

ACBA NOMINATION APPLICATION FORM

To be completed by all individuals seeking nomination as an ACBA officer or member of the Board of Governors or the Judiciary Committee.

Return to the Nominating Committee, c/o David A. Blaner, Executive Director, ACBA, 400 Koppers Building, 436 Seventh Avenue, Pittsburgh PA 15219 or to dblaner@acba.org.

Attach a copy of your current resume.

Deadline for submission is Wednesday, February 9, 2022 by 4:00 p.m.

Name: Michael W. Calder

Employer/Place of Business: Rosen & Perry, P.C.

Address: 437 Grant Street, Suite 200, Pittsburgh, PA 15219. www.caringlawyers.com

Telephone Number: (412) 281-4200 Email Address: mcalder@caringlawyers.com

Year you became a member of the ACBA: 2007 Year of Bar Admission: 2007

Step 1: Identify any positions for which you would like to be considered by the Nominating Committee. If you would like to be considered for more than one position, please state your preference in numerical order (i.e., 1, 2, 3, 4).

President-Elect _____ Treasurer _____ Board of Governors _____

Judiciary Committee X

Step 2: (For Judiciary Committee Applicants Only) Please state your preference in numerical order (i.e., 1, 2, 3, 4) for any seats for which you are interested in holding and/or for which you are qualified to hold.

At-Large Seats 2 Two (2) seats available

Court Seats (Five (5) seats available)

Appellate Court 3

Civil Court 1

Criminal Court _____

Family Court _____

Elder Law and _____

Probate & Trust _____

Diverse Seats _____ Three (3) seats available*

Young Lawyer _____ One (1) seat available
(0 to 10 years of practice experience)

* If applying for a Diverse Seat on the Judiciary Committee, your signature on page 3 of the application shall serve as verification that you have read and understand the term “diverse” as set forth in Section 1.3 of the ABCA By-Laws and confirm that you identify under one of the characteristics enumerated in the definition as outlined below.

ACBA By-laws - Section 1.3

“Diverse.” A person will be considered diverse for purposes of the diverse seats on the judiciary committee and for participation in the Allegheny County Bar Association Summer Clerkship Program, if they self-identify as one or more of the following:

American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American. A person having origins in any of the Black racial groups of Africa. Hispanic or Latinx. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Middle Eastern or North African. A person having origins in any of the original peoples of the Middle East or North Africa including, for example, Algeria, Bahrain, Egypt, Iran, Iraq, Israel,

Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, Turkey, the United Arab Emirates, and Yemen.

Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

LGBTQ+. A person who is lesbian, gay, bisexual, transgender, queer (or questioning), plus. The "plus" is inclusive of the gender identities and sexual orientations that are not specifically covered by the other five initials.

An individual with a disability as defined under the Americans with Disabilities Act.

This definition may be amended by resolution of the Board of Governors from time to time as needed.

ACBA Nominating Committee Application

Practice Areas/Courts in which you practice:

Plaintiffs' medical malpractice and personal injury litigation. I make occasional appearances before the Orphans' Court post-settlement, but virtually all of my professional in-court time is spent in Civil Division courtrooms across the Commonwealth.

Please describe your involvement in ACBA Committees, Divisions/Sections, or activities over the last five (5) years:

Not applicable.

If you are applying for nomination to the Judiciary Committee, please describe experience, other than or in addition to litigation experience that makes you particularly able to evaluate candidates for judicial office:

I believe that litigation experience is the most important factor to consider in the analysis of why/whether a person is qualified for the Judiciary Committee. To me, there is no better mechanism for understanding the characteristics that make a qualified judicial candidate than having spent a vast amount of time arguing and/or presenting matters before judges. Since 2007, I have spent a significant amount of time interacting with judges from across the Commonwealth in the course of handling a busy case load.

