

AN UPDATED REPORT

THE
STATE
OF THE



Commonwealth's Courts

SUPREME COURT OF PENNSYLVANIA
2007

CHIEF JUSTICE RALPH J. CAPPY
JUSTICE RONALD D. CASTILLE
JUSTICE THOMAS G. SAYLOR
JUSTICE J. MICHAEL EAKIN
JUSTICE MAX BAER
JUSTICE CYNTHIA A. BALDWIN
JUSTICE JAMES J. FITZGERALD III

Law Day

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Dating to 1684, the Supreme Court of Pennsylvania is often thought to be the oldest court in North America. Its members serve both as the “court of last resort” within William Penn’s Commonwealth and as the administrative leaders of Pennsylvania’s constitutionally-defined Unified Judicial System.

The State of the Commonwealth's Courts

An Updated Report—2007

MY FELLOW PENNSYLVANIANS:

Last year, on behalf of my colleagues on the Supreme Court and across our Commonwealth, I offered the first “state of the judiciary” — a report that shared news with Pennsylvanians about our court system. Since then we have made major strides toward the goals of ensuring greater access to the courts and improving the quality of justice for all our citizens. This report is an update about our efforts.

My fellow justices and I want Pennsylvania's courts to continue to be accessible and accountable. We want the courts to be responsive to the needs of all who use them, including victims of crime, civil litigants, and families in crisis. Above all, we want the thousands who enter courthouses across Pennsylvania every day to know that judges will hear their cases with deliberative thought and without “fear or favor,” the independence of spirit that judges must exhibit so that America’s justice system can endure.

We are making progress toward fulfilling these goals.

Well ahead of many other states, our Unified Judicial System is leading the way into the 21st Century with continuous administrative and procedural improvements, operational innovations, and advanced automation programs. On the following pages are some of the highlights.

CHILDREN AND FAMILIES

The Office of Children and Families in the Courts was created in 2006 to help more than 20,000 neglected and abused children who are living in foster care or in other temporary residences in Pennsylvania. These vulnerable children have been removed from their parents and placed under the protection of the courts. But many of them, after being placed in temporary care, stay there far too long, sometimes living for years in limbo, sometimes growing to adulthood in that limbo.

The Office of Children and Families in the Courts is not a new bureaucracy. Rather, its small staff within the Administrative Office of Pennsylvania Courts is helping to coordinate efforts of Family Court judges everywhere in the state to reduce the time "dependent children" remain in non-permanent homes. If an abused or neglected child cannot be reunited with its family under safe and healthy conditions, then the goal is to move that child as quickly as possible to some other permanent home, either with adoptive parents, with a loving relative or with some other dedicated caregiver.

Family Court judges are being asked to take even greater leadership in working with Pennsylvania's child welfare system to resolve these cases and to provide a greater measure of hope for children caught in heart-wrenching circumstances. The specific goal is to have a permanent placement plan within one year for each dependent child in Pennsylvania.

Other Family Court initiatives include a custody mediation program and assistance for people who represent themselves in divorces and other domestic matters without the help of a lawyer. Nearly everyone with a case in Family Court is dealing with some form of personal crisis. One of our highest priorities is to make the Family Courts as responsive as possible to the needs of those individuals.

TECHNOLOGY

The Administrative Office of Pennsylvania Courts (AOPC) completed a long-sought goal in 2006 of placing criminal dockets of every Common Pleas Court in the Commonwealth online and available at a central Web address. This mammoth achievement has unified and standardized criminal docket information under an electronic Common Pleas Criminal Court Case Management System. Criminal dockets previously available only at the county level now can be searched statewide at: <http://ujportal.pacourts.us>. Pennsylvania is the largest state in the nation to have such a system. Beyond its direct value to the public, the system has improved the overall efficiency of the state criminal justice system and provided valuable benefits to law enforcement. Among other things, police can now do on the spot checks for outstanding warrants on any individual stopped for a traffic violation or other offense. For the first time, staff of Common Pleas Courts in all 67 counties can electronically share data and case information with each other and also with 548 Magisterial District Courts and with the Supreme, Superior and Commonwealth courts. The statewide Judicial Computer System is linked to Pennsylvania's Criminal Justice Network, an integrated public safety network developed by the executive branch. Through that link, the courts can rapidly exchange critical court information with local, state and federal authorities, and with executive branch agencies, when the need arises.

Statewide computerization has been a goal of the Supreme Court since the early 1980s and Pennsylvania is far ahead of most states in making that goal a reality. Our Magisterial District Courts have been online since 1992 and any member of the public can now check the status of a traffic, non-traffic or criminal case in one of those courts by calling up the docket on a home computer. Our three statewide appellate courts—Supreme, Superior and Commonwealth—have been online since 2000. Opinions, dockets, court

calendars and other information from those courts also can be searched and downloaded with a few keystrokes on a computer.

