

WASHINGTON COUNTY BAR ASSOCIATION
JUDICIAL CANDIDATE QUESTIONNAIRE

1. Kristin Anne Clingerman
2. Judge of the Court of Common Pleas, Washington County, Pennsylvania
3. Office Address: Washington County District Attorney's Office
2008-Present Specialized Victim Investigative & Prosecution Unit
100 West Beau Street, Suite 304
Washington, Pennsylvania 15301

1992-2008 Julian Law Firm
71 S.Main Street
Washington, Pennsylvania 15301
4. 1963. Charleroi, Pennsylvania.
5. 1987-1990 Duquesne University School of Law
Juris Doctorate, 1990

1980-1984 Washington & Jefferson College
Bachelor of Arts, 1986
6. 2008-Present. Washington County District Attorney's Office
Assistant District Attorney
Specialized Victim Investigative & Prosecution Unit
Prosecutor of sex crimes, crimes of domestic violence and
child abuse crimes.

1992-2008. Julian Law Firm.
Associate Attorney.

1997-2002. Washington County District Attorney's Office
Assistant District Attorney
Domestic & Sex Crime Unit

1992-1997 Office of Public Defender, Washington County
First Assistant Public Defender.

1991-1992 Flaherty & Sheehy, P.C.
Associate Attorney.

1987-1989 Conflenti Law Firm
Law school student doing legal research.

2000-Present R.Stang Performance Horses
Co-owner.

1984-1985 Kaufmanns' Department Store
Assistant to the Divisional Vice President

1985-1986 Pic-Way Shoe Store
Store Manager

8. Washington County Bar Association.
Allegheny County Bar Association.

9. a. Admitted to the Bar of Pennsylvania in 1991. I have had no lapses in membership.

10. a. 1998-2002 General Teamsters, Chauffeurs And Helpers, Local No. 249
2008-Present Union Steward.

2016-2017 Washington Equal Justice Center
President of the Board.

2015-Present. WOMEN of Southwestern Pennsylvania.

2015-Present. Canonsburg Business & Professional Women.

2016-Present. Church of the Covenant.

2012-Present. Pennsylvania Farm Bureau

2012-Present. Washington County Farm Bureau

2017-2018 Trinity High School J.R.O.T.C., Secretary

2015-Present. National Rifle Association.

2015-Present. Firearm Owners Against Crime

2016-Present. Centerville Boro Sportsmens Association

2017-Present. N.A.A.C.P.

2013-2016 United States Eventing Association

2009-2015 Northeast Ohio Mini Trial Association

2009-2013 Western Pennsylvania Eventing Association, Board Member

2013-2014 Little Creek Pony Club, Sponsor

2009-2012 Brush Run Pony Club, Joint District Commissioner

2011-2012 USPC Horsemasters Association

2010-2012 West Virginia Racing Commission, Owner

2010-2016 Pennsylvania Horse Breeders Association

1993-2016 American Quarter Horse Association

1993-2006 United States Team Penning Association.

10. b. To my knowledge, none of the above organizations, individually discriminates or

has discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

11. a. I have not held any public offices.
I have never been a candidate for any prior public office.

b. I have never been a member nor held office in any political party committee or election committee. With respect to a political campaign, I worked one poll for Valarie Costanzo when she first ran for Magisterial District Judge in 1998. I also worked one poll for Madonna Tatano, when she ran for Magisterial District Judge in or about 2008.

12. a. Currently, I am the lead prosecutor in the Washington County District Attorney's Specialized Victims Investigative & Prosecution Unit, where I am responsible for the vertical prosecution of a select group of felony crimes, which include sex crimes, crimes of domestic violence and child abuse crimes. I have a 15-year career with the District Attorneys Office and this Unit.

I was first hired in 1997 by then District Attorney John Pettit, and worked under District Attorney Pettit until 2002. At that time, my duties to my family required that I leave the District Attorney's Office and enter private practice full time with the Julian Law Firm, currently located at 71 S.Main Street, Washington, Pennsylvania. I had worked with the Julian Law Firm since 1992, on a part time basis, in conjunction with my work in the District Attorney's Office and the Office of the Public Defender. From 2002 through 2008, I was a full time associate attorney with the general practice firm. During this period of time, I had the opportunity, when called upon by the Washington County Bar Association, to serve on several occasions on a panel of arbitrators to resolve minor civil dispute resolutions.

