

The 2015-16 Budget Request of Pennsylvania's Unified Judicial System

Mr. Chairman and committee members, on behalf of Chief Justice Tom Saylor and our colleagues, we appreciate the opportunity to appear before you today to discuss the needs of the Unified Judicial System for the next fiscal year.

During his recent inauguration speech, Chief Justice Saylor cited our Founding Fathers' aspirations for a new nation and a new form of government. In particular, the chief cited Alexander Hamilton's vision for how the three separate branches would interact in a democratic society. One particular passage from that speech is salient today:

Hamilton observed in his Federalist Papers that the judiciary possessed neither purse nor sword and is dependent on the legislative branch to provide its sustenance and on the executive branch to, in many instances, enforce its decrees. And, as importantly, the judiciary is dependent upon the confidence of the people that its decisions are both reasoned and measured.

We come to you today, within that context of the equal branches of government, to advance our case for appropriate support to sustain Pennsylvanians' confidence that their access to justice is assured.

Similar to the legislative branch, the judiciary's budget represents approximately one-half of one percent (0.5%) of the overall state budget. Also not dissimilar from the legislative budget, our budget is personnel-, not "program-" driven. For instance, 86% of the judiciary's spending plan funds compensation overall, with 60% dedicated to judicial compensation prescribed by law and constitutionally mandated.

It will come as no surprise that the single largest driver of cost increases comes from exponentially rising pension obligations. Equally unsurprising, the second largest cost driver is increased health care costs; more than 12% of that increase, we are told, is attributable to Affordable Care Act taxes. These two components make up nearly two-thirds of this year's projected budget increase.

The remaining approximately one-third of our requested increase is comprised of salaries, filling judicial vacancies in the coming elections, filling a number of staff vacancies, and a proposed grant program for counties that we

believe is particularly important if Pennsylvania courts are to meet federally required obligations for language accessibility.

Before we take your questions, we want to emphasize that we have not been blind to — nor think we are immune from — the fiscal realities brought by the “Great Recession.” The judiciary has saved more than \$58 million through various austerity measures over the past seven years. This includes suspension, for a time, of employee COLAs and merit raises, leaving vacant positions unfilled and insurance plan changes.

A significant source of savings has been the Supreme Court’s consolidation of magisterial district judge (MDJ) seats across the Commonwealth. To date 22 MDJ seats have been eliminated saving over \$7 million. Additional consolidations are scheduled over the next several years.

As noted earlier, the greatest savings — \$18 million over five years — has come from not filling judicial vacancies, primarily in trial courts and except in occasional instances of extreme need. Clearly, judges and staff in our numerous courts have done “more with less”; however, this is not a savings measure over which the judiciary has ultimate control since it is the governor’s prerogative to nominate and the Senate’s role to consider those nominations. Ultimately, of course, voters select jurists, and after this year’s general election, our statewide judicial complement will largely be full and require full funding beginning in January 2016.

In closing, we have come in recent years to note that Pennsylvania’s criminal courts alone collect more in fines, fees, costs and restitution annually than is spent in the state judicial appropriation (over the five years, \$2.3 billion versus \$1.5 billion). By and large, these collections flow back to state and local governments (which also receive about 10% of this budget in grants) and to victims services programs. These collections are important as much to sustain the public’s confidence in the rule of law as for fiscal purposes, and the judiciary works hard to fulfill both expectations.

Each of you should have a handout which tries to highlight aspects of the judicial budget in brief. We look forward to your questions and appreciate the opportunity to join with you today.