

Improving Children's Court Experiences

by Joseph J. Mittleman

In September 2005 an extraordinary gathering occurred in Minneapolis, Minnesota. For three-and-a-half days, Supreme Court justices, trial court judges, state court administrators, child welfare specialists and other interested individuals from 49 states (Louisiana being precluded by the hurricane there) met with the hope that court systems and child welfare agencies could cooperatively forge plans that will improve the experience of children in the justice system.

The Pennsylvania delegation was led by Justice Max Baer and Court Administrator Zygmunt Pines and included Judge Kim Berkeley Clark of Allegheny County; Judge Kevin Dougherty of Philadelphia; Terry Clark, MSW, of the Department of Public Welfare Office of Children, Youth and Families; and Joseph Mittleman, AOPC Director of Judicial Programs.

The conference was titled, "Justice for Children's Changing Lives by Changing Systems: A National Leadership Summit in the Protection of Children." The summit was a call to



Supreme Court Justice
Max Baer

action by the Conference of Chief Justices, the Conference of State Court Administrators and the National Council of Juvenile and Family Court Judges. Financial support was provided by the Pennsylvania-based Pew Charitable Trusts, which, through the Pew Commission on Children in Foster Care, has been actively involved in making child protection a priority.

Action, not just discussion, was the goal at the conference. It was the intent of the organizers that the attendees would return to their

home states and make concrete changes to improve the lives of abused and neglected children who find them-

Pittsburgh Forum Promotes Permanent Families; Story on Page 13

selves in the justice system. To that end, education, motivation and corroboration were the themes of presentations from national experts in child welfare. Powerful programs were offered about the impact of delay in finding permanent homes for children as well as success stories from states and court systems that are already making a difference in their child welfare systems. Interspersed throughout these educational and motivational sessions were team meetings of each state.

The interdisciplinary teams had the opportunity to meet, identify priorities and collaborate on crafting action plans for their states. Despite the differences that exist in perspective, authority and a variety of other areas, courts and child welfare agencies share the goal of providing neglected and abused children with safe, permanent homes in the briefest time possible.

Participation in the conference reflects Chief Justice Ralph J. Cappy's commitment on the

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New to the Judicial Branch

Counties

Carol M. Dillon - Montgomery - deputy district court administrator
Joseph M. George - Fayette - magisterial district judge
William Hare - Beaver - deputy district court administrator
Ginger Hogg - Lebanon - deputy district court administrator
Samantha Johnson - Pike - district court administrator
Daniel R. McGuire - Perry - magisterial district judge
James H. Owen - Armstrong - magisterial district judge
Duane L. Quinn - Clarion - magisterial district judge
Carl B. Rice - Northumberland - magisterial district judge
Joseph L. Schaefer - Beaver - magisterial district judge
Beth Smith - Bradford - assistant to the court administrator
Mike J. Smith - Dauphin - magisterial district judge
Leon W. Tucker - Philadelphia - Common Pleas Court judge
Rebecca Whitman - Venango - assistant to the court administrator
Dwayne D. Woodruff - Allegheny - Common Pleas Court judge

AOPC

Danny Bacon - Judicial Automation - systems analyst
Elizabeth Basulto-Romero - Judicial Programs - judicial programs analyst

Nathan Cada - Judicial Automation - business analyst/technical writer
William Cranston III - Judicial Automation - IT Intern
Manoja Eranki - Judicial Automation - IT specialist
Jennifer Hance - Judicial Security - clerical assistant
Seth Jerome - Judicial Automation - CP server technician
Susan Jones - Judicial Automation - help desk operator
Owen Kelly - Judicial Programs - Judicial Programs administration
Adam Knudsen - Judicial Automation - IT specialist
Brad Kramer - Judicial Automation - systems trainer
Kevin Paul - Judicial Automation IT intern
Lisa Polonia - Judicial Automation - lead systems trainer
Reji Ponnarassery - Judicial Automation IT specialist
Patrick Reilly - Judicial Automation - CP help desk supervisor
Robert Roos - Judicial Automation - LAN technician
Angela Smith - Judicial Automation - administrative assistant
David Serfass - Judicial Automation - communications/network specialist
Joyell Wallace - Judicial Automation - management analyst
Andre Warner - Judicial Automation - LAN technician

Other Job Changes

Counties

Kim Berkeley Clark - Allegheny - appointed administrative judge of family court division
Rich DeFillippi - Beaver - promoted to district court administrator

(Transitions continued on page 12)

1/24-26	Superior Court Session (Pgh.)	2/27-3/3	Supreme Court Session (Pgh.)	3-28/30	Superior Court Session (Pgh.)
1/30-2/3	Commonwealth Court Session (Pgh.)		Commonwealth Court Session (Phila.)	4-3/7	Supreme Court Session (Phila.)
1/31-2/2	Superior Court Session (Phila.)	3/7-9	Superior Court Session (Phila., Pgh.)		Commonwealth Court Session (Hbg.)
2/7	Supreme Court Admin. Session (Phila.)	3/8	Senate Budget Hearing	4/4-6	Superior Court Session (Phila.)
2/14-16	Superior Court Session (Phila, Hbg., Pgh.)	3/9	House Budget Hearing	4/14	Good Friday Holiday
2/20	Presidents' Day Holiday	3/9-10	Minor Court Rules Committee (Pgh.)	4/18-20	Superior Court Session (Pgh.)
2/21-22	Bar Exam (Phila. Pgh.)	3/14-16	Superior Court Session (Scranton)	4/25-27	Superior Court Session (Phila.)
2/23-26	Trial Judges Mid-Annual Conference (Phila.)	3/21-23	Superior Court Session (Phila.)		

