

THE FACE OF PENNSYLVANIA

THE PENNSYLVANIA INTERBRANCH COMMISSION
FOR GENDER, RACIAL, AND ETHNIC FAIRNESS | 2006 ANNUAL REPORT



My life's journey began in India and has taken me across three countries, two oceans, five schools, six houses, and countless pairs of shoes. In 1996, my family received word that our immigration papers were finalized...we were bound for what was to become our new homeland, America. On a cold November day, we arrived at JFK Airport, and from that day on, I experienced what most young American women experience—working while I attended a local university, shopping with my girl-friends at the local mall, and voting for the very first time—everything that life in the United States has to offer.

Voice of Nusrath Ainapore
Pittsburgh

Nusrath is a native of India.
She serves as Outreach Program
Director for the Islamic Center
of Pittsburgh and teaches local
courses on Islamic religion
and culture.

IMMIGRATE

Cover photo: Brent and Vivienne
Rondin met in Pittsburgh after
immigrating here from Peru and
Brazil. They plan to remain in
Pittsburgh and build a life there
with their son, Andre.



RSITY]

This gate in Philadelphia's Chinatown provides a symbolic welcome to new immigrants from many Asian nations.



Recent years have brought extraordinary change to our country and to Pennsylvania. Chief among those changes has been an increase in the globalization of our society. Throughout the nation, we now count among our neighbors many people from all over the world. Census statistics tell the story here in Pennsylvania: In the past seven years alone, the number of African-born residents in Pennsylvania has increased by 45 percent, the number of Latin American-born residents has increased by 33 percent, and the number of Asian-born residents has increased by 15 percent. In recognition of this transformation, the Interbranch Commission selected "The Face of Pennsylvania" as the theme for its Second Annual Report. The report is both a celebration of Pennsylvania's new countenance and a narrative of the Interbranch Commission's efforts to ensure that our new residents and all Pennsylvanians are treated fairly within our justice system.

BREAKING LANGUAGE BARRIERS

After more than three years of effort by the Interpreter Services Committee of the Interbranch Commission and many advocates for the immigrant community, the Pennsylvania Legislature passed Senate Bill 669. The bill established a certification system for court interpreters and mandated that interpreters be provided in certain court proceedings and most state administrative hearings. On November 29, 2006, Governor Edward Rendell signed the bill into law—Act 172 of 2006.

For its part, the committee provided testimony before the legislative committees holding hearings on the proposed legislation. In addition, committee members held several informational meetings with legislators to inform them of the findings of the initial Supreme Court study. The findings documented the need for language interpretation services in Pennsylvania.

SENATE
BILL

669
ACT
172



Seated left to right: House Speaker Dennis M. O'Brien, Governor Rendell, Senator Jay Costa, and other dignitaries during the signing of Act 172. The Honorable Ida K. Chen, Chair of the Interpreter Services Committee, was invited to witness the signing (back row, center).



Members of the Vietnamese community in Pittsburgh attend a special Mass offered in their native language at Saint Boniface Church on the city's North Side. Many of these families emigrated to Pennsylvania in the 1970s after the fall of Saigon and received assistance from Catholic Charities.

VIETNAMESE

Philadelphia's Range of Languages and Need for Court Interpreter Services

Interpreter Services Committee continued

Language and dialects	Requests per language
Albanian	39
Amharic	5
Arabic	88
Aramaic	1
Armenian	1
Bandi	2
Bassa	1
Bengali	18
Bombara	11
Cambodian	249
Cantonese	116
Chinese	52
Creole	48
Croatian	1
Eritrean	1
French	95
French Creole	22
Fulani	65
Fuzhou	11
Georgian	4
Gio	3
Greek	4
Gujarati	5
Haitian	5
Haitian Creole	4
Hebrew	2
Hindi	26
Indonesian	62
Italian	1
Japanese	2
Korean	207
Kpelleh	1
Krahn	2
Krio	2
Laotian	32
Lithuanian	3
Lomo	5
Malayalam	11
Mali	4
Mandarin	284
Mandingo	17
Manoe	2
Mende	1
Pashto	3
Polish	77
Portuguese	104
Pulaar	4
Punjabi	5
Romanian	4
Russian	300
Sign	307
Spanish	270
Tagalog	4
Thai	7
Tigrinya	13
Turkish	12
Ukranian	18
Urdu	18
Vietnamese	402
Yoruba	9

Philadelphia's El Centro de Oro is home to many family-owned businesses, including restaurants that reflect the thriving Latino culture.



