THE INTERSECTION OF RACIAL AND GENDER BIAS

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INTRODUCTION

State and federal task forces have been studying racial, ethnic, and gender bias in the American justice system since the early 1980s. The majority of these task forces divided their work into a study of either racial or gender bias, but most did not address both in a single report. In the past few years, however:

“The concepts of gender and race have come to be understood as interactive rather than distinctive categories. While the phrase ‘women and minorities’ is oft repeated in law, participants in law are coming to understand that ‘women’ include those of all colors and that ‘minorities’ include those of both genders.”

The 1994 report prepared by the Multicultural Women Attorneys Network, The Burdens of Both, The Privileges of Neither, suggests that since “one’s race, ethnicity or gender negatively impacts one’s success and acceptance in the greater society, then certainly a combination of race, ethnicity and gender would be even more potent—and possibly more disadvantageous.”

Recent reports studying equality in the courts, such as the reports completed by the Third Circuit Task Force on Equal Treatment in the Courts and by state task forces in Oregon, California, and Florida, acknowledge that focusing on only race or only gender “may cause the experiences of women of color to drop out of the equation.” Moreover, scholarship in this area has created a growing awareness that bias towards women of color is experienced as “more than race or sex bias alone, and more than race plus sex.” Broadly speaking, at this “intersection” are located the multiple characteristics that affect a person’s experiences in society and in the legal system—where, “for example, gender, race, ethnicity, age, disability, sexual orientation, and class—interrelate.” Legal scholars call this convergence “intersectionality.”

Originally, the concept of intersectionality was developed as a way to discuss the dilemma of women of color in bringing employment discrimination suits, because “Title VII required them to plead either race or sex discrimination.” This can create a situation where the double discrimination confronting women of color is not recognized by the courts. For example, in the case DeGraffenreid v. General Motors, 413 F. Supp. 142 (E.D. Mo. 1976), “the court refused to recognize the possibility of compound discrimination against black women and analyzed their claim using the employment of
white women as the historical base." Conversely, in the process of recognizing race discrimination against an African American woman, claims of sex discrimination can be lost, as in Moore v. Hughes Helicopter, 708 F2d 475 (9th Cir. 1983). In Hughes, “the Court held that a black woman could not use statistics reflecting overall sex disparity...because she had not claimed discrimination as a woman but ‘only as a black woman.’” Thus, as noted by the Oregon Supreme Court/Oregon State Bar Report on Gender Fairness, this Catch-22 makes it necessary to examine previously unacknowledged relationships between characteristics that are commonly categorized separately—such as race, ethnicity, and gender—in order to understand how they may affect each other.

There is also the danger of what the legal scholar Angela P. Harris calls “gender essentialism—the notion that a unitary, ‘essential’ women’s experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience.” Furthermore, “[a] corollary to gender essentialism is ‘racial essentialism’—the belief that there is a monolithic ‘Black Experience,’ or ‘Chicano Experience’” that fails to take account of gendered ways cultures operate. Harris observes that in an “essentialist world” the experience of African American women, for example, will always be “forcibly fragmented” by those who are “only interested in race” or those who are “only interested in gender.”

A thorough discussion of intersectionality must therefore acknowledge “suppositions and stereotypes deeply embedded in American culture.” Such notions commonly include stereotypes of poor, minority, and ethnic women. But addressing intersectionality can also illuminate troublesome issues such as the historical rift between race and gender underlying feminism or “unconscious” racism. Unconscious racism and gendered thinking, as some scholars note, is inherent in the behavior of “feminist and civil rights thinkers” who have “treated black women in ways that deny both the unique compoundness of their situation and the centrality of their experiences to the larger classes of women and blacks.”

While legal scholars have been writing about intersectionality for some time, only a few fairness or equality task forces have addressed it directly. This is the case for a number of reasons, most of which have to do with the complexity of intersectionality and with staff and funding limits. The Third Circuit Task Force on Equal Treatment in the Courts was the first federal task force to address the “double bind of multiple discrimination often experienced by women of color.” To date, Florida is the only state with a judicial task force to conduct separate studies of women of color, and its original commission limited its scope of inquiry to minority women in the
The Committee found that statements gathered in Pennsylvania are remarkably similar to those gathered by race and gender task forces across the country, inasmuch as those who are in positions of privilege or power, or non-minorities, often have a very different perspective than women of color about whether inequality and bias exist.

