

Tireless Advocate for Diversity in Public Sector and Legal Profession

Perseverance and Performance Yield Tributes for Berks County Judge Linda Ludgate

by Amy Kelchner



(L to R) Paula Donnolo, assistant chief counsel, U.S. Dept. of Homeland Security; retired U. S. Immigration Court Judge Joan V. Churchill; Judge Ludgate and U. S. Supreme Court Justice Elena Kagen.

The Pennsylvania Commission on Crime and Delinquency (PCCD) recently honored Judge Linda K.M. Ludgate by naming an award in her honor and presenting the first one to her.

The Linda K. M. Ludgate Award recognizes outstanding leadership of a Criminal Justice Advisory Board (CJAB) member. Judge Ludgate has been on the CJAB of Berks County for the past 10 years.

The PCCD award is the latest honor for the Berks County Common Pleas judge.

Last year, Ludgate received the Anne X. Alpern Award from the Pennsylvania Bar Association for her work benefiting the profession and women in particular. The PBA noted her efforts to bring "Meet Your Judges" to Pennsylvania to educate the public about what judges do and how the civil and criminal justice system works.

In 1993 Ludgate received the Golden Crowbar from the Pennsylvania Conference of State Trial Judges for instituting "Meet Your Judges."

And in 2008 Ludgate was selected to participate in the first

(Ludgate continued on page 13)

Supreme Court to Realign Magisterial Districts to Update Boundaries

by Amy Kehner

While September 2011 was marked by back-to-school sighs and football cheers, it also marked the start of the much anticipated process called realignment—also referred to as reestablishment or redistricting.

It is the process by which the Supreme Court of Pennsylvania, pursuant to constitutional and statutory provisions, reviews the number and boundaries of the magisterial districts within each of the Commonwealth's judicial districts. It takes place following the official reporting of the decennial U. S. census. Only the First Judicial District, which has no

magisterial district judges, does not participate.

This comprehensive and demanding analysis helps ensure the effective administration of justice throughout the Commonwealth and that the current configuration of each magisterial district is appropriate to serve its residents over the next decade. The AOPC recently provided leaders in each judicial district with a variety of resources, including detailed instructions on how to navigate the process, demographic and population data culled from the U. S. Census Bureau and case filing and disposition statistics.

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New to the Judicial Branch

Counties

Donald Fennimore - Adams - district court administrator

Mary Haire - Blair - deputy court administrator

AOPC

April Billet-Barclay - Judicial Programs - problem-solving courts analyst

John Chen - Judicial Automation - database administrator

Geoffrey Coder - Judicial Automation - NOC technician

Michael Cullen - Judicial Automation - network/telephony technician

Scott Hammer - Judicial Automation - NOC technician

James Hess - Judicial Automation - network/telephony technician

Keith Hinkel - Judicial Automation - systems trainer

Brenda Ickes - Finance - Accountant

Shelby Line - Judicial Programs - Judicial Programs analyst

Tiffany Peck - Judicial Automation - help desk operator

Matthew Peterson - Judicial Automation - student IT intern

Travis Scotto - Judicial Automation - Citrix server technician

Jacob Yzzi - Assistant Court Administrator's Office - legal intern

Appointments

Counties

Wm. F. Kear - Northumberland - sr. magisterial district judge

Barbara H. Nixon - York - sr. magisterial district judge

Anthony G. Rapp Jr. - Lehigh - sr. magisterial district judge

Dorothy Skerchock - Montgomery - sr. magisterial district judge

Deaths

John H. Brydon - Butler - former Common Pleas Court (sr.) judge

Curtis Carson - Philadelphia - former Common Pleas Court (sr.) judge

Lawrence Celaschi Sr. - Washington - former district justice

John M. Feeney Jr. - Allegheny - former Common Pleas Court judge

Thomas L. Holzman - former instructor for Minor Judiciary Education Board

Joseph H. Kleinfelter - Dauphin - Common Pleas Court sr. judge

Bonnie Lewis - Wayne - former magisterial district judge

Carl B. Rice - Northumberland - magisterial district judge

Retirements

Counties

Ann Burns - Luzerne - deputy court administrator

Nancy Galvach - Allegheny - deputy court administrator

AOPC

R. Dean Stiteler - Finance - accounting administrator

Resignations

Counties

Jennifer Clapp - Blair - deputy court administrator

Gene A. Franklin - Susquehanna - sr. magisterial district judge

Mark Grim - Adams - district court administrator

Edward C. Harkin - Delaware - sr. magisterial district judge

James D. Hodge - York - sr. magisterial district judge

William R. Householder Jr. - Montgomery - magisterial district judge

Robert A. Kelly - Allegheny - Common Pleas Court judge

Richard L. Reeser - Lancaster - sr. magisterial district judge

Phillip L. Sweet - Tioga - magisterial district judge

Denise Vicario - Montgomery - deputy court administrator - criminal

Flora Barth Wolf - Philadelphia - Common Pleas Court judge

AOPC

Suthan Chakkamadathil - Judicial Automation - JAVA programmer analyst

Anne Krasevic - Judicial Automation - help desk operator

James Matters - Judicial Automation - LAN technician

Michael Melusky - Judicial Automation - JAVA programmer analyst

Jason Ream - Judicial Automation - database administrator

Patrick Reilly - Judicial Automation - Desktop LAN technician

Rebecca Ross-Snedeker - Judicial Automation - programmer analyst

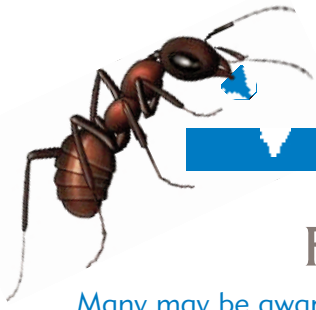
Ron Shover - Judicial Automation - Windows operations manager

(Transitions continued on page 13)

