Only a few weeks ago, a video captured a young man knocking down three elderly Asians in Oakland Chinatown. Those attacks came on the heels of an 84-year-old Thai gentleman knocked down and killed during his daily walk in San Francisco and a Filipino elder slashed in the face while on a New York Subway. In its statement about anti-Asian violence, the Philadelphia Mayor’s Commission on Asian-American Affairs announced, “Unfortunately, even here in Philadelphia, there have been verbal and physical attacks, as well as other displays of racism, directed at Asian Americans. In 2020, the Philadelphia Commission on Human Relations (PCHR) received 28 reports of acts of hate against members of the AAPI community—19 were confirmed as incidents of hate or bias, representing 34 percent of the 56 total hate or bias incidents confirmed by the agency.”

Even after past President Donald Trump, who repeatedly referred to the coronavirus as the “China Virus,” left office, the stigma of Asian-Americans as perpetual foreigners remains. Two erroneous assumptions flow from being stereotyped as “perpetual foreigners”: (1) We are not entitled to the protections of the U.S. Constitution or federal civil rights laws, and (2) We are responsible for the acts or omissions of Asian countries to which our ethnicity is assigned.

The first assumption is unfounded, and Asians have served time behind bars to vindicate those rights. As the U.S. Supreme Court recognized in Yick Wo v. Hopkins (1886), persons are protected by the Equal Protection Clause of the 14th Amendment to the Constitution. Whether Asian-Americans are citizens or not, we are persons entitled to the constitutional protections. In U.S. v. Wong Kim Ark (1897), the U.S. Supreme Court recognized that persons of Chinese descent born in America acquired U.S. citizenship under the birthright citizenship provision of the 14th Amendment.

The second assumption derives from the discredited stereotype that we are citizens of the Asian countries regardless of our Asian ethnicity. In Korematsu v. U.S. (1944), the U.S. Supreme Court ascribed dual citizenship to 120,000 Japanese-Americans as justification for their evacuation into internment camps. Implicit here is that all Asians are the same, regardless of the country to which our ethnicity is ascribed. We saw this with the 1982 murder of Vincent Chin, a man blamed for the high unemployment in Detroit from the importation of Toyota, Honda and Nissan cars. Chin was not of Japanese descent nor employed by any Japanese manufacturer. His killers, Ron Ebens and Michael Nitz, never served any time for his murder. Now we see Vietnamese, Cambodians, Filipinos and other non-Chinese Asians being killed or attacked for the “Wuhan Flu” or the “China Virus.”

Perpetrators of violence and murder against Chinese and Asians going unpunished has longstanding precedent in California Supreme Court Justice Hugh Murray’s opinion in People v. George Hall (1854). Therein, he held that Chinese witnesses could not testify against George Hall for the murder of Ling...
Sing because Chinese were “Indians.” Under California’s Criminal Procedure Act of April 16, 1850, “No Black or Mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man.”

Even though Chinese persons were not mentioned in the Act, Chief Justice Murray went beyond the text of the law to include Chinese witnesses: “… the name of Indian, from the time of Columbus to the present day, has been used to designate, not alone the North American Indians, but the whole of the Mongolian race …” George Hall walked free despite three Chinese witnesses to his crime.

Only 17 years later following a white mob riot in Los Angeles Chinatown, America witnessed the largest mass lynching in American history. The white mob lynched 17 Chinese persons and knifed another two to death. Eight members of the mob were convicted and sentenced to two to six years in prison. Upon appeal, the California Supreme Court reversed the convictions and set all eight men free. The perpetual foreigner myth reinforced the belief that people who commit violence against Asian-Americans will not be held accountable by the law.

The origin of this perpetual foreigner history is the 1856 *Dred Scott v. Sandford* decision in which the U.S. Supreme Court held that African-American slaves had no rights that the white man was bound to respect, even if they were freed. The Naturalization Law of 1790 limited eligibility to citizenship to “free white persons.” Justice Roger Taney interpreted that to mean, “that citizenship at that time was perfectly understood to be confined to the white race.” After the Civil War and the passage of the 14th Amendment, African-Americans acquired the right to citizenship by birth and the amendment of the 1790 Naturalization Act to include persons of “African nativity and descent.” Mexican-Americans acquired the right to citizenship by the Treaty of Guadalupe-Hidalgo after the Mexican American War. Asians inherited the “free white person” bar to naturalization until 1952 with the passage of the McCarran Walters Act. Asian-American history is intimately tied to Dred Scott’s experience of fighting white supremacy.

It is not a question of which racial group suffered more or where you fall on the color chart. According to Justice Murray in *People v. Hall*, Chinese belonged to “the more degraded tribes of the (Indo-Mongolian) species.”

The question is: What have you done to raise awareness about the history behind the racist events we experience today and to change the laws and conditions that have enabled hate crimes? Baked into the tariff war started by the previous administration, the anti-China rhetoric, whether for election campaigns or for ostracism of Chinese-American scientists, continues to fuel the foreigner stereotype and encourage more violence. The absence of Asian-American and ethnic studies in our schools directly contributes to what outwardly appears as random violence against Asian-Americans. If Asian-American lives matter, then our history in America belongs in the school books.

