

Inquirer Judicial Candidate Questionnaire

Barbara A. McDermott

Court of Common Pleas

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1. *Why are you qualified and well-suited to serve as a judge on the court for which you are running?* I have the experience, the integrity, the judicial temperament, and most importantly, the passion to serve our city as a judge. I have been a practicing attorney for 31 years. After spending four years as a Deputy Attorney General prosecuting hazardous waste dumpers, I joined the Philadelphia District Attorney's Office prosecuting felons and murderers. I then clerked for two different Common Pleas Judges. For the last 21 years I have worked as a criminal defense attorney. I have never waived in my support of my court-appointed clients. I am one of a few attorneys who will represent court-appointed capital defendants. I have been in court in the Criminal Justice Center almost every day from the day it opened. I believe that justice is served for all of us when our poorest and least powerful are treated fairly with respect, dignity, and compassion.

2. *Did you receive a rating of "recommended" or higher from the state or local bar association? If not, why not?* Recommended by 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?* In recent times, many states have made significant changes in judicial selection. These changes represent a range of reform possibilities—from changing the method of selection, to improving the tone and conduct of the existing process, to enabling voters to make more informed decisions in judicial elections. Reforms have included moving from judicial elections to merit selection, public financing, making judicial elections nonpartisan contests, limiting the contributions that judicial candidates can accept, creating a watchdog committee to monitor judicial campaign conduct, disseminating a voter guide with information about judicial candidates, and providing voters with evaluations of judicial retention candidates' performance on the bench. Pennsylvania is not one of those. But, a judicial candidate can and should look at these reforms in order to determine what s/he will do in order to preserve the integrity of the court and not give the appearance of impropriety.

Ideally, I believe that a lawyer who has contributed to a judicial campaign should not appear for trial before that judge for a finite period of time, such as two years. If that is not an option, then there must be disclosure and an opportunity for the other party to make a recusal motion. Another option I would consider is to set a monetary limit and not permit any attorneys that have contributed in excess of the limit to appear for a certain amount of time unless the opposing party has no objection. This would be the first step in maintaining independence.

Irresponsible behavior by the judiciary erodes public confidence. Judges must accept restrictions on their behavior, such as not allowing their colleagues, family, social, or other relationships influence their judicial conduct or judgment. I am happy to accept such restrictions.

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 promote ethical behavior among judges and court staff?* The tools are in place via the Code of Judicial Conduct. The Judicial Conduct Board must continue to vigorously enforce this Code. The judiciary must promote ethical behavior by their own examples among themselves and their staff.

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?* There is no question that gender, racial, ethnic, class and other forms of bias can infect the justice system. Therefore, it is crucial that we elect candidates who have lived a life full of diversity and understand the differences within our city. For the last two decades I have been in every neighborhood in the city, talking with my clients and their families. I have seen how devalued many people feel and understand their lack of trust in the judiciary. It has been my job to advocate on behalf of their loved one and to ensure that the person was treated fairly under extremely difficult circumstances. I could not have done so without first acknowledging and then understanding this lack of trust. I will treat everyone appearing before me with respect, dignity, impartiality, and compassion. I will proudly continue to appreciate our city's diversity.

Law Office

BARBARA A. MCDERMOTT

RESUME

EXPERIENCE

September 1990 - present: LAW OFFICE OF BARBARA A. MCDERMOTT.

Engaged in the general practice of law specializing in criminal defense, primarily homicides, including capital cases. Practice includes numerous appellate and P.C.R.A.

homicide cases. Established administrative and financial systems for office.

September 1995 - February 2001: LAW CLERK, COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, to the Honorable Anne E. Lazarus, of Orphans Court. Researched and wrote judicial opinions; advised and counseled judge on judicial decisions.

August 1990-August 1995: LAW CLERK, COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, to the Honorable Arnold L. New. Created administrative and office procedures; supervised

office personnel; wrote all judicial opinions; researched and prepared memoranda on criminal and civil issues.

August 1990 - September 1984: ASSISTANT DISTRICT ATTORNEY,

Philadelphia District Attorney's Office. Represented the

Commonwealth in thousands of criminal prosecutions ranging

from misdemeanors to homicides; tried approximately seventy-five jury trials; supervised attorneys assigned to juvenile and municipal courts. As a Homicide A.D.A., prepared homicide cases from initial investigation through trial.

September 1980 - September 1984: SPECIAL DEPUTY ATTORNEY GENERAL, ASSISTANT COUNSEL, Commonwealth of Pennsylvania, Department of Environmental Resources assigned to the Toxic Waste Investigation and Prosecution Unit with the Attorney General's Office. Represented the Commonwealth in felony and misdemeanor prosecutions of the hazardous waste law throughout the Commonwealth; presented cases before state wide investigating grand jury; and, supervised case development with criminal and environmental specialists.

LECTURER Pennsylvania Bar Institute

Pennsylvania Association of Criminal Defense Lawyers

Widener University School of Law Intensive Trial Advocacy
Program; National Institute of

Trial Advocacy-Temple University; Paralegal Program

EDUCATION

Georgetown University Law Center, Washington D.C.

J.D., May 1980

Seton Hill College, Greensburg, PA

B.A. in Honors, May 1977

BOARD MEMBERSHIP Urban Redevelopment Corporation

FORMER BOARD MEMBERSHIP

Philadelphia Prisoners' Family Welfare Association

Seton Hill University Alumnae Association