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

/s/Vicki Markovitz
Vicki Markovitz

Please complete, sign and return this via email in both Word Doc and PDF format to
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 Pennsylvania¹. **We ask that you use no more than 250 words to respond to each question.**

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

¹ 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.

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 (CADI)
The Center for Carceral Communities
ICE out of Courts

Questions

1. What are your top three priorities as an elected judge?

I am a graduate of a Quaker high school, and deeply committed to the Quaker values of justice, fairness, and the search for truth. My career has been built on public service, beginning with my first job out of college. In 1991, having received my Bachelor of Arts from Mount Holyoke College, I joined Teach for America, a program designed to bring new teachers to traditionally underserved schools. I spent four years teaching in Houston public schools before returning home to the Philadelphia area to earn my law degree from Widener University. My legal career has been devoted to serving the City of Philadelphia in both State and Federal Court. I appreciate the significance and impact of thoughtful, fair, ethical, and intelligent judges. I understand the importance of knowing the law, reading, researching, being organized, and perhaps most importantly, listening. In a courtroom, words matter, evidence matters, and people matter. Additionally, a judge must set the tone for the courtroom with an even temperament and treat all parties and staff respectfully. My priority as a judge will be to run a trauma informed courtroom and understand the challenges and problems people bring into the courtroom. As a judge, I will embrace diversity as a strength, making the system fairer for all.

2. Do you feel that implicit bias plays a role in our courts? If so, how do you think it should be addressed?

My 18 years of work in Philadelphia courtrooms has taught me that it is a judge's job to set the tone. A judge ensures that everyone who enters the courtroom is treated with dignity and respect. I'll ensure that all parties have a voice in a fair hearing and justice is equally available for all. Moreover, I will also recognize that all people entering a courtroom have likely experienced some sort of trauma in their lifetime. I will work to come off the bench both literally and figuratively in the hopes of making the courtroom a less traumatic experience.

To begin to address implicit bias in the court system, I must first acknowledge that implicit bias exists. In my trauma informed courtroom, everybody will be treated fairly and equally. A judge is responsible for making sure that all people are represented equally by competent attorneys. A person should not prevail on a case because they can spend more money on representation and exhibits. I would seek out education on implicit bias, as well as advocate that it should be required continuing education for the judiciary. As a young teacher and a women's college graduate, I was aware that boys were called on in classrooms more often than girls. In my classroom, I made sure to put systems in place to ensure that education was equally available to all and that I called on boys and girls equally. In my courtroom, I would put systems in place to fight implicit bias.

3. What is the role of bail in criminal proceedings? Do you believe the bail system in Philadelphia is fair?

As I am running for judge, I am not able to express my personal views on the bail system, but I do believe a system based on how much money you have is inherently unfair. A judge must be involved in their caseload through the whole process so as to ensure that people are not being incarcerated due to their economic status. Additionally, I would conduct meaningful status hearings when a case is first assigned to me. Initial appearances, too often, are meaningless hearings where cases are kicked down the road for additional status dates. In the case where a person charged with a crime is incarcerated, I would demand that the person be brought to court and his/ her incarceration status be addressed.

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

Rehabilitation is the first step in a sentencing process. Incarceration is always a last resort. Society as a whole has failed if we get to incarceration for a sentence. It is in the best interest of society, for people to be working, living in their homes, and contributing to our city. While there needs to be more diversionary programs, there are a number of programs currently available: Accelerated Misdemeanor Program – Tier 1 (AMP1), Accelerated Misdemeanor Program- Tier II (AMPII), Domestic Violence Diversion, DUI Treatment Court and DUI Intermediate Punishment Court, Project Dawn Court, Sexual Education and Responsibility, Small Amount of Marijuana, Mental Health Court – Competency, Future Forward, Mental Health Court, TCY, Accelerated Rehabilitative Disposition (ARD) Drug Treatment Court, Intermediate Punishment – non DUI, Veteran’s Court, and the Summary Diversion Program.

5. One in three Philadelphians has a criminal record. In your opinion, how can judges support successful community re-entry?

As I mentioned above, our goal should be to not incarcerate people. If there was less incarceration, there would be a smaller re-entry problem. As a judge, I would draft thoughtful orders with more specificity and detail, with encouraging a probationer’s best self in mind. The buck stops with the judge. Since treatment and rehabilitation are the goals, a judge must stay involved with their caseload during the probation phase of a case. Probation officers’ hands are often tied by being overworked and underfunded and need the support of the Courts. Over the years, I have seen some judges tirelessly work to get their probationers into rehabilitation and counseling programs. If the probation system can’t support the treatment, then the court must look to other programs in the community that are available.

