

# Questionnaire for Candidates for Alameda County Superior Court Judge

## BASIC CANDIDATE INFORMATION

1. Name as it will appear on the ballot: John Creighton
2. Office sought (include office, jurisdiction, position/district number) Superior Court Judge, Alameda County
3. What is your current occupation or elected office? Deputy District Attorney, Alameda County
4. Are you the incumbent? No
5. How long have you resided in this district and city? I have resided in Oakland for 33 years

## CAMPAIGN CONTACTS

Campaign Name: John Creighton for Judge 2010

Address: P.O. Box 10804

City, State, Zip: Oakland, CA 94610

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## OUR ISSUES

Please answer the first five questions in 250 words or less

1. Jury service is an incredibly important and valuable civic duty. However, jury participation is declining with many citing financial burden, and many well-qualified jurors talk their way out of being selected. How would you use your position as a judge to encourage jury participation in our court system?

It has been my experience that jurors who serve almost always find the experience to be interesting and rewarding. I will strive to create a courtroom atmosphere where jurors will feel that they are an important part of a potentially exiting and interesting civic experience. Moreover, I will try to ensure that promises made to jurors regarding scheduling and length of service are kept, insofar as possible. I believe a concerted effort to minimize the inconvenience and disruption to jurors' lives will pay dividends when they are again called to serve. I would strive to point out to prospective jurors the many benefits we receive from our government and the little that is required of us in return. I will also point out that our legal system depends upon the full participation of all its citizens.

Prospective jurors who would suffer genuine and severe financial or personal hardship should be excused. However, financial and other hardship excuses are sometimes granted by judges without much inquiry as to whether or not the hardship actually exists. Jurors quickly pick up on a judge's lenient or indulgent attitude toward such excuses and sometimes create or exaggerate hardships. A judge should be firm in asserting that all persons are required to serve.

2. The state's prisons are overcrowded and under-resourced. Offenders are being granted early release back into the community due to budget cuts. How will state and local budget cuts affect your work as an Alameda County Superior Court judge? Will you have discretion to use scarce resources wisely, and what will your priorities be as you do so? We are especially interested in youth involved in family or juvenile court.

Judges have a duty to use limited resources wisely and a responsibility to employ creative alternatives to incarceration. Incarceration in state prison is a last resort that should only be imposed when the defendant has demonstrated that he or she is a dangerous and continuing threat to the safety of the community.

Probationary sentences are appropriate where it appears that both the defendant and the community will benefit. Work furlough programs, community service, counseling and/or fines and restitution benefit both the defendant and the community by permitting the probationer to remain a productive member of the community while satisfying his or her obligation to either the victim or the community at large.

Juvenile offenders require more intensive supervision by the courts to ensure that they are provided the resources and guidance necessary become mature and responsible adults. Educational opportunities and adult mentoring are extremely important to the successful rehabilitation of juvenile offenders. Budget cuts have led to reduced levels of supervision of adults and juveniles by the Probation Department. Lack of funding has also affected programs designed

to provide adult mentors for at risk youth. My priority as a judge will be to reallocate resources to these vital components of our juvenile justice system.

3. We understand that judges and judge candidates are limited in their ability to discuss their stance on many political issues. In lieu of that, please describe your life experiences that led you to run for judge, why you are running, and what kind of judge you want to be.

I came late to the practice of law. Out of high school, I worked and tried community college. In 1971, I was drafted into the US Army and was sent to Vietnam. After I completed my military service, I attended UC Berkeley on the GI Bill, working my way through. It was only after graduation, working at a law firm, that I considered a career in law. I graduated from USF Law School and chose to go into public service in the the Alameda County District Attorneys office.

I have appeared in Superior Court on a regular basis throughout my 25-year career as a prosecutor. I have litigated many hundreds of cases in courtrooms throughout the county. I have handled cases both criminally and civilly in the DA's Environmental Protection Division and I have served in the DA's Juvenile Justice Division. As a prosecutor I have exercised the discretion to determine whether to charge an individual with a crime and, if so, the seriousness of the charges to be filed. Long experience has taught me the value of restraint in the use of that power. I have reduced or dismissed charges against individuals where the evidence was lacking or where the interests of justice called for such action.

Throughout my career, I have had regular contact with victims, witnesses, juries and other members of the public who appear in court. This experience has provided me with the skills necessary to courteously and effectively interact with members of the public who appear in court. It has also made me sensitive to the needs and vulnerabilities of those who must appear in court. In my experience these individuals often experience trauma second only to the crime itself when they are required to appear in court. My experience will enable me to create a courtroom where such persons can feel confident they will be well treated.

The discretion, good judgement and compassion I have exercised as a representative of the People are qualities I would bring to the bench. I would like to continue my public service to the community as a judicial officer.

