

# Inquirer Judicial Candidate Questionnaire

Name: **Barbara Behrend Ernsberger**

Judicial post for which you are running: Commonwealth Court

Political Party: Democratic

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## Questions

1. **Why are you qualified and well-suited to serve as a judge on the court for which you are running?**

I am qualified and well-suited to serve as a Commonwealth Court Judge because I have thirty (30) years of legal experience in workers' compensation, zoning and land use, election challenges, and consumer protection law. This experience has given me the insight and good judgment necessary to make proper decisions on the Commonwealth Court.

2. **Did you receive a rating of "recommended" or higher from the state or local bar association? If not, why not?**

I was not recommended by the bar association because my leadership in the Democratic party. I was a volunteer worker for the Democratic Party for 28 years. In 2002, I was the first woman, ever, to be elected Chair of the Democratic Party for the City of Pittsburgh. I have excellent legal credentials. I presented five winning briefs to the bar association judicial review committee and described for them my work in representing 250 individuals in separate cases where I stood up for the rights of those individuals against the largest insurance company in North America. I have a history of representing people, and this is not what they wanted to hear.

3. **If you are an incumbent judge, what's a recent instance in which you acted to preserve your judicial independence? If you are an aspiring judge, how do you plan to remain independent if elected to the bench?**

I am a commissioner for the City of Pittsburgh Department of Planning. As a commissioner, I make decisions regarding land use and zoning for development in Pittsburgh. I have rendered decisions in recent land use projects including the casino, the new hockey arena, and the August Wilson African American Center. I preserve my judicial independence by withdrawing from all matters in which I may have a financial interest.

4. **A number of Pennsylvania judges have been sanctioned for campaign activities, ex parte dealings, and other alleged misconduct. How can the state's judiciary prevent discipline scandals of the type seen recently?**

The state's judiciary should set up a confidential hotline for persons who have observed or experienced misconduct to make a report. It would be kept confidential to protect court employees, litigants, lawyers, and others by keeping the matter confidential and anonymous. The recent scandal in Scranton, with two judges sentencing juveniles to a private facility without hearing or legal representation, and for which the judges received payoffs, was misconduct that lasted for five (5) years. Anyone who became aware of the misconduct would have felt more secure as a whistle blower if there had been an anonymous hotline to report the misconduct.

5. **If you believe that gender, racial, ethnic, class or other forms of bias can infect the justice system, how will you work to keep your courtroom as bias-free as possible?**

My courtroom will be kept bias-free by my hiring practices. Any form of bias in treatment of parties or their legal counsel is unacceptable. The Court staff including judges, should attend training sessions to sensitize them to issues related to all forms of bias.