

**ALLEGHENY COUNTY BAR ASSOCIATION COMMITTEE ON THE JUDICIARY PERSONAL DATA
QUESTIONNAIRE**

ACKNOWLEDGMENT AND AUTHORIZATION

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

1. If I become a candidate, the Allegheny County Bar Association Committee on the Judiciary will make available to the public the Questionnaire, Supplemental 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 5 years but are subject to reevaluation upon request after 24 months.
4. Should I receive a *Not Recommended at this time* or *Unqualified* 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 If I withdraw from the race, the rating will not be announced and the questionnaires will not be published.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 Committee on the Judiciary. 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 Committee on the Judiciary. I hereby specifically waive any confidentiality rights I may have in those records.
7. The Allegheny County Bar Association Committee on the Judiciary may change, during the course of my campaign for office, the original rating assigned to me for cause.

George Heym
Type or print name

George Heym
Signature

2-11-19
Date

**ALLEGHENY COUNTY BAR ASSOCIATION JUDICIARY COMMITTEE
PERSONAL DATA QUESTIONNAIRE
FOR LAWYER APPLICANTS**

I am seeking a rating for the following court:

- Allegheny County Court of Common Pleas
- Pennsylvania Commonwealth Court
- Pennsylvania Superior Court
- Pennsylvania Supreme Court
- United States District Court for Western District of Pennsylvania
- United States Court of Appeals for the Third Circuit

1. State your full name: George A. Heym

Have you ever been known by any other name? If so, please list. No.

2. Office address (include zip code):

The Law Offices of George Heym
564 Forbes Ave, Suite 810
Pittsburgh, PA 15219

Office telephone (include area code): (412) 521-2628

Name of law firm, if associated: The Law Offices of George Heym

3. Date and place of birth: June 15, 1968 Los Angeles, CA

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

5. Family status:

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

Married on June 6, 2004 My Wife's name is Margalit Rosenkranz

- b) Have you been divorced? If so, state the date, the number of the case and the court: No

6. Have you had any military service? If so,
a) Give dates, branch of service, rank of rate, and present status:

No.

- b) Have you ever been rejected or released from any of the armed services for reasons other than honorable? If so, give details:

7. List each college and law school you attended, including dates of attendance, and the degrees awarded and, if you left any institution without receiving a degree, the reason for leaving. List scholastic honors:

Duquesne University January 1990 through December 1994 Bachelor of Arts
University of Pittsburgh School of Law 1995 through 1998 Juris Doctor, cum laude

8. 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 October 1998

9. Describe chronologically your law practice and experience after your graduation from law school, 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: N/A

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

Sole Proprietor - The Law Offices of George Heym March 2006 to Present

564 Forbes Avenue, Suite 810
Pittsburgh, PA 15219

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:

Associate – Goldberg, Persky, Jennings & White May 1998 through March 1999
1040 Fifth Avenue
Pittsburgh, PA 15219

Assistant District Attorney - Office of the District Attorney of Allegheny County March 1999 through March 2006

d) Any other relevant particulars:

10. With respect to your practice:

a) What has been the general character of your practice, dividing it into periods with dates if its character has changed over the years?

Goldberg, Persky, Jennings & White – Associate May 1998 to March 1999

- Prepared class action complaints in various areas including intellectual property, product liability and civil RICO
- Prepared and represented clients at depositions
- Deposed corporate representatives in toxic tort mass litigation
- Argued various motions before Pennsylvania Courts

Office of the District Attorney of Allegheny County March 1999 to March 2006

- Served 14 months in the Area Prosecution Unit representing the Commonwealth during preliminary hearings before Allegheny County District Judges
- Served approximately 3 years in the General Trial Unit prosecuting various offenses including DUI, Theft, Robbery, Sexual Assault and Homicide
- Served approximately 3 years in the Child Abuse Unit Prosecuting cases involving physical and sexual crimes against children while continuing to prosecute adult homicide cases

The Law Offices of George Heym March 2006 to present

- Provide criminal defense primarily focusing on DUI defense in multiple PA Counties including Allegheny, Beaver, Butler, Westmoreland, Washington and Armstrong
- Represent clients at preliminary hearings before District Judges in counties listed above
- File pre-trial motions before Common Pleas Courts in counties listed above
- Engage in plea negotiations with District Attorneys' offices in counties listed above
- Represent clients in Jury trials before Common Pleas Courts listed above
- Represent clients in Non-Jury trials before Common Pleas Courts listed above

- b) Describe your typical clients and mention the areas, if any, in which you have concentrated your practice:

My typical client base is demographically diverse. In my DUI defense practice I have represented Airline pilots, Teachers, Physicians, Nurses, Police Officers, Jail Guards, Attorneys, White Collar Workers and Blue Collar Workers.