A Time to Reflect on Who We Are and What We Do

by Zig Pines

A few days after the November election, I saw Gov. Ed Rendell give a sit-down interview on TV. It was a valiant attempt by the governor to keep the focus on the important substantive issues facing Pennsylvanians in the face of the newscaster's frequent questions about the recent election and the pay raise.

What especially struck me was the governor's brief but impassioned revelation about his philosophy of "good government," i.e., focusing on doing what is right to benefit the people he serves. Nevertheless, the next day's newspapers made no mention of the governor's comments about the problems and possible solutions in health care, taxation and education or his philosophy of governance.

This reminded me of a recent TV commercial for United Airlines. Without a spoken word and in color-washed drawings with George Gershwin's "Rhapsody in Blue" in the background, the commercial portrays a young man's feverish attempt to put a resume together before his big interview. The next scene shows him all suited-up in an elevator as he is approaching his interviewers. Just as he is going into the conference room where three executives are sitting at the end of a long conference table, he experiences a moment of panic — he realizes that he is wearing one black shoe and one brown shoe! The next scene shows him joyfully leaving the building with a job offer in hand.

United's concluding message is "Where you go in life is up to you."

The interview and commercial remind me that the passions and pressures of the moment can often be obstacles to maintaining our focus on the important things in life. Our world has been going through a difficult time -- political strife, armed conflicts, security threats, natural disasters. Fortunately, many of us are blessed with loving families and worthwhile occupations.

In what will undoubtedly prove to be a challenging year ahead, it is important to remind ourselves about the individual contributions we make — direct or indirect, big or small — and the benefit we provide to so many Pennsylvanians as we work together to administer justice.

Whether we are answering phones, assisting litigants at the clerk's desk, providing counsel, adjudicating cases, educating judges and staff or disseminating electronic/paper information to our sister branches of government and the public, we are all acting as accountable public servants in the machinery of "good government."

As we begin 2006, this perspective can provide us with a good measure of comfort and joy.

Around the Judiciary

Chief Justice of Pennsylvania Ralph J. Cappy joined U.S. Circuit Court of Appeals Judge Marjorie Rendell, also first lady of the Commonwealth, and Pennsylvania Bar Association President William Carlucci for a "town hall-style" meeting in September to help students celebrate Constitution Day. Students from Hollidaysburg High School in Blair County and Overbrook High School in Philadelphia took part in the one-hour session, which later aired on the Pennsylvania Cable Network. The PBA sponsored the annual program, which gives students an opportunity to learn about the U.S. and Pennsylvania Constitutions through informative learning activities.



Judge Kate Ford Elliott Chosen to Lead the Superior Court



Judge Kate Ford Elliott has been elected by her peers to the post of president judge of the Superior Court, becoming the first woman in Pennsylvania history to serve as an appellate court president judge.

Judge Ford Elliott succeeds Joseph A. Del Sole, whose five-year term as president expires in January.

As president judge, Ford Elliott will oversee all administrative matters of the court, including budget, administration, scheduling, special sessions, education and bench-bar interaction. She has been on the Superior Court since 1990.

Prior to assuming the bench, Judge Ford Elliott served as chief staff counsel to the Superior Court and was associated with the American Bar Association Committee of Appellate Staff Attorneys, serving as a member of its executive board. She is a frequent lecturer and panelist on issues of appellate practice and legal ethics.

Judge Ford Elliott received her Juris Doctorate from Duquesne University School of Law in 1978. She holds undergraduate and graduate degrees in education. She is married to Attorney Frederick B. Elliott, and they have one son. Her mother-in-law, Mary O'Loughlin Elliott, was a 1929 Duquesne University Law School graduate and one of the first female lawyers in Allegheny County.

Westmoreland's Magisterial District Judges Mainstream Video Communications over the Internet

by Don Heagy

Westmoreland County's magisterial district judges (MDJs) are among many statewide who are turning to the Internet to enhance the authorized use of simultaneous audio-visual hookups in certain pre-trial proceedings.

Pa.R.Crim.P. 118 provides instructions on the authorized use of so-called Advanced Communications Technology (ACT) in certain criminal proceedings and promotes statewide uniformity in its application. Proponents say technology use curbs costs and delays for jurists, defendants and criminal justice-related agencies.

Beginning in 1995 Westmoreland County's MDJs utilized traditional video conferencing equipment that digitized an analog signal sent through three telephone lines into a computer that decoded the signal and sent the video to a monitor and the audio to a speaker phone. MDJ and Special Court Judges Association of Pennsylvania District Seven President James Falcon explains, "This ISDN-based system served the court well for many years; however, because it was cost prohibitive, only the central night court facility and four local police departments maintained this system. Our past experi-

ence and successes with video conferencing using the ISDN-based system at our Night Court facility prompted us to explore new and less expensive ways of providing court services through video conferencing."

In 2004 the Westmoreland County MDJs were faced with requests for personnel cuts. In response, the judges testified via Web cam, permitting all participants to hear and see the testimony simultaneously. The entire process lasted approximately 20 minutes and enabled the defendant to put the matter behind her and concentrate on her rehabilitation.

Svesnik said, "This request gave us an opportunity to see, from a technology point of view, how well the use of a wireless broadband connection would work with the Web-based video conferencing system that we implemented for our DJs. After receiving the request from Don Heagy to attempt to do this hearing, I was able to set up and test the system in less than an hour. We felt that the performance was good enough that if we had reasonable signal strength at the location of the hearing, we would be able to accomplish the task successfully. The technology worked, and we were successful at

(Westmoreland ACT continued on page 16)

First Judicial District Creates New Pro Bono Committee

by Karen Blackburn

A newly formed group in the First Judicial District (FJD) will promote the provision of free legal services to indigent citizens in the Philadelphia court system.

