

League of Women Voters of Pennsylvania

Citizen Education Fund

Nonpartisan Voters Guide

Municipal Election, November 3, 2009



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Polls open: 7 A.M. until 8 P.M.

This Voters Guide may be taken into the voting booth.

The League of Women Voters publishes this information neither to endorse nor to reject the views of any candidate quoted and does not assume responsibility for the content of a candidate's reply. Each candidate's reply has been printed as submitted, except to use standard abbreviations in the interest of space and to edit from the bottom of a candidate's answer when the total response exceeds the word limit. The candidates were asked to list their education, occupation, and qualification for the office they seek. They were also asked to reply to the question following the job description for each office.

FOR ELECTION INFORMATION

Contact the Pennsylvania Department of State voting information website, www.votespa.com. From this site voters can verify their registration status, find out where to vote, see a demonstration on how to vote on the system being used at their polling place, contact information for county election and voter registration officials, obtain applications for absentee ballots, emergency absentee ballots and information and forms for voting absentee in the event of emergencies that occur after 5 PM on Friday, October 30, and find helpful information for voters with disabilities. You may also contact your county Board of Elections. The League of Women Voters of Pennsylvania Citizen Information Center also provides election information. CALL TOLL FREE: 1-800-692-7281 or visit our website www.palwv.org.

ABOUT THIS GUIDE

The material in this Guide was compiled by the League of Women Voters of Pennsylvania. This material may not be altered or reprinted without the permission of the League. Each candidate's reply has been printed as submitted, except to use standard abbreviations and by editing from the bottom when a candidate's reply exceeded the word limit. The candidates listed are those whose names appear on the ballot as of September 10, 2009. They are listed according to their ballot order.

PURPOSE AND POLICY OF THE LEAGUE

The purpose of the League of Women Voters is to promote political responsibility through informed and active participation of citizens in government. The League is nonpartisan: it does not support or oppose any political parties or candidates. Nothing in this guide should be construed as an endorsement of any candidate by the League of Women Voters.

ABSENTEE VOTING

Registered voters who are ill, disabled, or will be absent from the municipality on Election Day may vote by absentee ballot. Completed APPLICATIONS for absentee ballots must be received by the county Board of Elections by 5 P.M., Tuesday, October 27. Completed absentee BALLOTS must be received back at the Board of Elections by 5 P.M. on Friday, October 30. If an emergency arises (unexpected illness or business trip) after the Tuesday application deadline, call your county Board of Elections for information on emergency absentee voting. Proof of emergency may be required. An emergency application and ballot can be obtained and voted by 5 P.M. on Friday, October 30. Any disabled voter having questions regarding the accessibility of a

polling place should consult the county Board of Elections.

WRITE-IN VOTING

Information for write-in voting will be available at the polling place and instructions are available at www.votespa.com.

ELECTION DAY PROBLEMS

If your right to vote is challenged at the polls on Election Day and the problem cannot be resolved at the polling place, the judge of elections at the polling place should telephone the county Board of Elections. The problem could be resolved by phone if your name appears on the county records. If it does not and you want to try to resolve the problem, then you can go in person to the county Board of Elections where a judge from the Court of Common Pleas will be on duty to resolve election problems. Alternatively you can ask for and vote by provisional ballot. If it is later determined that you were eligible to vote your ballot will be counted. You will be given instructions on how to determine if your vote was counted.

IDENTIFICATION REQUIREMENTS FOR NEW VOTERS

If you are a new voter or if you are voting at a polling place for the first time then you must bring your voter ID card or a photo ID such as a driver's license, student ID or some other form of Federal or State government issued ID. Some forms of non-photo ID are also acceptable such as a firearm permit, current utility bill, bank statement, paycheck, or government check. If you do not have any acceptable ID then you must be allowed to vote by provisional ballot.

ON-LINE VOTERS GUIDE

The Voters Guide and other useful information for voters can be found on the League of Women Voters of Pennsylvania Homepage: www.palwv.org. Additional information on candidates for statewide judgeships is available at www.smartvoter.org.

