

## PERSONAL DATA QUESTIONNAIRE

1. State your full name:  
Daniel King Bricmont

Have you ever been known by any other name? If so, please list.

No

2. Office address (include zip code):

20 Stanwix Street, Seventh Floor  
Pittsburgh, PA 15222

Office telephone (include area code):

(412) 391-9860

Name of law firm, if associated:

Caroselli Beachler McTiernan & Conboy

3. Date and place of birth:

10/02/1964  
Pittsburgh, PA

4. Are you a naturalized citizen? If so, give date and place of naturalization:

N/A

5. Family status:

a) Are you married? If so, state the date of marriage and your spouse's full name, including maiden name, if applicable:

b) Have you been divorced? If so, state the date, the number of the case and the court:

Divorced. FD 04-007513-004 Allegheny County Court of Common Pleas,  
December 14, 2004.

6. Have you had any military service? If so,

a) Give dates, branch of service, rank of rate, and present status:

N/A

b) Have you ever been rejected or released from any of the armed services for reasons other than honorable? If so, give details:

7. List each college and law school you attended, including dates of attendance, and the degrees awarded and, if you left any institution without receiving a degree, the reason for leaving. List scholastic honors:

The University of Pittsburgh, College of Arts and Sciences: 1982 through 1987  
B.S. Degree in Political Science.

University of Pittsburgh, School of Law 1987 through 1990  
JD Degree Cumlaude

8. List all jurisdictions in which you have applied to take a bar examination, have applied for admission or have been admitted to practice. Include dates of admissions and if not admitted, give application dates and explain the outcome.

Pennsylvania, admitted to practice November 26, 1990

9. Describe chronologically your law practice and experience after your graduation from law school, including:

- a) 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:

N/A

- b) Whether you practiced alone and, if so, the addresses and the dates:

N/A

- c) The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected and the nature of your connection with each:

Caroselli, Spagnoli & Beachler (currently Caroselli Beachler McTiernan & Conboy).

- d) Any other relevant particulars:

Law Clerk 1988-1991, Associate Attorney 1991-present

10. With respect to your practice:

- a) What has been the general character of your practice, dividing it into periods with dates if its character has changed over the years?

Plaintiff's personal injury practice focusing on representing injured workers' in Social Security Disability, Workers' Compensation and occasionally Unemployment Compensation matter. The character of my practice has changed gradually during the 1990s to include less Social Security Disability work and more Workers' Compensation work and Appellate work. I have also had a small percentage of clients with general Civil Litigation matters in the personal injury area.

- b) Describe your typical clients and mention the areas, if any, in which you have concentrated your practice:

A typical client would be an injured worker pursuing Workers' Compensation benefits, Social Security Disability benefits, or occasionally pursuing Third Party Civil Litigation as an adjunct to their Workers' Compensation claim. I have concentrated my practice in the Workers' Compensation field and have a significant amount of practice in the Appellate Courts, primarily in the Commonwealth Court related to Workers' Compensation matters but also appearing in the Superior Court or the Supreme Court on occasion in both Workers' Compensation and Civil Litigation matters.

11. With respect to the last five years:

- a) Did you appear in court regularly, occasionally, or not at all? If the frequency of your appearances in court has varied during this period, describe each such variance, giving the dates thereof:

In the last 5 years, I have appeared rarely in the Court of Common Pleas. However, I have appeared regularly and frequently before Workers' Compensation Judges during the course of litigation of Workers' Compensation claims. During the last five years, the frequency and regularity of my appearance in Workers' Compensation proceedings has not fluctuated but has been frequent and continuous.

