



## **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: Jaime Marie Hickton

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.

It's much easier to stay fair and calm under pressure when you focus on why you're involved in a case. When I was a juvenile probation officer, I recommended placement for a juvenile because she was not safe in her home; there was a substantial amount of drug addiction and domestic violence with her mother and her mother's paramour. Her father had unexpectedly passed away and she did not have any relatives or friends that could take her in. There was no other option and it was necessary to place her for a period of time in a safe and stable environment, but after the judge agreed and placed her out of home, her mother confronted me in the hallway of the courthouse. She became very aggressive towards me and threatened me in a way that required the sheriffs to intervene.

Through it all, I maintained my composure and told her that I was sorry for having to recommend removal, but that we would work together to develop a plan to get her daughter back home. While it was a tense situation, I understood that to her, I was the reason her daughter had been removed. I also understood that my role was to make safety recommendations and that, while this was extremely personal to her, I was doing my job. If a judge understands that their role is to be a fair arbitor and to seek truth and justice, a judge should not be bothered by the emotional response of litigants because litigants are often in the courtroom as a result of extremely personal and difficult matters. Most litigants don't want to be there and they don't want someone else making decisions about signifiant matters in their lives. If a judge focuses on their role, they should be able to be fair and stay calm under pressure.

### **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 observed this issue when I was a judicial law clerk. My judge handled the matter appropriately in that she immediately made the parties aware of the prior friendship with one of the parties and, because the friendship was long-standing and significant, she recused herself

from the case. I would handle any such issues in the same way. If I had a friend or campaign donor ask for special treatment in my courtroom, I would immediately recuse myself from the matter.

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

Other than my answer above, I have not had other experience with this issue.

- 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?

While judges are not permitted to provide *pro se* litigants (people who represent themselves without an attorney) with legal advice, I would work with the Allegheny County Law Library to make sure *pro se* litigants have access to the law and to the *pro se* forms that assist those litigant with access to the court process and procedures. I would also make sure every *pro se* litigant is aware of the Allegheny County Bar Association's Lawyer Referral Service so they can consider presentation at a reduced rate. If I have a litigant who is unable to afford the reduced rate representation offered through the Lawyer Referral Service and thus has to proceed without legal counsel, I would not penalize that person for their inability to afford that representation, but rather would make sure they understand the process and give them an opportunity to present their case without prejudging the outcome.

- 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.

The first step to recognizing bias is acknowledging that we all have (at least) unconscious bias(es). Being a licensed lawyer and a judge is a privilege and I believe that with any privilege comes a corresponding responsibility. Lawyers and judges should always make every effort to continuously educate themselves and grow as a person and professional. Because we chose a profession that requires us to either advocate for others (as a lawyer) or sit in judgement of others (as a judge), we are obligated to engage in continuous self-reflection and growth so we can better serve those around us. I didn't come from financial privilege in that we were relatively poor when I was growing up. I didn't realize that I was privileged in another way which was that I walked through this life as a white woman and as a person who many family members who loved and cared for me. When I became a juvenile probation officer after college, I began to

understand my privilege and I started to learn how to confront that privilege so I could grow as a person and better appreciate the challenges of other marginalized people. Now, I make the conscious effort to meet people where they are and understand their history before I make decisions about them. That has helped me better serve people and has also allowed for personal and professional growth.

#### 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.

a) In this criminal matter, I represented the defendant in two (2) separate cases; one (1) of which included a criminal attempt- criminal homicide charge. I was at least the second criminal defense counsel appointed in this matter and, after obtaining prior counsel's file and reviewing the discovery provided by the Commonwealth, the matter was listed for a jury trial. Leading up to the jury trial, the Commonwealth indicated that the two (2) alleged victims would testify and identify my client as "the shooter" who caused their injuries and attempted to murder one (1) of the victims. Despite our zealous advocacy regarding what actually occurred during the incident, the Commonwealth did not agree with our position. Days before we were scheduled to pick the jury, the Commonwealth notified us that the alleged victims would not appear and that the Commonwealth did not intend to call them as material witnesses. This case was significant to me because, when we learned that critical information, we drafted and filed a motion in limine wherein we challenged several other involved police officers' identifications of my client as the alleged shooter during the investigation and prior to my client being criminally charged.

During a pre-trial hearing on the motion, we were able to show that the officers did not have an independent interaction with my client which could overcome the influenced and/or suggestive identification that those officers made during the investigation in this matter. As a result, the judge granted our motion and precluded those officers from testifying at trial as to both their prior identification and their anticipated in-court identification of my client. After that ruling, the Commonwealth was unable to proceed and submitted a *nolle pros*; which the Court granted. My client was housed in the county jail for approximately two (2) years pre-trial because their bond modifications were denied due to the seriousness of the charges. My client was thereafter released from jail and, while it will always be a tragedy that they lost those two (2) years of their life while incarcerated pre-trial, we were able to handle the matter in such a way that they did not have to face life-long incarceration. While I've handled other cases that taught me to never give up the fight that needs to be fought, this case was the first significant criminal case that I handled where someone's life (and future) was completely changed by our continued efforts.

