

A close-up, high-angle portrait of a woman with dark hair pulled back, looking down with her eyes closed. She is wearing a pearl earring and a dark top. The lighting is soft, highlighting the texture of her skin.

BLIND JUSTICE

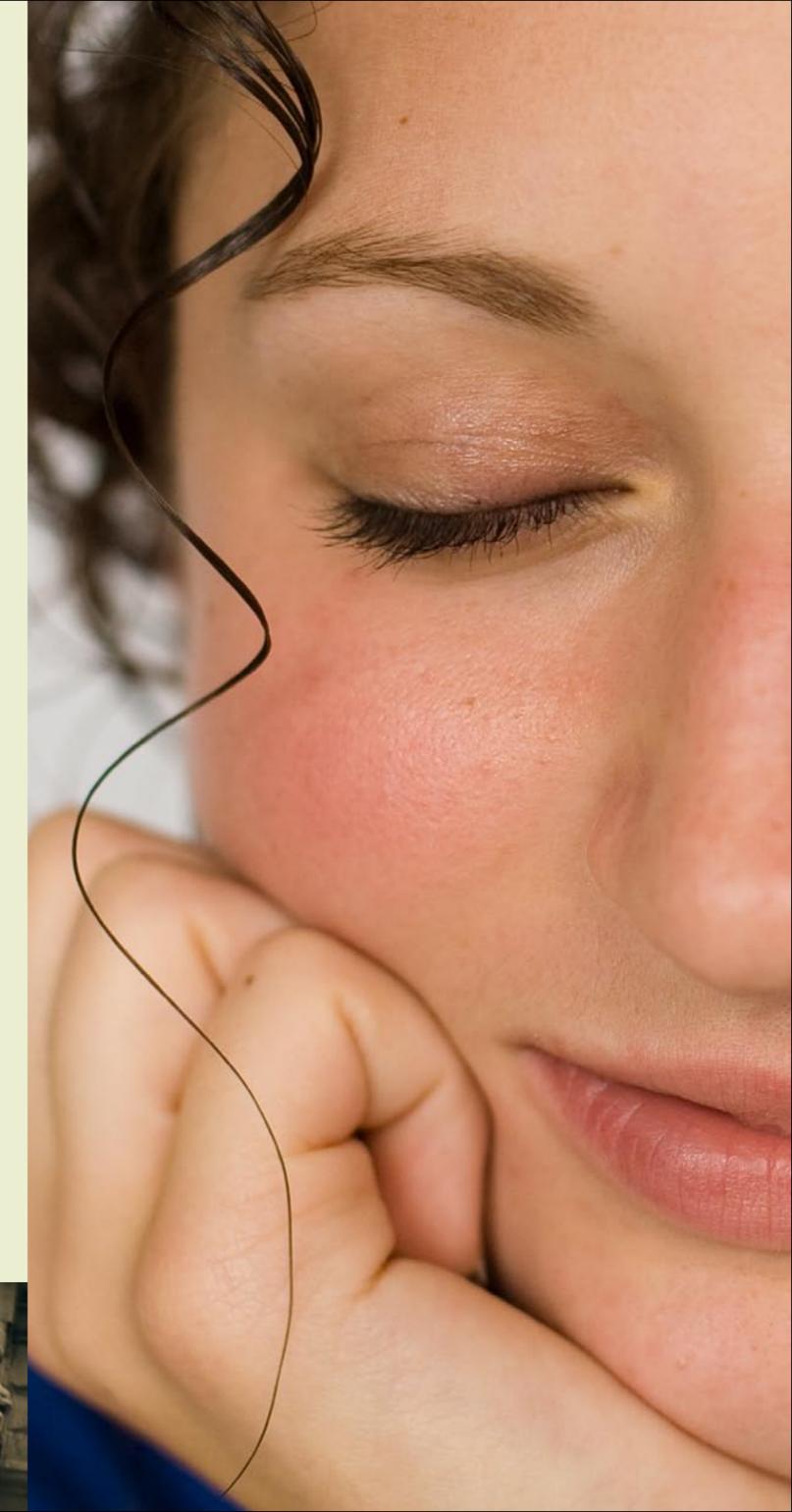
A close-up photograph of a man's face, eyes closed, with a slight smile. He has a mustache and is wearing a blue shirt. The background is a soft-focus green.