- b) What percentage of these appearances was in:

1. Federal courts: 0%

2. State courts of record: 25%-Commonwealth Court, Superior Court and Supreme Court Appellate appearances.

3. Other courts: 75% Workers' Compensation proceedings.

c) What percentage of your litigation was:

1. Civil: 100%

2. Criminal: 0%

d) State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel or associate counsel:

With regard to verdicts or judgments obtained in the Court of Common Pleas, the number would be 0. Those Civil Litigation cases had all settled prior to judgment or verdict. With regard to Workers' Compensation cases, in the last 5 years, over 100.

e) What percentage of these trials were:

1. Jury: 0

2. Non-jury: SEE ABOVE.

12. Summarize your experience in court prior to the last five years, indicating as to that period:

a) Whether your appearances in court were more or less frequent:

Prior to the last five years, my practice has been very consistent with the answers provided to questions numbers 10 and 11.

b) Any significant changes in the percentages stated in your answers to question 11(b), (c) and (e):

There has not been significant changes in the percentages as stated in 11B, C and E, although I did have more frequent Social Security clients and unemployment compensation clients prior to the last five years.

c) Any significant changes in the number of cases per year in courts of record you tried to verdict or judgment (rather than settled), as sole counsel, chief counsel or associate counsel.

No significant change.

13. Describe five of the most significant litigated matters which you personally handled and give the citations thereto, if the cases were reported. Give a capsule summary of the substance of each case and a succinct statement of what you believe to be the particular

significance of the case. Identify the party or parties whom you represented and 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 dates of the trial periods; b) the name of the court and the judge before whom the case was tried; and c) the individual name, address and telephone numbers of co-counsel for each of the other parties;

1. Case 1-Robert Bible et. al v. Commonwealth of Pennsylvania Number 77 Misc. 1995 (Bible versus Commonwealth, Department of Labor and Industry, 696 A.2d 1149 (Pa. Cmwlth. 1997). This case was a challenge to the Constitutionality and the retroactive application of certain portions of Act 1 of 1995, the hearing loss amendments to the Workers' Compensation Law. It was filed in the original jurisdiction of the Commonwealth Court. I was responsible for researching and drafting the original process, and was a leading author of the memoranda and briefs that were filed in the matter which was determined at the Commonwealth Court level pursuant to motions for Summary Judgment. The Commonwealth Court Decision was reported as was the Supreme Court Decision which citation appears above. The litigation occurred in 1995 primarily with appellate proceedings in 1996 and 1997. My office represented a portion of the representative plaintiffs (Bible, Swager, Richter, Tiernan, and Kifer). My office performed this work together with a Philadelphia firm which represented the remaining representative claimants. The co-counsel was Joe Dellaguardia of 1515 Locust Street, 6<sup>th</sup> Floor, Philadelphia, PA 19102; (215) 545-2825. The opposing counsel in this litigation included William McKim, US Steel Corporation 600 Grant Street, Pittsburgh, PA 15219; (412) 433-2914; Lori Tunstall for Lukens Steel Company, 1811 Chestnut Street, Philadelphia, PA 19103, (360) 834-0189; Phyllis Procopio 2330 Saddle Drive, Allison Park, PA 15101 (412) 566-1717; J. Lawson Johnston, Dickie McCamey & Chilcote, Two PPG Place, Pittsburgh, PA 15222 (412) 281-7272; Cliff Goldstein, 1811 Chestnut Street, Philadelphia, PA 19103 (610) 666-7700; David Presser, 707 Grant Street, Suite 2500, Pittsburgh, PA 15219 (412) 281-7229
2. Slonchka v. Zurich North America. This is a Workers' Compensation claim which was litigated during 2004. This was an extensively litigated case including both complicated medical issues related to the disability of Mr. Slonchka and employment issues related to his separation of employment from Zurich North America. The case does not have a reported decision. Defense Counsel on this case was Attorney Charles Brown at Dickie McCamey & Chilcote, Suite 400, Two PPG Place, Pittsburgh, PA 15222-5402 (412) 281-7272.
3. Colpetzer v. Standard Steel. This is a Workers' Compensation Case which was extensively litigated regarding the correct calculation of the average weekly wage. The employer was represented by Dennis R. Sheaffer, Tucker Arensberg, P.C., 111 North Front St. P.O. Box 889, Harrisburg, PA 17108 (717) 234-4121. The case was litigated through the Commonwealth Court and Supreme Court and resulted in a Supreme Court Decision which changed the law in Pennsylvania with regard to the calculation of an average weekly wage in a multiple injury Workers' Compensation claim. Colpetzer v. WCAB (Standard Steel) 870 A.2d 875 (Pa. 2005).

