



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Pennsylvania Supreme Court Announces Revised Rule to Increase Accountability of Courts

January 29, 1997 - Pennsylvania's trial court judges will be required to track and file semi-annual reports on the disposition of cases pending before them, the state Supreme Court announced yesterday.

The requirement will be a major step in systematically identifying areas of delay in deciding cases, with the goal of defining accountability more clearly among all court personnel, eliminating delay by providing additional judicial support and technical assistance, or, when necessary, disciplinary enforcement through the Judicial Conduct Board.

Chief Justice John P. Flaherty announced the Supreme Court's adoption of this significant revision to Rule of Judicial Administration Subchapter 703 (Prompt Disposition of Pending Matters), requiring the submission of the reports to the Administrative Office of Pennsylvania Courts (AOPC). In making the announcement, Chief Justice Flaherty acknowledged the efforts and assistance of officers and members of the Pennsylvania Conference of State Trial Judges in helping to develop and draft the regulations.

"We in the Judiciary are dedicated to providing the people of Pennsylvania with a fair and effective resolution of all matters which come before the courts," Chief Justice Flaherty said. "This rule will help us achieve that goal by emphasizing accountability throughout the judicial system with a resulting increase in prompt and efficient disposition of cases in our courts."

The earlier version of Rule 703 had proved cumbersome to administer, both by individual judges and by the AOPC. Judges found the frequency of required reports under the old rule unwieldy, particularly for the many judges who had no delays to report. Similarly, the volume of cases reported was far too great for any meaningful review by the limited number of AOPC staff. Additionally, the previous rule contained no specific procedures for non-compliance with the reporting requirements.

"The defects of the previous rule have been a continuing problem for the Pennsylvania judicial system," Chief Justice Flaherty said, "and have resulted in complaints of judicial delay."

"For litigants and attorneys who experienced long delays in the disposition of their cases, the absence of reports on the status of matters pending before the courts has been particularly frustrating. The message to the bench, bar and public has been one of less accountability than we would prefer. Although resource issues can be substantial factors in fostering decisional delay, the revised 703 Rule should create a framework for both real and perceived improvements in accountability."

Main provisions of the revised rule include:

- Requiring every judge to keep a record of each matter submitted for a decision and which remains undecided;
- Requiring every judge to compile and file semi-annual reports before January 20 and July 20 with the Court Administrator of Pennsylvania and the President Judge and District Court Administrator stating whether any

matter submitted to the judge for a decision still remains undecided 90 or more days as of the last day of the reporting period;

- Requiring the Court Administrator of Pennsylvania to immediately notify the state's Judicial Conduct Board (JCB) if: 1) a judge fails to file a timely report; or 2) forward to the JCB any report which includes one or more matters which have remained undecided for one year or more, where appropriate;
- Making available for public inspection and copying all reports and supplemental statements filed with the reports.

The filing of semi-annual reports covering the months of January through June and July through December will require judges to take inventory of all matters before them, evaluate the status of the pending matters, and then determine steps needed for timely dispositions. Since all judges will need to take an active role in ensuring the timely preparation of documents, such as notes of testimony or psychiatric reports, other participants in the judicial process can also expect to be held more accountable for their work products. Should this "extended" accountability reveal system-wide or even county-wide procedural or operational weaknesses, President Judges - who will also receive copies of the twice-yearly reports - will be better prepared to address those systemic problems and lead coordinated responses to them, as will the Administrative Office of Pennsylvania Courts.

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Attachment: Copy of Order and R.J.A. 703

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: RESCISSION OF FORMER NO. 180 JUDICIAL ADMINISTRATION PENNSYLVANIA RULE OF JUDICIAL DOCKET NO. 1

ADMINISTRATION NO. 703 AND

ADOPTION OF NEW PENNSYLVANIA

RULE OF JUDICIAL ADMINISTRATION

NO. 703

ORDER

PER CURIAM:

AND NOW, this 28th day of January, 1997, in collaboration with the Pennsylvania Conference of State Trial Judges, former Pennsylvania Rule of Judicial Administration No. 703 is rescinded and new Pennsylvania Rule of Judicial Administration No. 703 is adopted as attached hereto.

To the extent that notice of proposed rule-making would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate adoption of such new rule is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and the new rule shall be effective immediately, with the first report due on or before July 21, 1997.

