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Joint Policy Committee Hearing
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Thank you to members of the Pennsylvania Legislative Black Caucus and the Joint Policy Committee for this invitation and opportunity to speak on Racial & Gender Bias in the Court System.

I am Sandra Thompson of Springettsbury Township, York County, where Keith Gillespie is my Representative.

I am a proud Black woman attorney who strives to improve diversity, equity, and inclusion (DEI).

I began working with the courts as a Probation Officer. However, my struggles with racial and gender bias in the courts began as an attorney when I sought to receive the same treatment as my Caucasian colleagues.

In 1999, when I first walked through the courthouse as an attorney, a Sheriff's Deputy turned to another, stating in disbelief, "*She* is really an attorney". Today, I practice in Counties throughout the Commonwealth where they still rarely see Black attorneys. I continue to receive the furtive looks wondering do I belong.

For the next 21 years, I continued to experience microaggressions and microinequities that are particular to Black women attorneys, as found by a study conducted by the American Bar Association¹.

In 2020, York County Black attorneys who were willing to speak organized trainings with the Bar Association to disclose and discuss issues faced by Black attorneys. Those issues included: a Caucasian woman attorney referring to a Black woman attorney as "Buck Wheat" because she wore a natural hairstyle; Black Attorneys being mistaken for Defendants; and clients requesting "the *real* attorney" when encountering Black Attorneys.

However, the most damaging behavior to Black attorneys, particularly women, is the degradation and the humiliation primarily perpetrated by older Caucasian male judges.

¹ <https://www.abajournal.com/news/article/most-minority-female-lawyers-consider-leaving-law-aba-study-explains-why> (Debra Cassens Weiss, June 22, 2020).

As a young Deputy Prosecutor, my Caucasian male supervising attorney, recognizing the bias and animosity shown toward me by such a Judge, explained the Judge disliked me, not because I was Black, but because I was a woman. I knew if the Judge so despised women attorneys, then he most certainly despised me as an outspoken *Black* woman attorney. The intersectionality of my being woman and Black mattered.

In November 2019, a Caucasian male Judge placed me in the Sheriff's holding cell during an Aggravated Assault trial for a Black male client. As I presented legal argument on behalf of my client, the Judge accused me of being unprepared for trial and refused to allow me to counter. The Judge told me to sit down and shut up. I sat, raised my hand, and asked for direction. The Judge said I was in contempt. I was taken into custody long enough to allow news reporters to appear in the courtroom. My client was encouraged to plead guilty. Although my and my client's confidences were shaken, we proceeded with the trial and secured not guilty verdicts. The Judge then set a hearing on the contempt and withdrew it, if "we *both* let it go".

Around the time of my experience, I learned the same Judge made similar claims against other Black attorneys: 1-he threatened a Black male attorney with contempt, directed the Sheriff deputy to transport the attorney to court, when the attorney had already provided notice he was in Court in another County; 2- on multiple occasions, he contacted supervisors of another Black woman attorney saying she was unprepared, when it was the prosecution who did not pass discovery; and 3- he threatened an older Black male attorney into retirement claiming that he missed a hearing. This same Judge did not so treat or threaten Caucasian attorneys who missed hearings, were late, or who were unprepared.

Constantly accusing Black attorneys of being unprepared plays on racial stereotypes that Black people are shifty and lazy.

Criminal defendants of color are also negatively affected by racial bias.

Defendants of color in predominantly Caucasian rural communities are prevented from building a jury of their peers. In York County, the prosecutors have historically stricken prospective jurors of color or those from the City for nondescript reasons given by police that a person "looks familiar". Judges sustain this behavior.

A Caucasian male Judge overruled objection to a Caucasian prosecutor's peremptory challenge striking the only person of color from the prospective jury. She responded that she did not notice he was "Colored". He chastised her for using the term, "Colored", while crediting her reason as not purposeful discrimination, because she claimed not to have seen the dark-skinned prospective juror in a sea of Caucasian faces.

Black Defendants face inequity in sentencing. In 2020, a York County Judge included humiliation as a sentence for a Black homeless drug addicted man who pled guilty to his 8th or 9th Retail Theft, a result of his addiction and homelessness. He was ordered to stand outside in front of the courthouse carrying a sign, "I Am A Serial Retail Thief", in the summer for 8 hours a day, a couple days a week, for three weeks. The order did not provide lunch or bathroom breaks.

Bias is difficult to prove from the record, especially when the Judge controls the court reporter and the record. The record does not show tone, volume, or facial expressions. Under secrecy, a court reporter warned me that York County prosecutors and judges have a practice of requesting court reporters to change the record. I had not before considered that fact, although over the years, when challenges were made and the record was requested, sometimes the record failed to include known statements. There must be greater guidelines for the court reporter and disclosure of the rough notes to assure a proper and complete record is maintained.

Black attorneys across the Commonwealth have similar accounts as stated here today. As a result, Black attorneys must constantly prove our worth, our knowledge, and skill, through and despite constant efforts to disregard or diminish them. The requirements heighten and aggravate undue stress and anxiety. They negatively affect concentration. These actions propound the ideals of White Supremacy. Clients of color are taught a Caucasian lawyer is necessary to achieve even a semblance of fair play.

I strongly urge the committee to conduct studies as necessary and to take action affecting the behavior of Court Reporters, Prosecutors, and Judges. Review how peremptory challenges of prospective jurors may be limited to prevent purposeful discrimination. Eliminate or reduce the absolute immunity for judges and prosecutors. Mandate yearly bias awareness, unconscious bias, and anti-racism training that include testimonials from disenfranchised groups. When awarding contracts, loans, and grants, consider attorneys of color and those firms who incorporate the recommendations made in the referenced American Bar Association article.

Thank you for your time.

Respectfully Submitted:



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