At its inception, the Committee recognized the importance of addressing the intersectionality issue. Since it is one of the few judicial task forces to address both race and gender in a single report, it was able to synthesize some of its findings in a way that exposes the specific plight of women of color. Through its public hearings, roundtable discussions, focus groups, and surveys, the Committee sought comments from individuals across the Commonwealth on the ways in which gender and race intersect in the lives of women of color. Additionally, the Committee gathered information from other sources such as law reviews, articles, and the reports of other task forces. In this way, the Committee has been able to identify issues of intersectionality in reported incidents of bias that might otherwise have been understood as only a gender issue or only a racial issue, and to consider how the two are connected.

The Committee recognizes that the common practice of comparing or analogizing racism and sexism can marginalize the significance of race, and has made an attempt to avoid that distortion by locating and including the experience of women of color throughout its report.

Four principal themes emerged from the Committee’s research on intersectionality. First, since much of the material gathered by the Committee was anecdotal, different patterns of perceptions emerged, depending upon who was commenting. The Committee found that
statements gathered in Pennsylvania are remarkably similar to those gathered by race and gender task forces across the country, inasmuch as those who are in positions of privilege or power, or non-minorities, often have a very different perspective than women of color about whether inequality and bias exist.\textsuperscript{21} The relevance of race, gender, or race and gender “is not reported equally by those who fall within the category of ‘majority’ and those who fall within the rubric of ‘minority.’”\textsuperscript{22} Second, female attorneys of color face significant hurdles in the courts that are not encountered by either white women or minority male attorneys. Third, other female minorities, such as court employees and litigants who are women of color, feel devalued and ghettoized; and fourth, female litigants of color often face additional obstacles such as class, language, or cultural issues that exacerbate their difficulties in the courts. It is significant to note, with respect to this last point, that the majority of people living in poverty are women and children.\textsuperscript{23} Their poverty, combined with gender and race, has a profound impact on their courtroom experiences and can affect the outcome of their cases.

DIFFERENCES IN PERCEPTIONS OF THE ROLE OF RACE AND GENDER

Commenting on the perceptions of bias towards minority women, the Third Circuit Task Force on Equal Treatment in the Courts noted:

“As might be expected with anecdotal data, the focus groups and the public hearings produced much more dramatic differences of perception about the role of gender and race in the court system, particularly the role of race. On the one hand, in employee focus groups, many minority females spoke of the devaluation of women of color and expressed their skepticism about whether they are treated fairly. In questionnaire comments, white females, on the other hand, expressed their belief that, in the workplace, women of color are advantaged by their race.”\textsuperscript{24}

The Second Circuit Task Force Report, completed several years later, documented very similar questionnaire responses:

“White and minority female attorneys and minority male attorneys report that members of their own group are more disadvantaged than other groups. White female attorneys, for instance, observe that they are more disadvantaged than minority male and minority female attorneys in private practice. Similarly, minority male and minority female attorneys report that they are more disadvantaged than white female attorneys.”\textsuperscript{25}
These differences in perception have been found repeatedly in surveys and questionnaires conducted by task forces across the country and by the organized bar.26 In a 1999 interview, Philip S. Anderson, then President of the ABA, recounted that he was struck by how it is still difficult for many whites, particularly white males, to recognize that there is bias in the justice system. The inability to recognize bias is one of the primary reasons for this disparity in perceptions between women of color and non-minorities. Anderson recalled observing an open discussion among conference attendees during which “the white men said they saw no racial or gender bias in the justice system and the black women said they all had experienced it.”27 Although Anderson went on to say, “I came to the inescapable conclusion that if they saw it, it’s there,”28 this is not the same thing as recognizing these conditions independently of being told they exist.

