

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Nitza Ileana Quiñones Alejandro

Nitza I. Quiñones Alejandro

Nitza I. Quiñones

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.

First Judicial District of Pennsylvania

Criminal Justice Center

1301 Filbert Street, Suite 1417

Philadelphia, Pennsylvania 19107

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

1951; Hato Rey, Puerto Rico

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.

1972 – 1975, University of Puerto Rico School of Law; J.D., 1975

1968 – 1970, 1971 – 1972, University of Puerto Rico, School of Business Administration; B.B.A. (*cum laude*), 1972

1970 – 1971, University of Central Michigan, School of Business Administration; no degree (exchange student)

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.

1991 – present

First Judicial District of Pennsylvania, Court of Common Pleas
Criminal Justice Center
1301 Filbert Street, Suite 1417
Philadelphia, Pennsylvania 19107
Judge

1991

801 Arch Street
Philadelphia, Pennsylvania 19107
Solo Practitioner

1980 – 1991

Arbitration Center, Philadelphia Court of Common Pleas
1500 Chestnut Street,
Philadelphia, Pennsylvania 19102
Arbitrator

1979 – 1991

United States Department of Veterans Affairs
Office of the District Counsel
5000 Wissahickon Avenue
Philadelphia, Pennsylvania 19144
Staff Attorney

1977 – 1979

United States Department of Health and Human Services
Bureau of Hearings and Appeals
1528 Walnut Street
Philadelphia, Pennsylvania 19102
Attorney Advisor

1975 – 1977

Community Legal Services, Inc.
The Beury Building
3701-03 North Broad Street
Philadelphia, Pennsylvania 19140
Staff Attorney

1973 – 1974

Legal Aid Society
University of Puerto Rico

Rio Piedras, Puerto Rico
Legal Intern

Summer 1972
Job Corp
Rio Piedras, Puerto Rico
Junior Accountant

Other Affiliations (uncompensated):

1989 – 2012
North Philadelphia Health Systems
Eighth Street and Girard Avenue
Philadelphia, Pennsylvania 19122
Board of Trustees

1991 – 2012
Girard Medical Center
Eighth Street and Girard Avenue
Philadelphia, Pennsylvania 19122
Board of Directors

1995 – 2010
Philadelphia Legal Assistance
42 South 15th Street, Suite 500
Philadelphia, Pennsylvania 19102
Board of Directors

1999 – 2005
Young Scholars Charter School
900 N. Marshall Street
Philadelphia, Pennsylvania 19123
Board of Directors

1988 – 1997
Private Industry Council of Philadelphia
5740 Market Street
Philadelphia, Pennsylvania 19139
Board of Directors (1988 – 1997)
Secretary, Board of Directors (1993 – 1997)

1994 – 1996
Council for Spanish Speaking Organizations
705-09 North Franklin Street
Philadelphia, Pennsylvania 19123
Board of Directors

1995

Tú Plan Médico, Inc.
1060 First Avenue
King of Prussia, Pennsylvania 19406
Board of Directors

1989 – 1993

Fellowship Commission
Unknown/unlisted address
Board of Directors

1982 – 1991

Hispanic Bar Association of Pennsylvania
P.O. Box 59106
Philadelphia, Pennsylvania 19102
Board of Directors (1982 – 1991)
Vice President (1988 – 1990)
Treasurer (1987)

1988 – 1991

Hispanic Bar Association of Pennsylvania Legal Education Fund
P.O. Box 59106
Philadelphia, Pennsylvania 19102
President

1983 – 1989

Hunting Park Community Development Corporation
3961 North Ninth Street
Philadelphia, Pennsylvania 19140
Board of Directors

1976 – 1984

Aspira, Inc. of Pennsylvania
4322 North Fifth Street
Philadelphia, Pennsylvania 19140
Board of Directors (1976 – 1984)
Secretary (1978 – 1984)

Early 1980s

Mid-City Branch of the YMCA of Philadelphia (no longer exists)
20th and Chestnut Street
Philadelphia, Pennsylvania 19107
Board of Directors

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 have not served in the U.S. Military. I was not required to register for selective service.

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.

Latino Law Students Association of Rutgers School of Law, Camden, Alianza's 3rd Annual Campeones de la Justicia Award (2006)

Hispanic Bar Association of Pennsylvania Legal Education Fund Founders Award for establishing the Hispanic Bar Association Inc. of Pennsylvania (2003)

United States Army Corps of Engineers, Philadelphia District, Certificate for participation in its observance of National Hispanic Heritage Month (2000)

United States Department of Justice, Drug Enforcement Administration, Certificate of Appreciation for Outstanding Contributions in the field of drug law enforcement (1999)

Latin American Law Students Association of Temple University, School of Law, a Lifetime Mentor's Award (1998)

Hispanic Bar Association of Pennsylvania Legal Education Fund (HBALEF), Eleventh Annual Scholarship Dinner honoree (1997)

Governor Tom Ridge's Advisory Commission on Latino Affairs Pride Award (1997)

National Image, Inc., Women's Action Committee Woman of the Year award (1995)

Asociación de Empleados de ELA de Puerto Rico (Association of Employees of the Commonwealth of Puerto Rico) recognized my achievements and dedication to the advancement of Puerto Rican ideals (1994)

Latin American Law Students Association of Villanova Law School award for personal achievements (1994)

Iberoamerican Foundation recognition award for contributions to the Iberoamerican community in the judicial field (1993)

Council for Spanish Speaking Organizations' (CONCILIO) Puerto Rican Week Festival Committee, Citizen of the Year (1993)

Hispanic Bar Association of Pennsylvania recognition for outstanding leadership of and commitment to its Legal Education Fund (1991)

Department of Veterans Affairs, Office of the District Counsel, superior or excellent achievement awards for performance as a staff attorney (1979 – 1990)

Aspira, Inc. of Pennsylvania, recognition award for contributions to the development and advancement of the Puerto Rican community of Philadelphia (1987)

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 Judges Association

Federal Bar Association

First Judicial District, Court of Common Pleas Judicial Education Committee

Hispanic Bar Association of Pennsylvania

Board Member (1982 – 1991)

Vice President (1988 – 1990)

Treasurer (1987)

Special Committee for Judicial Nominations (2003)

Hispanic Bar Association of Pennsylvania Legal Education Fund

Founding Member

President (1988 – 1991)

National Association of Women Judges

Pennsylvania Bar Association

House of Delegates (1991)

Minority Bar Committee (1989 – 1990)

Philadelphia Bar Association

Advancing Civics Education Program (2009)

Gender Fairness Task Force (1997)

Task Force on Racial and Ethnic Bias in the Justice System (1996)

Special Committee on Racial Bias in the Justice System (1993)

Fed 2000 Committee

Pennsylvania Conference of State Trial Judges

Ethics Committee (2011 – present)

Education Committee (1995 – 1998)

Philadelphia Bar Foundation Gala Committee

Supreme Court of Pennsylvania Committee on Racial and Gender Bias in the Justice System

Supreme Court of Pennsylvania Ethics Committee

Third Judicial Circuit of the United States Conference, Lawyer Delegate

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.

Puerto Rico, 1975 (inactive status)
Pennsylvania, 1976

There has been no lapse 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.

Supreme Court of the United States, 1983
United States Court of Appeals for the Third Circuit, 1981
United States District Court for the Eastern District of Pennsylvania, 1977
United States District Court for the District of Puerto Rico, 1977
Supreme Court of Pennsylvania, 1977
Supreme Court of Puerto Rico, 1975

There has been no lapse 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.

Aspira, Inc. of Pennsylvania
Board of Directors (1976 – 1984)
Secretary (1978 – 1984)

Council for Spanish Speaking Organizations
Board of Directors (1994 – 1996)
Puerto Rican Week Festival Committee (1994 – 1997)
Puerto Rican Week Festival Committee Fiscal Officer (1995 – 1997)

Fellowship Commission
Board of Directors (1989 – 1993)
Committee to Monitor the Mayoral Campaign (1987)

Girard Medical Center
Board of Directors (1991 – 2012)

Hunting Park Community Development Corporation
Board of Directors (1983 – 1989)

Ladies Executive Golf Group (1996 – present)

Mayor's Commission on Puerto Rican/Latino Affairs (1992 – 1994)

Mayor's Election Reform Task Force (1994 – 1995)

North Philadelphia Health Systems
Board of Trustees (1989 – 2012)
Chair of Latino Advisory Board (1989 – 2012)

Philadelphia Legal Assistance
Board of Directors (1995 – 2010)

Private Industry Council of Philadelphia
Board of Directors (1988 – 1997)
Secretary, Board of Directors (1993 – 1997)
Chair, Latino Task Force (1992 – 1997)

Tú Plan Médico, Inc.
Board of Directors (1995)

Mid-City Branch of the YMCA of Philadelphia
Board of Directors (early 1980s)

Young Scholars Charter School
Board of Directors (1999 – 2005)

- 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 Ladies Executive Golf Group is an informal group comprised only of women. Otherwise, to the best of my knowledge, none of the organizations listed in response to question 11a currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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.

To the best of my recollection, I have not written or edited any books, articles, reports, letters to the editor, editorial pieces, or other published material.

- 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.

First Judicial District 2009 Judicial Education Report. Copy supplied.

Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System (2003). In 1999, I was appointed by the Supreme Court of Pennsylvania to the Committee on Racial and Gender Bias in the Justice System. As a member of this Committee, my name appears in the report listed above. I participated in the discussions and research for the report, but was not involved in the drafting of the report. Copy supplied.

In 1995, the Mayor's Election Reform Task Force, in conjunction with the Committee of Seventy, issued a report concluding that the City should move as expeditiously as feasible to procure a Direct Recording Electronic system with full ballot-face display capability, paper audit-trail printing, and a physically durable design. Copy supplied.

Hispanic Bar Association of Pennsylvania and the Hispanic Bar Association of Pennsylvania Legal Education Fund mission statements. 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.

To the best of my recollection, I have not provided nor has anyone provided, on my behalf, testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation to public bodies or public officials.

- 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.

