

ALLEGHENY COUNTY BAR ASSOCIATION

JUDICIAL CANDIDATE PLEDGE

I, Hillary K. Wheatley, a candidate for judicial office, have familiarized myself with the Code of Judicial Conduct and the Code of Civility, as promulgated by the Supreme Court of Pennsylvania. I have directed special attention to Canon 4 of the Code of Judicial Conduct, including Rules 4.1, 4.2 and 4.4. I agree to conduct my judicial campaign consistent therewith and further consistent with *Republican Party v. White*, 536 U.S. 765 (2002). I further pledge that all campaign advertising will be done fairly, accurately, truthfully, and will maintain the dignity appropriate to the judicial office which I am seeking.

Hillary K Wheatley
Signature of Candidate

12/9/24
Date

ALLEGHENY COUNTY BAR ASSOCIATION JUDICIARY COMMITTEE
ACKNOWLEDGMENT AND AUTHORIZATION

As a candidate or potential candidate for Allegheny County Court of Common Pleas the Pennsylvania Appellate or Federal Courts, I hereby acknowledge and authorize the procedures of the Allegheny County Bar Association Judiciary Committee, including the following:

1. If I become a candidate, the Allegheny County Bar Association Judiciary Committee will make available to the public the Questionnaire, and my responses, except for the questions and responses which are acknowledged to be confidential, which information shall remain available only to the Committee.
2. My responses are provided without breaching client confidentiality as embodied in Rule 1.6 of the Rules of Professional Conduct.
3. If I become a candidate, the rating assigned to me by the Committee will be publicly announced. Ratings remain valid for 2 years but are subject to reevaluation upon request.
4. Should I receive a *Not Recommended* rating the Committee will endeavor to notify me prior to a public announcement. If I withdraw from the race, the rating will not be announced, and the questionnaires will not be published.
5. I hereby authorize the Pennsylvania Judicial Conduct Board, the Disciplinary Board of the Supreme Court of Pennsylvania, and the Pennsylvania Board of Law Examiners to transmit my entire file and record, including confidential information contained therein, to the Allegheny County Bar Association Judiciary Committee. I hereby specifically waive any confidentiality rights I may have in those records.
6. I hereby authorize the Judicial Conduct Board, the Disciplinary Board, and the Board of Law Examiners, or the equivalent, in any jurisdiction where I have practiced, been admitted to practice or have applied to either take a bar examination or for admission to the bar to transmit my entire file and record, including confidential information contained therein, to the Allegheny County Bar Association Judiciary Committee. I hereby specifically waive any confidentiality rights I may have in those records.
7. The Allegheny County Bar Association Judiciary Committee may change, during the course of my campaign for office, the original rating assigned to me for cause.

12/9/24
Date

Hilary K. Wheatley
Type or print name

Hilary K. Wheatley
Signature

ACBA JUDICIARY COMMITTEE QUESTIONNAIRE
FOR APPLICANTS CURRENTLY ON THE BENCH

I am seeking a rating for the following court:

- Allegheny County Court of Common Pleas
- Pennsylvania Commonwealth Court
- Pennsylvania Superior Court
- Pennsylvania Supreme Court

1. State your full name and list any other name by which you have ever been known.

- Hilary Kathryn Wheatley (current name/maiden name)
- Hilary Wheatley Taylor (married name; used from October 2005 until I resumed use of my maiden name in November 2021)

2. Date and place of birth.

Date: December 21, 1976

Place: Columbus, Ohio

3. Are you a naturalized citizen? If so, give date and place of naturalization.

No.

4. Family status:

- a) Are you married? If so, state the date of marriage and your spouse's full name, including maiden name, if applicable;

No.

- b) Have you been divorced? If so, state the date, the number of the case and the court.

Yes. Allegheny County, FD-15-8195; divorce decree dated December 12, 2016.

5. Have you served in the military? If so,

No.

