

**CITIZENS UNION CANDIDATE QUESTIONNAIRE  
SURROGATE'S COURT  
PRIMARY ELECTION 2007**

Citizens Union would appreciate your response to the following questions related to the structure, function and role of the Surrogate's Court. Responses to these questions will be one of several factors Citizens Union will use to evaluate candidates running for the office in order to determine our "Preferred Candidate" for the Primary Election in the Brooklyn Surrogate's Court race.

We plan to make responses to this questionnaire public in our website and in other appropriate venues

We thank you very much for your response.

Candidate Name: Diana A. Johnson Age: 53

Campaign Address: 744 East 17<sup>th</sup> Street, Brooklyn, New York 11230

Campaign Telephone Number: (646) 831-9378 Fax: (718) 722-7887<sup>(zip)</sup>

Campaign Manager Name: Gary Tilzer

Party Affiliation(s): I am a registered Democrat. I am seeking the nomination of the Democratic Party for the office of Surrogate of Kings County.

Website&Email: gtprinter@aol.com

Education: J.D. in 1982 from New York Law School, New York, New York  
B.A. in 1978 from City College/CUNY, New York, New York

Occupation/Employer (or years in currently held elected office): From January 2001 to the present, I have served as a Justice of the Supreme Court of the State of New York.

Previous Offices and Campaigns: From March 1991 to December 1995, I held the position of New York City Housing Court Judge. From January 1996 to December 2000, I held the position of New York City Civil Court Judge.

Are you willing to be interviewed by CU's Local Candidates Committee? YES  NO   
(Please note: Citizens Union can grant its "Preferred Candidate" rating only to candidates we have interviewed.)

Signature of Candidate: *Diana A. Johnson* Date of Response: September 4, 2007

1. What qualifications do you possess that make you particularly well suited to handle the responsibilities of a Surrogate's Court judge?

I have been a judge since 1991. I have presided over a number of different types of civil litigation involving varied and complex issues. As a Housing Court Judge, I presided over issues involving landlord/tenant law. I gained experience in conducting trials, negotiating settlements and presiding over cases with both represented and self-represented litigants.

As a Civil Court Judge, I presided over various civil matters involving sums of \$25,000 or less and also involving litigants who were both represented by an attorney and self-represented.

Furthermore, as a Supreme Court Justice, I have presided over a good deal of complex civil litigation including personal injury actions, medical malpractice actions, breach of contract matters, etc.

Moreover, prior to obtaining the bench, I practiced as an attorney for DC 37, wherein I handled various civil matters and eventually became a supervisor in my department.

Therefore, I have the necessary experience to handle the duties of the Surrogate of Kings County. I have supervisory experience and am able to administratively run a court as well as litigation experience both on and off the bench.

2. What are the biggest problems, if any, confronting the Surrogate's Court, and how would you address them? What are your views as to the adequacy of the resources the Surrogate's Court has to handle the caseload set before it?

The court does not have a system of standards and goals to move a case expeditiously to disposition. The Court desperately needs uniform standards of case management so that matters are tracked based on their level of complexity and moved along to completion.

The court also needs a resource center for self-represented litigants staffed by a full time attorney in order to assist self-represented litigants in negotiating the procedural complexities of the court.

Eliminate the backlog in public administrator cases to ensure that those cases move promptly to final decree so that funds can be distributed to the rightful heirs.

In addition, far too much money that passes through administration in the Public Administrator's office is deposited with the Commissioner of Finance for the benefit of unknown kin. A greater effort should be made by the Public Administrator's office to locate kin so that the estates of the decedents are not deposited with the state unless absolutely necessary.

The court should sponsor training seminars for guardians ad litem to increase the pool of qualified guardians and also to insure that the guardians selected reflect the diversity of the county.

An open transparent process for the selection of attorneys to serve as Public Administrator's counsel should be instituted where requests for proposals are received from the bar and the selection of counsel is based on competence and the competitiveness of the fees sought. By seeking requests for proposals, the court can reduce expenses to estates by finding suitable counsel who are willing to charge less than the rates approved for the counsel to the Public Administrator.

