

Interbranch Role Complete, Follow-Up Work Remains

by Stuart Ditzen

Nine months to the day after it held its first organizational meeting on August 27, 2009, the Interbranch Commission on Juvenile Justice met in Harrisburg on May 27, 2010, to conclude its work. The commission adopted its final report on failures in the juvenile justice system of Luzerne County and issued a series of recommendations to strengthen and improve the justice system statewide.

"The Interbranch Commission on Juvenile Justice was created last August 2009 with a mandate to investigate the juvenile justice scandal in Luzerne County and to develop appropriate recommendations for reform," said Commission Chairman **John M. Cleland**, a senior judge of the Pennsylvania Superior Court. "It is our hope that, based on our understanding of how the juvenile justice system was undermined in one county, we have developed recommendations that will avoid it from happening in any other county."

Chief Justice **Ronald D. Castille**, who originally proposed a special panel to investigate the Luzerne County scandal, echoed Judge Cleland's comments. In a statement praising the commission, Chief Justice Castille said, "It is my hope that through the work of the Interbranch Commission on Juvenile Justice, the travesty of justice that two corrupt Luzerne County judges effectuated in an otherwise sound juvenile justice system in our Commonwealth can be erased, and that there never again will be such a scandal anywhere in Pennsylvania."

The 11-member commission issued 43 recommendations in 20 categories. Among them:

- the creation of a statewide office of Juvenile Justice Victim Advocate
- steps to improve and strengthen the operations of the Judicial Conduct Board
- re-examination of the Pennsylvania Code of Judicial Conduct to ensure that ethical provisions and reporting requirements are adequate
- improved training for lawyers and judges who work in juvenile courts
- establishment of statewide ethical standards for juvenile probation officers.

The Interbranch Commission on Juvenile Justice was created by statute in the summer of 2009, and its members were appointed by the leaders of the three branches of state government. The commission was funded and staffed by the judiciary. It was given a statutory deadline of May 31, 2010, to complete its investigation and deliver a final report to the governor, the General Assembly and the Supreme Court.

After adopting the report, Cleland said he and other members of the commission hoped that governmental leaders would move swiftly to consider and act on the recommendations.

The report reviewed a judicial corruption scandal in which two former Luzerne County judges, Michael T. Conahan and Mark A. Ciavarella Jr., have been charged by federal authorities with receiving \$2.8 million in payoffs from the builder and owner of two juvenile detention centers. Ciavarella, the long-time judge of juvenile court, placed large numbers of juvenile defendants in the detention facilities. The Supreme Court ordered the expungement of cases in 2009 in which Ciavarella had violated the rights of more than 1,800 juveniles by failing to properly advise them of the right to counsel.

As an illustration of one of Ciavarella's courtroom practices, the report described a periodic proceeding known as "fine court." Juvenile defendants who

(Interbranch Commission continued on page 16)



Commission Chairman and Superior Court Senior Judge John M. Cleland announced the recommendations made by the commission.

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New to the Judicial Branch

Counties

Jennifer Clapp - Blair - deputy court administrator
Stacy Elms - Lebanon - deputy court administrator
Gina Theiss - Columbia/Montour - deputy court administrator
Sharon Whipple - Clearfield - deputy court administrator

AOPC

Paul Burton - Judicial Automation - PACMS project manager
Sherry Brown - Judicial Automation - Network Operations Center manager
Danielle Goebel - Assistant Court Administrator - legal intern
Jenny Miller - Judicial Automation - help desk operator
Joseph Moonsammy - Judicial Automation - IT Services LAN technician
Jodi Rothrock - Judicial Automation - help desk operator
Matthew Somerville - Judicial Automation - EDI programmer analyst
Victoria Tamanini - Judicial Automation - clerical assistant
Charles Timpko - Judicial Automation - systems trainer
Rashmi Zia - Judicial Automation - systems trainer

Jurist Appointments

Richard C. Beck - Berks - sr. magisterial district judge
John L. Braxton - Philadelphia - sr. Common Pleas Court judge
Thomas P. Caulfield - Allegheny - magisterial district judge
Elise Glenn - Westmoreland - magisterial district judge
Donald F. Howell - Perry - sr. magisterial district judge
C. Timothy Shaffer - Butler - magisterial district judge
Joseph J. Van Jura - Luzerne - Common Pleas Court judge
Lewis Wood Wetzel - Luzerne - Common Pleas Court judge

Other Job Changes

Brent Glosser - Judicial Automation - systems trainer - AOPC to Superior Court

J. Bruce King - Westmoreland - magisterial district judge appointed sr. judge

Deaths

Mark E. Mascara - Washington - Common Pleas Court judge
James R. McGregor Sr. - Allegheny - former (sr.) Common Pleas Court judge
Charles P. Mirarchi Jr. - Philadelphia - former (sr.) Commonwealth Court, Common Pleas court judge
Bernard J. Podcasy - Luzerne - former (sr.) Common Pleas Court judge
Ellis W. Van Horn Jr. - Bedford - former (sr.) Common Pleas Court judge

Retirements

Counties

Robert Jordan - Clarion - deputy court administrator
Judy Melito - Columbia/Montour - deputy court administrator

AOPC

Basear Ahadi - Judicial Automation - computer operator
Phillip Bumette - Judicial Automation - IPT phone technician
David Gierl - Judicial Automation - database administrator
Jeremiah Gohn - Judicial Automation - Communications/Network technician
Donald J. Harris, Ph.D. - Research and Statistics - director
Frank Lalley - Judicial Security - Judicial Security administrator

Resignations

Counties

John F. Arnold - Lebanon - sr. magisterial district judge
Benjamin R. Crahalla - Montgomery - sr. magisterial district judge
Donald L. Eiler - Beaver - sr. magisterial district judge
Ruth M. French - Mercer - sr. magisterial district judge

(Transitions continued on page 14)

7/21-7/24	Trial Judges Annual Conference, Hershey	10/5-10/7	Superior Court Session (Pgh.)
7/24-7/26	Superior Court Session (Phila., Hbg.)	10/11	Columbus Day Holiday (Observed)
9/6	Labor Day Holiday	10/12-10/15	Commonwealth Court Session (Phila.)
9/13-9/17	Supreme Court Session (Phila.)	10/18-10/22	Supreme Court Session (Pgh.)
9/13-9/17	Commonwealth Court Session (Hbg.)	10/19-10/21	Superior Court Session (Phila.)
9/14-9/16	Superior Court Session (Pgh.)	10/26-10/28	Superior Court Session (Phila., Hbg.)
9/21-9/23	Superior Court Session (Phila., Hbg.)		

