

Inquirer Judicial Candidate Questionnaire

Name: **Joyce Eubanks**

Running for: Philadelphia Court of Common Pleas

Political Party: Democratic

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Questions:

1. Why are you qualified and well-suited to serve as a judge on the court for which you are running?

I am a Court of Common Pleas Judge. I was appointed by Governor Edward G. Rendell in October, 2008. I have

been recommended by the Philadelphia Bar Association, after a very thorough review by the Commission on Judicial Selection and Retention. I am qualified and well suited for the position that I hold and for the full term as Judge on the Court of Common Pleas that I seek in the May Primary. I am qualified to be a judge because I have more than twenty-five years of experience as a trial attorney in various areas of the law with a strong concentration in criminal law. I was a public defender, a trial attorney, for more than two decades, and I am very familiar with our legal system, the important role the judge plays in the administration of justice, and I understand that when a judge is ill-equipped our justice system does not work. I am well versed in the law, fair minded, a person of integrity, I enjoy an excellent reputation among my peers for integrity and having a firm understanding of the law. I understand the law and I am able to make firm decisions based upon my interpretation of the law. I have the judicial temperament, patience, respect for the rule of law, respect for all persons coming into the legal justice system, and the ability to handle judicial power with common sense.

I have made a commitment to our legal system as manifested in my legal affiliations with numerous bar associations over the years. I have made a commitment to the legal profession and the standards required by society of attorneys manifested in my role as continuing legal education chair for the National Bar Association, Women Lawyers Division for many years. I have made a commitment to Philadelphia and its various communities, as manifested in the various community organizations I was affiliated with. I have made a commitment to public service, with more than 30 years of service to Temple University Beasley School of Law, Law, Education and Participation Program, continuing as a judge will allow me to continue serving the citizens of Philadelphia.

I have the depth of legal experience and knowledge of the law and thus I am competent in the law. I am rich in life's experiences, thus able to communicate with all people and have a grasp of plain common sense. My trial background, both state and federal, has equipped me with a strong mastery of the rules of evidence and an excellent understanding of our judicial process. I have the legal experience, and the life's experiences to be intrinsically fair. I am a fair minded individual who will always be mindful of the office I hold and seek as a member of the Judiciary.

2. Did you receive a rating of “recommended” or higher from the state or local bar association? If not, why not?

Yes, I have been recommended by the Philadelphia Bar Association.

3. If you are an incumbent judge, what's a recent instance in which you acted to preserve your

judicial independence? If you are an aspiring judge, how do you plan to remain independent if elected to the bench?

Judicial independence is being free of ideological influences, viewed in two circumstances, decisional and the separation of powers in our governing branches.

I am a sitting judge, but I am not an incumbent. I must be elected to a full term on the Court of Common Pleas, thus, I am not an incumbent. I sit in a criminal courtroom and many trials are conducted in my courtroom, with me as the Judge and the Jury. There is a lot of political pressure on the courts to fix what is wrong with the judicial system. This political pressure arises often times in cases involving drugs, guns, guns and drugs, and other felony cases. I must listen to the evidence as it is presented and I am required to make a ruling on the guilt or innocence of an individual, based upon a legal standard of reasonable doubt. There may be times when someone will not agree with my decision. These cases are more politically sensitive. But, I have had to exert my independence in these instances, without regard to the political consequences to myself.

A good judge must be courageous and have the courage of her convictions. Decisions will not always be popular, or motivated by the political winds of the day. I absolutely render decisions free from political or popular influences, based on the facts and the law. As a judge, I must ensure that my decisions are not influenced in any way, and they are decided by the facts and the applicable law(s). I have the courage and fortitude required to make the decisions.

I strive with my office staff and courtroom personnel to insure that their interaction with the public and what they say in representing the Court, is free of any statements indicating or suggesting favoritism, cronyism or any political activities.

In addition to the control I seek to exert over my staff and courtroom personnel, I have been required to make changes in my personal life to avoid many of the conversations I would have from time to time with friends and family, and my public interactions have been changed. I am very conscious about my associations and the public perception of me as a judge.

Independence of the judiciary is also manifested in our governing model of the separation of powers, and the judiciary as one of the governing branches of government. This observation arises in discussions regarding the activist nature of the judiciary, and or whether or not the courts should interpret law or make law. The prevailing view is that our government works best when our governing branches, executive, legislative and judiciary work independently and without intrusion into each other's area. I have not had the circumstance of having to decide an issue with these types of concerns. It is the judiciary's obligation to interpret the law and apply the law to the facts of a particular case. I would apply the law to the facts, not make the law.

4. A number of Pennsylvania judges have been sanctioned for campaign activities, ex parte dealings, and other alleged misconduct. How can the state's judiciary prevent discipline scandals of the type seen recently?

. The state's judiciary may prevent discipline scandals by recognizing that mandatory ethics seminars are necessary and create the mechanism for this type of training.

The state's judiciary could adopt a zero tolerance for certain conduct such as ex parte dealings and campaign activities. Appropriate notice must be made by the adoption of Supreme Court Rules and/or procedures made applicable to judges, but the public has a legitimate expectation of proper dealings and judicial decorum.

Public finance of judicial elections might be a cause that the state's judiciary could really get behind. Not only do we have the campaign activities discussed above, but there is the appearance of impropriety when judges are required to raise large sums of money for campaign expenses.

An atmosphere of transparency in judicial dealings should be created that does not penalize whistleblowers and maintains the barriers around judges. The state's judiciary could create a strong independent body with the power and ability to make random reviews of cases by independent auditors

and give them the power to conduct comprehensive scrutiny of the financial disclosure statements required to be completed each year by all judges.

These are some of the areas that the state's judiciary could consider in an effort to prevent discipline scandals of the type seen recently.

5. If you believe that gender, racial, ethnic, class or other forms of bias can infect the justice system, how will you work to keep your courtroom as bias-free as possible?

Gender, racial, ethnic, class or other forms of bias can infect the justice system. I will work to keep my courtroom as bias-free as possible by seeking to ensure that diverse groups of people work as a part of my court staff and ensure that all people are respected and appreciated for the differences that exists among people.

I realize that our system of justice works best when all people are treated with dignity and respect. Our system of justice works best when all segments of our society are involved in the justice system. Jurors are an indispensable component of our courts. I will work with the committee or persons responsible for the creation of the jury pool, to ensure that the largest possible pool of jurors are targeted for jury duty, if I have the opportunity.

I will foster an environment for judicial independence and I will act to model mutual respect for all people who come before me no matter what their race, gender, ethnicity or class, and I demand this same attitude from my staff. The judge sets the tone in her courtroom, and I set the tone in my courtroom.