The following list represents my best efforts, through searches of my own records calendar and/or other sources available to me, and publically available databases, to identify speaking events or panel discussions in which I have participated.

In addition to the items listed below, in connection with my involvement with youth, I have been a keynote speaker at various high school or vocational programs' graduations and award presentation ceremonies. The majority of these speeches were motivational in nature and/or in appreciation for the award being received. I have spoken of my upbringing as a military dependent, my family, the need to establish firm goals, the importance of an education and the determination to pursue one's goals. I did not retain records of the dates or locations of these events, and I have no notes, transcripts or recordings. In general, it is my practice to speak from notes jotted in an outline format highlighting facts I wish to convey to the particular audience and I do not retain a copy of the notes or remarks after the talk was delivered.

Throughout my judicial career, I have given numerous presentations to colleagues at Conferences for the Association of Pennsylvania Trial Judges. Presentations for which I am able to recall specific dates or subjects are listed individually below, but I believe I have made additional presentations that I am not able to recall and for which I have no notes, transcripts or recordings.

October 5, 2012: Participant on a panel entitled "Oyeh Oyeh: New Order in the Court" at the Philadelphia Bar Association's Bench-Bar Annual Conference in Atlantic City, New Jersey. The subject of the panel discussion was an overview of new civil procedures instituted in the Day Forward 2010 Program in the Court

of Common Pleas. I have no notes, transcript or recording. The address of the Philadelphia Bar Association is 1101 Market Street, Philadelphia, PA 19107.

April 4, 2012: Panelist at the Philadelphia Bar Association Rule and Procedure Committee luncheon meeting, Philadelphia, Pennsylvania. I spoke to lawyers about motion practices in my court room. I have no notes, transcript or recording, but Philadelphia Bar Association coverage is supplied. The address of the Philadelphia Bar Association is 1101 Market Street, Philadelphia, PA 19107.

May 7, 2010: Panelist at the Pennsylvania Association for Justice CLE course, "View from the Bench," Philadelphia, Pennsylvania. This presentation was for attorneys who routinely represent plaintiffs, although other attorneys were present. The topic was motion practice in my courtroom, discovery court, and disposition of cases. I have no notes, transcript or recording. The office address of the Pennsylvania Association of Justice is 121 South Broad Street, Suite 600, Philadelphia, PA 19107.

March 26, 2009: Presentation with another judge to colleagues entitled "Proper verdict sheet format under M-CARE law" during a lunch meeting, Philadelphia, Pennsylvania. I have no notes, transcript or recording. The presentation was in 515 City Hall, Philadelphia, PA 19107.

September 19, 2008: Panelist at the Bench-Bar Annual Conference "Wake Up Everybody, Race & the Law, A Conversation about Diversity," held in Atlantic City, New Jersey. The presentation was made during a lunch meeting attended by lawyers, court administrators, and judges. The remarks made by the panelists, including me, were constructive comments on how to identify racism, some based on life experiences. I have no notes, transcript or recording, but Philadelphia Bar Association coverage is supplied. The address of the Philadelphia Bar Association is 1101 Market Street, Philadelphia, PA 19107.

September 19, 2008: Panelist at the Bench-Bar Annual Conference in Atlantic City, New Jersey. The subject of discussion was the Communication Decency Act, codified at 47 U.S.C § 230, and an opinion I issued in the matter of *D'Alonzo v. Truscello*, on a claim of defamation for posting a newspaper article on the computer. I have no notes, transcript or recording. The address of the Philadelphia Bar Association is 1101 Market Street, Philadelphia, PA 19107.

May 28, 2008: Panelist at the Pennsylvania Association of Justice's 26th Annual Auto Law Seminar, Philadelphia, Pennsylvania. The subject matter was the court's views and expectations on how attorneys should prepare motor vehicle cases. I have no notes, transcript or recording. The address of the Pennsylvania Association of Justice is 121 South Broad Street, Suite 600, Philadelphia, PA 19107.

April 24, 2008: Participant at Pennsylvania Bar Association Minorities in the Profession Conference, 20th Anniversary Celebration, “Yesterday, Today and Tomorrow: Assessing Progress in the Legal Profession,” Philadelphia, PA. I introduced the dinner panelists. The audio is available at <http://www.pabar.org/public/about/suskoaudio.asp>.

November 7, 2007: Speaker in the Pennsylvania Bar Institute’s staging of “Maxims, Monarchy and Sir Thomas More,” in Philadelphia, Pennsylvania. The subject matter of the panel discussion was ethical issues in the legal practice. I have no notes, transcript or recording. The address of the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, PA 17055.

September 28, 2007: Panelist at the Bench-Bar Annual Conference in Atlantic City, New Jersey. The subject of discussion was the documentary “Soul of Justice: Thelton Henderson’s American Journey.” The audio is available at <http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/BB07part1.mp3> and <http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/BB07part2.mp3>.

June 14, 2007: Speaker at the Widener Women’s Network luncheon speaker on the topic of “Judicial Insight and Guidance for Effective Advocacy” sponsored by the law firm Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, Philadelphia, Pennsylvania. I have no notes, transcript or recording. The Widener Women’s Network is located at Harrisburg Campus, 3800 Vartan Way, P.O. Box 69381, Harrisburg, PA 17106.

October 26, 2006: Panelist at the Philadelphia Bar Association’s Minorities in the Profession Committee program “Minority Judges: How They Ascended to the Bench,” Philadelphia, Pennsylvania. Philadelphia Bar Association coverage is supplied, and the audio is available at <http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/MIP102606.mp3>.

October or November, 2004: Panelist at the Philadelphia Bar Association’s Minorities in the Profession Committee program wherein the panel of judges offered practice tips and thoughts on their path to the bench, Philadelphia, Pennsylvania. I have no notes, transcript or recording, but Philadelphia Bar Association coverage is supplied. The address of the Philadelphia Bar Association is 1101 Market Street, Philadelphia, PA 19107.

November 6, 2004: Panelist at the Bench-Bar Annual Conference held in Atlantic City, New Jersey, on the subject of “Unique Perspective from the Bench: The Judiciary and the Election Code.” I have no notes, transcript or recording. The address of the Philadelphia Bar Association is 1101 Market Street, Philadelphia, PA 19107.

October 28, 2004: Presenter for the Administrative Office of Pennsylvania Courts for a Medical Malpractice Case Management Seminar, in Plymouth Meeting, Pennsylvania. Copy of recording supplied.

April 30, 2002: Panelist at Philadelphia Bar Association's Minorities in the Profession Committee, in Philadelphia, Pennsylvania. The subject of discussion was life on the bench and judicial advice. I have no notes, transcript or recording. The address of the Philadelphia Bar Association is 1101 Market Street, Philadelphia, PA 19107.

2001: Served as Judge for Clifford E. Haines Academy of Advocacy Program evaluating the performance of the lawyers who presented a mock trial. I have no notes, transcript or recording. Haines & Associates is located at 1835 Market Street, Philadelphia, PA 19103.

April 7, 2000: Panelist at Pennsylvania Bar Association's Twelfth Annual Minority Attorney Conference, Philadelphia, Pennsylvania. The topic was "Meet the Judges: Tips & Insight." I have no notes, transcript or recording. The address of the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, PA 17055.

December 10, 1997: Honoree at the Eleventh Annual Scholarship Dinner of the Hispanic Bar Association of Pennsylvania Legal Education Fund (HBALEF), held in Philadelphia, Pennsylvania. I gave a brief acceptance speech and congratulatory remarks on HBALEF's growth and success. I have no notes, transcript or recording. The Hispanic Bar Association of Pennsylvania is located at P.O. Box 59106, Philadelphia, PA 19102.

November 13, 1996: Participant at town hall meeting sponsored by the Police-Barrio Relations Project and the Philadelphia Bar Association Task Force on Racial and Ethnic Fairness in the Justice System to discuss the issue of bias in the courts, Philadelphia, PA. It appears that I was scheduled to participate in this event, but I do not recall whether I actually did. I have no notes, transcript or recording. The address of the Philadelphia Bar Association is 1101 Market Street, Philadelphia, PA 19107.

1993: Presenter for the Administrative Office of Pennsylvania Courts' New Judges' School in Plymouth Meeting, Pennsylvania. The subject matter was the Code of Judicial Conduct to an audience of newly elected or recently appointed Judges to the Court of Common Pleas in the Commonwealth of Pennsylvania. I have no notes, transcript or recording. The address of AOPC is 1515 Market Street, Philadelphia, PA 19107.

1991: Presented a training course entitled "Unfair Labor Practices" in Atlanta, Georgia to union employees of the Veterans Administration. I have no notes, transcript or recording. I do not recall the organization that sponsored the event.

1980 – 1991: Provided in-house training to management, medical professionals and other employees in matters of Freedom of Information request, medical and employment issues, and contract disputes, Philadelphia, Pennsylvania. These training sessions were part of my duties as a staff attorney who specialized in those areas of the law. I have no notes, transcript or recording. The trainings were held at one of the regional VA Medical Centers, which include Wilkes-Barre VAMC, Lebanon VAMC, Philadelphia VAMC, Coatesville VAMC, Delaware VAMC or the Philadelphia VA Regional Office, 5000 Wissahickon Avenue, Philadelphia, PA 19140.

- 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.

John M. Baer, "Politics Snarls Fight for Judgeship; Hispanic Woman Attorney Counts on Grass-Roots Support," Philadelphia Daily News, Feb. 15, 1991. Copy supplied.

Mark McDonald, "Judge Diaz Gets Major Court Job," Philadelphia Daily News, Jan. 17, 1991. Copy supplied.

Mark McDonald, "Why Few Latinos Serve on Juries," Philadelphia Daily News, Aug. 14, 1990. Copy supplied.

Paul Maryniak, "The Case Against Comparison: Crespo, Daily Trials Not Same – Lawyers," Philadelphia Daily News, Aug. 13, 1990. Copy supplied.

To the best of my recollection, I was interviewed by Dan Geringer, a writer for the Philadelphia Daily News in early 1990, regarding my state judicial nomination announced by the Honorable Robert P. Casey, Sr. I am unable to find a copy of the newspaper article.

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.

