

**LIBERTY CITY LESBIAN, GAY, BISEXUAL AND TRANSGENDER DEMOCRATIC CLUB**

***2009 JUDICIAL PRIMARY ELECTION QUESTIONNAIRE***

Name: DIANE THOMPSON **Office** Sought JUDGE, COURT OF COMMON PLEAS Date 03/31/09

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

I have been an active member of Old First Reformed Church, United Church of Christ, and was an active participant and voice in our church's adopting an open and affirming policy statement more than ten years ago in response to the needs of our members who are part of the LGBT community. I participated in and helped facilitate the year-long educational process in which church members listened to the stories of our LGBT members. I have volunteered for Equality Forum's phone banks and have participated in the Equality Forum. I participated in a panel discussion sponsored by the Southeastern Pennsylvania UCC's Conference's Day of Dialogue on marriage, and spoke on the legal issues regarding marriage between LGBT individuals. I have contributed to the Mazzoni Center.

Professionally, I have represented many individuals who are members of the LGBT community in Family Court and in Criminal Court. I have drafted wills and powers of attorney, have counseled individuals on legal issues. I share office space with LGBT individuals.

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

I believe that I have acted as a positive role model to my children and to other youth by consistently adopting an open attitude and value system to everyone I meet. Whatever I have personally or professionally accomplished was only as a result of working with other like-minded individuals. For example, I participated in a year-long study, including hosting a workshop in my home, as part of our church's process of becoming an open and affirming church.

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

- a. Marriage? Yes
- b. Civil Unions? Yes
- c. Domestic Partnership? Yes
- d. Second-parent adoption? Yes
- e. Protection from workplace discrimination? Yes

- f. Protection from housing discrimination? Yes
- g. Protection from acts of violence based on their sexual orientation or gender identity? Yes

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

Yes, absolutely. I believe that government, employers, and individuals, consciously or not, violate the U.S. Constitution's equal protection clause of the 14<sup>th</sup> Amendment regarding issues involving transgender persons. Transitioning, sexual identity, and issues affecting the wider LGBT community must be recognized under our constitution and as a basis for "human equality." One particular issue for transgender individuals is in the marriage forum, where many courts refuse to recognize the legality of a marriage after one of the spouses has transitioned.

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

I believe it is important to recognize and acknowledge whatever sexual identity one chooses without question. It should not matter which public rest room one uses if one is in the process of transitioning or has already completed this process. However, I would encourage the inclusion of unisex or family bathrooms in all public buildings, including the courthouses. Since the Supreme Court of Pennsylvania has approved the construction of a new unified Family Court building, I believe it is important to include unisex or family facilities in this new building.

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?

I would prepare my staff by requiring that they attending workshops or training sessions that address specifically issues regarding LGBT youth, such as the workshop programs designed by the National Education Association on school safety, bias and LGBT issues. I would also work with the District Attorney's office to educate the ADAs who prosecute the cases involving LGBT persons. I would ask my staff members to communicate with me immediately any of their concerns before any issues became exacerbated. Regarding detentions in juvenile facilities, which tend to be less than appropriate for all juveniles, not just LGBT youth, I would recommend that prior to and post-sentencing alternatives be considered, such as the house arrest program that is available to adult offenders. I would recommend as part of a sentence that the offender attend an educational program that would be appropriate for the offense committed, such as a program on non-violence for crimes involving assaults.

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

My practice concentrates on representing clients with family problems, specifically with custody, divorce, support, and protection from abuse issues. Since September 1991, I have accepted court appointments to represent indigent defendants in Municipal Court criminal cases and have also represented private clients in criminal cases. I have probably represented at least 1000 individuals over the past 18 years. I draft basic estate planning documents, specifically wills and durable powers of attorney documents for clients. The only change throughout the years is that I have become increasingly busy with the volume of litigation in family disputes.

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.

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This case will always be not only one of my most memorable legal experiences, but it is also one of my most memorable life experiences. Approximately 11 years ago, a friend who is a law clerk for a federal judge asked me to represent Barbara Thomas, maternal grandmother of four children, ages 4 - 11, whose mother had been stabbed to death by the children's father in Philadelphia. The children had been placed with their maternal grandfather after an emergency custody hearing. Ms. Thomas had moved from Philadelphia and was residing in Colorado and needed a *pro bono* attorney. Ms. Thomas sought custody of the children. The children's paternal grandmother, Janet Ruffin, also sought custody of the children. I was able to secure the services of the Support Center for Child Advocates, who obtained the *pro bono* services of attorney John Branigan. The Support Center also provided us with assistance by social workers who interviewed the children and grandparents. Although this litigation had become contentious, through the help of Mr. Branigan and the social workers, and counsel for the paternal grandmother, we were able to craft a settlement agreement for the children to live with my client. Ms. Thomas continues to keep in touch with me and periodically sends photographs of the children, who have been thriving with their grandmother and step-grandfather. One summer when they visited Philadelphia, they traveled to the Jersey shore to spend several days of vacation with my family. This family touches my heart and I truly believe that all the persons involved, including the grandparents, saved the lives of these four children. This case is significant to me, not because I was successful in helping Ms. Thomas gain permanent custody of the children, but because it taught me that each one of us has the power and ability to make a difference in someone's life. What better gift to receive than to know that I helped make a child's life better.

