

LIBERTY CITY LESBIAN, GAY, BISEXUAL AND TRANSGENDER DEMOCRATIC CLUB

2009 JUDICIAL PRIMARY ELECTION QUESTIONNAIRE

Name Robert J. Colville Office Sought Superior Court Date March 22, 2009

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

I (like everyone) have family, friends, and colleagues who are homosexual and transgender, but I have no formal connections to the LGBT community.

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 not, at least in any particular or formal manner. I do wholeheartedly respect and support those members of our community who maintain LGBT lifestyles. I do not condone discrimination of LGBT individuals in any form. Both professionally and personally, I endeavor to treat LGBT individuals as I endeavor to treat all members of my community, and as I hope my loved ones and I would be treated by others – with courtesy, decency, fairness and respect.

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

- a. Marriage? - Civil “Marriage” – yes. The prerogative of religious faiths to limit the definition of their particular form of religious marriage within that religious community and without governmental sanction should be maintained.
- b. Civil Unions? -Yes.
- c. Domestic Partnership? – Yes.
- d. Second-parent adoption? – Yes.
- e. Protection from workplace discrimination? – Yes.
- f. Protection from housing discrimination? – Yes.
- g. Protection from acts of violence based on their sexual orientation or gender identity? – Yes.

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

I believe that an individual's Constitutional right to equal protection under the law is, unquestionably applicable to all, without regard to whether they maintain a same-sex relationship with a spouse/partner or the status of their gender.

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

I believe that an individual's Constitutional right to equal protection under the law is, unquestionably applicable to all, without regard to whether they maintain a same-sex relationship with a spouse/partner or the status of their gender. As such, transgender individuals should be afforded all reasonable accommodations extended to other individuals appearing before the criminal justice system.

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 believe that an individual's Constitutional right to equal protection under the law is, unquestionably applicable to all, without regard to whether they maintain a same-sex relationship with a spouse/partner or the status of their gender. All youths regardless of their sexual preference or their gender status need to be treated with sensitivity, decency and respect and their safety and security ensured at all times.

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

In January 2009, I begin my tenth year as a trial court judge on the Court of Common Pleas, Fifth Judicial District (Allegheny County). I was elected in November of 1999, and sworn into office in January of 2000. The Court of Common Pleas is a court of general jurisdiction. I have served by assignment of the Supreme Court in three of the five sections/divisions of that Court and performed modest service in the remaining two, as follows:

Trial Judge - Court of Common Pleas, Fifth Judicial District
Allegheny County - Pittsburgh, PA - 2000 through present.

Family Division, Juvenile Section
Jan. 2000 – October 2002

I have heard and decided nearly twelve thousand juvenile court matters including: juvenile delinquency and juvenile dependency adjudications, placement reviews, mental health commitment hearings, Act 53 substance abuse commitment hearings, termination of parental rights hearings, permanency review hearings, adoptions, protection from abuse hearings, and adult criminal certification/decertification hearings.

Family Division, Adult Section

November 2002 – March 2003

I have heard and decided hundreds of motions and hearings related to child custody, divorce, equitable distribution, enforcement of custody agreements, contempt for failure to pay child/spousal support, and protection from abuse matters.

Civil Division

General Docket

April 2003 – present

I have tried over 250 jury and bench trials involving issues ranging from sprained ankle slip and fall cases, small motor vehicle accident lumbar strain cases, and neighbor fence-line property disputes to medical malpractice wrongful death claims, product liability amputation claims, multi-million dollar commercial contract disputes, as well as invasion of privacy and freedom of speech claims. I have conciliated hundreds of jury and non-jury matters to resolution. I have resolved hundreds of dispositive motions, issued thousands of evidentiary rulings and conducted thousands of procedural hearings and arguments.

