

LIBERTY CITY LESBIAN, GAY, BISEXUAL AND TRANSGENDER DEMOCRATICE CLUB

Name: Donna Woelpper

Office Sought: Court of Common Pleas

Date: April 3, 2009

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

Although not active, I have been a member of Liberty City for several years. I am interested in knowing about the issues affecting the LGBT community. While spending the summers in Asbury Park, NJ, I have developed friendships with members of the LGBT community. Speaking with my friends, I have learned first hand the effects of the disparate treatment the LGBT community faces.

Professionally, I defended an LGBT client as a result of an arrest for aggravated assault. As a Juvenile Court Master, occasionally LGBTQ youths appear before me on issues relating to truancy, dependency and delinquency matters.

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 the past, I have done pro bono work for the Legal Clinic for the Disabled, the Senior Law Center (formerly JUDICARE), the Homeless Advocacy Project and the Support Center for Child Advocates. I was a workgroup member of the American Bar Association's Center on Children and the Law, Philadelphia Permanency Barriers Project.

Currently, I am a mentor with PHILADELPHIA FUTURES, an organization whose mission is to prepare students from low-income families to enter and succeed in college by providing mentoring, academic achievement, college guidance and financial incentives. PHILADELPHIA FUTURES seeks to increase the percentage of Philadelphia graduates prepared for higher education, while simultaneously reducing the institutional barriers to their academic success. My mentee is currently a senior at William Penn High School. She will be attending Bloomsburg University in the fall of 2009.

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**

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

Yes. Understanding that transgender individuals may be lesbian, gay, bisexual or heterosexual, transgender individuals are often faced with discrimination based on their gender identity and expression. Although Pennsylvania law currently provides for protection against discrimination based on race, color, religion, ancestry, age, national origin, handicap or disability, education and the use of a guide dog, it does not provide protection against discrimination based upon sexual orientation, gender identity or expression.

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

Realizing that an individual's gender identity may require special accommodations, I would seek out the advice of those who are knowledgeable and familiar with the issues. Once I have this information, I will instruct court personnel on how to implement the accommodations.

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 will ensure that my staff is properly trained, educated and culturally competent when dealing with members of the LGBT community.

I will look for placements that offer services to help address the needs of LGBTQ youth. Recently, the Pines, a residential treatment center located in Portsmouth, VA, opened an LGBT Unit. Recognizing some of the issues specific to this population, (one-third of all teenage suicides are related to issues of sexuality, LGBT adults present with higher incident rates of drug and alcohol addiction, increased incidents of violence in the home and in school related to issues of sexual orientation, and an increase in incidents of homelessness, 1.6 million of homeless youth) the program is designed to offer youth who identify themselves as lesbian, gay, bisexual or transgendered (LGBT) the tools

necessary to overcome negative self-image and externalized homophobia while addressing underlying emotional, mental and behavioral health issues. LGBTQ youth receive understanding, support and encouragement from others facing similar issues. They also gain different perspectives, ideas and viewpoints on these issues.

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

The focus of my legal practice has been in Philadelphia Family Court. I have served as a law clerk to Court of Common Pleas judges in the Family Court Division for 16 years. In June 1995, I was promoted to Law Clerk II by the Administrative Judge.

During this time, I was also a sole practitioner specializing in domestic relations and criminal law. I worked as a litigation associate under the tutelage of Timothy J. Savage, Esquire from 1992 until March 2002 when he was appointed to the United States District Court for the Eastern District of Pennsylvania. In 1999, I was approved by the Screening Committee for Court Appointed Counsel for the Philadelphia Bar Association to receive court appointments for felony, misdemeanor, major felony-juvenile and non-major felony-juvenile. I have tried cases to completion before both bench and jury.

In May 2006, I was appointed by the Administrative Judge of Family Court as a Custody and Support Master. In this quasi-judicial role, I heard testimony, ruled on objections and admissibility of evidence and listened to argument by counsel. At the conclusion of the record hearing, I prepared findings of fact and proposed orders for submission to the court.

In January 2008, I was appointed by the Administrative Judge of Family Court to serve as a Juvenile Court Master. As a Juvenile Court Master, I hear dependent, delinquent and truant cases. I preside over shelter care hearings, adjudicatory hearings, permanency hearings, detention hearings, pre-trial hearings, review hearings and truancy hearings. I also conduct case management conferences and pre-trial conferences in cases where termination of parental rights hearing are scheduled.

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.

The following cases are illustrative of my experience in representing diverse clients in different fields of law:

1) **Commonwealth v. Drew Mellbourne**
CP# 9510-0679

Drew Mellbourne was a 17-year-old juvenile who was charged with murder. A motion for decertification to juvenile court was filed on behalf of the defendant. To prepare for the decertification hearing, Dr. Robert Sadoff was hired to evaluate the

defendant. Co-counsel and I met with Dr. Sadoff to review the defendant's evaluation and prepare the doctor for the decertification hearing. The court ultimately denied our motion and required that the defendant be tried as an adult.

The defendant waived his right to a jury trial. In preparing for the waiver trial before the Honorable Lisa Richette, we went to the Medical Examiner's Office to interview the coroner who performed the autopsy on the victim and we visited the scene of the crime. Hours were spent preparing the defendant and his witnesses who testified at his trial. The defendant was found guilty of involuntary manslaughter and possessing an instrument of crime, misdemeanors.

The amount of preparation and work involved in preparing and defending a murder case was significant. Although the defendant was not decertified to juvenile court, much time and preparation went into the hearing. During the trial, the defense was determined and successful at not allowing the case to turn into a racial dispute. We were also successful in convincing Judge Richette to sentence the defendant to county time so that she would not lose jurisdiction over this case.

