



2019 Civil and Surrogate’s Court Judicial Candidate Questionnaire

Completed questionnaires will be public documents.

Personal and Employment History	
<p>How long have you lived in New York City? What neighborhoods have you lived in?</p>	<p>I’ve lived in New York City since I moved here as a child from Puerto Rico at age six. I’ve lived in East New York, Brownsville, Flatbush, Boerum Hill, Prospect Heights, Staten Island, and Park Slope.</p>
<p>Please list all of your employers and your job titles for the past 10 years.</p>	<p>I began my legal career in 1979 as a legal services lawyer at MFY Legal Services in Manhattan, where I represented low-income persons in landlord-tenant, family, public entitlement benefits, consumer and immigration law. In 1985 I became a managing attorney.</p> <p>In 1987 I became an assistant Corporation Counsel for the City, where I prosecuted cases in Criminal and Civil Courts involving violations of building, health and fire codes.</p> <p>In 1989, I became director of the Family Law Unit at Brooklyn Legal Services in Williamsburg, representing parents in neglect/abuse and women in domestic violence matters.</p> <p>In 1991, I became the Deputy General Counsel in charge of City-wide legal department which represented the Commissioner of Social Services in neglect/abuse, foster care and custody court proceedings and acted as in-house counsel to Child Welfare Administration. This was during an administration and a Commissioner which embraced the goal of keeping families together by providing supportive services.</p> <p>In 1992, I was first elected to the Civil Court, and served there (including in Housing Court) as well as in the Family Court and Criminal Court.</p> <p>I was elected to the Surrogate’s Court in 2005, and am now the most senior Surrogate’s Court Judge in the greater metropolitan area.</p>

<p>Please list all courts you have appeared in front of as an attorney, and if applicable, all courts you have presided over as a judge, or worked in as an employee.</p>	<p>As an attorney I appeared in Housing Court, Family Court, Civil Court, Criminal Court, Supreme Court, the Appellate Division, and the New York Court of Appeals</p> <p>As a judge since 1992, I presided in Civil Court (including Housing Court), Criminal Court, Family Court, and Surrogate’s Court</p>
<p>Please describe the types of clients you have represented in your practice.</p>	<p>As a legal services attorney, I represented low income and indigent person in housing, immigration, and family law matters (including victims of domestic violence). As Deputy General Counsel for the City, I was in charge of the legal department of the Child Welfare Administration (now known as the Administration for Children’s Services) under an administration whose focus was to preserve and shore up families.</p>
<p>If you are running for reelection, please point us to one or two decisions you are most proud of. If not, please point us to one or two cases you litigated that you are most proud of.</p>	<p>In <i>Matter of Zhuo</i>, 42 N.Y.S. 3d 530 (Surr Ct, Kings Co. 2016), I declared that in guardianship proceedings concerning persons with a diagnosis of intellectual/developmental disability, the appointment of independent counsel to such persons is constitutionally mandated.</p> <p>In <i>Matter of Alayon</i>, 28 Misc.3d 311 (Surr. Ct. Kings Co. 2010), <i>aff’d</i> 86 A.D.3d 644 (2d Dep’t 2011), I declared that the attorney fees awarded to the former counsel to the Public Administrator by the former Surrogate in some 88 estate matters must be vacated. I went on in that decision to issue a plea for legislative action to remedy the very structure of the Public Administrator’s office, so that the City would have direct oversight of its own agency and commissioner and that the City’s Office of the Corporation Counsel would represent the Public Administrator rather than private counsel, as the current statutory scheme “time and again has been proven to ill-serve the public interest.” See, “Surrogate Back Law to Shift Appointments,” <i>New York Law Journal</i>, May 4, 2010.</p>

