

Committee on Legislative Oversight
December 7, 2020

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LEGISLATIVE OVERSIGHT

Remote location using Microsoft® Teams
Monday, December 7, 2020
2:30 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILMAN MARK SQUILLA, VICE-CHAIR
COUNCILMAN DEREK S. GREEN
COUNCILWOMAN HELEN GYM
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN ISAIAH THOMAS

RESOLUTION: 200485

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2 COUNCILMAN JONES: Good
3 afternoon. This is a Committee of the
4 Legislative Oversight Committee Hearing
5 and we are dealing with Resolution No.
6 200485. And before we begin this
7 hearing, I'd like to recognize
8 Ms. Samantha Williams, Esquire, who will
9 read a required announcement.

10 THE CLERK: Thank you,
11 Mr. Chairman.

12 I understand that state law
13 currently requires that the following
14 announcement be made at the beginning of
15 every remote public hearing as follows:
16 Due to the current public health
17 emergency, City Council Committees are
18 currently meeting remotely. We are
19 using Microsoft Teams to make these
20 remote hearings possible.

21 Instructions to how the public
22 may view and offer public testimony at
23 public hearings of City Council
24 Committees are included in the public
25 hearing notices that are published in

1 the Daily News, Inquirer and Legal
2 Intelligencer prior to the hearing and
3 can also be found on phlcouncil.com.

4 Everyone who has been invited
5 to the meeting to testify should be
6 aware that this hearing is being
7 recorded. Because this hearing is being
8 recorded, participants and viewers have
9 no reasonable expectation of privacy.
10 By continuing to be in this meeting, you
11 are consenting to being recorded.

12 Additionally, prior to
13 Councilman Jones recognizing Members for
14 questions and comments they have for
15 witnesses, I will note for the record
16 that at this time the chat feature in
17 Microsoft Teams may be used for Members
18 to signify that they wish to be
19 recognized. In order to comply with the
20 Sunshine Act, the chat feature must only
21 be used for this purpose. Thank you.

22 COUNCILMAN JONES: Thank you,
23 Ms. Williams. And at this point, will
24 you please call the roll so we can see
25 who's in attendance.

1 And will Members who are here,
2 please say a few words so that your
3 image will appear on the screen.

4 THE CLERK: Councilmember
5 Green.

6 Councilmember Gym.

7 COUNCILWOMAN GYM: Good
8 afternoon, Mr. Chairman. Good afternoon
9 to my co-sponsor Kenyatta Johnson. Good
10 afternoon, colleagues. Looking forward
11 to this important hearing.

12 COUNCILMAN JONES: Good
13 afternoon, Member Gym.

14 COUNCILMAN GREEN:
15 Councilmember Jones, Councilmember
16 Green. I am here. I'm present.

17 COUNCILMAN JONES: Thank you
18 for your attendance, Member Green.

19 THE CLERK: Councilmember
20 Thomas.

21 COUNCILMAN THOMAS: Good
22 afternoon, Mr. Chairman. I'm present.
23 And thank you to the Vice-chair that
24 sponsored this bill. I'm looking
25 forward to the conversation.

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1 COUNCILMAN JONES: Thank you,
2 Member Thomas.

3 THE CLERK: Vice-chairman
4 Squilla.

5 COUNCILMAN SQUILLA: Thank you,
6 Mr. Chairman. Present.

7 THE CLERK: And, Chairman
8 Jones.

9 COUNCILMAN JONES: Present.
10 I see and note for the record that a
11 quorum is present and this hearing will
12 now come to order.

13 Ms. Williams, will you please
14 read the title of the resolution.

15 THE CLERK: Resolution No.
16 200485, a resolution authorizing the
17 Committee on Legislative Oversight to
18 conduct hearings to examine findings of
19 racism, nepotism and mistrust within the
20 First Judicial District as set forth in
21 a recently revealed report by the Center
22 for Urban and Racial Equality.

23 COUNCILMAN JONES: Before I
24 recognize the sponsor of this
25 resolution, one of the things that

1 this -- and I appreciate Member Johnson
2 bringing this to this level of attention
3 and making sure that for the record all
4 branches of government, all branches of
5 government are treated, members,
6 employees and the citizenry, fairly
7 equally under the letter of the law, and
8 then also of the spirit of the law.

9 You don't have to look far to
10 the state of New Jersey and see what can
11 happen when people are not protected or
12 feel protected in their jobs but also at
13 their homes. A Federal judge was
14 assaulted at her home and her child lost
15 their life. I think it's important to
16 note that this was not just a one-time
17 occurrence. We've lost three Federal
18 judges over the past four years. The
19 U.S. Marshals Office has noted thousands
20 and thousands of threats, terroristic
21 threats, against court judges and
22 officers. So this is something that we
23 have to take seriously. And I'm
24 thankful to Member Johnson and
25 Co-sponsor Gym for bringing this to our

1 attention.

2 And with that, I'd like to
3 recognize the proud sponsor of this
4 resolution, Member Johnson.

5 COUNCILMAN JOHNSON: Thank you,
6 Mr. Chair. I want to thank you for your
7 opening remarks, kind of putting into
8 context why we are having this hearing
9 with some of the issues that revolve
10 around this issue.

11 And also most importantly, I
12 want to start off by addressing the
13 critical importance of why this hearing
14 was brought today. It's not about one
15 branch of government versus another
16 branch of government, but it's about
17 transparency in addressing the issue of
18 institutional racism in our First
19 Judicial District and making sure that
20 those judges that work in the First
21 Judicial District and those staff
22 members work in the First Judicial
23 District are supported, their voices are
24 heard and their concerns are addressed.
25 And when we talk about the issue of

1 institutional racism, we recognize that
2 it's an issue that we cannot be silent
3 about.

4 The actions of President Judge
5 Idee Fox in not participating in this
6 hearing today, the absence of her not
7 sending a representative to participate
8 in this hearing today is indicative of
9 the environment that has been taking
10 place over at First Judicial District.

11 Her absence and a
12 representative's absence exemplifies
13 that Black judges don't matter. Her
14 absence and her representative's absence
15 exemplifies that those Black staff
16 members don't matter. This issue is so
17 serious and so critically important that
18 to not have a representative here
19 participating and for the most part
20 addressing the issues and concerns
21 around institutional racism is totally
22 unacceptable.

23 And nevertheless, we're still
24 going to continue to move forward and
25 address the issues that we know are

1 very, very serious as it relates to
2 institutional and systematic racism here
3 in the City of Philadelphia, but also
4 across the state of Pennsylvania when
5 you talk about this issue as well as
6 throughout the United States.

7 The CURE report, in which we
8 will do a deep dive in today, is an
9 objective report that was done by an
10 outside third party. And the results of
11 that report talked about the issues of
12 nepotism, mistrust and institutional
13 racism within the First Judicial
14 District. And as an African-American
15 who grew up in the City of Philadelphia,
16 who recognized that 90 to 95 percent of
17 those individuals that go into that
18 court system are Black and Brown people,
19 it exemplifies why we must stay on top
20 of this issue, we must be diligent in
21 addressing this issue and (inaudible)
22 over at the First Judicial District.

23 So with that being said,
24 Councilman Curtis Jones, Mr. Chairman,
25 thank you for allowing me to provide

1 opening remarks.

2 COUNCILMAN JONES: Thank you so
3 much, Member Johnson.

4 If we can't keep our judges
5 safe and the court officers safe and the
6 witnesses safe, there is no justice, and
7 we can't keep that system. So I hope
8 that this will come to a head, that it
9 will be discussed. Sometimes you have
10 to have uncomfortable conversations and
11 you have to get better at being
12 uncomfortable so that you can get to
13 some solutions down the road, and I hope
14 that that is the result of what we are
15 taking the first steps on.

16 So, Ms. Williams, can you
17 please read the names of the first panel
18 to testify -- well, before I do that,
19 are there any other members of the
20 Committee that wish to offer opening
21 statements?

22 (No response.)

23 COUNCILMAN JONES: Hearing
24 none, Ms. Williams, can you please let
25 us know who the first panel to testify

1 is.

2 THE CLERK: The first witness
3 will be Dr. Judy Lubin.

4 COUNCILMAN JONES: Are you
5 there?

6 DR. LUBIN: I am here. Can you
7 hear me?

8 COUNCILMAN JONES: Yes, I can.
9 Good afternoon.

10 DR. LUBIN: Good afternoon.

11 COUNCILMAN JONES: Welcome.
12 Please state your name and begin your
13 testimony.

14 DR. LUBIN: Good afternoon.
15 I'm Dr. Judy Lubin, President of the
16 Center for Urban and Racial Equity.
17 Thank you, Chairman, Councilman Johnson
18 and members of the Committee, for the
19 opportunity to offer testimony on the
20 First Judicial District Equity
21 Organizational Assessment Report.

22 I'm a sociologist with 20 years
23 of experience, partnering with people
24 and organizations to advocate and
25 implement policies, programs and

1 practices that confront racism and
2 produce equitable outcomes for
3 marginalized people in communities.
4 CURE is a research, training and
5 consulting group based in Washington,
6 D.C. where a team of researchers,
7 strategic planners and facilitators that
8 build the case for change through
9 research that documents gaps and
10 identifies opportunities for action.

11 The CURE team has strong ties
12 to the City of Philadelphia, including a
13 team member who lives there and I
14 personally have family in North Philly,
15 so this work and the work of trying to
16 transform FJD is really important to us
17 as a team.

18 In the fall of 2018, CURE was
19 contracted by FJD to conduct the
20 assessment and provide training to the
21 Court's leadership on equity and
22 inclusion topics. We have led close to
23 15 organizations and government agencies
24 through a process we call equity
25 organizational change, that includes a

1 comprehensive organizational assessment,
2 formation or creation of a working group
3 that receives training from CURE to
4 build shared language and analysis of
5 equity concepts, including institutional
6 and structural racism, power,
7 intersectionality and White dominant
8 culture. And following the delivery of
9 the Organizational Assessment Report, we
10 help working groups move through a
11 process of developing an action plan to
12 address the areas for improvement that
13 are noted in the report.

14 This was the same process that
15 we conducted with FJD, but were unable
16 to carry out in a way we have supported
17 FJD in implementing necessary changes
18 outlined in the report, and I will go
19 into just a bit more in a few minutes.
20 For the purposes of the assessment, we
21 defined equity as the proactive creation
22 and enforcement of practices, policies,
23 values and actions that produce fair and
24 equitable opportunities, treatment and
25 outcomes for all, regardless of race,

1 ethnicity, gender and other forms of
2 differences.

3 Organizational assessments to
4 us provide data for action and a roadmap
5 for informed dialogue, goal-setting and
6 transformational change to take place.

7 We like to say that the assessment
8 process is like holding up a mirror,
9 allowing organizations to engage in
10 critical self-reflection that needs to
11 take place before moving into an
12 action-planning process focused on race,
13 equity and inclusion.

14 The CURE team used multiple
15 research methodologies to understand to
16 what extent equity is being practiced at
17 FJD. The assessment completed a staff
18 survey completed by 670 FJD employees,
19 focus groups with 23 staff members to
20 provide additional context as well as a
21 survey completed by 45 judges along with
22 interviews with about 7 members of court
23 leadership.

24 For the staff surveyed, 51
25 percent of the staff identified as White

1 and 49 percent of people of color.
2 Black staff represented the majority of
3 those that classified as people of
4 color, 32 percent, with another 4
5 percent identifying as Latinx, 1 percent
6 Asian and 11 multi-racial.

7 Now, I'll go over a few
8 findings of the assessment focusing on
9 organizational culture, racism and
10 discrimination and then some
11 recommendations. In the areas of
12 organizational culture and commitment to
13 equity, we found that while staff stated
14 that FJD included culturally diverse
15 employees and that there was a culture
16 of belonging, when we drilled down on
17 issues of equity and inclusion, we see
18 the ratings diminished quite
19 significantly. For example, on
20 questions related to leadership at FJD,
21 employees perceived leaders at FJD as
22 only demonstrating a mild commitment to
23 equity.

24 Staff generally disagreed that
25 leadership includes people from diverse,

1 racial or ethnic backgrounds and rated
2 FJD's leadership low in their
3 participation and support of issues
4 about racial bias, gender bias and
5 biases experienced among LGBTQ people.

6 Judges tended to rate the
7 culture hiring practice and staff
8 diversity higher than FJD staff, and we
9 find that this is a common finding in
10 our studies and that we often see that
11 people in leadership positions have
12 divergent perspectives on what is
13 happening in the institution and are
14 often disconnected or unaware of the
15 harm being experienced by Black and
16 Brown staff, junior staff and staff with
17 marginalized identities. But the judges
18 didn't have a ringing endorsement of
19 leadership in a culture at FJD.

20 We found that female judges,
21 and female judges of color in
22 particular, were more likely to rate
23 FJD's leadership commitments to equity
24 much lower than White female judges,
25 White male judges and male judges of

1 color. Other data that we outlined in
2 the report provides supporting
3 information that female judges of color
4 are also experiencing bias and exclusion
5 at FJD.

6 For example, when we look at
7 the communications and decision-making
8 at FJD, we find judges of color,
9 particularly female judges of color,
10 rating FJD significantly lower and
11 stating that they had felt out of place
12 at work because of their race and
13 gender. And we see similar experiences
14 reported by woman of color on staff as
15 well.

16 One important element of
17 organizational culture and practice at
18 FJD highlighted in the report is the
19 issue of nepotism. Nepotism was a
20 strong and consistent theme that we
21 heard in working group meetings and in
22 focus groups. In all three focus
23 groups, staff brought up nepotism
24 without being prompted and within the
25 first few sessions of these groups.

1 We heard many stories of
2 employees being hired without going
3 through normal channels, of employees
4 coming into work and being told to train
5 a new employee who had not been
6 interviewed for open positions, but
7 hired because of someone with influence
8 internally or externally to FJD. And we
9 heard about instances in which managers
10 fired an employee only to see them back
11 in the office a day or two later because
12 someone with influence intervened and
13 overrode management who had more direct
14 knowledge and experience with the
15 employee's job performance.

16 Nepotism has contributed to a
17 low morale among staff in a sense that
18 the playing field at FJD is unfair,
19 favoring those who have relationships
20 that allow them to gain positions and
21 stay in those positions when dismissal
22 might be warranted. As we noted in the
23 report, these dynamics often reinforce
24 racial inequity, and that historically,
25 Black and Brown people have not had

1 networks or social capital that produce
2 the types of inequitable employment
3 opportunities we heard described by FJD
4 staff.

5 Moving on to experiences of
6 racism and discrimination, it's
7 important that we know that when we talk
8 about racism, at least from the CURE
9 perspective, we are talking about racism
10 through a systemic racism lens. And
11 this is a lens that goes beyond the
12 legal framework of employment
13 discrimination and explicit forms of
14 discrimination, to include things like
15 microaggression, for example, subtle and
16 implicit questioning of intellectual or
17 professional ability in White dominant
18 culture where Black and Brown employees
19 feel uncomfortable because of their race
20 and cultural backgrounds.

21 With that said, when we queried
22 FJD's staff on whether they felt
23 uncomfortable at work because of their
24 identities, few employees reported
25 experiences of discomfort or

1 discrimination because of their gender,
2 identity, sexual orientation, disability
3 status, religion, educational background
4 or age. However, we found that nearly
5 20 percent or 17 percent of FJD staff
6 reported experiencing discrimination or
7 discomfort because of race or ethnicity.

8 Staff of color at FJD in focus
9 groups, for example, reported
10 experiencing racial microaggressions,
11 including incidents in which they were
12 ignored in meetings and feeling the need
13 to justify their meriting a promotion
14 after advancing to a higher position at
15 FJD. Interestingly, there was no major
16 difference between people of color and
17 White respondents reporting feeling
18 uncomfortable because of their race.

19 When we drilled down and looked
20 at the qualitative data, for example, in
21 an open-ended survey respondents, we
22 observed that several White employees
23 expressed racial resentment and made
24 claims of reverse racism, which may
25 explain the comparable level of White

1 FJD employees reporting discrimination
2 because of their race compared to
3 employees of color.

4 Because my time is limited, I
5 want to move on to recommendations. The
6 report highlighted a number of serious
7 issues at FJD. We find that
8 institutions in our work at CURE are
9 struggling with the same issues
10 highlighted in the FJD report. We're
11 working against 400 years of racism and
12 an inequality that has been embedded in
13 institutions, including government. And
14 we're only at the very beginning stages
15 of institutions really recognizing that
16 they have to move beyond diversity and
17 representation of Black and Brown people
18 in the workplace to really focus on
19 undoing racism and other injustices that
20 have shaped institutional and
21 organizational practices.

22 In terms of recommendations,
23 first I would encourage FJD to
24 reconstitute the working group that was
25 created as part of CURE's engagement

1 with the Court. The working group to
2 our knowledge was one of the first or
3 rare instances of which there was a
4 cross-court collaboration at FJD.
5 However, the group was not empowered to
6 make recommendations that will be
7 seriously considered, in part because
8 there were no members of court
9 leadership on the working group.

10 We found that when working
11 groups lack members with decision-making
12 power, actions recommended by the
13 working group are often questioned or
14 not taken seriously by organization
15 leaders. Maintaining a race, equity and
16 inclusion working group is a critical
17 part of building structures for
18 addressing the issues highlighted in the
19 report.

20 The working group should be
21 tasked with developing an action plan
22 with clear deadlines, performance
23 indicators and accountability. The
24 working group we worked with developed a
25 preliminary draft action plan that

1 should be revisited by the newly
2 constituted working group. We also
3 would recommend that the working group
4 includes staff across the organization,
5 including judges. Time will need to be
6 spent building relationships and
7 creating a working group culture where
8 equitable decisions can take place so
9 that every member's voice and
10 contributions are valued and staff do
11 not reap repercussions for speaking
12 honestly.

13 In our work with FJD, we
14 perceived the strong power differential
15 between staff and judges. FJD must
16 actively work to distribute power across
17 the organization in order for equity to
18 take root. Indeed, that the working
19 group agreed and in many conversations
20 with Judge Fox and Judge Allen, they had
21 also agreed that the report should be
22 shared before a decision to be made by
23 the Governing Board not to share the
24 report, is an example of this power
25 imbalance that must be challenged at

1 FJD.

2 At CURE, we believe equity
3 cannot be achieved without transparency
4 and accountability. In all of our
5 engagements, we encourage the release of
6 the assessment report to staff. The
7 assessment is a critical part of the
8 change process, and the people who
9 participated in the assessment must be a
10 part of that process by having a chance
11 to review the report and contribute
12 feedback on next steps.

13 One of the next steps that we
14 advised for FJD was to have
15 peer-learning conversations with other
16 court systems that have undertaken
17 efforts to address race and other
18 inequities internally. These change
19 processes can feel daunting, and we
20 encourage knowledge-sharing and
21 vulnerability in asking for guidance
22 from others with experience gained from
23 undertaking similar efforts.

24 We also would recommend and
25 recommended in the report a full audit

1 of hiring retention and advancement
2 practices with attention on racial and
3 gender equity. And then we also
4 encourage -- that was not in the report,
5 but looking back and reflecting in
6 preparing for this testimony -- FJD
7 should develop and encourage affinity
8 or employee research groups, for
9 example, for Black staff, women and
10 LGBTQ staff. This is an increasingly
11 common practice among large institutions
12 and companies to support equity and
13 inclusion, and it helps to distribute
14 power across the organization in a way
15 that facilitates diverse voices to be
16 heard, visible and consulted on
17 organizational change and
18 decision-making processes.

19 FJD should celebrate its
20 diversity and welcome opportunities to
21 support staff, seeking to create spaces
22 of safety, support and learning based on
23 their identities. During our contract
24 with FJD, CURE recommended that a
25 program of the trained staff on

1 institutional and structural racism and
2 other equity issues that included a
3 train-to-trainer component designed to
4 institutionalize the trainings at FJD.

