

LIBERTY CITY LESBIAN, GAY, BISEXUAL AND TRANSGENDER DEMOCRATIC CLUB

2009 JUDICIAL PRIMARY ELECTION QUESTIONNAIRE

Name: Christine Adair

Office Sought: Philadelphia Court of Common Pleas; Philadelphia Municipal Court

Date: April 1, 2009

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

I have close family members, friends and colleagues that are members of the LGBT community. I have witnessed the effects of discrimination and I have always been fiercely supportive of a legal system that insures equal treatment for every individual. I represented members of the LGBT community as a criminal defense attorney and was always sensitive to the inherent safety issues that a LGBT individual faces in the criminal justice system. I now sit as a Dependent Court Master in Family Court and hear all the adoption cases listed in Philadelphia. I often have same-sex partners in my courtroom as adoptive parents. My main interest is finding persons willing to love and care for a child, and I actively encourage all in the LGBT community to consider adopting a child.

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

As a woman who started practicing criminal defense in the 70's, I know personally what it is like to be unwelcome and discriminated against in the courtroom. I actively support minorities and LGBT attorneys. As a defender, I trained them how to excel in a hostile environment. Some of the people I trained have become judges; others are experts in the field of trial advocacy. Those that are ethically permitted to do so have universally offered to help me in this election.

Over the years I have given money and time to AIDS service organizations. I raised substantial funds for Philly PAWS and St. Mary's Family Respite Center by hosting annual fund raisers. I attend the University of Pennsylvania Hospital Sickle Cell Center's annual fund raiser and generously support their efforts to find a cure. When my brother suffered a brain aneurism fifteen years ago, I took a leave of absence during his eight month hospitalization to advocate for his care. He is now in a wheel chair and has short term memory loss. My mother was blind. Although my mother and brother managed to handle their disabilities admirably, it required a constant battle to insure that they had an opportunity to enjoy the basic privileges enjoyed by most of us in this country.

3) Do you support the rights of LGBT people to the following: (see answer below)

- a. Marriage?
- b. Civil Unions?
- c. Domestic Partnership?
- d. Second-parent adoption?
- e. Protection from workplace discrimination?
- f. Protection from housing discrimination?
- g. Protection from acts of violence based on their sexual orientation or gender identity?

As a sitting Master in Dependency Court and a judicial candidate, I am operating under certain ethical constraints. There is currently some confusion as to what a judge or master may state in reference to specific issues, especially when the issue might arise in a case listed before the court. However, I am permitted to emphasize that I believe all persons should be treated equally under the law, and by reason thereof, all should be entitled to the same constitutional protections regardless of sexual or gender preference, race or ethnicity.

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

Yes. I believe the persons who drafted our constitution intended it to be a living, changing document. The basic premise is that all people are created equal and should have the same rights, privileges and duties under our constitution. Until the document is recognized as offering its protections to all persons, some individuals, including the LGBT community, are being denied proper constitutional protections. Any discrimination based solely on an individual's sexual orientation, gender, race or ethnicity, is a violation of that individual's constitutional civil rights.

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

A court of law must guarantee that any individual may enter without fear of oppression or discrimination. A judge sets the tone for the courtroom. Accordingly, the judge must not tolerate any discriminatory acts. It is also a duty of the court to insure a safe environment for all who come before it. As a judge, I would advocate for a safe alternative to our current penal system for members of the LGBT community. Failure to provide a safe environment requires a court to look to alternative sentencing solutions.

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?

When I first became a master in family court, I sat for a few months in truancy court. I became aware that students with LGBT issues were often sent out of state to schools designed to offer education and provide a safe haven. We need to adapt our educational system to accommodate the needs of all of our students.

