

## PERSONAL DATA QUESTIONNAIRE

1. State your full name:

Joan Orie Melvin

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

Joan Orie

2. Office address (include zip code):

Superior Court of Pennsylvania  
330 Grant Street, 35th Floor  
Pittsburgh, PA 15219

Office telephone (include area code):

412-880-5888

Name of law firm, if associated:

3. Date and place of birth:

April 6, 1956, Pittsburgh, PA

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

No

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:

Yes, June 2, 1984, Gregory Melvin

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

No.

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

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

No.

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

No.

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:\

University of Notre Dame - BA in Economics 1974 - 1978  
Duquesne University School of Law - JD 1978 -1981

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 November, 1981  
Federal Court, 1981  
U.S. Supreme Court, 1983

9. Describe chronologically your law practice and experience after your graduation from law school and until you became a member of the judiciary, 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: No.

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

No.

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:

1981-1983 - Federated Investors, Inc., 1001 Liberty Avenue, #2100  
Pittsburgh, PA 15222

1983-1985 - ORIE & ZIVIC, 25th Floor, Lawyers Building  
Pittsburgh, PA 15219

d) Any other relevant particulars:

10. a) What was the general character of your practice, dividing it into periods with dates if its character changed over the years?

1981-1983 I worked for a corporation performing strictly corporate securities and business law. (ERISA, Acquisitions, and Financial Services).

1983-1985 I worked for a law firm that had a general practice with a concentration in litigation (civil, criminal and family).

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

I engaged in a general practice that primarily involved litigation. 90% was civil in nature and 10% criminal defense. Additionally, 10% of my time was devoted to family law matters, 5% to Estates, Trusts, Wills and Probate, and 5% corporate, business & municipal law.

11. What judicial office do you now hold? State whether you have been appointed or elected and the dates thereto. Describe the jurisdiction of such court and any limitations thereon. Have you ever held any other judicial office? If so, please state the offices, courts and the periods of such service. Please describe the jurisdiction of each of such courts, with any limitations upon the jurisdiction of each court:

Judge of the Superior Court of Pennsylvania, 1st elected in 1997 and won retention election in 2007. The Superior Court's main function is as an appeals court, thus, its original jurisdiction is limited to mainly applications made by DA's under the Wiretap Act. We hear all direct appeals from the Common Pleas Court, except death sentence cases.

Served as Judge of the Court of Common Pleas of Allegheny County in Civil, Criminal and Family Divisions for seven years. Also served as Magistrate for the City of Pittsburgh, Municipal Courts from 1985 - 1990. (see attached for further information)

12. For the last five years or portions thereof during which you have held judicial office, indicate,

- a) The nature of typical matters which came before you:

Direct appeals from the various Common Pleas Courts involving all fields of law from criminal to child custody cases.

- b) The per centage of your time devoted to:

1. Civil: 30%

2. Criminal: 60%

3. Other: Family 8%  
Administrative 2%

c) The percentage of your time devoted to:

1. Jury: N/A

2. Non-jury: N/A

3. Appellate argument:

4. Other: The majority of my time.

d) Five of the more significant opinions you have rendered and citations thereto if the cases were reported:

SEE ATTACHED RESPONSE

13. If a substantial portion of your practice had been before administrative boards, commissions or agencies during the five years before you became a member of the judiciary, identify the boards, commissions or agencies before which you practiced and estimate percentages of practice time devoted thereto:

N/A

14. If a substantial portion of your practice had been before Appellate courts during the five years before you became a member of the judiciary, identify the Appellate Courts before which you have practiced and estimate percentages of practice time devoted thereto:

N/A

15. 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 services, giving dates:

No.

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

Yes, Supreme Court of Pennsylvania in 2005.

17. 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:

No.

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

Yes. I am a member of the Board of Directors of UPMC Passavant (See attached description of duties). Additionally, I am a broad member of the Soldiers and Sailors Military Museum and Memorial, and STOP Violence Task Force.

19. 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.

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

No.

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

No.

22. If requested, will you submit certified copies of your latest tax returns (including Federal Income Tax)?

Yes.

23. Prior to taking the bench, were you ever 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:

SEE ATTACHED EXPLANATION

25. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct or has any complaint against you been filed with the Court of Judicial Discipline? If so, give the particulars:

No.

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:

No.

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:

SEE ATTACHED RESPONSE

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).

SEE ATTACHED RESPONSE

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

SEE ATTACHMENTS

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:

SEE ATTACHED RESPONSE

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.

SEE ATTACHED RESPONSE

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/retention to an Appellate Court of Pennsylvania.

SEE ATTACHED RESPONSE

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?

SEE ATTACHED RESPONSE

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

Yes.