In 2008, I was again hired by District Attorney Steven Toprani to return to and continue my work with the Specialized Victims Investigative & Prosecution Unit. I have remained with the Unit, in a full time capacity, ever since, and currently serve under District Attorney Eugene Vittone.

1992 was the year I began my career as a Washington County trial attorney. I was hired to work in the Office of the Public Defender. Beginning first as a preliminary hearing attorney, I soon became a trial attorney, and was eventually promoted to the position of First Assistant Public Defender. My work in the Public Defender's Office, in addition to administrative duties, was to provide representation for persons charged with a variety of crimes ranging from misdemeanors, such as theft and simple assault up through, and including felony offenses, such as drug delivery, aggravated assault, and rape.

My first employment after graduating from law school and passing the bar was with the Pittsburgh firm of Flaherty & Sheehy, P.C., located in the Gulf Tower. An Associate Attorney from 1991 through 1992, I was primarily responsible for the drafting of municipal finance bonds.

b. Currently, I do not have a private practice. I am an Assistant District Attorney and represent the Commonwealth of Pennsylvania in criminal matters involving sex crimes, crimes of domestic violence and crimes of child abuse. I held this position initially from 1997 to 2002, and then again from 2008 to the Present. As an Assistant District Attorney within a specialized unit, I am responsible for the vertical prosecution of these crimes. Vertical prosecution means I begin working a case when called upon by law enforcement at the investigative stages. My role is to work directly with the investigating officers, offering suggestions and advice, to enhance their investigation. I then handle the case through the preliminary hearing stage, through any pretrial motion hearings, up to and including trial. the ultimate goal being the aggressive and successful prosecution of the case.

Although my "client" is the Commonwealth of Pennsylvania, I directly work with the victims in each of my cases. The victims I deal with range from infants just several weeks old to senior citizens. They come from a wide range of socio economic backgrounds and education levels. I deal with a variety of genders. Their common ground is being the victim of a crime and therefore, suffering some sort of injury at the hands of a defendant. All are searching for justice.

From 1992 through 2008, I was an Associate Attorney with a general practice law firm known as the Julian Law Firm. My work here was comprised of criminal defense and civil litigation including family law, personal injury litigation, contract law, landlord tenant disputes, and equine law. On a few occasions, I handled a Social Security case or a Workers' Compensation matter. I was responsible for all aspects of the cases, including client and witness interviews, drafting of pleadings, legal research, depositions, discovery, trial preparation, trial and appellate

work. During this period of time, my clients were generally middle class citizens, again of a variety of genders and educational backgrounds.

In 1992, I was hired by the Washington County Public Defender, Glenn Alterio. First hired as a preliminary hearing attorney, I soon became a trial attorney, then quickly became the First Assistant Public Defender. In addition to administrative duties, I was responsible for the vigorous representation of indigent persons who were charged with a crime. I handled defendants who were charged with misdemeanors as well as those who were charged with felonious crimes. My responsibilities included trying cases from the preliminary hearing level, through trial and appellate levels. I also handled mental health commitment hearings.

My clients were of a lower socio economic level, as they were unable to hire private counsel. They included juveniles whose cases were heard in juvenile court, and ranged in age upwards of 80 years.

After I graduated from law school in 1990, my first legal employment was as an Associate Attorney with the Pittsburgh law firm of Flaherty & Sheehy, P.C. I worked in the municipal finance department and was responsible, primarily for the drafting of municipal finance bonds. The clients the law firm represented were often large corporations such as airports.

c. Since 1992, the percentage of my work that has been in litigation would be close to 100%. During the 20 years I served as a prosecutor and as a public defender, I was required to be in court on at least one occasion on almost a daily basis. When in private practice exclusively, the frequency with which I appeared in court was far less often, ranging from one to two times per week to five times a week if I were in trial.

