

DEFINING MOMENTS

JURY ROOM.





Every day we make decisions as individuals and as a society.

In these moments, we define who we are and who we choose to be. Today in Pennsylvania, a series of defining moments directs new public attention to indigent defense reform, jury selection standards and court workforce diversity. We must seize the opportunities before us to secure critical reforms—years in the making—that will ensure equitable treatment for all citizens of Pennsylvania.

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## REFORMING INDIGENT DEFENSE

One court has shaken public confidence in Pennsylvania's juvenile justice system and indeed the entire court system. The Supreme Court has taken major steps to repair the damage. The Juvenile Law Center, two Interbranch Commissions and a Joint State Government Commission are working on indigent defense reform. Are we ready to replace our state's fragmented system of justice and make sweeping changes to our indigent defense system?

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Robert L. Listenbee, Esq.  
Juvenile Unit Chief, Defender  
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# 3



Katrina Tollerson, Esq.

## CREATING COURT DIVERSITY

Pennsylvania's changing demographics reflect the globalization of American society. Labor force participation for women and Hispanic, Asian and other minorities continues at a record pace. Yet the workforce of our state courts is still largely white and male. Are we prepared to create a diverse workforce in our courts that reflects our communities?

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# 1

## INTEGRATING PENNSYLVANIA'S JURIES

State budgetary shortfalls have squeezed our courts. The Interbranch Commission's report on standardizing jury selection suggests how judicial districts can increase public participation, integrate juries and save the courts money. Are we willing to make our jury selection process more efficient and our juries more diverse?

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### Interbranch Commission for Gender, Racial, and Ethnic Fairness

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Chair

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# Forging an efficient and effective jury system

Judge Thomas K. Kistler of Centre County Court of Common Pleas is a key player in reforming jury selection in Pennsylvania. A member of the Jury Service Committee, Kistler contributed to the Interbranch Commission's report studying 13 areas of jury practice. The Commission awaits the Supreme Court's consideration of an action plan for standardizing jury selection procedures across the state.



# INTEGRATING PENNSYLVANIA'S JURIES

The new statewide juror list offers the potential to significantly increase representation of minorities on juries across the Commonwealth. After working diligently on the initiative, the Interbranch Commission now monitors judicial districts' use of the list and works with the Administrative Office of Pennsylvania Courts to make the system easier to apply and more effective overall.

Courts in rural areas working to increase minority representation face issues that differ significantly from courts located in large cities or those in smaller cities. Recognizing all of these variances, the Interbranch Commission is hosting regional seminars for judges and court administrators to share successful strategies and consider when and if to use the statewide juror list. The sessions also provide the chance to discuss local distinctions in jury selection processes. Four workshops have been held to date, with the most recent bringing together judges and administrators from nine counties in central Pennsylvania. The Commission is compiling information from all sessions for the AOPC to use in making the statewide juror list more functional for the courts and citizens alike.

More than two years ago, the Interbranch Commission issued "Suggested Standardized Procedures for Jury Selection in Pennsylvania Courts." The purpose of the project was to increase public participation on juries across the state and to make the process of

selecting jurors more cost-effective. The commission consulted national experts and studies on jury service, reports on jury reform in other states and information about practices in Pennsylvania counties to prepare the report. The Jury Services Committee then sought comments from each president judge and the general public before submitting it to the Pennsylvania Supreme Court.

The commission now eagerly awaits approval of the resulting action plan, which details how the Supreme Court can implement specific recommendations and standardize procedures for jury selection in Pennsylvania.

## Effective Jury Reform: Pennsylvania's Statewide Juror List



### Pennsylvania Department of Revenue

Pennsylvania's statewide juror list draws from the database of state income tax filers, a new source for potential jurors.



### Pennsylvania Department of State

Voter registration records continue to provide a source for potential jurors in the statewide juror list.



### Pennsylvania Department of Transportation

Records on licensed drivers in Pennsylvania also continue as a source of potential jurors.