Toxic Substance Case Supervising Judge

January 2004 – present

I have conciliated thousands of asbestos exposure serious injury and death claims. I have exercised primary responsibility for the maintenance and management of all aspects of the expedited and general asbestos dockets in Allegheny County. I have resolved motions of every type involving current asbestos matters approaching trial on general and expedited asbestos dockets in Allegheny County. I have tried and coordinated with other trial judges on every wrongful death and serious injury asbestos exposure claim tried in Allegheny County since January 2004. I have coordinated with colleagues to manage and decrease a 4000 case asbestos “backlog”. I have revised, and coordinated attorney participation in revision of, applicable asbestos case management orders for general, expedited and “backlog” dockets. While performing these asbestos docket responsibilities, I continue to maintain a full general civil division docket caseload.

Juvenile Court “Support” Judge

September 2007 – January 2008

Following the reassignment of judges from juvenile court to other divisions, and at the request of the Administrative Judge of the Family Division, who perceived a need for assistance from judges in other divisions to handle the pressing juvenile court caseload, I volunteered to return to juvenile court to temporarily assist in the handling of the dependency court caseload until newly elected judges could begin their service. I did not relinquish any of my ongoing civil

division responsibilities during this time frame.

Pre-Judicial Experience

Prior to my election as judge, I worked in a wide variety of legal occupations, including: as a Litigation Attorney at Pietragallo, Bosick & Gordon from 1994 to 1999, where I prepared for and tried all manner of civil cases; as a Law Clerk for Justice Ralph J. Cappy for the Pennsylvania Supreme Court from 1992 to 1994, where I researched and drafted court opinions addressing all aspects of Pennsylvania law; as a Legislative Aide for Congressman Joseph Gaydos for the United States House of Representatives, Health and Safety Subcommittee in 1991, where I worked on workplace OSHA safety issues; as a Legal Intern for the Allegheny County Public Defender's Office from 1990-1991, where I worked on all aspects of criminal law appeal work. I also worked during college and law school as a Highway Heavy Construction Laborer out of the AFL-CIO Laborer's Local #1058-Pittsburgh from 1985 to 1991, where I was regularly reminded of the value of a strong work ethic.

Extra-Judicial Experience

Beyond my assigned day-to-day responsibilities, I have distinguished myself in several additional particulars. I was an original Member of the Pennsylvania Supreme Court Juvenile Court Procedural Rules Committee where I worked to help craft the first set of court rules designed to protect at-risk children in Pennsylvania. I have been elected by my fellow trial court judges throughout the Commonwealth as an Officer of the Pennsylvania Conference of State Trial Judges for each of the past five years, and will become President of the PCSTJ in 2009. I have served as a delegate and as the Pennsylvania liaison to the National Conference of State Trial Judges. I have served as the Allegheny County Toxic Tort Supervising Judge for the past five years managing mass asbestos litigation, in addition to my regular civil docket responsibilities. In addition to routinely guest lecturing, teaching, and speaking at continuing legal education programs, I maintain an adjunct faculty position at La Roche College in McCandless PA, where I have taught "The Rule of Law" a three-credit course every Fall and Spring semester for the past five years.

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.

Summaries of all of my opinions are available at www.judgecolville.com

8) State briefly why you are seeking the Democratic nomination to be a judge [on the Pennsylvania Superior Court], and what qualities you believe you possess that would serve you especially well if you were elected to the Court.

I greatly enjoy being a trial court judge. I find the work professionally and personally rewarding. Because my work can so meaningfully and directly affect real people's lives, in both wonderful and tragic ways, I find the work to be, at once, both humbling and a source of great pride.

