

**Liberty City Democratic Club**  
**Name: Jack Panella**  
**Office Sought: Supreme Court**  
**Date: 3/31/09**

**1.) What is your experience with the LGBT community both generally and/or professionally?**

During my nearly 18 years on the bench, I have always treated LGBT individuals fairly and with respect and consideration. Members of the LGBT community can be assured that they will always receive equal and fair treatment in my courtroom.

**2.) How have you advanced, through professional and personal achievements, the rights of the LGBT community, racial and ethnic minorities, and persons with disabilities?**

I have dedicated my career as a judge to ensuring the fairness and integrity of Pennsylvania's courts. It is my firm belief that when an individual steps into a court of law that they should be entering a protected place where they will be judged not on the color of their skin, their gender, or their sexual orientation, but on the merits of their case.

Recently, I began work on a seminar for gay and lesbian individuals in the Philadelphia area on the issues surrounding advance health care directives and health care decision-making for patients, after I had prepared that program for three hospitals in Northeast Pennsylvania. My contact on these projects is Steve Black, [sblack@epix](mailto:sblack@epix).

**2.) Do you support the rights of LGBT people to the following:**

My oath as a judge requires that I uphold the law, and it would not be appropriate for me to discuss how I might rule on these issues if they came before me in a court of law. If I were to state a position, it could lead to a motion for disqualification at a later date. However, I strongly believe in equal protection of the law and that all people should be treated equally and fairly under the constitutions of the United States and Pennsylvania.

- A. Marriage?** See above
- B. Civil Unions?** See above
- C. Domestic Partnership?** See above
- D. Second-parent adoption?** See above
- E. Protection from workplace discrimination?** See above
- F. Protection from housing discrimination?** See above

**G. Protection from acts of violence based on their sexual orientation or gender identity?** See above

**3.) Do you consider transgendered rights a civil rights issue? Explain your answer.**

Yes. I believe in equal access to justice for all Pennsylvanians regardless of race, ethnicity, sexual orientation and gender identity.

**4.) How should a judge support public accommodations for transgendered individuals appearing before them or otherwise within the criminal justice system?**

Unfortunately, the decision of where to house transgendered individuals within the criminal justice program receives little attention from judges and prison officials and segregation is most often done according to birth gender. This lack of awareness and sensitivity on the part of judges and prison officials can lead to transgendered individuals being placed among hostile populations and in dangerous environments.

To help guarantee the safety of transgendered individuals facing incarceration, judges should confer with prosecutors, defense attorneys, and, most importantly, the Department of Corrections in the Executive Branch of government to determine the most appropriate facilities. Additionally, those of us within the criminal justice system who are aware of these issues need to continue to educate our colleagues and to inform the legal community about issues specific to the LGBT community.

**5.) LGBT youth sometimes act out because of harassment at school or in the home due to their gender/sex identity. When ADAs prosecute cases against these members of our community, what will you do to prepare your staff to be sensitive to their issues? Additionally, LGBT youth who spend time in juvenile detention facilities face many dangers. What alternative sentences might you seek in their cases?**

I have always, and will continue, to instruct my staff to treat all individuals fairly and with respect regardless of their race, gender, faith or sexual identity. Furthermore, I always take each individual's circumstance and history into consideration during sentencing.

More generally, the courts can play a vital role in reducing juvenile incarceration by helping young offenders get the treatment and counseling they need through programs that are more effective at reducing recidivism and crime than traditional incarceration. We must do more to balance community safety, personal

accountability, and youth development; and that includes finding appropriate alternatives for LGBT youth to help them transcend problems at school and at home.

**6.) What has been the general nature of your practice and particular areas of concentration? Please describe any changes throughout the years?**

From 1982 to 1991, I enjoyed a diverse civil and criminal private practice. My private office reflected the typical mix of civil and criminal cases, although I fortunately developed a successful client base in a relatively short period of time. In my civil practice, I maintained an active and balanced caseload of personal injury cases, both plaintiff and defense oriented, business clients, and family law cases. My business and corporate practice included a number of multimillion dollar, as well as medium sized, corporations, local single proprietorships, and small partnerships.

**7.) Describe a few of the most significant cases you have litigated. Please give a summary of the substance of the case, the citations if available, and why you believe they were significant.**

I find noteworthy in my private practice two very different areas of the practice of law.