In May 1990, I was nominated by the Governor of Pennsylvania, the Honorable Robert P. Casey, Sr., for an appointment to the Court of Common Pleas for the First Judicial District of Pennsylvania, a court of general jurisdiction. I was confirmed in December 1991. However, in the interim, I engaged in a judicial election process and was elected to a ten-year term commencing January 1992. I was retained for additional ten-year terms in November 2001 and in November 2011.

As a court of general jurisdiction, my assignments have been in the criminal and civil trial divisions. I have presided over nonjury and jury civil and criminal trials, and have disposed of hundreds of pleadings, including, *inter alia*, preliminary objections, motions

for judgment of the pleadings, summary judgment, discovery court matters, and post-trial motions. Pursuant to the rules of civil procedure, I prepare written opinions when an appeal is filed, addressing the allegations of error. I served as Team Leader of the Day Forward Program – a case management program for major civil jury cases – from 1997 to 2000 and again from 2012 to present. The role of Team Leader includes additional administrative responsibilities such as ensuring case management orders are followed, assigning motions and cases to judges within the team, presiding over Discovery Court, ruling on pre-trial matters, conducting pre-trial and settlement conferences and presiding over assessment of damage hearings and bench trials.

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

Approximately 1,500 criminal trials and 300 civil trials.

- i. Of these, approximately what percent were:

jury trials:	70%
bench trials:	30%
civil proceedings:	80%
criminal proceedings:	20%

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

See attachment.

- 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. *Maya v. Johnson & Johnson*, No. 2879, February Term, 2009. Opinion supplied.

This civil action is a product liability case involving Children's Motrin, the first of this kind to be tried in the Philadelphia court system. Minor plaintiff claims that the warnings on the label of the over-the-counter Children's Motrin failed to warn of the danger of developing Stevens Johnson Syndrome and Toxic Epidermal Necrolysis, a rare but life-threatening disease that causes severe blistering and consequent sloughing off of skin, together with serious damage to the mouth, eyes, throat, and esophagus. Minor plaintiff was three years old when she ingested the medication with devastating results. The case was tried before a jury over a period of nine weeks in 2011, resulting in a \$10 million verdict in favor of

plaintiff. Post-trial motions were denied. Johnson & Johnson filed an appeal, which is pending.

Plaintiff's lead counsel:
Keith Jensen, Esquire
Jensen & Associates PLLC
1024 North Main Street
Fort Worth, TX 76164
817-334-0762

Defense lead counsel:
Christy D. Jones, Esquire
Butler Snow
1020 Highland Colony Parkway, Suite 1400
Ridgeland, MS 39157
601-985-4523

David F. Abernethy, Esquire
Drinkler Biddle & Reath
One Logan Square, Suite 2000
Philadelphia, PA 19103
215-988-2503

2. *Goldman v. Southeastern Pennsylvania Transportation Authority (SEPTA)*, No. 3034, January Term, 2006; consolidated with *Wiza v. SEPTA*, No. 3576, October Term, 2006, and *Maguire v. SEPTA*, No. 3088, October Term, 2006, *rev'd*, 980 A.2d 709 (Pa. Commw. 2009), *appeal granted*, 10 A.3d 898 (Pa. 2010), *rev'd and remanded*, 2012 Pa. LEXIS 2923 (Pa. Dec. 19, 2012). Opinion supplied.

This was a case of first impression in the state court system is an action brought pursuant to the Federal Employer's Liability Act (FELA), wherein plaintiff alleged work-related injuries, and SEPTA claimed sovereign immunity from this type of tort action. The matter was assigned to me initially as a motion for judgment on the pleadings and, subsequently, as a motion for summary judgment. Following the presentation of evidence, I determined that SEPTA was not entitled to sovereign immunity. On appeal, the Superior Court disagreed. The matter was recently decided by the Pennsylvania Supreme Court, which reversed the Superior Court and held that SEPTA was not entitled to sovereign immunity in FELA cases.

Plaintiff's lead counsel:
James J. McEldrew, III, Esquire
James J. McEldrew, III, and Associates
123 South Broad Street, Suite 1920

Philadelphia, PA 19109
215-545-8800

Defense lead counsel:
Dolores Rocco Kulp, Esquire
Law Office of Dolores Rocco Kulp
2300 Chestnut Street, Suite 340
Philadelphia, PA 19103
215-468-5444

3. *Lindsay v. Mitchell*, 2007 Phila. Ct. Com. Pl. LEXIS 339

This was a professional liability case asserting claims for dental malpractice, breach of contract, battery, negligent misrepresentation and breach of warranty. Prior to the commencement of trial, I entertained a motion *in limine* deemed it to be a motion for summary judgment. The motion was granted and the case dismissed since plaintiff did not have an expert in support of his claims. Plaintiff filed an appeal, after which I filed a written opinion. Shortly thereafter, plaintiff discontinued the appeal.

Plaintiff's lead counsel:
Marshall L. Williams Esquire
Marshall L. Williams & Associates
1201 Sansom Street
Philadelphia, PA 19107
215-733-0800

Defense lead counsel:
Alexander Z. Talmadge, Jr., Esquire
7149 Ardleigh Street
Philadelphia, PA 19119
215-498-3763

4. *Dooner v. DiDonato*, 82 Pa. D. & C.4th 492, *vacated*, 943 A.2d 326 (Pa. Super. 2007), *appeal granted, in part*, 946 A.2d 640 (Pa. 2008), *rev'd and remanded*, 971 A.2d 1187 (Pa. 2009), *on remand*, 991 A.2d 365 (Pa. Super. 2010).

This civil action arose out of a 2002 altercation between Dooner and DiDonato, two traders working on the floor of the Philadelphia Stock Exchange. After the incident, Dooner was diagnosed with whiplash and a sprain. Dooner and his wife sued DiDonato, as well as the Philadelphia Stock Exchange, alleging negligent and intentional torts. I dismissed all claims for intentional torts and punitive damages against the Philadelphia Stock Exchange, and allowed the remaining claims to go to the jury, which found that Dooner, DiDonato, and the Philadelphia Stock Exchange all acted negligently. The jury awarded Dooner \$1.8 million and

his wife \$135,000. The jury assessed Dooner to be 20% negligent, DiDonato to be 30% negligent, and the Philadelphia Stock Exchange to be 50% negligent. I denied the Stock Exchange's post-trial motion for judgment notwithstanding the verdict and/or for a new trial, and held that claims against the Stock Exchange were not preempted by federal law. The Superior Court reversed, but the Supreme Court reversed the Superior Court, finding that the Philadelphia Stock Exchange was not entitled to immunity. The matter was remanded to the Superior Court for further proceeding, which in an unpublished opinion of January 19, 2010, affirmed my rulings.

Plaintiff's lead counsel:
Brian Grady, Esquire
Grady & Falcoine, LLP
1500 Sansom Street, 2nd Floor
Philadelphia, PA 19102
215-940-9450

Defense lead counsel:
Thomas Kuzmick, Esquire
Rawle & Henderson LLP
The Widener Building, One Penn Square
1339 Chestnut Street, 16th Floor
Philadelphia, PA 19107
215-575-4262

Scott W. Reid, Esquire
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103
215-665-2152

5. *Sutherlin v. Magilner*, 2008 Phila. Ct. Com. Pl. LEXIS 260, *aff'd*, 6 A.3d 554 (Pa. Super. 2010), *re-argument denied*, 2010 Pa. Super. LEXIS 3706, *appeal denied*, 20 A.3d 1209 (Pa. 2011).

This civil action involved a professional (medical) liability claim for failure to diagnose breast cancer. The plaintiff sued numerous medical providers claiming that they failed to properly interpret several mammographies, thereby delaying the diagnosis of her cancer until it had metastasized into her bones and other organs. The case was tried before a jury and resulted in a \$12 million verdict for plaintiff. During post-trial proceedings, I granted a remittitur and reduced the award to \$6 million, which was accepted by plaintiff but not by the defendants. My rulings were affirmed on appeal.

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6. *Galati v. Windsor-Joy Mutual Insurance Co.*, 2010 Phila. Ct. Com. Pl. LEXIS 54 (Pa. C.P. 2010), *aff'd*, 22 A.3d 1077 (Pa. Super. 2010), *appeal denied*, 27 A.3d 1015 (Pa. 2011). Opinion supplied.

This matter stemmed from an alleged breach of insurance contract and bad faith claim. In his complaint, plaintiff alleged that on December 26, 2006, his 33-foot Chaparral boat, while dry-docked at Waterfront Marina in Sommers Point, was damaged by a fire believed to be arson. The boat had a stated value of \$164,000, and had been purchased in May 2006 for \$165,903. Defendant insurance company denied the claim in March 2007, based upon a belief that Plaintiff caused the fire and was attempting to defraud the insurance company. During the cross-examination of plaintiff, it became obvious that he had misled defendants as to his lack of an insurable interest in the boat. The jury found that plaintiff did not have an insurable interest. Plaintiff appealed the jury's verdict and challenged numerous evidentiary rulings. The appellate court affirmed.

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Defense lead counsel:
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7. *Wester v. Mateo*, No. 3833, November Term 1997.

This civil action involved complicated medical malpractice claims. The wife-decedent, a physician, had gone to a fertility doctor for a transvaginal oocyte retrieval procedure during which she apparently suffered an undetected perforated ovary which triggered heavy bleeding due to her being inappropriately on a blood thinning medication prescribed for an autoimmune syndrome. The husband, a doctor, rushed her to the emergency room and personally operated on her, but his wife ultimately died. The husband sued the fertility doctor and his medical group alleging malpractice. The fertility doctor contended that the husband's actions ultimately caused the wife's death and brought him into the action as an additional defendant. The case was tried before a jury and resulted in a \$25 million verdict against the fertility doctor and his group. The parties subsequently settled.

Plaintiff's lead counsel:
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8. *Weaver v. Forman, et al.*, 2010 Phila. Ct. Com. Pl. LEXIS 181 (Pa. C.P. 2010).