What’s Behind the Violence against Asians in America

*Continued from page 2*

Tsiven Law is an attorney and adjunct lecturer of Asian-American legal history, and a past governor-at large of the Pennsylvania Bar Association.
Adding its voice to 120 civil rights organizations and allies and a federal lawsuit that condemned former President Donald Trump’s Sept. 9, 2020 Executive Order 13950, the American Bar Association published “A Lesson on Critical Race Theory” in its Human Rights Magazine. Trump’s order had eliminated training and education against conscious and unconscious bias rooted in critical race theory, even though its stated intent was to enforce the codified principles of 5 U.S.C. § 2301(b)(2). In response, Professor Janel George provides a succinct summary of critical race theory that heightens our understanding of how the delivery of law and education intersect. She defines critical race theory as the practice of reviewing the racial caste system that relegates people of color to the bottom tiers, while also recognizing that “race intersects with other identities, including sexuality, gender identity, and others.”

Another voice within the American Bar Association also spoke out; Paulette Brown, Esq., past president of the American Bar Association and chief diversity and inclusion officer at Locke Lord, is quoted in a recent NAACP Legal Defense Fund statement advising employers to continue their racial sensitivity training programs, “rather than abandon them over concerns that they sow division.” The false narrative propagated in Executive Order 13950 has proven too unconscionable to ignore. And, fortunately, the executive order has started a national conversation about critical race theory and the need to address racism in the American legal system.

Critical race theory has been used credibly to address bias and is popular with private and public employers as an effective deterrent against discrimination in the workplace. However, critical race theory is more than a training to reinforce diversity and inclusion. According to Chandra Ford and Collins Airhihenbuwa, critical race theory is “... the set of anti-racist tenets, modes of knowledge production, and strategies a group of legal scholars of color in the 1980s organized into a framework targeting the subtle and systemic ways racism currently operates above and beyond any overly racist expressions.” Professor Derrick Bell, father of critical race theory, described his people as the faces at the bottom of the well and cautioned the poorest whites who live their lives only a few levels above “that their deliverance depends on letting down their ropes. Only by working together is escape possible.” Unfortunately, most simply watch because they are “mesmerized into maintaining their unspoken commitment to keeping us where we are, at whatever cost to them or to us.”

To understand critical race theory, it is important to acknowledge that whiteness is property in American law and culture. From its establishment, our nation has used its laws to maintain an underclass and create privileges and rights that have been exclusive to white, male, property-owning American citizens. In her seminal article, “Whiteness as Property,” Cheryl Harris “provides an extensive framework of whiteness as a traditional and modern form of property, which includes the conception of reputation as property.” Harris explains the racialization of identity in property law, as slavery subordinated Black and indigenous people to the point of being the property of those who fit the code of whiteness. American law, then, has been built on a foundation of protecting an actual property interest in whiteness itself.

Sadly, American law is rife with cases that demonstrate how U.S. courts have used junk science, such as eugenics and craniology, to adjudicate race. “Owning white identity as property affirmed the self-identity and liberty of whites and, conversely, denied the self-identity and liberty of Blacks.” Harris warned that white privilege is expected and afforded legal protection in American case law. Harris also warned that whiteness as property will continue to morph and change unless and until it is directly confronted, which is exactly what Executive Order 13950 sought to avoid.

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Critical Race Theory and the Legal Profession
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President Joseph R. Biden revoked Executive Order 13950 on his first day in office. Executive Order 13985 acknowledges the existence of “[e]ntrenched disparities in our laws and public policies, and in our public and private institutions, have often denied that equal opportunity to individuals and communities.” Biden compels federal agencies to consult and engage with communities that historically have been underserved and underrepresented by the government. Executive Order 13985 also orders that all who have been deemed “othered” and placed lower in the racialized and gendered caste system than white males be treated equitably by the federal government. Executive Order 13985 reassuringly demonstrates the current administration’s commitment to combat the existing culture of otherness built on illusions of superiority that believes that using critical race theory to dismantle colonial frameworks and overturn the racial caste system is “divisive, anti-American propaganda.” However, our nation has a long way to go to overcome the continued divide and racist legacy.

The PBA Diversity and Inclusion Committee will offer a seminar entitled “Critical Race Theory-101” to help Pennsylvanian lawyers who want to learn more about critical race theory. Be on the lookout for this seminar which will take place at the end of June.

Barbara E. Ransom, Esq., specializes in rights secured pursuant to the 14th Amendment and federal and state laws that guarantee equal protection and due process to all. She has worked for the Public Interest Law Center in Philadelphia, the Pennsylvania Human Relations Commission and Disability Rights California. She currently serves as an adjunct professor in Lesley’s Graduate School of Education and takes on cases where her acquired skills can be useful to help those whose voices would otherwise not be heard.

Katherine “Katie” Kennedy, Esq. is a family law trial attorney who primarily works with child dependency and permanency legal issues in Pittsburgh. She is in the 2020-2021 Bar Leadership Institute class and is active with the ACBA Law Day efforts. She is also an active member of the WIP and was selected by WIP leadership to serve as its diversity ambassador to the PBA Diversity Team.

