

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

### *2009 JUDICIAL PRIMARY ELECTION QUESTIONNAIRE*

Name Joseph C. Waters, Jr. Office Sought: Judge Municipal Court Date: April 3, 2009

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

I live, work and socialize in center city Philadelphia and have a large circle of friends many of whom are gay. However, my wife and I do not believe that we have gay friends we have friends who are gay. I believe that the LBGT Community is an important part of the makeup of Philadelphia and makes a significant contribution to the quality of life for the city. My wife and I have strong social ties to the LBGT Community, evidenced by the fact that we had our wedding ceremony at the Inn Philadelphia on Camac Street and socialized regularly there when it was opened. In the past I have represented members of the LBGT community for various legal matters, many of which have been represented pro-bono.

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

First I am a dues paying member of Liberty City. I have worked and used my legal education to help ensure that everyone has a fair and equitable voice within the legal system. I have served on various boards and commissions that assist the disadvantaged and persons with disabilities. I am currently a board member of ACES which is a museum dedicated to African Americans who served during World War II and a member of the City of Philadelphia Veterans Advisory Commission. Over the years, I have served as a board member of CATCH, a community based mental health corporation and as administrative coordinator for volunteers with Philadelphia Special Olympics. In addition, I have taught Criminal Justice at various local colleges and have attempted to install in my students a sense of fairness and integrity that is necessary in public service.

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.

I consider transgender rights a civil rights issue because if we allow anyone to be discriminated against then we suffer a loss as a society. I believe that one of the hallmarks of

democracy should be our ability to accept diversity.

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

By ensuring that all people are treated with fairness and equality and moving rapidly to eliminate any hint of discrimination or bias.

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?

Acting out is a form of frustration and should not necessarily be classified as criminal behavior. We need to ensure that every effort is taken to prevent children from becoming casualties of the system. Staff personnel need to understand that everyone is entitled to fair and just treatment under the law. Sensitivity to different lifestyles should be the accepted approach and not the exception.

Issues concerning LGBT youths need to be explored in greater detail on individual approaches. The goal should be to achieve an alternative sentence that will allow the individual to develop and achieve their potential.

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

Generally a family law practice with some criminal defense. A significant consumer bankruptcy practice prior to the change in the bankruptcy code.

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.

**1. The defendant was charged with an assault of his ex-girlfriend. The defendant in this cause suffers from Attention Deficit Disorder with Hyper Activity, Manic Depressive and Bi-Polar. In addition, at the time of his arrest the Defendant also had a shattered foot and his leg was in a cast. The significance lies in the fact that an individual who suffers from serious mental problems may be inappropriately charged with a crime. I represented the defendant, with respect to the criminal charges and obtained a not guilty verdict. The case was tried in Municipal Court of Philadelphia, before Judge Stack on February 9, 2004 in Courtroom 906. The Commonwealth was represented by the Assistant District Attorney who is unknown.**

**2. The Defendant was charged with Aggravated Assault, Simple Assault, REAP, and PIC. The defendant was charged with assaulting the complainant even though the complainant had been drinking just prior to the incident, could not remember the particulars of the incident or identify the defendant. The significance lies in the fact that even though the complainant did not remember and he could not identify the defendant, he was still charged with criminal conduct. I represented the defendant, with respect to the criminal charges and obtained a not guilty verdict. The case was tried in the Court of Common Pleas of Philadelphia before Judge Dych on October 25, 2002 in Courtroom 905. The Commonwealth was represented by the Assistant District Attorney, who is unknown.**

**3. The plaintiff was involved with ongoing litigation with respect to custody and support. I represented the plaintiff filed a contempt petition against the defendant. The plaintiff and defendant were both foreign nationals from the**

country of Sierra Leone. The significance lies in the ability of people who struggle in the face of language and cultural adversity to participate in the system to achieve satisfaction. I represented the plaintiff, at an enforcement hearing on a contempt petition and appeared in court with the plaintiff. The defendant was held in contempt. The case was tried in the Court of Common Pleas of Philadelphia, Family Court Division before Judge Jackson on January 4, 2006 in courtroom 5. The Defendant was represented by on call court appointed counsel who is unknown.

4. The defendant was charged with First Degree Murder and related offenses. The defendant observed his younger brother with a hand gun and attempted to take the gun away from him when it discharged, striking the brother and killing him. The significance of this case is that the facts were basically undisputed, however, the defendant was still charged with First Degree Murder. I, along with Michael Wallace, Esquire, whose office is located at 42 S. 15<sup>th</sup> Street, Suite 1104, 215-569-2525, represented the defendant. This was a waiver trial in the Court of Common Pleas before Judge Sheila Woods-Skipper on May 25 and 26, 2006 in courtroom 1107.

The defendant was eventually convicted of Involuntary Manslaughter and Possession of Instrument of Crime. Not an inappropriate result. The prosecution was presented by Assistant District Attorney Joanne Pescatore, #3 South Penn Square, Philadelphia, PA 19107; 215-686-8045.

5. This case involves a contract dispute between a bride and groom and their wedding photographer. The issue between the parties was the photographer's failure to appear on time the day of the wedding. The defendant, was sued for a breach of contract. I have selected this case because I believe it reflects the nature of matters that are litigated in Municipal Court. It was a case which was resolved in a settlement achieved during trial. The litigants are representative of many of the individuals who avail themselves of the resource of Municipal Court. The parties were in a dispute over a relative limited amount of money, not the significant amounts which often occupy Common Pleas Court. However, each side sought vindication of its position. A settlement by mutual agreement was the appropriate disposition of the matter. This permitted each side to feel vindicated. The Plaintiff was represented by Mark D. Mungello, Esquire, Two Penn Center, Suite 200, Philadelphia, PA 19102; 215-854-6419.

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.

For fourteen years, since my admission to the bar I have practiced law and served as an assistant professor in criminal justice at Delaware Valley College and an adjunct professor in the justice department at Philadelphia Community College. I have taught Criminal Law, Criminal Procedure, The American Justice System and Introduction to Criminal Justice, among other courses related to the criminal justice system. Prior to my admission to the bar I served in the Philadelphia Police Department rising to the rank of captain. My duties over the course of my career have included work in the patrol force and investigations. One of my assignments after achieving the rank of captain was to the internal affairs division. This assignment involved the investigation into the possible misconduct on the part of police officers. The combination of my academic credentials, my police experience and my fourteen years experience in the general practice of law, I believe allows me to bring a diverse approach to a court primarily referred to as people's court.

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

To ensure that we select judges that are reflective of the communities that they serve and responsive to those communities within the ethical boundaries of their position.

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

Charitable/Non-profit Organizations:

CATCH Inc., community based mental health organization  
Board of Directors, 1992 - 2003

PHILADELPHIA SPECIAL OLYMPICS  
Administrative Coordinator for Volunteers, 1990 - 1992

LAW ENFORCEMENT LIONS  
Board of Directors, 1984 - 1990

MARINE LAW CORPS ENFORCEMENT FOUNDATION  
Board of Directors, 2004-Present

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

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