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I, Daniel R. Sulman, certify that the information provided  
on this questionnaire is accurate and the opinions stated here accurately reflect my own positions.

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Please complete, sign and return this via email in both Word Doc and PDF format to  
[phillyjat@gmail.com](mailto:phillyjat@gmail.com) on or before March 18, 2019

The Judicial Accountability Table (JAT) is a coalitional effort comprised of Philadelphia community organizations working to bring more fairness to our courts. We've written this questionnaire to be values-driven and focused on the issues most relevant to the people of Philadelphia, and we've made our questions compliant with the Code of the Commonwealth of Pennsylvania<sup>1</sup>. **We ask that you use no more than 250 words to respond to each question.**

<sup>1</sup>Specifically the following section of 207 Pa. Code § 4.1, Political and Campaign Activities of Magisterial District Judges and Judicial Candidates in General:

*The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine whether the candidate for judicial office has specifically undertaken to reach a particular result. Pledges, promises, or commitments must be contrasted with statements or announcements of personal views on legal, political, or other issues, which are not prohibited. When making such statements, a magisterial district judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.*

As well as the following section of 207 Pa. Code § 4.2, Political and Campaign Activities of Judicial Candidates in Public Elections:  
*A judge who is a candidate for elective judicial office shall not make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court.*

Thank you for taking the time to complete our questionnaire, and we look forward to your response. The organizations of the JAT include:

Reclaim Philadelphia

Project SAFE

Philadelphia DSA -- LILAC

215 People's Alliance

Philadelphia Community Bail Fund

Youth Art and Self-Empowerment Project

Amistad Law Project

Coalition to Abolish Death By Incarceration (CADBI)

The Center for Carceral Communities

ICE out of Courts

## Questions

1. What are your top three priorities as an elected judge? Of the approximately 40 candidates seeking judicial office in Philadelphia County, I am one of only two with experience as a trial judge. A judge should demonstrate competence in substantive law and legal procedure as well as industry and efficiency; a judge should demonstrate integrity; a judge should be impartial and unbiased; a judge should ensure the right for all parties to be heard; a judge should

exercise patience, proper judicial temperament and demeanor; a judge should treat all those who enter the courtroom room with dignity and respect, regardless of their age, gender, race, national origin, religion, sexual orientation, immigration status or socioeconomic status; a judge should be compassionate. My top three priorities would be to: (1) display the above-mentioned qualities at all times; (2) advocate for more judges to be assigned to the Family Division to reduce lengthy family court backlogs (it presently takes nearly a year from filing date to first listing of a custody trial); and (3) advocate for implementation of a custody mediation program which would provide parties a genuine opportunity to resolve difficult family law matters without the burdens of litigation (presently Philadelphia County does not have a custody mediation program).

2. Do you feel that implicit bias plays a role in our courts? If so, how do you think it should be addressed? Implicit bias not only impacts the court system, it impacts decision-making in all human contexts. Judges should at all times be conscious of their own biases and work to ensure that all individuals appearing before the court receive unbiased treatment. As of the year 2016, all judges in the Commonwealth of Pennsylvania are required to receive at least twelve annual hours of Continuing Judicial Education (CJE). Judges should be required each year to have certain number of educational hours on the issue of implicit bias in order to assist in mitigating its impact on the important matters before the court.

3. What is the role of bail in criminal proceedings? Do you believe the bail system in Philadelphia is fair? Traditionally, the purpose of bail was to ensure that persons charged with crimes appeared for their trial dates. However, a recent study of Philadelphia criminal cases indicated that non-appearance rate under cashless bail conditions was no different from the non-appearance rate in cases where bail was posted. Cash bail imposes serious burdens on defendants, especially those of lower income who cannot afford to post even a token amount of bail. As a result, these persons are often held in custody for many months prior to trial, causing loss of employment, homelessness and other financial difficulties that have a destabilizing ripple effect on families, children and our neighborhoods. Further, defendants who are unable to post cash bail are more likely to simply plead guilty to crimes in order to be released from prison earlier, which then burdens an individual with a criminal record which hinders the ability to obtain future employment opportunities.