11. With respect to the last five years:

- a) Did you appear in court regularly, occasionally, or not at all? If the frequency of your appearances in court has varied during this period, describe each such variance, giving the dates thereof:

During the last five years I have appeared in court nearly every day.

- b) What percentage of these appearances was in:

1. Federal courts:
2. State courts of record: 100 %
3. Other courts:

- c) What percentage of your litigation was:

1. Civil:
2. Criminal: 100%

- d) State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel or associate counsel:

In the last 5 years I have tried approximately 100 cases to verdict as sole counsel

- e) What percentage of these trials were:
1. Jury: between 10 % and 15 %
 2. Non-jury: between 85 % and 90 %

12. Summarize your experience in court prior to the last five years, indicating as to that period:

- a) Whether your appearances in court were more or less frequent:

During my years as an Assistant District Attorney I prosecuted more than 100 cases by Jury Trial and in excess of 500 by Non-Jury Trial.

- b) Any significant changes in the percentages stated in your answers to question 11(b), (c) and (e):

Prior to the last 5 years that I worked as a criminal defense attorney there may have been years where the numbers were higher or lower.

- c) Any significant changes in the number of cases per year in courts of record you tried to verdict or judgment (rather than settled), as sole counsel, chief counsel or associate counsel.

13. Describe five of the most significant litigated matters which you personally handled and give the citations thereto, if the cases were reported. Give a capsule summary of the substance of each case and a succinct statement of what you believe to be the particular significance of the case. Identify the party or parties whom you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case a) the dates of the trial periods; b) the name of the court and the judge before whom the case was tried; and c) the individual name, address and telephone numbers of co-counsel for each of the other parties;

1. Commonwealth of Pennsylvania v. Timothy Mckee Docket CR-0003807-2000
Defense Counsel Robert Mielnicki (412) 288-0300 before J. Raymond Novak

This was DUI Case in which I was the Prosecutor. It is not notable for the facts of the case which were sparse. The defendant refused chemical testing and the evidence of intoxication was relatively weak. After a Jury Trial, the defendant was found guilty. I

considered this a big win for such a difficult case. As I left the courtroom, I was approached by one of the jurors who wanted to compliment me on the job that I had done. As he was walking away he casually mentioned that he had visited the scene of the DUI Stop during an overnight break in the case. Upon returning to my office, I mentioned this to a senior prosecutor who told me to not mention it to Judge Novak as it “was nothing”. Despite that admonition, I immediately returned to my desk and notified defense counsel and Judge Novak to inform them of what had happened.

After bringing the juror back in to be questioned on the record, Judge Novak overturned the verdict and the defendant subsequently pled guilty rather than face another trial (he received a substantially lower sentence than J. Novak would have normally given). I feel that this case is significant in that it evidences that even as a young prosecutor I was not willing to deprive someone of his rights despite the fact that I believed him to be guilty.

It should be noted that the UJS Portal lists ADA Beth Manifesto as the prosecutor on this case. That is only because she handled subsequent motions in the case. I am sure that if Attorney Mielnicki is contacted at the above number he will confirm that I was indeed, the prosecutor at trial.

2. Commonwealth v. MK (I have omitted the citation to protect the privacy of my client) Opposing Counsel Allegheny County District Attorney before J. D. Cashman

I feel that this case was significant in that it illustrates that it is possible to lose the battle but win the war. The defendant in this case was a 50 year old single mother of 2. She had 3 prior DUI convictions and was facing a mandatory minimum sentence of 1 to 2 years in the State Penitentiary.

The defendant, while driving on 376, left her lane of travel making contact with the tire of a tractor trailer. This caused her to lose control and her vehicle flipped over multiple times resulting in serious injury. Because of her injuries there were no field sobriety tests performed and she, allegedly, refused a blood draw while at the hospital. It is interesting to note that hospitals generally will test blood alcohol content as a matter of medical treatment where there is a vehicular accident and they are informed that alcohol may have played a factor – in this case the hospital failed to do so during treatment. The sole evidence of intoxication was the State Troopers testimony that he smelled alcohol, the defendant was “dazed” and that he asked her in the hospital if she would submit to chemical testing which she refused.

I took this case to trial because J. Cashman is known for sentences in the 2 to 5 year range for cases of this nature (accident and multiple prior offenses). The major hurdle that I faced was the “Refusal” jury instruction which generally states that if the jury believes that the defendant refused the test based upon “consciousness of guilt” they may convict on that alone if they choose.