Personal Values	
<p>Please list any civic, professional, or community-based organizations with which you are a member, volunteer, or otherwise affiliated.</p>	<p>New York City Bar Association Member, Committee on the Legal Needs of the Poor (1989-1993); Member, Committee on Family Court and Family Law (2001-2003) Member, Committee on Surrogate's Court (approximately 2007-2009) Member, Nominating Committee for President and Officers (2018)</p> <p>New York State Bar Association Member, Committee on Diversity and Inclusion</p> <p>Brooklyn Bar Association Brooklyn Criminal Bar Association Brooklyn Women's Bar Association (former board member, 2002-2005)</p> <p>New York State Women's Bar Association Puerto Rican Bar Association National Lawyers Guild Association of Judges of Hispanic Heritage (now the Latino Judges Association) (former Board Member)</p> <p>Bay Ridge Lawyers Association LeGAL (the LGBT Bar Association of Greater New York)</p> <p>American Civil Liberties Union New York Civil Liberties Union (former Board Member)</p> <p>National Organization of Women Planned Parenthood Committee for Hispanic Families and Children (former Board Member)</p>
<p>Please tell us a story from your professional or personal life about an instance when you were wrong, and how you learned from it.</p>	<p>A Lexis search indicates that there are 54 published appellate cases concerning my decisions over the 26 years I have served on the bench. Of these, 37 (68%) resulted in affirmances, 5 resulted in modifications, and 12 resulted in reversals.</p> <p>As a judge, one tries to make judgments based on the law and the facts, and tries to render a considered, thoughtful decisions. Clearly, one will not always be affirmed, but at the same time one can't make decisions based on a fear of being reversed.</p>

<p>Do you think the current makeup of the bench in New York City is representative of the City's residents? If so, in what ways? If not, what, if anything, could and would you do as a judge to make the bench more representative?</p>	<p>In 1992, I was the first Latina elected to the Civil Court in New York City.</p> <p>In 2005, I was the first person of color elected in New York State to the Surrogate's Court and the first woman elected to that court in Kings County.</p> <p>While there have been tremendous strides since I was first elected – there are many more women and persons of color now serving on the bench, as well as members of the LGBT community -- we certainly have yet to have a bench that fully represents the diversity of New York City. In Kings County, for example, there has yet to be an Asian Supreme Court or Civil Court judge.</p> <p>One thing I've tried to do is join various professional associations and become a member of subcommittees, including being elected as a member of the nominating committee of the City Bar that selected the current president thereof, who is the first Latino to hold that position. I've also sought to mentor younger attorneys to inspire them to consider pursuing judicial office.</p>
<p>What qualities do you think voters should be looking for in a judge?</p>	<p>Experience, scholarship, demonstrated work ethic, independence, compassion, good temperament, and management skills.</p>
<p>Please name one judge, current or past, from any jurisdiction, who you admire, and explain why.</p>	<p>Its hard to just name one. United States Supreme Court Justices Ruth Bader Ginsberg, Sonia Sotomayor, and the late New York Supreme Court Justice Bruce Wright. All of them brilliant, fiercely independent, brave, and tenacious.</p>
<p>Your Campaign</p>	
<p>Please list any websites or social media pages for your campaign.</p>	<p>www.MLT4surrogate.com</p>
<p>Please list all members of your campaign staff and their roles. Were any of your staff members or consultants chosen or recommended by officials or staff of the Kings County Democratic Committee? Please indicate that information for each staff member.</p>	<p>My campaign has no formal staff. My treasurer is Yolanda Denise Powell. My campaign coordinator is Jim Brennan. No consultants were chosen or recommended by officials or staff of the Kings County Democratic Committee.</p>

<p>Please list any elected officials, political clubs, or any other notable individuals or organizations who have endorsed your campaign.</p>	<p>To date, I've been endorsed by the following: <i>Public Advocate:</i> Jumaane Williams <i>Borough President:</i> Eric Adams, former Borough President Marty Markowitz; <i>Congressmembers:</i> Hakeem Jeffries, Nydia Velazquez; <i>Assemblymembers:</i> Peter Abbate, Rodneyse Bichotte, Bobby Carroll, William Colton, Steve Cymbrowitz, Maritza Davila, Erik Dilan, Joseph Lentol, Walter Mosley, Felix Ortiz, Nick Perry, Joanne Simon, Jaime Williams; <i>Senators:</i> Velmanette Montgomery, Roxanne Persaud, Julia Salazar, Diane Savino; <i>Councilmembers:</i> Justin Brannon, Laurie Cumbo, Rafael Espinal, Brad Lander, Steve Levin, Alan Meisel, Antonio Reynoso, Mark Treyger, Kalman Yeager; <i>District Leaders:</i> Joseph Bova, Melba Brown, Darma Diaz, Lou Fidler, Anthony Jones, Margarita Kagan, Ari Kagan, Victoria Kelly, Lori Knipel, Arelis Martinez, Lori Maslow, Joan Millman, Linda Minucci, Sue Ann Partnow, Ralph Perfetto, Josue Pierre, Charles Ragusa, Nick Rizzo, Annette Robinson, Delia Schack, Doug Schneider, David Schwartz, Frank Seddio, Joanne Seminara, Josh Skaller, Nancy Tong, Tommy Torres; <i>Former Assembly Members:</i> Jim Brennan, Joan Millman, and Annette Robinson; <i>Organizations:</i> Working Families Party, Brooklyn Young Democrats, Central Brooklyn Independent Democrats, Independent Neighborhood Democrats, Jim Owles Liberal Democratic Club, Kings County Democratic Executive Committee, Lambda Independent Democrats, North Brooklyn Progressive Democrats, Thomas Jefferson Democratic Club, Vanguard Independent Democratic Association, 41st AD Democrats Club, 50th Assembly District Committee.</p>
<p>Who or what are the major sources of fundraising for your campaign? Are there any types of donors you won't accept donations from, and if so, what types?</p>	<p>A series of fundraising events to be held, plus self-financing. As a judge, I am not permitted to know the identity of donors to my campaign. I have scrupulously honored that mandate in my prior campaigns, and will continue to do so.</p>

