

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Chad Francis Kenney, Sr.

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

United States District Judge, 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.

Delaware County Courthouse
201 West Front Street
Media, Pennsylvania 19063

Residence: Aston, Pennsylvania

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

1955, Lower Merion, Pennsylvania

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

1977 — 1980, Temple University School of Law; J.D., 1980

1973 — 1976, Villanova University; B.A. (*cum laude*), 1976

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.

2003 — present
Court of Common Pleas
Delaware County Courthouse

201 West Front Street
Media, Pennsylvania 19063
Civil Trial Section Judge (2017 – present)
President Judge (2012 – 2017)
Civil Motion Judge (2011 – 2012)
Civil Trial Section Judge (2009 – 2011)
Criminal Section Judge (2005 – 2010)
Domestic Relations Section Judge (2003 – 2005)

2000 – 2003
Rawle & Henderson, LLP
334 West Front Street
Media, Pennsylvania 19063
Partner
Office closed.

1998 – 2003
Delaware County
201 West Front Street
Media, Pennsylvania 19063
County Sheriff

1998 – 1999
Schermer, Cooper & Associates
1818 Market Street
Philadelphia, Pennsylvania 19103
Of Counsel
Worked out of now-closed Media, Pennsylvania office.

1996 – 1997
County of Delaware, County Solicitor's Office
201 West Front Street
Media, Pennsylvania 19063
Assistant County Solicitor

1992 – 1996
O'Donnell & Kenney
Chesley Office Campus
Media, Pennsylvania 19063
Partner
Dissolved.

1989 – 1992
Law Offices of Chad F. Kenney
Terminal Square, 69th Street
Upper Darby, Pennsylvania 19082

Sole Practitioner
Dissolved.

1983 – 1988
Law Office of Boardman and Schermer
1234 Market Street, Twentieth Floor
Philadelphia, Pennsylvania 19107
Associate
Dissolved.

1981 – 1983
Superior Court of Pennsylvania
Administrative Office of Pennsylvania Courts
601 Commonwealth Avenue
Harrisburg, Pennsylvania 17106
Central Legal Staff Lawyer

1981
St. William School
6238 Rising Sun Avenue
Philadelphia, Pennsylvania 19111
Teacher
Closed.

1981
Benson Zion & Associates
600 Haverford Road
Haverford, Pennsylvania 19041
Attorney
Dissolved.

1980 – 1981
Rawle & Henderson, LLP
1339 Chestnut Street, 16th Floor
Philadelphia, Pennsylvania 19107
Associate Attorney

1980
Blank Rome
130 North 18th Street
Philadelphia, Pennsylvania 19103
Law Clerk

1979
Sprague & Sprague
135 South 19th Street, Suite 400

Philadelphia, Pennsylvania 19103
Law Clerk

1979
Temple University School of Law
1719 North Broad Street
Philadelphia, Pennsylvania 19122
Research Assistant to Professor Jan Ting

1976 – 1977
Sid Harvey Industries, Inc.
410 South Henderson Road
King of Prussia, Pennsylvania 19406
Stock Clerk

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

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

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

Delaware County Bar Association Special Recognition Award for Developing and Enhancing Bench Bar Relationships (2017)

Delaware County Bar Association Special Recognition Award for Efforts to Update and Revise Local Orphans' Court Rules (2017)

Magisterial District Judges Person of the Year Award (2017)

Temple Law School Dean's List (1978)

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 Bar Association (2017 – present)

Delaware County Bar Association (1988 – present)
Board of Directors (2001 – 2003)

Federal Bar Association (2015 – present)

Pennsylvania Bar Association (1980 – present (intermittent))

10. **Bar and Court Admission:**

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

Pennsylvania (1980)
New Jersey (1985)

I am no longer a member of the New Jersey Bar. There have otherwise been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. Court of Appeals for the Third Circuit (1991)
U.S. District Court for the District of New Jersey (1986)
U.S. District Court for the Eastern District of Pennsylvania (1980)

There have been no lapses in membership.

11. **Memberships:**

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

American Bar Association (2017 – present)

Brehon Law Society (1981 – 1983)

Christian Businessmen's Committee of Media (1992 – 1997)

Delaware County Bar Association (1984 – present)
 Bench Bar Relations Committee (2001 – 2003)
 Board of Directors (2001 – 2003)
 Budget and Finance Committee (2001 – 2003)
 Bylaws Committee (2001 – 2003)
 Corresponding Secretary (2003)

Executive Board Recording Secretary (2002)
Fee Dispute Resolution Committee (1998 – 2003)
Law Day Committee (1998 – 2003)
Legal Journal Committee (1998 – 1999)

Delaware County Cares (2012 – present)
Co-Chair

Delaware County Chamber of Commerce (1988 – 1990)
Government Affairs Committee

Delaware County Criminal Justice Advisory Committee (2006 – 2010)

Delco Bar Journal (1998 – 1999)
Legal Journal Editor (1998)
Legal Journal Assistant Editor (1999)

Federal Bar Association (2015 – present)

Guy DeFuria American Inns of Court (1989– 1990)
Charter Member

Nether Provident Athletic Association (1992 – 2004)
Coach and Fundraiser

Nether Providence Township Civil Service Commission (1995 – 2000)

Nether Providence Republican Party (1996 – 2003)
Committeeman – 5th Ward
Chairman

Pennsylvania Bar Association (1980 – present (intermittent))

Pennsylvania Sheriff's Association (1998 – present)

Pennsylvania Society (1998 – present)

Pennsylvania State Trial Judges (2003 – present)

Pennsylvania Republican State Committee (1996 – 2003)

- 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, 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.

To the best of my knowledge, none of the organizations listed above currently discriminates 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

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.

5 Years Forward, 5 Years Back, THE DELCO REV. (Summer 2017). Copy supplied.

Loyal to Family, Community and to the Law, The Honorable Robert C. Write Memorial Resolution, THE DELCO REV. (Summer 2015). Copy supplied.

Introduction, 2013 – 2015 Delaware County Judicial Report. Copy supplied.

Introduction, 2011 – 2012 Delaware County Judicial Report. Copy supplied.

Sheriff's Report, Delaware County Sheriff's Office, 2002. Copy supplied.

Sheriff's Report, Delaware County Sheriff's Office, 2001. Copy supplied.

Letter to the Editor: Polling Place Change, DEL. COUNTY DAILY TIMES (May 16, 1999).

GOP Network Alive in NP, DEL. COUNTY DAILY TIMES (May 12, 1999). Copies supplied.

Township GOP Boss Rips NP Dems, DEL. COUNTY DAILY TIMES (Jan. 21, 1996). Copy supplied.

While a member of the Temple Law Quarterly from 1978 to 1980, I edited portions of the articles published therein.

- 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.

None.

- 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.

Delaware County Court of Common Pleas Juvenile Court Rules. Copy supplied.

Delaware County Court of Common Pleas Local Criminal Rules. Copy supplied.

Delaware County Court of Common Pleas Local Orphan's Court Rules. Copy supplied.

Delaware County Court of Common Pleas Local Rules of Civil Procedure. Copy supplied.

