

LIBERTY CITY LESBIAN, GAY, BISEXUAL AND TRANSGENDER DEMOCRATIC CLUB

***2009 JUDICIAL PRIMARY ELECTION QUESTIONNAIRE(PLEASE NOTE THAT YOUR NUMBERING
DUPLICATED #2 AND I CORRECTED THAT MISTAKE IN MY ANSWERS, HEREIN)***

Name Joyce Eubanks Office Sought Judge Court Common Pleas Date 3/24/2009

- 1) What is your experience with the LGBT community both generally and/or professionally?
Generally, I know and work with persons who are members of the LGBT community. In the neighborhood of North Philadelphia where my children were raised, several young people are identified as being members of the LGBT community. I have opened my office up to them for meeting, socializing and just hanging out. I have known people who are members of the LGBT community, in my family who have struggled with the issues that confront them on a daily basis and I have listened, counseled and advocated for inclusion/acceptance and respect of members of the LGBT community. My general experience is that members of the LGBT community struggle on many levels for the basic rights that are taken for granted by many people.

As an attorney I have vigorously advocated and represented clients who happened to be members of the LGBT community, without regard to their LGBT status. Often times I have been required to take into consideration the consequences of placement or final resolution of the case because of their LGBT status. Knowing or realizing that a client was a member of the LGBT community required that I was creative in offering possible suggested and/or alternative sentencing schemes.

In my personal and professional life, I believe that sexual preferences and expressions, just as race and cultures should not be a basis for discrimination.

- 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 female and black, I am particularly sensitive to discrimination, and its many manifestations. I have lived a life that has fundamentally challenged discrimination, social castigation, economic injustice and inequality. My entire life has been committed to the principles of inclusion of all persons. In the area of persons with disabilities, I strive to recognize and be sensitive to issues of accommodation for persons with disabilities.

I have advanced the rights of LGBT members, racial and ethnic minorities, and persons with disabilities in my daily philosophy about the rights of all people to enjoy the fruits of our collective energies.

- 3) 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

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

I believe that transgender rights are more than civil rights. Is it not a human right to be able to express one's sexuality through expression be it dress or the way one wears their hair or clothing? In my mind, civil rights are rights given or afforded by society, via laws, custom or practice. Yes, transgender rights are civil rights, but the fundamental issue is whether or not transgender rights are not fundamentally human rights and therefore should not be protected and advocated for and supported on this basis. Persons who are LGBT should enjoy the same fundamental rights of non-discrimination and equality before the law.

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

A judge should support public accommodations for transgender individuals appearing before them or otherwise within the criminal justice system by supporting legislation that would protect transgender persons and respect transgender person.

A judge may also encourage policy to be developed that would acknowledge and require various departments that interact with transgender person to respect them, as well. For instance, in housing of transgender persons, I would encourage and support policy that dictated transgender persons be housed in the particular population the transgendered person identified with, and ask for reasonable accommodations in restroom and showering facilities. There is no substitute for education and training that could also be integrated into the judicial training program.

- 6) 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?

My staff would have to be sensitive to the issues of LGBT youth, and all people, as a condition of working in my office. My staff would have very little direct contact with defendants who would appear before me. What to do with LGBT youth is a very real and significant issue. There is a very real need for the issues of LGBT youth to be recognized and resources both financial and human need to be dedicated to this group of young people.

I have most recently represented a young man who was a member of the LGBT community. He was acting out at home, school and any place he could. I recognized that his inability to deal with the reality of his sexuality was part of his acting out. I directed him to the Attic, a program for LGBT youth, in an effort to expose him to children/young people grappling with the same issues as I perceived he was dealing with.

Judges must familiarize themselves with alternative methods/placements for youth of the LGBT community. Judges must educate themselves and first realize that this problem exists and that there are not many answers. There are also fewer places to send LGBT youth who must be removed from their home. Judges must feel compelled to research, talk to members of the LGBT community, and rely upon the judgment and guidance of LGBT members. The young man I discussed was removed from his home. He did not follow up well on my directing him to the Attic, but fortunately, he was in front of one of the judges who is a member of the LGBT community and she and I readily identified my client as being a troubled LGBT youth. My client was placed in one of the few places in the country for juvenile LGBT youth, in the state of New York.

Other forms of alternative sentences might be house arrest or strict community service. But the first hurdle is recognizing that there is virtually nothing in the criminal justice system to address LGBT youth in trouble, and being willing to accept creative approaches to dealing with this problem.

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

The general nature of my practice was criminal law. I was a public defender for more than 20 years with the Defender Association of Philadelphia.

My practice changed in 2004, when I left the Defenders. I worked for former City Councilwoman Carol Ann Campbell. Much of the legislation drafted and introduced by the councilwoman was done by me. At the same time, I opened up a small law office in North Philadelphia and provided a free legal advice clinic. I also provided legal services to the Democratic City Committee.

In October, 2008 I was appointed Judge in the Court of Common Pleas by Governor Edward G. Rendell. I have been assigned to the criminal court division.

8) 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.

I have tried hundreds of cases over the 20+ years in the Defenders Association. I did not have any cases which I would consider "political" from the stand point of socially progressive anti establishment cases. There were cases that were significant for legal purposes, ***United States v Kenneth Boeye*** was a case that I tried to verdict twice, challenging federal jurisdiction in an apartment building arson case in one of the counties surrounding Philadelphia. ***United States v Charlotte Veronica Roberts***, was a case tried to verdict which involved allegations that Ms. Roberts defrauded the Bishop Estate in Hawaii of millions of dollars. The Bishop Estate is an estate created by the 1st living descendant of King Kamayamaya, being one of the largest estates in the World. Ms Roberts argued that she was the daughter of King Kamayamaya, and thus entitled to the proceeds of the Estate. I defended this case on a mental health ground, less than insanity, and the Judge found in favor of Ms. Roberts. This case has to be the most interesting and probably most expensive case I have litigated.

9) 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 to be a judge in Philadelphia because I believe I would enhance the quality of the Bench with my diverse background, and experiences, my racial background, cultural experiences and demographic location.

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

Initial contact with the judicial system. We should consider moving people out of the system, before they are in the system. By that I mean, many people are in the system over charged with offenses. If at the time they are arrested, a judge, prosecutor and defense attorney could not be available assess the case for its real value and either dismiss and refer the matter to Community Court, or dispose of the as a summary or misdemeanor. This type of process would reduce the backlog in the courtroom.

Mandatory Sentencing Schemes should be restricted. Judges should have the discretion to use the sentencing schemes as guidelines, but not mandatory. The sentencing of defendants should not be in the hands of the legislature but rather in the judge who is uniquely in a position to determine what an appropriate sentence should be. Judges, obviously must follow the law, but the discretion of the judge should not be undermined.

Education of young people in order to prevent their entry into the justice system.

11) For what organizations have you done pro-bono work? My entire life has been devoted to providing legal services without pay. Specifically, I have offered a free legal clinic in North Philadelphia through my law office;

I have provided work for the Democratic City Committee;

I have provided pro-bono work for members of various churches and non profit organizations, Thankful Baptist Church, Chenia Y. Eubanks, M.D. Community foundation

12) Do you support a woman's right to choose? Yes.

13) 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.

14) 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

2302 Fitzwater Street, #1

Philadelphia, PA 19146