4. Hacker v. Zinkan Enterprises, Inc. Docket No. Allegheny County Civil Division, GD 00-7664. This is a personal injury products liability case regarding a pulmonary injury from the exposure to toxic fumes. The case required extensive depositions of multiple lay witnesses and medical witnesses during 2003 through 2005. I handled the preparation of the litigation, preparation of the exhibits, deposing the witnesses and participated in the preparation of the pretrial documents, pretrial statement. The case was ultimately settled on the eve of trial following mediation. Opposing counsel was John P. Davis, III, Esquire, Jones, Gregg, Creehan & Gerace LLP, Suite 1200, 411 Seventh Avenue, Pittsburgh, PA 15219 (412) 261-6400.
5. Kelvin Kyser v. Allegheny County. This is a Workers' Compensation Claim which involved extensive representation of Mr. Kyser with regard to his Workers' Compensation claim, including periods of litigation including a Penalty Petition regarding a violation of a Workers' Compensation Law, Arguments before the Workers' Compensation Appeal authorities (in 2004 and 2005) and is currently again in litigation with regard to a Petition to Suspend his benefits. This litigation involved issues of medical disability, causation, compliance with the Workers' Compensation Law and Litigation regarding a return to work issue. The litigation is still continuing currently. Counsel for the employer is Bradley Andreen, Esquire, O'Brien, Rulis & Bochicchio, Suite 120, 555 Grant Street, Pittsburgh, PA 15219 (412) 904-5221.

14. If a substantial period of your practice has been before administrative boards, commissions or agencies during the past five years, identify the boards, commissions or agencies before which you have practiced and estimate percentages of practice time devoted thereto:

Approximately 80% of the time in front of the Workers' Compensation Judges or the Workers' Compensation Appeal Board.

15. If a substantial portion of your practice has been before Appellate courts during the past five years, identify the Appellate Courts before which you have practiced and estimate percentages of practice time devoted thereto:

20% in the Appellate Courts- Supreme Court, Superior Court, Commonwealth Court

16. a) Have you ever held judicial office? If so, give dates and details, including the courts involved, whether elected or appointed, periods of services, and a description of the jurisdiction of each of such courts with any limitations upon the jurisdiction of each court:

N/A

b) Have you ever held public office other than judicial office? If so, give details, including the office involved, whether elected or appointed, and the length of your service, giving details:

Yes, Mayor of Avalon, elected 1993 to 2005. Performed duties of a Mayor in a Borough (population approximately 5,200 in Allegheny County). Also appointed to the Air Pollution Control Advisory Committee, an advisory Committee which advises the Allegheny County Board of Health on air quality matters and approves expenditures from the clean air fund on air quality issues. I was appointed in 1996, I believe, and then elected Chairman by the members of the Committee in 1998. I continue to serve as Chairman of that Committee.

17. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates:

NO

18. Have you ever been engaged in any occupation, business or profession other than the practice of law or the holding of judicial or other public office? If so, give details, including dates:

Prior to Law School:

Roy Rogers Restaurant, cook. Approximately 1981 to 1982

Thrift Drug Store, stock boy. 1982 to 1987.

Sears Roebuck Company, warehouse worker. Summer of 1987.



19. Are you now an officer or director or otherwise engaged in the management of any business enterprise?

- a) If so, give details, including the name of your enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

NO

- b) Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are elected and confirmed?  
If not, give reasons:

N/A

20. Have you ever been arrested, charged with or convicted of violating any federal law or regulation, state law or regulation, or county or municipal law, regulation or ordinance?  
If so, give details. Do not include summary traffic offenses:

NO

21. Are you under any ongoing federal, state or local investigation or indictment for possible violation of a criminal statute? If so, give particulars:

NO

22. Has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? If so, give particulars:

NO

23. Have you ever been sued by a client? If so, give particulars:

NO

24. Have you ever been a party or otherwise involved in any other legal proceedings? If so, give the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as co-conspirator or a co-respondent and any grand jury investigation in which you figured as a subject or in which you appeared as a witness:

I have not been a party to any other legal proceeding other than my divorce action. I have not been a material witness, although I was a witness in an Avalon Borough intersection collision personal injury case. The Borough of Avalon was sued as a party and I as Mayor was called as witness.

25. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, give the particulars:

I was subject of a Complaint to the Disciplinary Board of the Supreme Court of Pennsylvania. I believe the allegation was failure to communicate with the client. The Complaint was dismissed. A copy of the Dismissal letter is attached.

26. What is the present state of your health? (If any medical condition or issue exists, you may be requested to execute a medical record authorization form as part of the interview process.)

Excellent.

27. Do any circumstances exist that would affect your ability to perform the function of the position you seek or fulfill the term of office? If so, please explain.

None that I am aware of.

28. Furnish at least five examples of legal articles, law review articles, briefs, or other legal writings which reflect your personal work. If briefs are submitted, indicate the degree to which they represent your personal work:

I am attaching five briefs. I am attaching five briefs, or memorandums, which I authored on Bible I was a substantial coauthor.

29. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. List chairmanships of any committees in bar associations and professional societies and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, disciplinary committee, grievance committee).

Allegheny County Bar Association 1990-Present  
Pennsylvania Bar Association 1990-Present  
(Member of the Workers' Compensation Section)  
Program Chair for the 23<sup>rd</sup> Annual PBA Workers' Compensation Fall Section Meeting (2007, 2008 and 2009).  
Pennsylvania Association for Justice (formerly Pennsylvania Trial Lawyers Association (Member of the Board of Governors from 1998 to the present; Member of the Amicus Curiae Committee, 2000-Present; Member of the Workers' Compensation Committee 1998-Present; Member of the Publication Committee 2005-Present, Chairman of the Publication Committee 2006).

30. List your experiences in teaching and lecturing, including law school, continuing legal education and to non-legal audiences.

Beginning in the year 2000 I have served as either a presenter, author, or course planner of CLE on a yearly basis. The following is a partial list: November 21, 2000, Pennsylvania Trial Lawyers, Workers' Compensation, getting the most out of your case (presenter);

November 16, 2001-PA Trial Lawyers, Workers' Compensation Practice Tips (course planner);  
 October 9, 2002-PA Trial Lawyers, Annual Update for Civil Litigators (speaker);  
 October 2003-PA Trial Lawyers, Annual Update for Civil Litigators (speaker);  
 October 8, 2004-PA Trial Lawyers, Annual Update for Civil Litigators (speaker);  
 October 2005-PA Trial Lawyers, Annual Update for Civil Litigators (author and presenter);  
 Spring 2004 Pennsylvania Bar Institute "Handling the Workers' Compensation Case" (author and presenter on ethics);  
 December 2005 Pennsylvania Bar Institute "Handling the Workers' Compensation Case" (co-course planner, author and presenter);  
 Fall 2003-Pennsylvania Bar Institute "Tough Problems in Workers' Compensation" (course planner);  
 Fall 2005-Pennsylvania Bar Institute "Tough Problems in Workers' Compensation" (co-course planner and presenter on ethics);  
 2007-Pennsylvania Bar Institute "Tough Problems in Workers' Compensation" (co-course planner and presenter);  
 Spring 2007- Pennsylvania Bar Institute "Handling the Workers' Compensation" (co-course planner and presenter);  
 September 2007-Pennsylvania Bar Institute "23<sup>rd</sup> Annual PBA Workers' Compensation Fall Section Meeting (course planner)  
 September 2008 Pennsylvania Bar Institute "Workers' Compensation Law" 24<sup>th</sup> Annual Fall Section Meeting (course planner and presenter);  
 Pennsylvania Bar Institute Workers' Compensation Law Section, Program Chair for the years 2008 and 2009.

