

PERSONAL DATA QUESTIONNAIRE

1. State your full name: Michael D. Sherman

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

no

2. Office address (include zip code):

625 Stanwix Street, Suite 1404
Pittsburgh, Pa. 15222

Office telephone (include area code): 412.261.4774

Name of law firm, if associated:

Fried Kane Walters, Zuschlag & Grochmal

3. Date and place of birth:

February 14, 1957, Newark, New Jersey

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:

Married, October 29, 1983
Heidi Ann Kraatz Sherman
Separated July 31, 2006

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

n/a

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:

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:

Saint John's University attended 9/75 to 12/76 transferred

Rutger's College attended 1/76 to 5/79 BA Psychology

Columbia University attended 9/79 to 5/80 Masters program
left to attend law school

Duquesne University School of Law
attended 9/80 to 5/83 JD awarded

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 1983

New Jersey Admitted 1984 (inactive)

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:

June 1983 to Present Fried Kane Walters Zuschlag & Grochmal
625 Stanwix Street, Suite 1404
Pittsburgh, Pa 15222

d) Any other relevant particulars:

Fried Kane, et. al. experience

October 1980 to October 1983	law clerk
October 1983 to December 1987	associate attorney
January 1988 to present	partner
July 1998 to present	managing partner

10. With respect to your practice:

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

My law practice has been focused in workers' compensation. The nature and character of my practice has changed over the years, as initially my responsibilities were in litigation, with a heavy schedule of medical depositions and administrative hearings. Also, my role included a majority of the law firm's appellate brief writing.

These duties were in the time frame from 1983 to 1989.

As a partner my role expanded to include business retention efforts, which primarily involved educational presentations. Also, my case load began to involve more complicated factual and legal issues. This aspect of my practice has continued since 1990.

In the 1990's my role involve more public speaking, as a means for client and business development. I also became more involved in law firm administration, after 1996 when there was a premature death of the heir apparent.

In 1998, I became managing partner and assumed overview of many financial and administrative tasks, including human resource-type issues. As I increased my management role, I decreased my case load and focused upon more complicated litigation. I continued to perform my own brief writing and research. Writing and research allowed me to stay "up-to-date" as I continued with my public speaking engagements. My role and responsibilities have continued in this fashion, to the present time.

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

My practice has been concentrated in defense of workers' compensation cases on behalf of employers.

Approximately 5% of my practice involves representation of injured workers.

Approximately 10% of my practice involves Subrogation recoveries.

11. With respect to the last five years:

- g) 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:

My appearance in Common Pleas has been infrequent, primarily in regards to subrogation issues.

- b) What percentage of these appearances was in:
1. Federal courts: 0%
 2. State courts of record: 1%

3. Other courts: 99% administrative law

c) What percentage of your litigation was:

1. Civil: 1% (99% administrative law)

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:

none

e) What percentage of these trials were:

1. Jury: 0%

2. Non-jury: 0%

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:

I did not appear in the Court of Common Pleas, on a regular basis.

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

no

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, I do not appear in the Court of Common Pleas.

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. Pittsburgh Board of Education v. Schulz, 840 A2d 1078, (Pa.Cmwlt. 2004).

Summary

A School teacher filed a claim for total disability as the result of a classroom assault, alleging psychological injury. There were two (2) significant issues: 1. was it necessary for the underlying physical trauma to be disabling in nature, and 2. was the Board entitled to a pension offset for monies paid but reimbursed by the Commonwealth.

Party represented – Injured employee

Nature of participation – litigated claim, prepared medical evidence and wrote brief to WCJ, WCAB and Commonwealth Court.

Final Disposition – total disability awarded based upon “physical=mental” standard of injury, where initial physical insult is not totally disabling in nature, but the direct psychological consequences are disabling. Also, Board claim for pension offset for Commonwealth contribution was denied based upon statutory construction of the amended statute.

Dates WCJ Linda Tobin October 1997 to August 1999.

WCAB decisions April 6, 2001 and November 5, 1999.

Counsel for Defendant – David H. Dille, 38th Floor, One Oxford Centre
Pittsburgh, Pa. 15219, 412-263-2000

2. Griffiths v. WCAB (Seven Stars Farm Inc.), 943 A2d 242 (Pa. 2008).

Summary

An injured worker filed a request for payment of the purchase price of an automotive van, in addition to the cost of “retro-fitting” the van with wheelchair access equipment. Significant legal issue was whether the courts could expand the statutory language referencing responsibility for “orthopedic appliances” to include the purchase of a vehicle, in addition to the recognized cost of modifications.

