What is Houston’s Legacy?

Charles Hamilton Houston was a vice dean of Howard Law School and civil rights lawyer. Among those he mentored was Supreme Court Justice Thurgood Marshall. Although he did not live to see the decision, he engineered the legal strategy that ultimately resulted in the unanimous 1954 Supreme Court decision, Brown vs. Board of Education, which overturned “separate but equal” Jim Crow segregation. The PBA Minority Bar Committee seeks to honor him by naming its newsletter “Houston’s Legacy” and to continue his unfinished work.

For more information about Charles Hamilton Houston, see the article authored by Andy Saylor in the inaugural Spring 2015 issue of the PBA Minority Bar Committee newsletter, “Houston’s Legacy.”

50 Years of the Asian American

In January 2019, the Pennsylvania Supreme Court announced the results of its survey of Pennsylvanians lawyers based on voluntary reporting to the court’s annual registration. (Pennsylvania Bar News, vol. 29, #6, p.1, March 18, 2019) With nine percent of those responding as belonging to a racial or ethnic group, nearly 2,000 identified at Asian American or Pacific Islander (AAPIs). According to the survey, AAPIs were the second largest racial or ethnic minority group after African Americans.

These results come on the heels of the 50th anniversary of the introduction of the term “Asian American.” In May 1969, two graduate students at the University of California, Berkeley devised the term to reflect a different outlook and future for Asians and their communities in the U.S. In addition to publicizing the name, Emma Gee and Yuji Ichioka organized the Asian American Political Alliance (AAPA) to expound the principles upon which people chose to identify as Asian Americans. Identifying as an Asian American was not simply a convenient moniker, but it was a choice to reject the American stereotypes of the docile, accommodating “oriental,” the “yellow peril” that posed a threat of race war, and the “model minority” that justified exclusion of Asian Americans from affirmative action.

Inherent in the rejection of the stereotypes was a choice as Asian Americans to step forward and take control of our communities, rather than being on the receiving end of racist policies determined by governments and institutions not concerned with the future of the people living in Japantowns, Manilatowns and Koreatowns throughout the U.S. The source of the ideological guidance was Asian American history, which showed that the vast majority of Asians who entered the U.S. were denied the right of naturalization to U.S. citizenship under the 1790 Immigration and Naturalization Act and subsequently the Chinese Exclusion Act of 1882, et seq. The Chinese Exclusion Act, which was extended for 50 years, was eventually expanded into the 1917 Asiatic Barred Zone, which excluded immigration of South Asians, Southeast

Continued on page 2
50 Years of the Asian American  
Continued from page 1

Asians and Polynesians into the U.S. The combined historical exclusion from immigration and U.S. citizenship for all the Asian ethnic groups gave us a common history on which to identify as a political construct.

The Asian American Political Alliance recognized the central role of Asian American history in the development of identity and participated in movements, such as the Third World Liberation Front Strikes at San Francisco State College in 1968 and at the University of California, Berkeley in 1969, to establish departments of Asian American, African American, Mexican American and Native American studies. The four-and-a-half-month San Francisco State strike was the longest on any U.S. college campus. Both strikes succeeded with the students and faculty establishing ethnic study programs. Those programs became the foundation for similar programs on other campuses throughout the U.S. They make a point to examine the transnational influences that shape Asian American and Pacific Islander culture and communities.

Most importantly, the Asian Americans began to work in coalition with other racially oppressed groups and identify the history of Asian Americans as an oppressed people who had been evacuated and interned during World War II, when German Americans and Italian Americans as ethnic groups were not. Asian American attorneys worked to overturn the wartime convictions of Gordon Hirabayashi, Fred Korematsu and Minoru Yasui. Asian Americans lobbied Congress for redress and reparations for the Japanese American former internees, which President Ronald Reagan signed into law in 1988. Because of the history of exclusion from many occupations, including the law, Asian Americans demonstrated to expand affirmative action in law schools. Asian Americans were active in opposing the U.S. aggression in Southeast Asia as a racist war based on a totally unfounded Gulf of Tonkin Resolution. Asian Americans were active in lobbying the U.S. government to prosecute the murderers of Vincent Chin in Detroit under federal civil rights laws. Today, the issues of AAPIs include the allowance of a pathway to citizenship for Asian adoptees who were never naturalized by their citizen parents, opposing the removal of Southeast Asian refugees who came to the U.S. as minor children, and comprehensive immigration reform. Asian Americans have been at the forefront of opposing the Justice Department’s unwarranted profiling of Asian American scientists such as Temple University physics professor Xiaoxing Xi.

