


ED SMITH

BIOGRAPHICAL INFORMATION

Date of Birth: 2/14/1959

Resident - Millcreek Township, Erie County


814-452-6800 (office)

EDUCATION:

- Penn State University - 1981 graduate - BS Health Planning and Administration
- Duquesne University School of Law - 1984 graduate - Juris Doctor degree
 - Clerk - Allegheny County District Attorney's Office - Homicide Division

PRACTICE:

- Private Practice - 1984 through present
 - Ely & Smith, 23 West Tenth Street, Erie, Pennsylvania
 - Shapira, Hutzelman & Smith, 305 West Sixth Street, Erie, Pennsylvania
- Paralegal Instructor Penn State - Behrend College
- Erie County Bar Association Erie County Bar President, 2014
Bar Association Highlights for 2014:
 - Formed Women's Division
 - Formed Municipal Law Section
 - Mid-year meeting with Ed Palatella and Jerry Clark as speakers with the Pizza Bomber case as the topic
 - Mock Trials
 - Bar Leadership Training
 - Young Lawyers Seminar concerning student loans
 - Lawyer's Referral Review Task Force
 - Law Day – Matthew Dowd of ABC News as keynote speaker
 - Outreach to inhouse counsel
 - Wills for Heroes
 - Business Partner Program Launch
 - Senior Lawyers Video Project
 - Strategic Planning Renewal
- Erie County Bar Association Workers' Compensation Section Chair (2 times)
- Disciplinary Hearing Officer 2005 through 2011, Disciplinary Board of the Supreme Court of Pennsylvania

My practice has been and continues to be very active and varied. I practice before various courts of record and administrative bodies, including handling workers' compensation cases, unemployment cases, employment discrimination matters, real estate closings, zoning cases, product liability cases, and other litigation in the Court of Common Pleas of Erie County as well as the United States District Court for the Western District of Pennsylvania. I have also represented clients in family law issues, such as divorces, support, custody matters and adoptions.

NOTABLE CASES AND RATINGS:

- Counsel for a plaintiff's class action suit filed in federal court in the Western District of Pennsylvania concerning pension rights of spouses of police officers. Litigated successfully to conclusion. Sonthaimer v. City of Erie, et al.
- Defended potential class-action in the Court of Common Pleas of Erie County. Prime Meats v. Yochim. Successfully defended against an attempt to gain class certification.

COMMUNITY ACTIVITIES:

Community Shelter Services	Board Member, Treasurer, and President of the Board of Directors
Boys and Girls Club	Board Member
Second Harvest Food Bank of Northwest Pennsylvania	Board Member, Treasurer of the Board of Directors, Vice President of the Board of Directors
United Way of Erie County	Board of Directors, Chair of Funds Allocation Division (this group determined what agencies and what agency programs were funded by the United Way)
Erie Homes for Children and Adults	Current Board Member, President of the Board of Directors (2010 through 2012) Co-chair of Capital Campaign 2017-2018 (\$4 million dollars raised)
Erie United Methodist Alliance (EUMA).	Current Board Member. Governance Committee Chair. EUMA runs several homeless shelters, including The Refuge and the Liberty House, among other programs
TEDxErie	2016 Sponsorship Chair 2015 Speakers Committee
2017- 2019 Coach Advisor to McDowell High School Mock Trial Team	
2001 - United Way Outstanding Volunteer Award	
1997 - United Way "Spirit of Erie" Award	
Northwest Pennsylvania Inns of Court member, Membership Chair 2017-2018	
Erie Rotary Club, member	
Pennsylvania Bar Foundation Board member (2017 - current)	
Pennsylvania Bar Foundation Life Fellow	
Erie County Policy and Planning Council, member	

PERSONAL:

Married 33 years to Jennifer Smith. Two children, Wesley and Chelsea, raised in Millcreek Township, Erie County.

Lector/Eucharistic Minister, St. Patrick's Church.

Lector, St. Peter's Basilica, Rome, Italy.

MYAA Baseball Coach for over 12 years.

**THE ERIE COUNTY BAR ASSOCIATION
JUDICIAL COMMITTEE**

2019 QUESTIONNAIRE FOR JUDICIAL CANDIDATES

Candidate's Name: Ed Smith

Office Address: 305 West Sixth Street
Erie, PA 16507

Phone Number: (814) 452-6800

E-mail: esmith@shapiralaw.com

1. Why are you seeking the position of Judge of the Court of Common Pleas?

The position of Judge in the Court of Common Pleas is a position of trust within the community. The Court has significant authority over our citizen's lives and the individuals who hold this position need to have sufficient experience, temperament, maturity and patience to handle this responsibility. The Court's power needs to be exercised carefully with a degree of discretion and deftness.

I believe that my 34 years of practicing law, my serving as Bar President, my serving as a Disciplinary Hearing Officer, and my peer review rating show that I have the characteristics to handle this authority responsibly. I also believe that my life experiences have tempered me to handle this important position in our community.