The Supreme Court of Pennsylvania
is committed to the principles
of equal employment opportunity
to ensure legal and appropriate
hiring and employment practices,
and to promote public confidence...

A large, white, stylized letter 'C' that is partially cut off on the left side, serving as a decorative element for the text.

lose your eyes. Imagine a world
where everyone is judged by their actions, not their
background, their appearance, their gender, or
their age. Treating everyone equally requires blindness
to our own prejudices, our own biases—not a
blindness toward the facts. Setting aside our own
personal preconceptions allows us to see the facts and
only the facts. Equal treatment...it's that simple.

The Interbranch Commission seeks fairness
throughout our judicial system, because everyone
deserves to be treated in a dignified, respectful,
and non-discriminatory manner. Whether responding
to grievances, selecting jurors, expunging juvenile
records, or making judicial processes safer for and
more accessible to citizens, our goal is to promote
fairness. It's that simple.



GRIEVANCE PROCESS COMMITTEE

Seeing solutions

Grievance Process Committee Members

Kathleen D. Wilkinson, Esq.,
Co-chair

Samuel S. Yun, Esq.,
Co-chair

Honorable
Doris A. Smith-Ribner

Honorable
Maureen E. Lally-Green*

*Past member

For the past two years, the main work of the Grievance Committee has been to create a Policy on Non-Discrimination and Equal Employment Opportunity for Pennsylvania's entire Unified Judicial System. Approved by the Pennsylvania Supreme Court in 2007, the policy prohibits discrimination and harassment in a court facility by judicial system personnel, related staff, or attorneys on the basis of race, color, sex, sexual orientation, national origin, age, disability, or religion.

The complaint process for violations of the policy is designed to address the objectionable behavior where it occurs, rather than through the formal state disciplinary process in Harrisburg. Thus, complaints are to be filed with the Court Administrator in the judicial district (or appellate court) in which the conduct occurred. The Court Administrator conducts the investigation and then submits a report of findings to the President Judge, who makes the final determination regarding the violation. If warranted, the complaint may be referred to the state Disciplinary Board or Judicial Conduct Board.



Chief Justice Ronald D. Castille assumed the leadership of the Pennsylvania Supreme Court on January 1, 2008, the day the new policy took effect. The policy will be implemented under his stewardship.

Several members of the Commission recently conducted training sessions on the policy and complaint procedures for Pennsylvania appellate, trial court, and municipal judges. The Committee plans to assist the AOPC with additional training for court employees and supervisors in the coming months.

The Committee continues to seek Supreme Court approval of its related project: proposed amendments to the existing codes of conduct for Pennsylvania attorneys and judges. The amendments would specifically prohibit attorneys and judges from discriminating against or harassing individuals within the context of litigation. The Committee hopes to obtain approval of the amendments by year's end.

This year, the Committee also plans to produce a manual, entitled *The Pennsylvania Guidebook for Bias-Free Behavior*, which provides guidance to officers of the court and attorneys on how to avoid offensive conduct in the legal process.

Complaint Procedure



Complainant reports discrimination or harassment, orally or in writing, to supervisor or Court Administrator.



Court Administrator conducts prompt investigation of complaint.



Court Administrator submits report of findings to President Judge.



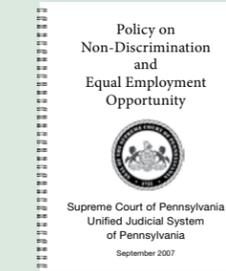
President Judge may mediate dispute, but ultimately makes final determination as to whether policy violation occurred.



President Judge informs complainant and respondent of investigation results and any disciplinary action to be taken, in the case of court employees.



Matters involving complaints against attorneys or judicial officers may be referred to Pennsylvania Disciplinary Board or Judicial Conduct Board for further investigation.



The new policy, shown at left, is intended to foster the fair treatment of all participants in the litigation process. Key language in the policy expressing the Supreme Court's commitment to this principle appears across the photograph on the inside cover of this Annual Report.