10/17-10/21	Supreme Court Session (Pgh.)
10/17-10/21	Commonwealth Court Session (Phila.)
10/24	Local Court Security Workshop (Wmspt.)
10/25-10/27	Superior Court Session (Phila., Hbg., Pgh.)
10/25	Local Court Security Workshop (Scranton)
10/31	Local Court Security Workshop (Pgh.)
11/10	Local Court Security Workshop (Hbg.)
11/8	Election Day Holiday
11/11	Veterans Day Holiday

11/14-11/18	Commonwealth Court Session (Pgh.)
11/15-11/17	Superior Court Session (Phila.)
11/18	Local Court Security Workshop (Phila.)
11/24-11/25	Thanksgiving Holiday
11/28-12/2	Supreme Court Session (Hbg.)
12/6-12/8	Superior Court Session (Phila., Hbg., Pgh.)
12/12-12/16	Commonwealth Court Session (Hbg.)
12/26	Christmas Holiday (Observed)
1/2/12	New Year's Day Holiday (Observed)

From the Desk of the Court Administrator



by Zig Pines

Floods, Fires, Tornadoes, Oh My

Many may be aware of what happened in 1954 when gigantic mutant ants attacked Los Angeles through its subterranean storm drains. The event was horrific. Scientists believed that the atomic testing in the southwestern desert caused the arthropod mutation. Fortunately, through the combined efforts of law enforcement and the scientific community, the colony of murderous ants was destroyed and humanity was saved.

The California heroes of the day, James Whitmore and James Arness, are now largely forgotten. As one scientist noted at the time: "When man entered the atomic age, he opened a door into a new world. What he will eventually find in that new world, no one can predict."

Science fiction cineastes will quickly realize that the giant ant catastrophe comes from the 1954 classic film "Them!" But we don't need science fiction to scare us.

The year 2011 has, thus far, turned out to be one of great upheaval and tragedy in the landscape of humanity. Adjectives like "unprecedented" and "historic" were repeatedly used to describe events. The earthquake, tsunami and nuclear disaster in Japan. The once-in-a-hundred years snowfall in the eastern United States. Prolonged drought, heat and wildfires in Texas. Devastating floods in areas like Minot, North Dakota, where half of the area's court staff lost their homes. Populated urban centers like Joplin, Missouri, which were totally decimated by tornadoes, destroying hospitals and schools and killing many.

August and September were very busy here. In August the East Coast was rattled by a 5.8 magnitude earthquake centered in Virginia, where two prior quakes occurred in 1897 (5.8) and 1886 (7.0). The shaking was felt from Atlanta to Toronto.

Then in September Pennsylvanians felt the havoc of Hurricane Irene and Tropical Storm Lee, swelling the Susquehanna and its tributaries to levels greater than those experienced in Hurricane Agnes of the early 1970's. The floods in the Harrisburg and Wilkes-Barre areas forced citizens to quickly seek shelter. Precautions had to be taken for the complication of sewage back-up. How many expected that? And tragically, the

flooding waters became an official disaster that took lives and destroyed homes.

To add to our concern about "what if" scenarios, the country was advised by the Nuclear Regulatory Commission that the magnitude of risk of an earthquake at a U. S. nuclear plant (104 in the U. S. and four in Pennsylvania) is now greater than previously thought. A quarter of our reactors may need upgrades. "Three Mile Island" has been the voice that since 1979 has whispered "caution" in our ears.

As we all know, it is impossible to be prescient about the future or the many security risks we face. How do you plan for "unprecedented?" Yet we fully realize that when it comes to protecting our lives and those we love, ignorance is not bliss, and inaction can be deadly.

All of these "unprecedented" or "historic" calamities underscore the need for each of us to take basic precautions in terms of planning for an emergency scenario.

For example, we need to know what to do in the event of an earthquake (running outside is the wrong answer). You need to prepare in advance if there is a power outage when all systems are down. Fundamentals need to be considered, like stockpiling food, water, cash and necessary provisions; identifying necessary emergency contacts and predetermined meeting sites for your family; obtaining adequate insurance coverage; identifying what documents and valuables you would save in the event of an evacuation and identifying sources of transportation. We also need to make sure that we are able to quickly communicate with one another and that the information we receive/impart is accurate. (During the earthquake confirmation of the event came almost instantaneously through Twitter and Facebook, not the major media.)

Floods, fires, storms, tornadoes, earthquakes, power outages. These recent events do not represent a new world. But they remind us that we must be continually vigilant. It is our individual and collective responsibility to protect ourselves at our workplaces and homes. For your sakes and those of your loved ones, take some time to think about—and plan for—these issues.

United Way Coming to Pennsylvania's Courts

For nearly 125 years, the phrase "United Way" has been synonymous with successful fundraising for charitable purposes in communities across the United States. This Fall the United Way of the Capital Region (UWCR) is partnering for

the first time with Pennsylvania's judiciary to provide judges and staff across the state with an incredibly easy way to make donations of any amount to the eligible charity of your choice, including your local United Way. One hundred percent

of any donation will go directly to the charity without any administrative charge by UWCR. Watch for forthcoming details through payroll "stuffers" and by e-mail.



Realignment, continued from page 1

Caseload data provides a multitude of insights into the magisterial district court system because it is case filings—and not population—that truly demonstrate a courts workload. Six years of raw filing data for all docket types as well as caseload averages within and among judicial districts were provided to illustrate trends.

Case weights for each docket type, established by a committee of magisterial district judges, also were provided to assist drafters in differentiating among case types. Not all case types are equally complex and time-consuming. The case weights also account for required administrative and non-case-related activities that impact workload, but are not captured by statistics.

By early 2012 each president judge will submit a draft realignment plan to the AOPC for review.

While many proposals will likely recommend maintaining the status quo, many others will likely recommend the shifting of boundaries to more equitably distribute the workload among the judges in a county.

Others will look to eliminate one or more districts in their counties.

Proposals can become effective immediately or up to six years into the future, when a sitting judge's term expires or the judge reaches mandatory retirement age. Proposals will be made available for public comment prior to the final submission to the Supreme Court.