In 1988, I submitted a comment on Pennsylvania State Police Regulation No. 17-60. In my comment, I expressed concern with the fact that the list of criminal justice agencies in one subsection of the regulation did not include county sheriffs. A copy of my full comment is unavailable.

- 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.

June 8, 2017: Speaker, "Wills and Estates," Bench Bar Conference, Skytop, Pocono Mountains, Pennsylvania. Materials supplied.

June 8, 2017: Speaker, "Elder Abuse: What Does It Look Like and How to Protect Clients," Bench Bar Conference, Skytop, Pocono Mountains, Pennsylvania. Recording supplied.

June 7, 2017: Speaker, Bench Bar Conference "State of the Bench and Bar," Skytop, Pocono Mountains, Pennsylvania. Recording supplied.

May 31, 2017: Speaking, "Looking Back and Looking Forward. Important Issues Affecting the Court of Common Pleas and the Magisterial District Courts," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

May 23, 2017: Speaker, Upland Borough Council Meeting, Upland, Pennsylvania. Materials supplied.

April, 2017: Speaker, Magisterial District Judge Banquet, Concordville, Pennsylvania. Notes supplied.

March 8, 2017: Speaker, "Powers of Attorney Post Act 95," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

January 21, 2017: Speaker, Aston Township Fire Department Swearing-In Ceremony, Aston, Pennsylvania. I have no notes, transcript, or recording. The address of the Nether Providence Township Building is 214 Sykes Lane, Rose Valley, Pennsylvania 19086. Press coverage supplied.

December 14, 2016: Speaker, "Elder Law Task Force Update," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

October 21, 2016: Speaker, "Mental Health, the Heroin Epidemic and the Criminal Justice System: Finding a Light in the Darkness," Widener University, Chester, Pennsylvania. Recording supplied.

October 5, 2016: Speaker, "Ethics, Professional Development and Resources for the Delco Attorney," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

September 21, 2016: Speaker, "All New Orphans' Court Rules in PA as of September 1, 2016," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

September 13, 2016: Speaker, "The New Trust Act and Orphans' Court Practice," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

June 15, 2016: Speaker, "Managed Care of Long-Term Care Services is Coming to Pennsylvania," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

June 9, 2016: Speaker, "Technology and Social Media," Bench Bar Conference, Annapolis, Maryland. Recording supplied.

June 8, 2016: Speaker, "State of the Bench, Bar and Courthouse," Bench Bar Conference, Annapolis, Maryland. Recording supplied.

May 11, 2016: Speaker, Swearing-in of Pennsylvania State Senator Tom Killion, Pennsylvania State Capitol Building, Harrisburg, Pennsylvania. I performed the swearing-in ceremony. I have no notes, transcripts, or recording. The address of the State Capitol is 501 North 3rd Street, Harrisburg, Pennsylvania 17120. Press coverage supplied.

April 13, 2016: Speaker, "Update on Changes to the Local Rules," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

January 4, 2016: Speaker, Induction Ceremonies of County Judges, Delaware County Court House, Media, Pennsylvania. Recording and press coverage supplied.

December 9, 2015: Speaker, "Veterans' Benefits for Long-Term Care," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

October 22, 2015: Speaker, CLE with Pennsylvania Chief Justice Saylor, Delaware County Courthouse, Media, Pennsylvania. Notes supplied.

September 3, 2015: Speaker, Swearing-In Ceremony for Police Officer, Township Building, Nether Providence, Pennsylvania. I swore in a new officer and gave congratulatory remarks. I have no notes, transcripts, or recording. The address of the Nether Providence Township Building is 214 Sykes Lane, Rose Valley, Pennsylvania 19086. Materials and press coverage supplied.

June 3, 2015: Speaker, "State of the Bench and Bar," Bench Bar Conference, Bedford Springs, Pennsylvania. Recording supplied.

May 13, 2015: Speaker, "Now That You Are a Guardian, What Do You Do," Delaware County Bar Association, Media, Pennsylvania. Notes supplied.

May 5, 2015: Speaker, Pennsylvania Commonwealth Court Ceremony, Delaware County Courthouse, Media, Pennsylvania. Notes supplied.

April 8, 2015: Speaker, "Administration of the Court: Meet the court Department Directors," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

March 11, 2015: Speaker, "Effect of New Rules of Professional Conduct on Elder Law Practice," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

January 28, 2015: Speaker, "Update on the Family Law Division," Delaware County Court House, Media, Pennsylvania. Materials supplied.

January 21, 2015: Speaker, Swearing-In Ceremony for Fire Department Officers, Aston Township Fire Department, Aston, Pennsylvania. Recording and press coverage supplied.

December 3, 2014: Speaker, "Register of Wills: New Register, New Procedures," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

November 12, 2014: Speaker, "Update on the Civil Division," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

October 22, 2014: Speaker, "Attorney's Fees in Trusts, Estates, and Guardianship," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

October 17, 2014: Speaker, Local Lecture by Honorable D. Michael Fisher, U.S. Court of Appeals for the Third Circuit, Delaware County Courthouse, Media, Pennsylvania. Notes supplied.

October 15, 2014: Speaker, "Update on the Criminal Division," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

October 9, 2014: Speaker, "Significant Changes to Powers of Attorney in Pennsylvania," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

September 17, 2014: Speaker, "Sidebar: A Conversation Between the Bench and the Bar," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

September 11, 2014: Speaker, 9/11 Memorial Service, Rose Tree Park, Upper Providence Township, Pennsylvania. Notes and press coverage supplied.

June 4, 2014: Speaker, "State of the Bench and Bar," Bench Bar Conference, Skytop Lounge, Poconos, Pennsylvania. Recording supplied.

June 4, 2014: Speaker, "Helping Those Who Cannot Help Themselves: Guardians Ad Litem," Bench Bar Conference, Skytop Lounge, Poconos, Pennsylvania. Materials supplied.

May 26, 2014: Speaker, "The Delaware County Bar Association's Orphans' Court Legal Education & Elder Law Committees – CLE Roundtable Coffee Hour," Media, Pennsylvania. I have no notes, transcript, or recording. The address of the Delaware County Bar Association is 335 West Front Street, Media, Pennsylvania 19063.

March 26, 2014: Speaker, "The Delaware County Bar Association's Orphans' Court Legal Education & Elder Law Committees – CLE Roundtable Coffee Hour," Media, Pennsylvania. I have no notes, transcript, or recording. The address of the Delaware County Bar Association is 335 West Front Street, Media, Pennsylvania 19063.

March 24, 2014: Speaker, "Equitable Distribution Practice Before the ED Masters," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

February 12, 2014: Speaker, "Summary Appeals and License Suspension Appeals," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

February 12, 2014: Speaker, "Attorney's Fees in Estate Conflicts," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

January 22, 2014: Speaker, "The Delaware County Bar Association's Orphans' Court Legal Education & Elder Law Committees – CLE Roundtable Coffee Hour," Media, Pennsylvania. I have no notes, transcript, or recording. The address of the Delaware County Bar Association is 335 West Front Street, Media, Pennsylvania 19063.