This was a medical malpractice action for failure to properly treat and follow-up on plaintiff-husband's *Clostridium Difficile* (C-Diff) infection. Plaintiffs contended that the infection commenced the day of his discharge from Northeastern Hospital July 25, 2005, and continued improperly treated until his readmission three weeks later on August 15, 2005, at which time he was diagnosed with C-Diff toxic megacolon and peritoneal sepsis requiring the removal of his entire colon. Following an 11-day trial, the jury rendered a verdict in favor of plaintiff-husband and against two of the doctors, and awarded him \$2 million in compensatory damages and plaintiff-wife \$750,000 for her loss of consortium claim. The jury assessed one defendant as being 30% comparatively negligent and the other as being 70% comparatively negligent. Defendants filed

post-trial motions, which I denied. Defendants appealed and my opinion was issued on July 9, 2010. On September 1, 2010, the appeal was discontinued without the appellate court issuing an opinion.

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9. *Montañez v. Temple University Health Systems*, No. 3412, March Term, 2006.

This civil action involved a medical malpractice claim for failure to diagnose intracranial pressure. As the result of the negligence, plaintiff's brain tumor herniated, causing permanent brain injury. Plaintiff contended that a simple C-scan of the brain would have timely discovered the tumor and surgery could have possibly avoided the catastrophic injuries. The case was tried before a jury and resulted in an award of \$11.2 million. The jury assessed yearly amounts for the plaintiff's medical expenses pursuant to the Medical Care Availability and Reduction of Error Act. 40 P.S. § 1303.509(a)(2)(i).

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10. *Spinner v. Thomas Jefferson University Hospital, et al.*, No. 2545, December Term, 1999.

This civil action involved a medical malpractice claim against a hospital and obstetrician for failure to diagnose and properly treat a placenta abruption resulting in a delayed delivery of the baby. Consequently, the baby developed cerebral palsy with severe and permanent injuries, including an inability to walk or talk, neurological deficits, and developmental delays. Without the jury's knowledge, the hospital settled for a confidential amount just prior to the jury's deliberations. After three days of deliberations, the jury was unable to decide the doctor's liability. The matter was subsequently retried against the doctor only, resulting in a defense verdict.

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- 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. *Commonwealth v. Carroll*, No. 00748 Philadelphia 1992, *rev'd*, 628 A.2d 398 (Pa. Super. 1993), *rev'd sub nom. Commonwealth v. Matos*, 672 A.2d 769 (Pa. 1996). Opinion supplied.

Counsel for the State:
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2. *Goldman v. Southeastern Pennsylvania Transportation Authority*, No. 3034, January Term, No. 3034, *consolidated with Wiza v. SEPTA*, No. 3576, October Term, 2006 and *Maguire v. SEPTA*, No. 3088, October Term, 2006, *rev'd*, 980 A.2d 709 (Pa. Commw. 2009), *appeal granted*, 10 A.3d 898 (Pa. 2010), *rev'd and remanded*, 2012 Pa. LEXIS 2923 (Pa. Dec. 19, 2012). Opinion supplied in response to 13c.

Plaintiff's lead counsel:
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3. *Deutschbauer v. Barakat*, 57 Pa. D. & C.4th 276 (2002), *aff'd*, 814 A.2d 246 (Pa. Super. 2002).

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4. *Sunderland et al. v. R.A. Barlow Homebuilders, et al.*, No. 1154, May Term, 2000, *aff'd*, 791 A.2d 384 (Pa. Super. 2002), *aff'd*, 838 A.2d 662 (Pa. 2003).
Opinion supplied.

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5. *Andreassen v. Saf-Guard Safety Shoe*, 78 Pa. D. & C.4th 285 (2005), *aff'd*, 913 A.2d 936 (Pa. Super. 2006), *appeal denied*, 917 A.2d 312 (Pa. 2007).

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Defense lead counsel:
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6. *D'Alonzo v. Truscello*, 2006 Phila. Ct. Com. Pl. LEXIS 244 (2006).

Plaintiff's lead counsel:
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7. *Krosnowski v. Ward, et al.*, 61 Pa. D. & C.4th 490 (2002), *aff'd*, 836 A.2d 143 (Pa. Super. 2003).

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8. *Bullock v. City of Philadelphia*, 61 Pa. D. & C.4th 300 (2002), *aff'd*, 815 A.2d 45 (Pa. Commw. 2002), *appeal denied*, 825 A.2d 1262 (Pa. 2003).

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9. *Carlson v. Janney Montgomery Scott, LLC*, 80 Pa. D. & C.4th 230 (2006),
aff'd, 918 A. 2d 781 (Pa. Super. 2006).

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10. *Faherty v. Gracias*, No. 0411, April Term 2001, *consolidated with Faherty v. Gracias*, No. 1896, April Term 2000, *aff'd*, 874 A.2d 1239 (Pa. Super. 2005).
Opinion supplied.

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

I am unaware of any case where certiorari was requested and/or granted.

- 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.

Having reviewed the databases available, the following is a brief summary of all of my opinions where the decision was reversed by a reviewing court or where my judgment was affirmed with significant criticism of substantive or procedural rulings.

1. *Commonwealth v. Carroll*, No. 00748 Philadelphia 1992, *rev'd*, 628 A.2d 398 (Pa. Super. 1993), *rev'd sub nom. Commonwealth v. Matos*, 672 A.2d 769 (Pa. 1996). This matter arose from defendant's motion to suppress the admission of narcotics discarded when defendant, who was not under any suspicion of criminal activity, fled when the police arrived. The motion to suppress was granted and an opinion issued. The Superior Court reversed, finding that there was no seizure because defendant was neither physically restrained nor had he submitted to the officer's assertion of authority. This matter was consolidated with the *Matos* matter for review by the Pennsylvania Supreme Court as a matter of first impression. There, the Court reversed and found that the contraband discarded while fleeing the police officer was the fruit of an illegal seizure when the officer possessed neither probable cause to arrest nor reasonable suspicion to stop and frisk defendant. Opinion supplied in response to Question 13d.
2. *Commonwealth v. Morris*, No. 00805 Philadelphia 1992, *rev'd, remanded*, 619 A.2d 709 (Pa. Super. 1992), *appeal denied*, 627 A.2d 731 (Pa. 1993). Defendant was a front seat passenger in a vehicle that was stopped by a police officer for failing to signal a right-hand turn, and the officer allegedly saw defendant stuff a brown paper bag under his seat. Defendant moved to suppress evidence of drugs found in that bag. I granted the motion, holding that the officer acted without probable cause to order the passenger out of the vehicle and search under the seat. The Superior Court reversed and remanded the matter, finding that the officer had legally stopped the vehicle and articulated a valid safety concern for ordering defendant-passenger out of the car. I am unaware of the outcome of the re-trial. Opinion supplied.
3. *Commonwealth v. Pagan*, No. 1840 Philadelphia 1992, 1934 Philadelphia 1992, *vacated, remanded for resentencing*, 1993 Pa. Super. LEXIS 1134 (Pa. Super. 1993). Defendant was found guilty of possessing a controlled substance

and was sentenced to two years probation and ordered to pay the mandatory court costs. The Commonwealth filed a petition to reconsider the sentence. At the reconsideration hearing and based upon the mandatory minimum sentencing provisions of 18 Pa. C.S.A. § 7508(a)(3)(i), defendant's previous sentence was vacated and he was re-sentenced to one to two years incarceration. However, no fines or costs were imposed based upon the court's determination that defendant was unable to pay. The Commonwealth appealed. The appellate court vacated defendant's sentence and remanded the matter for re-sentencing to include the mandatory court costs. Defendant was thereafter re-sentenced. Opinion supplied.

4. *Commonwealth v. Vasquez*, No. 2129 Philadelphia 1994, *vacated, remanded*, 667 A.2d 425 (Pa. Super. 1995), *appeal denied*, 668 A.2d 1130 (Pa. 1995). This matter arose from a sentencing hearing wherein the defendant was sentenced two to four years incarceration for possession and possession with intent to deliver heroin. Defendant, a Spanish-speaking individual, appealed asserting it was error to find him competent to stand trial and, consequently, to convict him. The reviewing court agreed with my conclusion that defendant's claims were meritless; and upon request of this trial court, remanded the matter for imposing of the mandatory fine which had been inadvertently omitted. Opinions supplied.

5. *Commonwealth v. Rollins*, No. 3604 Philadelphia 1994, *rev'd in part, vacated in part, remanded for resentencing*, 664 A.2d 1059 (Pa. Super. 1995). In a non-jury trial, defendant was found guilty of aggravated assault based upon a finding that his behavior of operating a motor vehicle while under the influence of alcohol, driving at a fast speed in an unsafe and reckless manner, and causing a collision with complainant's vehicle, was reckless. The appellate court reversed the conviction, vacating the sentence imposed and remanded to the trial court for resentencing on other counts. Opinions supplied.

6. *Kawczynski v. Camelback Ski Corp.*, No. 3604, August Term 1996, *rev'd*, 706 A.2d 1264 (Pa. Super. 1997). This matter originated as defendant's petition to transfer venue, which was granted. Upon appellate review, the order was reversed and the matter remanded for further proceeding. An evidentiary hearing was heard on the petition to transfer venue based on the doctrine of forum *non conveniens*. The petition was granted and plaintiff appealed. The Superior Court affirmed the transfer to Monroe County. Opinions supplied.

7. *Lucas v. Tennenbaum*, No. 01340 PHL 98, *aff'd in part, rev'd in part, remanded*, 745 A.2d 52 (Pa. Super. 1999). Plaintiff filed a dental malpractice action based on a prosthesis implanted in 1987 as a result of a motor vehicle accident. I granted partial summary judgment to the defendant based upon releases signed by plaintiff in a New Jersey action related to the motor vehicle accident, finding that plaintiff had waived all claims related to the accident. The appellate court affirmed my order even though it found error in the choice-of-law

analysis, finding that Pennsylvania was required to give full faith and credit to the New Jersey releases. Opinions supplied.