Final proposals will be presented to the Supreme Court for review and approval on a "rolling" basis. Depending on the contents of the proposal, the Court may ask for additional information or modifications to the proposal. We anticipate the process will be completed and all orders finalized by Fall 2012.

(MORE: Information regarding realignment, including training workshops offered throughout the Commonwealth, is available on the Pennsylvania Judiciary's Web site at www.pacourts.us).

[Amy Kehner is a programs administrator for the AOPC's judicial programs department.]

Around the Judiciary

New Digs

Holed Up in Philadelphia

Construction work is underway on the Family Court project at 15th and Arch streets. The new facility will replace inadequate courtrooms in two outdated buildings and be the center for proceedings such as juvenile cases and divorces in the First Judicial District. The planned 14-story structure is the largest construction project in Philadelphia since the expansion of the Pennsylvania Convention Center and the renovation of the former 30th Street Post Office for the IRS.



Honors and Dispatches

State Court Administrator **Zig Pines** has been elected to the Board of Directors of the National Center for State Courts. The center is a nonprofit organization that works to improve the administration of justice by providing leadership and service to state courts. Pines was elected to a four-year term and is one of eight new board members.



Allegheny County Common Pleas Judge **John Zottola** accepted a prestigious award on behalf of the Pennsylvania Commission on Crime and Delinquency at the

2011 National Forum on Criminal Justice and Public Safety for aiding people with mental health needs in the criminal justice system. Judge Zottola chairs the PCCD's Mental Health and Justice Advisory Committee, which provides guidance to counties in coordinating criminal justice and mental health activities.

Philadelphia Common Pleas Court Judge **John W. Herron** has been named the 2011 Justice William J. Brennan Jr. Distinguished Jurist Award winner by the Philadelphia Bar Association. Herron is being honored for his role in creating Philadelphia's Commerce Case Management Program, otherwise known as commerce court. According to the Philadelphia Bar Association's Web site, the award "recognizes a jurist who adheres to the highest ideals of judicial service."

The **AOPC** sponsored nine operational county drug court teams from around the Commonwealth to attend a training session presented by the National Association of Drug Court Professionals.

The training was designed to assist drug court teams with learning how to apply

the latest research and best practice techniques to their existing programs. During the two days, these teams assessed the current practices within their drug court program. Using best practices established by successful drug court programs from around the country, along with scientific research about drug court practices, they revised and/or added to the policies and practices currently in place in their court.

The work of each team was facilitated individually by drug court experts from around the country, including judges from Georgia, California and Alabama. Also participating were a defense bar member from Ohio, a treatment administrator from Michigan and leading researchers in the drug court field. Commonwealth teams attending this training were from Berks, Blair, Clarion, Delaware, Lancaster, Lackawanna, Luzerne, Snyder and York counties.

The First Judicial District's veterans court was the recipient of an Excellence in Government Award from the Philadelphia Federal Executive Board (FEB).

The FEB was established in 1961 under the late President John F. Kennedy to enhance communication and collaboration among federal agencies outside of Washington, D.C. Although the Excellence in Government Awards are for federal rather than state programs, the Philadelphia Veterans Affairs Medical Center's consideration for the award included the veterans court because of the close working collaboration among the two agencies.

Supreme Court Justice **Seamus P. McCaffery**, who has long advocated establishment of veterans courts and spearheaded a statewide task force looking into the feasibility of their implementation in Pennsylvania, attended the award ceremony, along with other representatives from the First Judicial District.

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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

Joan Orié Melvin
Justice

Zygmunt A. Pines
Court Administrator
of Pennsylvania

[First of a Series]

Collaborative Governing Eases Court Budget Pangs

by Tom Darr

There are 22 million—or is it just three?—reasons why the financial life of Pennsylvania’s judicial system got a little easier this year.

On time, the state judicial budget was enacted and increased by \$22 million from what Gov. Tom Corbett had recommended to the legislature when he presented his first budget in March. Irrespective of that initial recommendation, part of a required budget submission just two months into his administration, a collaborative spirit emerged between the three branches of state government in the ensuing months that avoided the possibility of more draconian measures.

How did that happen, and what does it mean?

It’s no secret that the judiciary had been talking about its short-funding and resulting consequences for the past seven years. Those years included a 10 percent cut in funding one year and gubernatorial recommendations for flat funding in the past three years.

Flat-funding, it was said in the last two budget recommendations by the previous governor, was generous as compared to funding cuts in many other areas of state government. The issue, as some put it, was “fairness.” If all (actually, most) budget line items in state government were cut, then freezing the judiciary budget was a fair to generous response in dire financial times.

That was a hard argument to refute in a rough economy, but for the fact that comparing apples to oranges rarely results in fairness. For the judiciary, where administrative costs (even by admission of one state senator during a hearing) are extraordinarily low, but constitutionally-mandated salary costs inexorably climb, the ability to internally adjust the judicial budget to fully meet inescapable increases was impossible.

It’s not that the judiciary didn’t try to make up the difference. Most notably, and only with the strong support of judges throughout the state, several millions of dollars were saved by avoiding the vast majority of interim appointments to vacant judicial seats. So, too, delayed or abandoned staff salary increases contributed savings. Consolidation of offices to the new judicial center, renegotiated insurance contracts, increases in medical benefits’ co-pays and reductions

in the number of staff within the judiciary were savings contributors as well.

Most of all, as has been widely reported, the ever-widening gap between state government appropriations was made up by loans totaling \$28.4 million from the reserve fund created to help ensure stable funding of the Judicial Computer System (JCS). Had there not been budget relief this fiscal year, the projected deficit in judiciary general government expenditures would have been a whopping \$71 million.

...it was a win for all three branches of state government as the outcome represented communication and compromise at its best.

So \$22 million in new general funds appropriated by the General Assembly and approved by the governor was part of the solution to avoid that huge gap. So, too, was agreement to extend the temporary fee requested two years ago by the judiciary to help stanch the then already-burgeoning deficits. And the judiciary agreed, for one last time, to contribute another \$10 million loan from the JCS reserve account. Taken together with

other anticipated savings to fill the remaining approximately \$15 million gap in judicial spending, the overall general government budget for the Unified Judicial System this fiscal year is assured.