Another significant reason for disparities in the perceptions of minority and non-minority women regarding bias in the justice system is the dynamic of power operating behind what Shelly Todd, a speaker at the Committee’s public hearing in Harrisburg, called “white privilege.” By this Todd means, “the privilege to acknowledge that you have [an] unearned privilege, but to ignore what it means.”29 A professor of psychology at The Pennsylvania State University who is also a woman of color spoke at the Committee’s State College public hearing and suggested that “Judges who are white are not aware of how whiteness has influence in terms of how they’re treating somebody else...It’s only when you’re in a predominantly non-white community, when that begins to stand out.”30 Further, there is nothing in the experience of minorities, especially minority women, to counter their perceptions of a fundamentally biased and unfair system. As reported by Jerome Mondesire, president of the Philadelphia NAACP:

“These perceptions of unequal and biased treatment in all aspects of the justice system have been formed as a result of the personal experiences of African Americans as well as anecdotal accounts handed down throughout generations. The real lack of diversity with respect to the numbers of minority judges, prosecutors, court administrators, and chosen jurors only serves to reinforce these perceptions.”31

On the other hand, anecdotal evidence gathered by the Committee indicates that white females do not always take the position that minority women are granted special privileges, nor are they ignorant of the plight of women of color. Susan Yohe, a white female attorney who spoke at the Pittsburgh public hearing, for example, noted that the most frequent complaint of minority female attorneys “is that they simply aren’t accepted as intelligent
lawyers,” and “that they have enormous difficulty [being] taken seriously.”\textsuperscript{32} She went on to say that when she compared the stories of minority female attorneys to her own, or to those of other white women, she realized that “their battle is far harder than ours.”\textsuperscript{33}

Additionally, although the Committee’s focus groups on gender bias were not designed to include racial bias, participants in all geographic areas raised the subject on their own. In Erie, where there were no people of color in either the attorney or court personnel groups, which were composed entirely of white women, participants noticed, and commented on, the racial makeup of their groups. They went on to discuss the disrespectful treatment of minority attorneys and racial bias in the hiring of court personnel. In other parts of Pennsylvania with low minority populations, members of focus groups described biased treatment of African American attorneys and African American criminal defendants. The view of these (white) focus group participants was that racial bias is very likely to occur in areas where people see few minorities in official positions in courtrooms and where juries may contain few or no people of color.\textsuperscript{34}

**FEMALE ATTORNEYS OF COLOR ARE ESPECIALLY DISADVANTAGED**

*“There are more challenges for a host of reasons—lack of role models and mentors, and the lack of opportunities to participate on challenging cases or to work for significant clients.”*  
—Attorney Charlene Shimada

The second intersectionality theme noted by the Committee is that female attorneys of color are especially disadvantaged. As was recognized by the ABA’s Multicultural Women Attorneys Network, a joint project of the Commission on Women in the Profession and the Commission on Opportunities for Minorities in the Profession: “Multicultural female lawyers are considered the most visible and disadvantaged group within the legal profession.” The network observed that multicultural female lawyers encounter “persistent and pervasive and unique barriers to career opportunity, growth, and advancement.”\textsuperscript{35} More recent studies indicate that this is still the case, revealing that 12 percent of all women and 2 percent of all men said that in the past five years judges had assumed they were not lawyers, but 9 percent of minority men and 33 percent of minority women reported having such an experience.\textsuperscript{36} In California, “[A]n Asian American female attorney appearing before the judge hearing her case was asked not
only whether she was an attorney, but also whether she was licensed to
practice in California." 37 Further, the 1994 report of the ABA Multicultural
Women Attorney’s Network notes that cultural differences can also be a
problem for minority female attorneys:

“Asian American women and Latinas acknowledged an
additional handicap: Their cultural upbringing stresses hard
work, harmony, and teamwork over the “blowing your own
horn” method of gaining prominence. As one Asian American
woman put it bluntly: ‘Our culture’s emphasis on education and
being a good student often means one doesn’t learn social,
communication, and political skills (“street smarts”) at home.
To get ahead, one has to learn how to do what the boys do:
Self-promote, socialize, build networks.’” 38