4. What do you believe is the purpose of incarceration, both pre-trial and post-trial?

5. One in three Philadelphians has a criminal record. In your opinion, how can judges support successful community re-entry? Courts should consider alternative disposition, substance abuse treatment, community service and/or a probationary sentence in appropriate cases, as permitted by applicable law. This would reduce the numbers of individuals receiving prison time and diminish the numbers of those seeking re-entry. The local court system, as well as the City of Philadelphia and the Department of Probation and Parole should support

successful re-entry by coordinating with both the private sector and the non-profit sector to provide support to returning citizens such as housing assistance, education, vocational training, substance abuse treatment, mental health treatment and job opportunities.

6. When, if ever, do you think it's appropriate for a judge to reject an agreement between the District Attorney and the defense? The Pennsylvania Code of Judicial Conduct prohibit a judge or a judicial candidate from making “pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.” A judge should consider all legally relevant facts of a particular case and issue all rulings consistent with applicable law. Courts should endeavor to apprise people of their rights and the potential consequences of settling a matter or proceeding to trial. While settlement of a matter might be convenient or expedient for the Court and the parties involved, a judge should not necessarily rubber stamp an agreement between counsel. Judges should ensure that agreements presented are consistent with law and judges, at all times and all cases, should ensure that justice is effected.

7. According to a study from Columbia University's Justice Lab, about 44,000 adults in Philadelphia are on probation or parole, which is a much higher figure than many other large cities. Pennsylvania is also one of the leading states in long probation tails, sentencing many people to probation for ten years or more after a jail sentence. What do you see as the long term effects of this? Recent studies have indicated that lengthy probationary sentences are ineffective. Often, lengthy probation results in an individual who is almost endlessly under court supervision at great cost to both the public and the individual. In many instances, a long probationary sentence may be setting a defendant up for failure in that he/she could be subject to detainers issued by the Department of Probation and Parole without judicial approval for mere technical violations of probation relating to minor conditions of probation. As addressed in Answer #3 above, such resulting detentions have long-term and severe destabilizing consequences for individuals and their families.

8. When, if ever, is it appropriate to incarcerate someone for technical violations of probation when they haven't committed a new crime? What factors would you consider here? The Pennsylvania Code of Judicial Conduct prohibit a judge or a judicial candidate from making “pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.” A judge should consider all legally relevant facts of a particular case and issue all rulings consistent with applicable law.

9. Probation detainers make up over 50% of the city's jail population, and individuals are often held without signed judicial warrants. What do you think of this? Individuals should not be detained without a judicially signed warrant.

10. Philadelphia is at the center of the opioid crisis. In order to prevent more deaths,

advocates have worked on harm reduction initiatives including needle exchange programs, Narcan distribution, and overdose prevention sites. What can judges do to help expand and protect programs to combat the opioid crisis and continue to reduce harm? Judges, consistent with the rules of the Code of Judicial Conduct, should advocate for more court resources and programs to treat litigants with substance abuse problems. Judges are in a unique position to not only identify individuals before the court who are in need of substance abuse treatment, but to also issue court orders where legally appropriate, to direct a party to necessary treatment. Judges should be able to recognize when substance abuse treatment, not prison time, is an appropriate remedy.

11. According to the National Coalition for Child Protection Reform (NCCPR), Philadelphia now leads the country in removing children and placing them in foster care. What do you see as the longterm effects of this? What can judges do about this? I have nearly 17 years of experience in Philadelphia Family Court, serving as a law clerk in Domestic Violence Court, a Master in Support, a Master in Custody and as a Judge of the Court of Common Pleas. Judges are responsible for the safety and well-being of all children whose matters enter the court system. Courts should exercise judicial independence and not rubber stamp the requests of the government or any party. Children entering the foster care system due to abuse or neglect have been subjected to life-altering trauma. Placements in unsuitable foster care may also be traumatic, if the placements are not properly monitored by the Court and the assigned social welfare agency. While removal of a child from a household may be appropriate in some instances, foster care placement should generally be the last option for children – not the first option. In cases where removal is required, the Court should ensure that the local child welfare agency (DHS in Philadelphia) complies with all of its statutory duties and locates an appropriate family resource for placement of the child before resorting to foster care. As a Family Court judge for 1.5 years in Philadelphia County, my primary obligation was to ensure a safe and secure living arrangement for children.

