

PERSONAL DATA QUESTIONNAIRE

1. State your full name:

Maria Teresa Sarmina

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

**Teresa Sarmina
M. Teresa Sarmina
Theresa Sarmina
M.T. Sarmina
Maria Sarmina**

2. Office address (include zip code):

**Room 258 City Hall
Philadelphia, PA 19107**

Office telephone (include area code):

215-686-7920

Name of law firm, if associated:

3. Date and place of birth:

**November 3, 1952
Rochester, Minnesota**

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. I was married on April 1, 2001 to Mark Allen Tratenberg.

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 military service.

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:

St. Mary's College (South Bend, Indiana)	1970-74	B.A.
University of Chicago	1974-76	A.M.
Georgetown University Law Center	1978-82	J.D.

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 1982

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:

I served as a law clerk to the Honorable Nelson A. Diaz, judge of the Court of Common Pleas of Philadelphia County, from August 1982 to June 1984.

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

I practiced alone for a brief period of time during my clerkship. As it was sporadic work, I do not have the exact dates, but I believe it was from mid 1983 to early 1984. I worked out of my home, then at 1329 Lombard Street, Philadelphia, PA.

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:

June 1984 to 1989

**Philadelphia District Attorney's Office
Three South Penn Square
Philadelphia, PA 19107**

I was an Assistant District Attorney. During my tenure there, I advanced to Major Trials and narcotics investigations.

1989 to 1993

**Pennsylvania Office of Attorney General
Region IX Drug Strike Force
Philadelphia, PA**

As a Deputy Attorney General, I supervised investigations being conducted by BNI agents. This included authorizing consensual interceptions; reviewing search warrants; supervising wiretaps, including submitting reports to the Superior Court judge; presenting evidence before the Statewide Investigating Grand Jury; and, prosecuting the offenses.

1993 to 1995

**Pennsylvania Office of Attorney General
Medicaid Fraud Control Unit
Norristown, PA**

As a Senior Deputy Attorney General, I supervised investigations into fraud by service providers to the Medicaid system, presented evidence before the Statewide Investigating Grand Jury, and prosecuted the offenses.

1995 to February 1997

**Pennsylvania Office of Attorney General
Public Protection Division
Philadelphia, PA**

As a Senior Deputy Attorney General, I managed civil cases involving antitrust violations as well as violations of the charitable organizations statute (15 Pa.C.S. §§ 5101-6162).

1997

**Trujillo Rodriguez & Richards, LLC
1717 Arch Street, Suite 3838
Philadelphia, PA 19103**

I did document review, part-time, in a class action matter.

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?

Generally, I served the Commonwealth of Pennsylvania as a prosecutor and as a deputy attorney general in criminal matters. From 1995 to 1997, I also worked on civil cases, both in the governmental context, and briefly in private practice. Fuller explication of my practice and time frames thereof is provided in question number 9.

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

Except for a brief period of time during my clerkship (1982-1984), I did not have private clients. During that same time period, I also represented indigent defendants in criminal matters in the Philadelphia Municipal Court and in the Philadelphia Court of Common Pleas.

After leaving the law clerk position, I represented the Commonwealth in court. The bulk of my career, both at the District Attorney's Office and at the Office of Attorney General, was spent handling criminal matters, although the assignment in the Public Protection Division was civil in nature.

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:

I am presently a judge of the Court of Common Pleas of Philadelphia County, assigned to the Criminal Trial Division, Homicide Program. I was elected to this position on November 4, 1997. I was retained by the voters on

November 4, 2007, to a new ten-year term. The Common Pleas Court is a court of general jurisdiction.

I have not served on any other court.

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:

During the last five years, the typical matters before me consist of homicide cases, both capital and non-capital. Previous to handling an exclusive homicide calendar, I was also presiding over major criminal trials. At the present time, when the homicide case assigned to me does not go forward as anticipated, I also preside over any criminal matter which is ready to proceed and is in need of a trial judge.

b) The percentage of your time devoted to:

1. Civil:

2. Criminal: 100%

3. Other: **Other occasional duties, such as serving as Emergency Judge—a one week assignment, approximately once every 14 months—and, previously, Election Court duties.**

c) The percentage of your time devoted to:

1. Jury: **80%** During the last five years (2004-2008), I tried 92 juries, of which 76 were homicide trials. Eleven of these homicide trials were capital trials, three of which resulted in a sentence of death.

