

NEWS RELEASE

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 **BROADCAST EDITORS NOTE:** For audio actualities from Chief Justice Castille click [here](#).

Lawmakers urged to address court funding peril Through greater collaboration

HARRISBURG, March 28, 2011 — Chief Justice of Pennsylvania Ronald D. Castille today cautioned members of the General Assembly that the Commonwealth may be headed toward “a crisis not of the Judiciary’s choosing” if court operations are not properly funded.

Chief Justice Castille’s remarks — before the House Appropriations Committee in the morning, and the Senate Appropriations Committee in the afternoon — urged lawmakers to address several years of failing to provide sufficient funding for court needs. Accompanied at the hearings by Justice Debra M. Todd, the chief justice spoke about the need for greater Judicial Branch input into the appropriations process to remedy the Judiciary’s adverse circumstances.

“Given six years of structural deficits, it is clear that the current process does not work, whether in good times or bad,” the chief justice said. “It does not respect the symmetry of three, co-equal branches of government. It does not uphold the core function of the Judiciary in democratic governance. It does not consider the impact of underfunding the courts. And it is leading us all toward a crisis not of the Judiciary’s choosing.”

Gov. Tom Corbett’s \$276 million budget proposal for the Judiciary provides level funding for Fiscal Year 2011-2012. However, it ignores an inherited accumulated budget deficit from serial underfunding. The chief justice repeatedly has noted that no amount of savings or cutbacks can remedy the deficiency.

“The current executive and legislative branches did not create the Judiciary’s six past deficits, but this is the year when a new process can begin to put funding for the court system back on sound footing and avoid placing Pennsylvania’s justice system at risk,” Chief Justice Castille told committee members.

(Copies of a statement by Chief Justice Castille and Justice Todd and a Judiciary Budget Fact Sheet that were presented to committee members is attached.)

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The 2011-2012 Budget Request of
Pennsylvania's Unified Judicial System
House and Senate Appropriations Committees
Introductory Statement - - March 28, 2011

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Chief Justice Ronald D. Castille and Justice Debra Todd
On behalf of the Supreme Court of Pennsylvania

The Pennsylvania Judiciary's role as a core function of government, and its nationally-recognized leadership in court operations, is threatened by continued deficit funding.

Pennsylvania's Judiciary did not create these serial, structural deficits.

Pennsylvania's Judiciary cannot save its way out of these deficits.

Neither, in fairness, did the current Executive or Legislative Branches create the Judiciary's six past deficits, but this is the year when a new process can begin to put funding for the court system back on sound footing and avoid placing Pennsylvania's justice system at risk.

Many were astounded last year to hear candid comments of the former chairman of the House Appropriations Committee in which he confirmed that historically the Judiciary's budget has been set as an after-thought to virtually all other state spending. The Judiciary again, therefore, proposes that its systemic fiscal issues be thoughtfully addressed by all branches of state government prior to conclusion of an overall Commonwealth spending plan.

Given six years of structural deficits, it is clear that the current process does not work, whether in good times or bad. It does not respect the symmetry of three, co-equal branches of government. It does not uphold the core function of the judiciary in democratic governance. It does not consider the impact of under-funding the courts. And it is leading us all toward a crisis not of the Judiciary's choosing.

We as judicial leaders greatly respect the challenge in lean times for you, as legislators, and for the Governor. The Judiciary is mindful of the need to achieve meaningful savings. As one historic example, the Judiciary on its own initiative has begun to "right-size" the number of judges across the state.

But we cannot ignore the fact that the state budget process repeatedly under-funds the judicial budget. Nor can we ignore the depletion of funds dedicated for judicial computerization as a means of funding the Judiciary's general operations (especially as those dedicated funds will themselves soon be insufficient to meet escalating costs.) And we cannot support as a long-term fiscal solution for the judiciary an increasing dependence on fees -- because a pillar of American jurisprudence is equal access to the court system.

To fashion a multi-year solution to these problems a collaborative effort with the Executive and Legislative branches is necessary now. We want to engage in such an effort, beginning today, but more importantly continuing *after today* when this forum is closed but the work goes on toward an overall budget for the coming year and years to come.

