

**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:

R. Anthony DeLuca

Have you ever been known by any other name? If so, please list.

Anthony DeLuca, Tony DeLuca

2. Office address (include zip code):

**225 Ross Street, 4th Floor
Pittsburgh, PA 15219**

Office telephone (include area code):

412-281-6869

Name of law firm, if associated:

DeLuca & Ricciuti, LLC; dba DeLuca, Ricciuti & Konieczka

3. Date and place of birth:

**June 10, 1972
New Kensington, PA**

4. Are you a naturalized citizen? If so, give date and place of naturalization:

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:

Yes, Married February 16, 2008.

Hollie Lynn DeLuca (Bednar)

- b) Have you been divorced? If so, state the date, the number of the case and the court:

No

6. Have you had any military service? If so,
a) Give dates, branch of service, rank of rate, and present status:

No

- b) Have you ever been rejected or released from any of the armed services for reasons other than honorable? If so, give details:

N/A

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:

Boston College, Bachelor of Arts – 1990-1994

University of Pittsburgh School of Law, Juris Doctorate – 1994 – 1997

Magna Cum Laude

Order of the Coif

Research Editor, Law Review

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.

Pennsylvania, Admitted - December 16, 1997

West Virginia, Admitted – June 11, 2014

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

- a) 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:

**Justice (Former) Frank J. Montemuro, Judicial Law Clerk
Superior Court of Pennsylvania, 1997-1998**

**Judge Maureen Lally-Green, Judicial Law Clerk
Superior Court of Pennsylvania, 1998-1999**

- b) Whether you practiced alone and, if so, the addresses and the dates:

**Solo Practitioner, 2005-2010
564 Forbes Avenue,
Pittsburgh, PA 15219**

- 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:

**Allegheny County District Attorney's Office,
Assistant District Attorney, 1999-2005**

**Solo Practitioner, 2005-2010
564 Forbes Avenue, Pittsburgh, PA 15219**

**DeLuca & Ricciuti, LLC, 2010 - Present
(d/b/a, DeLuca, Ricciuti & Konieczka, 2011- Present)
Address: 428 Forbes Avenue, Pittsburgh, PA 15219 (2010 – 2015)
225 Ross Street, 4th Floor, Pittsburgh, PA 15219 (2015 – Present)**

- 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?

1997-1999 - Judicial Law Clerk, Appellate

1999-2005 – Assistant District Attorney, Allegheny County

Served in the following divisions of the District Attorney's Office:

- **General Trial**
- **Pre-trial Screening**
- **Area Prosecutor (rotated between District Judges' Offices for Preliminary Hearings)**
- **City Court Prosecutor (also part of team that created a uniform expedited plea offer program at the Preliminary Hearing level- PDQ)**
- **Mental Health Court Assistant District Attorney (Involved heavily in the early stages of implementation of this program)**
- **Robbery/Complex Theft Unit Prosecutor, also tried homicide cases during assignment to this division**

2005-Present (Private Practice)

Criminal Defense
Labor Law (Union Representation)
Gas and Oil
Wills and Estates

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

My clients are varied. My legal work is concentrated in the areas of Labor, Criminal Defense and Gas and Oil Law.

There is nothing typical about my clients in the criminal defense portion of my practice. These clients fall everywhere across the economic spectrum. Also, these clients are of all races, creeds, nationalities, genders, and sexual orientations. My clients also have worked in many professions including professional athletes, police officers, military, performers, and CEOs of large companies. Wishing to have a broad basis in criminal defense, the individuals I have represented have been charged with a range of offenses from summary offenses to homicides and include violent, non-violent and economic crimes. Often, I work with people with mental health problems who have been charged with crimes.

I represent two Teamsters Local Unions. Typically, I work closely with the principal officers, executive boards and business agents. These clients are professional Union representatives who are experienced in the use of legal services. Through them, I handle National and Pennsylvania Labor Board matters, grievances and grievance arbitrations, contract negotiations and Federal and State court proceedings. The membership, with whom I work closely, comes from a variety of fields including law enforcement, jail guards, medical personnel, Children and Youth Service professionals, counselors, UPS workers, factory workers and more.

I represent companies and individuals in Oil and Gas matters. I have represented individuals in leasing transactions for oil and gas rights, pipeline agreements as well as lawsuits for various issues involving lease violations. I represent small oil and gas companies in matters involving leasing, buying and selling rights and litigation to recover latent royalties.

I work with individuals and families with estate and probate issues. I have also handled plaintiff lawsuits for beneficiaries of estates.

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:

Regularly. The frequency of my appearances has varied little during the past five years. I am often in court for appearances including preliminary hearings, motions, pleas, and civil proceedings. I would estimate that I am in court on average at least once a week.

