

# **Inquirer Judicial Candidate Questionnaire**

## **Sean F. Kennedy**

Court of Common Pleas

**Campaign site:** Kennedy2011.com

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

I have been practicing law in the Commonwealth of Pennsylvania for 23 years, the majority of which has been as a civil litigator, trying and/or litigation hundreds of cases. I have extensive experience practicing before the courts of this Commonwealth and, I believe, carry the reputation of being an attorney of high ethics and morals, who treats attorneys and lay people alike with respect and courtesy. I have experienced all aspects of practicing before the court and feel qualified and confident in my ability to be a judge.

I would improve our system of justice by bringing a lifetime of practical experience to the bench. The process of selecting judges is quite often criticized because it often places inexperienced individuals on the bench. My 23 years of experience prepares me for any situation that may arise and will allow me to run my courtroom in an efficient and professional manner. Further, as a young lawyer, I was blessed with several mentors who provided me with guidance in the practice of law. This is a role I assumed as I became a partner, and a role that I wish to continue when I become a judge.

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

I have just recently gone through my initial interview with the Philadelphia Bar Association on April 5, 2011. As I received a “recommended” rating from the Philadelphia Bar Association in both 2007 and 2009, I am confident that I will receive the same rating for this election.

**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?**

Quite simply, by not being beholden to anyone. Judicial independence is a core element of being a fair and impartial judge. In order to be an impartial judge, one has to be a neutral arbiter of the facts before him/her. Judicial independence means that the judge is free to decide cases fairly and impartially and rely only on the facts of the case, with no outside influence. As such, a judge must protect himself/herself from political, legislative, special interest and financial pressure.

**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?**

Ethics and morals come from within a person. Of course, as judges we are to follow the Code of Judicial Conduct, which sets forth in clear and plain language how a judge is to handle himself/herself. We, as judges, must not only look to the rules but also to our own beliefs and understanding of what is ethical when making decisions. We must hold our staff to these same standards. What occurred in Luzerne County should never have happened and left the public questioning whether there is justice in our judicial system. It is up to us to assure them, through our actions on the bench, that there is a fair and impartial judiciary in Pennsylvania.

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

There is an article published entitled, "Achieving Fairness through Biased-free Behavior: A Pocket Guide for the Pennsylvania Courts", authored by The Pennsylvania Commission for Gender, Racial and Ethnic Fairness. This is an excellent guide for judges and court personnel to follow in running a bias-free courtroom.

One quote, in particular, that I liked is, "Racial and ethnic bias is rarely overt. Rather, when it occurs, it is oblique; it has a "cover".

The following are suggestions set forth in this article which should be followed in order to achieve a bias-free courtroom:

Judges should:

- Exhibit leadership and set the standards for non-biased communication and disposition in the courtroom and judicial operations.
- Correct discriminatory attitudes or comments made by any participants and dignity.
- Eliminate any personal biases in decision making and court interaction.
- Be mindful of bias, even in chambers.

Court Staff should;

- Regard judges, litigants, attorneys and other court personnel with equality, respect and courtesy.
- Monitor and abolish all bias-based behavior and attitudes.
- Expect non-biased treatment from judges, litigants and attorneys.

If we follow these guidelines, all courtrooms will be run bias-free.