b) In this criminal matter, I represented the defendant as a court-appointed attorney, but I was at least their third attorney in the matter. My client was charged with felony aggravated assault, felony firearms offenses, and various other felony and misdemeanor offenses. By the time I was appointed, my client had been extradited from another state, they had been held in the county jail for more than a year and a half pre-trial, and their mental health was deteriorating as a result. This case is significant to me because, through my efforts to obtain records from prior counsel, the Magisterial District Court, and another state court, I was able to prepare, file, and litigate a Rule 600 Motion (violation of a person's right to a speedy trial) before the judge. During the hearing on the motion, I was able to prove that the Commonwealth had not exercised due diligence and, after the parties filed briefs in support of their positions, the Court granted our Rule 600 Motion and dismissed the charges. The client was thereafter returned to another state and has since been released from prison. I still have contact with my client who plans to earn a paralegal certificate because they hope to help other marginalized individuals navigate a complex legal system that doesn't always find justice.

c) In this dependency matter, I represented a young mother who, as a result of proceedings and events prior to my representation, had her four children removed from her care. After reviewing the proceedings, speaking with my client, and consulting with other involved community members and providers, we suspected that numerous misrepresentations were made to the Court which impacted the Court's pre-adjudication determinations; specifically, whether removal for at least three (3) of the four (4) children was necessary. We also learned that County Children, Youth and Families Agency failed to provide material discovery which would have or could have made a difference in the Court's decision-making if some of the information contained in the undisclosed discovery had been made available to all counsel and the Court. This case is significant to me because, after we were able to compel discovery and review the materials, we were able to present the additional information to the Court which, after the Court considered the same, the Court returned three (3) of the four (4) children within a few months of our representation. This case altered the trajectory of my practice in that I began taking on more dependency court appointments in an effort to guarantee that more families would have access to zealous advocacy on their behalf.

Ultimately, through our efforts, we were able to have the remaining child returned and the case closed successfully. This case is also significant to me because it was clear to me from the beginning of our representation that this mother had a tremendous amount of system-induced trauma and that the Agency was not considering the same when making case-related decisions. When I represent parents in dependency matters now, as a result of handling this case, I am better able to bring that legitimate issue to the court's (and other counsels') attention to achieve more equitable and just results.

d) In this custody matter, a father, who was previously represented by another family law attorney, was only permitted visits with his young son that were supervised by a professional provider (that the father had to pay for) for more than a year and a half. While the custody matter was still pending, and before the custody trial was scheduled, the father thereafter retained us to represent him. Through our efforts, we were able to demonstrate to the Court that the father was not the monster that the mother had painted the father to be and that the mother was manipulating multiple court systems in an attempt to further restrict the father's access to the parties' minor child. Our representation led to the father having unsupervised visits with his son and even increased to overnight visits prior to the scheduled custody trial. As a result of our advancements and despite the mother's pre-trial representations that she would never agree to a shared physical and legal custody arrangement, we were able to conciliate the matter on the first day of the three-day custody trial. The mother ultimately agreed to shared physical and legal custody on the first day of the three-day custody trial.

This matter is significant to me because, prior to our representation, the father had spent more than \$50,000.00 in legal counsel, professional evaluators, and supervision fees. The father was not a wealthy person and, because we were able to shift the trajectory of the case pre-trial, the father was spared the expense and trauma of a full custody trial while also enjoying the result of shared physical and legal custody. The practice in family law is incredibly emotionally and financially challenging. Often times, litigants are forced to settle for less than the law allows simply because they cannot afford to continue the litigation. By aggressively defending the father in the support and protection from abuse matters that were initiated by the mother, and by doing the same in the custody matter that was initiated by the father, we were able to resolve the case relatively quickly and to help the father achieve his goals. Now, this child has his father in his life, and the client felt vindicated in the eyes of the system.

## **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.

Yes. Judges are governed by the Pennsylvania Code of Judicial Conduct; however, unless there is an allegation or complaint that a judge violates one of those codes, they essentially govern themselves. Allegheny County has a a President Judge and then Administrative Judges; however, in my experience, most judges have a significant amount of discretion over how they conduct their courtrooms. I've experienced courtrooms where, despite proceedings being scheduled each day at 9:00AM, the judge routinely does not take the bench until 11:00AM. Most individuals have to miss work, arrange (and pay for) child care, and have

to rearrange their days to attend court proceedings. A significant portion of system-involved individuals are either low-income and/or are from a marginalized group. Often, they utilize public transportation to attend court proceedings and risk losing their job if they miss too many days to attend scheduled proceedings. When our court system does not require standard operating procedures that require promptness in the scheduled proceedings or that continuances are minimal, the public is significantly and negatively impacted by the system.

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 be prepared and ready to proceed each day for my scheduled docket, I would not grant continuances unless absolutely necessary, and I would schedule status conferences with counsel and not require the parties to appear to determine whether the matter is ready for trial and/or scheduled court proceedings. When the court is prepared for the scheduled proceeding(s), judges are often able to rule from the bench instead of taking the matter under advisement and causing further delay to the litigation. Of course there are matters that require further consideration by the court and thus it's sometimes necessary to take matters under advisement, but I would strive to do that only when absolutely necessary.

## **6. Judicial selection process**

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

Yes. Although I believe our process should require additional qualifications other than being a citizen, resident, and a member of the Bar of the Pennsylvania Supreme Court, I also believe that, at the state court level, citizens should elect the individuals who will sit in judgement of them. While the appointment process utilized in the federal system is attractive in that Supreme Court justices, court of appeal judges, and district court judges are nominated by the President and confirmed by the United States Senate (as stated in the Constitution), that structure is also problematic in that it can be abused by only individuals who are favored politically being nominated and then confirmed.

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