Charlene Shimada, a partner at the San Francisco office of McCutchen,
Doyle, Brown & Enersen and one of the first women of color to hold
the title of managing partner, remarked in a recent article that attaining
management posts can be especially difficult for minority women. “There
are more challenges for a host of reasons—lack of role models and mentors,
and the lack of opportunities to participate on challenging cases or to work
for significant clients,” Shimada said, further noting that law firms have a
problem retaining women of color. 39 According to the report, Miles to Go,
published by the ABA Commission on Opportunities for Minorities in the
Profession (now the Commission on Racial and Ethnic Diversity in the
Profession), “The attrition rate for minority women is higher than that for
any other group.” 40

Information gathered by the Committee in focus groups conducted in
various locations throughout the Commonwealth shows that Pennsylvania
courtrooms can be a difficult place for female attorneys of color. For
example, an African American female attorney stated in the Philadelphia
focus group for attorneys:

“[W]hat irks me is when white attorneys come up to me and they
will have the audacity to say...‘My, you’re good at this.’ [It’s]
saying I shouldn’t be good and the way they do it, it’s with the
surprise like ‘Oh, my God’ and it’s because I’m black and I’m
female. They assume that we know nothing—that they know
everything. And I’ve been practicing law for 20 years. And I still
get it.” 41
Another Philadelphia focus group participant noted that even African American male judges will single out African American female attorneys for disparate treatment:

“You’re a black woman and if they can lord it up over anybody, it’s you. And so there you are, you’re standing in front of them and, if there’s one person they can make kowtow to them it’s going to be the black woman. Because in the hierarchy they can’t do it to the white men and they can’t do it to the white women, so who’s left? There’s you.”

The final report of the focus group discussions indicated that in a rural Pennsylvania county, “African American women report that they are such an oddity in some areas that people come to court just to see them. They report having more trouble than Caucasian women getting and retaining clients, because they are made to appear less credible in the courtroom by judges, court personnel, and opposing counsel, and that reputation gets around.”

The small number of minority women in positions of power may also exacerbate the problem. For example, Ted Darcus, executive director for the Pennsylvania Governor’s Commission on African American Affairs, reported that there is “a lack of positive role models within the justice system [of the Commonwealth]. [African Americans] see few black judges, attorneys, and other employees in the justice system and even fewer black females.” There is also a dearth of minority women on the bench in Pennsylvania. According to the AOPC, there are 431 judges in the Commonwealth as of 2002 and only 19, or 4 percent of this number, are non-white women, including only two Latina women. In Oregon, there were no women of color serving as active judges as recently as 1998. According to the Alliance for Justice, “[P]rogress has been made in appointing women and minorities to the federal bench. Of 825 federal district and circuit court judges, 82 are black, 36 Hispanic, seven Asian American, two American Indian and one Arab American...Another 124 are white women.” Significantly, no minority women are specifically identified among these numbers.

Interviews conducted on behalf of the Committee by The Melior Group and V. Kramer & Associates show that judges in Pennsylvania have differing views regarding their abilities to change the racial and gender composition of court personnel. As noted in the chapter in this report on the employment and appointment practices of the courts, most counties in Pennsylvania make no effort to recruit minorities or women for appointed positions such as arbitrators, conflict counsel, hearing officers, masters,
judicial clerks, and judicial staff. At the attorney focus group session conducted in Pittsburgh, a participant stated: “I do see...the judges make an extensive effort to hire minority law clerks...[T]he problem is, once those law clerks do their time with the judge...they’re not offered a job...The conclusion I’ve come to is they’re just not taken seriously.”

FEMALE MINORITY COURT EMPLOYEES ENCOUNTER ADDITIONAL BIAS

The experience of minority women employed by the courts is also inherently problematic. In its 1991 report, the Florida Supreme Court Racial and Ethnic Bias Commission found that minority women comprised only 1 percent of Florida’s judges, and only 6 percent of all judicial employees who worked in the state court system were minority women. Further, virtually no minority females occupied upper-level positions or were in positions of authority. Those who were in supervisory positions reported that their authority was consistently undermined and they were generally “given less responsibility and discretion [than their non-minority and male counterparts] in supervision of their subordinates.” In particular, professional minority women, both employees and attorneys, reported that they were disproportionately assigned trivial or less desirable work.