4. Although you are limited to discuss political issues during your campaign, young people are extremely concerned with Alameda County's high death penalty rate. What is your position on the death penalty?

The death penalty remains a part of the Penal Code of the State of California and a Superior Court judge is required to uphold and apply the state's laws as enacted by the Legislature and interpreted by the appellate courts

The truth is that the Alameda County District Attorney has sought the penalty only sparingly. Indeed, in the last 3 years the District Attorney has reviewed 56 cases where the accused was statutorily eligible for the death penalty and chose not to seek the penalty in any of those cases.

While California has in excess of 500 people on death row - far more than any other state - very few of those condemned to death have actually been executed since the reinstatement of the penalty many years ago. Nonetheless, the death penalty remains a controversial and emotional issue, and reasonable people do disagree on the morality of capital punishment or its efficacy as a deterrent to crime. Polls continue to show that the majority of California's citizens favor the imposition of capital punishment in certain cases. I believe, however, that many Californians who support capital punishment in the abstract remain conflicted about it when deciding whether to apply it in a specific case and that Californians continue to struggle with this issue.

As someone working in the criminal justice system who has seen the incredible damage done to victims and their families and communities, I understand the desire of some to impose the death penalty, but I also recognize why many others have come to question its fairness and effectiveness as a deterrent. I believe that public opinion may eventually compel the Legislature to abolish capital punishment in favor of life without parole or that our highest state and federal courts may conclude at some point that the penalty as administered is violative of either state or federal constitutional provisions. Until then, however, the penalty remains a part of our state's law that Superior Court trial judges are sworn to uphold.

5. Have you collaborated with young people in your community work in the past (list specific examples)? How are young people involved in your campaign? How will you continue to involve young activists in your work after you are elected?

My campaign is supported by young attorneys who know me and have either worked with or opposed me professionally. Many of them are getting involved through get-out-the votes e-mail and phone efforts, as well as helping at events. As the father of two young children I am keenly aware of the importance and value of young people taking action in political campaigns. I welcome any help from young people who wish to become involved in my campaign. If I am elected I will continue to look for ways to work with or hire young attorneys as research assistants and will welcome undergraduate and law students as interns in my court. As I mentioned above, the need for mentoring and other community engagement programs is vital in the criminal justice system, and local young volunteers will be the best pool of talent from which these programs will develop.

## **ACCOMPLISHMENTS FOR YOUTH**

Please describe in detail at least three of your accomplishments that have improved the lives of young people. These examples should illustrate skills and capabilities that apply to the office you are seeking. These accomplishments may have occurred at any time in your personal, professional, or public life.

I take a leading role in several local government programs dedicated to the reduction of gang violence and the reintegration of gang members into the community. Most of those targeted in these programs are very young adults or juveniles. Representatives from law enforcement and social services collaborate with community leaders and employers to provide alternatives to those at risk of committing gang related crime. The programs entail face-to-face meetings with a frank discussion of the consequences of continued criminal activity. Counseling, educational and employment opportunities are also offered to those who wish to participate. The programs are based on a model that has been successfully implemented in other communities where gang related crime was dramatically reduced and many gang involved youth were reintegrated into the community.

In the DA's Oakland office I was responsible for several years for the supervision and training of newly hired lawyers. These young people were generally new to the practice of law and to public service. Our training, including case preparation and management, trial advocacy skills and ethical responsibilities regarding the disposition of cases, discovery and courtroom conduct, helped make them both better lawyers and better public servants.

## **EXPERIENCE**

Please list or describe your current and past activities in the community in which you have acquired skills that relate to the office you seek. Include your role in the activity and the year(s) in which you were involved. Involvement consists of many areas such as family, neighborhood, community, employment, or public life. You may also list endorsements here.

I am currently a member of the Board of Directors for Planned Parenthood Golden Gate. As a board member I am responsible for policy and oversight management of the many clinics throughout the Bay Area that provide health, reproductive and family planning services to young and indigent clients. I am a member of the school Site Council at my children's elementary school. As a site council member I am responsible for oversight of the maintenance and safety of the school's facilities and for adopting curriculum changes and improvements. I have been involved in youth soccer for six years and am a licensed referee in the Jack London Youth Soccer League.

I am endorsed by the Alameda Labor Council AFL-CIO, the Service Employees International Union (SEIU) Local 721, the Alameda County Deputy Sheriff's Association (DSA), Police Officers Research Association of California (PORAC), Hayward Police Officers Association, Oakland Police Officers Association (OPOA), 41 Superior Court Judges currently sitting on the Alameda County bench and numerous attorneys who practice in the criminal defense and civil bar.