Endnotes
Despite the heavy snow last month, the Pennsylvania General Assembly passed two amendments to the Pennsylvania Constitution Article III Section Nine. As a result of their passage in both the Pennsylvania House and Senate, these proposed amendments will appear on the May 18, 2021, primary ballot. Presently, Article III Section Nine requires all emergency orders or resolutions passed by the General Assembly to be presented to the governor for approval before they can take effect. If the governor disapproves the order or resolution, the House and Senate will have to adopt the measures by a two-thirds majority to override the governor’s veto. This is the Pennsylvania doctrine of separation of powers embedded in its Constitution for more than 200 years.

In 2020, the Republican-dominated House and Senate challenged the governor’s Emergency COVID-19 Proclamations shutting all non-life sustaining businesses and ordering all persons, except essential workers, to shelter in place. The challenge took the form of a lawsuit appealed to the Pennsylvania Supreme Court. The Supreme Court looked at Article III Section Nine and denied the appeal.

Under Article III Section Nine, Gov. Wolf has the power to approve or disapprove any legislation of the General Assembly, unless each House votes by a two-thirds majority to override his veto. Now the Republicans want the Pennsylvania voters to grant them the authority to circumvent any veto by Gov. Wolf. The amendments end the separation of powers in the extension or termination of emergency declarations issued by the governor. The amendments will also reduce the timeframe for emergency declarations from 90 days to 21 days. Why is this bad? The General Assembly is not bound by science or guided by the Pennsylvania Department of Health. A pandemic involves movement of people into the commonwealth from international locations over which the Assembly has no control. Yet the purpose of the amendments is to grant the Assembly absolute authority in matters of emergency disasters, such as a pandemic.

Does the General Assembly believe in science? In early August 2020, the Institute for Health Metrics and Evaluation (IHME) reported that one in four COVID-19 deaths could have been prevented by all Americans wearing masks in public.1 Despite a requirement to wear masks, the Republicans have refused to wear masks during legislative sessions and have refused to enforce the masking requirement. Rep. Malcolm Kenyatta (D. Phila.) was quoted: “I don’t trust people who can’t wear a mask in a pandemic to have a say on when it is safe.”2 The Republican Majority Policy Committee refused to disclose when member Sen. Doug Mastriano (R. Franklin) and others became infected with COVID-19, for the safety of other members of the General Assembly.3 Rep. Mike Reese (R. Westmoreland), age 42, has since died from a brain aneurysm while in quarantine for a positive COVID-19 test.4 Members of the Republican caucus have even sued Gov. Wolf to declare the emergency proclamation unconstitutional, because it prevented them from holding in-person political fundraising events. The health and safety of the participants was not an issue. County of Butler v. Governor Wolf, (W.D. Pa 2020) app’d Third Cir. The same law firm out of Ann Arbor, Michigan, representing the caucus members in Butler County also represented litigants who sought to enjoin the governor’s face mask mandate. Judge John Jones denied the petition for an injunction. Chad Parker v. Governor Wolf. (M.D. Pa 2020), app’d.

Will the General Assembly act quickly enough to issue an emergency declaration in a disaster? Senator Carolyn Comitta (D. Chester) commented, “It is not possible to manage a crisis by 253 members of the General Assembly, most, if not all, of whom are not trained in managing emergencies.”5

With numerous COVID variants (UK, South Africa, Brazil) in community circulation in the United States, will the General Assembly debate evolution of COVID-19 before taking needed

4 Pittsburgh Post Gazette, Jan 2, 2021.
The PBA Minority Bar Committee produced its first ever Virtual Diversity Summit on Oct. 7, 2020. It was also the first time that the committee collaborated with a local bar association to plan and present the Summit. The Montgomery County Bar Association graciously accepted an invitation to host and plan the event together. When COVID-19 hit, the Montgomery County Bar pivoted with us to the virtual world! The combined efforts resulted in a most unique experience for attendees statewide.

At this summit, we wanted to reach out to a more diverse audience and particularly encourage skill-building for becoming an ally. During our summit planning, two significant events occurred: a global pandemic and an increased awareness of systemic racism resulting from several episodes of police violence. The pandemic forced us to embrace the virtual platform that allowed the summit to reach all corners of the commonwealth. The terrible episodes of police violence

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created an atmosphere in which the need for change became even more acute. The result was a summit that grabbed and held the attention of all who participated and set attendance records.

We are living through a moment in which larger changes are possible and rooting out systemic racism in our justice system and society must be a priority for attorneys and bar leaders. We know we must do better. This summit, "Practical Tips & Tools for Attorneys, Law Firms and Bar Leaders," was another step in the journey.

The opening session, promoted by Carl Cooper, featured a meditative-type guidance. Dr. Jonathan Kanter and Dr. Ellen Ostrow encouraged participants to challenge themselves to raise self-awareness of white privilege and fragility, colorblindness and microaggressions. Attorneys Patrice Turenne, Evelyn Devine and Jay Silberblatt gave impactful testimonies of their experiences. Faculty focused participants on the skills of noticing, unhooking from stereotypes, and learning not to run away from interracial anxiety.