1. The percentage of my legal career in:

(A)	federal courts	0%
(B)	state courts of record	85%
(C)	other courts:	10%
(D)	administrative agencies	5%

2. The percentage of my legal career in:

(A)	Civil Proceedings	25%
(B)	Criminal Proceedings	75%

d. As my career has spanned a period of 26 years, the majority (20 Years) being spent in public service as a prosecutor and as a public defender within the County of Washington, it is impossible to list the number of cases I have tried to verdict, judgment or final decision. The best estimate I can give, is a number of over 12,000 cases. The number of jury trials I have handled exceeds 150. In 2016 alone, in the District Attorney's Office, I handled approximately 200 cases to a final decision. That does not include new or pending cases. I have only ever sat as second chair on one criminal matter. All of the cases I have handled within the District Attorney's Office and the Public Defender's Office, I have been sole counsel.

1. What percentage of these trials were:

(A)	Jury	85%
(B)	Non-jury	15%

e. Again, as my career as a trial attorney in Washington County has spanned over 25 years, the number of criminal trials are too numerous to count to an exact number. All of the cases I have tried before a jury have been criminal trials.

f. The last 5 years of my career have been spent as an Assistant District Attorney in Washington County within the Specialized Victims Investigative & Prosecution Unit. As such I am required to appear in court on almost a daily basis. Often, I appear in multiple courts within a single day, as I handle cases on all of the criminal Judges' trial lists, including Indirect Criminal Contempts, as well as appearing before the Magisterial District Judges on a routine basis. There have been no significant changes in the 5 years preceding the last 5.

13. Commonwealth of Pennsylvania vs. Gary Wells
Criminal Docket No. 935-1996
Date: September 9, 1996

Judge Debbie O'Dell Seneca

Prosecutor: David DiCarlo, current contact information is unknown.

I had just been promoted to trial attorney in the Office of Public Defender. This case was significant for me, as it was the first case involving sex offenses I ever tried, and was only the second jury trial of my career. My client, Gary Wells, was a known criminal in the city of Washington with an extensive record. A very large, very muscular man with a shaven head, his appearance was intimidating, if not frightening. Wells was charged with the crime of Rape by forcible compulsion; Involuntary Deviate Sexual Intercourse by forcible compulsion; Indecent Assault (2 counts); Unlawful Restraint; and Terroristic Threats. He was accused of smoking crack cocaine with a woman, after which, he allegedly held a loaded gun to her head and forced her to engage in vaginal and oral sex. The jury acquitted Gary Wells of all charges.

Commonwealth of Pennsylvania vs. Gary Pavlic

Criminal Docket Nos.: 2596-1997, 2597-1997

Date: 1999

Court of Common Pleas, Judge John F. Bell

Defense Counsel: David DiCarlo, contact information is unknown.

Dennis Paluso, currently First Assistant District Attorney in Washington County, Washington County Courthouse, (724)228-6790

In this case, I represented the Commonwealth as an Assistant District Attorney. Gary Pavlic was a reclusive individual residing in McDonald. His wife had left him for another man and left all 3 of her children behind with Pavlic, as well as her 14 year old daughter from a previous relationship. The younger children were 2 boys around the ages of 5 and 6, and a girl who was 9 years old. The children were home schooled and had no access to the outside world. Pavlic used the children as slave labor to care for the premises, the animals and himself. He physically abused all of the children, regularly beating them. He regularly raped the two girls. As the children were completely isolated, no one was aware of the horrors they endured. The situation finally came to light when the eldest girl was eventually able to escape and fled the residence. I prosecuted Gary Pavlic in two separate trials. The first trial was for the sexual abuse of the eldest girl. The second trial was for the sexual abuse of the younger girl and the physical abuse of the two boys. Gary Pavlic was convicted on both cases and remains incarcerated to this day.

Commonwealth of Pennsylvania vs. Brian N. Clark

Criminal Docket No.: 2249-1997

Date: October 27, 1997

Defense Counsel: Josh Carroll, Washington, PA 15301
(412)217-5660

Commonwealth of Pennsylvania vs. Albert Fordyce

2294, 2295 - 1997

Date: 1998-1999

Court of Common Pleas, Judge Thomas D. Gladden

Defense Counsel: David Costello, deceased.

