

Voters' Guide for the Primary Election

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BALLOT QUESTION FOR JOINT RESOLUTION NO. 1

Shall Article V of the Pennsylvania Constitution be amended to establish a Judicial Conduct Board to investigate complaints of judicial misconduct, to establish a Court of Judicial Discipline to adjudicate charges of judicial misconduct, to abolish the Judicial Inquiry and Review Board, and, except as provided by law, to bar payment of compensation, including retirement benefits, to justices, judges, and justices of the peace suspended, removed, or barred from judicial office for serious misconduct?

Statement of the Attorney General Regarding Joint Resolution No. 1

The purpose of the proposed amendment is to establish a new system for disciplining Pennsylvania justices, judges, and justices of the peace (now known as district justices).

Under the current system, the Judicial Inquiry and Review Board investigates complaints of judicial misconduct. The Board consists of nine members, seven of whom are judges or lawyers, two of whom are non-lawyers. Five Board members are appointed by the Pennsylvania Supreme Court; four are appointed by the Governor. Proceedings of the Board are confidential. If the Board decides that a justice, judge, or justice of the peace should be disciplined, it recommends appropriate discipline to the Pennsylvania Supreme Court. The Supreme Court decides whether the justice, judge, or justice of the peace should be disciplined.

The amendment would eliminate the Judicial Inquiry and Review Board and create two new, separate disciplinary bodies. One would be the Judicial Conduct Board, which would investigate complaints of judicial misconduct and decide whether to file formal charges. The other would be the Court of Judicial Discipline, which would hold hearings on charges filed by the Judicial Conduct Board and decide whether the justice, judge, or justice of the peace accused of misconduct should be disciplined.

Proceedings of the Judicial Conduct Board would be confidential. Hearings before the Court of Judicial Discipline would be public. The Board would consist of 12 members, six of whom would be judges or lawyers, six of whom would be non-lawyers. The Court would consist of eight members, six of whom would be judges or lawyers, two of whom would be non-lawyers. The Pennsylvania Supreme Court and the Governor each would appoint half the members of the board and half the members of the Court.

The amendment would give a judge or justice of the peace disciplined by the Court of Judicial Discipline the right to appeal the Court's decision to the Pennsylvania Supreme Court. The amendment would give justices of the Pennsylvania Supreme Court disciplined by the Court of Judicial Discipline the right to appeal the court's decision to a special tribunal composed of judges chosen by lot from judges of the Pennsylvania Superior Court and Commonwealth Court who do not sit on the Court of Judicial Discipline or the Judicial Conduct Board.

The amendment also provides that justices, judges, or justices of the peace suspended, removed, or barred from holding judicial office for conviction of a felony or for serious misconduct would not receive any further salary, retirement benefit, or other compensation, unless a law is enacted to provide otherwise.

PERSIAN GULF CONFLICT REFERENDUM

Do you favor the incurring of indebtedness by the Commonwealth of up to \$25,000,000 for payment of compensation for service in the Persian Gulf conflict, including \$1,500,000 for the cost of designing and constructing a patriotic monument or memorial in appreciation of Pennsylvania's veterans?

THE POLICY OF THE LEAGUE OF WOMEN VOTERS is to study and take action on governmental measures and policies in the public interest. It does not support or oppose any political parties or candidates, but it encourages its members to participate, as individuals, in the party of their choice. Membership in the League of Women Voters of Wilkes-Barre is open to any interested woman or man. The league is supported by the dues of its members and by public-spirited men and women who consider their contribution an investment in democracy.

THE LEAGUE OF WOMEN VOTERS publishes this information neither to endorse, nor to reject the views of any candidates quoted.

It does not assume responsibility for the contents of any candidates' replies.

