

REPORT

of the

MAGISTERIAL DISTRICT REESTABLISHMENT

SUBCOMMITTEE

of the

INTERGOVERNMENTAL TASK FORCE

TO STUDY THE

DISTRICT JUSTICE SYSTEM

EXECUTIVE SUMMARY

This report is submitted by the Magisterial District Reestablishment Subcommittee of the Intergovernmental Task Force to Study the District Justice System. The Magisterial District Reestablishment Subcommittee was established at the initial meeting of the Task Force on May 30, 2001. In general, the Subcommittee was asked to consider methods by which caseload equity could be achieved in the reestablishment process and to what extent special factors should be taken into account during magisterial district reestablishment. The Subcommittee had seven members: two president judges of the courts of common pleas, two district justices, two district justice court administrators, and a member of the state police. Staff support was provided through the Administrative Office of Pennsylvania Courts (AOPC).

The Subcommittee met on several occasions to discuss the issues pertinent to its mission, to review and analyze statistical information and various legal authorities, and to fully consider the information gathered from the judicial community on the subject of magisterial district reestablishment. The overall objective of the Subcommittee was to ensure that the district justice system emerging from the reestablishment process is efficient and provides the highest quality of justice to the citizens of the Commonwealth of Pennsylvania.

In keeping with that objective, the Subcommittee developed seven recommended guidelines for the decennial magisterial district reestablishment process:

1. Magisterial district reestablishment proposals should include a thorough review of population statistics and population trends using 1990 and 2000 census data.
2. Magisterial district reestablishment proposals should include a systematic analysis of current district justice caseload statistics and caseload trends.

3. Magisterial district reestablishment proposals should minimize unnecessary travel time and related impediments to public access.
4. Magisterial district reestablishment proposals should establish caseload equity within the judicial district.
5. Where the proper administration of justice requires a departure from caseload equity, magisterial district reestablishment proposals should set forth the specific grounds for the departure.
6. The President Judge should by public notice invite written comments from the public regarding magisterial district reestablishment issues. In addition, the President Judge may seek comments from court users.
7. Following adoption of magisterial district reestablishment guidelines by the Supreme Court, the AOPC should promulgate procedures and forms to implement the guidelines.

INTRODUCTION

Magisterial District Reestablishment Subcommittee

To establish guidelines for the decennial magisterial district reestablishment, the Magisterial District Reestablishment Subcommittee was formed as part of the Intergovernmental Task Force to Study the District Justice System. The Subcommittee's mandate ultimately was to ensure that the district justice system that emerges from the reestablishment process is efficient and provides the highest quality of justice to the citizens of the Commonwealth of Pennsylvania.

The Subcommittee was represented by individuals who could bring a wide range of judicial and administrative perspectives and experiences to the reestablishment process. The members and staff of the Subcommittee were as follows:

The Honorable Robert A. Kelly, *President Judge, Allegheny County, Chair*

The Honorable Robert A. Freedberg, *President Judge, Northampton County*

The Honorable James E. Russo, *District Justice, Allegheny County*

The Honorable Mary Alice Brennan, *District Justice, Delaware County*

Special Courts Administrator Lena M. Speicher, *Westmoreland County*

Minor Court Administrator Lyn Bailey-Fenn, *Monroe County*

Lt. Col. Thomas K. Coury, *Deputy Commissioner of Administration, State Police*

Donald J. Harris, *Director, Policy Research & Statistics*

Glenn D. Deaven, *System Trainer, Judicial Automation*

Tara A. Kollas, Esquire, *Staff Attorney, Legal Department*

Amy J. Kehner, *Administrator, Judicial Programs*

Identification of Issues

The specific issues for the Subcommittee's consideration included the achievement of caseload equity in the reestablishment process, the development of techniques to weight caseloads, the establishment of minimum and maximum caseloads

and geographic areas, and the consideration of special factors in the reestablishment process.

Background to Magisterial District Reestablishment¹

Constitutional, Statutory and Case Law Provisions - Several provisions of the Pennsylvania Constitution and Pennsylvania Consolidated Statutes govern the process by which magisterial districts are to be reestablished.

Article V, Section 7(b) of the Pennsylvania Constitution provides, in pertinent part, that:

[t]he number and boundaries of magisterial districts of each class within each judicial district shall be established by the Supreme Court or by the courts of common pleas under the direction of the Supreme Court as required *for the efficient administration of justice within each magisterial district.* (emphasis added).

Article V, Section 10 of the Constitution, provides, in pertinent part, that:

[t]he Supreme Court shall exercise general supervisory and administrative authority over all the courts and justices of the peace, including authority to temporarily assign judges and justices of the peace from one court or district to another as it deems appropriate.