### Pennsylvania Department of Public Welfare

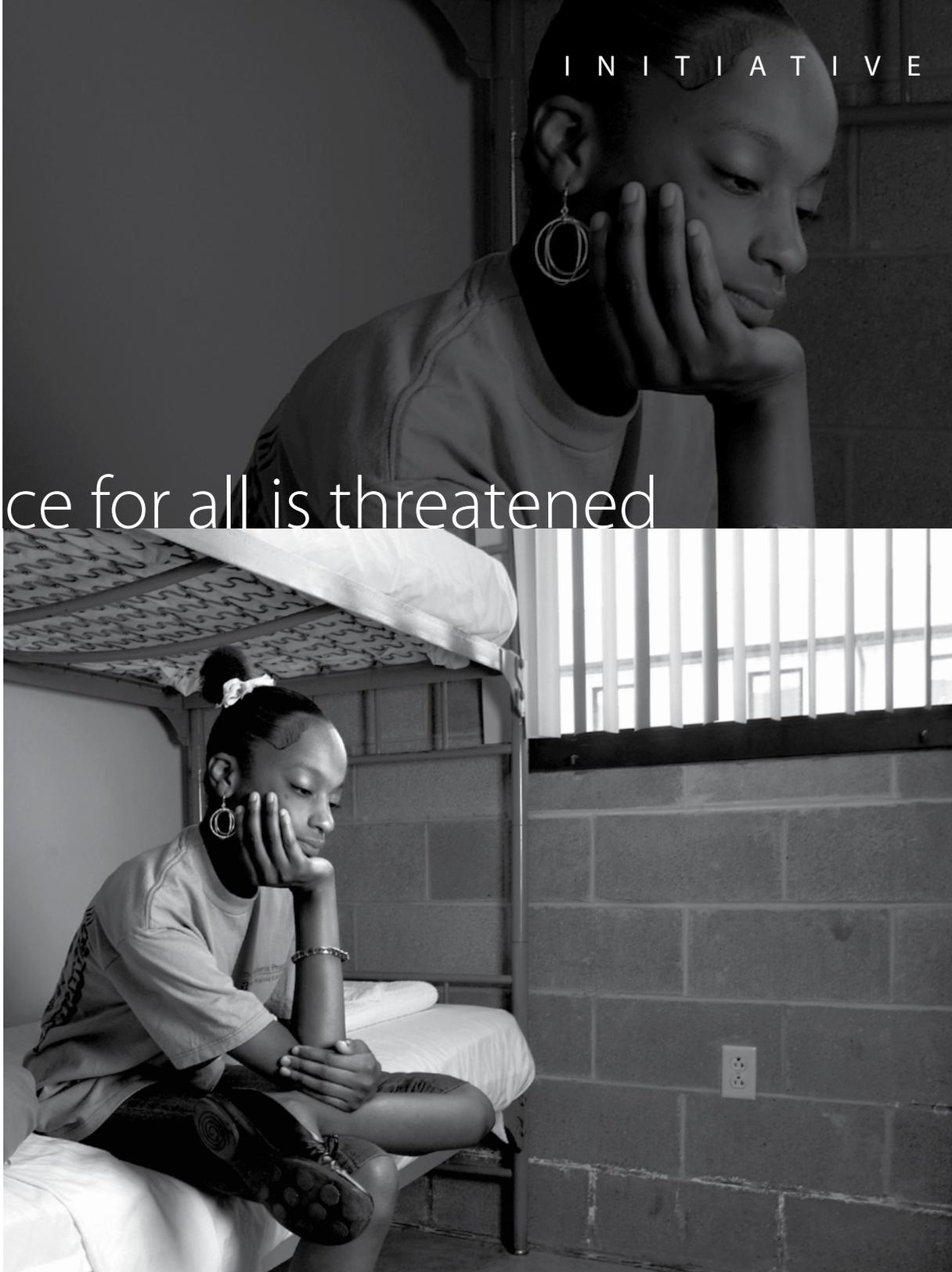
The statewide juror list brings public welfare recipients into the pool of potential jurors, a first for Pennsylvania.