Your Judicial Philosophy

Why do you want to be a judge?

My 40 years in the law demonstrate that I possess the requisite legal scholarship, passion for the law, judicial demeanor, work ethic and independence to merit re-election to the Surrogate's Court.

Having grown up in an economically-challenged household in Brownsville, East New York, and Flatbush, and from my years as a staff and supervising attorney with legal services prior to becoming a judge, I saw the difficulties and challenges pro se litigants face, and acted from a belief that low income individuals not only should be represented, but should also receive professional, quality counsel. As a judge, I have continued to be concerned that the legal needs of so many members of our community go unmet. For example, in 2000 I authored a letter in the New York Law Journal co-signed by my colleagues urging a compensation increase for 18-B panel attorneys, noting that their diminished ranks had severely impeded the administration of justice for the indigent. My testimony was extensively cited in *N.Y. County Lawyers' Ass'n v. State*, 196 Misc. 2d 761 (Sup. Ct. N.Y. Co. 2003), which ordered an increase in 18-B compensation, and the New York County Lawyers Association later honored me for my efforts on behalf of indigent litigants.

While legal services programs must be expanded to achieve the goal of meaningful access to the court for all people, the courts must continue to embrace programs that provide assistance to the self-represented, and to further this I initiated, in partnership with the Brooklyn Bar Association Volunteer Lawyers Project, a program in which volunteer attorneys provided assistance and guidance to users of the Surrogate's Court. More recently, my efforts brought about the opening and staffing of a Surrogate's Court Help Center, staffed full-time by an attorney, to assist self-represented litigants.

Agency representation, both at the Corporation Counsel and as the lawyer in charge of the legal division representing the Child Welfare Administration, gave me perspective on the challenges agencies face in carrying out often difficult mandates and implementing public policy initiatives. In that capacity I endeavored to ensure that families and children were provided with mandated services both to protect children and, where possible, remain with their families.

With over 26 years on the bench, I am the only judge in the City to have presided in the Civil, Family, Criminal, and Surrogate's Courts, and am the most senior

Surrogate in the metropolitan region. As such, I have a wide breadth of experience and knowledge of the law, and a record of competence and integrity. I have presided over hundreds of jury and bench trials. Much of this work has involved high-volume courts handling critical and emotionally laden issues, where judges must determine issues of who gets to keep or lose their personal liberty, their home, their children, and their inheritance. I have expertise in sorting out challenging situations and resolving complex legal issues. My decisions demonstrate commitment and respect for legal precedent while satisfying the imperative of doing justice.

I have also been a member for nearly a decade of the Office of Court Administration Surrogate's Court Advisory Committee, which is charged with recommending legislation and rule changes relevant to the Surrogate's Court. I have been particularly involved with drafting proposed legislation that would make major changes in SCPA Article 17-A proceedings. These proceedings concern the appointment of guardians of the person or property of those who are asserted to be developmentally disabled and unable to manage their affairs.