2. Non-jury: **20%** During the last five years (2004-2008), I tried 20 bench homicide bench trials.

3. Appellate argument: **N/A**

4. Other: **In addition to the trials over which I preside, my courtroom work also includes conducting guilty pleas, in both homicide and non-homicide matters (during the last five years (2004-2008) I had 259 non-trial adjudications); holding sentencing hearings; conducting violation of parole/probation hearings; and hearing post-conviction relief matters. Outside of the courtroom setting, I write and edit opinions, I review motions in anticipation of trial as well as motions involving post-trial matters. There are also many ancillary administrative duties to which I attend, including**

reviewing fee petitions submitted by court-appointed counsel, submitting reports to Court Administration, submitting statistics of activities, and the like.

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

Commonwealth v. King, 959 A.2d 405 (Pa.Super. 2008)
Commonwealth v. Moore, 928 A.2d 1092 (Pa.Super. 2007)
Commonwealth v. Infante, 888 A.2d 783 (Pa. 2005)
Commonwealth v. Adebaike, 846 A.2d 759 (Pa.Super. 2004), rev'd per curiam, 885 A.2d 982 (Pa. 2005), citing Commonwealth v. Wallace
Commonwealth v. Brown, Supreme Court No. 512 Cap.
(a yet undecided death penalty case)

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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:
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:
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:

Yes. I was appointed by the Honorable Edward G. Rendell to the position of Assistant District Attorney, a position I held from 1984 to 1989.

In 1989, the Honorable Ernest D. Preate appointed me to the position of Deputy Attorney General, and then promoted me to the position of Senior Deputy Attorney General in 1993. I served in the Office of Attorney General from 1989 to 1997.

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

I was an unsuccessful candidate for judicial office in 1991, when I ran for the position of judge of the Court of Common Pleas of Philadelphia County.

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:

From June 1976 to October 1977, prior to going to law school, I worked for the Illinois Department of Children and Family Services (DCFS), as a member of the Director's staff. I was Assistant Ombudsperson, and also coordinated compliance with a consent decree that DCFS had entered into.

From February 1978 to May 1982 (with the exception of the period of July 1980 to July 1981), I worked at the United States House of Representatives, as a legislative aide to the Honorable Robert Garcia of the South Bronx.

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.

Boarders and Stewards of the Monastery, a 501(c)(3) non-profit which is the caretaker organization for 7 ½ acres and 3 historical properties in the Fairmount Park, via a lease with the Fairmount Park Historic Preservation Trust. I am a founding Director and have served as a Director and as the Secretary since 1994.

Kitchens Lane Stables, Inc., a non-profit organization which manages the stables portion of the aforementioned property in Fairmount Park (housing 22 horses). Since 2006 I have served as a Director and the President.

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)?

To the extent that my tax returns, which are filed jointly with my husband, are necessary and relevant to the Commission in its evaluation of my suitability for the position of Justice of the Supreme Court of Pennsylvania, I will submit certified copies thereof, including the Federal Income Tax return.

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:

I was the plaintiff in a single case: Sarmina v. Schilling et al., filed in 2004. The case involved the death of my horse, which was killed due to malpractice by a veterinarian employed by Dale Schilling, VMD. The case ultimately settled.

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:

The examples of my legal writings, all opinions which were filed as a result of an appeal being taken in a matter before me, are enclosed. They consist of:

In re Hickson

Commonwealth v. Emmanuel Adebaike

Commonwealth v. Lavar Brown (capital case)

Commonwealth v. Darien Houser (capital case)

Commonwealth v. Jose Infante

Commonwealth v. Wayne Jackson

Commonwealth v. Christopher Kennedy (capital case)

Commonwealth v. Jerome King

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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).

Pennsylvania Conference of State Trial Judges

Temple American Inn of Court

Philadelphia Bar Association

Hispanic Bar Association of Pennsylvania

National Association of Women Judges

International Association of Women Judges

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.

As a member of the Temple American Inn of Court, I participate, in a group dynamic, in teaching/presenting a continuing legal education (CLE) program to the rest of the Inn of Court.

I am presently participating in the Advancing Civics Education (A.C.E.) program between the Philadelphia Bar Association, the judiciary, and the Board of Education. The A.C.E. program teaches aspects of the law to 9th grade high school students.