Lynn Marks, Esq., chair of the Jury Service Committee (left), and Lisette McCormick, Esq., executive director of the Interbranch Commission (right), share a moment during a recent seminar on effective use of the statewide jury list. The commission sponsored the workshop in State College for court administrators and judges from rural communities to address issues facing those counties in implementing the new system.



# When justice for all is threatened

Revelations that Luzerne County youths were sentenced by corrupt judges to detention facilities without representation and without an opportunity to be heard provided a defining moment and call to action for reforms within the Pennsylvania court system.



## REFORMING INDIGENT DEFENSE

Pennsylvania is poised to make sweeping changes to indigent defense across the Commonwealth. The Interbranch Commission continues to work toward making this goal a reality—and ensuring that justice received by an indigent defendant depends upon the merits of the case, not a fragmented justice system and inadequate local resources.

The Interbranch Commission focuses on four key initiatives to improve the fairness of the criminal justice system in Pennsylvania:

- Reducing disparities in the imposition of the death penalty
- Improving the quality of indigent defense
- Establishing juvenile record expungement procedures in all judicial districts
- Initiating a loan forgiveness program for public interest lawyers

The Interbranch Commission is collaborating with the Joint State Government Commission as it studies indigent defense in Pennsylvania and undertakes critical reforms through a new legislative task force. The commission is also initiating a comprehensive study of whether racial, ethnic or socioeconomic status influence administration of the death penalty in Pennsylvania, and if so, how disparities are addressed.

Among juvenile justice initiatives, the commission has drafted a model record expungement program for judicial districts to test and adapt. The commission is also working with the new Interbranch Commission for Juvenile Justice to recommend juvenile justice reforms, following the failure of the juvenile court in Luzerne County to protect indigent children.

And to enable attorneys to pursue careers in public service despite significant law school debt, the commission continues efforts to establish a state loan forgiveness program and promote an existing federal program. This year, the commission co-hosted with bar associations and universities in Western Pennsylvania a series of educational programs for law students and practicing attorneys on a newly expanded federal debt relief program and strategies for maximizing loan forgiveness prospects.

### Total trial-level cases handled by the Monroe County Public Defender's Office in 2008

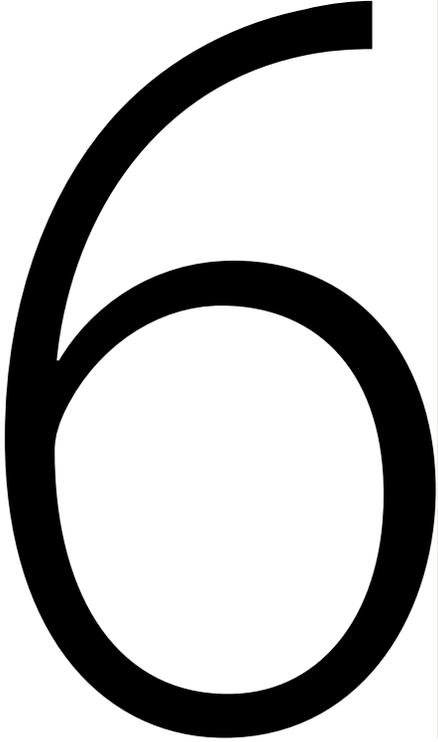
3,200 number of cases

7 number of attorneys



The Juvenile Law Center staff, including attorney Riya S. Shah, is collaborating with the Interbranch Commission to pilot a juvenile record expungement program in judicial districts across the state.

The Monroe County Public Defender's Office, with five full-time and four part-time attorneys, yielding a functional equivalent of seven lawyers, handled 3,200 cases in 2008. This amounts to 457 cases per attorney, far exceeding the limits recommended by the American Bar Association.



### **Criminal Justice Committee**

*Khadija Diggs Terry, Esq., Chair*

Working to reduce disparities in the imposition of the death penalty, the committee recommended that the Interbranch Commission undertake a study of whether racial, ethnic or socioeconomic status influence administration of the death penalty, and if so, how disparities are addressed. The committee is also assisting the Joint State Government Commission and Interbranch Commission for Juvenile Justice to study and recommend reforms for Pennsylvania's indigent defense system. In 2009, the committee continued its work to establish a statewide loan forgiveness program for public interest lawyers, and the committee developed a model juvenile record expungement program.

