

A YEAR IN REVIEW

A Newsletter of the
PA Interbranch Commission for
Gender, Racial, and Ethnic Fairness

Promoting Equal Application of the Law



January 2024

Our Purpose

The Interbranch Commission is considered a model for addressing bias. In 2005, all three branches of the Pennsylvania government established the Interbranch Commission to (1) implement the findings and recommendations of the 2003 Final Report by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, (2) investigate new initiatives that may not have been addressed by the Committee, (3) suggest ways to reduce bias in all three branches of government as well as the legal profession, and (4) increase public confidence in Pennsylvania government. The Interbranch Commission consists of 24 individuals appointed by all three branches of Pennsylvania government.

From the Executive Director

This summer, the first Executive Director (Lisette “Mimi” McCormick) retired; operations moved from Pittsburgh to Harrisburg; and I became Executive Director. All of these developments reminded me of the quote “change is the only constant in life.” While it is natural to fear change and want to cling to the familiar, growth requires us to have a willingness to be in uncomfortable spaces and appreciate change. Change presents us with opportunities for new connections, ideas, and approaches that can help us discover our untapped potential. It is with utmost respect for the tireless commitment and dedication of Founding Executive Director, Mimi McCormick, and fidelity to our ongoing mission, that the Interbranch Commission will continue to embrace change and make a positive impact and promote equal application of the law in our Commonwealth.



Maraleen D. Shields, Esquire

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Commission Advocacy Attorney Ethics

Since its establishment, the Interbranch Commission has advocated for amendments to the Rules of Professional Conduct (“RPC”) to prohibit harassment and discrimination in the profession. To that end, the PA Supreme Court approved RPC 8.4(g). It prohibits attorneys from knowingly engaging in biased or discriminatory conduct in the practice of law and provides a viable avenue for redress. Following several legal challenges to the Rule, the U.S. Third Circuit Court of Appeals affirmed an amended version of Rule 8.4(g) permitting its enforcement. In its holding, the Court echoed the reasoning outlined in the amicus brief of the Interbranch Commission.

Commission Spotlight Courthouse Services

In October 2023, the Allegheny County Courts opened a trauma-informed courthouse within its Family Law Center. It will provide a more supportive environment for children who have experienced trauma or are navigating the court system for the first time. Among other things, the project incorporates supports for individuals with language barriers and hearing impairments, includes a sensory childcare room for children with autism, and features a wellness clinic that offers physicals, prescription services, and family planning and care coordination.

The Interbranch Commission applauds these efforts and is supporting the replication of this model across all 60 judicial districts. We are also continuing to advocate for legislation that would make jury service more accessible to all by providing free parking for jurors, increasing the per diem pay for jurors, and offering post-trial mental health counseling to jurors who have served in trials.

Allegheny County’s Trauma- Informed Courthouse



Commission Spotlight Innovative Research

The Criminal Justice Committee of the Interbranch Commission continues to educate the public on the recommendations from the 2017 [death penalty study](#) conducted by the Penn State Criminal Justice Research Center, for which the Interbranch Commission provided significant funding.

The Criminal Justice Committee invited Commissioners, government stakeholders, and organizations from across the Commonwealth to a special presentation by the Penn State researchers on the key findings from their follow-up study on capital punishment. This second, broader study is focused on disparities in the prosecution of all PA homicide cases from 2012-2016 and includes interviews with district attorneys.



Commission Advocacy Simplifying the Name Change Process

The Interbranch Commission is exploring reforms designed to make name change processes equally accessible for everyone. Presently, the process to change one's name due to marriage, death of a spouse, or divorce involves the completion of paperwork. However, for individuals pursuing a name change for other reasons, such as transgender individuals and survivors of domestic violence seeking to avoid their abusers, the process is more complex, costly, and public.



*Bills Designed to Make Name
Change Process More Accessible
for All*

[PA Senate Bill 524](#) / [PA House Bill
638](#)

[PA Senate Bill 528](#) / [PA House Bill
610](#)

[PA Senate Bill 530](#) / [PA House Bill
1817](#)

To inform our efforts, we are meeting with attorneys from Reed Smith's Name Change Pro Bono Project and Allegheny County Court of Common Pleas Judge Christine Ward, whose streamlined name change processes have garnered positive attention across PA.