5 Most staff indicated in the
6 assessment that they had not received
7 any equity, diversity or inclusion
8 training. Moreover, staff reported that
9 their knowledge of equity, diversion and
10 inclusion topics to be low or moderate.
11 Training on race, equity and inclusion
12 should be a priority, especially for a
13 staff that directly interacts with
14 residents, and for managers and court
15 leadership. Our contract included the
16 provision of training to leadership,
17 including judges. After delivering the
18 report, CURE presented a training plan
19 to Judge Fox and to Judge Allen and
20 revised and submitted that plan in
21 October of last year based on our
22 conversations with the two judges.

23 In an effort to fulfill our
24 contractual obligations to schedule and
25 deliver the proposed trainings, we sent

1 several emails to both judges which were
2 unanswered. CURE submitted a letter to
3 the Court Administrator Joseph Evers on
4 February 11th of this year, requesting
5 that our contract be terminated due to
6 failure of the Court to comply with
7 material terms or conditions of our
8 agreement, specifically nonresponse from
9 the Court.

10 We later received a letter
11 approximately a week later noting that
12 the contract was terminated due to
13 budget reasons. As FJD pursues the
14 strategies that we recommended and that
15 others will recommend, we highly suggest
16 that a staff person dedicated to
17 overseeing and monitoring the
18 implementation of these action items be
19 hired. Unfortunately, far too often
20 these positions such as Chief Equity
21 Officer or Chief Diversity Officer, are
22 set up to fail and not provided with the
23 resources or autonomy to facilitate the
24 transformational change that needs to
25 happen.

1 So to avoid these outcomes, we
2 would highly recommend that FJD take
3 care to make this a senior-level
4 position with a budget and authority to
5 make decisions that will not be
6 undermined or overturned by court
7 leadership. This role should be a
8 highly visible position with touchpoints
9 across courts to help bridge silos at
10 FJD.

11 Organizations are comprised of
12 living, feeling people who can make or
13 break a change effort without inclusive
14 processes that facilitate engagement of
15 employees and decision-making and
16 shaping the future vision of the
17 organization. Equity efforts can
18 encounter resistance and lack the
19 support needed for effective
20 implementation as we have seen unfold.

21 This is especially true when
22 there is a history or recent experiences
23 of staff, especially employees of color
24 reporting low morale, being treated
25 unfairly and poor communication from

1 leadership on how and why decisions are
2 made.

3 In closing, I'm encouraged that
4 the Court has external and internal
5 champions who are invested in FJD
6 becoming a court system and workplace
7 committed to fairness, equity,
8 transparency and accountability. And it
9 is significant that the Council has
10 taken up this matter to ensure that FJD
11 begins the important work of
12 transforming its culture and practices
13 so that all staff are situated to access
14 power, opportunities for advancement and
15 have the individual skills to practice
16 equity in the workplace and with the
17 community served by the Court. Thank
18 you.

19 COUNCILMAN JONES: Thank you so
20 much for your testimony. If I may --
21 and first of all, thank you for your
22 important work.

23 (Background noise.)

24 COUNCILMAN JONES: Can everyone
25 who is not testifying put their

1 microphones on mute, please.

2 Sometimes it's very
3 uncomfortable going to a doctor's office
4 to get examined. You get to show the
5 doctor the warts and the blemishes, but
6 that is all a part of a process of
7 getting better. If you don't get the
8 examination, you don't know how to get
9 the cure. And so, thank you for the
10 kind of work that you and your
11 organization do.

12 I want to ask a couple of quick
13 questions. In the process, did you
14 identify a diversity officer, similar
15 title, similar responsibility within
16 FJD? Was there such a person?

17 DR. LUBIN: There was not such
18 a person. When we were contracted,
19 there was an intention to hire a person
20 at the end of our engagement and,
21 however, what we were told was that
22 because of budget reasons that position
23 likely would not be hired.

24 COUNCILMAN JONES: So for
25 transparency, I am a Pennsylvania Human

1 Relations Commissioner, so now if I ever
2 see any of these cases, I would have to
3 recuse myself, but it's worth it.

4 So let me ask a couple of other
5 questions: In your analysis, was there
6 a differential between -- so there were
7 three categories of employees at FJD.
8 There was the judge's class, if I read
9 it right. Then there's a manager's
10 class and then it was more like rank-
11 and-file staff; is that correct?

12 DR. LUBIN: That's about --

13 COUNCILMAN JONES: In the -- go
14 ahead.

15 DR. LUBIN: Yes, that's about
16 right.

17 COUNCILMAN JONES: And in that
18 analysis, there were different
19 perceptions held by different levels of
20 those staffers; is that correct?

21 DR. LUBIN: Yeah. So in our
22 analysis, we mostly compared FJD staff
23 as a whole and the judges that
24 participated in the separate judges
25 survey. We did look at -- when we

1 looked at staff, we did look at position
2 levels and the courts or departments in
3 which they were located, but we didn't
4 find any significant or notable
5 differences between how staff across FJD
6 reported, particularly in terms of
7 position levels, when we looked at FJD
8 staff not including the judges.

9 COUNCILMAN JONES: Second
10 question: I think you gave a stat of 49
11 percent people of color and 51 percent
12 or so of people of non-minorities?

13 DR. LUBIN: Who responded to
14 the survey, yes.

15 COUNCILMAN JONES: Of those
16 classifications, was there a
17 differential in pay?

18 DR. LUBIN: Yes, absolutely,
19 and I highlight that in the report,
20 right. We saw consistently that staff
21 of color, but particularly when we did
22 the analysis by race and gender, right,
23 we really see those differences come
24 out, where women of color consistently
25 reported having different experiences

1 and perceptions of the organizational
2 culture at FJD, differences in
3 perceptions of opportunities for
4 advancement, to what extent that FJD is
5 actually taking additional efforts
6 needed to bring in diverse staff within
7 the organization.

8 COUNCILMAN JONES: So by way of
9 the 49/51 split, what is the
10 differential average amount of pay
11 difference between the two
12 classifications?

13 DR. LUBIN: So that's something
14 that we did not study, right. So that's
15 a salary compensation study, which is a
16 completely different study. And that
17 will -- I wouldn't say a completely
18 different study, but it's a more
19 extensive study that we encourage FJD to
20 conduct so that we can get a fuller
21 picture, and that includes looking at
22 salary compensation across the number of
23 years across positions or position
24 titles to really get a good
25 understanding of what's happening,

1 particularly if there are any
2 disparities in compensation by race and
3 by gender.

4 COUNCILMAN JONES: That is a
5 very important stat that we need to find
6 out. Secondly, are there any difference
7 in those classifications in promotions,
8 so if there were clerk typist II and
9 then there's clerk typist III openings,
10 was there a differential in race in who
11 was promoted to those positions through
12 classifications?

13 DR. LUBIN: Yeah. So we would
14 be lim -- I would be limited in being
15 able to respond to that, again because
16 we did not conduct a salary analysis.
17 But certainly, we collected qualitative
18 data, right, so in focus groups,
19 conversations and in responses that
20 people provided in open-ended survey
21 comments, right, that there was this
22 perception or a sense or lived
23 experience that they were sharing with
24 us that there were these differentials.
25 But again, we would highly encourage a

1 salary compensation study that would
2 provide that type of data.

3 COUNCILMAN JONES: And finally,
4 and I'm going to pass the mic over, how
5 many filings for discrimination were
6 there to the City's Human Relations,
7 State Human Relations or Federal Human
8 Relations folks that came out of FJD?

9 DR. LUBIN: Yeah. So we did
10 not receive that information. Part of
11 our process is typically a document
12 where we request those types of data, we
13 provide the client with a list of
14 documents that we would like to see to
15 really help us assess and get a really
16 clear picture of what's happening in the
17 institution, so we don't have that data
18 in terms of complaints or filings
19 related to employment discrimination.
20 And so, we don't have that data in terms
21 of complaints or filings related to
22 employment discrimination.

23 COUNCILMAN JONES: Okay. Thank
24 you so much.

25 Mr. Johnson, did you want to

1 ask questions at this time?

2 COUNCILMAN JOHNSON: Yes.

3 Thank you, Mr. Chairman.

4 I want to also thank Judy for
5 her hard work on this report, which is
6 very, very informative and it's really
7 just a reflection of where we're at in
8 our society when it comes to addressing
9 the issue of institutional racism.

10 There's a couple of things that
11 you mentioned that really stuck out.
12 One was the lack of response regarding
13 the information that you requested,
14 which resulting you terminating your
15 contract and the resistance as it
16 relates to providing the information
17 that you needed to do a thorough and
18 complete report, which it is very
19 thorough, but being supportive of your
20 overall mission to do this report.

21 For me, I recognize that again
22 this is a missed opportunity for the
23 leadership from FJD to provide this
24 information in this hearing in a very
25 transparent and collaborative way.

1 Because at the end of the day, beyond
2 addressing the issues as it relates to
3 the Black judges, beyond addressing the
4 issues as it relates to Black staff
5 members, again the majority of people
6 who actually are serviced by FJD are
7 people of color, my constituents and
8 every Councilmember who sits on this
9 Board on this Committee constituents,
10 and it just begs the question that if
11 you're not taking this issue seriously
12 on a higher level as it relates to your
13 employees, right, the judges and the
14 staff, then what's the perception and
15 the attitude toward the people that
16 actually come in front of the judges,
17 the people who actually come in and out
18 of the building who are serviced.

19 And so, can you give me an idea
20 as it relates to any of your
21 recommendations, have there been any
22 follow-up to say that these
23 recommendations that put forth are being
24 worked on? Are you in any preliminary
25 conversations to do contracts to move

1 forward as it relates to executing your
2 recommendations?

3 DR. LUBIN: So we recently
4 heard from FJD about two weeks ago
5 inquiring about providing training
6 related to implicit bias. And so, we
7 are scheduled to have an exploratory
8 conversation later this week.

9 COUNCILMAN JOHNSON: And you
10 also noted in your report that there are
11 a number of FJD employees that believe
12 racism does not exist, that it exists
13 primarily against White people? In your
14 experience, is bias training enough to
15 address this issue and what other
16 options are available to address
17 attitudes of this nature? Because I
18 think someone kind of mentioned that
19 institutional racism is like a thought
20 of our imagination, so to speak.

21 DR. LUBIN: Yeah. So we like
22 to tell our client partners that you may
23 think of yourself as this self-contained
24 institution or organization, but people
25 come in to your institution living and

1 swimming in a society that's built and
2 structured on racism. And so, people
3 are bringing these ideas into the
4 workplace. And we've seen, particularly
5 over the past 10-plus years, this
6 increase in the sense of racial
7 resentment, particularly we noted this,
8 sociologists and others, right, after
9 the election of President Obama, this
10 rise in racial resentment. And so, when
11 we see these types of responses in
12 organizational assessment surveys, we're
13 not surprised because people are coming
14 into the organization bringing these
15 ideas.

16 And so, as an organization and
17 as an institution begins to really try
18 to work on building equitable policies
19 and practices and culture, a lot of
20 these sentiments often times begin to
21 surface more, which is part of the
22 resistance, right. We know these
23 changes don't happen easily and we know
24 these changes don't happen swiftly.

25 So what we encourage our client

1 partners to think about is you give
2 people time to get on board and part of
3 that process of getting on board is
4 training, it's putting in the policies,
5 it's putting in the practices, it's
6 updating your organizational mission,
7 your value statements to really
8 explicitly say and show that racial
9 equity, inclusion, diversity is
10 important and central to what we do and
11 that we are going to make changes in
12 this organization in order for us to
13 live that out in practice, and you are
14 going to have time to get on board and
15 if you don't, then decisions have to be
16 made about whether those employees
17 belong with an institution that has to
18 practice equity, that has to practice
19 fairness. So those are the
20 recommendations.

21 Some of the recommendations
22 that we make, that is, you have to train
23 staff. That is baseline. Baseline
24 training needs to be provided on staff
25 so that when we talk about equity, when

1 we talk about inclusion, when we talk
2 about fairness, we all know what we're
3 talking about. We're all on the same
4 page. We're building the shared
5 language and analysis together, and
6 these are the changes that are going to
7 happen and that this needs to be done
8 organizational-wide, right.

9 It can't be done in a way
10 that's siloed, in a way that doesn't
11 touch across the organization so that at
12 some point, no one can say that this was
13 not important to FJD, and then you can
14 hold people accountable. Certainly,
15 when you have explicit examples of
16 racism and discrimination, those need to
17 be handled immediately, right, because
18 that sets the tone.

19 And so, we talked about in the
20 report -- we have Judge Simmons. The
21 example, the experience that Judge
22 Simmons had, that issue not being taken
23 seriously, right. That sets a tone for
24 the organization and that employees can
25 perceive that issues of racism and

1 exclusion are not going to be taken
2 seriously.

3 As we saw in the report, we
4 have several questions around if
5 something happens at FJD, specifically
6 if a racist incident happens or an
7 experience of discrimination happens, do
8 you trust that FJD would do the right
9 thing. And both judges and staff said,
10 for the most part they said no.

11 COUNCILMAN JOHNSON: Well,
12 Mr. Chair, I'm going to concede my time.

13 But again, I just want to state
14 for the record that it's really a sad
15 missed opportunity for the leadership
16 team over at FJD to not participate in
17 this hearing that could add some context
18 as it relates to the response to this
19 report.

20 I think for the President Judge
21 to not personally participate, I come
22 from an era that leaders lead.
23 Regardless of how controversial the
24 issue may be, we lead. And to not show
25 up or not even send a representative is

1 very glaring as it relates to her
2 attitude and to her team's attitude and
3 as it relates to the issue of race and
4 institutional racism in the First
5 Judicial District. And really, it's
6 totally unacceptable to the
7 African-American people here in the City
8 of Philadelphia.

9 Mr. Chairman, I'm going to
10 concede my time.

11 COUNCILMAN JONES: Member
12 Johnson, you can delay, delay, but you
13 cannot deny. They have to come here for
14 their budget, correct?

15 COUNCILMAN JOHNSON:
16 Absolutely.

17 COUNCILMAN JONES: You get to
18 ask these questions later. It's better
19 to do it now and get it out of the way
20 and hard feelings and corrective actions
21 start than to kick the can down the
22 road. And I know how you are, Member
23 Johnson, and you have a long memory. I
24 hope they're watching. I hope that we
25 can get to a table to discuss some of

1 these critical issues and do so in a
2 collegial way. And if not, it's going
3 to happen, so we mind as well do it.

4 Thank you, Member Johnson.

5 Chair recognizes Member Gym.

6 Member Gym, are you there?

7 COUNCILWOMAN GYM: I am. I was
8 wondering if Councilmember Green was
9 right before me.

10 COUNCILMAN JONES: Is that so,
11 Member Green?

12 COUNCILMAN GREEN: Thank you,
13 Councilmember Gym.

14 COUNCILMAN JONES: Chair
15 recognizes Councilmember Green. All
16 right.

17 COUNCILMAN GREEN: Thank you,
18 Councilmember Jones. I know navigating
19 Teams can be very challenging but I
20 appreciate that.

21 I do have some questions for
22 Ms. Lubin. But in the microphone check
23 before we started the hearing, I made a
24 statement saying I received a letter
25 from the government the other day, I

1 opened and read it. And I didn't mean
2 government. I meant the First Judicial
3 District.

4 I think some people know the
5 rest of that line where that comes, but
6 I too like Councilmember Johnson have a
7 very long memory. I don't have much
8 hair. I'm not always accurate.
9 Sometimes I make errors and I try to
10 correct them when I can. But as a
11 member of the Bar and the fact that this
12 body sent a request to the First
13 Judicial District to attend this
14 hearing, and just like they are a
15 co-equal branch of government, we also
16 have the ability to do subpoenas.

17 Generally, we don't do that
18 unless we need to and generally the
19 court does not do that unless they
20 absolutely need to. So I just find it
21 interesting that if we were in a court
22 and if a judge asked someone, a member
23 of the Bar or witness, to come to
24 chambers for a proceeding, they would
25 out of courtesy be inclined to do that

1 without having to do an actual subpoena.
2 But if someone fails to show and fails
3 to acknowledge that request, then a
4 subpoena occurs.

5 I just find it very interesting
6 that a co-equal branch of the government
7 that was knowledgeable about this issue
8 and this concern would not appear. One,
9 I thought they were going to appear by
10 Mr. McSorley providing testimony because
11 Judge Fox could not be here, but then
12 Mr. McSorley is not here and a letter
13 was sent in lieu of his appearance.
14 That's not how a co-equal branch of
15 government works with another party.

16 I'm somewhat dismayed, and I
17 will reserve some of my comments which I
18 did have in last year's budget hearing
19 and I will have even more so in this
20 year's budget hearing in reference to
21 the process of appropriating dollars and
22 how we do that with co-equal branches of
23 government. And I just find it very
24 interesting that they would not appear
25 here and would send a letter.

1 And I think in the letter that
2 I received it is stated that they just
3 recently went through a reorganization
4 process and that it was too early for
5 those to come, although this is an issue
6 that they have been working on for some
7 time and actually retained Ms. Lubin's
8 organization. So I just find it
9 baffling that they would not be here to
10 testify or at least listen to the issues
11 that have been raised and have not been
12 addressed.

13 So in that regard, I just have
14 a few questions for Ms. Lubin. My
15 understanding is that you tried to reach
16 out to the First Judicial District after
17 you were retained and you then had a
18 period of time where communication did
19 not occur; is that correct?

20 DR. LUBIN: That's correct,
21 yes.

22 COUNCILMAN GREEN: And that was
23 based on your interest to have them
24 follow up on certain things that you had
25 raised in your report in reference to

1 the next step that they would take going
2 forward?

3 DR. LUBIN: Yes. So this was
4 specifically -- after we delivered the
5 report, we had conversations with both
6 Judge Fox and Judge Allen. And at the
7 time, they had agreed that they would
8 share the report or at least the
9 executive summary of the report, and we
10 were told that the Governing Board would
11 make the final decision in how the
12 report would be shared.

13 So that was in September. Our
14 last meeting with Judge Fox and Judge
15 Allen was in September of last year. We
16 went over a training plan and that was
17 part of our contract, to begin to
18 deliver some trainings to the judges and
19 leadership at the Court. And so, in
20 that meeting in September, both judges
21 made some requests to us to update or
22 revise the training plan.

23 We submitted that in October
24 and didn't hear anything after that. We
25 made several attempts to contact the

1 judges and we were getting concerned
2 because the trainings were supposed to
3 start in January of this year and we
4 didn't hear anything at all. And so, at
5 that point or -- well, several months
6 later at the beginning of February, we
7 then decided as the CURE team to request
8 the termination of our contract because
9 we were not able to fulfill the
10 obligations of the contract without any
11 communication from FJD.

12 COUNCILMAN GREEN: Now, were
13 you compensated for putting together --
14 I'm assuming you were compensated for
15 the report, correct?

16 DR. LUBIN: Yes.

17 COUNCILMAN GREEN: And were you
18 also compensated for the other work that
19 you were doing after the report but
20 delivered in reference to the meetings?
21 The training plan that was put together,
22 were you compensated for that?

23 DR. LUBIN: We were not.

24 COUNCILMAN GREEN: But you were
25 still under contract?

1 DR. LUBIN: Yes.

2 COUNCILMAN GREEN: With a body
3 of law-trained individuals
4 (inaudible) --

5 COUNCILMAN JONES: Member
6 Green, are you there?

7 (No response.)

8 COUNCILMAN JONES: He seems to
9 be having technical difficulties. We
10 will allow him to join after.

11 Member Gym, would you like to
12 ask your questions now?

13 COUNCILWOMAN GYM: Sure. Thank
14 you and I'm sorry that we lost Member
15 Green, although I know he'll be back
16 soon and we'll be happy to make a break
17 for him to conclude his remarks.

18 First of all, I want to thank
19 our wonderful Chair for Legislative
20 Oversight for hosting this, and of
21 course to the Resolution sponsor
22 Councilmember Johnson, who has been
23 really diligent on this whole issue.

24 I want to take a moment to
25 acknowledge the presence of Judge Karen

1 Simmons without whom the dreadful
2 attacks and harassment that she endured
3 and her appeal to her colleagues, this
4 report may not have been released,
5 because I think it's clear that that had
6 a profound impact. And I think that
7 that's an important aspect of what we're
8 talking about here. This is about the
9 care and keeping of colleagues, about
10 the care and keeping of our broader
11 public and about the care and keeping of
12 a mission towards justice.

