



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: Julie Capone

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.

I try to stay focused on being present in the moment and understand what people are going through in the moment. I'm a compassionate person, and I try to draw on that in my professional life. I had a Homicide jury trial in which I had a witness testify who was terrified of testifying. Mid-trial, she ran off the stand and out of the courtroom and courthouse. The judge screamed at me and demanded to know how I could let that happen. He threatened to have the sheriffs drag the witness back into the courtroom.

I learned people are extremely emotional when involved in the court system. They are incredibly scared and anxious. They may be consumed by thoughts of how the court outcome will affect the rest of their life. The case and outcome is likely their whole world at that time. Those of us who work in the courts are sometimes desensitized to how traumatic the process is to the litigants, witnesses, and other stakeholders.

During the case I mentioned above, I drew on my ability to control my breathing and my own life skills about how to treat people with dignity and respect. I explained calmly to the judge the witness was petrified, and no one could blame her because she had witnessed a murder. I requested a brief recess to try to find her and speak to her with a victim advocate. We located her in the courtyard and were able to calm her down and convince her to return to court where she finished her testimony.

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?

I have not had an instance where someone asked for special treatment. However, a defendant I prosecuted sent me a gift card (via his attorney). I advised my superiors and returned the card with a written explanation of why I couldn't accept the gift.

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

I didn't disclose it to anyone outside my office, because it was clear the person didn't have nefarious intent.

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?

Individuals who can't afford counsel are appointed an attorney from the Public Defender's Office, Neighborhood Legal Services, or other public interest agencies, only if they meet their qualification criteria. However, many people fall short of their guidelines but are no less in need of services. If elected, I would ensure everyone who comes before me, understands their rights and did not represent themselves unless it was absolutely their choice. Many people don't understand the court process. They may have never stepped foot in a courtroom. They don't understand how to obtain legal representation or know if they need it. I would make sure no one comes before me without that understanding or choice.

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.

It's important to recognize the existence of implicit bias. I know people who have personally experienced implicit bias, and sometimes it comes from the most unlikely sources. Subtle things matter in a big way. I've heard comments made by people within and outside the court system, and it's wholly unacceptable and shouldn't be tolerated in the least.

I observed firsthand the added adversity some people subject to implicit bias face while participating in the justice system. It's quite disturbing to hear their stories and how they were affected. I once had a case in which the victim was targeted and beaten because they identified as transgender. While I can't discuss the case in further detail, I was heartbroken by the physical and mental effect the incident had on the victim. I believe their life was forever changed by this event.

I've been sensitive to implicit bias in my work, and I won't hesitate to confront those who exhibit such bias. As a judge, I would be vigilant in eradicating implicit bias in my courtroom. I would make sure my staff is trained and educated on the issue. It shouldn't matter what you look like, who you pray to, or who you love—justice should fairly, equally, and impartially administered to all.

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. Commonwealth v. V.P.

The Defendant was convicted of First-Degree Murder and Abuse of a Corpse.

Facts: The defendant stabbed the victim (72 times) to death and dismembered his body into 6 parts. He then threw his body over a cliff to conceal the evidence and have a chilling effect on the investigation. The defendant was an avid ninja enthusiast, and a search of his residence produced such weapons and other similar material. The motive related to the defendant watching the victim dance with his sister at a bar. Also, the defendant was white and the victim black. Evidence and testimony suggested the defendant harbored racist beliefs and the crime was motivated by such beliefs.

Significance: The trial was very emotional, and the tension was palpable. While the facts recited above are ghastly, there were many graphic photos published, and much stressful testimony taken. It wasn't easy for me, personally, to present the case and be exposed to the evidence. What's more, I could see the pain in the eyes of the victim's family, who watched the same every day of the 4-day trial. I had to strike a balance between presenting the evidence and showing compassion for the victim's family who were being exposed to the same evidence. I think I was able to do that here. The victim's family was most happy with the outcome. For some time after, I kept in regular contact with them.

2. Commonwealth v. K.P.

The Defendant was convicted of Robbery, Robbery of a Motor Vehicle, and Criminal Trespass.

Facts: The defendant carjacked several senior citizens. In one incident, he twisted an elderly woman's arm so hard he broke it.

Significance: Trial took several days and being in and getting to court was a hardship for many of the victims. The victims were also terrified of the court system and everything involved with litigation. I learned the network of people who support litigators is invaluable. For me, I credit the victim advocates, police, clerical staff, and others who help victims navigate the criminal justice system. Here, the victim advocates did a remarkable job supporting the victims throughout the trial and allowing me to spend much of my time focusing on the trial. The advocates arranged for transportation for the victims and accompanied and supported them throughout the trial, even while they testified. The advocates contributions are a reminder of the importance of treating crime victims with compassion. I also recognize litigation is almost always a team effort.

3. Commonwealth v. B.R.

The defendant was convicted of First-Degree Murder, Robbery, Burglary, and 2 counts of Assault of a Law Enforcement Officer, 2 counts of Aggravated Assault, and 5 counts of Recklessly Endangering Another Person.

Facts: The defendant went to the victim's (his elderly uncle) house to steal his guns. Since the victim was home, the defendant held him hostage. The victim called 911 and his conversation with the defendant was recorded. The recording captures a gunshot from the defendant shooting the victim in the stomach. The victim screams and pleads with the defendant to spare his life. Upon arrival of police, the defendant shot the victim in the head, killing him. An hour-long standoff with police culminated with a shootout. The defendant shot at police, who returned fire. Police then deployed a robot into the house, to confirm it was safe for their entry. Police then entered and arrested the defendant who was wounded by their gunfire.

