

Statement of Justice Ronald D. Castille
Supreme Court of Pennsylvania
Appropriations Committee Hearings
Tuesday, March 1, 2005

Mr. Chairman and committee members, on behalf of the Chief Justice and my colleagues on the Supreme Court and my colleagues on the appellate courts and trial judges, district judges, and employees of the Unified Judicial System, I appreciate the opportunity to appear before you today to discuss the proposed budget of the Unified Judicial System.

Joining me are jurists, administrators, and other court leaders representing the various levels of the Commonwealth's judicial system. Their presence, I believe, is emblematic of our commonly-held goal: that of a Unified Judicial System, not only in word, as the Constitution defines it, but in day-to-day deed.

As you will hear, this past year has been one of significant achievement for the judiciary. I hope today to offer you a brief snapshot of how an integrated statewide court system, capable of effectively delivering fair and equal justice in a complex society, relates specifically to our spending request.

Pennsylvania's courts handle more than three million cases a year, and they do so, on balance, with thoughtful expedition and reasoned creativity of process. Let me give you some examples from our yearly court statistics from the latest available compilation.

The Superior Court is one of the busiest intermediate-level courts in the Nation. In 2004 there were 7,773 new cases filed, and the judges issued 5,348 opinions. The average time of disposition was 279 days, well within the American Bar Association's suggested disposition guidelines.

In the same year, the Commonwealth Court disposed of 4,508 cases and filed 1,665 opinions, a rate which is twenty-five (25%) percent better than the American Bar Association standard for disposition of cases.

In 2003, the Common Pleas Courts handled 229,900 criminal cases and 130,200 civil actions. The Family Courts combined processed over 560,000 support, custody, and divorce actions, plus 16,600 juvenile dependency actions and almost 80,000 juvenile delinquency cases. At the same time, over 44,000 Protection From Abuse Orders were processed. The Orphans Courts handled over 27,000 accountings, 6,425 adoptions plus of course termination/relinquishments, and guardianships.

Our busy Magisterial District Court Judges in 2003 processed 195,500 criminal cases and 102,000 private criminal complaints. The courts processed 1,525,500 traffic offenses; 390,700 non-traffic offenses, 142,500 civil actions, and 73,000 landlord/tenant matters. The judges alone issued 852,200 arrest warrants. Of course, we recognize that other agencies and government units contribute essential manpower and resources in the processing and disposition of this enormous caseload, but each and every matter at some level involves personnel of the Unified Judicial System.

The National Center for State Courts has ranked Philadelphia's Common Pleas Court as among the best-managed major metropolitan court in the Nation. Pennsylvania can be especially proud of that achievement after a decade of hard work by our Court and Philadelphia's judges.

Several of our trial jurisdictions have experienced success with a variety of "specialized" courts recently, such as drug courts in Philadelphia, Lackawanna, Allegheny and a number of other counties.

The intent of all such courts is to focus either on treatment issues, such as drug courts; on a specific problem, such as inner-city violence tackled by the Philadelphia Gun Court; or to marshal specific judicial expertise in hearing certain complex matters, such as Philadelphia's trial court Commerce Program which has been recognized as a model for disposition of business cases in state courts.

Perhaps as important with respect to the formal creation of specialized courts are recent recommendations of the Pennsylvania Bar Association's Commission for Justice Initiatives. Among those recommendations are these:

- o Establishing a framework of best practices and processes to ensure equity in such courts;
- o Identifying a source of funding to ensure these courts' success without draining other limited trial court and government resources; and,
- o Establishing a means to measure the progress of these courts and their impact on the justice system.

The Supreme Court is currently considering these recommendations, but I can relate to the Committee our general consensus that these three considerations are fundamental to the successful expansion of specialized courts.