13 I especially want to thank the
14 work of Dr. Lubin and CURE for engaging
15 so deeply on this report, and I had just
16 a few questions for you. I think what
17 was interesting was to see the
18 difference between 2018 to February
19 2020. In 2018 when CURE was initially
20 commissioned to take a look at
21 structural and institutional barriers at
22 the Court, I think that there was some
23 hope and inclination that what would
24 have been written about would have been
25 received with the understanding, as was

1 said before, that this is an examination
2 and some of the things that come to
3 light are challenging and difficult, but
4 they require us to face them responsibly
5 and to figure out plans of action.

6 So I have a couple of
7 questions, and I know that Member
8 Green's back. But, Dr. Lubin, do you
9 have some insight about how the change
10 happened between when you were initially
11 commissioned to February of 2020 when so
12 many communications broke off that it
13 became a dysfunctional or not a working
14 relationship? I was wondering if you
15 could share a little bit of that.

16 DR. LUBIN: Sure. Thank you so
17 much, Councilwoman, for your question.
18 My understanding is -- and this is our
19 perception from externally -- that for
20 the most part during the terms of our
21 engagement, we had a pretty good working
22 relationship with Judge Fox and Judge
23 Allen who were spearheading or were our
24 key contacts at FJD.

25 And I don't know if it was

1 something that happened at the Governing
2 Board meeting in which they decided to
3 not share the report, but we just heard
4 nothing after that meeting that we had
5 with them in September. And so, I
6 unfortunately don't have much insight in
7 terms of what may have broken down after
8 we met with them in September.

9 COUNCILWOMAN GYM: And that was
10 September 2019?

11 DR. LUBIN: 2019, yes.

12 COUNCILWOMAN GYM: One of the
13 things that I also appreciate very much
14 about your report is your compassion and
15 care and keeping in terms of
16 recommendations, for Black women in
17 particular, who are at the courts.
18 Affinity groups and support networks, I
19 think, are so key and important and I
20 think again recognizing that the
21 experiences that we've heard from not
22 only Black female judges, but Black
23 female lawyers who come before the
24 court, Black women who come to Family
25 Courts or through Landlord-Tenant Court

1 and others. They echo the experience
2 that if we struggle to treat colleagues
3 equally, those who come before the
4 courts also struggle for an equal vision
5 of justice.

6 And I'm wondering if you could
7 just speak a little bit more about, as
8 was said, we don't have the courts here.
9 Are there recommendations that any
10 external body or a higher body to FJD
11 could require to enforce your
12 recommendations?

13 DR. LUBIN: Yeah. Good
14 question. And I don't know who that
15 higher body would be. I think it might
16 be the Supreme Court of Pennsylvania.
17 Certainly, we've heard this afternoon in
18 the hearing that there are different
19 ways to enforce accountability. Budget
20 is certainly one way that it can be
21 done, and this can be done in a number
22 of different ways.

23 I think certainly the Council
24 has oversight. We believe in community
25 power at CURE. And so, I think ways in

1 which the community can think about how
2 they can come together and require a
3 response from FJD as a government
4 entity, as an agency that is responsible
5 for the administration of justice when
6 issues of equity and unfairness, whether
7 that be related to internal operational
8 practices or in the direct
9 administration of justice in terms of
10 how cases are decided, there needs to be
11 transparency. There needs to be
12 accountability and that needs to be an
13 open and ongoing process. And so, I
14 would encourage folks in the community
15 to think about ways in which they can
16 hold FJD accountable.

17 COUNCILWOMAN GYM: And my last
18 question is around I'm looking through
19 the recommendations that you have from
20 the 2019 report. But a number of the
21 things that we often deal with are
22 situations of when someone experiences
23 harassment and there's a complaint
24 that's lodged. Do you have a
25 recommendation about the best practices

1 for courts like the FJD to figure out
2 the process for lodging a complaint
3 about harassment? Who do staff go to?
4 How are the complaints tracked, audited,
5 reviewed and then followed through on?

6 DR. LUBIN: Yeah. We mentioned
7 in the report that that process was a
8 bit fuzzy. So what we find when we do
9 these types of assessments is that even
10 if there is a clear written process,
11 trust is really important such that
12 staff may know that there is a process.
13 But if we don't trust the process, then
14 people won't even engage with it, right.

15 And so, we noted that there
16 were a couple of -- we heard this
17 certainly in the survey and the
18 questions that were around the grievance
19 process, people didn't believe in the
20 grievance process. And then when we
21 asked people in the qualitative methods
22 like the focus groups, people said that
23 they just wouldn't bother because they
24 didn't think their complaint or
25 grievances would be taken seriously.

1 So part of it is culture,
2 right. You can have policies and
3 practices written down, but if the
4 culture doesn't support the practice,
5 then people won't trust the practice or
6 the policy, right. And so, there are
7 things that can begin to create this
8 culture where people feel that their
9 complaints or their grievances will
10 actually be heard.

11 One of the things that it
12 sounds really small and simple that we
13 suggested is a grievance box, some way
14 for people to provide anonymous
15 complaints and a way for which
16 leadership at FJD to address them so
17 people see and hear that something is
18 being done. Sometimes some
19 organizations do this on a monthly basis
20 in which they are really public, at
21 least internally, that we received all
22 of these lists of questions or
23 complaints or grievances and there's a
24 way in which they respond to those
25 questions either through a commonplace

1 where people use Teams or wherever the
2 tool is internally that people know to
3 go to for centralized information or
4 it's something that's sent out via
5 email, but that you're beginning to
6 create this culture of transparency and
7 two-way communication which is really
8 important.

9 We didn't really get a sense of
10 that at FJD, that everything is pretty
11 top-down organizationally. And when you
12 have that type of system, that stifles
13 the voices of employees, particularly
14 those who may be experiencing racism and
15 marginalization.

16 COUNCILWOMAN GYM: Thank you so
17 much, Dr. Lubin, for giving us your
18 expertise and the level of analysis and
19 compassion that you bring to this very
20 important issue.

21 Thank you very much,
22 Mr. Chairman.

23 COUNCILMAN JONES: Thank you.
24 Member Green, you're back.

25 COUNCILMAN GREEN: Yes. I'm

1 not sure. Maybe some people didn't like
2 the questions I was asking, but I'm not
3 going to allow that to stop me from
4 being at times the angriest member of
5 City Council. Give a shout-out to my
6 fellow barrister and lawyer Michael
7 Coard.

8 But, Dr. Lubin, I just wanted
9 to ask a few more questions, and I hope
10 you don't take the tenor of my questions
11 being directed at you. It's based on a
12 level of frustration that I'm seeing
13 based on what I'm hearing and based on
14 what I read prior to this hearing.

15 And so, before I was stopped by
16 communication means, my understanding is
17 that you were in communication with
18 First Judicial District. And it's
19 interesting you said a top-down type of
20 dynamic within the organization. So
21 your contract was terminated by you as
22 one of the parties to the contract, and
23 that was based on the fact that you had
24 tried to continue to communicate based
25 on the nature of the contract to

1 complete the work, but had not heard
2 back from the First Judicial District.
3 When was the last payment you received
4 from FJD?

5 DR. LUBIN: Off of the top of
6 my head, it was probably around June,
7 July of last year.

8 COUNCILMAN GREEN: June, July
9 of last year. And I believe you
10 submitted your report, I believe, in
11 September. Was that the time period?

12 DR. LUBIN: The report was
13 submitted around June or July.

14 COUNCILMAN GREEN: Around June
15 or July. So it sounds like you may have
16 been paid through the time of you
17 completing the report; is that correct?

18 DR. LUBIN: Correct.

19 COUNCILMAN GREEN: Then you
20 incurred additional work product in
21 reference to that transition document,
22 other engagement that you incurred. But
23 you invoiced but have not been paid for
24 it, correct?

25 DR. LUBIN: So we didn't

1 invoice because we were waiting for --
2 the invoice was contingent on approval
3 from FJD. And so, we never received
4 approval to move forward.

5 COUNCILMAN GREEN: But you did
6 incur time and expenses in reference to
7 that transition and other documents that
8 you provided to FJD, but never received
9 any response. But that was clearly
10 within the scope of your contract?

11 DR. LUBIN: That's right.

12 COUNCILMAN GREEN: And then
13 once again, how did you initially come
14 into a contractual relationship with
15 FJD?

16 DR. LUBIN: There was an RFP
17 that was put out, a request for proposal
18 that we responded to.

19 COUNCILMAN GREEN: And in that
20 scope of the RFP, was that only for this
21 report, but also for this other
22 transition work that you talked about?

23 DR. LUBIN: I'm sorry. Could
24 you repeat that?

25 COUNCILMAN GREEN: So in that

1 scope of work requested through that
2 request for proposals, was that just for
3 the report or for some additional work
4 beyond the report?

5 DR. LUBIN: Yes. So the scope
6 of the contract was for training to
7 happen after the report.

8 COUNCILMAN GREEN: Okay. So
9 obviously -- well, just based on the
10 facts that I'm hearing that there was a
11 request of a report in an RFP and also a
12 request for training, but when you tried
13 to provide that training following up
14 from the report, you never received a
15 response in reference to the training
16 that you're suggesting based on the
17 report?

18 DR. LUBIN: Yes. So we met
19 with Judge Fox and Judge Allen. After
20 we delivered the report, we talked
21 through strategies for how to share the
22 findings of the report. In those
23 conversations, they were on board with
24 sharing the report. Then we had a
25 follow-up conversation, a follow-up

1 meeting, inperson meeting, which this
2 was at the end of a working group
3 meeting. We met with Judge Fox and
4 Judge Allen and talked about the
5 training plan that we had submitted for
6 that review. And in that meeting, they
7 asked for some updates to that training
8 plan. We submitted that updated
9 training plan a few weeks later. And at
10 that point, the communication stopped
11 from FJD.

12 COUNCILMAN GREEN: So based on
13 that back and forth, in this colloquy
14 Judge Allen and Judge Fox were working
15 with you on the training and the outcome
16 of the report, but then their
17 communication with you ceased?

18 DR. LUBIN: Yes.

19 COUNCILMAN GREEN: Okay. All
20 right. So I just find it interesting
21 that for an entity that had a request
22 for proposals to address training,
23 obviously as an organization they saw a
24 need, reached out to various entities
25 like CURE to provide an assessment and

1 also ways to improve upon that need, but
2 then decided not to go any further. And
3 even though Judge Fox and Judge Allen
4 suggested the report should be shared,
5 they as an organization decided not to
6 share that information and decided not
7 to move forward with the exact training
8 that they requested through their RFP,
9 and did not finalize or continue on the
10 contract in which they contracted with
11 you for it.

12 So based on my assessment
13 unless it's other information or facts
14 I'm aware, clearly the First Judicial
15 District is not interested in moving
16 forward in training to address the
17 issues for the very thing that they saw
18 as a problem in why they asked for an
19 RFP and retain your services.

20 You don't need to respond to
21 that. I'm just saying based on the
22 facts that I've been provided at this
23 time. And I think it's very
24 illuminating that they would also not be
25 here, as I stated in the beginning of my

1 questions, to answer some of these
2 questions and concerns that have been
3 raised not only by the report, not only
4 by the facts that led to the report in
5 reference to the treatment of women of
6 color and African-American jurists
7 within the First Judicial District, and
8 then outside of those issues in itself,
9 just would not provide the courtesy to
10 an equal branch of government that also
11 has the responsibility of appropriating
12 dollars.

13 Dr. Lubin, you talked about
14 accountability. There's accountability
15 in a whole range of perspectives. Not
16 only as elected officials we're held
17 accountable and judges are also held
18 accountable as well, not just in
19 appropriations but also retention and
20 other matters. With that, thank you.

21 Councilmember Jones, I hope for
22 the opportunity to come back in spite of
23 my technical difficulties. I look
24 forward to engaging in this conversation
25 again during the budget process.

1 COUNCILMAN JONES: I can count
2 on it, Member Green. I can count on it.

3 Chair recognizes Member Thomas.

4 COUNCILMAN THOMAS: Thank you,
5 Mr. Chairman, and thank you for
6 convening this conversation today. And
7 thank you to the sponsor of this
8 legislation, Councilmember Johnson.

9 And thank you to you, Doctor.
10 This report is amazing. I have so many
11 questions. But I think if I dive into
12 all of them, my colleagues would
13 probably end up missing dinner. So I'm
14 going to try to be as brief as possible
15 in the midst of some of my questions.
16 Again, to those in the listening public,
17 I highly recommend that people check
18 this report out because it's definitely
19 public information and something that
20 anyone can have access to.

21 In the midst of looking at your
22 report, I just want to start with some
23 numbers. The number 670, that is the
24 total number of staff that you were
25 essentially able to communicate with.

1 Does that include where you talked about
2 the breakdown of administrators, judges
3 and all of those folks or is that on top
4 of? So are we looking at 670 staff or
5 more like 745 staff?

6 DR. LUBIN: So 670 is the total
7 number of staff that participated in
8 this survey. There was an additional
9 45, but we didn't -- judges completed a
10 separate survey that had pretty much the
11 same questions, but we separated that
12 data analysis so that we can clearly
13 distinguish between the responses from
14 the judges and for FJD staff.

15 COUNCILMAN THOMAS: So we're
16 looking at about 715 total participants?

17 DR. LUBIN: Yes.

18 COUNCILMAN THOMAS: So just out
19 of curiosity, because I think I'm going
20 to keep that same energy of
21 Councilmember Green and Councilmember
22 Gym and other folks before me, from a
23 fiscal perspective do we know how many
24 people work there if we're looking at
25 670 people who actually replied? Just

1 approximately, how many staff -- we know
2 they have a budget that's well over \$100
3 million -- how many folks are we talking
4 about that basically did not
5 participate?

6 DR. LUBIN: So at the time that
7 we were working with FJD, we were told
8 that there were about 2400 employees.

9 COUNCILMAN THOMAS: Okay. All
10 right. That's extremely helpful. So
11 out of 2400, you were able to talk to
12 about 700, which was less than a third.
13 I'm wondering out of those 2400, it
14 seems like the majority of the people
15 who participated in the survey were
16 actually identified as female.

17 I'm wondering based on your
18 knowledge of the demographics there, is
19 that reflective of the people who are
20 employed there? Are we looking at an
21 establishment and a place that's
22 majority female employees?

23 DR. LUBIN: I don't have that
24 data immediately available to me. I
25 would just be -- some of the judges,

1 Judge Simmons who is here, may be able
2 to respond. I believe that we had
3 higher percentages of female employees
4 at FJD, but I don't have that data
5 immediately available.

6 COUNCILMAN THOMAS: So for the
7 record, I just want to make sure that
8 we're being very clear. For the record,
9 we're giving a perception that this is
10 an establishment that has a significant
11 number of females employed. And I just
12 want to be clear that we have a
13 significant number of females who
14 responded to the survey, and that's not
15 necessarily reflective practices of the
16 hiring practices of the institution.
17 In all reality, there is a chance that
18 they may not have a significant number
19 of females employed over there; is that
20 correct?

21 DR. LUBIN: There is a
22 possibility just because I don't have
23 the data available.

24 COUNCILMAN THOMAS: Okay.
25 Thank you. Now, Councilmember Green

1 kind of touched on this, but I would
2 like you to do a deeper dive. There are
3 folks like me who weren't on Council
4 before and who might not know everything
5 that you're talking about as it relates
6 to some of things that's been discussed.

7 So when you say Judge Fox and
8 Judge Allen requested funds for that
9 training and that training didn't happen
10 and that those dollars didn't get spent,
11 can you go a little more in depth?
12 Pretend that I wasn't there when that
13 original conversation took place, and
14 can you explain to us what you're
15 talking about and what Councilmember
16 Green was referring to with the funds
17 and what didn't get spent and what
18 didn't happen based on recommendations.

19 DR. LUBIN: Yeah. So I do
20 unfortunately will have to leave
21 shortly. We're in the middle of a
22 training for the city of Dallas, so I
23 hopped on just to --

24 COUNCILMAN THOMAS: That will
25 be my last question. Thank you,

1 Mr. Chairman.

2 DR. LUBIN: -- be with you all.

3 So we were told that there weren't funds
4 to move forward with -- so let me
5 backtrack. We were told that there
6 weren't funds to hire this inclusion
7 equity staff person. That was part of
8 our contract as well, was to help hiring
9 with that. We were told that because of
10 the computer virus I believe that
11 happened last year, that that
12 contributed to then not being able to
13 have the funds available to support the
14 hiring for that position.

15 In regards to the training, as
16 I mentioned we went several months
17 without hearing anything from FJD on the
18 training. We weren't told when we were
19 having those conversations about the
20 training that there was a budget issue.
21 It wasn't until February of this year
22 after I sent the letter requesting that
23 our contract be terminated for because
24 of noncommunication from FJD, that we
25 then received a letter from FJD saying

1 that the contract was terminated for
2 budget reasons. And the implication
3 there was that because what was left in
4 the contract was the training, that
5 there was no budget available to support
6 them moving forward with the training.

7 COUNCILMAN THOMAS: Thank you
8 for the clarity.

9 And thank you, Mr. Chair. I
10 appreciate it.

11 COUNCILMAN JONES: Thank you,
12 Member Thomas.

13 Before you go, thank you.
14 Sometimes when you are the physician,
15 you get to make the diagnosis but you
16 don't get to perform the surgery, but
17 the diagnosis is important to save the
18 life of the patient.

19 So on behalf of the City of
20 Philadelphia, thank you for not just
21 going in for a paycheck and telling
22 people what they want to hear, but
23 telling them the hard truths. So thank
24 you very much.

25 DR. LUBIN: Thank you so much.

1 We really believe in this work --

2 COUNCILMAN JOHNSON: Thank you
3 very much.

4 DR. LUBIN: Thank you.

5 COUNCILMAN JONES: Okay
6 Ms. Williams, are you there?

7 THE CLERK: I'm here.

8 COUNCILMAN JONES: Okay. Who
9 is the next group to testify?

10 THE CLERK: The next witness to
11 testify is Nefertiri Sickout.

12 COUNCILMAN JONES: Are you
13 there?

14 MS. SICKOUT: Yes. Can you
15 hear me?

16 COUNCILMAN JONES: I hear
17 somebody else.

18 MS. SICKOUT: My husband is
19 about to get her shortly. Sorry.

20 COUNCILMAN JONES: In a COVID
21 world, do not apologize.

22 MS. SICKOUT: Thank you for
23 understanding.

24 COUNCILMAN JONES: All right.
25 Can you state your name for the record

1 and please begin your testimony.

2 MS. SICKOUT: Yes. Thank you.

3 Good afternoon, Chair Jones and members
4 of the Legislative Oversight Committee.

5 My name is Nefertiri Sickout, Acting
6 Chief Diversity, Equity and Inclusion
7 Officer in the Mayor's Office. I'm here
8 to offer testimony on Resolution No.

9 200485, which authorizes hearings to
10 examine the findings of racism, nepotism
11 and mistrust within the First Judicial
12 District as revealed in a recent report
13 by the Center for Urban and Racial
14 Equity.

15 Achieving a workforce that is
16 diverse, inclusive and equitable means
17 that an organization's workforce
18 reflects the diversity of the
19 communities that it serves, and that
20 diverse representation not only exist
21 across the breadth of functions in the
22 organization, but also throughout the
23 hierarchy of leadership positions within
24 the organization.

25 The equity organizational

1 assessment report of FJD highlights some
2 progress towards workforce equity but
3 also demonstrates that much work remains
4 to be done. This finding is not unique
5 to FJD as organizational barriers toward
6 workforce equity are generally systemic
7 and longstanding. These barriers are
8 related to diverse recruitment and
9 hiring processes, cultural norms
10 regarding belonging and inclusiveness at
11 the workplace, professional development
12 and opportunity for promotional
13 advancement within the workplace.

14 One of the first steps, and I
15 mean the initial steps, towards
16 advancing a more equitable workforce at
17 the First Judicial District has been
18 completed which is the report's rigorous
19 data analysis. By having a better
20 understanding of the data, more
21 intentional strategies can be developed
22 to target specific challenges, including
23 challenges related to the report's
24 findings of a culture of nepotism,
25 mistrust and racial tension.