- a) Give dates, branch of service, rank of rate and present status;
- b) Have you ever been rejected or released from the armed services for reasons other than honorable? If so, give details.

6. List each college and law school you attended, including dates of attendance, any scholastic honors and the degrees awarded. If you left any institution without receiving a degree, state the reason for leaving.
 - Miami University, Oxford, Ohio: August 1996 to May 1997; left as a transfer student
 - The Ohio State University, Columbus, Ohio: September 1997 to June 1999; Dean's List; B.A., Psychology, June 1999
 - The Dickinson School of Law, Pennsylvania State University, Carlisle, Pennsylvania: August 1999 to May 2002; J.D., May 2002

7. List all jurisdictions in which you have applied to take a bar examination, have applied for admission or have been admitted to practice. Include dates of admissions and if not admitted, give application dates and explain the outcome.
 - Pennsylvania: admitted November 2002
 - Ohio: admitted May 2005

8. List your professional mailing address and telephone number. Please also list any personal and professional social media usernames and/or handles and any websites you maintain or to which you know that your profile is shared.

Hilary K. Wheatley, Esquire
 Papernick & Gefsky, LLC
 One Oxford Centre
 301 Grant Street, Suite 3420
 Pittsburgh, PA 15219
 412-765-2212

Hon. Hilary K. Wheatley
 District Court 05-2-19
 380 Washington Rd., B-103
 Pittsburgh, PA 15228
 412-561-4415

Social Media:

Facebook/Instagram/Threads: @hilarykwheatley

Facebook only: @mdjhilarywheatley and @judgewheatleyforcommonpleas

Tiktok: @hilarywheatley

Website:

electhilary.com

9. Describe chronologically your law practice and experience after your graduation from law school and until you became a member of the judiciary, including:

- a) 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;

Judicial Law Clerk, Hon. John C. Uhler, York County Court of Common Pleas, August 2002 to August 2003

- b) Whether you practiced alone and, if so, the addresses and the dates;

N/A.

- c) The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected and the nature of your connection with each; and,

- Kimmel & Silverman, P.C., 30 E. Butler Ave, Ambler, PA 19002
8/2003 to 2/2004: Associate, Ambler, PA office
2/2004 to 9/2007: Associate/Managing Attorney, Pittsburgh office (formerly located at 210 Grant St., Pittsburgh, PA 15219)
- Papernick & Gefsky, LLC, 301 Grant St., Suite 3420, Pittsburgh, PA 15219
9/2007 to 12/2021: Associate/Senior Associate
1/2022 to present: *Of Counsel*

- d) Any other relevant particulars.

10. Regarding your practice:

- a) What was the general character of your practice, dividing it into periods with dates if its character changed over the years?
- b) During your time in practice, describe your typical clients and mention the areas in which you concentrated your practice.

August 2003 to September 2007: Kimmel & Silverman, P.C.

At the conclusion of my judicial internship with Judge Uhler in York County, I joined the law firm of Kimmel & Silverman as an Associate. I handled a high-volume case load of consumer rights matters, including cases alleging violations of the Pennsylvania Lemon Law, United States Magnuson-Moss Warranty Act and the Pennsylvania Unfair Trade Practices and Consumer Protection Law; automobile dealer fraud; and unfair debt collection cases. I practiced exclusively in Philadelphia County from September 2003 to February 2004. In those six months, I handled dozens of depositions, represented clients in several compulsory arbitration hearings each week, and gained just and bench trial experience. I joined the firm with the understanding that, after a brief time training with experienced colleagues in Philadelphia, the firm would move me to Pittsburgh, where I hoped to build my life and legal practice.

