

Meet The Attys In Pa. Radio Host's Fight For Open Primaries

By **James Boyle**

Law360 (July 18, 2025, 4:13 PM EDT) -- A Philadelphia-area lawyer turned national political commentator and media personality and has assembled a legal team including some of his colleagues at Kline & Specter PC and attorneys from Faegre Drinker Biddle & Reath LLP to represent him and three other plaintiffs in their bid to change Pennsylvania's closed primary system.

Michael Smerconish, a radio host and frequent guest on cable news, leads a quartet of petitioners who asked the Pennsylvania Supreme Court on Wednesday to rule that the state's closed primary system violates the free-and-equal-election clause of the Pennsylvania Constitution by preventing independent and third-party voters from having a say in choosing candidates for the state's general election ballots.

Smerconish is a longtime commentator who hosts a daily show on SiriusXM satellite radio and a weekly program on CNN. Smerconish is also of counsel at Philadelphia plaintiffs' firm Kline & Specter.

Smerconish is joined in the suit by David Thornburgh, the chair of Ballot PA, an initiative lobbying to open the state's primary elections to all voters; Jeffery Doty, a grocery store owner; and Rachel Shanok, a physical therapist in the Philadelphia suburbs who is also a member of the Pennsylvania chapter of the Forward Party, a political party co-founded by former presidential hopeful Andrew Yang.

Pennsylvania is one of nine states that use a closed primary system, meaning only members of local, state and national candidates' political parties can vote in the primary elections that determine the nominees for the November general election.

The petition argues that the only viable candidates for the general election come from the Democratic and Republican parties, preventing more than 1.4 million independent voters from having their say before November.

"Simply put, by the time independent voters get to vote, most electoral races in Pennsylvania are already decided," the petition says. "At best, the choice has been formally or functionally narrowed to two nominees whom independent voters never had a chance to select."

Pennsylvania's legislature in the past has considered bills to open the primary system to all voters, but none have passed. State Reps. Jared Solomon and Chris Rabb, both D-Philadelphia, wrote the most recent bill, H.B. 280, which is under consideration in the Pennsylvania House.

Here, Law360 Pulse takes a look at the attorneys representing the plaintiffs opposing Pennsylvania's closed primary system.



Shanin Specter

Kline & Specter PC

For 40 years Shanin Specter has built a reputation as one of the top plaintiffs' lawyers in Philadelphia, representing clients in hundreds of personal and catastrophic injury cases that have yielded settlements or verdicts of more than \$1 million.

Recently, Specter led a team of attorneys representing a family who received a \$207 million judgment after a Philadelphia jury found the University of Pennsylvania Health System was responsible for a newborn baby's cerebral palsy, the largest medical malpractice award in state history. The Pennsylvania Superior Court upheld the judgment last week.

Past notable victories include a \$153 million verdict against Ford Motor Co. in 1998 for the family of a 3-year-old boy who died when the parking brake on his father's truck spontaneously disengaged and struck him. He also won a \$109 million verdict in 2012 against West Penn Power on behalf of an Allegheny County woman who was hit by a fallen power line and electrocuted.

Specter, son of the late U.S. Sen. Arlen Specter, began his career at the Beasley Law Firm LLC after graduating from the University of Pennsylvania Law School in 1984. At Beasley he met Thomas Kline, and the two struck out on their own to found Kline & Specter in 1995. The firm has since grown to more than 60 attorneys. Smerconish joined the Beasley firm in 1992 and moved to Kline & Specter as of counsel in 2011.



Charles L. Becker

Kline & Specter PC

Becker joined Kline & Specter in May 2007 and is one of the firm's top post-trial and appellate attorneys. He has argued before state appellate courts in Pennsylvania, New Jersey and Delaware, at federal appeals courts and the U.S. Supreme Court.

He is part of the team that won a \$207 million medical malpractice verdict against the University of Pennsylvania and defended it on appeal. Becker and Specter are also part of the team representing the Central Park Five in an ongoing defamation lawsuit against President Donald Trump over his claim during a September 2024 debate that the group had pled guilty to attempted murder and rape when they had not.

Becker also serves as a judge on the Pennsylvania Court of Judicial Discipline, which reviews ethics complaints against Pennsylvania judges. He earned his law degree from Yale Law School in 1997.



Ruxandra M. Laidacker

Kline & Specter PC

Laidacker serves alongside Becker as one of Kline & Specter's top post-trial attorneys, helping defend the firm's trial court wins in state appellate courts in Pennsylvania, New Jersey and Delaware, federal courts of appeal and the Supreme Court.

A partner at the firm's Philadelphia office, Laidacker was part of the team who successfully defended a \$70 million judgment against Johnson & Johnson subsidiary Janssen Pharmaceuticals Inc. that the firm won for a man who grew enlarged breasts after taking the antipsychotic drug Risperdal as a child.

Laidacker's recent cases include her work with Specter and Becker to secure the \$207 million judgment against Penn. She and Becker are also part of Kline & Specter's team representing two athletic trainers for the Philadelphia Flyers who sued the team's owner, Comcast Spectacor, claiming that emissions from Zamboni machines parked near the training room caused their blood cancer.

Laidacker earned her law degree from Tulane University Law School in 2005 and served as a staff attorney for the Philadelphia County court system. In July 2008 she moved to the state Supreme Court as senior staff attorney for Justice Jane C. Greenspan and Chief Justice Ronald D. Castille. Laidacker joined Kline & Specter in February 2015.



Matthew A. Fontana

Faegre Drinker Biddle & Reath LLP

Fontana's practice at Faegre Drinker primarily involves management in employment and labor matters. He has represented both public and private sector clients in matters involving the National Labor Relations Act, the Labor Management Relations Act and Pennsylvania's Public Employee Relations Act.

Affiliated with the firm's Philadelphia and New York office, Fontana is also part of Faegre Drinker's state relations team, which advises clients on local and state policy issues, and provides advocacy and consulting services.

Fontana earned his law degree from Villanova University in 2010 and clerked for Common Pleas Judge Robert J. Mellon. He joined Buchanan Ingersoll & Rooney PC in 2011, then moved to Faegre Drinker in 2016.

The remaining members of the plaintiff team are Helen A. Lawless, an associate at Kline & Specter,

and Faegre Drinker associates Michael W. Fires and Victoria L. Andrews.

The state, meanwhile, is represented by Carolyn A. Antoinette and Gregory M. Darr from the Pennsylvania Department of State and Kathleen Ann Mullen from the Pennsylvania Governor's Office of General Counsel.

The case is Smerconish et al. v. Pennsylvania et al., case number 69 EM 2025, in the Supreme Court of Pennsylvania.

--Editing by Brian Baresch.