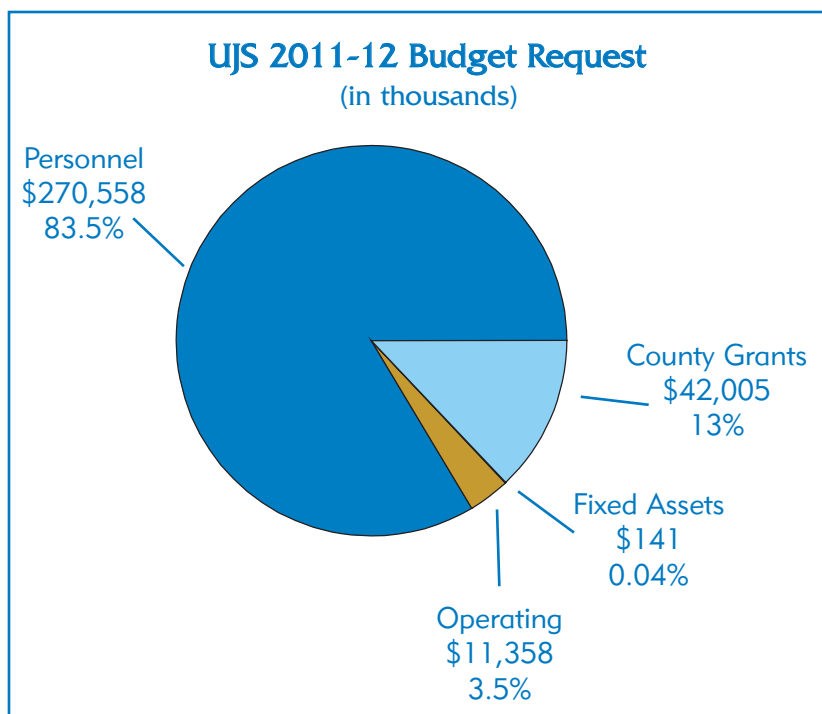
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Pennsylvania Unified Judicial System

The judiciary welcomes the opportunity, as a co-equal branch of state government, to participate in budget hearings. With its establishment predating the creation of Pennsylvania as a state, the judiciary is an historic and core function of the Commonwealth's government.

The Facts

- The judiciary is about one-half of one percent of the state budget, about the same as the legislature.
- Jurists' salaries are constitutionally mandated to protect decisional independence against undue influence.
- 83 percent of the requested budget goes toward personnel.
- Another 13 percent flows directly to the counties for court-related costs.
- The judiciary's operating costs, (e.g., supplies, etc.) are less than 4 percent of its total budget.
- In 2010 the judiciary contributed a record \$480 million to the state, counties, municipalities and victims through the collection of fees and fines and restitution. Those dollars do not flow back to the judiciary.



Cost-Cutting Measures

- Austerity measures have saved approximately \$17 million over the past three years, an amount equal to the operating and fixed asset budgets over those three years.
- The judiciary has taken steps to cut costs:
 - with consent of the legislature and the governor, vacant judge positions have not been filled
 - suspension of merit-increments and COLAs for half the time period
 - contract and lease savings
 - targeted hiring freeze and out-of-state travel ban
- Future savings: "right sizing" the number of judges at both magisterial district judge (MDJ) and Common Pleas levels (nine MDJ seats have already been eliminated)

The Problem

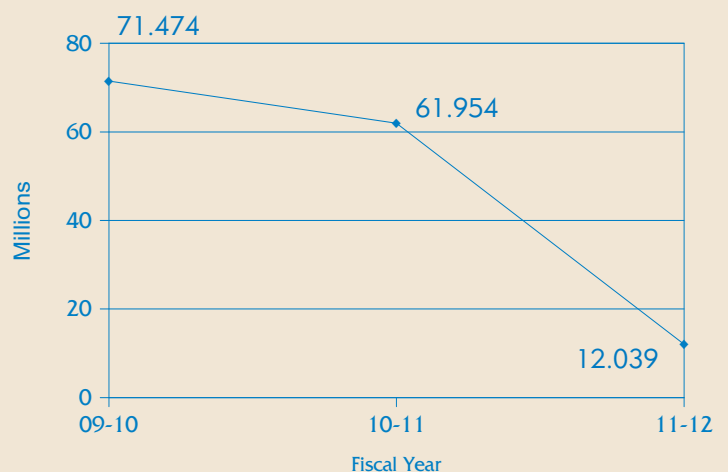
The judiciary has been underfunded by a total of \$94 million in the last six budgets.

- In FY 2010-11 the judiciary received \$276 million in state funds, leaving it with a shortfall of \$38 million—small in context compared to the \$28 billion state budget, but crippling to the courts. Even with the help of a temporary fee (Act 49-2009), the deficit will be \$12 million.
- The governor's proposed FY 2011-12 budget of \$276 million in state funds leaves the judiciary with a projected gross deficit of \$71.3 million. After the Act 49 fees are added, the net deficit will be \$47.2 million.
- Prior year deficits have been covered by cost efficiencies, program cuts and Act 49 revenues. Large loans from the Judicial Computer Augmentation Account have filled the remaining gap. That account was statutorially created to build and maintain the statewide system used by many courts and upon which many criminal justice and other state and local agencies rely.
- Those loans have put the computer account in financial jeopardy.
- The purpose of maintaining an account balance is to enable the Judicial Computer System to fund multi-year projects, which often require substantial start-up costs. A balance also ensures an emergency reserve to recover computer operations after a potential natural or man-made disaster at the data center.
- In 2010 the internationally-recognized Gartner Group analyzed the account and determined that based on current and projected revenues and expenditures, it would be depleted in FY 2016-17.
- If the account continues to be used to cover shortfalls, including the one from FY 2010-11, we estimate depletion of the reserve will be accelerated to FY 2012-13, meaning the judiciary will begin to lose its ability to fully maintain critical IT operations for 12,000 court staff and law enforcement as well as develop systems for family, civil and orphans' courts (see chart below).
- This chart depicts the projected precipitous decline in the Judicial Computer Augmentation Account balance because of unpaid loans needed to fund general government operations due to inadequate budget appropriations.

