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As a 66-year old Black female who has lived through much of this country's civil rights history, I have experienced personal discrimination on several levels, including: being denied the opportunity to model at Drury Lane because I was a teenager who was visibly Black, being accused of cheating by my English professor in college because "I could not possibly write that well", being accused of or perceived as having a law degree only *because of affirmative action*, and being subjected to racial profiling and a police stop for no reason, (yes, they do it to Black women too) after having been followed by a white pick-up truck from the airport, driven by two white men, on a 2-lane, deserted, winding road, for 30 miles, at night, in the rain, while in Bentonville Arkansas, on a trip to present my beverages to Walmart. (Can you feel my fear?)

I am also an attorney with over 40 years' experience and a current law practice focused primarily on cases alleging discrimination in employment and education based upon race, sex, age, failure to promote, disparate treatment and/or disability. Therefore, I understand the futility of protest that has no suggestion for changes that will affect the status quo, and eventually alter the national pandemic of racism related to Black and Brown people, which continues to plague our nation. My goal in writing this letter is not to point fingers of blame; although some of that is necessary, but rather to focus on some of the problems we repeatedly face as relates to the administration of justice in the civil arena, and offer suggestions for meaningful change. In so doing, I request your help.

In the midst of the dual pandemics of 2020, COVID-19 and racial disparity, I write to start or join the conversation about racial disparity and systematic racism that permeates our justice system as a whole, but the civil arena in particular. Although police officers arrest Black people in far greater numbers than white people, police officers do not send Black people to jail: judges do. But this disparity is not confined to the criminal justice system. Racism also plagues the civil judicial system, encourages and refuses to acknowledge the harassment and bias endured by Black lawyers who earn their living within this system, and allows for the disparate outcome Black and Brown litigants receive in the nature of verdicts, settlements, and undeserved dismissals of their cases.

In this particular case, my client, Ms. Mallory is an indigent Black woman with a mental illness. While visiting her mother, a patient at Rush University Medical Center in 2016, she slipped and fell in a puddle of urine as she stepped off the elevator. A "Wet Floor" sign was on the floor some distance from the puddle and not visible to someone stepping off the elevator. Ms. Mallory suffered severe and permanent injuries to her body, for which she is continuing to receive treatment, four years later.

A lawsuit was filed in 2018 and since that time Ms. Mallory and I have been subjected to abuse, humiliation, overt bias in favor of Rush exhibited by the magistrate judge, and violations of both Ms. Mallory's civil and human rights. In 2019, Rush filed a Motion for Summary Judgement, which motion

alleges that there are no genuine issues of material fact and Rush is entitled to judgment as a matter of law. Had Rush won that motion, the case would have been over. But Rush did not prevail on that motion, Ms. Mallory and I did, and the case was sent to the Magistrate Judge Young B. Kim for a settlement conference. Ms. Mallory was ordered to issue a settlement demand, which we did, and Rush was ordered to respond with an amount they were willing to pay to settle the case. Rush refused to participate in a settlement conference.

On more than one occasion, in response to properly filed motions by me, as Ms. Mallory's counsel, Rush's counsel has sent emails directly to Judge Kim, complaining about me and directing Judge Kim as to what actions Rush wanted him to take. Judge Kim has received and entertained those emails, responded to them, and advised Rush what action they should take. Notwithstanding I was copied on those emails, the process is skewed and unheard of in any other courtroom in which I have appeared. Why Judge Kim fosters, encourages, and participates in so many *off the record communications* is unprecedented and a mystery that invites inquiry.

The law says you cannot obtain medical records without a written authorization from the person whose records you are seeking. The written letter of the law says HIPPA violations are criminal. In Ms. Mallory's case Rush's Expert Witness Report includes records from hospitals, and other entities for which Ms. Mallory signed no authorization. In the overzealous and improper defense of Rush Medical Centers' negligence which resulted in Ms. Mallory's life altering injuries, Rush's attorneys have run rough shod over the basic civil, Constitutional, and human rights of my client. Would Rush's attorneys have used those tactics against a rich white woman represented by a major white law firm, who suffered the same injuries as Ms. Mallory? I believe not.

Most recently in response to Rush's two motions filed, Judge Kim entered an Order granting me 6 days to answer one of the motions and 7 days to answer another. Under normal court proceedings, I should be granted 14 days to answer each of the two motions. This is just another incident of bias and injustice exhibited by Judge Kim toward me and Ms. Mallory. These are not the only incidents of bias exhibited by Judge Kim.

On two occasions, as Ms. Mallory's counsel, I have asked two other District Court Judges to remove Judge Kim due to bias he has shown in favor of Rush and against Ms. Mallory and me. On both occasions, the request to remove Judge Kim has been passed on by the District Court Judges, who have sent the motion back to Judge Kim, stating in essence, the only person who can grant the motion and remove Judge Kim, is Judge Kim, himself. I have even advised the Chief Judge of the United States District Court for the Northern District of Illinois, to no avail.

Allowing federal judges to judge themselves is akin to allowing the police to police themselves. Where would we be if the only way George Floyd's murder could be deemed an injustice is if the police officer with his knee on Mr. Floyd's neck agreed that he had done something wrong? Only because of video cameras capturing the blatant injustice that has occurred for centuries is there now, finally, a clarion call for reformation. Well, there are no cameras in the courtroom, so unless I openly discuss what I see going on, and have experienced in my cases, and observed in other cases while sitting in the courtroom, the issue of the unfair administration of justice, racism, and implicit and institutional bias displayed in civil cases will remain a dirty little secret.