Throughout the year, the Interpreter Services Committee met with Osvaldo Aviles, Administrator of the new statewide Interpreter Services Program. The purpose of the meetings was to discuss plans for the program and how the Interbranch Commission could support its initiatives. The committee also has met with the Governor's Advisory Commissions on African-American, Latino, and Asian Affairs. The goal is to prepare them for the process of disseminating information to their constituents about how to access the new interpretation service programs when they are initiated.

In addition to contributing to the passage of S.B. 669, the committee also completed its second major initiative of the year: a first-ever survey on the utilization of language and sign interpreters in administrative agencies throughout Pennsylvania.



Osvaldo Aviles, above, has focused on establishing a certification process for all state court interpreters

in Pennsylvania. He plans to produce a statewide list of certified interpreters for use by every judicial district.

The committee surveyed the state's administrative agencies in April 2006 about their provision of language and sign interpretation services to their clients. The committee compiled the survey responses into its report, *Interpretation and Translation Services in Commonwealth Administrative Agencies*, and distributed it to the participating agencies, the Interpreter Services Program, legislators, and court officials. The information obtained from the survey will be used to establish and strengthen language access programs throughout the state.

LATINO



A mural graces the side of a building in a Latino neighborhood in Philadelphia.

OUR KIDS' FUTURE

Robert L. Listenbee, Chief of the Juvenile Unit, Philadelphia Defenders Association, heads the office that has represented thousands of indigent juveniles seeking to expunge their delinquency records.



[O P P O R

The Criminal Justice Committee has devoted the past year to its three priority initiatives: establishing a statewide loan forgiveness program for public defenders, the expungement of juvenile court records in each county, and addressing disparities in capital sentences.

To date, the effort to establish a loan forgiveness program has resulted in legislation, Senate Bill 860, which is currently pending in the state Legislature. The committee has been working with the state bar's Implementation Committee on Loan Forgiveness to seek support for the bill and a public/private partnership to fund it.

The committee also convened a study group of experts and practitioners in juvenile law to identify successful systems of expunging the court records of indigent juveniles. The committee plans to use the group's recommendations to ensure that all juveniles in Pennsylvania have the opportunity to clear their records so that they can secure jobs and educational loans in the future.

In support of its death penalty initiative, the committee has begun designing a data collection form to record critical information about death penalty cases. The committee also is continuing to seek support for a new study of disparities in capital sentencing.



TUNITY

Like these friends enjoying a break from their basketball game in Monongahela, all kids should have a chance for a bright future. Juvenile record expungement gives this opportunity to youth with a troubled past. The committee is working hard to make this available to kids from all judicial districts in Pennsylvania.

CULTURAL CONSIDERATIONS

The Domestic Violence and Sexual Assault Victims Committee continued its victims education program this year by printing an additional 60,000 copies of its pamphlet, *Domestic Violence—Safety Tips for You and Your Family*. Reprints of the pamphlet were distributed to magisterial district judges, law enforcement officials, branch offices of the Department of Public Welfare, YWCAs, and turnpike rest stops. The pamphlet is especially popular with law enforcement officials who have been distributing them to members of their forces for use in responding to domestic violence calls.

Translators from the First Judicial District helped to achieve another goal of the committee: translation of the pamphlet into Spanish. 20,000 pamphlets have been distributed in Spanish-speaking communities throughout the state.

In its *Final Report*, the Supreme Court Committee on Racial and Gender Bias in the Justice System reported that cultural misinformation and stereotypes had affected some judges' decisions in domestic violence and sexual assault cases.

In response to this finding, the committee began educating state trial judges this year about the nuances of cultural issues in domestic violence and sexual assault cases. The committee conducted its first training session during the judges' summer conference in July 2007. The faculty included three jurists from the Philadelphia and Allegheny County Courts of Common Pleas: Judge Ida K. Chen, Judge Jacqueline Allen, and Judge Kim Berkeley Clark. Dr. Sujata Warrier, Director of the New York State Office for the Prevention of Domestic Violence, served as the expert trainer for the session. Similar training is planned for trial court employees in 2008.



First Judicial District Interpreters, Iris Garayua and Frank Rivera Cruz, donated their time to translate the Interbranch Commission's pamphlet on domestic violence into Spanish.



ISLAMIC

JURY OF ONE'S PEERS

At the request of the Chief Justice of the Pennsylvania Supreme Court, the Jury Services Committee spent much of the past year identifying model local, state, and national jury selection procedures. The goal of the project was to develop a standardized process for jury selection across Pennsylvania that will promote not only efficiency, but also diversity and general public participation on juries. Earlier this summer, the committee completed its report, *Suggested Standardized Procedures for Jury Selection in Pennsylvania*. The report was submitted to the Supreme Court for its review in October 2007.