The defendant testified that she had no memory of having refused the blood draw. During cross-examination of the State trooper I was able to elicit testimony that he entered an exam room prior to her having been seen by a doctor where she lay with open wounds and a concussion and asked if she would consent to blood draw. I introduced medical records to establish that the defendant was concussed and argued that she was cognitively incapable of refusing at the time of the request.

Over my objection, the “refusal” instruction was given to the jury. The jury reached a

contradictory verdict finding her Not Guilty of “driving under the influence of alcohol to the extent she could not drive safely”. However, the jury found her Guilty of “being involved in an accident where she was under the influence of alcohol to the extent she couldn’t drive safely”. I filed post-trial motions arguing that while the law requires inconsistent verdicts to stand it was error to give the “refusal” instruction to the jury. While J. Cashman denied my motions he then sentenced my client to 1 year of house arrest with work release. This is one of those cases where had I not gone to trial my client would have spent years in prison but by bringing out evidence of police wrongdoing I convinced the Judge to do what he normally would not have.

3. Commonwealth v. Howard Lawson Docket No. CR-0009081 of 2000
Defense Counsel Scott Coffey (412) 271-2705 before J. Durkin

This case is significant in that it is one of only a few insanity defense cases that I prosecuted. The defendant in this case was a violent inmate at State Correctional Institute Pittsburgh. Because of his violent tendencies, he had been locked in the Secure Housing Unit (SHU) for approximately 7 years prior to the incident in question.

He refused to come out of his cell and had to be “extracted” by guards. When they entered he attacked them injuring several. Consequently, he was charged with Aggravated Assault and Assault by a Prisoner. The defense raised was that he was incapable of understanding the nature of his crime and could not participate in his own defense because he had gone “insane” while locked in the SHU.

The defense introduced video of him smearing his own feces on the walls and acting psychotically. Further, a defense expert testified that he indeed meet the standard for an insanity defense. I was able to counter with the State Prison Psychiatrist who testified that he was anti-social and manipulative but, in fact, understood the consequences of his actions. Further Prison Guards testified that on a date subsequent to the offense when he was being extracted from his cell for the trial he stated “I will cooperate with you if you drop those charges against me”.

Generally, in cases like this where the defendant’s behavior is so extreme, the best the prosecution can hope for is a “Guilty but Mentally Ill” verdict (which has the same sentencing effect as a Guilty Verdict but requires addition treatment and resources). In this case, the defendant had to be extracted from his cell to attend court every day of the trial. During the trial he attempted to play up the insanity angle by talking into his shoe and creating other disturbances. Based upon that behavior I was able to convince the jury that he, was indeed, capable of understanding the criminality of his actions and they found him Guilty of all charges.

This case has stuck with me all of these years because of the outrageous behavior he displayed and because by convicting him I kept society safe for another decade. He had been within 1-2 years of release at the time of the incident and had told the prison psychiatrist that the first thing he was going to do when he got out was rape and kill someone.

4. Commonwealth v. X (I honestly do not remember the defendant’s name in this case but the facts stuck with me).
Defense Counsel Sumner Parker (Deceased) before J. R. Novak

The facts in this case were horrific. The defendant, who drove an ice cream truck for a

living, had molested a 10 year old boy in the public bathroom at a park. The victim was not a very believable witness who, in the 2 years subsequent to the attack, had major behavioral issues. He was defensive and belligerent on the stand despite dozens of hours of preparing him to testify. Unfortunately, at the time, the Commonwealth was not allowed to introduce evidence that the attack likely led to the victim's behavioral issues. (Under the *Frye* Standard) Thus, the defense was able to paint the victim as an unreliable and untruthful witness.

The first time that we tried the case the Jury hung with a count of 9 to 3 to acquit. During all of this time the defendant continued driving an ice cream truck giving him access to more potential victims. I re-tried the case and the second jury hung as well with a count of 8 to 4 to convict. I re-tried the case for a third time and the jury hung once again with a count of 10 to 2 to convict.

At that point I made it clear that I would keep re-trying the case ad infinitum if necessary and Judge Novak made it clear to the defendant that if he were convicted he was going to sentence him to the maximum. Based upon my decision to continue with the case no matter what, the defendant accepted a Guilty Plea which required him to register as a sexual offender thus narrowing his potential access to future victims.

