



**Candidate Questionnaire - County Judge
August 2022 Primary Election**

Your name: Pamela Barger
Your email address: info@pamelabarger.com
Your phone number: 239-326-8029
Your age: 45
Today's date: May 27, 2022

What forms of voluntary professional and community service have you been involved with in Collier County in the past? Currently?

I am currently a member of The Florida Bar, the Collier County Bar Association, the Collier County Women's Bar Association, the Michael R.N. McDonnell American Inns of Court (a professional organization that focuses on ethics and civility among lawyers) and the American Bar Association. I am a volunteer judge every year for the Collier County High School Mock Trial competition. Through these organizations I volunteer my time to help with various community projects, most recently at the Harry Chapin Food Bank packing food box kits for mobile distribution.

In the past I have been a part of the Volunteer Income Tax Assistance (VITA) program, Habitat for Humanity of Collier County and Collier Legal Support Professionals.

In addition, my husband and I are very active with our children's school and participate in community service/outreach programs through our church. We have packed backpacks for children for school, we have traveled to other parts of the state to volunteer our time to help new churches get started and grow in their communities, and we have delivered gifts and necessities to those that are homebound.

What has been your greatest accomplishment in your legal career?

My greatest accomplishment in my legal career stems from two very profound moments that affected me. The first occurred in the Summer of 2012, while I was serving as the interim General Magistrate at the request of the Collier Administrative Judge. I was presiding over a wage garnishment case with a defendant who could not afford an attorney and was representing himself. This defendant had no experience with legal system and was unsure of what he needed to argue. He managed to bring the right evidence and answer my questions. I was able to make a ruling that followed the law and granted this defendant's request for relief from the overwhelmingly burdensome garnishment of his wages. The relief on that defendant's face when I made the ruling will stay with me for a lifetime.

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This was the moment that I decided that I could do more from the bench and endeavored to hold a judicial seat.

My second greatest accomplishment involved a high-profile murder case that lingered on for over 9 years for various reasons. It is an accomplishment because of the perseverance it took to get that case to completion and the complexity of the legal issues involved. The case was rotated among several different Judges over the years and I was the only person to consistently stay with the case, the person the Judge could rely on for the history of the case and analysis of the varying legal issues that were presented. When the case was finally ready to proceed to sentencing, an issue arose that required a new Judge to take over the case with only a few days to prepare for the hearing. That particular Judge and I worked side by side late into the evenings to ensure that the Judge was ready to proceed. I sat in the courtroom through each day of testimony and evidence presented at the sentencing hearing. At the conclusion of the hearing, the Judge and I worked long days reviewing the testimony and horrific details of the crime in order to determine whether any aggravating or mitigating factors were present for the Judge to determine if a life imprisonment sentence would be imposed or a death sentence. The case involved the murders of six people including children. In order to assist the Judge, I had to review horrific, graphic evidence and testimony and then describe that same evidence in a written order. The evidence had to be reviewed and analyzed while applying the factors outlined in the Florida statutes. My work on that case over 9 years resulted in a 41-page sentencing order, where the Judge ultimately decided to impose a sentence of death on each of the six counts of First-Degree Murder. The gravity of that decision and the process which the Judge and I undertook has forever left its mark on not only me personally but also in shaping and sharpening my legal mind.

Which of the various types of matters that would come before you as a County Judge would present the least challenge for you? Why?

In July 2022, the County court is moving to divisions. There will be 3 criminal judges and 3 civil judges. According to the County Administrative Judge, this judicial seat will most likely be a civil division seat, hearing all county civil matters (with amounts in controversy up to \$50,000), evictions, small claims and ordinance infractions. For the last two years I have been serving as a General Magistrate in the Circuit Civil Division. (I was required to resign that position in order to run for County Judge). I have spent the last two years presiding over non-jury trials and conducting evidentiary hearings on civil matters exclusively. I heard motions to dismiss, motions for summary judgment, discovery motions, attorney fee matters, non-jury trials and evidentiary hearings. I have extensive experience in applying our Civil Rules of Procedure, Rules of Evidence, case law and statutes. The majority of the civil docket in recent years has dealt with cases resulting from Hurricane Irma, first party property claims against insurance companies. This is an area of law that is changing frequently with the sheer number of cases the Courts are hearing. Civil division

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matters would present the least challenge for me based upon my experience of having done it for several years as a General Magistrate.

