

League of Women Voters Nonpartisan Voters Guide Guide to General Election—November 3, 2009

JUDGE OF THE SUPERIOR COURT

(Vote for Not More Than Three)

Term: 10 years

Salary: \$175,923

JOB DESCRIPTION: The Pennsylvania Superior Court is one of two intermediate appellate courts. It hears all criminal and civil appeals from the Courts of Common Pleas except for death penalty cases and those that are specifically assigned to the Commonwealth Court. The Court has fifteen judges, with the President Judge elected by the members. Judges of the Superior Court must be lawyers and must reside in Pennsylvania for at least a year before their election and for as long as they continue in office.

Question: The Judicial Conduct Board handles complaints about sitting judges filed by the general public. The Board reviews the complaints and if necessary, action can be taken by the Court of Judicial Discipline. How do you think this system of judicial oversight is working? Does it meet the public's need for assurance that justice is being served?

DEMOCRATIC

ROBERT J. COLVILLE, 44, Pittsburgh

EDUCATION: 1989, Penn State, B.A. 1992, Duquesne University

OCCUPATION: Common Pleas Court Judge

QUALIFICATIONS: Trial Judge, 10 years; Juvenile Court Procedural Rules Committee, 7 years; Officer and President of PA Conference of State Trial Judges, 6 years; Trial Lawyer, 7 years; Law Clerk, PA Supreme Court, 2 years; Legislative Aide, Washington DC <year; Public Defender Intern, 2 years; Union Laborer, 7 years

ANSWER: The Judicial Conduct Board and the Court of Judicial Discipline are responsible institutions that aggressively investigate reports of judicial corruption in the hopes of eradicating it. Unfortunately, as with all human endeavors they, sometimes fall short of their aspirations. It is my hope that, in spite of the recent reports of the morally reprehensible and criminal conduct of a few individuals and the resultant tragic consequences to the specific individuals directly affected by such miscarriages of justice, the public will maintain its trust that the vast majority of our judges are honorable.

KEVIN FRANCIS MCCARTHY, 48, Pittsburgh

EDUCATION: 1983, University of Pittsburgh, B.A. 1986, University of Pittsburgh School of Law, J.D.

OCCUPATION: Assistant District Attorney – Allegheny County

QUALIFICATIONS: Law Clerk, James Rowley, J., Superior Court of Pennsylvania, 2 years Law Clerk, Fred Adams, and William Frank, J.J., Court of Common Pleas, Fayette County, Allegheny County District Attorney, Appellate Unit 18 years

ANSWER: I believe this system of judicial oversight provides an efficient method for addressing complaints. It strikes a balance for the full and fair investigation of charges of judicial irregularities and malfeasance with the understanding that parties often feel aggrieved when dissatisfied with their cases' results. The previous system required the board to function as investigator and jury. The current system separates these functions between two different boards, allowing each to fully commit to its role.

ANNE E. LAZARUS, 57, Philadelphia

EDUCATION: 1972, SUNY at Stony Brook, B.A. 1976, Temple University School of Law, J.D.1986, Temple University School of Law, L.L.M.

OCCUPATION: Common Pleas Judge

QUALIFICATIONS: Court of Common Pleas, 18 years, Attorney, 11 years, Ethics Committee, Pennsylvania Conference of State Trial Judges, Chair, First-ever recipient, PA Bar Association's Judicial Pro Bono Award

ANSWER: As Chair of the Ethics Committee of the State Conference of Trial Judges, I can attest that the Conduct Board, composed of lay persons, attorneys and judges, thoroughly reviews any complaint they receive and if they decide to pursue prosecution, it is vigorous. I believe that the diverse group guarantees that the public's concerns are well met. If other disciplines were as ardent at policing their own, the public would be much better off.

