

# **Liberty City Lesbian, Gay, Bisexual and Transgender Democratic Club**

## ***2009 Judicial Primary Election Questionnaire***

**Name:** Anne E. Lazarus  
**Office Sought:** Superior Court  
**Date:** 18 March 2009

**1) What is your experience with the LGBT community both generally and/or professionally?**

As a law professor, I have addressed the issue of how non-traditional couples can conduct estate planning and other planning to deal with the law, as it exists in Pennsylvania at the present time. The appropriate thought given to Advance Medical Directives, Living Wills, trusts and Powers of Attorney go a long way in enabling the court, should it be necessary, to effectuate the desire of any member of a non-traditional family. I have dealt with these types of cases and used the law appropriately to effectuate such directives.

In addition, two of the three law clerks that I have hired during my tenure on the bench are gay. This is not because I affirmatively sought them out, but because they were best qualified for the job for which they were hired. In other words, sexual orientation is not an issue for me when hiring staff.

**2) How have you advanced, through professional and personal achievements, the rights of the LGBT community, racial and ethnic minorities, and persons with disabilities?**

In addition to my advocacy for non-traditional couples in the classroom, I am proud to serve as the Chair of the State Conference of Trial Judge's Ethics Committee. As Chair of the Committee, issues of this kind are brought to me frequently. In my tenure as Chair, I have worked with the Supreme Court's committee on Gender and Racial Fairness to ensure that there exists a framework in the Judicial System that does not tolerate discrimination based upon gender, race or sexual preference.

**3) Do you support the rights of LGBT people to the following:**

**a. Marriage?**

I believe that there is a difference between religious marriage and civil “marriage.” Each religion is free to define religious marriage in any way that they choose. I believe that all are equal under the law, but I am bound to follow the law as it exists. Until such time as the law provides for civil “marriage” I cannot enforce it. That is why I lecture to non-traditional couples that they must create their own contracts, wills, powers of attorney, etc., which provide many of the safeguards that non-traditional couples need.

**b. Civil Unions?**

(see answer for a.)

**c. Domestic Partnership?**

(see answer for a.)

**d. Second-parent adoption?**

I have not sat in family court but my understanding of the law is that a judge is to consider the best interests of the child. Our Supreme Court has also created a non-discrimination policy for its judges. Taking both of those paradigms into account a judge by law, would have to look at what is in the child’s best interest and evaluate a parent on their own, individual merit. That is the standard that I would look to if I were on the Superior Court.

**e. Protection from workplace discrimination?**

It is my personal belief that all individuals are created equal and should be protected under the same laws, regardless of gender, race, ethnicity, religion, or sexual preference.

**f. Protection from housing discrimination?**

(See answer for e.)

**g. Protection from acts of violence based on their sexual orientation or gender identity?**

(See answer for e.)

**4) Do you consider transgender rights a civil rights issue? Explain your answer.**

Unfortunately, as a seated judge and a candidate for Superior Court, it is inappropriate for me to answer your questions. Adhering to the Canons of Judicial Conduct, specifically Canon 7 B (c), candidates in my position are specifically prohibited from making "pledges of conduct in office other than the faithful and impartial performance of the duties of the office, [making] statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court."

**4) How should a judge support public accommodations for transgender individuals appearing before them or otherwise within the criminal justice system?**

I believe that a judge in the criminal court must be sensitive to the needs of all in the system. Clearly, it would be inappropriate to have a transgender individual in a prison population to which the person does not belong. However, that regulation is very often out of the judge's hands and in the purview of the Department of Correction. Regulations need to be passed to address that issue.

**5) LGBT youth sometimes act out because of harassment at school or in the home due to their gender/sex identity. When ADAs prosecute cases against these members of our community, what will you do to prepare your staff to be sensitive to their issues? Additionally, LGBT youth who spend time in juvenile detention facilities face many dangers. What alternative sentences might you seek in their cases?**

Our Supreme Court has recently passed a gender/racial set of regulations that require that the judge as well as all under their control treat everyone fairly and without regard to race or sexual orientation. It is incumbent upon the judge to review this with his or her staff to make sure that it is not an issue in the courtroom.

**6) What has been the general nature of your practice and particular areas of concentration? Please describe any changes throughout the years?**

I have been a judge for over 18 years. I was a merit selection appointee of Governor Robert Casey in 1991, was elected in 1991, and was reelected in 2001. I currently serve on the Orphan's Court, but have presided over every type of case possible, including civil and criminal.