8. *Gabriele v. SEPTA*, No. 462 CD 99, *rev'd, remanded*, 751 A.2d 1273 (Pa. Commw. 2000). This matter was a motor vehicle accident trial before a jury wherein plaintiff was a passenger in a bus that suddenly stopped. During the plaintiff's testimony at trial, defense counsel asked whether she had received workers' compensation. Plaintiff's counsel objected and plaintiff did not answer. The objection was sustained with a curative instruction given to the jury to disregard the comment. The jury subsequently found in favor of plaintiff but assessed her 75% comparative negligence. I denied plaintiff's motion for mistrial, and post-trial motion for a new trial and/or judgment notwithstanding the verdict. The Superior Court reversed and remanded for a new trial, finding that the mention of workers' compensation benefits, despite an immediately issued curative instruction, was prejudicial and warranted a new trial. Opinions supplied.

9. *Obelisk, Inc. v. Sun Refining and Marketing, Inc.*, No. 2151, June Term 1994, and No. 1793, August Term 1996, *rev'd, remanded*, 750 A.2d 385 (Pa. Super. 1999); *rev'd, remanded*, 767 A.2d 1120 (Pa. Super. 2000). This was a franchise breach of contract and fiduciary duty matter. The jury returned a verdict in favor of plaintiff and both parties' post-trial motions were denied. On December 8, 1999, the Superior Court affirmed my ruling on liability but remanded for a supplemental opinion on damages. On October 19, 2000, the Superior Court issued a second opinion remanding the matter to recalculate the amount of damages based on the evidence in the record, or on new evidence, if warranted. The appellate court found an issue with the interpretation of a specific clause of the franchise agreement. On October 25, 2002, a discontinuance was ordered and on June 17, 2003, satisfaction was filed. Opinions supplied.

10. *Jistarri v. First Union Nat'l Bank*, No. 3516, March term 1997, *rev'd, remanded*, 768 A.2d 892 (Pa. Super. 2000), *appeal denied*, 781 A.2d 145 (Pa. 2001). Plaintiffs filed a complaint against the bank for breach of contract and negligence. The critical issue was determining the beneficiary[ies] of investments owned by Jistarri at the time of his death and which were in possession of defendant. The jury returned a verdict in favor of plaintiff beneficiary and plaintiff estate. Defendant's post-trial motion for judgment notwithstanding the verdict and/or a new trial was denied. The Superior Court reversed and remanded the matter for entry of judgment notwithstanding the verdict, finding that the evidence was insufficient to establish that defendant violated New Jersey's Multiple-Party Deposit Account Act. Opinions supplied.

11. *Byers v. St. Joseph Reg'l Health Network*, No. 2336 EDA 2000, *vacated, remanded*, 778 A.2d 1237 (Pa. Super. 2001), *appeal denied*, 796 A.2d 977 (Pa. 2002). This matter was presented as a petition to transfer venue on the basis of *forum non conveniens*. The petition was granted and the transfer of venue in this

medical malpractice action was ordered to Lancaster County. The Superior Court reversed and stated that the defendants had not met the proper burden and, therefore, the order transferring venue constituted an abuse of discretion. The matter was remanded and subsequently settled. Opinions supplied.

12. *Kummer v. St. Joseph Reg'l Health Network*, No. 2372 EDA 2000, *opinion withdrawn by the court, on reconsideration*, 792 A.2d 1294 (Pa. Super. 2001), *appeal nunc pro tunc denied* (Pa. Apr. 3, 2002). This matter was presented as a petition to transfer venue on the basis of forum *non conveniens*. The petition was granted and the transfer of venue in this medical malpractice action was ordered to Berks County. The Superior Court found that defendants had not met the burden imposed to show that venue should be transferred; the order was reversed and the matter remanded to the trial court. Opinions supplied.

13. *Faust v. Martinez*, No. 2627 EDA 2000, *rev'd*, 792 A.2d 1291 (Pa. Super. 2001), *appeal denied*, 800 A.2d 932 (Pa. 2002). This matter was presented as a petition to transfer venue on the basis of forum *non conveniens*. The petition was granted and the transfer of venue in this medical malpractice action was ordered to Berks County. The Superior Court found that defendants had not met the burden imposed to show that venue should be transferred, the order was reversed, and the matter remanded to trial court. The Honorable Sandra Mazer Moss transferred the matter to Berks County on January 26, 2004. Opinions supplied.

14. *Bussey v. Am. Future Sys., Inc.*, No. 02580 EDA 2000, *remanded to another jurisdiction*, 788 A.2d 1024 (Pa. Super. 2001). Plaintiff was assaulted at her place of employment in Bucks County, Pennsylvania, and sued her employer in Philadelphia County. Defendant filed a petition to transfer venue on the basis of forum *non conveniens*, which was granted. The transfer of venue was ordered to Bucks County on July 21, 2000. Upon review of a motion for reconsideration, I determined that venue was, in fact, proper in Philadelphia. However, the motion to reconsider was filed late, thus, depriving me of jurisdiction to reconsider the July 21, 2000 order. Notwithstanding, the Superior Court affirmed and remanded the matter to the Court of Common Pleas of Bucks County on September 5, 2001. Opinions supplied.

15. *Derecola v. Jefferson Health Sys., Inc.*, No. 02875 EDA 2000, *rev'd, remanded*, 788 A.2d 1036 (Pa. Super. 2001). This medical malpractice matter presented as a petition to transfer venue on the basis of forum *non conveniens*. The petition was granted since the parties who had nexus to Philadelphia had been dismissed and the transfer of venue was ordered to Chester County. The Superior Court disagreed, reversed my order and remanded the matter. Opinions supplied.

16. *Hummer v. Siegrist*, No. 643 EDA 2001, *rev'd, remanded*, 792 A.2d 1292 (Pa. Super. 2001). This matter presented as a petition to transfer venue on the basis of forum *non conveniens*. The petition was granted and the motor vehicle accident action was ordered transferred to Lancaster County, the county where the

accident occurred. The Superior Court reversed the transfer order and remanded the matter, finding that defendants had not met their burden to prove that venue in the chosen forum was oppressive or vexatious. The appellate court cited one of my previous opinions and distinguished the facts. Opinions supplied.

17. *McMahon v. Constantino*, 61 Pa. D. & C.4th 209 (Pa. County 2001), *rev'd*, 803 A.2d 803 (Pa. Super. 2002). This matter presented as preliminary objections challenging venue. Defendants' preliminary objections were sustained and transfer of venue was ordered in this medical malpractice action to Bucks County. The Superior Court reversed and remanded the matter to the trial court. Opinions supplied.

18. *PECO Energy Co. v. Phila. Suburban Water Co.*, No. 1576 EDA 2001, *rev'd, remanded*, 802 A.2d 666 (Pa. Super. 2002). This matter presented as defendant's preliminary objections challenging venue and requesting a transfer to Montgomery County. The preliminary objections were overruled. On appeal, the Superior Court reversed and remanded with instructions and the matter was transferred to Montgomery County. Opinion supplied.

19. *Estate of Henderson v. City of Phila.*, 62 Pa. D. & C.4th 313 (Pa. County 2001), *rev'd*, 798 A.2d 875 (Pa. Commw. 2002). This matter presented as defendants' preliminary objections to plaintiffs' claims for intentional infliction of emotional distress caused by the suicide of her son at the home. The preliminary objections were overruled, finding that the complaint asserted sufficient facts to support said claim. The Commonwealth Court disagreed and reversed the order of April 17, 2002. The matter was subsequently dismissed by another judge. I could not locate a copy of the appellate opinion.

20. *Humes v. Eckerd Corp.*, No. 3019 EDA 2001, *rev'd, remanded*, 807 A.2d 290 (Pa. Super. 2002). Plaintiffs commenced a wrongful death suit by filing a writ of summons against defendants, who, in turn, filed a motion to dismiss on the grounds of forum *non conveniens*, pursuant to 42 Pa.C.S. § 5322(e). Attached to defendants' motion, as an exhibit, was a wrongful death action filed by plaintiffs against the same defendants in New Jersey. I concluded that the pertinent facts regarding the instant matter would be the same as the case in New Jersey and dismissed the action utilizing a "private and public factors" analysis. The Superior Court acknowledged that its decision was complicated by changes in the law and a lack of precedent, but it reversed and remanded holding that because no complaint had been filed in Philadelphia County and discovery had not yet been completed, the court had abused its discretion in dismissing the complaint. It also found that the standard of *Cheeseman v. Lethal Exterminator, Inc.*, 701 A.2d 157 (Pa. 1997) applied to Section 5322 (e) petitions. Opinion supplied.

21. *Clevenstine v. Harleysville Mutual Ins. Co.*, No. 03131, 03132 EDA 2001, *rev'd, remanded*, 813 A.2d 898 (Pa. Super. 2002). This matter presented as defendants' preliminary objections challenging venue and requesting transfer of

this medical malpractice matter to Lancaster County, and contending the court had no jurisdiction over the insurance carrier since it was immune from suit under the exclusivity provision of the Workers' Compensation Act. The preliminary objections were overruled. On appeal, the Superior Court reversed and remanded the matter to the motion judge to hold an evidentiary hearing on the issue of venue only. This hearing was held and the matter was subsequently transferred to Lancaster County. Opinions supplied.

22. *Miller v. Sommer Maid Creamery*, 60 Pa. D. & C.4th 197 (Pa. County 2002), *rev'd*, 821 A.2d 141 (Pa. Super. 2003). This matter presented as defendants' petition to transfer the motor vehicle accident matter to Northumberland County on the basis of forum *non conveniens*. I granted the petition, concluding that the record supported a finding that trial in Philadelphia County would be oppressive and vexatious to the parties and witnesses. On appeal, the Superior Court reversed and remanded the matter to trial in Philadelphia County. Three months later, plaintiff filed a praecipe to transfer the matter to Northumberland County. Opinion supplied.

23. *Barley v. Consolidated Rail Corp.*, No. 1354 EDA 2002, *rev'd in part, appeal quashed in part*, 820 A.2d 740 (Pa. Super. 2003). This matter arose from a discovery-related order compelling defendant to produce former employees for deposition, and deeming admitted a particular admission request. I determined that the orders were interlocutory and non-appellable and recommended that the appeal be quashed. The Superior Court reversed my order, finding that the appeal was proper in part and holding that it was error to order the defendant to comply with notices to depose non-party individuals, who instead should have been issued subpoenas. The remaining issues on appeal were quashed as improper. The matter subsequently settled. Opinion supplied.

