

**WASHINGTON COUNTY BAR ASSOCIATION
COURT RELATIONS COMMITTEE**

JUDICIAL CANDIDATE QUESTIONNAIRE

1. **Name:** State your full name, including any former names used.
Phillippe Anthony Melograne

2. **Position:** State the position that you are seeking.
Judge, Washington County Court of Common Pleas

3. **Addresses:** List your current office address, as well as the city and state of your residence.
 - a. List your office addresses for the past ten (10) years, including the years spent at each address.
Current Offices:
Washington Trust Building, Suite 311, Washington PA 15301 (Fall 2000 – Present)
101 W. Main St, Carnegie, PA 15106. (June 2015 – Present)

Prior Office:
1710 Lawyers Building, 428 Forbes Ave, Pittsburgh, PA 15219 (April 1997 – June 2015)
321 Regis Avenue, Pittsburgh, PA 15236 (April 1997 – Fall 2000)

 - b. List each city and state where you have resided to the past ten (10) years, including the years spent at each address.
McMurray, PA (Peters Township) – All ten years at the same address.

4. **Birthplace:** State the year and place of your birth.
Birthdate: January 13, 1961, Pittsburgh, PA

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Duquesne University School of Law, 1983-1987, Juris Doctorate
University of Pittsburgh, 1978-1983, Bachelor of Arts, Major: Political Science, Minor: Economics

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

July 2015 to Present - Melograne Law Offices
2012 to June 2015 – Stewart , Melograne and Zinski – Left to pursue my own practice.
November 2010 – December 2011 – Appointed by Governor Edward G. Rendell to the Court of Common Pleas in Washington County – Left after unsuccessful election.

1997- October 2010 – LoPresti, Stewart and Zinski (Which became Stewart, Melograne and Zinski) – Left when appointed to the Court of Common Pleas in Washington County.
1989 to 1997 – Allegheny County District Attorney, Pittsburgh, PA, District Attorney Robert Colville – Left to pursue private practice.
1987 to 1989 – Zagari & Scalise, Lawyers Building, Pittsburgh, PA – Left to pursue a position as an assistant district attorney with a focus on litigation.
1983 to 1987 – Law Clerk – Michael D. Foglia – Left to pursue a civil litigation position as an associate.
1978 to 1985 – Worked as a Boilermaker, Iron Worker, Labor and Steelworker during the summers.

7. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Senatorial Scholarship and Deans List

8. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Washington County Bar Association

9. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

November 23, 1987 – Admitted to the Pennsylvania State Bar

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

1987 – Admitted to the Federal Court for the Western District of Pennsylvania

May 16, 1994 – Admitted to The United States Supreme Court

10. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Italian Heritage Society of America – Solicitor, Italian American Society – Member, Elks – Member, NRA – Life Member, Veterans of Foreign Wars – Associate Member, Firearm Owners Against Crime – Life Member

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, religion, or national origin. Indicate whether any of these organizations listed in response Question 10(a) currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

N/A

11. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Candidate for Court Common Pleas in Washington County (May 2011)

Served on the Court of Common Pleas in Washington County (November 2010 – December 2011)

Candidate for Court of Common Pleas in Allegheny County (May 1999)

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Washington County Democratic Committee (2006 to 2010)

Member of Commissioner Diana Irey Vaughn's Committee, Friends with Diana (2015)

12. Legal Career: Answer each part separately.

- a. Describe in reverse chronological order your law practice and legal experience after graduation from law school including:
 - i. 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;
 - ii. Whether you practiced alone, and if so, the addresses and dates;
 - iii. The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.
 - iv. Whether you served as a mediator or arbitrator in alternative dispute

resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

July 2015 – Present – Solo Practice, Melograne Law Offices, Washington Trust Building, Suite 311, Washington, PA 15301 and 101 W. Main St., Suite 301, Carnegie, PA 15106

2012 – July 2015 – Parnter, Stewart, Melograne and Zinski, Washington and Pittsburgh, PA

November 2010 – December 2011 – Appointed by Governor Edward G. Rendell to the Court of Common Pleas in Washington County, PA

1997 – October 2010 – Partner, LoPresti, Melograne, Stewart and Zinski which became Stewart, Melograne and Zinski, Washington and Pittsburgh, PA.

