



The Pennsylvania  
Interbranch Commission  
for Gender, Racial  
and Ethnic Fairness

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## TO ALL PRESIDENT JUDGES, PENNSYLVANIA COURTS OF COMMON PLEAS

RE: Best Practices for Equitable Court Appointment Procedures in the  
Commonwealth of Pennsylvania

Honorable Pedro A. Cortés  
*Chair*

Lisette M. McCormick, Esquire  
*Executive Director*  
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As you may know, the Equal Opportunity and Diversity Committee of the Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness is committed to increasing diversity and inclusiveness in court employment and court appointments.

In connection with these efforts, we surveyed court administrators regarding procedures employed by judges and court administrators in appointing lawyers to various roles within each judicial district in the Commonwealth. Non-exclusive examples of court appointments offered to those surveyed included conflict counsel in criminal matters, special masters, mediators, guardians, trustees, arbitrators, court committee members and hearing officers.

The purpose of the survey was to identify those practices that provide the broadest opportunity for all interested parties to seek and obtain court appointments, and that would increase diversity and inclusiveness among the pool of applicants for such positions.

As a result of the survey, we concluded that judicial districts with practices that will draw a more diverse and inclusive candidate pool for court appointments are those that utilize the following practices:

- ◆ have *written* procedures in place outlining how appointments are made;
- ◆ seek candidates from a broader pool of lawyers through local publications (*e.g.*, bar association newsletters, newspapers, and legal journals) by regularly: (1) soliciting applications for appointments; and (2) providing notice to lawyers that they may, at any time, submit a letter of interest to serve as court-appointed attorney;

- ◆ utilize multiple decision makers from an independent body (e.g., a bar association committee) to review applications, conduct interviews and make determinations as to who should be included on the list of eligible attorneys;
- ◆ generally utilize an alphabetical rotating system for the appointment of lawyers on the list of eligible attorneys (such list may be subdivided into panels of lawyers based on levels of expertise and experience); and
- ◆ with respect to the alphabetical rotating system, include provisions that: (1) if, for good cause shown, an appointment is made out of order, the lawyer who otherwise would have received the appointment pursuant to the alphabetical list of eligible attorneys receives the next appointment; and (2) once the end of the alphabetical list of eligible attorneys is reached, appointments should be made starting again from the beginning of the list.

Notably, the American Bar Association's *Standards for Criminal Justice: Providing Defense Services*, as well as the National Legal Aid and Defender Association's *Guidelines for Legal Defense Systems in the United States* recommend many of these practices with respect to attorney panel qualifications and rotation of assignments. The relevant provisions are attached for your convenience.

Among the systems surveyed within the Commonwealth of Pennsylvania, we believe that Delaware County's procedure governing the appointment of conflict counsel for indigent criminal defendants ("Proposed Plan for the Appointment of Counsel for Indigent Defendants in Delaware County") was one of the most equitable and serves as a notable example of a system's adoption of such "best practices." Among other things, Delaware County has: (1) a written procedure in place; (2) an assignment of counsel plan that is administered primarily by an independent body (the Delaware County Bar Association); and (3) a rotating appointment system. Delaware County's procedure is attached for your convenience.

We strongly urge you to join in our efforts to increase diversity and inclusion in court appointments and to promote fairness to all within the Pennsylvania justice system by incorporating these "best practices" into court appointment procedures in your own district. We believe that an appointment process that considers a broad spectrum of qualified candidates will provide more attorneys the opportunity to gain important experience to further their careers. Moreover, such an appointment process will not only appear to be fair -- thus enhancing public and client confidence, trust, and respect for the court system

-- but will also serve to generate a diverse pool of applicants from whom the best candidates may be selected.

Thank you and I would be happy to answer any questions you may have about our work at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Lisette M. McCormick". The signature is written in a cursive style with a large, sweeping initial "L".

Lisette M. McCormick, Esq.  
Executive Director

Enclosures

cc: To All Pennsylvania Court of Common Pleas Administrators  
(w/enclosures)