

**WASHINGTON COUNTY BAR ASSOCIATION
COURT RELATIONS COMMITTEE**

JUDICIAL CANDIDATE QUESTIONNAIRE

1. **Name**: State your full name, including any former names used.

Brandon P. Neuman

2. **Position**: State the position that you are seeking.

Judge for the Washington County Court of Common Pleas
27th Judicial District

3. **Addresses**: List your current office address, as well as the city and state of your residence.

- a. List your office addresses for the past ten (10) years, including the years spent at each address.

Legal Profession:

Robert Peirce and Associates
707 Grant Street, 25th Floor
Pittsburgh, PA 15219
2009-Present

Department of Transportation, Office of General Counsel
301 5th Ave, Suite 210
Pittsburgh, PA 15222
2008-2009

State Legislator

1825 Washington Road, Suite c
Washington, PA 15301
December 2010-Present

225 Irvis Office Building
PO Box 202048
Harrisburg, PA 17120
December 2012-Present

224 Irvis Office Building
PO Box 202048
Harrisburg, PA 17120
December 2010-2012

60 S. Main Street, Suite 207
Washington PA 15301
2015-Present

- b. List each city and state where you have resided to the past ten (10) years, including the years spent at each address.

Canonsburg, PA 15317
2011-Present

Eighty Four, PA 15330
Until 2011

4. **Birthplace:** State the year and place of your birth.

I was born in Washington, Pa on November 1, 1981.

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

I graduated from Duquesne University School of Law in 2009 (started in 2006), where I earned my Juris Doctorate.

I graduated from the University of Pittsburgh School Of Law in 2006 (started in 2005), where I earned my Masters in the Study of Law.

I graduated from the University of Richmond in 2005 (started in 2000), where I earned my Bachelor of Arts in Criminal Justice.

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

I am currently serving my fourth term as State Representative for the 48th District. My office addresses are listed above. I was first elected in 2010 and I was re-elected for my fourth term in 2016.

I'm currently serving on the Judiciary Committee, Agriculture and Rural Affairs Committee, Consumer Affairs Committee, Environmental Resources and Energy Committee and Labor and Industry Committee. I've also served on the Aging and Older Adult Services Committee. I was appointed Subcommittee Chairman for the Family Law Subcommittee of the Judiciary Committee last term. I'm currently the Subcommittee Chairman on Courts for the Judiciary Committee. I've also been appointed by the Chair of the Pennsylvania Commission on Crime Delinquency to the Criminal Justice Advisory Committee. This Committee works with law enforcement from all over Pennsylvania to help implement evidence based practices to make our communities safer.

I also was appointed by the Speaker of the House to the Pennsylvania Commission on Sentencing. This Commission is made up of judges, attorneys, victim advocates and others. We are tasked with developing guidelines for judges to follow. Currently, we are also seeking comment on risk assessment to be implemented in our courts to make sentencing more effective. We study data from Pennsylvania and across the Country to develop a system which brings fair and impartial justice.

I also was appointed as the Chair of the Offense-Related Guidelines Review Subcommittee. This subcommittee is reviewing sentencing enhancements that recently passed the legislature, reviewing the Justice Reinvestment Initiative and other recommendations to make our judicial system better. I've also been appointed to the Interstate Commission for Juveniles. This commission works across the Country to advocate for uniform statutes and rules that will best help our judicial system best serve our next generation.

I am currently an associate attorney for Robert Peirce and Associates. The address is listed above. In the majority of cases, I represent victims who have been neglected or abused in nursing homes, but I've worked on a number of other civil cases in federal and state court.

I was employed at the Office of General Counsel for the Department of Transportation as a certified intern. The license appeals cases ranged from DUI refusals to lapse of insurance. These appeals were in Washington, Allegheny, Beaver, Westmoreland and other Southwestern Pennsylvania counties. My supervising attorney was Walter Cameron. I was supervised by other attorneys while in court. I was employed there from 2008-2009.

7. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

I received the Community Supporter Award from AAdvantage for my service and dedication to the individuals, staff and communities they serve.

I was named numerous times as the top 40 trial lawyers under the age 40 in Pennsylvania.

I received the Bending the ARC award from Washington County Arc Human Services for my commitment to helping individuals with disabilities.

8. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Washington County Bar Association
Allegheny County Bar Association

I recently was a faculty member for a PBI course dealing with sentencing in Pennsylvania. It was in Mechanicsburg, PA in February of this year.

9. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

I was admitted to the PA Bar in October of 2009.

I was admitted to the West Virginia Bar June of 2010

10. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Duquesne University School of Law Board of Governors (appointed)

Associate member of F.O.P. Lodge 22

Elks Lodge 846

Chartiers Lodge 297

NAACP

SNPJ Lodge 138

St. George Croatian Club

AHEPA 156

Italian American Association

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, religion, or national origin. Indicate whether any of these organizations listed in response Question 10(a) currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Chartiers Lodge 297 is a fraternal organization that has a women's counterpart organization.

11. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

In 2010 I was elected to the Pennsylvania House of Representatives. I ran for re-election and won in 2012, 2014 and 2016.

I was appointed to the Interstate Commission for Juveniles by the PA Speaker of the House.

I was appointed a Subcommittee Chairman of the Family Law Subcommittee by the Minority Chairman of the Judiciary Committee.

I was appointed to the Pennsylvania Commission on Sentencing by the PA Speaker of the House.

I was appointed to the Criminal Justice Advisory Committee by the Chairman of the Pennsylvania Commission on Crime and Delinquency.

I was appointed Subcommittee Chairman of the Subcommittee on Courts by the Minority Chairman of the Judiciary Committee.

I ran for Lieutenant Governor in 2014 and did not secure the nomination

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I was the candidate for the positions I ran for stated above. I was a Democrat Committeeman for North Strbane from 2006-10

12. **Legal Career:** Answer each part separately.

- a. Describe in reverse chronological order your law practice and legal experience after graduation from law school including:
- i. Whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;
 - ii. Whether you practiced alone, and if so, the addresses and dates;
 - iii. The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

Robert Peirce and Associates
707 Grant Street, 25th Floor
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2009-Present
Associate

Department of Transportation, Office of General Counsel
301 5th Ave, Suite 210
Pittsburgh, PA 15222
2008-2009 Certified Intern

b. Describe:

- i. The general character of your law practice and indicate by date when its character has changed over the years.

Civil litigation is the bulk of my caseload. Within civil litigation, the majority of my cases, I represent plaintiffs who were neglected or abused while at a nursing home. After I was elected, I did not have as much time to do the buildup work of the cases. I'm still intimately involved in my cases and most of them settle.

- ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My typical client wants to seek justice through civil litigation. Since I represent individuals that have fallen victim to abuse or neglect while in a nursing home, a lot of my clients are senior citizens or the estate of the deceased. Most of my cases involve experts. Just like most other cases in civil court, most cases settle.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

1. Indicate the percentage of your practice in:

- (A) federal courts: 2 % (worked on the cases but I was in session for court appearances)
(B) state courts of record: 98 % (some of the court appearances I was in legislative session)
(C) other courts: %
(D) administrative agencies: %

2. Indicate the percentage of your practice in:

- (A) civil proceedings: 98 %
(B) criminal proceedings: 2 %

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

The majority of my cases settle before they go to trial. I'm scheduled for a trial this month again, but it could settle.

- e. Have you ever tried a case before a jury in Washington County, and if so, how many were civil trials and how many were criminal trials? I've handled many license suspension hearing and any case I worked on in Washington County settled before it went to trial.

- f. Summarize your experience in court during the past five years, indicating as to that period:

1. Whether your appearances in court were more or less frequent than the five years preceding that; I was in court less often in the past 5 years, because of conflicts with legislative session schedule.
2. Any significant changes in the percentages listed in your answers to questions 12(c). Most of my cases get filed in State court unless for some reason the case has a 1983 federal claim.

13. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the court, docket number, and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case: In all of these cases we represent the Plaintiffs. I'm part of a team at Robert Peirce and Associates and I mostly work with: Robert Daley, Elizabeth Chiappetta, Scott Simon, and Max Petrunya.

STILL IN LITIGATION:

The Estate of James Peter Sullivan v. Wick City Saloon
Court of Common Pleas of Armstrong County, Pennsylvania
Docket No.: 2014-1409
Our File No.: 15636

Summary: This case was referred to me by Joseph Charlton, Esq. It involves a patron that was murdered at Wick City Saloon. He was beaten to death in the parking lot of the case. This case is still in active litigation. I actively work with my colleagues on this case.

Estate of Marie Walko vs. Hallsworth House
Court of Common Pleas of Westmoreland County, Pennsylvania
Docket No.: 169 of 2013
Judge Anthony G. Marsili
Our File No.: 13252

Summary: We are alleging in this case that there was a failure to transfer Ms. Walko to a facility that could meet her care needs. The facility in question did not have the capability to meet Ms. Walko's needs, and because they failed to transfer her to a more skilled nursing facility, she died. This case is scheduled to go to trial and I most likely will be litigating this case at trial.

SETTLED:

Jessica F. Marcavitch, et al. v. First Student, Inc., et al.

Sexual Assault / Person with a Disability

Retained: September 2009

Settled December 2013

Judge Caruso

Court of Common Pleas of Westmoreland County, Pennsylvania

Docket No.: 2422 of 2010

Our File No. 12749

Summary: This is an awful case where the bus driver sexually assaulted the plaintiffs when they were transported to work at an ARC workshop. This heinous activity occurred over a number of years and the bus company had no oversight on its employee. The company also had no accountability for the overall operation of the bus. The bus driver pled guilty to criminal charges and we settled the case civilly.

Mary Mowear, et al. vs. First Student, Inc., et al.

Sexual Assault / Person with disability

Retained: September 2009

Settled September 2013

Judge Caruso

Court of Common Pleas of Westmoreland County, Pennsylvania

Docket No.: 2422 of 2010

Our File No.: 12809

Summary: This is an awful case with the same fact pattern as the preceding case. This heinous activity occurred over a number of years and the bus company had no oversight on its employee. The company also had no accountability for the overall operation of the bus. The bus driver pled guilty to criminal charges and we settled the case civilly.

Susan Kosik, et al. vs. First Student, Inc., et al.

Sexual Assault / Mentally Handicapped

Retained: January 2010

Settled: December 2013

Judge Caruso

Court of Common Pleas of Westmoreland County, Pennsylvania

Docket No.: 2422 of 2010

Our File No.: 12811

Summary: This is an awful case with the same fact pattern as the preceding cases. This heinous activity occurred over a number of years and the bus company had no oversight on its employee. The company also had no accountability for the overall operation of the bus. The bus driver pled guilty to criminal charges and we settled the case civilly.

Lannie Wommeldorf, et al. vs. First Student, Inc., et al.

Sexual Assault / Person with Disability

Retained: January 2010

Settled:– January 2014

Judge Caruso

Court of Common Pleas of Westmoreland County, Pennsylvania

Docket No.: 2422 of 2010

Our File No.: 1281

Summary: Lannie also rode the bus to an ARC workshop, but he was not sexually assaulted, but because of his disability, he has limited mobility and was forced to watch these heinous acts. This caused great emotional distress. This case settled as well.

Estate of Mary L. Gordon v. Country Meadows Nursing Center-South Hills

Dehydration / Fall / Fracture / Death

Retained: October 2009

Settled: February 2013

Robert J. Colville

Court of Common Pleas of Allegheny County, Pennsylvania

Docket No.: GD-10-012099

Our File No. 12756

Summary: This was a professional negligence case that is unfortunately all too familiar. Just like the other nursing home cases, an expert was consulted and it was determined that there was liability on behalf of the defendant. We claimed that they were liable for dehydration, a fall that led to a painful fracture and eventually contributed significantly to her death. This case settled after a long discovery process.

