

PERSONAL DATA QUESTIONNAIRE

1. Write your full name.

John Thomas Bender

2. Date and place of birth:

November 6, 1948 - Jeannette, PA

3. Family status:

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

Date of Marriage: July 21, 1979

Spouse's Maiden Name: Michele Jean Bongiovanni

b) Since assuming your current judicial position, have you been divorced? If so, state the date, the number of the case and the court:

No

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

a) Provide dates, branch of service, rank of rate, serial number 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, please provide details:

No

5. List each college and law school you attended, including dates of attendance, and the degrees awarded.

1966 -1970 - Pennsylvania State University - School of Journalism - BA
1972 -1976 - Duquesne University School of Law - Juris Doctor

6. For the last five years or portion thereof during which you have held judicial office, please indicate:

a) The percentage of your time devoted to:

1. Civil: 35%

2. Criminal: 45%

3. Other: 10%

4. Administrative responsibilities: 10%

- b) Please identify ten (10) of the more significant opinions you have rendered and citations thereto if the cases were reported:

See Attached List

7. Are you now an officer or director or otherwise actively engaged in the management of any business enterprise? If so, please provide details, including the name of the business 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

8. Since assuming your current judicial position, have you 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, please provide details. Do not include summary traffic offenses:

No

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

No

10. Since assuming your current judicial position, has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? If so, please provide particulars:

No

Thanks
Steve!

Opinion List

Commonwealth v. Sands, 887 A.2d 261 (Pa. Super. 2005).

75 Pa.C.S. § 6308, which gives police authority to stop vehicle based upon reasonable suspicion, is constitutional in so far as it is applied to offenses that are able to be investigated after the police stop the vehicle, which in this case was a D.U.I.

Capoferri v. Children's Hospital of Philadelphia, 893 A.2d 133 (Pa. Super. 2006), *appeal denied*, 916 A.2d 630 (Pa. 2006).

Medical malpractice case involving the type of information that may be sought from potential jurors during voir dire. This case is cited in the 2008 Explanatory Comment to Pa.R.C.P. 220.1.

American and Foreign Ins. Co. v. Jerry's Sport Center, Inc., 948 A.2d 834 (Pa. Super. 2008), *aff'd by*, 2 A.3d 526 (Pa. 2010).

Discusses an insurance company's duty to defend a firearms wholesale distributor.

Cooper v. Frankford Health Care System, Inc., 960 A.2d 134 (Pa. Super. 2008), *appeal denied*, 970 A.2d 431 (Pa. 2009).

Doctor with a prior personal history of substance abuse committed suicide. His estate sued hospital where he had privileges. Hospital's preliminary objections were sustained on basis that plaintiff had failed to plead a legally cognizable duty. Public policy militates against imposing liability for another's suicide.

Rich v. Rich, 967 A.2d 400 (Pa. Super. 2009).

High income support case involving the recoupment of an outstanding overpayment due Father by applying a credit against his new monthly support obligation.

Commonwealth v. Rhodes, 990 A.2d 732 (Pa. Super. 2009), *appeal denied*, 14 A.3d 827 (Pa. 2010).

Trial judge abused his discretion in denying motion for recusal in Erie Infanticide Case. We vacated and remanded for resentencing before another judge.

Bishops v. Penn National Insurance, 984 A.2d 982 (Pa. Super. 2009), *appeal denied*, 2011 WL 1259644 (Pa. 2011).

We held that concurrent cause exclusion in basic policy is invalid where insured paid extra premium for special endorsement that covered one of the excluded causes.

Commonwealth v. Hansley, 994 A.2d 1150 (Pa. Super. 2010), *appeal granted*, 12 A.3d 285 (Pa. 2011).

Drug trafficking case, RRR minimum was not imposed. We held that RRR alternative minimum must be imposed notwithstanding mandatory minimum imposed by sentencing statute.

Commonwealth v. Stossel, 17 A.3d 1286 (Pa. Super. 2011).

Where first-time *pro se* PCRA petitioner indicated on D.O.C. issued petition that he did not want counsel, **Grazier** hearing must still be held. Also holding that this court must *sua sponte* raise issue of counsel not being appointed for *pro se* first-time PCRA petitioners.

Commonwealth v. Charleston, 16 A.3d 505 (Pa. Super. 2011).

Defendant appeals from the judgment of sentence following his conviction of first-degree murder. Policy of interrogating a defendant and then giving **Miranda** warnings after confession is permissible so long as the confession after **Miranda** warnings is knowing and voluntary.

11. Since assuming your current judicial position, have you been a party to or otherwise been involved in any other legal proceedings? If so, please provide particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Do 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

12. Since assuming your current judicial position, have you 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, please provide particulars:

No

13. If you so desire, please 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).

On June 15, 2011, I was appointed by the Pennsylvania Supreme Court to be a member of the Appellate Court Procedural Rules Committee.

14. In the space provided below, if desired, please provide any additional comments concerning your retention candidacy.

15. 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.

John T. Bender

Type or print name

John T. Bender

Signature

Date

6-24-11