Another benefit of the new policy may be improved relations among court employees, such as these from the Fifth Judicial District, who are enjoying a break in the courtyard at the Allegheny County Courthouse.

JURY SERVICES COMMITTEE

Seeing diversity

During the past year, the Jury Services Committee focused upon the implementation of the recommendations in its report, *Suggested Standardized Procedures for Jury Selection in Pennsylvania*. The recommendations address the following thirteen aspects of jury selection in Pennsylvania:

- The Jury Summons Process
- Juror Utilization
- Jury Source Lists
- Juror Qualifications
- Juror Exemptions, Deferrals, and Excusals
- Juror Failure to Appear
- Juror Compensation
- Term of Jury Service
- Jury Voir Dire
- Peremptory Challenges
- Juror Privacy
- Juror Security
- Jury Education and Appreciation Campaigns

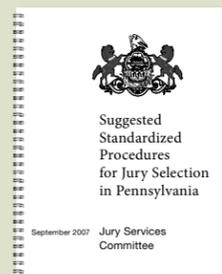
Jury Services Committee Members

- Lynn A. Marks, Esq., *Chair*
- Honorable Ted V. Kondrich
- Burton D. Morris, Esq.
- Charles Cunningham, Esq.*
- Honorable Stephanie A. Domitrovich*
- Paula Hannaford-Agor, Esq.*
- Honorable Thomas King Kistler*
- G. Thomas Munsterman*
- Rick Pierce*
- E. Marie Queen*
- Arthur H. Stroyd, Jr., Esq.*

*Member of Committee only, not full Commission

The Committee submitted the report to the Supreme Court in September of 2007, and sought comments on it from each President Judge in the state and from the general public. The Committee produced a compendium of these responses and used the information to revise its original recommendations, where necessary. Since then, the Committee has drafted an "Action Plan" for the Court, summarizing actions the Court can take to implement the report's recommendations.

The Committee also is planning the third in its series of five regional jury diversity seminars for late 2008 in Allentown, Pennsylvania. Judges, court administrators, jury commissioners, legislators, and representatives of the minority community in Allentown and four surrounding counties will be invited to attend this session. The seminar is intended to provide a forum for local judges and court administrators in small cities in the eastern region of the state to share information on successful strategies they have developed to increase jury diversity.



Prepared at the request of former Chief Justice Ralph J. Cappy, the Commission's recommendations are designed to make the jury selection process more efficient and increase the representation of minorities on juries across the state.

Six members of the Commission for Justice Initiatives, listed at left, provided valuable counsel to the Commission during the course of this project.



Senator Jay Costa (Dem., Allegheny County) sponsored S.B. 116 which expanded the range of jury source lists used in selecting jury pools in Pennsylvania. The bill, now Act 37, is expected to increase the representation of minorities on juries across the state.

CRIMINAL JUSTICE COMMITTEE

Seeing
a future

- Criminal Justice Committee Members
- Khadija T. Diggs-Terry, Esq., *Co-chair*
- Honorable Elizabeth Doyle, *Co-chair*
- Burrell A. Brown, Esq.
- Gladys Miller-Russell
- Honorable Kim Berkeley Clark*
- Honorable Bradley H. Foulk*
- Charles J. Grant, Esq.*
- Robert L. Listenbee, Esq.*

*Member of Committee only, not full Commission

The Criminal Justice Committee continued to work on its three key initiatives over the past year: reducing disparities in the imposition of the death penalty, initiating a loan forgiveness program for public interest lawyers, and establishing juvenile record expungement procedures in all judicial districts. While more remains to be done, the Committee has made significant progress in each area. Details of the Committee's efforts in two areas are described in the next column. Pages 8–9 contain a graphic representation of a model procedure for expunging juvenile records in Cumberland County.

96.8%

of Pennsylvania's law students borrow to finance their education.

Source: Report of PBA Task Force on Student Loan Forgiveness and Repayment Assistance, 2006.

Loan forgiveness

This year, the Committee focused its efforts on securing funding for S.B. 860, currently pending in the state Legislature. The bill would establish a loan forgiveness program for Pennsylvania public defenders, district attorneys, and legal aid lawyers.