At our best, attorneys and judges should seek to be problem solvers and it is my hope to have a positive impact upon the lives of those that appear before me and upon the lives of others involved in the Court system.

2. Being careful to maintain client confidentiality as embodied in the Rule 1.6 of the Rules of Professional Conduct, describe the general character of your law practice, including areas of concentration and the most significant achievements of your legal career. Explain how your practice has prepared you for the position of Judge of the Court of Common Pleas.

I have practiced in almost every area of law from A to Z – from adoption to zoning. I have handled cases in the family law area, such as custody, support, adoption, divorce. I have practiced and tried cases with regards to zoning matters, real estate tax issues, personal injury cases, workers' compensation, unemployment compensation, and real estate matters. I also began my career clerking in the Allegheny County District Attorney's Office starting in the

Appeals Section and being promoted to the Homicide Division. I have also practiced in the criminal law area.

For a few examples of the variety of my practice, I presently have a products liability case pending in the Court of Common Pleas, I am defending an employment discrimination case in the United States District Court for the Western District of Pennsylvania, and I am also handling a real estate tax exemption case currently pending in the Court of Common Pleas for a large Erie non profit.

I believe that I am one of the few attorneys in Erie who have been involved in several class action suits. I previously litigated to a successful conclusion, a federal class action case concerning pension rights of spouses of police officers in the Western District of Pennsylvania. That litigation was concluded successfully with a judgment in favor of the class. I also defended a company being sued in a potential class action suit under the Pennsylvania Unfair Trade Practices Act. I was successful in preventing that case from being certified as a class.

I was previously honored with the professional honor of my lifetime when I was nominated, elected and served as the President of the Erie County Bar Association. There, we formed for the first time, the Women's Division of our Bar Association.

From 2005 to 2011, I was a hearing officer for the Disciplinary Board of the Pennsylvania Supreme Court. We were charged with the task of serving as fact finder in the quasi-judicial role of conducting hearings and ruling on evidentiary matters concerning alleged professional misconduct.

Finally, I am also fortunate enough to have received the highest peer rating possible by anonymous survey of our peers concerning legal and ethical standards. In accordance with Martindale-Hubbell, found at www.lawyers.com, I have received an AV rating.

3. With respect to the last ten 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 set forth above, I regularly appear in court. I have cases pending in the federal court, in the Western District of Pennsylvania, and in the Court of Common Pleas. These concern product liability cases, employment discrimination cases, real estate taxing issues and others. I have an extensive administrative law practice and have tried many workers' compensation cases. These cases involve the same trial preparation work as in any litigated case – preparing parties for depositions and testimony in court, obtaining expert witness opinions, deposing medical experts, examining and cross-examining witnesses and applying rules of evidence and procedure.

b) What percentage of these appearances was in:

1. Federal courts:
2. State courts of record:
3. Other courts:

I would approximate as follows: federal court cases, including Social Security cases at 35%; 30% in administrative court proceedings; and 35% in state courts of record.

c) What percentage of your litigation was:

1. Civil:
2. Criminal:

The vast majority of my cases have been civil in nature. As indicated above, I started my career by clerking in the Allegheny County District Attorney's Office and I have been involved in criminal matters as well but, the majority of my practice is civil in nature.

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 tried multiple cases to verdict or judgment. Many of these cases would have occurred in the administrative law area of practice; however, I have also tried multiple cases in the Court of Common Pleas to a verdict by jury.

e) What percentage of these trials were:

1. Jury:
2. Non-Jury:

See above.

f) Describe other areas of practice:

In addition to the above, I was also requested to serve as an expert witness in a case in the Court of Common Pleas of Erie County concerning the value of a disfigurement and scarring matter.

4. Have you ever been convicted of any misdemeanor or felony, court-martialed, been granted immunity from prosecution, or been the subject of a protection from abuse final order? If so, give details.

No.

5. Have you ever been the subject of formal discipline for a breach of professional ethics or unprofessional conduct?

No.

6. Have you ever been found liable for legal malpractice?

No.

7. In the last 10 years:

a) has a tax lien or other collection proceeding ever been instituted against you by federal, state, or local authorities?

No.

b) has a judgment been entered against you?

No.

c) have you ever filed personal bankruptcy?

No.

8. Do you have experience with ADR? If so, give details.

Yes. I have been involved in multiple cases that have proceeded through binding and non binding arbitration and/or mediation. Without question, this is an area of law that has been expanding and will likely continue to expand as the costs and risks of litigation continue to multiply.

9. What judges or justices do you most admire and why?

First, I would exclude any presently sitting Judge as I don't believe it would be appropriate to comment on a sitting Judge. I greatly admired Bankruptcy Judge Warren Bentz. I thought that he had control of his courtroom, he would listen respectfully to the parties and their counsel, would not embarrass counsel in front of their clients, and would come to a timely decision.

10. 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:

I have practiced extensively within the workers' compensation system as well as tried unemployment compensation cases. I have represented claimants in numerous proceedings before the Equal Employment Opportunity Commission and the Pennsylvania Human Relations as well as the Erie County Human Relations Commission. I would estimate that approximately 35% of my litigation has been involved in these types of cases.