Additionally, since 2016 I have served on the membership committee of the Academy of Trial Lawyers of Allegheny County. This is a laborious, but critical, committee on which to serve. We are trusted with the task of assessing the credentials, experience and moral fitness of absolutely outstanding attorneys each year. The Academy is limited to 250 active members, so in most years a large number of excellent lawyers apply to fill a very small number of openings. The process requires us to perform extensive due diligence on each candidate. Applicants provide us with charts setting forth the entirety of their trial experience so we can tabulate and verify their total number of trial days, divided into categories for days as sole or lead counsel versus days as "second-chair" or associate counsel. We contact multiple (minimum of 3) attorneys who have tried cases against applicants, as well as judges before whom applicants have appeared, to discuss the nature of their participation, their professional competence during trial and their level of demonstrated professional ethic. Courtroom morality is held in the highest regard within the Academy, so we faithfully attempt to identify candidates who zealously advocate their clients' interests while maintaining a high level of civility to the Court, witnesses and opposing counsel. My experience evaluating professional ethics, temperament and courtroom competency should enable me to be an effective, fair evaluator of prospective judicial candidates.

Signature



Date: February 2, 2022

NOTE: Please submit this form with a copy of your current resume.

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2021

Michael W. Calder, Esquire

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Sewickley, Pennsylvania 15143
(412) 760-7298 – Cellular

Legal Experience

Rosen & Perry, P.C., Pittsburgh, PA

Litigation Associate (September 2007 – December 2020)

Shareholder (January 2021 – Present)

- Handle a wide variety of Plaintiffs' medical malpractice, wrongful death and personal injury cases from intake to settlement, arbitration award, or jury verdict.
- Oversee and execute all phases of successful case workup from initial intake review and expert witness recruitment through pleadings and discovery to resolution.
- Deliver finest-quality representation to clients throughout the life of their cases.
- Over fifteen cases tried to verdict; countless more settled.
- Many seven-figure and eight-figure settlements, jury verdicts and arbitration awards.
- Examples of representative cases include:
 - Failure to properly treat endometrial cancer resulting in death;
 - Failure to diagnose and treat paraspinal fibrosarcoma resulting in death;
 - Malperformance of a PPH hemorrhoidectomy causing permanent injuries;
 - Failure to diagnose colorectal cancer causing death;
 - Negligent treatment of a compound fracture leading to partial limb paralysis;
 - Negligent treatment of a hairline fracture resulting in reflex sympathetic dystrophy;
 - Negligent use of an operative stapling device causing permanent vocal cord paralysis;
 - Intentional battery of a patient's parent during liquid nitrogen application;
 - Failure to adequately assess psychiatric condition resulting in homicide;
 - Failure to properly treat alcohol detoxification patient resulting in battery;
 - Negligent wheelchair placement resulting in complex, comminuted hip fracture;
 - Negligent design and warning of a commercial building floor resulting in hip fracture;
 - Numerous cases involving negligent tractor trailer operation causing serious injury;
 - Numerous cases involving negligent motor vehicle operation causing serious injury;
 - Failure to warn of dangerous dog's presence resulting in permanent scarring;
 - Failure to warn of a dangerous stairwell resulting in bodily injuries;
 - Negligent manipulation of a military-grade weapon resulting in death;
 - Negligent delivery of intraoperative anesthesia coupled with substandard intraoperative monitoring resulting in brain death;
 - Multiple cases involving the failure to properly respond to third-trimester decreased fetal movement resulting in anoxic brain injury and cerebral palsy;
 - Failure to properly respond to intrauterine growth stagnation resulting in death;
 - Multiple cases involving the failure to properly respond to concerning fetal heart tracings resulting in profound anoxic brain injury and/or death;
 - Failure to timely diagnose and respond to clear signs of testicular torsion resulting in lost testicle and permanent pain;
 - Lack of consideration of vascular compromise resulting in lower extremity compartment syndrome;
 - Multiple cases involving improperly interpreted radiological studies;
 - Failure to timely diagnose and respond to signs of sepsis resulting in death; and
 - Multiple cases involving failure to properly perform colonoscopy resulting in delayed diagnosis of colorectal cancer.

**Professional
Awards
and
Honors**

Duquesne University School of Law, Pittsburgh, PA

Adjunct Professor of Law (August 2012 – 2014)

- Instructed a course titled “Medical Malpractice Litigation Skills” to facilitate students’ understanding of civil litigation broadly; medical malpractice litigation in particular.
- Course began with case screening and expert witness review followed by instruction on how to tactfully prepare pleadings for optimized use throughout the case, proceeded through the mechanics of all phases of discovery and concluded with discussion of case resolution (settlement, ADR, trial).