January 15, 2014: Speaker, Mental Health Court, Delaware County Courthouse, Media, Pennsylvania. Materials supplied.

January 7, 2014: Speaker, Induction Ceremonies of Magisterial District Judges, Delaware County Courthouse, Media, Pennsylvania. Notes supplied.

January 6, 2014: Speaker, Induction Ceremonies of County Judges, Delaware County Courthouse, Media, Pennsylvania. Recording supplied.

January 6, 2014: Speaker, Swearing-In Ceremonies of County Officials, Delaware County Courthouse, Media, Pennsylvania. Recording and press coverage supplied.

November 13, 2013: Speaker, New Delaware County Bar Association Members, Delaware County Courthouse, Media, Pennsylvania. Notes supplied.

November 13, 2013: Speaker, "Magisterial District Court Practice," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

October 9, 2013: Speaker, "Current State of the Bench and Bar," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

September 25, 2013: Speaker, "Power and Duties of a Guardian to Make Decisions for Incapacitated Person," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

September 11, 2013: Speaker, "Overview of Court of Common Pleas Division," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

June 12, 2013: Speaker, Naturalization Ceremony, Delaware County Courthouse, Media, Pennsylvania. Recording supplied.

June 5, 2013: Speaker, "Courtroom Dos and Don'ts: A View from the Bench," Bench Bar Conference, Skytop Lounge, Poconos, Pennsylvania. Recording supplied.

June 5, 2013: Speaker, "State of the Bar, State of the Bench: Approach the Bench," Bench Bar Conference, Skytop Lounge, Poconos, Pennsylvania. Recording supplied.

May 3, 2013: Speaker, Law Day Ceremony, Delaware County Courthouse, Media, Pennsylvania. Recording supplied.

May 2, 2013: Speaker, Delaware County Drug Treatment Court Commencement, Delaware County Courthouse, Media, Pennsylvania. Recording supplied.

April 25, 2013: Speaker, CLE with Pennsylvania Chief Justice Castille, Delaware County Courthouse, Media, Pennsylvania. I introduced Chief Justice Castille and gave brief opening remarks. I have no notes, transcripts, or recording. The address of the Delaware County Courthouse is 201 West Front Street, Media, Pennsylvania 19063.

March 14, 2013: Speaker, CLE: "How to be a Guardian: The Role and Duties of the Job," Delaware County Bar Association, Media, Pennsylvania. Materials supplied.

January, 2013: Speaker, Media Area Rotary Club, Media, Pennsylvania. Notes supplied.

December 19, 2012: Speaker, Countrywide Moment of Remembrance for Sandy Hook Victims, Delaware County, Pennsylvania. Recording supplied.

June 14, 2012: Speaker, Appointment as President Judge of Delaware County, Delaware County Courthouse, Media, Pennsylvania. I gave brief remarks at my appointment ceremony. I have no notes, transcripts, or recording. The address of the Delaware County Courthouse is 201 West Front Street, Media, Pennsylvania 19063.

January, 2008: Speaker, Nether Providence Township Board of Commissioners Meeting, Nether Providence, Pennsylvania. I swore in new commissioners and gave congratulatory remarks. I have no notes, transcripts, or recording. The address of the Nether Providence Township Building is 214 Sykes Lane, Rose Valley, Pennsylvania 19086. Press coverage supplied.

December 18, 2007: Speaker, Delaware County Council Meeting. I gave farewell remarks to three departing Council Members. I have no notes, transcripts, or recording. The address of the Delaware County Council is 201 West Front Street, Media, Pennsylvania 19063. Press coverage supplied.

December 2, 2004: Speaker, Nether Providence Township Board of Commissioners Meeting, Township Building, Nether Providence, Pennsylvania. I conducted the swearing in of a new county commissioner. I have no notes, transcripts, or recording. The address of the Nether Providence Township Building is 214 Sykes Lane, Rose Valley, Pennsylvania 19086. Press coverage supplied.

September 8, 2004: Speaker, Naturalization Ceremony, Delaware County Courthouse, Media, Pennsylvania. I presided over the naturalization ceremony. I have no notes, transcripts, or recording. The address of the Delaware County Courthouse is 201 West Front Street, Media, Pennsylvania 19063. Press coverage supplied.

January 5, 2004: Speaker, Judicial Induction Ceremony, Delaware County Courthouse, Media, Pennsylvania. Recording and press coverage supplied.

August 22, 2003: Speaker, Judicial Induction Ceremony, Delaware County Courthouse, Media, Pennsylvania. Recording supplied.

May 2003: Speaker, D.A.R.E. Graduation, Christopher-Edison Elementary School Chester, Pennsylvania. I provided congratulatory remarks to the class and the essay contest winners. I have no notes, transcripts, or recording. Press coverage supplied.

January 7, 2002: Speaker, Sheriff Induction Ceremony, Delaware County Courthouse, Media, Pennsylvania. I gave brief remarks at my induction ceremony. I have no notes, transcripts, or recording. The address of the Delaware County Courthouse is 201 West Front Street, Media, Pennsylvania 19063. Press coverage supplied.

October 16, 2001: Speaker, Meet the Candidates Night, Delaware County Chamber of Commerce, Media, Pennsylvania. Recording supplied.

In addition to the above, I spoke publicly on occasion while running for County Sheriff and Common Pleas Court Judge. I have no record of the specific dates of those events, and I do not have any notes, transcripts, or recordings.

- 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.

Delco Legal World 'Devastated' by Death of Judge Nilon, DEL. COUNTY DAILY TIMES (Jan. 19, 2018). Copy supplied.

Delco Offers 'Second Chance,' DEL. COUNTY DAILY TIMES (Mar. 10, 2017). Copy supplied.

DCLC Celebrates New Citizens, CHESTER SPIRIT (Apr. 27, 2016). Copy supplied.

Officials Warn About Jury Duty Scams, CHESTER SPIRIT (Oct. 28, 2015). Copy supplied.

County Officials Warn About Possible Juror Scam, DEL. COUNTY DAILY TIMES (Oct. 20, 2015). Copy supplied.

Delaware County to Host Commonwealth Court Session, LEGAL MONITOR (May 5, 2015). Copy supplied.

Interview with John Ricciutti, Radnor Studio 21 (Apr. 25, 2014). Recording supplied.

Getting to Know New President Judge, DEL. COUNTY DAILY TIMES (July 8, 2012). Copy supplied.

Kenney Named New Top Judge for County Court, DEL. COUNTY DAILY TIMES (June 15, 2012). Copy supplied.

Court Rampage Hits Nerve in Delco Courts, DEL. COUNTY DAILY TIMES (Mar. 12, 2005). Copy supplied.

Thankful Future Awaiting Judge Kenney by Gil Spencer, DEL. COUNTY DAILY TIMES (Sept. 3, 2003). Copy supplied.

Kenney's Career Reaches Benchmark, DEL. COUNTY DAILY TIMES (Aug. 24, 2003). Copy supplied.

Senate Oks Sheriff for Delco Judgeship, DEL. COUNTY DAILY TIMES (July 10, 2003). Copy supplied.

