

Inquirer Judicial Candidate Questionnaire

Name: **Daniel A. Rendine**

Judicial post for which you are running:
Common Pleas Court of Philadelphia

Political Party:
Democrat

Campaign e-mail and Website:
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Questions

1. **Why are you qualified and well-suited to serve as a judge on the court for which you are running?**

I have been in the private practice of law since 1976 and have had an active trial and appellate practice since that time. I have handled all types of criminal and civil matters in all divisions of the Common Pleas Court of Philadelphia including Trial Division, Domestic Relations Division and Orphan's Court Division as well as the Philadelphia Municipal Court. I have had both civil and criminal cases in Federal Courts in many jurisdictions including the Eastern District of Pennsylvania, New Jersey, Delaware, and Detroit, Michigan. I represented clients in most counties in Pennsylvania over the course of my practice. I have tried thousands of cases to verdict including well over three to four hundred jury trials. Many of the jury trials were homicide cases. Many of the homicide cases which I tried involved the death penalty.

I served as a judicial law clerk in the Common Pleas Court of Philadelphia, Criminal Trial Division, Criminal Motions Court from 1982 to 1990 for the Honorable Ned L. Hirsh, the Honorable Anthony J. DeFino, and the Honorable Edward J. Russell. I also served as law clerk for the Honorable James Fitzgerald in 1997.

My experience as an advocate has taught me to zealously represent my clients and to treat opposing counsel courteously and professionally. My experience as a law clerk has given me a unique insight into the difference between practice as an advocate and the role of the judiciary. The judiciary's role is different, because the judge must choose between two sides, which usually present very compelling arguments and follow the rule of law while not advocating for either side. I believe my experience and qualifications trained me to do this.

I believe that my election to the bench would improve our system of justice for the following reasons: When I prepared these papers, I realized that I have been part of many important events in the City for the past few decades. As a life long resident of Philadelphia I am familiar with the City's past and the present. I believe that someone in this position would clearly improve the status of the



judiciary and help move the City of Philadelphia and its citizens into the future.

2. **Did you receive a rating of “recommended” or higher from the state or local bar association?** Yes.
3. **If you are an incumbent judge, what’s a recent instance in which you acted to preserve your judicial independence? If you are an aspiring judge, how do you plan to remain independent if elected to the bench?**

It is clear that judicial independence is an important issue and one that has been frequently in the forefront of public scrutiny. On one hand the legal community is a small community where judges, lawyers, and litigants frequently intermingle in business and in social settings. Obviously, in Pennsylvania where judges are elected, they frequently preside over cases in which lawyers especially, have financially supported them in their efforts to seek the bench. On the other side, a judge must be independent if elected. I believe in our system it is impossible for conflicts like these to be avoided. Even total recusal of the judge from cases where there is a potential conflict would not solve the problem. It is just the nature of the beast. According to long established black letter law, a judge is “presumed to be fair” and a judge is “presumed” to be able to set aside any bias or prejudice that he or she may have when deciding a case. I think that at some point we have to rely on these long established axioms and simply presume that a judge is in fact independent even though that he or she may know someone involved in a case. A judge is also regarded as non partisan and not permitted to engage in any political activities. Again, this seems a difficult goal especially since it is the political process which gets the judge on the bench. At some point we have to trust the process and trust common sense and integrity of candidates and elected officials including judges.

4. **A number of Pennsylvania judges have been sanctioned for campaign activities, ex parte dealings, and other alleged misconduct. How can the state’s judiciary prevent discipline scandals of the type seen recently?**

This clearly relates to the question involving judicial independence but goes a step further. The most recent and startling example of misconduct is the repugnant scandal concerning two judges in Luzerne County. Their actions in conceiving and participating in receiving monetary gains by depriving juveniles basic rights in court not only flies in the face of the Constitution, but I believe is also the epitome of evil in the truest sense of the word. My opinion is that conduct like this can never be “prevented.” It is like trying to “prevent” the use of drugs. If someone wants to use drugs or behave in a criminal manner they are going to do it. That’s the nature of a free society. We can only try to prevent it. I believe that more oversight by Boards such as the Ethics Board, Committee of Seventy, and other governmental authorities may be one way to try to curtail improper activity. This may require judges and other public officials to even be more open concerning private issues and finances. This may be resented by candidates or officials because of our zealous feelings about privacy interests in our country, but it may be necessary.

5. **If you believe that gender, racial, ethnic, class or other forms of bias can infect the justice system, how will you work to keep your courtroom as bias-free as possible?**

I do believe that bias can infect the justice system. In my practice I have represented clients of all genders, races, ethnicity, and classes. I have had many Asian, especially Korean clients over the years. I have personally seen what I believe to be bias against those clients by judges, court personnel, and attorneys. I have seen all of the aforementioned make fun of Asian names or suggest that

businesses run by Asians are not forthcoming coming concerning their profits. I believe this form of bias effects decisions made in court and in arbitration, not always, but I have seen it. In the recent past, I have represented a Chinese client in Easton, Pennsylvania (Northampton County) who was refused admission into a pretrial diversion program (ARD) because he was not a citizen. We diligently fought that case in court, but unfortunately we lost. It was also interesting to note that the ARD application in Northampton County requested information concerning the religion of the applicant and the name of the applicant's pastor. I found that was a shocking and insensitive interference into an applicant's privacy and invasion by the government upon the freedom of speech and the free exercise of religion guaranteed to everyone under the First and Fourteenth Amendments. Because seeing is believing, I have enclosed a copy of relevant portions of the motion which I have filed in that matter to compel my client's admission into the ARD program including a copy of the ARD application form from Northampton County. N.B. question 23 concerning religion. I am also enclosing a copy of a brochure including a photograph which contains personal and professional information.

I would diligently strive to treat everyone equally as I have during my entire career and would demand the same from anyone who worked in my courtroom. I also believe that the court system itself could work with employees concerning sensitivity issues. Many of these biases are deeply routed and likely are not even known to the persons who display them.