Justice Unshackled

by Zig Pines

Justice for juveniles in Judge Ciavarella's courtroom was nightmarish.

In one case, after a 90-second "hearing," a 14-year old unrepresented child was found guilty of classroom disorderly conduct, sentenced to three months detention, shackled and taken out of the courtroom. In another case, an 11-year old unrepresented child, accompanied by his mother, failed to pay his court-imposed fines. Judge Ciavarella said: "Put the cuffs on him and get him out of here."

Moral education is a never-ending process, from childhood through adulthood. The classic tale, Little Red Riding Hood, is, in some respects, a gruesome story of a little girl who fails to follow her mother's instructions and, as a consequence, gets eaten by the wolf masquerading as her grandmother. Charles Dickens called this tale his "first love." For the child the moral of the tale is obedience.

This fairy tale came to mind after I read (and re-read) the impressive Interbranch Commission on Juvenile Justice Commission Report. The literate recitation of events in Luzerne County reads like a dark cautionary tale for adults about vulnerable and victimized children, all doomed for the belly of the beast because they had strayed from the straight and narrow path. One does not need a sophisticated sense of justice or morality to recognize that the juvenile justice system in Luzerne County had gone horribly wrong.

The report carefully lays out a cascading domino of professional responsibility failures—judiciary, judicial

administration, prosecutors, public defenders, probation, local attorneys (who, incidentally, refused to provide testimony to the commission), government officials and public entities. Lurking throughout the report are the simple questions "why?" and "how?"

The phenomenon of collaborative silence (see-hear-speak no evil) and denial is a complicated one. In one study on the subject, *The Elephant in the Room*, Professor Eviatar Zerubavel analyzes the social structure and dynamics of silence. Two factors caught my attention.

Institutional blindness may sometimes be an endemic trait of simply "seeing" but not "noticing." Within an organization there may be social norms of (in)attention and (ir)relevance. When participants in a process become "antiseptically unaware," persons may be marginalized. Children, for example, may be treated as non-persons whose rights are irrelevant to a bottom-line philosophy (consider, for example, Judge Ciavarella's obsessive philosophy of push-button justice based on "zero tolerance").

A more important contributing factor may be that silence and denial are products of power. This may be especially true in hierarchical organizations. In the culture of a county, no one may be more revered—or feared—than a judge or president judge. By "controlling the agenda," the judge sends a message to subordinates as to what is relevant. As the author points out, through the politics of agenda-setting, "those who ignore such social pressures often face considerable

(Justice Unshackled continued on page 4)

Around the Judiciary

He May Need A Bigger Boat ...

Recently, a justice named **Eakin**,
Set forth to Galapagos for vacation.
It's no whopper to say,
'Twas a Wahoo he waylaid.
This photo, for evidence, is unmistakable.



E-Pay App Popular with Courts

Online Court Collections Hit \$371,149 in First Months

by Steve Schell

"E-Pay"—the Web-based application that integrates with the judiciary's case management systems, allowing defendants to make court payments for fines, costs and restitution via the Internet with a credit or debit card—has become very popular with magisterial district (MDJ) and Common Pleas courts since its inception in April.

Amy Ceraso, Director of Judicial Automation, said, "We are very pleased with the use of the new application and the increased participation by the magisterial district courts and the Courts of Common Pleas throughout the state."

After piloting e-Pay in Adams and Westmoreland counties, Judicial Automation staff began offering e-Pay to counties in conjunction with the rollout of the new Magisterial District Judge System (MDJS), which has software integrated with the new on-line payment application. Common Pleas Courts that expressed an early interest have been added to the program, and in July the new feature was offered to all the Common Pleas courts statewide. As of July 12, magisterial district courts in 24 counties and 33 Common Pleas courts have signed up for e-Pay, collecting a total of \$371,149. Additional Common Pleas Courts will be added upon request, while MDJ courts will be added to e-Pay as the new system is rolled out through 2011.

Lisa Weiland-Lotz, Butler County clerk of courts, said, "As people become more aware of this new service, I think we'll find that this will ease some of the workload by having less foot traffic from people coming to pay at the counter or the time spent on mail payments and balancing at the end of the day in our offices."

"Everyone likes to make online payments for their bills, and this service allows the defendants to make online payments for their fines. They are able to produce an instant receipt. In addition, this service is provided at no expense to the taxpayers," Westmoreland County Clerk of Courts **Bryan Kline** said.

Ceraso said, over the years the statewide court case management systems have significantly enhanced efforts to collect and disburse court fees, fines and costs and this e-Pay application promises to further improve court collections.

In 2009 magisterial district and Common Pleas courts throughout Pennsylvania collected and disbursed a total of \$461 million to the state, counties, municipalities and crime victims.

[Steve Schell is an AOPC communications coordinator.]

Justice Unshackled, continued from page 3

difficulties, getting hired, promoted, funded..." The author calls this attitude "prudent disregard."

To understand, however, is not to condone. Anyone with an ounce of compassion or conscience realizes that such speculative explanations can never justify such injustice. While the commission's report acknowledges that various factors, (e.g., silence, inaction, inadvertence, ignorance, fear of retaliation, greed, ambition, carelessness) may have contributed to the despotism of the Luzerne juvenile justice system, it takes the eminently practical step of recommending many specific reforms for a juvenile system that is, in fact, already a very good one.

Procedural and institutional reforms provide the best antidote to the abuse of judicial power, abdication of professional responsibilities and debasement of the rule of law that occurred in Luzerne County. The collection and sharing of information are indispensable to accountability. And, as we have seen, vigilance of the media and the dogged persistence of public advocates

can be instrumental in opening eyes and strengthening our justice system.

As with morality or fairy tales, there is a cautionary post-script. The shameful events in Luzerne County have provided a silver lining of opportunity to reflect and reform. Ultimately, this tragic episode can be a "once upon a time" story only as long as public servants serve with integrity.

Egil "Bud" Krogh served time in prison for his participation in the 1970's Watergate affair. He has since dedicated his professional life to public service. In his book, *Integrity*, he urges that in all activities we must ask ourselves one question: is it right? He concludes his book with the following pertinent observation:

Without this respect for each other and our underlying beliefs, without a commitment to living and acting with integrity, we can only expect more of the same problems, with good people placed in circumstances where bad decisions become all but unavoidable.