I occasionally am assigned to the Youth Study Center, a juvenile detention facility. As a master in that courtroom, I determine whether a child who has been arrested is to be held or released into the community with certain restrictions. Gender and sexual identity issues must be considered for safety reasons. In one case, it became apparent that the District Attorney was not offering a diversionary program to a gay teenager based on his sexual orientation. I spoke with the District Attorney's supervisor and was given an explanation that demonstrated impermissible bias. I then reported the matter directly to the head of the District Attorney's Juvenile Unit and to Judge Dougherty, the Administrative Judge of Family Court.

Although efforts are being made by Judge Dougherty and others in Family Court to address the needs of the LGBT community, it remains clear that there is much to be done to develop programs designed to accommodate the special needs of LGBT youth. Perhaps if courts, on a case by case basis, were to order DHS to provide a safe, yet secure residence for each member of the LGBT community that could not safely be sent to one of our existing institutions, it might lead to the creation of a specific placement that would meet the needs of LGBT youth. It is worth a try.

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

I entered law school with the intent of becoming a criminal trial attorney. I interned with the Defender Association and knew I had found a home. For one thing, I was so poor in law school that I was wearing Dr. Scholl's with socks in winter and they bought me shoes. They offered me hands-on experience and a sense of community that cannot be rivaled. Their sense of commitment to offer nothing less than the best defense possible to all individuals became my life's goal.

Ten years later I left the defenders to start my own practice and I continued to hone and perfect my skills. I was immediately approved to be lead counsel in capital homicide cases and was selected to represent indigent individuals in federal court as well. I tried between thirty and forty capital homicides. I never lost a woman defendant's case. Two of my clients were convicted of first degree murder and one of them received the death penalty. The Pennsylvania Supreme Court immediately reduced the sentence to life imprisonment based on judicial error. I handled federal jury trials, some civil cases and some administrative cases, but I basically lived in criminal court rooms.

After twelve years of private practice, I started to lose my passion for criminal defense and felt it was time to stop. I was hired by Judge Matthew Carrafiello in the Court of Common Pleas to be his senior law clerk, and then clerked for Administrative Judge Myrna Field in Family Court. It was in that position that I began to sit as a master in adoption court. When Judge Field became a senior judge, she left Family Court. I was eventually rehired by Judge Dougherty to be a Truancy Master. After two months I was allowed to return to AARC, a court designed to achieve permanency for children through adoptions. I started giving books to children being adopted. The kids got so excited with their books, that I bought bookcases for some of the waiting rooms in dependent court and invited children to take a book home. The books fly out of this building, and I now look to the Inquirer book review department, publishers and friends to help me keep the bookcases stocked. I will take help from anyone who offers.

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.

My work as a master in Family Court involves reviewing dependent cases and presiding in a court designed to speed children's cases toward permanency through adoption. Due to the private nature of these proceedings, I will limit my discussion to some of the cases I tried as a criminal defense attorney that I consider important.

When I started my career as a public defender in the 70's it was made clear to me by judges, other counsel, and clients that women were not wanted in the courtroom. The Chancellor of the Philadelphia Bar Association was quoted in Philadelphia Magazine as stating that women did not belong in a criminal courtroom. I decided to prove them wrong.

Fifteen years later I had established my reputation as one of the better criminal trial lawyers in Philadelphia. I took an appointment to represent a woman charged with first degree murder. My client was accused of shooting her unarmed, much smaller boyfriend after he had discarded her. The presiding judge was the Honorable Justice Juanita Kidd Stout, who had served as the first female African-American Justice on the Pennsylvania Supreme Court. The District Attorney was Carol Sweeney, a member of the elite Homicide Unit of the DA's office. The jury trial lasted a week. After the jury returned a verdict of not guilty, Justice Stout thanked them for their service and then remarked, "See how smoothly everything goes when only women are involved." Clearly times had changed. I like to think I helped make the courtroom a less hostile place for women and other minorities. (Citation omitted as record was expunged)

Another significant case was Commonwealth v. El (CP# 91-05-0992). Mr. El was one of twenty defendants charged with four separate homicides, RICO, drug trafficking and possession of over fifty weapons. My client was alleged to be the shooter in one of the homicides. Sixteen defendants pled guilty pursuant to plea bargains which resulted in minimum sentences of forty to fifty years. Many testified at trial against the four remaining defendants, including Mr. El.