1989 – 1997 – Allegheny County Assistant District Attorney, Robert Colville, District Attorney – Responsible for all aspects of case management and litigation from inception through trial. Handled thousands of cases from low-level misdemeanors to serious felonies including homicides and sexual assault.

1987 – 1989 – Associate, Zagari & Scalise, Lawyers Building, Pittsburgh, PA – No longer exists

b. Describe:

- i. The general character of your law practice and indicate by date when its character has changed over the years.
- ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Responsible for all aspects of case management and litigation from inception through trial. Handle cases in criminal, family and appellate courts. Successfully negotiated pre-indictment cases with prosecution and law enforcement. Additionally, refer to a. above.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

1. Indicate the percentage of your practice in:

- | | | |
|-----|--------------------------|-----|
| (A) | federal courts: | 1% |
| (B) | state courts of record: | 98% |
| (C) | other courts: | 0% |
| (D) | administrative agencies: | 1% |

2. Indicate the percentage of your practice in:

- | | | |
|-----|-----------------------|-----|
| (A) | civil proceedings: | 5% |
| (B) | criminal proceedings: | 95% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

1. What percentage of these trials were:

- | | | |
|-----|-----------|--------|
| (A) | jury: | 15-20% |
| (B) | non-jury: | 80-85% |

- e. Have you ever tried a case before a jury in Washington County, and if so, how many were civil trials and how many were criminal trials?

I have not had a jury trial in Washington County.

- f. Summarize your experience in court during the past five years, indicating as to that period:

1. Whether your appearances in court were more or less frequent than the five years preceding that;

I have appeared in court as an attorney more frequently over the past five years as I did not appear in court as an attorney at all during the 13 months I served on the bench from November 2010 to December 2011. Other than that, my appearances in court have been fairly consistent over the years.

2. Any significant changes in the percentages listed in your answers to questions 12(c).

There have been no significant changes in the percentages listed above.

13. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the court, docket number, and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; 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 date of representation;
- b. The name of the court and the name of the judge or judges before whom the case was litigated; and
- c. The individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. Commonwealth of Pennsylvania v. Betty Jean Berube CP-02-CR-0011829-1995
Opposing Counsel: Ann A. Simms, Esq., 2160 Wylie Ave, Pittsburgh, PA 15219
Judge: Raymond A. Novak

I was the sole prosecutor and this case was significant to me and the community because it involved a day care worker accused of leaving a four-year-old girl in a van outside of a skating rink on one of the hottest recorded days of the year. The child was found by an off-duty detective and ultimately survived.

This case was specially assigned to me from the preliminary hearing

through trial. I actually nolle prossed one of the charges that was held over at the preliminary hearing stage because after reviewing the evidence, I did not feel the Commonwealth could meet it's burden. The jury convicted the defendant of the remaining charge of Recklessly Endangering Another Person.

2. Commonwealth of Pennsylvania v. Neil Sens CP-02-CR13475-1994
Opposing Counsel: Raymond Radokovich, Esq., 2313 E Carson St,
Pittsburgh, PA 15203
Judge: Lawrence J. O'Toole

I was the sole prosecutor in this case. The case was significant to me because of the relationship between the defendant and the two occupants.

This was a homicide by vehicle case where the defendant was driving the deceased passenger's wife's car. The defendant's nephew was also a passenger. After the accident, the defendant left the scene and was found in his dining room. The defendant was convicted of Homocide by Vehicle and Involuntary Manslaughter.

3. Commonwealth of Pennsylvania v. Hilliard Reed CP-02-CR-0008316-1995
Opposing Counsel: Sumner Parker, Allegheny County Public
Defender's Office
Judge: Walter R. Little

I was the sole prosecutor in this case. This case was significant because of the young age of the victim and her relationship to the defendant. The Defendant was convicted of Rape and a number of other charges.

4. Commonwealth of Pennsylvania v. Derek Pillett CP-02-CR-00116846-1995
Opposing Counsel: Michelle Louise Collins, Allegheny County Public
Defender's Office
Judge: Gerard Bigley

I was the sole prosecutor. This case was significant because of the young age of the victim. The defendant was convicted of 2 counts of Aggravated Indecent Assault and lesser included the offense of Indecent Assault.