RULE 703. REPORTS OF JUDGES.

(A) POLICY STATEMENT.

It is the policy of the unified judicial system that any matter at any stage of a proceeding be brought to a fair conclusion as promptly as possible, consistent with the character of the matter and the resources of the system. The requirements of this rule further specify and implement this policy in keeping with the Court's constitutionally mandated responsibility to oversee the prompt and proper disposition of the business of the Pennsylvania courts.

(B) GENERAL RULE.

(1) Every judge shall keep a record of each matter that has been submitted to the judge for decision and which remains undecided.

(2) Every judge shall compile a semi-annual report stating whether the judge has any matter that has been submitted to the judge for decision and remains undecided for ninety days or more as of the last day of the reporting period. Each report shall include matters listed on prior reports which remain undecided.

(a) DECISION includes the grant or denial of a pretrial, post-trial, or post-sentence motion or petition, non-jury verdict or decision, entry of an order or judgment, imposition of a sentence, or the filing of an opinion. A matter is submitted for decision even though briefs, transcripts, or reports have been ordered but have not yet been filed.

(b) JUDGE means a judge of a court of common pleas or a judge of the Philadelphia Municipal Court, active or senior, commissioned six months or longer.

(3) If there are no matters submitted to the judge which remain undecided for ninety days or more, the report shall so state.

NOTE: Under this rule, judges must take inventory of matters in chambers, evaluate their status, and determine the steps needed for timely disposition. Judges must also take an active role in ensuring the timely preparation of documents, such as notes of testimony or psychiatric reports.

(C) FORM AND CONTENT OF REPORT.

(1) The report shall be prepared on a form supplied by the Administrative Office of Pennsylvania Courts or generated by the computer system of the judge's court in the same format as the form supplied by the Administrative Office.

(2) The report shall be signed by the judge.

(3) For each matter which remains undecided ninety days or more, the report shall state:

(a) the type, caption, and number of the case;

(b) the nature of the matter;

(c) the date of submission to the judge;

(d) the specific reason(s) for the delay; and

(e) the specific steps taken to remedy the delay.

NOTE: Specific reasons for a delay might be the filing of additional briefs, a change in the representation of the parties, ongoing settlement negotiations at the request of the parties.

(D) FILING.

(1) The report covering the preceding period of July 1 through December 31 shall be filed on or before January 20, and the report covering the preceding period of January 1 through June 30 shall be filed on or before July 20.

(2) Whenever January 20 or July 20 falls on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, the date for filing shall be the next business day.

(3) The judge shall file the original report with the Court Administrator of Pennsylvania, and shall file copies of the report with the president judge and the district court administrator of the court on which the judge serves.

NOTE: The requirement that judges file copies of their reports with the president judge and district court administrator will better enable those officials to monitor their dockets in order to address problem areas promptly. If decisional delay persists, the president judge should take strong corrective action. Such action may include providing the judge with additional support or educational resources as may be reasonably available; restructuring judicial case assignments, non-decisional assignments, or work schedules; or any other supervisory action designed to assist the reporting judge in becoming current.

(4) Senior judges or active judges serving in more than one judicial district shall file one consolidated report with the Administrative Office, and shall file copies of the consolidated report with the president judge and the district court administrator for each judicial district in which the judge has matters that have been submitted for decision.

(E) SUPPLEMENTAL STATEMENT BY PRESIDENT JUDGE.

(1) A president judge, at the request of the Court Administrator of Pennsylvania, shall supplement a judge's report with a separate statement of any circumstances affecting the matters reported.

(2) Within thirty days of the president judge's receipt of the request from the Court Administrator of Pennsylvania, any supplemental statement shall be filed with the Court Administrator of Pennsylvania, the judge who filed the report, and the district court administrator.

(F) PUBLIC INSPECTION.

Copies of all reports and supplemental statements filed pursuant to paragraphs (B) and (E) shall be made available by the Court Administrator of Pennsylvania and the district court administrator for public inspection and copying.

(G) REPORT TO JUDICIAL CONDUCT BOARD.

(1) The Court Administrator of Pennsylvania shall immediately notify the Judicial Conduct Board if a judge fails to file a timely report as required by this rule.

(2) The Court Administrator of Pennsylvania shall, where appropriate, forward to the Judicial Conduct Board any report which includes one or more matters which have remained undecided for one year or more.