1 To achieve true change on
2 challenges identified in the report,
3 more intentional efforts must be made to
4 remove institutional barriers that
5 impede workforce equity. Only through a
6 systematic foundational approach will we
7 achieve real advancement in terms of
8 greater representation of and
9 participation by employees of color and
10 other historically marginalized and
11 underrepresented groups at the First
12 Judicial District.

13 We are working on the same
14 efforts within our municipal workforce
15 at the City. For example, all the
16 departments reporting to the Mayor are
17 completing an annual plan on how to
18 advance a more diverse and inclusive
19 workforce and department culture so that
20 we can build on progress already made
21 and improve in those areas where
22 challenges persist.

23 The Administration appreciates
24 the sponsors and Committee examining
25 this critical issue. We welcome any

1 opportunity to partner with the FJD as
2 they work toward achieving equity within
3 the workplace. I'm happy to take
4 questions that the Committee may have.

5 COUNCILMAN JONES: Thank you so
6 much for your testimony.

7 Are there any questions for
8 this witness?

9 COUNCILMAN JOHNSON: I have one
10 quick one, Mr. Chair.

11 COUNCILMAN JONES: Chair
12 recognizes Member Johnson.

13 COUNCILMAN JOHNSON: Nefertiri,
14 just one real quick statement. Thank
15 you for your testimony. We want to
16 follow up with you regarding a plan of
17 action and recommendations as it relates
18 to this particular issue from FJD,
19 similar to how you just talked about
20 there are other City departments that
21 are required to provide that information
22 to your office. So we'll follow up with
23 you to have the same type of
24 requirement.

25 And also, if you can talk to

1 the Mayor and your team regarding making
2 this a part of his budget priority in
3 connecting the two. And so, with a
4 budget should come reform as it relates
5 to this particular issue. So we're not
6 just having a hearing for the simple
7 fact of having a hearing, but really
8 focusing on outcomes.

9 And being the Chief Diversity
10 Officer, I would think that would be
11 within your purview with the backing and
12 the support of the Mayor, which is why
13 I'm sure you're here today. So thank
14 you very much for your testimony.

15 MS. SICKOUT: Yes, I appreciate
16 that, and please do follow up. I'd love
17 to partner with you and provide any
18 support, and also support to the First
19 Judicial District. I'm an attorney just
20 like Councilmember Green and a number of
21 you.

22 And I'll just say I've been
23 very fortunate in the Mayor's Office to
24 start creating a more intentional space
25 to advance diversity, inclusiveness and

1 equity in the City. In addition to all
2 departments working on a plan as to how
3 they build a more diverse and equitable
4 workforce and department culture, all
5 departments are also going to complete a
6 racial equity assessment and a racial
7 action plan.

8 We're phasing it in through
9 three cohorts over the next three fiscal
10 years, and we have a lot more
11 intentional work focused on budget
12 equity, procurement equity, community
13 engagement and high priority services.
14 And so, there's a lot of work moving on
15 this side. I'm very happy to share it
16 at the appropriate time, and please feel
17 free to follow up with me.

18 COUNCILMAN JONES: Member
19 Johnson.

20 COUNCILMAN JOHNSON: Thank you
21 very much, and we definitely will follow
22 up.

23 COUNCILMAN JONES: I want to
24 welcome you to City government. And I
25 want to give you your first charge from

1 me. I'd love to examine the Triplex
2 contract for cleaning. That was a \$17
3 million contract that was taken from a
4 female minority firm from Philly and was
5 given to a company out of Chicago. It
6 comes back up in June. And so, that's
7 going to be my flagship, so I'm going to
8 give it to you to look into it.

9 MS. SICKOUT: Yup, I'll follow
10 up definitely.

11 COUNCILMAN JONES: All right.
12 Thank you so very much.

13 Ms. Williams.

14 COUNCILMAN THOMAS: Mr. Chair,
15 before you move on, can I -- this is
16 Councilmember Thomas.

17 COUNCILMAN JONES: Member
18 Thomas.

19 COUNCILMAN THOMAS: I just
20 wanted to jump in real quick and say
21 congratulations and thank you, and my
22 office will definitely be reaching out
23 to you about the work. But I did want
24 to echo the sentiments of my colleagues,
25 both Councilmembers Jones and Johnson,

1 as it relates to the work with the First
2 Judicial District being something that's
3 substantive, and also Councilmember
4 Jones and his advocacy for that
5 contract. I do think that that's an
6 important initiative, an important
7 contract and an important misstatement
8 from us in the City of Philadelphia.

9 So thank you, colleague, for
10 your leadership. And I just wanted to
11 echo my support for both statements that
12 was communicated.

13 COUNCILMAN JONES: So sincerely
14 welcome on board, though.

15 MS. SICKOUT: I've been here
16 for a little while. I joined the
17 Mayor's Office in 2016, August of 2016,
18 but serving in an acting role since our
19 former Chief Diversity, Equity and
20 Inclusion Officer retired in May, Nolan
21 Atkinson.

22 COUNCILMAN JONES: He was a
23 good man.

24 MS. SICKOUT: Yes, definitely.
25 I have an interview at 4:00 p.m. If you

1 don't mind, I will drop off if that's
2 okay.

3 COUNCILMAN JONES: That's all
4 right. Thank you for your testimony.

5 MS. SICKOUT: Thank you,
6 everyone.

7 COUNCILMAN JONES:
8 Ms. Williams, who's next to testify?

9 THE CLERK: Our next two
10 witnesses will be Judge Roxanne
11 Covington and Judge Karen Simmons.

12 COUNCILMAN JONES: You made
13 them wait?

14 THE CLERK: That was not my
15 choice, sir. I do not put the panels
16 together. I'm just the Clerk.

17 COUNCILMAN JONES: I sincerely
18 apologize, Your Honor.

19 COUNCILMAN JOHNSON: Point of
20 information, Mr. Chairman.

21 COUNCILMAN JONES: Member
22 Johnson, I recognize --

23 COUNCILMAN JOHNSON:
24 Mr. Chairman, in all seriousness, right,
25 and why this issue is so serious is

1 because these two sisters who have taken
2 time out of their schedule to be here
3 are courageous, right. And they're also
4 setting the path to break barriers of
5 racism for the next young Samantha
6 Williams, right, who decides to go in
7 that path.

8 And so, we want to thank Judge
9 Simmons and thank Judge Covington for
10 stepping up to the plate. We know Black
11 women lead, Black women lead, Black
12 women lead. But we thank you for being
13 here today as you begin your testimony.

14 We're paving the way to make
15 sure we break down the institutional
16 barriers of racism so when young ladies
17 like Samantha Williams follow in your
18 footsteps, she doesn't have to deal with
19 the same type of discrimination and
20 nonsense that you two are addressing. I
21 just wanted to state that for the
22 record.

23 COUNCILMAN JONES: Thank you,
24 Member Johnson, for your commentary.

25 I don't know which one of you

1 would like to go first. I'm going to
2 allow you guys to decide, but please
3 state your name and begin your
4 testimony.

5 JUDGE SIMMONS: Good afternoon,
6 everyone. I'm Judge Karen Simmons and
7 I've been a judge for the last 15 years.
8 I want to thank you, Chairman Jones, so
9 much for holding these issues. I want
10 to thank all of the members of this
11 Committee that's present today, but a
12 very special thank you to you,
13 Councilman Johnson, for always being
14 there and not letting this issue die and
15 go to the wayside.

16 I want to thank you for this
17 invitation and opportunity to address
18 you on these urgent issues of race,
19 discrimination and equity found in the
20 CURE's equity assessment report. I'm
21 here because these issues continue to
22 negatively impact the citizens of
23 Philadelphia generally and the
24 Philadelphia court system as well as
25 myself most specifically. My goal is a

1 lofty one, and that is to end the
2 institutionalized racism within our
3 court system.

4 As a little background, back in
5 the spring of 2018 I went to my court
6 leadership in Municipal Court with some
7 specific issues about race,
8 discrimination and equity, and I made it
9 clear. I even called for a meeting with
10 her, then President Judge Marsha
11 Neifield, and all the Black judges that
12 were interested in coming on my court to
13 address specific issues of racism and
14 discrimination that were occurring. And
15 I made it clear that when it hit the
16 fan, us Black judges would not and could
17 not sit back and be quiet, but that
18 something needed to happen.

19 I also spoke then to a couple
20 of members at the AGB that I trusted and
21 had a relationship with and talked to
22 them about some of those same issues and
23 as a result, that's how we got part of
24 the contract for the CURE report. I
25 want to say that while America is

1 purportedly attempting to have yet
2 another reckoning with its longstanding
3 racial inequities toward Black
4 Americans, our court system remain
5 mirrored in the disease of racism.

6 Throughout the country, courts
7 have issued strong proclamations
8 denouncing systemic racism, and
9 particularly racism within the judicial
10 system. Our courts have
11 remained deafening silent. Many courts
12 have issued sweeping statements
13 acknowledging racism and its stain on
14 the judicial system.

15 For example, the Washington
16 Supreme Court stated the devaluation and
17 degradation of Black lives is a
18 persistent and systemic injustice. We
19 continue to see racialized policing and
20 the overrepresentation of Black
21 Americans in every stage of our criminal
22 and juvenile justice systems. Our
23 institutions remain affected by the
24 vestiges of slavery, Jim Crow laws that
25 were never dismantled and racist court

1 decisions that were never disavowed.
2 And through it all, I must say everyone
3 here in our court system have remained
4 and still is to this day silent.

5 The issues of race,
6 anti-racism, discrimination and equity
7 in our courts demand an urgent response
8 and plan that should be addressed
9 immediately and communicated to the
10 whole court system and throughout our
11 citizens of Philadelphia. There are
12 questions that must be asked and
13 answered of our court leadership because
14 our system of justice demands it.

15 The level of disrespect and
16 retaliation I personally have
17 experienced since December of 2018 by
18 members of our court and even members of
19 specifically the AGB, because I continue
20 to speak out about the systemic racism
21 within our court and continue to be
22 directed towards me is a disgrace and it
23 must stop.

24 I want to believe the reason
25 you don't have more judges here today

1 such as the representative of the
2 National Bar Association Judicial
3 Council is because of fear of reprisal
4 and not of indifference. Dr. King
5 realized that silence is a form of
6 complicity when he said our lives begin
7 to end the day we become silent about
8 things that matter. In the end, we will
9 remember not the words of our enemies
10 but the silence of our friends.

11 This silence has persisted
12 since I received that racist note in my
13 robing room two years ago, and continues
14 throughout the conversations to address
15 the issues identified in the CURE
16 report. We come here today and
17 presented these same issues, myself and
18 Mr. Michael Coard, to the members of the
19 AGB: Number one was why didn't the AGB
20 immediately release the CURE report once
21 it was concluded. This is a legitimate
22 question that needs to be addressed and
23 communicated to our court and to you,
24 members of Council. The inaction can
25 make all of our judges potentially

1 complicit because of this lack of action
2 and a lack of transparency.

3 Number two, I asked and we
4 asked and I hope you all will ask, why
5 the threat against me, in the words of
6 the CURE report, was not taken seriously
7 by the court leadership. In my words,
8 it was dismissed and not addressed which
9 made it clear that the leadership at the
10 time and its collective did not care.

11 The disgusting racist hateful
12 note left for me was an opportunity for
13 our court to do better and to be better,
14 and they failed miserably. They had the
15 ability as leaders to send a strong and
16 clear message that my life mattered and
17 that this Black female judge mattered.

18 We all knew the person who left
19 the note was and maybe still is a member
20 of our Court because that's the only
21 people with access to a robing room. I
22 must have spoken to at least 50 or 60
23 Black and Brown judges, employees and
24 people outside of the Court, and the
25 real belief and perception is had the

1 same type note been left for a Jewish
2 person or a White woman, the AGB's
3 response would have been vastly
4 different. There would have been a
5 strong, clear and swift response.

6 There has been a false
7 narrative that there was no
8 investigation by the AGB because it was
9 the directive of the Feds. I don't know
10 who this mystical Feds is, but this is
11 not true. The U.S. Attorney and FBI
12 only got involved because there was not
13 a response or investigation by our court
14 system.

15 Immediately after I received
16 that racist note, I asked the AGB and
17 I've continued to ask in writing and
18 verbally for a few things: Number one
19 is an investigation and an update on an
20 investigation that I know did not exist
21 and does not exist; that cameras be
22 placed in the hallways of the robing
23 rooms because then we could have seen
24 who had gone into the robing room, not
25 inside the robing room, but in the

1 hallway; and that fingerprinting of our
2 Court staff and employees exist because
3 there was, in fact, a fingerprint able
4 to be pulled off of the envelope of the
5 note.

6 None of my requests were met
7 with any type of response. Very
8 recently, and I mean within the last
9 week, cameras are now present in the
10 hallway of the robing rooms some two
11 years later. The AGB's response to what
12 happened to me is disgraceful and brings
13 up many emotions. Number three is that
14 the AGB should conduct an internal self-
15 assessment of their board and of our
16 judges. It should incorporate all of
17 the recommendations outlined in the CURE
18 report and include a facilitator to work
19 with every judge and paid for by the AGB
20 with our same tax dollars that was used
21 to procure the CURE organization. This
22 will enable us to honestly address these
23 issues of racism and equity in our court
24 system, and to acknowledge openly and
25 transparently that there are issues of

1 systemic racism in our court system and
2 in our society and to begin to address
3 them.

4 There needs to be a work group
5 or committee similar to what Dr. Lubin
6 has already addressed with substantive
7 goals and a plan of action with strict
8 deadlines to address each issue
9 presented in the report. When Mr. Coard
10 and I addressed the AGB a week ago
11 today, we both volunteered to start this
12 work, that we're willing to give up our
13 time to start this work and to work
14 together with a diverse group of others
15 in a transparent manner to achieve real
16 change. This would be a progressive
17 step.

18 We are committed to working to
19 address these issues and create a First
20 Judicial District that is representative
21 and responsive to everyone. While the
22 CURE report for some is shocking and
23 disheartening, it's not a shock to us
24 because we live it every day. It should
25 be looked at as a first step to address

1 the issues many of us experience.

2 The CURE report must finally be
3 taken seriously. Judicial transparency
4 is a must. The report demonstrates that
5 most perceived and actual racism exist
6 within the FJD. The courts must stand
7 as guardians against specific and
8 institutionalized racism and not as
9 aiders and abettors or neutral condoners
10 of racial injustice.

11 Fairness within the judicial
12 system regardless of race is the
13 essential pillar of justice. Where
14 fairness because of race is lacking,
15 justice cannot be fairly dispatched and
16 the rule of law will no longer exist.
17 Inaction will allow the cancer of racism
18 to metastasize within the court system.

19 It is imperative that the
20 courts hear and respond affirmatively to
21 this call of action for social and
22 racial justice. This is the right thing
23 to do and it is very, very long overdue.
24 And this body holds some of the purse
25 strings to force it to happen.

1 I'm going to state that the
2 makeup of the AGB membership has
3 recently changed, but the majority of
4 the membership has remained. I remain
5 hopeful through this progress -- I'm
6 sorry, through this process. And I
7 thank you for this invitation to address
8 you and these most urgent and crucial
9 issues, because it is time as
10 Representative Lewis said, that we get
11 into some good trouble and some
12 necessary trouble to bring about much
13 needed change. Thank you all very much
14 for this opportunity.

15 COUNCILMAN JONES: Thank you so
16 much for your testimony. And I'm so
17 very thankful that nothing physically
18 happened to one of our judges. And I'm
19 going to ask this question, and I'm
20 going to let your colleague speak before
21 you answer to give you a little time to
22 think. If you could name three things
23 that you want done by the First Judicial
24 Court immediately, think and then tell
25 us what they are for the record.

1 Please state your name and
2 begin your testimony. Thank you for
3 your patience.

4 JUDGE COVINGTON: (Muted).

5 COUNCILMAN JONES: Take
6 yourself off mute.

7 JUDGE COVINGTON: Hi. Can you
8 hear me?

9 COUNCILMAN JONES: Yes, I can.

10 JUDGE COVINGTON: All right.
11 Good afternoon, Chairman Jones. I'm so
12 glad to see you. For the record, this
13 is my Councilman.

14 COUNCILMAN JONES: Hello.

15 JUDGE COVINGTON: Other
16 Councilmembers, Councilman Kenyatta
17 Johnson, thank you as well. Thank you
18 for extending the invitation. I'm
19 honored to be able to speak before you.
20 Unlike some of my colleagues, I will not
21 turn down an invitation from
22 Philadelphia's City Council. I respect
23 this organization so I am here. And
24 again, I am honored to testify before
25 you. If you call, you understand this

1 judge will appear.

2 I am here primarily because I'm
3 very concerned about the findings of the
4 CURE report. Those findings affect not
5 just the First Judicial District as an
6 organization but also the City as a
7 whole. Because people appear before
8 this governing entity and if it affects
9 those of us in a position as judges, it
10 also affects the people who appear
11 before us. So if we as judges are not
12 safe from the problems of racism, you
13 know that those in front of that court
14 are not either.

15 That report and evaluation was
16 done and the findings were completed,
17 and the report was not released until
18 City Council pressured the Court for its
19 release. And since its release, I can
20 tell you that not only has nothing
21 changed, but things have continued and
22 gotten worse, in particular for Black
23 female judges.

24 As you know, judges in the
25 performance of their duties, people are

1 not always happy with the decisions that
2 we make and there are occasions where we
3 receive threats on our lives, and I like
4 many judges have received such threats.
5 Since the release of this CURE report, I
6 was the subject of a death threat. And
7 in the process of receiving that death
8 threat, I went through the course, the
9 normal course of action with the FJD in
10 requesting protection and security for
11 myself upon receiving a death threat.

12 And I am here to inform City
13 Council that it took over a week for me
14 to have any protection and security
15 while under threat of my life and well-
16 being from the First Judicial District.
17 Now, aside from not having security and
18 protection, what angered me even more so
19 during this time of Black Lives Matter
20 was that I was informed by the governing
21 district of -- First Judicial District
22 that our hands are tied and there is
23 nothing that we can do about it. But
24 during this same period, there were
25 White female judges who had protection

1 and security. So that in itself is an
2 example of how there are still
3 differences in the way that we are
4 treated as Black people within a
5 judicial system.

6 The findings in this report are
7 clear. There have been no changes.
8 There has been nothing done to address
9 that which has been brought to the
10 attention of the Board. They are aware
11 of it, and they are doing nothing about
12 it. The mere fact that they have failed
13 to acknowledge and address these
14 systemic inequities that have persisted
15 within this court system for decades is
16 sending a clear and convincing message
17 that this type of behavior is not only
18 acceptable but welcomed and supported
19 and condoned by our court system.

20 Based upon that, at best we as
21 Black female judges, and really those
22 that appear before this system, know
23 that we are unwelcomed and
24 ill-supported, and at worst in my case
25 targeted and not safe until something is

1 done to address these problems. And it
2 must be more than sending out a
3 statement or holding training sessions
4 to talk about it. They will move on
5 with business as usual without making
6 meaningful changes that are acceptable.

7 I commend Council for holding
8 this hearing. The first step is to open
9 the wounds and the sores. Some type of
10 surgery must be done on this system.
11 The fact that no one is here and
12 participating in these hearings other
13 than those who have been victimized by
14 this system is a clear and shining
15 example of the problem.

16 The other aspect of it that
17 must be addressed is the nepotism within
18 this court system. Nepotism in and of
19 itself is the core of this systemic
20 racism. Because if you are not part of
21 the dominant class, then you are in no
22 position to hire and promote your
23 friends and family. Hence, a vicious
24 cycle of maintaining the status quo of
25 benefiting from this majority will be

1 never amending. So this is going to be
2 an overwhelming problem to solve. But
3 as an African proverb said, how do you
4 eat an elephant, and once again you
5 start with one spoon at a time. And I
6 thank you and congratulate you for
7 starting.

8 I do want you to be aware that
9 Judge Simmons and I are not the only
10 judges at the FJD who are willing to
11 participate and do the work, even though
12 we're the only two who are here to
13 testify. There are many others who are
14 Black and non-Black that are willing to
15 step up and help.