I have been a panel participant in the Bench-Bar Conference's continuing legal education program for the past two years. In 2007, I served as a jurist panelist in "The Lone Ranger -- Soul of Justice" program, which was based on the 2005 documentary "Soul of Justice: Thelton Henderson's American Journey." In 2006, I was a faculty member for the program "And Justice For All – Cross Examination in the Movies."

On April 5, 2007, I participated in a "Growing Judges" program of the Clifford Scott Green chapter of the National Bar Association Judicial Council, which was held at Commonwealth Court's en banc courtroom in Philadelphia. Each panel participant discussed his or her background and the steps taken to becoming a judge.

On April 18, 2006, after having prepared and planned extensively with the PBI, I was a panelist, along with other judges from the Homicide Program in Philadelphia, in a PBI Capital CLE presented to attorneys seeking to fulfill their Pennsylvania Rule of Criminal Procedure 801 educational requirements.

On April 19, 2006, I participated as a panel member in a PBI CLE program entitled "Impeach Justice Douglas".

On May 24, 2005, I participated in a Basic Pennsylvania Practice Seminar, wherein I discussed Criminal Practice and Procedure, along with now President Judge Pamela Dembe.

During the 2005 school year, I participated weekly in teaching a grade school student to read via the Philadelphia READS program.

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:

Free Library of Philadelphia

Congreso de Latinos Unidos

Philadelphia Museum of Art

National Museum of Women in the Arts

Prison Society

The Nature Conservancy

Amnesty International

American Civil Liberties Union

World Wildlife Federation

The Boarders and Stewards of the Monastery

Kitchens Lane Stables, Inc.

National Trust for Historic Preservation

US Equestrian Federation

Friends of the Wissahickon

Philadelphia Canoe Club

Asociacion Mexico

Latino Scholarship Fund

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.

In 2005, I was selected by the President Judge of Philadelphia County to serve as the Supervising Judge of the XXI Investigating Grand Jury. This was a 24 month commitment, which I served in addition to my regular assignment on the bench.

In 2006, I was selected as the recipient of the Hispanic Bar Association's "La Justicia" Award. The HBA presents this award annually to an individual with a broad-based continuing commitment to community service as reflected in a variety of programs and initiatives that respond to community and social needs and exemplify a true partnership with the Hispanic community.

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.

Throughout my tenure on the bench, I have endeavored to advance the fair administration of justice. To that end, I have undertaken projects to ensure that the system runs as effectively and fairly as possible. For instance, during my term as the Supervising Judge of the XXI Investigating Grand Jury, I wrote a "bench book" for succeeding judges to utilize in the exercise of their pertinent duties. I have also attempted to raise the professional bar

of attorneys appointed in homicide matters. I believe that my commitment to shaping a more fluid and effective system of justice is a vital part of my candidacy for Pennsylvania's highest court.

Throughout my tenure on the bench, I have voluntarily participated in extensive educational opportunities that will better inform my decision making capabilities (*signifies a National Judicial College course):

AOPC: New Judges Conference	February 1998
*General Jurisdiction	October 11 to 30, 1998
Third Circuit Joint Federal-State Workshop on Habeas Corpus	March 28 to 30, 1999
*Special Problems in Criminal Evidence	July 12 to 16, 1999
*Handling Capital Cases	May 21 to 24, 2001
*Search, Seizure & Criminal Procedure	November 17 to 22, 2002
DNA Symposium: Capital Cases in the courtroom	March 25 to 27, 2003
Criminal Evidence	April 27 to 28, 2004
*Today's Justice: The Historic Bases Stuart Suss Sentencing Seminar	September 12 to 15, 2005 2006
*Managing the Capital Case in PA	May 22 to 24, 2006
*Handling Capital Cases Stuart Suss Sentencing Seminar	June 10 to 15, 2006 2007
AOPC: Judicial Writing Workshop	October 27-28, 2008
AOPC: Evidence Seminar	October 29, 2008

I have also endeavored to participate in the Mid-Annual (February) and Annual (July) meetings of the State Conference of Trial Judges, and have participated in the excellent programs presented at same. I have attended at the following times:

<u>Mid-Annual</u>	<u>Annual</u>
February 1998	July 1998
February 1999	July 1999
February 2000	July 2000
February 2002	July 2002
	July 2003
February 2004	July 2004
February 2005	
February 2006	July 2006
	July 2007
February 2008	July 2008

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'm going to begin with the second question first. One of my special strengths lies in the experience I have amassed over the last eleven years sitting as a trial judge in the busiest county in our Commonwealth. During the course of the last five years, I have presided over 96 homicide trials, including twelve capital trials, three of which resulted in the imposition of the death penalty. I have developed a true ability to keep an open mind, to allow the litigants to present their case, to maintain a level "playing field", to follow the law, and to see that justice is done. In this setting, it often takes courage to do the right thing, because there are very high stakes and great pressures that are brought to bear. Thus, my special strengths include experience, fairness, impartiality, courage and integrity, and the proper exercise of discretion.