CERTIFICATION NOTE

As of the publication date of this guide, the slate of candidates listed below is accurate based upon the Pennsylvania Department of State's Bureau of Elections unofficial ballot.

JUSTICE OF THE SUPREME COURT

JOB DESCRIPTION

The Pennsylvania Supreme Court is the highest judicial authority in the Commonwealth. In addition to being the final court of appeals, it serves as administrator of the unified court system and is responsible for ensuring that all Pennsylvania courts perform their duties properly. The Court hears decisions of the Superior and Commonwealth Courts and in certain cases, including those involving the death penalty, from the Courts of Common Pleas. It may also assume jurisdiction over any case pending before a lower court that involves an issue of immediate public importance. There are seven Supreme Court justices, the Chief Justice being the one having the longest continuous service on the Court.

Term: 10 years—Salary \$186,450 (Vote for one)

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

JACK PANELLA, Bethlehem

D.O.B.: 05/04/1955

EDUCATION: 1977, St. John's University, B.S.; 1980, Columbus School of Law, CUA, J.D.

OCCUPATION: Superior Court Judge
QUALIFICATIONS: County Solicitor, 4 years; Court of Common Pleas Judge, 12



years; Superior Court Judge, 5 years; Chair, Judicial Auditing Agency, 4 years; Administrative Judge, Wiretap Applications, 5 years; President, Court of Judicial Discipline, 1 year.

ANSWER TO QUESTION: As a former Chair of the Judicial Conduct Board and President Judge of the Court of Judicial Discipline, I know that, under the current system, allegations of judicial misconduct are thoroughly investigated and judges are held accountable for their misdeeds. Unfortunately, the public is largely unaware that this system of oversight even exists. We need to do more to educate the public, while balancing the rights of the accused with the need for greater transparency.

REPUBLICAN

JOAN ORIE MELVIN, Pittsburgh

D.O.B.: 04/06/1956

EDUCATION: 1978, Notre Dame, B.A. 1981, Duquesne Law, J.D.

OCCUPATION: Superior Court Judge
QUALIFICATIONS: 24 years judicial experience; Superior Court Judge, 12 years, 8000 appeals; Allegheny



County Common Pleas Judge, 7 1/2 years, (served Criminal, Family, Civil Divisions); Chief Magistrate, Pittsburgh Municipal Courts, 5 years, established Pennsylvania's first Domestic Violence Court; private practice, corporate counsel.

ANSWER TO QUESTION: Recent judicial abuses of power and corruption have heightened the public's awareness about judicial ethics. Is it possible that during the 5 years of the Luzerne County scandal, no citizen or professional ever filed a complaint in the worst instance of judicial corruption in America's history? The newly formed interbranch Juvenile Justice Commission should investigate to ensure that no complaints were disregarded and recommend ways to improve and bring transparency to the Judicial Conduct Board.

JUDGE OF THE SUPERIOR COURT

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.

Term: 10 years—Salary: \$175,923 (Vote for not more than four.)

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, Pittsburgh



D.O.B.: 08/03/1965
EDUCATION: 1989, Penn State, B.A.
1992, Duquesne University J.D.
OCCUPATION: Common Pleas Court Judge

QUALIFICATIONS: Trial Judge, 10 years; (Juvenile, Adult Family & Civil) 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 less than 1 yr.; Public Defender Intern, 2 years; Union Laborer, 7 years. Endorsed by PA AFL-CIO and many others. Primary Endorsement by Pittsburgh Post Gazette, Philadelphia Inquirer, Pittsburgh Tribune Review.

ANSWER TO QUESTION: 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, Pittsburgh



D.O.B.: 08/14/1961
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 TO QUESTION: 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, Philadelphia



D.O.B.: 11/12/1952
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 TO QUESTION: 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, Philadelphia

D.O.B.: 11/3/1952
EDUCATION: 1974, St. Mary's College, B.A. 1976 University of Chicago, A.M. 1982 Georgetown University Law Center, J.D.

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 Drug Strike Task Force, State Attorney General's Office, 4 years; Assistant District Attorney, Philadelphia, 5 years.