First, I look back with pride on my representation of two professional sports figures. As attorney for Larry Holmes during the years that Mr. Holmes was the world's undisputed heavyweight boxing champion, I was involved in every business aspect of his career. In the sports realm, I negotiated and drafted numerous agreements involving his professional boxing career, including boxing, promotional and media contracts. I also represented Mr. Holmes and his land development company, Larry Holmes Enterprises, in numerous projects, most notably the development of Holmes Plaza, a major office and retail complex in the City of Easton. Holmes Plaza, upon its completion, eventually included a federal courthouse, a bank, restaurant, retail stores, and numerous professional offices. During the construction phase, I wrote, reviewed and handled all construction agreements and municipal permit applications, and regularly coordinated efforts with the architect, engineer and construction manager. I also handled all negotiations with the General Services Administration regarding the construction of the federal courthouse. Following construction, I drafted all leases, and also represented Mr. Holmes and his company in the litigation instituted by the former architect for the project.

I also represented Albert Loquasto, Jr., a professional race car driver. Mr. Loquasto, now deceased, had won the best novice driver award at the Indianapolis 500 race, and then drove in the USAC and CART Championship

Car series. I represented Mr. Loquasto and his company, Al Loquasto Enterprises, in numerous business ventures, mostly related to promotional and sales contracts for motor vehicle parts and supplies. I also handled all litigation for Mr. Loquasto. After his retirement as a professional racer, I prepared contracts for promotional races in which Mr. Loquasto participated, mostly celebrity professional/amateur races at racetracks across the country and in Canada.

Earlier in my career, following the completion of my judicial clerkship, I was appointed to the solicitor's office in late 1982, and assigned to represent the Northampton County Department of Human Services, including the Children, Youth and Families Division, the Area Agency on Aging, the Mental Health/Mental Retardation Division, and Gracedale, the County's nursing home facility. As the only attorney on the staff with courtroom experience, I also represented the county in almost every piece of major litigation during my term as assistant.

By far, the most time consuming commitment was for the Children, Youth and Families Services Division. The assistant solicitor immediately preceding me had come under criticism by the Division, the Court and the news media for failing to address the daily needs of the Division, which had been appropriated the largest portion of the county's budget at the time. There were also issues raised that children were not being properly protected because of inattentive representation of the Division in juvenile court. Timely and competent work was necessary to restore confidence in the solicitor's office. I was determined to accomplish this goal.

My representation of C&Y provided me with the most rewarding experience of my professional life. Through aggressive and well-prepared representation, which included many hours of tutoring caseworkers on the requirements of the Juvenile Act, 42 Pa.Cons.Stat. Ann. § 6301 et seq., and the Child Protective Services Law, 23 Pa.Cons.Stat. Ann. § 6301 et seq., the relationship between C&Y and the solicitor's office reached its highest level of harmony.

I represented the interests of abused and neglected children in an assertive and spirited manner. This approach pleased both the Division and the Court, but most importantly, I did my best to protect defenseless children. Most of the juvenile court work was before the special master; however, I also handled the parental termination trials before the trial judges.

**8.) State briefly why you are seeking the Democratic nomination to be a judge in Philadelphia, and what qualities you believe you possess that would serve you especially well if you were elected to the Court.**

Running for statewide office is a challenging endeavor, and I didn't come to the decision to run lightly. I am motivated by a strong commitment to civil service, and firmly believe that the citizens of Pennsylvania deserve a Justice who is honest and dedicated to keeping the courts open and accessible to all. I have dedicated my career to ensuring the integrity of Pennsylvania's courts, and I plan to carry on that work as a Justice of the Supreme Court of the Commonwealth of Pennsylvania.

I have almost eighteen years of experience as a Judge in the Commonwealth of Pennsylvania; and have been rated "highly recommended" for the Supreme Court by the Pennsylvania Bar Association. When I ran for the Superior Court in 2003, the PBA also ranked me "highly recommended."

