

STATEMENT OF PURPOSE AND
SECOND AMENDED BYLAWS
of the
INTERBRANCH COMMISSION FOR GENDER,
RACIAL AND ETHNIC FAIRNESS

STATEMENT OF PURPOSE AND SECOND AMENDED BYLAWS

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ARTICLE I

Name and Purpose

Section 1.1. NAME. This Commission shall be known as the Interbranch Commission for Gender, Racial, and Ethnic Fairness.

Section 1.2. STATEMENT OF PURPOSE. The purpose of this Commission is to promote the equal application of the law for all citizens of the Commonwealth of Pennsylvania. The Commission will undertake such tasks as are necessary and proper to fulfill its purpose including, but not limited to, the following:

- Review the Final Report and Recommendations of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System and the reports of the two subsequently appointed Subcommittees on Gender Bias and on Racial and Ethnic Bias;
- Evaluate and select the recommendations proposed by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System and the Subcommittees on Gender Bias and Racial and Ethnic Bias which the Commission will refer for implementation;
- Recommend for approval by the appropriate branch of state government a specific course of action to implement the selected recommendations of the Committee on Racial and Gender Bias in the Justice System and the Subcommittees on Gender Bias and Racial and Ethnic Bias;
- Implement those recommendations referred by any of the three government branches back to the Commission for implementation;
- Consider investigating and implementing new initiatives that may not have been addressed by the Committee on Racial and Gender Bias in the Justice System;
- Raise both public and professional awareness of the impact of race, ethnic origin, gender, sexual orientation or disability on the fair delivery of justice in the Commonwealth of Pennsylvania;

- Suggest ways to reduce or eliminate such bias or invidious discrimination within all branches of government and within the legal profession; and
- Increase public confidence in the fairness of all three branches of government in the Commonwealth of Pennsylvania.

ARTICLE II

Commission Members

Section 2.1. COMPOSITION. The Commission shall consist of twenty-four (24) Members, eight Members being appointed by the Supreme Court of Pennsylvania, eight Members being appointed by the Governor of the Commonwealth of Pennsylvania and eight Members being appointed by the General Assembly.

Section 2.1.1 INITIAL MEMBERS. The first twenty-four Members (each an “Initial Member”) shall be appointed and serve until the Member resigns or a successor is named, as follows:

- The Supreme Court of Pennsylvania shall make eight (8) appointments to the Commission; three of whom shall be appointed to initial terms of two (2) years plus eligibility for two additional terms of two years for a total of six (6) years; three of whom shall be appointed to initial terms of one (1) year plus eligibility for three additional terms of two years for a total of seven (7) years; and two of whom shall be appointed to initial terms of two (2) years plus eligibility for three additional terms of two years for a total of eight (8) years. The Supreme Court of Pennsylvania shall have the discretion, upon the written request of any of its Initial Member appointees, to re-appoint such member for service beyond his/her designated term.
- The Governor of the Commonwealth of Pennsylvania shall make eight (8) appointments to the Commission; three of whom shall be appointed to initial terms of (2) years plus eligibility for two additional terms of two years for a total of six (6) years; three of whom shall be appointed to initial terms of one (1) year plus eligibility for three additional terms of two years for a total of seven (7) years; and two of whom shall be appointed to initial terms of two (2) years plus eligibility for three additional terms of two years for a total of eight (8) years. The Governor of the Commonwealth of Pennsylvania shall have the discretion, upon the written request of any of his/her Initial Member appointees, to re-appoint such member for service beyond his/her designated term.
- The Pennsylvania Legislature shall make eight (8) appointments to the Commission as follows: the President Pro Tempore of the Senate shall make

