

AFSCME DISTRICT COUNCIL 47
2023 CANDIDATE QUESTIONNAIRE
(Commonwealth Court Judges)

CANDIDATE INFORMATION

Candidate Personal Contact Information (Fields marked with asterisks are required)

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Campaign Contact Information

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Campaign Manager Name: **Carver Murphy**
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Candidacy Information

What office are you seeking? **Judge of the Commonwealth Court of Pennsylvania**

With which party are you registered? **Democratic Party**

Who are your opponents? **Matt Wolf in the primary, Republicans running include Megan Martin and Joshua Prince**

If there is not sufficient space to respond to the following questions, please attach additional sheets to the questionnaire.

1. What in your background qualifies you to be a Judge of the Commonwealth Court?

I have been a practicing attorney for 33 years. I began my career as a law clerk for the Honorable William F. Cercone, President Judge Emeritus of the Pennsylvania Superior Court. While working for Judge Cercone, I learned the essentials of judicial review, a necessary quality of any appellate judge. From Judge Cercone and many other judges who

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I consider mentors, I learned the necessary quality of judicial temperament—welcoming everyone into the courtroom; making them feel comfortable.

My private practice since my clerkship covers a wide variety of cases. I have represented plaintiffs in personal injury matters, families seeking to recover insurance proceeds that insurance companies wrongfully withheld. I have also represented whistleblowers in federal false claims act cases. I have also been engaged in defense work in both criminal and civil cases, and have represented large commercial entities in high stakes commercial disputes. Many of these matters are deemed complex and I have learned how to organize and manage those disputes. This is important for the Commonwealth Court because it deals with many complex matters, particularly when it acts in its original jurisdiction as a trial court.

I have practiced in 30 counties across Pennsylvania and have experience in all of Pennsylvania's appellate courts including the Commonwealth Court. I feel that a candidate for any court should have experience practicing in that court. Some of the cases that I have handled in Commonwealth Court include land use appeals, issues of sovereign immunity, and insurance insolvencies and liquidations (which are left to the states to litigate).

I preface my answers to the following questions with the caveat that I am not permitted express how I might rule on a particular issue.

2. How would you describe your judicial philosophy?

It is difficult to ascribe a single judicial philosophy to the wide variety of cases that the Commonwealth Court handles. In its appellate jurisdiction, the Commonwealth Court determines whether there was an error in the proceedings below that affected the outcome of the case. Nonetheless, the right to due process, whether at the appellate or trial level, is enshrined in the United States and Pennsylvania Constitutions and demands notice of the claims and a full and fair opportunity to be heard. Clearly then, I would be reviewing the record to ensure that due process was given. I am also a firm believer in individual civil rights that also emanate from the state and federal constitutions. Civil rights exist as a check against government overreach, which is particularly important to the Commonwealth Court because the Court considers exclusively matters involving state and local government.

I am also running to protect individual rights. If the *Dobbs* decision from the United States Supreme Court means anything, many civil rights that were previously within the domain of the federal judicial system may now be determined by the states. Those right include the right to vote, the right to reproductive health choices, the right to a livable environment, the right to a decent education and the right to organize and the right to marry whom you choose.

3. What do you believe is the proper standard for review of arbitration awards on appeal?

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The proper standard of review should be whether the arbitration award draws its essence from the underlying collective bargaining agreement; if it does, then the court must uphold the award of the arbitrator. Beyond that, the award of a *labor* arbitrator should be final and binding on all parties.

4. Under what circumstances would you consider setting aside or reversing an Arbitrator's award?

I would consider setting aside the award of an arbitrator only if the arbitrator's award is outside of the four corners of the collective bargaining agreement or is directly in contravention of the law.

Would you consider setting aside an Arbitrator's award if you disagreed with the award?

No; a reviewing court must never substitute its view of the underlying facts for that of the arbitrator who had the benefit of hearing the testimony of witnesses and seeing their body language, facial expressions, inflection in their voices, and general demeanor. As long as there is substantial record evidence for the arbitrator's decision and order, a reviewing court should not substitute its disagreement with the arbitration award.

5. What would be your standard for reviewing an appeal to an arbitrator's award by a government agency that claims that it could not afford to pay that award because it was too expensive and might be burdensome to the taxpayers?

The standard is the same as I described above. The ability to pay is not a basis upon which to reverse an otherwise valid award of an arbitrator in the public sector any more than it would be in the private sector.

Do you believe that you could overturn an Arbitrator's award on that basis alone?

No.