

Judicial Profile

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Hon. John Richard Padova Senior U.S. District Judge, Eastern District of Pennsylvania

IF JUDGE JOHN RICHARD PADOVA was known as one of the most respected jurists in the Eastern District of Pennsylvania, that might be enough of a legacy for most any judge. However, he is also one of the most well-liked judges in the Eastern District—a sentiment shared by the counsel who come before him, by his staff, and by his colleagues.

Judge Padova rose to the bench after a career as a renowned trial lawyer practicing in the state and federal courts near Philadelphia. He represented both small and large clients and earned not only their praise but also the praise of his fellow litigators.

The judge was born in 1935. Raised in his early years at 13th and Federal Streets in Philadelphia—and later in working-class neighborhoods in Mayfair—Judge Padova speaks fondly of his childhood and with great pride about his parents. His mother, Elsie, was primarily a homemaker, but because money was tight, she always had a side job. Judge Padova also recalls that his father, James, worked seven days a week—first in the food business and then in real estate. James Padova was an entrepreneur, who owned and operated grocery stores and Italian steak shops in the neighborhood. James taught his children that customers were to be treated “like royalty,” and this lesson is reflected in Judge Padova’s kind demeanor from the bench.

Often referring to counsel by their first names (which has caused at least one attorney to remark, “If you’re going to lose before Judge Padova, at least both of you will be leaving the courtroom smiling, and, sometimes, that is better than winning”), Judge Padova is also known for his honesty and the directness he inherited from his parents. He describes his father as a person who has a necessarily strict work ethic (because money was always an issue) and sometimes exhibited a tough edge. The judge describes his mother, however, as a “soft touch”—a “solid” person, who communicated persuasively—both qualities necessary for any lawyer.

From a young age, Judge Padova, as did his siblings, worked with his father. The judge recalls being a good student in Catholic school and always having family dinner upon his father’s return from work be-



tween 6 and 8 p.m. Judge Padova’s rise to the bench can be related to both his parents being community leaders and activists—in practice and spirit.

The judge was the first in his family to attend college. Graduating from Villanova University with a degree in English, the judge recalls that, upon his high school graduation, he had never read a book from start to finish. He remembers his new Villanova classmates as being more educated, ironically now, especially in reading and writing. He admits that he needed special attention. Clearly, whatever failings he may have had when entering Villanova were overcome by his innate intelligence and inherited work ethic. He graduated from Villanova with the Outstanding Senior Merit award and went on to attend Temple University Law School.

While at Temple, he financially contributed to his family by quietly becoming an adjuster with Allstate Insurance Company (at that time, Temple preferred

that day students not work full-time). He did not want part-time matriculation because of his desire to graduate within three years (although he chose Temple because part-time enrollment at night was available, if necessary).

After graduating from law school, Judge Padova went on to active duty in the military. At that time in Pennsylvania, an attorney needed a preceptor to become licensed. After his military obligation was fulfilled, he clerked at a general practice firm, Marcu & Marcu, where he worked with his preceptor, Ed Marcu, a blind transactional attorney, whom the judge recalls with reverence.

After his clerkship, he joined Solo Bergman Trommer, a general practice firm concentrating in real estate, commercial, and personal injury litigation. Because Judge Padova had worked as a settlement clerk and an adjuster in college, his new firm appreciated his prior work experience. Soon, Judge Padova began receiving referrals from his family, then his friends, and then his neighbors from south and northeast Philadelphia, and his reputation grew. In reflecting on his early career, Judge Padova notes that small businesses are the “foundation of our country.”

With his own unique litigation skills—as well as a growing client base—he found the law firm growing by “leaps and bounds,” and he was eventually named a managing partner. During the administration of Mayor Rizzo, Judge Padova represented the mayor and received referrals from the city solicitor’s office that primarily involved civil rights and employment matters. The judge also served as trial counsel to the Philadelphia Gas Works, for which he handled catastrophic personal injury losses, as well as special counsel to the city of Philadelphia. Even though he accepted tort defense work for which he could bill insurance companies, he nonetheless continued to accept personal injury cases from nonconflicting plaintiffs on a contingency fee basis, allowing him to remain as counsel for his original client base.

In the 1970s, Judge Padova’s firm merged with a firm that concentrated on labor law. He was delighted and proud as his firm grew to 15 lawyers. That said, as managing partner, he chose not to expand the firm further—even when it appeared that his firm could grow to 60 lawyers.