This case required months of preparation, including visiting the scenes and reviewing boxes of police reports and other discovery. I worked closely with my investigator to thoroughly review every detail of the case. The trial was prosecuted by two senior DA's and lasted seven weeks before the Honorable Joseph O'Keefe sitting with a jury. The other defendants were convicted of

first degree murder. My client was the only defendant found not guilty. The case is significant because of the degree of difficulty and the pressure of a long trial having potentially grave consequences.

I took this case as a court appointment. My belief that indigent persons are entitled to equal representation meant that I spent more time and money on my client's defense than allowed by the court system. Unfortunately, in our court system that is often the case. Accordingly, very few competent attorneys are willing to take homicide cases as court appointments. I will mention one other homicide trial that had a great impact on me personally; Commonwealth v. Wallace (CP# 95-02-1055). It was a capital case tried before the Hon. C. Darnell Jones, Jr. sitting with a jury. The verdict was not guilty and the defendant was released. Six weeks later, he was shot to death and I was devastated.

On the appellate level, I was occasionally appointed to represent persons in post conviction actions, which challenge the validity of an individual's conviction based on violations of his or her constitutional rights. In Commonwealth v. Glover, 422 Pa. Super. 543; 619 A.2d 1357 (1993), the Superior Court reversed a lower court decision and granted my client a new trial in a homicide case based on ineffective assistance of his trial counsel.

I won a new trial for a client on the same issue in Commonwealth v. Tippens, 409 Pa. Super. 536; 598 A.2d 553 (1991). This was a direct appeal of a matter where the lower court had denied post verdict motions requesting a new trial. A split panel (2-1) of the Superior Court reversed the lower court decision and granted a new trial. The District Attorney's Office requested re-argument before the court *en banc*, that is, before nine judges of the Superior Court. The Superior Court agreed to hear the case *en banc*, and ordered us to appear for argument at a Jesuit College in Latrobe, Pennsylvania in order to provide an educational experience for the student body. I had never had to face nine judges in front of a packed auditorium before. The panel of Superior Court judges did unanimously order a new trial in the case. But I think I was more pleased by a favorable review of my argument in the local paper which described me as a "statuesque blond."

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.

When I told a senior judge I was entering the race for a judgeship, he commented that he thought I would make an excellent judge as I had, "seen it all..." I have lived in federal and local courtrooms for over thirty years. The first hand knowledge and experience I have gained from trying literally thousands of cases will be invaluable in reaching sound decisions. Some say I am honest to a fault. I will bring intelligence, experience, integrity, and compassion to the bench. I work hard and expect those who appear in my courtroom to do the same. I have fought my entire life to make sure everyone is treated fairly who has cause to enter a courtroom.

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

Throughout this questionnaire, I have selected cases and drafted answers that illustrate that we must improve the quality of representation for indigent defendants in our criminal court system. It is morally right and in the long run, it is more cost effective to provide quality representation from the onset of a case. If someone is effective in their representation of a client, there are fewer appeals and fewer new trials ordered.

I think that judicial guidelines should be established which would require judges to take the bench in a timely fashion and effectively manage their caseloads. It is unreasonable to expect citizens to respect a system where they are not treated with respect.

I believe that judges should try to effectuate change in the sentencing process. Federal and state courts are too often faced with mandatory sentences that do not reflect an appropriate sentence for the crime. There are also state and federal prosecutions for the same offences. This dual system of criminal justice wastes resources that are desperately needed to provide alternative programs for the LGBT community and other groups whose needs are not being met by the current system.

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

My entire career has consisted of pro bono work, one individual at a time. I did take cases for the Philadelphia Bar Association's VIP program when I clerked for Judge Carrafiello.

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

A woman's right to privacy was recognized by the United States Supreme Court in Roe v. Wade. I would uphold that constitutional right

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.

No.

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

Yes.

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