Death row disparities

The Committee also is in the process of establishing an agreement with the RAND Corporation to undertake the first-ever statewide study of the Pennsylvania capital justice system. The study is intended to determine whether racial, ethnic, or socioeconomic status influences the administration of the death penalty system in Pennsylvania, and if so, how those disparities can be addressed.

Next to Texas (70%), Pennsylvania has the highest percentage (69%) of racial and ethnic minorities on death row.

Source: NAACP Legal Defense Fund, Death Row USA Report 2008.

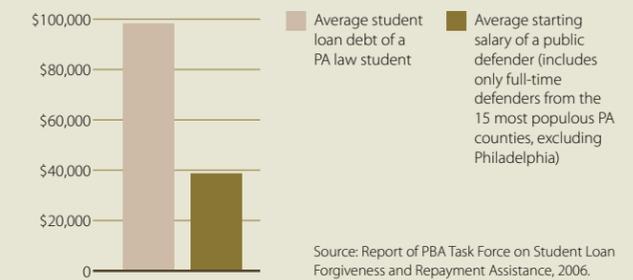
Katherine McKee, a staff attorney for Neighborhood Legal Services Association in Pittsburgh, is a beneficiary of a loan forgiveness program sponsored by the Allegheny County Bar Association and the Allegheny County Bar Foundation. This program has enabled her to pursue a career in public interest law despite her law school debt load.



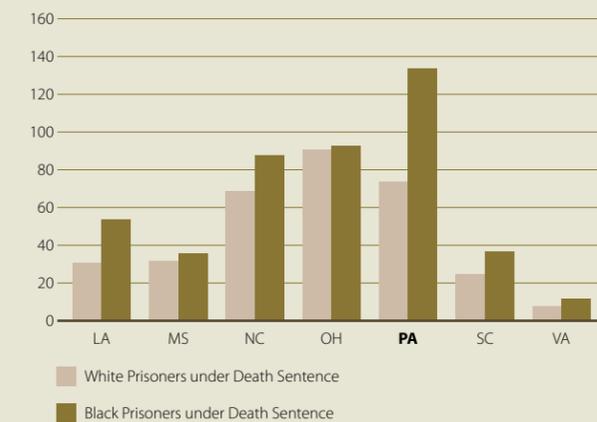
In its study, the Supreme Court Committee on Racial and Gender Bias in the Justice System found serious deficiencies in indigent criminal representation across the state. In 2004, the Pennsylvania Supreme Court adopted a new rule (Pa.R.Cr.P. 801) requiring attorneys to meet specific educational and experiential criteria before they may participate as retained or appointed counsel in a capital case.



Comparison of the average student loan debt of a recent Pennsylvania law school graduate versus the average starting salary of a public defender