### **Equal Opportunity and Diversity Committee**

*Jacqueline D'Angelo, Esq., Chair*

Increasing diversity in court employment and appointments continues to be the committee's priority. In recent years, members surveyed judicial districts on best practices for court appointments. In 2009, the committee prepared and distributed "Achieving Fairness through Bias-Free Behavior" to educate court officers and attorneys on ways to eliminate bias in the courtroom. The committee recently published a manual to help judges and administrators increase diversity in the court workforce. The committee also conducted training sessions on the new United Judicial System Policy on Non-Discrimination and Equal Employment Opportunity for appellate, trial and municipal judges around the state. Action is expected this year on the committee's proposed ethics codes amendments for state judges and lawyers.

## committees strong

### **Interpreter Services Committee**

*Honorable Ida K. Chen, Chair*

The availability of interpreter services in Pennsylvania's court system and administrative agencies significantly improved over the last few years as a result of the Interpreter Services Committee's work. State agencies now have access to centralized information on interpreter services. The First Judicial District now has access to protocols for working with translators and standardized translations of key legal documents. Pennsylvania interpreters and judges now receive training on the use of interpreters in court and administrative proceedings through Widener University's Legal Education Institute. Citizens now have access to more qualified interpreters because of expanded training programs. And immigrant communities will soon receive targeted information about requesting interpreters. In 2010, the commission will sponsor, with the Philadelphia Bar Association, attorney training for the effective use of interpreter services during litigation.

### **G.L.B.T. Rights Committee**

*Helen Casale, Esq., Chair*

The Interbranch Commission's newest committee seeks fairness for Pennsylvania's gay, lesbian, bisexual and transgendered residents. In two short years, the G.L.B.T. Committee completed a survey of second-parent adoption throughout the state and collected model procedures from select counties. As a result, state residents can look ahead to a set of best practices on second-parent adoption and standardized procedures by judicial districts. The committee and Interbranch Commission will provide training for court administrators and judges as needed and continue to monitor key legislation impacting G.L.B.T. communities. The G.L.B.T. Committee is currently working with the Equal Opportunity and Diversity Committee to develop regulations for the Allegheny County Human Relations Commission. The new county commission seeks to eliminate discrimination in housing, employment and public accommodations as the result of sexual orientation and gender identity or expression, among other forms of discrimination.