These two cases were intertwined in that the victims of both defendants were the same 4 children, who were sisters, ranging in age from 4 to 9. The Washington County District Attorney's Domestic & Sex Crime Unit had just been formed and these were the first major cases to which I was assigned. The parents of these sisters had taken in a wayward seventeen year old male, Brian Clark, to live in their home. The parents would leave several nights a week to go drinking in bars. They would use Brian Clark as a babysitter, leaving their daughters in his care. Brian Clark would then prostitute the children, bringing in various men to engage in sexual acts with the children. The sisters were subjected to forced sex with multiple men in an evening, multiple times a week. Brian Clark was tried as an adult. All four sisters testified at length in the preliminary hearing. Brian Clark pled guilty shortly afterwards and was sentenced to not less than 12 to no more than 24 years in the state penitentiary on multiple charges including Rape (F1); Involuntary Deviate Sexual Intercourse (F1); and Aggravated Indecent Assault (F2).

The same 4 sisters were also the victims of Albert Fordyce in a completely unrelated situation. Fordyce lived in a trailer park in Arden, as did a relative of the four sisters. The sisters would often visit the relative and while there, would play throughout the trailer park. After befriending the sisters and enticing them into his trailer, Fordyce would force them to submit to sex. Albert Fordyce was convicted at trial of Rape (F1); Involuntary Deviate Sexual Intercourse (F1) and other offenses, and received a sentence of no less than 54 years to no more than 108 years.

Commonwealth of Pennsylvania vs. Paul Graham
Criminal Docket No.: 1468-2012
Date: September 17, 2013
Court of Common Pleas, Judge Katherine B. Emery
Defense Counsel: Sally Frick, 407 Frick Building, 437 Grant Street, Pittsburgh, PA 15219
(412)261-3340

I represented the Commonwealth as an Assistant District Attorney in this criminal matter. The victim had been sexually abused by her uncle, Paul Graham, from the time she was in first grade until the age of 12. Her parents both worked and Paul Graham was her babysitter. Paul Graham groomed the victim by being the "perfect" uncle. He would play games with her, and do fun activities. He would take her shopping and buy her whatever caught her fancy. As she got older, he would give her cigarettes and alcohol. The victim actually loved him very much. The victim paid a very high price, however, because Paul Graham was also having a sexual relationship with her just as if she were an adult. What makes this case significant is that the victim never came forward until she had reached adulthood. When the case was tried, almost a decade had passed since the crimes took place. Paul Graham was tried before a jury and convicted of Rape of A Person Less Than 13 Years(F1); Involuntary Deviate Sexual Intercourse of a Person Less Than 13 Years (F1)(4 counts); Aggravated Indecent Assault of a Person Less Than 13 Years (F2)(2 counts); Statutory Sexual Assault (F2)(3 counts); Indecent Assault Person Less Than 13 Years (M1)(3 counts); Endangering Welfare of Children (F3); Corruption of Minors (M1) (2 counts); Selling/Furnishing Liquor to Minor (M3). Paul Graham will not live long enough to ever be released from incarceration.

Commonwealth vs. John D. Yocolano
Criminal Docket No.: 3175-2012
Date: January 16, 2015
Court of Common Pleas, Judge John F. DiSalle
Defense Counsel: Neil Marcus, 204 W.Main St., Monongahela, PA 15063
(724)258-8444

I prosecuted this criminal matter on behalf of the Commonwealth of Pennsylvania as an Assistant District Attorney. John Yocolano was handsome, charming and well-employed. Almost a decade older than the 18 year old victim, he swept her off her feet. However, soon into the relationship, what she once thought of as protective, became controlling, and eventually, physically abusive. It is interesting to note that prior to this relationship, the defedant had at least three prior Protection From Abuse Orders placed against him by three different women. Finally able to extricate herself from the relationship, they shared custody of the infant. On one evening during the custody exchange, Yocolano tricked the victim into entering his apartment saying that he needed help with their son. As soon as she entered the apartment, he struck her with his fist and strangled her. She was stripped naked and hogtied with her hands and feet behind her back by Yocolano. For several hours he repeatedly raped her and forced oral sex upon her. She was only able to escape, when a friend, concerned that the victim had not returned after the custody exchange, came to the apartment to look for her. This case was tried before a jury and Yocolano was convicted of Rape by Forcible Compulsion (F1); Kidnapping To Inflict Terror (F1); Involuntary Deviate Sexual Intercourse by Forcible Compulsion (F1); Aggravated Assault (F1); Sexual Assault (F2) (2 counts); Unlawful Restraint (M1); Indecent Assault by Forcible Compulsion (M1)(2 counts); Terroristic Threats (M1); Simple Assault (M2); False Imprisonment (M2). Yocolano was sentenced to a period of incarceration of not less than 18 years to no more than 36 years.

