



FOX CHAPEL DEMOCRATIC COMMITTEE 2025 JUDICIAL CANDIDATE QUESTIONNAIRE

PART 1: INTRODUCTION

As you know, there are a large number of candidates for an unusually high number of judicial vacancies within the Allegheny County Court of Common Pleas in 2025. The Fox Chapel Democratic Committee (FCDC) believes that citizens of Fox Chapel and those of surrounding communities as well voters within Allegheny County in general would benefit from learning more about the candidates, so that their choices in upcoming elections can be as informed as possible. Therefore, FCDC has developed a Judicial Candidate Questionnaire and is asking each judicial candidate to complete and return it, so that your responses can be distributed as widely as possible.

FCDC intends to:

- Share your responses with Democratic committees of other communities in our region;
- Share your responses with the citizens of Fox Chapel and to individuals within Fox Chapel School District, and encourage other area committees to do so;
- Publish your responses on FCDC’s website and seek to have them published on the Allegheny County Democratic Committee’s website as well;
- Publish them on FCDC’s social media pages.

PART 2: INSTRUCTIONS

Please respond to the questions on the following page and return your written responses to *foxchapedems@gmail.com* on or before **Friday, February 14, 2025**.

This form is in Word format, so responses may be typed directly under each question.

Please answer each question, including subparts, as completely as possible; however, please keep responses clear and reasonably concise so they are understandable and useful to individuals who may not have a background in law.

QUESTIONNAIRE

CANDIDATE NAME: Mike Sullivan

DATE: 2/13/25

1. Judicial Philosophy and Temperament

Judges make decisions in high-stakes and emotional situations. How do you stay fair and calm under pressure? Share an example from your career.

I have always been a level-headed person, so that is a helpful place to start. Judges should always be ready for emotions to flare. The people involved in the cases are generally there because something bad has happened. The emotions of that situation may be raw even though it may have happened months ago. A Judge should not become part of those emotions, but rather do their best to manage them as they preside over the case. Being level-head, being a good listener, and setting expectations for the attorneys and others in the room will help do this.

As a Domestic Violence Prosecutor, I have been in a lot of highly emotional, high-stakes settings. It was imperative for me to stay composed in all situations, so I could gather needed information and gain the trust of the victim. It was not unusual to have victims misdirect their anger about their situation toward me. I understood their situation, and I knew they needed to express their emotions. Allowing them to do so, in my mind, was a part of advocating for them. As a Judge, I can call back to these experiences as a reminder of the importance of staying calm and being a good listener so I can get to the heart of the matter and make a good, fair decision.

2. Commitment to Judicial Ethics

Judges must avoid conflicts of interest and undue influence. How would you handle a situation where a friend or campaign donor asks for special treatment in your courtroom?

I would tell them that I am ethically obligated to not give them special treatment. Then, I would recuse myself from the case to avoid any appearance of impropriety.

- a. Have you had this experience, and what was your response? No
- b. Did you disclose it to an ethics body or to law enforcement? Why or why not? N/A

3. Accessibility and Fairness

a. Judges must ensure everyone can participate in the legal process. How will you make your courtroom accessible to people without lawyers? The rules tell us that pro se litigants are to be treated as if they know the law, the Rules of Evidence, and the Rules of Procedure. However, the reality of the situation is that they do not. As a Judge, a pro se litigant should be given some latitude so they may adequately present their case. A Judge also must ensure that the opposing party's attorney does not take advantage of the fact that the pro se litigant is not as familiar with the law and rules as they are. A Judge must ensure that all parties are given the opportunity to fairly present their side of the case, whether they have an attorney or not.

b. Every person has conscious and/or unconscious biases. How do you recognize and suppress those biases in yourself, so that you can deal with all parties fairly and dispassionately? Give examples of how you've dealt with this issue.

I believe that the first step to suppressing bias is to recognize that you have them yourself. Trainings and CLE's on implicit bias have taught me what it is and how to recognize it. Once you recognize your own implicit biases, they can be corrected and you can be a leader in helping other recognize their own implicit bias. When I was younger, I may have looked at someone and made assumptions about where they live, what job they must have, or what kind of music they must listen to just based on their appearance. I have learned, both through training and experience, that you cannot assume facts about people based upon their appearance or other characteristics. Everyone has a unique story, and it is imperative that judgment is withheld until after that story is told. As a Judge, I will work to ensure that this occurs. And when I see someone else showing their bias, I will be sure to call it out so a teachable moment can occur.