The Judicial Pro Bono Committee will identify categories of cases as well as individual cases that illustrate the increasing need for *pro bono* services. It will work with the Philadelphia Bar Association and other groups of practicing attorneys to encourage Philadelphia's legal community to meet this demand.

To accomplish the committee's objective, members representing the bench, bar and other *pro bono* service providers will target support for additional civil *pro bono* services where needed and develop methods by which the court in general, and judges in particular, can increase the delivery of such services to the indigent. The committee will verify the way judges may work with *pro bono* organizations, in accordance with the Rules of Judicial Conduct.

James J. Fitzgerald III, administrative judge of the FJD's trial division, explained, "The Philadelphia legal community has always been at the forefront of *pro bono* service. When I learned from *pro bono* advocates that additional supports from both the courts and area law firms would be valuable and that the need for additional *pro bono* services was increasing, I knew that the court should play a leadership role in meeting this need."

Court of Common Pleas Judge Anne Lazarus will chair the committee. Judge Lazarus was the inaugural recipient of the Pennsylvania Bar Association's Legal Services to the Community Judges Award for her work on *pro bono* issues.

"Judge Anne Lazarus has long been committed to supporting and encouraging *pro bono* work. She was the obvious person to chair this committee," Fitzgerald stated.

"I am very pleased that Judge Fitzgerald decided to launch this initiative, and I look forward to chairing the committee," Lazarus said. "There is much our judges already do, but much more that our entire court system can be doing. We have already learned that *pro bono* support varies significantly between divisions of the court, and it is clear that the decision to support *pro bono* services has to start with the judges and their expectations of the bar."

In addition to Judges Fitzgerald and Lazarus, committee members include Judge Gary Glazer, Judge Annette Rizzo, Judge Lillian Ransom and Court Administrative Officer Karen Blackburn.

Family Court is represented by Administrative Judge Kevin Dougherty and Supervising Judge Idee Fox. Municipal Court is represented by Judge Ronald B. Merriweather. Long-time *pro bono* advocates Tom Zemaitis, a partner at Pepper Hamilton LLP and president of Philadelphia Volunteers for the Indigent Program, and Carl "Tobey" Oxholm, general counsel for Drexel University and senior vice president of its new College of Law, represent the bar on the committee.

The American Bar Association will hold its annual "Equal Access to Justice Conference" in Philadelphia March 30 through April 1, 2006. At this conference the Judicial Pro Bono Committee plans to present a blueprint for creating a culture of *pro bono* service among bar members. The committee members also will take this opportunity to share the work of the committee with conference attendees.

[Karen Blackburn is court administrative officer to the administrative judge of the trial division of the First Judicial District.]

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Justice

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Justice

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Justice

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Supreme Court Implements Statewide Procedures for Specialized Courts

by Art Heinz

Statewide guidelines for the voluntary creation of “problem-solving courts” have been approved by the Supreme Court, with initial focus on those specializing in non-violent drug offenses.

The guidelines were developed jointly by the AOPC and Commission for Justice Initiatives, an advisory group established by the Pennsylvania Bar Association at the request of the Supreme Court. The new guidelines apply only to adult defendants while procedures for juvenile “drug courts” remain under study by the commission and AOPC.

The guidelines

- allow counties to decide whether to establish drug courts. Counties that do not want to participate are not required to do so;
- phase in drug courts gradually statewide, recommending that five new courts be established in the initial year;
- adhere to “The Key Components,” the flexible framework created by the Drug Courts Program, Office of Justice Programs, U.S. Department of Justice that standardizes operations and outcomes while allowing for regional variation to make the best use of local resources;
- support the hiring of a staff member in the AOPC’s Judicial Programs Department to help establish additional drug courts and ensure their effective operation;
- establish a multi-disciplinary advisory committee to assist the AOPC in oversight and administration;
- launch the development of performance measures and electronic reporting forms to ensure ongoing monitoring, evaluation and assessment of drug courts and the quality and efficacy of the services provided;
- support the need for short- and long-term funding through partnerships with the Pennsylvania Commission for Crime and Delinquency for start-up grants and ongoing discussions with the legislature on state funding for drug courts.

Drug courts consider only non-violent crimes and provide offenders with a combination of sanctions and treatments. Collaboration is required among the courts, local criminal justice practitioners, treatment providers, law enforcement and social service agencies.

Judicial monitoring, addiction treatment, frequent

drug testing and intensive supervision distinguish drug courts.

Statewide coordination of drug courts in Pennsylvania is envisioned with minimal additional resources, while the initial emphasis in local implementation of drug courts will be to maximize the use of available resources and start-up grants from the PCCD and other sources. With sufficient experience and proven track records, longer-term funding needs may be identified.

Each judicial district will decide whether to implement a drug court in its community.

Exactly how the court operates will be up to each community in accordance with the new statewide procedures.

“It’s important to recognize that a ‘cookie-cutter approach’ does not necessarily fit every Pennsylvania county, given their widely varying populations, resources, numbers of judges and a variety of other factors,” Chief Justice Cappy said. “For that reason and the absolute need for broad collaboration in making such courts successful, we particularly endorse the Justice Initiatives Commission’s recommendation that implementation of drug or other types of problem-solving courts be at the option of each county.”

[Art Heinz is an AOPC communications coordinator and managing editor of AOPC Connected.]

Counties with adult drug courts along with the year they were created, include:

- Allegheny (1998)
- Blair (2000)
- Chester (1997)
- Erie (2000)
- Lackawanna (2000)
- Lancaster (2005)
- Lycoming (2000)
- Luzerne (2006)
- Northumberland (2005)
- Philadelphia (2005)
- Washington (2005)
- York (1997)

Counties planning adult drug courts include:

- Berks
- Bradford
- Cumberland
- Jefferson
- Montgomery
- Somerset

Balancing Individual Privacy and Government Openness Participation Benefits National Conference on Public Access — and AOPC

by **Andrea B. Tuominen**

Since 2001, those interested in the subject of public access to and privacy of court records have gathered annually at the William and Mary School of Law for the National Conference on Privacy and Public Access to Court Records. On October 20-21, David Price, chair of the AOPC public access ad hoc committee and a conference “regular,” and I traveled to Williamsburg, Virginia, to participate in what is truly a “working” conference where the exchange of information and spirited discussions are encouraged.

