

# PUBLIC HEARING TRANSCRIPTS

PUBLIC HEARING  
TRANSCRIPTS OF THE  
PENNSYLVANIA SUPREME  
COURT COMMITTEE ON  
RACIAL AND GENDER BIAS  
IN THE JUSTICE SYSTEM

PHILADELPHIA  
WILKES-BARRE  
HARRISBURG



**Philadelphia  
Public Hearing  
Transcript**

ORIGINAL

IN RE:

SUPREME COURT OF PENNSYLVANIA  
COMMITTEE ON RACIAL AND GENDER BIAS  
IN THE JUSTICE SYSTEM

- - -  
WEDNESDAY, DECEMBER 6, 2000  
- - -

Second Regional Public Hearing in the above-captioned matter held in the Free Library of Philadelphia, 19th and Vine Street, Philadelphia, Pennsylvania, commencing at 1:10 p.m., on the above date, before Kimberly A. Hussey, Certified Shorthand Reporter.

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B & R SERVICES FOR PROFESSIONALS, INC.  
235 SOUTH 13TH STREET  
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(215) 546-7400 FAX (215) 985-0169

## A P P E A R A N C E S:

## COMMITTEE MEMBERS

ATTORNEY NICHOLAS CAFARDI, CHAIRMAN  
HONORABLE IDA CHEN  
HONORABLE NELSON DIAZ  
PROFESSOR PHOEBE A. HADDON  
ATTORNEY BURTON D. MORRIS  
ATTORNEY CHARISSE R. LILLIE  
ATTORNEY LYNN MARKS  
ATTORNEY ANDRE DENNIS  
LISETTE M. McCORMICK, EXECUTIVE DIRECTOR  
JANE LOUIK, ASSOCIATE DIRECTOR

B & R SERVICES FOR PROFESSIONALS, INC.

**Public Hearing Witnesses**  
**Philadelphia Hearing December 6, 2000**  
**TESTIMONY REGARDING LANGUAGE ACCESS ISSUES**

Hearing  Philadelphia 12/6/00

Page Nos. 91-113

1. Witness: **Iraida Afanador**

2. Organization: Lighthouse

Type organization:

Serving children in youth in the North Kensington area,  
providing all aspects of social and legal services.

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Hearing  Philadelphia 12/6/00

Page Nos. 125-134

1. Witness: **Im Ja P. Choi**

2. Organization: Women's Development Institute International

Type organization:

Provide cultural educational programs for the community.

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Hearing  Philadelphia 12/6/00

Page Nos. 135-149 & Written

1. Witness: **Arthur Read**

2. Organization: Friends of Farmworkers, Inc.

Type organization:

A statewide legal services program for farmworkers,  
providing representation of non-English speaking persons  
in a variety of administrative and judicial forums.

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Hearing  Philadelphia 12/6/00

Page Nos. 233-243

1. Witness: **Paul Uyehara**

2. Organization: Community Legal Services

Type organization:

A nonprofit legal service provider for low-  
income residents of the Philadelphia region.

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Hearing  Philadelphia 12/6/00

Page Nos. 311-313

1. Witness: **Ellen Greenlee**

2. Organization: Public Defender

Type organization: represent indigent criminal defendants

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1                   CHAIRMAN NICHOLAS CAFARDI: The next  
2 person to testify will be Attorney Charles  
3 Cunningham from the Defenders Association of  
4 Philadelphia. And, again, we do thank the  
5 audience for their patience. I think we're  
6 running late.

7                   I was told we'd have the public  
8 defender here.

9                   ELLEN GREENLEE, ESQUIRE: She was  
10 sick a couple of days, but she's here today.  
11 Mr. Cunningham has the laboring order, but I  
12 wanted to come to express my thanks to the  
13 members of the committee for the hard work  
14 they're doing. I know this is not easy, but  
15 it's very important work and I'm happy to be  
16 here on behalf of the Defender Association.  
17 Just to make a few introductory comments, if  
18 I may.

19                   CHAIRMAN NICHOLAS CAFARDI: Yes.

20                   ELLEN GREENLEE, ESQUIRE: The  
21 Defender Association -- I'm sure most of you  
22 know since most of the faces are familiar --  
23 is a nonprofit association in Philadelphia  
24 that contracts with the City of Philadelphia

1 on a fee-for-service basis to provide  
2 representation to indigent adults and  
3 juveniles who are charged with criminal  
4 offenses, and also to represent respondents  
5 in civil mental health hearings and to act as  
6 a child advocate for dependent and abused  
7 children. We have approximately 7,100  
8 children whom we represent at this time as  
9 child advocates. We do approximately 4,000  
10 hearings a year, civil mental health  
11 hearings, and in the area of criminal  
12 matters, we're now at the point where we're  
13 receiving -- it has been a booming economy  
14 for us, booming only in terms of the numbers  
15 of cases, not the funding that we receive --  
16 approximately 65,000 new appointments a year  
17 in all of those areas. The only area in  
18 which we don't represent about 75 percent of  
19 those constituents is in homicide where we  
20 represent 20 percent -- no more than 20  
21 percent of those who receive court-appointed  
22 counsel. That's by order of the board of  
23 judges, that stipulation.