Philadelphia Young Playwrights Cast Spotlight on AOPC Attorney

by **Andrea B. Tuominen**

If you've ever been in the same room with the attorney who heads the AOPC's litigation unit, it becomes immediately apparent that **Taylor Williams** is deeply committed to representing the interests of the Pennsylvania judiciary. A consummate professional, Taylor can "tell a story" that captures your attention, whether in the courtroom or a training session for judicial staff. And that is not by accident—in the hours when she's not working, she is an actor who is equally committed to fostering the arts in Philadelphia's classrooms.

Taylor's dedication to and passionate advocacy for arts education were recently recognized by Philadelphia Young Playwrights during its annual benefit, Write On!, at the Suzanne Roberts Theatre. Taylor received the President's Award for her long service to and involvement with the organization, dating back to 1986. Taylor provides legal assistance to the non-profit entity; serves on its executive committee as secretary and participates on other committees, including the Literary Committee, whose function is to read and respond to submitted student plays as part of the Annual Playwriting Festival.

Selected winners of the Annual Playwriting Festival are invited to develop and publicly share their plays at in-school mini festivals, staged readings, workshop presentations and professional productions. Past winners have gone on to compete nationally and some have had their plays staged professionally in New York.

Philadelphia Young Playwrights serves 1,700 students in more than 50 local schools. Its programs promote literacy, creativity, problem-solving and self-empowerment for students in grades K-12. The organization also supports teachers by helping them to



Taylor Williams (far right) accepts her award from Philadelphia Young Playwrights.

(photo courtesy Paola Noguerras)

incorporate arts education into their classrooms.

"Taylor's hands-on commitment to honoring the value of each student's voice through service and leadership on Young Playwrights' Board and Literary Committee is unsurpassed," says Young Playwrights' executive producing director, Glen Knapp. "And her gracious, passionate advocacy for students as artists and for the transforming power of Young Playwrights always inspires the board and staff to follow her lead."

We join with the Young Playwrights in saluting Taylor for making a difference in the lives of children and giving them a voice.

[Taylor has performed throughout the Philadelphia area, playing major roles with the Philadelphia Shakespeare Festival, Philadelphia Area Repertory Theatre, Villanova Theatre and many others. She taught classical acting at the Walnut Street Theatre School and has trained in master classes at the Royal National Theatre in London. For the American Historical Theatre, she interprets Alice Paul, American lawyer and suffragist, performing for the Smithsonian Institution and other venues throughout the country.]

[Andrea Tuominen is the Assistant Court Administrator of Pennsylvania.]

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Supreme Court of Pennsylvania

Ronald D. Castille
Chief Justice

Thomas G. Saylor
Justice

J. Michael Eakin
Justice

Max Baer
Justice

Debra Todd
Justice

Seamus P. McCaffery
Justice

Jane Orié Melvin
Justice

Zygmunt A. Pines
Court Administrator of Pennsylvania

Adams County Court Review: An Excellence Idea

by Art Heinz

Adams County Court recently received the Governor's Award for Local Government Excellence for using innovative approaches and long-term planning to strengthen the judicial district and better serve residents.

The award was presented to representatives from the county and courts by the Pennsylvania Department of Community and Economic Development at the Farm Show Complex and Expo Center in Harrisburg. The award was one of nine presented to community leaders and government entities statewide that exemplified innovation, collaboration and fiscal accountability.

Adams County conducted a high-level operations review of the entire court system and related offices, the first judicial project of its kind and scope in Pennsylvania. Cross-departmental teams resolved issues to create a successful operational model for other courts to follow. The project resulted in an employee review system to enhance hiring, training and retaining a competent workforce; creation of cross-departmental teams to handle budget and succession planning and establishment of a collaborative spirit between the court and commissioners.

"It was very humbling to receive such a recognition on that level," President Judge **John D. Kuhn** said of the honor.

The review was conducted by the Davison Group of Mechanicsburg, Cumberland County, and was funded



From left: DCED Deputy Secretary Jackie Parker; Judge Michael George; Judge Thomas Campbell; President Judge John Kuhn; Judge Robert Bigham; County Commissioner Glenn Snyder; County Commissioner George Weikert; County Commissioner Lisa Moreno; and Governor's Center for Local Government Services Executive Director Fred Reddig.

through a state grant and additional money from a number of diverse groups that included the Adams County Bar Association, Adams County Sheriff's Office and Prison Inmates Commissary Fund.

A panel from the Governor's Center for Local Government Services reviewed applications submitted by municipal organizations from across the state and selected the winners.

[Art Heinz is the editor of AOPConnected.]

Around the Judiciary



Common Pleas Judge **Dwayne D. Woodruff**, a judge in Allegheny County's juvenile division, and his wife, Joy, (second and fourth from the left, respectively) served as co-chairs of Pittsburgh's Do the Write Thing challenge. The national contest gives middle school students an opportunity to write about the impact of violence on their lives and express what they think should be done. Jazmyne Robinson (third from left) and Angelo Madison (fifth from left) were chosen from among 1,103 entrants. Also pictured are Alex Matthews (far left) and Evan Frazier (far right), representatives of Highmark Blue Cross who presented the winners with laptop computers.

Supreme Court Justice **Max Baer** (not pictured) offered remarks at the dinner ceremony.

E-Filing Improves Efficiency, Safety

by Steve Schell

Approximately 156,000 traffic citations have been filed in the first five months since the Pennsylvania State Police (PSP) began statewide e-filing in a collaborative program with the Administrative Office of Pennsylvania Courts.

The e-filing system sends the citation information electronically through the Pennsylvania Justice Network, known as JNET, to the AOPC and magisterial district judges. No paper is filed in the district courts, eliminating the need for officers to deliver the traffic citations to the courts and for court staff to enter citation information manually.

Tyrone Magisterial District Judge **Fred B. Miller** told the Altoona Mirror that staff was able to receive, print and file e-tickets in three minutes. Previously, handwritten tickets would take 10 to 15 minutes each for someone to enter the information into the Magisterial District Judge System (MDJS).

"The system cuts in half the amount of time a trooper needs to issue a citation, allowing the officer to get back on the road more quickly to resume patrol duties," State Police Commissioner Frank E. Pawlowski said. "In addition, troopers no longer have to spend time

transporting the citations to the local magisterial district judge; the citation information is transmitted electronically."

Pawlowski said the system also enhances officer safety by reducing the time troopers remain in exposed and potentially dangerous situations along the roadways while issuing citations.

