



Judicial Committee 2021 Questionnaire for Judicial Candidates

Candidate's Name:

Office Address:

Phone Number:

Email:

1. Why are you seeking the position of Judge of the Court of Common Pleas?

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.

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:

 - b) What percentage of these appearances was in:
 1. Federal courts:

 2. State courts of record:

 3. Other courts:

- c) What percentage of your litigation was:
 - 1. Civil:
 - 2. Criminal:
 - 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:
 - e) What percentage of these trials were:
 - 1. Jury:
 - 2. Non-jury:
 - f) Describe other areas of practice:
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- 4. Have you ever served in a judicial capacity? If so, please describe the position, any accomplishments you achieved in that role, and anything you learned from that experience that will be make you a better Judge if you are elected to the Court of Common Pleas.
 - 5. 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.
 - 6. Have you ever been the subject of formal discipline for a breach of professional ethics or unprofessional conduct?

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

8. 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?

b) has a judgment been entered against you?

c) have you ever filed personal bankruptcy?

If so, give details.

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

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

11. 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:

12. 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:

13. Describe your involvement in community activities.
14. What do you consider a significant achievement in your life outside your profession? Describe it.
15. Do any circumstances exist that would affect your ability to perform the function of the position you seek or to fulfill the term of office? If so, please explain:
16. Describe your involvement in Erie County Bar Association activities.
17. 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?
18. Do you believe it is important for a Judge to remain involved in Erie County Bar Association activities? Please explain:
- This is why I returned to membership. Lawyers and judges comprise the legal profession and we should all work together to improve the administration of justice and the advancement of our profession.
19. 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 the ECBA?

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

Printed Name

Signature

Date



1. Why are you seeking the position of Judge of the Court of Common Pleas?

Over the past 19 months, after being honored by an appointment as a Court of Common Pleas judge, I have come to a new level of appreciation of serving as a member of the judiciary. I now see more clearly the magnitude of the responsibility attendant to being a judge. The concept of being a judge I may have held as a lawyer barely scratched the surface of the reality of being a judge. After these 19 months, I am seeking this position because I want to be the neutral decision maker in cases that can positively impact the lives of those who appear before me. I enjoy helping hurting families resolve their deep, genuine conflicts. I value the law and our system of justice, and I embrace the vast responsibility and burden that comes with being a judge. I have come to believe, and hope others will agree, that my 30 years as a lawyer and 28 years practicing in the courtroom has equipped me for this job. I accepted the honor of my judicial appointment because my approach to life has been to say yes when asked to serve. I seek this position today, not selfishly striving for it, but because I now believe that with my experience as a lawyer and having been tested already for 19 months as a judge, I can do the job well. I am running for judge because I believe I have developed and possess the legal skills, temperament, integrity, common sense, reasonableness, and wisdom critical to the job of judge.

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.

Prior to becoming a Court of Common Pleas judge, my experience as a lawyer included 28 years of courtroom litigation experience, beginning as a U.S. Army Trial Counsel and Special Assistant U.S. Attorney in Ft. Riley, Kansas, through my years as an Assistant and Deputy District Attorney in Erie County, continuing through to my 20 years of trial work as the chief federal prosecutor in Erie for the U.S. Attorney's Office.

Throughout my career I prosecuted many high profile, complex cases including murders, violent crimes, child sex abuse, white collar fraud, environmental crimes, major drug trafficking organizations, and the Erie Collar Bomb (Pizza Bomber) case, for example. Several of my drug trafficking prosecutions involved as many as two dozen defendants and two dozen lawyers in a single case. In the DA's office for 5 ½ years, practicing before the Court of Common Pleas where I now serve as a judge, I handled every type of criminal case, from basic summary traffic cases to capital punishment murder cases. As a Deputy District Attorney, I also coordinated the investigation and prosecution of domestic violence and child abuse. After years as a trial attorney, I not only learned how to manage cases and properly and persuasively present evidence, I also experienced the stress and demands of trial work on lawyers. I have not forgotten these experiences on the bench, in fact I draw on my experience everyday in the way I handle cases (and people) as a judge.

My many years of courtroom litigation experience has prepared me to effectively deal with courtroom disputes and objections that arise in litigation. I have a keen understanding of how to properly manage caseloads and deadlines, deal with immediate evidentiary issues and objections that arise in court proceedings, manage complex legal problems, manage the style and temperament of opposing counsel, and be decisive when decisions must be made.

4. Have you ever served in a judicial capacity? If so, please describe the position, any accomplishments you achieved in that role, and anything you learned from that experience that will be make you a better Judge if you are elected to the Court of Common Pleas.