THE SOURCES OF THE VOTERS GUIDE INFORMATION are the signed answers of the candidates to the questionnaires sent by the League of Women Voters. Candidates' replies are printed exactly as submitted, although in the interest of space, standard abbreviations are occasionally used. Sentences which exceeded the word limit were omitted. Candidates are listed in the order in which they appear on the ballot unless otherwise noted.

Because of space limitations, the Voters Guide has omitted the biographies and questionnaires of those candidates who are unopposed or who received both the Democratic and Republican nominations.

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Statement of the Attorney General Regarding Persian Gulf Conflict Referendum

The ballot question has two purposes. The first is to determine whether the voters of Pennsylvania want to pay compensation to Pennsylvania veterans for service in the Persian Gulf Conflict. The second is to determine whether the voters want to spend \$1,500,000 for design and construction of a veterans memorial at Indiantown Gap National Cemetery in honor of all Pennsylvania veterans.

The amount of compensation would be \$15 per month, not to exceed \$525 in total, for each month the veteran served in the Persian Gulf conflict between August 2, 1990 and August 31, 1991. An additional \$4,000 of compensation would be paid to a veteran who was a prisoner of war or to the survivors of a veteran who died during service in the Conflict. Compensation would be payable only if the veteran was a Pennsylvania resident during service in the Conflict.

To fund the compensation and the memorial, the Commonwealth would sell bonds in an amount up to \$25,000,000. The interest on the bonds would be paid from monies appropriated by the General Assembly for that purpose.

CANDIDATES MATERIAL

All Judicial candidates were asked: (1) State your qualifications for this office including education, experience, and present occupation. (2) What specific suggestion(s) do you have for improving the administration of justice in Pennsylvania?

JUSTICE OF THE SUPREME COURT JOB DESCRIPTION

The Pennsylvania Supreme Court is the highest judicial authority in the Commonwealth. Seven justices sit on the Supreme Court, with the Chief Justice being the justice having the longest continuous service on the court. The Supreme Court hears appeals from the Commonwealth Court, the Superior Court, and from the county Courts of Common Pleas in cases of felonious homicide and constitutional questions. The Court may also assume jurisdiction over "an issue of immediate public importance" that is before any other court or district justice. The court serves as administrator of the unified court system and is responsible for ensuring that the lower level courts perform their duties properly.

Term: 10 years
 Salary: \$105,000

DEMOCRATIC (Vote for one)

RUSSELL M. NIGRO
 Philadelphia
 D.O.B.: 3/23/46

Qualifications: Rutgers Univ., School of Law, J.D. 1973. Temple Univ., B.B.A. 1969. Private practitioner of law from 1973 through 1987. Appointed by Gov. Robert P. Casey in July 1987 to Phila. Court of Common Pleas. Chair., Staffing Committee for Court of Common Pleas. Elected to a full ten year term beginning Jan. 1988.

Question: Fundamental reform is needed to restore a competent, ethical, and independent judiciary. This reform includes a strict adherence to the Code of Judicial Conduct and the ending of the politicized atmosphere that has prevailed on the Court. I will restore the collegiality among the Justices and respect for the Chief Justice. I will make the court accountable to the taxpayers for expense accounts and other budgetary items that should be open to the public.

DANTE G. BERTANI
 North Huntingdon
 D.O.B.: 11/20/31

Qualifications: I have 32 years of active trial and appellate practice in all types of criminal and civil cases. I have been chief public defender of Westmoreland County 1969 to the present. I have maintained a private civil practice representing primarily working people.

Question: I believe the rules for judicial candidates should be changed so those candidates can be questioned to explain their position on the various issues. The public should know a candidate's opinions and whether he or she can set those personal opinions aside in making a decision. I oppose both merit selection and retention. The people are intelligent enough to elect their executive and legislative representatives, and give the proper information on issues they can elect good judges.

MICHAEL A. DELLA VECCHIA
 Pittsburgh
 D.O.B.: 8/3/46

Qualifications: My 21 years as a practicing attorney and 14 years as a government official have given me an extensive knowledge of the law. A supreme Court Justice is the ultimate general practitioner. I feel that I fit into this category because of my varied practice and experience as an elected official.

