

PERSONAL DATA QUESTIONNAIRE

1. State your full name: **Paul Kevin Brobson**

Have you ever been known by any other name? **No.**

2. Office address (include zip code):

**213 Market Street, 3rd Flr.
Harrisburg, PA 17101**

Office telephone (including area code):

**717/237-4845 (ph)
717/233-0852 (fax)**

Name of law firm, if associated:

Buchanan Ingersoll & Rooney PC

3. Date and place of birth:

November 26, 1970, in Williamsport, Lycoming County, Pennsylvania

4. Are you a naturalized citizen? **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:

I have been married to the former Lauren Cotter for ten (10) years. We were married on November 21, 1998. We have three (3) children.

- b) Have you been divorced? **No.**

6. Have you had any military service? **No**

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:

Juris Doctor, May 1995 *Summa Cum Laude*
Class Rank: 2/205
Widener University School of Law, Harrisburg, PA
Attended Fall 1992 through Spring 1995

- **Law Review, Internal Managing Editor, *Widener Journal of Public Law***
- **Phi Kappa Phi - National Honor Society**
- **Outstanding Service Award**
- **Best Student Article 1994-95**
- **Academic Scholarship - awarded to the top three students in a class after first year is completed.**
- **Dean's Honor List**
- **Certificate of Achievement - Advanced Criminal Procedure - awarded to the highest final grade in the class.**
- **Who's Who Among Colleges and Universities - 1994-95**

Bachelor of Arts, May 1992 *Magna Cum Laude*
Double Major: Accounting and Economics
Lycoming College, Williamsport, PA
Attended Fall 1988 through Spring 1992

- **Professor Logan A. Richmond Accounting Prize - for outstanding work in accounting and exceptional proficiency in writing.**
- **Omicron Delta Epsilon - National Economics Honor Society.**
- **Jack C. Buckle Memorial Award - given to an outstanding student in his or her junior year for dedication to the betterment of campus life.**
- **Dean's List**

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 the United States (Oct. 30, 2000)
Supreme Court of Pennsylvania (Dec. 11, 1995)
Supreme Court of New Jersey (Jan. 13, 1996)
District of Columbia Court of Appeals (June 7, 2004)
United States Court of Appeals for the Third (Aug. 9, 1996), Federal (June 11, 1998), and Ninth Circuits (Nov. 12, 1998)
United States District Court for the E.D. Pa. (Jan. 22, 1996), M.D. Pa. (Nov. 12, 1996), D.N.J. (April 1, 1996)

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:

As a member of my firm's Commercial Litigation Section, I have appeared in courts and administrative agencies on a regular basis. My practice, however, is not entirely courtroom based, as a portion of my representation is transactional and regulatory.

- b) What percentage of these appearances was in:

1. Federal courts: **20%**
2. State courts of record: **80% (including before administrative agencies)**
3. Other courts: **0%**

- c) What percentage of your litigation was:

1. Civil: **100% (including administrative)**
2. Criminal: **0%**

- 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:

I have not participate in any trials within the last five years, as my practice is not primarily a civil *trial*-type practice. I am, however, currently in the pretrial phase of a multi-million dollar federal case in the District of New Jersey. We anticipate the case will proceed to trial in the first half of 2009. I will serve as second chair for that matter and will be active in both cross-examination and presenting our client's affirmative case to the jury.

- e) What percentage of these trials were: **N/A**

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:

Approximately the same.

- b) Any significant changes in the percentages stated in your answers to question 11 (b), (c), and (e):

Over the course of my career, my practice has become increasingly focused on state practice, particularly in the administrative law area. I spent more time in the federal courts earlier in my career than I do today.

- 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. My practice is not generally a civil *trial*-type practice, but rather tends to deal more with cases and disputes where legal, not factual, issues predominate either in a courtroom, administrative, or other setting. Most of the cases I have handled in civil courts have been resolved prior to trial, either by settlement, voluntary discontinuance, or disposition of legal issues through summary judgment or other form of summary disposition. My evidentiary experience is primarily in the context of pre-trial proceedings, such as requests for preliminary injunctive relief, and administrative hearings.

