

# Vote411 Voters' Mini-Guide

Fall 2021

## Magisterial District Judge

District 05-02-42

*Pittsburgh Wards 26 & 27: (Perrysville, Riverside, Brighton Heights, Woods Run)*

*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](http://Vote411.org).*

**There are two 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](mailto:vote411@lwvpgh.org).*





## Leah Williams Duncan

**Party:** Dem

### Biographical Info:

**Campaign Email:** [Info@leahforjudge.com](mailto:Info@leahforjudge.com)

**Campaign Web Site:** <http://www.Leahforjudge.com>

**Facebook:** Leah Williams Duncan for Magisterial District Judge

**Twitter:** Leah Williams Duncan for Magisterial District Judge

**District:** 05-2-42

**Education:** Bachelor of Science - Administration of Justice, Pennsylvania State University. Juris Doctorate - University of Pittsburgh School of Law. Certificate of Completion/Commendation for Exceeding Course standards - United States Army Adjutant General Officers' Basic Course

**Qualifications for office:** Attorney - 25 years, Litigation experience in every division of the Court of Common Pleas. Hearing Officer - 20 years conducting hearings and deciding legally challenging cases in the Court of Common Pleas. 10 years service - Pgh Commission on Human Relations. Solid, long-term community ties.

### 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 am familiar with the Risk Assessment tool both in my prior experience in criminal defense and also in my current efforts to obtain as much knowledge as possible in preparation to serve effectively as Magisterial District Judge. Unfortunately, there are issues with the tool's use of prior arrests as a factor and other factors which may prove to be discriminatory. Nevertheless, I would be willing to use the tool for purpose of gathering valuable information re: prior convictions, community status and other relevant factors. Further, use of the tool could reduce the problems associated with strictly relying on personal discretion so as to reduce the improper assessment of cash bail which adversely and unfairly affects the poor.

**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:** Throughout my twenty years as a Hearing Officer, it was not unusual for me to conduct hearings in which there was a presumed imbalance of power. I often heard matters in which only one party could afford an attorney. I also regularly conducted hearings in which the custodial parent or caretaker was provided an attorney at no cost while the defendant had no such representation. I am extremely proud of my solid, proven ability to assess relevant facts by hearing both sides of a matter objectively and fairly. It has been my long term practice to ensure that each party has their rightful day in court. This significant wealth of experience at the county level uniquely prepares me to serve as Magisterial Judge at the district level.

No Photo  
Submitted

**Mark J. Scorpion**

**Party:** Rep

**Biographical Info:**

**Campaign Email:** [markscorpion2021@gmail.com](mailto:markscorpion2021@gmail.com)

**Education:** North Catholic High School Pittsburgh, PA; Bethany College - Bachelor of Arts Degree - Political Science; Duquesne University School of Law - Juris Doctorate Degree

**Qualifications for office:** I have been an attorney for 33 years. During that time, I have practiced as a civil and criminal trial attorney, litigating varied types of cases in local, state, federal, and appellate courts in Allegheny and surrounding counties. I also served as an Arbitrator presiding over cases in Allegheny Co

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**A:** Recognizing that the purpose of bail is to assure defendants' attendance at hearings and trial and ensure the safety of the community, as Magistrate I would use this and any other available tool to help make informed and reasoned decisions regarding pre-trial release determinations. Further, Pa. Rules of Criminal Procedure require that Magistrates consider all the factors listed in Pa. Rule of Criminal Procedure 523 when deciding the need for bail and the value of bail required.

**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:** It is important to remember that all parties enter the Court cloaked in the presumption of innocence and should be treated with dignity, respect, and fairness. For those parties wanting or needing legal representation but thinking it unaffordable or unattainable, I would advise them of the availability of legal counsel through the Public Defender's Office, Neighborhood Legal Services, and Bar Association Pro Bono Programs. Ultimately, any perceived "power" in legal proceedings is vested in the Court, following a careful examination of the facts and a fair and impartial application of the law in order to protect the rights of all parties, regardless of their economic or social status. Justice and fairness should always be the ultimate goal.