

# *State of the Commonwealth's Courts*

*2010*

## **Pennsylvania's Unified Judicial System**

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**If** ever there was a time for state and local governments in Pennsylvania to work together, as resources are limited and citizens' needs are great, this is that time.

My role as Chief Justice, and that of my colleagues on the Supreme Court, is to ensure that justice in Pennsylvania prevails; consequently, I am pleased to outline in this annual report the work of many, both within and outside of the court system, who have collaborated to right wrongs, streamline court processes and preserve citizens' rights.

## **Righting Wrongs and Preserving Rights**

The most painful issue that squarely faced the Judiciary in the past year was the filing of criminal charges leveled at two Luzerne County judges. One is alleged to have denied adjudicated juveniles their right to counsel despite a prior ruling of the Superior Court; both are accused of abusing their positions for financial gain at the juveniles' expense.

After the criminal charges were publicly announced, my colleagues and I ordered a review of the cases involved and the resulting recommendation, to vacate thousands of juvenile adjudications and to expunge those juveniles' records, was unanimously approved. Critical as those steps were to begin to restore confidence in the criminal justice system, it was also important to understand what factors allowed this tragedy to occur.

The three branches of state government seamlessly came together to create an interbranch commission whose mission has been to ask the hard questions of "how?" and "why?" With completion of the commission's report by May 31, further follow-up action can effectively begin. But in the meantime, the collaborative work noted here—including strong efforts in the juvenile justice and victims' services communities—speaks eloquently of Pennsylvania's best response to an issue of the very worst kind.

## **Philadelphia: Streamlining Processes to Protect Communities**

A problem of a different nature became clear this year in Philadelphia's court system, but again collaboration is going to lead to expedited solutions.

Put simply, as part of perceived deficiencies in the criminal justice system in Philadelphia, our courts need to be more efficient in how they hear cases. My colleague, Justice Seamus

McCaffery, is leading process improvement efforts, aided by a volunteer group of 12 highly experienced court system practitioners and by judges and staff of the First Judicial District, all in tandem with corollary work of Philadelphia's new district attorney, the city's mayor and police commissioner and their staffs, and by many others as well.

Positive change *will* be the result in Philadelphia.

### **Innovation of the Best Kind**

Last year I noted that Pennsylvania's courts would seek practical, innovative solutions to relieve financial pressures and enhance judicial administration. No initiative better illustrates that commitment than the work since 2006 of hundreds of dedicated county and state children and youth judges and staff and of Justice Max Baer and our Administrative Offices' Office of Children and Families in the Courts.

Justice Baer's passionate desire is to secure safe, permanent homes for children in foster care by using techniques developed in tandem with county courts and human services agencies. Federal statistics—a 23 percent reduction of children in foster care in the three years since 2006—suggest the practical and moral value of these efforts and the further potential for even greater success going forward.

Permanent homes for Pennsylvania's foster children are their own reward. But cost reductions are significant outcomes from these efforts as well, even if they do not accrue to the court system's "bottom line." Justice Baer translates the drop of 4,500 fewer children in foster care to annual gross cost savings of \$225 million in administering foster care programs throughout Pennsylvania. Net savings are more difficult to calculate given costs of subsidized adoptions and legal guardianships, but taxpayers still are projected

to save tens and perhaps hundreds of millions of dollars annually through this initiative.

As well, the ability to collaboratively innovate energizes all of those involved to work even harder in support of Pennsylvania's foster children and, as Justice Baer says, "...to provide these children with a real chance for success in life."

### **Innovations at the "Bottom Line:" Problem-Solving Courts**

Much of my *State of the Courts* message in 2009 spoke to critical fiscal shortfalls in Pennsylvania's court budget for the then-coming, now the current, fiscal year. Despite work among the three branches of state government to adequately fund the state judicial budget, ultimately, those efforts fell short, and again we find critical funding is significantly short in 2009-2010. That hole may deepen further in fiscal year 2010-2011 and beyond.

Rather than dwell on the revenue side of the judiciary's operations, allow me to note areas where the judiciary is saving money in state and local governments alike, even though our own branch does not benefit financially from the results.

