1992 – 1997: As Solicitor for the City Council of the City of Bethlehem, I participated in nearly all of the bi-weekly meetings of the City Council of the City of Bethlehem. I offered legal opinions during the meetings. Minutes available at http://www.bethlehem-pa.gov/city_council/agenda_minutes

1993 – 1999: As a member of the Board of Commissioners, I participated as in nearly all of the quarterly meetings of the Pennsylvania Public Television Commission. I offered extemporaneous remarks during the meetings about public television matters. I have no notes, transcripts or recordings.

Letter to President Reagan from Northampton County Democratic Committee, regarding need for appointment of a Northampton attorney or judge to the Eastern District of Pennsylvania, 1986. I have been unable to obtain a copy of the letter.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

On January 2, 2014, I offered congratulatory remarks on the occasion of the retention ceremony of Judge Emil Giordano, as a Judge of the Court of Common Pleas of Northampton County, Pennsylvania. I have no notes, transcripts or recordings, but press coverage supplied. The address of the Court of Common Pleas of Northampton County is 669 Washington Street, Easton, Pennsylvania 18042.

On June 27, 2012, I participated in the “Let Religious Freedom Ring” forum at Notre Dame Church in Bethlehem, Pennsylvania. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Notre Dame Church is 1861 Catasauqua Road, Bethlehem, Pennsylvania 18018.

In 2005 and 2009, I participated in a total of four candidate forums during my two races for the City Council of the City of Bethlehem. I believe that the League of Women Voters sponsored each of these forums, which took place shortly before the primary and general elections in May and November of 2005 and 2009. The forums included candidates for other local offices. Each candidate received a brief time for introductory comments and then answered questions from the audience. I have no notes, transcripts or recordings. The League of Women Voters has no physical address.

In May and November of 2005 and 2009, I also met with groups of constituents preceding the primary and general elections in order to discuss the status of city government. These meetings took the form of brief introductory comments, followed by questions and answers. I do not recall the dates of these meetings, and I have no notes, transcripts or recordings.

On January 20, 2006, I offered congratulatory remarks on the occasion of the swearing-in of Judge Anthony S. Beltrami, as a Judge of the Court of Common Pleas of Northampton County, Pennsylvania. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Court of Common Pleas of Northampton County is 669 Washington Street, Easton, Pennsylvania 18042.

On November 30, 2005, I participated in a “Life on the Docket: The Role and Influence of the U.S. Courts” panel forum at DeSales University in Center Valley, Pennsylvania. I have no notes, transcripts or recordings. The address of DeSales University is 2755 Station Avenue, Center Valley, Pennsylvania 18034.

October 10, 1990: Guest Speaker, “Declaratory Judgment Actions,” Lehigh-Northampton Counties Legal Secretaries Association, Easton, Pennsylvania. I discussed elements of a declaratory judgment action, the purposes for which declaratory judgment actions are used, and the judicial relief available in declaratory judgment actions. I have no notes, transcripts or recordings. The

address of the Lehigh-Northampton Counties Legal Secretaries Association is 3414 Nicholas Court, Easton, Pennsylvania 18045.

June 26, 1985: Guest Speaker, Naturalization Ceremonies at the Northampton County Courthouse, Easton, Pennsylvania. I discussed the importance of free speech and free elections. I have no notes, transcripts or recordings. The address of the Northampton County Courthouse is 669 Washington Street, Easton, Pennsylvania 18042.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have to the best of my ability identified all items called for in the question, including conducting a thorough review of my files and records and searches of publicly available electronic databases. In my capacities as a former elected official, a former appointed official, a former leader of civic organizations and a municipal solicitor, I periodically have given interviews to local print media centering on matters involving the entity I was associated with. In my former service as Solicitor and later service as a City Council member, I would often give brief interviews to multiple members of the print media following the conclusion of City Council meetings. Many of these interviews, and news articles were reprinted in multiple outlets. I have done my best to identify all such interviews, but there may be interviews that I cannot recall or could not locate in my search. I have supplied a list that represents what I believe to be a complete list of all such interviews, as well as copies of those interviews.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From 2011 to the present, I have served part-time as an appointed tax hearing officer for the Township of Bethlehem. My responsibility is to hear and decide appeals by taxpayers from assessments of business privilege and mercantile tax, and to determine if the assessment was proper, or improper, based on the facts and the law.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately eight cases that have gone to judgment.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%

civil proceedings:	100%
criminal proceedings:	0%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

As a tax hearing officer, all of my opinions are unreported decisions that are disseminated only to the parties involved in the case. Thus, there are no citations to my opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *In the Matter of the Tax Appeal of Sure-Lok, Inc. and Sure-Lok International, Inc., No. 2-2-11A.* Copy of my opinion is supplied.

The taxpayer appealed from a tax assessment. Following a hearing at which the Township and the taxpayer both presented evidence, I found that the taxpayer was involved in manufacturing of vehicle safety restraint systems. Because the taxpayer was involved in manufacturing, I found that the taxpayer qualified for an exemption provided for by statute. The appeal of the taxpayer was sustained, and the assessment of tax was rescinded.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
Vaughn A. Terrinoni, Esquire
3976 Township Line Road
Bethlehem, Pennsylvania 18020
(610) 865-5950

2. *In the Matter of the Tax Appeal of General Supply Company, No. 2-5-11.* Copy of my opinion is supplied.