Question: The current problem with the PA Supreme Court is the ongoing dispute among the various Justices. This has called into question the objectivity, impartiality and dignity of the court. If elected, it is my intent to be an honest, capable, hard-working Justice. It is my intent that my efforts will only bring dignity to the Court and that I will view each case impartially.

JOHN L. MUSMANNO
 Pittsburgh
 D.O.B.: 3/31/42

Qualifications: 23 years PA Judicial System; presently Administrative (Chief) Judge, Civil Div. Allegheny County court; also served in Family and Criminal Divisions; 1988 rated "Exceptionally well qualified"; 1966 J.D. Vanderbilt Univ. Law School, Asst. Editor, Vanderbilt Law Review; 1963 B.A. Washington & Jefferson Coll., Magna Cum Laude; Phi Beta Kappa Scholar.

Question: The major problem in administration is dispensing justice while confronting the ever-increasing caseload. As the only candidate with administrative experience, supervising 20 judges and the court employees, I have streamlined the division and initiated innovative caseload programs that have saved taxpayers over \$250,000/year while increasing court productivity. Expanded use of these alternative dispute resolution programs across PA will help immensely. Also, the proposed Constitutional Amendment for public judicial discipline should be adopted.

SAMUEL C. STRETTON
 West Chester
 D.O.B.: 8/30/48

Qualifications: I have been a practicing lawyer for twenty years having graduated from Dickinson School of Law, Cum Laude, in 1973. I have a broad trial and appellate practice with an emphasis on attorney and judicial ethics, disciplinary cases and criminal law. I am presently a sole practitioner.

Question: First, there is a need for public funds to be available to candidates for judicial office, eliminating solicitations from attorneys. Second, there is a need for mandatory training for judges on legal and judicial ethics. Third, the system of judicial discipline must be changed. Fourth, the procedure for appointment to Boards must be opened for public input and an accounting of all funds. Fifth, the Justices must regain leadership and remove the perception of politics and arrogance.

JAMES M. MUNLEY
 Scranton
 D.O.B.: 6/28/36

Qualifications: B.S., Univ. of Scranton; J.D., Temple Law Sch.; Nat'l. Judicial Coll., Reno, NV; Continuing Legal Education, Harvard Law Sch.; 15 years practicing attorney; Law clerk to Chief Justice M.J. Eagen, PA Supreme Court; Judge, Court of Common Pleas (1977-Present); Author-lecturer-teacher; Chairman-member, Judicial Inquiry and Review Bd.; Member, Judicial Ethics Committee.

Question: I propose to: Promote judicial independence, integrity and collegiality and restore public confidence; Speedier justice through management efficiencies and full computerization of courts at all levels; full accountability for expense accounts; Stronger judicial rule making to advance strict adherence to criminal and environmental laws; Increase mediation-arbitration alternatives reducing court backlogs; promote efficient, cost-effective implementation of judicial system, cooperating with legislative and executive branches while respecting branch independence.

NELSON A. DIAZ
 Philadelphia
 D.O.B.: 5/23/47

Qualifications: Management and oversight of 1500 employees while Administrative Judge, Trial Div., Common Pleas Court. Received national and local awards for improving court efficiency, saving millions in budgetary cuts. Extensive involvement in civil rights for Hispanics, African-Americans and Soviet Jews. Served all government levels from local courts to White House.

Question: Politics must not infect our courts. Voters must be made aware of the activities and ties of the judges they elect. Credibility at all levels of the judiciary is necessary from evaluating judicial efficiency to total budgetary accountability. This will lead to overall court effectiveness and decreased case backlogs. Major modernization of the courts is desperately needed for a well run judicial system. This can be achieved through competent Fiscal Management.