4. Describe the types of cases you've tried/presided over

List 3-5 examples of cases (anonymously) in which you've been involved as counsel or judge, and that you believe inform or enhance your ability to serve as a judge. Include why/how these experiences influenced you.

1. As a young Assistant District Attorney in Venango County, I prosecuted a child sex assault case. The victim was an 8- or 9-year-old girl. When she came home from school, she would need to be babysat by the next-door neighbor for about an hour until her parents got home from work. The neighbor was a male in his 40's or 50's, and on one or two occasions, he took advantage of the child and fondled her. At trial, the victim's testimony began with her biographical information. She happily talked about school, her friends, and what she liked to do for fun. However, when I asked her if she knew the Defendant, her demeanor immediately changed. The happy child became a shadow of herself. It was as if someone took her spirit right then and there. I will never forget that moment. It emphatically showed me the real-life consequences of being victimized. This wasn't just a thing that happened and then life went on. Her life was dramatically

changed by what this man did to her. It was an early career lesson for me about the need to be a voice for people who did not have one.

2. As an Assistant District Attorney in Allegheny County, I was assigned a homicide case where a drug user (Defendant) killed his drug dealer (Victim) inside the drug dealer's home. The Defendant came to the victim's home to buy drugs. A disagreement occurred and a fight ensued. At some point a knife was introduced into the fight. There were spots of blood throughout the first floor of the home. At the front door of the home is where the victim's body was located. He has several stab wounds. There was a bloody palmprint on the door that was later found to be from the victim. Police could not prove who the assailant was until a few years after the incident. DNA from a drop of blood was found to match a DNA sample that was taken from the Defendant and entered into a database due to a conviction that occurred after the murder. Detectives obtained a search warrant to get a DNA sample from the Defendant. After that search warrant was executed, the Defendant went on the run for about a year. At trial, the Defendant claimed self-defense. The crime did not have anything that obviously disproved this claim. However, the autopsy did tell a story. The angle and direction of the stab wounds showed that the Defendant was behind the victim when he was stabbing him. While the Judge limited how I could present the autopsy evidence, it, along with the bloody palmprint, showed that the victim was attempting to escape the assault by running out of the front door. The jury found the Defendant guilty of First-Degree Murder after only an hour of deliberating. I believe that a detailed presentation of the autopsy, along with effective cross-examination of the Defendant were the reasons the jury came to such a quick and confident verdict. This case shows how the smallest details might be the deciding factor in a case.
3. As an Deputy District Attorney in Allegheny County, I was assigned a Domestic Violence homicide case where the wife (victim) had obtained a Protection From Abuse (PFA) Order against her husband (Defendant). After it was clear to the Defendant that his wife intended to proceed with obtaining a Final PFA, he went to their house (where he was not permitted), tied her up with floral wire, and set her on fire, killing her. Their two dogs also died in the fire. One was found next to the victim, obviously trying to help her. The other was found near the back door of the house. The evidence in the case was gruesome. The case was made more difficult due to a Detective who had violated the Defendant's Constitutional rights. While being interviewed, the Defendant asked for an attorney and stated that he didn't want to talk on multiple occasions. The Detective did not observe these requests and kept speaking to the Defendant. The Defendant, however, did confess to the crime many hours later. The Detective did treat the Defendant well from the

standpoint that the Defendant was fed and given drinks. He was allowed to sleep for a while. He was given numerous cigarettes. The main reason that the Defendant's confession was not suppressed was that he reengaged with the Detectives, allowing them to essentially restart the interview. After a non-jury trial, the Defendant was found guilty of Second-Degree Murder. I bring this case up for two reasons: First, it shows that I have handled complex cases. Second, it shows how important it is to take Domestic Violence cases seriously. It is extremely difficult to tell whether a case, whether it be criminal, a PFA, or other family case, will turn into something tragic. That possibility always exists, however, so every Domestic Violence case must be given patience and respect in order to avoid tragedy.