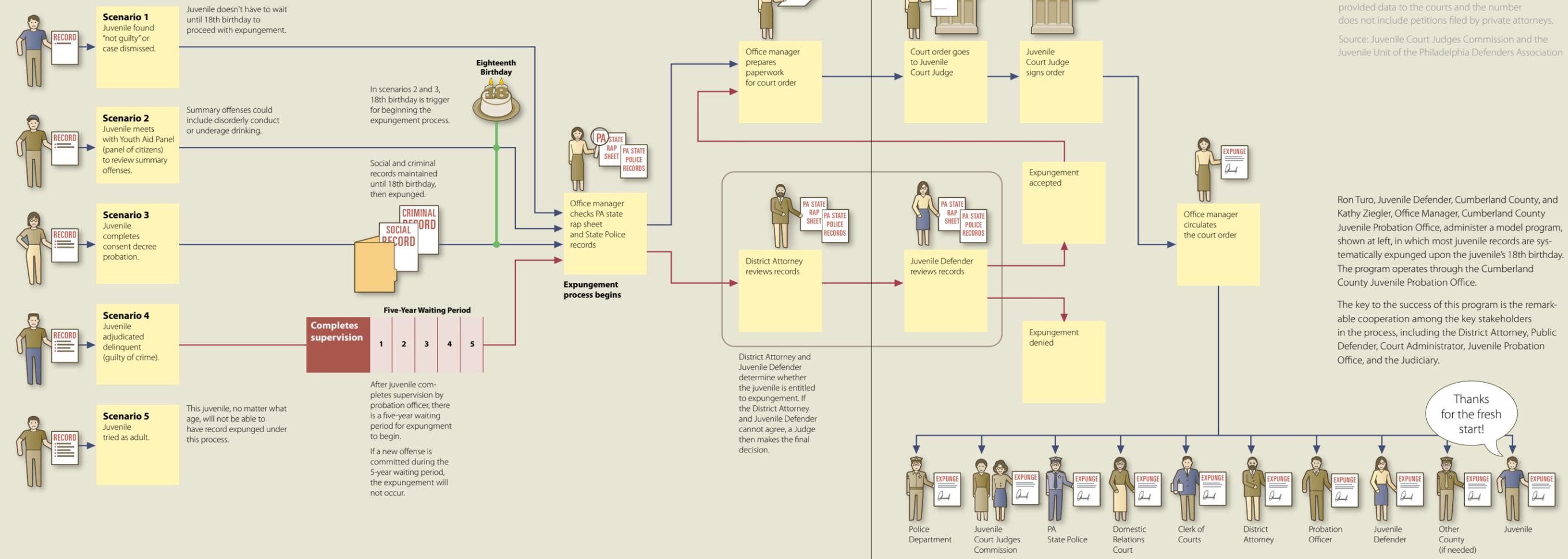
Black and White death row populations in states with greatest proportion of Black death row inmates



Juvenile record expungement

With the assistance of its special study group of experts and practitioners in juvenile law, the Committee is designing pilot programs for juvenile record expungement in four judicial districts. These programs will test a variety of model methods, such as the one depicted to the right, of providing those services.

The Committee plans to use the information gained through these pilot programs to help judicial districts throughout the state select a model system for expunging juvenile records that is best suited to their particular administrative system. The Committee's goal is to remove barriers that limit employment and education prospects for juveniles with court records.



In 2007, the Juvenile Court Judges Commission reported that Pennsylvania courts granted approximately 6000 petitions for expungement of indigent juvenile records.

Note: The true number of petitions filed may be much greater since less than half of the judicial districts provided data to the courts and the number does not include petitions filed by private attorneys.

Source: Juvenile Court Judges Commission and the Juvenile Unit of the Philadelphia Defenders Association

Ron Turo, Juvenile Defender, Cumberland County, and Kathy Ziegler, Office Manager, Cumberland County Juvenile Probation Office, administer a model program, shown at left, in which most juvenile records are systematically expunged upon the juvenile's 18th birthday. The program operates through the Cumberland County Juvenile Probation Office.

The key to the success of this program is the remarkable cooperation among the key stakeholders in the process, including the District Attorney, Public Defender, Court Administrator, Juvenile Probation Office, and the Judiciary.



Seeing freedom

Domestic Violence
and Sexual Assault Victims
Committee Members

Roberta D. Liebenberg, Esq.,
Chair

Lucille Marsh, Esq.

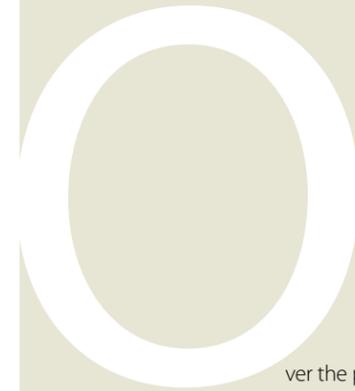
Ellen Kramer Adler, Esq.*

Joyce Lukima*

Kathy W. Morrison, Esq.*

Steven V. Turner, Esq.*

*Member of Committee only,
not full Commission



Over the past year, the Domestic Violence and Sexual Assault Victims Committee focused on increasing understanding among judges and the public about the nature of domestic violence.

In response to ongoing requests from law enforcement agencies and other entities, the Committee printed additional copies of its pamphlet, entitled *Domestic Violence—Safety Tips for You and Your Family*, as part of its education program for victims throughout the state. This year, the Committee hopes to add physicians' offices and schools to its list of pamphlet recipients.