During the course of my experience as a trial judge, in reviewing the case law as may concern a particular issue, I have learned that what very often must be done is to balance the competing interests in arriving at a decision, such as the police interests vs. the accused's interests, the state's interests vs. the rights of the citizenry. Balancing is also critical in my day to day work, such as in making evidentiary rulings, and in imposing sentence in each case where there is a conviction. Thus, one of my special strengths is the ability to look at both sides and to arrive at a well-reasoned and just decision.

I have an intense curiosity and love the law, particularly the concept of the "rule of law", not the "rule of men". I have a deep and abiding respect for the Constitution. Throughout my tenure as a judge, I have pursued judicial education, although there is no requirement for that. I believe it is crucial to be willing to grow and learn, to understand and embrace the fact that you do not have all the answers but need to continually inform yourself so that you can reach an informed decision. This also ties in with the importance I place on bringing honor to the bench, so that the citizens can have confidence in our judiciary. Thus, my special strengths include my intellect, my resounding respect for the law, and my willingness to continue to learn.

The nature of the trial work which I have handled over the past five and a half years, and of the stakes involved, has resulted in appeals being taken in almost every case that proceeded to trial. Thus, I have had the opportunity to engage in research, and to read and write extensively and have developed the ability to be coherent and persuasive in my opinions. It is not infrequently that the Superior Court is praising my opinions and adopting them into their own decisions. Thus, my special strengths include research and reading and writing, all key skills for a Justice to possess.

Having presided as a trial judge over thousands of cases over the course of the past eleven years, I have learned when compassion is called for, and have the courage to be compassionate. I am able to think "outside the box" and to

be creative. Thus, I have directed that defendants with addiction issues do things such as read Steve Lopez' book, *Third and Indiana*, and write me a book report on what they learned from the book. Additionally, I will often direct that a defendant who has been having issues during his probation, rather than perhaps being incarcerated, appear in my courtroom at 9 a.m., until excused, for 30 days. I seek to engage them in activities that are unusual for them and to perhaps have an overall beneficial effect in their lives. Thus, one of my special strengths is caring about making a difference, and concern about the impact my decisions have in individuals' lives.

Aside from having spent the past eleven years on the bench, I also bring the experience of thirteen years as a prosecutor, and of three years in the House of Representatives in Washington, D.C. Thus, I have worked in all three branches of our government and understand not only the relationship among the three branches, but also the unique importance of the separation of powers and particularly of the independence of the judiciary. Thus, one of my special strengths is in having a breadth of experience that encompasses all three branches of government, and of the Constitutional relationship between the branches.

I have involved myself in community affairs, not only through serving on the Board of Trustees of the Free Library of Philadelphia for more than a decade, but also through my service with community organizations and with activities in the legal community. I continue to be involved with activities in the Latino community. Thus, one of my special strengths is in staying connected to the average person, including non-lawyers.

All of these experiences and perspectives have provided me with the special strengths that will particularly well qualify me for the position of a Justice of the Supreme Court of Pennsylvania.

I wish to become a Justice of the Supreme Court of Pennsylvania because I aspire to take all that I have absorbed and learned and experienced and to have an impact on the bigger picture. I have worked with diligence and tenacity and integrity on each and every case that has come before me, and I have applied justice one case at a time. I am now ready and prepared to have a more far-reaching impact on the citizenry of Pennsylvania by being a member of this court of last resort, of this court that oversees the administration of the entire court system of this Commonwealth, of this court which has the sole power to regulate lawyers and the practice of law. I know that my service as a Justice of the Supreme Court will contribute to confidence in the Court, in the judiciary at large, and in the legal profession.

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

Yes.

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.

M. TERESA SARMINA
Type or print name

M. Teresa Sarmine
Signature

12/20/08
Date