Dorothy Medvid v. Alterra Clarebridge

Fracture Case

Retained: January 2009

Settled: December 2011

Judge Caruso

Court of Common Pleas of Westmoreland County, Pennsylvania

Case No.: 10471 of 2009

Our File No. 12588

Summary: This case deals with a fracture which occurred due to the negligence of the defendant. This case settled after discover finished.

Zachary Alt v. Highlands School District, et al.

Civil Rights

Retained: February 2010

Settled:

U.S.D.C. - Western District of Pennsylvania

Civil Action No.: 2:11-cv-00468-LPL

File No.: 12844

Summary: This was a very interesting case that dealt with a high school football player who was put back in a game after showing obvious symptoms of a concussion. The plaintiff was never able to play sports again and had long term health problems. This was one of the first concussion cases that were filed. We filed this case as a 1983 claim in federal court. It ended up settling. It was referred to be by Bruce Gelman, Esq.

Estate of Willa Mae Delancey v. Heartland Healthcare Center, et al.

Pressure Ulcer / Dehydration

Retained: July 2009

Settled: - April 2011

Court of Common Pleas of Allegheny County Pennsylvania

Docket No.: GD 10-007467

Our File No. 12706

Summary: The plaintiff in this case had a significant decubitus ulcer and was severely dehydrated. These conditions were caused by the negligent care of the defendant. This case settled before it went to trial.

Charlotte Richardson v. The Heritage Shadyside and UPMC Senior Communities, Inc.

Pressure Sore / Above the Knee Amputation

Retained: March 2008

Settled: June 2011

Court of Common Pleas of Allegheny County

Docket No.: GD09-105062

Our File No. 12269

Summary: The plaintiff in this case had a decubitus ulcer and her leg was amputated due to her condition. This case ended up settling after significant discovery.

14. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Having the honor to represent a legislative district allows me the opportunity to work with special people on important issues. I was fortunate to work with victim advocacy groups from around Pennsylvania and learn from them how our system needs to be changed when testing rape kits. Pennsylvania had no mechanism in place to determine how rape kits passed through the chain of custody. In addition to chain of custody issue,

there was no way to tell how long victims were waiting for rape kits to be tested in a lab. I was asked to champion this issue last session and I did not hesitate to accept this challenge.

I worked diligently to make these victims a top priority for the legislature last session. With help from many organizations, we designed a reform piece of legislation that would help rape victims seek justice and help catch the rapist. Because of this sweeping reform, we learned that sadly, some victims were waiting over two years before the evidence was tested. These victims were not getting justice and the rapist was not being brought to justice. We also learned that there is not enough funding available to completely eliminate the backlog.

Because of this legislation, we are looking at even better ways to get conclusive results and to make sure the funding is in place to end the backlog. Pennsylvania was a problem for the whole country because we were not uploading the DNA from the kits to CODUS (a federal database) and as I learned, most rapists are serial offenders. Our lack of system failed victims, but I'm proud to have worked with amazing professionals to make our system is better than it's ever been. Now, I'm focused on making sure test results are conclusive so prosecutors can use DNA evidence to bring justice for victims and protect others. It is not good enough that we test the kits, we need conclusive results. It's an honor to work with experts from around Pennsylvania to effectuate change that will help bring timely justice to victims.

15. Potential Conflicts of Interest:

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts of interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

There are cases that I currently have knowledge of because I worked on them or our group at my law firm worked on the case, so I will recuse myself from any case that I had any knowledge of as a practicing attorney. I will obviously recuse and shield myself from any case involving a family member or any situation where I believe I cannot be impartial or fair.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will evaluate each case when it is assigned to me to make sure there are no conflicts of interests that would require me to recuse myself. If I determine that there is no way that I can be independent in a case because of a conflict, then I will recuse myself from the case and shield myself from the case in and outside of the courthouse.

16. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I've done a number of cases pro bono for individuals that needed help but did not have the resources to retain a lawyer. They generally were for cases that concluded at the magistrate level.

17. **Motions Practice:** Describe your experience with existing motions practice in Washington County, as well as what you intend to be your motions practice to be as a judge.

I plan on starting at 9:15 a.m. and demand copies of the motions to be delivered at my office no later than 12:00 P.M. the day prior to the motion. Once, I receive my court assignments, I will be sure to have clear set rules.

18. **Relationship with the Bar:** Describe your relationship with the Washington County Bar Association and how that relationship would be affected if you were to be elected Judge.

I am a general member who tries to participate as much as possible. My relationship will continue to be professional and I'll be even more accessible than I am now.

19. **General Questions:**

- a. How does being a judge differ from being a lawyer?

The interests represented make the lawyer and the judge necessarily distinct. It is impartial decision making that ultimately operates our administration of justice.

A lawyer is bound to their client and must represent them to the best of their ability. A judge has no middle interest between the law and their person. They must adhere to having a balanced approach too administering the law.

The law is the law and a judge must abide to their oath. The important part is that the role of a judge and an attorney exist separately, but are each distinctly righteous parts of the system that ultimately gives us justice.

- b. Why do you feel comfortable walking away from your law practice?

Practicing in the Pennsylvania courts and to legislate in our Commonwealth has been an honor of a lifetime. I could not be in this endeavor without those experiences. I see a need to continue tradition of impartiality and fairness in the courts. It's imperative that a judge bring varied perspective that helps them understand the black letter of the law.

I bring that perspective, and I have the temperament and knowledge of the law a judge needs. As such, I want to devote myself fully to being a public servant. It is an honor to have your only goal to be to serve the public and its administration of even handed justice.

Taking the technical experiences I possess and using it to deliver justice to our community will be my only goal. Justice must be about finding the procedure that distributes fairness righteously.

It is serving these principles that I know I can depart with the utmost propriety from my law firm and colleagues.

- c. What is the most significant challenge facing the local court and how can that challenge be addressed?

The judicial branch must be vigilant in its deliverance of justice in regard to our communities' drug and violence problem. I've been very fortunate to earn the respect of my colleagues and be appointed to the Pennsylvania Commission on Sentencing. I will bring this knowledge to the bench.

I will bring fresh ideas to help with the drug and violence issues we are facing today. There are certain indicators that can help predict recidivism and violent behavior. There have been successful pilot programs around Pennsylvania that have proven to help addicts get into long term recovery. I want to bring these fresh ideas to Washington County. The recidivism rate for current state intermediate punishment programs is too high. There are proven supervisory techniques that can be implemented by our court. Because of my experience, I've been on the front lines of reforms and programs that will help make our communities safer through local justice.

I've worked with judges, legislators, advocates and law enforcement on the heroin, epidemic. The judicial system can enhance their methods to serving justice that will help people and at the same time protect our community. Understanding these together as core topics in our community, and delivering righteous justice must be the premiere goal of the court.

As a member of the Pennsylvania Commission on Sentencing, I understand the complexity of effective sentencing. I'm currently working on the new sentencing guidelines for judges and a potential risk assessment system to help predict if a person will reoffend. I will also bring my knowledge from the Criminal Justice Advisory Committee of the Pa Commission of Crime and Delinquency that has taught me effective ways the judicial system can achieve the goal of real justice. My experiences in my life make me who I am today, and I look forward to bringing those experiences to the bench to help with the drug and violence issues facing our communities.

- d. Do you anticipate being onsite at the Courthouse during normal business hours?

Being a public servant requires the full participation of the person. It is my goal to serve the public in the most righteous fashion—in doing so, will be my attendance in court the courthouse. I have some ideas to expand hours, but I will consult the President Judge with those ideas. The institutions of our judicial branch necessitate attendance to deliver truly fair justice.