



JUDICIAL COMMITTEE

2023 QUESTIONNAIRE FOR JUDICIAL CANDIDATES

Candidate's Name: Eric J. Mikovch
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1. Why are you seeking the position of Judge of the Court of Common Pleas?

For 29 years I have been a trial lawyer. I have dedicated my career to the study and practice of law, and have decided to seek the position of Judge of the Court of Common Pleas so I can put the skills I have honed to use in a different capacity, serving the people of Erie County, in the place that has always been my passion – the courtroom. I believe I possess the required temperament, demeanor, diligence, and professionalism to do the job well.

2. Being careful to maintain client confidentiality as embodied in the Rule 1.6 of the Rules of Professional Conduct, describe the general character of your law practice, including areas of concentration and the most significant achievements of your legal career. Explain how your practice has prepared you for the position of Judge of the Court of Common Pleas.

As an attorney in private practice at a full-service law firm for my entire career, I have had the opportunity to work in many areas of the law for my clients, and the clients of the Quinn Law Firm. My experience includes the practice areas of civil and criminal law, residential and commercial real estate, assessment appeals, wills and estates, private foundations, wrongful death cases, departmental hearings with the State Boards of Professional Licensing, hearings with the Department of Transportation, Office of Children and Youth hearings, Protection from Abuse Hearings for both plaintiffs and defendants, child dependency proceedings, and juvenile criminal cases and trials. The focus of my trial work is handling criminal cases, and I have conducted jury trials in Erie County, Crawford County, Warren County, and Cumberland County. I have handled criminal and civil cases in 18 different counties in Pennsylvania.

One of my most significant achievements is having my colleagues and Judges who were surveyed award me a Martindale-Hubble AV rating, which I have held since 2011. For attorneys and Judges

to give me that rating is something I am very proud to have achieved. The diversity of my legal experience has given me a well-rounded background to serve on the bench as a Judge of the Court of Common Pleas.

3. With respect to the last ten 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:

I appear in court regularly - on average 175 to 225 times per year. I also handle cases in federal court in the Western District of Pennsylvania.

- b) What percentage of these appearances was in:

1. Federal courts: < 1% - Approximately 15 cases
2. State courts of record: 75%
3. Other courts: 24%

- c) What percentage of your litigation was:

1. Civil: 30%
2. Criminal: 70%

- 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:

I have tried more than 50 cases to verdict or decision in my career as either sole counsel or chief counsel, with the criminal trial practice involving homicide, felonies, misdemeanors, and juvenile trials.

- e) What percentage of these trials were:

1. Jury: 60%
2. Non-jury: 40%

- f) Describe other areas of practice:

Residential and commercial real estate, assessment appeals, wills and estates, private foundations, wrongful death cases, departmental hearings with the State Boards of Professional Licensing, hearings with the Department of Transportation, Office of Children and Youth hearings, Protection from Abuse Hearings for both plaintiffs and defendants,

child dependency proceedings.

4. If a good amount of your practice has been before administrative boards, commissions or agencies, identify the boards, commissions or agencies before which you have practiced and estimate percentages of practice time devoted thereto.

I have represented clients at administrative hearings in Erie County, Warren County, Crawford County, and in Harrisburg. These hearings range from the Governor's Board of Pardons, professional licensing issues, permits, gaming – State Board of Nursing, Dentistry, Pharmacy, Physical Therapy; Office of Children and Youth – estimated at 15% of practice time.

5. Do you have experience with ADR? If so, give details.

Yes – my clients in need of legal services in practice areas applicable to ADR are encouraged to utilize the process and utilize mediation if the facts of their situation warrant the choice. I have utilized it for two clients in Federal Court. I have also referred numerous clients to the Quinn Family Law Department, and to attorneys outside of Quinn that utilize ADR. Throughout my career I have participated as an Erie County Arbitrator.

6. Which judges or justices do you most admire and why?

I draw upon my 29 years of experience and the number of times I have appeared in Court to specifically answer this question. I have represented clients before many Judges of the Court of Common Pleas, Magisterial District Judges of the Minor Judiciary, and Judges in Federal Court. The judicial qualities I admire most involve treating the parties and counsel with respect and dignity. Judicial temperament combined with the ability to hear the issues and listen to the evidence and arguments of the attorneys are extremely important. I appreciate Judges that allow the attorneys to present their cases they have prepared so thoroughly for, without undue interference from the Bench. I admire Judges that are fair and decide wisely, especially those Judges that are diligent in explaining to the parties why a certain decision was reached.

7. 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:

No.

8. Describe your involvement in community activities.

I was appointed to serve on the board of directors for the Erie-Western Pennsylvania Port Authority by Mayor Joe Sinnott in March 2014. I served as the Chair of the Marketing and Trade Promotions Committee, and also served on the Real Estate and Finance Committees. I served through the expiration of my term in December 2020. I currently serve as an advisory board member for the Port Authority. For two years, I served on the board of directors for the Greater Erie Industrial Development Corporation. I am a volunteer board member for the Paul Kostkan Foundation that benefits charitable and civic organizations in Western Erie County.

Since 1993, I have volunteered as a coach at nearly every level for youth sports involving grades

K through 12. Since 1998, I have volunteered as the Attorney Advisor to the Northwestern High School Mock Trial Team (1998-2014, 2021-present), Albion Springfield Little League Baseball Coach (2011-2019), Northwestern Youth Basketball Coach (2014-2017), Northwest Little Gridders Football Association Coach (2017-2021), Northwestern High School Varsity Football Coach (1993-2007, 2018-present), Northwestern Middle School Football Coach (2018-present), Northwestern Middle School Basketball Coach (2018-2022), and the YMCA.

