

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

***2009 JUDICIAL PRIMARY ELECTION QUESTIONNAIRE***

Name Judge John Younge Office Sought PA Superior Court Date March 20, 2009

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

I've been conscious of issues affecting the LGBT community my entire life. My oldest brother, Alvin Dionne Turner, was a gay man who led a life of vigor, courage, and admiration. He served as a labor leader that represented daycare workers as president of his local and secretary of his district council in New York. He died of AIDS-related complications in 1996. I have long had personal and professional relationships with members of the LGBT community, including a senior member of my campaign team. I harbor no ill will or animus of any kind as it relates to the LGBT family.

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

It has been my lifelong as well as prevailing judicial philosophy to treat people equally, to be sensitive to instances of discrimination in all its forms. In my professional life, I work to ensure that individuals are judged on their merits – not on race, ethnicity, religion, ability, or sexual orientation.

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

- 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?

I support items 2b-2g unequivocally. On item 2a, I am not personally supportive because of religious reasons. However, the matter of gay marriage is one to be decided either by the legislature or the state Supreme Court, not the state Superior Court. The role of the state Superior Court is to review all appeals that originate from the trial court level and to rule in accordance to the law of the land, which I am committed to upholding.

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

I am open to discussion and am also open to being persuaded on this matter as I understand that transgendered people consider this a matter of civil rights.

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

People are entitled to be treated with dignity and respect in the courtroom, be they accused of crime, victims of crime, or witnesses to crime, period. It is incumbent upon the judge to protect the dignity of all involved in a legal proceeding and it is essential that people feel that their rights will be protected rather than attacked. It is only through these actions that people will have confidence in the judiciary, and that we, as a society, uphold the tenants of our democracy and our critical credo of "justice for all."

**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?**

As an African-American man born and raised in an urban setting, I'm sensitive to youth being misunderstood by those in authority. Without a doubt, adolescence can be a harrowing time for LGBT youth, as the data bears this out. It is necessary to have the ability to distinguish and address a legitimate violation of the law from a misunderstanding, a skill set I possess. Sentencing situations are to be determined based on the circumstances of individual cases in addition to an understanding of other various factors. I am a strong advocate of problem-solving remedies in addition to traditional punishment, options that could provide treatment and rehabilitation for youthful offenders, with compulsory participation in LGBT support programs, like the Attic Youth Center, as an example.

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

I started my legal career as a solo community-based private practice attorney, focusing on family, criminal, civil, and nonprofit law. As a community-based attorney, there were a series of cases I took on that impacted lives in a positive way. It was a rewarding experience that allowed me to serve my neighbors, many of whom ordinarily might not have been able to afford representation and might have found themselves victimized by those savvier in the ways of the law.

Three years later, I joined the Philadelphia Redevelopment Authority, where I worked for a decade, rising to general counsel and deputy executive director. In 1995, the people elected me to the Court of Common Pleas, and chose to retain me in 2005.

As a judge, I've been assigned and ruled on complex civil and criminal cases that include product liability and medical malpractice along with major felony matters concerning sexual assault, homicide, and capital murder.

**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.**

I've presided over a number of significant cases during my 14 years as a judge on the Court of Common Pleas of Philadelphia County. On the criminal side, *Commonwealth v. Watts* and *Commonwealth v. Walls* were two critical cases I judged. They were co-defendants in a death penalty trial. What was being asked of me required that I balance the law in equity, not only protecting the rights of the state that would not only allow each defendant to be tried, but also protecting the defendant's rights as the Commonwealth sought to put each to death.

Such cases require a lot more insight and analysis by the judge to not only oversee the entire process, but to also ensure that every stage of the defendant's due process rights are protected – from selecting the jury to the penalty phase. It also requires ensuring a "death-qualified" jury, one that is engaged at every level of the trial.

Each and every death penalty trial is important, but that is especially true in bench trials, where both sides have placed the defendant's life in your hands. The state, as well as the individual, says to you that they have confidence that you will be fair.

On the civil side, was *Tuski v. Ivyland Café*, a case involving a host of difficult legal issues that raised compelling arguments. The jury over which I presided awarded some \$75 million to the plaintiff – including \$25 million in punitive damages. Given the circumstances and the facts of the case, I cut that award in half to a reduced verdict of \$37.5 million. My actions were later affirmed by the Pennsylvania Superior Court unanimously.

**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 a seat on the Pennsylvania Superior Court, which is mandated by law to hear any and every appeal from the trial court level. In many instances, this is the last word on justice citizens receive, as the state Supreme Court hears appeals in selective instances, and usually only when such cases would provide direction or policy for the lower courts. As a jurist on the appellate court, I would advance all laws available to deter and, if possible, eliminate any instance of discrimination, harassment, or violence directed at any citizen, regardless of race, sexual orientation, ethnicity, ability, country of origin, or creed.

My candidacy has been endorsed by Gov. Ed Rendell, the Pennsylvania Democratic State Committee, the Gertrude Stein Democratic Club, and a growing host of organizations focused on protecting the rights of the masses, from the Pittsburgh Federation of Teachers to the Philadelphia Building and Construction Trades Council, AFL-CIO to the League of Humane Voters of the Lehigh Valley, P.A. chapter.

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

There is a lack of faith in the fundamental fairness and competency of the judiciary on the part of much of the public, with many doubting that they can receive an open and fair hearing in the courts. Recent scandals involving local and state jurists have compounded suspicions. Those situations are coupled with a lack of inclusiveness in the courts – especially among women and people of color – which provides diverse perspectives, as discussed in the 2003 final report from the Pennsylvania Supreme Court's Committee on Racial and Gender Bias in the Justice System.

From the perspective of someone appearing in court, a major area to be considered is the right for an individual to have an attorney for every stage in a civil proceeding. *Gideon v. Wainwright* provided for such in criminal proceedings, but there is no like mandate in civil proceedings. The result is a number of unrepresented people who have a difficult time navigating the court system, leading to countless delays and considerable inefficiency. This is patently apparent in the family court system. A citizen's rights need to be adequately protected.

The courts are seriously contemplating establishing mental health courts in counties desiring them, which would clearly allow those who have been ensnared in the justice system to be guided to the services that would be of greatest use and save precious public dollars. These recommendations come as a result of studies commissioned by the state Supreme Court and as a mental health advocate and volunteer of 25 years, this move is one with which I wholeheartedly agree.

On a separate note, integrating the statewide computer system would allow all counties to pull up-to-date information and ensure that everyone in the criminal justice system is on the same page and providing heightened efficiency.

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

In the past in my life as an attorney, I have provided pro-bono work for the Support Center for Child Advocates, Blacks Networking for Progress, the Neighborhood Planning Network in Philadelphia, Sharon Baptist Church, numerous projects for attorney-turned-legislator, former state Sen. Hardy Williams, and other assorted entities.

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

It is a settled matter of law that a woman has the right to choose and the ultimate right over what happens to her body, which I support.

**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?**

The Philadelphia Bar Association does not endorse for the state Superior Court during primaries. The Pennsylvania Bar Association does endorse, and has recommended me.

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

2302 Fitzwater Street, #1

Philadelphia, PA 19146