Academy of Trial Lawyers of Allegheny County

Member (2016 – Present)

- The Academy of Trial Lawyers is an invitation-only organization limited to 250 of the most exceptional trial lawyers in Allegheny County.
- Co-Chair of the Duquesne University Law School Committee, whose purpose is to cultivate relationships between the student population and the Academy with the objective of inspiring current law school students to pursue careers as Allegheny County-based civil litigators.
- Member of the Academy’s membership committee, which involves annually executing all phases of the Academy’s meticulous screening process for prospective new members. This includes interviewing multiple attorneys against whom applicants have tried cases, contacting multiple judges before whom applicants have appeared, and extensively interviewing candidates to ascertain character and professional fitness for membership in the Academy.

Pennsylvania Super Lawyers

“Rising Star” (2012 – Present)

- Recognized as a “Rising Star” in an annual survey, an honor bestowed upon less than 2 ½ % of Pennsylvania attorneys in practice for under 10 years.
- Areas reviewed for selection include peer review, verdicts, settlements, experience, honors and awards, and scholarly lectures and writings.

International Academy of Trial Lawyers

Student Advocacy Award (2007)

- Award presented after completion of third successful moot court competition.
- Presented annually to “a student who demonstrates an overall ability in trial advocacy by high achievement in trial practice, evidence, and pleading and procedure courses.”

**Professional
Memberships**

Western Pennsylvania Trial Lawyers Association

Member (2007 – Present)

Board of Governors (2012 – 2017)

Pennsylvania Association for Justice (Member, 2007 – Present)

American Association for Justice (Member, 2007 – Present)

Allegheny County Bar Association (Member, 2007 – Present)

Pennsylvania Bar Association (Member, 2007 – Present)

Community Involvement

Export Borough, Westmoreland County, PA

Mayor (January 2010 – December 2017)

- Attended borough council meetings to conduct business on behalf of Export Borough.
- Served as Export Borough’s representative in dealings with other municipalities.
- Interacted with news media on behalf of Export Borough.
- Created the borough’s annual budget proposal.
- Provided a safe living environment for Export citizens.
- Noteworthy accomplishments include:
 - Export Flood Control Project (approximately \$9 million dollar project);
 - Magisterial District Justice office relocation project;
 - Export Centennial Celebration;
 - Creation of new Borough Park and Recreation area; and
 - Successful negotiation of a zoning exception for a parcel of borough-owned property.

North Allegheny Senior High School, Wexford, PA

- Annual volunteer with the honors argument class’s mock trial at the senior high school. In some years, a day is spent several weeks prior to the mock trial performing classroom lectures to the students on the overview of trial law and courtroom tactic. A second day is then spent serving as the presiding judge for the mock trial and offering feedback to the participants at the conclusion of the case.

Pennies from Heaven – Pittsburgh, Wexford, PA

Member of Event Planning Committee

- Pennies from Heaven is a registered 501(c)(3) non-profit organization whose purpose is to ease financial hardships of parents whose children are patients at UPMC Children’s Hospital of Pittsburgh. A hallmark trait of Pennies from Heaven is that every penny (literally) raised goes directly to families in need. Social workers at Children’s Hospital identify families in need and connect them directly with members of Pennies from Heaven advisory board, which has authorized direct payments of everything from transportation and lodging costs to paying peoples’ rent or mortgage so they could miss time from work to remain at their child’s side. To date, over \$3,000,000.00 has been raised.
- The event planning committee’s purpose is self-explanatory: we organize, plan and host the events that raise funds for Pennies from Heaven. The two largest annual events are the Apple Open golf outing each year in May and the Oktoberfest event every September/October.

Education

Duquesne University School of Law, Pittsburgh, PA

Juris Doctorate (June 2007)

Washington and Jefferson College, Washington, PA

B.A., Business Administration major, Psychology minor, cum laude (May 2004)

Bar Admissions

Commonwealth of Pennsylvania (2007)

United States District Court for the Western District of Pennsylvania (2007)

Personal Information

I live in Franklin Park, Pennsylvania with my wife, Kelsey, and our senior rescue dog, Camper. Kelsey and I are active supporters of animal rescue agencies, namely Senior Hearts Rescue and Renewal based in Bradford Woods, Pennsylvania. Senior Hearts is a 501(c)(3) non-profit organization that rescues abandoned senior dogs, places them with foster families, provides them with necessary (and generally long-overdue) medical care, and matches them with new families when health permits. Kelsey and I are enthusiastic members of a sports car club which keeps us busy when I am not golfing or spending time in the woods.