The taxpayer appealed from a tax assessment. Following a hearing at which the Township and the taxpayer both presented evidence, I found that the taxpayer was involved in wholesale sales of door frames, doors and door hardware. Because the taxpayer was involved in wholesale sales, I found that the taxpayer qualified

for an exemption provided for by statute. The appeal of the taxpayer was sustained, and the assessment of tax was rescinded.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
Abraham P. Kassis, Esquire
2851 Baglyos Circle, Suite 200
Bethlehem, Pennsylvania 18020
(610) 954-0900

3. *In the Matter of the Tax Appeal of Kyle A. Emerich and Emerich Center for Chiropractic Neurology, No. 2-1-12.* Copy of my opinion is supplied.

The taxpayer appealed from a tax assessment. Following a hearing at which the Township and the taxpayer both presented evidence, I found that the taxpayer was subject to the tax. The taxpayer argued that some of the revenues that were taxed were generated by its business from another office located outside Bethlehem Township, and were not subject to tax. I found that the taxpayer did not produce sufficient evidence to be able to trace what revenues were generated by the Township office, and what revenues were generated by the taxpayer's office outside the Township. Accordingly, the appeal was denied.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
None

4. *In the Matter of the Tax Appeal of DG Properties, Inc., No. 2-2-12.* Copy of my opinion is supplied.

The taxpayer appealed from the assessment of penalties and interest, but did not appeal its liability for payment of the tax. Following a hearing at which the Township and the taxpayer both presented evidence, I found that the taxpayer was responsible for payment of the tax, but that the assessment of the penalties and interest was not proper. The taxpayer proved that it had not received any notice of its responsibility to pay the tax to Bethlehem Township and that it had acted in good faith to pay business privilege and mercantile tax in the full amount of its

gross revenues to another municipality other than Bethlehem Township. The appeal of the taxpayer was sustained, and the assessment of penalties and interest was rescinded.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
Thomas A. Bowen, Esquire
Stevens & Lee
17 North Second Street, 16th Floor
Harrisburg, Pennsylvania 17101
(717) 234-1090

5. *In the Matter of the Tax Appeal of Flexicon Corporation, No. 2-3-12.* Copy of my opinion is supplied.

The taxpayer appealed from a tax assessment. Following a hearing at which the Township and the taxpayer both presented evidence, I found that the taxpayer was involved in manufacturing custom engineered bulk material handling systems. Because the taxpayer was involved in manufacturing, I found that the taxpayer qualified for an exemption provided for by statute. The appeal of the taxpayer was sustained, and the assessment of tax was rescinded.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
Thomas A. Bowen, Esquire
Stevens & Lee
17 North Second Street, 16th Floor
Harrisburg, Pennsylvania 17101
(717) 234-1090

6. *In the Matter of the Tax Appeal of Warren Controls, Inc., No. 2-5-12.* Copy of my opinion is supplied.

The taxpayer appealed from a tax assessment. Following a hearing at which the Township and the taxpayer both presented evidence, I found that the taxpayer was involved in manufacturing of precision valves. Because the taxpayer was

involved in manufacturing, I found that the taxpayer qualified for an exemption provided for by statute. The appeal of the taxpayer was sustained, and the assessment of tax was rescinded.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
David M. Backenstoe, Esquire
148 Main Street
Hellertown, Pennsylvania 18055
(610) 838-2255

7. *In the Matter of the Tax Appeal of OfficeMax Incorporated, No. 2-7-12.*
Copy of my opinion is supplied.

The taxpayer appealed, requesting a refund of penalties and interest on taxes paid over a span of two years. The taxpayer also requested the refund of a duplicate tax payment made in a third year. The case was submitted by agreement of the parties on paper, without a hearing. I found that the penalties and interest were properly assessed because the tax was paid late over a span of two years. I also found that there was proof of a duplicate tax payment for year three. The appeal of the taxpayer was denied in part (as to penalties and interest) and sustained in part (awarding refund of a duplicate payment).

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
None

8. *In the Matter of the Tax Appeal of Nobilis, Inc., No. 2-9-12.* Copy of my opinion is supplied.