- b) What percentage of these appearances was in:

1. Federal courts:

5%

2. State courts of record:

95%

3. Other courts:

- c) What percentage of your litigation was:

1. Civil:

10%

2. Criminal:

90%

- 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:

Three trials. I was sole counsel on each of these cases.

- e) What percentage of these trials were:
1. **Jury: 66.6%**

2. Non-jury: 33.3%

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 court appearances were more frequent five or more years ago due to a heavier concentration in criminal defense during that time along with the almost daily court time necessary during my time as a prosecutor.

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

The percentage between Federal and State, Civil and Criminal was similar; during this period; however, the percentages between non-jury and jury trials was approximately 30% jury, 70% non-jury.

- 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.

There was a significant change. From approximately 2005 to 2010, when I started representing my first labor union, I, to the best of my recollection, averaged around 5 to 10 trials per year. From 2010 to 2015, the number would have been lower but greater than my numbers for the last five years. During my years as a prosecutor, from 1999 to 2005, I believe my average would have been closer to 15 to 20 trials or more.

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;

I have replaced the names of my clients with the word "client" in order to preserve confidentiality.

1. **Commonwealth v. Client.** I was sole defense counsel for Mr. Client, a police officer charged with Involuntary Manslaughter and other offenses after his five-year-old son accidentally shot and killed himself with Mr. Client's service weapon after he accessed it by climbing onto a chair and grabbing it on an upper shelf in a closet. The case lasted from January of 2011 until January of 2012. Mr. Client was acquitted of all charges before Judge Manning of the Allegheny County Court of Common Pleas. The case is significant in that it was a study of the difference between ordinary and criminal negligence. It also demonstrated the impact that criminal charges can have on a family as the filing of charges exacerbated the suffering of Mr. Client and his family resulting from the tragic death of their son and brother. The case also demonstrated to me the effects of media coverage on the parties to a case as the attention made the events much more difficult for the family. Finally, the case demonstrated a situation in which an Officer, like other criminal defendants, could have asserted a fifth amendment privilege but did not do so. If Officer Client had not provided a statement to police shortly after the incident, sufficient evidence would not have existed to charge him with the crimes. Following this case, I have worked very hard to keep my clients away from media attention.
2. **Commonwealth v. Client.** In this case, Mr. Client was charged with Aggravated Assault and other charges in an incident during which Mr. Client intentionally discharged a firearm towards the ceiling of his house. The police responded to the scene and Mr. Client engaged in a standoff with the police, threatening to shoot and kill police officers. Upon accepting the case, I had Mr. Client evaluated for mental health issues and it was determined that he suffered from mental illness. The county in which he was charged did not have a mental health court; however, I was able to work with the prosecutor, the judge, the police, and other divisions of the criminal defense system to reach a resolution in which Mr. Client, for practical purposes, received time served for the offense, underwent mental health treatment and was well supervised on probation. The plea was entered on March 5, 2015. He has done very well since then and, to the best of my knowledge, has not reoffended.

The case is significant in that it shows how the knowledgeable handling of an individual with mental illness charged with crimes can be an opportunity for an individual to improve his or her life while also preventing future victimization of the community and the waste of governmental resources. I have handled many similar such cases and find working with this type of client particularly challenging and rewarding.

Sole counsel with no co-defendant.
Judge: Thomas M. Piccione

3. **Commonwealth v. Client.** I was sole defense counsel for Mr. Client, a correctional officer at a County Prison. Mr. Client and another corrections

officer were charged with multiple offenses including assault, resulting from the transport, through the hallways of the prison, of an inmate who refused to comply with orders from another correctional officer. The case was significant because it is an example of the shift, during my career, towards a greater willingness of law enforcement agencies, including prosecutors, to charge police and prison officials with crimes as a result of actions taken in the performance of their duties. The case was a jury trial that resulted in a full acquittal for both defendants. The case was tried in Clearfield County before a visiting judge, the Honorable David E. Grine. The trial lasted several days and concluded on January 19, 2019. I also represented the corrections officers in securing their return to work along with full back pay through arbitration.

