

April 10, 2017

Sara A. Austin, President
Pennsylvania Bar Association
100 South Street
Harrisburg, PA 17101

Dear Ms. Austin,

We are writing to express our strong support for the Pennsylvania Bar Association's recommendation to the Supreme Court of Pennsylvania for modifying the mandatory continuing legal education rules and regulations to include a component for diversity and bias training.

As you may know, since its inception in 2005, the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness has been working to implement recommendations from the Final Report of the Supreme Court Committee on Racial and Gender Bias in the Justice System.¹ Among other issues, the Supreme Court Committee investigated instances of harassment and discrimination "as perceived, reported and reflected by actual participants in the judicial process - judges, attorneys, litigants, witnesses and court employees."² In particular, the study found widespread evidence of discriminatory and offensive conduct by Pennsylvania attorneys and judges, levelled at plaintiffs, defendants, clients, court employees, counsel and even presiding judges throughout the Commonwealth.

In order to address this problem, the report recommended several actions to be taken by the Supreme Court of Pennsylvania, including requiring that "all Pennsylvania attorneys receive training concerning the effects of racial, ethnic, and gender bias within the legal system as part of their continuing mandatory

¹See Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, available at <http://www.pa-interbranchcommission.com>.

² *Id.* at 304.

Sara A. Austin, President
April 10, 2017
Page Two

legal ethics education requirement.”³ The report also listed the recommended subject matter of the required training as follows:

- Civility within the courtroom;
- Cultural diversity and its effect upon treatment in the court system;
- What constitutes, or can be perceived to constitute racial-, ethnic-, and gender-biased language and conduct;
- The effect of racial, ethnic, and gender biases upon determinations of credibility and competence; and
- The racial, ethnic, and gender stereotypes and cultural impediments that inhibit minorities, persons of varying ethnic backgrounds, and women from having confidence in, and utilizing, the Commonwealth’s judicial system.

Over the past twelve years, the Commission has been working to implement these recommendations by sponsoring and conducting training for attorneys, judges and court administrators on the recommended topics above; drafting the Unified Judicial System Policy on Non-Discrimination and Equal Employment Opportunity and accompanying grievance procedures; drafting modifications to the ethics codes for judges and attorneys; and producing a handbook “Achieving Fairness through Bias-Free Behavior: A Pocket Guide for the Pennsylvania Courts,” identifying conduct that is objectionable and suggesting appropriate forms of speech and other behavior for all officers of the court.

The PBA’s recommendation to establish mandatory training for Pennsylvania attorneys on diversity and bias is precisely the type of action that is needed to raise the profile of these issues among practicing attorneys in Pennsylvania. It is critical for them to learn proper standards of professional behavior and how their actions that do not meet the standards may impact the participation of diverse individuals in the legal profession.

We also believe that standards must be developed for the subject matter of the courses that would meet the mandatory diversity and bias training requirement. The entire focus of the courses that are accepted for this type of

³ *Id.* at 371.

Sara A. Austin, President
April 10, 2017
Page Three

required credit must be on diversity and bias. Simply touching upon this subject in an incidental manner, as an addendum to a different or related topic, should not be sufficient to qualify for the mandatory credit.

Thank you for your attention. We applaud the PBA's efforts and stand strongly behind them.

Sincerely,

Nora Winkelman, Esquire
Co-Chair

Rhonda Hill Wilson, Esquire
Co-Chair

Lisette McCormick, Esquire
Executive Director

cc: Mary Kate Coleman, Esquire
Jessie Smith, Esquire
Ursula L. Marks
Jennifer Segal Coatsworth, Esquire
Tameka L. Altadonna
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