16 JUDGE SIMMONS: Absolutely.

17 JUDGE COVINGTON: So we're here
18 to speak, but there are others who are
19 not here but are very willing to
20 participate in the process. But we
21 thank you for allowing us at least an
22 opportunity to be heard.

23 COUNCILMAN JONES: One of the
24 most profound things you said, that if
25 our judges are not safe, then how can

1 the district attorney, the defense
2 attorney, the victims, the accused, the
3 witnesses, how can anybody truly be safe
4 if you guys who are in charge of the
5 process are not safe, so that is a
6 concern.

7 Let me ask the question before
8 I turn it over to the sponsor of this
9 resolution. Is there an official
10 process when a judge or a member of your
11 staff is threatened, that there is a
12 known process by which you can register
13 that in a series of either protective
14 actions ensues?

15 JUDGE COVINGTON: After the
16 incident with me, I was initially
17 informed that there was no process in
18 place previously. However, I have been
19 on this bench for 10 years and I am well
20 aware that there have always been
21 processes in place, always. And I
22 refuse to believe that prior to 2020
23 there was no process in place.

24 I am very sure there has always
25 been a process in place for the

1 protection of judges. I have been
2 informed, and recently we were all
3 provided a new process in place, a new
4 process that has been put in place for
5 the protection of judges upon receiving
6 a threat, so there is now allegedly a
7 new process in place.

8 However, I find it simply
9 incredible and unbelievable that for the
10 last, I don't know, 30 or 40 years,
11 however many years you all have had
12 judges on the bench, I've been a judge
13 for over a decade, and I find it simply
14 unrealistic and wholly incredible that
15 no process was in place whatsoever prior
16 to the issue with me.

17 JUDGE SIMMONS: And if I can
18 jump in, clearly there's always been a
19 process. And, Judge Covington, it does
20 just boggle one's mind to even that's
21 what was said to you, because I've been
22 on the bench since 2005 and prior to
23 that, I was Chief Legal Counsel for the
24 Police Department for a good decade
25 before that to Police Commissioners

1 Johnson and Timoney, and a process was
2 clearly outlined. It was a joint
3 process that included dignitary
4 protection with the Philadelphia Police
5 Department as well as with the Sheriff's
6 Department.

7 JUDGE COVINGTON: And I know
8 there was some kind of process in place
9 for judges who did not look like me, who
10 had absolutely no issue getting
11 security, dignitary protection in place
12 at the same time. So that may be
13 another budget hearing.

14 JUDGE SIMMONS: And, Councilman
15 Jones, did you want me to wait to answer
16 your three questions?

17 COUNCILMAN JONES: Yes. I want
18 to give my Member Johnson an opportunity
19 to weigh in on this. But before you
20 both leave, I want to get the three
21 priorities we should have to ask for and
22 from the First Judicial District.

23 Member Johnson, are you
24 available?

25 COUNCILMAN JOHNSON: Yes, I am,

1 Mr. Chair.

2 COUNCILMAN JONES: Chair
3 recognizes Member Johnson.

4 COUNCILMAN JOHNSON: Thank you
5 very much.

6 I want to again just echo what
7 I talked about early on by commending
8 Judge Covington and Judge Simmons for
9 really taking the courageous approach in
10 addressing this issue, speaking truth to
11 power, not thinking about your own
12 personal professional well-being, I'll
13 put it that way. I thank you for
14 speaking the truth to power around this
15 issue and really fighting a system, a
16 system that has been embedded in our
17 country and something we have been
18 dealing with as African-Americans over
19 the last 400 years. And so, we know
20 this isn't an easy fight.

21 I want you to do this for me,
22 Judge Simmons. Just take us as a
23 Committee back and give us an overview
24 of the day that you came to work, what
25 it was like when you got up that morning

1 and arrived to serve the people here in
2 this great City of Philadelphia and what
3 took place when you arrived in your
4 chambers.

5 JUDGE SIMMONS: I'm going to do
6 my best to get through it. Someone told
7 me who really cares about me that the
8 fact that I still get emotional and my
9 response to this means that I haven't
10 fully dealt with all the issues that
11 come up as a result of it.

12 I had the audacity to run for
13 President Judge of Municipal Court.
14 That's where it all started. Because I
15 truly believe and know and still know
16 that I was the most qualified, I had the
17 most experience and I had some very
18 novel ideas of how we could run -- I
19 would run that Court and make sure we
20 were not addressing issues today about
21 race, discrimination and equity and that
22 truly the most qualified, the most
23 educated, the most experienced person
24 would get the job when we talk about
25 staff, when we talk about employees,

1 actually when we even talk about other
2 leadership on the Court and I was one
3 who voiced it, because I never wanted
4 anyone to say we didn't know that's what
5 Judge Simmons thought or this was her
6 position, because you get what you see
7 with me. I'm going to call it like it
8 is. And I don't believe in trying to
9 get somewhere and then surprise
10 everybody.

11 And so, as I stated I had
12 already had the conversation with a
13 group of our Black judges on Municipal
14 Court, with our court leadership as well
15 as a number of the judges on the AGB
16 about trying to do something to address
17 the racism and the specific acts that we
18 had observed or had been brought to my
19 attention on Municipal Court.

20 So on that morning, which
21 happened to have been the week before
22 the President Judge election, and just a
23 little asterisk, I had so many of my
24 colleagues commit to support me or I
25 never would have run for President

1 Judge, and I know that's water under the
2 bridge. As a result of that, I found
3 out maybe the day before I received the
4 note, two days before I received the
5 note, that members of our Court were
6 getting calls from certain political
7 leadership saying that Judge Simmons,
8 she's a nice lady, but reminding them
9 how they got on the bench and reminding
10 them where their support to be.

11 And anyone who knows me, the
12 first thing -- I do think I'm nice, but
13 that is not a phrase where most people
14 would use to describe me as a nice lady.
15 They may describe me as a lot of things,
16 but that wouldn't be the first thing to
17 come to mind.

18 So on this day, I was in
19 Courtroom 703, which I'll never forget.
20 And 703 happened to have been a
21 courtroom that started at 8:30. And so
22 as a result of that, I was in my
23 chambers somewhere between 7:30 and
24 8:00.

25 And then I walked up the back

1 elevator, as I always do when I'm in an
2 8:30 room or any room, with my judicial
3 aide so that we could get the court day
4 started. I put on my robe. After that
5 court opened from 8:30, and because I'm
6 one who I think -- I'm not in a rush, I
7 just want to get it right, I had been on
8 the bench which was supposed to be an
9 early day because one of my colleagues
10 was coming in for a 1 o'clock list to
11 handle his post-trials. Well, in my
12 normal fashion, I was still on the bench
13 at 1 o'clock. And I hadn't gotten off
14 the bench from the time I sat there at
15 8:30 until the time that my day ended
16 which was closer around 2:00 or 2:30.

17 What I recall is that I got up,
18 got off the bench. Once the day was
19 over, me and my staff were told by the
20 judges' tipstaff, as we call them, that
21 we were leaving and we were almost to
22 the back elevator, but said this has
23 your name on it. So she gave this
24 envelope, which was an interoffice
25 envelope, to my judicial aide. My

1 judicial aide at the time was Naija
2 Davis.

3 She took the envelope and
4 didn't think anything of it because
5 interoffice mail is frequently left in a
6 judge's robing room, because you can
7 either do that or go up to chambers. As
8 we looked back, both of us took note
9 that there was nobody that was unusual
10 that we wouldn't have anticipated that
11 walked through my courtroom to the back
12 area. But there is a back elevator that
13 you can get to the robing room, and
14 there's also another courtroom next door
15 that would share that same hallway.

16 It wasn't until we took the
17 elevator up to the 13th floor, got in
18 chambers and opened the -- actually, my
19 secretary opened the interoffice mail
20 and then I heard her gasp. Then she
21 handed me the note. And when I read it,
22 I just couldn't believe it. I mean, not
23 that I thought I was special or these
24 type of things wouldn't happen to me,
25 but I didn't think these types of things

1 would happen to me.

2 I did think that in December of
3 2018 while you don't have to vote for
4 me, you don't have to like me, you don't
5 have to respect me, but you do have to
6 acknowledge that I'm here and I'm not
7 going anywhere, but I didn't think
8 anything like that could happen or would
9 happen.

10 But I must say that after
11 getting that note, what happened
12 afterwards to me was worse than what
13 happened in the note. Because the note
14 was one coward who thought that by
15 sending that, that was going to stop me
16 from being me, so they clearly didn't
17 know anything about me and that had to
18 be some weak person.

19 But then what happened is that
20 we're talking about this whole system,
21 this whole justice system and all the
22 leadership as we talk about from the top
23 down that took that and didn't do
24 anything, but send me a few well wishes
25 and notes about how sorry they were

1 individually about this happening to me.

2 COUNCILMAN JOHNSON: And to
3 date, there has not been from FJD any
4 official results of an investigation or
5 an investigation separate from the Feds,
6 correct?

7 JUDGE SIMMONS: No, not at all.
8 And it was more recently that I started
9 hearing from my President Judge Pat
10 Dugan and other members that there was
11 nothing done because they were told not
12 to get involved because the FBI was
13 investigating it. And as I stated, the
14 FBI I came to learn only investigated it
15 because someone who cares about me knew
16 someone and asked them to get involved
17 and other reasons as well, but they did
18 it because they saw that nothing was
19 being done within the courts to look
20 into it, to investigate it, to do
21 anything about it.

22 COUNCILMAN JOHNSON: Now, let
23 me ask you this as it relates to staff
24 members, right, because also inside the
25 CURE report, it talked about

1 significantly how staff members
2 basically feel like they're working in a
3 hostile environment as it relates to
4 race relations, social equity, getting
5 promoted, the issue of nepotism where
6 someone can come with no qualifications
7 and bump right up in front of them
8 irregardless of how long they've been
9 over there.

10 When staff has issues, what's
11 the process for reporting complaints?
12 Who do they go to say, this is the issue
13 that I have just being in a work
14 environment?

15 JUDGE SIMMONS: They can go to
16 their supervisors. They can go to HR,
17 Human Relations. But what's come to be
18 known, which was one of the issues I
19 brought out in the spring of 2018, was
20 that a staff member did go and report
21 some issues that she was having about
22 race, about what she felt with someone
23 attacking her in open court saying some
24 real rude disrespectful things.

25 Well, what the outcome was she

1 was also disciplined because of her
2 reaction to being called some type of
3 animal and a Black bitch or something of
4 that nature, but she ended up being
5 disciplined, so that's what you see or
6 that's what publicly one sees. I think
7 that it's been so clear that many of the
8 staff, they will find a person like
9 myself, maybe like Judge Covington or an
10 other judge that they trust that they
11 believe will speak up for them, and I've
12 done that on more times than I can even
13 mention or have kept track of to try to
14 speak up for them to say something has
15 to change. But they also see as we talk
16 about nepotism, that that really doesn't
17 get you far.

18 I often use my ex-judicial
19 tipstaff as an example, and I know she's
20 thankful and I'm thankful, that Judge
21 Dugan promoted her and gave her a
22 promotion. But the reality is Naija
23 Davis has a Master's degree and Naija
24 has almost probably more than 20 years
25 of experience, and she's the Deputy to

1 someone in Court administration. She's
2 his assistant, who doesn't have nearly
3 the education and maybe similar
4 experience and he's a nice person, but
5 we have to call a thing a thing.

6 When you're more qualified,
7 when you're more experienced, when
8 you're more educated, when you think out
9 of the box, why are you not given the
10 responsibility, the title and the money
11 to actually show those things and make
12 it public so others can see that your
13 hard work and when you're the most
14 qualified, you actually get the
15 position.

16 JUDGE COVINGTON: Yes.

17 COUNCILMAN JOHNSON: Thank you,
18 Your Honor.

19 JUDGE SIMMONS: You're welcome.

20 COUNCILMAN JOHNSON: Your Honor
21 Covington --

22 JUDGE COVINGTON: Yes.

23 COUNCILMAN JOHNSON: -- and
24 this is my last comment. And Chairman
25 Jones started off the hearing talking

1 about the safety of judges and also, we
2 recognize that you're putting your lives
3 on the line, right, you're making some
4 decisions, some rulings that some will
5 agree with and some very well don't.
6 Take us to how your day unfolded that
7 resulted in you getting a threat by
8 someone and how it was addressed.

9 JUDGE COVINGTON: Well,
10 Councilman Johnson, it's sad to say,
11 this could be par for the course so it's
12 in the line of work. Basically, in my
13 courtroom hearing cases like most
14 judges, as Judge Simmons explained, our
15 assistant, our secretary opens the mail,
16 because generally judges don't open
17 their mail because you don't know what's
18 contained therein. It may be ex parte
19 communication, it may be something
20 pertaining to a case that we don't need
21 to see. We get a lot of mail from
22 different places, so I have my secretary
23 on alert for things that could be
24 important, that could be worrisome.

25 This actually was the second

1 threat that I received. My secretary is
2 very savvy. The first threat I
3 received, they, as far as the
4 investigation of this matter, claimed
5 they could not fully investigate it the
6 first time because we touched the
7 envelope and the paper and they couldn't
8 pull fingerprints and other things.
9 They basically blamed it on us.

10 So this time with COVID, my
11 secretary was already wearing gloves and
12 other things, but she made copies of it
13 immediately and brought it downstairs
14 and put it back, but she notified me
15 immediately. And the nature of the
16 threat was very frightening. When
17 someone says, I'm going to find you, I'm
18 going to rape you, I'm going to kill
19 you, and threats were also made to my
20 family members, so when people are
21 threatening you and people of your
22 family, it's also concerning to me
23 because I don't think I look like most
24 judges so I believe I'm very
25 identifiable or at least most of the

1 traditional judges in the courtroom. So
2 we followed what I knew to be the proper
3 procedure, notifying the sheriffs in the
4 building who also notified the police
5 district, notifying the supervisory
6 chain through the Court and taking the
7 investigation procedures.

8 And at that point, I'm also
9 awaiting my protected detail because I'm
10 not leaving the courthouse without
11 protected detail. So I went through all
12 of that. My secretary's being
13 interviewed. I have to interrupt my
14 court list, my business for the day to
15 handle interviews, but I'm still trying
16 to do my court list knowing now that
17 someone is out to kill me.

18 And I waited at court until
19 6:00, 7:00 p.m. for my protective detail
20 to be told that, oh, we don't have the
21 manpower to give you detail. And I'm
22 like, excuse me, I don't understand. So
23 at this point, I'm very upset to say the
24 least. And I personally am probably
25 more upset about not getting protective

1 detail than I am about a death threat.
2 I had to go home that evening without
3 protection, and I spent seven days
4 without any type of protective detail.

5 COUNCILMAN JOHNSON: That's
6 crazy. Totally unacceptable.

7 JUDGE COVINGTON: And I was
8 informed that, well, we could have your
9 police district do drive-bys. To which
10 I responded, well, do you know what a
11 drive-by is? You ever watch rap videos,
12 do you know what a drive-by is? Just
13 like police can drive by, somebody can
14 drive by my house. It took seven days
15 before I had a protective detail, and
16 that protective detail ended at midnight
17 every night, because apparently no one
18 would come to shoot me after midnight
19 because I guess they're on the clock,
20 the shooter or whatever, the person
21 who's going to kill me, so that was
22 disturbing to me as well. I had what I
23 would consider limited detail.

24 COUNCILMAN JOHNSON: Let me ask
25 you this and I'll wrap up before --

1 COUNCILMAN THOMAS: Councilman
2 Johnson, point in clarity. I'm sorry.
3 This is Councilman Thomas.

4 COUNCILMAN JOHNSON: Yes.

5 JUDGE COVINGTON: Yes.

6 COUNCILMAN JONES: Hold on,
7 Member Thomas.

8 COUNCILMAN THOMAS: I'm sorry.
9 I'm listening --

10 COUNCILMAN JONES: Member
11 Thomas? Member Thomas?

12 COUNCILMAN THOMAS: -- did you
13 say the Sheriff's Office told you there
14 was no protective detail available? I'm
15 sorry. I missed that part right there.

16 JUDGE COVINGTON: Yes.
17 Councilman Thomas, how are you. Yes --
18 or who asked the question?

19 COUNCILMAN JONES: It was
20 Member Thomas.

21 JUDGE COVINGTON: Yes,
22 Councilmember Thomas. Yes, the
23 Sheriff's Department. And just for your
24 clarification, I need you to be clear on
25 the lack of duties of the Sheriff's

1 Office at that time, at least with the
2 Court. They were not doing bring-downs
3 to the Court. They were not doing
4 sheriff's sales. I don't want you to
5 think that this was during a time frame
6 when the riots or anything were
7 occurring, so they were not on riot
8 duty. Because I was trying to
9 understand exactly what you were doing
10 where there was a lack of manpower.

11 COUNCILMAN JONES: Member
12 Thomas, are you done?

13 COUNCILMAN THOMAS: Thank you.
14 Sorry, Councilmember Johnson.

15 Thank you, Mr. Chair.

16 COUNCILMAN JONES: I get it. I
17 get it. We're all getting a little
18 angry, so let's stay on point though.

19 Member Johnson, you were up.

20 COUNCILMAN JOHNSON: I'm going
21 to wrap up and relax my time. But I
22 just want to ask one other question. Do
23 you have off the top of your head the
24 total number of African-American judges
25 in FJD?

1 JUDGE SIMMONS: I do not. I do
2 not. I know that I can break it down
3 for you on the Municipal Court, but I
4 would think just roughly that
5 approximately one-third of the judges
6 are Black judges. On Municipal Court,
7 it's about the same.

8 COUNCILMAN JOHNSON: Okay. All
9 right. Thank you.

10 Mr. Chair, I relax my time.

11 COUNCILMAN JONES: All right.
12 I just have one pushback, Judge Simmons.
13 You said you don't have to be respected,
14 you just need to be acknowledged. I'm
15 going to push back on that. Yes, you do
16 have to be respected. You have to be
17 respected as a human being first and a
18 judge second.

19 I remember when you were
20 elected. I remember how hard you worked
21 to become elected and the people that
22 empowered both of you did so with the
23 hope that you would take their
24 aspirations to the bench and represent
25 their rendition of justice and that

1 somebody that they could look up to and
2 respect, respect, sit on the bench that,
3 you know, everybody's not going to like
4 your decisions, but everybody must
5 respect the fact that you're the judge
6 of that courtroom.

7 And if they don't like that
8 decision, there are legal processes by
9 which they can appeal. But for you not
10 to receive the protection that every
11 citizen, everyone coming in and out of
12 your courtroom deserves, but
13 particularly because you're
14 administering our system, if you are not
15 allowed to do your jobs, then what do we
16 have. So I'm going to push back gently
17 on the fact that you don't need to be
18 respected, you need to be acknowledged.
19 You need to be both, not or but and.

20 JUDGE SIMMONS: And I agree
21 with you totally, so thank you for that
22 pushback.

23 COUNCILMAN JONES: All right.
24 Member Green, do you have a question?

25 COUNCILMAN GREEN: Yes. Thank

1 you, Chair Jones.

2 And to both Judges Simmons and
3 Covington, I want to thank you for being
4 here and expressing your sentiments and
5 also expressing your experiences. I am
6 still dismayed that you would have to go
7 through this as members of not only the
8 bar, but members of the bench among your
9 own colleagues and not being provided
10 the due that you truly have earned as
11 judges in the City of Philadelphia. It
12 is a true reflection unfortunately of
13 where we currently are in this day and
14 time.

15 As you were talking, it made me
16 think about the fact that it was so hard
17 for us to get people of color,
18 especially African-Americans, and
19 particularly African-American women on
20 the bench. It wasn't that long ago when
21 becoming a member of the Bar in the
22 Commonwealth of Pennsylvania was a
23 significant challenge.

24 There was a picture requirement
25 and it was a committee led by then

1 Professor Peter Liacouras before he
2 became head of the Temple Law School and
3 then the President of Temple University
4 to help lead in the effort that
5 prominent barristers like Carlson and
6 others were part of that removed the
7 picture requirement. And then all of a
8 sudden after the picture requirement was
9 removed from the application process to
10 become a member of the bar, the increase
11 of African-Americans started to go up.
12 I wonder why, because of that picture
13 requirement.

