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Former State Supreme Court Justice Appointed as Master to Recommend State Funding Implementation Plan

PHILADELPHIA, July 26, 1996 – "Formulating a plan to unify Pennsylvania's various courts will ultimately improve the quality of justice in Pennsylvania," said Senior Judge Frank J. Montemuro, Jr., the former state Supreme Court Justice appointed today to recommend that plan. Montemuro cautioned though that the process of formulating a plan, much less implementing one, will be neither quick nor easy.

"I feel honored to have been selected by the Supreme Court for what I view as a challenging appointment with the potential to have lasting benefit to the Commonwealth and its citizens," said Montemuro. "The task before me, Pennsylvania's state court administrator Nancy Sobolevitch, and those who will work with us is to present to the Court a framework which will form the basis for a specific plan to implement a state-funded court system."

Montemuro's appointment by the state Supreme Court was announced today in an Order by the state Supreme Court in response to *Pennsylvania State Association of County Commissioners, et al. v. Commonwealth of Pennsylvania*, a successor case to the 1987 *County of Allegheny v. Commonwealth of Pennsylvania*.

In *County of Allegheny*, the Supreme Court ruled in essence that Pennsylvania's state Constitution required a "Unified Judicial System" but that county funding of court functions rendered the Judiciary's unity that of form rather than of substance. The Court ordered adoption of a statewide method of funding all of Pennsylvania's courts but delayed implementation of the Order "...to afford the General Assembly an opportunity to enact appropriate funding legislation..." The Supreme Court's Order in *County Commissioners v. Commonwealth* appoints Judge Montemuro as a Master to recommend a state funding implementation plan for the Supreme Court's consideration.

Extensive consultation envisioned

"While I have not at this juncture even had the opportunity to review the Supreme Court's Opinion, it is evident that a great deal of preparation prior to the formulation of any plan will be necessary," said Montemuro. "My intention is to meet with Governor Ridge, state Senate and House Leadership, court administrators, judges, county commissioners and -- in one manner or another -- any party with information or expertise which can be brought to bear upon this enormous undertaking.

"The task ahead, at least in my preliminary view, is to fashion a plan to achieve greater homogeneity and uniformity among the elements of Pennsylvania's court system. At the same time, I think we will need to be mindful that any plan must also promote the proper administration of justice and allow appropriate differentiation among county court systems. Finally, to the extent that state funding of courts provides a measure of fiscal relief in one form or another for county governments and their residents, the additional benefit is obvious."

Montemuro noted that underlying any proposed change in the funding or structure of Pennsylvania's court system is the state Constitutional requirement, as outlined in the Supreme Court's Opinions in *County of Allegheny* and *County Commissioners v. Commonwealth*, that the unified court system be indeed unified.

"Unification is not only a matter of funding," he said. "Structure and administration will also be central to this discussion since changes in funding will necessarily drive alterations in other aspects of the system, such as greater standardization of job descriptions, salary ranges, and day-to-day court and case management procedures. To the extent that these elements of uniformity are achieved, I believe that public trust in the judiciary as an institution of government will also be enhanced."

Seeking definitions, expenses, resources with thoughtful controls and strategic plans

Among the first tasks envisioned by Montemuro will be determination of precisely what components can be recognized as necessary for inclusion in a unified court system. In other words, within the categories of personnel, operational functions and physical structures, among others, which ones are legitimate aspects of the a judicial system?

"To some extent I envision answers to those questions will lead us to a second set of questions," Montemuro noted. "That is, what expenses -- whether they be maintenance, operational, or capital -- may reasonably be associated with the elements we define as comprising the Unified Judicial System? In essence, we will be working to put a price tag on the administration of this portion of Pennsylvania's system of justice.

"Finally, we will need to work to identify available resources and thereafter develop a rational method of allocating those resources.

"Implicit in each of these steps is the notion that mechanisms must be established -- likely at some initial cost -- so that those within the Judiciary and its sister branches of government may adequately monitor and control use of allocated resources, as well as to plan for their continued effective allocation and use with the passage of time. Foremost, it is clear to me that transition from county to state funding must be neither abrupt nor disruptive to the court system's operations, its funding streams and to those who have dedicated their professional lives to making our present system work. For those reasons, my initial view is that movement toward greater judicial system unification will, of necessity, occur in planned phases over defined time frames."

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