The committee also held the second in its series of five regional jury diversity seminars on March 29, 2006 in Philadelphia. Judges, district court administrators, jury commissioners, legislators, and representatives of the minority community in Philadelphia and four surrounding counties attended this session. The seminars are intended to provide a forum for local judges and court administrators to share information on successful strategies they have developed to increase jury diversity. The committee currently is planning its third regional seminar, to be held in winter 2008 in Allentown. This session will focus on jury selection in counties with small cities in the eastern region of the state.

Nusrath Ainapore and Amal Nemengani, members of the Islamic Center of Pittsburgh, enjoy a chat after prayer services.

STRIK

Factors in the selection process that reduce minority presence on juries

In its 2003 report, the Supreme Court Committee on Racial and Gender Bias in the Justice System found that many juries throughout the state were disproportionately white, in part due to jury selection procedures that failed to include or eliminated people of color from the process. The following chart identifies the steps in the jury selection process and depicts the extent to which members of minority communities drop out or are eliminated as the process moves toward selection of the final members of the jury.

The illustrations that follow represent percentages of each community rather than actual numbers.

The Community

In 2005, Pennsylvania's total population was 11,979,147. That number includes 85% non-Hispanic Caucasians and 15% minorities.



1

Jury Source List

The two lists most commonly used for this purpose, those of registered voters and vehicle registrations, are among the least likely to include members of the minority communities.



The Interbranch Commission played an integral role in the passage of Senate Bill 116, which expanded the range of jury source lists used in selecting jury pools in Pennsylvania. These lists are expected to include many more members of the minority communities.

2

Mailing of Summons and Questionnaire

Many members of low-income communities change addresses frequently and often do not receive juror summonses and questionnaires because of outdated addresses used by the courts. Minorities are disproportionately represented in low-income communities.



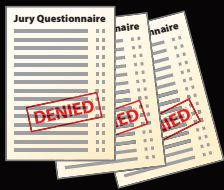
Senate Bill 116, which was passed into law, Act 137, in large part due to the Commission's efforts, requires courts to use an advanced system for obtaining the most recent address for each state resident. The Commission has also recommended that the Supreme Court require judicial districts to send follow-up letters to each resident who fails to respond to the initial mailing.

ING A BALANCE

3

Juror Qualification Process

The Pennsylvania juror qualification statute prohibits residents who have prior convictions for felonies or misdemeanors of the first or second degree from ever serving on a jury. This has a disproportionate impact on black males, barring in excess of 30% of the black male population from serving on juries.

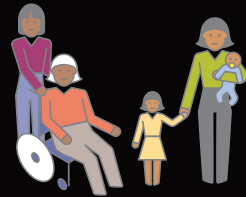


In its report entitled *Suggested Standardized Procedures the Jury Selection in Pennsylvania*, the Commission urged the Supreme Court to support an amendment to the Pennsylvania juror qualification statute to permit individuals who have prior convictions for second-degree misdemeanors to serve on juries.

4

Responses to Summons and Questionnaire

Even among those who do receive the juror summons and questionnaire, many do not respond or fail to appear because they lack the resources to pay for child- or elder-care or cannot afford to lose a day's pay. This problem is particularly acute in minority communities where many residents live in poverty.



In its report to the Supreme Court, the Commission recommended that the courts reimburse jurors for their reasonable out-of-pocket expenses during short-term trials. The Commission also urged that the compensation for jurors in longer trials be increased through a lengthy trial fund or by offering employers economic incentives to pay employees during jury service.

5

Peremptory Challenge Process

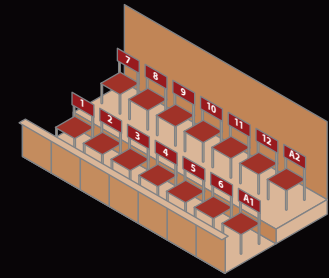
While both parties in a case often use this process to their perceived advantage, the few minority jurors who remain on the panel at this stage are often unconstitutionally removed by one of the parties on the basis of race.



In its report to the Supreme Court, the Commission urged the adoption of a series of principles governing the exercise of peremptory challenges, including enforcing the prohibition against dismissing a juror for constitutionally impermissible reasons, and studying whether to eliminate or substantially reduce the number of peremptory challenges permitted in trials.