While today AAPI is a census category, identifying as Asian American should still be an ideological choice to be aware of our history in the U.S. and to support self-determination for Asian American and Pacific Islander communities. The term Pan-Asian, on the other hand, is merely a collection of ethnicities without the historical understanding that builds the common legacy across groups. Each May, during AAPI Heritage Month, we have an opportunity to review that history and renew our commitment to our communities and their history of contributions to the American fabric.

Tiwen M. Law, past chair of the PBA Minority Bar Committee, a founder of APABA-PA and NAPABA, was a member of AAPA during the TWLF Strike at UC Berkeley.

Welcome New MBC Members!

Jennifer Coatsworth  
Daniel Conlon  
Zaman Eid  
Bridget Gillespie  
Mark Jander  
Priscilla Jimenez  
Anne John  
Jonathan Koltash  
Sarah Lloyd  
Melissa Martinez  
Brittany Mason  
Elizabeth Oquendo  
Frederick Poindexter  
Tynishia Powell  
Jay Silberblatt  
Sandra Thompson
FIRST, BUT NOT THE LAST:
Judge Cathy Bissoon

It is difficult to think of anyone more appropriately featured in this series than Judge Cathy Bissoon, U.S. District Court Judge for the Western District of Pennsylvania. For those who know Judge Cathy Bissoon, her reputation precedes her as a leader and pioneer in the legal community. She spearheaded diversity initiatives while in private practice, earning her many venerable titles such as “Legal Champion” and “Woman of Integrity.” Now, Judge Bissoon sits as an Article III judge in Pittsburgh — notably as the first woman of color in the Western District of Pennsylvania and the first South Asian American female Article III judge in the entire United States. But Judge Bissoon’s story as a “first” began long before she assumed her present district court judgeship, and it is a story that signifies the character traits that fueled her ascent to “firstdom” where she now stands apart from all others.

As a child in Queens, NY, Judge Bissoon didn’t have lawyers and other professionals in her family. She didn’t come from money or have connections. Her mother—an immigrant from the West Indies — had only a high school education, and her step-father did not complete high school. Her father — from Puerto Rico — was stabbed to death when she was only four years old. Although she faced these life obstacles, she believed early on that being a lawyer — like Perry Mason and the other “lawyers” she saw on TV — was something that she could do and enjoy. Now, Judge Bissoon recognizes that her childhood perspective of a lawyer’s work was not very realistic: “We never really saw Perry Mason working on a brief at midnight or rummaging through a banker’s box of discovery.”

In any event, Judge Bissoon’s parents instilled in her important values such as the importance of an education and hard work — values that would guide her decision to continue her education. “Because we did not have money or connections,” she states, “it was clear that the only way to elevate one’s station was to work hard” and get an education.

So Judge Bissoon went to Alfred University, a small school in a “one stop light” village in rural western New York. Her “quiet, rural existence” at Alfred was a far cry from what she was used to in New York City. The school was predominantly white, and her skin color and urban upbringing made her stand out “like a sore thumb.” Although people noticed that she wasn’t from “around there,” she loved her experience at Alfred and came out of it with lifetime friendships. The small-school setting also enabled her to develop relationships with her professors, who she can call on to this day. She graduated summa cum laude and became one of Alfred’s first graduates (if not the first) to attend Harvard Law School.

At Alfred, Judge Bissoon was a big fish in a small bowl. At Harvard, her experience was quite the opposite. “It was an entirely different world for a working-class girl from Queens,” and she was intimidated from the start. She met people with unfamiliar backgrounds — “people who came from Ivy League schools or people who were relatives and ancestors of governors, ambassadors and presidents.” She had doubts that she could “cut it,” but she quickly learned that “hard work is hard work regardless of who you are or where you come from,” and she ultimately made several great friends at Harvard Law from different backgrounds and with entirely different backstories.