14 So the same issues that we're
15 dealing with back then, obviously we're
16 still dealing with today. And it's a
17 shame that you as members not only of
18 the bar, but of the bench who've had
19 distinguished careers as jurists and had
20 to go through these issues and not
21 getting the full respect that you have
22 earned and are due as individuals, as
23 judges and as professionals, and more
24 importantly, as African-American women
25 in our City. So I just want to make

1 that comment and thank you for the
2 willingness to testify and give your own
3 personal experiences on the issues that
4 were brought to bear thanks to the
5 leadership of Councilmember Johnson in
6 reference to this hearing and our Chair,
7 Councilmember Jones.

8 JUDGE SIMMONS: Thank you.

9 JUDGE COVINGTON: Thank you.

10 Thank you for having us.

11 COUNCILMAN JONES: Thank you,
12 Member Green.

13 I think Member Thomas, do I
14 see -- no, Member Gym; is that you?

15 COUNCILWOMAN GYM: Yes. Thank
16 you very much, Mr. Chairman.

17 COUNCILMAN JONES: Member Gym.

18 COUNCILWOMAN GYM: Thank you
19 very much. I just had a brief comment
20 also just to share as women. The
21 outrage that you had to experience with
22 the level of hostility, the violence
23 that is based in race but also in
24 gender, especially sexualized violence
25 against you is absolutely unacceptable,

1 that it was not dealt with in a serious
2 manner. And I hope that you will
3 consider all of us on Council to be
4 partners in making sure that things will
5 change and that we can work together to
6 figure out how to do that.

7 If we can't do that
8 necessarily, we should be working
9 together and making sure that the
10 broader community is engaged in
11 active -- I said this a little bit
12 earlier, but this is as much about being
13 colleagues and encouraging a level of
14 engagement and diversity on our
15 judiciary that brings a body of
16 experiences and temperament and
17 brilliance and insight into the issues
18 that Philadelphians face before they
19 come before our First Judicial District.

20 And certainly, while I wouldn't
21 equate what happened to you with what
22 happened to others, but if there is
23 indifference to what you experience,
24 Black lawyers who come before the
25 judiciary, individuals, those are who

1 seeking justice who come before Family
2 Court and in front of Landlord-Tenant
3 Court and in front of our Criminal
4 courts, it is hard to ensure justice if
5 fellow jurists on the Court if their
6 concerns are not taken seriously.

7 And when there is a level of
8 violence, when there are threats, when
9 there is a feeling of being excluded and
10 not brought in, those things are taken
11 very seriously. So I want to thank you
12 again as my colleagues have done for
13 testifying, for coming forward and for
14 helping us figure out better serious
15 solutions.

16 JUDGE SIMMONS: Thank you for
17 having us. Absolutely.

18 JUDGE COVINGTON: Yes. Thank
19 you so much.

20 COUNCILMAN JONES: Thank you,
21 Member Gym.

22 Member Thomas.

23 COUNCILMAN THOMAS: Thank you,
24 Mr. Chair.

25 I don't want to beat a dead

1 horse. This is emotional just listening
2 to this. And to be honest with you, I
3 appreciate Councilmember Johnson,
4 because if this hearing doesn't exist, I
5 don't know how we hear this narrative.
6 I don't know how we find out all this
7 data and all this information. And I
8 appreciate your courage for putting
9 yourself out there and putting yourself
10 at risk. It's a very difficult ask and
11 I appreciate your leadership.

12 Just one question: Judge
13 Simmons, you talked a little bit earlier
14 about stakeholders being silent
15 throughout the course of some of the
16 things that you experienced and you also
17 talked about the fact that maybe there
18 should have been more support and folks
19 should have been more vocal. I'm
20 wondering how can we support you to help
21 improve that component of things moving
22 forward?

23 Again, I know for me this has
24 been very, very alarming. This is a lot
25 of information, but I think we can try

1 to find some space in places where we
2 can work together to see more of a
3 collaborative effort with the courts.
4 Clearly, that would have to be a
5 judge-by-judge situation. Some folks
6 are definitely willing to work with us,
7 while other folks won't even come to our
8 hearings. But how can we at least
9 address that gap?

10 You really hit my heart when
11 you talked about that issue and I can
12 only imagine what it feels like and the
13 perception that you're doing this by
14 yourself. So what can we do to partner
15 and collaborate and work together, not
16 just with Council, but other
17 organizations across the City who can be
18 a voice and an advocate and help with
19 some of the advocacy efforts that's
20 needed?

21 JUDGE SIMMONS: That's a great
22 question. And I think it's a whole lot
23 of moving parts. Because I can remember
24 when I first got the note, my husband
25 who worked at City Hall at the time, and

1 my really good girlfriend on the bench
2 Judge Dumas, they were the ones who got
3 the call and came over.

4 And I think that the both of
5 them probably went into frantic because
6 they had never seen me including my
7 husband, and at the time we had been
8 married for almost 25 years, had never
9 seen me respond that emotionally since
10 he had known me, and I know that Judge
11 Dumas hadn't. And I realized this
12 because it hit at the core. And it hit
13 at everything about me as a person.
14 Because one of the few things that I
15 know that I've done my very best at,
16 I've not done my best at being a wife,
17 at being a daughter, but other than
18 being a mother doing my best, it's being
19 a judge. I knew that I've given
20 everything of me to be fair, to know the
21 law and to do what's right and that this
22 is what I got for it.

23 So for me when I think about
24 the partners, because it's my
25 colleagues, some that look like me too,

1 that have been completely quiet but also
2 the court's leadership, I think that we
3 talk a lot about implicit bias, but the
4 reality is these are issues of explicit
5 and overbias and discrimination.

6 And I think that when I think
7 of Council and other partners it's,
8 number one, bringing attention to it and
9 not trying to sweep it under the rug. I
10 think it's a huge start and it really
11 speaks volumes. I think that hearing
12 what many of you Councilpeople have
13 addressed that making sure that the
14 folks that are in leadership, because
15 they are in leadership of a court system
16 that is supposed to be representative of
17 us judges and if you're not going to
18 speak up and speak out and protect us
19 and our issues, then one has to ask why
20 are you there.

21 But I think to hold them
22 accountable with the tough questions at
23 the budget hearings, and we all know
24 having been lawyers for a couple of
25 police commissioners, if those questions

1 aren't asked, then what happens next
2 when it comes to those budget hearings,
3 but also the staff and the employees and
4 the defendants and complainants and
5 litigators are all your constituents.

6 And I worry that if this type
7 of thing can happen to me, if it can
8 happen to Judge Covington, well, for
9 God, what's happening to the folks that
10 come in to access our court system and
11 expect justice. So while I think the
12 conversation is extremely important to
13 be highlighted, I think there should be
14 accountability and answers as to why the
15 report was depressed and accountability
16 for what happens next. Because if this
17 happens in any other organization, it
18 would be not just we didn't release it
19 and now we released it, but there's
20 consequences as to why it wasn't
21 released and what are we going to do
22 now, and to actually create some type of
23 committee group, something, to say we
24 have to work on these issues.

25 JUDGE COVINGTON: Again, I just

1 really thank you, members of City
2 Council, for your effort in the interest
3 that you have taken in this and the fact
4 that you have seen the importance and
5 the impact of the information contained
6 within this report therein, because but
7 for the work that you have put in to
8 ensuring, one, that a light has been
9 shed upon the findings in this report,
10 we would not be where we are right now.

11 I don't believe it would have
12 been released and I don't think any --
13 at least we're beginning to talk about
14 the findings. There are individuals
15 within the FJD, within the groups of
16 judges, who were shocked by the
17 findings, White judges, Black judges who
18 have tried -- who have come together to
19 say, hey, what can we do about it, and
20 these are people outside of the AGB who
21 are interested in trying to come
22 together and work on the issues and to
23 get the conversation moving, so that
24 never would have happened without the
25 work of City Council in ensuring that

1 the report in and of itself has been
2 released.

3 So at least there are people
4 who have identified themselves as, hey,
5 we want to do the work. We want to come
6 together. We want to make changes. We
7 want to have a conversation, which are
8 taking steps. Of course, that is
9 something that needs to be done in a
10 professional, educational and training
11 setting as well. But it's good to know
12 that there are people within our bench
13 who want to see change happen and who
14 want to work in that direction.

15 COUNCILMAN THOMAS: Thank you,
16 Mr. Chair. I appreciate you.

17 COUNCILMAN JOHNSON: Thank you,
18 Member Thomas.

19 COUNCILMAN THOMAS: Thank you
20 for your responses, Judges. I
21 appreciate you both and offer my
22 condolences for all you and your staff
23 had to go through.

24 JUDGE COVINGTON: Thank you.

25 JUDGE SIMMONS: Thank you.

1 COUNCILMAN JONES: Seeing no
2 further questions for these witnesses,
3 thank you again for your testimony.

4 JUDGE COVINGTON: Yes, thank
5 you.

6 COUNCILMAN JOHNSON:
7 Mr. Chairman?

8 COUNCILMAN JONES: Yes, Member
9 Johnson.

10 COUNCILMAN JOHNSON: I just
11 want to also reiterate what you
12 mentioned, Mr. Chairman Jones. I want
13 to thank again the two of you for being
14 courageous, the two of you for speaking
15 truth to power and we will continue to
16 stay on top of this issue to focus on
17 results. We're not having a hearing for
18 the sake of having a hearing. But we
19 thank you two for stepping up to the
20 plate and addressing this issue. So
21 thank you very much and God bless.

22 JUDGE SIMMONS: And thank you.
23 Councilman Jones, can I quickly just
24 give you the three issues that you asked
25 for?

1 COUNCILMAN JONES: Yes.

2 JUDGE SIMMONS: I took some
3 notes and it will be quick.

4 COUNCILMAN JONES: Okay. All
5 right.

6 JUDGE SIMMONS: The first thing
7 that I would like to see is, as I said
8 just a second ago, is that the AGB be
9 held accountable for their inaction and
10 the suppression of this report. The
11 second thing would be the hiring of an
12 outside diversity and inclusion officer,
13 it shouldn't be now we didn't like the
14 report of CURE whose president happens
15 to be Black, so now we're going to get a
16 non-Black person to come in and finish
17 the work, but to have a Black person or
18 person of color to address these issues
19 who would have power to implement change
20 and conduct equity studies for pay as
21 well as equity studies for the positions
22 themselves. And finally, I would say
23 training for all judges and staff and
24 employees on racism, anti-racism,
25 diversity and equity, not implicit bias,

1 but specifically explicitly overbiased
2 training.

3 I guess a little asterisk or
4 three and a half would be more
5 specifically to me. I just want the
6 retaliation and the retribution that's
7 been directed at me to stop, because
8 while it may continue, I'm not going to
9 stop. That's my commitment and promise
10 to all of you. I'm not going to stop
11 doing what I'm doing and speaking out.

12 So thank you all very much for
13 this hearing and thank you for inviting
14 us both to come and speak.

15 COUNCILMAN JONES: Judge
16 Covington, you're not off the hook.
17 Give me three.

18 JUDGE COVINGTON: (Muted).

19 JUDGE SIMMONS: You're muted.

20 JUDGE COVINGTON: Sorry. I
21 can't give you three, Councilman.

22 COUNCILMAN JONES: Give me one
23 good one.

24 JUDGE COVINGTON: But I can
25 follow up with Judge Simmons. I really

1 think that this CURE report must be
2 swiftly addressed, first, with an
3 investigation followed by educational
4 initiative. There must be disciplinary
5 actions, if necessary, pertaining to
6 some of the issues involved therein, and
7 there has to be some form of restorative
8 justice pertaining to the issues that
9 have arisen from it.

10 COUNCILMAN JONES: Those are
11 solid. Thank you both for your
12 testimony. And as Member Johnson said,
13 we take them to heart.

14 JUDGE COVINGTON: And thank you
15 so much. Thank you for having us.

16 JUDGE SIMMONS: Thank you.

17 COUNCILMAN JONES: Samantha
18 Williams, who is the next witness to
19 testify?

20 THE CLERK: Our next two
21 witnesses are Dominique Ward and Michael
22 Coard.

23 COUNCILMAN JONES: Good
24 afternoon and thank you both for your
25 patience. So you mentioned Michael

1 Coard first?

2 MR. COARD: Well, I'll defer to
3 Ms. Ward.

4 COUNCILMAN JONES: Chivalry is
5 not dead.

6 MS. WARD: It is not. Good
7 afternoon, everyone. Thank you,
8 Chairperson Jones and Councilperson
9 Johnson, for inviting the Barristers
10 Association to speak on this matter. I
11 know that a statement was issued back in
12 July of this year. And so, I wanted to
13 basically reiterate that and also submit
14 that for consideration with my testimony
15 and then add any additional statements
16 that I might have because I did not
17 necessarily draft this statement.

18 So starting with that, I'll
19 read that into the record. So the
20 Barristers issued a joint statement with
21 the Clifford Scott Green Chapter of the
22 NBA Judicial Council back in July of
23 this year. And one of the main things
24 that I want to highlight is the fact
25 that we do chronicle that Judge Karen

1 Yvette Simmons was attacked, attacked
2 verbally, attacked based on the hateful,
3 sexist and race synonymous message that
4 she received when she was running for
5 President Judge for Municipal Court.
6 And because of that, it was from that to
7 our knowledge that the AGB commissioned
8 a diversity and inclusion consultant to
9 conduct surveys and provide
10 recommendations to address any issues
11 identified by that survey.

12 Now, the surveys were concluded
13 in May of 2019. The survey results and
14 recommendations were finalized in July
15 of 2019. But for some reason
16 unbeknownst to us, it was not released
17 for over a year. And with that, when
18 the determinations came from the report,
19 it was clear that there were some real
20 issues that were going on in the First
21 Judicial District.

22 Mainly some things that I want
23 to highlight is that the report
24 illuminated a culture of nepotism,
25 mistrust and racial tension that is

1 constantly brewing and occasionally
2 bubbling to the surface, found that
3 women of color, including female judges
4 of color, are experiencing specific harm
5 within the FJD's organizational culture
6 and structure, and observed qualitative
7 data, a troubling pattern of racial
8 resentment among some White staff and
9 judges.

10 Furthermore, I would like to
11 highlight that we did commend that the
12 administrative governing body did make
13 these important findings public,
14 although later, but they were made
15 public. The first step, at least from
16 the Barristers and also with the
17 Clifford Scott Green NBA Judicial
18 Council, was that acknowledging that
19 there was a problem and that there still
20 needs to be real work that was being
21 done to root out the documented
22 deep-seated nepotism and racial bias
23 that undermines the FJD as an effective
24 organization and erodes confidence in
25 the effective administration of justice.

1 Now, that was issued earlier
2 this year and sadly based on the
3 testimony that I heard today, I see the
4 needle has not moved and nothing has
5 happened. There was one more note that
6 was not highlighted in our previous
7 statement that I did want to bring to
8 the attention from the CURE report that
9 I felt like was, and mentioned earlier,
10 and I think it's also extremely
11 problematic, is that one of the
12 conclusions was we find that among some
13 White staff and judges there is a sense
14 of disbelief that institutional and
15 structural racism are a significant
16 factor among the society.

17 Now, with my testimony today, I
18 would like to say that the Barristers
19 still stand by its statement that was
20 issued back in July and we still feel
21 the same way, that there needs to be
22 something done to address the racial
23 inequities that goes into despair
24 treatment of female judges of color that
25 are currently sitting on the bench as

1 well as it relates to salary inequities
2 that were also found by the report.

3 I would like to also echo the
4 statements that were made by Judge
5 Covington, by Judge Simmons and
6 Councilperson Gym, that when you have
7 individuals that are presiding over your
8 judicial system where justice is
9 supposed to be blind and they don't even
10 believe that institutional and
11 structural racism is a reality, I don't
12 understand how anyone is getting a fair
13 day in court as it relates to lawyers
14 that are advocating and as it relates to
15 constituents of Philadelphia.

16 And with that being said, I do
17 echo Dr. Lubin as she highlighted
18 earlier that there was supposed to be
19 diversity training that should have been
20 conducted in conjunction with the CURE
21 report, and at this time the Barristers
22 along with their official statement, I
23 do want to update and highlight that we
24 are requesting that that training occur.

25 It is clear that there is an

1 issue that is going on that is
2 deep-seated, that is rooted and it is
3 affecting all of those who are coming
4 across the First Judicial District, and
5 we need to see change.

6 COUNCILMAN JONES: Thank you so
7 much. We're going to hold questions
8 until Mr. Coard testifies. And we'll
9 question you both as a panel.

10 Mr. Coard.

11 MR. COARD: Mr. Chairman, thank
12 you very much. I appreciate not only
13 what you are doing, I appreciate what
14 Councilman Johnson did in sponsoring
15 this or introducing this and then the
16 sponsors who I believe include
17 Councilpersons Gauthier and Thomas and
18 Green. I believe Councilmembers Squilla
19 and Gym were also on this call or part
20 of it, so I want to thank you all for
21 that.

22 And the second thing I have to
23 say before I begin my prepared
24 statement, which is only going to be
25 about five minutes long, I've often

1 testified at Council hearings and each
2 one that I have testified, Council has
3 taken the matter seriously. But there
4 has never been a hearing that I was a
5 part of where Councilmembers treated an
6 issue as serious as you are. I mean,
7 you all are attentive. You're asking
8 probing questions. You're asking
9 follow-up, and it's not for show. You
10 all are serious about this, and I'm so
11 glad you are.

12 Having said that, and one other
13 comment I need to make before I get into
14 my prepared statement, big shout-out to
15 Councilman Green because he started out
16 by quoting the greatest group in hip hop
17 history. And let me just put on my
18 professor hat for a second. When I talk
19 about hip hop, I'm not talking about the
20 garbage you see and hear on radio and
21 T.V. That has no more to do with hip
22 hop than Kenny J had to do with jazz.
23 And Kenny J and jazz, and the garbage
24 you see and hear on radio is not hip
25 hop. But for me, hip hop is the

1 grandchild of the blues and the children
2 of jazz.

3 Having said that, and I'm going
4 to paraphrase what Councilman Green
5 talked about in quoting a few lines from
6 the song by Public Enemy from way back
7 in 1988, Black Steel In The Hour of
8 Chaos. And to paraphrase it, what they
9 said basically is this, we got a letter
10 from the judicial branch the other day,
11 we opened and read it, it thought we
12 were suckers. And that's exactly what
13 they must think you all are. I mean,
14 the degree of disrespect, and I would
15 argue racist disrespect, because you
16 can't tell me that if there were a City
17 Council that consisted primarily of
18 Irish folks or Jewish folks or Asian
19 folks or any other ethnic group and a
20 member of that group had been attacked,
21 that the judicial council would not be
22 front and center in dealing with it,
23 then you're deluding yourself.

24 Having said that -- and again,
25 in addition to you all expressing your

1 concern in substance, I'm also pleased
2 that you expressed your concern about
3 the fact that they're not here. You all
4 made it clear that you're offended by it
5 and whatever you can do, whether it
6 includes issuing subpoenas at some time
7 in the future, withholding funding at
8 some time in the future, whatever,
9 everything's on the table.

10 Having said that, and somebody
11 else alluded to the fact that if the
12 disrespect is being directed towards the
13 judges, Black judges, and it is, and the
14 disrespect is being shown not only to
15 City Council but a predominantly Black
16 City Council, what happens to Raheem
17 from the projects when he's accused of a
18 crime and walks in the courtroom. If
19 you're going to dis the Judge, if you're
20 going to dis City Council, then Raheem
21 and Laquisha don't have a chance and I
22 think we ought to keep that in mind.

23 I noticed the language of
24 Resolution 200485 talks about its
25 concern in connection with the CURE

1 report regarding racism, nepotism and
2 mistrust, and I appreciate the way it
3 was framed and the way it was laid out.
4 But I make the argument that the word
5 nepotism and the word mistrust, both of
6 them were unnecessary because it's all
7 about racism. Because nepotism means
8 that you hire and promote people like
9 you, your friends, your relatives. So
10 when we talk about nepotism, that's
11 synonymous with racism. When we talk
12 about the mistrust, we're talking about
13 mistrust from a race perspective. So
14 even though the CURE report and the
15 resolution used the three terms racism,
16 nepotism and mistrust, it all comes down
17 to racism.