The taxpayer appealed from a tax assessment. Following a hearing at which the Township and the taxpayer both presented evidence, I found that the tax was properly assessed. The taxpayer argued that the Township had improperly taxed revenue attributed to the New York office of the taxpayer. The Township argued that the tax assessment was properly assessed against revenues attributable to the Bethlehem Township office. I found that the tax assessed was against sales orders

effected, accepted and completed at the Bethlehem Township office. The appeal of the taxpayer was denied.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
None

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *In the Matter of the Tax Appeal of Sure-Lok, Inc. and Sure-Lok International, Inc., No. 2-2-11A.* Copy of my opinion supplied in response to Q13c.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
Vaughn A. Terrinoni, Esquire
3976 Township Line Road
Bethlehem, Pennsylvania 18020
(610) 865-5950

2. *In the Matter of the Tax Appeal of General Supply Company, No. 2-5-11.* Copy of my opinion supplied in response to Q13c.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
Abraham P. Kassis, Esquire
2851 Baglyos Circle, Suite 200

Bethlehem, Pennsylvania 18020
(610) 954-0900

3. *In the Matter of the Tax Appeal of Kyle A. Emerich and Emerich Center for Chiropractic Neurology, No. 2-1-12.* Copy of my opinion supplied in response to Q13c.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
None

4. *In the Matter of the Tax Appeal of DG Properties, Inc., No. 2-2-12.* Copy of my opinion supplied in response to Q13c.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
Thomas A. Bowen, Esquire
Stevens & Lee
17 North Second Street, 16th Floor
Harrisburg, Pennsylvania 17101
(717) 234-1090

5. *In the Matter of the Tax Appeal of Flexicon Corporation, No. 2-3-12.* Copy of my opinion supplied in response to Q13c.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
Thomas A. Bowen, Esquire
Stevens & Lee
17 North Second Street, 16th Floor

Harrisburg, Pennsylvania 17101
(717) 234-1090

6. *In the Matter of the Tax Appeal of Warren Controls, Inc., No. 2-5-12.* Copy of my opinion supplied in response to Q13c.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
David M. Backenstoe, Esquire
148 Main Street
Hellertown, Pennsylvania 18055
(610) 838-2255

7. *In the Matter of the Tax Appeal of OfficeMax Incorporated, No. 2-7-12.* Copy of my opinion supplied in response to Q13c.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
None

8. *In the Matter of the Tax Appeal of Nobilis, Inc., No. 2-9-12.* Copy of my opinion supplied in response to Q13c.

Counsel for Bethlehem Township:
Lawrence B. Fox
1834 Pennsylvania Avenue
Allentown, Pennsylvania 18109
(610) 861-9297

Counsel for the Taxpayer:
None

e. Provide a list of all cases in which certiorari was requested or granted.

I am unaware of any cases in which a party requested certiorari.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I am unaware of any opinions where my decisions were reversed or where my opinions were affirmed.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a tax hearing officer, all of my opinions are unreported decisions that are disseminated only to the parties involved in the case. Thus, there are no citations to my opinions.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I authored no opinions involving federal or state constitutional issues.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a tax hearing officer, I assessed the necessity or propriety of a recusal by thoroughly considering Canon 3(c) of the Pennsylvania Code of Judicial Conduct, which delineates the grounds by which a judge should disqualify himself or herself from a particular case. There have been no instances where I have recused myself from a case or where I have been requested to recuse myself from a case.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

From 1974 to 1976, I served as an elected member of the Northampton County Government Study Commission, after having been elected by Northampton County citizens.

From 1985 to 1991, I served as Solicitor for the Personnel Appeals Board of Northampton County, after having been appointed by former County Executive Eugene R. Hartzell.

From 1991 to 2004, I served as Solicitor for the Northampton County Industrial Development Authority, after having been appointed by former County Executive Eugene R. Hartzell.

From 1991 to 2010, I served as a member of the Board of Governors of the Lehigh-Northampton Airport Authority. I was initially appointed by former Northampton County Executive Gerald E. Seyfried, then reappointed by former County Executive A. Landis Brackbill, Jr., and finally reappointed by former County Executive Glenn F. Reibman.

From 1992 to 1997, I served as Solicitor for the City Council of the City of Bethlehem, after having been appointed by the City Council of the City of Bethlehem.

From 1993 to 1999, I served as member of the Board of Commissioners of the Pennsylvania Public Television Network, after having been appointed by former Governor Robert P. Casey.

From 1998 to 2003, I served as Solicitor for the City of Bethlehem, after having been appointed by former Mayor Donald T. Cunningham, Jr.

From 2004 to 2010, I served as a member of the City Council of the City of Bethlehem. I was initially appointed to a vacant seat by the then-members of City Council from 2004 to 2006. I was subsequently elected to serve a full term from 2006 to January 2010. I ran unsuccessfully for re-election in November 2009.

From 2004 to 2013, I served as Solicitor for the Northampton County General Purpose Authority, after having been appointed by former Northampton County Executive Glenn F. Reibman.

From 2011 to 2013, I served as Solicitor for the East Allen Township Municipal Authority, after having been appointed by the Board of Directors of East Allen Township Municipal Authority.

Since 2006, I have served as the Solicitor for East Allen Township, after having been appointed by the Board of Supervisors of East Allen Township.

Since 2011, I have served as the Alternate Solicitor for Zoning and Planning for the Borough of Bangor, after having been appointed by the Borough Council of the Borough of Bangor.