My career as a judge started in 1991 when I was first appointed to the Court of Common Pleas of Northampton County by the late Governor Robert P. Casey, and was later elected to a full ten-year term in 1993. During my twelve years as a trial judge, I presided over all types of civil and criminal trials and was also the Administrative Judge for Asbestos Litigation, which involved complex mass tort cases. I also worked to foster cooperation between Pennsylvania's legislative and judicial branches. As a member of the Pennsylvania Conference of State Trial Judges, I was the Chair of the Commonwealth Partners Program, which involves statewide meetings attended by judges and legislators to discuss and resolve issues of mutual concern. In recognition of the success of this program, I received the President's Award from the Conference of State Trial Judges in 2002.

I was elected to the Superior Court in November 2003, one of the two intermediate appellate courts in Pennsylvania, where I am called to review a variety of issues in civil and criminal cases. Additionally, the Superior Court has exclusive jurisdiction over applications made under the Wiretapping and Electronic Surveillance Control Act; and I have served as the administrative judge for wiretaps since I took office in January 2004.

I have extensive experience and knowledge of judicial ethics and discipline. I am the Chair of the Judicial Auditing Agency, and I am the only judge in the history of Pennsylvania to have served as both the Chair of the Judicial Conduct Board and President Judge of the Court of Judicial Discipline. The Court of Judicial Discipline is a constitutional court, which hears charges of misconduct filed by the Judicial Conduct Board against judicial officers.

During my judicial term of office, I have been active in efforts to increase awareness and to make the courts more responsive and accessible to the public. In 2004, I was appointed to the Commission for Justice Initiatives, where I am the Chair of the Public Education and Community Outreach subcommittee. As part of

my responsibilities, I conceived and wrote a popular short film on the history and operation of the Pennsylvania Judiciary. The video has been used as an educational tool in classrooms around the state and can be viewed on the websites of the Administrative Office of Pennsylvania Courts and the Supreme Court of Pennsylvania.

One of the recent accomplishments that I am most proud of is the publication of the Sexual Violence Benchbook. I am one of the principal authors of the book, which provides judges with a comprehensive understanding of Pennsylvania's current sexual offense laws. The book has received widespread acclaim from the legal community and has been hailed in the press as a valuable resource for judges overseeing cases dealing with sexual crimes, violence and abuse.

Prior to becoming a judge, I served first as an Assistant County Solicitor and eventually as Solicitor for Northampton County, where I represented the Department of Human Services, including the Children and Youth Services Division, the Mental Health Division, and the Area Agency on Aging.

**9.) What are the most pressing needs of reform in our judicial system in your opinion?**

The most serious problems facing the courts today are inadequate funding and a lack of public confidence in the judicial system. In the face of widening budget gaps, it is imperative that we keep our courts open full time and operating smoothly.

Much damage has been done by the recent scandal involving Judges in Luzerne County. We need to restore the public's faith in our legal system, and that starts with electing honest judges.

**10.) For what organizations have you done pro-bono work?**

I have done pro-bono work as the Solicitor for the United Cerebral Palsy of the Lehigh Valley, and have volunteered extensively within my community. The following is a list of my community involvement: Bethlehem Jaycees, Former Member; Boys and Girls Club of Easton, past President and Board Member, and current Advisory Board Member; Community Services for Children, Past Director; DeSales University, Past Member of President's Council; Easton Hospital, former Member of Board of Trustees, and former Member of Foundation Board; Easton Suburban Kiwanis Club, past President and Former Member; Leadership Lehigh Valley, Organizer; Northampton Community College, current Member of Criminal Justice Advisory Board and former Member of Foundation Board; Order Sons of Italy in America, former Director of Insurance, Benefit Insurance Fund; Turning Point of the Lehigh Valley, former Advisory Board Member; and UNICO of

Roseto, current Member.

**11.) Do you support a woman's right to choose?**

The issue of abortion has been and remains a federal issue, first decided by the Supreme Court's decision in **Roe v. Wade**, and upheld repeatedly throughout the years. Based upon comments of numerous Supreme Court Justices during their confirmation hearings, I strongly believe that this is a settled issue. My oath as a judge requires that I uphold the law.

**12.) Have you ever been sanctioned for an alleged breach of ethics or professional conduct by any court, administrative agency, bar association, disciplinary committee, judicial committee, or other professional group? If so, please explain the nature of the sanction.**

No.

**13.) Have you been recommended by the Philadelphia Bar Association?**

Yes. I was awarded a rating of "Highly Recommended" by the Pennsylvania Bar Association and am the endorsed candidate of the Pennsylvania Democratic Party.