Clerical employees in the Philadelphia courts expressed a similar sentiment that, because they are “black and female” there were no advancement structures or raises available to them.

The Report of the Third Circuit Task Force on Equal Treatment in the Courts found that women of color are rarely employed above the clerical staff level in the courts of the Third Circuit, which include all of the federal courts in the Commonwealth. Furthermore, the Third Circuit Report notes that “even where women of color have advanced, and attained supervisory positions, these positions tend to be clerical rather than professional supervisory positions.” The task force also discovered a significant disparity in the salaries paid to white male employees and to African American female employees, although the report does note that “Some of this disparity may occur because minority females are more often in clerical positions, even in supervisory roles.”

Anecdotal evidence gathered by the Third Circuit Task Force revealed that court employees who are also women of color face problems that are similar to their professional peers. One court employee noted, for example,
that the historical “lack of role models or mentors in management” created an environment where “minorities were generally ignored or not directed towards promotions.” Overall, the minority employees in the federal system are primarily African American. Yet, participants from all groups of employees expressed the belief that “women of color need more credentials than other groups of either gender to be hired or promoted.” During one of the Committee’s focus group discussions for court personnel, clerical employees in the Philadelphia courts expressed a similar sentiment that, because they are “black and female” there were no advancement structures or raises available to them. In part, that perception is based on being treated as incompetent or unskilled, and generally undervalued. The Court Personnel Report summary of the V. Kramer & Associates and Melior Group Final Report on Perceptions and Occurrences of Racial Bias in the Courtroom, states that, individually, African American court personnel experience bias primarily through slights and disrespect. This is supported by the experience of a Philadelphia court reporter who noted, “I was in the courtroom with a trainee—a Caucasian woman…she had on jeans… I’m there in a suit, a little older…and the attorneys came over and addressed her like she was the reporter…and I was just the trainee… The report of V. Kramer & Associates and The Melior Group further reveals that judicial system employees are everyday observers of the courtrooms who witness what they see as routine, disadvantageous treatment of minority defendants. “Indeed, the sharpest, most emotional reactions to race bias are expressed about the inequitable treatment of litigants and defendants.”

FEMALE LITIGANTS OF COLOR OFTEN FACE ADDITIONAL DIFFICULTIES

Female litigants of color express a general feeling of distrust of the legal system. When combined with gender and race, economic status and class can have a profound effect on a litigant’s courtroom experience and can affect the outcome of a case. The professor of psychology who testified at the State College hearing stated this quite clearly:

“I’ve come to the conclusion that I don’t trust any judicial system to be fair to me as an African American or a woman. The distrust I have is based upon media exposure, professional readings and the experiences of friends and colleagues. My distrust is cultural. Despite how judicial personnel are trained to operate, I don’t believe any individual can be truly objective unless they’ve been raised in a cultural vacuum over the past 300 years. The bedrock of our society is based on racism, classism, and sexism.”
Litigants report that courts do not understand their cultural backgrounds and that this leads to misunderstandings that may compromise their cases. Latin American and Arab women, for example, are said to be reluctant to report domestic violence because of their cultural and religious practices and beliefs. As discussed in the chapter on domestic violence in this report, this can be an especially dangerous situation for women from particular ethnic backgrounds, as they may be ambivalent about seeking protection. African American women can also be reluctant to report domestic violence or sexual assault because they believe that African American men are treated harshly and unfairly by law enforcement and the courts.

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Federal, state, and local task force studies document the effect stereotypical thinking has upon litigants, but find that judges seldom see their conduct as biased. Judges themselves offered during interviews with the Committee that “Some judges in domestic violence cases cannot understand why a woman does not leave a man, and cannot relate to her economic dependency. Some judges cannot understand different cultural norms that may be influencing women, or different kinds of family relationships, such as might be commonplace among Hispanics.” Several judges discussed the gap in experience and understanding between middle-class Caucasian judges and poor minority litigants. One judge characterized it as judges living in an “ivory tower” of upper-middle-class biases. They commented on the difficulty in understanding people with multiple families and children, the lack of sensitivity to how hard it is for some litigants to earn even a modest amount of money or live on minimum wage, and the different standards they may have for what may be appropriate in their care of children.

