

PERSONAL DATA QUESTIONNAIRE

1. State your full name:

Scot Russel Withers

Have you ever been known by any other name?

No

If so, please list.

N/A

2. Office address (include zip code):

See attached resume.

Office telephone (include area code):

See attached resume.

Name of law firm, if associated:

See attached resume.

3. Date and place of birth:

4/19/70 Los Angeles, CA

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. 7/21/01 to Rebecca (Lynn) Barrett Withers

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?

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:

See attached resume

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.

Supreme Court of Pennsylvania 11/10/99
United States District Court for the Western District
of Pennsylvania 10/30/02
United States District Court for the Eastern District
of Pennsylvania 10/7/04
Supreme Court of the United States 11/15/04
United States Court of Appeals for the Third Circuit
1/26/06
United States District Court for the Middle District
of Pennsylvania 2/18/09

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:

See attached resume

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:

See attached resume

- d) Any other relevant particulars:

See attached resume

10. With respect to your practice:

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

The general character of my practice has been a concentration in post-trial and appellate matters.

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

Generally, the vast majority of my practice has been concentrated in post-trial and appellate matters (generally civil and municipal, very occasionally criminal), and a small minority of my practice has been concentrated in civil and municipal litigation. *A very small percentage of my practice has been advising attorneys seeking admission to practice before the Pennsylvania state courts, and advising and representing lawyers involved in attorney disciplinary proceedings.* Beginning in the latter half of 2012, I have served as solicitor to several charter schools, which has comprised approximately one-third of my practice.

11. With respect to the last five years:

- a) 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:

Occasionally

- b) What percentage of these appearances was in:

1. Federal courts:

0%

2. State courts of record:

100%

3. Other courts:

0%

c) What percentage of your litigation was:

1. Civil:

Approximately 95%

2. Criminal:

Approximately 5%: two criminal appeals

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:

Three - one as lead counsel; two as co-counsel

e) What percentage of these trials were:

1. Jury:

0%

2. Non-jury:

100%

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:

Same

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

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;

Only a very small minority of my practice has been concentrated in civil and municipal trial litigation:

(1) St. Nicholas Brotherhood v. Bilanin, et al., No. 2009-07921-CA, Court of Common Pleas of Chester County. I represented the plaintiff, the St. Nicholas Brotherhood, a Pennsylvania non-profit corporation incorporated to hold title to the Holy Ghost Carpatho-Russian Greek Catholic (Orthodox) Church of the Eastern Rite of Phoenixville, Pennsylvania. I served as lead counsel in a non-jury trial held on November 3-4, 2010, before the Hon. Edward Griffith, over causes of action seeking injunctive and declaratory relief as to the identity of the Brotherhood and what persons were authorized to act on its behalf. The defendants were represented by Lance J. Nelson, Esquire of MacElree Harvey, Ltd., 17 West Miner Street, West Chester, PA 19381, (610)436-1011. The trial court ultimately entered a verdict in favor of the defendants and no appeal was taken. The matter was essentially a factual dispute, only of significance to the parties.

(2) Aksu v. Maggitti, et al., Related Actions at No. 2008-13743-IR (the "2008 Action") and No. 2010-04077-CA (the "2010 Action"), Court of Common Pleas of Chester County. I represented the plaintiff, a physician, and served as lead counsel in both matters. The 2008 Action was a dispute with the plaintiff's medical corporation partner seeking injunctive relief to return the plaintiff to his medical office and practice, from which the plaintiff had been denied access. On December 9, 2008, the Hon. James P. MacElree, II entered an Order granting an emergency special injunction providing the plaintiff access to his medical office and practice. After a hearing held December 11, 2008, the 2008 Action was settled by the parties. The defendants were represented in the 2008 Action by George C. Zumbano, Esquire of Gawthrop,

Greenwood & Halsted, P.C., 17 East Gay Street, Suite 100, West Chester, PA 19381, (610)696-8225. The 2010 Action was a follow-up dispute involving causes of action for breach of contract, tortious interference and violations of the wage payment and collection law. At the close of evidence after a jury-trial held November 2-4, and 7, 2011, before the Hon. Robert J. Shenkin, the defendants agreed to the payment of a monetary settlement to the plaintiff. The defendants were represented in the 2010 Action by Francis X. Clark, Esquire, 700 American Avenue, Suite 204, King of Prussia, PA 19406, (610)491-9201. Both matters were essentially factual disputes, only of significance to the parties.

