

ALLEGHENY COUNTY BAR ASSOCIATION JUDICIARY COMMITTEE
PERSONAL DATA QUESTIONNAIRE
FOR LAWYER APPLICANTS

I am seeking a rating for the following court:

- Allegheny County Court of Common Pleas
- Pennsylvania Commonwealth Court
- Pennsylvania Superior Court
- Pennsylvania Supreme Court
- United States District Court for Western District of Pennsylvania
- United States Court of Appeals for the Third Circuit

1. State your full name:

Charles John Porter

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

2. Office address (include zip code): *300 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219*

Office telephone (include area code): *412-261-0363*

Name of law firm, if associated: *Brucker & Porter, 180 Fort Couch Road, Pittsburgh, PA 15241. 412-881-6620*

3. Date and place of birth: *April 5, 1958; Pittsburgh, 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: *Divorced. I was married on June 25, 1983; Marjorie Jean Pugar.*

b. Have you been divorced? If so, state the date, the number of the case and the court: *September 9, 2011; FD-11-6781; Allegheny County, Pennsylvania*

6. Have you had any military service?
- Give dates, branch of service, rank of rate, and present status: *No*
 - Have you ever been rejected or released from any of the armed services for reasons other than honorable? If so, give details: *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:

Carnegie Mellon University – September 1977 through December 1978. I completed one year at Carnegie Mellon; started a second year and then withdrew so that I could transfer to Duquesne University.

Duquesne University - January 1979 through May 1982. Bachelor of Science in Business Administration (BSBA)

Duquesne University School of Law – Juris doctorate – 1985.

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.

I've been admitted to the bar of the Commonwealth of Pennsylvania since 1985. I am also admitted to the United States District Court for the Western District of Pennsylvania, the Third Circuit Court of Appeals, as well as the United States Supreme Court. I've been admitted pro hac vice in the Courts of Common Pleas of Ohio, the United States District Court for the Northern District of Ohio and the United States District Court for the Northern District of West Virginia.

9. Describe chronologically your law practice and experience after your graduation from law school, including:

- Whether you served as clerk to a judge and, if so, the name of the judge, the court, and the dates of the period you were a clerk: *Upon my graduation from law school, I began clerking with the District Attorney's Office of Allegheny County in September of 1985. I became a full time Assistant District Attorney upon receiving the bar exam results, October 31, 1985. I remained with the District Attorney's Office until September of 1987.*

In September of 1987, I became an associate with the law firm of Scott, Vogrin & Riester. I remained with the law firm until January of 1990.

While working at Scott, Vogrin and Riester, I was asked to serve as the law clerk for the Honorable David S. Cercone. I remained with Judge Cercone as his law

clerk until he became a judge on the United States District Court for the Western District of Pennsylvania.

I left Scott, Vogrin and Riester in January of 1990 to join the law firm of Brucker & Witherel. That firm later became Brucker, Witherel and Zappala, Brucker, Witherel, Zappala and Schneider, Brucker, Olszewski, Schneider & Porter, Brucker, Schneider & Porter and now Brucker & Porter. During this time period, I was also asked by Judge David Cashman to be his law clerk. I remained with Judge Cashman until the Pennsylvania Supreme Court determined that one could not clerk and practice in the same division. At that time, I began serving as the law clerk for the Honorable Paul L. Luty. Upon Judge Luty's retirement, I again became the law clerk of Judge David Cashman.

I have also served on the Shaler Township Zoning Hearing Board as a member of that board for over ten years. We are a three member board and sit in a quasi-judiciary capacity.

- b. Whether you practiced alone and, if so, the addresses and the dates:
- c. The dates, names and addresses of law firms or offices, companies, or governmental agencies with which you have been connected and the nature of your connection with each:
- d. Any other relevant particulars:

10. With respect to your practice:

- a. What has been the general character of your practice, dividing it into periods with dates if its character has changed over the years?

From October of 1985 through September of 1987, I served as an Assistant District Attorney. I served both in the General Trial Units and the Area Prosecution Units. I tried numerous cases as an Assistant District Attorney, both jury trials and non-jury trials.

In September of 1987, I joined the law firm of Scott, Vogrin and Riester. The general nature of my practice was primarily criminal defense. I did do some family division work, as well as some civil/arbitration division matters as well. My practice continued in all of these areas when I joined Brucker and Witherel, with the bulk of my practice again being in the criminal defense arena. That practice also involved vehicle code matters as well as district judge practice. I first appeared in Federal Court in approximately 1990. My practice has evolved into a practice that is primarily criminal defense in both the state and federal courts. I also am involved in civil litigation mostly involving the representation of the District Attorney's Office.