We were joined by court officials and staff from 22 states and the federal government, members of academia and the media, commercial data harvesters, public access and privacy advocates, attorneys, judicial delegates from Russia and others who are involved in efforts to develop policies on public access to court records. For the AOPC the conference was perfectly timed. We published our proposed electronic case records public access policy for comment on September 17 and were looking for feedback.

One of the highlights of the conference was the opening session on recent developments in state court public access and privacy policies. The panel included moderator Supreme Court Justice John Dooley (Vermont), Supreme Court Justice Paul Anderson (Minnesota), Superior Court Justice Larry Smukler (New Hampshire), Steve Henley (Florida), Lisa Hobbs (Texas) and the AOPC’s Price. Like the AOPC, these panel members’ states have been engaged in the process of devising rules and/or policies regarding public access to court records for several years – with only Minnesota’s proposal having been formally adopted by its state Supreme Court at present.

At the request of the moderator, David presented an overview of the proposed provisions for bulk and compiled data requests. Emphasizing that our committee had undertaken a comprehensive review of public access policies in other jurisdictions as well as the pertinent legal authorities, he reported that the committee had worked intensely to craft a policy that adequately balances the competing interests of transparency and personal privacy/security.

Similar to the court systems in California, Colorado, Indiana and Minnesota, the AOPC committee is proposing the fulfillment of bulk and compiled electronic case

record requests for data not otherwise restricted by the policy, (e.g., social security numbers, etc.). The proposal also covers requests for bulk or compiled data that are restricted under the policy, providing that these requests will be considered on a case-by-case basis. This latter provision was an acknowledgment by the committee that circumstances may exist where fulfilling such requests advance the interest in open records without compromising personal privacy or security — so long as assurances are made by the requester that the data will be secure and only used in the manner as described.

These provisions and our proposal in general received substantial attention from conference participants, especially from some of the other states that have struggled with how to balance the competing interests that are brought into play by large-volume data requests.

The conference also offered a chance to explore areas not yet addressed by the AOPC, including best practices addressing protective orders, confidentiality and public access in civil cases; trends toward closure of family court records and open juvenile dependency records in other states; and privacy implications for electronic access (video feeds, webcasting, real-time transcripts) to court proceedings.

Not surprisingly, there are no easy answers for reconciling privacy and security concerns with open access to court records. Many of the interested constituencies, (e.g., media, data harvesters, privacy proponents and state court systems) often take opposite and divergent views on the essential issues and policy provisions.

The trip to Williamsburg offered a tremendous opportunity to share and receive input on our proposed policy. We picked up some tangible suggestions for treatment of electronic data and the proposal process that our ad hoc committee will take under consideration before submitting final recommendations. Equally as important, however, was for Pennsylvania to continue to have a seat at the table for a debate that has global impact in our ever-advancing technological society.

[Andrea B. Tuominen, Esq., is Assistant Court Administrator of Pennsylvania.]

Westmoreland ACT, continued from page 4

completing the hearing. Technology has come a long way in terms of cost, functionality and ease of use and is projected to even get better.”

As part of the Minor Judiciary Continuing Education Program in 2005/2006, MDJs will be instructed on the availability, use and court rules concerning ACT.

(For additional information regarding the use of advanced communication technologies in the 10th Judicial District contact Don Heagy at (724) 830-3757 or dheagy@co.westmoreland.pa.us and Phil Svesnik at 724-830-3870 or psvesnik@co.westmoreland.pa.us.)

[Don Heagy is the 10th Judicial District’s special courts administrator.]

Minor Judiciary Trains on ACT

by Susan B. Davis

This year the Minor Judiciary Education Board included a training session on ACT for Pennsylvania’s approximately 550 active magisterial district judges.

Don Heagy, deputy court administrator of Westmoreland County, was selected to teach the course of instruction. Heagy has been instrumental in identifying cost-effective ways to provide MDJs in Westmoreland County with video conferencing equipment for preliminary arraignments in criminal cases.

Pa.R.Crim.P. 118 provides that the court or issuing authority may use two-way simultaneous audio-visual communication at any criminal proceeding except in certain situations (see the rule for exceptions). In Pennsylvania all criminal matters are heard by MDJs at the courts of initial jurisdiction; thus, instruction on video-conferencing technology was determined to be an important topic to be covered by the educational program offered in Chambersburg.

The course is conducted in two and one-half hours and includes a live video feed via webcam to courts in Westmoreland County and court administration in Bucks County. The course covers all aspects of video conferencing. By taking that approach, counties that do not have video conference capability can consider the various technologies available.

The enthusiasm and interest in the subject is tangible in every class and reflected in the course evaluation forms. Many of the judges reportedly return to their respective counties to initiate discussion as to how the technology can be implemented locally. Judges who use the more expensive, hardwire video systems — such as those by manufacturers Polycom and Tanberg — are equally impressed with the less expensive and wireless Web cam demonstration.

[Susan Davis is Judicial Education Officer, Magisterial District Judge Education in the AOPC’s Judicial Education Department.]

At A Glance:

Court Video Conferencing Use in Pennsylvania

Who’s using it:

Allegheny; Berks; Bucks; Carbon; Centre; Chester; Crawford; Cumberland; Delaware; Erie; Franklin/Fulton; Lancaster; Lehigh; McKean; Mercer; Montgomery; Northampton; Philadelphia; Schuylkill; Snyder/Union; Venango; Washington; Westmoreland and York counties.