News in Brief from the Philadelphia Area, Associated Press (July 10, 2003).
Copy supplied.

Interview with Carla Showell-Lee, Comcast Newsmakers (June 5, 2003).
Recording supplied.

Rendell Nominates Kenney for Seat on Bench, DEL. COUNTY DAILY TIMES (May 13, 2003). Copy supplied

Four Lawyers Run for Judge, DEL. COUNTY DAILY TIMES (May 9, 2003). Copy supplied.

Traffic Spat Stirs Debate on Honorary Deputies, PHILA. INQUIRER (Mar. 20, 2003). Copy supplied.

Delco Felt the Economic Punch of Terrorism, DEL. COUNTY DAILY TIMES (Sept. 6, 2002). Copy supplied.

News in Brief from the Philadelphia Area, Associated Press (Apr. 22, 2002).
Copy supplied.

Gun Sales Shoot Up, DEL. COUNTY DAILY TIMES (Apr. 20, 2002). Copy supplied.

Judge Puts Nether's World Back into Proper Alignment, DEL. COUNTY DAILY TIMES (Feb. 9, 2002). Copy supplied.

Nether Prov Dems Offer GOP Power-Share Deal, DEL. COUNTY DAILY TIMES, (Jan. 7, 2002). Copy supplied.

Safe at Home?, DEL. COUNTY DAILY TIMES (Oct. 21, 2001). Copy supplied.

Late Finish to Game Doesn't Faze Workers, DEL. COUNTY DAILY TIMES (June 1, 2001). Copy supplied.

Officer Took a Huge D.A.R.E., DEL. COUNTY DAILY TIMES (Apr. 7, 2001). Copy supplied.

This Chad's 'Hanging' With Everyone Else, DEL. COUNTY DAILY TIMES (Dec. 9, 2000). Copy supplied.

Recounts No Oddity to Delco Politicians, DEL. COUNTY DAILY TIMES (Nov. 15, 2000). Copy supplied.

A.G. Fisher Mum on Jail for Loeper, DEL. COUNTY DAILY TIMES (Oct. 31, 2000).
Copy supplied.

Delco Sheriff Targets Gun Safety, DEL. COUNTY DAILY TIMES (Sept. 17, 2000).
Copy supplied.

Speedy Way to Get Gun Permit, DEL. COUNTY DAILY TIMES (June 20, 2000).
Copy supplied.

Union Leader Quits Post and his Sheriff's Job, DEL. COUNTY DAILY TIMES (May 23, 2000). Copy supplied.

GOP: Bounce Nether Prov Board, DEL. COUNTY DAILY TIMES (Feb. 12, 2000).
Copy supplied.

Politics at its Worst in Nether Providence (Editorial), DEL. COUNTY DAILY TIMES (Jan. 11, 2000). Copy supplied.

3-3 Deadlock Will "Work Out," DEL. COUNTY DAILY TIMES (Jan. 8, 2000). Copy supplied.

Nether Providence Board Faces a Split Democrats and the GOP Say the New Commissioners, Three from Each Party, Can Work Together, PHILA. INQUIRER (Dec. 1, 1999). Copy supplied.

Will It Be a Cease-Fire in the Hot-Dog Wars, PHILA. INQUIRER (Nov. 28, 1999).
Copy supplied.

In Delco Voting, the GOP Finds Much to Cheer, PHILA. INQUIRER (Nov. 4, 1999).
Copy supplied.

Budget Charges Roil Nether Providence Races, DEL. COUNTY DAILY TIMES (Oct. 30, 1999). Copy supplied.

Candidate's Financial Woes Draw Fire, DEL. COUNTY DAILY TIMES (Oct. 29, 1999). Copy supplied.

Nether Providence Race Heats Up as GOP Guns for a Majority, PHILA. INQUIRER (Oct. 26, 1999). Copy supplied.

Attorneys Argue About Injunction Limiting Picketing, DEL. COUNTY DAILY TIMES (Oct. 6, 1999). Copy supplied.

Daring to be Different, DEL. COUNTY DAILY TIMES (Aug. 8, 1999). Copy supplied.

A Technological Makeover is Set for Delco Sheriff's Office, PHILA. INQUIRER (June 20, 1999). Copy supplied

Newcomers Flood W-S Board, DEL. COUNTY DAILY TIMES (May 11, 1999). Copy supplied.

Council Members Looking for Efficiency, HERALD-JOURNAL (May 9, 1999). Copy supplied.

Darby Borough Boy, 12, Charged in Dog Attack, PHILA. INQUIRER (Mar. 17, 1999). Copy supplied.

Man Tries to Hang Self in Cell, DEL. COUNTY DAILY TIMES (Mar. 8, 1999). Copy supplied.

Commissioner Steps Down to Run for School Board, DEL. COUNTY DAILY TIMES (Mar. 3, 1999). Copy supplied.

4 School Board Members Won't Run/Wallingford Swarthmore Needs Fresh Faces for the Work Ahead, They Say, PHILA. INQUIRER (Mar. 3, 1999). Copy supplied.

News in Brief – Republicans Looking for School Board Candidates, PHILA. INQUIRER (Dec. 2, 1998). Copy supplied.

What the Well-Dressed Killer Wears, DEL. COUNTY DAILY TIMES (Oct. 13, 1998). Copy supplied.

Jailed Lawyer Hospitalized After "Swoon," DEL. COUNTY DAILY TIME (Sept. 17, 1998). Copy supplied.

Juvenile Busted After Escape Try, DEL. COUNTY DAILY TIMES (Aug. 26, 1998). Copy supplied.

Sheriff May Lay Down Law in Towns, DEL. COUNTY DAILY TIMES (Aug. 19, 1998). Copy supplied.

GOP's Kenney Wins Big, DEL. COUNTY DAILY TIMES (Nov. 5, 1997). Copy supplied.

W-S Candidates Battle on Both Ballots, DEL. COUNTY DAILY TIMES (May 7, 1997). Copy supplied.

Township Plans To Buy Land To End Fight Over Trailer Park, THE PHILADELPHIA INQUIRER (Jan. 18, 1996). Copy supplied.

Nether Providence Republican Still Fighting Election Issues, THE PHILADELPHIA INQUIRER (Dec. 15, 1995). Copy supplied.

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.

On August 22, 2003, I was sworn in as Common Pleas Court Judge in Delaware County, Pennsylvania, pursuant to the nomination by the Governor of Pennsylvania and confirmation of the Senate of Pennsylvania. In November 2003, I was elected by the citizens of Delaware County to a ten-year term. I was subsequently re-elected in 2013. A County Common Pleas Court in Pennsylvania has jurisdiction over civil, criminal, juvenile, domestic relations and Orphans' Court matters.

Between 2003 and 2005, I sat as a domestic relations judge and my full caseload included equitable distribution, protection from abuse, child support and child custody matters.

Between 2005 and 2009, I sat as a criminal section judge. I presided over nearly one thousand criminal cases per year, completing approximately twenty jury trials each year. I handled, among many matters, guilty pleas, sentences, suppression hearings, and Gagnon hearings.