I wrote last year of our emphasis in establishing problem-solving courts. Fifty-eight such courts existed then; today there are 79. These courts, whether permanently created for veterans or for those with drug or alcohol problems or mental health issues, or temporarily designed to assist in mortgage foreclosures, make both social and fiscal sense. One national study says that for every \$1 invested in traditional problem-solving courts, \$4.78 is saved in the criminal justice and social services systems. Our Court will continue these efforts which not only conserve scarce financial resources, but also cycle individuals out of the court system and into productive lives.

## **“Right-sizing” the Court System**

Also last year, I noted the financial value of our early initiative with local governments to establish video conferencing capabilities between courts, prisons, jails, regional booking centers and some police stations. Those video capabilities may also prove to be of even greater significance, given landmark reductions we are considering in the number of sitting jurists across the Commonwealth.

Specifically, Pennsylvania has 545 magisterial district judges and 450 Common Pleas Court judges. By either administrative or statutory action, through attrition and after careful review of caseloads and related factors, we will consider eliminating or recommending for elimination certain judicial seats. While we cannot diminish public safety and unnecessarily increase local costs, and we will not disrupt the work of dedicated jurists in such an endeavor, we also cannot afford to sustain offices that may no longer be needed as caseloads have shifted or diminished.

## **Managing at the Margin**

These and other steps we are taking are thoughtful and strong actions in response to the continuing financial struggles of all Pennsylvanians. The Supreme Court remains committed to seeking meaningful savings in other spending areas, as we have done in recent years through various consolidations and collaborations. Realistically though, such measures will only go so far in helping to fully fund Pennsylvania’s court system. For instance, deliberate under-funding in accounts that pay our jurists’ constitutionally-mandated salaries have created shortfalls so great that we could eliminate our entire administrative staff and still not have sufficient funds to make up the difference.

Some court systems across the country have resorted to furloughs or closures to

stanch cuts in their budgets. The problem with this approach is that caseloads continue so jails become more crowded, adoptions are delayed, problem-solving programs are abolished and litigation is postponed. Justice is not served under those terms, and my colleagues and I reject such prescriptions where savings in the courts only become expenditures elsewhere. Collaboratively, there are better solutions.

## **Better Solutions in Criminal Justice**

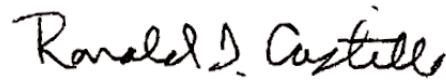
Among those better solutions are proposals within the General Assembly and by professionals in the fields of sentencing, corrections and probation and parole to rethink mandatory minimum sentences for non-violent crimes, automatic parole or probation violations resulting in re-incarceration for missteps by nonviolent probationers and increased use of effective treatment programs.

As a former U.S. Marine officer, a career prosecutor and a twice-elected district attorney in Philadelphia, being “soft on crime” is not part of my biography. But neither is impracticality part of what has made me the jurist I am today. Studies by the Pew Center on the States indicate that unfortunately, Pennsylvania’s prison population continues to rise even as the number of state prisoners nationwide is on the decline. The costs associated with this growth cannot be sustained and should not be countenanced when better policy alternatives exist.

Where Pennsylvania’s courts can be helpful in reducing capacity and cost issues, we will do so in consultation with the General Assembly and with those in the Executive Branch and related agencies who offer practical, proven solutions to cost-effectively maintain public safety.

## A Privilege to Serve

I am an adopted Pennsylvanian, by way of Louisiana, Florida, Japan and other locales to which my father, a career military officer, took his family. But whether home-grown as most of my colleagues are or adoptive as I am after 43 years, my colleagues on the Supreme Court and I all share the privilege of serving Pennsylvanians by protecting our constitutional freedoms and administering an effective court system whose judges and staff are equally dedicated to those principles.



Ronald D. Castille

Chief Justice of Pennsylvania

*"The State of the Commonwealth's Court, 2010," is published and distributed in limited quantities. To learn more about Pennsylvania's courts, please visit [www.pacourts.us](http://www.pacourts.us), the Web site of Pennsylvania's Unified Judicial System. A free brochure, "Citizen's Guide to Pennsylvania's Courts," is available by emailing [aopcweb@pacourts.us](mailto:aopcweb@pacourts.us).*

State of the Commonwealth's Courts  
Dedicated to those who serve their fellow citizens as jurors ~ Law Day 2010