A multigenerational panel followed, moderated by Sharon Barney, and featuring a current law student, Dylan Grayson, an advanced level attorney, Rachel Hadrick, and an experienced attorney, Dan Mateo. The conversation gave insight into efforts to promote, attract and retain minority voices in law firms and the bar.

The Montgomery County Bar headed the afternoon sessions, starting with TED-style talks led by Marilou Watson, Esq., Nancy Walsh and the Hon. Joe Walsh (a dynamic duo), and Bar President Patrick Kurtas, Esq. The presenters spoke of the emotional toll and challenges of being diverse attorney and inclusion advo-

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Andrea C. Farney is a founding partner of TRIQUETRA LAW®, a plaintiff’s law firm in Lancaster, focusing exclusively on employment law, civil rights and appeals. Her employment practice concentrates on discrimination, retaliation and harassment cases, separation and severance agreements, unemployment compensation, and family and medical leave. She represents both public and private employees in all phases of litigation, administrative processes, alternative dispute resolution and appeal. She primarily practices in the Eastern and Middle Districts of Pennsylvania and is admitted in the Third Circuit and the U.S Supreme Court.

Jay N. Silberblatt is currently vice president of the Pennsylvania Bar Association and will become its 128th president in May 2022. He is a member of the PBA House of Delegates, the Minority Bar Committee Executive Council and the Legal Ethics and Professional Responsibility Committee and serves on the PBA Diversity Team. He is the immediate past chair of the PBA Professional Liability Committee. He has served as PBA Zone 12 Governor from 2015-2018 and as chair of the PBA Civil Litigation Section. Silberblatt is chair of the Allegheny County Bar Association Civil Litigation Section and a member of its Board of Governors. He has been active on ACBA’s Professionalism Committee and has served as chair of its Electronics for the Litigator Committee and its Website Committee. Silberblatt is a fellow of the Academy of Trial Lawyers of Allegheny County, a select group of the top trial lawyers in Allegheny County. He is certified as a Civil Trial Advocate and a Civil Pretrial Practice Advocate by the National Board of Trial Advocacy, a credential enjoyed by only a handful of lawyers in Western Pennsylvania.
According to statistics from the Disciplinary Board of the Supreme Court of Pennsylvania, only 0.7 percent of attorneys in Pennsylvania are Hispanic/Latino and female. Saying that being a female Hispanic/Latino attorney is uncommon is an understatement, which is one of the reasons why Diana Cortes’ appointment as the first Latina city solicitor of Philadelphia is even more impressive. On Dec. 11, 2020, Cortes was appointed as acting city solicitor. City Council confirmed her on Feb. 18, 2021. As city solicitor, she serves as general counsel to the Mayor of Philadelphia and his administration, City Council and all City departments, agencies, boards and commissions. She manages the City’s Law Department, which employs 215 lawyers and over 100 professional staff. When Cortes told her Costa Rican parents about her new appointment, both parents in true traditional Latino fashion, focused on, “Who is going to take care of your daughter?” Filled with so much pride, her father said he could hardly contain himself.

Cortes grew up in New Jersey in a close-knit Costa Rican family. Her parents left their country to give their children more opportunities. Cortes acknowledges that “The U.S. can give people opportunities that are not available in other places” and recognizes the sacrifices her parents made to make sure she and her brothers succeeded. Cortes knew early on that she wanted to be an attorney, and she enrolled in her high school’s debate team, which debated against more affluent schools. Some of the students at those schools told them to “go back to the ghetto.” She attended Cornell University and later enrolled in Villanova Law. After graduation, she clerked for Judge Juan Sánchez, Chief U.S. District Judge for the Eastern District of Pennsylvania, who became her mentor. Afterwards, she worked for five years for Morgan, Lewis & Bockius LLP, one of the most recognized law firms in the country.

She then decided to take her career in a completely different path and became a prosecutor. At the Philadelphia District Attorney’s Office, Cortes realized the importance of minority representation in the legal field. One of her cases involved the sexual assault of a young girl. The girl and her family did not speak very good English and, because she spoke Spanish, Cortes was able to establish the family’s trust and convince them to go to court. “Representation is vital,” she said. “We have an obligation to be seen, get our stories out there and not get discouraged, and obtain racial justice.” In order to achieve that, Cortes firmly believes that we need more minority attorneys working in government, civil rights and public service because the legal field is dominated by white men.

After spending a few years at the Philadelphia District Attorney’s Office, she became a litigator at Marshall Dennehey Warner Coleman & Goggin PC. Soon thereafter, she was asked by the City of Philadelphia Law Department to serve as chair of its litigation department. Her work spoke for itself and, when the city solicitor later left his position, she was tapped to become the next city solicitor.

Being a successful minority attorney often means that some people may assume the reason why you are successful is because you are a minority. “I know some people think about it,” Cortes says. “It’s a way for them to justify why it was not them. That is their insecurity.”