18 Having said that, I did submit
19 to Councilman Kenyatta Johnson a copy of
20 my four-page letter which addresses the
21 concerns I'm going to raise. And I'm
22 not going to read that entire letter.
23 It would take too long. I'm going to
24 limit myself to an additional three or
25 four minutes because you all have the

1 gist of what we're talking about here.

2 And what we're talking about
3 here is institutional and structural
4 racism within the courts. And normally,
5 I speak very fast but I'm going to try
6 to slow down what I say to avoid getting
7 myself in trouble. And what I mean by
8 that is this: Big shout-out to the
9 sisters who stood up. I mean, we got
10 Judge Simmons and we got Judge Covington
11 and have the President of the Barristers
12 Association, Ms. Ward. I wish I could
13 sit here as not just the only man in the
14 courtrooms every day who's not afraid to
15 speak up.

16 Am I saying that the other
17 Black lawyers who go to the Stout
18 Justice Center every day are afraid?
19 No, not necessarily. Am I saying Black
20 male lawyers, am I saying the same thing
21 about Black male judges? No, I'm not.
22 But I wish they were here like Judge
23 Simmons is here. I wish they were here
24 like Judge Covington is here. I wish
25 they were here like Attorney Ward is

1 here, but unfortunately they're not.

2 You can read into whatever you want to.

3 That letter that I alluded to
4 is dated October 21. It's addressed to
5 the Honorable Idee C. Fox in her role as
6 Chair of the Administrative Governing
7 Board and President Judge of the Court
8 of Common Pleas. And in that letter --
9 and I'm going to summarize it. If
10 anybody wants access to it, it is part
11 of my testimony.

12 But in that letter, I point out
13 that on June 4, 2020, the Washington
14 State Supreme Court, including each of
15 its seven White Justices, along with its
16 one Black and one Brown Justice
17 published a powerful letter necessarily
18 proclaiming the following: And what
19 they wrote -- this is the Washington
20 State Supreme Court -- it sounds like
21 something I wrote as the angriest Black
22 man in America, but I applaud these
23 Justices for calling it what it is.

24 Here's what they wrote, the
25 pertinent part: The devaluation and

1 degradation of Black lives are a
2 persistent and systemic injustice. We
3 continue to see racialized policing and
4 the overrepresentation of Black
5 Americans in every stage of our criminal
6 justice system. Our institutions remain
7 in 2020 affected by the vestiges of
8 slavery, Jim Crow laws that were never
9 dismantled in the racist court decisions
10 that were never disavowed.

11 So you have a Supreme Court
12 acknowledging that. But it wasn't just
13 the Supreme Court. You got the Supreme
14 Courts of Alaska, California,
15 Connecticut, D.C., Georgia, Hawaii and
16 about eight or nine others that are
17 using that same language in 2020.
18 Unfortunately, of those approximately 20
19 Supreme Courts, it doesn't include the
20 Pennsylvania Supreme Court. It doesn't
21 include Philadelphia's First Judicial
22 District, and I'm wondering what's going
23 on.

24 And I love the fact that the
25 Washington Supreme Court talked about

1 racist laws that were never dismantled
2 and racist court decisions that were
3 disavowed. You all would be shocked.
4 Even the lawyers on City Council would
5 be shocked to know that the 1857 Dred
6 Scott Decision saying that Black folks
7 have no rights that White folks are
8 bound to respect has never been
9 overturned. Not only has the Dred Scott
10 Decision never been overturned, four
11 years ago in 2016, the Solicitor General
12 of the state of Kansas cited the Dred
13 Scott Decision in a brief he filed.

14 Think about that for a second,
15 that the top lawyer of a state in the
16 United States just four years ago cited
17 the Dred Scott Decision in his brief.
18 If anybody wants to get more
19 information, just Google Hodes v. Smith,
20 H-o-d-e-s. That's Hodes v. Smith, a
21 2016 case coming out of Kansas. So when
22 the Washington State Supreme Court talks
23 about racist court decisions that have
24 never been disavowed, they're talking
25 about things like that.

1 Let me quickly jump to the
2 second page of my four-page letter, and
3 I promise I'm going to wrap this up in
4 two minutes. The letter goes on to talk
5 about that very same devaluation and
6 degradation of Black lives as a
7 persistent and systemic injustice
8 happens right here in Philadelphia and
9 nobody in authority is saying anything
10 about it or doing anything about it.

11 And the fact that the CURE report
12 addresses it, that's a wonderful thing
13 because we need to see what's going on.

14 Philadelphia's judicial system
15 is like a kitchen from a distance. From
16 a distance, the kitchen might be -- you
17 look at the kitchen, you say, wow,
18 that's a beautiful kitchen and it looks
19 wonderful from a distance. But as you
20 get close up to it and then turn the
21 lights on, the rats and roaches begin
22 running around in the kitchen. You
23 don't see them when it's dark, but all
24 of a sudden in that beautiful kitchen,
25 in this beautiful courtroom when the

1 light comes on, and the CURE report is
2 that light. It's showing the mice.
3 It's showing the rats. It's showing the
4 roaches and somebody ought to do
5 something about it.

6 You would think that since
7 Council is saying, hey, we are
8 interested in serving as exterminators
9 to get rid of the rats and roaches.
10 Hey, FJD, are you willing to come to us
11 and tell us what part of the kitchen the
12 roaches are, the rats are, the mice are.
13 You can help us do something. Well, for
14 whatever reason the First Judicial
15 District has decided to allow the
16 kitchen to remain as infested as it is.

17 I also go on in the letter to
18 point out that the report exposed, and
19 this is critically important, there are
20 several conclusions drawn by the CURE
21 report, but I highlight four of them.
22 And very quickly: Number one,
23 Philadelphia's court system is immersed
24 in "racial tension." That's important.
25 Racial tension inside of a courthouse,

1 that's some serious stuff.

2 Number two, amongst some White
3 judges and White court staff, there is
4 the "troubling pattern of racial
5 resentment." Why in the world any White
6 person would ever have any racial
7 resentment toward any Black person is
8 mind-boggling to me. All we did was get
9 kidnapped, all we did was get enslaved,
10 all we did was get sharecropped and Jim
11 Crowed and mass-incarcerated. Whatever
12 kind of resentment you would have toward
13 us is literally mind-boggling.

14 But for me, number three is
15 critically in terms of what was exposed
16 in the CURE report. Number three, some
17 White judges do not believe "that
18 institutional and structural racism even
19 exist." Think about that. There are
20 judges who don't believe that there is
21 institutional and structural racism.

22 I would love to speak to each
23 of those judges and say to them, hey,
24 Your Honor, let's say tomorrow you had
25 to be a defendant in a criminal case and

1 all things being equal, as a defendant
2 you got the same income, you practice
3 the same religion, you got the same job,
4 everything is equal, but you can choose
5 to be a Black defendant or a White
6 defendant. Which would you choose, Your
7 Honor? And the fact that every single
8 White judge, because they all have
9 brains, would choose to be a White
10 defendant as opposed to a Black
11 defendant tells you there must be
12 institutional and structural racism.

13 And even before you get in the
14 courthouse, let's say you're driving
15 down the street. You're a student at
16 Temple University. It's 3 o'clock in
17 the morning. You're driving down Broad
18 and Cecil B. Moore. Lights and sirens
19 from a police car go off behind you.
20 And as that cop approaches you, you
21 could be a Black driver or a White
22 driver. Which one would you select?
23 Everybody would choose a White driver.
24 Why? Because of institutional and
25 structural racism.

1 And number four, some White
2 judges and White court staff "believe
3 that reverse racism is as significant as
4 anti-Black racism." I'm not going to
5 use the profanity that went through my
6 head when I first read that. But the
7 fact that a White person, especially
8 somebody who went to college, went to
9 law school, graduated, passed the bar,
10 became a judge, so they have some
11 intellect, they have to understand that
12 racism is a systemic thing, not an
13 individual thing.

14 A Black person can be
15 prejudice, a Black person can be
16 bigoted, but a Black person can't be a
17 racist because racism is about a
18 systemic thing. You look at the most
19 powerful Black man in American history
20 in terms of politics, President Barack
21 Obama. He couldn't even get done what
22 he wanted done, and he's a Black man.

23 So clearly, for a judge to say
24 that reverse racism, one, exists and,
25 two, that it's significant as anti-Black

1 racism is mind-boggling. I never heard
2 of a White person who was kidnapped from
3 Europe. I never heard of a White person
4 that was enslaved in America, lynched
5 and raped and castrated and sharecropped
6 and all that stuff.

7 But the fact that there are
8 judges on the bench who have awesome
9 powers: One, they can take away your
10 property by imposing a fine. Two, they
11 can take away your freedom by throwing
12 you in jail. Three, they can take away
13 your children through a custody order.
14 Four, they can take away your life with
15 the death penalty, that these White
16 judges with those four awesome powers
17 think that there's a such thing as
18 reverse racism, absolutely horrible.

19 And I'll wrap it up by going
20 into a little bit of detail, more detail
21 than the Honorable Judge Simmons did
22 about what happened to her. Let me just
23 read what I wrote in the Tribune shortly
24 after this happened, and I'll wrap this
25 up in less than a minute and a half, two

1 minutes.

2 On December 11, 2018, someone
3 with official access to the robing room,
4 which is a private area for judges in
5 the Juanita Kidd Stout Justice Center,
6 left an interdepartmental envelope
7 addressed to the Honorable Judge Karen
8 Simmons, who at the time was one of
9 three candidates running for President
10 Judge Municipal Court.

11 Inside that envelope was a note
12 to her stating verbatim in all caps,
13 "There will never be a Black bitch
14 running our court. You won't be
15 President Judge!!! Keep MC Court
16 Great!!" Nobody has been -- there's
17 nothing -- in fact, let me just read
18 this last part. So far nearly two years
19 later, no one is saying whether the
20 possible suspect is a fellow judge, a
21 judicial officer or someone else. But
22 the matter was so serious in terms of
23 potential violence against Judge Simmons
24 that the Police Commissioner, at the
25 time a Black man, and the Sheriff, at

1 the time a Black man, did provide
2 round-the-clock escort protection. But
3 you had nothing from the FJD.

4 In fact, without exposing too
5 much, I was so outraged that I reached
6 out to some of my friends in the Nation
7 of Islam to provide FOI security and
8 protection for the Judge. It shouldn't
9 be incumbent upon me to find some Black
10 men to protect a Black woman judge. The
11 court system should do it itself.

12 Finally, three things that I'm
13 asking for, the Honorable Karen Simmons
14 is asking for and every other courageous
15 Black judge is asking for -- this is in
16 the letter -- number one, this is what
17 we're asking, three things:

18 Number one, the immediate
19 implementation of the conclusion and
20 recommendations on Pages 44 to 47 of the
21 56-page CURE report. Number two, the
22 immediate creation and funding of an
23 independent position/office responsible
24 for implementation and oversight
25 consistent with the aforementioned

1 conclusion and recommendations. And
2 finally, number three, the immediate
3 implementation and circulation of the
4 Pennsylvania Supreme Court's policy on
5 nondiscrimination and equal opportunity
6 to all FJD employees, staff and judges.

7 And once again, I just want to
8 thank City Council for taking this
9 matter seriously and I know that the
10 judges are listening, because the Legal
11 Intelligencer, the local lawyers
12 newspaper, has already published an
13 article about how you in City Council
14 are outraged that you were disrespected
15 by the judges the way you were. So the
16 stuff has hit the fan thanks to you all.
17 Let's get into more good trouble.

18 COUNCILMAN JONES: Professor
19 Coard, we appreciate your unique lens
20 and insight on how these kinds of issues
21 have a historic basis in the current day
22 relevance, so we appreciate it.

23 Members of the Committee, any
24 questions?

25 COUNCILMAN JOHNSON: Mr. Chair,

1 I just want to thank Attorney Michael
2 Coard and thank Attorney Dominique Ward
3 for taking time out of their busy
4 schedule for being here and
5 participating on this very critical and
6 important issue.

7 There is a quote that says,
8 "Power concedes nothing without a
9 demand. It never has and it never
10 will." And so, we thank you for
11 stepping up to the plate and adding
12 additional substance to the advocacy
13 around this issue. So I wanted to
14 personally say thank you for your time.

15 MR. COARD: Yes, sir. You're
16 welcome.

17 MS. WARD: Thank you.

18 COUNCILMAN JONES: Member
19 Green, did I see you?

20 COUNCILMAN GREEN: Yes. Thank
21 you, Mr. Chair.

22 Thank you, Attorneys Ward and
23 Coard, for your testimony this
24 afternoon. I just want to ask both of
25 you just a few brief questions. Both of

1 you as attorneys, and I have been in
2 front of a judge before, and from your
3 experience if you were in front of a
4 judge and then you left that judge to
5 take care of some other matters and you
6 heard that the judge wants you to come
7 back into the courtroom, would you go
8 back into the courtroom at your earliest
9 convenience or at least let people know
10 why you could or could not come back
11 into the courtroom?

12 MR. COARD: Well, I'll start
13 off. The answer is not only would I,
14 I've done that. I was on my way to
15 Harrisburg about a year and a half ago.
16 A judge called me about a question and
17 based on the fact that that is a judge
18 and I wasn't in another courtroom, I
19 just made a U-turn, I was 45 minutes
20 back to Philadelphia, to spend four
21 minutes answering a question the judge
22 had. It's a matter of respect. And as
23 a lawyer in that courtroom, I felt that
24 judge, as a judge and an elected
25 official, deserved that respect and I

1 gave it.

2 MS. WARD: Yes, I completely
3 echo that. There's a level of
4 deference, respect and regard you give a
5 judge. So the moment that you are --
6 you drop what you're doing and you go
7 back and you find out what the judge
8 wanted and you respond accordingly
9 because you are an advocate first and
10 foremost.

11 COUNCILMAN GREEN: So you would
12 not have to receive a subpoena just to
13 respond to a judge asking you to come
14 back into a courtroom to answer a
15 question they may have or questions they
16 may have?

17 MS. WARD: No.

18 MR. COARD: The short answer is
19 no. If I had to get a subpoena, I'd be
20 in much bigger trouble than a subpoena.

21 COUNCILMAN GREEN: Exactly.
22 I'm just making sure, just trying to
23 continue to establish the record in
24 reference to the fact that this is a
25 legislative body, a co-equal branch of

1 government. And the fact that we made a
2 simple request for the judicial branch
3 to come and follow up on some questions
4 that we asked, and they chose not to do
5 so.

6 I just wanted to continue that
7 understanding. Because from my
8 understanding back when I was practicing
9 as an Assistant District Attorney or in
10 other matters, if a judge asked me to
11 come to a courtroom, I would do that. I
12 would not have to make a -- I would not
13 have to proceed with a subpoena to do
14 so. It's just a matter of respect and
15 courtesy that I think that people of
16 co-equal branches would receive just to
17 appear.

18 My understanding, initially we
19 received a letter that a representative
20 of the court system would be here to
21 testify and then we received some
22 additional information that we received
23 a written statement in lieu of that
24 testimony. And I'll venture both for
25 Attorneys Ward and Coard that if you had

1 received a request that you learned
2 about from a judge, you would not say,
3 oh, let me write down a written
4 statement and have someone deliver it to
5 that judge on your behalf in response to
6 their request for you to appear in court
7 regarding questions that that judge may
8 have.

9 Thank you, Mr. Chair.

10 COUNCILMAN JONES: Duly noted,
11 Member Green.

12 Are there any other questions
13 for this panel?

14 COUNCILWOMAN GYM: I just had a
15 brief comment, Mr. Chairman.

16 COUNCILMAN JONES: Chair
17 recognizes Member Gym.

18 COUNCILWOMAN GYM: Thank you
19 very much.

20 I also wanted to thank Michael
21 for your searing testimony here and just
22 laying it out, I think, with the amount
23 of frustration and also trying to figure
24 out what we do next.

25 And then, Dominique, it's a

1 pleasure to reconvene, although under
2 circumstances that we would really like
3 to not confront. However, with that
4 being said, I would love to hear from
5 you about how much you think this issue
6 has permeated throughout the Barristers
7 and whether -- I know you obviously have
8 taken a formal role with the leadership.
9 But with a lot of your members, are
10 there other things that you think there
11 are actions that Barristers might take
12 that City Council should be aware of and
13 be in partnership with you all on?

14 MS. WARD: Well, I don't want
15 to misspeak because our Advisory Board
16 and our Executive Board are made up of
17 individuals at different points in their
18 career and different facets. So I'll
19 speak on behalf of myself and things
20 that I would try to lead the Barristers
21 as a charge with and I would have to
22 take it back to them for a final
23 confirmation.

24 First and foremost, I actually
25 am quite close to Judge Simmons. She is

1 like an adoptive parent to me. So when
2 everything happened with her and that
3 note, I remember that very clear as day.
4 And so, as a result, that was a personal
5 front to me as well as other Black women
6 that practice in this area. And so to
7 see things evolve the way they have,
8 it's a personal effort in my mind in
9 efforts for us to really work closely
10 with the legislative branch as well the
11 judiciary in order to make sure that
12 things are actually being done to move
13 this needle.

14 We spoke out back in July
15 initially after the CURE report came
16 out. And again as I stated in my
17 testimony, we are still a proponent of
18 making sure that there's some real
19 articulable, intentional changes that
20 are going on. I would definitely be
21 supporting of the fact that if there was
22 a diversity training that was enveloped
23 with this report and the
24 recommendations, again as in our
25 statement and I still support to this

1 day, we again along with my Michael
2 Coard and Judge Simmons, we are asking
3 the First Judicial Court to implement
4 the recommendations that were given.

5 The CURE Institute is a very
6 robust organization. This is their
7 specialty. They know what they're
8 doing. They're an expert in this area.
9 I don't think any of the recommendations
10 were a list that were unrealistic or
11 unfair or biased. I think they were
12 valid and they were to me as accurate as
13 you're going to get from somebody
14 looking at this coming outside in.

15 This is not the legislative
16 branch, Barristers -- this is somebody
17 asking you to do something that they
18 should not be willing to do. They
19 subjected themselves to the report. And
20 as such, I think they should be
21 implementing what actually is in the
22 report and we would obviously want to
23 assist in making sure that that happens.
24 Because as I said in my testimony, if
25 there is a belief that institutional

1 racism is a fairy tale for some people,
2 then when you have individuals that come
3 to your court and are trying to explain
4 their story and what's happening to them
5 or why their contacts with the police
6 are in excess or why they're having
7 these issues, if you don't think that
8 they're starting off at a handicap, if
9 you feel like they're asking for a
10 handout or you believe it's a reverse
11 racism -- I'm quoting things directly
12 from the conclusions -- then
13 automatically your own biases are going
14 to bleed into your abilities to actually
15 adjudicate them.

16 Justice is supposed to be a
17 blind entity. I don't know how you can
18 be blind if you're walking into
19 believing that everyone is trying to get
20 a handout or to some degree is acting in
21 a space where they are just trying to
22 get over on the system, and that was
23 what I pulled from my interpretations
24 from the conclusion of the report, so I
25 would definitely support that.

1 Also, I do feel wholeheartedly
2 that training helps. I don't know why
3 we don't have a training procedure in
4 place, but I do feel -- I wholeheartedly
5 support that there should be training
6 that's done. And again, if there's any
7 way the Barristers can assist in
8 advocating for that within reasoning, we
9 will.

10 COUNCILWOMAN GYM: And I hope
11 that other associations, Asian American
12 Bar Association, APABA and others, the
13 Bar Association overall can also take
14 this up. This is not on the Black
15 community to be dealing with. It is not
16 right that -- and while of course,
17 absolutely at the leadership of
18 addressing it, but it is in the broader
19 interest of the justice community to see
20 a judiciary that is responsive and
21 responsible for addressing race, sexual
22 violence, gender issues and all the
23 other issues that we see all communities
24 come before our judges and our First
25 Judicial District.