2. **Michelle Fullington v. Richard Cepokas**
Civil Action - Custody
DR #99-15351

After moving to Florida to establish a stable household and once her son reached school age, my client, Michelle Fullington sought primary physical custody of her five-year-old son, Richard. The child's father Richard Cepokas lived in Philadelphia and had primary physical custody of the child. At the conclusion of the protracted hearing on December 12, 2001, the court granted Ms. Fullington primary physical custody of Richard and partial custody to Mr. Cepokas, ordering the child to live with Ms. Fullington in Florida during the school year and spend eight weeks during the summer with his father.

Although Ms. Fullington was a good mother, I knew it would be difficult to convince the court that the child's best interest would be served by permitting the child to relocate to Florida to live with his mother. Ms. Fullington voluntarily moved to Florida, leaving her son in the father's custody. Prior to Ms. Fullington moving to Florida, the parties lived together in Philadelphia. Both maternal and paternal relatives lived in Philadelphia.

3. **Commonwealth v. Michael Richard**
CP# 0202-0411 1/1

I was court appointed to represent Michael Richard who was charged with raping his ex-girlfriend. Prior to trial, the Commonwealth filed a motion for the admission of prior bad acts. I argued the Commonwealth's motion must be denied because the probative value of the evidence the Commonwealth sought to introduce, namely the

alleged abuse that occurred during the couple's four year relationship, did not outweigh its potential prejudice. After hearing argument, the court granted the commonwealth's motion.

After a jury trial, the defendant was found guilty of rape, involuntary deviate sexual intercourse and aggravated indecent assault. The court sentenced him to 72 to 144 months of incarceration. I filed a motion for reconsideration/reduction of sentence and a motion for extraordinary relief. The court denied both motions.

To me the significance of this case was two fold (1) it was my first jury trial as sole counsel and (2) it challenged my ability to deal with an uncooperative client. Although the outcome was not as I hoped, I worked vigorously despite my client. When a client refuses to cooperate, it challenges the attorney to invest the same time and effort as she would in any case. As the defendant's attorney, it was my duty to represent him zealously, which I did.

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 have been a Democrat since I was old enough to vote and have followed democratic principles. I have been a life-long resident of the city of Philadelphia. The focus of my legal career has been in public service. Over the past 18 years, I have been an active participant in the judicial system on both sides of the bench. As an attorney, I have tried jury and non-jury cases in both the Municipal and the Common Pleas Courts. While sitting as a Custody and Support Master and a Juvenile Court Master, I have worked in a quasi-judicial role, presiding over custody cases, delinquent cases, dependent cases and truancy cases.

For 16 years, I was a Court of Common Pleas law clerk to Family Court judges. As a law clerk, I had the opportunity to observe the decision-making process and the interaction of litigants. In this position I learned that a judge needs to be impartial, industrious, patient, dignified and remain open to persuasion.

As a Custody and Support Master, I was assigned cases on a daily basis and responsible for preparing findings of fact and proposed custody orders in a timely manner. When conducting record hearings, I ruled on objections and admission of evidence. I listened to all sides, affording everyone an opportunity to be heard. When one party was represented by counsel and the other was pro se, I was mindful of protecting the rights of all litigants and did not permit overreaching on the part of counsel. Everyone who appeared before me was treated with civility, courtesy and respect.

AS a Juvenile Court Master handling dependency cases, I preside over review hearings, permanency hearings and detention hearings. I conduct adjudicatory hearings and permanent legal custody hearing s with the consent of the parties. I work with city solicitors, public defenders, private attorneys, Department of Human Services

representatives, social workers, agency workers, juveniles and their families and court staff.

As a Juvenile Court Master handling delinquent cases, I conduct detention hearings, pretrial hearings, review hearings, and bench warrant hearings. I accept negotiated admissions (guilty pleas) to delinquent acts. I work with district attorneys, public defenders, defense attorneys, juvenile probation officers, agency workers, juveniles and their families as well as the courtroom staff.

I am eager to make a career change within the profession I love and enjoy. I believe I am ready to take on new challenges and contribute to the bench. My sound judgment and integrity have earned me the respect of lawyers and members of the bench. I have shown that I have judicial temperament and that I work well with people. I am able to maintain decorum in the courtroom. Although I will always remain open to persuasion, there would be consistency in the decisions I render.

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

Indigent criminal defendants are not receiving adequate and meaningful representation in compliance with their rights under federal and state law. Pursuant to the United States Supreme Court landmark decision in Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L.Ed 2d 799 (1963), people accused of crimes who cannot afford to hire their own attorney must be provided an attorney by the state. “Reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.” Gideon, Supra.

Under the Constitution of Pennsylvania, an accused in a criminal prosecution is guaranteed the “right to be heard by himself and his counsel.” This constitutional provision has been interpreted to provide an independent state constitutional right to counsel for indigent defendants. In an area where bias is systemic, Pennsylvania is not meeting its constitutional, ethical and professional obligation to provide fair and equal treatment to poor people.

Pennsylvania is one in only three states, along with South Dakota and Utah, that do not provide state funds to ensure adequate defense services for indigent criminal defendants leaving the system vulnerable to political interference, chronic underfunding and unsustainable case loads. Minorities are affected the most by the state’s funding failure because minority groups have more poverty issues and rely more on public defenders.

There must be a parity between defense counsel and the prosecution with respect to resources. The criminal justice system functions most effectively when both the Commonwealth and each individual defendant are competently represented.

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

Throughout my law career, I have volunteered as a pro bono attorney for the following diverse organizations: the Support Center for Child Advocates, the Homeless Advocacy Project, the Legal Clinic for the Disabled and the Senior Law Center (formerly JUDICARE).

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
Or via mail to:

Liberty City Lesbian and Gay Democratic Club
c/o Matthew Woodcock
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