11. (continued)

I was appointed by the Governor in June of 1990 to the Common Pleas Court, unanimously confirmed by PA Senate and elected to a ten year term in November of 1991.

I was appointed by the Mayor as City Magistrate in 1985 and subsequently appointed by Mayor to Chief Magistrate in March 1987 through June 1990.

12 d. Five of the more significant opinions you have rendered and citations thereof if the cases were reported:

**Commonwealth v. Baxter**, 2008 PA Super 200, 956 A.2d 465 (Pa. Super. 2008) (*en banc*) (filed August 29, 2008).

**Commonwealth v. Weigle**, 2008 PA Super 69, 949 A.2d 899 (Pa. Super. 2008) (filed April 18, 2008).

**Carbis Walker, LLP v. Hill, Barth & King, LLC**, 2007 PA Super 221, 930 A.2d 573 (Pa. Super. 2007) (filed July 23, 2007).

**In re B.S.**, 2007 PA Super 126, 923 A.2d 517 (Pa. Super. 2007) (filed May 4, 2007).

**Commonwealth v. Fedorek**, 2006 PA Super 354, 913 A.2d 893 (Pa. Super. 2006) (*en banc*) (Dissenting Opinion by Orié Melvin, J.) (filed December 7, 2006). On allowance of appeal the PA Supreme Court reverses and adopts reasoning advanced in my Dissent) **See** 596 Pa. 475, 946 A.2d 93 (2008) (filed April 30, 2008).

18. (continued)

**UPMC Passavant Board:** Judge Orié Melvin was unanimously elected to the UPMC Passavant Board of Directors on April 29, 2005. Members serve three year terms. Judge Orié Melvin serves as a member of both the Foundation Board which holds regular quarterly meeting and special meetings called by the Chairman. The UPMC Passavant Designated Trustees (PDTs) also meet quarterly.

The purpose for which the Foundation Board is organized and shall be operated are exclusively charitable, scientific or educational.

**SOLDIERS & SAILORS Board:** Judge Orié Melvin was unanimously elected to the Board of Directors in 2007. Soldiers & Sailors is the largest memorial building in the United States dedicated solely to America's fighting personnel, representing all branches of service while honoring both the career and citizen soldier. Our mission is to preserve a lasting tribute to those men and women who unselfishly gave of themselves in serving their country during American wars.

**Students Together Organizing Prevention (S.T.O.P.):** STOP is the largest and most successful coalition of schools (urban, suburban, and rural) and organizations to directly address issues facing our youth today. The S.T.O.P. Convention is entirely focused on students and their message to other students about issues such as school violence, drugs, verbal and physical abuse, bullying, sexual harassment, rape, and the dangers of drinking. The overwhelming success of the program is due to the use of peer to peer and not adult to youth messaging, which is more effective in relaying a theme of violence prevention and interaction between urban, suburban, and rural schools. The organization is entering its 8th year of expansion and growth with increasing partnership to reach more students and avenues of prevention.

24. Have you ever been a party or otherwise involved in any other legal proceeding? 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 a co-conspirator or a co-respondent and any grand jury investigation which you figured as a subject or in which you appeared as a witness:

Yes, I was sued twice by attorney Allen Brunwasser, both times in my judicial capacity after he appeared before me on a legal matter and disagreed with my disposition of the case. The first suit was when I was the Chief Magistrate of the Municipal Courts in the City of Pittsburgh and the second was when I was a sitting judge in the Civil Division of the Allegheny County Court of Common Pleas. Both suits were dismissed at Preliminary Objections.

My husband and I instituted a lawsuit sounding in breach of contract against the builder involved in the construction of our home. The case was settled prior to trial in 1992.

I filed a lawsuit in the Allegheny County Court of Common Pleas against a "John Doe" for defamation. I withdrew the case in 2005

I filed a lawsuit in Commonwealth Court in 2007 seeking to reject the judicial pay raise.

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

Article: "Debate Over Publication of Court Opinions Continues" published June 19, 2000 in the Philadelphia Legal Intelligencer. Reprinted June 26, 2000 in the Pennsylvania Law Weekly.

Opinions:

***Yacoub v. Lehigh Valley Medical Associates, P.C.***, 805 A.2d 579 (Pa. Super. 2002) (filed August 1, 2002).

***Shomosky v. Lutheran Welfare Services of Northeastern PA, Inc.***, 784 A.2d 196 (Pa. Super. 2001) (filed October 3, 2001).