Judge Padova describes his former practice as a civil litigation “boutique,” and he is proud to have practiced in both state and federal courts through the firm. He is also proud to have received referrals from Philadelphia’s largest law firms, especially because those referrals were both interesting and lucrative. He fondly remembers referrals from opposing counsel with whom he always shared a camaraderie despite his winning record. In fact, Judge Padova commonly represented lawyers and law firms in their civil litigation matters.

The law firm of Solo Bergman Trommer became Solo Padova & Lisi when Bergman became disabled

and Trommer became a judge. Today, Judge Padova’s son is the partner in what is now Padova & Lisi. Married for more than 47 years to the former Ann Atkins, a nurse, the judge and his wife have six children—three boys and three girls.

A practicing attorney for more than 32 years, Judge Padova had been working full-time as a family man and litigator when an opportunity accidentally presented itself to apply for the bench. At a high-profile holiday party, Judge Padova bumped into a superior court judge whom he advised, tongue in cheek, that it was that jurist’s time to rise to the federal bench. In response, that judge turned the tables, telling Judge Padova that the Biden Bill presented an opportunity for three new judges within the Eastern District and suggested that he apply. Supported by both sides of the aisle, Judge Padova was appointed in 1992.

He remembers being “thrilled” at his swearing-in ceremony, especially at the opportunity to “sit next to the best trial judges in the country” as a colleague. And he suggests that new judges should embrace that excitement, which he still carries with him to this day.

Judge Padova believes a good litigator makes a good judge. A good trial judge understands the dynamics of a case and can anticipate the outcome. A former litigator who becomes a judge “hits the ground running.” However, he cautions, a judge must remember that his or her role is to promote respect for the system by exhibiting a sense of fairness.

Judge Padova is appreciative of his fellow judges in the Eastern District of Pennsylvania. Theirs is a bench, he notes, that is nationally renowned for its collegiality and ability, as evidenced by its members constantly being invited to assist other circuits. In describing his time on the bench, he cautions that judges not only need to remember where they came from while maintaining the excitement of a new position but also must be conscious of their own personal or professional weaknesses and strengths. A judge must be collegial and public-minded; his or her mission is to administer justice with “impeccable manners,” says Judge Padova.

Judge Padova requires lawyers appearing before him not only to be prepared with the specifics of the matter charged but to also know the court’s expectations in practice and procedure. According to Judge Padova, the ethics code sets minimum standards for professional conduct; a lawyer should always rise to the highest standard.

Judge Padova is aware that lawyers are not always well regarded by the public, and he attributes this

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view to the push toward volume and the depersonalization of our service industry. However, he believes that an attorney's constant vigilance and tight reins on his practice can change that public perception. The judge says that the law should not become predominantly a business but should always retain its inherent nature as a profession.

After 16 years as a judge, Judge Padova finds the job still "wonderful," especially because he discovers "something new and challenging" daily. Every case within the federal court system is "important ... every case is a *Sacco and Vanzetti*," he says. Nevertheless, no matter how pleased he is at the opportunity to be a judge and the privilege of the position, he still misses being a trial lawyer.

The judge is not inclined to give his judicial philosophy a label, matter-of-factly stating that trial judges in most matters do not really have the opportunity to "make new law." The opportunity for inventiveness or even creativity in adjudication is very rare. That said, if confronted with the opportunity, Judge Padova applies the law as it exists.

In the past 10 years, academics and the public in general have been critical of the "litigation explosion," and the judge surmises that alternative dispute

resolution hearings and other binding alternative forums have sprung from that criticism. Internationally, Americans find it difficult to do business, especially in Asia, without being compelled to execute a binding arbitration clause. Other countries are afraid of getting trapped in American-style litigation.

Even though this is the age of specialization, every lawyer, the judge cautions, should have grounding in trial law. Only through multiple verdicts can a lawyer truly give a client advice vis-à-vis "knowing how it plays out." Regardless of others' criticisms, Judge Padova believes that our system of litigation, however flawed, is the world's best. The American justice system allows disputes to be litigated and resolved professionally without resorting to violence or other tensions.

Both the bench and the bar hold Judge Padova in high regard. He has been cherished for the past 16 years, and we wish him many more years to come.

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