

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?

All people, especially children, should be safe and treated with respect. Staff should not need to be reminded that LGBT youth may have added pressures and if they do need to be reminded of this their continued employment with the Court should be conditioned on becoming extremely familiar with that standard. The staff must be educated that they should be on the lookout for signs from the LGBT youth that they are experiencing added problems and treat those children with real sensitivity. Further, they should be prepared to insist upon order from others in the courtroom and not tolerate any disrespectful behavior by or towards anyone.

Generally, it is Common Pleas Court Judges, not Municipal Court Judges that send children to juvenile detention facilities. However, alternative sentences can include being put in the care of their families or foster families with intensive supervision from the probation department.

Additionally, facilities which are not traditional detention facilities may be available in some cases which provide structure and security with a greater emphasis on rehabilitation as opposed to punishment.

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

Early in my practice I did criminal, civil, domestic relations, landlord tenant, Orphan's Court, real estate, commercial litigation. Essentially, it was a general practice. Eventually, my work evolved into a civil practice focusing on negligence, product liability, personal injury and property damage. I have practiced law since 1974.

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

Again, my practice has largely involved civil litigation for the past 20 years. Therefore, the cases I cite involve those issues. While I have been involved in numerous cases as a member of a team of attorneys, I am submitting these cases since I was sole counsel for them.

GREGORY AND ROSEANN MARTIELLO vs. CHILDERS AND GUNTER'S LEASING CO.

U.S. DISTRICT COURT, EASTERN DISTRICT OF PA.

NO. 91-CV-3260

This was a motor vehicle case tried before the Hon. James Giles and a jury between November 25, 1991 and November 27, 1991. Negligence was admitted by the defense. The defendant truck driver could not be located and did not appear for trial. Defense verdict.

This case was significant in my opinion because it demonstrated the sophistication of a jury that was able to evaluate a case wherein plaintiff complained of serious injuries, defendant driver could not be found, and negligence was admitted. In spite of all of those problems, and a very able plaintiff's attorney, the jury carefully considered the plaintiff's evidence and rejected her claim.

WILLIAM BROWN vs. JAMES REID

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

FEBRUARY TERM, 2001 NO. 2001

This was an automobile vs. bicycle accident in South Philadelphia which was tried before the Hon. Victor DiNubile and a jury on March 18, 19, and 20, 2002. Demand, \$250,000. Offer \$25,000. Defense verdict.

This case was significant in my opinion because one critical witness changed his story after he learned the man on the bicycle was a person he knew from high school. He went from a defense witness to a plaintiff's witness. The jury rejected his testimony after vigorous cross-examination, and refused to reward that kind of conduct.

KRISTEN KOHL vs. THE HARVEY/WIND CORPORATION and GASTON FARM
HOMEOWNER'S ASSOCIATION and REDI-CONCRETE/SUNRISE CONCRETE
COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
May Term, 1997 No. 3245

A woman on roller blades fell and claimed a defect in the driveway/sidewalk area. She suffered serious injuries to her teeth. The case was tried before the Hon. Marvin Halbert and a jury on December 27, 1999 and December 28, 1999. A verdict was entered by the jury in favor of the plaintiff for \$100,000 against Harvey Wind Corporation and Gaston Farms. A defense verdict was entered in favor of the defendant, Sunrise Concrete/Redi-Concrete. The city had settled for \$9,500.00 before jury selection.

~~The case was significant because it proved a jury could and would carefully decipher~~
the various roles parties had played in an accident, even settled parties, and the jury would react fairly to the evidence.

PATRICIA GRIER vs. JOSEPH TURSI and ALL ELITE, INC., t/a CENTURY 21 ALL
ELITE, INC.
COURT OF COMMON PLEAS
DELAWARE COUNTY
NO. 01-51587

This was a pedestrian fall down case tried non-jury before the Hon. Charles Burr on January 9, 2003. Defense verdict.

I felt this case was significant because the court really analyzed the assumption of the risk defense and made a difficult decision. The court didn't just settle the case by way of a verdict. The court did its job. The court decided it on the merits even though it was a tough decision.

JAMES DiANTONIO and CHRISTINE DiANTONIO vs. BENJAMIN HALDEMAN, a
minor and ANNE H. HALDEMAN, his mother
COURT OF COMMON PLEAS
CHESTER COUNTY
NO. 97-00959

This case involved a motor vehicle accident. It was tried before Judge Shenken and a jury on November 29, 1999 and November 30, 1999. Defense verdict.

This case was significant because the defendant was a teenage male who was accused of negligent driving. The jury did not reject the young man's testimony. It showed a middle-aged jury would not reject the testimony of a teen-aged male.

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.

I am a fair and compassionate person who would bring a lot to the bench. I believe I would be an excellent judge.

There is more to being a judge than knowledge of the law. Life experiences matter. I am a single parent with three lovely daughters. The first was adopted from Korea at 6 months of age. She is now a graduate of the University of Pennsylvania working in its hospital. She made me sensitive to the issues of being different. On those rare occasions when she experienced problems due to the fact that she was different from most of her classmates, like most parents, I probably felt the sting a little more sharply than she did. But I learned from her experiences and I became very cognizant of the fact that differences should not matter. I don't want my daughter discriminated against because she is a real minority, and I don't think anyone should have to endure discrimination of any form because they may not be in the majority on all things.

My second daughter has Down's syndrome. As a result of that, I became involved in Special People in Northeast, Inc. (described above). People with mental disabilities need special help. She is now 22 years old and works at two different restaurants and she volunteers at the Y. I don't want her discriminated against because of her disability. I don't want her to be shunned, or taunted, or hurt in any way. I want doors open for her in the world, doors to employment, friendship, safety and happiness. I want accommodations made for her so she can have as normal a life as possible. If she needs something special at work, then I think she should have it because work is important to her since it is a major social component of her life. She should be allowed and encouraged to work. She should be allowed to live anywhere, even in a CLA after I am dead and unable to care for her. I want her in the community. The community must accept all of us. To be different is not a reason to be warehoused or pushed aside.

My youngest daughter is a sophomore at Temple University, doing well, and very happy.

I would not trade any one of my children for a seat on the U.S. Supreme Court, and I think they have taught me much about life and compassion and open mindedness.

In addition to that, I have 34 years of experience, a degree from St. Joseph's University, two degrees from Villanova Law School, and another degree from Temple.

I have a great education, great legal experience, and great personal experience.

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

The community must believe the judicial system is fair. It is up to the people that run it to make it fair. It must be transparent. It must be public. It must protect everyone, even those with unpopular causes. The majority has the legislature to pass laws that satisfy their needs. The minority has the Bill of Rights to protect them. It is up to the Courts to ensure the Bill of Rights is not trampled upon by the majority who may find unpopular causes very difficult to swallow.

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

I have not done pro-bono legal work. Rather, I have focused my efforts on Special People in Northeast, Inc. (described above), and I have served as a referee on the Schuylkill River helping to run races for high school students, college students and amateur athletes from 18 years of age into their 70's. I consider those tasks my pro-bono work.

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

12) Have you ever been sanctioned for any alleged breach of ethics or professional conduct by any court, administrative agency, bar association, disciplinary committee, judicial conduct 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

Please return by Friday April 3rd via e-mail to matt@libertycity.org

Or via mail to:

Liberty City Lesbian and Gay Democratic Club

C/o Matthew Woodcock

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