Ralph Hunsicker, Senior Projects Director for Judicial Automation, said, "We spent months of testing with the state police in a good, collaborative effort. PSP developed an electronic citation message, while our staff implemented changes to the MDJS legacy and rewrite applications, providing the ability to accept the electronically-filed citations and then print them in the district court as needed."

The computer-generated traffic citations, which are printed on legal-size thermal paper for the defendant, help eliminate any confusion that may have resulted from the handwritten, carbon copy forms used in the past, according to the state police.

Pawlowski noted that when a driver's license and registration information is entered into a patrol



Trooper Ethan Brownback of Troop L in Reading prints a copy of the citation to give to the driver.

vehicle's computer, state and national databases are automatically checked to determine whether outstanding warrants exist for the driver or whether the vehicle has been reported stolen. The driver's license and registration data from the records check can then be automatically inserted into the traffic citation form.

Hunsicker said that Judicial Automation staff has begun to work with Crime Network and some interested vendors representing local police departments to implement e-filing of citations in the future, which will improve efficiency and safety for local police officers, while further improving court efficiency.

York Mental Health Court to Serve As National Pilot

by P. Karen Blackburn

York County's Mental Health Court was one of five programs selected from around the country this year by the National Center for State Courts to pilot recently-developed performance measures.

Judge **Penny Blackwell** presides over the York County Mental Health Court, which opened in May 2005. **April Billet-Barclay**, former drug court administrator and now deputy chief of adult probation and parole, will be the liaison with the National

Center for this project, along with **Michael Stough**, the problem-solving courts coordinator in York.

The performance measures being piloted were developed by an advisory council that consisted of approximately a dozen mental health court experts from various regions of the country. I participated on the advisory council that developed national performance measures for mental health courts.

The measures will be useful management tools for the administration of mental health courts, and will assist with policy decisions surrounding how to address mental health issues within criminal justice settings. This project is funded with a grant from the U.S. Department of Justice, Bureau of Justice Assistance.

[Karen Blackburn is the AOPC's problem-solving courts coordinator.]

Honors and Dispatches

Common Pleas Court judges from around the state participated in a recent workshop on sentencing held by Villanova University Law School and the Pennsylvania Commission on Sentencing. Philadelphia Judge **Ramy Djerassi**, Butler Judge **Timothy McCune**, Blair Judge **Daniel Milliron**, Allegheny Judge **Jill Rangos** and Lehigh Judge **Robert Steinberg** joined a dozen law students, a prosecutor, a public defender and AOPC Director of Judicial Education Dr. **Stephen M. Feiler**.

Participating judges provided actual case files with unique circumstances that made sentencing problematic. Students then sentenced offenders using the guidelines and describing the reasons for their decision. Workshop highlights included discussions about similarities/disparities in sentences imposed and reasons for departing from the guidelines. Sentencing philosophies, processes, and approaches also were reviewed.

Members of the state Board of Probation and Parole also participated by providing case files they developed in making a parole decision. Each student first sentenced the individual based on the court's case information and then made a parole decision based on the board's files.

A new court form for filing civil actions is now in place statewide to enhance the flow and analysis of the thousands of cases processed annually by Pennsylvania's Courts of Common Pleas. Litigants must file the new form with prothonotaries in Pennsylvania's county-level courts. The cover sheet includes a check-off list to note the type of case filed. Judicial districts with electronic filing systems are exempted from using the form provided that the required data can be transmitted to the AOPC by the county system.

Though the AOPC systematically has gathered aggregate caseload data for years, use of the cover sheet is part of a broader effort to bring about greater court unification and is designed to create the first statewide detailed tracking by category—and the trending upward or downward of specific types of cases. The data then will help pinpoint areas to allocate resources at the state and local levels and serve as a valuable planning tool for court administration. The form can be found on the Web site of the Unified Judicial System at www.pacourts.us/Forms/Default.htm.

Court Administrator of Pennsylvania **Zygmunt A. Pines** recently testified before the U. S. House of Representatives Commerce, Justice, Science Subcommittee on

Appropriations on instances around the country of threats to court personnel.

"The range of security incidents is alarming: attempted murders, bomb assaults, threats and white powder incidents," said Pines, who appeared on behalf of the joint Conference of Chief Justices/Conference of State Court Administrators committee on court security.

Berks County Judge **Linda K.M. Ludgate** was the recipient of the Anne X. Alpern Award for women who make outstanding contributions to the legal system, by the Pennsylvania Bar Association's Commission on Women in the Profession. Judge Ludgate was recognized for her leadership in initiating programs that assist battered women and in representing the rights of low-income defendants. She also is credited with speaking to groups around the country and state about the law, and is committed to increasing public trust and confidence in the Judiciary through a "Meet Your Judges" forum.

Superior Court President Judge **Kate Ford Elliott** was honored by the Pennsylvania Bar Association for her commitment to alternative dispute resolution. Judge Ford Elliott received a special recognition award from the PBA's alternative dispute resolution committee during the association's annual meeting in Hershey.



The **Kenneth N. Miller** Law Center held a dedication ceremony to mark its opening and credit its namesake, a senior Delaware County magisterial district judge with nearly five decades of service on the bench. The center houses the 12-employee Upland Police Department in its first independent home. The Upland Fire Company also has honored Judge Miller for his community service, particularly for spearheading relief efforts after a devastating flood in 1971.

The **Pennsylvania Court of Judicial Discipline** recently issued a publication about its history, formation and organizational structure. *A Brief History of the Formation of the Court of Judicial Discipline 1993-1994* is available online at: www.cjdpa.org.

(Honors & Dispatches continued on page 9)

Looking Back:

Remembering How Wass Shaped Present, Future MDJs

by Susan Davis

Carl Wass taught civil law for the Minor Judiciary Education Board for 37 years—from the inception of the education program in Shippensburg in 1972 until December 2009—to students enrolled in the certification program seeking eligibility to hold the office of magisterial district judge.

Carl possessed a keen understanding of the civil process and the rules that govern the magisterial district judge. He instructed using practical applications of the law and how the rules applied to trespass and assumpsit cases. In addition to teaching the detailed aspects of cases in trespass, substantive law and the procedural application of the rules, he also initially taught aspects of landlord/tenant cases.

His analytical style highlighted the fundamentals of civil complaints, the law of contracts, concepts on negligence and intentional tort as it specifically relates to the courts of initial jurisdiction.