9. What do you consider a significant achievement in your life outside your profession? Describe it.

I have been married to my wife Becky for 17 years, and I am very grateful for and proud of the family we are raising together. We have four children, Cole, Brodie, Mason, and the mighty Tess (Tessa). They all attend school (grades 11, 9, 7, and 6, respectively) in the Northwestern School District in Albion, Pennsylvania. They each have their unique strengths and personalities. They exhibit high moral character, and they all pursue life and its various activities to the fullest. I strive to be the best possible father and husband for our family, and I remind our children to work hard to achieve their goals and to find and pursue their passion.

10. Do any circumstances exist that would adversely affect your ability to perform the function of a Judge of the Court of Common Pleas or be able to fulfill your term of office? If so, please explain:

No.

11. Describe your involvement in Erie County Bar Association activities.

In 1998, I started the Northwestern High School Mock Trial Team with teacher Greg Lehman and District Justice Robert Saxton. The ECBA had not previously had a Northwestern team in the competition. I volunteered as the Attorney Advisor, and Northwestern has continuously participated for 25 years in the statewide competition hosted by the ECBA. For the few brief years I was not the full-time attorney advisor (when our family grew to four children), I would volunteer as a jury member and even served as the Mock Trial Judge. Northwestern has had over 325 students participate in mock trial since 1998. Some of these students went on to legal careers as attorneys, paralegals, or worked closely with the legal profession.

I have presented seminars through the ECBA to attorneys and the young attorneys in their Legal 101 seminar series, and I attended the ECBA Bench and Bar Conference in New York in 2018. I am a 29 year active participating attorney in the ECBA, LRIS Program. I am a past Co-Chair of the Criminal Practice Committee. I have participated in the ECBA year-end meetings, golf outings, and holiday gatherings. I am also pretty sure we were undefeated softball champs as young lawyers of the famous Young Lawyers vs. Senior Sluggers, Judgement Day Softball Games held at what was then, Jerry Uht Park. Those games benefitted the local food pantry. Maybe we lost one game, ever!

12. How do you view the current relationship between the Bench and the Bar of Erie County? Do you think it can be improved? What would you do to maintain or improve relations between the Bench and the Bar if elected to the position of Judge of the Court of Common Pleas?

The current relationship between the Bench and the Bar is very positive and there exists a culture of cooperation. Those currently serving on the Bench are engaged and make themselves available to counsel to work toward case resolution when possible. The Bench and Bar have handled the challenges of the pandemic to the best of our collective abilities, and as we return to full-time court

activities, I believe we have worked together efficiently and effectively. If elected, I would continue to promote open dialogue between the Bench and the Bar so the cooperation can continue to make a better overall court system, ultimately benefitting the residents of Erie County.

13. Do you believe it is important for a Judge to remain involved in Erie County Bar Association activities? Please explain:

Yes. Judges that remain involved in Erie County Bar Association activities stay connected to the ECBA membership. I believe that connection helps keep a Judge grounded and reminded of the challenges of the practice of law in both public service and private practice. Being in touch with the members of the ECBA furthers the professionalism and respect the Bench and Bar have for one another, and it allows ongoing dialogue to bring change when needed to improve our service to Erie County.

14. What do you envision to be your continuing role with the Erie County Bar Association should you be elected? Would you attend substantive and social gatherings of that Bar Association?

If elected, I would be an active member in the Erie County Bar Association, attending committee meetings that did not conflict with my responsibilities of being a Judge. I would attend substantive activities and social events to keep connected with the local legal community, and I would make myself available to hear ideas on how to improve our legal system and courthouse procedures. I would stay actively involved in the ECBA sponsored Mock Trial Program to ensure high school students have the opportunity to participate in what is for many, a life changing experience.

15. Have you ever been convicted of any misdemeanor or felony, court-martialed, been granted immunity from prosecution, or been the subject of a protection from abuse final order? If so, give details.

No.

16. Have you ever been the subject of formal discipline for a breach of professional ethics or unprofessional conduct?

No

17. Have you ever been found liable for legal malpractice?

No.

18. In the last 10 years:

a) has a tax lien or other collection proceeding ever been instituted against you by federal, state, or local authorities?

No.

b) has a judgment been entered against you?

No.

c) have you filed personal bankruptcy?

No.

19. Are there any other matters, not covered in these questions, that you consider relevant to members of the Erie County Bar Association and to voters evaluating your fitness for the judiciary? If so, describe.

During my career, I have had many roles and responsibilities in private practice. From the day-to-day requirements of handling my clients and their cases, to being a managing partner on the Executive Committee for the Quinn Law Firm with administrative and employer/employee duties, to being Chairman of the Marketing Committee to promote our law firm and our legal services. In each of these capacities, I have always strived to treat people well and with dignity. Whether working with a client, or perhaps consulting with a "cold call" or LRIS referral that I ultimately couldn't help, I have taken great pride to do my best to listen and understand what the people I interact with professionally want to tell me, and to treat everyone with respect. I believe I have not only done this for my clients and potential clients in my career, but also with my colleagues in the Erie County Bar Association, and particularly with opposing counsel and law enforcement on the other side of the table. I take pride in always being prepared for court and fighting zealously and ethically for my clients. I also pride myself in being professional and civil when it comes to opposing counsel and the other parties involved in a case, putting a very high value on the dignity of the legal profession and our courts. If elected Judge, that professionalism and respect for all will remain the same. I will remind myself daily to keep the same demeanor and attitude I had toward others as an attorney, and keep the same civility, dignity, and respect for all that appear before me as Judge.

ERIC J. MIKOVCH

Printed Name



Candidate's signature

2-21-23

Date