As the previous paragraph suggests, there remains more to do in the next fiscal year if the judiciary’s finances are to be fully stable for the first time in what will then be eight years. The JCS reserve fund, for example, cannot continue to bear the burden of making up deficits in general government operating funds. Independent analysis of the fund supports that contention. As well, some of the savings anticipated to fill the remaining \$15 million gap cannot be anticipated for a second year.

But if fiscal year 2012-13 will be a challenge ahead, 2011-12 is a fiscal success, not just for the state judiciary, but for local court systems as well—most of which will see increases, though not full funding, of their annual reimbursement grants for the first time in several years. More so, though, it was a win for all three branches of state government as the outcome represented communication and compromise at its best.

[Tom Darr is deputy court administrator of Pennsylvania.]

Videoconferencing:

Using Technology to Help Make Courts More Efficient and Less Costly

by Steve Schell

Supreme Court Justice **Seamus P. McCaffery** provided an overview of how information technology is helping transform the way the state court system operates, during Wainhouse Research's 11th annual North American Collaboration Summit in Philadelphia.

The summit featured demonstrations of the latest videoconferencing and related communication tools for transforming regional, national and global companies and organizations. Justice McCaffery spoke about cost savings, manpower and increased court efficiency specifically within the First Judicial District of Pennsylvania and throughout courts statewide—benefits made possible by videoconferencing and other information technology initiatives.

Justice McCaffery said technology is changing the way courts across the state do business, noting how the First Judicial District is in the process of creating a city-wide community court project whereby judges working from one central location are handling cases and working with social agencies in satellite courts throughout Philadelphia's neighborhoods.

Andrew W. Davis, senior partner at Wainhouse Research and summit organizer, recognized the Pennsylvania court system as a leader in implementing videoconferencing technology to conduct court proceedings.

"The summit provided an overview of the latest videoconferencing and related communication tools driving cost savings and business transformation for regional, national and global companies and organizations," Davis said.

Justice McCaffery highlighted the courts' efforts to expand the use of videoconferencing to conduct court proceedings—a practice that is estimated to save counties \$21 million annually in defendant transportation costs alone.

In 2003 the Supreme Court's criminal procedural rules were amended to allow videoconferencing in court proceedings not involving a defendant's constitutional right to confront witnesses. This cleared the way for courts to begin using videoconferencing, which enhances security by reducing the risk of defendant escape or assault on transport officers, judges and anyone in the courtroom; improves court efficiency and saves tax dollars.

Justice McCaffery said video conferencing in courts is "about fair, impartial and cost-effective jurisprudence achieved without violating the rights of defendants." Teleconferencing also improves court safety, saves police man hours and overtime, and cuts the number of court continuances.

Efforts to provide training, install hardware and promote the use of videoconference technology began in 2008 as part of the Supreme Court's comprehensive statewide effort to improve court security, an initiative launched approximately 10 years ago. Those efforts, funded by the legislative and executive branches of state government, were implemented collaboratively with county commissioners, judges and staff, local police departments, jails, central booking centers, state police and state correctional institutions.

Today, a day in court for many individuals charged with a crime no longer necessarily means a trip to a courtroom. Instead, defendants often remain in a correctional facility or booking center as judges increasingly use videoconferencing technology to conduct preliminary arraignments and other court proceedings.

A survey conducted by the AOPC's Office of Judicial Security found that, on average, more than 15,700 proceedings are held via videoconferencing each

(Technology continued on page 11)



Justice McCaffery highlighted the courts' efforts to expand the use of videoconferencing to conduct court proceedings.

Students Tackle Truancy in Statewide Contest

by Angela Cerilli Sager

Pennsylvania's courts are part of a statewide plan to bring new ideas and solutions to an old problem: students who intentionally miss school.

A statewide advisory group of juvenile justice and child welfare advocates, called the Pennsylvania State Roundtable, selected truancy as a priority topic to address because research shows chronic absenteeism, or truancy, often is symptomatic of more serious problems with a child and family.

"During school year 2009-2010 in Pennsylvania roughly 125,000 of our children regularly missed school," said Supreme Court Justice **Max Baer**, who co-chairs the State Roundtable. "These numbers are important, but they are meaningless unless we take a look at these children and their stories.

"When we dig deeper, we see an eight-year-old boy not going to school because he is caring for his sixth-month-old brother and two-year-old sister due to his mother's addiction," Justice Baer added. "If we look further, we see the second-grader who is regularly exposed to violence in his home, afraid to leave home or worse, the kindergartner who is himself a victim of physical or sexual abuse. When we ignore a child's regular absence from school, we miss the opportunity to intervene to protect children—we fail them."

To help address the problem, the State Roundtable created a program to focus on the good things associated with attending school by inviting students to develop a logo to capture those positive aspects and raise community awareness.

The contest was organized by the State Roundtable's Educational

attendance. The contest was designed to enhance collaborative efforts between the courts, county children and youth agencies and schools as well as addressing the root causes of truant behavior. The contest theme: *Awake. Attend. Achieve.*

More than 200 entries from across the Commonwealth were received from fifth- and sixth-grade students. Middle school grades were targeted for this project because research has shown that chronic absenteeism patterns begin in middle school and that preventing or eliminating these patterns early on may help to increase graduation rates.

Contest winners were James Mostowski, a fifth-grade student from Carbondale

(first); Sarah Hall, a sixth-grade student from Altoona (second) and Christina Carachilo, a sixth-grader, also from Carbondale (third).



James Mostowski, a fifth-grade student from Carbondale, Lackawanna County, shows Supreme Court Justice Max Baer his truancy sketches.

Success and Truancy Prevention Workgroup. Co-chaired by Adams County President Judge **John Kuhn** and **Cynthia Stoltz**, Esq., administrator of Allegheny County's children's court, the workgroup is comprised of members with expertise in courts, child welfare, education and juvenile justice.