Between 2009 and 2011, I served as a civil trial section judge. I actively managed a full civil trial caseload, presided over civil jury and non-jury trials, hearings, arguments, status and settlement conferences, and closed approximately 500 civil cases, contributing to statewide recognition of civil section for its efficiency in moving major court cases, including what was already there.

Between 2011 and 2012, I sat as a civil motion judge. I presided over all civil emergency injunctions and held hearings or issued orders on all civil motions and petitions not assigned to a trial judge.

Between 2012 and June 2017, I served as the President Judge of the Delaware County Common Pleas Court and as head of the Orphans' Court Section. As President Judge, I oversaw 24 trial court judges, 30 magisterial district judges, a full and integrated master's program, 750 court employees and 10 judicial departments. I worked with and administered a 55 million dollar court budget. As head of the Orphans' Court Section, I oversaw all matters involving the Delaware County Register of Wills, including wills and trusts, guardianships and all estate litigation. I also created an elder law/elder abuse committee comprised of lawyers, law enforcement and bankers.

Since June 2017, I have served as a civil trial section judge and continue to assist in the Orphans' Court Section.

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

Since 2003, I have presided over 150 jury trials and hundreds of non-jury trials. During my five years as President Judge, I presided over all Orphans' Court trials.

i. Of these, approximately what percent were:

jury trials:	10%
bench trials:	90%

civil proceedings:	25%
criminal proceedings:	75%

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

Please see the attached list. I have written hundreds of opinions to support my decisions but have not kept all the opinions. I have "posted" a number of them in the Delaware County Legal Journal as a service to the Bar Association so the lawyers could see the types of issues coming to the court.

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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

(1) *Estate of Clara Flatow, deceased*, O.C. No. 677-2011 (1248 EDA 2015)

Beneficiary niece sought to invalidate a subsequent last will bequeathing majority assets to charity. After full discovery, I granted summary judgment in favor of charities finding that no undue influence by scrivener of last will was established. The order was affirmed by Appellate Court.

Counsel:

Brian P. Flaherty
Michael J. Broadbent
Cozen O'Connor
1900 Market Street
Philadelphia, Pennsylvania 19103
215-665-4647
Counsel for Primary Beneficiary

Hara K. Jacobs
William B. Igoe
Ballard Spahr
1735 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103
215-864-8209
Counsel for Primary Beneficiaries of September 2011 Will

Joseph E. Lastowka, Jr.
Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C.
300 West State Street, Suite 300
Media, Pennsylvania 19063
610-454-3700
Counsel for Scrivener

David Dembe
Office of Attorney General
Charitable Trusts and Organizations Section
21 South 12th Street, 3rd Floor
Philadelphia, Pennsylvania 19107
215-560-3448

(2) *Appointment of a Receiver for the Chester Upland School District*; No. 12-9781

A local school district was in a distressed financial condition and placed into receivership. The school district and Pennsylvania Department of Education filed joint petitions to amend the existing financial recovery plan. I conducted extensive evidentiary hearings on the school district's financial status, existing contracts and charter school reimbursements. I approved a portion of the requested amendments to the financial discovery plan and ordered additional forensic accountings. The school district continues in recovery.

Counsel:

Robert M. DiOrio
DiOrio & Sereni, LLP
21 West Front Street
Media, Pennsylvania 19063
610-565-5700

George Dawson
2173 MacDade Boulevard
Suite F, Second Floor
Holmes, Pennsylvania 19043
610-586-2100
Counsel for Chester Upland School District

James R. Flandreau
820 West Front Street

Media, Pennsylvania 19063
610-565- 4750

Alaina C. Koltash
Pennsylvania Department of Education
333 Market Street
Harrisburg, Pennsylvania 17126
717-787-5500
Counsel for Pennsylvania Department of Education

Gene Foehl
Foehl & Eyre
27 East Front Street
Media, Pennsylvania 19063
610-566-5926
Judicial Liaison

Rocco P. Imperatrice, III
Imperatrice, Amarant & Bell, P.C.
3405 West Chester Pike
Newtown Square, Pennsylvania 19073
610-353-0740

Kevin M. McKenna
Latsha, Davis & McKenna
350 Eagleview Boulevard, Suite 100
Exton, Pennsylvania 19341
610-524-8454

Brian H. Leinhauser
The MacMain Law Group, LLC
101 Lindenwood Drive, Suite 160
Malvern, Pennsylvania 19355
484-318-7802

Kevin D. Kent
Conrad O'Brien
1500 Market Street
West Tower, Suite 3900
Philadelphia, Pennsylvania 9102
215-523-8306
Counsel for Charter School

(3) *Commonwealth of Pennsylvania v. Tyrone Miller* – No. 08-970; Delaware
County Criminal Division

This case involved a jury conviction of a first-degree felony murder charge. The defendant shot a housemate in a residential setting and claimed self-defense. The Appellate Court affirmed all trial court rulings.

Counsel:

Gina Gorby Zarko
District Attorney's Office
201 West Front Street
Media, Pennsylvania 19063
610-891-4196
Counsel for the Commonwealth

Gene Taggart
Public Defender's Office
201 West Front Street
Media, Pennsylvania 19063
610-891-4630
Counsel for Defendant

(4) *Baker Residential Pennsylvania, LLC v. Silvia Concrete Products, Inc., et al* –
No. 2008-14524; Delaware County Civil Division

A housing development homeowner's association commenced an action against the concrete supplier for alleged defective walkways and aprons. I presided over conflicting expert testimony on technical concrete manufacturing and product quality and installation issues. A jury issued a verdict for the concrete supplier. No appeal was taken from trial court rulings.

Counsel:

Andrew J. Fuga
Burns White
100 Four Falls Corporate Center, Suite 515
Conshohocken, Pennsylvania 19428
412-995-3000
Counsel for Plaintiff

Edward Seglias
Jonathan A. Cass
Cohen Seglias
30 South 17th Street, 19th Floor
Philadelphia, Pennsylvania 19103
215-564-1700

David I. Davis
10 East Sixth Avenue, Suite 100
Conshohocken, Pennsylvania 19428
610-238-0880
Counsel for Defendants

(5) *James Lafferty, et al v. Decaro, DMD, et al* – No. 2008-5943

This was a medical malpractice action for failure to diagnose prostate cancer. I presided over the beginning of a jury trial. But after plaintiff's expert completed testifying, I helped to negotiate settlement.

Counsel:
David J. Caputo
3803 West Chester Pike, Suite 150
Newtown Square, Pennsylvania 19073
215-302-1999

Thomas R. Kline
Kline & Specter
1525 Locust Street
Philadelphia, Pennsylvania 19102
215-772-1000
Counsel for Plaintiff

Gary M. Samms
Obermeyer, Rebmann, Maxwell & Hippel
1500 Market Street, Suite 3400
Philadelphia, Pennsylvania 19102
215-665-3000

E. Chandler Hosmer
Marshall, Dennehey, Warner, Coleman & Goggin
620 Freedom Business Center, Suite 300
King of Prussia, Pennsylvania 19406
610-354-8250

Mary Ann Martillotti
O'Brien & Ryan, LLP
2250 Hickory Road, Suite 300
Plymouth Meeting, Pennsylvania 19462
610-834-6246

Andrew K. Worek
Post & Post
200 Berwyn Park, Suite 102
Berwyn, Pennsylvania 19312
610-240-9180
Counsel for Defendant

(6) *William H. Heffner, III et al v. Riddle Memorial Hospital; Lawrence P. Wean, M.D., et al* – No. 09-013114

Plaintiff commenced a medical malpractice action against a hospital and doctor for failure to properly detect, diagnose and treat constipation and sepsis infection. The jury returned a verdict in favor of plaintiff. There was no appeal from any trial court rulings.