After graduating from Harvard in 1993, Judge Bissoon landed in Pittsburgh. She almost immediately felt very out of place. She didn’t know anyone besides her then-boyfriend. As a young lawyer, it took Judge Bissoon a while for her to get her footing in Pittsburgh. “Success in Pittsburgh seemed to be based on who you knew and for how long,” and she had no contacts. She eventually realized that the only way she could distinguish herself was to do really good work and build a reputation.

Her strategy worked. Judge Bissoon took a job as an associate at Reed Smith, working in its employment group. While at Reed Smith, she met her future husband, and they later had two children. Despite the demands of her practice, she was active in school/PTA responsibilities and made a point to be home for dinner with her children every night, even if it meant working late into the night from home.

As a young associate, Judge Bissoon sought out mentors, but the mentors she

Continued on page 7
We are living at a time when little girls with big dreams become strong women who reach their goals and break barriers. Not too long ago, State Rep. Joanna McClinton was a little girl in Philadelphia dreaming of becoming an attorney. So how did a minority girl from a disadvantaged neighborhood make her dream come true? Grit, hard work, and the support of a single mother who told her that the fact that she lived in a disadvantaged neighborhood was not an excuse to fail.

Growing up, no one in her family had attended college. However, that was not an obstacle for McClinton. When she was in 8th grade, she became a “legal explorer” at a local law firm, and it was there she found mentors who showed her what it took and meant to be an attorney. They also encouraged her to pursue her dreams. After high school, she enrolled in La Salle University and, after graduating, she immediately started attending law school at Villanova University.

When McClinton was a child, she witnessed children in her neighborhood struggling and young people selling drugs. Once in law school, McClinton developed a better understanding of the impact that the criminal justice system had on minorities and how its consequences have a harsher effect on their lives. She wanted to be a conduit for change. While in law school, she was an intern at the Philadelphia District Attorney’s Office and at the Defender Association of Philadelphia. Upon graduating from law school, McClinton worked as an assistant public defender and worked hard to positively affect the lives of her clients.

McClinton remembers one case that exemplifies how, if the people involved in the criminal justice system work together and are open to solutions that may be considered “out of the box,” change can happen and positively affect the lives of people. The case involved a young black student who had just started college and had an NCAA scholarship … he also had four open drug cases, which meant he was not eligible for traditional treatment-based programs. On paper, it appeared as if the young student was a dangerous drug dealer and user. However, in reality, the student had never been arrested before, and all the charges took place during a short period of time in the summer before he went to college. The student’s coach asked McClinton to do something to help the student – if he pled guilty to the charges, he was going to lose the scholarship and his chances to build a better life. McClinton thought about a resolution that would prevent the student from having a criminal background but would make him accountable. She spoke to the prosecutor and the judge, and afterwards a program was created for the student that was similar to the county’s Accelerated Rehabilitative Disposition program, but it was stricter and longer. The conditions were not easy to meet: if the student attended drug counseling and stayed drug- and crime-free during his time in college, the charges would be withdrawn.

Although McClinton left the public defender’s office, she followed the student’s case. The student graduated from college and successfully completed the program. Had it not been for McClinton’s effort and the court’s willingness to think “out of the box,” the young student would have lost his scholarship and his chances to succeed.

Although McClinton was making a difference at the Public Defender’s Office, she wanted to have a broader impact, so she left her position in 2013 and became the chief counsel to State Senator Anthony Hardy Williams.

The policy and politics bug bit her hard, and when the opportunity arose to run for office, she took it. McClinton won a special election in 2015 after Ronal Walters resigned. McClinton then went to win reelection in 2016. McClinton’s passion for reform of the criminal justice system is evident now that she is a legislator. Her policy proposals center around education reform, job creation, creating a state-funded indigent defense system and reforming the criminal justice system. McClinton is also passionate about women’s rights – especially now that the #Me Too movement has captured the attention of the nation. McClinton, along with other representatives, plan to introduce legislation to expand resources for employers and employees to prevent and properly respond to sexual harassment claims.