31. List all organizations other than bar associations, professional associations or societies of which you are or have been a member, including civic, charitable, religious, educational, social and fraternal organizations:

I have been a member of the Republican Party, although I am currently a member of the Democratic Party. Since 1996 I have been a member of the Allegheny County Air Pollution Control Advisory Committee. The Committee advises the Allegheny County Board of Health with regard to air quality issues and approves expenditures from the Clean Air Fund. In 1998 I was selected by my peers to be Chairman of this Committee, a post I continue to hold.

Member of the Church of the Assumption

32. List any honors, prizes, awards or other forms of recognition which you have received (including any indication of academic distinction in college or law school) other than those mentioned in answers to the foregoing questions.

Commended for ethical conduct by the Commonwealth Court, in the Court's Decision in Corning Inc. v WCAB (Bryner), 648 A.2d 244, 245, Footnote 4 (Pa. Cmwlth. 1996).

Selected by my peers to be included in the Publication "The Best Lawyers in America" published by Woodward and White (2007).

33. State any other information which may reflect positively or adversely on you or which you believe should be disclosed in connection with consideration of you for an election to an Appellate Court of Pennsylvania.

My exposure to three (3) separate areas of interest, my legal practice, my public service as Mayor of Avalon, and my public service on the Air Pollution Control Advisory Committee make me a strong candidate for the Commonwealth Court. My legal experience has exposed me to extensive Unemployment Compensation and Workers' Compensation issues and issues which arise under Collective Bargaining Agreements. My Service as Mayor exposed me to a variety of Municipal Law areas and the interaction between Municipalities and authorities including state agencies such as the Auditor General's office and PennDot. I feel these issues would help prepare me for a career on the Commonwealth Court. Similarly, my service on the Air Pollution Control Advisory Committee has exposed me to issues regarding the regulation of major sources of air pollution in Allegheny County as well as the permitting and enforcement of permits issued by the Air Quality program in Allegheny County I feel this service would be an advantage because the State Department of Environmental Protection performs a similar function in most of the Commonwealth of Pennsylvania. I feel that this experience will help again with regard to my service on the Commonwealth Court. Finally and most recently I served as co-counsel in the Pennsylvania Supreme Court Appeals regarding the issuance of a gaming license to Mt. Airy No. 1, LLC (see Pocono Manor Investors, LP v. Pennsylvania Gaming Control Board and Mt. Airy No. 1 LLC) No. 30 MM 2007, 592 Pa. 625, 927 A.2d 209 (pa. 2007). This litigation gave me exposure to both the Gaming Control Law and its regulations which will, in the near future, fall within the jurisdiction of the Commonwealth Court as well.

34. Why do you wish to become a Justice or Judge? What special strengths do you feel you possess that would particularly well qualify you for the position of Justice or Judge?

I wish to become a Judge because of my experience in the Commonwealth Court and my deep respect for the current members of that Court and the work of that Court. I have had extensive exposure to and experience dealing with Court, and issues which are confronted by this Court. I have a great respect for the current members of the Court and a desire to make a contribution to the work of the Court in a variety of different areas including Municipal Law issues, environmental quality issues, labor related issues such as Workers' Compensation and Unemployment Compensation including exposure to the

Court's original jurisdiction as a result of my involvement in the Bible v. Commonwealth of Pennsylvania 696 A.2d 1149 (Pa. 1997) (an original jurisdiction challenge to the constitutionality of amendments to the Workers' Compensation Law). For all of these reasons, I feel I am both highly qualified and highly committed to making a contribution to the work of the Court and serving the residents in Pennsylvania in this very unique and specialized Appellate Court.

35. Did you sign the PBA Judicial Campaign Advertising Guidelines? (Please return signed pledge with completed questionnaire.)

Yes

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**CERTIFICATION STATEMENT**

The undersigned certifies that all of the statements made in this questionnaire are true, complete and correct to the best of his/her knowledge and belief and are made in good faith.

DANIEL BRICMONT

Type or print name

*Daniel Bricmont*

Signature

1/16/09

Date