24. *Watson v. Temple Univ.*, No. 629 EDA 2001, *rev'd*, 855 A.2d 146 (Pa. Super. 2004). This matter presented as plaintiff's discovery request in a personal injury matter, for documents which defendant claimed were privileged as either attorney-client communications or attorney work-product. After an *in camera* review of the documents, plaintiff's motion to compel defendant to provide full and complete answers to plaintiff's interrogatories and full and complete responses to plaintiff's request for production of documents were granted. Defendant appeal and the Superior Court quashed the appeal prior to the submission of the opinion. The matter was appealed to the Supreme Court, which granted the Petition for Allowance of Appeal from the Superior Court on the limited issue of whether the discovery order was appealable as of right. By a Per Curiam Order dated November 13, 2002, the Supreme Court without an opinion reversed the Superior Court. I issued an opinion on September 15, 2003, addressing only the merits of defendant's claims of attorney-client privilege and/or work product doctrine, finding that the information plaintiff sought was not protected. The Superior Court reversed and remanded. Opinions supplied.

25. *Gebremariam v. Marriot Hotel Serv.*, No. 1662 EDA 2003, *vacated, remanded for new trial, discontinued in the lower court*, 855 A.2d 140 (Pa. Super. 2004). This matter presented as a slip and fall case tried before a jury, which found plaintiff and defendant each to be 50% negligent and awarded plaintiff no damages. In her post-trial motion, plaintiff argued that the jury's verdict was contrary to the weight of the evidence since defendant admitted that plaintiff had sustained an injury and, therefore she should be compensated as a matter of law. Plaintiff's post-trial motion for a new trial on damages was denied on the basic finding that the jury's determination should not be disturbed since the issue of the actual injury suffered had been highly contested. On appeal, the Superior Court vacated the judgment and remanded for a new trial. A new trial was scheduled but the matter settled before the trial. Opinions supplied.

26. *Lizzo v. Atkins*, No. 3014 EDA 2003, *vacated, remanded*, 872 A.2d 1279 (Pa. Super. 2005), *appeal denied*, 877 A.2d 462 (Pa. 2005). This matter presented as a medical malpractice action wherein plaintiff claimed injuries resulting from a laceration sustained during childbirth. The jury found in favor of defendant. I denied plaintiff's post-trial motion for a new trial claiming unfair surprise and prejudice based upon evidentiary rulings related to the issue of scarring. The Superior Court vacated the judgment and remanded the matter.

27. *Baker v. Leighton Chrysler Plymouth*, No. 108 EDA 2004, *vacated, remanded*, 885 A.2d 569 (Pa. Super. 2005). This case presented as plaintiffs' claims of violation of the Pennsylvania's Unfair Trade Practices and Consumer Protection Law, and the Magnuson-Moss Warranty Act arising from defendant's alleged sale of a "lemon" buyback without proper disclosure. The case was tried before a jury and was resolved by a non-monetary settlement agreement. Plaintiffs thereafter filed a petition for attorney's fees and costs. A hearing was held and the petition was granted albeit not in the amount requested. Defendant appealed the order awarding attorney's fees. The Superior Court vacated the attorney fee award and remanded for reconsideration, finding that the record did not support the amount of the award which was deemed to be grossly disproportionate to the value of the settlement. Opinions supplied.

28. *Hutchinson v. Penske Truck Leasing Co.*, No. 463, 497 EDA 2004, *rev'd, remanded*, 876 A.2d 978 (Pa. Super. 2005), *aff'd*, 922 A.2d 890 (Pa. 2006). This case presented as plaintiff's claims of a defective product and a crashworthiness theory of liability. The jury found in favor of plaintiff and awarded compensatory and punitive damages. Both parties filed post-trial motions. I granted defendants' request to vacate the jury's punitive damage award and denied their requests for either judgment notwithstanding the verdict or a new trial. On appeal, the Superior Court considered whether expert reports summarizing hundreds of other accidents were admissible as evidence of state of mind and found that the admission of these documents constituted reversible error and remanded for a new trial on liability and damages. The court held that those expert reports did not satisfy the "substantial similarity" test applicable to other accident evidence and

were, therefore, not admissible. The Superior Court further found that counsel's repeated violations of the court's pre-trial rulings warranted a new trial. It also found no error in the denial of defendant's motion for judgment notwithstanding the verdict, since conflicting testimony raising questions of fact and credibility were properly within the province of the jury. Shortly thereafter, the matter settled. Opinion supplied.

29. *Fitzpatrick v. Natter*, No. 1488 EDA 2004, *aff'd*, 894 A.2d 826 (Pa. Super. 2005), *vacated and remanded*, 961 A.2d 1229 (Pa. 2006). This case presented as a medical malpractice case alleging lack of informed consent. At trial, the plaintiff-husband testified as to the information provided to his wife, the patient, who was not called as a witness despite being competent to testify. The jury returned a verdict in favor of plaintiffs and defendant filed a post-trial motion for judgment notwithstanding the verdict. The motion was granted and affirmed by the Superior Court. The Supreme Court granted an allowance of appeal and after other procedural issues reviewed the question whether a patient seeking to prove a lack of informed consent claim in a medical malpractice action may rely solely upon circumstantial evidence. The Court determined that the testimony of a patient's spouse may be sufficient to prove the substantial factor element and remanded the case to the Superior Court to determine the sole issue of whether it was error to preclude plaintiffs' experts for their lack of qualifications. The Superior Court affirmed my opinion excluding the experts. No further action occurred. Opinion supplied.

30. *Dooner v. DiDonato*, 82 Pa. D. & C.4th 492 (Pa. County 2006), *vacated*, 943 A.2d 326 (Pa. Super. 2007), *rev'd*, 971 A.2d 1187 (Pa. 2009). This matter of first impression stemmed from an assault and battery inflicted by a stock trader against another stock trader who was employed at the Philadelphia Stock Exchange (PSX). A jury found in favor of plaintiffs and against both defendants. Defendant PSX filed a post-trial motion for judgment notwithstanding the verdict, which was denied. On appeal, the Superior Court concluded that the Securities Exchange Act of 1934 (Act) preempts "a floor trader's negligence causes of action against a national exchange where those causes of action implicate the exchange's statutory authority to govern itself." Thus, the Superior Court found that PSX was entitled to judgment as a matter of law, vacated the judgment in favor of the plaintiffs, and remanded for further proceedings. The Pennsylvania Supreme Court granted a petition for allowance of appeal on the issue of whether the Act preempts Pennsylvania state-law claims arising from personal injuries sustained on a stock exchange floor by a securities industry employee. The Court concluded that the Act did not preempt such claims and reversed the Superior Court. Judgment was entered on the verdict.

31. *Mastrocola v. SEPTA*, 2006 Phila. Ct. Com. Pl. LEXIS 458 (Pa. C.P. 2006), *rev'd*, 941 A.2d 81 (Pa. Commw. 2008), *appeal granted*, 973 A.2d 412 (Pa. 2009). This matter presented as a claim to recover property damages resulting from SEPTA's capital improvement project at a nearby train station. The jury found in favor of plaintiffs. SEPTA filed a post-trial motion arguing

preemption, and plaintiffs filed a post-trial motion requesting additur or a new trial. All motions were denied and appeals were filed. The preemption issue was denied because SEPTA had not raised it as a defense until its motion for directed verdict at the end of the trial. The Commonwealth Court reversed, and found that preemption applied pursuant to the Federal Railroad Safety Act of 1970. An appeal to the Supreme Court was denied and the matter subsequently settled. Opinion supplied.

32. *Kiak v. Crown Equipment Corp.*, 2008 Phila. Ct. Com. Pl. LEXIS 52 (Pa. C.P. 2008), *rev'd*, 989 A.2d 385 (Pa. Super. 2010). This matter presented as defendant's motion for summary judgment following the appellate court remand for a new trial (the previous trial was before another judge). The motion for summary judgment was granted in reliance on a recent appellate decision finding federal preemption in cases involving forklifts. On February 17, 2009, the Superior Court reversed but subsequently withdrew the panel decision and granted reargument *en banc*. On January 29, 2010, the Superior Court *en banc* concluded that the previous "controlling case" had been wrongly decided and overruled it. It further reversed my opinion and determined that the evidence established a substantial question of material fact regarding whether the alleged design defect caused plaintiff's injuries and therefore summary judgment was not warranted. The case was subsequently tried before another judge resulting in a defense verdict.

33. *Lewis v. Berwind Corp.*, 2009 Phila. Ct. Com. Pl. LEXIS 276 (Pa. C.P. 2009), *rev'd*, 7 A.3d 841 (Pa. Super. 2010), *appeal denied*, 2011 Pa. LEXIS 1279 (Pa. 2011). This case presented as a product liability action wherein the injuries occurred in New Jersey; thus, New Jersey law was found to be applicable. The case involved allegations that the warnings on an aerosol spray can used to clean electrical pole top switches, and which could cause an "arc-over" event, were inadequate. The case involved demonstrative evidence of the scene and of an electrical arc-over event. The case was tried before a jury and resulted in a defense verdict. Plaintiff appealed. The appellate court reversed, finding that error was committed in charging the jury on comparative negligence and assumption of risk. The dissenting opinion found that no error was committed. The matter was remanded for a new trial and subsequently settled.

34. *Goldman v. SEPTA*, 949 A.2d 983 (Pa. Commw. 2008), *appeal denied*, *Davis v. SEPTA*, 960 A.2d 841 (Pa. 2008), *appeal granted sub nom. Goldman v. SEPTA*, 10 A.3d 898 (Pa. 2010), *rev'd, and remanded*, 2012 Pa. LEXIS 2923 (Pa. Dec. 19, 2012). This matter presented as a motion for summary judgment on an issue of first impression: whether SEPTA was entitled to claim sovereign immunity in Federal Employers Liability Act (FELA) actions brought against it. I determined that SEPTA was not entitled to such immunity and the matter was consolidated with another case that reached the opposite conclusion. The Commonwealth Court reversed me and held that SEPTA was entitled to immunity as an "arm" of the Commonwealth and thus was not subject to suit under FELA.