two appointments to the Commission, both for initial terms of one (1) year plus eligibility for three additional terms of two years for a total of seven (7) years for each appointment; the Speaker of the House of Representatives shall make two appointments to the Commission, one for an initial term of two (2) years plus eligibility for two additional terms of two years for a total of six (6) years, and one for an initial term of two (2) years plus eligibility for three additional terms of two years for a total of eight (8) years; the Minority Leader of the Senate shall make two appointments to the Commission, one for an initial term of two (2) years plus eligibility for two additional terms of two years for a total of six (6) years, and one for an initial term of two years plus eligibility for three additional terms of two years for a total of eight (8) years; and the Minority Leader of the House of Representatives shall make two appointments to the Commission, one for an initial term of two (2) years plus eligibility for two additional terms of two years for a total of six (6) years, and one for an initial term of one (1) year plus eligibility for three additional terms of two years for a total of seven (7) years. The Pennsylvania Legislature shall have the discretion, upon the written request of any of its Initial Member appointees, to re-appoint such member for service beyond his/her designated term.

Section 2.1.2 MEMBERS. After the expiration of the initial term, plus any additional terms, of an Initial Member, all subsequent appointees shall be appointed to terms of two (2) years, and shall be eligible for re-appointment to a maximum of two (2) additional consecutive two-year terms to serve until the Member resigns or a successor is named. The appointing authority shall have the discretion, upon the written request of any of its Member appointees, to re-appoint such member for service beyond his/her designated term. Such Member shall be appointed by the government branch that appointed the predecessor.

Section 2.2. EFFECTIVE DATES OF APPOINTMENTS. The effective date of the first twenty-four (24) appointments to the Commission shall be January 1, 2005, and thereafter, the effective date of each subsequent appointment to the Commission shall be the first day of January of the year following the year in which the predecessor's term expired or in the year the appointment is made, whichever is later.

Section 2.3. VACANCY. Each Member serves at the pleasure of the appointing government branch. Any vacancy in the Commission occurring by virtue of resignation, removal or death shall be filled as follows:

- The vacancy shall be filled by the government branch that appointed the predecessor; and

- The term of the individual appointed to fill the vacancy shall be only for the unexpired term of his or her predecessor. Such individual shall, however, be eligible for reappointment as provided in Section 2.1.2 above.

Section 2.4. COMPENSATION. Members shall serve without compensation. All Members shall be reimbursed for any necessary and reasonable out of pocket expenses while attending to official business.

ARTICLE III

Officers

Section 3.1. OFFICERS. The officers of the Commission shall be a Chair, a Vice-Chair and a Secretary.

Section 3.2. SELECTION OF OFFICERS. The appointment of the Commission officers shall be rotated among the three branches of government in the following manner:

- The Chief Justice of the Supreme Court of Pennsylvania shall serve as the first Chair of the Commission. At the completion of the term of the first Chair, the Members appointed by the executive branch, by majority vote, shall appoint the next Chair of the Commission. At the completion of the term of the Chair appointed by the Members appointed by the executive branch, the Members appointed by the legislative branch, by majority vote, shall appoint the next Chair. All subsequent appointments of Chairs shall follow the same order.
- The first Vice-Chair shall be selected by the Members appointed by the executive branch, by majority vote. At the completion of the term of the first Vice-Chair, the Members appointed by the legislative branch, by majority vote, shall appoint the next Vice-Chair of the Commission. At the completion of the term of the Vice-Chair appointed by the Members appointed by the legislative branch, the Members appointed by the judicial branch, by majority vote, shall appoint the next Vice-Chair. All subsequent appointments of Vice-Chairs shall follow the same order.
- The first Secretary shall be selected by the Members appointed by the legislative branch, by majority vote. At the completion of the term of the first Secretary, the Members appointed by the judicial branch, by majority vote, shall appoint the next Secretary of the Commission. At the completion of the term of the Secretary appointed by the Members appointed by the judicial branch, the Members appointed by the executive branch, by majority vote, shall appoint the next

Secretary. All subsequent appointments of Secretaries shall follow the same order.

- The effective dates of each of the initial Commission officers' appointments shall be January 1, 2005.

Section 3.3. TERM OF OFFICE FOR COMMISSION OFFICERS. The initial term of office for the first three officers of the Commission will be one year, from January 1, 2005 through December 31, 2005. Thereafter, the term of office for all Commission officers shall be two years in length.