## Jury Service Committee

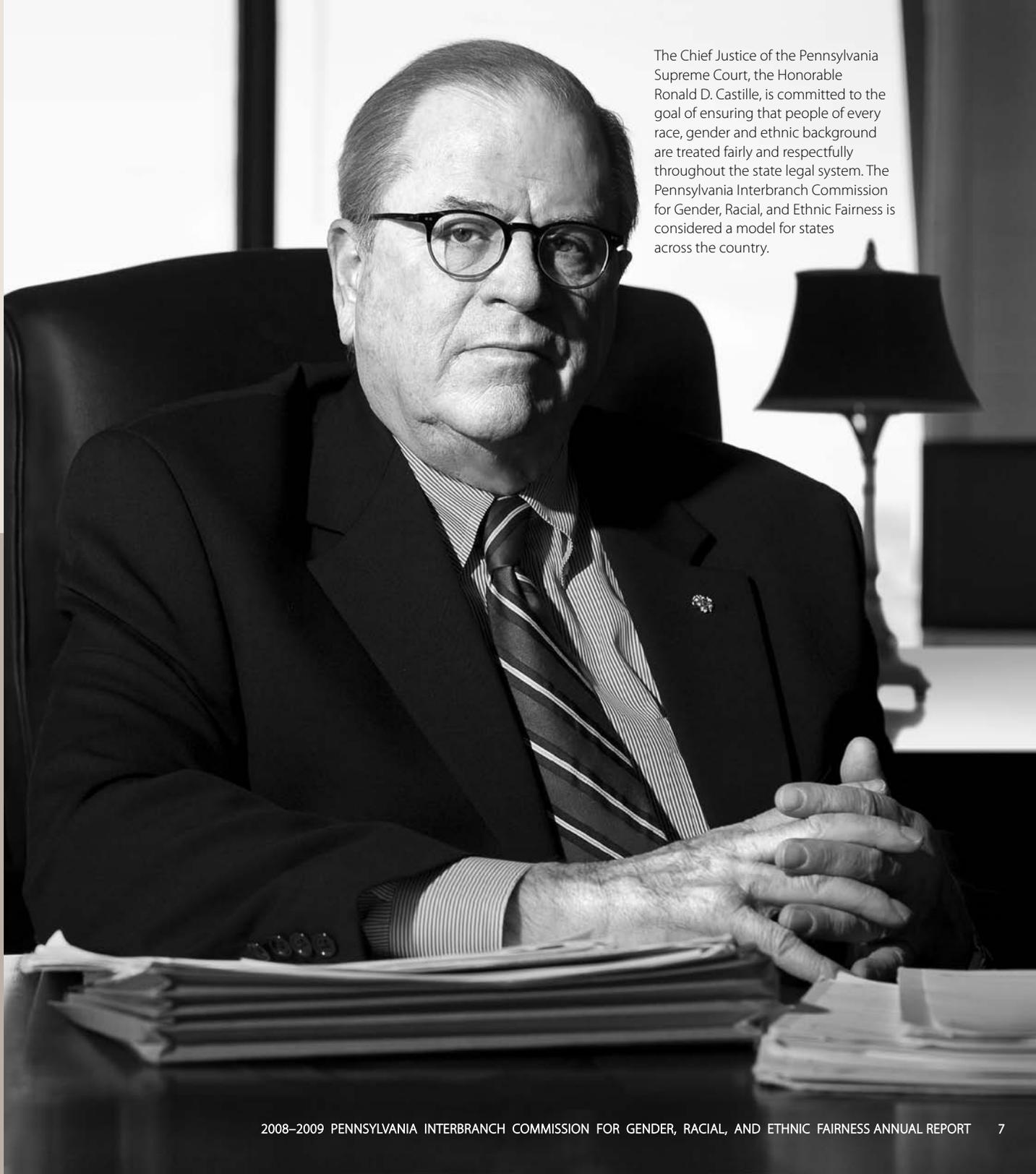
*Lynn A. Marks, Esq., Chair*

Counties throughout Pennsylvania are benefiting from the Interbranch Commission's regional seminars on jury diversity. The forums provide local judges and court administrators with an opportunity to share successful strategies on increasing jury diversity and to provide feedback on the new statewide juror list. In the coming year the Jury Service Committee will continue to monitor judicial districts' use of the statewide juror list and compile information for the AOPC on how to make the system more user-friendly. The committee also will continue to press for implementation of the commission's key report of 2008: "Suggested Standardized Procedures for Jury Selection in Pennsylvania Courts."

## Domestic Violence and Sexual Assault Victims Committee

*Roberta D. Liebenberg, Esq., Chair*

As a follow-up to "Domestic Violence—Safety Tips for You and Your Family," the committee recently prepared and distributed "And Safety for All: A Guide to Making the Courts Safe for Victims of Domestic Violence and Sexual Assault." The new publication assists court staff administering the Protection from Abuse Act and criminal court staff working with witnesses and victims of sexual assault. The committee also surveyed judicial districts on compliance with provisions of the Protection from Abuse Act requiring that interpreter/translation services be provided to petitioners. Results from the survey will help the AOPC Interpreter Services Program develop language services training for judicial districts. Finally, the committee conducted an interactive session for the Conference of State Trial Judges on increasing judicial understanding of cultural issues related to domestic violence and sexual assault cases.