I have served as Court of Common Pleas Judge since June 28, 2019. I have been assigned to the Family Division, but when I started as a judge, I requested the assignment of cases in all areas of the law. While my experience as a lawyer was primarily criminal litigation, I now have experience handling cases in all areas including family, civil, dependency, juvenile delinquency, and adult criminal. Through hard work, listening, study and practice, I have learned a lot. I share with you my experience in each functional area:

FAMILY LAW

My experience in the Family Division has been rewarding, both personally and professionally. I now deeply understand the significance of family law, and the good that a judge can do in resolving family disputes. As a father of three grown children, I pull from this life experience as a parent, with all its struggles, and apply the wisdom I developed from parenting and life to resolve disputes and do what I think is in the best interest of children, guided by the law. I recognize how deeply family conflict, the dissolution of marriages and relationships, the everyday stressors of life, and the hurt and pain that comes from this breakdown in the family has impacted the parents and children who come before me. To date, I have presided over 107 custody pretrial conferences, 70 custody trials, 86 support de novo hearings, 107 support contempt proceedings, and handled dozens of other emergency custody related matters. To-date, I have decided 143 temporary Protection from Abuse (PFA) petitions, 118 final PFAs, and handled 87 Indirect Criminal Contempt allegations of PFA violations.

CIVIL LITIGATION

I appreciate the complexities of these important civil cases and hope I have now demonstrated a keen ability to handle these matters swiftly and concisely. My assignment of civil cases has expended in 2021 to include more than 60 new cases. I recognize more fully that although every party before me wants to prevail, what they also want is an opportunity to be heard, to state their case, and to have someone reasonably consider their position. I hope I have proven my strength as a judge to be that neutral decision maker, giving everyone a fair opportunity to be heard and reasonably considering their case. To date, I have resolved numerous pretrial disputes, ruled on preliminary objections and summary judgment, presided over preliminary/special injunction hearings, and conducted bench trials and hearings as the fact finder and final decision maker in several civil cases on varied topics.

DEPENDENCY

In the area of child dependency, I have embraced the seriousness of these cases and recognize the trauma that children subject to abuse and neglect have experienced. I have valued reuniting children with their parents when they have resolved the circumstances that gave rise to children being taken from them, and I have necessarily terminated parental rights in circumstances where all efforts to reunite parents and children have failed, opening the opportunity for children to find timely permanency in loving homes. In 2020, I presided over 128 dependency hearings, and 14 trials for the termination of parental rights.

JUVENILE DELINQUENCY

I take seriously the distinction between my former felony criminal practice and the restorative justice nature of juvenile delinquency cases. Although juvenile justice requires accountability, it also strives to restore juveniles and equip them to live productive lives. Since my criminal practice dealt with many serious felony offenders, I am well-equipped to know the difference between serious offenses and petty ones, not making a bigger deal out of less serious matters, and ensuring justice is done and community safety is addressed in more serious cases. I have enjoyed setting achievable goals for kids to meet, and I take seriously the need to help these kids turn their lives around and become productive citizens. To-date, I have presided over 117 juvenile delinquency hearings.

ADULT CRIMINAL LAW

This same sense, borne out of my years as a state and federal prosecutor, has allowed me to properly handle adult criminal cases as well. Appropriate justice needs to be dispensed in appropriate criminal cases. As a judge, I do not shy away from doing what justice requires. Likewise, my former role as a prosecutor and my time on the bench has given me an even greater sense of what is fair and just in any case, and I can discern the seriousness of cases and defendants because I have been handling these matters for over 28 years. I will continue to be fair to each person who comes before me. Having been a prosecutor, I know what to expect from prosecutors and will always hold them to their task to serve justice, to do what is right, and to do so fairly. I know how cases should be handled, in accordance with the law and the demands of justice, and I know how to properly ensure that citizens' constitutional rights are protected. To-date, I have presided over 163 guilty plea proceedings and 63 sentencing hearings.

I hope that my experience reveals that I possess the breadth of experience, wisdom, character, temperament, honesty and integrity necessary to continue to serve as a Judge in the Court of Common Pleas. I have fully embraced my role as a neutral judge, showing no favor to one side or the other and giving all sides an opportunity to be heard, while fairly evaluating the evidence, and following the law. In my courtroom, I make it a priority to treat everyone with dignity and respect. I approach each day in court with a keen sense of the importance the matter before me holds to the people involved. I believe I now have proven my ability to be fair and reasonable, make important decisions, have a willingness to work hard, and treat people with respect.

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

I have valued judges who are prepared, they were always best equipped to efficiently handle matters and get things right. I have valued judges who gave people an opportunity to be heard, not prejudging matters

without fair consideration. I have valued judges who can make decisions. I appreciate judges who remain even tempered, even under pressure. I have valued judges who have experienced the demands of litigation and show they have not forgotten that experience in the way they treat lawyers in their courtrooms. I respect judges who can admit that they may not know the answer to a question, but who will work to find the answer. I have admired judges who treat everyone before them fairly and with respect and hold their position with humility.

13. Describe your involvement in community activities.

The Erie City Mission, Board of Directors, January 2012 to January 2021.