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:

(1) *Kofsky et. al. v Reed*—In this case, two physicians hired my firm over a concern about an action taken by the Medical Professional Liability Catastrophic Loss Fund (“CAT Fund”), which has since been replaced by the MCARE Fund. Under the law in effect at that time (Act 135 of 1996), the annual surcharge assessed on physicians practicing in the Commonwealth was based on the rates and classifications for medical malpractice insurance for the Joint Underwriting Association (“JUA”)—called the “prevailing primary premium.” The clients were specialty surgeons, which placed them in a reduced risk category for purposes of medical malpractice insurance. The CAT Fund, however, refused to calculate the clients’ surcharge based on the in effect JUA rate and, instead, based the surcharge on a prior JUA right, which lumped the clients in with high risk surgeons (e.g., cardio-thoracic, neuro, etc.). Administrative solutions proved fruitless. We thus invoked the Commonwealth Court’s original jurisdiction by filing a Petition for Review (In

the Nature of a Complaint for Mandamus) against the Director of the CAT Fund, in which we sought an order compelling the Director to comply with Act 135. We simultaneously filed a request for special relief in the nature of peremptory mandamus pursuant to Pa. R.A.P. 1532(a). We had an evidentiary hearing before Senior Judge Ross of the Commonwealth Court, after which the Court granted our request for peremptory mandamus in a January 27, 1998 Memorandum Opinion and Order. The CAT Fund appealed, but subsequently dropped its appeal. I served as the only associate on the matter, supporting the lead lawyer on the case. I had a key research, drafting, and strategy role at all stages of the case.

This case had personal significance to me early on in private practice. It served as my introduction to the interaction between state agency action and the original jurisdiction of the Commonwealth Court. I learned a great deal from this case about the nuances of practice in the Commonwealth Court's original jurisdiction. This was the case that instilled in me the desire to develop a practice focused on administrative law and practice before the Commonwealth Court.

At the time, the CAT Fund's Chief counsel was Arthur McNulty, currently the Chief Counsel for the Pennsylvania Insurance Department, Strawberry Square, Harrisburg, phone (717) 787-2713. Outside counsel for the CAT Fund was Guy A. Donatelli, Esquire of Lamb McErlane PC, 24 E. Market Street, P.O. Box 565, West Chester, PA 19381-0565, phone (610) 701-4419.

(2) *Nancy Tuell as Trustee v. Fidelity Mutual Life Ins. Co. (In Rehabilitation)*—My firm was retained to assist Nancy Tuell, Trustee and daughter of an insured under a policy of life insurance issued by Fidelity Mutual Life Insurance Company ("Fidelity Mutual"), which has been placed into rehabilitation by the Pennsylvania Insurance Commissioner and was thus the subject of rehabilitation proceedings before the Pennsylvania Commonwealth Court. Ms. Tuell and her father had attempted to surrender the life insurance policy *before* the rehabilitation became effective. According to my analysis, they should have been successful. The Pennsylvania Insurance Commissioner, serving as Rehabilitator for Fidelity Mutual, however, would not honor the surrender. Instead, the Rehabilitator used the cash surrender value to continue to pay the premium on the policy, thereby depleting the cash surrender value of the policy. This decision, unless challenged, posed an approximately \$100,000 hardship on Ms. Tuell and her father. The Rehabilitator denied a proof of claim seeking the cash surrender value. We appealed that ruling to the Commonwealth Court and, pursuant to procedures established for resolving disputed claims in insurance company receiverships, the Commonwealth Court assigned a referee to hear the appeal and issue a report and recommendation to the court. The referee issued a report and recommendation that was very favorable to Ms. Tuell and her father and very critical of the Rehabilitator's actions. The Rehabilitator filed exceptions to the report and recommendation. The parties settled the matter before the

Commonwealth Court issued a decision, pursuant to which the Rehabilitator agreed to pay our client the full surrender value of the policy plus interest. The Commonwealth Court issued an Order approving the settlement on December 4, 2000. Though I was not lead counsel on the case, I was the primary attorney that handled this matter for Ms. Tuell and her father, including briefing and argument.

