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WOMAN

APRIL 5, 2015

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G HELEN WHITENER

**THIS US-BASED
JUDGE IS A TRINI**

G HELEN WHITENER

The third judge of colour of the Pierce County Superior Court

having a good laugh at those memories.

It would be fair to say that Whitener's ascent to the bench at the Pierce County Superior Court has been meteoric. In the period of some 17 years, she has achieved something that may have otherwise taken 30 years to accomplish. Her success has been viewed as nothing short of symbolic in certain circles, not only because she is the third person of colour to be appointed judge at the Pierce County Superior Court or because at the age of 50, she is the youngest among the other judges on the bench but mostly because Whitener is an immigrant and is also openly gay and married to attorney and retired Command Sergeant Major in the US Army, Lynn Rainey.

However these factors, says Whitener, played a small role in her appointment in January by Washington Governor Jay Inslee. Whitener replaced Judge John McCarthy who served 18 years on the bench. The fact is, Whitener is and has always been a hard worker, she always strove to excel, so have her siblings who have also been very successful. Her sister is a doctor and one of her brothers is an engineer, one of her cousins is the Honourable Madame Justice Charmaine Joy Pemberton of the High Court of Trinidad and Tobago.

"Growing up with educators for parents, there was very little we could get away with," says Whitener.

She attended Tunapuna Anglican School, then went on to Tunapuna Government Secondary where she spent one year before being transferred to St George's College in Barataria. At the age of 16, she migrated to the United States and began attending college. Then at the age of 19 came the first of many milestones in Whitener's life when she came out.

"My parents had to deal with challenges in regards to me coming out. But my father (Lennard Pierre) who was a retired primary school principal was also very opinionated and his thing was 'be true to yourself and keep the bar high'. And that's pretty much what I did," she says.

Whitener went on to law school in 1995 and graduated in 1998. Prior to her appointment to the bench at Pierce County Superior Court, she was an Appeals Judge for the Washington State Board of Industrial Insurance Appeals where she presided over appeals of decisions made by the Department of Labour and Industries Administrative Law Judges. From 2005-2013, she ran her own private

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By Kimberly Castillo

DAYS before Judge G Helen Whitener took the oath of office as a Judge of the Pierce County Superior Court in Tacoma, Washington, USA, on February 5, she had been rummaging through some personal items and stumbled upon an old autograph book she kept as a memento from her secondary school days back in Trinidad. In it a former classmate had written a note and ended it with the words: "Your Honour, I rest my case".

"Imagine that!" Whitener exclaims. "He must have seen something in me which I didn't."

It wasn't always obvious that Whitener would become a lawyer, then a judge. When she was a young girl, her ambition was to become a teacher, she would admit that her mother, retired high school teacher Joyce Pierre was supposed to be the lawyer in the family. Opinionated and direct, Pierre never stifled opinions in her household and each of her children were allowed to express their opinions if they so desired. Looking back on those days, Whitener is not surprised that she entered the legal profession simply because like her mother, she too is opinionated.

"I used to get plenty of licks because I was so strong willed and opinionated, my mother would say to my father 'This child is different,'" Whitener tells Woman while



Judge G Helen Whitener



Judge G Helen Whitener, centre, with her mother Joyce Pierre, left, wife Lynn Rainey, right, and brother Bernard Pierre.

firm where she practised criminal defense as well as civil contracts and small business matters, according to the website of Washington Governor Jay Inslee. She served as deputy prosecuting attorney for Pierce County and Island County as well as a defense attorney for the Pierce County Department of Assigned Counsel.

Whitener has always been considered a trailblazer in the legal fraternity, years ago when she was a criminal defense lawyer, she took on a case that could have derailed her prospects of getting appointed to the bench at the Pierce County Superior Court. She represented a woman whose brother had killed four Lakewood police officers in 2009. LaTanya Clemmons was charged with helping her brother's getaway driver. Everyone was out for blood but Whitener blazed the trail, not only because she was the only black lawyer but she was also the only female to take on such a high profile case. The jury found Clemmons guilty but an appeals court later overturned the conviction.

Despite having migrated to the US in her teens, Whitener says her cultural and family background have always been at the backbone of her career.

"Not only do I bring an international perspective to everything I do but also because of the different cultures I grew up with - I bring a lot to the table. I believe that is why I moved up the career path so fast," she says. "I was always told that my take on things was a little different and I never truly understood what people meant by that but I was good at being a trial lawyer because I brought a different perspective to the case, I see things a little differently. I treated people the way I thought they needed to be treated not because I thought they were different but because they were people and I saw them as such."

Whitener is not one to dance around issues and like her parents, she is also very direct. Say something that seems a bit 'off' and she'll likely show you her Trini side. She has also seen it as her duty to represent Trinidad and Tobago every chance she gets, so she wears red, black and white to special events, including her swearing in ceremony, she also sports a T&T flag in her car. Whitener also has a great sense of humour and is quite capable of



Judge G Helen Whitener, left, with her mother Joyce Pierre and brother Bernard Pierre.

keeping a straight face up until the moment she delivers the punchline.

"My mother actually taught me in high school so I still have PTSD (post traumatic stress disorder) from that experience," she said during her speech at her swearing-in ceremony, drawing loud laughter from the audience.

But there are a few issues which she has little or no tolerance for and that is people who judge others on the context of their skin colour, their sexuality or simply because they are immigrants. Since settling in the United States, Whitener has run into racism as opposed to homophobia.

"I was judged by the colour of my skin and the minute I opened my mouth and they realised I was not African American, somehow that made a difference to them. My maiden name was Pierre, so they thought I was Haitian, so I had to deal with racism and cultural insensitivity more than anything else," she says. "But I just take the high road, educate them and move on."

Racism is and has always been a huge problem in the US, says Whitener. The only difference is that today, race related incidents are getting national and international attention thanks to cell-phones and social media thereby prompting serious discussions about race and other spillover is-

sues.

No conversation with Whitener is complete without her mentioning the many people who have helped her along her career path, mentors like the Honourable David Kenworthy (ret) who has been a strong influence in her life and career.

"I could not have reached where I am today had it not been for the people who took me under their wings and mentored me. Just about every one of them were white and male," says Whitener.

She believes in the power of making a difference one person at a time so today, she's paying it forward by mentoring many individuals, including prosecutors, defense attorneys and even those in the military. At her swearing in ceremony, she introduced a number of her mentees. Whitener reaches out to young people in particular.

"Everyone is unique, everyone has unique challenges, if I can help address some of those then I always make sure to be available and accessible, that's how I've always carried myself. So it's a matter of reaching out and making a difference one-on-one, especially when you look like me and your background is like mine, as an immigrant, as a gay woman, individuals can see something in me and if I can make it, I don't see why anybody else can't. You don't have to go down a path where you end up in front of me which is not a good place," she says.

Regardless of who she's mentoring, her parting advice is always the same: people don't have to like you, but they have to respect you. Keep your head held high and keep moving forward.

Considering how quickly she's moved up the ladder, some of those who know her best are already betting that her next appointment in years to come may be to the Washington Supreme Court, the highest court for the state as far as appellate issues and other issues are concerned. I ask whether this is in her plans but Whitener just gives one of those smiles and plays it cool.

"That's where a number of people see me going but right now I'm just trying to concentrate on doing the best job I can at this level."