However, once in the Capitol, McClinton saw that there were not too many minorities and women in leadership positions.

Continued on page 7
What’s in a Name?

Picking out a baby’s name can be a fun part of pregnancy. In some cultures, the naming of a child is an event — a celebration by the family and community because the baby receives a key component of his or her identity. A child’s name can embody the parents’ expectations and hopes for their little bundle of joy, but what happens when those expectations and that child dies? Surviving a child is an unimaginable horror, but to compound that loss of life with the loss of the child’s name only adds insult to injury.

In 2014, the death of Michael Brown in Missouri sparked a movement to demand an end to police violence towards blacks and to declare that Black Lives Matter. However, lost in the flames of resistance and protest were hidden figures within the black community. Women also fell victim to police violence. But unlike the narratives for Eric Garner, Tamir Rice, Walter Scott, Freddie Grey and Philando Castile, these women, who were killed while in police custody, remained virtually unknown. Their names became lost in the movement.

The African American Policy Forum (AAPF) launched the #SayHerName campaign in December 2014 to shed a light on the stories of black women and girls victimized by police violence and to provide support to their families. Since then, the program has expanded to provide direct advocacy. It hosts several annual events to grow network and community support and educates communities on how mobilize and advocate for justice.

Perhaps the #SayHerName movement can prevent what happened to women like Rekia Boyd from happening to someone else. In March 2012, an off-duty Chicago police officer, Dante Servin, shot and killed Rekia while she stood in an alley with friends. Servin told Rekia and her friends to quiet down, and an argument ensued. Servin fired five rounds from his gun into the group while their backs were turned. One of the bullets struck Rekia in the back of the head. Servin continued to work as an officer until he was charged with involuntary manslaughter. Following a trial in 2015, the judge issued a directed verdict, finding that Servin’s actions were intentional. Therefore, he could not be guilty of acting recklessly as required by the involuntary manslaughter statute. Rekia’s family received a $4.5 million wrongful death settlement in 2013. Whether intentional or reckless, Rekia was renamed “collateral damage.”

The fight to #SayHerName continues for Sandra Bland, who died while in police custody in 2015. Officials claim her death was a suicide, but witness accounts of the incident reveal that 28-year-old Sandra asked officers why they slammed her head to the ground and that she complained that she could not hear after she was in custody. Video of her traffic stop for failure to signal a lane change showed she was pinned to the ground and surrounded by officers. In 2018, HBO aired a documentary, “Say Her Name: The Life and Death of Sandra Bland,” to chronicle Sandra’s final days, celebrate who she was and highlight her family’s continuing fight for justice. What happened with Sandra, a “routine” traffic stop, which can happen to anyone, escalated into the inconceivable. If something like this could happen to her, what prevents that from happening to someone else? In 2016, Sandra’s family settled their wrongful death suit for $1.9 million. The following year, the officer who arrested Sandra was charged with perjury. However, the charges were dropped in exchange for his leaving law enforcement.

AAPF believes that saying the victim’s name is necessary to bring awareness of police violence and sexual misconduct towards black women, girls and people who identify as female and to demonstrate the circumstances that lead to the disproportionate number of blacks who die as a result of police violence. The focus is not only on adult women, but
MINORITY BAR ACTIVITIES

Come One, Come All!

At the close of the House of Delegates meeting on May 17, 2019, the new PBA leadership year begins. Anne John will become our 125th president, and David Schwager will be the president-elect.

This new bar year also presents new leadership opportunities for our Minority Bar Committee (MBC). Tyessa Miley, our present co-vice chair, will serve as our new chair. Tony Thompson will serve as our vice chair. Tyessa is a government attorney who works for SEPTA in Philadelphia. Tyessa is an active PBA member, a member of the House of Delegates (Zone 1), a Bar Leadership Institute alum (2015-16), a member of the Women in the Profession Commission (WIP) and the Insurance Staff Attorney Committee. Tony is a member of the MBC and the present chair of the Homer S. Brown Division (HSBD) of the Allegheny County Bar Association (ACBA).