Since 2013, I have served as Solicitor for the City of Easton Board of Ethics, after having been appointed by the City of Easton Board of Ethics.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

After consulting my records and the internet, I have provided all of the information regarding my political activities that I can recall, though there may be some events that I have missed. My wife and I have hosted numerous fundraisers for local, state and federal candidates at our home, as well as co-hosted events at other locations. These fundraisers have been on behalf of the following campaigns and political committees:

From 2012 to 2013, I served as Co-Chair of the Bipartisan Committee to Retain Judge Emil Giordano. I was responsible for coordination of fundraising activity. From 2005 to 2006 and from 2011 to 2012, I served as a member of the Bob Casey for United States Senate Finance Committee. My wife and I held fundraisers for the campaign. From 1991 to 2010, I served as Treasurer of Citizens for John Morganelli for District Attorney, and I assisted with fundraising. As Treasurer, I co-signed Campaign Income and Expense Reports for the campaign. From 1992 to 1998, I served as Co-Chair of Citizens for Congressman Paul F. McHale. My wife and I held fundraisers for the campaign. In 1989, I

served as the Chair of the Committee to Elect Mayor Paul M. Marcincin. My wife and I held fundraisers for the campaign. In 1987, I served as the Chair of the Committee to Elect Mike Loupos Mayor. My wife and I held fundraisers for the campaign.

From 1984 to 1998, I served as an elected member of the Democratic State Committee of Pennsylvania. In this capacity, I hosted fundraisers for state and national offices presented in the Commonwealth of Pennsylvania. These included fundraisers for Governor Robert P. Casey for Governor of Pennsylvania (1986 and 1990), Robert P. Casey, Jr. for State Auditor General (1996 and 2000), Robert P. Casey, Jr. for State Treasurer (2004) and Robert P. Casey, Jr. for the United States Senate (2006 and 2012). I also participated in "Get Out the Vote Day" events throughout this period of time and attended local community fairs where I would introduce speakers.

From 1980 to 1998, I served as an elected member of the Northampton County Democratic Committee and served as Assistant Treasurer for this Committee from approximately 1985 to 1990. My wife and I have hosted numerous fundraisers for local candidates at our home, as well as co-hosting events at other locations. These fundraisers have been on behalf of the following candidates: Paul J. Calvo for Bethlehem City Council (1987), John J. Lawrence for Bethlehem City Council (1983 and 1987), James A. Delgrosso for City Council (1981, 1985, 1989 and 1993) and James A. Delgrosso for Mayor (2003). I recall the organization endorsed Paul J. Calvo for Bethlehem City Council, John J. Lawrence for Bethlehem City Council, James A. Delgrosso for Bethlehem City Council and James A. Delgrosso for Mayor. I also participated in local community fairs where I would introduce speakers.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I never served as a judicial clerk.

- ii. whether you practiced alone, and if so, the addresses and dates;

I never had a solo practice.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1980 – Present

Leeson, Leeson & Leeson

Permanent Office Address (a fire occurred at my office building on February 9, 2014 – our offices have been temporarily relocated during reconstruction):

Leeson, Leeson & Leeson

70 East Broad Street

P.O. Box 1426

Bethlehem, Pennsylvania 18016

Temporary Office Address Effective February 17, 2014 (until completion of reconstruction of permanent office):

Leeson, Leeson & Leeson

One East Broad Street, Suite 320

P.O. Box 1426

Bethlehem, Pennsylvania 18016

Partner

1985 – 1991

Personnel Appeals Board of Northampton County

669 Washington Street

Easton, Pennsylvania 18042

Solicitor

1992 – 1997

City Council of the City of Bethlehem

10 East Church Street

Bethlehem, Pennsylvania 18018

Solicitor

1991 – 2004

Northampton County Industrial Development Authority

669 Washington Street

Easton, Pennsylvania 18042

Solicitor

1998 – 2003

City of Bethlehem

10 East Church Street

Bethlehem, Pennsylvania 18018

Solicitor

2004 – 2013

Northampton County General Purpose Authority

669 Washington Street

Easton, Pennsylvania 18042
Solicitor

2011 – 2013
East Allen Township Municipal Authority
5340 Nor-Bath Boulevard
Northampton, Pennsylvania 18067
Solicitor

2006 – Present
East Allen Township
5344 Nor-Bath Boulevard
Northampton, Pennsylvania 18067
Solicitor

2011 – Present
Borough of Bangor
197 Pennsylvania Avenue
Bangor, Pennsylvania 18013
Alternate Solicitor for Planning and Zoning

2013 – Present
City of Easton Board of Ethics
One South Third Street
Easton, Pennsylvania 18042
Solicitor

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have served as a mediator and an arbitrator. The ten most significant matters that I have mediated or arbitrated are:

1. *Spohn v. Reading School District* (United States District Court appointed mediator, mediated settlement of civil rights case; the case pertained to alleged discrimination in employment)
2. *Bean, Inc. v. Pickarski, Inc.* (arbitrated construction industry case as sole arbitrator; the case pertained to a dispute between a subcontractor and a general contractor)
3. *GCR I, LLC, GCR II, LLC, Colson GCR, LLC and CDC Development Co., Inc. v. Tavianini* (arbitrated commercial real estate agreement of sale case as member of a three-member arbitration panel; the case pertained to a dispute concerning the

enforceability of an Agreement of Sale pertaining to a commercial parcel of real estate)