How it is used:

Criminal arraignments; public defender/defendant conferences; temporary Protection From Abuse order hearings; bail proceedings; bench warrant hearings; judicial training; interviews; juvenile review hearings; prisoner testimony; child placement hearings; probation and parole violation proceedings; work release and other miscellaneous criminal petitions.

Benefits:

Facilitates judicial proceedings; saves time and money; enhances security

More informaton:

Contact AOPC’s Judicial Programs Department: (215) 560-6300.

Court Data Sharing Aids Warrant Service

CPCMS Credited in County Officials' Capture of Individuals with Outstanding Warrants

by Steve Schell

It's the Common Pleas Case Management System's (CPCMS) outstanding warrant flag – nothing more than a little yellow "OW" icon appearing on CPCMS screens, but in a very big way, it has been helping county officials capture individuals with outstanding warrants.

"As CPCMS rapidly deploys throughout Pennsylvania, it's becoming increasingly more difficult for individuals with outstanding warrants to move from county courthouse to county courthouse and avoid notice," said Court Administrator Zygmunt Pines. "County officials are recognizing and acting on their ability to view information and outstanding warrants from other counties. The end results are more warrants served and more fines, costs and restitution being paid to counties and victims."

Two noteworthy examples occurred in Jefferson and Armstrong counties where court officials are crediting CPCMS's outstanding warrant flag in the apprehension of two individuals with outstanding warrants in other counties.

In July 2005 Debbie Scoff, a clerk in the Jefferson County Adult Probation Office, was conducting a routine review of daily payments. She noticed a discrepancy in a check payment from a defendant. This prompted her to review the case on CPCMS where she discovered an outstanding bench warrant for the defendant in Washington County.

Scoff quickly referred this information to her department chief, who took the defendant into custody. The defendant was later transferred to Washington County where he had failed to appear on two charges of theft by unlawful taking. The cases in Washington County,

dating to 1997, were resolved when the defendant made restitution payments of \$1,500 and \$1,750 to two victims and paid more than \$800 in fees, fines and costs.

"I appreciate that feature on the system," Scoff said. "I normally look for an outstanding warrant flag but now with more counties on the statewide system, we have the ability to see more outstanding warrants."

A similar situation occurred in Armstrong County when a defendant appeared in Clerk of Courts Brenda George's office in March 2005 to make a routine payment on fines and costs. When opening the defendant's case in CPCMS, George noticed an outstanding warrant icon indicating that a bench warrant from neighboring Westmoreland County was active. George detained the defendant until the Armstrong County sheriff's department confirmed that the bench warrant in Westmoreland County was, in fact, valid. The Armstrong County sheriff transported the defendant to jail until the warrant in Westmoreland County could be acted upon. After being transferred to Westmoreland County, the defendant pleaded guilty and was sentenced.

George said she would routinely check defendants appearing in court for outstanding warrants within the county, but prior to the statewide system, she would have no way to know if an outstanding warrant existed in another county.

"The system is working the way it should," George said. "It made this apprehension possible."

The AOPC's Director of Judicial Automation, Amy Ceraso, said that CPCMS users' ability to identify individuals with outstanding warrants will increase with

(Capture continued on page 16)

Children, continued from page 1

Supreme Court's behalf that family and juvenile courts are to be of highest priority in Pennsylvania. Pennsylvania's team plans to begin work in 2006 to foster new relationships, new collaborations and new programs

that can make a difference in the lives of the children most in need.

[Joe Mittleman is director of Judicial Programs at the AOPC.]

Honors & Dispatches

Chief Justice **Ralph J. Cappy** was the keynote speaker at the September 17 banquet marking the 200th anniversary of the formation of the Venango County court system. The dinner capped a four-day celebration of the court that included a special session of the Superior Court of Pennsylvania, testimonials by state and county officials and a tribute by the approximately 60 practicing attorneys in the county. Public tours of the recently renovated main courtroom of the county courthouse and a display of miscellaneous historical court documents also were featured.



Supreme Court Justice **J. Michael Eakin** was among the featured speakers at the Pennsylvania Bar Association's first Public Service Institute held at the Harrisburg Hilton & Towers.



Supreme Court
Justice J. Michael
Eakin

Created by PBA President William Carlucci and the members of the Public Service Institute Task Force, the event focused on the role attorneys play in the civic life of our nation. Civic life encompasses leadership on nonprofit boards, volunteerism in the community, and all appointed and elected positions of leadership in local, state and federal government.

The program was presented in cooperation with the Pennsylvania Bar Institute, an accredited continuing legal education provider. The day featured three concurrent two-hour breakout continuing legal education programs that focused on public service for lawyers who are in different stages of their practices and concluded with a formal luncheon featuring Justice Eakin as the keynote speaker.



Supreme Court Justice **Sandra Schultz Newman** was among a number of distinguished speakers who participated in a special Urban Courts Symposium in Philadelphia.

The inaugural conference saw participants identify and explore solutions to crucial problems facing America's urban court systems. Judicial leaders, academics, bar presidents, court administrators, public interest lawyers and others from major American cities participated.

Justice Newman presided over a workshop entitled "Multicultural Access to the Courts" that also featured Adrienne Davis, a University of North Carolina Law School professor and Robert Joe Lee, of the New Jersey Administrative Office of Courts.

Other speakers at the conference included Philadelphia President Judge **Frederica A. Massiah-Jackson**; Philadelphia Municipal Court President Judge **Louis J. Presenza** and Andrew A. Chirls, Esq., Philadelphia Bar Association chancellor. Both Massiah-Jackson and Chirls outlined examples of how the First Judicial District is at the forefront in tackling the types of issues common to most metropolitan areas.