In the Pittsburgh office, I handled cases across the western half of Pennsylvania. As a result, my work involved substantial travel to many Central and Western Pennsylvania counties to represent clients in depositions, arbitrations, and trials. In approximately January 2005, I was promoted to be the Managing Attorney for the Pittsburgh office. In that role, I was responsible for my caseload as well as managing the office staff, investigators, and day-to-day needs of the office. At the request of the firm, I sat for the Ohio Bar Exam in February 2005, and upon my admission to the Ohio Bar in May 2005 (where, notably, my paternal grandfather, John C. Wheatley, had the honor of moving for my admission near the 40th anniversary of his admission), I was responsible for handling all the firm's Ohio cases involving General Motors vehicles through its pre-litigation mediation program.

My clients while an Associate with Kimmel & Silverman were individual consumers who were plaintiffs in the claims that I pursued on their behalf. In September 2007, I resigned my position with Kimmel & Silverman to join Papernick & Gefsky, LLC as an Associate. Prior to resigning, I interviewed, hired, and trained a new attorney to manage the firm's Pittsburgh office.

September 2007 to present: Papernick & Gefsky, LLC

Since 2007, I have worked with Papernick & Gefsky, primarily concentrating on real estate transactions and civil litigation. I have experience with nearly all aspects of the firm's practice, including estate planning and administration; commercial and residential tax assessment appeals; blighted property and eminent domain matters in our firm's capacity as solicitor for the Redevelopment Authority of Allegheny County; residential and commercial lease drafting and negotiation; residential landlord-tenant disputes; residential sales contract negotiation, closing, and seller disclosure disputes; commercial lease confession of judgment litigation; real estate title insurance claims; and planned community and condominium association representation, including drafting amendments to governing documents, advising association Boards of Directors, attending association meetings, and representing associations in litigation involving collection of assessments, claims of fair housing violations, or assertions of breach of fiduciary duty. My clients were as varied as my practice: residential home buyers or homeowners, property investment partnerships, private mortgage lenders, residential property management companies, government agencies, local and regional banking institutions, real estate title insurance underwriters, residential landlords and tenants, plaintiffs and defendants.

Over the course of my career, I have taken and defended depositions and have represented clients in private and court-ordered mediation, as well as AAA and compulsory arbitration in the Court of Common Pleas of Allegheny and its surrounding counties. I have represented both plaintiffs and defendants in bench and jury trials and have briefed and argued cases on appeal to the Pennsylvania Superior Court and the United States Court of Appeals for the Third Circuit.

Following my election to the bench, I transitioned to an *Of Counsel* role with the firm. Since 2022, my primary work at Papernick & Gefsky has been with our homeowners and condominium association clients, drafting amendments to governing documents and advising on the duties and obligations imposed under the applicable statutes. I have also taken on a larger role in mentoring junior colleagues, practice development, and on speaking to both legal and non-legal audiences.

11. For the last ten years or portions thereof during which you have held judicial office, indicate,

a) The nature of typical matters which came before you;

As a Magisterial District Judge, I have jurisdiction over Preliminary Arraignments and Preliminary Hearings in criminal cases involving misdemeanors and/or felonies; applications for search and arrest warrants; summary criminal cases; traffic citations; building code enforcement; violation of mandatory school attendance laws (truancy); civil claims with an amount in controversy of \$12,000 or less; residential and commercial landlord-tenant disputes; and Emergency Protection from Abuse Petitions.

b) The percentage of your time devoted to:

1. Civil:

60%, included herein are all summary traffic cases, building code enforcement, truancy, landlord-tenant, as well as standard civil cases.

2. Criminal:

35%, including Preliminary Arraignments and Preliminary Hearings for cases in my district, volunteer coverage for Preliminary Hearings involving homicide and related charges scheduled at Pittsburgh municipal court, search/arrests warrant applications, and mandatory duty at Allegheny County's 24-hour arraignment court.

3. Family:

5%, Emergency Protection from Abuse Petitions only.

4. Orphans' Court: n/a

c) The percentage of your time devoted to:

1. Jury: n/a

2. Non-jury: 100%

3. Appellate argument: n/a

4. Other: n/a

d) Five of the more significant opinions you have rendered and citations thereto if the cases were reported or docketed if the cases were not reported.

