

PUBLIC HEARING TRANSCRIPTS

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TRANSCRIPTS OF THE
PENNSYLVANIA SUPREME
COURT COMMITTEE ON
RACIAL AND GENDER BIAS
IN THE JUSTICE SYSTEM

PHILADELPHIA
WILKES-BARRE
HARRISBURG



Harrisburg Public Hearing Transcript

PUBLIC HEARING
ON
RACIAL AND GENDER BIAS
IN THE JUSTICE SYSTEM

TRANSCRIPT OF PROCEEDINGS

BEFORE: NICHOLAS P. CAFARDI, CHAIRPERSON
JANE LOUIK, ASSOCIATE DIRECTOR
BURTON D. MORRIS, ESQUIRE
ROBERTA LIEBENBERG, ESQUIRE
LYNN A. MARKS, ESQUIRE
CHARISSE R. LILLIE, ESQUIRE
LISETTE M. McCORMICK, EXECUTIVE
DIRECTOR
PROFESSOR PHOEBE A. HADDON
FRANK McCLELLAN, ESQUIRE
ELIZABETH SHUSTER, ESQUIRE
PAMELA CROSS, ESQUIRE
DANIELLE WILLIAMS, ESQUIRE

DATE: FEBRUARY 13, 2001, 1:00 P.M.

PLACE: MATTHEW J. RYAN
LEGISLATIVE OFFICE BUILDING
CAPITOL COMPLEX
HARRISBURG, PENNSYLVANIA

VIRGINIA LORIA, RPR
NOTARY PUBLIC

February 28, 2001

COMMITTEE ON RACIAL and GENDER BIAS IN THE JUSTICE SYSTEM

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Danielle Williams Counsel

GENDER BIAS SUBCOMMITTEE MEMBER

Attorney Elisabeth Shuster

RACIAL AND ETHNIC SUBCOMMITTEE MEMBER

Attorney Frank McClellan
Attorney Pamela Cross

1 Because some of these people, this is their
2 livelihood.

3 MS. MARKS: Can we can we have a list of who is
4 on the Commission?

5 MR. MARCUS: Yes, you can, I will definitely
6 make sure that Ms. McCormick will receive that, that's
7 public information. We do have a website, and if you go on
8 that website -- I don't know the website -- but it's on
9 there, we have all our information, all of our commissioners
10 listed and the executive order and all the activities and
11 things that we do. I will provide that information.

12 MS. MARKS: Thank you.

13 MR. CAFARDI: Thank you very much, Mr. Darcus,
14 we appreciate your testimony. I want to apologize to my
15 colleagues on the other side of this camera, I can't always
16 see when your hands are up, it's a major obstruction to my
17 view. But I do remember that you're here.

18 The next person to testify will be Ho-Thanh
19 Nguyen.

20 MS. NGUYEN: Good afternoon. Thank you very
21 much for this opportunity. It is my pleasure to have this
22 opportunity to tell you about a unique program that serves
23 battered immigrants and refugees in the Greater Harrisburg
24 Area.

25 My name is Ho-Thang Nguyen and I am a Domestic

1 Violence Counselor and advocate for the immigrant and
2 refugee project of the YWCA of Greater Harrisburg.

3 My project provides culturally competent and
4 bilingual services to victims of domestic violence and
5 sexual assault. These services include a shelter for
6 victims of domestic violence and their children, a 24-hour
7 hotline, victim counseling and support groups, medical
8 accompaniments, legal advocacy, and individual and group
9 counselling for victims, children and nonoffending
10 significant other.

11 The language and cultural barriers are
12 significant factors to address as the immigrant and refugee
13 populations in Pennsylvania continue to rise. This project
14 is the first of its kind in Pennsylvania and has won
15 recognition by the Pennsylvania Commission on Crime and
16 Delinquency.

17 At the end of the year 2000, over 250 battered
18 persons from our immigrant and refugee communities in
19 Harrisburg were served. We anticipate serving even more this
20 coming year.

21 The needs of the battered immigrants and
22 refugees are ever expanding. One of the great concerns of
23 our clients has been understanding and accessing all options
24 available, including accurate knowledge about their legal
25 rights.

1 During the course of the development of the
2 Domestic Violence Immigrant and Refugee Project and
3 experience with the court system, I have determined that my
4 clients have specific needs at issue that can be different
5 from other English-speaking clients.

6 With your permission, I believe it is
7 important to bring the concern of translation and
8 interpretation in the court system to your attention. In the
9 majority of the cases, non-English speaking clients need to
10 bring their own interpreter to the court for any kind of
11 hearing.

12 During a court accompaniment, I am with my
13 clients for emotional support. Since my clients lack the
14 ability to communicate using the English language, it is
15 necessary for me to be present in order to interpret between
16 the judge and my clients.

17 I have also been asked to interpret for the
18 perpetrator in court as well. I feel very uncomfortable
19 doing this, because my presence at the court is to support
20 my client and to help him or her with his or her needs. I
21 feel this is unethical and a conflict of my interests.

22 I have requested the court to help get an
23 interpreter for my client at the hearing and the court
24 instructed me and my client to find our own interpreter. I
25 told the court that under the Title VI, my client has the

1 right to have an interpreter at the hearing. The court
2 stated that they do not have the money to pay for the
3 interpreter.

4 I feel most non-English speaking people bring
5 their own interpreter in the court to interpret for them,
6 but do not have enough training to interpret correctly.

7 This means the interpreter could be anyone
8 able to speak another language, regardless of their
9 training, competence and fluency.

10 In this situation, the translation and
11 information can be incorrect and could be damaging to the
12 outcome of the court decisions.

13 Furthermore, the well-trained translators and
14 interpreters will be competent as a cultural broker between
15 the client and the court. It is my hope that the
16 Pennsylvania Supreme Court would consider requiring all
17 interpreters and translators to be appropriately trained and
18 require them to complete the professional training,
19 interpreter/translator training and certification.

20 With all the information that I provided to
21 you, it is my hope that you too will want to improve the
22 court system for the non-English speaking and their legal
23 right with Title VI.

24 On behalf of the immigrant and refugee
25 communities and myself, I greatly appreciate your time and

1 your support. Thank you.

2 MR. CAFARDI: Thank you. Do we have questions
3 from the panel?

4 MS. SHUSTER: You have expressed that you have
5 felt in a position of conflict when you have been asked to
6 interpret for the person who committed the violence on the
7 client that you have gone with. Have you ever refused or
8 convinced the court to let you not assume the role of the
9 interpreter?

10 MS. NGUYEN: Before the judge asked me to
11 interpret for the judge or the perpetrator, I did actually
12 have a meeting with the judge before that incident.
13 However, in treating the court with respect, I will do my
14 duty to interpret for her or him when it's needed. I feel
15 very uncomfortable, because it's unethical.

16 MR. CAFARDI: Any other questions? Thank you
17 very much, Ms. Nguyen.

18 Ms. Christine Howard, please. And we'll take
19 a break after Ms. Howard's testimony.

20 MS. HOWARD: Thank you for inviting me. I
21 would like to discuss three things, the first thing is
22 demographics, the second issue is to tell you briefly about
23 what is occurring across the country and the third is
24 perhaps to share information and provide some guidance to
25 the committee.