It should be noted that no vehicle is in place to remove a federal judge from a case due to bias, racism or other expressions of unfairness, except for a provision that allows for the issue to be raised within 10 days of the case being filed and before any substantive rulings are made. Even under this provision, the person who decides whether the judge is biased, racist, or unfair and will be removed, is the very judge you are complaining about. This is problematic. Judges are people who, like police officers, are subject to their experiences, biases, and prejudices. Like police officers, judges, especially federal judges sit or stand in a position of power, and the expression of that power over people who are Black or Brown when it comes from an implicit bias, only serves to continue the systemic racism that plagues every aspect of our society. And since federal judges, once appointed, *sit for life*, they act as, and in many respects are, invincible.

You cannot even mount a campaign against their re-election because they don't run for office and being re-elected is not a part of them keeping their job. Indeed I have had one federal judge in response to me telling her that her ruling was biased and unfair, and that she was not the last word, scoff at me and say, "so what are you going to do, take me upstairs" and then she laughed. "Upstairs" means to the Court of Appeals, which means she believes that the Court of Appeals is a joke or simply a rubber stamp for any actions she might take. Hence my efforts here are designed to shine the light on this injustice and bring pressure to bear from a different arena, both against judges and also the corporations, who inflicted the wrongdoing in this case from the get-go.

As one example of this judicial bias, while in court in a suburban jurisdiction, I watched a judge deal harshly with one Black person after another. When a young white man stepped up, the judge said to him "you don't belong here, and I am going to release you and don't ever let me see you here again." It was so blatantly racism and I was outraged, but at the time, had no recourse.

In another case, my mother served on a jury in a civil personal injury case. Liability was unquestioned but the entry of a verdict was delayed over a dispute as to the amount of damages, the Plaintiff, a Black woman would receive. Most of the jury wanted to give the Black Plaintiff money but not anywhere near the larger amount she was entitled to receive. In an argument with my mother the white jury foreman asked my mother what the Black plaintiff was going to do with all that money? I am happy to report my mother stood firm until the white people gave in. This brings up an important point, which is the necessity of Black and Brown people serving on juries. Our voices need to be heard and our faces seen in those court rooms. Favorably verdicts can change the life of our people and put money directly into the Black and Brown community.

Many years ago, my mother accompanied me while I was handling one of the few criminal cases I have had in my career. A young Black boy (age 16) was on trial for robbing a chicken restaurant in Rockford, Illinois. My client was arrested in school the following week, because the police happened to be there one day on an unrelated matter, and decided my client fit the description of a man who had robbed the chicken restaurant the past weekend. My mother observed the judge telling the State's Attorney when to object and talking to the jury foreman who turned out to be his nephew, while my back was turned. A coincidence that the judge's nephew happened to be on jury duty that day? I think not. By the time trial was reached, my client was at or near 18. He was convicted and his life ruined by a conviction for a crime to which he had no association. At the time I was a young lawyer and this conviction left me sleepless and in tears for many nights.

On another occasion as I stood in front of a federal judge who was being particularly hateful to me, the door opened and approximately 20 young Black and white people came into the courtroom and sat down. You could see the fear on the judge's face and her entire demeanor toward me changed. Whatever I was asking for, she gave me more. To this day, I do not know who they were or why they were there, and as soon as my case was over, they got up and left, several of them winking at me. This brings up another point which is spend time visiting courtrooms. Those of you who are teachers, take your students there to observe the judicial system and just sit and listen. You may never know what your presence means. Some lawyers like me may need you to witness what was said or done. And if you see injustice being inflicted on a person of color, speak up and report it. The judge may ask you why you are there and just answer "I am observing". This is especially important if someone you know has a court date. The more people in that courtroom watching and listening, the better. Courtrooms are generally open to the public and you therefore have a right to be there.

Black and brown people come in contact with the judicial system in many areas outside the criminal court system, including employment discrimination and other labor disputes, personal injury and actions related to products liability, probate matters, contract disputes, issues related to disability, child custody, evictions and other housing matters, and many other actions that result in a determination of rights, recovery, liberty and the amount of the judgment or settlement a party is entitled to.

Although not all corporations are bad, some are unaware of the injustice going on under their noses and still others adopt the position that they will pay if and when they get caught. Some are simply notorious for their slave ship abuse of their Black employees, customers and invitees and frankly, perceive Black people as less than human, or certainly less human and deserving of equal rights than their white counterparts. They repeatedly get away with this conduct because few lawsuits, even though they are public record, are addressed in a public forum where people know and understand how the companies with which they do business, buying their products and using their services, treat the Black and Brown people who work for them, utilize their services and buy their products. If the buying public, both the minority and sensitive majority knew of the atrocities Black people face day after day, year after year on a daily basis, at the hands of majority owned corporations, I am certain it would affect the choices they make when they are buying their cars, choosing which colleges or university to attend, which health insurance, food and beverages to buy, which airline to choose, which hospital they will choose for medical treatment, and even which city they will choose to live in..

Of equal importance is how Rush's actions against Ms. Mallory translate into its corporate policy for treatment of Black and Brown employees and patients, if this is how they treat their guests? Rush gives lip service to a stated policy of nondiscrimination and inclusion, but in the actual living experience the systems that Rush uses targets, exploits, and hurts Black people.

This Color of Change campaign is necessary because there is no mechanism to draw attention to the above described injustice and work to bring about a change, other than to approach the injustice from a corporate responsibility perspective and at the same time put judges on notice that their rulings are being watched, and in the not too distant future, monitored for a breakdown of their convictions, and civil rulings based upon the race/color of the litigants. I realize that I am taking a major chance by talking openly about this issue and asking for support of a grass roots campaign to draw attention to racial disparities in the civil court system. Nevertheless, it is a risk that must be taken, or nothing will ever change. Thank you for your support.

Defending Black families....making Black millionaires!