The case was significant to me on a personal level. Having a practice primarily focused on commercial litigation, this was an opportunity to work directly and fervently on behalf of *individuals* who had been treated unfairly by the state. Working with Nancy Tuell and her father turned into one of my most rewarding victories and exemplified in very real terms the “watchdog” nature of the Commonwealth Court on behalf of all Pennsylvanians—not just businesses.

The referee was Henry B. Fitzpatrick, Esquire, 147 Allgates Drive, Haverford, PA 19041, phone (610) 658-0721. The Rehabilitator for Fidelity Mutual was represented by Rudolph Garcia, Esquire, now of Buchanan Ingersoll & Rooney PC, 1835 Market Street, 14th Floor, Philadelphia, PA 19103-2985, phone (215) 665-3843, and Michael Consedine, Esquire, of Saul Ewing LLP, Penn National Insurance Plaza, 2 North Second Street, 7th Floor, Harrisburg, PA 17101-1619, phone (717) 257-7502.

(3) *National Warranty Ins. Co. v. Greenfield*—In this case, I represented an insurance company organized as a risk retention group under the federal Liability Risk Retention Act of 1986. As a risk retention group, National Warranty Insurance Co., RRG (“NWIG”) was regulated as an insurer in a domiciliary jurisdiction and could operate as an insurance company in any other state so long as it registered. This lead state regulation model distinguishes risk retention groups from traditional insurers, which must obtain a license to operate in every state in which they wish to sell insurance. In 1996, the State of Oregon attempted to prevent NWIG and other risk retention groups from insuring their members by taking the position that such insurers were not “authorized” to write insurance in the State of Oregon. On behalf of our client, my firm brought a federal lawsuit against the insurance regulator for Oregon under 42 U.S.C. § 1983, asserting, *inter alia*, federal preemption and violation of NWIG’s rights under the LRRRA. The district court entered summary judgment in the client’s favor and awarded our client attorneys’ fees pursuant to 42 U.S.C. § 1988. The United States Court of Appeals for the Ninth Circuit affirmed. The United States Supreme Court denied a petition for writ of certiorari. I served as the principal associate on the matter, supporting the lead lawyer on the case. I had a key research, drafting, and strategy role at all stages of the case, including the brief in opposition to the United States Supreme Court.

Reported decisions include:

National Warranty Ins. Co. v. Greenfield, 24 F. Supp. 2d 1096 (D. Or. 1998) (Stewart, M.J.)

National Warranty Ins. Co. v. Greenfield, 214 F.3d 1073 (9th Cir. 2000) (Kleinfeld and Fletcher, C.J., and Manella, D.J.), *cert. denied*, 531 U.S. 1104 (2001)

The case was significant victory for our client and the risk retention group industry as a whole because the core right and protection afforded risk retention groups under the LRRRA is the right to operate in all states and to not be discriminated against in favor of other types of insurers. The case was also particularly difficult because of adverse authority from other jurisdictions.

Bruce Rubin, Esquire of Miller Nash, LLP, 3400 U.S. Bancorp Tower, 111 S.W. Fifth Avenue, Portland, Oregon 97204-3699, phone (503) 224-5858. Counsel for the Oregon regulator in the district court proceeding were William E. Brickey and Katherine G. Georges, both then of the Oregon Department of Justice at 1162 Court Street NE, Salem, OR 97301-4096, phone (503) 378-4400. Denise Fjordbeck, also of the Oregon Department of Justice, handled the appeal for the State of Oregon.