Ana Paulina Gomez works for the Pennsylvania Insurance Department, where she represents the department in litigation before administrative tribunals and appellate courts and provides the department with legal advice on Right-To-Know Law and contractual and procurement matters. Ana previously worked for the Pennsylvania Department of Education, where she litigated educator misconduct cases and Right-to-Know Law matters at the administrative and appellate level. She was an assistant district attorney at the York County District Attorney’s Office from 2012 until 2015. She clerked for Judge Thomas Kelley in York County immediately after graduating from law school. Ana attended the Penn State Dickinson School of Law, where she interned for Judge Yvette Cane, U.S. District Court for the Middle District of Pennsylvania. She was a senior editor for the Penn State Environmental Law Review and a Miller Center for Public Interest fellow. Gomez is admitted to practice before the Supreme Court of Pennsylvania and the U.S. District Court for the Eastern District of Pennsylvania. She is also a trained mediator.
The year 2020 is one that we will always remember as we spent it living during a pandemic and adjusting to our new, temporary virtual world. We began the year 2021 with high hopes. However, we quickly realized not much changed, and our outcry of #BlackLivesMatter and #SayHerName continues.

The #BlackLivesMatter and #SayHerName movements raise awareness surrounding the issue of racially motivated police misconduct cases dating from 2012 through today. The following summary provides a brief status update on two of the most high-profile cases that are currently in litigation.

**George Floyd: May 25, 2020**

“I can’t breathe...I can’t breathe!” These were the last words of George Floyd. On May 25, 2020, George Floyd was murdered by Officer Derek Chauvin in Minneapolis, Minnesota. Prior to his murder, reports stated that Floyd purchased cigarettes from a Minneapolis neighborhood store using suspected counterfeit money. In response, the neighborhood store called 911 and informed the police that it was their belief that Floyd made a purchase with counterfeit money. Subsequently, the police arrived. Viral video footage showed Floyd being arrested and pinned to the floor by Chauvin upon their arrival. Video footage further shows Chauvin kneeling on Floyd’s neck while pinned on the ground. Bodycam and cellphone footage also revealed Chauvin knelt on Floyd’s neck for approximately 8 minutes and 46 seconds, as Floyd continued to repeat, “I can’t breathe.” Cell phone footage also showed Floyd calling out for his mother, who passed away approximately two years prior to his murder. Unfortunately, Floyd’s cries for help and air went unanswered, and he subsequently died with Chauvin’s knee on his neck. The murder of Floyd led to public outrage. Citizens from all 50 states responded by protesting peacefully and seeking justice. Protests also occurred in countries worldwide. On June 3, 2020, Chauvin was charged with second-degree unintentional murder, third-degree murder and second-degree manslaughter. In April 2021, this case went to trial and lasted approximately three weeks. The jury deliberated for about 10 hours. On April 20, 2021, the jury found Chauvin guilty on all three charges ... refreshing news for our community as the jury held Chauvin accountable for his actions. Floyd’s family also filed a civil rights lawsuit against the City of Minneapolis. Recently, the City agreed to pay the family a $27 million to settle this lawsuit, the largest pre-trial settlement ever for a civil rights claim. The settlement also includes $500,000 to enhance the business district in the area where Floyd died.

**Breonna Taylor: March 13, 2020**

On March 13, 2020, a Louisville Police Officer fatally shot Breonna Taylor in her own apartment. The Louisville Metro Police Department executed a no-knock search warrant at Taylor’s home. Reportedly, the department targeted two other men whom they believed to be associated with Taylor’s boyfriend, Kenneth Walker III. The officers alleged Taylor’s boyfriend received packages from the two men that contained drugs.

When the officers entered, gunfire exchange occurred between Taylor’s boyfriend and the officers, who he believed were intruders. The officers opened fire with more than 20 rounds, hitting objects in the living room, dining room, kitchen, both bedrooms, etc. Taylor was shot eight times and pronounced dead at the scene. There were no drugs in the home.

Sadly, in September 2020, officials decided not to charge the officers with Taylor’s murder. Citizens continue #SayHerName protests but justice has yet to say Breonna Taylor’s name. Walker, Taylor’s boyfriend, filed a federal lawsuit against the police department in the U.S. District Court for the Western District of Kentucky. Walker’s suit arises from a violation of his Fourth Amendment rights when the officers executed the search of his...
Anthony D. Cox, Jr. is an associate attorney at Dickie, McCamey & Chilcote PC. He concentrates his practice in the areas of commercial litigation, insurance bad faith litigation, professional liability, professional malpractice and tort defense, with a particular emphasis in civil litigation and professional and occupational licensure defense. Prior to joining the firm, Cox practiced as a litigation attorney at the Pennsylvania Department of State. While in law school, he served as a judicial intern with the Supreme Court of Pennsylvania as well as a student law clerk to President Judge Mary Hannah Leavitt of the Commonwealth Court of Pennsylvania. Cox is a prior recipient of the Minority Bar Association Rising Star Award. He currently serves on his firm’s Diversity Committee and takes pride and striving to diversify the legal profession.

#BlackLivesMatter and #SayHerName

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home. We will monitor the status of Walker’s suit.