Section 3.4. CHAIR. The Chair shall be the principal executive officer of the Commission and shall, in general, supervise the business and affairs of the Commission. The Chair shall preside at all meetings of the Commission and, in general, shall perform all duties incident to the office of the Chair, including appointment of committees.

Section 3.5. VICE-CHAIR. The Vice-Chair shall perform the duties of the Chair in the event of the latter's inability to act because of absence or other reason, and shall perform other duties delegated by the Chair.

Section 3.6. SECRETARY. The Secretary or his or her delegate shall keep and maintain minutes of all meetings of the Commission and shall keep and maintain all other records of the Commission. The Secretary shall maintain and suggest review of the bylaws when appropriate. The Secretary shall also perform other duties delegated by the Chair. Nothing in this section shall prevent any other member of the Commission from suggesting review of the bylaws.

Section 3.7. SELECTION OF OFFICERS FROM MEMBERSHIP OF THE COMMISSION. The Commission officers shall be selected from among Commission members, and upon each of their appointments, the Commission seat vacated by each of the officers shall be filled in accordance with Section 2.3 of the Commission bylaws.

ARTICLE IV

Meetings

Section 4.1. MEETINGS. Meetings of the Commission shall take place as follows:

- Quarterly meetings of the Commission shall be held on such date, and in such place, as shall be fixed by the Commission Chair;

- Notice of date, time, place and purpose of any meeting of the Commission shall be communicated to each Member at least five (5) days before the date of the meeting via telefax, mail, e-mail or other means of communication deemed reasonably likely by the Commission to reach the intended recipient; and
- One or more Members of the Commission may participate in a Commission meeting by means of a conference telephone or similar communications equipment, which equipment permits all persons participating in the meeting to hear one another.

Section 4.2. SPECIAL MEETINGS. Special meetings of the Commission may be called by the Chair at such time and place as may be determined by the Chair. Notice of date, time, place and purpose of any special meeting of the Commission shall be communicated to each Member in the same manner required for monthly meetings. The business transacted at all special meetings shall be confined to the purpose listed in the notice provided in advance of the meeting.

Section 4.3. QUORUM. Twelve (12) members of the Commission shall constitute a quorum for the transaction of business. If no quorum attends within a reasonable time after the hour fixed for any meeting, the Members present may fix a time to which the meeting shall stand adjourned. Alternatively, the Members present may constitute a quorum for the purpose of acting upon any matter set forth in the notice of the meeting if the notice states that those Members who attend the meeting shall nevertheless constitute a quorum for the purpose of acting upon the matters listed in the notice.

Section 4.4. WRITTEN VOTE BY PROXY. If notice is given of a vote to be taken at a Commission meeting and a Commission member is unable to participate, the Member may either submit his/her vote in writing to the Chair in advance of the meeting or may authorize another person, such as his/her staff member or another Commission member, to submit the written vote by proxy.

ARTICLE V

Committees

Section 5.1. CREATION OF COMMITTEES. The Commission shall have one standing committee; the Executive Committee. In addition, it shall have such other standing and special committees as the Commission Chair may create to carry out the purposes of the Commission.

Section 5.2. EXECUTIVE COMMITTEE. The Executive Committee shall consist of the Chair of the Commission, the Vice-Chair of the Commission and the Secretary of the Commission. The business of the Commission shall be managed by the Executive Committee, and the Executive Committee may exercise all such powers of the Commission and do all such lawful acts and things as are not by these bylaws directed or required to be exercised and done by the members.

Section 5.3. VOTING RIGHTS OF EXECUTIVE COMMITTEE. The members of the Executive Committee shall have the same voting rights as the other Commission members, except in the event of a tie among all of the Commission's members, the votes of the members of the Executive Committee will be reviewed and a majority of the Executive Committee's votes will be used to break the tie.

ARTICLE VI

Amendments

Section 6.1. AMENDMENTS. The Statement of Purpose and Bylaws may only be amended upon a motion of a member of the Commission receiving a vote of two thirds (2/3) of the Commission membership at a special meeting called for such purpose. Notice of the meeting shall contain notice that an amendment to the Statement of Purpose and Bylaws will be voted upon, and a summary of the proposed amendment.