I have not and cannot render opinions because Magisterial District Courts are not courts of record. Rather, I only have authority only to enter judgments in civil and landlord-tenant cases or guilty/non guilty/dismissal dispositions in traffic and summary cases.

12. If a substantial period of your practice was before administrative boards, commissions or agencies during the ten years before you became a member of the judiciary, identify the boards, commissions or agencies before which you have practiced and estimate percentages of practice time devoted thereto.

Allegheny County Board of Property Assessment Appeals and Review: 5%

13. If a substantial portion of your practice was before Appellate courts during the ten years before you became a member of the judiciary, identify the Appellate Courts before which you have practiced and estimate percentages of practice time devoted thereto.

N/A.

14. For every judicial office you hold or have held, give details of your position, including the court involved with a description of your jurisdiction; whether elected or appointed; periods of services; and, identify any limitations upon your position including if any, when you were the subject of a Motion or Petition for Recusal.

Magisterial District Judge, District 05-2-19, which includes Mt. Lebanon and Dormont

Elected November 2021; Commission effective January 2002, for a term of six years

I have been subject to one motion for recusal from a case participant, which I granted. Additionally, I have recused myself from a few cases where family, close friends, colleagues, and current or former clients of my law firm were case participants.

15. Have you ever held public office other than judicial office? If so, give details, including the office, whether elected or appointed, and the length of your service, giving details.

No.

16. Have you ever been an unsuccessful candidate for elective, judicial or other public office? If so, give details, including dates.

No.

17. Have you ever been engaged in any occupation, business or profession other than the practice of law or the holding of judicial or other public office? If so, give details, including dates.

No.

18. Are you now an officer or director or otherwise engaged in the management of any business enterprise?

No.

- a) If so, give details, including the name of your enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

- b) Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are elected and confirmed? If not, give reasons.

19. Are you under any ongoing federal, state or local investigation or indictment for possible violation of a criminal statute? If so, give details.

No.

20. Have you ever been charged or convicted of any violation of a local, state or federal law, any misdemeanor or felony, court martialled, been granted immunity from prosecution, been held in contempt of court or been the subject of a final protection from abuse order? If so, give details. Do not include summary traffic offenses.

No.

21. Has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? If so, give details.

- August 2020: a delinquent real estate property tax lien was filed by the Mt. Lebanon School District because of an escrow account error made by my mortgage lender, at Allegheny County DTD-20-55156. My mortgage lender paid the lien in full and it was marked satisfied in January 2021.
- June 2015: a delinquent real estate property tax lien was filed by the Mt. Lebanon School District and Township, as the result of a dispute that arose in conjunction with a 2014 residential property tax appeal and Board of View case, at Allegheny County DTD-15-23138. My mortgage lender paid the lien in full and it was marked satisfied in November 2015.

22. Prior to taking the bench, were you ever sued by a client? If so, give details.

No.

23. Have you ever been a party to or otherwise involved in any other legal proceedings? If so, give the particulars. Do not list proceedings in which you were merely a guardian *ad litem* or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as co-conspirator or a co-respondent and any grand jury investigation in which you figured as a subject or in which you appeared as a witness.

- Allegheny County Court of Common Pleas, Family Division, FD-15-8195: Hilary W. Taylor v. Brian A. Taylor, divorce and child support proceeding.
- United States Bankruptcy Court, Western District of Pennsylvania, 17-20116; In re: Hilary W. Taylor, Chapter 13 Bankruptcy case; Chapter 13 Plan approved in August 2017; full discharge entered in May 2022.

24. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, court of judicial discipline or other professional group? If so, give the details.

I have never been disciplined or cited. However, in 2022, a complaint was filed with the Judicial Conduct Board, alleging that I engaged in *ex parte* communications with a case participant while serving as Magisterial District Judge. The complaint was dismissed.