Supreme Court Justice **Thomas G. Saylor** conducted a bar induction ceremony exclusively for Widener University School of Law graduates in the Pennsylvania Supreme Court courtroom inside the state Capitol.

About two dozen new attorneys participated in the ceremony, the first of its kind ever held in Harrisburg.

In a second ceremony the following day, about 30 new lawyers were admitted in Philadelphia City Hall Courtroom 653. Commonwealth Court President Judge **James Gardner Colins**, Philadelphia President Judge **Frederica A. Massiah-Jackson**, Philadelphia Common Pleas Court Judge **Margaret T. Murphy** and Commonwealth Court Senior Judge **Charles P. Mirarchi Jr.** presided over the ceremony.



Pennsylvania Supreme Court nominee Judge **Cynthia A. Baldwin** delivered the commencement address at the December 2005 Penn State Delaware County graduation ceremony. Judge Baldwin, who sits in Allegheny County Common Pleas Court, urged graduates to use their education to make a difference in the world, to make wise choices in life and to never stop learning. She is chairman of Penn State's Board of Trustees and president of the Penn State International Alumni Association.



Judge Cynthia
A. Baldwin

(Honors continued on page 14)

Judges Massiah-Jackson and Field Exit FJD Leadership Posts Leaving a Number of Accomplishments and Initiatives

by Leonard Hacking

The First Judicial District and the citizens of Philadelphia have lost two of their more active leaders.

Common Pleas Court President Judge Frederica A. Massiah-Jackson completed her term as president judge in early January, and Family Division Administrative Judge Myrna P. Field, who turned 70 in July, retired at the end of December.

Judge C. Darnell Jones II was elected by the Board of Judges to replace Massiah-Jackson while Judge Kevin M. Dougherty, a family division supervising judge, was

appointed administrative judge of the family division by the Supreme Court.

Judges Massiah-Jackson and Field have instituted a number of improvements in the administration of justice in the Philadelphia courts.

Massiah-Jackson has long recognized the importance of access to justice as well as the integral roles played by the district's greatest asset: its employee workforce. To achieve access to the court, the president judge developed and implemented the FJD Information

Center that has come to represent the open door for access to the Philadelphia courts by helping citizens better understand the court and how to begin cases when appropriate. Information Center employees provide a wealth of bilingual information for people visiting its offices and the many callers who phone the center each day.

Massiah-Jackson also ensured that FJD employees were acknowledged through two district-wide gatherings: Volunteer Recognition Day, and the Best of the FJD party.

During her tenure the president judge also oversaw improvements in the court reporting system by placing transcripts online as well as the establishment of e-filing to cut delay in the Civil Mental Health Program.



President Judge Frederica A. Massiah-Jackson, center, with members of the Best of the FJD Committee

Massiah-Jackson, Field, continued on page 15

Jones Elected to Succeed Massiah-Jackson as Head of Philadelphia Courts

Judge C. Darnell Jones II was elected to a five-year term as president judge of Philadelphia's Common Pleas Court. Judge Jones succeeds outgoing President Judge Frederica A. Massiah-Jackson whose term expired Jan. 9, 2006.

Judge Jones was elected to the bench in 1987 and has presided over business disputes in commerce court.

Among the president judge's duties are assigning new judges; directing space allocation within the court and judicial chambers; supervising the Office of the Prothonotary, the library of the Court the Court Messenger Service, court reporters and mental health review officers; and monitoring the transcription of notes of testimony. The president judge is also chair of the Administrative Governing Board of the First Judicial District, which monitors the overall performance of the Philadelphia court system and prepares the courts' budgets.



Transitions, continued from page 2

Kevin M. Dougherty - Philadelphia - appointed administrative judge of family court division
Douglas Praul - Bucks - promoted to district court administrator
Richard K. Renn - York - elected/appointed president judge (vote was a tie; Sup Ct apptd him)

Deaths

Eileen Halloran Ambrose - retired Allegheny County district justice
William J. Franks - Fayette County senior judge
Robert E. Gill - Chester County magisterial district judge
Richard H. Horn - York County senior judge
Roy A. House Jr. - retired Armstrong County president/senior judge
Melvin G. Levy - retired Delaware County judge
Edward B. Rosenberg - retired Philadelphia County judge
Helen Shulenberg - Cumberland County magisterial district judge
J. William Stover - retired Franklin County senior magisterial district judge
John Walter - retired Lebanon County judge
Richard G. Zeleznik - retired Allegheny County judge
James W. Richardson - retired Delaware County district justice of the peace

Retirements

Counties

Joseph Cabraja - Beaver - district court administrator

AOPC

Wayne Bromfield - Judicial Education - Judicial Education Officer
May Reach - Administrative Services - Louise Drive receptionist

Resignations

Counties

Thomas S. Brletic - Allegheny - magisterial district judge
Curtis E. Carbaugh - Forest - magisterial district judge
Rick Williams - Mifflin - magisterial district judge
Walter R. Little - Allegheny - Common Pleas Court judge

AOPC

Matthew Bailey - Judicial Automation - IT specialist
Carolyn Butcher - Judicial Automation - help desk operator

Lisa Colby - Policy & Research - research analyst
Bill Cranston - Judicial Automation - IT intern
Vincent Innocent - Judicial Automation - database administrator
Jason Marks - Judicial Automation - comm/network technician
Mary McDermott - Judicial Security - clerical assistant
Sean McIntire - Judicial Automation - IT specialist
Tara Pathak - Judicial Automation - programmer analyst
Jeffrey Rudacille - Judicial Automation - LAN tech supervisor
Jennifer Sandri - Judicial Automation - IT specialist
Li (Sandy) Zhang - Judicial Automation - IT specialist