In July 2008, the Committee also conducted a second session on increasing judicial understanding of cultural issues in domestic violence and sexual assault cases for the Conference of State Trial Judges. The entire presentation this year featured Dr. Sujata Warriar, Director of the New York City Office for the Prevention of Domestic Violence, in an interactive session with the judges. The Committee hopes to provide similar training next year for magisterial district justices, court administrators, and lawyers throughout the state.

The Committee undertook a new initiative this year as well: a survey of judicial districts throughout the state on court-related safety procedures for victims of domestic violence and sexual assault. The survey results, along with information from other state courts, have been incorporated into a draft report on model components of the surveyed systems. When completed, the report will be distributed to courts throughout the state in an effort to improve court-related safety procedures for battered victims and children.

Model court safety procedures



Written safety procedures distributed to all staff



Staggered arrival and departure times for victims and perpetrators



Availability of domestic violence advocates to assist victims through court process



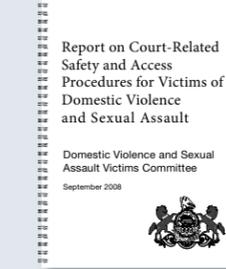
Visible presence of law enforcement in courtroom and waiting areas



Electronic metal detector checks at entrances to court-related buildings



Separate waiting rooms for victims and perpetrators



In conjunction with the AOPC, the Committee plans to share its *Report on Court-Related Safety and Access Procedures for Victims of Domestic Violence and Sexual Assault* with judicial districts across the state. The goal is for those districts to consider replicating the model procedures set forth in the report.

Dr. Sujata Warriar, an expert in domestic violence prevention, counsels victims from many different cultural backgrounds. In each of the past two summers, Dr. Warriar conducted interactive training sessions on cultural considerations in domestic violence and sexual assault cases for state trial judges in Pennsylvania.

INTERPRETER SERVICES COMMITTEE

Seeing dignity

Following the completion of its report in 2007, *Interpretation and Translation Services in Commonwealth Administrative Agencies*, the Interpreter Services Committee began sharing information from its survey this year with the AOPC's Interpreter Services Program and the Pennsylvania Department of Labor and Industry. The goal of this collaboration is to improve the availability of these services to state administrative agency clients and the general public. Pursuant to Act 172, state agencies are now required to provide the public with certified interpreters in certain state administrative proceedings.

Through the Governor's Advisory Commissions, the Committee continues to educate immigrant communities about the requirements of the new statewide interpreter and translation system. The Committee has submitted comments to the Pennsylvania Supreme Court on the Proposed Rules of Judicial Administration governing the new system.

Interpreter Services Committee Members

Honorable Ida K. Chen, *Chair*

Honorable Pedro A. Cortés

Lazar H. Kleit

Jennifer Ann Wise, Esq.*

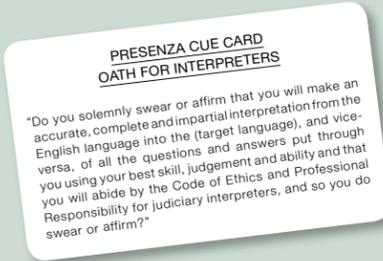
*Past member

During the past year, the Committee also worked with the Philadelphia courts on a "cue card," above right, for court staff designed to enhance the delivery of interpreter services in the courts. The Committee hopes to expand the pilot program to other judicial districts in the state.

Circles of Excellence is another project the Committee has initiated with the Philadelphia courts this year. The goal of this program is to produce a standardized translation of commonly-used legal terms in several languages for the use of court interpreters.

The Committee also has collaborated with Widener University School of Law's Legal Education Institute on establishing a training program for individuals interested in becoming certified interpreters in Pennsylvania. Widener welcomed its first class of students to this program in September 2008.

Finally, in May 2008, the Committee presented a program in Pittsburgh about Pennsylvania's efforts to establish a system of certified interpreters during the annual meeting of the National Association of Judiciary Interpreters and Translators.



Attorney Paul Uyehara of Community Legal Services counsels many clients with limited English proficiency.



Peggy O'Neill, Project Coordinator of Widener's Legal Education Institute, was instrumental in establishing its interpreters certificate program.