(4) *1996 Consolidation of Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield to form Highmark Inc.*—In 1995, the former Pennsylvania Blue Shield and Blue Cross of Western Pennsylvania filed papers with the Pennsylvania Insurance Department, seeking approval to consolidate into a new company under the Pennsylvania Nonprofit Corporation Law. They obtained approval in November 1996 and in December 1996 consolidated to form what is today Highmark Inc. (“Highmark”). The approval and subsequent consolidation sparked immediate litigation. I have been part of the legal team representing Highmark since the 1996 consolidation in defense of that transaction. We were successful in defeating initial efforts to appeal immediately the 1996 approval to Commonwealth Court, arguing that the approval was not yet an adjudication that could be appealed. This led to an administrative proceeding in the Pennsylvania Insurance Department that lasted 10 years. In May 2006, Pennsylvania Insurance Commissioner Diane Koken issued a final adjudication, dismissing the challenges to the original 1996 approval. The remaining objector to the transaction (Robert Sklaroff, M.D.) appealed the decision to Commonwealth Court, as did Highmark competitor Capital Blue Cross (which was not a party to the administrative proceedings). The Commonwealth Court affirmed Commissioner Koken’s adjudication and dismissed Capital Blue Cross’s appeal for lack of standing in a reported opinion. Both Dr. Sklaroff and Capital Blue Cross petitioned the Pennsylvania Supreme Court for further appellate review, which the Pennsylvania Supreme Court just recently denied on January 7, 2009. I was the lead associate at the inception of the challenges in late 1996, just weeks after I had jointed the firm. In 2002, I assumed the role of lead regulatory counsel. From that time on, I was the primary scrivener of all legal briefs filed

with the Pennsylvania Insurance Department, Commonwealth Court, and Pennsylvania Supreme Court and developed many of the strategies and arguments at all stages of the matter, which ultimately proved successful.

Reported decisions include:

Philadelphia County Medical Soc'y v. Kaiser, 699 A.2d 800 (Pa. Cmwlth. 1997) (en banc)

Capital BlueCross v. Pennsylvania Ins. Dep't, 932 A.2d 552 (Pa. Cmwlth. 2007) (en banc)

The case was significant for several reasons. The consolidation of Pennsylvania's only "Blue Shield" plan with one of Pennsylvania's "Blue Cross" plans was a significant development in Pennsylvania's health insurance market. It was also significant in the amount of time it took for the case to be fully resolved—over a decade. The case was also fascinating in its complexity both substantively (insurance law) and procedurally. I had the opportunity to research and address many issues of administrative practice and procedure—*i.e.*, the extent of discovery in administrative proceedings, motions to disqualify (conflicts of interest), expert witnesses in the administrative setting, whether an agency decision constitutes an "adjudication," the extent to which you must participate in an administrative proceeding in order to be allowed to appeal an adverse adjudication, intervention in administrative proceedings, etc.

Dr. Sklaroff proceeded *pro se*. Capital Blue Cross was represented by Timothy W. Callahan, II, Esquire of Saul Ewing LLP, Centre Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102, phone (215) 972-1081; and Matthew M. Haar, Esquire, of the same firm, Penn National Insurance Plaza, 2 North Second Street, 7th Floor, Harrisburg, PA 17101-1619, phone 717.257.7508.

(5) *GE Frankona Reinsurance Co., Ltd. and ERC Frankona Reinsurance (III) Ltd. v. Legion Insurance Co. (In Liquidation) and Legion Indemnity Co. (In Liquidation)*—My firm was retained in or around September 2002, to assist London-based reinsurers (collectively referred to as "Eagle Star") in an accounting dispute with sister insurance companies Legion Insurance Co. ("Insurance") and Legion Indemnity Co. ("Indemnity"). Both companies were under common ownership and control and, while domiciled in different states (Insurance in PA and Indemnity in IL), operated out of Philadelphia, Pennsylvania. After the companies were placed into receivership in their respective states of domicile, the companies made an effort to re-bill Eagle Star for amounts due and owing between them in a way the benefited Indemnity but that, unless remedies, amounted to a multi-million loss to Eagle Star. My analysis of state insurance insolvency law showed that the effort to re-bill Eagle Star for pre-receivership debt was contrary to law. Vindication of our clients' rights, however, required us to seek relief from various courts, including the United States District Court for the Eastern District of

Pennsylvania; the Pennsylvania Commonwealth Court; the Circuit Court of Cook County, Illinois; and the Illinois Court of Appeals. Ultimately, we prevailed in the Commonwealth Court and the Illinois trial and appellate courts. A request for further review by the Illinois Supreme Court was denied. From the inception to the conclusion of the engagement, I was the principal architect of the legal positions that ultimately proved successful for Eagle Star and the principal scrivener of all filings with all of the courts on behalf of Eagle Star.