4. *Mayhon, Inc. v. Stanley Vidmar, Inc.* (arbitrated construction industry case as member of a three-member arbitration panel; the case pertained to a dispute between a project owner and a general contractor)
5. *Shmookler v. Deerbook Insurance Company* (arbitrated underinsured motorist claim as sole arbitrator; the case pertained to a claim for money damages for personal injuries where liability was agreed to by the parties)
6. *Andershonis, trading as Andershonis Contracting Co. v. County of Schuylkill Prison* (arbitrated construction industry dispute as member of a three-member arbitration panel; the case pertained to a dispute between a project owner and a general contractor)
7. *Seiger v. Erie Insurance Group* (arbitrated underinsured motorist claim as sole arbitrator; the case pertained to a claim for money damages for personal injuries where liability was agreed to by the parties)
8. *Haddad v. Martinez* (arbitrated automobile accident case as sole arbitrator; the case pertained to a claim for money damages for personal injuries where liability was agreed to by the parties)
9. *Conigliaro v. Travelers Insurance Company* (arbitrated underinsured motorist claim as sole arbitrator; the case pertained to a claim for money damages for personal injuries where liability was agreed to by the parties)
10. *Carano v. Wickersham Construction and Engineering, Inc.* (arbitrated construction industry case as sole arbitrator; this case pertained to a dispute between a project owner and a general contractor)

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From 1980 to approximately 1995, my law practice was primarily focused on insurance defense work. I handled many different types of civil litigation focusing on the defense of automobile, premises liability, products liability and professional liability claims. Since approximately

1995, my law practice has been a diverse civil practice, which includes insurance defense work, plaintiff civil litigation, municipal law, construction industry law and general civil practice matters such as wills and estates and real estate transactions.

Since 1991, my law practice has also involved service as Solicitor for multiple local government agencies. In my role as Solicitor, I have provided general legal advice to these municipal entities, including attending meetings of the governing boards of each entity, providing of legal recommendations, and preparing legal filings, contracts, ordinances and other legal documents associated with the particular entity's operations. I also have attended hearings and handled litigation matters for each municipal entity.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From 1980 to approximately 1995, my practice was primarily focused on civil litigation, representing insurance companies and their insureds, as well as self-insured companies. Since approximately 1995, in addition to civil defense work, I also have represented local government agencies, private individuals, small businesses, industrial and commercial construction contracting firms, religious institutions and non-profit institutions.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

From 1980 to approximately 1995, nearly my entire practice was in litigation and I appeared in court frequently. From 1995 to the present, approximately fifty percent of my practice has been in litigation, and fifty percent of my practice has been in general counseling and transactional work for municipalities, small businesses, industrial and commercial construction contracting firms, religious institutions and non-profits. I have continued to appear in Court frequently since 1995.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 5%
- 2. state courts of record: 94%
- 3. other courts: 0%
- 4. administrative agencies: 1%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 99%
- 2. criminal proceedings: 1%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I estimate I have tried 110 to 125 cases to verdict, judgment or final decision. I am unable to state an exact number because many of my records were destroyed in a fire that occurred at my office building on February 9, 2014. I was lead counsel or co-lead counsel in all of the cases.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 95% |
| 2. non-jury: | 5% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *DeBonis v. J.R. Faust & Sons Construction, LLC, et al.*, Case No. C-48-CV-2006-7329 (Northampton County, Pa. Ct. Com. Pl. 2010) (Hon. Emil A. Giordano), *aff'd* 3112 EDA 2011 (Pa. Super. Ct. 2011)

I represented the uninsured plaintiffs, whose home was severely undermined and damaged by sinkholes. At the time that the sinkholes opened up, there was a broken storm sewer pipe spilling storm water into one of the sinkholes. Litigation was brought on the theory that the storm sewer pipe was constructed improperly by the defendants, that it leaked and that the storm water leakage from the pipe

was the cause of and triggered the sinkhole activity. There was no direct eyewitness evidence to prove plaintiffs' theories, and the jury trial became a battle of expert witnesses and competing scientific and engineering theories. The jury entered a verdict for the plaintiffs, a decision that was affirmed on appeal by the Superior Court. The case was settled following the filing of a Petition for Allowance of Appeal by the defendants to the Supreme Court of Pennsylvania, but before the Supreme Court decided the Petition. I represented the plaintiffs before the trial and appellate courts.

Opposing Counsel: Frank A. Baker, III
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Ronald L. Williams
Fox Rothschild, LLP
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Exton, Pennsylvania 19341
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Gary N. Asteak
726 Walnut Street
Easton, Pennsylvania 18042
(610) 258-2901

2. *Wilson Area School District v. Skepton, et al.*, Case No. C-48-CV-2001-1166 (Northampton County, Pa. Ct. Com. Pl. 2004) (Hon. Michael V. Franciosa), *aff'd* 860 A.2d 625 (Pa. Commw. Ct. 2004)

After the favorable decision secured for my clients in the case cited, the Wilson Area School District, the owner of the construction project in question, then filed suit against the contractors arguing that the refund of the building permit fees constituted unjust enrichment. The court entered a summary judgment and found in favor of all of the contractors against this claim by the School District. The summary judgment was affirmed on appeal. This decision upheld the principle of competitive public bidding for public projects and that when contractors provide labor and materials for a fixed price, any profit or cost savings achieved by the

contractors in the process, belong to the contractor and not to the public agency. I represented the contractors before the trial and appellate courts.