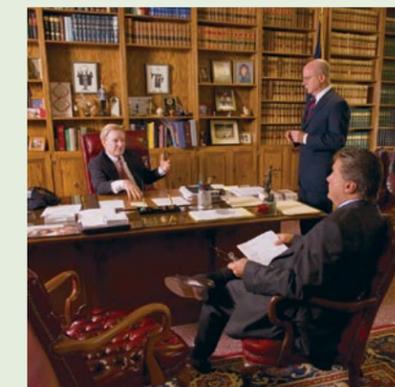


EMPLOYMENT AND APPOINTMENTS COMMITTEE

Seeing equity

Best practices in the court appointment process is the subject of a new initiative by the Employment and Appointments Committee this year. The Committee surveyed judicial districts on the procedures used by their judges and administrators in appointing attorneys and others to positions within the court system. The Committee was searching for practices that provide the broadest opportunity for all interested parties to seek and obtain appointments from the courts.

Judge Frank T. Hazel (behind desk), Arthur Donato, Esq., and Joseph Chupein, Esq., are the architects of the system for appointment of indigent defense counsel in the Court of Common Pleas of Delaware County.



Employment and Appointments Committee Members

Helen E. Casale, Esq.

Samuel T. Cooper, Esq.

Jacqueline D'Angelo, Esq.

Cathy Bissoon, Esq., *Chair**

*Past member

"Judges...shall endeavor to see that appointments are distributed on a fair and equitable basis among attorneys who meet the qualifications..."

Source: Philadelphia County Criminal Division Rule 406 (C)

Among the systems surveyed, Delaware County emerged as one of the most equitable in the state. The keystone of its program is a collaborative relationship among the local bar association, the court administration, and the judiciary in appointing counsel for indigent criminal defendants.

This program involves a committee of the local bar association that advertises and screens candidates for indigent criminal defense appointments by the courts. The committee produces several lists of qualified candidates based upon levels of litigation experience. The presiding judge then appoints counsel from one of these lists depending upon the complexity of the case.

Delaware County's program, along with other model programs identified through the Committee's survey, will be featured in a model appointment practices manual to be used by all judicial districts in Pennsylvania.

The Committee is also planning an employment diversity program for the Conference of State Trial Judges next summer. The focus will be on increasing diversity in judicial offices.

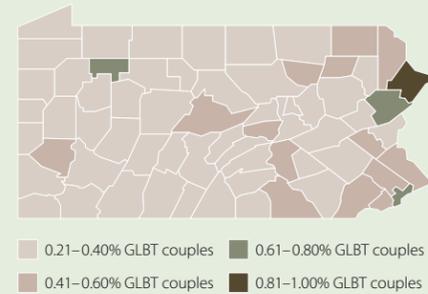
Seeing a family

GLBT Rights Committee Members
 Helen Casale, *Chair*
 Lazar H. Kleit
 Lucille Marsh, Esq.
 Nora Winkelman, Esq.
 Leonore F. Carpenter, Esq.*
 Kathryn L. Stewart, Esq.*
 *Member of Committee only, not full Commission

Joining the Commission this year is the new G.L.B.T. (Gay, Lesbian, Bisexual, Transgendered) Rights Committee. It will focus upon discrimination on the basis of sexual orientation. The Committee has determined that its first project will be to survey all judicial districts on the availability of court procedures for second-parent adoption. The goal is to make this type of adoption, commonly used by same-sex couples, available across the state and to standardize the procedures for it.

The Committee also plans to conduct training sessions on this issue for the Pennsylvania judiciary, and to monitor the status of recently proposed legislation calling for a constitutional amendment banning same-sex marriage.

Same-sex couples in Pennsylvania by county

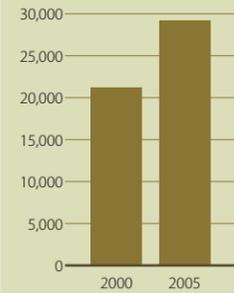


According to Census 2000, same-sex couples live in every county in Pennsylvania, are racially and ethnically diverse, raise children together, and actively participate in Pennsylvania's economy. Philadelphia County reported the most same-sex couples, while Pike County, along the northeastern border, has the highest proportion of same-sex couples.