HSBD is a forum to deal with problems and obligations that affect African-American members of the ACBA and to inform the ACBA of the needs and opinions of its African-American members. We are excited to have new leadership at the helm. Both are committed bar leaders and active members of our minority affinity groups. Welcome Tyessa and Tony!

Leaving MBC leadership is Mike Lee, who finished serving his second year in MBC leadership. Mike is a busy government attorney, who is the interim director of legislation and government affairs at Philadelphia District Attorney’s Office. This past year was a busy one for him as District Attorney Krasner put many new criminal justice reform initiatives into place in Philadelphia. Mike is a Bar Leadership Institute alum (2013-2014), a member of the Civil and Equal Rights Committee and a member of the Legal Services to the Public Committee.

Also leaving the MBC Leadership is Arlene Marshall-Hockensmith. Arlene is the administrative officer at Pennsylvania Legal Aid Network. Her work with nonprofit legal service organizations across the commonwealth is nothing short of monumental. In addition to serving as co-vice chair of the MBC, Arlene served as co-chair of the Legal Services to the Public Committee, Military and Veteran Affairs Committee and the WIP.

Presently, the new leadership plan to continue our monthly videoconferencing meetings using Zoom.us. They also plan to continue our monthly education session. Over the past year, we have heard about Youth Court (Greg Volz), the new Clean Slate law (Sharon Dietrich from Community Legal Services), the proposed new sentencing guidelines by the Pennsylvania Sentencing Commission (Rep. Joanna McClinton), prism on gerrymandering (Benjamin Geffen, staff attorney, Public Interest Law Center), and firearm amendments to the Protection From Abuse Act (Laurie Baughman, MidPenn Legal Services). In February, we had a Kristen Gibbons Feden speak about her experience prosecuting Bill Cosby and the intersectionality of race and gender. In March, we had Sandra Thompson, Esq. discuss her charge of discrimination against the Grandview Golf Course in York County and the challenges of seeking relief under the anti-discrimination laws. The meetings are richer and relevant to our community experiences because of the special speakers.

Subcommittee work continues to be the highlight of the MBC as we get ready for the next bar year. The Minority Attorney Conference is set for Oct. 3-4, 2019 in Philadelphia. The theme of the conference is Communities Under Attack, Strategies Moving Forward. The subcommittee is working to bring us two new keynote speakers. The conference will also address religious communities under attack. Mark your calendars!

By Sharon R. López, Esq.

Sharon R. López served as the 123rd PBA president and was the Minority Bar Committee co-chair in 2018-2019. Sharon’s office, Triquetra Law, is in Lancaster, where she represents victims of unlawful employment practices. Sharon has been designated a Super Lawyer for Plaintiff’s Employment Litigation since 2013. Sharon was also recognized as one of the top 25 women lawyers in Pennsylvania for 2015 and 2016 by the Legal Intelligencer Journal.
Judge Cathy Bissoon
Continued from page 3

ended up with were not who she expected. She had been groomed to assume that the folks who would look out for her best interests would be the folks that looked like her – women and people of color. She was surprised to learn that white men would be among the “most nurturing, educational and sustaining relationships” she would make. These mentors would show her the ropes without feeling threatened by her, provide her information that wasn’t readily available to other young associates, and they consistently championed her successes.

Judge Bissoon’s consistent record of success eventually resulted in Reed Smith making her a partner in the firm. In that role, Judge Bissoon developed new diversity initiatives as the firm’s Director of Diversity, which resulted in a dramatic increase in the number of minority attorneys at the firm. She also took on several important public service roles. Among other things, Judge Bissoon served as an original member of Pennsylvania’s Interbranch Commission for Gender, Racial and Ethnic Fairness, where she worked on measures aimed at eliminating bias or insidious discrimination in government and the legal profession.