12. What is the “school-to-prison pipeline” and do you see it at work in Philadelphia? The “school to prison pipeline” describes troubling policies that defund public schools in lower income and minority neighborhoods, institute harsh punishment for violating school rules, and push children into the juvenile system and/or the adult criminal system. The City of Philadelphia is known as one of the poorest big cities in the country, in that the Philadelphia has substantial numbers of residents residing in pockets of poverty or deep poverty where the school to prison pipeline is all too prevalent.

13. According to EvictionLab.org, in 2016 Philadelphia led the country in eviction rates at 3.84%, 1.14% higher than the national average. What do you see as the longterm effects of this? What can judges do about this? Evictions and housing insecurity destabilize families and children. A recent study commissioned by the Philadelphia Bar Association (“Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants”) indicates that 78 percent of unrepresented tenants in eviction cases are displaced in

contrast with only 5 percent of represented tenants. Providing no-cost legal representation to tenants in eviction cases, according to the study, would reduce the number of evictions by in excess of 14,000 people. I personally support the Philadelphia Bar Association's recommendation for the City of Philadelphia to fund eviction defense in our local court system with the goal of substantially reducing the number of evictions citywide.

14. Would you support the court instituting a uniform policy prohibiting court personnel from contacting ICE and discouraging ICE arrests on court property without judicially signed warrants? I personally support such a policy. No person should be detained without a valid judicially signed warrant.

15. What should the role of the judiciary be in ensuring equal access to justice for all city residents, regardless of immigration status? What steps would you personally take in elected? Pursuant to the Pennsylvania Code of Judicial Conduct, a Judge shall not “manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge’s direction and control to do so.” Personally, I have demonstrated a lengthy public record of ensuring equal access to justice consistent with my obligations under the Code of Judicial Conduct. As a Family Court Judge, I had the privilege of sitting on a Special Immigrant Juvenile Status (SIJS) case in which I was able to issue a custody order that permitted an undocumented unaccompanied minor to be reunited with her parent in the United States. The custody order issued served to bolster that child’s ability to obtain legal status and remain in the country.

16. 86% of women who enter the Philadelphia courts have experienced some form of trauma, and this is especially true for Black women. How could you use mitigation in your sentencing as a way of reducing harm? What alternatives to incarceration would you consider for women who have experienced trauma? I have nearly 17 years of experience in handling family law matters in Philadelphia County, including domestic violence cases as a Common Pleas Court Judge. I am attuned to trauma-related issues and the impact of trauma on the survivors and their families. Alternative sentences, in appropriate cases, are available to the court. The Pennsylvania Code of Judicial Conduct prohibit a judge or a judicial candidate from making “pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.” A judge should consider all legally relevant facts of a particular case and issue all rulings consistent with applicable law, including mitigation factors available when sentencing. Further, a judge should conduct proceedings with patience, proper judicial temperament and a respect for the dignity of all who enter the courtroom.

17. Current PA state law allows children under 18 to be prosecuted as adults in some cases,

despite growing efforts locally and nationally to remove children from the adult system. Do you believe that children should ever be treated legally as adults? What do you think the long-term impacts are of incarcerating children in adult jails and prisons? The Pennsylvania Code of Judicial Conduct prohibit a judge or a judicial candidate from making “pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.” A judge should consider all legally relevant facts of a particular case and issue all rulings consistent with applicable law. Pennsylvania Courts, after Supreme Court rulings, have undertaken the re-sentencing of “juvenile lifers” (juveniles who were originally sentenced to life in prison) and I am personally supportive of efforts to comply with the appellate decisions in these cases. With regard to housing children in adult jails or prisons, I personally believe that this is not an appropriate policy.