Appointments/Elected

Supreme Court Committees

Thomas M. Golden, Esq. - designated chair of Continuing Legal Education Board
William T. Hangle, Esq. - IOLTA Board
Gary A. Rochestie, Esq. - Civil Procedural Rules Committee
Lawrence J. Tabas, Esq. - Continuing Legal Education Board
Kelly H. Shuster, Esq. - designated vice chair of Continuing Legal Education Board
William F. Stewart, Esq. - Civil Procedural Rules Committee
Robert L. Storey - Disciplinary Board
Kathleen D. Wilkinson, Esq. - Committee on Rules of Evidence

Other Boards/Committees

Kim Berkeley Clark - Allegheny County Common Pleas Court - reapptd to Juvenile Court Judges Commission
John M. Cleland - McKean County president judge - apptd to Juvenile Court Judges Commission
Kevin M. Dougherty - Philadelphia Common Pleas Court - apptd vice chair Juvenile Court Judges Commission
Myma P. Field - Philadelphia Common Pleas Court - reapptd to Juvenile Court Judges Commission
Arthur E. Grim - Berks County Common Pleas Court - apptd chair of Juvenile Court Judges Commission

Miscellaneous

Counties

Brendan J. Vanston - Wyoming-Sullivan president judge - elected president of Juvenile Court Section of Pennsylvania Conference of State Trial Judges

Pittsburgh Forum Promotes Permanent Families

by **Raymond L. Billotte**

The Allegheny County Court of Common Pleas and the Department of Human Services held a public forum on protecting children and promoting permanent families, in the Frick Fine Arts Auditorium at the University of Pittsburgh.

Sponsored by the Pew Commission of Children in Foster Care, the forum featured real life stories of individuals involved in the foster care system and included comments from Estelle Richman, Pennsylvania Secretary of Public Welfare, and the Hon. Kim Berkeley Clark, supervising judge of the Allegheny County Court Juvenile Section.

A discussion on the Allegheny County Court Improvement Project was led by Marc Cherna, director of the Department of Human Services, and Cindy Stoltz, Esq., administrator of the Court Services for Children Department. The discussion focused on recommendations issued by the Pew Commission.

The Pew Commission on Children in Foster Care was launched in May 2003 and was charged with the task of developing recommendations to improve outcomes for children in the foster care system. The commission focused on two specific areas:

- improving existing federal financing mechanisms to facilitate faster movement of children from foster care to permanent placement; and

- improving court oversight of child welfare cases to facilitate better and more timely decisions of dependency cases.

Allegheny County Family Division Administrative Judge Eugene F. Scanlon Jr. has been a strong supporter of local reforms that meet Pew Commission recommendations.

"The Allegheny County Family Division's plan for dependency court improvement represents more than a year of intensive work and reflects the collaboration of the Family Division; the Department of Human Services; the Office of Children, Youth and Families; the University of Pittsburgh; the National Council of Juvenile and Family Court Judges; the National Council on Juvenile Justice; the legal community; medical community service providers; court appointed special advocates (CASA) and many other relevant stakeholders," Judge Scanlon said. "Our recommendations mirror the recommendations of the Pew Commission on Children in Foster Care in many ways. We, too, are committed to strengthening court oversight of children in foster care, using and creating better technology, becoming more culturally competent and developing comprehensive training programs for our judges and court staff."

[Ray Billotte is District Court Administrator for Allegheny County.]

At Long Last, Third Circuit Recognizes 11th Amendment Immunity of State Courts

by **David M. Donaldson**

An important defense for state government, its branches and its entities, when sued in federal court, is the 11th Amendment of the United States Constitution, which bars suits against states in federal court. This includes state courts.

In Pennsylvania because the Courts of Common Pleas are funded by both counties and the state, confusion has existed in the federal district courts as to whether county courts fall under the umbrella of this 11th Amendment immunity when they are sued in federal court. While the Pennsylvania Constitution, the Pennsylvania Supreme Court and state statutes clearly

mandate that Common Pleas Courts are part of state, not county, government, it was not until October 12, 2005, when the Third Circuit decided *Benn v. First Judicial District* that a published federal court of appeals precedent could be found to affirm this.

As the Third Circuit observed, at AOPC counsel's urging, "[t]he present case is an opportunity for this Court to finally issue a published precedent which holds that the state courts have Eleventh Amendment immunity in order to guide district courts and to quell repeated and unnecessary litigation of this issue." [emphasis added]

(11th Amendment continued on page 15)

Honors & Dispatches, continued from page 10

Supreme Court Justice **Sandra Schultz Newman** was profiled on statewide television.

Justice Newman, who holds the distinction of being the first woman elected to the state's highest court, was featured on Pennsylvania Cable Network's "PCN Profiles." The show presents prominent residents of the Commonwealth in an hour-long discussion of their life experiences.

Prior to serving on the Supreme Court, Justice Newman was elected to the Commonwealth Court in 1993 and previously served as a private attorney. Outside of her legal work, Justice Newman serves on the boards of many organizations involving the community, education, charities and the arts.

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Court Administrator of Pennsylvania **Zygmunt A. Pines** and **Donald Harris**, the AOPC's director of Policy and Research, were participants on a panel at a conference on court safety and security in Alexandria, Va.

The conference was a follow up to the summit on national security that Pines attended earlier in 2005. The panel focused on one of the recommendations that grew out of the spring summit: creating a national incident reporting system. Pines and Harris addressed the group about the Pennsylvania experience with building and implementing a statewide incident reporting system.

Pines, in his capacity as vice chair of the Conference of Chief Justices/Conference of State Court Administrators' Joint Committee on Security and Preparedness, also participated on another panel regarding fostering leadership on court security.

• • •



President Judge Emeritus Stephen J. McEwen Jr.