Carl taught civil rules and procedures when jurists originally held the title of alderman, followed by justice of the peace, district justice and, most recently, the contemporary judicial title of magisterial district judge. Carl taught the certification program at the qualifying school initially at Shippensburg University, Penn State University, Wilson College and the Comfort Inn in Chambersburg as well as the Four Points and the new Pennsylvania Judicial Center in Harrisburg. Thousands of individuals who attended certification training for the

last four decades were instructed in civil law under Carl's tutelage.

Carl was responsible for mentoring the largest complement of judges in the state of Pennsylvania. His ability to connect to people from every walk of life within our diverse Commonwealth speaks volumes about his benevolent demeanor and personality and is—in some way—reflected in the method in which magisterial district judges are able to seamlessly connect with their community, and to logically and fairly interpret the law in an impartial manner.

Carl was able to teach the law to the universal man and woman without bias, and this can be remembered as part of Carl's legacy. Carl's contribution to the minor judiciary is immeasurable, and he will be greatly missed by many, but more importantly: fondly remembered.

(This article originally appeared in the Special Courts Judges Association newsletter. Carl Wass died in April 2010. He was an attorney with Caldwell & Kearns of Harrisburg, an instructor for magisterial district judges and solicitor for the Tax Office of Dauphin County.)

[Susan Davis is executive director of the Minor Judiciary Education Board.]



Honors & Dispatches, continued from page 8

Two judges and a court administrator shared a common experience at Amen Corner's 50th annual Judicial Reception in Pittsburgh. Amen Corner, an Allegheny County civic organization that dates to 1870, presented special awards to Superior Court President Judge **Kate Ford Elliott**; Allegheny County Judge **Joseph James** and **Raymond Billotte**, Allegheny's district court administrator. The judges were recognized with the 2010 **Robert E. Dauer** Award for Judicial Leadership and Excellence. Amen Corner generally presents only one Dauer Award each year; however, Charles Evans, vice president of Amen Corner, said an exception was made this year because of the outstanding judicial distinction exhibited by both judges. The award pays homage to the life of Dauer, who passed away in 2002 after a judicial career that spanned three decades in Allegheny County. This

marks the first year that Amen Corner presented a Special Recognition Award, which was bestowed on Billotte.

The widow of former Cumberland County President Judge **George E. Hoffer** has announced a scholarship in her late husband's name to help former juvenile criminal offenders finance their educations. Ann Hoffer developed the idea along with Cumberland County officials before her husband died after a long illness in 2008. Judge Hoffer, of Carlisle, presided over juvenile court for seven of the 26 years he served as a county judge. Four-year, \$1,250-a-year scholarships will be offered for colleges and trade schools through the George E. Hoffer Second Chance Memorial Scholarship program.

Commonwealth Court Celebrates 40th Anniversary

by Michael Krimmel

The Commonwealth Court Historical Society hosted a lecture, reception and dinner at the Crowne Plaza Hotel in Harrisburg to celebrate the 40th anniversary of the establishment of the Commonwealth Court. More than 150 current and former judges and staff of the court as well as other invited dignitaries and guests attended.

Events included a lecture and continuing legal education program entitled "Justice Robert Jackson, *Stare Decisis* and the Administrative State," presented by John Q. Barrett, author and professor of law at St. John's University in New York. This presentation was sponsored by the **James S. Bowman** American Inn of Court.

Following Barrett's lecture, guests gathered for a reception and dinner. The dinner program featured remarks from Commonwealth Court President Judge **Bonnie Brigrance Leadbetter**, among others, as well as the presentation of resolutions from the state Senate and House of Representatives marking the court's 40th anniversary. In addition, two area law students were honored with the Commonwealth Court Historical Society

Judge **Alexander F. Barbieri** Excellence in Administrative Law Award. These annual scholarships are awarded to a Penn State Dickinson Law School student and to a Widener Law School student who have shown an interest in and excelled in state or federal administrative law.

Commonwealth Court was established in 1970 as a result of the Constitutional Convention of 1967-68 and is one of two intermediate appellate courts in the Unified Judicial System. Commonwealth Court is unusual among appellate courts in that it primarily deals with "public" or "administrative law" matters, with its jurisdiction being based on the identity of the parties and the subject matter of the case. It includes original jurisdiction cases in actions by and against the Commonwealth.

Approximately 90 percent of the court's cases are in its appellate jurisdiction and involve appeals from state governmental agencies as diverse as the Public Utility Commission, the Workers' Compensation Appeal Board, the Unemployment Compensation Board of Review, the Department of Public Welfare, the

Environmental Hearing Board and others as well as appeals from such local governmental agencies as zoning boards and local civil service commissions. Another 10 percent of the court's cases are in its original jurisdiction and involve, among other things, election matters involving candidates for statewide office and challenges to state government policies.

The Commonwealth Court Historical Society, a nonprofit corporation, was formed in 2007 and has more than 100 members. It is dedicated to "the education of the public about the history of the Commonwealth Court and the preservation of its heritage and contributions to Pennsylvania's jurisprudence."

The historical society also is organizing a series of scholarly articles to be published in the *Widener Law Journal* and a symposium to be hosted by the Widener University School of Law, both focusing on the contributions of Commonwealth Court jurisprudence since 1970.

(For more information on the society, visit: www.pacchs.org)

[Mike Krimmel is chief clerk of the Commonwealth Court.]

AOPC Assistant Manager Honored by Peers



Lesley Fritz, assistant manager of Administrative Services for the AOPC, has been honored by her peers in facility management with the Facility Manager of the Year award. Ms. Fritz received the award from the International Facility Management Association (IFMA), Central Pennsylvania Chapter at the group's annual meeting in June. The award, the most prestigious given by the association, recognizes a facility manager who has consistently shown professionalism, poise, flexibility, innovation, creativity and the ability to plan for the future of his/her company; who has continually exceeded the scope of his/her job responsibilities and who has redefined what it means to be a facility manager.

Ms. Fritz has been a member of IFMA for 13 years. She is a graduate of Indiana State University with a degree in interior design and has worked for the AOPC for two years. She has more than ten years experience in facility management.

Superior Court of Pennsylvania Mediation Program

by P. Douglas Sisk

The goals of the mediation program of the Superior Court are to provide amicable litigation alternatives to the parties and to assist in the administration of justice.

Begun as a pilot in the Eastern District of Pennsylvania in early 2007, the program is now permanent and directed by myself—a Philadelphia attorney with extensive appellate court and mediation experience. The Eastern District operation focuses on the broad spectrum of civil appeals.