Thirty-one counties—members of a Permanency Practice Initiative—were invited to participate in the art contest. Counties were encouraged to work through their local Children's Roundtables to partner with middle schools to increase community awareness about the importance of positive



Left to right: Jessica Voglino, James' mom; Mostowski; Supreme Court Justice Max Administrator Cynthia Stoltz; and Adam

The Special Court Judges Association of Pennsylvania donated the contest prizes, which included an iPad 2, a wireless electronic reading pad and a gift certificate to Barnes & Noble.



The winning entry will be used on educational materials and distributed across the state to magisterial district courts, County Children's Roundtables and other places and groups to support local efforts to promote truancy prevention.

Research shows that during the 2008-2009 school year, roughly 155,000 or 8.6 percent of Pennsylvania students in kindergarten through grade 12 had six or more unexcused absences. Often, failure to attend school is a symptom of a larger problem happening with a child or his family, ranging from

carrying for younger siblings, providing for other family needs, exposure to violence in the home, abuse or neglect, bullying and/or peer pressure at school, a disconnect from school, acting out behaviors, incorrigibility and borderline delinquent issues.

Justice Baer and members of the State Roundtable, including **Sandy Moore**, director of the

AOPC's Office of Children and Families in the Courts, were among those honoring student contest finalists and their families during an awards ceremony in Harrisburg. (For more information visit: www.ocfcpacourts.us.)

[Angela Sager is a judicial programs analyst for the AOPC's Office of Children and Families in the Courts.]

Supreme Court Issues Judicial Guide to Benefit Children, Families

by Steve Schell

The Supreme Court of Pennsylvania in July 2010 released the Dependency Benchbook Resource Companion, which is believed to be the first of its kind in the nation.

Developed over the past year by a team of experienced judges and social science experts, the resource companion provides a thoughtful review and analysis of resource materials designed to assist judges and judicial officers in 14 social science areas. These areas include attachment and bonding, child development, domestic violence, grief and loss, individual case planning, mental health, neglect and deprivation, physical/sexual/emotional abuse, placement, safety and risk, substance abuse, transitioning youth, trauma and visitation.

The 800-page document is described by Supreme Court Justice **Max Baer** as a valuable resource that presents a social science context for the complex and challenging decisions being made daily by all who sit in dependency court.

"It covers topics that are part of our day-to-day work, but not part of the training we receive as lawyers and judges," Justice Baer said.

The resource companion is part of the Supreme Court's ongoing efforts to improve the lives of Pennsylvania's abused and neglected children, getting them out of temporary foster care and into safe, permanent homes. It serves as a supplemental resource to the previously released Dependency Benchbook, which has become the central document for dependency proceedings in Pennsylvania and is used by judges to the benefit of children and families. Each section of the resource companion connects the elements of social science to the many judicial proceedings and practices outlined in the judicial benchbook.

"Like the Dependency Benchbook, this resource companion is an historic effort, and we collectively agree it will result in healthier children, stronger families and, ultimately, a more vigorous and productive Pennsylvania," Justice Baer added.

Lackawanna County Common Pleas Court Judge **Chester Harhut** chaired the Dependency Benchbook Committee and efforts to develop the supplemental resource guide. Expert consultants included Dr. Judith Silver, Ph.D., pediatric psychologist, Children's Hospital of Philadelphia; Dr. Pearl S. Berman, professor of psychology, Indiana University of Pennsylvania; Jim Nice, Family Unity Project, Oregon; and Kevin Campbell, founder of the Center for Family Finding and Youth Connectedness, Washington state, an agency that specializes in reconnecting foster care children with lost biological family members through specialized investigative techniques.



James' grandfather; winner James Allegheny County Deputy Court President Judge John Kuhn.

What Impact Will Gas Drilling Have on Courts?

by **Cherstin Hamel**

Last year, in anticipation of potential effects of Marcellus Shale natural gas drilling activity on the Commonwealth's courts, the AOPC established a team to identify how to provide services and resources to affected courts. Somerset County President Judge John Cascio, Tioga County District Court Administrator Nancy Clemens and I are following Marcellus Shale developments of interest to the judiciary and collecting information about the impacts of drilling as reported by the courts.

Marcellus Shale drilling is expanding rapidly in Pennsylvania. In Dec. 2009 the state's Department of Environmental Protection reported 763 wells drilled. As of Aug. 2011, 1,241 wells had been drilled across 28 counties, and drilling permits have been issued for five additional counties.

Earlier this summer, as a result of successful AOPC efforts to advise the executive branch about the potential budgetary ramifications of Marcellus Shale drilling on the judiciary, Governor Tom Corbett's Marcellus Shale Advisory Commission's final report noted

"...that the increase in the number of legal actions in both local and county court systems requires additional court system staffing and training...Impacts identified by the commission as appropriate for compensation include, but are not necessarily limited to:...Increased judicial system (Court of Common Pleas and magisterial district judges) demands, including training, defendant processing and associated needs."

AOPC legislative staff will monitor the progress of the impact fee that may be enacted or imposed by the legislature this fall.

During the summer the team met with Mary Lou Vanderpool, Bradford County court administrator, and Osvaldo Avilés, administrator of the AOPC's Interpreter Certification Program, about problems Bradford, Tioga, Green, Fayette and Washington counties reported in locating certified interpreters for court proceedings. It appears the presence of shale drilling and its employment of people with little or no English proficiency, together with an increase in extradition and immigration actions, may be exacerbating a problem that already existed. The team is investigating funding resources to provide interpreter training and certification.



The AOPC is also reviewing the need for additional senior judge resources (especially in one or two-judge counties) where the complexity of cases involving gas leases may burden existing civil dockets.

The team's activities during the last year also included presentations to several regional units, participation in the 2010 Marcellus Summit, a conference presentation to neighboring states awaiting drilling and the distribution of resource materials to courts.

[Cherstin Hamel is assistant director of the AOPC's Judicial Programs Department.]



Act 30 Signing

(L to R) Rep. Thomas Caltagirone, Gov. Tom Corbett and Justice Thomas Saylor at the signing ceremony for Act 30 of 2011. The act, sponsored by Reps. Caltagirone and Marsico, extends the temporary fee that provides needed funding to state court operations.