Co-Counsel: Robert A. Alpert
Gross, McGinley, LaBarre and Eaton
33 South Seventh Street
Allentown, Pennsylvania 18105
(610) 820-5450

Opposing Counsel: Michael A. Gaul
King, Spry, Herman, Freund & Faul, LLC
One West Broad Street
Bethlehem, Pennsylvania 18018
(610) 332-0390

Dennis A. DeEsch
2222 Sullivan Trail
Easton, Pennsylvania 18040
(610) 438-2020

3. *Skepton, et al. v. Borough of Wilson*, Case No. 1992-C-10688 (Northampton County, Pa. Ct. Com. Pl. 1995), *aff'd* 728 A.2d 1055 (Pa. Commw. Ct. 1999); *aff'd* 562 Pa. 344, 755 A.2d 1267 (Pa. 2000)

I represented two of the plaintiff contractors, who participated in the construction of a new high school in the Borough of Wilson. The Borough charged inflated building inspection permit fees to the contractors, which were substantially disproportionate to the actual cost of building code inspections. We argued that the inflated fees charged by the Borough constituted an unlawful disguised tax. The court granted plaintiffs' motion for summary judgment and ordered full refunds of the permit fees plus interest. The decision of the Supreme Court of Pennsylvania, which affirmed, had the effect of prohibiting disguised taxes by municipalities in Pennsylvania to raise revenue by charging excessive permit fees. I represented the contractors before the trial and appellate courts.

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(610) 820-5450

Opposing Counsel: Dennis A. DeEsch
2222 Sullivan Trail
Easton, Pennsylvania 18040
(610) 438-2020

4. *Gaston v. Diocese of Allentown, et al.*, Case No. 94-C-396 (Lehigh County, Pa. Ct. Com. Pl. 1997) (Hon. James Knoll Gardner), *aff'd* 712 A.2d 757 (Pa. Super. Ct. 1998)

I represented the defendants, which owned and operated a Catholic parochial elementary school. The plaintiffs' children were expelled from the school due to violations of the school's disciplinary code. The plaintiffs brought suit seeking money damages for negligent and intentional infliction of emotional distress due to improper expulsion. The trial court granted summary judgment in favor of the defendants. I represented the defendants on the appeal. The case established the principle that private religiously affiliated schools may enact, and enforce disciplinary codes of conduct for students in such schools, and that the courts will not second guess church administrators and church doctrine pertaining to the governance of religiously affiliated private schools. I represented the defendants before the trial and appellate courts.

Opposing Counsel: Joseph T. Heber (deceased)

5. *Little Helpers of Good St. Anne v. Negrao, et al.*, Case No. 1992-10429 (Northampton County, Pa. Ct. Com. Pl. 1996) (Hon. Richard D. Grifo, Deceased), *aff'd* 454 Pa. Super. 693, 685 A.2d 219 (Pa. Super. Ct. 1996)

I represented the plaintiff, a small non-profit organization consisting of elderly citizens who owned and operated a small religious shrine located on a landlocked parcel of real estate. The shrine had a poorly defined easement access route across a neighboring property, which was the sole means of access. The defendants purchased the adjoining tract of land and received municipal approval for construction of a commercial development, that would have rerouted the plaintiff's access and create a gated and circuitous access route. The plaintiff, which was reliant upon monetary donations from visitors for its survival, was concerned that access by the public would be so inconvenient as to discourage most visitors, thereby leading to the eventual closure of the shrine. Following a bench trial, the court ordered the elimination of the gated access, and provided for a more direct access route for the convenience of visitors. The case was appealed, and I then briefed and argued the case in the Superior Court of Pennsylvania, which upheld the equitable decree entered in favor of the plaintiff, which resolved the case, in an unpublished opinion.

Opposing Counsel: David A. Eisenberg
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Allentown, Pennsylvania 18101
(610) 437-1410

Blake C. Marles
Stevens & Lee
190 Brodhead Road

Bethlehem, Pennsylvania 18017
(610) 997-5060

6. *Mellow, et al. v. Mitchell, et al.*, 530 Pa. 44, 607 A.2d 204 (1992) (Supreme Court of Pennsylvania bench trial conducted before a Special Master appointed by the Supreme Court, then President Judge David W. Craig (deceased) of the Commonwealth Court of Pennsylvania)

This was the 1992 Pennsylvania congressional reapportionment litigation case. Following the 1990 census, Pennsylvania was entitled to have only 21 seats in the United States House of Representatives, a net loss of two seats. After the Pennsylvania legislature failed to enact a reapportionment plan, litigation ensued. I was retained by three state representatives to advocate adoption of a reapportionment plan that would retain the 15th Congressional District substantially intact. The Pennsylvania Supreme Court assumed jurisdiction and appointed a special master to conduct a non-jury trial and make a recommendation for judicial adoption of one of the six reapportionment plans that had been under consideration by the state legislature. The special master recommended a plan of reapportionment that retained the 15th Congressional District substantially intact. The Supreme Court resolved the case by adopting the reapportionment plan recommended by the special master.