The program is now also in operation in the Western District of Pennsylvania. **Ann Begler, Esq.**, a Pittsburgh lawyer with extensive mediation experience, is the mediator. The Western District program concentrates on mediation of civil, family-related and orphans' court appeals.

The program now also includes the volunteer services of retired Superior Court Judge **Phyllis W. Beck**.

Our mediators are active in local and statewide programs that promote the court and the role of mediation in the Commonwealth and that provide professional instruction.

Appellate courts—both federal and state—have adopted court-annexed mediation programs that successfully provide tangible benefits to the parties and mitigated judicial workload. Those benefits include: amicable resolution of individual claims, resolution of matters not apparently relevant to the legal issues, the ability to continue existing business relationships, substantially reduced legal fees in individual cases, long-term reductions in the costs of liability insurance and substantially reduced initial judgments of the trial court.

Benefits to the court include reducing or avoiding case backlogs, particularly when there are increases in filings and/or court vacancies, and savings in terms of cost and time for the judges and support staffs.

Superior Court's appellate mediation program has become a significant mechanism that permits the parties to achieve results that cannot be considered in a court of limited jurisdiction that must correct errors in individual cases and controversies in addition to apply-

ing the law of the Commonwealth. Sessions are mandatory for appeals that are selected for mediation. They are completely confidential, enabling the parties to freely discuss and achieve alternate resolutions of the controversies.

The role of the mediator is helpful in breaking through parties' (and often lawyers') hostility, establishing lines of communication, developing new perspectives, exploring possibilities and adding neutral assessment of positions. These frequently have not occurred in trial litigation.

Critical to the success of appellate litigation, ironically, is the fact of a "final decision" with which the parties must now live. A win is not necessarily a win, nor is a loss an all or nothing proposition.

The mediation program has been very successful in terms of settlements and simplification of issues. To date, approximately 660 cases have been mediated. Of these, about 350 have resulted in settlements and discontinuance of appeals. These do not include appeals in which issues have been simplified or partial settlements reached. Program settlements often include resolution of cases pending in other state and federal courts and matters which have not "ripened" to litigation.

The success of the program is notable not just in numbers, though that is most important to the Court, but also to the parties and society at large. The subject matter of settled appeals is very broad. Multi-million dollar medical malpractice, products liability, and construction cases as well as boundary disputes between neighbors, rear-end collisions, employment issues, dram shops, "family" matters and marital property disputes are the regular subjects of mediated settlements. The parties frequently report that they expected that no agreement could be achieved, nor did they anticipate the manner and details of agreement.

[Doug Sisk is the Director of Court Mediation for the Superior Court.]

AOPC Employee Service Milestones

A number of AOPC employees have reached service milestones between April and June 2010. They are:

20 Years

Roxanne McCombs - Judicial Automation

Luck Leventopoulos - Judicial Automation

10 Years

Timothy Blank - Judicial Automation

Hiliary Bower - Human Resources

Jeffrey Dunlap - Judicial Automation

Mortgage Foreclosure Program in Philadelphia: Acclaimed, Two Years Old, Going Strong

by **Stuart Ditzen**

"There's a million stories," says **Annette M. Rizzo**, the energetic Common Pleas Court judge who oversees Philadelphia's Mortgage Foreclosure Diversion Program.

The judge cannot begin to remember all the stories, but many stay with her, one in particular. It was two years ago. The foreclosure diversion program was in its infancy. The sunlight was pouring through the tall windows of Courtroom 676, a cavernous, ornate chamber in Philadelphia City Hall. Hundreds of people facing foreclosure were squeezed into the room, hoping to save their homes from sheriff's sale.

A number was called. An elderly woman, barely able to walk, stood and began to move slowly across the crowded room. As she struggled, her figure was bathed in sunlight. That image, the frail woman, rays of sunlight around her, was captured in the judge's mind. The story that emerged: the woman had been swindled in a home-improvement scam. The scam carried with it a costly mortgage. The woman could not hope to make the payments.

In a typical foreclosure, the woman would lose her home. But in Courtroom 676 on that day, where lender met debtor face-to-face, there was a different outcome. The lender forgave the loan. A \$10,000 debt evaporated. The slate was wiped clean.

"It was one of those 'Praise the Lord' stories," said Judge Rizzo.

After two years the Mortgage Foreclosure Diversion Program has been responsible for successfully resolving approximately 2,400 foreclosure cases through conferences and negotiations between lenders and homeowners with housing counselors and volunteer lawyers assisting. The homeowners in those 2,400 cases have been able to keep their homes, usually under some form of renegotiated mortgage agreement.

The Philadelphia program, one of the earliest in the nation to address a mass foreclosure problem brought on by inflated housing prices and lax mortgage lending

practices, has received widespread media attention. It has been advanced as a model throughout the country.

Asked if she has been surprised at the attention, Judge Rizzo replied, "Yes, I was surprised. Courts and court programs don't get media attention."

The Philadelphia program...has been advanced as a model throughout the country.

She has a theory about why the program carries such interest.

"It's the humanity of it," she said. "It is taking an adjudicatory system in a different way."

The court is in a nontraditional role: helping people in dire circumstances work through critical problems to keep their homes.

Each Thursday, about 250 cases in the Mortgage Foreclosure Diversion Program are listed in Courtroom 676. Roughly half the cases are called in the morning, the other half in the afternoon.

There is a sense of organized chaos when the huge courtroom is packed and buzzing. A team of lawyers representing lenders occupies one corner of the room. Lawyers working with the Volunteers for the Indigent Program (VIP) occupy another corner. A team of housing counselors occupies a third corner. Financially-troubled homeowners sit on hard wooden chairs in the center of the room. Often their homes have gone into foreclosure because of sickness, divorce or loss of a job. One-by-one their case numbers are called.

At the end of a typical day, about 30 percent of the cases will have been settled with the homeowners able to keep their homes. Approximately an equal number of cases will be headed for sheriff's sale. The other cases will remain somewhere in the negotiating process, a resolution still possible.

"We work 'em. We just keep working 'em," said Judge Rizzo. "It takes a lot of micromanagement."

While the number of people facing foreclosure nationally is roughly the same as a year ago, the number of foreclosures pending in the courts remains extraordinarily high. Given the shaky economy and high unemployment rate, a renewed surge of filings could come at any time. Philadelphia's mortgage program and others like it are not likely to go out of business anytime soon.