Commonwealth of Pennsylvania vs. Ronald Patterson
Criminal Docket No.: 1637-2013, 2259-2013, 52-2014
Court of Common Pleas, Judge Gary Gilman
Defense Counsel: John Karl Puskar, 60 S.Main St., Washington, PA 15301

(724)705-7440

This trial was actually comprised of three separate cases consolidated into one trial. I tried this before a jury on behalf of the Commonwealth. The victim was Ronald Patterson's paramour. They had been in a relationship for over several years. Patterson was very physically abusive and the police were called on multiple occasions. When police would arrive, Patterson was very combative and threatened to "Castle Doctrine" the officers. The victim would always refuse to testify and charges were always dropped at the preliminary hearing level. On these three specific instances, doing the best I could with what evidence I had, I was able to get the charges through the preliminary hearing level despite the victim's refusal to testify. In the time period that followed, I was able by offering support and compassion, to convince the victim to finally cooperate at trial. The defendant was convicted of assault charges and received a sentence of incarceration of not less than 5 ½ years to no more than 11 years.

Commonwealth of Pennsylvania vs. Scott Shaffer

Criminal Docket No.: 1334-1998

Date: June 26, 1998

Court of Common Pleas, Judge Paul Pozonsky

Defense Counsel: Dennis Paluso, See above for contact information.

I tried this case on behalf of the Commonwealth. The victim was the estranged wife of Scott Shaffer. During a custody exchange, Shaffer asked his wife to retrieve something from the trunk of her car. As she was bending over the trunk, Shaffer shoved her forward and handcuffed her hands behind her back. He then pushed her head first into the trunk, slamming down the lid. Shaffer drove her to a field in a remote rural area. In this field, he stripped off her clothes and sexually assaulted her, taking photographs of her as she was naked and bound. Due to prohibited information offered on the stand by a witness, the case resulted in a mistrial and a second trial commenced. Shaffer was convicted of Rape by Force (F1)(2 counts); Kidnapping (F1)(2 counts); Unlawful Restraint (M1)(2 counts); Indecent Assault (M2)(3 counts); Involuntary Deviate Sexual Intercourse (F1); Aggravated Indecent Assault (F2)(2 counts).

N.C. v. M.H.

923 A.2d 499

Superior Court of Pennsylvania, Judges Musmanno, Bowes & Johnson.

May 1, 2001

Counsel for N.C.: Timothy Gricks, 310 Grant St., Suite 812, Pittsburgh, PA 15219
(412)586-5304

While in private practice, I represented M.H., a physician, and the ex-husband of N.C., who was also a physician. Two children were born during the marriage. The eldest child, who was the subject of the litigation, was 8 years old at the time of the divorce. M.H. acknowledged that he was the father of both children and agreed to pay child support. Approximately 5 years later, M.H. learned through genetic testing that the eldest child was not his biological child. M.H. filed a petition for special relief to dismiss a child support obligation, alleging that child who was born during parties' marriage was not ex-husband's biological child. Judge Kathleen Mulligan of the Court of Common Pleas, Allegheny County, determined that M.H. was estopped from denying paternity of child, and he appealed. The Superior Court held that M.H. had indeed made out a case of fraud, and as such, was not estopped from denying paternity of child. The decision of the Court of Common Pleas of Allegheny County was reversed and remanded.