Recognizing that the greater accessibility of electronic case information must be balanced by a concern for the security of personal identifiers within that information, the Supreme Court in 2006 adopted a policy that addresses both interests. The policy presumes that electronic records are public, but restricts accessibility within those records to such data as social security numbers, operator's license numbers and information involving victims, jurors and informants. The policy is based on an exhaustive study of best practices in other states and at the federal level. It applies uniformly to electronic case records in all Pennsylvania courts. Physical case files and dockets at courthouses around the state remain fully open, unless otherwise ordered by a court. The public access policy governing electronic data will remain under review as the law and technology evolve.

OUTREACH

Another way we are using technology to better serve and inform the public is through our Web site at <http://www.courts.state.pa.us>. This site is a wonderful resource, rich with information from and about the courts. The site is currently being redesigned to make the resources there more easily accessible. We want the public to understand the role of the courts and how important it is to the well-being of a Democracy for courts to remain strong and independent. With this in mind, we have introduced a new page called *Asked & Answered* on the Web site that tells about court innovations, provides facts and clarification on controversial issues and serves as a central access point for a wealth of information that exists in other places on the site.

In another outreach initiative, the AOPC and the Pennsylvania Newspaper Association sponsored for the first time last year a workshop for judges and journalists designed to foster better understanding between those professions. The judiciary and the media play vital roles in a Democracy. They are the guardians of our freedom. We think they need to know and understand each other better. Everyone agreed that the workshop was a success. We plan to sponsor more of these sessions, perhaps on a regional basis.

DRUG COURTS

The Supreme Court endorsed the use of drug courts in 2005 and a growing number of these innovative problem-solving courts are now operating in Pennsylvania. Drug courts provide an alternative to prison for nonviolent individuals charged with drug-related offenses. The goal is to rehabilitate these defendants and, in doing so, to get them out and keep them out of the criminal justice system. Drug court judges assign carefully screened defendants for counseling, substance-abuse treatment, educational assistance and healthcare support and then closely monitor the progress of each defendant. Defendants who successfully complete the program are rewarded in several ways. Charges against them are dismissed. Their records can be expunged. And they are given a chance for a fresh start. For the public, the reward is even greater: Successful "graduates" of drug courts are far less likely to commit repeat offenses and are far more likely to become productive citizens.

We have 17 adult drug courts, with more than 1,300 individuals enrolled, as well as seven juvenile drug courts and two family drug courts. More are being planned. We believe these courts, and perhaps other types of problem-solving courts, hold great promise for the future.

LANGUAGE

The need for an interpreter fluent in a foreign language, or in sign language, arises in a courtroom somewhere in Pennsylvania about 15,000 times a year. The courts are confronted with criminal defendants and others in legal proceedings who speak more than 60 languages. To assure that the rights of these individuals are protected, the AOPC has begun a program to recruit and train qualified interpreters who will be available whenever and wherever they are needed. Legislation creating the Interpreter Certification Program was passed by the legislature and signed by the governor in November. Training for the first round of candidates seeking certification began in March. To be certified, candidates must participate in two-day orientation workshops, pass written and oral examinations, be fluent in one or more foreign languages, be familiar with court procedures and legal terminology and be trained in ethics. Interpreters who successfully complete this training will be placed on a master list available to all Common Pleas Courts around the state.

JUDICIAL EDUCATION

Emphasis on continuing education for judges remains one of our highest priorities. The world is too sophisticated and the pace of change too fast for anyone who works in the legal profession—and this certainly includes judges—to get set in their ways. Our Judicial Education Department is constantly developing new programs to help judges keep up to date on changes and trends in the law. In one notable program, Pennsylvania has

been a leader in giving special training to judges who preside over homicide-death penalty cases. Over the years, the law involving capital cases has become highly specialized. An error at trial can result in years of additional and unnecessary litigation. Our Supreme Court has for several years required defense lawyers to meet qualifying standards, demonstrating their knowledge of the law, before representing defendants in death penalty cases. We now place similar requirements on judges. Pennsylvania was one of five pilot states funded by the National Judicial College in Nevada to create a curriculum to train judges in handling capital cases. All judges who preside over these cases in Pennsylvania now have completed that intensive three-day training. It is our hope that this effort will produce fairer trials with fewer errors in these most serious cases and, ultimately, will result in greater efficiency in the administration of justice.

Beyond the initiatives I have outlined in this report, there is more to tell. We are engaged in many additional efforts to improve the courts. Throughout the year, we will provide more information on these efforts on our Web site and through the media. All of us within this broad judicial network are committed to serving the public and building the finest state court system in the nation. That is the goal. And step-by-step, we are working toward it.

Respectfully submitted on behalf of the Supreme Court,

RALPH J. CAPPY

Chief Justice of Pennsylvania

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FOR ADDITIONAL INFORMATION ABOUT PENNSYLVANIA'S
UNIFIED JUDICIAL SYSTEM, PLEASE VISIT OUR WEB PAGE:
WWW.COURTS.STATE.PA.US