Which of the various types of matters that would come before you as a County Judge would present the greatest challenge for you? Why?

As the new county judge will most likely be assigned to the civil division, I would find eviction cases to present the greatest challenge. Not because they are legally complex but they would present the greatest personal challenge to me. Following and applying the law in eviction actions often times requires the Court to force a family out of their home. In the current state of our county, I am fully aware of the shortage of affordable housing for many of our citizens. In addition, I know the harm an eviction judgment can present to those parties seeking to find new housing. I will uphold the law as written but it will be a personal challenge as I would have understanding of the plight of the parties in these cases.

Who are your judicial role models? Why?

I have had the unique experience of working in our court system for over 15 years, first as Senior Staff Attorney and then as a General Magistrate. Which means I have worked with over 20 different circuit court judges and over 15 different county court judges. I have seen good qualities and not so good qualities from those on the bench. I have modeled my judicial philosophy after the best qualities in each of those judges that I have worked closely with. For example, Judge Lauren Brodie has an exceptional attention to detail that is required for dealing with complex civil cases. Judge Christine Greider is phenomenal at requiring the parties to have a clean record during her proceedings so that on appellate review there are no questions or misunderstandings. Judges Joseph Foster and Janeice Martin have superb courtroom demeanors that are calm and respectful of the parties while continuing to command the respect of the people in their court. Judge Vince Murphy treated everyone in his courtroom with respect and listened so that the parties had full and fair hearings. One thing I have taken from many of the judges that I have worked with is the importance of following the laws and the constitution of Florida, even if that means taking time to think about and analyze the arguments before the decision is made. The most important qualities I have observed in the judges that I worked with are patience, wisdom and courage.

What are the pros and cons of serving as a judge as compared to practicing law?

As a litigator your job is to zealously advocate for your client and find the rules of law that support your point of view. A litigator approaches a legal issue from one side. A litigator does not have to make the rulings that affect the outcome of a case. As a judge you approach every matter before you from a neutral, unbiased position. A judge should listen to each argument and evaluate that argument against the plain reading of the laws and constitution of this state. A positive point of serving as a judge is that you can be impartial and just follow the law, you don't have a client to make

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happy and do not have to argue one side. However, a con of serving as a judge means that you must make the hard, difficult decisions (that often times affect people's lives) that comply with the law but may not be what is popular or what you would personally agree with.

Have you ever been disciplined by the bar association or any other authority on attorney or judicial conduct?

No, I have not been disciplined by the bar association or any authority on attorney or judicial conduct. I have never been disciplined by the State of Florida as my employer or in any other capacity and I have never been arrested or convicted of any crimes.

Why should voters support you rather than your opponent?

A judge is an instrument of justice. Justice depends not only on the constitution and laws of the state but on who is interpreting them and applying them. For the last 15 years that is exactly what I have been doing in the court system. My opponent will tell you that he is the only qualified candidate because he is a trial attorney and I am not. But there is nothing magical about being a trial attorney that makes you qualified for judicial office. Trial attorneys only argue from one perspective, they do not approach matters from an impartial, unbiased point of view. My unique experience of being a Senior Staff Attorney where I served as counsel to the Circuit and County Judges and my quasi-judicial role of a General Magistrate have prepared me to have a judicial mindset. I have spent my entire legal career approaching matters from an unbiased, impartial view point. I have advised Judges on legal issues, conducted research, sat with them from the start of a case through trial and post-conviction matters. I wrote orders that were legally sound and factually correct in order to withstand appellate review. I wrote appellate opinions for appeals from the County court. For the last several years I have served the public in the role of a General Magistrate. I understand the stakeholders in a courtroom, have conducted over 50 bench trials and hundreds of evidentiary and summary judgment hearings. I have a vast understanding of the law, rules of evidence and civil procedure and the insight to make judicial decisions. My experience has afforded me the rare opportunity to work side by side with the Judges of this County with behind-the-scenes access to watch how they analyze cases and learn what they look for and find important. I have earned their respect and trust with my sound advice, exceptional analysis and insight into legal issues. You will not find another candidate with the broad range of experience that I possess from criminal law (including death penalty cases), complex civil litigation, family matters, appellate court opinions probate and guardianship matters, civil commitment hearings (Baker and Marchman Acts) and county court matters. I am a person of integrity and the candidate with right experience to be our next County Court Judge.

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