Technology, continued from page 7

month, saving the state's magisterial district and Common Pleas courts an estimated \$1.7 million monthly. Philadelphia and Delaware counties reported the highest monthly savings of \$550,000 and \$271,000, respectively. Fifty-six of the state's 60 judicial districts responded to the survey.

Of the more than 15,700 monthly court proceedings conducted via videoconferencing, more than half, or 9,500, were preliminary arraignments. Others included

warrant proceedings and bail and sentencing hearings.

The court proceedings are conducted with defendants in state correctional institutions, county and local prisons, booking centers, state police barracks and other facilities such as juvenile detention centers, shelters and state hospitals. The survey found that on average it cost courts \$73 to transport a defendant to and from a local facility and \$588 to transport a defendant to

and from a state correctional institution.

Of the total projected annual savings, 43 percent, or more than \$9 million, is a direct result of the 488 videoconferencing units installed by the AOPC over the last three years at a cost of \$4.2 million.

[Steve Schell, an AOPC communications coordinator, covers security issues.]

AOPC Employee Service Milestones

25 Years

Amy Ceraso - Judicial Automation

20 Years

Frank Antonucci - Administrative Services

Laurie Brandstetter - Judicial Automation

Deborah Chambers - Judicial Automation

Barbara Holmes - Judicial Automation

Candice Parks - Judicial Automation

Daniel Swartz - Judicial Automation

Laurie Tush - Judicial Automation

15 Years

Owen Kelly - Judicial Programs

10 Years

Barry Blouse - Judicial Automation

Kathy Maines - Judicial Automation

Denise Parise - Human Resources

Joseph Tricarico - Judicial Automation

Around the Judiciary

New Digs—Part 2

Getting the Scoop on a New Court Center

Bucks County President Judge **Susan D. Scott** (second from right in orange helmet) joined a number of other dignitaries at a ceremonial groundbreaking for the new Justice Center in Doylestown. The planned \$84 million justice center is expected to take slightly more than two years to complete. When finished the center will provide more space for Bucks County courts and support services. Joining Judge Scott, from left to right, are: Lou White, Doylestown Borough Council vice president; Libby White, mayor of Doylestown; Jerry Anderson, Bucks County public works director; Robert Loughery, Bucks County commissioner; Charley Martin, Bucks County commissioner chair; and Pennsylvania Lt. Gov. James F. Cawley.



Cameras Let Public Focus on Pennsylvania Supreme Court

by Amy Kelchner



Chief Justice of Pennsylvania Ronald D. Castille tapes an interview with PCN President Brian Lockman in the Supreme Court's robing room at its Philadelphia City Hall Courtroom.

Yes, that was the Pennsylvania Supreme Court you saw on television's Pennsylvania Cable Network, known as PCN.

The historic first broadcast of a Supreme Court session was shown on PCN the evening of Sept. 13. The proceedings were held earlier that day at historic Independence Hall in Philadelphia in commemoration of Constitution Day.

In addition to the historic first broadcast of Supreme Court proceedings, PCN also aired two shows about the Supreme Court, including an hour-long interview with Chief Justice Ronald D. Castille.

PCN will now routinely provide gavel-to-gavel coverage of the Supreme Court's oral arguments for later broadcast to PCN's network of more than 3.3 million homes.

"My colleagues and I are pleased to open our courtroom to PCN's statewide audience so they can

see how our court operates and follow arguments in cases affecting us all," Chief Justice Castille said.

The chief justice noted that the agreement was reached after PCN had operated successful pilot videotaping programs in both the Commonwealth and Superior courts.

PCN is a non-profit cable television network created and funded by Pennsylvania's cable television companies. It receives no government funding.

"Chief Justice Castille and all the justices are to be commended for their leadership in taking this historic step," said PCN President Brian Lockman. "They are giving Pennsylvanians the opportunity to see the Supreme Court performing its duties as it has since 1684."

In order to implement the agreement with PCN, the Supreme Court has adopted new Internal Operating Procedures to govern the broadcast of court proceedings.

The new rules require that all proceedings be recorded for future broadcast in their entirety; however, PCN can decide which session days it will request permission to record—meaning not all session days will necessarily be broadcast.

Proceedings that have been designated as "sealed" will not be covered, and the Supreme Court may limit or terminate coverage when necessary to protect the parties' rights or to ensure the orderly conduct of the proceedings. Broadcasts will not include conferences between co-counsel or among the justices.

The rules also stipulate that none of the film, videotape, video discs, still photographs or audio reproductions developed during a proceeding will be admissible as evidence in that proceeding or in subsequent ones.

(MORE: For a list of PCN channels and schedule, visit www.pcntv.com.)

Honors & Dispatches, continued from page 5

Karen Blackburn, administrator of AOPC's problem-solving courts program, is one of five professionals from around the country invited by the board of directors of the National Association of Drug Court Professionals to participate in a project to develop standards for adult drug courts.



Historic **courthouses** in Allegheny, Butler, Mercer, Bradford, Chester and Delaware counties will be featured in a six-part series to be shown this Fall on the Pennsylvania Cable Network. The six were chosen by the County Commissioners Association of Pennsylvania from among 22 nominated for inclusion in the program. The series is part of the 125th anniversary commemoration of the commissioners association.

Ludgate, continued from page 1

Senior Roundtable on Women and the Judiciary in Washington, DC. She was invited back to the prestigious conference for the second time this year. A highlight of that meeting was the opportunity to meet U.S. Supreme Court Justices Ruth Bader Ginsburg, Sonia Sotomayor and Elaina Kagan.

With 22 years on the bench, Ludgate is entering her final years of being an active judge and is receiving awards and recognition for a job well done. A glimpse at her life gives you a sense of the motivation and determination that got her to where she is today.

Ludgate was born in Rochester, N.Y., the youngest of 14 children. Her mother became an invalid, and she was sent to live with strangers—

difficult in the best of circumstances, which hers were not.