Opposing Counsel: Edwin A. Abrahamsen
Edwin A. Abrahamsen, P.C.
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Scranton, Pennsylvania 18504
(800) 503-1665

Susan J. Forney
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Strawberry Square, 15th Floor
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(717) 787-2944

Reizdan B. Moore
113 Main Capitol Building
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Gregory M. Harvey
Montgomery, McCracken, Walker and Rhoads
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(215) 772-7684

John P. Krill, Jr.
K&L Gates
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Harrisburg, Pennsylvania 17101
(717) 231-4505

Gregory E. Dunlap
Executive Deputy General Counsel
333 Market Street, 17th Floor
Harrisburg, Pennsylvania 17101
(717) 787-6563

John H. Broujos
(no current business contact information available)

Edward C. Hussie
(no current business contact information available)

David J. Brightbill
Stevens & Lee
17 North Second Street, 16th Floor
Harrisburg, Pennsylvania 17101
(717) 234-1090

A. Michael Pratt
Pepper Hamilton
3000 Two Logan Square
18th and Arch Streets
Philadelphia, Pennsylvania 19103
(215) 981-4386

7. *Underwriters at Lloyds London, et al. v. Commonwealth of Pennsylvania*, Case No. 80-C-2571 (Lehigh County, Pa. Ct. Com. Pl. 1991) (Hon. James Knoll Gardner), *aff'd* 603 A.2d 241 (Pa. Commw. Ct. 1992)

I represented the plaintiff insurance carriers in this unusual case brought in the form of an action for contribution, due to substantial money damages paid by them in connection with multiple fatalities caused in a motor vehicle accident on a negligently maintained PennDot highway. The underlying third party liability tort cases had been brought in federal court prior to this case, and efforts to join the Pennsylvania Department of Transportation as a third party defendant in federal court was precluded by the Eleventh Amendment. The insurance companies, acting as real parties in interest, then brought this action for contribution. The Commonwealth Court affirmed a trial court decision that the Department of Transportation was not immune from suits for actions for contribution, even where the actions are not brought by the original tortfeasors and are brought

instead by the insurance carriers that paid the settlements in question. The case was thereafter settled.

Opposing Counsel: William A. Slotter
(no current business contact information available)

8. *Northampton County Area Community College, et al. v. Atas Aluminum Corporation, et al.*, Case No. 1987-C-9165 (Northampton County, Pa. Ct. Com. Pl. 1990) (Hon. Richard D. Grifo, deceased)

This was a multi-million dollar alleged breach of contract claim pertaining to construction of additions and modifications to the main buildings of the plaintiff college. I defended the general contractor on the project. By stipulation of counsel, this civil litigation case was tried in front of a three-member arbitration panel. During the five-day arbitration, some evidence was presented as to the existence of contractual non-compliance with the plans and specifications. Multiple fact witnesses and multiple expert witnesses testified. The panel found in favor of the defendant.

Opposing Counsel: Richard B. Ashenfelter, Jr.
49 Chesterfield Lane
Malvern, Pennsylvania 19355
(610) 935-2928

Malcolm J. Gross
Gross, McGinley, LaBarre and Eaton
33 South Seventh Street
P.O. Box 4060
Allentown, Pennsylvania 18105
(610) 820-5450

Kevin J. Kelleher
901 West Lehigh Street, Suite 200
Bethlehem, Pennsylvania 18018
(610) 882-2111

Nicholas Noel, III
2505 Newburg Road
Easton, Pennsylvania 18045
(610) 258-0866

9. *Hartshorne v. South Whitehall Township Authority, et al.*, Case No. 81-C-4554 (Lehigh County, Pa. Ct. Com. Pl. 1986) (Hon. James Knoll Gardner)

This case involved a fatal claim pertaining to a motor vehicle accident occurring on a state highway construction project. My client, the construction contractor,

had not properly signed and posted the project with the advance warning signs required by Pennsylvania Department of Transportation rules and regulations. During the middle of the jury trial, at least one of the jurors learned of the fact that my client had made a substantial offer of settlement to the plaintiff. The court granted the motion to dismiss the juror from the case but denied the motion for a mistrial. A verdict was entered in favor of the defendant, which resolved the case.