As Surrogate, I have also initiated a number of other reforms. Among them, I eliminated the long-standing practice of sending court staff and parties' attorneys to conduct hearings outside of New York and outside of the United States to determine the heirs of estates and instead conduct the hearings by video conferencing, which resulted in great savings to estates; this was the first Surrogate's Court in the state to do so. I have streamlined procedures so as to resolve cases in a much more timely manner. I've appointed the Public Administrator and his counsel based on qualifications, rather than on party affiliation and connections. As mentioned earlier, I've also advocated for a statutory change that would permit the Public Administrator – who is a City Commissioner – to be appointed by the Mayor, rather than the Surrogate's Court judges, and for the Public Administrator to be represented by the City's law department, rather than outside private counsel.

I have a deep appreciation of the day-to-day challenges of trial judges, litigants and their counsel. In 2000, the Fund for Modern Courts wrote that it was "impressed by the level of respect and dignity in [my] courtroom, and by [my] concern for those appearing in it," and that I was "fair and respectful to attorneys, defendants, jurors, courtroom personnel and the public." I have a core belief that we cannot effectively do our job unless we have the respect of those who come before

	<p>us. We earn that respect, in turn, only by respecting the dignity of those who come before us, and by respecting and fairly applying the laws we are bound to uphold.</p> <p>But, perhaps more importantly, the public must have confidence that judges, once on the bench, are independent, impartial, and blind to partisan or parochial concerns. I bring to the Court my dedication to judicial independence. See, "Blazing a Trail, and Following Her Own Sense of What's Right," N.Y. Times, January 25, 2008.</p>
<p>What qualities or experiences have you taken or will you take into account when hiring your judicial employees?</p>	<p>Experience, grounded judgment, analytical skills, interpersonal skills, good writing ability, and a healthy dose of humor.</p>
<p>What qualities or experiences have you taken or will you take into account when appointing fiduciaries?</p>	<p>I evaluate whether the person meets the requisite statutory requirements.</p>
<p>How, if at all, can the courts address issues of institutionalized racism? How, if at all, could and would you address these issues as a judge?</p>	<p>As a judge, I endeavor to ensure that all litigants – regardless of race, gender, ethnicity, religion, sexual orientation or identity – are treated with respect and dignity, and that persons are not taken advantage of, even if they are self-represented. I strive to create an atmosphere of inclusion (from the first moment of the day when I'm on the bench I greet everyone present in multiple languages). I was a member of the Criminal Court gender fairness committee.</p>

The Judicial Selection Process

<p>Do you think that the current system of electing Civil and Surrogate's Court judges is transparent and accountable to the voting public? If so, how? If not, how can the system be improved?</p>	<p>I have been a strong advocate in the past for reforms of the election processes for the judiciary in New York, including my role as lead plaintiff in the federal court case <i>Lopez Torres v. Board of Elections</i>, which resulted in multiple decisions declaring that the judicial convention process for the selection of Supreme Court justices in New York was unconstitutional, but which was, alas, reversed by the U.S. Supreme Court.</p> <p>I also gave testimony to the state legislature in 2006 advocating for various reforms, including public financing of judicial elections.</p> <p>Unlike the state Supreme Court, however, the Civil and Surrogate's Court are subject to true primary elections, which are far more transparent.</p> <p>In addition, in the past, the Kings County Democratic Party's judicial screening panel was an entirely closed process. Indeed, back in 2002, I was told that I could not even put my name before the screening panel because it only would consider candidates selected by the then-County Party Leader, and when I asked to see the rules, it turned out that the panel had none. That is no longer the case, and the screening panel appears to be a much more diverse body.</p> <p>I strongly believe that judicial elections should be publically financed, and far more educational materials be made available about the courts and the candidates for those positions, so that the voters can make informed decisions.</p>
<p>Would you be willing to publicize the completed questionnaires you submitted to the New York City Bar Association and the Kings County Democratic Committee? If not, why not? If so, please submit these completed questionnaires along with your responses to this questionnaire.</p>	<p>The questionnaires that are submitted to the City Bar and the screening committee of the Kings County Democratic Committee are intended to be strictly confidential, in order to maximize the serious inquiry that those bodies are designed to undertake in vetting judicial candidates. There are questions within, for example, that are of a personal nature that I do not believe should be part of a public review, and to do so would chill the candor that those processes seek to engender.</p>

I have reviewed this questionnaire and agree that the responses set forth in this document are accurate:

Candidate Signature: Marganta Lopez Torres

Date: 4.22.19

You must sign this questionnaire! When complete, please e-mail your signed and scanned questionnaire to politics@newkingsdemocrats.com