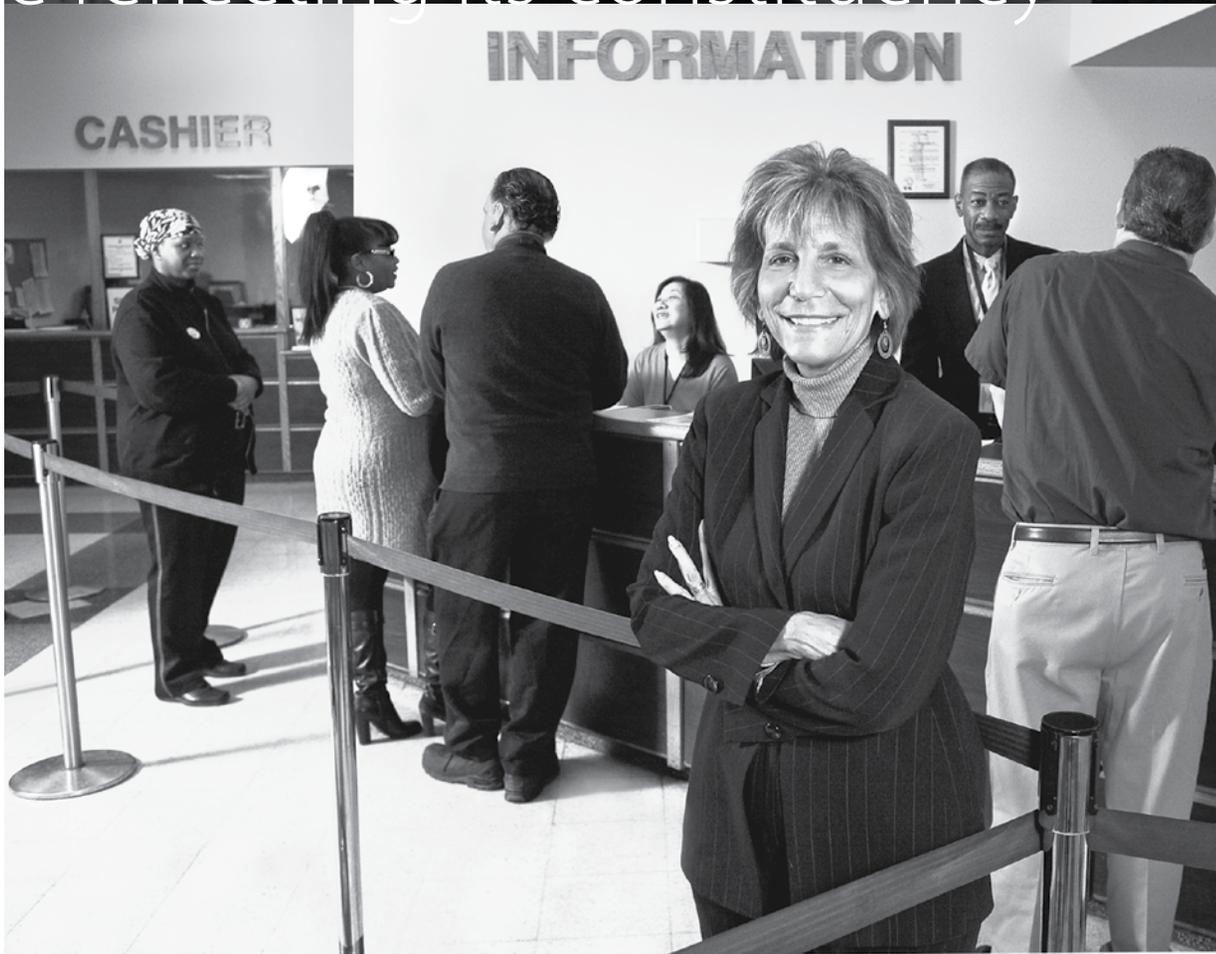


The Chief Justice of the Pennsylvania Supreme Court, the Honorable Ronald D. Castille, is committed to the goal of ensuring that people of every race, gender and ethnic background are treated fairly and respectfully throughout the state legal system. The Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness is considered a model for states across the country.