Significance: Listening to the 911 call of the victim begging for his life was heart wrenching. Everyone listening was moved by what they heard. That includes, but isn't limited to the victim's family, me, court staff, the judge, and even defense counsel. While litigation is an adversarial process, the advocates (i.e. lawyers) and everyone else involved are human and no one is immune from emotions of the like. Regardless of what role we all play in the justice system, it's important to empathize with all the stakeholders and participants in litigation.

4. Commonwealth v. K.P.

The defendant was convicted of Indecent Assault of a Minor, Endangering the Welfare of a Child, Corruption of Minors, and Indecent Exposure.

Facts: The Defendant sexually assaulted his six-year-old granddaughter over a several month period.

Significance: This was one of the rare exceptions where I prosecuted a case in which the victim wasn't elderly. However, the victim wasn't any less vulnerable than the senior victims to which I'm accustomed. Child sex assaults are some of the most emotionally charged of any cases in the courts. Even selecting a jury on such cases is exhausting and time-consuming, as it was here. Many prospective jurors have visceral responses to the charges, not to mention the alleged conduct. Despite this, the victim had to endure cross-examination from defense counsel. Defense counsel did a masterful job balancing the defendant's right to effect assistance of counsel, while demonstrating compassion toward the victim. The jurors respected her for this. Of course, everyone has a job to do and particular interests to advance, and it's important they are provided the appropriate platform. The court recognized this and gave defense latitude to provide adequate representation and administer a full and fair cross-examination of the victim.

5. Commonwealth v. R.S.

The defendant was convicted of Attempt Homicide, 3 counts of Aggravated Assault, Carrying a Firearm without a License, 6 counts of Recklessly Endangering another Person, and Conspiracy.

Facts: The defendant shot the victim (a young woman) at least 8 times the day before she was scheduled to testify for the Commonwealth in a prosecution of the defendant's friend. Her 5-year-old son was also shot. Both survived and testified against the defendant, in my trial.

Significance: Writing the above summation brings back memories of how terrible the facts alone were. If the facts weren't striking enough, the procedural posture makes the case even more remarkable. The defendant and his counsel had an acrimonious relationship throughout the pendency of the case, marked by many public arguments, particularly in front of prospective jurors during selection.

During jury selection in Criminal Division, prosecutors sit directly across from both defense counsel and the accused at a small table while the prospective juror sits at the head of the table. I was approximately 3 feet from the defendant, here. The defendant tried to intimidate me and defense counsel by staring at us and making inappropriate comments to both of us.

After opening statements, the defendant screamed at the judge, slapped his counsel across her face, and tried to flip the table he shared with defense counsel. Of course, defense counsel withdrew, and new counsel was appointed, but the case continued without delay.

While defense counsel was my adversary, we are colleagues and friends. While we have jobs to do in the courtroom, we're all still people who care about each other and their well-being. I comforted defense counsel in the immediate aftermath of this attack and offered support beyond that. Defense counsel offered me the same support throughout the trial and called me to check on me throughout the trial.

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.

In my 23 years practicing in the Criminal Division, I've noticed an increase in case backlog. The COVID-19 pandemic compounded this problem. Judges' daily dockets are crowded, making it nearly impossible to efficiently dispose of all cases. As a result, many cases are postponed the day of trial, sometimes not immediately either. While cases are generally scheduled for a 8:30 start time and interested parties are compelled to appear at that time, the cases can be postponed anytime thereafter and sometimes even into the afternoon. In the best of circumstances, this causes significant inconvenience to those individuals, such as victims, witnesses, accused individuals, parents anyone, etc. Beyond inconvenience, this can cause much anxiety, stress,

frustration, and even financial loss. Coming to court is traumatic enough without being subject to this vicious cycle of having to reappear repeatedly.

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?

As an Elder Abuse prosecutor, I go to great lengths to place senior victims and witnesses on call for court proceedings, when I can, because it can be a severe hardship for our most vulnerable population. That means they don't have to come to court at 8:30 for a case scheduled. Rather, they can await a call to come to court, only if they are truly needed.

As a judge, I would make it a priority to do that with all cases, not just those with seniors. I would make my staff available to field calls from interested parties checking on case status in advance of scheduled proceedings. I would also encourage the lawyers to be mindful of civilian witnesses' time and only cause them to appear when necessary.

I'm also committed to using videotelephony, i.e. Zoom, Teams, etc., in lieu of personal court appearances, where practical, appropriate, litigants consent, and, most importantly, where legal. And I wouldn't limit the use of this technology to witnesses. I recognize how stressful it is for lawyers to have cases scheduled at the same time in different locations within and out of the county. I would permit lawyers to appear remote, if feasible.

6. Judicial selection process

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

Judges should be elected for 2 reasons. First, democracy is the greatest vessel by which we select our leaders. It's the fairest system we know, and it's what makes us a great nation. Second, despite the fact that federal judges are appointed, elections are better mechanisms for selecting judges. Unlike federal judges, Common Pleas Judges have original jurisdiction over most matters that occur within their venue, i.e. Allegheny County. That means many different types of people come before the court. They're ordinary people needing divorces or child custody orders in Family Division. Or they might need to probate a will in Orphans Court. Or they're involved in a Criminal or Civil Case in one those divisions. Common Pleas cases touch on everyday life, whereas very few people ever find themselves in Federal Court. Since ordinary people are most affected by Common Pleas Court, they should decide who they appear before. They should be able to assess whether judges will be fair, unbiased, impartial, and act with integrity and compassion. That decision should be made by the electorate, not by the legislative and executive branches of government.

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

N/A