

Vote411 Voters' Mini-Guide

Fall 2021

Magisterial District Judge

District 05-02-04

(Aspinwall, Blawnox, Fox Chapel, Indiana, O'Hara, and Sharpsburg)

This Voters' Mini-Guide is an excerpt of the online Vote411 Voters' Guide -- a project of the League of Women Voters. To see your entire ballot, visit Vote411.org.

There are three candidates running for this position. Voters may choose one (1) candidate.

Magisterial district judges (MDJs) do not have to be lawyers but are required to pass a qualifying exam. Handle civil cases up to \$12,000; responsible whether serious criminal cases go to the Court of Common Pleas; handle preliminary arraignments and hearings; minor criminal offenses, traffic citations and non-traffic ordinance violations. Responsible for setting and accepting bail, except in murder or voluntary manslaughter cases. **Term of office: 6 years**

Salary: 93,338

*All information in Vote411 Voters' Guides is submitted by the candidates and has not been edited or altered in any way. **The League of Women Voters of Greater Pittsburgh** has made every effort to enlist the participation of each candidate running for these positions. Candidates who would like to submit or update their written answers should contact vote411@lwvpgh.org.*





Matthew V. Rudzki

Party: Dem

Biographical Info:

Campaign Email: matthewrudzkiformagistrate@gmail.com

Campaign Web Site: <http://www.mattformagistrate.com>

Facebook: @mattformagistrate

Twitter: @matt4magistrate

District: MDJ 05-2-04; Aspinwall, Blawnox, Fox Chapel, Indiana, O'Hara, and Sharpsburg

Education: Fox Chapel Area School School (2004); Washington & Jefferson College, B.A. History & German (2008); Duquesne University School of Law, J.D. (2013)

Qualifications for office: Aspinwall-based, general practice attorney since 2013 with experience handling matters before magistrate courts, Courts of Common Pleas, and administrative bodies. Presently the Mayor of Sharpsburg and former Councilor. Teaching fellowship 2008-2009.

Questions:

Q: *The Criminal Justice Task Force (11/16) recommended that Magistrates use the Allegheny County Risk Assessment tool for pretrial release determinations when setting bail. Are you familiar with this tool? Would you use it to determine the need for bail and the value of bail required?*

A: Yes. While the risk assessment tool can serve a purpose in creating consistency in the bail process, the metrics upon which the tool was developed is based upon a flawed criminal justice system that has had and continues to have a disproportionate impact on those with lower incomes and people of color. Accordingly, in addition to the risk assessment tool, magistrates must also perform an inquiry and consider an individual's ability to pay and what would be a reasonable bail amount given the circumstances and charges, while bearing in mind the purpose of bail is to guarantee an individual's appearance unless they present such a threat that no condition can guarantee public safety.

Q: *How will you handle the imbalance of power you will commonly see in your court between vulnerable populations, who can not afford an attorney and will represent themselves the majority of the time, and opposing parties that tend to be more powerful, as the Police, or have the resources to hire an attorney, as a landlord against a tenant.*

A: The imbalance of power in our courts stems from systemic inequities within our justice system. I have completed an implicit bias continuing legal education course and would encourage my staff to also take the same course in order to be cognizant of the imbalance. When conducting criminal or landlord-tenant matters and approached by an unrepresented party, I would advise criminal defendants of their right to legal counsel, or in the case of tenants, the availability of pro-bono legal services, and direct them to resources such as the public defender's office, Neighborhood Legal Services, or the Bar Association. If necessary and in order to ensure parties are properly represented, I would grant continuances to impacted parties.



Dave Turner

Party: Rep

Biographical Info:

Campaign Email: dave@electdaveturner.com

Campaign Web Site: <http://www.electdaveturner.com>

Facebook: <https://www.facebook.com/ElectDaveTurner>

Twitter: <https://twitter.com/ElectDaveTurner>

District: Magisterial District 05-2-04 (Aspinwall, Blawnox, Fox Chapel, Indiana Township, O'Hara Township, and Sharpsburg)

Education: High School - Shady Side Academy; College - University of Pittsburgh (B.A. English); Law School - University of Pittsburgh (J.D.); Graduate School - Slippery Rock University (M. Ed.)