5. Commonwealth v. X (This is another case where I remember the facts but not the defendant's name).

Defense Counsel Allegheny County Public Defender. Before J. Machen

This case was a relatively standard shooting Homicide. However, an eyewitness who feared for her life had recanted her identification of the defendant. Several years later, having moved out of state, she was willing to testify. This recantation made the case difficult to prosecute. However, because the Police had evidence that the defendant had threatened several eye witnesses I decided to proceed to trial.

My strongest piece of evidence was testimony from an individual to whom the murder weapon was registered. He was set to testify that 2 days prior to the shooting the defendant was at his home and the witness' son was showing him the murder weapon. He further stated that later that night he noticed that the weapon was missing. The defense filed a motion arguing that the prejudicial value of this testimony outweighed the probative value because the Commonwealth could not prove that the defendant was the only person who had access to the weapon. Despite case law to the contrary, J. Machen excluded the testimony, thus, decimating the case. Despite this I was able to convince the Jury that the witness who had previously recanted was credible resulting in a conviction.

14. If a substantial period of your practice has been before administrative boards, commissions or agencies during the past five years, identify the boards, commissions or agencies before which you have practiced and estimate percentages of practice time devoted thereto:

NA

15. If a substantial portion of your practice has been before Appellate courts during the

past five years, identify the Appellate Courts before which you have practiced and estimate percentages of practice time devoted thereto:

N/A

16.a) Have you ever held judicial office? If so, give dates and details, including the courts involved, whether elected or appointed, periods of services, and a description of the jurisdiction of each of such courts with any limitations upon the jurisdiction of each court:

No.

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

No.

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

No.

18. 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.

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

- 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.

Owner, The Law Offices of George Heym March 2006 to Present

- 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:

Yes

20. Have you ever been convicted of violating any federal law or regulation, state law or regulation, or county or municipal law, regulation or ordinance? If so, give details. Do not include summary traffic offenses:

No.

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

No.

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

No.

23. Have you ever been sued by a client? If so, give particulars:

No.

24. Have you ever been a party 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:

No.

25. 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, or other professional group? If so, give the particulars:

No.

26. 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.

27. 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.

28. Furnish one (1) example of a legal article, law review article, brief, or other legal writing which reflects your personal work. If a brief is submitted, indicate the degree to which it represents your personal work:

The attached writing sample represents 95% of my work as I had it edited for content and grammar by a colleague.

29. 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. List chairmanships of any committees in bar associations and professional societies and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, disciplinary committee, grievance committee).

The National Trial Lawyers Association
The American Institute of DUI/DWI Attorneys
The National College for DUI Defense

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

31. 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:

PennPirg

Penn Environment

United Jewish Federation

Shaare Torah Congregation

32. 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.

The University of Pittsburgh School of Law – cum laude
The national Trial Lawyers Top 100
The American Institute of DUI/DWI Attorneys Top 10
Avvo.com 10.0 ranking

33. State any other information which may reflect positively or adversely on you or which you believe should be disclosed in connection with consideration of you for an election to a Court of Pennsylvania.

34. Why do you wish to become a Justice or Judge? What special strengths do you feel you possess that would particularly well qualify you for the position of Justice or Judge?

I believe that I can make a lasting impact upon those who are caught up in the system. I have spent nearly every day in the courtroom, both as prosecutor and defense attorney, for the last 20 years and have a focus on criminal justice reform.

Further, I am personally aware of how it feels to be powerless and caught up in the legal system. I was orphaned at the age of 11 and dragged through a yearlong custody battle in Orphan's Court. The case also received extensive publicity on a national level making a difficult situation for an 11 year old even more stressful. Judge Zavarella was willing to think outside of what was considered the norm at the time, and that decision had a lifelong positive impact on my life. See *In Re Heym 19 Pa. D. & C. 3d 748 (1980)*. Thus, I personally understand how much impact a Judge can have on those who appear before him/her and hope to bring that knowledge with me to the bench.

Finally, I am known for having an even disposition – I do not get rattled or angry easily and I try to treat everyone with respect whether client, defendant or opposing counsel.

35. Did you sign the ACBA Judicial Campaign Advertising Guidelines Pledge? (Please return signed pledge with completed questionnaire.)

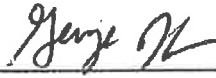
Yes

CERTIFICATION STATEMENT

The undersigned certifies that all of 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.

George A. Heym

Type or print name



Signature

2/21/19

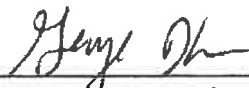
Date

ALLEGHENY COUNTY BAR ASSOCIATION

JUDICIAL CANDIDATE PLEDGE

I, George Heym, 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 of Minnesota v. White*, 536 U.S. (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.

Amended 11/18/2014



Signature of Candidate

2/21/19

Date