TERESA SARMINA, 56, Philadelphia

EDUCATION: 1974, St. Mary's College, BA; 1976, University of Chicago, AM; 1982, Georgetown University Law Center, JD

OCCUPATION: Judge, Philadelphia Court of Common Pleas

QUALIFICATIONS: Judge, Philadelphia Court of Common Pleas, 11 years; Senior Deputy Attorney General, Pennsylvania, 4 years; Attorney with Pennsylvania's Drug Strike Task Force, State Attorney General's Office, 4 years; Assistant District Attorney, Philadelphia, 5 years

ANSWER: The current system of judicial oversight is obviously not working, since circumstances as monumental as Luzerne County slipped through the "cracks". The public needs better assurance that there are enough checks and balances in place to ensure that justice happens -- and looks like it's happening. New or additional provisions need to be put in place in such a way as to ensure complaints are adequately heard.

REPUBLICAN

JUDY OLSON, 52, Wexford

EDUCATION: 1979, St. Francis College, B.A. 1982, Duquesne University School of Law, J.D.

OCCUPATION: Common Pleas Court Judge

QUALIFICATIONS: Trial and appellate lawyer, 27 years; Chairman, Antitrust Group and Partner-in-Charge of Litigation (Pgh. Office), Schnader Harrison Segal & Lewis LLP, "Highly Recommended" by PA Bar Association

ANSWER: Nothing is more important to the operation of our judicial system than preserving the honor, dignity, independence and integrity of the Pennsylvania judiciary. The Board works hard to enforce the ethics laws by investigating allegations made against a judge and pursuing those claims that are meritorious. However, it is the responsibility of all citizens to make sure that the Board functions properly by bringing concerns to the Board's attention and keeping the Board's actions transparent.

SALLIE MUNDY, 47, Tioga

EDUCATION: 1984, Washington and Jefferson College, B.A.1987, University of Pittsburgh School of Law, J.D.

OCCUPATION: Attorney

QUALIFICATIONS: I am a litigator with extensive experience in defending civil suits brought against doctors and nurses accused of malpractice as well as in the representation of catastrophically injured individuals as claimants. I have also practiced criminal law as a volunteer Public Defender. I am honest, impartial and industrious.

ANSWER: The key to public trust is transparency. All documents filed with, and all hearings held before, the Court of Judicial Discipline are open to the public. The Judicial Conduct Board, which investigates complaints against a judge, does have confidentiality but I believe the public understands that confidentiality is necessary not only to protect the reputation of an unjustly accused judge, but also to prevent retaliation against the complainant. Appointments to these entities are accomplished in a manner that assures that neither political party, nor the judiciary itself can achieve control.

TEMP SMITH, 57, Pittsburgh

EDUCATION: 1974, Washington & Lee University, B.A. (English) 1977, University of Pittsburgh School of Law, J.D.

OCCUPATION: Attorney

QUALIFICATIONS: Extensive experience briefing and arguing appellate cases on a wide variety of issues; more than 31 years of legal practice in diverse areas of law; ratings of Recommended from PA Bar Association and Highly Recommended from Allegheny County Bar Association.

ANSWER: The existing system of judicial oversight appears to be working. I view the fact that serious misconduct has recently been discovered in trial courts in two counties not as an indication of systemic failure, but, rather as an indication that the vast majority of Pennsylvania's judges are fulfilling their duties and that the very few who are not are being discovered and dealt with appropriately.

PAULA OTT 9/17/1950 West Chester

EDUCATION: Temple University School of Law, J.D. 1975; LL.M. 1981, University of Delaware, B.A. 1972

OCCUPATION: President Judge, Court of Common Pleas of Chester County

QUALIFICATIONS: Judge, Court of Common Pleas of Chester County (1992-present); Partner, Gawthrop Greenwood (1981-1992) Assistant County Solicitor (1978-1981) President, PA Conference of State Trial Judges (2003-2004) March of Dimes Woman of Achievement (1993)

ANSWER: The Judicial Conduct Board is an excellent system that allows for the bipartisan and confidential investigation of complaints from any person who files a written complaint against judges in any Court. Every complaint is investigated. The confidentiality of the investigation protects the complainant from retaliation and the judge from embarrassment if the complaint is unfounded. If the complaint is founded, then the public should know if a judge has violated any law or the Code of Judicial Conduct.

LIBERTARIAN

MARAKAY J. ROGERS 57, York, PA

No Reply