***DeMarco v. DeMarco***, 787 A.2d 1072 (Pa. Super. 2001)(filed December 13, 2001).

***Commonwealth v. L.N.***, 787 A.2d 1064 (Pa. Super. 2001) (filed December 12, 2001).

***Panea v. Isdaner***, 773 A.2d 782 (Pa. Super. 2001) (filed April 10, 2001).

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-Criminal Trial Lawyers  
Committee, Women in Law Committee, Court Liaison  
Committee, Appellate Practice Committee, District  
Magistrate Committee (Vice-Chairperson).

Pennsylvania Bar Association  
Committee, Women in the Profession

American Bar Association

State Trial Judges' Association

American Inns of Court

STOP Violence Task Force, Founding Member and Board of Directors

Allegheny County Mental Health/Mental Retardation Advisory Board  
(Past Member)

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

I have served on numerous CLE panels concerning appellate advocacy, trial issues and the debate over unpublished memorandum being criticized as "shadow law." The most recent CLE I participated in as a panel member was on October 18, 2008 entitled "Appeal in a Time of Cholera."

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:

UPMC Passavant, Board of Directors

STOP Violence Task Force, Board of Directors

Soldiers and Sailors Museum and Memorial, Board of Directors

Allegheny County Prison Board; Chairperson 1996-1998

Vincentian Home Board, (Past Member)

United Way Community Problem Solving Troubled Youth Committee, (Past Member)

American Heart Association

Executive Women's Council of Greater Pittsburgh

VOICE, (Past Board of Directors)

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:

Third Circuit Court of Appeals Finalist

Carlow College Woman of Spirit Award

Duquesne University School of Law Woman of the Year Award

YWCA of Greater Pittsburgh a Tribute to Women Leadership Award  
in Government/Public and Civil Service

Anne B. Anstine Excellence in Public Service Award

Berks County Bar Association Liberty Bell Award

Pennsylvania Business and Professional Women - Women in  
Government Award

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 election/retention to an Appellate Court of Pennsylvania:

The only adverse information that I would bring to your attention arises from criticism I have received for instituting a defamation action against an anonymous "John doe" who in 1998 established a website and published defamatory remarks about me. The uninformed critic argues First Amendment rights are at stake and anonymous writers should have free access to the internet with no repercussions or consequences for their statements. However, I have taken the position that the internet is a new frontier with undefined parameters and the law needs to be developed in this area to protect private individuals as well as public figures from false statements made with malicious intentions meant only to harm and not advance political debate.

Additionally, some have criticized my legal challenge to the judicial pay raise as frivolous. I would like to point out that while I agree that once the legislature grants the raise the law does not permit them to rescind it; however, nothing in the law speaks to the permissibility of an individual judge voluntarily declining to accept the increase. (**See *Bailey v. Waters*, 308 Pa. 309, 162 A. 819 (1932)**). My challenge stemmed from a genuine personal belief and moral conviction about the pay raise, the lack of transparency, and the manner in which it was adopted.

On the positive side, I would like to bring to your attention that I recently developed a program to present to high school students regarding the use of the computer and how they communicate with their fellow students through the internet, facebook, and myspace. The program lets them know that their conduct on the internet affects others and can also have a great impact on their future, and how it can lead to what has been described as cyber bullying.

Additionally, in 2000 I instituted a program of visiting college campuses to speak to students about our judicial system and particularly the workings of the Superior Court, to promote better understanding of our function. To date, I have spoken to hundreds of college students in the Commonwealth of Pennsylvania. I have been encouraged by the overwhelming response of students and professors alike. This program continues today.

I have also been well known for pioneering the first Domestic Violence Court in Pennsylvania in 1987. Before joining the Superior Court, as Chief Magistrate of the City of Pittsburgh's Municipal Court, I established Pennsylvania's first Domestic Violence Court to provide a unique opportunity to identify and address social problems resulting from family abuse. I took the initiative because I recognized the criminal nature of domestic violence and the need to treat the problem head on with court intervention and counseling, long before current public awareness of domestic violence. Since its implementation, this court has dealt with approximately 2,000 cases annually in the City of Pittsburgh. It has been an extremely successful court that serves as a model for other domestic violence courts across the nation.

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 believe that sitting in the Supreme Court will be a logical and fulfilling extension of my career in the law and judiciary. In particular, as a Superior Court judge I have had the regular opportunity to research and write on a wide ranging variety of topics and I understand the impact of appellate review. Furthermore, my varied experiences as an attorney and later as Chief Magistrate and Common Pleas Court Judge provided me with experience and exposure to all aspects of legal practice. I also believe that I have the proper judicial temperament to decide cases fairly and objectively. Likewise, I have a strong work ethic and I know that I can meet the challenges of the Supreme Court as demonstrated by my record in the Superior Court.

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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.

Joan Orie Melvin

Type or print name

Joan Orie Melvin

Signature

12/2/08

Date