- b. Describe your typical clients and mention the areas, if any, in which you have concentrated your practice:

I typically represent people accused of crimes and/or motor vehicle/traffic and license matters. I practice primarily in the Federal District Court for the Western District of Pennsylvania as well as the State Courts in the various counties in Western Pennsylvania. I also practice before the magisterial district judges.

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:

I have appeared regularly in court over the last five years. I have appeared in the Federal District Courts, the Courts of Common Pleas as well as the Magisterial District Courts. I would estimate that my practice is split equally between the Federal District Courts and the Courts of Common Pleas and Magisterial District Courts. 90% of my litigation is in the criminal court arena. I have tried countless cases to verdict where I was either the sole counsel or lead counsel. I would estimate that I have tried over 50 jury trials during my career and countless non-jury or bench trials. I have probably handled more non-jury trials than jury in Allegheny County. The bulk of my out of town practice or Federal Court practice, in cases that proceeded to trial, would be almost all in the jury trial arena.

- b. What percentage of these appearances was in:

- i. Federal courts:
- ii. State courts of record:
- iii. Other courts:

- c. What percentage of your litigation was:

- i. Civil:
- ii. Criminal:

- 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 associated counsel:

- e. What percentage of these trials were:

- i. Jury:
- ii. Non-Jury:

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:

My number of court appearances have been general consistent. The number of cases I have handled and have tried per year have been essentially consistent over the last two decades.

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

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.

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:

Commonwealth v. McFadden. Ms. McFadden had been convicted at trial of the charge of aggravated assault in a case that involved her shooting her husband. I was retained for purposes of appeal and successfully argued that the trial court erred in failing to charge on justification, as the testimony established that the firearm accidentally discharged in a struggle between Ms. McFadden and her husband. Upon remand, Ms. McFadden pleaded nolo contendere for time served with no additional probation or parole. The published opinion established that one could successfully argue an accidental discharge of a weapon as a proper argument in a justification or self-defense setting.

United States v. Jessie Risha. Mr. Risha was convicted in the United States District Court for the Western District of Pennsylvania of mail fraud (arson). Mr. Risha was facing a mandatory five year sentence of incarceration. I was retained after his conviction, filed post-trial motions and convinced Judge Ambrose that a Brady violation had occurred so as to warrant the grant of a new trial. The government appealed to the Third Circuit and in a published opinion, a panel of the Third Circuit determined that while a Brady violation had likely occurred, a remand was required for a further evidentiary hearing. Upon remand, another evidentiary hearing was held. Following this evidentiary hearing, the government ultimately dismissed the indictment against Mr. Risha.

Commonwealth v. Robert Regola. Senator Regola was charged with perjury and a multitude of other offenses in the Court of Common Pleas of Westmoreland County, Pennsylvania following an inquest into the death of his neighbor from a shot that was discharged by a gun owned by the Regola family. The jury acquitted Senator Regola within several hours following a highly publicized trial before the Honorable Judge Blahovic in the Court of Common Pleas of Westmoreland County, Pennsylvania.

United States v. Michael Ferson. Mr. Ferson was charged in a drug conspiracy in the United States District Court for the Western District of Pennsylvania in a highly publicized trial that involved allegations of drug trafficking from Florida and Texas to the Western District of Pennsylvania. Thirteen defendants proceeded to trial in a case that began in late August and ended in November before the Honorable Gustave Diamond in the United States District Court for the Western District of Pennsylvania. The case involved lawyers from Beverly Hills, California, Las Vegas, Nevada, El Paso, Texas, as well as lawyers from the Western District of Pennsylvania. Mr. Ferson was one of five individuals acquitted of the thirteen who proceeded to trial in this lengthy and contentious trial that received significant publicity.

Commonwealth v. Kathleen Coyne. Ms. Coyne was a nurse who cared for AIDS patients in the West View area of Allegheny County. She was charged with theft and assorted offenses at another highly publicized trial. The jury deliberated less than one hour after a week-long trial in finding that Ms. Coyne was not guilty of the crimes brought against her by the District Attorney's Office of Allegheny County. The case proceeded to trial before the Honorable Robert Gallo.

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:

N/A

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:

N/A

16. a. Have you ever held judicial office? If so, give dates and details, including the courts involved, whether elected or appointed, periods of service, and a description of the jurisdiction of each of such courts with any limitations upon the jurisdiction of each court:

I have served in a quasi-judicial capacity with the Shaler Township Zoning Hearing Board and as previously noted, have served as law clerks for three separate Common Pleas Court Judges.