6. When, if ever, do you think it’s appropriate for a judge to reject an agreement between the District Attorney and the defense?

A judge must reject an agreement between the District Attorney and defense if it violates the law or if it is unfair. A judge must make sure that resources are provided to all people equally.

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?

In the classroom, it was my job to figure out how to make each child successful. I understood that when

my students left school at 3 p.m. each day until they returned at 9 a.m. the next morning they experienced some sort of trauma. We must understand both the collective tragedy of poverty in this city and the resources in this city to help make our fellow Philadelphians successful. Judges must demand more money and resources for rehabilitation.

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?

Incarceration for technical violations is not appropriate. Additionally, probation officers should not be able to detain probationers for technical violations.

9. Probation detainees 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?

As a judge, it is my job to make sure that people are not incarcerated as a first step because of violating probation. Absent an immediate public safety reason, a hearing should be scheduled in front of me prior to detention. In the case where there is a detention, a probation officer must immediately schedule a detention hearing in front of me. As I have said above, a judge is responsible for their caseload and should work tirelessly to ensure the success of their probationers. Additionally, I would write my sentencing orders with more specificity to leave less ambiguities for the probation officer.

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?

Education on our collective traumas in Philadelphia is very important. A judge is a lifelong learner on both the law and the traumas that face Philadelphians. Similarly, to homelessness, evictions, school to jail pipeline, and implicit bias, a judge must understand the opioid crisis. An understanding of the disease and our resources is equally important. My family has personally been touched by a family member with a drug addiction. My family member has given me permission to share his drug addiction with the understanding that I also share with you that all resources are not equally available to many of his friends. Success in treatment should not be predicated on your race and economic status. While a judge must follow the law, a judge makes sure that resources are equally available for opioid addiction. Judges should visit needle exchange programs, Narcan distribution, and overdose prevention sites. All judges should be trained on how to use Narcan.

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 long-term effects of this? What can judges do about this?

The “school to prison pipeline” and foster care both have a negative effects on our youngest Philadelphians. As a young Teach for America teacher, our mantra was “All children can learn.” As a city, we need to do much better in supporting our youth so that they can learn and grow, as our future is tied to our children. There are many amazing organizations and leaders working to advocate for evidence-based solutions for our children. The Education Law Center (ELC) is one of these organizations that advocates on behalf of juveniles in the foster and juvenile systems. Another important organization is the Support Center for Child Advocacy. The question every judge should ask is how can we support our children so they become successful adults.

12. What is the “school-to-prison pipeline” and do you see it at work in Philadelphia?

A zero-tolerance discipline system will fail our youth every time. As teenage brains are not fully formed until the age of 28, a zero-tolerance system shows a lack of understanding of our youth and brain development. As a judge, I would volunteer with the school district to fight against a “school to prison pipeline.” Additionally, a judge is a role model and should be active in schools. I would be particularly interested in starting and supporting programs geared at empowering teenage girls.

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 long-term effects of this? What can judges do about this?

Judges need to understand the individual challenges facing each person walking through the doors of their courtrooms. We want to encourage a system that promotes people remaining in their homes and employment. Judges must understand and be knowledgeable about community resources in order to help our fellow Philadelphians. The first thing a new judge should do is develop a list of resources provided by the Court system and the community. As a new judge, I would meet with representatives from the Office of Homeless Services, Homeless Advocacy Project, Project Home, and the First Judicial District’s Residential Mortgage Diversion Program.

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?

As I am a judicial candidate, I cannot express my individual view on ICE and immigration. I would encourage the City and the Court system to have a unified policy. Courtrooms need to be safe havens and not ones where a person should be afraid to enter for fear of arrest. An abused woman or child should never be afraid to enter a courtroom for fear of being arrested by ICE. Our city is better for our diversity and a judge should embrace and celebrate that diversity. A policy that does not protect all is counter to the true meaning of justice.

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 if elected?

See number 14.

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?

A trauma informed courtroom includes understanding the traumas all women have endured in our city. The primary goal of sentencing is rehabilitation based on evidence-based research: How can we make each Philadelphian successful? I would look to both the Probation Department and community-based programs to help encourage the success of each woman. As a mother of two daughters and a graduate of a women's college, my hopes and dreams for my daughters are my hopes and dreams for all women who enter my 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?

As a judge I am required to follow the law. Children, however, are not adults. Scientifically, a child's brain is not fully formed until they are approximately 28 years old. Children will make mistakes, it is inherent in their brain development. We must also recognize the effects of poverty on our children in the City of Philadelphia. Incarceration is a failure of society and even more egregious for children and the long term impacts it will have on their futures.