



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: HEATHER SCHMIDT BRESNAHAN

DATE: MARCH 6, 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.

Throughout my career, I have handled thousands of cases as a family law attorney where there were high stakes and deeply emotional situations. I understand that the courtroom is often a place of high emotion, and I believe a judge must remain steady, compassionate, and impartial to ensure that every person is heard and treated with respect and dignity.

As a trial attorney I need to remain calm under pressure at all times in court. Even when my clients are very emotional, as they often are in custody cases or divorce, I need to calm them down and be the voice of reason. There have been countless times during my 23+ year as a trial attorney in the family courts that clients are extremely emotional or opposing counsel was trying to upset my client up during a trial and I have to remain calm and respectful regardless.

As a judge, I will ensure that the litigants and the attorneys all know that I will treat everyone with dignity and respect and remain impartial, listen to all the facts and then apply the law. Every litigant will be treated fairly and with dignity and respect in my courtroom.

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?

- a. Have you had this experience, and what was your response?
- b. Did you disclose it to an ethics body or to law enforcement? Why or why not?

Judicial ethics are the foundation of a fair and impartial legal system. I would voluntarily recuse myself from any case involving friends if they were the litigants or campaign donors if I thought that there would be any conflict of interest. I would also need to disclose any friendship that I had with an attorney or litigant to the opposing side and ask them if they would like me to recuse myself. If anyone would ask for special treatment in my courtroom due to a friendship or campaign donation, I would immediately recuse myself and follow the Code of Judicial Conduct as to whom this would need to be disclosed.

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?

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.

Justice must be accessible to everyone, including those without lawyers. In my courtroom, I will use clear language so that they understand the process, provide resources where appropriate, and ensure self-represented individuals understand the process while maintaining fairness for all parties. If the parties still did not understand the process, I would direct them to any agencies that may provide for free or lower fee representation of those individuals.

Fairness requires constant self-awareness. I actively reflect on my own biases, engage in ongoing learning, and focus on the law and facts. In one case involving cultural differences, I had to remind a judge not to come into the case with any preconceived notions on the case due to cultural differences and to be open minded and look at the case as a blank slate. As a judge, I will ensure that I am mindful of implicit biases and I will actively work to always ensure that, I listen to the litigants and attorneys with an open mind, listen to the facts of the case and then apply the law. Everyone will always be treated fairly, and with dignity and respect in my courtroom.

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. I represented Wife in a divorce matter that involved the validity of a prenuptial agreement and whether it applied to tort settlement proceeds. Additionally, the case involved a date of separation issue, implementation of the prenuptial agreement and concurrent cases for attorney malpractice and a federal case against Ford Motor Co. All issues were extremely complex and case strategy

between the attorneys was very involved as each aspect of the case affected the other aspects/outcomes. This case stemmed over the civil division, family division and federal court so it was very informative to see how the different courts operated and how the legal strategies could affect the various outcomes in the courts.

2. Father brought a custody action for primary custody of the minor child. Mother is a member of the Seneca Nation of Indians, and the child was born on the reservation to Mother and later adopted by Father with the consent of the Seneca Nation of Indians. This case involved the Mother of the child and the Seneca Nation of Indians. A hearing was held on the provisions of the Uniform Judicial Child Custody Enforcement Act, "UCCJEA" to determine jurisdiction over the child custody matter. Father's argument was that Washington County, PA had jurisdiction over the custody matter pursuant to the UCCJEA and counsel for Mother asserted that the Indian Child Welfare Act of 1978 applied, "ICWA". The Seneca Nation of Indians position was that they had not adopted the UCCJEA and therefore felt that they were not obligated to follow the law. The Honorable Valerie Costanzo held that the provisions of the Uniform Child Custody Jurisdiction Enforcement Act, Section 5404 (b), which states: Tribe Treated as State was that the Commonwealth should treat a tribe as if it were a state of the United States for applying subchapter (b) relating to jurisdiction. This was a complex legal issue with regard to custody over Native American Children and whether the Indian Child Welfare Act or the Uniform Judicial Child Custody Enforcement Act applied to custody.
3. Father and Mother were the biological parents of the child, A.A., born, October 5, 2005. At the time, Father was in the military stationed with the United States Air Force. In 2015, while the parties were living in Alaska, the parties split up while Father was still in the military. Mother relocated to Pittsburgh with the children. Father filed for primary custody of the minor child and at the conciliation before the three-day trial, the Judge stated that she didn't know of anything that would change her mind that Mother should not keep primary custody of the child. After discussing it with my client we decided to proceed to trial and at the end of the trial, my client was awarded primary custody, and the child moved with his Father to Wilmington, North Carolina. This case is significant as what may have been some initial implicit bias (due to the size of my client and the fact that he was a retired combat soldier and Mother's allegations that he was an abuser during the marriage) at the conciliation, we never thought that we would win however the Judge listened impartially to the facts and we prevailed in the end.

5. Improvements to the courts

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

- a. Do you perceive shortcomings in our current court system? Please provide examples.
- 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?

Our court system works hard to administer justice, but challenges remain. Delays in case processing, lack of accessibility for self-represented individuals, and disparities in outcomes are areas that need improvement. For example, backlogs in family court can leave families in limbo, and many individuals struggle to navigate the system without legal representation. The fact that the majority of new judges get assigned to the family court and then they transfer out as soon as they can hurts the litigants and the attorneys as we need stability in the family court with judges that want to stay in that division.

If elected, I would want to be assigned to the family court division and remain there. I would prioritize efficiency, accessibility, and fairness. I would advocate for case management strategies to reduce delays, ensure clear communication for those without legal counsel, and support diversionary programs that address underlying issues rather than defaulting to punitive measures. By fostering a courtroom culture of respect, transparency, and efficiency, I will work to ensure that justice is both fair and timely for all.

6. Judicial selection process

- a. Do you believe state judges should be elected? Why/why not?
- b. If not, what system do you believe should be used instead, and why?

Yes, I believe that state judges should be elected by the people that they are going to be presiding over. Pennsylvania's system of electing judges allows the public to have a direct voice in choosing who will uphold justice in their communities. Judicial elections promote accountability and transparency, ensuring that judges reflect the values and concerns of the people they serve. However, elections also present challenges, including the influence of money in judicial campaigns.

While some advocate for an appointment-based system to reduce political influence, I believe that many judges would only be appointed based upon "who they know" and this would leave out many other great candidates.