Kings County is one of the most populous counties in the state with the one of the highest numbers of filings in the State. Certainly more clerks to staff the various departments so that initial filings of petitions may be reviewed promptly and accurately would be a boon to the court and the public. In addition, an additional attorney to staff the resource center for self-represented litigants, would free other personnel in the law department to concentrate on moving matters to disposition.

3. What legislative and administrative changes would you make, if any, to improve the functioning of the court system?

I would seek to obtain funding and open a resource center for self-represented litigants staffed by a full time attorney in order to assist self-represented litigants in negotiating the procedural complexities of the court. I would also institute a system of standards and goals for the cases similar to the system maintained in the Supreme Court, based upon their level of complexity to move cases along to completion as expeditiously as possible.

4 Do you favor a more open, transparent, and less party leadership driven process for party nomination of judicial candidates, including a qualified screening panel? Do you support a merit-based commission appointment system? Do you support the open election of judges?

I do favor a more open, transparent system for the nomination of judges, provided the screening panel members reflect the diversity of the electorate of the county. I believe that the open election of judges is preferable to merit selection. The electoral process enables the citizens of Brooklyn to have a say in the judges selected to rule on their cases. Additionally, the appointive process frequently leads to a bench that is not reflective of the large minority population of the county.

5. What is your position on whether judicial candidates should be able to discuss views on issues that may come before them once elected?

While the code of judicial ethics of this state prohibit such discussions, the law in this area is evolving since the Supreme Court case of *White v. Minnesota State Bar*. As a Judge's personal views cannot and should not have any impact on any decision, open discussion serves little purpose.

6. What are your views on the electronic filing of court documents and the effects of this on the Surrogate's Court system?

I believe that the impending electronic filing system for Surrogate's Court will be a great benefit to the administration of the court and to the public. The new system will enable documents to be scanned and viewed electronically without the necessity of the presence of the physical file. This will enable court staff to readily access documents as well as the public and will contribute to the efficiency and openness of the court. This system also will enable court administrators to further monitor the progress of cases.

7. What are your views on the current system for how judges finance their campaigns? Would you support public financing of judicial campaigns?

I believe that the public financing of campaigns would be a great way of leveling the playing field among candidates and limiting the appearance of impropriety by lessening the amount and influence of attorney contributions to campaigns. Public financing would ensure judges of high quality and caliber and preserve the participation of the electorate in the process.

8. Would you support an obligatory pledge by elected judges not to appoint lawyers who contributed to their campaigns?

I believe that such a rule, if enacted by court administrators, would further increase the confidence of the public in the courts.

9. What is your view on the guardianship rules promulgated by the Office of Court Administration several years ago, particularly efforts to establish more precise procedures and limitations in the making of appointments?

I believe the rules, as a whole, have worked well. The limitations on the appointment of counsel to the public administrator have served to remove any temptation to the appearance of impropriety by prohibiting the appointment of counsel who are active in a Surrogate's campaign for two years. In addition, the rules for the appointment of guardians ad litem have moved the court to expand the pool of attorneys chosen to serve as guardians ad litem. I believe a further expansion of the pool of guardians ad litem is possible with the court sponsoring training seminars for new guardians ad litem. The rules have had the desired chilling effect on excessive appointment to any one person.

10. What is your plan to avoid improprieties and cronyism that has plagued the Surrogate's Court in the past?

My plan is to administer the Surrogate's Court in the same way that I have handled my fiduciary appointments as a Supreme Court justice with strict adherence to the rules of the office of Court Administration and a commitment to diversity and competence. I believe the position of counsel for the Public Administrator should be selected by an independent search panel via an open, advertised and transparent process, based on competence and the ability to provide legal services economically.

Additional Comments Please note that I was found qualified for the office of Surrogate by the Association of the Bar of the City of New York and the Brooklyn Bar Association in 2007 and 2005. I was found highly qualified for the office of Surrogate in 2007 by the Lesbian and Gay Law Association of Greater New York. I have been endorsed this year for the office of Surrogate by the Independent Neighborhood Democrats and the Central Brooklyn Independent Democrats.