## A workforce reflecting its constituency

The Customer Service Center in the Philadelphia Court of Common Pleas, shown here with Mary Lou Baker, deputy court administrator, provides an excellent example of courthouse diversity at work. Public trust in the justice system increases when a court workforce reflects the population it serves.

A diverse workforce brings other benefits as well. When employees are trained to understand cultural differences, productivity increases and the court enhances its ability to hire the most qualified employees in the future.



## CREATING COURT DIVERSITY

Despite some advances, Pennsylvania's court system remains disproportionately white and male. Racial and ethnic minorities are underrepresented on court staffs and women are clustered in non-supervisory positions. The process for court appointments presents barriers to selecting diverse candidates.

Yet our state population reflects another reality, as immigration and other demographic trends continue to change the composition of our society. According to the state's Center for Workforce Information and Analysis, between 2002 and 2012, the number of labor force participants with a Hispanic background is projected to increase by 32.1 percent and the number of labor force participants categorized as Asian/Other is expected to grow by 29.9 percent. Women's share of the labor force also will continue to increase.

Pennsylvania's changing demographics present powerful opportunities for our courts. The Interbranch Commission is working diligently to make diversity an intrinsic part of courthouse employment and appointments and ensure the courts work harder to reflect society as a whole. The commission is currently helping judges and court administrators increase workforce diversity with a step-by-step guide. The new manual from the Equal Opportunity and Diversity Committee provides important county and state data on demographic trends, then walks judges and administrators through how to assess their workforce diversity needs. Finally, it offers resources for developing effective diversity programs targeting recruitment, retention and training.

Early feedback has been positive for "Creating a Diverse Workforce in the Pennsylvania Courts: a Manual for Success," in part because the guide outlines specific responsibilities for judges and allows administrators and managers to take immediate action on increasing diversity within their courthouse.

The commission recently issued and distributed another well-received publication, "Achieving Fairness through Bias-Free Behavior." Judges, court personnel and attorneys across the state are now using the pocket-size guide to help avoid bias in the courtroom. Through its publications and initiatives, the Interbranch Commission helps Pennsylvania courts better reflect the diverse communities and individuals they serve.

### Projected growth of Pennsylvania's Hispanic/Latino population between 2000 and 2030

# 184%

Source: Pennsylvania State Data Center.



An original member of the Pennsylvania Interbranch Commission, U.S. Magistrate Judge Cathy Bissoon chaired the Equal Opportunity and Diversity Committee and conducted training sessions for court administrators on diversifying their workforces.



*Achieving Fairness through Bias-Free Behavior*



*Creating a Diverse Workforce in the Pennsylvania Courts: a Manual for Success*



# BUILDING BRIDGES TO

News Analyst Juan Williams spoke to delegates about the lasting influence of Justice Thurgood Marshall, recalling personal reflections from interviews and his biography of the U.S. Supreme Court Justice. The National Public Radio and television newsmagazine contributor is known for his political analysis and insight into how Americans face cultural changes.



# 21<sup>st</sup> JUSTICE

## Annual Meeting

of the National Consortium on Racial and Ethnic Fairness in the Courts

In May 2009, the Interbranch Commission had the honor of hosting delegates from 27 states to share best practices in addressing disparity, fostering diversity and achieving fairness in state judicial systems. Over 120 attendees, including state Supreme Court Justices, judicial officers and court administrators and members of the Pennsylvania Interbranch Commission gathered in Pittsburgh for "Building Bridges to Justice," the 21st meeting of the National Consortium for Racial and Ethnic Fairness in the Courts. The Allegheny County Bar Association served as co-host for the four-day event.

The Honorable Debra Todd represented the Pennsylvania Supreme Court and introduced the plenary session. The Honorable Donna Jo McDaniel, president judge of Allegheny County Common Pleas Court, the Honorable Clarence Jones of the National Consortium and Connecticut Superior Court, Pittsburgh officials and commission leaders also welcomed delegates.