- 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 have been appointed to serve and have served on the Shaler Township's Zoning Hearing Board for more than a decade.

17. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates:

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? If so, give details, including dates:

After high school and before college, I drove a truck for a florist for a short time. I also worked construction prior to and during college. Since graduating law school, I have maintained a full time law practice as well as serving as judicial law clerk for the judges previously mentioned.

19. Are you now an officer or director or otherwise engaged in the management of any business enterprise?

I am a partner in the law firm of Brucker & Porter. Should I be elected to the bench, I would, of course, resign my position with that firm.

- a. If so, give details, including the name of your enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.
- b. Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are elected and confirmed? If not, give reasons.

20. Have you ever been convicted of violating any federal law or regulation, state law or regulation, or county or municipal law, regulation or ordinance? If so, give details. 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: If so, give particulars:

No.

22. Has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? If so, give particulars:

No.

23. Have you ever been sued by a client? If so, give particulars:

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 figure as a subject or in which you appeared as a witness:

I was a party in a divorce proceeding as previously mentioned. This proceeding was amicable. I was also a party in a lawsuit involving the break-up of the law firm of Brucker, Olszewski, Schneider & Porter.

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? If so, give the particulars:

No.

26. Currently or within the past five (5) years, have you suffered from any medical or other condition which could affect or impair your judgment, reliability, or ability to perform the essential functions of the judicial position you are seeking? If so, describe.

No.

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? If so, please explain.

No.

28. Furnish one (1) example of a legal article, law review article, brief, or other legal writing which reflects your personal work. If a brief is submitted, indicate the degree to which it represents your personal work:

See attached.

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).

I am member of the Allegheny County Bar Association, and have been so for the bulk of my private practice, to the best of my recollection. I served as chair of the Criminal Litigation Section and co-chair of the Federal Criminal Practice Sub-Committee. I have previously been on the Judiciary Committee, as well as the Nominating Committee. I was also formerly a member of the American Bar Association and the Pennsylvania Association of Criminal Defense Lawyers. I am currently a member of the National Association of Criminal Defense Lawyers.

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

I have taught a tax fraud class at Robert Morris University in their graduate tax division in the past. I have been a speaker at several CLE's and was asked in the past to speak to the Allegheny County Public Defender's Office concerning the practice of law. I have also acted as a guest lecturer for the Honorable David Cercone at a class that he taught at the University of Pittsburgh.

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:

I have been a member of the St. Bonaventure Catholic Church since 1986. My children all attended St. Bonaventure Catholic School and I was on their finance committee for many years. I was a member of the Delta Upsilon fraternity at Carnegie Mellon, and have had no involvement with that organization since 1978.

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.

I was a member of Law Review at the Duquesne University School of Law. I was also on the Appellate Moot Court Board. I've been named to the Best Trial Lawyers in America and Super Lawyers in the area of criminal defense.

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 a Court of Pennsylvania.

N/A

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?

I have been an attorney practicing in the Commonwealth of Pennsylvania since October of 1985. My 35 years of practice have been primarily in litigation. During that time, I have had the pleasure of serving in front of many wonderful judges. I've observed the temperament and demeanor of the many judges before whom I have appeared, both in this county and other counties. I have also had the pleasure of clerking for three judges in Allegheny County. It is my personal belief that judges should be lawyers who are well seasoned in the practice of law and who have been advocates in the courts where they wish to serve. There is no substitute for the experience of having tried cases to understand what trial lawyers must endure. I view the position of judge as an extremely noble, dignified and important position. I believe that I have the intellect, temperament and demeanor to be a fine judge. I have a wealth of experience in trying cases. I have the added benefit of having clerked for some excellent judges and having had the ability to see how they dealt with the issues that arose in the cases before them.


35. Did you sign the ACBA Judicial Campaign Advertising Guidelines Pledge? (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.

Charles J. Porter
Type or print name


Signature

10/8/2020
Date

ALLEGHENY COUNTY BAR ASSOCIATION

JUDICIAL CANDIDATE PLEDGE

I, CHARLES JOHN PORTER, a candidate for judicial office, have familiarized myself with the Code of Judicial Conduct and the Code of Civility, as promulgated by the Supreme Court of Pennsylvania. I have directed special attention to Canon 4 of the Code of Judicial Conduct, including Rules 4.1, 4.2 and 4.4. I agree to conduct my judicial campaign consistent therewith and further consistent with *Republican Party of Minnesota v. White*, 536 U.S. (2002). I further pledge that all campaign advertising will be done fairly, accurately, truthfully, and will maintain the dignity appropriate to the judicial office which I am seeking.

Amended 11/18/2014



Signature of Candidate



Date