Commission Advocacy Limiting Immigration Status Inquiries

At the request of the Interbranch Commission, the Supreme Court of PA directed the Committee on Rules of Evidence to draft a new statewide rule limiting the admissibility of one's immigration status. PA Rule of Evidence ("Pa.R.E.") 413 took effect in October 2021. The Rule is an acknowledgement of the highly prejudicial nature of such evidence and protects individuals who are deserving of their day in court. Recognizing the importance of Pa.R.E. 413, the Interbranch Commission plans to work in 2024 with members of the bar to develop an educational course for attorneys and/or judges on the Rule.

Commission Advocacy

Improving Language Access in Judicial and Administrative Proceedings

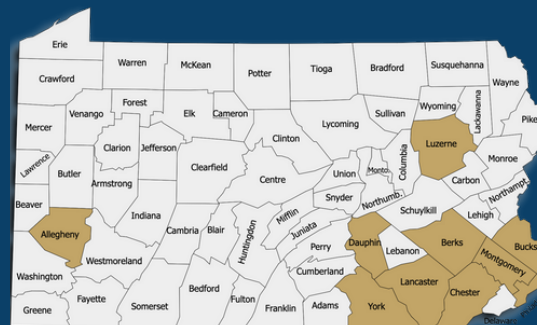
In October, the Administrative Office of PA Courts published an infographic on the use of court interpreters. PA Courts facilitated 49,229 requests for interpreters in 2022 - a **36% increase** from 2021. Currently, 252 interpreters are listed on the statewide interpreter roster. Given their indispensable role in ensuring equal access to justice for limited English proficient individuals, the Interbranch Commission is working with the AOPC's Language Access office to increase the number of court interpreters in PA and ensure their availability in administrative proceedings.

The Interbranch Commission is also working to develop more community ties to increase public awareness of the interpreter program. The Interbranch Commission has coordinated effectively in the past with Widener University Delaware Law School, which offers a course training students interested in becoming certified court interpreters, and recently met with the program's director to discuss amplifying the program. We also plan to amplify a program run by the Berks County Bar Association that provides guidance on the oral portion of the certification test.

Commission Spotlight

Language Access Needs

(Source: AOPC)



Top 10 Counties, Language Access & Interpreter Expenses

Commission Advocacy Indigent Defense Reform Funding

The Commission celebrates the enactment of [Act 34 of 2023](#), which provides \$7.5 million for the funding of indigent defense reform in PA. For the first time, PA will supplement individual county expenditures on indigent defense with state-based funding, joining nearly every other state in the nation in doing so.

To disperse this funding, Act 34 creates a special Committee within the PA Commission on Crime and Delinquency. This Committee will first draft and submit to the Supreme Court of PA proposed minimum standards for the effective delivery of indigent defense services. Once the Court approves these standards, the Committee will then, via a grant program, award funding to counties in PA that demonstrate compliance with the standards.

The Interbranch Commission has diligently worked to ensure equal access to our courts regardless of socioeconomic status for nearly two decades. Executive Director Shields is assigned by Act 34 to serve on this Committee and she looks forward to playing an active role in fulfilling its critical responsibilities.



Contact Us

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January 2024

Meet the Interbranch Commission

- Leonard Rivera, Esquire (Chair)
- Lynn Marks, Esquire (Vice Chair)
- Rita Alexyn, Esquire
- Andrew Barnes
- Nena Carter, Esquire
- Will Gonzalez, Esquire
- Carlos Graupera
- Anna Hemingway, Esquire
- The Hon. Katie Muth
- Jon Pushinsky, Esquire
- Brooke Chung Scicchitano, Esquire
- Jay Silberblatt, Esquire
- Bernadette Eyler Smith, CCP
- Jessie Smith, Esquire
- Catherine Volponi, Esquire

Committees

- Criminal Justice
- Domestic Violence & Sexual Assault Victims/Survivors
- Equal Opportunity & Diversity
- Jury Service
- Language Access
- LGBTQ+ Rights

Commission Staff

- Maraleen Shields, Esquire (Executive Director)
- Brendan Bertig, Esquire (Staff Attorney)

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