Of course medical malpractice issues have been among the significant challenges recently facing all three branches of state government. In response, the judiciary instituted important initiatives in this area during the past year that are having, and will continue to have, a positive impact in dealing with the provision of medical care in Pennsylvania. Court rules have been changed in a variety of ways, among them: ensuring that cases are heard in their proper venue; processing cases in as streamlined a manner as possible; employing alternative means of dispute resolution as part of the

adjudicatory mix; and -- very importantly -- collecting meaningful data on the effect of these changes.

Preliminary findings suggest that at least some of these steps have brought positive results, and much of the data in this regard, along with the specific rules changes, is available to the general public on the med-mal page of the judiciary's Web site:

www.courts.state.pa.us

During the past year we have also taken specific steps to improve the availability of court translator services across the state. Significant progress has been made in helping to physically secure county court facilities especially at the district court level. The Inter-branch Commission for Gender, Racial, and Ethnic Fairness has been established and will hold its first meeting this month. A strategic planning initiative has begun under the auspices of the Judicial Council which includes all three branches of state government. Our continuing education program for trial judges is in the early stages of transition, from a volunteer effort by the judges themselves to one where judges and professional educators collaborate in curricula development and presentation.

Naturally, with these initiatives in progress, along with the Judiciary's ongoing tasks, '*level-funding*,' as proposed in the Governor's spending plan, presents certain challenges, even as we are reminded that the proportion of state budget that directly funds our judicial branch of government is roughly six tenths of one percent. With that in mind, I will tell you where we believe the proposed budget falls short of the ongoing needs of the judiciary:

First, the Governor's proposed budget fails to fund **\$10.717 million** of statutorily mandated programs -- that is, line items that pay fixed costs for mandated salary adjustments and increased healthcare and other benefits of appellate, trial and magisterial

district judges as well as expenses for 13 new judgeships created by the General Assembly to be filled effective January 2, 2006.

The Governor's proposed budget fails to include an additional **\$3.185 million** needed to support many of the programmatic initiatives that I outlined earlier, as well as certain carry-forward aspects of various line items.

For instance, one of the highest priorities of the Supreme Court under the leadership of Chief Justice Ralph J. Cappy is the delivery of professionally-designed, continuing education to all of Pennsylvania's jurists. That initiative began two years ago with the creation of the first-ever appellate level judicial education conference including the Supreme, Superior, and Commonwealth Courts. At the same time, the Chief Justice proposed the creation of a professionally-staffed judicial education department within the AOPC. During the current fiscal year, we have begun to expand this effort so that trial judges will soon receive the best possible continuing legal education within the constraints of our budget.

Last year the AOPC hired a professional educator and one staff person to support the implementation of the trial court education program. Now, to take the next step, we project the need for three additional staff members to fully achieve this important objective. Keep in mind that these education programs are often the only means by which judges can maintain current knowledge as jurisprudence increasingly involves large doses of science, complex business practices, demanding family court cases, and other intellectual challenges.

Additional funding in this programmatic/carry-forward category is needed in order to provide full funding for salaries and benefits for district court administrators across the state and for adequate additional (though not full) funding for the Supreme and

Superior Courts and for the Administrative Office of Pennsylvania Courts. With regard to the AOPC's deficiency, a substantial portion of this additional requested funds in this area are targeted for limited new staff to further support development of specialized courts, court translation programs, and for greater liaison with county courts. A small portion of this funding will support the Inter-branch Commission on Gender, Racial, and Ethnic Fairness.

We are seeking one-time funding -- **\$949,000** -- for a single, new initiative in the Fiscal Year 2005-2006 budget: A non-recurring grant to Allegheny County that supports the transition of city-funded Pittsburgh Magistrates Court staff to the county court's payroll. This initiative achieves two objectives. First, it consolidates the minor court system in the city and county following the constitutionally-mandated realignment of the magisterial district judge jurisdictions. Second, it places all jurists in Pennsylvania under the umbrella of the third branch of government, fully accountable to the Supreme Court, thus meeting the requirements of Article V of the Pennsylvania Constitution.