In the time that I have served as a trial court judge I have attempted to make maximum use of the opportunities presented to me, to improve myself, my court, and my community; and I believe that I have had success in that regard. Specifically, my work with the Pennsylvania Supreme Court Juvenile Court Procedural Rules Committee has afforded me unique insights into the rule-making authority of the courts and, more significantly, the wide diversity of practice and local custom that exists throughout our Commonwealth and in its courts. I believe that this sensitivity is essential for a good Superior Court judge. I believe that my service as an Officer with the Pennsylvania Conference of State Trial judges not only reflects my fellow trial judge's faith in my abilities and qualifications, but has permitted me a deeper understanding of the value of developing a more open dialogue with and understanding of the respective interests of the stakeholders in Pennsylvania's courts, and a deeper knowledge of the issues confronting our courts throughout the Commonwealth. My work as the Allegheny County Toxic Tort Supervising judge has directly educated me in the science and practice of mass litigation management. My good fortune in having been permitted to serve in many divisions of the trial courts addressing a very wide spectrum of cases will serve me, and the people of the Commonwealth of Pennsylvania, well if I am elected to the Superior Court. In short, I view service on the appellate bench as an appropriate and natural extension and hopeful progression of my efforts and career to date.

There are several, more personal, reasons I seek to serve as a Superior Court judge. First, I firmly believe that I would be good at it, and that I would enjoy it. The aspects of my current responsibilities as a trial court judge that I enjoy the most, and that I view as my strongest skills, are the elements that are most important on the appellate bench – preparation for argument, attentiveness to and engagement in oral argument, serious and detailed consideration of the issues and arguments presented, sound reasoning to support rulings, and preparation of academically honest and complete opinions. Second, my disposition, personality, and personal beliefs suit me for the appellate bench. Integrity, commitment to the rule of law, recognition of the value of common sense, a strong work ethic, and respect for the process and the parties before the court – these are the qualities of a good Superior Court judge, and these are characteristics that I possess.

In a deeper sense, service on the Superior Court is the best way that I can continue to follow my most genuine professional ambition. I believe in the rule of law. I believe deeply, genuinely, and sincerely in the rule of law. It orders our society, provides structure, increases security, allows for predictability and plans for the future – and in so doing it allows people to be everything that they might hope to be. I see it as a genuine good – a nearly sacred goal.

As a trial court judge, I take great pride and satisfaction in doing my part to help bring justice to individuals in specific cases, and while I understand that my service as a trial court judge also indirectly contributes to the larger cause of the rule of law generally, I know that I can contribute even more directly, and more meaningfully, to that larger cause – serving the rule of law - as a Superior Court judge.

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

Providing adequate legal resources for indigent litigants and ensuring that adequate social services (designed specifically to address unresolved mental health issues, substance abuse, domestic violence, and the multiple ravages of poverty) are available to complement the community protection, accountability, and structure provided directly by the court system.

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

As a judge, I am not permitted to perform pro bono legal work; however as a lawyer for eight years I regularly represented victims of domestic violence (including LGBT individuals) in protection from abuse hearings on a pro bono basis, through the Allegheny County Bar Association Domestic Violence Legal Aid program.

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

Yes. I accept Roe v. Wade and the case law that follows it as settled law and binding legal precedent and I would not hesitate to enforce it.

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?

I am proud to have been highly recommended for the Superior Court by the Allegheny County Bar Association, receiving their highest recommendation. In so recommending me the Evaluation Committee stated that I:

- “(i) exhibit preeminence in the law by way of outstanding legal ability and a wide range of experience, ... and has a reputation in the legal community as standing at the top of his ... profession;
- (ii) possesses the highest reputation for integrity and temperament;
- (ii) exhibits outstanding citizenship by way of community and professional contributions; and
- (iv) is an excellent individual who will enhance or has enhanced the competency, dignity and public perception of the bench.”

I have been similarly recommended for service on our Superior Court by the Pennsylvania Bar Association's Judicial Evaluation Commission. They noted that I:

“ha[ve] clearly demonstrated sufficient legal ability and judicial temperament to have earned the respect of lawyers and other members of the bench ... is extremely hardworking and passionate about the improvement of the quality of justice,.. enjoys and thoroughly understands his role as a judge ,.. [and] possesses the character, integrity, judicial temperament, and skills that qualify him to serve as a Superior Court judge.”

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
2302 Fitzwater Street, #1
Philadelphia, PA 19146