4. As a criminal defense attorney, I recently handled a case where my client was accused of Robbery. It was alleged that he entered a convenience store with a large knife, approached the cashier, and then took a carton of cigarettes. The incident was on video. The Assistant District Attorney was willing to reduce the Robbery from a Felony 1 to a Felony 2 definition. My client insisted that he did not take anything. He admitted that he entered the store with the knife. He said that he was having a beef with the cashier over a personal matter. The incident was on video, and it very much looked like the Commonwealth had an air-tight case. My client was difficult to communicate with, so it took many visits for him to get to his point, which was that he dropped the item that was alleged to be a carton of cigarettes. I watched the video again. It was extremely difficult to see, but he was telling the truth. I set up a meeting with the ADA and watched the video with him. I paused the video at the moment where it was obvious that my client dropped the item. He still wasn't convinced but said that he would talk to the Detective and alleged victims. A few days before our trial date, the ADA called and had a new plea offer. He was dropping the robbery, and my client would only have to plead guilty to the misdemeanors. My client gladly took that offer. Had my client gone to trial and been convicted of Robbery, he would have been sentenced to a mandatory sentence of at least 25 years because Pennsylvania's Third Strike Law would have applied. I take great pride in the fact that I was able to prove to the ADA that the case was not what it seemed in order to save my client from what would have amounted to a life sentence for him.

5. As an Assistant District Attorney, I was assigned a homicide where it was alleged that man went into a night club and shot and killed another man. Four others were injured in the shooting as well. Prior to the preliminary hearing, the attorney for the person who had been charged with the homicide called me to say that we arrested the wrong person. I called one of the Detectives assigned to the case. I'm going to call him Detective 2. Detective 2 had just received an anonymous tip that the wrong person was arrested. The

tip provided a picture of who they believed actually committed the crime. Upon viewing the picture, Detective 2 also believed that the wrong person was arrested. Over the next day and a half, a series of meetings occurred, and it became clear that the wrong person was arrested. The person who had been arrested was in the bar with the shooter, but he was clearly not the one with the gun. The charges on the wrong person were quickly dropped. The correct person was charged. Later, I met with the probation officers who I was told had viewed a still picture from the bar's surveillance video and identified the wrong person as the shooter. These probation officers told me that they told Detective 1 that it might be the initial suspect with the gun in the photo, but that they wanted to watch the actual video before that would say for sure. Detective 1 wrote in both the affidavit of probable cause and her reports that the probation officers identified the shooter after viewing the still photo. I reported this information to others in the DA's Office, and I was informed that this was not the only issue involving Detective 1. The issue in my case then became just one part of a grand jury investigation against Detective 1. While we finally had the correct person charged, the misdeeds of Detective 1 hung over the case. I had to give the Defendant a plea offer that was not in line with his actions. He entered a guilty plea to Third-Degree Murder with an agreement for 15-30 years of incarceration. I was required to testify in the grand jury investigation against Detective 1. This case, to me, is a story about doing the right thing. The main goal of the justice system is to find the truth and apply the law to that truth. If the people in the justice system are not dedicated to truth finding, innocent people may suffer terrible consequences. This case is also a story about accountability. Detective 1 was fired, charged by the Attorney Generals Office, and entered a plea agreement to some of those charges.

5. Improvements to the courts

Courts are in the business of serving the public by providing the fair, efficient and prompt administration of justice.

- a. Do you perceive shortcomings in our current court system? Please provide examples. I believe that there is a lack of innovation in the Allegheny County court system. While the courts do make small gains here and there, big ideas to improve the court system, especially in the criminal courts, do not seem to exist. Criminal Division has had the same 4 specialty courts for at least 15 years. It seems that it is time to rethink those courts and find others that meet the needs of the people coming into the system. A study of Racial Disparity in Allegheny County recommends a court focused on emerging adults where education and job training could be partnered with needed treatment to give someone the tools to be a successful person. The Court needs to reconsider the use of GPS as a tool to supervise those on pre-trial release or serving a sentence in particular situations.

- b. If elected, how would you go about correcting these problems? What specific steps would you take to improve the quality and delivery of results to litigants and the public?

I would work to make the recommendations from the report on Racial Disparity that apply directly to the courts a reality. I would also restart the conversation about the use of GPS as a supervision tool. I would also want to help establish an Integrated Domestic Violence Court where people who have cases in both Family Division and Criminal Division have one Judge making decisions. The goal of this Court is to provide consistent Court Orders and consistent messaging about behavioral expectations.

6. **Judicial selection process**

- a. Do you believe state judges should be elected? Why/why not?

Right now, I believe that electing Judges is better than an appointment system. If all Judges were appointed, I fear that eventually nepotism and cronyism would become the norm. While electing Judges with an ill-informed electorate is not ideal, I believe it is better than the alternative.

- b. If not, what system do you believe should be used instead, and why?

I remain open-minded to any ideas to appoint Judges where safeguards against nepotism and cronyism exist.