1 If we want parity at all, but
2 we can't talk about race and we can't
3 talk about power and we can't talk about
4 Black women in particular being
5 excluded, harassed and then dismissed,
6 we are not going to seek justice as a
7 broader community. And so, if there are
8 other ways that I can be supportive and
9 other ways that Council should be
10 picking up this call and ensuring that,
11 you know, deeply grateful that the
12 Barristers has been such a proud and
13 strong voice and leader, but other
14 associations representing lawyers, the
15 legal community, professional
16 associations need to recognize that all
17 of us have something at stake here when
18 these issues are swept under the rug.

19 So I want to thank both of you,
20 and especially for your leadership,
21 Dominique, as President of the
22 Barristers. Thank you.

23 Thank you, Mr. Chairman.

24 MS. WARD: Thank you very much,
25 Councilperson.

1 COUNCILMAN JONES: Thank --

2 COUNCILMAN JOHNSON:

3 Mr. Chairman, I have a point of
4 information.

5 COUNCILMAN JONES: Give me one
6 second, Member Johnson. So -- no, go
7 ahead. You go first.

8 COUNCILMAN JOHNSON: I just
9 want to state for the record that we did
10 reach out to the Bar Association and the
11 Chancellor declined to participate in
12 the hearing just for the record.

13 COUNCILMAN JONES: Thank you,
14 Member Johnson, for setting that
15 straight.

16 So panel, Judge Higginbotham,
17 Ben Johnson, you may have remembered
18 him, you might have to Google him, but
19 also Cecil B. Moore right now would be
20 clapping and saying that the future for
21 law in the City of Philadelphia is
22 bright because of the two of you. And I
23 thank you for your testimony.

24 MS. WARD: Thank you.

25 MR. COARD: Thank you.

1 COUNCILMAN JONES:

2 Ms. Williams.

3 THE CLERK: So we're going to
4 move on to our public comment section.
5 We have three people signed up
6 requesting to testify. That will be
7 Bridget Powell, April McBride and Adrian
8 Hagans.

9 COUNCILMAN JONES: In that
10 order?

11 THE CLERK: Sure. Yes.

12 COUNCILMAN JONES: Ms. Powell,
13 can you hear us?

14 MS. POWELL: I can.

15 COUNCILMAN JONES: Good evening
16 and thank you for your patience.

17 MS. POWELL: No problem. It
18 was a well-worth wait. I heard a lot,
19 learned a lot, saw some familiar faces.
20 And I want to thank you for having this
21 session. A lot of the Councilmembers
22 are probably familiar with myself as
23 I've come to many of your offices or
24 I've actually reached out to you via
25 email or text.

1 As you know, I'm actually an
2 aunt who is in the midst of fighting
3 really a four-year battle of the
4 judicial system who has -- I'm in Family
5 Court and right now this is the only
6 courtroom where I know you walk in
7 guilty until you're proven innocent.
8 Basically, I'm not saying that parents
9 are not needing help or services, but
10 what I'm saying is that judges are
11 actually the elephant in the courtroom
12 most of the time.

13 A lot of times there's no
14 evidence presented. Social workers are
15 committing perjury and they're deemed as
16 credible. In the Family Court system,
17 85 percent of people of color are in the
18 system. Yet we definitely know that
19 we're not 86 percent of the population
20 in Philadelphia. Right now we know that
21 children issues are very sensitive and
22 the courtroom is even closed to close
23 family members. Meaning, the
24 grandmother can't enter. The aunt can't
25 enter. And basically, that's a real

1 detriment for the children because
2 they're being put in foster care. And
3 by the time we obtain lawyers to get in
4 there, the judge is saying where've you
5 been all this time.

6 So if I had three asks, I would
7 ask that parents are always given a
8 choice of having a "lawyer," but what I
9 would ask is that they be allowed to
10 select their lawyer from the list of the
11 ones that are given. I recently read an
12 article where there are some attorneys
13 who have over 300 cases, so that means
14 100 cases per month are what they're
15 dealing with so they can't possibly give
16 quality, whereas some lawyers have 20 or
17 30 off the list.

18 My second ask was to open up
19 the courtrooms, even maybe just to
20 family so that family can get in there
21 and show that they are willing and able
22 to take care of these children that are
23 put in the system. And then my third
24 ask is to maybe have the parents decide
25 whether or not the judge makes the

1 decision or maybe there's a trial by
2 their peers. Because what's happening
3 right now in the Family Court system
4 must end because it's just not right.
5 Thank you for allowing me to testify.

6 COUNCILMAN JONES: Ms. Powell,
7 thank you for your consistency. You
8 ain't letting this go.

9 MS. POWELL: I'm not. I'm not.

10 COUNCILMAN JONES: That's a
11 testament to your character.

12 MS. POWELL: Thank you.

13 COUNCILMAN JONES: All right.
14 Wait a minute. Repeat those real quick.
15 So there should be access to the
16 courtroom.

17 MS. POWELL: Open courtrooms
18 and that can be parents' choice. If the
19 parents decide they don't want the
20 courtroom open, that's fine. Parents
21 should be able to decide whether they
22 will have a jury trial by their peers
23 based on the evidence, and for parents
24 to be allowed to select from the list of
25 court-appointed attorneys and just

1 wasn't given to them. And that's just
2 what's happening right now, the judge
3 decides who's the attorney for the
4 parent.

5 COUNCILMAN JONES: Got it.
6 Those seem reasonable and --

7 MS. POWELL: You know I'm a
8 reasonable person, Councilman Jones. I
9 try and be reasonable. I work in high
10 school so that's all I can be is
11 reasonable.

12 COUNCILMAN JONES: All right
13 now. See you soon.

14 MS. POWELL: See you tomorrow.

15 COUNCILMAN JONES: All right.
16 Thank you for your testimony.

17 Who's next, Ms. Williams?

18 THE CLERK: April McBride.

19 COUNCILMAN JONES: Ms. McBride,
20 thank you for your patience. State your
21 name for the record and begin your
22 testimony.

23 MS. McBRIDE: Good evening,
24 everyone. I too, along with Bridget
25 Powell, have had many issues -- well,

1 not many, just one particular issue with
2 the Family Court system. And actually,
3 before I begin, I'm going to speak on
4 the mistrust and also the racism in
5 Family Court.

6 I just did an article in the
7 Philadelphia Inquirer -- I don't know if
8 y'all can see it or not, wait, let me
9 put my camera up -- and it's about being
10 placed on a registry without a hearing,
11 placed on a child abuse registry without
12 a hearing. And not only me, I can send
13 you a copy also through email but --

14 COUNCILMAN JONES: Would you --

15 MS. McBRIDE: Not only me, but
16 thousands of people have been placed on
17 the registry. And like Bridget Powell
18 said, in Family Court you're guilty
19 until proven innocent. Now, on paper
20 they have me guilty. I know I'm
21 innocent. My lawyer said I was
22 innocent. And I went -- the judge also
23 blocked my appeal to Superior Court. I
24 have actual proof, documentation in
25 regards to the judge doing that.

1 And then also my very last
2 transcript, my court transcript, because
3 my case closed in three months once they
4 realized I had a paying lawyer, so the
5 case closed in three months. The
6 judge -- well, what DHS is accusing me
7 of is child abuse, which was totally
8 false. They didn't have any substantial
9 evidence, no doctor's report, anything.
10 It was just a retaliation because I
11 stood up for my rights.

12 Now, the judge -- my lawyer
13 asked the judge at the end of my
14 hearing, his request had nothing to do
15 with custody. It was the aspect of him
16 ordering my character as a child abuser.
17 The judge then said, I didn't, I didn't
18 say anything about child abuse today. I
19 was never deemed a child abuser so far
20 from what this judge is saying. But CLS
21 was doing a child abuse registry and I
22 applied for it. And in the child abuse
23 registry from the staff attorney from
24 the CLS, she said, unfortunately we
25 cannot help you appeal your child abuse

1 record because you are past due to
2 appeal, which we appealed. But like I
3 said, it got kicked back because the
4 Family Court judge already made a filing
5 that I committed child abuse.

6 Now, this judge said at the
7 final court hearing that he didn't say
8 that I was a child abuser and he didn't
9 characterize me as one and told me I
10 could go home and live life as normal
11 with my daughter, but I'm stuck in this
12 system for almost three years with my
13 name on the registry.

14 I'm in the medical field. I
15 work for the federal government and I've
16 been working my behind off to get this
17 stuff overturned. And I have proof,
18 actual proof, to the Inquirer reporter
19 for her to do this story. She wouldn't
20 have done this story out of just me
21 saying it happened. I have all
22 documentation of transcripts stating
23 this judge said he never called me an
24 abuser and I'm not an abuser, so why is
25 my name on the registry. That's number

1 one. And it needs to be taken off ASAP.

2 And number two, like I said, I
3 had documentation from when I paid \$1700
4 for my lawyer, my paid lawyer, to appeal
5 this judge's reconsideration. And the
6 judge did not want to reconsider his
7 case against me. So therefore -- and
8 when I filed the Superior Court appeal,
9 the judge fast-tracked my case on
10 purpose so it can get thrown out for
11 timely filing. I have all the proof
12 right here. And they also stated that
13 he had substantial evidence of what he's
14 stating that I was accused of. But in
15 the document of the transcript, it
16 states that he was not calling me or
17 characterizing me as that. You probably
18 can't see it, but I can come to your
19 office and show you everything.

20 So I have actual proof that,
21 first of all, my constitutional rights
22 were violated because he purposefully
23 railroaded my appeal. My case was never
24 a fast-tracked case. He put it on fast
25 track, and also said he had substantial

1 evidence that I did this. There were no
2 reports, no medical reports, nothing.

3 Then my daughter testified that
4 I didn't do anything inside of the
5 judge's chambers and they concealed her
6 testimony on the documents. My lawyer
7 was there as a witness. So just because
8 I stood up for my rights, they
9 retaliated against me. Now, I'm sitting
10 here with my name in the system. I
11 can't even move forward in my job
12 because I don't want them to run my name
13 and something happens.

14 And also, normally I work
15 contract jobs on the side for quite a
16 few medical hospitals across the
17 country. I can't do that right now, not
18 at all. So I'm happy that this is
19 definitely coming to the forefront. And
20 once again, like Bridget Powell, I've
21 been coming to all of the meetings, the
22 Resolution hearings, helping out with
23 Councilman, you know, Councilman Oh has
24 been helping us and Councilwoman Cindy
25 Bass and you as well as far as the

1 resolution that was passed. But me, I'm
2 still in the clutches trying to get my
3 name cleared.

4 COUNCILMAN JONES: So Michael
5 Coard talked about the awesome power
6 that is given to a judge. And one of
7 those powers is to be able to remove a
8 child from a family environment and then
9 in your case, set into motion a whole
10 series of catastrophic events that
11 impact your well-being and your
12 livelihood.

13 MS. McBRIDE: Yes.

14 COUNCILMAN JONES: So we're
15 sorry for what you're going through, but
16 thank you for your testimony to put it
17 on the record.

18 MS. McBRIDE: Okay. You're
19 welcome. Thank you.

20 COUNCILMAN JONES:
21 Ms. Williams.

22 THE CLERK: Adrian Hagans.

23 COUNCILMAN JONES: Ms. Hagans,
24 can you hear us? We can't hear you.
25 Can you take your --

1 MS. HAGANS: Can you hear me
2 now?

3 COUNCILMAN JONES: Yes, I can.
4 There you go. State your name --

5 MS. HAGANS: Okay. All right.
6 Well, I just called -- I figured that I
7 would get on now. I'm on my way to work
8 so I had to pull over. I'm calling
9 because I mean, you know, I've been
10 going through all the court systems with
11 this illegal eviction, identity theft,
12 mortgage fraud. It started at Municipal
13 Court. I appealed -- I couldn't even
14 get no legal representation. Whatever
15 they had by my name, I couldn't even get
16 legal representation.

17 I've been to the Community
18 Legal Services. I spoke to several
19 attorneys from the Bar Association.
20 I've been to my State Representative,
21 everybody in between to the FBI, to go
22 to their office to be escorted out. I
23 already let them know a lot of things
24 was taken from me. I'm not taking this
25 lightly and I'm going to continue to

1 fight with somebody help or without
2 nobody help.

3 The Superior Court is the next
4 highest court of the United States. I
5 appealed. I had to Google how to do a
6 brief on my own. I turned in a brief
7 and they still ruled to quash my case
8 and ruled in favor of the landlord-
9 tenant thing, which was illegal because
10 I have no idea who the person was that
11 took me to court. Mind you, it
12 shouldn't have even left the Municipal
13 Court. I appealed to the --

14 COUNCILMAN JONES: Was there an
15 eviction?

16 MS. HAGANS: Yes, it was.

17 COUNCILMAN JONES: When did it
18 happen if you don't mind me asking?

19 MS. HAGANS: This happened
20 January 16th of 2019.

21 COUNCILMAN JONES: Right --

22 MS. HAGANS: In the midst of
23 that, the police came out there. The
24 Sheriff's Office was there. The police
25 was there. I was tased, taken to

1 Friends -- Frankford area hospital to
2 take the things out and then taken over
3 to Friends Hospital. They're trying to
4 keep sweeping everything underneath the
5 rug, but I told them already it's not
6 going down like that. It's not going
7 down like that.

8 They removed all my belongings
9 from the house with Superior Moving &
10 Storage, works for the City of
11 Philadelphia. They contract with the
12 City of Philadelphia. All my son's
13 playsta -- he had four different
14 consoles, game consoles. All his games
15 were stolen. My grandmother's -- it was
16 no value to my ring. That's my late
17 grandmother's ring. I mean, they just
18 took everything from me.

19 COUNCILMAN JONES: So can
20 you -- Ms. Williams?

21 THE CLERK: Yes.

22 COUNCILMAN JONES: Do you have
23 her contact information?

24 THE CLERK: Yes, I do.

25 COUNCILMAN JONES: All right.

1 I'd like to take this off of television
2 at this point and see if we can get some
3 help for her.

4 THE CLERK: Okay.

5 COUNCILMAN JONES: If that's
6 okay with you.

7 THE CLERK: That sounds
8 great --

9 MS. McBRIDE: Okay. That's --

10 COUNCILMAN JONES: I wasn't
11 talking to you.

12 THE CLERK: Okay.

13 MS. McBRIDE: It's fine with
14 me. My life has been in an uproar for
15 that. I'm 50 years old. I work. I
16 have excellent credit and I'm not going
17 to let them just take whatever they want
18 from me. I'm sorry. And I explained
19 that to all of them.

20 COUNCILMAN JONES: All right.
21 Well, we will get the details and see
22 what we can come up with for some
23 assistance. All right?

24 MS. McBRIDE: Okay.

25 COUNCILMAN JONES: Thank you

1 for your testimony.

2 MS. McBRIDE: Okay. You're
3 welcome. Let me put in these 12 hours.

4 COUNCILMAN JONES: All right
5 now.

6 MS. McBRIDE: Okay. Have a
7 good night.

8 COUNCILMAN JONES: You as well.

9 MS. McBRIDE: Okay. Bye.

10 COUNCILMAN JONES: Are there
11 any others to testify on this
12 resolution?

13 THE CLERK: There are no other
14 witnesses.

15 COUNCILMAN JONES: Are there
16 any other -- any of you who wish to
17 comment?

18 COUNCILMAN JOHNSON: Yes.
19 Mr. Chairman, I just want to thank you
20 and my colleagues for your participation
21 in this hearing, your questioning during
22 this hearing. And it's mind-boggling
23 that in year 2020, right, that we're
24 still dealing with same type of systemic
25 and institutional racism that our

1 forefathers have been addressing even
2 from the period of time where I remember
3 when the ballots used to come out for
4 individuals to run for judge, we didn't
5 even have any Black individuals on the
6 ballot and I remember the advocacy
7 around that particular issue. But also
8 what really strikes to the core is when
9 you have constituents who take time out
10 of their schedule and give public
11 comment and talk about their
12 interactions.

13 So obviously, if we can't get
14 it right with the leadership at the
15 executive level, then surely those
16 individuals who are coming to get
17 serviced by our court system probably
18 aren't receiving a fair shake. And
19 again, I go on the record as saying that
20 the lack of having no representation
21 here by FJD is just indicative of the
22 entire environment that is being
23 operated over in our court system. But
24 more importantly, it goes to show why
25 the systemic issue around being

1 indifferent to basically Black issues,
2 it's nothing more to say other than
3 that. So I will regroup with my
4 colleagues and we will continue to
5 advocate and work with the judges,
6 particularly Black judges, around this
7 particular issue.

8 So I want to thank everybody
9 for their comments, their questioning
10 and their concerns around this very
11 important issue. Thank you very much.

12 COUNCILMAN JONES: Thank you,
13 Member Johnson, for bringing that up.

14 Are there any other Members
15 wishing to comment?

16 COUNCILMAN GREEN: Yes,
17 Mr. Chair.

18 COUNCILMAN JONES: Chair
19 recognizes Member Green.

20 COUNCILMAN GREEN: I just have
21 a quick question. Like other
22 legislative matters that would come
23 before a Committee once a resolution
24 introduced, that matter is generally
25 recessed either to a date certain or the

1 call of the Chair.

2 Considering that we're still in
3 a four-year legislative session that
4 will not end to sign or die which is
5 December 31st of 2023, I just want to
6 make sure I understand for the record
7 both from the sponsor of this
8 resolution, Councilmember Johnson, and
9 the Chair of this Committee, that this
10 resolution matter will --

11 COUNCILMAN JOHNSON: Call of
12 the Chair.

13 COUNCILMAN GREEN: -- be
14 recessed to the call of the Chair, and
15 that we are in a four-year session of
16 this legislative body. I just want to
17 make sure that's my understanding based
18 on my perspective.

19 COUNCILMAN JONES: Member
20 Johnson.

21 COUNCILMAN JOHNSON: Yes.
22 Thank you, Councilman Jones. And that
23 reminded me because I had this question
24 asked to me earlier today so we can stay
25 on top of this issue but, yes, we would

1 like for the hearing not to end, but to
2 be recessed to the call of the Chair.

3 COUNCILMAN JONES: Okay.

4 COUNCILMAN GREEN: And one
5 other point, in my understanding based
6 on the current rules of Council that
7 were adopted when this legislative body
8 was sworn in, in January, the first -- I
9 think first Tuesday of this year, that
10 the rules that were adopted by this body
11 which was passed as a resolution, it
12 includes in that language, unlike in
13 years passed, that currently Council has
14 the ability to use other means, if
15 necessary, like subpoena and other
16 matters when I happen to introduce a
17 resolution to do such. I think that's
18 also my understanding under the current
19 rules of Council that were adopted by
20 the 17 members of Council by resolution.
21 Is my understanding correct?

22 COUNCILMAN JONES: That's
23 absolutely correct, Member Green.

24 COUNCILMAN GREEN: I just want
25 to make sure I have a full understanding

1 of all of the information and the means
2 while we are operating as a legislative
3 body.

4 Thank you Councilmember
5 Johnson. And thank you,
6 Mr. Chairperson.

7 COUNCILMAN JONES: Did I see
8 Member Squilla? Did you want to say
9 something, Member Squilla?

10 COUNCILMAN SQUILLA: No, I'm
11 still here. No, I just wanted to thank
12 you all for the hearing. It was very
13 informative and looking forward to
14 continuing the conversation.

15 COUNCILMAN JONES: Seeing no
16 other Members to comment, we will recess
17 to the call of the Chair Resolution No.
18 200485. Thank you.

19 COUNCILMAN THOMAS: Thank you,
20 Mr. Chair. We appreciate you.

21 Thank you, Councilmember
22 Johnson.

23 COUNCILMAN JOHNSON: Thank you.

24 (Committee on Legislative
25 Oversight concluded at 5:55 p.m.)

C E R T I F I C A T I O N

I, hereby certify that the
proceedings and evidence noted are contained
fully and accurately in the stenographic
notes taken by me in the foregoing matter,
and this is a correct transcript of the
same.

TANEHA C. CARROLL
Court Reporter - Notary Public

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this transcript does not apply to any
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unless under the direct control and/or
supervision of the certifying reporter.)

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