As the late Dr. Martin Luther King Jr. stated in his 1965 speech: “[o]ur lives begin to end the day we become silent about things that matter.” While we are not anywhere near where we strive to be, these police brutality cases have shown that we are no longer willing to be silent. Say it with me: #BlackLivesMatter and #SayHerName. These awkward and uncomfortable conversations with our peers are more important now than ever. Further, it is important that we continue to use our voices, hold public officials accountable, and advocate for change. #BlackLivesMatter #SayHerName.

RISING STAR AWARD PROGRAM

Spotlight on 2021 Rising Star Jada Greenhowe

By Maraleen D. Shields, Esq.

The Rising Star Award is the Minority Bar Committee’s opportunity to recognize the outstanding achievements and accomplishments of one of its members on the rise. This year, the Rising Star Award Committee received several high-quality applications. The future of the Minority Bar Committee and the Pennsylvania Bar Association is bright.

The recipient of the Rising Star Award for 2021 is Jada S. Greenhowe, Esq. Jada received her Bachelors of Arts in communication rhetoric from the University of Pittsburgh. In 2013, she earned her law degree from the University of Pittsburgh School of Law. While there, she was senior development editor of the Journal of Environmental and Public Health Law. She earned certificates in environmental law as well as international and comparative law. In 2014, Jada became assistant counsel for the Pennsylvania Housing Finance Agency. Her practice includes municipal bond financing and tax-exempt transactions, low-income housing tax credit transactions, mixed-use development transactions, bankruptcy litigation and other civil litigation, including quiet title actions and contract disputes. Jada may not think of herself as a Rising Star within the Minority Bar Committee and the PBA, describing herself as someone who steps up and fills the voids, but she could not be more wrong. Jada has demonstrated not only a willingness to step up to the plate when asked, but a willingness to take a chance. This is what leadership looks like. Jada first became involved with the Civil and Equal Rights Committee at the urging of Susan Etter. For Jada, this committee has been an invaluable opportunity by allowing her to engage in the area of civil rights law. As a public interest lawyer, she adds an important and rich perspective to the committee. Riley Ross, another leader within our bar association, encouraged Jada to serve as co-chair of the Civil and Equal Rights Continuing Legal Education Subcommittee. She seized the opportunity to lead. Her perspective as a public interest lawyer has added great value to the work of the subcommittee. Jada also serves as co-vice chair of the Civil and

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Spotlight on 2021 Rising Star Jada Greenhoe
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Equal Rights Committee and Zone Three co-chair of the Young Lawyers Division. In 2019, Jada applied to the Bar Leadership Institute (BLI) on a “whim.” It is hardly a whim to actively seek out opportunities to develop connections with other professionals in the commonwealth while learning about the PBA’s many paths to leadership. Despite the program’s limitations due to the COVID-19 pandemic, Jada still attended a Board of Governors meeting.

Whether she recognizes it or not, she is preparing herself and honing her leadership skills. At a very early juncture of her career, Jada has already established herself as a steady and trustworthy participant in several core PBA activities. However, the best is yet to come for Jada. She looks forward to making an impact and will not be satisfied with a typical nine-to-five legal career. She envisions a future working in environmental justice that will allow her to combine her passion for clean energy and environmental law with what she has learned about multi-unit affordable housing. We have no doubt that she will continue to make an impact within the PBA and Minority Bar Committee as well.

If you know someone whose outstanding achievements and accomplishments as members of the Minority Bar Committee should be recognized, please consider submitting a nomination. Access the nomination form here.

Maraleen D. Shields is a shareholder with the Lehigh Valley-based law firm Fitzpatrick, Lentz & Bubba. She is a member of the Litigation and Trial Practice and Healthcare Groups. She is presently a member of the PBA Minority Bar Committee and Women in the Profession executive councils as well as vice-chair of the Health Care Law Committee. In 2020, she was named a member of the PBA Joint Task Force on Continuity of Delivery of Legal Services.
JUMPING SILOS

The Commission on Women in the Profession (WIP):
The PBA’s Largest and One of its Most Active and Engaged Committees

By Wesley R. Payne IV, Esq.

Although this article will not be published until April, I am writing it in support of Women’s History Month. The Commission on Women in the Profession or WIP is the natural choice to highlight for this edition.

Established in 1992, the PBA created WIP to get more women involved in PBA leadership and to explore issues affecting women in the practice of law. The success experienced as both training leaders and identifying and eliminating barriers for women in the profession is remarkable. Membership in WIP is not only limited to women attorneys. To the contrary, all PBA members are eligible to join WIP, and there is no separate fee to join. Further, the benefits of joining WIP include: networking opportunities, affordable Continuing Legal Education programming at the spring and annual conferences and the fall retreat, mentoring opportunities and a referral network for its members. To say the least, WIP is one of the most active and engaged entities within the PBA and has grown to over 700 members.

The WIP mission statement reads:

The WIP shall assess the current status of women in the legal profession and identify barriers that prevent them from full participation in the work, responsibilities and rewards of the profession; make recommendations to the PBA Board of Governors and House of Delegates for action to solve problems the WIP identifies and develop educational programs to address discrimination against women lawyers and the unique problems they encounter in pursuing their professional careers.