Qualifications for office: Attorney with 15 years of litigation experience. Teacher: formerly at Fox Chapel Area High School, currently with Pittsburgh Public Schools. Volunteer legal

experience representing abuse victims and disadvantaged divorcing parents. Former firefighter with the Fox Chapel Volunteer Fire Department.

Questions:

Q: *The Criminal Justice Task Force (11/16) recommended that Magistrates use the Allegheny County Risk Assessment tool for pretrial release determinations when setting bail. Are you familiar with this tool? Would you use it to determine the need for bail and the value of bail required?*

A: I will regularly consider the pretrial risk assessment algorithm when setting bail. That stated, I will follow the comment to Pennsylvania Rule of Criminal Procedure 523, which states: "A risk assessment tool must not be the only means of reaching the bail determination." Rule 523 requires a magisterial judge to consider a number of factors to come to a decision about bail. I will follow this Rule, using the risk assessment tool as one of many considerations in determining the need for and value of bail.

Q: *How will you handle the imbalance of power you will commonly see in your court between vulnerable populations, who can not afford an attorney and will represent themselves the majority of the time, and opposing parties that tend to be more powerful, as the Police, or have the resources to hire an attorney, as a landlord against a tenant.*

A: In every case, I will always work to reach a fair result according to the law. This will sometimes require additional effort on my part when individuals represent themselves. First, I will attempt to refer people without lawyers to services that provide free legal representation. If that is not available, I will personally question the unrepresented party and witnesses to do my best to understand the relevant facts and arguments. While this may take additional time, it is the best way I know to fairly address the challenges of reaching fair and legally appropriate results when parties are unable to afford legal representation.



Jennifer Evashavik

Party: Ind

Biographical Info:

Campaign Email: jenforjudge05204@gmail.com

Campaign Web Site: <http://jenforjudge05204.com>

Facebook: @jenforjudge05204

District: District Court 05-2-04: Aspinwall, Blawnox, Fox Chapel, Indiana, O'Hara and Sharpsburg

Education: Westmont Hilltop HS; Wittenberg University, B.A. Political Science; University of Pittsburgh School of Law, J.D.

Qualifications for office: Attorney with 20+ years experience in magistrate courts in Allegheny County. Asst. District Attorney for 13 yrs: 6 yrs in District Court 05-2-04. Private practice 7+ yrs. Educator on safety during encounters for first responders, parents and individuals with autism. Former Aspinwall Councilwoman

Questions:

Q: *The Criminal Justice Task Force (11/16) recommended that Magistrates use the Allegheny County Risk Assessment tool for pretrial release determinations when setting bail. Are you familiar with this tool? Would you use it to determine the need for bail and the value of bail required?*

A: Yes. I have participated in thousands of bail hearings. Judges must make an independent evaluation of each person's circumstances when determining bail. Pretrial Services completes the assessment and sends it to the magistrate to review. The assessment is only a recommendation. I would use it as one part of my analysis in setting bail. The purposes of bail are to guarantee a person appears for court and ensure the safety of our community. Other factors to consider include the type of charges, a person's ability to pay and if a substance abuse or mental illness issue exists. Bail must never be used to punish and no one should be in jail solely because they cannot afford their bail. Alternatives to monetary bail will be used when appropriate.

Q: *How will you handle the imbalance of power you will commonly see in your court between vulnerable populations, who can not afford an attorney and will represent themselves the majority of the time, and opposing parties that tend to be more powerful, as the Police, or have the resources to hire an attorney, as a landlord against a tenant.*

A: Working as a prosecutor and a defense attorney, I've seen firsthand the imbalance of power when a party is unrepresented. My experience has prepared me to work effectively with unrepresented individuals. I will adopt best practices learned by spending 20 years in magistrate courts. I will advise unrepresented parties of their right to an attorney and give information on engaging a free attorney through Neighborhood Legal Services or the Public Defender's office. I will postpone a case when an attorney is requested. If a party self-represents, I will carefully explain and clarify issues during hearings. I will be patient and ensure all parties understand the hearing and decisions made. All parties should leave knowing they had a fair hearing