COMMONWEALTH V. \_\_\_\_\_

(I must protect the identity of this client, therefore I am unable to give the citation.)

In this criminal case, I represented the defendant, an openly gay man who had been accused by his former partner of committing a crime against him, and who filed a private criminal complaint against my client. This matter could not be resolved through the mediation process and went to trial in Municipal Court. The case was dismissed by the presiding judge. However, the issues were not resolved by the dismissal. The complaining witness was also trying to keep the parties' child away from my client and his new partner. I was able to work with my client's family lawyer to secure his custodial rights. This case is significant to me because it is one of the first cases in which I represented a member of the LGBT community and my representation with my client enlightened me as to many of the issues facing LGBT families.

R.W.E. v. A.B.K. AND M.K., 35 EDA 2007.

In this custody and paternity case, I represented the legal father of a young boy. My client was involved in a long-term relationship with the mother. When the mother found out she was pregnant she had advised my client that there was a 50-50 chance that the child was conceived by another man. Regardless, they agreed between them that they would raise this child as theirs and not seek genetic testing. My client signed the acknowledgment of paternity at the child's birth pursuant to 23 Pa. C.S.A. §5103. He and the mother lived together for a year after the child's birth as he held himself out as the child's father. When the child was thirteen months old, the parties broke up and my client moved out of mother's home. He filed a complaint for custody in December 2005, and after many hearings before a judge in Family Court, it was established through genetic testing that he was not the biological father. Mother then notified the biological father, who filed his own petition for custody. After months of litigation, the trial judge ruled that mother's and my client's actions were fraudulent in mother's not informing the biological father when the child was born. The court also established that my client has "standing" to have partial custody of the child, as a third party. My client appealed to Superior Court, which eventually ruled in my client's favor and reversed the trial court. Opposing counsel for biological father (M.K.) filed for Reargument En Banc, before a panel of 9 Superior Court judges. After re-argument, the en banc panel reversed its earlier decision and determined that the mother had committed fraud by omission. I believe that this is a bad decision which has a dangerous precedent. Because my client no longer had any funds to pursue an appeal to the Supreme Court, this case decision remains as law in Pennsylvania. Basically, this affects every pregnant woman who does not inform the **correct** biological father that she is pregnant with his child. This case is significant to me because it is an example of how the appellate judiciary can legislate from the bench, sometimes with dire and dangerous consequences.

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 seeking the Democratic nomination for Judge in the Court of Common Pleas of Philadelphia County primarily because I believe that the position of Judge will give me additional opportunities to make a positive difference in people's lives. I love this city and its people and I am deeply concerned about the rights of all persons to equal justice. Since I entered law school I felt called to seek a position on the bench. In my practice I have helped many clients who would otherwise not have legal representation by performing *pro bono* work or charging a sliding scale fee and by accepting payments over a long term. As a judge, I know I would be able to help many more people. I am committed to public service. Prior to my current career, I taught public school in Philadelphia and in the suburbs. My husband and I moved from suburban Philadelphia to the Olney neighborhood of Philadelphia so that we could raise our children in a diverse community. Our children attended public schools in Philadelphia and graduated from colleges in Philadelphia. I believe that I possess the qualities of compassion and tolerance which are necessary to administer justice. I possess excellent listening skills and I have a strong command of the law.

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

I believe that there is consensus that equal access to courts is one of today's most pressing problems. Many of the problems in Philadelphia courts stem from the tremendous volume of litigants. In Family Court approximately 90% are unrepresented by legal counsel. One of the primary challenges is moving these extremely crucial cases forward and to alleviate the crowded dockets. This is not to say that every litigant should not have his or her "day in court." I believe it would be beneficial for Family Court to examine other methods for pre-screening time-sensitive cases, such as custody cases, so that these cases can be listed as soon as practicable. In addition, I suggest that the Court create a "waiting pool" of ready cases that could be scheduled within 48 hours so that if time slots open up, the case could be listed on a "short list" for a hearing before a judge.

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

OLD FIRST REFORMED CHURCH, UNITED CHURCH OF CHRIST (an open and affirming congregation); 61<sup>ST</sup> WARD DEMOCRATIC COMMITTEE; PHILADELPHIA DEMOCRATIC CITY COMMITTEE; SUPPORT CENTER FOR CHILD ADVOCATES; FIRST JUDICIAL DISTRICT (Appointed as a Discovery Master by Judge Eugene Maier); GOOD SHEPHERD NEIGHBORHOOD MEDIATION PROJECT; PHILADELPHIA VIP PROGRAM.

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

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

Please return by Friday April 3rd via e-mail to [matt@libertycity.org](mailto:matt@libertycity.org)

Or via mail to:

Liberty City Lesbian and Gay Democratic Club

C/o Matthew Woodcock

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