Poverty also exacerbates the problems women of color confront in the courts. An attorney, quoted in the report of the New York Task Force on Women in the Courts, noted:
“As a Legal Services attorney, all my clients are poor and almost all are women...In court, and by other attorneys, my clients are never afforded the same respect as a typical litigant. When a client is on welfare, other attorneys seem to feel freer to attack a woman’s personal choices (i.e., to have children, to have multiple sexual partners, to not be married) as a way to attack [her] credibility and denigrate the client.”69

Such experiences are also reported in Pennsylvania. One public hearing witness testified that it was impossible to “separate out the fact that when you have money, you can buy the best attorney you can afford...and when you look at the proportion [of the population] who has the money, it is not going to be women of color.”70 Furthermore:

“Both those who had highly skilled legal representation and those who did not made the point that class and economic status are important issues in the courtroom. They point out that disrespectful treatment of women is more likely to occur when they are non-professional and poorer [sic]. The feeling of interviewees...is that it is more likely to be people of color and women who cannot afford representation than Caucasian males.”71

The director of administration for the Pennsylvania Coalition Against Rape commented at the Erie public hearing on the particular experience of African American female litigants, especially in criminal matters:72

“The value...placed on African American women in our culture is played out within the criminal justice system as well. She knows that rape laws were developed to protect Caucasian women, not all women. Knowing this, she is reluctant to report that she has been sexually assaulted for fear of further humiliation. She fears that no one will believe her, and even deeper is the fear that no one will care.”73

Women with limited proficiency in English are especially affected as they face a language barrier as well as a gender and ethnic barrier:

“It is especially difficult for women with language problems and/or disadvantages based on economics to feel confident as witnesses and litigants...Certainly, opposing counsel takes full advantage of the situation and often the judge does not place any limits on the scope of the situation.”74
CONCLUSION

The purpose of addressing intersectionality is not to change views on gender and race but “to ensure a more accurate evaluation of gender fairness and racial fairness in the legal profession.” This means that “No significant and lasting progress in combating either [gender or racial bias] can be made until [the] interdependent aspect of their relationship is acknowledged, and until perspectives gained from considering their interaction are reflected in legal theory and public policy.” Towards this end, members of the Pennsylvania bar and bench, and participants in the legal system statewide, should re-examine conduct and assumptions that marginalize women of color, and work together to achieve equality for all participants in the courts of the Commonwealth.
RECOMMENDATIONS

TO THE SUPREME COURT OF PENNSYLVANIA

The Committee recommends that the Court:

1. Direct the AOPC to collect data and research on the status of women of color contrasted with white women and all men in the justice system, focusing on salary levels, hiring, and promotion practices.

2. Consistent with Recommendations for the Supreme Court of Pennsylvania in Chapter 8, ensure that selections for positions and pay scales for all court personnel are merit-based.

TO BAR ASSOCIATIONS

The Committee recommends that bar associations:

1. Conduct educational programs about the existence of cultural, racial, ethnic, and gender bias in the Pennsylvania justice system and the negative impact this bias has on women of color in the justice system in particular.

2. Appoint a special committee or division devoted to addressing the particular issues faced by women of color who are attorneys and judges. Establish a mentor or support network for these women.

3. Include more women of color in the planning of future conferences and reports on bias in the justice system.

TO LAW SCHOOLS

The Committee recommends that law schools:

1. Affirmatively recruit more women of color as students and faculty, and offer mentor networks for enrolled women of color.\textsuperscript{77}

2. Provide opportunities for law faculty to become better informed about the effects of racial, ethnic, and gender bias in their teaching and in the legal education environment, and to consider ways of better educating students about the effects of bias in the legal decision-making process.
ENDNOTES


5 Oregon Report, supra at 19.

6 A bibliography of representative writings is attached in Appendix Vol. III.


9 Id.

10 Oregon Report, supra at 19.

11 Angela P. Harris, Race and Essentialism in Feminist Legal Theory, 42 Stan. L. Rev. 581, 585 (February 1990) [hereinafter Harris].