Counsel:

A. Roy DeCaro
Raynes McCarty
1845 Walnut Street, 20th Floor
Philadelphia, Pennsylvania 19103
215-568-6190
Counsel for Plaintiff

Michael A. McGilvery
Young & McGilvery
2011 Renaissance Boulevard, Suite 200
King of Prussia, Pennsylvania 19406
610-292-9100
Counsel for Defendant

(7) *Estate of Cannan, et al v. Delaware County Memorial Hospital, et al* – No. 15-5244

Plaintiff Estate brought medical malpractice action against hospital and doctor for failure to properly treat high blood pressure resulting in stroke and death. A jury returned a verdict for defendants. There was no appeal from any trial court rulings.

Counsel:

Bradley T. Beckman
Alisa P. Marion
Beckman & Marion

1650 Market Street
Philadelphia, Pennsylvania 19103
215-569-3096
Counsel for Plaintiff

Benjamin A. Post
Kathleen Foley Burke
Post & Post
200 Berwyn Park, Suite 102
Berwyn, Pennsylvania 19312
610-240-9180
Counsel for Defendants

(8) *Krando Metal Products, Inc. v. American Architectural Services* – No. 2007 – 012314

A manufacturer commenced a contract action for payment for a wrought iron stairwell serving as a centerpiece for a New York development. The architects countered with manufacturing defects and installation issues. A jury returned verdict for plaintiff, and no appeal taken from verdict.

Counsel:

John P. Capuzzi, Sr.
Rocco P. Imperatrice
3405 West Chester Pike
Newtown Square, Pennsylvania 19073
610-891-4221
Counsel for Plaintiff
John P. Capuzzi, Sr. is now a judge on the Court of Common Pleas

Edward L. McCandless
McCandless Law Associates
37 North Valley Road, Suite 211
Paoli, Pennsylvania 19301
610-640-0220
Counsel for Defendants

(9) *Commonwealth of Pennsylvania v. Kevin Sullivan* – No. 5075-2005

A Husband murdered his wife and was convicted of first-degree murder by jury. All trial court rulings were upheld by appellate court review.

Counsel:

Stephanie Wills
Office of District Attorney
201 West Front Street
Media, Pennsylvania 19063
610-891-4515
Counsel for the Commonwealth

Steven O'Meara
212 West Front Street
Media, Pennsylvania 19063
610-565-9200
Counsel for Defendant

(10) *Commonwealth of Pennsylvania v. Lamar Haymes* – No. 0051 – 2005

This case involved a gruesome murder, dismemberment and destruction of evidence involving a minor as the victim. The convicted defendant of first degree felony murder, but divided equally on whether to impose the death penalty.

Counsel:

John F.X. Reilly
District Attorney's Office
201 West Front Street
Media, Pennsylvania 19063
610-891-4202
Counsel for the Commonwealth

Mark P. Much
341 West Baltimore Avenue
Media, Pennsylvania 19063
610-565-9750

Walter I. Breslin
30 West Third Street
Media, Pennsylvania 19063
610-565-8535
Counsel for Defendant

- 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) *Estate of Clara Flatow, deceased*, O.C. No. 677–2011 (1248 EDA 2015).
Copy supplied.

Counsel for Primary Beneficiary:

Brian P. Flaherty
Michael J. Broadbent
Cozen O'Connor
1900 Market Street
Philadelphia, Pennsylvania 19103
215-665-4647

Counsel for Primary Beneficiaries of September 2011 Will:

Hara K. Jacobs
William B. Igoe
Ballard Spahr
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215-864-8209

Counsel for John Potts:

Joseph E. Lastowka, Jr.
Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C.
300 West State Street, Suite 300
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610-454-3700

Counsel for Attorney General's Office:

David Dembe
Office of Attorney General
Charitable Trusts and Organizations Section
21 South 12th Street, 3rd Floor
Philadelphia, Pennsylvania 19107
215-560-3448

(2) *Appointment of a Receiver for the Chester Upland School District*; No. 12--
9781. Copy supplied.

Counsel for Chester Upland School District:

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George Dawson
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Holmes, Pennsylvania 19043
610-586-2100

Counsel for Pennsylvania Department of Education:

James R. Flandreau
820 West Front Street
Media, Pennsylvania 19063
610-565-4750

Alaina C. Koltash
Pennsylvania Department of Education
333 Market Street
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Judicial Liaison:

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610-566-5926

Counsel for Charter Schools:

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610-353-0740

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610-524-8454

Brian H. Leinhauser
The MacMain Law Group, LLC
101 Lindenwood Drive, Suite 160
Malvern, Pennsylvania 19355

484-318-7802

Kevin D. Kent
Conrad O'Brien
1500 Market Street
West Tower, Suite 3900
Philadelphia, Pennsylvania 19102
215-523-8306

(3) *Commonwealth of Pennsylvania v. Tyrone Miller* – No. 08–970; Delaware County Criminal Division - Murder of the First Degree. Copy supplied.

Counsel for Commonwealth:

Gina Gorby Zarko
District Attorney's Office
201 West Front Street
Media, Pennsylvania 19063
610-891-4196

Counsel for Defendant:

Gene Taggart
Public Defender's Office
201 West Front Street
Media, Pennsylvania 19063
610-891-4630

(4) *Food Choice, Inc. v. Mutual Benefit Insurance Company* – No. 09–5052; Delaware County Civil Division (2011 WL 11817062).

Counsel for Plaintiff:

Howard G. Silverman
Kane & Silverman
2401 Pennsylvania Avenue, Suite 1A5
Philadelphia, Pennsylvania 19130
215-232-1000

Counsel for Defendant:

Jacob C. Cohen
Gordon & Rees
2005 Market Street, Suite 2900
Philadelphia, Pennsylvania 19103
215-717-4004

(5) *Commonwealth of Pennsylvania v. Joseph McAndrews* – No. 4112–2007.
Copy supplied.

Counsel for Plaintiff:

Patrick Leonard
Senior Deputy Attorney General
444 East College Avenue, Suite 440
State College, Pennsylvania 16801
814-863-3900

Counsel for Defendant:

Patrick J. Connors
11 West Third Street
Media, Pennsylvania 19063
610-566-5600

(6) *Joseph & Judith McCarry, h/w v. Springfield Township Zoning Hearing Board* – No. 09–013449. Copy supplied.

