League of Women Voters
Nonpartisan Voters Guide
Guide to General Election—November 3, 2009

JUDGE OF THE COMMONWEALTH COURT

(Vote for Not More Than Two)

Term: 10 years Salary: $175,923

JOB DESCRIPTION: The Commonwealth Court is one of Pennsylvania's two statewide intermediate appellate courts. Its jurisdiction generally is limited to legal matters involving state and local government and regulatory agencies. Litigation typically focuses on such subjects as banking, insurance and utility regulation and laws affecting taxation, land use, elections, labor practices and workers compensation. Commonwealth Court also acts as a court of original jurisdiction, or a trial court, when lawsuits are filed by or against the Commonwealth. The Court has nine judges, with the President Judge chosen by its members. The court generally decides cases in three-judge panels and sits in Philadelphia, Harrisburg and Pittsburgh.

Question: The Judicial Conduct Board handles complaints about sitting judges filed by the general public. The Board reviews the complaints and if necessary, action can be taken by the Court of Judicial Discipline. How do you think this system of judicial oversight is working? Does it meet the public's need for assurance that justice is being served?

DEMOCRATIC

BARBARA BEHREND ERNSBERGER, 58, Pittsburgh

EDUCATION: 1973, University of Pittsburgh, B.A., cum laude 1976, Duquesne University School of Law, J.D.

OCCUPATION: Attorney and Partner, Behrend and Ernsberger, PC

QUALIFICATIONS: Attorney, 32 years, Community Advisory Board, 6 years; Commissioner City of Pittsburgh Department of Planning, 4 years; Chair of City Pittsburgh Democratic Committee of (32) wards, 7 years; Trustee, Shadyside Presbyterian Church Nursery School, 5 years; Pittsburgh City Council, Woman of the Year 2002.

ANSWER: The system of judicial oversight is working for complaints that are filed for the Judicial Conduct Board to review. However, if there is improper activity outside the scope of the Board's review, such as the two judges in Scranton, who were taking monies for referrals of juveniles, to juvenile facilities, then the system did not work. The public needs assurance through the creation of a task force to examine the juvenile court referral system and make creative recommendations.

LINDA S. JUDSON, Pittsburgh

EDUCATION: 1979, St. Francis General Hospital, Alvernia School of Practical Nursing, L.P.N.1986, University of Pittsburgh, B.A. (cum laude) 1990, Duquesne University School of Law, J.D.

OCCUPATION: Attorney

QUALIFICATIONS: Attorney 20 years practice in matters that come before Commonwealth Court: 1991, Clerk for Commonwealth Court, Honorable Bernard McGinley; 1991-93, Technical Specialist (as an attorney), Marsh & McLennan Insurance regulation, risk management, regulatory compliance including OSHA & workplace safety matters.

ANSWER: Current problems in certain counties clearly indicate that the system is not working. Through education of the public, including posted notices in courtroom areas, awareness of the recourse provided by the Judicial Conduct Board should be developed. Internal judicial system guidelines should reinforce the obligations of each judge to the integrity of the entire system.

REPUBLICAN

PATRICIA A. MCCULLOUGH, 53, Pittsburgh

EDUCATION: 1978, University of Pittsburgh, B.A.1980, University Strasbourg1981, University of Pittsburgh School of Law, J.D.

OCCUPATION: Attorney

QUALIFICATIONS: Served as Judge, Allegheny County Court Common Pleas; Attorney (28 years) private/corporate practice; Executive Director Catholic Charities; member/chair Allegheny County Board of Property Appeals; Adjunct faculty member; state/local committeewoman; community volunteer.

ANSWER: Although the JCB is committed to ensuring that justice is served, the promulgation of specific criteria governing areas like the conduct of judicial campaigns and contributions would improve the ability to benchmark fairness and impartiality. Because of my commitment to these ideals, I did not take the pay raise while a judge in Allegheny County's Court of Common Pleas and will not take campaign donations from special interest groups or lawyers.

KEVIN BROBSON, 39, Harrisburg

EDUCATION: Lycoming College, B.A. Widener University, J.D. (2nd in Class)

OCCUPATION: Attorney

QUALIFICATIONS: Broad-based Commonwealth Court practice; Recommended by PA Bar Association; Middle Paxton Twp. Planning Commission; American Inns of Court; Commonwealth Court Historical Society; Best Lawyers in America; Dauphin County Bar and PA Bar Pro Bono Award Winner; Married, father of three.

ANSWER: Grounded in our state Constitution, the process serves an important role in our justice system. Half of the Judicial Conduct Board's twelve members must be neither lawyers nor judges, ensuring substantial involvement of the general public in this oversight role. Generally, I believe the process has been and can continue to be effective. Like any public institution, however, its effectiveness can only be evaluated by the work of those entrusted to keep it.