Superior Court President Judge Emeritus **Stephen J. McEwen Jr.** has been appointed Honorary Consul of the Republic of Bulgaria.

The Decree of Appointment was presented by Bulgaria Prime Minister Simeon Saxe-Coburg Gotha and Minister of Foreign Affairs Solomon Passy during a ceremony in the Superior Court Founders Courtroom in Philadelphia.

In his honorary role, Judge McEwen conducted a ceremony

marking the Execution of a Memorandum of Understanding between the Commonwealth and Bulgaria with Secretary of the Commonwealth Pedro Cortés and Bulgaria Ambassador Elena Poptodorova at the state Capitol. He then escorted Ambassador Poptodorova to the House floor where she addressed state lawmakers and received a standing ovation.

Judge McEwen also arranged for the National Constitution Center to be the polling place for Bulgarian citizens in the Mid-Atlantic Region to cast their ballots in the national election of Bulgaria.

• • •



Judge Kim Berkeley Clark

Allegheny County Common Pleas Court Judge **Kim Berkeley Clark** has been honored for her volunteer work from Lydia's Place, a faith-based organization that helps female offenders and their dependent children rebuild their lives. Judge Clark has done *pro bono* work for the organization and currently serves on the advisory board.

• • •

Butler County Judge **Marilyn J. Horan** received the Outstanding Leadership Award from the Juvenile Court Judges' Commission.

• • •

Wyoming County President Judge **Brendon J. Vanston** has been elected president of the Juvenile Court section of the Pennsylvania Conference of State Trial Judges. The group formulates procedures and rules for the Common Pleas judges.

• • •

York County's Juvenile Probation United with Mental Health (JUMP) program was named the Court-Operated Program of the Year by the Juvenile Court Judges Commission and the Pennsylvania Council of Chief Juvenile Probation Officers. The program, which began six years ago as the only one of its kind in Pennsylvania, links troubled teenagers with available mental health resources and assists teens with education, employment skills training and family therapy. Judge **John C. Uhler**, a member of the JUMP staff, accepted the award on behalf of the program.

Massiah-Jackson, Field, continued from page 11

Most recently, Massiah-Jackson spearheaded the 2005 Urban Courts Symposium, which brought together urban jurisdiction experts from across the nation in Philadelphia to study and exchange ideas about diversity, media relations, court-community partnerships and other issues confronting metropolitan jurisdictions today.

Judge Field supervised many programmatic initiatives and improvements in virtually every facet of family court operation. New programs dramatically reduced the time that children wait to be adopted and early intervention in dependency cases reduced delay [what Andrea has doesn't fit]. New plans and a specialized court were implemented to address delinquency cases involving teenage substance abuse.

The domestic relations branch reached new milestones of success in child support collections; a new Improved Case Management Plan was put into place; performance measures now gauge successes; and the new Night Court served more than 2,100 clients who appeared at the door of the courthouse.

Juvenile probation implemented the Youth Violence Reduction Partnership and the Balanced Restorative Justice at Work initiative that has resulted in more than

72,000 hours of community service being provided by Philadelphia youth. The Parent Project helps parents of incorrigible children cope with their problems.

Employees were also the focus of Judge Field's efforts, from new health care initiatives for staff, the annual Family Court Employee of the Year Awards and the Family Division Unsung Heroes Awards.

Both judges were dedicated to the concept that better judicial administration translates into benefits for the citizens of Philadelphia and their communities.

Judge Field will continue to serve the FJD as a senior judge in the civil trial division. Judge Massiah-Jackson will take on new judicial assignments.

We wish them well in all their future endeavors.

[Leonard Hacking is senior staff advisor for the First Judicial District.]

11th Amendment, continued from page 13

No longer will state courts be subjected to discovery, in the form of burdensome written interrogatories and requests for production of documents, and sworn depositions of court personnel, while plaintiffs attempt to show through complex funding analysis that state courts are county entities. Now there is a clear precedent that can be used to guide and actually bind federal district courts on this issue and to dissuade potential plaintiffs' counsel from litigating such funding issues, indeed, perhaps from even filing such suits.

The effect of this decision has been immediate. Already, we have been able to file clear Motions to Dismiss, citing *Benn*, without any need for discovery or further argument and briefing; and we await favorable decisions on these suits against our state courts.

While individual judicial officials cannot claim 11th Amendment immunity (unless they are sued in an official capacity only) and cannot be insulated from all claims, their court entities now have 11th Amendment immunity from civil rights claims (except in rare situations where Congress has the power to, and has, abrogated immunity, e.g. racial discrimination and basic access to courts).

Whereas in the past we have had to "start from scratch" to show federal district courts the history and nature of county/state funding of courts and the state control of courts. Now we need simply cite one Third Circuit decision.

[David Donaldson is the AOPC's chief of litigation.]

Capture, continued from page 10

every deployment of additional counties on CPCMS. To date, 64 counties are using the system. Additionally, system and Pennsylvania Justice Network users can view warrant information from the magisterial district courts and CPCMS through an application developed by Judicial Automation staff, using the Unified Judicial System portal.

[Steve Schell is an AOPC communications coordinator.]

Honors & Dispatches, continued from page 14

Allegheny County Common Pleas Court Judge **Donna Jo McDaniel** has been chosen president of the Allegheny County Jail Oversight Board. She replaces Judge **Kim Berkeley Clark**, who served in that capacity for two years and will retain a seat on the nine-member board. Judge McDaniel is administrative judge of Allegheny County's criminal division.

5001 Louise Drive
Mechanicsburg, PA 17055

The logo for the Allegheny County Office of Public Safety (AOPC) features the letters 'AOPC' in a bold, blue, sans-serif font. The letter 'O' is stylized with a white triangle pointing downwards inside it.