Party Represented – Amicus Curiae on behalf of the Pennsylvania Defense Institute.

Nature of participation – Researched and wrote brief

Final Disposition – Supreme Court interpreted statutory language to be consistent with providing modification to vehicle based upon existing precedent and further found the intent of the statute would require the vehicle to be provided.

Dates - March 2006 to March 2008

Counsel for Defendant Charles S. Katz, Jr., 1601 Market Street
Philadelphia Pa. 19103, 610-558-4458

3. Jefferson Health Services v. WCAB (Green) 711 A2d 575 (Pa. Cmwlt. 1998)

Summary

Nurse's aide injured her neck at work. Employer filed a termination petition which was denied but benefits were suspended based upon a return to work. When the employee could not continue her benefits were reinstated and Employer attempted a subsequent termination petition. The Employer petition was granted. Employee argued the first petition was rejected based upon rejection of an opinion by the same physician. Significant issue was the legal

standard and burden of proof in subsequent litigation of an employee's disability status, an issue recently revisited by the Pa Supreme Court in Lewis in 2007.

Party represented - Jefferson Health Services

Nature of participation - litigation of disability case and preparation of WCJ, WCAB and Commonwealth Court Briefs

Final Disposition - Commonwealth Court affirmed Employer position that res judicata and/or collateral estoppel principles did not bar subsequent litigation of disability status.

Dates December 1994 to February 1998

Counsel for Employee - Sara Klein, 428 Forbes Ave, Suite 1700,
Pittsburgh Pa. 15219, 412-391-9011

4. Andrew Young v. WCAB (Jones & Laughlin Steel Co.) 509 A2d 945 (Pa. Cmwlth 1986)

Summary

Steel worker filed a post retirement claim for total disability as a result of his total and cumulative work related aggravation to his pre-existing neck and back arthritis.

Significant issue, the claim petition was filed more than three years after the last day of work.

In repetitive trauma injuries the last day of work is the date of injury which commences the statute of limitations. Employee alleged the "discovery rule" for notice of the work relationship of a work condition should be employed, ie when his doctor told him the condition was related, seven years later.

Party Represented - Jones & Laughlin

Nature of Participation - research and writing of brief with oral argument to Court.

Final Disposition - The Commonwealth Court adopted Employer's argument that the "discovery rule", utilized in insidious disease cases, would be inapplicable to an injury of a traumatic origin.

5. Spinabelli v. WCAB (Massey Buick Inc). 614 A2d 779 (Pa. Cmwlth 1992)

Summary

Employee was injured and Employer offered modified duty during litigation. Employee did not return to work. Subsequently employee attempted to return to work, after WCJ decision was adverse. Significant issue was the duty of the employer to continue to "keep open" a job opportunity.

Party Represented - Massey Buick

Nature of participation - litigation of disability issues via medical and witness testimony, with preparation of briefs to WCJ, WCAB and Commonwealth Court.

Final Disposition - the Commonwealth Court adopted employer's position that the "bad faith" of the employee could not be cured by is subsequent attempt to return to work. He failed to return when requested and the WCJ properly relied upon this evidence.

Counsel for Employee - Alexander Pentecost, 310 Grant Street, Suite 3400
Pittsburgh, Pa., 412-391-1950

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:

Bureau of Workers' Compensation 74 %
Worker Compensation Judges

Pennsylvania Workers Compensation Appeal Board 15 %

Unemployment compensation 1 %

Appellate Courts 10 %

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:

Of the above 10%...

Commonwealth Court 9%
Pennsylvania Supreme Court 1%

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:

no

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:

no

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:

no

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.

Member, Board of Directors of the Mount Lebanon Extended Daycare Program
A non-profit organization providing care for school-age children.
Term 2006 to 2009

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:

Yes, I would resign if necessary.

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:

no

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:

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 Health

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:

1. Amicus Curiae Brief to the Pa Supreme Court in Griffiths – 100%
2. Brief of Respondent - Sendek v. WCAB (Food Service Specialists) -100%
3. Effective Use of PA Workers' Compensation Bureau Forms - 100%
4. Ethical Considerations in Workers' Compensation Handling and Litigation – 100%
5. Workers' Compensation Update –“the Injured Employees Burden of Proof” 100%

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).

Member – Allegheny County Bar Association
Member – Pennsylvania Bar Association
Member – Pittsburgh Human Resources Association
Member - Pennsylvania Defense Institute

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

I have participated in numerous educational seminars and professional training conferences.