Reported decisions include:

Koken v. Legion Ins. Co., 865 A.2d 945 (Pa. Cmwlth. 2004) (Leavitt, J.)

In re Liquidation of Legion Indemnity Co., 373 Ill. App. 3d 969, 870 N.E.2d 829 (1st. Dist.), *appeal denied*, 226 Ill.2d 585, 879 N.E.2d 931 (2007).

This case created new precedent of national significance in the area of insurance company insolvency law, particularly in the area of cross-company offsets and inter-company accounting within an Insurance Holding Company System. In addition, the case was significant because the Commonwealth Court is the court designated by the Pennsylvania General Assembly to oversee all insurance company receiverships of Pennsylvania domestic insurance companies. The Commonwealth Court is currently overseeing several insurance company receiverships, including (but not limited to) (a) Legion Insurance Co., (b) Villanova Insurance Co., (c) Reliance Insurance Co., and (d) PHICO Insurance Co. Effective January 6, 2009, the Pennsylvania Commonwealth Court placed another two insurance companies into receivership—Penn Treaty Network America and American Network Insurance Company. Insurance company receivership, like federal bankruptcies, can be cumbersome and complex. My experience with Eagle Star and other clients in matters relating to insurance company receiverships before the Commonwealth Court has given me valuable insight and experience that I could bring to the Commonwealth Court in this specialized area of the court's original jurisdiction.

Our local counsel in Illinois was Jacqueline A. Criswell, Esquire, of Tressler, Soderstrom, Maloney & Priess LLP, Sears Tower-22nd Floor, 233 S. Wacker Drive, Chicago, IL 60606, phone (312) 627-4003. Legion Insurance Co. (In Liquidation) was represented by Helen Mandel Braverman, Esquire of Braverman Kaskey PC, One Liberty Place, 1650 Market Street, 56th Floor, Philadelphia, PA 19103, phone (215) 575-3800. Legion Indemnity was represented by John J. Cullerton, Esquire; John C. Anderson, Esquire; and James L. Oakley, Esquire, all of Thompson Coburn FagelHaber LLC, 55 East Monroe Street, 40th Floor, Chicago, Illinois 60603, phone (312) 346-7500.

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:

Over the past five years, I have represented clients in regulatory and adjudicatory matters before the Pennsylvania Insurance Department, the Pennsylvania Gaming Control Board, the Pennsylvania Department of Revenue, the Pennsylvania Department of State, the State Ethics Commission, and the State Board of Private Licensed Schools. In all, I estimate that my practice before administrative agencies, commissions, and boards have comprised approximately 30% to 40% of my practice. Because my primary area of practice is in the area of insurance, the majority of my administrative practice has related to the jurisdiction of the Pennsylvania Insurance Department.

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:

Over the past five years, I have appeared in the Pennsylvania Supreme Court, the Pennsylvania Commonwealth Court (original and appellate jurisdiction), and the Pennsylvania Superior Court. I have also appeared in the Illinois Court of Appeals and the Illinois Supreme Court. In all, I estimate that my practice before these courts has comprised approximately 30% to 40% of my practice, with the majority before the Pennsylvania Commonwealth Court.

16. a) Have you ever held judicial office? **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:

I currently serve as a member of the Middle Paxton Township Planning Commission. I was appointed by the Board of Supervisors to fill a vacancy on the Commission in February 2008.

17. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? **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? **No**

19. Are you now an officer or director or otherwise engaged in the management of any business enterprise? **No**
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? . . . 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? **No**
22. Has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? **No**
23. Have you ever been sued by a client? **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 (with the exception, of course, of cases in which I served as counsel to a party in a legal proceeding)**
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? **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.)
- I am a diabetic and take insulin once a day. Otherwise, I am in excellent health.**
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? **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:

Five samples are included. With respect to the briefs, I was the primary scrivener on each of the briefs provided. Others may have contributed to the final product through the editing process. Accordingly, I estimate that the briefs represent 75% to 100% of my personal work.

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).

Pennsylvania Bar Association

Dauphin County Bar Association

- **Public Services Committee (2008 – present)**
- **Chair, Steering Committee for the Dauphin County Bar Association Nonprofit Initiative (2006-present)**

Commonwealth Court Historical Society

The James S. Bowman American Inn of Court (the Inn places a particular emphasis on state administrative law and procedure)

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

I have served as a lecturer at the PBI's Annual Insurance Institute. I have also lectured at the Pennsylvania Land Title Association's annual meeting and have conducted two continuing education courses for the organization. I have also conducted break-out sessions at the National Risk Retention Association's annual conference. Finally, I have participated in CLE presentations as a member of the Inn of Court.

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:

Jump Street (nonprofit regional arts organization)

Member of Board of Directors (2001-2008)

Chair (Jan. 2007-Dec. 2008)

Vice Chair (Jan. 2006-Dec. 2007)

Chair, Marketing Committee (2002-2005)

Chair, Nominating Committee (2003-2005)

State Street Academy of Music

Member of Board of Directors (2004-2005)

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.

The Best Lawyers in America 2009 (Insurance Law)

2008 Pennsylvania Bar Association Pro Bono Award Winner

2008 Dauphin County Pro Bono Lawyer of the Year

Central Penn Business Journal 2005 "Forty Under 40" Honoree

American Lawyer Media-PA 2005 "Lawyer on the Fast Track" Honoree

Martindale-Hubbell BV Peer Review Rated

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.

While in law school, I participated in the Public Interest Law Clinic. Through that program, I had the opportunity to work with the Pennsylvania Coalition Against Domestic Violence and draft legislation that ultimately became Jen & Dave's Law. Jen & Dave's Law (Act 119 of 1996), grants a parent who is involved in a custody case the right to access information about criminal charges filed against the other parent. The law also permits that information to be used in custody decisions. (www.jendaveprogram.us)

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?

Pennsylvania needs Commonwealth Court judges who can apply their passion for the law and their commitment to the Commonwealth to the fair and consistent administration of justice. This is especially important during these difficult economic times. Now more than ever, it is important that state and local agencies act fairly, consistently, and transparently in their regulatory and adjudicatory functions and within the bounds of their authority.

The majority of my legal practice is spent in front of the Commonwealth Court and state agencies. I understand the uniqueness of the Commonwealth Court among state and federal courts across the country. Generally, the court's focus is on legal issues relating to state and local government and administrative agencies. The Court is unique in that it can exercise both original and appellate jurisdiction. Resolution of the issues before the Commonwealth Court often requires rigorous application of principles of statutory construction and a solid background in administrative practice and procedure. My experience and expertise in guiding clients through the administrative and regulatory system will translate into a judge who both understands the Commonwealth Court as an entity as well as its importance to those who come before it.

As a practitioner before the Commonwealth Court, I appreciate judges who understand the Commonwealth Court is a watchdog of government at all levels, ensuring that government appropriately exercises only the authority that it has within the bounds of the law. While there is room for deference in certain circumstances, the importance of this function cannot be overlooked. Laws, regulations, ordinances, and policy statements affect every business and individual in this Commonwealth. It is from this perspective and principle that I would base my term on the Commonwealth Court.

As a Commonwealth Court judge, I will have the distinct honor to serve my state with my passion for this area of the law, my work ethic, and my experience.

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.



Kevin Brobson

1/14/09
Date