Tears and Cheers for Four Who Helped Shape the Judiciary

Pennsylvania's judiciary has reluctantly said farewell and Happy Retirement to several well-regarded employees over the past several months.

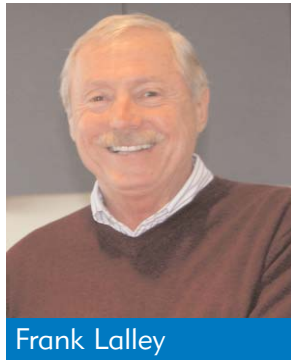


Don Harris

Most of us have always known **Don Harris** as the director of Policy Research and Statistics; however, Don's first job when he joined the AOPC in 1980 was judicial education officer. Over the course of his 30-year-career, he was also the assistant director for Research and Planning, and he served a short stint as Acting Court Administrator of Pennsylvania.

He was named Director of Research in 1987. He retired at the end of June.

On April 30, 2010, after eight years of service, **Frank Lalley** retired from the Office of Judicial Security. Frank initially served as advisor to the Judicial Council's Committee on Judicial Safety and Preparedness, established by the



Frank Lalley

Pennsylvania Supreme Court in 2002. Later, he was asked to head the newly-created Office of Judicial Security in the Administrative Office of Pennsylvania Courts leading the Unified Judicial System's efforts to make Pennsylvania's magisterial district and Common Pleas courts more secure. Prior to working for the AOPC, Frank was the elected sheriff of Montgomery County for 16 years.

Dick Kearns joined the Committee on Rules of Evidence as the committee's first full-time counsel in December 1999 after a distinguished career in private practice. He, too, retired at the end of June.



Dick Kearns

Charlie Johns first came to the AOPC as an attorney in 1980. He was named chief legal counsel in 1988. He left the AOPC in June of 1990 to become deputy circuit executive for the U. S. Third Circuit Court of Appeals in Philadelphia, but returned to the judiciary as the Supreme Court's prothonotary in January of 1991. He continued to serve in this position until his retirement in January 2010.

Around the Judiciary

Supreme Court Justice **Seamus P. McCaffery** was among participants in a congressional hearing on the creation of Veteran Courts in Pennsylvania. The joint federal and state initiative sought input from Allegheny County veterans during a recent session in Pittsburgh. Pictured left to right: U. S. Sen. Arlen Specter; Justice McCaffery; U. S. Rep. Tim Murphy; Allegheny Common Pleas Judge **John Zottola**; and U. S. Rep. Jason Altmire. Not pictured is Mike Moreland, of the U.S. Veterans Administration.



York and Philadelphia to Mentor Drug Court Startups

by P. Karen Blackburn

Adult drug courts in York and Philadelphia counties were chosen as role models for developing research and practices that can be used anywhere in the nation.

The two Pennsylvania court programs were among 10 “mentor courts” picked nationwide by the National Drug Court Institute (NDCI) from a pool of 52 applicants. The mentor courts were selected after a thorough review by three professionals and a site visit conducted by NDCI staff. Carolyn Hardin, executive director; Carson Fox, chief operating officer; and Austine Long, project director, conducted the visits in April.

Drug courts offer a special docket of criminal cases where non-violent, eligible defendants are sent through a treatment program rather than jail while under close judicial supervision. Philadelphia District Attorney Seth Williams has called that city’s drug court “one of the best ways to be both smart and economical on crime.”

As mentor courts, the York and Philadelphia programs will serve as a platform for the development and

testing of science-based, best practices for the treatment of substance-abusing offenders. NDCI will work with expert researchers to develop practices and systems for implementation in the mentor courts. This will enable these courts and the other mentor courts to serve as training sites for programs seeking to develop, improve and implement proven-effective drug court practices for substance-abusing offenders.

In addition to serving as a research platform, the mentor courts will provide technical assistance to jurisdictions interested in starting or improving a drug court program. This will include answering questions and providing expert advice via phone or e-mail. Occasionally, the mentor courts may be asked to host visitors, to include multiple court teams participating in training. Mentor courts will serve in this capacity for the next three years.

As a benefit of serving as a mentor court, NDCI funded two members from each court to attend the 16th Annual NADCP Conference in Boston, Mass., in June.

Transitions, continued from page 2

Donald F. Howell - Perry - sr. magisterial district judge
Charles F. Lieberman - Pike - sr. magisterial district judge
Susan E. McEwen - Bucks - magisterial district judge
Hugh F. Mundy - Luzerne - Common Pleas Court judge
David J. Murphy - Delaware - magisterial district judge
Maurino J. Rossanese Jr. - Montgomery - sr. Common Pleas Court judge
Martin V. Schulte - Beaver - sr. magisterial district judge
Jo Ann Shultz - Lebanon - sr. magisterial district judge
Marjorie Lee Teagarden - Washington - sr. magisterial district judge
Ronda Wisor - Clearfield - deputy court administrator
Wm. F. Zaun - Northampton - sr. magisterial district judge

AOPC

Jamie Bell - Judicial Automation - help desk operator
Cheryl Huggins - Judicial Services - administrative assistant

Other Appointments

Supreme Court Committees

Eric N. Anderson, Esq. - reapptd. to Pa. Lawyers Fund for Client Security, apptd. vice chair
Dante G. Bertani, Esq. - apptd. to Criminal Procedural Rules Committee
Honorable Mark A. Bruno - apptd. chair of Minor Court Rules Committee

Carl D. Buchholz III, Esq. - apptd. chair of Disciplinary Board
Sal Cagnetti, Jr., Esq. - apptd. vice chair of Disciplinary Board
Stewart L. Cohen, Esq. - apptd. to Disciplinary Board
Stuart W. Davidson, Esq. - apptd. vice chair Board of Law Examiners
Honorable Jayne F. Duncan - apptd. to Criminal Procedural Rules Committee
Michele A. Goldfarb, Esq. - apptd. to Interest on Lawyers Trust Account Board
Dermot F. Kennedy, Esq. - apptd. to Board of Law Examiners
Barbara W. Mathew, Esq. - reapptd. to Board of Law Examiners, apptd. chair
Robert K. Reitzel - reapptd. to Pa. Lawyers Fund for Client Security
Howell K. Rosenberg, Esq. - apptd. to Disciplinary Board
Raymond F. Sekula, Esq. - apptd. to Board of Law Examiners
Margaret Gallagher Thompson, Esq. - reapptd. to Orphans’ Court Procedural Rules Committee
Honorable Paul M. Yatron - apptd. to Criminal Procedural Rules Committee

Other Boards/Committees

Peter Capolino - apptd. to Judicial Conduct Board

Paper Terrorism

by Geri Romanello St. Joseph and A. Taylor Williams

Several years ago the judges in Monroe County were rudely introduced to the “sovereign citizen” movement. A criminal defendant, a “sovereign,” filed fraudulent Uniform Commercial Code (UCC) liens with the Pennsylvania Department of State in 2003 against four Common Pleas Court judges and three magisterial district judges. These fraudulent filings were unknown to anyone, including the alleged debtors—the judges—until 2005 when the AOPC conducted a systematic search of the UCC database, looking for fraudulent filings against judicial officers.