ANSWER TO QUESTION: 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, Wexford



D.O.B.: 10/19/1957
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 TO QUESTION: 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, Tioga



D.O.B.: 06/29/1962
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 TO QUESTION: 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, Pittsburgh



D.O.B.: 05/20/1952
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 TO QUESTION: 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 not being discovered and dealt with appropriately.

PAULA OTT, West Chester



D.O.B.: 9/17/1950
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 TO QUESTION: 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 ROGERS, York

No response received

JUDGE OF THE COMMONWEALTH COURT

JOB DESCRIPTION

The Commonwealth Court is one of Pennsylvania's two statewide intermediate appellate courts. Its jurisdiction generally is limited to legal matters involving state and local government and regulatory agencies. Litigation typically focuses on such subjects as banking, insurance and utility regulation and laws affecting taxation, land use, elections, labor practices and workers compensation. Commonwealth Court also acts as a court of original jurisdiction, or a trial court, when lawsuits are filed by or against the Commonwealth. The Court has nine judges, with the President Judge chosen by its members. The court generally decides cases in three-judge panels and sits in Philadelphia, Harrisburg and Pittsburgh.

Term: 10 years—Salary \$175,923

(Vote for not more than 2)

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

BARBARA BEHREND ERNSBERGER, Pittsburgh



D.O.B.: 08/16/1951
EDUCATION: 1973, University of Pittsburgh, B.A., cum laude 1976, Duquesne University School of Law, J.D.

OCCUPATION: Attorney and Partner, Behrend and Ernsberger, PC

QUALIFICATIONS: Attorney, 32 years, Community Advisory Board, 6 years; Commissioner City of Pittsburgh Department of Planning, 4 years; Chair of City Pittsburgh Democratic Committee of (32) wards, 7 years; Trustee, Shadyside Presbyterian Church Nursery School, 5 years; Pittsburgh City Council, Woman of the Year 2002.

ANSWER TO QUESTION: The system of judicial oversight is working for complaints that are filed for the Judicial Conduct Board to review. However, if there is improper activity outside the scope of the Board's review,

such as the two judges in Scranton, who were taking monies for referrals of juveniles, to juvenile facilities, then the system did not work. The public needs assurance through the creation of a task force to examine the juvenile court referral system and make creative recommendations.

LINDA S JUDSON, Pittsburgh



D.O.B.: None Given
EDUCATION: 1979, St. Francis General Hospital, Alvernia School of Practical Nursing, L.P.N. 1986, University of Pittsburgh, B.A. (cum laude) 1990, Duquesne University School of Law, J.D.
OCCUPATION: Attorney

QUALIFICATIONS: Attorney 20 years practice in matters that come before Commonwealth Court: 1991, Clerk for Commonwealth Court, Honorable Bernard McGinley; 1991-93, Technical Specialist (as an attorney), Marsh & McLennan Insurance regulation, risk management, regulatory compliance including OSHA & workplace safety matters.

ANSWER TO QUESTION: Current problems in certain counties clearly indicate that the system is not working as well as it should. Through education of the public, including posted notices in courtroom areas, awareness of the recourse provided by the Judicial Conduct Board should be developed. Internal judicial system guidelines should reinforce the obligations of each judge to the integrity of the entire system.

REPUBLICAN

PATRICIA A MCCULLOUGH



D.O.B.: 11/15/1956
EDUCATION: 1978, University of Pittsburgh, B.A. 1980, University of Strasbourg 1981, University of Pittsburgh School of Law, J.D.
OCCUPATION: Attorney
QUALIFICATIONS: Served as Judge, Allegheny County Court of

Common Pleas; Attorney (28 years) private/corporate practice; Executive Director Catholic Charities; member/chair Allegheny County Board of Property Appeals; Adjunct faculty member; State/local committeewoman; community volunteer.
ANSWER TO QUESTION: Although the JCB is committed to ensuring that justice is served, the promulgation of specific criteria governing areas like the conduct of judicial campaigns and contributions would improve the ability to benchmark fairness and impartiality. Because of my commitment to these ideals, I did not take the pay raise while a judge in Allegheny County's Court of Common Pleas and will not take campaign donations from special interest groups or lawyers.