(3) Sewer Auth. of the City of Scranton v. Pennsylvania Infrastructure Inv. Auth., No. 694 M.D. 2012, Commonwealth Court of Pennsylvania. I served as co-counsel with my law partner, the Hon. William H. Lamb, representing the defendant, the Pennsylvania Infrastructure Investment Authority, in a declaratory judgment action brought in the Commonwealth Court's exclusive and original jurisdiction, arising out of a dispute over the terms and conditions of funding agreement between the plaintiff and defendant, for funds to be used to construct improvements to the plaintiff's existing wastewater treatment facility. Plaintiff filed a breach of contract action and sought a declaratory judgment that defendant had violated the Pennsylvania Code as to statutory maximum loan interest rates, defendant's enabling, statutory and regulatory authority, and the Equal Protection and Takings Clauses of the U.S. and Pennsylvania Constitutions. The plaintiff's request for summary relief and the defendant's preliminary objections were argued before a panel of the Commonwealth Court (McGinley and Leadbetter, JJ., Colins, S.J.) on June 17, 2013, and by published Opinion and Order entered November 12, 2013, authored by the Hon. Bonnie Brigance Leadbetter and reported at 81 A.3d 1031, the Commonwealth Court denied the plaintiff's motion for summary relief and sustained the preliminary objections in part, dismissing the plaintiff's action to the extent that it challenged the validity of the funding agreement at issue. The plaintiff subsequently withdrew its action after a non-monetary settlement was reached. The plaintiff was represented in the action by Richard H. Sedgley, Esquire of AquaLaw,

P.L.C., 6 South 5th Street, Richmond, VA 23219, (804)716-9021, who was admitted pro hac vice. The matter was essentially a contract dispute, of significance only to the parties.

(4) Downingtown Area Sch. Dist. v. Chester County Bd. of Assessment Appeals, Related actions at No. 2012-11946-AB and No. 2012-11947-AB, Chester County Court of Common Pleas. I served as co-counsel with my law partner, Mark P. Thompson, Esquire, representing the School District in two related de novo trials in the nature of reverse tax assessment appeals from decisions of the assessment board regarding requests by the school district for increases in the tax assessments of two separate commercial properties. At the conclusion of two separate non-jury trials held August 12, 2014, and September 18, 2014, before the Hon. Mark L. Tunnell, the assessments of both properties were increased, one to the extent requested by the school district, and the other only marginally, both of which have been appealed to the Commonwealth Court of Pennsylvania, by the taxpayer, and the school district, respectively. In both matters, the defendant taxpayers were represented by Sharon F. DiPaolo, Esquire of Siegel Jennings Co., L.P.A., 2912 Wildwood Road Extension, Pittsburgh, PA 15101, (412)486-2848, and the Chester County Board of Assessment Appeals was represented by Sigmund J. Fleck, Esquire of Buckley, Brion, McGuire & Morris, 118 West Market Street, Suite 300, West Chester, PA 19382 (610)436-4400. Although for the most part, the matters were essentially valuation disputes between the parties, the matter being appealed to the Commonwealth Court by the taxpayer is of significance in that it represents the test case for valuing the taxpayer's "negative leasehold interest" theory in the context of tax assessments, which theory was rejected by the trial court.

(5) In Re Substitute Nomination Certificate of Ross, No. 119 M.A.P. 2014, Commonwealth Court of Pennsylvania. I served as lead counsel representing the respondent, the Republican candidate for the 158th Legislative District of Pennsylvania, in a challenge to the Secretary of the Commonwealth's certification of the substitute nomination certification of the candidate, which action was filed in the exclusive and original jurisdiction of the Commonwealth Court. After