Members of the new G.L.B.T. Rights Committee, top row from left: Nora Winkelman, Helen Casale, and Leonore F. Carpenter. Bottom row from left: Kathryn L. Stewart and Lucille Marsh. Lazar H. Kleit does not appear in photo.

Same-sex couples in Pennsylvania increase from 2000 to 2005



In 2000, there were 21,166 same-sex couples living in Pennsylvania. That number increased to 29,213 by 2005.
 Source: Census Snapshot Pennsylvania, The Williams Institute, December 2007.



Joan Lau, Brooke Zitek, and their daughter, Natalie, share some time together at their home in Philadelphia. Ms. Zitek adopted Natalie through the second-parent adoption procedures administered by the Philadelphia County Court of Common Pleas.

A MESSAGE FROM THE CHAIR AND
THE EXECUTIVE DIRECTOR



Burrell A. Brown
Chairman



Lisette M. McCormick
Executive Director



Lisette M. McCormick, *Executive Director*, and her staff: Christine Kalinik, *Paralegal*, far left, Rebecca Olds, *Research Assistant*, standing, and Carey Cummings, *Staff Attorney*, far right.

This has been a year of achievement for the Interbranch Commission. We trained court staff and administrators, counseled legislators and the state judiciary, conducted surveys, drafted reports, and informed the public about our efforts to promote fairness in the justice system.

Among our many initiatives this year, the approval of the Unified Judicial System Policy on Non-Discrimination and Equal Employment Opportunity by our Supreme Court was probably the most significant. The policy prohibits discrimination by judges, attorneys, and court personnel against each other and against other participants in the litigation process.

The genesis for the policy was a finding from the original Supreme Court study that women and minorities, many of them attorneys, were mistreated during litigation. Through the efforts of the Commission and the AOPC, we now have a system that provides victims of discrimination with a safe and effective way in which to obtain relief. It is intended to address the problem at the local level—promptly, effectively and privately.

The Court's passage of the policy has great significance for all residents of Pennsylvania. It is not only a mechanism to raise and resolve issues of fairness within the courts, but it is also a statement from the highest court in our state that discriminatory treatment will not be tolerated in our courts.

Next year, the Commission is looking forward to two special, first-time events for Pennsylvania: hosting the 21st Annual Meeting of the National Consortium for Racial and Ethnic Fairness in Pittsburgh in May 2009, and initiating a comprehensive study of the state's capital justice system. We consider both events to be crucial milestones on Pennsylvania's path to a fair and just court system.

We thank all of our colleagues in the Judiciary, the Legislature, and the Governor's office for their continuing support. We also salute the many community advocates with whom we have worked this year. Their commitment to justice and their perseverance are a daily source of inspiration for us, as we seek to fulfill our mission to promote equal application of the law for all Pennsylvania residents.

Open your eyes. See the facts which remain constant regardless of an individual's ethnicity, race, or gender. Our goal is to help Pennsylvania's judicial system see only the facts and to administer justice blindly.

**The Interbranch
Commission**

Front row, left to right:

Kathleen D. Wilkinson, Esq.

Helen E. Casale, Esq.

Burrell A. Brown, Esq.

Samuel Tyrone Cooper, III, Esq.

Lisette M. McCormick, Esq.

Middle row, left to right:

Burton D. Morris, Esq.

Lucille Marsh, Esq.

Cathy Bissoon, Esq.

Gladys Miller-Russell

Honorable Doris A. Smith-Ribner

Lynn A. Marks, Esq.

Back row, left to right:

Honorable Ida K. Chen

Roberta D. Liebenberg, Esq.

Jacqueline D'Angelo, Esq.

Honorable Pedro A. Cortés

Nora Winkelman, Esq.

Lazar H. Kleit

Samuel S. Yun, Esq.

Not pictured:

Khadija T. Diggs-Terry, Esq.

Honorable Elizabeth Doyle

Honorable Ted V. Kondrich

Leonard J. Rivera, Esq.



**The Pennsylvania Interbranch Commission
for Gender, Racial, and Ethnic Fairness**

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www.courts.state.pa.us/index/interbranchforfairness/