Now an Article III judge, Judge Bissoon still believes in the importance of diversity and inclusion. She continues to assist organizations in the legal community, but she pays close attention to the diversity of membership and their commitment to diversity. She makes a point to recommend diverse lawyers for membership on court committees that require bar input. In the courtroom, Judge Bissoon has an unwritten policy that promotes inclusion of young attorneys. When there is more than one attorney on a team of counsel, she typically asks the attorney who does the bulk of the work to “do the talking.” Nine times out of ten, the junior lawyer did most of the work.

Despite Judge Bissoon’s efforts in the courtroom, she stresses that “diversity and inclusion in the courtroom is only possible if there is diversity and inclusion at law firms.” She has seen the lack of diverse perspectives play out in the courtroom. During an oral argument, a white, male lead counsel used a football analogy to explain his argument. Without letting him get too far, “I stopped him to explain that I knew absolutely nothing about football. Well, he was at a loss. He knew how to explain his argument in one way – through the football analogy. Had he been surrounded by a diverse team, perhaps an alternative analogy could have surfaced.”

Judge Bissoon’s productive legal career is a testament to her longstanding commitment to diversity and her dedication to hard work. Time and again, Judge Bissoon jumped into environments foreign to her and made invaluable contributions to the community. Her legacy all but ensures that she will not be the last.

Jody Thomas López-Jacobs is a consumer protection attorney at Flitter Milz PC in Narberth, Pa. Prior to joining the firm, Jody served as a law clerk for Judge Mark A. Kearney for the U.S. District Court for the Eastern District of Pennsylvania. Jody is an award-winning writer and a magna cum laude graduate of the Temple University Beasley School of Law.

Rep. Joanna E. McClinton
Continued from page 4

McClinton wanted to change that. It is now clear that when she sets her mind on something, she gets it done. In the fall of 2018, there was an opening to run for chair of the House Democratic Caucus, and she decided to go for it. She called every single member of the Democratic House of Representatives – even those who were running against her – and told them why she was running and why the election was important to her. Her plan, once again, worked. In November 2018, McClinton became the first woman and African American to serve as the House Democratic Caucus chair. McClinton has made history, and if we judge by her past achievements, this will not be the first time.

Ana Patulina Gomez works for the Governor’s Office of General Counsel and is assigned to the Pennsylvania Department of Education, where she prosecutes educator misconduct cases. Previously, she was an assistant district attorney at the York County District Attorney’s Office, where she prosecuted a range of cases from theft to rape. She attended the Penn State Dickinson School of Law, where she served as a senior editor for the Penn State Environmental Law Review and was a Miller Center for Public Interest Fellow. During law school, she interned for Judge Yvette Kane, U.S. District Court for the Middle District of Pennsylvania, and clerked for Judge Thomas Kelley in York County.

What’s in a Name?
Continued from page 5

even young girls, one as young as seven years old. AAPF hopes that by telling their stories and calling the names of Alberta Sprull, Rekia Boyd, Shantel Davis, Shelley Frey, Kayla Moore, Kyam Livingston, Miriam Carey, Michelle Casseaux, Sandra Bland and Tanisha Anderson, among others, it will serve as a reminder that killing another person, even by someone in authority, has consequences. The need to #SayHerName is also important so that there is a gender-inclusive approach to confronting police violence and to demonstrate that all black lives equally matter. According to AAPF, the #SayHerName movement works to show how race, gender and sexuality can “inform police abuse of black women.” What’s in a name? Awareness, Compassion, Stories and a Movement.

Jenni H. Chavis opened Chavis Law Firm LLC in Harrisburg, where she specializes in criminal defense and professional licensure defense. Previously, she was a prosecutor for the Dauphin County District Attorney’s Office, the Commonwealth of Pennsylvania’s Office of Inspector General and the Department of State’s Bureau of Professional and Occupation Affairs. She also worked as an adjunct professor at Messiah College and an instructor for the Harrisburg Area Community College Police Academy. She received a juris doctorate from the Illinois Institute of Technology, Chicago-Kent College of Law.
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Mission Statement
The mission of the Minority Bar Committee of the Pennsylvania Bar Association is to assure full and equal participation of minorities in the PBA, the legal profession and the justice system in general.