In the final analysis, Allegheny County will have seven fewer magisterial district judges than presently exist, while elected magistrate judges with city jurisdictions will be used more effectively following the transfer of caseloads from the Pittsburgh Magistrates Court. This one time funding request is vital in order to insure a smooth transition of this project and to fairly compensate Allegheny County for various costs accrued.

Finally, we are requesting an additional **\$4.529 million** to continue our efforts to help adequately secure county court facilities and those who use their services. This project, under the Judicial Council's auspices, has had significant success in planning security upgrades in magisterial district judge offices, as well as tracking security incidents, establishing best practice security protocols for courts, and training of staff

regarding those protocols. The spending request for additional security funds in FY 2005-2006 would allow the continued upgrade of security in county courthouses.

Surveys of the county courthouses demonstrate that only slightly more than half of our counties screen for weapons and only one in three counties have security cameras or duress alarms in case of emergencies in court rooms or chambers.

While we recognize that the state cannot fully shoulder the entire task of securing county judicial facilities, we believe that we can make targeted differences in the short-term which will result in significant security improvements. Our present efforts are geared toward maximizing realistic use of limited funding without asking counties presently to incur additional costs of their own. In this regard, we seek continuing appropriation authority for funds contained in the current year's security appropriation and that of the coming fiscal year as well.

Let me close with some thoughts regarding the Judiciary's ongoing computerization projects in the trial courts.

As this Committee knows, a long-standing goal of the Supreme Court has been the promotion of efficient judicial administration through the use of modern technology. This technology, funded through filing fees as opposed to tax dollars, has the multiple benefits of achieving needed statewide data transferal throughout the various components of the justice system; it will unify court practices and procedures that have become somewhat disparate in the counties; it will maximize systematic collection and dispersal of fines, fees, and costs; and it will provide counties with advanced systems at little or no long-term county cost.

Building on our past successful computerization projects in the magisterial district courts and in the appellate courts, we are currently implementing a statewide automated

case management system for our county criminal courts. Called the Common Pleas Criminal Case Management System (CPCMS), its implementation began in January 2004 with 20 initial counties targeted for upgrading to the CPCMS.

The CPCMS is intended to benefit the county court system through the installation of state-of-the-art computer hardware and software. This technology will institute integrated and consistent case management throughout the Commonwealth, and will provide the means to access vital court data to other users within the criminal justice system – such as the state and local police and sheriffs and other executive and legislative branch agencies associated with law enforcement and criminal case management.

The CPCMS software installed in the first twenty counties in early 2004 was not as successful as we might have liked for various reasons. Because of this, our Court chose to “pause” the system’s implementation for a ten-month period – to help the initial twenty counties get fully up to speed and to improve every aspect of the system in order to ease implementation in future counties.

That “pause” ended in late 2004, with a restart of implementation that to date has added 10 more counties to the initial twenty, bringing the total number of counties now using CPCMS to 30. Our experience with the system to this moment, post- “pause,” is encouraging, even as our staff continues to address individual county needs by working cooperatively with the various county officials to resolve commonly-identified problems.

We can tell you that hard working and dedicated county staff, committed county judges, and helpful county commissioners are making implementation of CPCMS successful.

While some county officials oppose the system's implementation in a variety of ways, most of the counties are successfully transitioning to the challenge of learning a new system.

Our goal is to have the Common Pleas Criminal Case Management System fully installed and on-line in all sixty-seven counties by mid-2006. From now until then, and afterward of course, I can pledge the utmost effort of our staff to work continuously – as they have in successfully implemented earlier systems – to make system improvements and to address user needs in an organized, realistic manner.

To these ends, of course, our budget request contains funding authorization to advance the automation of the Common Pleas criminal court automation system, and we request continued authority at fiscal year end to transfer funds within judicial line items or to the restricted receipts fund specifically for computerization.

We appreciate your time today, Mr. Chairman, and my colleagues and I welcome your questions to better explain these comments or any other topics of interest to you or your members.

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