I recently completed my 9-year service as Board Member and previous Chairman of the Board of Directors of the Erie City Mission. I provided guidance and leadership to an organization that connects the homeless with a safe and clean place to stay, while providing a life-changing opportunity for men and women suffering from addiction to improve their lives. In addition to providing shelter to the homeless, the Mission provides more than 175,000 hot meals each year to the needy; provides a comprehensive, long term, residential drug treatment program for men; a new women's shelter and residential program for women; and offers after school and summer programming for children. These efforts opened my eyes to the need for justice for some of the most disadvantaged and needy people in our community. I helped to lead the organization through significant change in senior leadership, broadening of ministries to women and children, and a multi-million-dollar facilities expansion.

Community-Police Relations Group, August 2016 to present.

In August 2016, while serving as the Chief of the U.S. Attorney's Erie Division, I convened a group of law enforcement officers and members from the African American community to address racial tensions in the city of Erie. This group of approximately 20 people met in the U.S. Courthouse monthly from August 2016 through January 2018. I facilitated the group discussion aimed at opening lines of communication, seeking consensus on improving the relationship between the community and the police, moving forward in a proactive fashion to lessen tensions and avoid future conflicts, and increasing public safety. I worked with the group as it transitioned to pilot a national DOJ Strengthening Police and Community Partnerships program (SPCP).

Unified Erie - Prevention, Enforcement & Reentry Initiative, Advisory Group, April 2010 to June 2020.

In 2010, while an AUSA, I worked with a broad coalition of community members to approach issues of youth violence in new, collaborative ways, outside of the criminal justice system, focused on prevention, enforcement, and reentry. The crux of the prevention effort was an intentional study of the root causes of problem behaviors in our community and the development of strategies to combat those causes. In the area of enforcement, the team attempted to focus law enforcement efforts on new and pro-active ways to deal with community gun violence using strategies that have been effective in other communities across the nation. The initiative focused on smarter prevention, enforcement and reentry efforts using tested or evidence-based strategies aimed at effectively reducing problem behaviors and crime in the community. The initiative saw significant reductions in firearm related violent crime in the community.

There exists a comprehensive strategy aimed at preventing problem behaviors through a Community Action Plan. Finally, I worked with this team to improve our community efforts focused on ex-offender reentry, trying to connect those individuals who have been released from prison with the means to avoid recidivism.

The Erie County Reentry Services and Support Alliance, Planning Group and Advisory Board, July 2014 to June 2020.

The UnifiedErie reentry planning group created the Erie County Reentry Services and Support Alliance as a unified resource for reentry services for state, federal and county former offenders. The team also works with gang members who desire to get out of their gang affiliation and turn their lives around before being arrested. The ECRSSA team worked with state, federal and local criminal justice professionals to provide support services to former offenders, and there was a significant reduction in the rate of recidivism and gang violence. I helped lead this effort to change the way we approached prisoner reentry in Erie County.

I have also served, when requested, with other organizations and community initiatives as follows:

Erie County Criminal Justice Coalition, March 2012 to June 2020.

The Neighborhood Resource Organization, Steering Committee, June 2014 to June 2020.

United Way of Erie County, Emergency and Basic Needs Review Committee, April 2015 to June 2017.

Blue Ribbon Commission on Campus & Community Safety, Edinboro University, Chair, Threat Assessment and Alcohol & Other Drug Working Groups, April 2015 to June 2015.

General McLane School District, Strategic Planning Group, March to September 2010.

Erie County Human Trafficking Coalition, May 2012 to February 2015.

Erie County Policy & Planning Council for Children and Families, Executive Board, January 2011 to present (now serving as the judiciary representative).

Erie County Rape Crisis Center, Board of Directors, February 1998 to May 2000.

Erie Youth Soccer Association, soccer coach, 2005-2010.

Millcreek Youth Athletic Association, baseball coach, 2000-2001.

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

This is still a work in progress. Obviously, the raising of our 3 children has been most significant, but as they are now young adults, I realize more fully their successes today are a product of their significant achievement not mine. Therefore, I would say my greatest personal achievement has been balance. This balance has afforded me to be comfortable in myself, striving each day to improve, and being open to the opportunities that life presents. In that balance, I have opened my eyes more fully to the needs of others, and I have embraced people who are different from me, which in turn, has created greater balance and blessing. In all of this, I hope I have achieved being a witness to others of God's direction of my life. I am not done yet.

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

I know many in the bar either did not know me or knew me simply as a career prosecutor. I want you to know that although I was proud of the work I did in my career as a lawyer, my jobs were positions I held as an advocate, they did not define me as a person. I bring to the bench all my experiences in life, described just partially herein, and my life is defined by many dimensions. I also know that many questioned the propriety of my appointment to the bench. I was honored to be offered the appointment, and I said yes when asked to serve. It has been the privilege of my life to serve these past 19 months as a judge, and I continually strive to meet the expectations associated with the role - both by law and by my own individual standards. I hope to continue to serve. But even if I do not, because the voters choose otherwise, I am grateful for being given this opportunity.