Once the AOPC discovered the fraudulent liens, a full-blown hearing was held before a State Department administrator, where the judges testified and endured cross-examination by the *pro se* “secured party.”

More than a year elapsed after the hearing before the filings were removed from the record. During that time the fraudulent statements remained on the Department of State’s database for all to see, although the State Department published a “correction statement,” noting the judges’ position that the liens were fraudulent. Once the fraudulent filings were finally expunged, Court Administrator **Zig Pines** referred the case to the Attorney General, urging prosecution.

And prosecuted he was. This “sovereign” citizen was convicted by a jury in 2008 of tampering with public records and unsworn falsification to authorities. He was sentenced to eight to 16 years.

The sovereign had also filed fraudulent liens against these same judicial officers in Massachusetts and Maine, requiring the AOPC to hire local counsel to expunge the out-of-state filings. Clearing these records of fraudulent filings was accomplished at great expense to the citizens and taxpayers of Pennsylvania.

The Monroe County judges’ experience is not unique. Judges and other public officials across the country and state routinely receive threats of fraudulent UCC liens. Such liens may assert a security interest in the judge’s private property or a security interest in all assets of a court.

The AOPC, working with the Department of State, monitors these threatened filings to assure a lien is not recorded against a judicial officer and to quickly expunge any fraudulent liens that might be recorded. Both agencies advocate for legislation to make fraudulent filings easier to expunge.

Sovereign liens can have an adverse effect on the credit of the person against whom the lien is recorded. A threatened lien is generally incomprehensible, but

typically includes some reference to the UCC and a so-called security interest. These filings list judges or other public officials as the “debtor.” The listed secured parties are often *pro se* defendants in matters before the judge against whom the lien is threatened.

Another sovereign tactic is to record false documents with the county recorder of deeds. In 2008 two sovereigns, a mother-daughter team, recorded fraudulent confessions of judgment against a Dauphin County Common Pleas judge and a Luzerne County magisterial district judge with the recorder of deeds in Luzerne County. The AOPC filed a suit in the Luzerne County Common Pleas Court to enjoin the recorder of deeds and remove the documents from the record. The mother was already being investigated by the attorney general for the unauthorized practice of law, including Web site assistance to others seeking to file fraudulent confessions of judgment against public officials. Criminal charges were filed against both women in 2008.

In September 2009 the mother was found guilty of retaliation against a judicial officer, conspiracy and retaliation for past official action and was sentenced to two to five years. In November 2009 the daughter pled guilty to retaliation against a judicial officer and received a sentence of six to 12 months. A condition of her parole requires her to provide copies of any court documents she seeks to file to her probation officer for review.

While AOPC litigation attorneys have successfully removed and prevented sovereign filings, paper terrorism continues to threaten judicial officers and other public officials, as the sovereign movement proliferates on the Internet. Everyone in the judiciary must vigilantly protect the judiciary and judiciary staff from sovereign attacks on their credit and personal lives. Sovereigns believe they are subject only to the laws of heaven, and not subject to man-made law. They often copyright their identity and/or refer to themselves as “freemen” or “sovereign citizens.” Sovereign documents may mention “Yahweh” or the “Washitaw Nation” or “Apostille.” The sovereign name may include misplaced capital letters and punctuation and the words, “of the family” before the surname. Documents may be decorated with bloody thumbprints. Should you encounter papers with these tell-tale signs, please forward the documents to the AOPC’s Legal Department.

[Taylor Williams is deputy counsel for litigation in the AOPC’s legal department. Geri Romanello St. Joseph is an AOPC staff attorney.]

Interbranch Commission, continued from page 1

had failed to pay fines were rounded up and brought into Ciavarella's court where he asked each one—some as young as 11—if they had paid their fines. If they had not, the judge ordered them into detention. The practice was discontinued only when a Luzerne County fiscal officer pointed out to the judge that incarcerating juveniles at county expense for \$200 a day was not a cost-effective method of collecting small fines.

The commission's report also examined the failure of the state Judicial Conduct Board to investigate a 2006 anonymous complaint that made detailed allegations of unethical conduct against Conahan. The conduct board has adopted internal operating procedures and staff controls to avoid a similar failure in the future. The commission recommended additional reforms.

In the overview the report concluded that while Ciavarella and Conahan were most responsible, many others contributed to the failures of the juvenile justice system in Luzerne County.

"The Interbranch Commission on Juvenile Justice found a far more complex and nuanced picture in which many individuals may be seen to have shared the responsibility," the report said. "Silence, inaction,

inexperience, ignorance, fear of retaliation, greed, ambition, carelessness. All these factors played a part in the failure of the system."

Other commission members: Tod C. Allen, Office of the Victim Advocate; Valerie Bender, Victim Advocate and Juvenile Justice Consultant; Judge James A. Gibbons, Magisterial District Court, Lackawanna County; Kenneth J. Horoho Jr., Esq., Goldberg, Gruener, Gentile, Horoho & Avalli, P.C.; Jason J. Legg, Esq., Susquehanna County District Attorney; Robert L. Listenbee, Esq., chief, Juvenile Unit, Defender Association of Philadelphia; George D. Mosee Jr., Esq., Philadelphia Deputy District Attorney, chief, Juvenile Division; Senior Judge John C. Uhler, York County Court of Common Pleas; Ronald P. Williams, Regional Director, Pennsylvania Department of Agriculture; Judge Dwayne D. Woodruff, Allegheny County Court of Common Pleas.

(A copy of the commission's final report and related documents are posted on the Web site of Pennsylvania's Unified Judicial System at: www.pacourts.us/Links/Public/InterbranchCommissionJuvenileJustice.htm.)

[Stu Ditzen is an assistant for Communications at the AOPC and was a staff reporter to the commission.]