The matter was appealed to the Pennsylvania Supreme Court, which held that in FELA cases, SEPTA cannot be deemed an arm of the Commonwealth and is not entitled to sovereign immunity under the Eleventh Amendment. Opinions supplied in response to Question 13c.

35. *Mirabal v. C.R. Bard, Inc.*, 2011 Phila. Ct. Com. Pl. LEXIS 147 (Pa. C.P. 2011), *rev'd, remanded*, 47 A.3d 1254 (Pa. Super. 2012), supplemental opinion, 2012 Phila. Ct. Com. Pl. LEXIS 380 (Pa. C.P. 2012). This matter presented as a product liability action. Mid-trial, plaintiff settled her claims against defendants for a confidential amount. However, defendants refused to release settlement proceeds until plaintiff satisfied its Medicare lien or provided defendants with the amount of the lien owed. Plaintiff filed motions for release of the settlement funds and/or for sanctions, which were denied. Plaintiff appealed. In the interim, the matter of *Zaleppa v. Sewell* was decided, which prohibited a party from adding Medicare as a payee, as a condition of settlement. As such, the Superior Court directed me to conduct further proceedings to (1) implement the sanctions mandated by Pennsylvania Rule of Civil Procedure 229.1(g), and (2) address the issues of plaintiff's petition for contempt. The proceedings were held and plaintiff's motion for sanctions was denied. The matter is pending before the Superior Court. Opinion supplied.

36. *Perry v. Commonwealth DOT*, 2007 Phila. Ct. Com. Pl. LEXIS 141 (2007), *rev'd*, 2008 Pa. Commw. unpublished LEXIS 493 (2008). This matter presented as a civil license suspension appeal. Plaintiff, *pro se*, filed an appeal of an adjudication issued by the Pennsylvania Department of Transportation which suspended his driving privileges for one year because of a conviction for driving with a suspended license. At the *de novo* hearing, his appeal was granted and the license suspension was rescinded. Defendant appealed before the Commonwealth Court, which reversed my opinion. The appellate court determined that plaintiff could not refute that his operating privilege had not been restored and that he was convicted of driving with a suspended license. Further, it held that it was error to consider plaintiff's reliance on the traffic court judge's assertion that everything "had been taken care of."

- 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.

I have issued approximately 254 opinions and, to the best of my knowledge and belief, approximately 55 (22%) were published and 199 (78%) are unpublished.

Opinions are only submitted and required when a matter is appealed. The opinion is filed with the Certification and Appeals Unit of the Court of Common Pleas in Philadelphia, Pennsylvania.

- 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.

Goldman v. Southeastern Pennsylvania Transportation Authority, No. 3034, January Term, No. 3034, consolidated with *Wiza v. SEPTA*, No. 3576, October Term, 2006 and *Maguire v. SEPTA*, No. 3088, October Term, 2006, *rev'd*, 980 A.2d 709 (Pa. Commw. 2009), *appeal granted*, 10 A.3d 898 (Pa. 2010), *rev'd and remanded*, No. 65 EAP 2010 (Pa. Dec. 19, 2012). Opinion supplied in response to Question 13c.

Commonwealth v. Carroll, Criminal No. 9111-1159, *rev'd*, 628 A.2d 398 (Pa. Super. 1993), *rev'd and remanded*, 672 A.2d 769 (Pa. 1996). Opinion supplied in response to Question 13d.

Mastrocola v. SEPTA, 2006 Phila. Ct. Com. Pl. LEXIS 458 (2006), *rev'd*, 941 A.2d 81 (Pa. Commw 2008); *appealed granted*, 973 A.2d 412 (Pa. 2009).

Dooner v. DiDonato, 82 Pa. D. & C.4th 492 (2006), *rev'd*, 943 A.2d 326 (Pa. Super. 2007), *rev'd and remanded*, 971 A.2d 1187 (Pa. 2008).

D'Alonzo v. Truscello, 2006 Phila. Ct. Com. Pl. LEXIS 244 (2006).

Bezerra v. National Railroad Passenger Corporation, No. 1151, July Term, 1997, *aff'd*, 760 A.2d 56 (Pa. Super. 2000), *appeal denied*, 785 A.2d 86 (Pa. 2001). Opinion supplied.

Commonwealth v. Van Wells, Criminal, 93-10-2755, *aff'd*, 657 A.2d 507 (Pa. Super. 1995). Opinion supplied.

- 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 a 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.

The Pennsylvania Rules of Court, Code of Judicial Conduct, Canon 3(C), establishes when judges should disqualify themselves in a proceeding. Essentially, the Code provides for recusal in a proceeding where the judge's impartiality might reasonably be questioned, such as when the judge may have a personal bias or prejudice concerning a party or personal knowledge of the evidentiary facts or a financial interest in the outcome of the trial. I am not aware of any formal policy, procedure, local rule or administrative regulation governing recusals within the First Judicial District of Pennsylvania. The following are the instances that I recall when I have *sua sponte* recused myself or was asked to recuse myself.

I have recused myself *sua sponte* from a trial and/or motion assignment because of an affiliation with a party or counsel by virtue of my board membership and/or prior employment experience. A standing recusal involves matters of the North Philadelphia Health System (a non-profit organization in which I served as a member of the Board of Trustee). NPHS was sued in a medical malpractice matter and I was assigned a motion for summary judgment. When the motion was brought to my attention, I immediately returned it to court administration for re-assignment to another judge. As Team Leader for Day Forward 2010, all matters involving said hospital are assigned to another Judge for disposition.

I recall a criminal matter around 1992 where the defendant was the brother of my former Community Legal Services' secretary. Based upon our employment relationship and friendship, and although I believed I could be fair and impartial, I *sua sponte* recused myself to avoid any appearance of bias or impropriety.

In a civil matter before me in 2011, *Bonds v. Young, et al.*, March Term 2009, No. 0108, Court of Common Pleas, Philadelphia, Pennsylvania, I granted a motion for mistrial when the number composition of the jury became unacceptable to the defense. Following the dismissal of the jury, the parties requested a settlement conference to resolve the matter. When defense counsel refused the suggested settlement number, negotiations broke down, and defense counsel requested that I recuse myself. The request for recusal was granted. Subsequently, the case settled before another judge for the suggested settlement amount.

Sometime in February 2012, in the matter of *Waris v. Spectrum Health Service*, No. 0425, October Term, Court of Common Pleas, Philadelphia, Pennsylvania, I ruled on a discovery issue and allowed the defense counsel additional time to provide the requested information. Plaintiff, acting *pro se*, did not object. A few days later, plaintiff wrote letters to colleagues indicating how unfair and biased I had been. The letter was brought to my attention and because of the tone of the remarks, I recused myself.

With the exception of the *Waris* matter, I am unaware of any request for recusal based on an argument that I cannot be fair or impartial, or because of a conflict of interest.

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.

I have not held any public office other than my present position. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- 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.

I have not held office in any political party or election committee. I have not held a position or played a role in any political campaign, except my own.

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 have not served as a clerk to a judge.

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

I practiced alone in 1991, at 801 Arch Street, Philadelphia, Pennsylvania 19107.

- 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.

1975 – 1977

Community Legal Services, Inc.
The Beury Building
3701-03 North Broad Street
Philadelphia, Pennsylvania 19140
Staff Attorney

1977 – 1979

United States Department of Health and Human Services
Bureau of Hearings and Appeals
1528 Walnut Street
Philadelphia, Pennsylvania 19102
Attorney Advisor

1979 – 1991

United States Department of Veterans Affairs
Office of the District Counsel
5000 Wissahickon Avenue
Philadelphia, Pennsylvania 19144
Staff Attorney

- 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.

From 1980 to 1991, I served as one of three arbitrators for the uniform statewide court system's Compulsory Arbitration Program. *See* Pennsylvania Rules of Civil Procedure 1300 *et seq.* This program is designed to dispose of cases where the valued amount of damages is less than \$50,000. Generally, no recording of the hearing is made and the rules of evidence are somewhat liberalized. The arbitration panel decides the case and issues specific findings, including any determination of comparative negligence, if appropriate, and a final award. Any appeal taken is a trial *de novo* appeal. The cases heard were primarily motor vehicle accidents, premises liability slip and fall cases, and small contract cases.

Similarly, as a neutral arbitrator, in 1991, I sat with two other arbitrators (one plaintiff and one defense counsel) to hear motor vehicle insurance matters.

Given the passage of time and the lack of records, I am unable to recall any individual cases with specificity.

b. Describe:

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

I commenced my legal career in September 1975, as a staff attorney at Community Legal Services, Inc. I handled primarily family law related matters, including custody and adoption cases, as well as social security appeals which resulted in hearings before administrative law judges.

From 1977 to 1979, I was employed by the United States Department of Health and Human Services, Bureau of Hearings and Appeals, as an Attorney Advisor to various Administrative Law Judges. I essentially reviewed the hearing record and wrote the opinion supporting the judge's decision.

From 1979 to 1991, I was employed by the United States Department of Veterans Affairs as a Staff Attorney, interpreting and applying the rules, regulations, and statutes applicable to the Department. The Philadelphia Office then covered five hospitals in the eastern part of Pennsylvania and Delaware. The range of assignments varied from representing the VA in matters brought against it to matters on its behalf. These assignments included such things as federal tort claims involving medical malpractice, premises liability, and motor vehicle accidents; veterans' issues including commitment hearings; Freedom of Information and Title 38 requests for information; and employment matters including labor relations, discrimination, unfair labor practices, and contracts. I represented the VA in numerous matters before the Merit Systems Protection Board and the Equal Employment Opportunity Commission.

In 1991, as a solo practitioner, I was co-counsel in representing an individual accused of a criminal offense and sat as a neutral arbitrator in insurance matters. During this year, I was seeking confirmation of the judicial appointment made by the Governor and simultaneously running a judicial election campaign.