The WIP’s goals are:

... to promote diversity among our membership and in the profession, to further meaningful relationships and connections via networking and mentoring, and to focus on the unique issues that female attorneys face. We are dedicated to providing a voice for women within the PBA and its Board of Governors and providing women lawyers with a meaningful venue for exchanging experiences.

Since 1995 and true to its mission, WIP tracks and assesses the status of women in the legal profession and identified barriers that prevent them from full participation in the work, responsibilities and rewards of the profession through its ongoing, legendary report card. Published in April 2021, the 26th Edition of the WIP Report Card evaluated issues such as the demographics relating to women attorneys in the commonwealth, the state and federal judiciary, the private sector of the profession and leadership in the PBA.

WIP not only monitors but also progressively promotes leadership of its members within the WIP, in other sections and committees, the PBA’s House of Delegates, Board of Governors and executive positions. Again, the WIP holds itself accountable in the report cards by checking the progress of women in the PBA. WIP’s initial leadership opportunities are contained within its 16 committees: Annual Conference Committee, Awards Committee, Book Group, Communications Committee, Diversity Committee, Governance Committee, Legislative Committee, Membership Committee, Mentoring Committee, Nominations Committee, Promotion of Women Committee,

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Jumping Silos: WIP
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Public Service Committee, Quality of Life Committee, Report Card Committee, Retreat Committee and Spring Conference Committee (formerly the Midyear Meeting Committee). Accordingly, within the 16 standing committees, there are many opportunities for leadership within the WIP as well as an opportunity to act as a liaison to other PBA committees.

With respect to membership and leadership within the PBA, WIP has made significant strides. In 1995, women represented 24% of the PBA membership. In 2019, women representation was 32% of the PBA membership. Likewise, in 1995 women only constituted 21% of the members of the Board of Governors and 21% of the members of the House of Delegates. Now, they constitute 50% of the Board of Governors and 39% of the House of Delegates members, respectively. Of the 56 active PBA committees, 57% are chaired or co-chaired by women, a significant increase from 12 of 38 committee chairs or 31% in 1995. Finally, five of the 18 section chairs are women. The list of issues tracked, inequities identified and improvements made by the WIP is extensive. I invite everyone to read and review the 2021 Report Card.

Finally, in leadership of the PBA itself, since the mid-1990s, Leslie Anne Miller, Gretchen Mundorff, Sara Austin, Sharon López and Anne John have served as president of the PBA. Kathleen Wilkinson is president-elect. WIP regularly mentors and develops young leaders for future leadership in the PBA. WIP has not only grown the leaders of the PBA but has helped to change the development of the PBA. If you are interested in a large, active committee that is involved with every aspect of the PBA and its leadership and seeks equity for all PBA members, the WIP may be a place for you.

Wesley R. Payne IV, a partner in Philadelphia's White and Williams LLP and chair of its diversity committee, is the Zone One governor on the Board of Governors. A member of the PBA House of Delegates, Payne is active in the PBA Minority Bar Committee and a former chair of the PBA Military and Veterans Affairs Committee. Payne is the vice chancellor of the Philadelphia Bar Association, a member of the Barristers Association of Philadelphia, and past president of the Philadelphia Association of Defense Counsel. He is active in pro bono and civic activities. A cum laude graduate of Washington and Lee University, Payne received his J.D. from the University of Maryland School of Law. He served in the U.S. Army Judge Advocate General's Corps from 1988 until 1991.

Welcome New MBC Members!

Please join me in welcoming the following new members of the Minority Bar Committee:

Ariel Bruce  
Anabita Anvari  
Kristine Calalang  
Susannah Bultron  
Angelica Matias  
Yvette Donaldson  
Juan Paz-Rosario  
Navdeep Singh  
Lelabari Giwa-Ojuri  
Morgan Bonekovic

It is my pleasure and honor to welcome you to our committee and thank you for joining us in advancing our mission. Please get involved and stay involved. You will be approached and asked to participate in any one of our 10 subcommittees. Our committee thrives because of the contributions of our members.

We are here for you. Please use our Listserv as a resource. It is invaluable tool. Please do not hesitate to contact me if there is anything that I can do for any of you.

I hope that all of our members, new and current, continue to be safe and practice the necessary guidelines for maintaining health and seeking assistance when needed.

Tyeshca Miley  
Chair, PBA Minority Bar Committee  
tcmiley@yahoo.com
t is always wonderful when the days get warmer and longer and spring arrives. As we spring into this season, it seems the past year zoomed by and the important work of our Minority Bar Committee continued via Zoom meetings and conference calls. Last year was unanticipated and unprecedented as the government imposed lockdowns to stop the spread of COVID-19. Gone were our face-to-face meetings for over a year. But hope for in-person meetings is on the horizon! The number of coronavirus infections and deaths continue to decrease and vaccinations are on the rise. I, for one, look forward to seeing everyone, as I am sure you are too.