Over the course of my legal career, I have been notified of two complaints filed against me with the Pennsylvania Disciplinary Board. Each of these complaints was filed by an opposing party in litigation matter that I was handling for clients of Papernick & Gefsky. Each of those complaints was dismissed. I am not aware of any other complaints filed against me regarding my conduct as an attorney or as a Magisterial District Judge.

25. Currently or within the past five (5) years have you suffered from any medical or other condition which could affect or impair your judgment, reliability or ability to perform the essential functions of the judicial position you are seeking? If so, describe.

No.

26. Do any circumstances exist that would affect your ability to perform the function of the position you seek or fulfill the term of office? If so, please explain.

No.

27. Furnish one (1) writing sample that reflects your analysis of a legal problem or issue.

Please see attached.

28. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. Please also identify any leadership role you have held in such groups.

Herbert B. Cohen Chapter, American Inns of Court, York County, Pennsylvania: 2002-2003
Allegheny County Bar Association: 2004-2022, and 2023-present
Hays-Sell Pittsburgh Chapter, American Inns of Court: 2015-2020
Special Court Judges Association of Pennsylvania: 2022 to present

29. List your experiences in teaching and lecturing, including law school, continuing legal education and to non-legal audiences.

Continuing Legal Education

11/2014: Pennsylvania Bar Institute, presenter: "Litigating Condominium and Homeowner Association Cases"

6/2016: Pennsylvania Bar Institute, presenter: "Real Estate Agent and Broker Liability"

9/2016: Pennsylvania Bar Institute, presenter: "Real Estate 101"

11/2016: Pennsylvania Bar Institute, course planner and presenter with Hon. John C. Uhler: "Pa Civil Procedure: 10 Things You May Have Forgotten (Or Maybe Never Knew)"

Non-Continuing Legal Education

- 2015-present: Arbors Management, Arbors Annual Conference, presenter on landlord-tenant matters
2022-present: Mt. Lebanon Township Residents Academy, presenter, District Court basics
2022-present: Pennsylvanians for Modern Courts, lecturer on landlord-tenant matters and small claims in Magisterial District Courts

30. List all organizations other than bar associations, professional associations, or societies of which you are or have been a member, including civic, charitable, religious, educational, social and fraternal organizations.

Ohio State University Alumni Association: 1999-present
PUMP/Pittsburgh Sports League: 2004-2006
Mt. Lebanon Junior Women's Club: member 2006-2016; President, 2008-2009
PA West Over 23 Soccer League: 2007-2011
Mt. Lebanon Soccer Association: volunteer soccer coach, 2017-2019, 2023-present
Mt. Lebanon School District, Hoover Elementary PTA: 2017-2023
Women's Club of Mt. Lebanon: member and President, 2017-2021
Dormont Community Development Corporation: Board of Directors, 2022-present
Mt. Lebanon Adult Kickball League: 2022-present
Sunset Hills Bowling League: 2023-present
Mt. Lebanon Soccer Association: volunteer soccer coach, 2017-2019, 2023-present

31. List any honors, prizes, awards or other forms of recognition which you have received (including any indication of academic distinction in college or law school) other than those mentioned in answers to the foregoing questions.

Dickinson School of Law, Pennsylvania State University: President, Trial Moot Court Board, 2000-2001

32. State any other information which may reflect positively or adversely on you or which you believe should be disclosed.

Between 2004 and 2021, I frequently served as an arbitrator on civil and landlord-tenant arbitration panels in the Arbitration Division for the Court of Common Pleas of Allegheny County. In addition, I served as a mediator and *pro bono* attorney for Allegheny County's Housing Court, from its inception through 2021.

33. Why do you wish to become a Justice or Judge in a different jurisdiction? What strengths do you feel you possess that would particularly well qualify you for such a position in a different jurisdiction?

