A DECADE OF FAIRNESS
CELEBRATING 10 YEARS OF ADVANCING EQUAL JUSTICE UNDER THE LAW
years ago, the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System issued a report of its findings and recommendations. The Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness was born out of this initiative to act upon the report’s recommendations. In 2011, the Commission abbreviated its name, for ease of reference, to the Commission for Fairness. With its customary vigor, the Commission for Fairness continues to implement innovative programs designed to promote diversity and non-discrimination in our courts. This book celebrates the accomplishments of the Commission. It also acknowledges the commitment of our Supreme Court and the other two branches of government to equal treatment of all Pennsylvania citizens.
Upon its founding in 2005, the Commission undertook the task of drafting a policy on non-discrimination and equal employment opportunity and complaint procedures for Pennsylvania’s 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. Since the policy’s enactment, Commission members have conducted a series of successful training sessions for municipal, trial, and appellate judges throughout the Commonwealth.
As a part of its effort to ensure that courthouse workforces better reflect society as a whole, the Commission produced a manual in 2010 entitled *Creating a Diverse Workforce in the Pennsylvania Courts: A Manual for Success*. The manual provides important county and state data on demographic trends, and instructs judges and administrators on how to assess workforce diversity needs. The Commission has conducted educational sessions on the manual for Pennsylvania court administrators and the State Conference of Trial Judges, and has widely distributed the manual to the Pennsylvania courts and interested organizations.
In 2006, the Commission helped secure passage of Act 172, providing for certified court interpreters and mandating interpreters in certain court proceedings and most Commonwealth administrative hearings. The following year, the Commission completed a survey and report entitled Interpretation and Translation Services in Commonwealth Administrative Agencies, to improve the availability of these services to administrative agency clients and the general public. The Commission has also collaborated with the First Judicial District on numerous special projects, including the drafting of protocols for working with interpreters, the translating of key legal documents into five languages, as well as many training programs for judges, attorneys, and interpreters.
At the request of its first chair, the late Chief Justice Ralph J. Cappy, the Commission drafted recommendations for standardizing jury selection procedures and increasing jury diversity. Its report entitled *Suggested Standardized Procedures for Jury Selection in Pennsylvania*, has been used as a basis for proposed statewide rules on *voir dire*, and for increased efficiency in local courts’ administration of their juries. The Commission also played a pivotal role in the passage of Act 37, which established a statewide juror source list from four executive agency lists as a means of increasing diversity on juries. The Commission continues to monitor Pennsylvania judicial districts on their experience with using the new statewide list.
In 2007, the Commission published the first of two guides designed to improve the safety of victims of domestic violence and sexual assault. Safety Tips for You and Your Family provides advice on how victims can protect themselves and their children at home and at work. And Safety for All: A Guide for Making the Courts Safe for Victims of Domestic Violence and Sexual Assault contains recommendations and a checklist for improving safety procedures in courthouse and court-related facilities. Both guides were widely distributed across the Commonwealth. 100,000 copies of the safety tips pamphlet, in both English and Spanish, were sent to police departments and other agencies working with victims.
The Commission for Fairness

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Sex Trafficking
Perpetrators, Not
Child Victims

The Commission’s focus is on educating the legal community and the Legislature about this criminal enterprise and its effects on the child victims. Among other presentations, the Commission hosted a comprehensive training session in October 2011 entitled *Sexual Exploitation and Trafficking: A Victim Centered Approach*, with presenters from the Child Exploitation Squad of the Dallas, Texas Police Department. Directed toward law enforcement, prosecutors, and child protective services workers, the program focused on how to identify and rescue high-risk victims and better use existing human trafficking laws against the perpetrators of these crimes. The Commission continues to support legislation designed to make it easier for victims to get help and prosecutors to prosecute the traffickers, rather than the victims.
In 2010, the Commission launched the first statewide study of Pennsylvania’s capital justice system to determine whether racial, ethnic, or socioeconomic status influences the administration of the death penalty. With the endorsement of the Supreme Court of Pennsylvania, researchers from the Pennsylvania State University began collecting data in April 2011. Now in its last phase, the study should be completed by the end of 2013. The Pennsylvania Joint State Government Commission recently expressed interest in incorporating our Commission’s disparities study into its own broader examination of Pennsylvania’s capital justice system.
In 2010, having completed a comprehensive investigation of second-parent adoption issues in the state, the Commission drafted a proposed rule to standardize procedures by judicial districts and eliminate barriers to such adoptions. A select group of practitioners and judges reviewed the procedural rule and the steps that must be followed in a second-parent adoption, that is, when the adopter is the unmarried same-sex or heterosexual partner of the adoptee’s parent. The Commission submitted the proposed rule to the Pennsylvania Supreme Court, which forwarded it to its Orphans Court Rules Committee. The Commission testified before the Rules Committee in 2012 and is awaiting the promulgation of the rule in the near future.
Pennsylvania has glaring disparities in the quality of indigent defense services across the Commonwealth and often a lack of professional independence from county officials. In response to these problems, the Pennsylvania Joint State Government Commission undertook a statewide study of the indigent defense system in 2007, and completed a report entitled *A Constitutional Default: Services to Indigent Criminal Defendants in Pennsylvania* in December 2011. After participating in the drafting of the report, the Commission is now collaborating with the Pennsylvania Coalition for Justice and other stakeholders to implement key recommendations of the report, foremost among them, establishing a new statewide Defender Training Institute.
In May 2009, the Commission hosted the 21st annual meeting of the National Consortium for Racial and Ethnic Fairness in the Courts in Pennsylvania. Delegates from 27 states, including state Supreme Court Justices, judicial officers and court administrators, attended the four-day event to share best practices in achieving equality in the state judicial systems. Speakers from throughout the country, including Pennsylvania Supreme Court Justice Debra Todd, at right, led discussions on immigration issues, indigent defense reform, “implicit bias,” and the intersection of race and gender, among other topics. The conference provided an excellent opportunity to showcase Pennsylvania’s initiatives and achievements in securing fairness in its justice system.
The Honorable Chief Justice Ronald D. Castille

"The pursuit of fair and equal justice is a noble cause. The work of the Interbranch Commission has not only enhanced the reputation of the Commonwealth of Pennsylvania throughout the country, but has helped ensure in its residents that critical sense of trust in their system of justice that is fundamental to any civilized society."

I am so grateful to our Commission members and our staff for their devotion to the cause of equal justice under the law. One of the best aspects of my job has been the inspiration I get each day working with these intelligent and compassionate people. Although I am proud that we have succeeded in laying the groundwork for what must be done to establish equity in our justice system, I am acutely aware that there is much more to be accomplished over the next decade. This includes setting in place monitoring procedures and systems to ensure fairness in our courts, and achieving additional statewide reforms in areas such as indigent defense, jury diversity and capital justice.

I also want to thank the three branches of our government for supporting our work, especially the Supreme Court, through whom our Commission got its start. We are truly indebted to the late Chief Justice Ralph J. Cappy, who had the foresight and integrity to recognize problems within a system of which he was an integral part, and devote himself to making the necessary changes. He knew that justice requires that all citizens perceive that they are being treated fairly by the courts, and he trusted in the basic decency of people. We look forward to the next ten years with the same trust in humanity and renewed commitment to fairness in our courts.

Pennsylvania Supreme Court
Front, left to right: Justice Thomas G. Saylor Chief Justice Ronald D. Castille Justice J. Michael Eakin Back, left to right: Justice Samaus P. McCaffery Justice Max Baer Justice Debra McClosky Todd

A Thank You
from Lisette M. McCormick
Executive Director
The Commission for Fairness