

## Inquirer Judicial Candidate Questionnaire

### **Barbara Behrend Ernsberger**

Commonwealth Court

Campaign e-mail and Internet site:

Barbara@ErnsbergerForJudge.com

ErnsbergerForJudge.com



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

My experience as a lawyer before the Commonwealth Court makes me highly qualified and well-suited to serve as a judge on the Commonwealth Court. This court is called the peoples' court, because it deals with law that is closely connected to peoples' lives. I have a people oriented law practice that includes representing injured workers, the unemployed, defrauded consumers, voters' rights, and neighborhoods in zoning and land use: all of which appear before the Commonwealth Court. My work has been exemplary. I have won landmark cases in workers' compensation and consumer law at all levels of the courts. My service to the community adds to my suitability to be a judge. I have served without compensation as a Commissioner for the City of Pittsburgh Department of Planning and made decisions relating to the new casino, hockey arena, and legislation related to environmental design. This decisional experience enhanced my understanding of zoning and land use, and its impact on the community.

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 because I did not seek the recommendation of the Bar Association. This is my second run for Commonwealth Court. In 2009, I won the nomination of the Democratic party and nearly won the general election. My legal career and community involvement were not valued by the bar. For 15 years, I successfully litigated 250 cases against the largest life insurance carrier in North America for consumer fraud. In the past three years, I have successfully litigated a zoning case against the largest retailer in the world. I have also served on the Planning Commission for the City of Pittsburgh, and I was the first woman to be chairman of the Democratic Party of the City of Pittsburgh. I have many friends within the bar association, and I count many members of the bar among my greatest financial supporters. I did not seek the recommendation of the bar association in 2011 because when I cooperated in 2009, to the extent of appearing within a week of my father's death, the rating committee did not value my litigation experience or my involvement in the community.

3. If you are an incumbent judge, what's a recent injustice 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?

As an aspiring judge, I will remain independent by focusing on the facts developed in the lower court or administrative tribunals and on the law that applies to the case under consideration. I will perform my duties impartially and diligently.

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 promote ethical behavior among judges and court staff?

The state's judiciary can promote ethical conduct among judges and staff by requiring their staff and court officials subject to their direction and control to observe standards of fidelity and diligence. It is the duty and responsibility of a judge to take or initiate appropriate disciplinary measures against any other judge, who may display unprofessional conduct, by referral to the appropriate disciplinary board.

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?

Bias of all kinds can infect the judicial system. I will keep a courtroom bias free as possible. This requires adherence to the rules of professional and judicial conduct to avoid even the appearance of bias and sensitivity training for judges and court staff on a regular basis.