Counsel for Plaintiff:

Jon J. Auritt
Post Office Box 296
Wallingford, Pennsylvania 19080
610-565-7530

Counsel for Defendant:

James J. Byrne, Jr.
McNichol, Byrne, Matlawski & Maddren
1223 North Providence Road
Media, Pennsylvania 19063
610-565-4322

(7) *In re: Eddystone Boys' Club Association* – No. 2015–005244 (102 Del. 582, 2012)

Counsel for Petitioner:

Peter J. Rohana, Jr.
1215 West Baltimore Pike, Suite 14
Media, Pennsylvania 19063
610-891-0500

Counsel for Respondent:

Sean Duffy
Pressman & Doyle
712 West MacDade Boulevard
Milmont Park, Pennsylvania 19033
610-532-4222

(8) *Estate of Anne L. McCusker, Deceased* – OC No. 038–2011(2015 WL 10553010)

Counsel for Petitioner:

Lindsey J. Conan
755 North Monroe Street
Media, Pennsylvania 19063
610-565-6688

Counsel for Respondent:

Joseph J. DelSordo
DelSordo & Firkser
333 West Baltimore Pike
Post Office Box 606
Media, Pennsylvania 19063

(9) *Commonwealth v. Kevin Sullivan* – No. 5075-2005. Copy supplied.

Counsel for Commonwealth:

Stephanie Wills
Office of District Attorney
201 West Front Street
Media, Pennsylvania 19063
610-891-4515

Counsel for Defendant:

Steven O'Meara
212 West Front Street
Media, Pennsylvania 19063
610-565-9200

(10) *Commonwealth v. Lamar Haymes* – No. 0051–2005. Copy supplied.

Counsel for Commonwealth:

John F.X. Reilly
District Attorney's Office
201 West Front Street
Media, Pennsylvania 19063
610-891-4202

Counsel for Defendant:

Mark P. Much
341 West Baltimore Avenue
Media, Pennsylvania 19063
610-565-9750

Walter I. Breslin
30 West Third Street
Media, Pennsylvania 19063
610-565-8535

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

I presided over thousands of criminal cases between 2005 and 2010. The vast majority plead out. I do not keep a record of all these cases tried or the attorney involved. In criminal cases, almost all jury and non-jury cases get appealed to the Superior Court. I did not keep a record of these requests. I have had none of my cases—criminal or civil—go to the Supreme Court.

- 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.

Below are listed citations for opinions where my decision was reversed. To the best of my knowledge, none of the appellate decisions reviewing my work contained any significant criticism of my substantive or procedural rulings.

1. *Commonwealth of Pennsylvania v. Braheim Jamier Goldsborough* – No. 2740 2009, Court of Common Pleas Criminal Division. Defendant was charged with multiple counts of possession of a controlled substance, possession of a controlled substance with intent to deliver, possession of drug paraphernalia and conspiracy. I granted defendant's motion to suppress evidence, and denied the Commonwealth's petition for reconsideration. The Superior Court under No. 1967 EDA 2010 reversed my decision and held that the trooper had probable cause to conduct a custodial detention of defendant. *Commonwealth*

v. Goldsborough, 31 A.3d 299 (Pa. Superior Court 2011).

2. *Maureen McGonigle v. Commonwealth of Pennsylvania Department of Transportation, Bureau of Motor Vehicles* – No. 11-3274, Court of Common Pleas Civil Division. The Department of Transportation suspended a vehicle registration for failure to maintain insurance. I reversed the Department of Transportation decision. I found a car owner credible when she testified that her insurance company failed to send her notice of a lapse in her automobile insurance coverage. The Commonwealth Court vacated my decision and instructed the Pennsylvania Insurance Commission to determine if the insurance carrier properly suspended the automobile insurance. *Commonwealth Department of Transportation v. McGonigle*, 37 A.2d 1273 (Pa. Commwlth Ct. 2012).
3. *Alkis Koutsouroubas v. Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing* – No. 2011-09682, Court of Common Pleas Civil Division; License Suspension Appeal. I reversed a Department of Transportation decision to suspend Appellee's license. Based on the testimony of the driver of an automobile, I determined a police officer lacked reasonable suspicion to request the driver to submit to chemical testimony. The Commonwealth Court reversed my decision and determined that the totality of the circumstances authorized the officer's request. *Commonwealth v. Koutsouroubas*, 61 A.3d 349 (Pa. Commwlth Ct. 2013)
4. *Delaware County v. Schaefer* - No. 10-15157, Court of Common Pleas Civil. Appeal of Delaware County of the Final Determination of the Pennsylvania Office of Open Records. The Inquirer sought to obtain all birth dates and home addresses of county employees. The Philadelphia Inquirer appealed my Order reviewing the final determination of the Pennsylvania Office for Open Records. The Commonwealth Court affirmed my decision denying access to birth dates and remanded for more evidence as to the risk of disclosure of home addresses. *Delaware County v. Schaefer*, 45 A.3d 1149 (Pa. Commwlth Ct. 2012.)
5. *Toney Davis v. Venita Showell, Administratrix of the Estate of Webster H. Kilson*, No. 14-10767

Plaintiff filed a complaint for personal injuries she allegedly suffered on Defendant's premises. After plaintiff's counsel failed to timely answer discovery requests in violation of my order, I granted defendants' motion for sanctions. I then granted defendant's motion for summary judgment since I had precluded plaintiff from presenting evidence relating to the discovery demands. The Superior Court affirmed my decision that sanctions against the plaintiff were appropriate but vacated the penalty imposed and remanded for less severe sanctions. The Court reversed the summary judgment order because plaintiff would have the opportunity to present evidence.

- 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.

The overwhelming majority of the two hundred or more opinions I have issued are unpublished. After the opinion is completed, it is filed at the Office of Judicial Support in the Delaware County Common Pleas Court and placed and maintained in the original court record for the proceeding. Pennsylvania has no central repository for state trial judge opinions. Published opinions appear in the local Delaware County Legal Journal.

- 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.

As a county trial judge, I have presided over numerous criminal proceedings presenting questions regarding a defendant's Fourth and Fifth Amendment rights. Given the volume and the nature of my court, I am unable to provide specific citations. I also presided over numerous civil, family and orphans' court proceedings. None of my other proceedings, however, presented significant federal or state constitutional issues.

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

None.

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.

I, and all Pennsylvania judges, must follow the “Code of Judicial Conduct: Effective July 1, 2014”. The standards every judge must follow regarding recusal are codified under “Rule 2.11 Disqualification.” This rule has six sections and several subparts. Even at that, a judge is disqualified whenever the judge’s impartiality might reasonably be questioned, regardless of whether any of the specific provisions of Rule 2.11 apply. A judge is authorized to conduct a hearing if recusal is requested.

As President Judge, I have asked for, and received, appointments of county judges whenever a case is filed in Delaware County involving a judge, or a judge’s close family member. I have also ordered the same regarding the cases filed against county and court personnel and their families if they work closely with the courts.

I can recall only one case in which I had a motion to recuse was filed. It was filed by an attorney who represented his friend on a real estate purchase dispute. After verdict, the opposing party filed a post-verdict motion requesting significant attorney fees. The responding attorney filed a motion for me to recuse. I conducted a hearing and recused so that another judge could evaluate the attorney’s alleged vexatious conduct during the course of the trial I presided over.