14. The majority of my career has been as a prosecutor in the County of Washington handling cases of sexual violence, domestic violence and child abuse. As such, I am constantly engaged in the pursuit of justice within the parameters of the law. Victims of domestic violence and victims of sexual violence suffer injuries far deeper than those that can be seen on the surface by the naked eye. The trauma to their psyche, and to their very being, is severe and, more often than not, permanent. In order to achieve my goal of justice, I must engage in legal work that involves these types of victims. In order to successfully achieve my goal, I have had to wear many hats. First and foremost, of course, is the hat of a prosecutor whose duty is to serve the public interest by seeking justice and keeping the public safe. However, in order to accomplish that, my work requires that when working with such sensitive and scarred victims, I must also don the hat of compassion and the hat of empathy. It is then that I turn to

other individuals such as therapists who specialize in the treatment of such trauma for advice and consult. I reach out to groups such as Domestic Violence Services of Southwestern Pennsylvania and Southwestern Pennsylvania Health Services for education. By consulting with and participating in educational programs they, and other similar agencies offer, I can further develop and hone my legal skills so that my work as an Assistant District Attorney can continue to be productive.

15. The potential conflict of interest that strikes me as most likely occurs if I am assigned to criminal matters, matters involving Protection From Abuse issues, and family court matters. It is possible that initially, should I be assigned to the criminal docket, that I would come across a case involving an individual that I have previously prosecuted or represented. Should that come about, I would, of course recuse myself from the case.

A similar conflict of interest could arise with respect to Protection From Abuse issues. Often, the same parties may appear before the Court multiple times regarding a Protection From Abuse Order. Again, it is possible that parties I have dealt with as a prosecutor could appear before me. The only recourse would be for me to recuse.

Were I assigned to Family Court, a similar situation could arise, although perhaps it would be less likely. Again, recusal would be the proper response.

16. As I have been a full time prosecutor within the District Attorney's Office for most of my career, I have not carried malpractice insurance. As such, I am not able to do pro bono work. However, while in private practice, I did do pro bono work. I handled the criminal case of Commonwealth of Pennsylvania vs. Duane Bowland, pro bono. This was a criminal case, where the defendant was charged with crimes of sexual violence against his biological son. I handled the case from its inception, through the preliminary hearing, and was able to resolve the case with a negotiated plea.

17. I have appeared in Motions Court before every Judge currently seated on the bench in Washington County. I have also appeared before Washington County Judges who have since left the bench, including Judge Gladden, Judge Gilmore, Judge O'Dell Seneca, Judge Mascara, Judge Terputac, Judge Bell, Judge Moschetta Bell, and former Judge Pozonsky. My experience has led me to recognize that there are a variety of ways Motions Court may be scheduled and conducted, and each are effective. It appears to me that it is the docket to which the Judge is assigned that dictates what motions practice would be most appropriate. Until I received my specific docket assignment, I cannot set forth an absolute system for how I would organize my Motions Court. I would, however, absolutely make certain that I would be accessible to those attorneys who practice before me, and I would welcome their input.

18. I have been a member of the Washington County Bar Association for many years. I have regularly attended the Winter Bench Bar, social events and the annual banquet. I believe that I have a positive relationship with the individual members of the bar, and am confident that would continue should I be elected to the bench.

19.

a. Once elected a judge, you are no longer an advocate for a client or, as in my case, for the Commonwealth. A judge must be an impartial decision maker, who bases her decision on both the law and the facts presented before you. The skills and tools developed as a lawyer, definitely come into play, but from an impartial, unbiased perspective. In addition, to making decisions, a judge must command respect and control the courtroom. A judge must ensure that all litigants who come before her are shown courtesy and respect, and are given a fair opportunity to present their case within the boundaries of accepted procedure.

b. I do not have a law practice as does a private attorney. In order to answer this question from my position as Assistant District Attorney, I would say that being a Judge is still a role in which you serve the residents of Washington County. Having served the residents of Washington County in public service as both an Assistant District Attorney and First Assistant Public Defender, I see being a Judge as another extension of being in public service. Hence, I would feel quite comfortable in that role.

c. Currently, I believe the most significant challenge facing our local court is the recent, significant increase in the number of cases the court must handle. The current court, with the implementation of specialty courts, as well as the use of masters in family law, have accomplished a great deal to date. With the increasing number of tax assessment appeals, the opioid crisis, and the epidemic of domestic violence, it is unlikely the court will see any relief in the upcoming future. The key to this challenge is continued efficiency, which can be achieved

through judicial administration. It is imperative that there be regular and open communication taking place between the members of the judiciary, between the judiciary and their staff, and, certainly, between the bench and bar.

d. Absolutely.