**Co-Defendant's counsel:
Brent McCune
412-400-8001
225 Ross Street, 4th Floor
Pittsburgh, PA 15219**

- 4. Police Department v. Local Union and its member, part-time police officer. I represented a local union in a case in which a part-time police officer was "removed from the schedule and not scheduled for future shifts." In the case, the employer vaguely discussed that police officer had done something improper; however, never specifically raised those facts. The case started with a grievance for termination of employment of the officer filed by the union. The employer refused to recognize the grievance claiming that the officer's employment was not being terminated, rather, the employer was simply not scheduling the officer for future shifts. I filed an Unfair Labor Practice Complaint with the Pennsylvania Labor Relations board, which eventually ruled that the employer had to recognize the grievance and proceed to arbitration. Following the labor boards' decision, an arbitration hearing was held. Following an arbitration hearing, the arbitrator ruled in favor of the union and ordered a make whole remedy, including reinstatement and lost wages for the officer. The employer refused to accept the decision and appealed to the County Court of Common Pleas. Following a decision by the Court of Common Pleas denying relief on the appeal, the employer appealed to the Commonwealth Court where, again, the court ruled against the employer. Eventually, the case was returned to the arbitrator for reinstatement of employment and calculation of damages. The police officer was reinstated with a significant back pay award. The case lasted from 2014 to 2016.**

The case was significant in that it established that a part-time police officer can, under the right circumstances, maintain a right to her or his job if terminated from employment.

Opposing Counsel: John J. Drenzo, Esq. (Deceased)

Arbitrator: David Breen

5. **Commonwealth v. Lamar Harry Rector.** I was the prosecutor on this Criminal Homicide Case. The defendant was accused of shooting the driver and the front passenger in the back of the head while seated in the back seat of the moving car. The case was interesting in that the key piece of evidence against the Defendant was his fingerprint found in the victim's car. The case was a jury trial that resulted in a conviction for First Degree Murder before the Honorable Judge Donald E. Machen of the Allegheny County Court of Common Pleas. The case was significant to me as it relied heavily upon the use of fingerprint evidence. Further, the case reminded me of the seriousness of life in prison and prison in general. The words "you are committed to the State correctional facility for the rest of your natural born life" are not to be taken lightly. The importance of every party doing her or his job, including the judge, at a high level is essential to the cause of justice. The case was a multiple day jury trial which concluded on February 3, 2005 after multiple days of trial.

Defense Attorney:

**G. William Bills
437 Grant Street, Suite 407
Pittsburgh, PA 15219
(412) 261-3340**

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:

I have practiced before the National Labor Relations Board and the Pennsylvania Labor Relations Board.

**Pennsylvania Labor Relations Board – 3% to 5% of my practice time
National Labor Relation Board – 1% of my practice time**

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:

I have practiced in Appellate courts; however, such practice does not constitute a significant portion of my practice.

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

No.

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:

No.

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:

In 2012, I was part of an oil and gas consulting business named Petrostone. The business lasted only a short time.

Currently, I am the sole owner of an oil and gas business named Historic Horizons, LLC. The Company started as a partnership in which I owned 50% until 2019 when I acquired the rest of the interest. The company serves as the General Partner for several other companies. I also own non-controlling interests in several other oil and gas companies.

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

I am the sole owner of Historic Horizons, LLC, an oil and gas company. This company is the General partner in WISC, LP and WISC Deuce, LP. As such, I have controlling participation in these companies. The companies engage in gas and oil leasing, purchasing and sales.

I am also the sole owner of RAD Advisement Services, LLC, a consulting firm I created for various non-legal matters. It has done very little work.

- 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:

Yes.

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

I, along with several other partners, were sued by an individual who believed he should have been included in a gas and oil company. The company was barely active and the company lost money. The case was settled for a nominal monetary amount to avoid further litigation.

I believe I was sued in my capacity as an Assistant District Attorney. I do not remember the particulars and I was not involved in the litigation before it was quickly dismissed. This may have happened more than once but I am not sure.

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:

To my understanding, a client complained about my representation in a criminal jury trial. The client expressed great satisfaction with my work at the conclusion of the trial; however, was not happy with the verdict or his sentence. I received one phone call from an investigator and to my understanding, the complaint was dismissed.

I am not aware of and/or do not recall any other complaints filed against me.

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:

Please see the attached arbitration brief. Other than proofreading by others, the work is 100% my own. I chose this piece over some of my criminal briefs because of the complexity of the issues. I would be happy to provide other samples of my writing if the committee so desires.

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).

Allegheny County Bar Association

Three Rivers Area Labor Management Committee (TRALMC)

Southwest PA Chapter of Labor and Employment Relations Association (LERA)

YMCA Princess Program

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

Lecturer in the Law, Duquesne University School of Law: For several years I lectured for a segment on Criminal Law for the Capstone Class at Duquesne University School of Law.

Panel Presenter: I was part of panel presentation on evidentiary issues in labor arbitration before the National Academy of Arbitrators.

Union/Garity Rights Lecturer: I have lectured multiple times before Police officer Union members on Garrity, Weingarten and Fifth Amendment Rights.

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 provide pro bono legal services to children and young adults serviced by the Homeless Children's Education Fund.

I am providing pro bono services on behalf of an autistic individual at the request of the Autism Connection of Pittsburgh.

I serve as a coach for multiple teams in the Mt. Lebanon Flag Football Association.

I have coached various teams for my children.