Opposing Counsel: Mark H. Scoblionko
Scoblionko, Scoblionko, Muir & Bartholomew
40 South Fifth Street
P.O. Box 1998
Allentown, Pennsylvania 18105
(610) 434-7138

Edward H. McGee (deceased)

George A. Welsh
(no current business contact information available)

10. *Gremar, Inc. v. Rohm & Haas Company, et al.*, Case No. 1981-C-10464
(Northampton County, Pa. Ct. Com. Pl. 1985) (Hon. Franklin S. VanAntwerpen)

This case involved a four-week jury trial involving a dispute concerning a chemical formula manufactured by Rohm & Haas Company, for use in mortar in the manufacture of pre-fabricated masonry wall panels. I defended the exclusive distributor of the product. It was alleged that my client, Masonry Systems International, Inc. failed to disclose research information that it jointly developed with Rohm & Haas, that arguably should have been disclosed. Before jury deliberations were to occur, I convinced opposing counsel and the Court that my client had done nothing wrong, and my client was dismissed from the case by stipulation without having to face jury deliberations. An adverse verdict would have potentially put my client out of business. There was no settlement or payment made by my client to secure the stipulation.

Opposing Counsel: Gus Milides (deceased)

Albert J. Bartosic (deceased)

John D. DiGiacomo (deceased)

Karl H. Kline
Karl Kline, P.C.
2925 William Penn Highway, Suite 301
Easton, Pennsylvania 18045
(610) 559-8668

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As part of the work I have done as the Solicitor for municipalities, I have provided advice on a broad array of issues. For example, I played a central role in the City of Bethlehem's 1,500 Acre Brownfield Redevelopment Project. In 1998, the newly-elected mayor of Bethlehem asked me to serve as City Solicitor. One of the first issues was the cessation of all steel making activities and the elimination of thousands of jobs at the former Bethlehem Steel Corporation plant, a 1,500 acre privately owned brownfield site located within the city limits. I was asked by the mayor to chair and coordinate all efforts to work on a redevelopment plan for the entire 1,500 acre site. I accepted the responsibility, even though it exceeded my job responsibilities as City Solicitor. I established a public/private partnership with the then-Bethlehem Steel Corporation and we successfully charted a course to plan and implement rezoning, private investment and public investment in infrastructure funded with state and federal financing, to redevelop the largest privately owned brownfield site in the United States. I drafted a comprehensive zoning ordinance to create a new form of industrial zoning, negotiated and drafted multiple development agreements with the then-Bethlehem Steel Corporation, negotiated and drafted multiple agreements with state and federal agencies for infrastructure funding, and drafted all of the agreements and ordinances necessary to create a tax increment financing district. The effort survived the bankruptcy of the Bethlehem Steel Corporation, and since that time, the redevelopment effort has resulted in thousands of new jobs, two billion dollars in new private sector investment and additional private investment on the horizon.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

In connection with my prior service with the City of Bethlehem, I was enrolled

in the Pennsylvania Municipal Retirement System, which will be available to me when I reach retirement eligibility.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If I am confirmed, I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If I am confirmed, I will recuse myself from any litigation where I played a role. My brother is a partner in Leeson, Leeson & Leeson. If confirmed, I would recuse myself from any cases in which Leeson, Leeson & Leeson is a party or is representing a party. I will evaluate and determine appropriate action for any potential or apparent conflict of interest on a case-by-case basis.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to 28 U.S.C. §455, Canon 3 of the Code of Conduct for United States Judges, and to all other laws, rules and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of

professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have been involved in pro bono work since becoming an attorney in 1980. Currently, I am handling cases involving pro bono representation of homeowners who are unemployed or otherwise lack the resources to meet their current mortgage obligations, under the Court of Common Pleas of Northampton County Mortgage Foreclosure Diversion Program. I spend a minimum of one to two days a month on such matters. Such clients also need help with civil actions they are facing from credit card companies which I also defend. I try to assist in restructuring the repayment obligations for the clients.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In July 2011, I submitted an application to the Judicial Advisory Committee established by Senators Robert P. Casey, Jr. and Patrick J. Toomey. On November 21, 2011, I interviewed with the Committee in Philadelphia, Pennsylvania. On January 7, 2014, I was interviewed by Senator Casey and his staff in Washington, D.C. Since February 7, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 10, 2014, I was interviewed by Senator Toomey and a representative of his staff in Philadelphia, Pennsylvania. On March 31, 2014, I interviewed with attorneys from the White House Counsel’s Office and the Department of Justice in Washington, D.C. On June 16, 2014, the President submitted my nomination to the Senate.

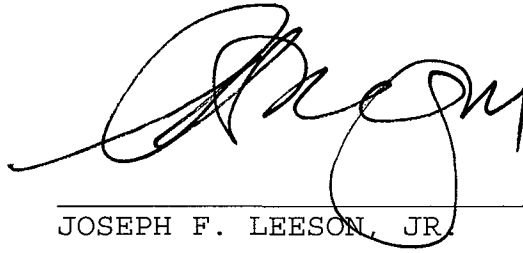
- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

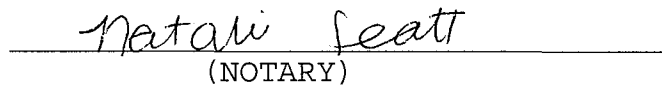
AFFIDAVIT

I, JOSEPH F. LEESON, JR., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

June 16, 2014
(DATE)



JOSEPH F. LEESON, JR.



(NOTARY)