DORIS A. SMITH
 Philadelphia
 D.O.B.: Not given

Qualifications: 1972 graduate Pittsburgh Univ., Law Sch.; practice law 14 years; served as solicitor to Allegheny County Controller; Hearing Committee Member of PA Supreme Court Disciplinary Bd.; Judge, Court of Common Pleas of Allegheny County; currently Judge of the Commonwealth Court of PA. elected to a 10-year term in 1987.

Question: An effective judicial system in PA requires a Supreme Court which is independent and honest. The most fundamental test facing the people of our Commonwealth is the restoration of confidence and respect in the Supreme Court and the election of justices who possess independence, integrity, experience and qualifications and judicial temperament needed to competently perform as justice of the highest court of this Commonwealth.

REPUBLICAN

(Vote for one)

ZORAN POPIVICH
 Lewisburg
 D.O.B.: 2/4/31

Qualifications: Twenty years on Bench, 7 as Common Pleas Judge, almost 13 as appellate Judge on Superior Court. Sixteen years as a practicing attorney and Mayor of McKeesport. Grown family of 4, married 34 years. This background, coupled with Air Force service, gives me the qualifications.

Question: 1. Endorse a constitutional revision raising the necessary qualifications for judicial post. Right now, all that is required is admittance to the bar. 2. Endorse merit selection of judges. 3. Support and implement constitutional amendment for judicial discipline. 4. As a foundation, implement stricter requirements for entry into law school and admittance to the bar.

RON CASTILLE
 Philadelphia
 D.O.B.: 3/16/44

Qualifications: Supervised 60,000 adult and 10,000 juvenile

cases yearly. Handled largest appellate practice in state courts; Legislative Chair., Pa. District Attorneys' Assoc.; Legislative Chair., Nat'l. District Attorneys' Assoc.; Presidential Drug Commission appointee; Advisor, U.S. Civil Rights commission; Court reformer; corruption fighter; combat veteran, U.S. Marine Corps, Vietnam

Question: Eliminate election of judges; reform judicial discipline; end unaudited court expense accounts; create special death penalty court docket; institute speedy disposition procedures; enact a code of evidence; reform jury procedures; institute law-trained district justices; reform waiver trial procedures; increase alternate dispute resolution process; begin a state-wide court audit to eliminate waste.

JUDGE OF THE SUPERIOR COURT JOB DESCRIPTION

The Pennsylvania Superior Court is an intermediate appellate court established to reduce the workload of the Supreme court. The Superior Court has 15 judges who are elected for 10-year terms, with the President Judge elected for a 5-year term by the members. Appeals to the court include all criminal cases except those involving felonious homicide.

Term: 10 years
 Salary: \$101,500

DEMOCRATIC

(Vote for one)

MATTHEW M. SARSFIELD
 McKeesport
 D.O.B.: 11/14/50

Qualifications: Univ. Pittsburgh (B.A. Administration of Justice) 1979; Mississippi Coll. (J.D.) 1988. Served with 11th Marines Vietnam, honorable discharged SGT. 1972; Employed as a laborer with the US Steel Corp., Homestead, 1974-79; Allegheny County and Commonwealth of PA Prison Guard, 1979-80. Presently in private practice in McKeesport, PA.

Question: One specific suggestion for improving the administration of Justice in PA would be to require district magistrates to be licensed to practice law in the Commonwealth. Federal magistrates are required to be licensed attorneys and the standard should be the same on the state level. Cases handled properly before a district magistrate can increase efficiency of the entire State Judicial System. This gives everyone as taxpayers better government at a lower cost.

JON PUSHINSKY
 Pittsburgh
 D.O.B.: 5/30/54

Qualifications: My practice has two areas of concentration - appellate and public interest litigation. These areas require skills one would expect of an appellate judge and provide me with a perspective rooted in litigation on behalf of the disabled, the disenfranchised and the discriminated against. Education: B.A., M.A. and J.D. degrees.

Questions: The Superior Court

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