5. Commonwealth of Pennsylvania v. Maurice Anderson CP-02-CR-7625, 7627, 7629-1995
Opposing Counsel: Frank L. Cechetti, Esq., 114 Smithfield St,
Pittsburgh, PA 15222
Judge: David R. Cashman

I was the sole prosecutor in this case. Even though this case was a plea, I prepared as though it was going to trial as is the case with all cases of this magnitude. The case was significant because the Defendant was the

boyfriend of the mother of the two victims ages 15 and 13. The Defendant pled guilty to 26 of 27 charges, including rape and many other lesser included offenses.

6. Commonwealth of Pennsylvania v. James C. Rizzo CP-02-CR-3012-1994
Opposing Counsel: Frank L. Cechetti, Esq., 114 Smithfield St,
Pittsburgh, PA 15222
Judge: Donna Jo McDaniel

I was the sole prosecutor on this case. This case was significant because of the cold-blooded nature of the beating inflicted upon the victim by the Defendant. This was an unprovoked beating. The Defendant thought the victim had insulted his girlfriend and hit him from behind, leaving him in the cold. The victim lost an eye as a result of the beating and being left in the cold for so long. The jury found the Defendant guilty of Aggravated Assault and a lesser included offense.

7. Commonwealth of Pennsylvania v. Ernest Gunder CP-02-CR-6877-1995
Opposing Counsel: Wendy Williams, Esq, Pittsburgh, PA 15219
Judge: Donna Jo McDaniel

I was the sole prosecutor on this case. This case was significant because after the closings and during jury deliberations, a juror revealed that she had been a victim of a prior sexual assault which she did not reveal during voir dire. In light of that, the court declared a mistrial. Thereafter, the Defendant pled guilty to Involuntary Deviant Sexual Intercourse along with other charges.

8. Commonwealth of Pennsylvania v. Preston Desmond Webb CP-02-CR-12542-1996
Opposing Counsel: Christopher Paratini, Allegheny County Public Defender's Office, Pittsburgh, PA
Judge: Walter R. Little

I was the sole prosecutor on this case. This case was significant because it was a circumstantial, psychological expert homicide trial. Defendant was found guilty and sentenced to 10 to 20 years of incarceration.

9. I prosecuted a case which I regularly still think about. Unfortunately, I have not been able to recall the name.

It involved a young father retrieving his newly born son from his vehicle which was legally parked in front of his father's house, the child's grandfather. Before the father could take his son out of his car seat, a drunk driver carrying a full load of wood in his pickup truck struck the vehicle. The father was able to remove his infant son from the debris and attempted to revive him to no avail.

I was fully prepared to go to trial, but the Defendant decided to plead

guilty in front of the that late Honorable James McGregor. As I recall, he received a maximum sentence.

10. The following cases were all pleas. However, all of them required a significant amount of pre-trial investigation and preparation.

Commonwealth of Pennsylvania v. Jeremy John Spisak CP-65-CR-0004162-2008

Opposing Counsel: Leo Joseph Ciaramitaro, Westmoreland County District Attorney

Judge: Debra A. Pezze

This case involved an extremely bizarre set of facts. I was able to keep this young man from going to prison. He has graduated from college and is doing well.

Commonwealth of Pennsylvania v. Timothy J Grealish CP-02-CR-15242-2012

Opposing Counsel: Ted Dutkowski, Allegheny County Assistant District Attorney

Judge: Donald E. Machen

This was a marijuana case of some magnitude. The young man, during the time while his case was pending, partnered up with a narcotics detective and spoke at numerous seminars about the pitfalls of drug use and distribution. I was able to convince the assistant district attorney to withdraw the felonies and have my client plead to only misdemeanors. The judge was so impressed with my client's sincere efforts to reform not only himself, but to educate young people, that he gave him probation. This young man has since married and is a proud father of a young boy.