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 served as Sheriff of Delaware County between 1998 and 2003. I was elected by the citizens of Delaware County to two terms as County Sheriff.

- 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 campaign, including the candidate, dates of the campaign, your title and responsibilities.

I served as a Pennsylvania Republican State Committee Member from 1996 to 2003. At the same time, I also served as a Republican Committeeman for the Fifth Ward, Nether Providence Township, Delaware County, Pennsylvania.

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;

1989 – 1992

Law Offices of Chad F. Kenney
Terminal Square, 69th Street
Upper Darby, Pennsylvania 19082

1996 – 1998

Law Offices of Chad F. Kenney
301 North Olive Street
Media, Pennsylvania 19063

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

1980 – 1981

Rawle & Henderson, LLP
1339 Chestnut Street, 16th Floor
Philadelphia, Pennsylvania 19107
Associate Attorney

1981

St. William School
6238 Rising Sun Avenue
Philadelphia, Pennsylvania 19111
Teacher
Closed.

1981

Benson Zion & Associate
600 Haverford Road
Haverford, Pennsylvania 19041
Attorney
Dissolved.

1981 – 1983

Superior Court of Pennsylvania
Administrative Office of Pennsylvania Courts
601 Commonwealth Avenue
Harrisburg, Pennsylvania 17106

Central Legal Staff Lawyer

1983 – 1988

Law Office of Boardman and Schermer
1234 Market Street, 20th Floor
Philadelphia, Pennsylvania 19107
Associate
Dissolved.

1992 – 1996

O'Donnell & Kenney
Chesley Office Campus
Media, Pennsylvania 19063
Partner
Dissolved.

1996 – 1997

County of Delaware, County Solicitor's Office
201 West Front Street
Media, Pennsylvania 19063
Assistant County Solicitor

1998 – 1999

Schermer, Cooper & Associates
Penn Center, Rittenhouse Square
1818 Market Street
Philadelphia, Pennsylvania 19063
Of Counsel
I worked out of the now-closed Media, Pennsylvania office.

2000 – 2003

Rawle & Henderson, LLP
334 West Front Street
Media, Pennsylvania 19063
Office Closed.

1998 – 2003

Delaware County
201 West Front Street
Media, Pennsylvania 19063
County Sheriff

2003 – Present

Court of Common Pleas
Delaware County Courthouse
201 West Front Street

Media, Pennsylvania 19063
Domestic Relations Section Judge (2003 – 2005)
Criminal Section Judge (2005 – 2010)
Civil Trial Section Judge (2009 – 2011)
Civil Motion Judge (2011 – 2012)
President Judge (2012 – 2017)
Civil Trial Section Judge (2017 – present)

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

I have not served in such a capacity.

b. Describe:

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

Immediately out of law school I went to Rawle & Henderson and represented clients covered by insurance companies in general litigation matters. I then worked for the Superior Court as counsel for two years before becoming associated for five years with a firm in Philadelphia that primarily represented clients in personal injury matters. I handled a full and very active caseload. After those five years, I opened my own practice where I engaged in a broad general practice. Subsequently, I partnered with another attorney, and we represented doctors in defense of medical malpractice claims. I moved from that firm to become an Assistant County Solicitor and then returned to a solo general practice. Thereafter, I was elected County Sheriff and, during my time as Sheriff, I re-joined Rawle & Henderson in its Media office until taking the bench in 2003.

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

From 1980 through 1981, I represented individuals and companies as defendants through their liability insurance coverage. From 1983 through 1988, I represented individuals and their families in personal injury civil litigation matters. Between 1989 and 1996, I represented individuals and families in general litigation matters. During this time, I also represented doctors and their practices as defendants in medical malpractice claims through the Pennsylvania Catastrophic Loss Fund. As Assistant County Solicitor from 1996 to 1997, my client was Delaware County, Pennsylvania and its officers and agents. During my time as County Sheriff I continued practice on a limited basis representing clients in

general areas.

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

From 1980 through 1998, when I was elected to the office of Sheriff, I engaged in primarily a state court litigation practice. I handled some matters in federal court. I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 1% |
| 2. state courts of record: | 97% |
| 3. other courts: | 1% |
| 4. administrative agencies: | 1% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 80% |
| 2. criminal proceedings: | 20% |

- 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 tried in excess of two hundred civil cases as sole counsel before Common Pleas Court mandatory arbitration panels that went to panel verdict.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 20% |
| 2. non-jury: | 80% |

- 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 appeared 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.

I served as Sheriff beginning in 1998 and have been a county judge since August 2003. I therefore no longer have records from my years of practice. Between 1983 and 1992, I had a general practice in complex litigation and handled a number of personal injury cases for plaintiffs. From 1992 to 1996, I primarily served as a defense attorney for doctors and their practices in complex medical malpractice matters. From 1996 to 1997, I represented Delaware County in a variety of matters.

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.)

From 2012 to 2017, I served as President Judge on the Delaware County Court of Common Pleas. My service presented me a unique opportunity to have a significant impact on bench-bar relations. Coordinating with the Delaware County Bar Association Executive Director, we established open, regularly scheduled meetings between judges on my court and members of the bar. Indeed, this program won a special recognition award from the Pennsylvania Bar Association. (And I established a similar program with Orphans' Court practitioners.)

I also established two specialty criminal courts: a Veteran's Court and a Mental Health Court. And in conjunction with setting up the Mental Health Court, I founded and have chaired Delaware County Cares: a unique consortium of the courts, the County, the District Attorney's Office, hospitals, law enforcement, and health care providers. I also established an Elder Law Task Force to help us better address the issues of elder abuse. We now have set up a Second Chance Court, the Court's opioid early intervention initiation.

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.

None.

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.

The only future benefits I anticipate are from my state pension from being a sitting judge that I contributed to and social security benefits. I have no anticipated income from any business, businesses or any other source.

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 have no plans, commitments, or agreements to pursue outside employment if confirmed.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. I will also evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary

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

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

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

As President Judge, I supported and encouraged the pro bono efforts of our Bar Association. Of note, we worked to establish and enact a local court rule allowing a limited entry of appearance by pro bono attorneys. The hope is that this limited appearance will spur pro bono involvement, allowing willing attorneys to handle specific matters for the disadvantaged while ensuring that they are not responsible for every potential matter that developed thereafter. This was developed through a coordinated effort with Legal Assistance of Southeastern Pennsylvania, a local court

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.

I expressed an interest in a Federal Judgeship directly to Senator Toomey. I met with and was interviewed by Senator Toomey and his staff on February 14, 2017. I met with and was interviewed by Senator Casey and his staff on April 5, 2017. I then met with and was interviewed by attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C on May 15, 2017. Since that time, I have been in contact with the officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. Notices were published and resumes were solicited by the Eastern District of Pennsylvania's Judicial Nomination Advisory Committee for those interested in a seat on the bench and I submitted my resume. I was interviewed by the full committee of the Eastern District of Pennsylvania's Judicial Nomination Advisory Committee for the Eastern District of Pennsylvania on May 22, 2017. On December 20, 2017, the President submitted my nomination to the Senate.

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

No.