The conference discussed innovations in Pennsylvania, including the state's interpreter certification program, the Unified Judicial System's new Policy on Non-Discrimination and Equal Employment Opportunity, and progress on diversifying juries and protecting victims of domestic violence and sexual assault. Speakers from all over the country, as well as from our state and local communities, led discussions on immigration issues, indigent defense

Conference sessions included a panel discussion on Pennsylvania's interpreter services initiatives. Participating on the panel were (right to left) Judge Ida K. Chen, chair of the Interpreter Services Committee, Pedro A. Cortés, 2010 chair of the Interbranch Commission, Osvaldo Aviles, head of the AOPC interpreter program, and Peggy O'Neil, director of the court interpreters program at Widener University.



reform, "implicit bias," and the intersection of race and gender. Attendees debated racial and ethnic disparities in Pennsylvania's imposition of the death penalty and more. Every session offered opportunities to hear strategies being employed across the country to address critical fairness issues.

Juan Williams of National Public Radio and George Khaldun of the Harlem Children's Zone engaged the delegates during special presentations. All left the conference reinvigorated to continue the important work of ensuring access and equal justice for all.



Honorable Pedro A. Cortés  
Chair (left), Burrell Brown, Esq.  
Chair 2005–2009 (right)



Lisette M. McCormick, Esq.  
Executive Director



Lisette M. McCormick and  
Paralegal Janet Bollers

It is our distinct pleasure to report to Pennsylvania on the work of the Interbranch Commission for Gender, Racial, and Ethnic Fairness. During the past two years, the commission has taken important steps to address inequities and secure fairness and equal justice in Pennsylvania’s court system.

The commission developed a plan for standardizing procedures for jury selection and provided a forum for judicial districts to share experience using the statewide juror list. We trained interpreters, hearing officers and judges in the provision of interpretation services in court and administrative agency proceedings, and educated trial judges and attorneys on using interpreters in the courtroom. We published a guidebook on increasing diversity in the workforce. And among other initiatives, we continue to work diligently with two state commissions to recommend fundamental changes to Pennsylvania’s indigent defense system.

Last May, the commission had the honor of being selected to host the 21st annual meeting of the National Consortium for Racial and Ethnic Fairness in the Courts. The meeting provided us with an opportunity to demonstrate to our colleagues across the country what Pennsylvania has done to foster equity in our courts and to learn of initiatives successful in confronting these problems in other states. The new year brought significant changes to the commission’s leadership. Members honored our departing chair, Burrell Brown, for his insightful guidance over the past four years and welcomed new officers: Pedro Cortés, chair; Helen Casale, vice chair; and Jacqueline D’Angelo, secretary.

The year also brought to light a tragic breakdown of the juvenile justice system in Luzerne County that has had a devastating effect not only on the community, but on the entire court system. Our Supreme Court has taken major

steps to begin to repair that damage. Yet the episode unearthed serious problems in Pennsylvania’s highly fragmented system of justice, particularly in its poorly functioning indigent defense system. Our commission views this event as a defining moment for our state—the theme of this annual report. Pennsylvania’s leadership now has an opportunity, indeed a duty, to make fundamental changes to our system of justice to prevent this failure from ever happening again. With your help and the strong commitment of our courts, our commission pledges to do all it can to ensure that these reforms are enacted.

Lisette M. McCormick

Honorable Pedro A. Cortés

# Seizing the

Second-parent adoptions give children the opportunity to thrive in stable, two-parent homes. Shown here are Jonathan Weinhold (left) and Dan Clifford (right) with their son, Matthew Weinhold Clifford.



## moment

The Interbranch Commission for Gender, Racial, and Ethnic Fairness—five years young—addresses disparities, fosters diversity and seeks fairness throughout the state’s justice system. We seek to convert the growing momentum for reform into enduring institutional change in our system of justice.

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

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# DEFINING MOMENTS



The Allegheny County Courts have built a model system for ensuring the safety of domestic violence victims, including separate waiting rooms for plaintiffs and defendants in Protection From Abuse cases. Shown are Beth Keenan, Esq., domestic violence coordinator (left); Geraldine Redic, Esq., deputy administrator, Family Division; and Administrative Judge David Wecht.