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.

Law School:

Magna Cum Laude

Order of the Coif

Research Editor, University of Pittsburgh Law Review

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.

One of the most impactful periods of my career was the time I served as the Mental Health Court Prosecutor in Allegheny County. The initial Assistant District Attorney assigned to the program did remain in the position for long so many of the processes and protocols were not yet developed when I was appointed. Therefore, I had an opportunity to develop the program as part of a team along with a Judge, the Public Defender's Office, Mental Health professionals and counselors. Through developing the program and then working with the cases, I developed a more collaborative view of the criminal justice process. By working diligently to understand the needs of defendants, victims, and communities, we were able to fashion case results that addressed, as best as possible, the varying concerns and needs of those parties. By looking beyond the sentencing matrix, we were often able to obtain results that satisfied the victims, treated the offender, and protected society by reducing recidivism. As a result, as a judge, I would be interested in serving on Mental Health Court and other similar courts and looking at the justice system to develop other areas in which a more collaborative approach would be useful.

Further, using the understanding I gained through that experience, I continued, upon entering private practice to represent, at reduced rates, individuals with mental health problems charged with crimes. For a period, I instituted a mental health scholarship at my firm for individuals with mental health diagnoses desiring to go to college. The response to the scholarship was overwhelming and, as a result, I have been reassessing the scholarship with the goal to provide a larger pool of scholarship money to more future scholars in need.

Also, in the District attorney's office, I was part of a team that developed the PDQ program, an early plea program at the district judge level. This program created consistent sentencing matrices that addressed common non-violent crimes and rarely

involved incarceration. It allowed for outcomes to be reached with more fairness and less time and expense to the judicial system and the parties involved.

Another area of my criminal defense work, arising out of my labor practice, is representing police officers who discharge their weapons causing injury while in the line of duty. The labor unions that I represent have members from over 50 law enforcement agencies and when one of the member officers is involved in such an incident, I am called out anytime day or night to provide Criminal Defense representation for that officer. I find this work enlightening in that it provides me with an opportunity to examine the reaction of police officers, who generally arrest people for crimes, when standing on the other side of the system.

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 wanted to become a judge since interning with Judge Mazur of the Allegheny Court of Common Pleas while in Law School. This desire was strengthened when I clerked for Justice Montemuro and Judge Lally-Green on the Pennsylvania Superior Court. Two aspects of being a judge appeal to me. First, it is my natural tendency to treat people fairly and to listen to all sides of an issue. While a prosecutor, I acted fairly by keeping in my mind to do the right thing on my cases. In fact, that ability to do the right thing and not just advocate for a particular position is what I enjoyed most about being a prosecutor. Second, I like the public service aspect of being a judge. My parents were both teachers/school administrators and they instilled in me a belief that serving the public through your profession is the most rewarding work.

With an eye towards being a judge someday, I tailored my career to have an opportunity to work closely with the different stakeholders in the criminal justice system. My hope is that by understanding the stresses and burdens of those involved in the system, I may fashion, through programs and my rulings, decisions that consider those needs and concerns and further the goal of justice for all.

In particular, as a prosecutor, I worked closely with victims of crimes and witnessed the toll that violence or other crimes had on them and their families. As a criminal defense attorney, I have seen the impact of addiction and mental illness on individuals and families. I have also witnessed the massive impact of the filing of criminal charges on a person's livelihood and ability to provide for his or her family. I have sat with individuals and families who are losing their loved one and breadwinner to incarceration because of a non-violent crime. Finally, through representing police officers in union matters and when involved in shootings, I have gained an appreciation for the stresses that they face, including the fear experienced walking up to a car on a traffic stop or the front door on a domestic violence call and the uncertainty they can experience in dangerous and confusing situations.

By combining the intimate experience of working closely with and representing these individuals, I believe I have gained the knowledge to effectively address the concerns of all of

those involved in the justice system when ruling on a case or sentencing or fashioning a result in a diversionary court.

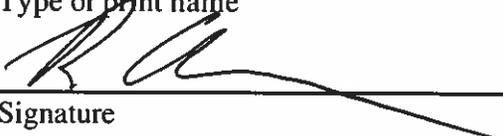
35. Did you sign the ACBA Judicial Campaign Advertising Guidelines Pledge? (Please return signed pledge with completed questionnaire.)

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.

R. ANTHONY DeLUCA
Type or print name


Signature

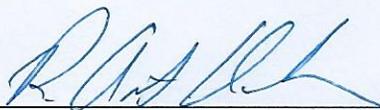
12-20-2020
Date

ALLEGHENY COUNTY BAR ASSOCIATION

JUDICIAL CANDIDATE PLEDGE

I, R. ANTHONY DELUCA, 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

12-20-2020

Date