11. 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:

Since being admitted to the Bar, my sole efforts have been placed toward my legal practice.

12. Describe your involvement in community activities.

I believe that my involvement in community activities have been and continue to be extensive. I served as a Board Member and/or Officer on the Boards of the Community Shelter Services, Boys and Girls Club of Erie, Second Harvest Food Bank of Northwest Pennsylvania, and the United Way. I currently sit on the Board of the Erie Homes for Children and Adults and EUMA. EUMA provides homeless shelters, such as the Refuge and the Liberty House, the latter of which provides homeless residence to our veterans. I was co-chair of the Capital Campaign for the Erie Homes for Children and Adults, a campaign which ultimately resulted in over 4 million dollars being raised to construct four new residence for medically complex disabled individuals. At the United Way, I was the chairperson of what was then known as the "Allocations Division," a division which decided which agencies received funding and what programs were funded as well. In 2001, I received the Volunteer of the Year Award from the United Way and in 1997, I received the Spirit of Erie Award from the United Way as well.

In addition, I have served as a boy's baseball coach for 12 or 13 years, I volunteered at TedX Erie serving as chair of the sponsorship committee and also a coach for several of the speakers. I also volunteer at my church.

In addition to the above, I consider my service on the Board of the Erie County Bar Association and my service as President of the Bar Association also to be a community activity.

13. What do you consider a significant achievement in your life outside your profession? Describe it.

Outside of my practice, I have been married for 33+ years to my wife, Jennifer and we have two grown children, Wes and Chelsea. Wes, our son, has returned to school and is an engineering major at Penn State Behrend and our daughter teaches autistic students in Raleigh,

North Carolina. I'm proud of their accomplishments and contribution to our society. We are actively involved with our families and, as my wife is one of ten children, our family life has been very busy and important to us.

14. 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:

None.

15. Describe your involvement in Erie County Bar Association activities.

I have been extensively involved with the Erie County Bar Association. I served on the Board of Directors, as the Workers' Compensation Section Chair on two separated occasions, and in 2014 as the President of the Bar Association. As President of the Bar Association, I believe that my significant achievement was the formation of the Women's Division for the first time. We also formed the Municipal Law Section, began outreach to in-house counsel, re-established the Strategic Planning and reviewed and revised that plan, conducted the Wills for Heroes, held a seminar with regards to student loan debt and attorneys, along with all the other regular activities of the Bar. In addition, I serve on the Law Day Committee, the Budget Committee and Personnel Committee.

16. How do you view the current relationship between the Bench and the Bar of Erie County? Do you think it can be improved? What would you do to maintain or improve relations between the Bench and the Bar if elected to the position of Judge of the Court of Common Pleas?

I believe that the relationship between the bench and the Bar has significantly improved. I was happy to see the attendance at the Bench Bar Conference both in terms of members of the Bar as well as members of the Bench. That being said, there is always room for improvement. I believe that the Bench should be actively involved in the Bar Sections, Committees and Divisions. I believe that a Judge should appear at most meetings, as the attendance by a Judge drives up attendance of Bar members who are always anxious to gain insight into what the Judge is thinking. I do believe also, that the various committees, for example, need time separate and apart from the Judge. For example, practitioners will want to discuss various issues before the court without the Judge being present from time to time. I view this as an entirely healthy exercise.

17. Do you believe it is important for a Judge to remain involved in Erie County Bar Association activities? Please explain:

Yes. Please see the answer above to question #16.

18. What do you envision to be your continuing role with the Erie County Bar Association should you be elected? Would you attend substantive and social gatherings of that Bar Association?

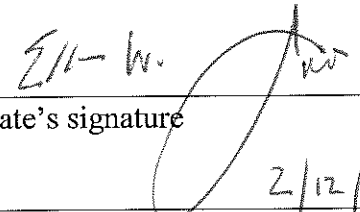
I would hope and intend to be as involved as the Bar Association would desire. Again, I believe that attendance by a Judge at the Section Division meetings spurs attention by the Bar. I would be happy to serve on whatever committee that would welcome my involvement.

19. Are there any other matters, not covered in these questions, which you consider relevant to members of the Erie County Bar Association and to voters evaluating your fitness for the judiciary? If so, describe.

I believe that the position of Judge for the Court of Common Pleas is a position of trust within the community. I also believe that the Judges are, to some extent, community leaders. I believe that my 34 years of practice, my serving as your Bar Association President, my personal life, temperament and understanding all qualify me to hold this important position of trust. I believe that temperament is the single most important characteristic of any candidate for Judge. I also hope and believe that throughout my career, I have shown the temperament necessary to handle this position. We should be seeking as Judges and attorneys to solve problems. If a Judge acts rashly or without considered judgment, that Judge has simply created more problems in the courtroom and for the parties involved.

I ask for your trust, consideration and support.

Ed Smith


Candidate's signature

2/11-19
Date

2/12/19