"I survived," Ludgate says with the fire and determination which are her hallmark.

Married to her husband of 50 years, Robert, at age 18, she credits his support for her success.

Ludgate started college at age 30. In the middle of studying for her undergraduate degree, the family moved to Berks County, and Ludgate had to find a new college. It seems almost unbelievable now, but when she tried to gain admission at several schools she was told, "Go home and take

care of your kids," and "Your husband is an engineer; why do you need to go to college?" She couldn't get an offer until she visited

(Ludgate continued on page 16)



(L to R): State Rep. Thomas R. Caltagirone, D-Berks County; Judge Ludgate and Linda Rosenberg, PA Commission on Crime and Delinquency's executive director.

Transitions, continued from page 2

Justine Taylor - Judicial Programs - CIP data analyst
Allan Vella - Judicial Automation - systems analyst

Appointments

Kenneth M. Argentieri, Esq. - apptd. vice chair of Continuing Legal Education Board
Charles L. Becker, Esq. - apptd. to Appellate Court Procedural Rules Committee
Honorable John T. Bender - apptd. to Appellate Court Procedural Rules Committee
Larry E. Bendesky, Esq. - reapptd. to Appellate Court Procedural Rules Committee
Gabriel L. I. Bevilacqua, Esq. - reapptd. to Disciplinary Board
Robert L. Byer, Esq. - reapptd. to Appellate Court Procedural Rules Committee
Harry S. Cohen, Esq. - reapptd. to Civil Procedural Rules Committee
Honorable Renée Cohn Jubelirer - apptd. chair of Appellate Court Procedural Rules Committee
David R. Fine, Esq. - reapptd. to Appellate Court Procedural Rules Committee
Frederick N. Frank, Esq. - apptd. vice chair of Appellate Court Procedural Rules Committee
Honorable Robert A. Graci - reapptd. to Pennsylvania Lawyers Fund for Client Security
Honorable Todd A. Hoover - apptd. vice chair of Juvenile Court Procedural Rules Committee
Penina Kessler Lieber, Esq. - apptd. chair of Pennsylvania Interest on Lawyers Trust Account Board
Honorable Samuel J. Magaro - apptd. to Minor Judiciary Education Board

William F. Manifesto, Esq. - reapptd. to Criminal Procedural Rules Committee
Kevin K. McKeon, Esq. - apptd. to Appellate Court Procedural Rules Committee
George D. Mosee Jr. Esq. - apptd. chair of Juvenile Court Procedural Rules Committee
Diane W. Perer, Esq. - reapptd. to Civil Procedural Rules Committee, apptd. chair
Bishop Keith Wayne Reed Sr. - apptd. to Pennsylvania Lawyers Fund for Client Security Board
Honorable John T. Robinson - apptd. chair of Minor Judiciary Education Board
Robert A. Rovner, Esq. - apptd. chair of Pennsylvania Lawyers Fund for Client Security Fund Board
Frederick P. Santarelli, Esq. - apptd. to Civil Procedural Rules Committee
Michael A. Scherer - apptd. vice chair of Minor Judiciary Education Board
James C. Schwartzman, Esq. - reapptd. to Pennsylvania Interest on Lawyers Trust Account Board
William Shaw Stickman IV, Esq. - apptd. to Civil Procedural Rules Committee
Jack M. Stover, Esq. - reapptd. to Civil Procedural Rules Committee, apptd. vice chair
Andrew F. Susko, Esq. - apptd. vice chair of Pennsylvania Interest on Lawyers Trust Account Board
Lawrence J. Tabas, Esq. - apptd. chair of Continuing Legal Education Board
Honorable Margherita Patti Worthington - reapptd. to Pennsylvania Interest on Lawyers Trust Account Board

Facebook Account “Fair Game” in Personal Injury Litigation

by Jake Yzzi

Northumberland County Judge **Charles H. Saylor** recently issued an opinion finding a civil plaintiff’s Facebook account to be “fair game,” and an order directing the plaintiff to “provide all passwords, user names and log-in names for any and all MySpace and Facebook accounts to Defendant.”

The case is *Zimmerman v. Weis Markets, Inc.*, No. CV-09-1535, and it joins a Jefferson County Common Pleas Court decision by Judge **John Foradora** addressing whether information posted on Facebook or other social networking sites is discoverable by defendants in civil lawsuits. (*McMillen v. Hummingbird Speedway, Inc.*, 2010 Pa. D. & C. 270 (Jefferson County 2010)).

In *Zimmerman* the plaintiff was injured in a fork lift accident and brought suit against Weis Markets seeking various damages including pain and suffering, lost wages, and loss of future earnings capacity, among others. In his complaint Zimmerman claimed he suffered serious and permanent injuries as well as “permanent diminution in the ability to enjoy life and life’s pleasures.”

After reviewing the “public portion” of Zimmerman’s Facebook account, Weis Markets discovered that Zimmerman was a motorcycle enthusiast. A photograph of Zimmerman dressed in shorts also appeared, even though Zimmerman had testified at his deposition that he did not wear shorts “because he is embarrassed by his scar.” Based on this information, Weis Markets sought further access to Zimmerman’s Facebook account, believing that “other relevant information as to Zimmerman’s damage claims” may be available.

In his opinion Judge Saylor agrees with *McMillen v. Hummingbird Speedway* for three propositions: there is no privilege in Pennsylvania that protects the nonpublic content of Facebook and other similar Web sites; the standard for discovery in Pennsylvania generally is very liberal and “the pursuit of truth as to alleged claims is a paramount ideal.”

Judge Saylor then goes on to express his agreement with *Romano v. Steelcase, Inc.*, 907 N.Y.S.2d 650, a New York case which, in turn, cites other jurisdictions, including Colorado; California; Ohio; New Jersey and even Ontario, Canada. In *Romano* the plaintiff made injury claims that were at odds with what appeared in the public pages of her Facebook account.