an evidentiary hearing held on October 3, 2014, the Hon. James G. Colins, Senior Judge, denied the petition to set aside the nomination certificate. Although the subsequent Opinion and Order issued on October 8, 2014, by Senior Judge Colins was an unpublished memorandum, a request for publication remains pending in the Commonwealth Court. The Commonwealth Court's Order was affirmed on appeal by per curiam Order of the Pennsylvania Supreme Court on October 16, 2014 (the appellee brief in that matter is attached as writing sample No. 5 - see, infra, answer to question 28). In both the Commonwealth and Supreme Courts, the petitioner was represented by Adam C. Bonin, Esquire, 1900 Market Street, 4th Floor, Philadelphia, PA 19103, (215)864-8002; the Commonwealth of Pennsylvania was represented by Kathleen Marie Kotula, Esquire of the Pennsylvania Department of State, 301 North Office Building, 401 North Street, Harrisburg, PA 17120, (717)783-0736; Chester County Voter Services was represented by Thomas L. Whiteman, Esquire of the Chester County Solicitor's Office, 313 West Market Street, 6th Floor, West Chester, PA 19380, (610)344-6195; and the appellee-intervenor Republican Committee of Chester County was represented by Christopher P. Gerber, Esquire of Siana Bellwoar and McAndrew, LLP, 941 Pottstown Pike, Suite 200, Chester Springs, PA 19425, (610)321-5500. The matter was significant in that it involved the interpretation of the Pennsylvania Election Code in expedited litigation just prior to the 2014 general election.

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:

N/A

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:

Commonwealth Court of Pennsylvania: 85%
Superior Court of Pennsylvania: 10%
Supreme Court of Pennsylvania: 5%

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?

No

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.

N/A

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:

N/A

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

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:

Writing Sample No. 1: Majority Opinion drafted as a law clerk for the Hon. William H. Lamb in East v. Workers' Comp. Appeal Bd. (USX Corp.), No. 34 W.A.P. 2002, Supreme Court of Pennsylvania, decided July 22, 2003, reported at

828 A.2d 1016. 95% personal work product (provided with the express permission of Mr. Justice Lamb).

Writing Sample No. 2: Majority Opinion drafted as a law clerk for the Hon. William H. Lamb in In Re Appointment of Rodriguez, No. 157 M.A.P. 2002, Supreme Court of Pennsylvania, decided September 24, 2003, reported at 900 A.2d 341. 95% personal work product (provided with the express permission of Mr. Justice Lamb).

Writing Sample No. 3: Brief of the Appellant (without appendices) filed February 19, 2009, in the Commonwealth Court of Pennsylvania in Robal Assocs., Inc. v. Board of Supvsrs. of Charlestown Twp., No. 2079 C.D. 2008. 95% personal work product. Ultimate disposition: Reversed by the Commonwealth Court en banc on June 23, 2010, reported at 999 A.2d 630.

Writing Sample No. 4: Brief of the Appellant (without appendices) filed May 30, 2012, in the Commonwealth Court of Pennsylvania in Weissenberger v. Chester County Bd. of Assessment Appeals, No. 157 C.D. 2012. 95% personal work product. Ultimate disposition: Reversed by the Commonwealth Court en banc on March 8, 2013, reported at 62 A.3d 501.

Writing Sample No. 5: Brief of the Appellee filed October 8, 2014, in the Supreme Court of Pennsylvania in In Re Substitute Nomination Certificate of Ross, No. 119 M.A.P. 2014. 95% personal work product. Ultimate disposition: Affirmed by per curiam Order of the Supreme Court on October 16, 2014.

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 resume

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

See attached resume

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 resume

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 to an Appellate Court of Pennsylvania.

None

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?

Election by the public to serve the Commonwealth in the position of an appellate court jurist became my aspiration and career goal as a law student while employed by the Supreme Court of Pennsylvania. My commitment to public service is largely attributable to the positive influence of my parents, and the examples their respective vocations have had on me. My father is a surgeon, and my mother provides resource services to care-takers of Alzheimer patients. The positive examples of my two judicial mentors, Chief Justice Emeritus Stephen A. Zappala and Justice William H. Lamb, and their commitment to excellence as jurists in all aspects of their conduct, only reinforced my career aspirations. I possess extensive appellate court experience both from the perspective of having served in the judiciary as a law clerk and in private-practice as an appellate litigator, as well as broad knowledge and expertise in Pennsylvania appellate procedure and practice, which I believe qualifies me particularly well for the position of an appellate court jurist in the Commonwealth of Pennsylvania.

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

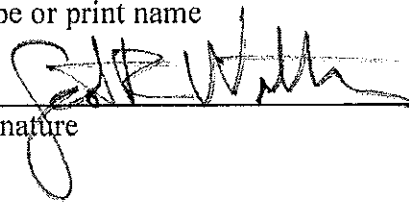
Yes

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.

Scot R. Withers

Type or print name



Signature

12/12/14

Date