KEVIN BROBSON, Harrisburg



D.O.B.: 11/26/1970
EDUCATION: Lycoming College, B.A. Widener University, J.D. (2nd in Class)
OCCUPATION: Attorney
QUALIFICATIONS: Broad-based Commonwealth Court practice; Recommended by PA Bar Association; Middle Paxton Twp.

Planning Commission; American Inns of Court; Commonwealth Court Historical Society; Best Lawyers in America; Dauphin County Bar and PA Bar Pro Bono Award Winner; Married, father of 3.
ANSWER TO QUESTION: Grounded in our State Constitution, the process serves an important role in Our justice system. Half of the Judicial Conduct Board's twelve members must be neither lawyers nor judges, ensuring substantial involvement of the general public in this oversight role. Generally, I believe the process has been and can continue to be effective. Like any public institution, however, its effectiveness can only be evaluated by the work of those entrusted to keep it.

PENNSYLVANIA JUDICIAL RETENTION ELECTIONS

Judicial retention is a system of retaining judges for additional terms after they have been elected on a partisan, contested ballot. Previously elected incumbent candidates for justice or judge appear unopposed on the ballot. The only question confronting the voter is whether or not the judge should be retained. All judicial retention candidates were asked to list their education, occupation and qualifications for this office as well as the same question on the Judicial Conduct Board.

JUDGE OF THE SUPERIOR COURT

(Vote Yes or No) Shall Kate Ford Elliott be retained for an additional term as Judge of the Superior Court of the Commonwealth of Pennsylvania?

KATE FORD ELLIOTT, Pittsburgh



D.O.B.: 6/0 8, 1949
EDUCATION: 1971, University of Pittsburgh, B.A.; 1973, Duquesne University, M.S.; 1978, Duquesne University School of Law, Evening Division, J.D.
OCCUPATION: President

Judge, Superior Court of Pennsylvania
QUALIFICATIONS: Judge, Superior Court of Pennsylvania, 20 years; Attorney, Kirkpatrick & Lockhart, 2 years; Chief Staff Attorney, Superior Court of Pennsylvania, 5 ½ years; Administrative Assistant to the President Judge, Superior Court of Pennsylvania, 2 years; Judicial Law Clerk, 2 years.

ANSWER TO THE QUESTION:

The purpose of the Constitutional Amendment enacted in 1993 creating both the Judicial Conduct Board and the Court of Judicial Discipline, was to create an independent review procedure for judicial discipline. The composition of the Board and the Court specifically provided for greater participation by non-lawyers and non-judges in the investigation and review of judicial misconduct. I believe the system is functioning precisely as was intended when the citizens of Pennsylvania approved its creation.

RETENTION ELECTION

JUDGE OF THE COMMONWEALTH COURT

(Vote Yes or No) Shall Dan Pellegrini be retained for an additional term as Judge of the Commonwealth Court of the Commonwealth of Pennsylvania?

DAN PELLEGRINI, Pittsburgh



D.O.B.: 9.15.1945
EDUCATION: Duquesne University, B.A., 1967 Duquesne University School of Law, J.D., 1970
OCCUPATION: Judge, Commonwealth Court of Pennsylvania

QUALIFICATIONS: Judge of the Commonwealth Court of Pennsylvania since 1990. City Solicitor of the City of Pittsburgh for eight years. Trustee of the National Institute of Municipal Law Officers for 5 years. Taught at National Judicial College and Institute of Judicial Administration.

ANSWER TO QUESTION: Article 5, § 18 of the Pennsylvania Constitution, adopted by the electorate In 1993, provides a method for reporting, adjudicating and sanctioning judges for misconduct in office. Once reported, the public should be assured that misconduct, if proven, will be punished, either through the Court of Judicial Discipline and/or referral to the proper prosecutorial authorities. That system of judicial oversight appears to be working.