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

From 1975 to 1977, I was employed by Community Legal Services, Inc., in Philadelphia, Pennsylvania, in the position of Staff Attorney, representing indigent clients. I concentrated my practice in family-related

matters, including adoptions, custody and visitation, social security claims, and general legal matters.

From 1977 to 1979, I was employed by the United States Department of Health and Human Services, Bureau of Hearings and Appeals in Philadelphia, Pennsylvania, as an Attorney Advisor, exclusively writing opinions for administrative law judges following hearings. The issues included claims for Medicare, disability (SSA/SSI) and/or retirement benefits. At times I served as a Spanish interpreter during the hearings.

From 1979 to 1991, I was a Staff Attorney with the United States Department of Veterans Affairs, Office of the District Counsel in Philadelphia, Pennsylvania, handling all matters affecting the Regional Office and its five affiliated hospitals. My area of expertise included the following matters: Unfair Labor Practice disputes, medical malpractice claims, commitment hearings, Title 38 hearings, personal injury claims, Freedom of Information requests, contract disputes, and Merit System Protection Board and EEOC hearings. At those hearings, I represented the VA.

In 1991, as a solo practitioner, I assisted counsel in the representation of a defendant in a criminal case, and served as a neutral arbitrator in insurance matters. My legal practice was very limited as I was seeking confirmation of a state judicial appointment made by the Governor and simultaneously running a judicial election campaign.

- 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.

My practice with Community Legal Services from 1975 until 1977 involved strictly civil and administrative matters with frequent appearances in Family Court and before Administrative Law Judges at the Department of Health and Human Services, Office of the Bureau of Hearings and Appeals, Social Security Administration. I estimate that I was in family court 25% of my practice and in Social Security hearings 30% of my time. I also had a very limited practice in bankruptcy Chapter 7 matters, appearing before the Bankruptcy Trustee to present the client's petition and ultimately to obtain the discharge. I am unsure of the exact number of bankruptcy cases I handled but to the best of my recollection, these did not exceed ten cases. I estimate that I was in bankruptcy court 2% of my practice.

During my employment with the Department of Health and Human Services from 1977 to 1979, I did not make any court appearances; my time was spent writing opinions in support of the decision rendered by the Administrative Law Judge.

From 1979 to 1991 while I was at the Department of Veterans Affairs, my practice involved primarily the interpretation and application of its administrative rules and regulations as well as other federal statutes, with frequent appearances before state court hearing officers in involuntary commitment matters and before other federal agencies when representing the VA in EEOC (discrimination) and MSPB (disciplinary) matters. Infrequently, there was cooperation with an Assistant United States Attorney (AUSA) and appearances in VA-related matters pursued in federal court. I would estimate that I spent 20% of my practice doing commitment hearings, 50% doing MSBP and EEOC hearings, and 2% assisting the AUSA.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 10% |
| 2. state courts of record: | 30% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 60% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 95% |
| 2. criminal proceedings: | 5% |

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 that I tried 20 cases in family court, 300 commitment hearings before a Mental Health Officer, and 600 administrative hearings. In 97% of these matters, I was sole counsel.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 0% |
| 2. non-jury: | 100% |

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:

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

Before becoming a Judge in the Court of Common Pleas 22 years ago, my primary legal experience was working as a Staff Attorney for the U.S. Department of Veterans Affairs. In this capacity, most of the cases I handled were hearings before the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the county mental health officer. Due to the passage of time and federal regulations which ordered the purging of agency documents after several years, I am unable to access, retrieve, or recall with specificity any cases I handled, with the exception of the matters listed below.

1. *Shaller v. Derwinski*, Case No. 3:89-cv-01618-RPC, Middle District of Pennsylvania, before Judge Richard P. Conaboy. Along with Jose Lopez, Regional Counsel of the VA, we handled the administrative phase, including the case preparation, discovery, and the hearing, of the first litigated Title 38 removal of a physician at the Veterans Administration Medical Center at Wilkes-Barre, Pennsylvania. Dr. Shaller contested his removal and lost. Once he appealed to federal court, the Department of Justice became involved and I no longer participated in the case.

Lead counsel: Jose Lopez
Department of Veterans Affairs
Regional Counsel
3900 Woodland Avenue
Philadelphia, PA 19104
215-823-7811

Opposing counsel: John A. Bednarz, Jr.
15 Public Square
Wilkes-Barre, PA 18701
570-821-0483

2. *Washington v. Department of Veterans Affairs*, Case No. PH07528910494, Merit Systems Protection Board, before Daniel R. Levinson, Chairman, Antonio C. Amador, Vice Chairman, and Jessica L. Parks, Member.

I was consulted by management regarding the charges to be lodged against a food service worker who refused to deliver food trays to veterans because the trays were dirty. Based upon our discussions, the management decided to terminate his employment, and the

employee appealed his removal to the MSPB. I then represented the agency in the removal action before an Administrative Law Judge of the MSPB. A full hearing was held with witnesses and exhibits. The Board ruled in the agency's favor and affirmed the termination of the employee. It appears that the employee appealed his termination but I do not recall the circumstances of the appeal or the outcome. This litigation occurred in the latter part of the 1980s or the early part of 1990.

Opposing Counsel: Martin I. Kleinman
Martin I. Kleinman, P.C.
Three Parkway, Suite 1320
1601 Cherry Street
Philadelphia, PA 19102
215-496-1044

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 an attorney at the VA, I recall drafting and negotiating the first structured settlement in the VA's history involving a medical trust for a veteran who suffered an injury while receiving care at the VA. This structured settlement creation occurred in the early 1980s. In addition, I was actively involved in reviewing the contractual agreement for the sale of VAMC land in Wilkes-Barre, Pennsylvania, to the Commonwealth of Pennsylvania to expand an interstate highway in the area.

I was part of a group of Philadelphia lawyers who created the Hispanic Bar Association of Pennsylvania (HBA) in 1984, and in 1988 the Hispanic Bar Association of Pennsylvania Legal Education Fund (HBALEF). Within the HBA, I held several offices and was integrally involved in the establishment of the HBALEF. I became the first president of the HBALEF and resigned that position after almost four years in 1991 when I became a judge. During my tenure as president, we awarded over \$20,000 in scholarships to students attending the five Delaware Valley law schools. Both the HBA and the HBALEF continue to thrive.

As a member of the Mayor's Election Reform Task Force, I participated in meetings and discussions on the subject of reforming and making political elections machines user friendly. In 1995, the Task Force in conjunction with the Committee of Seventy issued a report concluding that the City should move as expeditiously as feasible to procure a Direct Recording Electronic system with full ballot-face display capability, paper audit-trail printing, and a physically durable design. The recommendations in the report were accepted and in 1998, Philadelphia voters approved the purchase of the new machines.

I have not performed any lobbying activity.

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.

To the best of my knowledge, I do not have any deferred future income that falls within the category above-noted.

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.

I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my 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.

I do not perceive any potential conflict of interest issues that may arise if I am confirmed. Should a potential conflict arise, however, I will continue to handle it as I have done during the past 21 years. I believe in full disclosure of even the appearance of a possible conflict of interest and will *sua sponte* bring any concern to the attention of counsel. If confirmed, I will adhere to the Code of Conduct for United States Judges, as well as any advisory opinions or relevant guidelines.

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

If there is any potential appearance of a conflict of interest, it has been my practice to return the file to the assigning Judge as soon as the potential conflict is apparent. If the conflict is discovered at a later stage in the proceedings, I have addressed both parties with the concern, fully discussed the matter and provided an opportunity for input and for a party to request recusal. If the conflict is one that in any way affects my judgment or impartiality, even if the attorneys do not request recusal, I will *sua sponte* recuse myself. I will adhere to the Code of Conduct for United States Judges, as well as any advisory opinions or relevant guidelines.

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.

In conjunction with the Philadelphia Bar Association and the School District, I participated in the Bar Association's Advancing Civics Education Program (A.C.E.) wherein we appeared to a 9th grade class and provided a course discussion on civic and legal concerns, approximately once a month for a year. Also, for numerous years, I have mentored summer law interns in my chambers, providing them a glimpse of the court system, court room practices, jury selection, trials, motions, opinion writing, and ethical dilemmas.

I have served for 20 years on the board of a medical center that provides medical care and services to the under privileged residents in North Philadelphia. Within my fiduciary responsibilities, I have advocated for bi-lingual hospital personnel needed to ensure proper communication between the patient and the health care provider; participated in general planning sessions related to hospital expansions, discontinuances of specific services, employment issues and financial concerns; and supported the creation of a nursing school, which was closed after a few years. My involvement on the board included ensuring compliance with state, federal and local rules and regulations.

Philadelphia Legal Assistance was created by the Philadelphia Bar Association to address the overflow of cases that Community Legal Services, Inc., was statutorily unable to handle. These cases involved similar disadvantaged clients. I was on the board during

the early years of this organization's formation. We addressed staffing and fiscal issues, compliance with state, federal and local rules and regulations, and the organization's case load.

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.

On July 14, 2011, I submitted a questionnaire to the Judicial Merit Selection Committee formed at the request of Senator Robert P. Casey, Jr. and Senator Pat Toomey. On December 2, 2011, I was interviewed by the Committee in Philadelphia, Pennsylvania. On June 26, 2012, I received a telephone call from Senator Casey's office advising me of his support and that Senator Toomey's office would be calling me. On July 10, 2012, I met with Senator Toomey in his Washington, DC office. I understand that the Senators jointly submitted my name to the White House for vetting as a potential nominee.

Since July 12, 2012, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 28, 2012, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On November 27, 2012, the President submitted my nomination to the Senate. On January 4, 2013, the President submitted my renomination 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.

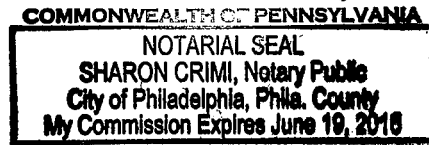
AFFIDAVIT

I, Nitza I. Quiñones Alejandro, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Nov. 27, 2012
November 27, 2012

Sworn to 27th day of November 2012.

Nitza I. Quiñones Alejandro
Nitza I. Quiñones Alejandro



Sharon Crimi
(NOTARY)