I believe that my temperament, character, and experience can continue to be an asset to the legal system, to the people who come before the Court of Common Pleas to seek prompt and fair disposition of their claims, and to the public that relies on the judicial branch to be an impartial check on the power of the executive and legislative branches. The Court of Common Pleas is where people go to right the wrongs in their lives, businesses defend their business practices, victims pursue justice, those accused of a crime seek protection of their constitutional rights, and where families seek help in a crisis. Litigants in the Court of Common Pleas have a right to expect that the judges who hear their cases are prepared, experienced, and willing to make hard decisions. I acknowledge that I have much to learn about the daily work of a Judge on the Court of Common Pleas; but I am ready for the challenge. My experience as a Magisterial District Judge, judicial law clerk, and career litigator have prepared me.

My judicial clerkship built the foundation for my 20-year career as a civil litigator and continues to impact my work as a Magisterial District Judge. As a law clerk for Judge Uhler, I had a front row seat to Judge Uhler's calm and thoughtful demeanor while he presided over two high-profile murder trials, each of which received intense public scrutiny and national media attention, as well as his compassionate attention to sensitive Orphans' Court matters. During my clerkship and my early years as a practicing lawyer, I saw how even the simplest of rulings can significantly impact the lives of everyday people. I learned how important judicial temperament, preparedness, and a willingness to promptly make hard decisions are to the effective operation of our legal system.

I tend to be overprepared, to pay attention to even the smallest detail, and to always consider how my actions will impact those around me. I know that those characteristics can be strengths or weaknesses, depending on the situation. In my courtroom, I often must look people in the eye while I issue rulings that may cause financial burden, disappointment or anger. I have learned that, if I do my job properly, it is impossible to make everyone happy. My time on the bench has cured me of my tendency to be a people-pleaser. Even before attending law school, I knew that that electing good judges matters, to the public and to our democracy. Over the course of my legal and judicial career, I have also come to know what it means to be a good judge: a good judge honors the rule of law, recognizes the dignity of all court participants, and respects the critical role she plays in our legal system. I now feel ready for the challenge of advancing my career to the Common Pleas bench and hope to serve in a way that makes my colleagues, friends, family, and community proud.

34. What do you consider a significant achievement in your life outside your profession?

The meaningful and fulfilling life that I have created for myself and my son. I moved to Pittsburgh in 2004, a stranger to the city and its people. While it has not been without struggle, sadness, and hardship, I am proud to have built a life connected to and engaged with our community and to have friends I love and respect, who have cheered us on during the good times and supported us through the challenging times.

35. Please identify specific efforts you have made, or been involved with, to support equality and inclusion in the legal profession, including but not limited to the judiciary.

Throughout my career as a female attorney and judge, I have been committed to fostering equality and inclusion within the legal profession. I have actively mentored young female attorneys, providing guidance on career advancement, navigating challenges unique to women in the legal field, and balancing professional and personal responsibilities. I make a concerted effort to offer support and create an environment where they feel empowered to succeed in a profession that can sometimes feel isolating. Recognizing the challenges women often face in achieving work-life balance, particularly in our demanding field, I have advocated for flexible work policies to create a more equitable environment for myself and my female colleagues. I believe that creating policies that support all attorneys in balancing their professional and personal lives is a key step in promoting inclusion.

As a judge, I am committed to ensuring equal treatment for all parties that appear in my courtroom. I have also participated in community outreach programs, speaking to students about the opportunities available in the legal profession and the judiciary. I encourage them to consider careers in law and offer a realistic picture of what that career might look like for them. By sharing my own experiences, I have tried to break down the perceived barriers that might discourage them from pursuing a legal or judicial career. I have taken continuing education courses on implicit and systemic bias in our culture and legal system to remain aware of these dynamics in the courtroom and to learn strategies to overcome them. And perhaps most importantly, I strive to maintain a courtroom environment where all individuals, regardless of gender, race, or background, feel respected and heard.

The undersigned certifies that the statements made in this questionnaire are true, complete and correct to the best of his/her knowledge and belief and are made in good faith.

Hilary K Wheatley

Type or print name

Hilary K Wheatley
Signature

12/9/24
Date