**7) Describe a few of the most significant cases you have litigated. Please give a summary of the substance of the cases, the citations if available, and why you believe they were significant.**

One of the most significant cases that would be relevant to your organization involves a gay couple, one of whom had Multiple Sclerosis and who had given his POA to his partner of 33 years. The man's family refused to turn over trust proceeds to his partner because they didn't approve of his relationship with his partner. I visited the couple at their home, and sanctioned the other side for filing a frivolous action in the Orphans' Court. The case was not reported because it got settled and the proceeds were, in fact turned over to the partner to be used for the care and maintenance of the person entitled to them.

I have also included the citations below for Pease Estate, which involved two cases before me. In each case, an attorney sought outrageous fees and was taking advantage of a non-profit organization. I not only found against the attorney but also reported the attorney to the Disciplinary Board of Pennsylvania for his conduct. I mention this case as a significant one because it stands for the proposition that judges are the keeper of our laws, and deal with equity all the time. I was able to right a wrong and I believe that is the true role of judges as part of our legal system.

Pease Trust (No. 1), 22 Fiduc. Rep. 2d 479 (O.C. Div. Phila. 2002)

Pease Trust (No. 2), 22 Fiduc. Rep. 2d 497 (O.C. Div. Phila. 2002)

**8) State briefly why you are seeking the Democratic nomination to be a judge in Philadelphia, and what qualities you believe you possess that would serve you especially well if you were elected to the Court.**

I am running for Superior Court because I believe everyone deserves equal access to justice through the courts. If elected, I will bring nearly two decades of experience to the bench, having served as a judge in both the Criminal and Civil divisions of the Common Pleas Bench and currently on the Orphans' Court. I have tried complex civil cases and all types of criminal cases, from misdemeanors to homicide trials.

Perhaps most importantly, at a time when too many have lost faith in our political and judicial systems, I have served as the Chair of the State Conference of Trial Judges' Ethics Committee for the last four years and was recently rated "highly recommended" by the Pennsylvania Bar Association.

**9) What are the most pressing needs of reform in our judicial system in your opinion?**

I believe that the two biggest concerns facing the courts are adequate funding and the loss of public confidence in our actions. The first is easy to remedy, the second more difficult.

A lack of adequate funding jeopardizes our ability to function as a co-equal branch of government. It is important that the courts have the number of judges and support staff necessary to handle cases expeditiously. I agree with William Gladstone that "Justice delayed is justice denied."

The loss of public confidence is a bigger, and more insidious, problem the courts face. If people do not see the courts as the final and a fair arbiter, the underpinnings of our system of government weaken.

I believe it is incumbent on the courts to take clear and consistent stands on key issues facing the commonwealth, follow precedent in order to make it easier for people to understand how the law functions, and take strong measures to enact the highest ethics standards.

**10) For what organizations have you done pro-bono work?**

Throughout my judicial career, I have advocated for pro bono service and have served as the chairperson of both the First Judicial District of Pennsylvania Judges' Pro Bono Committee. I am also a member of the board of the Philadelphia Volunteers for the Indigent Program, an organization committed to providing pro bono services to those unable to afford legal assistance. Over the years, I have also mentored law students and young lawyers, advocating pro bono service and encouraging peers to participate in pro bono programs.

In 2006, I was recognized by the Pennsylvania Bar Association as the first-ever recipient of the Judicial Pro Bono Award.

**11) Do you support a woman's right to choose?**

As a judge, I am bound to follow the law of the land, which to date is Roe v. Wade. I wish that every child who was born into this world was wanted. Personally, I have been endorsed by NOW and believe in the right of a woman to choose for herself whether she wants to have a child but, if the law is changed, I must follow the law. It is for the public and Legislature to create the law and for judges to enforce it. \_

**12) Have you ever been sanctioned for any alleged breach of ethics or professional conduct by any court, administrative agency, bar association, disciplinary committee, judicial conduct committee, or other professional group? If so, please explain the nature of the sanction.**

I have not. On the contrary, I have served as Chair of the State Conference of Trial Judges' Ethics Committee for the last four years. I am proud to say that no individual that has sought the advice of the Committee, and followed that advice, has been disciplined in those four years.

**13) Have you been recommended by the Philadelphia Bar Association?**

As a statewide candidate, I am not evaluated by the Philadelphia Bar Association. However, I am extremely proud to be the only Democratic Superior Court candidate to have received the rating of "Highly Recommended" by the Pennsylvania Bar Association.