As promised, one of our signature programs, the Diversity Summit, was a huge success. It was exciting, educational, engaging and informative. For the first time ever, the Diversity Summit was virtual. It was an “interactive, day-long event focused on advancing diversity, equity and inclusion in the legal profession” with 6.5 credits available. The co-chairs were Sharon Barney, Anthony Cox Jr., Andrea Farney, Jay Silberblatt and Patrice Turenne. I found the summit to be fabulous. You can read more about the summit beginning on page 6 of our spring newsletter. Anthony Cox Jr., another co-chair, noted the summit’s great attendance and thanked everyone for their participation.

This Legislative Subcommittee does the valuable work of providing insight and regular updates to our committee on bills and laws affecting the minority community. Co-chairs Tsiven Law and Brenda Marrero remain on top of key legislation that not only affects PBA, but all Pennsylvanians, such as PA HB 38 which proposed the redistricting of Pennsylvania appellate judicial elections. PBA played a strategic and important role in stopping the passage of PA HB 38. PBA Director of Legislative Affairs, Fred Cabell, and his staff share valuable insights with our committee. Recently, the General Assembly passed two amendments to PA Constitution Article III Section Nine. The May 18, 2021, ballot will include a question on limiting the power of the governor to declare emergency orders or prohibit renewal of said orders after 21 days. To learn more, please read Tsiven Law’s article entitled “Just Say No to Proposed Constitutional Amendments to Article III Section Nine.” The co-chairs of our Membership Development Subcommittee are Jackie Martinez, Sharon López and Ana Paulina Gomez. One of the goals of this subcommittee is to increase the membership of our MBC and PBA. Recently, we added 10 new members to our committee. The PBA and the committee are always happy to welcome the new members. One of our new members mentioned her law firm wanted her to join the PBA. It is always music to our ears to hear that a law firm not only recognizes the value of PBA attorney membership but membership benefits for the law firm as well. We join Chair Tyesha C. Miley in welcoming our new committee members listed on page 14.

Nominations Subcommittee co-chair Henri Pierre Marcial keeps our committee apprised of opportunities for various positions in the PBA, including leadership roles, identifies our members for nominations for pending awards, and advises us of potential speaking engagements. His important work helps our members to become even more involved in the PBA and its many significant activities.

Due to COVID-19, our Community Outreach Subcommittee was limited this year. The co-chairs for this subcommittee are E. Nego Pile and Raphael Castro.

As of now, it appears that we will not be able to conduct our Minority Law Day events again this year. This is extremely disappointing for all involved — the attorneys who so graciously and generously give their time and the students who look forward to these amazing functions. Past participants, including students and attorney, found these programs to be extremely meaningful, helpful and educational. Minority Law Day activities have a positive impact on their lives and most of them return year after year. Many of these students have never met nor interacted with an attorney in a positive fashion. Because of our Minority Law Day events, some students decided to become attorneys or to focus on other types of legal careers. Attorney volunteers are happy to participate because they know our Minority Law Day activities make a difference. Philadelphia co-chair Nigel Scott stated, “The subcommittee continues to grapple with the challenges posed by pandemic-related restrictions, while also desiring to meet our mission of exposing high school students to the law. Regrettably, it appears increasingly likely we won’t be able to gather in-person for a second successive year, but the subcommittee will continue to explore alternatives to in-person gatherings, with the hope of keeping students involved and engaged with our mission.” The Harrisburg co-chairs are Rachel Hadrick and Robert Datorre. The Pittsburgh co-chairs are Verdell Dean and Imogene Cathey.

Our Minority Attorney Conference is planned for Oct. 7-8, Continued on page 16
Come One, Come All!
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2021, at the Crowne Plaza Hotel in Harrisburg. The theme is “Reclaiming Health, Wealth and Wisdom in the Post-COVID-19 Era.” The co-chairs are Marisa Lattimore, Rhodia Thomas and Gina Thomas. We are keeping our fingers crossed that it will be an in-person event this year. Whether it is in-person or virtual, you do not want to miss it. We predict it will be as engaging, informative, educational and exciting as it was last year. We will keep you posted.

The chair of our Newsletter Editorial Board is Arlene Marshall-Hockensmith. She works hard to edit the articles and get them published in our esteemed newsletter on time. Wes Payne is editor of our “Jumping Silos” column. Ana Paulina Gomez is editor of our “First, But Not Last” column. Maraleen Shields is responsible for our Rising Star Program.

Tyesha Miley is the chair of our committee. Tony J. Thompson and Anthony Cox Jr. are our co-chairs. Together, they kept our committee going strong despite the challenges of the pandemic. LaToya Winfield Bellamy is our awesome secretary who always keeps our minutes up to the minute. Our committee is amazing because of our fabulous members and their commitment and involvement in all that we do.

If you are not already a member of our committee, please join today. As Mahatma Ghandi said, “Be the change you want to see in the world.”

Marisa Lattimore is counsel for Super Bakery, concentrating on trademarks. She served as manager of diversity and professional development initiatives for Wolf Block LLP. She worked for the Supreme Court of Pennsylvania for many years for Chief Justice Robert Nix, Chief Justice John Flaherty and Chief Justice Stephen Zappala.

PBA Minority Bar Committee 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.

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