Commonwealth of Pennsylvania v. Dwight LaBrosse CP-02-CR-5148-2009

Opposing Counsel: Thomas Irving Platt, Allegheny County Assistant District Attorney

Judge: John A. Zottola

This was a case where my client was accused of an aggravated assault arising from a bar room brawl. The injuries to the alleged victim were significant. However, after subpoenaing the victim's medical records and conducting my own investigation, I was able to execute a thorough and effective cross-examination at the preliminary hearing. So much so that the district attorney's office reduced the charge from an aggravated assault to a simple assault.

These are just a few of the hundreds of clients that I have represented in private practice. I have also negotiated numerous pre-indictment cases with prosecutors and law enforcement so that no charges were ever filed. I truly take pride in playing a role in turning young lives around. This is

also what I enjoyed as a prosecutor and the time I spent on the bench.

Finally, as to the above case, I received permission to use them as examples.

14. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I represented numerous individuals pre-indictment, many of them professionals, where they were being investigated for alleged criminal activity. After conducting extensive investigations of my own, I have been successful in convincing the prosecutorial agency to not file indictments.

I have had many cases where I was retained post-indictment where the prosecuting agency, after reviewing evidence through reciprocal discovery and pre-trial discussions and hearings, chose to nolle prose the case.

Because the statute of limitations may still be in effect on many of these cases and because of the sensitive nature of the cases, I do not feel comfortable in citing factual scenarios.

Please see above for other examples of my legal activities.

Additionally, I have not performed any lobbying activities.

15. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts of interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

N/A

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

A conflict of interest can arise in different ways. One example is where an attorney brings to the courts attention a possible conflict of interest. Another instance is when the court would recognize a possible conflict of interest.

Under both scenarios, the court should bring the possible conflict to the attention of all parties involved. At that point, with everything on the record, the court would speak to the parties regarding the issue and ultimately make a determination as to whether the case could proceed or would have to be transferred to a different judge.

The most important factor in the process is notice of all possible conflicts to all parties involved.

16. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Over the years, I have taken on cases for clients who didn't have the financial means to pay for my services. In addition, I have dramatically reduced fees and even forgiven outstanding balances for clients that have retained my services.

17. **Motions Practice:** Describe your experience with existing motions practice in Washington County, as well as what you intend to be your motions practice to be as a judge.

I have found that accessibility to the courts through motions can sometimes be a lengthy process. I would try to make motions practice more accessible and convenient to the litigants.

One example would be on uncontested motions where the other party has consented, I would whenever possible not require the litigants to appear in court. However, if there were an issue after review of the case at hand, then I would notify the parties that they would need to appear officially.

18. **Relationship with the Bar:** Describe your relationship with the Washington County Bar Association and how that relationship would be affected if you were to be elected Judge.

I have great respect and admiration for the Washington County Bar Association and its membership. It would be my intention to assist the bar in whatever way possible by participating in Bar Association activities should I be elected judge.

I would also make myself available to the membership to hear their concerns about the court and suggestions to improve procedures and practices.

19. **General Questions:**

- a. How does being a judge differ from being a lawyer?

An attorney is tasked with arguing a case. A judge, in many ways, is to act as a referee ensuring that the law is followed and that all parties involved receive fair treatment under the law.

A judge also has significant administrative duties that impact the efficiency of the legal process.

An attorney has a duty to their client and the court, while a judge has a duty to all participants and the public.

- b. Why do you feel comfortable walking away from your law practice?

I feel comfortable walking away from my practice because I believe that I can be more valuable to the people of Washington County as a judge on the Court of Common Pleas.

Over the last 30 years, I have garnered the experience and temperament necessary to serve the court well. My career has consisted of being a prosecutor and an attorney in private practice and I am proud of my accomplishments. Now, I believe it is time for me to give back and serve our community.

- c. What is the most significant challenge facing the local court and how can that challenge be addressed?

Because of the rapid growth in the population of Washington County, it is taking longer for cases to make their way to trial. It is my opinion that Washington County should be granted an additional seat or two to address this pressing issue.

While this problem can only be addressed in Harrisburg, I believe that I can do my part in alleviating the predicament by making the court more accessible.

- d. Do you anticipate being onsite at the Courthouse during normal business hours?

When I previously served on the Court of Common Pleas, I was onsite during business hours. I will once again be onsite during business hours if I am fortunate to be elected.