

## PERSONAL DATA QUESTIONNAIRE

1. State your full name: John T. Bender

Have you ever been known by any other name? If so, please list. No.

2. Office address (include zip code):

105 Freeport Road, Pittsburgh, PA 15215

Office telephone (include area code): (412) 784-7101

Name of law firm, if associated: N/A

3. Date and place of birth: November 6, 1948, Greensburg, 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:

Yes, July 21, 1979, Michele Bongiovanni Bender

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

Yes, in the early 1970's I was divorced from my first wife. I do not know the exact date or the number of the case. I believe the divorce was filed in either Allegheny or Westmoreland County.

6. Have you had any military service? No. 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: N/A

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:

Pennsylvania State University, 1966-1970, B.A.  
Duquesne University, School of Law, 1972-1976, 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, Admitted in 1976.

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:

Pennsylvania Superior Court, President Judge Emeritus William F. Cercone, 1974-1976.

Pennsylvania Supreme Court, Justice Rolf Larsen, 1978.

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

I practiced as a sole practitioner from 1993 to 1998 from an office located at 114 Smithfield Street, Pittsburgh, PA. From 1998 to 2001 I practiced from an office located at 304 Center Ave., Aspenwall, 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:

From 1976 to 1978 I was an Assistant District Attorney for the Allegheny County District Attorney's Office, located in the Allegheny County Courthouse on Grant Street, Pittsburgh, PA.

From 1979 to 1993 I was a partner in the law firm of Bromall, Bender and Simon which was located at 114 Smithfield Street, Pittsburgh, PA.

- 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?

As an Assistant District, 1974-1976, I represented the Commonwealth at trials and in pretrial proceedings in Allegheny County.

As a partner in the firm of Bromall Bender and Simon and as a sole practitioner, 1979-2001, I represented both plaintiffs and defendants in civil litigation, I also represented individuals in criminal and estate matters and did some general business representation.

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

On the civil side I represented insurance providers, individuals, and business corporations in personal injury litigation and in contract litigation. On the criminal side I represented the Commonwealth and individuals charged with crimes.

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 have served on the Pennsylvania Superior Court as a commissioned judge from 2002 to the present. I was elected in 2001 and was retained in 2011. The Pennsylvania Superior Court is a general jurisdiction intermediate appellate court hearing appeals from the Pennsylvania Courts of Common Pleas.

I served as a District Justice for Magisterial District Court 05-2-04 from 1998 through 2001. As a District Justice I decided civil matters which came before my court and held preliminary hearings in criminal matters brought by the District Attorney's Office. I ruled on summary offences, PFA's and other matters which are included in the jurisdiction of the Magisterial District Courts. I considered and ruled upon search warrants.

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:

As a commissioned judge on the Pennsylvania Superior Court I hear appeals for the Courts of Common Pleas from the various counties in Pennsylvania. We hear all

matters which do not go the Commonwealth Court with the exception of death cases which go directly to the Pennsylvania Supreme Court. The Superior Court also rules upon wire taps requests. This is the Superior Court's only original jurisdiction.

b) The percentage of your time devoted to:

1. Civil: 35%
2. Criminal: 45%
3. Other: 10%
4. Administrative: 10%

c) The percentage of your time devoted to:

1. Jury: N/A
2. Non-jury: N/A
3. Appellate argument: 25%
4. Other: Reading, research and writing 75%

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

1. **Commonwealth v. Sands**, 887 A.2d 261 (Pa. Super. 2005). 75 Pa.C.S. Section 6308, which gives police authority to stop a vehicle based upon reasonable suspicion was held to be constitutional in so far as it is applied to offenses that are able to be investigated after the police stop of the vehicle.
2. **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.
3. **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.

4. **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 a motion for recusal in Erie infanticide case. We vacated and remanded for resentencing before another judge.

5. **Bisops v. Penn National Insurance**, 984 A.2d 982 (Pa. Super. 2009), *appeal denied*, 20 A.3d 482 (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.

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:

I was a local and state committee person in the 1980's and/or 1990's.

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

No.

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:

While practicing law I was involved in a startup company which came to be Net Health, Inc. The company produced software used by the medical profession in the treatment of various diseases. In the beginning I performed legal and administrative functions. As the company grew I was elected to the Board of Directors. I served on the Board of Directors for many years and ultimately sold my ownership position and resigned from the Board of Directors.

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.

No.

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:

While practicing law I was sued by a criminal defendant I represented in a federal criminal case. The case was dismissed pretrial on a motion for summary judgment.

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 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.)

Fine.

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:

I have attached hereto a copy of a list of published en banc and panel opinions, dissenting opinions, and concurring opinions which I have written during my first thirteen years of service on the Superior Court of Pennsylvania. For each case I have included the case name, citation, date of filing, docket number and type of writing. As of October 24, 2014 I have published 307 decisions.

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 and Pennsylvania Bar Associations.

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 taught a number of on continuing legal education programs for the Pennsylvania Bar Association and for local bar associations. I have also taught at the Justice Academy of Turkey in Ankara, Turkey.

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:

Calvary Episcopal Church and the Fox Chapel Racquet 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.

N/A

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.

I currently am serving my second term as a voting member of the Pennsylvania Appellate Procedural Rules Committee. I was appointed the Pennsylvania Supreme Court to a three year term four years ago and to a second term this year.

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 have served as a judge of the Superior Court of Pennsylvania for thirteen years and in 2013 I was elected President Judge of the Superior Court unanimously by the commissioned judges of that court.

While serving I have written three hundred and seven published en banc and panel opinions, dissenting opinions and concurring opinions. I believe that this is the most published opinions of any currently sitting member of the Pennsylvania appellate courts. While a Superior Court judge I have participated in over 10,000 cases as a panel member.

Throughout my term, I have kept my caseload current. In every case I have given careful consideration to following the law and reaching a just result. My published writings set forth the work I have accomplished on the Superior Court and clearly demonstrate my abilities and judicial philosophy. As a Supreme Court Justice, I would continue in this mode to thoughtful deliberation.

I believe my experience highly qualifies me for the position of Pennsylvania Supreme Court Justice.

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.

John T. Bender

Type or print name

*John T. Bender*

Signature

November 17, 2014

Date