I've summarized and identifies these events in general categories:

Legal : Pa. Association for Justice (formerly PaTLA)

Panelist – Practice Strategies in Workers' Compensation

Pittsburgh, Pa., June 2008

Panelist – Earning Power Evaluations – claimant & defense

Pittsburgh, Pa., June 2001

Pennsylvania Bar Association – Work Comp Section Meeting

Moderator – Defense Attorney Roundtable,

Hershey, Pa., September 2001

Pa Bureau of Workers' Compensation – Annual Conference
Panelist – WC101 – An Employers Guide
Hershey, Pa., May 2005

Business : Lorman Educational Services Inc
Panelist since 1992 in various presentations in Pittsburgh, Harrisburg and Philadelphia:
- Advanced Workers Compensation, March 2002 to Present
- Topics in Pa Workers' Compensation , March 1992 to Present

SEE : attached Addendum for additional speaking engagements

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:

Member - Three Rivers Rowing Association

Member – Saint Bernard's RC Church

Member – Chartiers Country Club

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.

Lexis-Nexis Martindale-Hubbell Attorney Peer Rating of "A-V"

Philadelphia Magazine and Law & Politics Publishers
"Pennsylvania Super Lawyers" 2004-05 and 2006-08

Advisory Board – Lexis-Nexis "Larson's National Workers' Compensation Law Center"

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.

One aspect of my life, which may reflect an unacknowledged part of my temperament, is the relationship I have with my former wife, where we can discuss and agree upon many of the decisions we face with our children. I found we convey a positive example to our children, as we avoid the negative comments and actions, that characterize many relationships. As parents, we have maintained a healthy level of communication among ourselves, which in turn, seems to encourage our children to be good communicators, themselves.

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 I am qualified for the position of a Commonwealth Court Judge based upon my 25 years of active litigation and appellate practice in workers' compensation law. I believe the role of an appellate judge is analogous to one of the roles of an attorney, that of the advisor or counselor. The counselor advises the client of the relationship of the facts to the existing law and draws appropriate conclusions regarding the merits of their case and that of their opponent. In my experience, this role parallels the role of the appellate judge. The appellate judge is charged with providing an impartial analysis of the evidence. The well drafted opinion provides an explanation of the factual and legal issues. In this respect, I believe the position of an appellate judge is a logical extension of the consideration, advise and reasoning an attorney provides to one's client.

In my practice, I have identified several phases, each of which have provided valuable experience and insights. Initially, in the "learning" phase there was a heavy schedule of evidentiary hearings and medical depositions. The emphasis was on case preparation and identification of remedies or defenses. This provided an accumulation of the necessary knowledge to properly handle cases and advise clients. It also involved a lot of diligence and hard work. After this initial phase, I would identify two facets, the maturation of my skills as an attorney and the skill in dealing with people, whether they be opposing counsel or clients. My caseload involved more complicated legal issues. My involvement included counseling the client, both during and even before any litigation. This is the stage where I believe I polished my analysis of facts and their relation to the existing law, which formed the basis for my discussions with the client. Impartial analysis was integral to correctly evaluating the case and properly advising the client of the merits of their case.

More recently, my practice have included business development, client retention and office administration. This experience has provided some insight into the benefits of maintaining a balance in life and in work. One must consider problems and their resolution from the perspective of the individual and the entire group. I continue to find

lessons in my life, which apply to my work and lessons in work which are equally applicable to my life, particularly as a parent.

In my observation, the role of the appellate judge is a logical extension of the knowledge, experience and temperament one develops as an experienced attorney. We start as fierce advocates and mature into mediators. We focus upon realms of paper and individual facts and then we acquire a view of the "big picture". We learn to face challenges and solve them.

As an appellate judge, with the Commonwealth Court, there is a diverse range of administrative appeals, election, tax and zoning issues (to name a few).

I believe my 25 years of experience, within an administrative law system has provided the proper tools and experience to face this challenge. The Commonwealth Court has a strong tradition of writing appellate decisions which carefully explain the nuances of rather difficult statutory provisions.

I would enjoy the opportunity to continue this tradition.

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

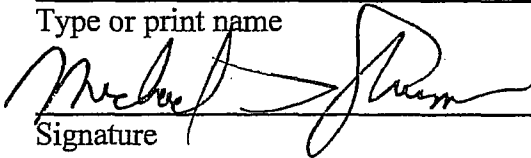
yes

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.

Michael D. Sherman

Type or print name



Signature

11/28/08
Date