



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: **Jackie Obara**

DATE: **February 13, 2025**

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.

- As a Divorce Hearing Officer, I have had many conciliations and hearings that involve emotionally charged situations. It is imperative that the judicial officer maintain an even-tempered demeanor, as failure to do so will undermine the integrity of the proceedings. In situations where I believe the tenor of the proceedings have escalated, I have made it my practice to take a recess. This practice allows all stakeholders to calm down and reset.

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?

- In the event a friend or campaign donor asks for special treatment, the proper course of action is to disclose the communication to the parties/counsel and consider disqualification from presiding over the matter.
 - a. Have you had this experience, and what was your response?
 - Thankfully, I have not had this experience.
 - b. Did you disclose it to an ethics body or to law enforcement? Why or why not?
 - Not applicable.

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?

- I have frequently presided over matters where litigants are unrepresented. All litigants, whether they are represented or unrepresented, are treated with the same level of dignity and respect.

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.

- Gender, racial, ethnic, and other bias can infect the justice system. Being aware of the issue, coupled with a commitment to treat each participant with fairness, dignity, and respect will keep the courtroom as bias-free as possible. Specifically, I will ensure that any discriminatory attitudes and comments made by participants are corrected, will make all court staff aware that any discriminatory behavior or comments will not be tolerated, and will set the example for all participants, counsel, and staff with non-biased communication and handling of cases.

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.

- As a Divorce Hearing Officer, I have presided over conciliations and hearings regarding economic claims incident to divorce, complex support, discovery, enforcement of Marriage Settlement Agreements, and other related matters. The following are a list of cases that I believe had interesting legal or factual issues that are representative of my capabilities to serve as a Judge.

I. Case 1: The parties entered into a Consent Order of Court resolving their economic claims incident to divorce that included a provision that awarded Defendant alimony. Plaintiff filed a Petition to Terminate Alimony and Defendant objected. The Order of Court was silent as to the duration and termination provisions for this alimony award and the parties disagreed as to its intended length. As the Order of Court providing for a period of alimony was silent as to its duration, the statutory language in 23 Pa.C.S.A. §3701(e) regarding termination and modification were found to apply.

II. Case 2: Litigation of this matter concerned a pre-trial discovery dispute and trial issues of equitable distribution, alimony, and counsel fee claims. The pre-trial discovery dispute involved Defendant's ability to request and receive documents to quantify an increase in value of a non-marital medical practice when the shareholders had entered into a Buy-Sell Agreement. The Pennsylvania Superior Court holding in *Brody v. Brody*, 758 A.2d 1274 (Pa. Super. 2000) was found to apply and production of the requested documents was required.

The most interesting trial issue related to imposition of counsel fees pursuant to 42 Pa.C.S.A. §2503(7). After a hearing, Plaintiff was found to have exhibited egregious, obdurate, vexatious, and dilatory conduct that caused Defendant to incur substantial counsel fees.

III. Case 3: This complex support matter raised novel issues related to international compensation and earning capacity. Plaintiff resides and works in Pittsburgh and Defendant resides and works in Israel. Regarding international compensation, Defendant received a deduction from her Israeli income for the "Keren Hishtalmut", also known as the "Study Fund." At issue in this matter is whether the "Keren Hishtalmut" is a mandatory deduction from Defendant's income, and therefore, not included in the calculation of Defendant's income available for child support, or whether it was a voluntary deduction from Defendant's income and included in the calculation of her income available for child support. After review of the documents and evidence presented, it was concluded that the "Keren Hishtalmut" is a mandatory deduction from Defendant's income and was not included in the calculation of her income.

IV. Case 4: The parties separated in 2013. However, due to the execution of two Post-Nuptial Agreements, nursing home entities purchased by Defendant in 2015 and 2017 were considered to be marital assets. At issue at trial was the treatment of distributions from the nursing homes to Defendant. Plaintiff asserted that ownership and management of the nursing home facilities should be considered to be passive investments such that the distributions received by Defendant should not be considered to be compensation. After a hearing, it was determined that management of nursing home facilities is an active investment that entitled Defendant to compensation for her services. Only the portion of the distributions she received in excess of reasonable compensation were considered to be a marital asset.

V. Case 5: The parties entered into a comprehensive Marriage and Property Settlement Agreement that resolved their economic claims incident to divorce. Counsel for Plaintiff filed a Petition for Enforcement and Contempt and Counsel for Defendant filed an Answer to the Petition to Enforce and a Counter-Claim wherein Defendant requested to set-aside the Marriage and Property Settlement Agreement. The arguments advanced by Counsel for Defendant raised any and all bases to set-aside a contract. Ultimately, the Agreement was found to be a valid and enforceable agreement, as Defendant was unable to meet his burden to set aside a validly executed contract.

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.
 - No system is perfect, and all court systems have areas that can be improved. Access to the court system is a paramount concern. In Family Division, one area of concern is the level of assistance provided to pro se litigants so as to ensure access to the court system. Within the Adult Family Division Section, there are essentially four sections: support, divorce, custody, and protection from abuse. Each section has different rules and procedures. Navigating this can be challenging for pro se individuals.
- 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?
 - If elected, I would work with Court Administration to create a manageable work flow and process for pro se litigants to have an easily understandable roadmap to navigate through Family Division. It is not possible to deliver any specific result to any litigant or the public. However, making Family Division easier to navigate would greatly improve the quality of the access to the courts for pro se litigants.

6. Judicial selection process

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

- Yes, state judges should be elected. State judges make life altering decisions that impact the citizens of the Commonwealth of Pennsylvania. Those citizens should have input and an opportunity to evaluate the character, competence, and experience of the people who they wish to make those important decisions.

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

- Not applicable.