



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: Dan Miller

DATE: February 14, 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.

First, I would note that as a firefighter I have been in structure fires that have partially collapsed while I was inside. To say there is some pressure in these moments would be an understatement, especially when there is a life on the line. If we panic, we likely miss something, if our heart races, our air depletes faster. Staying calm is something we work hard to do.

As an attorney with thousands of appearances in Family Division I have been in the courtroom for countless emotional moments and personally impactful decisions. I have been there as a public defender when a client received a life-altering sentence, and I have been there as a county solicitor when a child's safety required removal from home even though the love between the family was evident. Usually proper case preparation allows an attorney to anticipate such challenges, but even the most experienced attorney can be caught off-guard by the humanity of a moment.

In my experience court can be a place of broken dreams and failed expectations, where the worst moment in someone's life runs concurrently with a system that does not reflect the fullness of our nation's blessings or foundational intent. As a judge, I would hope that my transparency and compassion- combined with measured accountability and fairness- would increase faith in the system as a whole.

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?

As a judge, if a friend or campaign donor asked for special treatment in my courtroom I would first confirm with them that we both understood correctly what they were requesting. If it turned out that they did actually seek special treatment I would dismiss them directly, notify parties or take other appropriate administrative actions depending on the nature of the request or the matter before the court.

Even the appearance of impropriety is a danger to any court.

a. Have you had this experience, and what was your response?

As a legislator I have never had a friend or a campaign donor ask me for anything that I would not otherwise have found to be an appropriate request from anyone else.

b. Did you disclose it to an ethics body or to law enforcement? Why or why not?

I never had this experience.

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?

Accessibility is not something you should add to a design, but rather the lens to which you view inclusion from the start. Typically I talk about accessibility in the disability and mental health context, but as the law is meant to be accessible to all and administered fairly to all, the courtroom must be navigable for all who seek remedy or justice regardless of their representation. This includes making sure that staff is appropriately trained on day one as to how to assist people without lawyers in exercising their rights. While I believe most people are best served by counsel, I would never want to create an environment where the informed decision to proceed without one is treated unfairly. It would be incumbent upon me as judge to lead by example and make sure that all parties to the case recognize this right in a respectful manner.

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.

As a public defender in Allegheny County my clients were disproportionately people of color. This made race and bias common issues to be addressed, even when forming a positive attorney-client relationship. I did not find success by suppressing or ignoring bias or differences. Instead, I found it easier to build trust with my clients by being honest and direct regarding how our differences impacted our professional relationship, our related life experiences, and the case in general. This was most certainly true when it came to representing or working with kids. I walked into their world often reflecting stereotypes and being limited by my own experiences. I had to find a way to acknowledge their concerns and break down barriers in order to have a strong attorney-client relationship. Listening, openness, and honesty were the keys to success.

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.

I have never been a judge. But I have made thousands of appearances in court, primarily as a public defender and county solicitor in the Family Division.

Case 1:

As county solicitor representing CYF one of our charges is to not only make sure kids are safe at home, but to find them long term stability as well. One of my most complicated cases involved the welfare of multiple children whose family had been torn apart by addiction. The parents struggled to make progress on their goals, eventually leading to the overdose death of one of them, while the kids shuffled through too many housing options. However, we eventually found a new family option who lived out of state, which meant that we needed the cooperation of that state to ensure that this home would be a suitable, long term placement for one of the children. Months of positive reports eventually led to the recommendation by the caseworker that we permanently place the child there and close the case. The child reported how happy he was to be there, how involved his family was in his homework and soccer games. But the other state continued to drag its feet as far as completing paperwork. We eventually discovered that since the family member was gay, the other state would never certify the home. After reviewing all the positive documentation we did have and working with all the parties, I was able to successfully close this case and keep the child with his family. The child cried knowing that he wasn't going to be removed again, that it was ok to call that place home, and that he was safe. The judge in this case had a decision to make, and because he sided with the law's legislative intent, the child went home to his family. This case always reminds me of the type of positive difference a judge can make.

