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October 21, 2020

The Honorable Idee C. Fox
Chair, Administrative Governing Board
President Judge, Court of Common Pleas
656 City Hall
Philadelphia, PA 19107

RE: The CURE Report

Dear Chair/President Judge Fox:

As concerned Black members of the criminal justice and civil litigation community in the City and County of Philadelphia, we submit this public correspondence in the interest of fellow Black attorneys, judges, courthouse employees, plaintiffs, defendants, complainants, witnesses, spectators, and all other Black persons directly affected by the racial tension and racial resentment in which the local court system is immersed.

On June 4, 2020, the Washington State Supreme Court, including each of its seven white justices along with its one Black and one Brown justice, published a powerful letter necessarily proclaiming the following:

The devaluation and degradation of Black lives... [are] a persistent and systemic injustice.... We continue to see racialized policing and the overrepresentation of Black Americans in every stage of our criminal and juvenile justice systems. Our institutions remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.

That Supreme Court as well as Supreme Courts and/or Supreme Court justices in Alaska, California, Connecticut, District of Columbia (Court of Appeals), Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Rhode Island, Tennessee, and Utah all issued similarly powerful statements from May 31, 2020 through June 25, 2020 condemning institutional and systemic racism in the courts and expressing a sincere willingness to confront and resolve it.

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That very same “devaluation and degradation of Black lives... [as] a persistent and systemic injustice” exist throughout the Commonwealth of Pennsylvania and most certainly throughout the City and County of Philadelphia. But the Administrative Governing Board of the First Judicial District of Pennsylvania (AGB/FJD) has neither done nor said anything about such racial injustice despite the fact that there are more Black residents here than in any of the other 66 counties in the Commonwealth.

The AGB/FJD's silence and inaction are especially damnable as evidenced in a racially explosive study entitled “First Judicial District of Pennsylvania Equity Organizational Assessment Report” (hereinafter referred to as the Report) written by a prestigious research organization called the Center for Urban and Racial Equity (CURE).

The Report, which the AGB/FJD received in July 2019 but suspiciously did not make public until an entire year later, exposed the rampant and relentless racism in the City's court system. As that 56-page document indicates, the FJD in the spring of last year “embarked on an... assessment to explore... practices, policies, and culture that hinder or support equity, diversity, and inclusion.” It was a laudable and long-overdue judicially requested external assessment. However, the final Report was apparently suppressed by certain court officials- until news about it leaked. Moreover, the Report's recommendations were never implemented.

As a result of CURE's investigation and research, the Report exposes the following (inter alia):

1. Philadelphia's court system is immersed in “racial tension.”
2. Among some white judges and white court staff, there is a “troubling pattern of racial resentment.”
3. Some white judges do not believe “that institutional and structural racism [even] exists.”
4. Some white judges and white court staff “believe that ‘reverse racism’ is as significant as” anti-Black racism.
5. On December 11, 2018, someone with official access to the robing room- which is a private area for judges- in the Juanita Kidd Stout Justice Center left an interdepartmental envelope addressed to Judge Karen Y. Simmons who, at the time, was one of three candidates running for President Judge of Municipal Court (in an election voted on by her Municipal Court judicial colleagues). Inside that envelope was a note to her stating verbatim in all caps, “THERE WILL NEVER BE A BLACK BITCH RUNNING OUR COURT. YOU WON'T BE PRESIDENT JUDGE!!! KEEP MC COURT GREAT!!!” So far, nearly two years later, no one is

saying whether the possible suspect is a fellow judge, judicial staffer, or someone else. But the matter was so serious in terms of potential violence against Judge Simmons that the Police Commissioner and the Sheriff provided her with round-the-clock escort protection. Despite that, as the Report candidly concluded, the matter was “not taken seriously by court leadership.”

In light of the aforementioned, it is mind-boggling that anyone- especially a learned judge in Philadelphia- would deny the existence of systemic and institutional racism here. After all, Philadelphia has a long and sordid history of racism, starting with legalized slavery in 1684 to, inter alia, the enslavement of Black men, women, and children by President George Washington from 1790-1797 at America's first “White House” at Sixth and Market Streets to the white riots/police riots and attacks against Blacks in the 1830s-1840s (e.g., Flying Horses and Lombard Street), 1918 (Adella Bond/South Philadelphia), 1919 (Red Summer), 1964 (Columbia Avenue), and 1967 (Black Studies Student Walkout) to redlining to public school segregation to Girard College exclusion to public transportation discrimination to the Rizzo Era to the Whitman Park Projects to white police officers dropping a bomb on a Black neighborhood to stop and frisk to mass incarceration to the hiring and repeated promotion of a blatantly racist and virulently anti-Black Lives Matter court supervisor with a 28-year career in the FJD.

Would any white person voluntarily change place with any Black person at any time during Philadelphia's past or present? Would any white judge? The obvious answer to this rhetorical question speaks volumes.

The disease is the aforementioned “institutional and structural racism,” the aforementioned “racial tension,” and the aforementioned “racial resentment” that permeate the FJD. The cure is the CURE Report.

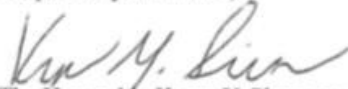
Accordingly, we respectfully request the following:


1. The immediate implementation of the conclusion and recommendations on pages 44-47 of the Report.
2. The immediate creation and funding of an independent position/office responsible for implementation and oversight consistent with the aforementioned conclusion and recommendations.
3. The immediate implementation and circulation of the Pennsylvania Supreme Court's Policy on Non-Discrimination and Equal Employment Opportunity to all FJD employees, staff, and judges.

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We thank you for your attention and await your expeditious response.

Respectfully submitted,


The Honorable Karen Y. Simmons
MC/sm


Michael Coard, Esquire

cc: The Honorable Jacqueline F. Allen
Administrative Judge, Trial Division (Current)
The Honorable Lisette Shirdan-Harris
Administrative Judge, Trial Division (Incoming)
The Honorable Matthew D. Carrafiello
Administrative Judge, Orphans' Court (Current)
The Honorable Sheila Woods-Skipper
Administrative Judge, Orphans' Court (Incoming)
The Honorable Margaret T. Murphy
Administrative Judge, Family Court
The Honorable Patrick F. Dugan
President Judge, Municipal Court
The Honorable Gary S. Glazer
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