The Jury

The juries that are empaneled as a result of this process are predominantly white and fail to include a representative cross-section of the diverse communities across the state.



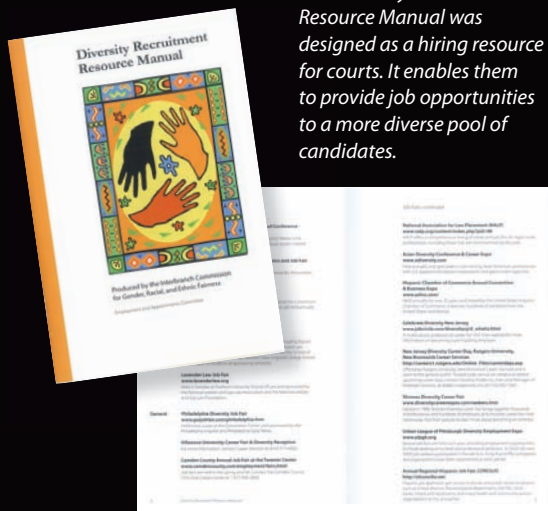
The issue of racial composition of juries raises questions of public confidence in the courts and their ability to judge all citizens impartially. Our hope is that with the implementation of these recommended reforms, the jury selection process in each judicial district will produce juries that are truly representative of their communities.

WORKFORCE DIVERSITY

In August 2006, the Employment and Appointments Committee completed its publication entitled *Diversity Recruitment Resource Manual*. The manual includes a variety of diversity recruitment resources as well as a compilation of best practices for hiring a more diverse workforce. It was distributed to all judicial district administrators and judges in the state and to many corporations in the Pittsburgh area. The goal is for the judicial districts to use the manual in support of their efforts to diversify their staff and their court appointments.

Recently, the committee began the process of updating the diversity recruitment manual with additional community contacts. The manual also will include more recent information on innovative diversity programs and resources. Additionally, the committee has developed a series of training programs focused on the importance of diversity recruitment in the courts (the "business case" for diversity) and techniques to create and foster a more diverse workforce.

The Diversity Recruitment Resource Manual was designed as a hiring resource for courts. It enables them to provide job opportunities to a more diverse pool of candidates.



Cathy Bissoon, Chair of the Employment and Appointments Committee, presents a seminar on increasing

diversity in court workforces to the Pennsylvania Association of Court Management.

The first of these programs was tailored to the needs of state court administrators whose responsibilities include hiring the majority of the courts' workforce. This interactive session took place at the annual meeting of the Pennsylvania Association of Court Management in June 2007. The faculty included the former director of diversity at a large Pittsburgh-based law firm, and the administrator of the New York State Court Workforce Diversity Office. The committee received many positive comments about the program from the attendees.

On the heels of this successful program, a second training session is being planned for all Pennsylvania state court judges next year. It will focus on how judges can increase diversity among their staff and how their offices can benefit from such an effort.

EQUALITY IN THE COURTS

The Grievance Process Committee's focus in 2006 was to complete and implement its Unified Judicial System Policy on Non-Discrimination and Equal Employment Opportunity, along with accompanying model complaint procedures for victims of discrimination and harassment in the courts. The committee also continued to make modifications, consistent with the new policy, to its draft amendments to the existing codes of conduct for Pennsylvania attorneys and judges. After review and approval by the Administrative Office of Pennsylvania Courts and the Pennsylvania Judicial Council, the policy was presented to the Supreme Court of Pennsylvania for its consideration and implementation.

The Supreme Court approved the policy in June 2007 and will begin the implementation process in the fall. The amendments to the codes of conduct are still under review by key stakeholders in the justice system, and the committee hopes to obtain approval for their implementation later this year.

The committee also continues to work on its draft 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. The committee plans to distribute the manual to all judicial districts, bar associations, law firms, and law schools in the state.

Chief Justice Ralph J. Cappy, the first Chair of the Inter-branch Commission, in his office. Chief Justice Cappy spearheaded the production and implementation of the new statewide policy on Non-Discrimination and Equal Employment Opportunity.



I was born in Lviv, a big city in the Ukraine, close to the border of Poland. Life was very difficult in Lviv because the Communist government had just fallen and factories closed. My parents decided to move to Carnegie, a little town outside of Pittsburgh. After joining my parents, I received a graduate degree. I married a man from Pittsburgh and we now have a 3-year-old son.