E.g., the governor's proposed budget means no funding for:

70 current Common Pleas judges
2,347 Common Pleas senior judge days
87 current magisterial district judges
42 current district court administrators
smaller county court grants

Judicial Computer Augmentation Account Balance at Year's End



Projections based on 2010 Gartner Group report

Pennsylvania's Judiciary at Work

In addition to its duty to decide cases, Pennsylvania's judiciary is committed to implementing programs that serve justice and provide a sound "return on investment." Some of the judiciary's current programs and their benefits, both social and fiscal, include:

Problem-Solving Courts Increased by 40 Percent Over Two Years

For every dollar invested in a problem-solving court such as drug, mental health, DUI and veterans courts, \$4.74 can be saved in costs to the criminal justice system, (e.g., corrections), and community.

Abused and Neglected Children Helped

The Office of Children and Families in the Courts helps at-risk children find safe and permanent homes. As a result of its work, 5,500 fewer children are in foster care homes, saving hundreds of millions of dollars annually in state and local government costs and, most importantly, improving kids' lives. This 27 percent drop in the number of kids in foster care homes is the result of the work of the Office of Children and Families in the Courts judges and staff statewide.

Mortgage Foreclosure Programs Save Homes

The judiciary has encouraged counties to establish mortgage foreclosure programs to help homeowners and lenders. In Philadelphia more than 2,000 homes have been saved.

Online Access to Court Records Easier for the Public

In 2010, 32 million case records were accessed through the court's Web site without charge, saving citizens, media, those in government and commercial interests and staff countless hours in travel and copying time.

Court Collections Hit Record High

Automation and a convenient online payment application have improved the collection and processing of defendants' penalties. In 2010 Pennsylvania's courts disbursed a record \$480 million in payments to state and local governments and victims.

Judicial Security Improved

The installation of video conferencing equipment for arraignments in more than 480 magisterial district courts and various proceedings in Common Pleas courts has improved court safety and lessened prisoner transportation costs.

A frail, elderly woman had been swindled in a home-improvement scam, which carried with it a costly mortgage—there was no hope the woman could make payments. In a typical foreclosure, the woman would lose her home. But with the mortgage foreclosure program, [the] lender came face-to-face with the debtor, and the lender decided to forgive the loan—the slate was wiped clean. "It was one of those 'Praise the Lord' stories."

Annette M. Rizzo
Philadelphia Common Pleas judge

"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, and the service is provided at no expense to the taxpayer."

Bryan Kline
Westmoreland County Clerk of Courts

Med Mal Cases Continuing to Decline

Since the Supreme Court made procedural changes, there has been a seven-year decline in the number of medical malpractice actions.

Criminal Courts Automated

Automating 544 magisterial district courts and 67 Common Pleas courts has standardized court processes, improved efficiency and enhanced law enforcement and public safety. Whether improving collections, providing e-filing of citations, making outstanding warrants more accessible, the benefits of these statewide systems save time and money.

"[The e-filing of citations] ...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. In addition, troopers no longer have to spend time transporting the citations to the local magisterial district judge; the citation information is transmitted electronically."

Frank E. Pawlowski
Former State Police Commissioner

Court Interpreters Program Providing Access to All

The Supreme Court is committed to providing equal access to justice to all citizens, regardless of the language they speak. The Interpreter Certification Program provides trained and qualified interpreters to ensure the rights of persons with limited English proficiency as well as those who are deaf or hard of hearing.

Interbranch Commission on Juvenile Justice Recommendations Being Implemented

In the past nine months, the Court has either implemented or is in the process of implementing scores of significant recommendations to make sure the tragedy in Luzerne County never happens in Pennsylvania courts again.

Lawyer Disciplinary Process Confidentiality Lifted

The Supreme Court removed a long-standing veil of confidentiality in the lawyer disciplinary process by authorizing disciplinary proceedings to be open to public review once formal charges—otherwise known as a Petition of Discipline—are filed and after the respondent-attorney has either filed an answer or the time to answer the petition has elapsed.

Conduct for All Judicial Employees Reinforced with New Code

The Supreme Court adopted a comprehensive Code of Conduct for some 15,000 state and county-level court employees, barring them from using their positions for personal gain; soliciting or accepting additional compensation beyond their salaries for the performance of their duties; doing special favors; and misusing court resources, supplies or equipment to benefit themselves or others.

Education for Teachers and Jurists Offered

Teachers throughout the state continue to attend the Supreme Court-sponsored "Teachers Institutes on the Judiciary" to promote and encourage greater emphasis on civics education in the classroom and foster a better understanding of the role of courts in a democratic society. At the same time, the judiciary understands the importance of well-informed jurists and offers classes ranging from computer training to managerial skills and from legal refreshers to court operations updates.