Case 2:

As a special education attorney I represented a young man who was struggling to have his IEP fully supported in his home school. We worked with the family to provide expert analysis as to his educational needs and narrowed tailored our requests specifically to identifiable challenges- but the school still failed to comply with what his disability required. Our struggle only intensified when our client's anxiety spiked at school one day, and he sought refuge under the teacher's desk. Despite not bothering anyone else, the school thought the best thing to do was to drag him by his ankle out from there. The ensuing struggle led to our client kicking backwards and striking the school staff- and then to the filing of felony assault charges against him. He was ten years old. The district attorney offered him a consent decree with an admission provision attached to it- which I found inappropriate. The school clearly failed to follow his behavioral support plan, but I was unable to persuade the district attorney to find a different way to resolve this issue. Unfortunately, the court was even less moved by my argument. This case influenced me by reflecting what all too often courts don't know about kids or people with disabilities. Having disabilities doesn't mean you're void of consequences or accountability, however, it is inherent upon people sitting in judgment to understand what terms mean and how certain diagnoses are never "turned off" and certain mental health treatment is never "completed." The courts must do better in pursuing justice for all.

Case 3:

As a public defender I represented a young man who had spent several years placed out-of-home due to a litany of delinquent activity, including assaults and drugs. The court never found his progress on his placement goals satisfactory, but he was turning 18 and a decision had to be made regarding his continued involvement with juvenile court. Of course my client had been looking forward to going home. His mother, who remained active throughout the many years of court activity, argued against it. She feared that her son still needed help and that he would go right back into trouble should he be released. She was emotional, honest and loved her son. The court sent her son home. Shortly thereafter he was arrested as an adult in connection to a shooting. This case eventually went to trial and he was found guilty.

This case reminds me that sometimes despite the law and the best efforts of many, things go wrong. No court wants to release a person too early, or send a person away too long. No district attorney wants to convict the wrong person, or let the wrong person walk. And a public defender... can take only solace in knowing that they were making sure constitutional rights were not limited to the size of one's wallet. This case reminds me that being a judge is not easy. It's a heavy weight to carry, to apply the law in accordance with legislative intent, to exercise appropriate discretion, and to hope that the underfunded system in which you operate can do enough to break cycles, provide accountability, and lead to a better tomorrow for everyone. In the final analysis, I believe that my diverse legal experience and legislative understanding, combined with expertise as to the issues impacting many before the court today, can be of service.

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 think this question can go several different ways. First, I do not feel that the courts are "fair" enough in relation to applying progressivity for people who are poor. Ability to pay hearings are too often lacking and far too many people "fail" ARD due to cost. Too many people waive hearings in exchange for modest bond reductions and the biggest reason kids find themselves in juvenile court is for failure to pay fines. Second, despite efforts, I believe that our current court system does not do a good enough job in relation to disability and mental health issues. Transitioning to out-of-placements and incarceration still lack in this regard, monitoring the education process of kids in the system needs to be improved, and making sure behavior support plans and appropriately trained staff are in place before sending a kid out of home is still an issue. Finally, I am concerned about the overall financial health of the court system. Over the

past two decades the courts have grown more reliant upon the fines and fees assigned to people it supervises to pay for its operational costs. This is a cancer upon the legitimacy of the system, and must be addressed both inside the system and in Harrisburg.

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 believe progressivity in relation to financial considerations in the court must be a priority. Ability to pay hearings- especially in relation to fines and fees- must be exhaustive and frequently revisited. Efforts must be made to limit how the lack of money equates to the lack of the real ability to exercise rights. We must improve access to real diversionary programs and seek financial assistance for first time offenders programs as it is better and more cost effective to have people complete them then fail them simply due to cost. If a child's placement cannot effectively educate them in regards to their IEP, then the placement is not appropriate, and the court must take seriously its obligation to monitor the education progress of every child in its care. Additionally, manifestations of a person's disability should not equate to a probation violation or a failure to adjust. And finally, I recognize that the court must have adequate funding to fulfill its obligation, and while that means appropriate management of existing funds, it also means successfully securing new support from the legislature. This is an area I plan to assist with.

6. Judicial selection process

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

In an ideal world probably not, but my experience in the legislature has cautioned me about removing the public from an established process. The question is whether the judiciary is improved by shifting to an appointment system of some type while removing millions of Pennsylvanians from exercising their direct opinion on the matter. At its heart, this question infers that either the people are not making sound electoral decisions, or that a smaller, select group of people would make markedly better ones. While I would be interested in reviewing alternatives that have in some way improved the administration of justice, I admit a general discomfort with assuming that the way forward is by limiting public participation.

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

See my answer above.