FAIR

Voice of Natalia Milligan
Carnegie, Pennsylvania

Pennsylvania now has widespread, substantial communities of recent immigrants. Public hearings held by the Supreme Court Committee on Racial and Gender Bias taught us that from 1990 to 2000, the Latino population in north-eastern Monroe County increased by 348 percent and in Luzerne County by 84 percent. Sizeable Russian communities exist in central and north-west Pennsylvania, and Asian and Middle Eastern communities continue to emerge across the state.

In keeping with this trend, Pennsylvania courts report growing requests for a wide variety of language interpretation services. Clearly, multi-cultural communities are now found in all regions of our state and not just in the larger urban areas. Diversity has arrived in Pennsylvania.

AFR

William (Billy) Jenkins and his daughter, Emily, enjoy a special time together at their home in Pittsburgh.

NESS]

ICAN AMERICAN

Burrell A. Brown
Chairman



A message from the Chair and the Executive Director

As our report demonstrates, Pennsylvania has undergone a major shift in the racial and ethnic origin of its residents. Undoubtedly, this change has enriched our state, but it also has increased pressure on our courts to address the needs of its new citizens. Last year, for example, the Philadelphia court system received over 3000 requests for interpreters.

This year, a key objective of the Interbranch Commission has been to help Pennsylvania meet the challenges created by these changes. On the legislative front, we played a critical role in securing the passage of two important pieces of legislation: one to meet the language interpretation needs of our new immigrant communities, and the other to increase opportunities for minorities to serve on juries across the state.

In the judicial arena, we designed a policy for the state court system prohibiting discriminatory behavior and providing a grievance procedure for victims. We also educated court administrators on ways to increase employment diversity, and instructed trial judges about cultural nuances in domestic violence and sexual assault cases. Our hope here is that these measures will heighten awareness of the need to treat all people fairly within our court system.

While we are proud of our achievements this year, much work remains to refine our system. We look forward to making progress on next year's initiatives and we deeply appreciate the support of the public and the court system, as well as the legislative and executive branches, in helping us to fulfill our mission.

Members of the Commission making their points during a Commission meeting in March 2007. Shown from top to bottom: Lucille Marsh, Lackawanna County; Khadija Diggs, Deputy Trial Director, Allegheny County Public Defender's Office; Honorable Pedro Cortés, Secretary of the Commonwealth; Helen Casale, Philadelphia; Lazar Kleit, Philadelphia.

Lisette M. McCormick
Executive Director



Lisette McCormick, Executive Director, and her staff: Christine Kalinik, Paralegal, on left, and Rebecca Olds, Research Assistant, on right.



Source Listing

Interpreter Services Committee—List of languages and requests for interpreter services, page 4, Philadelphia County Court of Common Pleas, *Court Interpreters Administration Report on Interpreter Services for 2006*. Please note that the actual number of individuals needing interpreter services may be less than the number of requests reported since, for example, one defendant in one case with several hearings may be responsible for several requests for interpreter services.

Jury Services Committee—Demographic information under The Community, page 10, U.S. Census Bureau, Pennsylvania, *General Demographic Characteristics: 2005 American Community Survey*. The Jury Selection Process chart, pages 10–11, See John F. Karns, J.D., Ph.D., *Statistical Representativeness of a Sample of Persons Selected for Jury Duty in Allegheny County, Pennsylvania May 12 through October 11, 2001*; See also Mark Houser, "A Jury of Peers?" *Pittsburgh Tribune-Review*, July 21, 2002.

Design: ThoughtForm Inc.
Photography: Richard Kelly



When I was a young man, a civil war broke out in my country of Ethiopia. So I was not comfortable living there at that time because the government tried to make me a soldier and I did not want to kill my own people. At age 18, I left Ethiopia, not alone, because I was with my God. I made a long trip to Kenya, partly by boat, and a lot of walking, and stayed in a refugee camp for about a year. I applied for immigration to America where my brother was living, and for the past 13 years, I have had a taxi business in Philadelphia. But I am going to do more. I am trying to open a small franchise, and why not? They tell you that America is the land of opportunity. I can do it.

I was born in 1970. I was the fourth of six children. Prior to the fall of Saigon in 1975, my father worked security at the U.S. Embassy. His contacts there got our family onto a departing ship as Saigon fell to the Communists. Our entire family ran through the streets of Saigon to the ship amid the chaos. My family and I stayed at two refugee camps; first in Hong Kong and then Arkansas. A Catholic organization was charged with sponsoring our family. Arriving in the United States in December 1975, we had nothing, yet gained freedom and unlimited opportunities. We'll always be grateful for the kindness and generosity of the Catholic community.