12 “Chicano” is a term used by some to identify a person of Mexican-American heritage.

13 Harris, supra, at 588.

14 Id. at 589.


16 Crenshaw, supra, at 150.


21 Resnick, supra, at 219.

22 Id. at 229.

23 Oregon Report, supra at 21.

24 Third Circuit Report, supra at 1378.


26 “Indeed, it is often said that perception is reality, and a survey of lawyers commissioned by the ABA Journal and the National Bar Association Magazine points up striking differences. The results show often conflicting perceptions for black and white lawyers, both on issues tearing at the heart of the profession and in the routine, nuts-and-bolts workings of the justice system.” Terry Carter, Divided Justice, ABA Journal, pp. 42–43 (February 1999).
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27 Id. at 42.
28 Id.
30 Testimony of Beverley Vandiver, State College Public Hearing Transcript, p. 206 [hereinafter Vandiver Testimony].
32 Testimony of Susan Yohe, Pittsburgh Public Hearing Transcript, p. 228.
33 Id.
35 Third Circuit Report, supra at 1539.
36 Vicki C. Jackson, What Judges Can Learn from Gender Bias Task Force Studies, Judicature, Vol. 81, Number 1, p. 16 (July–August 1997).
37 California Racial & Ethnic Bias Report, supra at 150.
39 Id. at 32.
40 Miles to Go, ABA Commission on Opportunities for Minorities in the Profession, (1998).

“...They look at me as a young black, and they can’t believe I’m an attorney. They still open their mouths like, ‘Oh, that’s who the new attorney is!’ And then it’s ‘I didn’t know you were a (pause) woman.’ Well, my name is Judy, how many men named Judy do you know?...I’ve had more than a number of them submit reports to my office and then call to ask me if I understand. And my response to that is, ‘I understand English. Did you write what you meant? Well then, yes, I understand.’”

42 Melior Group Racial Philadelphia Attorney Transcript, supra at 32.
44 Testimony of Ted Darcus, Harrisburg Public Hearing Transcript, p. 114.
45 See Chapter 8 of this report, Employment and Appointment Practices of the Courts.
47 See Chapter 8 of this report, Employment and Appointment Practices of the Courts.
48 Id.
49 The Melior Group/V. Kramer & Associates, Racial Roundtable Discussion, Pittsburgh Attorney Transcript, p. 8, attached in Appendix Vol. III.
51 Id. at 16.
52 Third Circuit Report, supra at 1539.
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53 Id. at 1548.
54 Id.
55 Id. at 1552.
56 Id. at 1557.
57 Id.
60 Melior Group Racial Philadelphia Court Employees Transcript, supra at 6.
61 Melior Group Racial Bias Court Personnel Report, supra at 1.
62 See Chapter 9 of this report, Perceptions and Occurrences of Racial, Ethnic, and Gender Bias in the Courtroom.
63 Vandiver Testimony, supra at 194–195.
64 See Chapter 1 of this report, Litigants with Limited English Proficiency; see also Testimony of Caren Bloom, State College Public Hearing Transcript, p. 167.
65 See Chapter 10 of this report, Domestic Violence.
67 Id; see also Chapter 10 of this report, Domestic Violence.
68 Melior Group Racial Bias Report, supra at 4–5.
70 Vandiver Testimony, supra at 200.
71 Melior Group Gender Bias Report, supra at 2.
72 Testimony of Jacqueline Mae Johnson, Erie Public Hearing Transcript, pp. 56–57 [hereinafter Johnson Testimony]; See also Chapter 10 of this report, Domestic Violence, on the particular concerns of African American women about subjecting African American men to the justice system.
73 Johnson Testimony, supra at 57.
74 New York Report, supra at 123.
75 Oregon Report, supra at 20.
76 Caldwell, supra, at 372.
77 The Committee understands that greater efforts must be undertaken to increase the declining number of men of color in law schools.