24 We are an organization that began in

1           1934, but began contracting with the city in  
2           1969, so we've been at it 31 years. We are a  
3           diverse organization. We have now reached  
4           what is rather a grand size of about 450  
5           people. We have 215 attorneys now as of this  
6           year, and we complement that with an  
7           investigative staff of about 40 or 45.  
8           Social workers, we have about 70, and  
9           administrative staff makes up the rest of the  
10          staff. This enables us to do a team  
11          representation, not that a team is assigned  
12          to an individual client in most cases, except  
13          for the most serious, but it allows us to  
14          triage as it were on our cases to provide our  
15          own investigative services and social work  
16          services on cases.

17                   What we have is an extremely high  
18          volume practice as you can tell from these  
19          numbers. While we receive that many new  
20          appointments a year, it means that at any  
21          time we have probably 100,000 to 150,000 open  
22          cases that we're working on. And in terms of  
23          having an attorney go to court in a year with  
24          a file to represent a client, we're over

1           350,000. These numbers are kind of  
2           astronomical. It goes only to point out that  
3           we are in a very high volume practice. And  
4           what that means, if you translate it into  
5           staff, is that we're asking a small number of  
6           people to do too much work. And just as the  
7           District Attorney told you, we're also not  
8           paying them even a living wage in asking them  
9           to do this kind of dedicated work because  
10          they believe, as it's written on the outside  
11          of the U.S. Supreme Court, Equal Justice For  
12          All, meaning for all of our citizens.  
13          Unfortunately, it's still just a promise and  
14          it's pretty far from being fulfilled. And I  
15          have to say, Judge, I sympathized with Mr.  
16          Tennis and Mr. Mosee when you grilled them  
17          about minority hiring because it's the  
18          toughest thing that we do. When you're  
19          hiring for Blank, Rome, you're not offering  
20          them 37,000.

21                   JUDGE NELSON DIAZ: I didn't offer  
22          them 37,000 at HUD, and I hired 16 minority  
23          lawyers. It depends who the leader is and  
24          how the leader projects the commitment to a

1 charged not just with the indirect criminal  
2 contempt, but a misdemeanor of recklessly  
3 endangering another person. Those cases  
4 ordinarily would go to municipal court, but  
5 for whatever reasons, they end up back in  
6 Family Court and they are handled as criminal  
7 cases in Family Court. Here is the question:  
8 The court administrator asked me why is it in  
9 that all of those cases the defendants have  
10 their own attorneys, either court-appointed  
11 if they're indigent or privately-retained  
12 attorneys. The public defender does not  
13 staff that particular courtroom. The DAs are  
14 there of course to perform their function.  
15 What is the answer?

16 ELLEN GREENLEE, ESQUIRE: The answer  
17 is that it's not part of our contract with  
18 the City. I think probably, Judge, the  
19 genesis of it was a political decision, that  
20 someone was going to give business to  
21 someone. To my knowledge, we have never done  
22 that, at least not in my memory have we done  
23 that. It's not part of our contract.

24 JUDGE IDA CHEN: Here is the other

1 thing I want to learn about today: I  
2 interned two summers at the Defender's  
3 Office, a really rewarding experience. One  
4 of my former law students, Michael Monn,  
5 recently interned in your office, also a  
6 great experience for a young Asian American  
7 student. I'm seeing more and more Asian  
8 defendants in the criminal justice system.  
9 How do you all handle that?

10 ELLEN GREENLEE, ESQUIRE: In terms of  
11 representation?

12 JUDGE IDA CHEN: In terms of their  
13 language capabilities, control.

14 ELLEN GREENLEE, ESQUIRE: We do it  
15 certainly by getting the services of  
16 translators, whether --

17 JUDGE IDA CHEN: Aren't the  
18 translators vendors or are they employees of  
19 your organization?

20 ELLEN GREENLEE, ESQUIRE: They're not  
21 employees because the only employee who is on  
22 staff who is a translator is a Spanish  
23 interpreter. We don't have employees because  
24 we don't have sufficient business to warrant

1           that. But we do have access to having  
2           interpreters when they're needed in the  
3           office for interviewing, in the courtroom or  
4           even to go to the prisons to interview with  
5           clients. We don't have the luxury of having  
6           attorneys who speak the variety of Asian  
7           languages, nor do we have very many Asian  
8           Americans.

9                         JUDGE IDA CHEN: Can you tell me  
10           which organizations you've contracted with?  
11           I'm just curious, which interpretation are  
12           you using?

13                        ELLEN GREENLEE, ESQUIRE: That I  
14           don't know

15                        CHARLES CUNNINGHAM, ESQUIRE: I think  
16           it's Berlitz.

17                        ELLEN GREENLEE, ESQUIRE: I'd have to  
18           find out. I don't really know. I will find  
19           out for you.

20                        JUDGE IDA CHEN: I'm just curious how  
21           good they are.

22                        CHAIRMAN NICHOLAS CAFARDI: Any other  
23           questions?

24                        ATTORNEY LYNN MARKS: Do you keep