The *Romano* court, relying heavily on these jurisdictions, found that based on the content of the public portions of the plaintiff’s Facebook account, there was a “reasonable likelihood therein that additional evidence relating to plaintiff’s claims” would appear in the non-public portion of her Facebook account.

Judge Saylor then finds that—again citing *Romano v. Steelcase*—social networking pages such as Facebook and MySpace do not guarantee complete privacy and, therefore, that users of such pages cannot claim to have had a reasonable expectation of privacy as to the contents of their pages.

Judge Saylor determines that the importance of Weis Markets’ discovery request defeats Zimmerman’s privacy interests for a variety of reasons. First, as Pennsylvania allows for liberal discovery, Weis Markets is entitled to pursue the truth of Zimmerman’s injury

(Facebook Account continued on next page)

Learn More about Social Media and the Courts

The AOPC’s **Judicial Programs Department** has been developing a distance learning program. In the near future, the department will present a webinar for UJS employees on social media in the courts. The webinar will demonstrate different social media technologies, explain their importance to district court administrators and court staff, and discuss the challenges posed by social media. For more: contact **Cherstin Hamel** at 717-231-3314.

In October the **Judicial Education Department** will present the Fall symposium, “Social Technologies in the Courtroom: Uses, Misuses and Abuse.” This day-and-a-half program will focus on social media as evidence, social media as a public reporting mechanism and the impact of social media on juries. Faculty will include Chief Magistrate Judge Paul W. Grimm, U. S. District Court for the District of Maryland, and Professor Thaddeus Hoffmeister, University of Dayton School of Law. For more: contact **Mary Kennedy** at 717-231-3344.

Getting Real about Facebook Fakes

Facebook—the world's largest social networking site—recently has been used to create fake profiles of state court judges.

So what can judges and court administrators do to protect against this type of fraud?

The National Center for State Courts recommends the following:

- start by being vigilant in monitoring the Internet for fake profiles
- if a fraudulent Facebook profile is found, report it to Facebook by filling out an “imposter form” on the Facebook site. Here’s the link: www.facebook.com/help/contact.php?show_form=impostor_profile.

Some Facebook Stats

- Founded 2004
- More than 800 million users
- More than 50 percent of active users log on in any given day
- People spend over 700 billion minutes per month on Facebook
- More than 350 million active users access Facebook through mobile devices like smart phones
- More than 2 billion posts are liked and commented on every day
- Available in more than 70 languages

- or you can click the "Report/Block this Person" link in the bottom left column of the fake Facebook profile, selecting "Fake profile" as the reason, and adding the appropriate information

Hawaii Supreme Court Justice Sabrina McKenna was a victim of a fake profile. Immediately following her January 2011 nomination to the state's high court, someone created a Facebook

profile in her name. The fake profile sent friend requests to several high-profile politicians—including legislators whom she ultimately appeared before during her confirmation hearings—as well as several reporters and media outlets. Facebook took down the fake profile after Justice McKenna reported it.

More recently, several Web sites and Facebook profiles claimed to be created by Judge Belvin Perry, the Florida judge presiding over the high-profile Casey Anthony trial.

Although it is unclear whether the fake profiles were malicious in intent, it was of obvious concern to these judges and their courts. Fake Facebook profiles could be a sign of larger identity theft, but at a minimum they are also misleading to the public.



Facebook Account, continued from previous page

claims. Second, there is a reasonable likelihood that additional relevant information will appear in the account, based on what was found in the public portions. Third, Zimmerman cannot claim to have reasonably expected complete privacy since he voluntarily posted the information to Facebook with the purpose of sharing that information. Lastly, Judge Saylor reaches his conclusion that relevant and non-privileged information that can be obtained from the Internet by a defendant is “fair game” when a litigant places his health at issue.

As a side note, U. S. Judge Martin C. Carlson issued an opinion in *Offenback v. Bowman, Inc.*, 2011 U. S. Dist. LEXIS 66432, a Middle District of Pennsylvania personal injury case, shortly after Judge Saylor

issued his opinion in *Zimmerman*. Judge Carlson, while finding that the plaintiff’s Facebook account was subject to limited discovery, also remarked in a footnote that, despite the novelty of discovery concerning social media sites, rather than requesting the Court review plaintiff’s Facebook account *in camera*, “it would have been appropriate and substantially more efficient for plaintiff to have conducted [an] initial review [given his familiarity with his own Facebook account] and then, if he deemed it warranted, to object to disclosure of some or all of the potentially responsive information....”

[Jake Yzzi is a legal intern in the AOPC’s assistant court administrator’s office.]

Ludgate, continued from page 13

Alvernia College where the sisters asked, “How can we help you?” She had found her place.

She majored in criminal justice and social work. When the time came to make a decision on which path to take, a brother told her “You always wanted to be a lawyer—do it.”

She chose Temple Law School. The daily commute from Reading was too much, so she lived in Philadelphia during the week and went home on the weekends. Her husband took care of the kids—then ages seven, nine, 12 and 15.

After graduation Ludgate became a public defender, worked for Legal Services and was in private practice. She ran for the Court of Common Pleas in 1989. Her local newspaper said that those who cross-filed in elections couldn’t win in Berks County—Ludgate proved them wrong. She cross-filed and won the election without endorsements, but with the help of 4,000 grass roots supporters.

Her background fueled her interest in learning about people with different backgrounds and in encouraging women to understand and pursue the field of law.

Ludgate loves to travel, fascinated by other countries’ justice systems. She serves on the board of the International Judicial Academy, visiting courts throughout the world. She brings back to her job the best of what she’s learned abroad.

She believes the global judiciary needs more women to help end practices that violate women’s rights. “If change is going to come in the areas that affect women and children, it’s going to come primarily from women judges,” she says.

A cancer survivor, her life experiences have come full circle. Her early years greatly influenced her selection of the field of law and her passion for encouraging and empowering women to contribute and be valued by society.

Not surprisingly, despite the years of accolades and awards, she says her greatest satisfaction is “seeing what wonderful adults and parents my children have become. Everything I have worked for I see in my own family.”

[Amy Kelchner is a communications coordinator for the AOPC.]