The statutory requirement for the decennial reestablishment of magisterial districts is set forth in 42 Pa.C.S. § 1503, which provides that the number, boundaries and classes of magisterial districts within each judicial district shall be reestablished each year following the official reporting of the Federal Decennial census. Section 1503(a) authorizes the revision of magisterial district numbers, boundaries and classes as required for the efficient administration of justice. Section 1503(c) sets forth basic standards for

¹ A complete list of the authorities that the Subcommittee relied upon is attached to this report as Appendix A.

the establishment of magisterial districts provided certain criteria exist. These standards will be discussed in greater detail in Guideline 1 of the Subcommittee's report.

The case law in Pennsylvania interpreting the above referenced constitutional and statutory provisions is sparse. In *Collins v. Gessler*, 452 Pa. 471, 307 A.2d 892 (Pa. 1973), the Pennsylvania Supreme Court interpreted Article V, Section 7(b) as carrying the “clear implication of a *continuing power* (of the Supreme Court) to establish boundaries for these districts [*if the need arises*... to insure the efficient administration of justice.” *Collins*, 452 Pa. at 479 (emphasis added).

The underlying action in *Collins* was not brought about as a result of a 6+9+decennial reestablishment plan. Rather, suit was brought after two magisterial district courts were consolidated and the district justice presiding over the second magisterial district court was designated to serve the newly merged court. At the same time, apparently unaware of the court mandated merger, the Governor appointed the plaintiff, Arthur W. Collins, to serve as district justice for the first, and no longer existing, magisterial district court.

The plaintiff filed suit to be declared the lawful district justice for that court on the basis that the Supreme Court did not have the power to merge existing magisterial districts nor the power to “appoint” a district justice to an existing vacancy, because that power is vested in the Governor by the Constitution. Furthermore, the plaintiff argued that the Court’s supervisory and administrative authority over magisterial districts was limited to the initial creation of each district. The Supreme Court disagreed, finding that the Constitution “unmistakenly vests the Supreme Court with the authority and power to consolidate, merge, or realign magisterial districts.” *Collins*, 452 Pa. at 478.

The Supreme Court cited Article V, Sections 7 and 10 as the authority for its findings, holding that it would be “anomalous for the Constitution to... empower the Court to ‘create’ these districts ‘as required for the efficient administration of justice,’ and yet to withhold from the Court the power to continue to supervise these districts should the needs of the efficient administration of justice change at some later date.” *Collins*, 452 Pa. at 479.

Collins stands for the proposition that the Supreme Court has the power, pursuant to constitutional provisions, “to merge or consolidate magisterial districts as required by the needs of justice, and the efficient and effective administration of the state’s unified judicial system.” *Collins*, 452 Pa. at 480.

An abundance of case law exists regarding legislative reapportionment, and the Subcommittee reviewed the content thereof for applicability to the magisterial district reestablishment process. However, given substantial disparities between the two processes, it was determined that any case law interpreting statutory requirements for the reapportionment of legislative districts was not useful for magisterial district reestablishment, even by way of analogy.

Rules of Court - As already noted herein, the Supreme Court of Pennsylvania is vested with the authority to exercise general supervisory and administrative authority over the unified judicial system, of which magisterial district courts are a part, and has the power to prescribe and modify rules regarding the practice, procedure and conduct of all courts. See Pa.Const.art.V, § 1 and 42 Pa.C.S. §1701, *et seq.*

Administrative requirements and powers that impact magisterial district courts are set forth in the “Rules Governing Standards of Conduct of District Justices,” “Rules and

Standards with Respect to Offices of District Justices,” and “Rules of Civil Procedure Governing Actions and Proceedings before District Justices.” Pursuant to Rule 101, the governing body of each county must establish an office or offices for each district justice whose magisterial district is situated in the county, with the approval of the president judge of the court of common pleas of that county.²

The president judge is empowered to exercise general supervision and administrative control over district justices within his or her judicial district, as provided in Rule 17. Rule 102 further provides that “[t]he president judge of the court of common pleas of each judicial district may establish one or more continuing committees to make recommendations concerning the implementation” of the rules and standards related to district justice offices.

Pennsylvania’s Historical Experience - On March 30, 1981, then-Court Administrator Alexander Barbieri distributed to the president judge of each judicial district a memorandum that set forth guidelines for reestablishing magisterial district courts following the 1980 Federal Decennial census. In creating a formal plan for reestablishment, president judges were directed to consider, among other things, population, population density, case filings, convenience to the public and the effective administration of justice. In keeping with the more general authority granted to the president judges in Rule 102, the guidelines provided the president judges the option of appointing a reestablishment committee.

² Title 42 Pa.C.S. § 1514 provides that the governing body of the county shall establish an office or offices for each district justice at such locations within the county as may be approved by the president judge of the court of common pleas of the judicial district in compliance with general rules. While Title 42 does not define “governing body of the county,” research indicates that other statutory provisions that refer to a “county governing body” or the “governing body of the county” define that term as the county board of commissioners or other designated or legislative body. *See* 3 P.S. § 903 and 35 P.S. 1743(e).

In a follow-up memorandum dated April 27, 1981, president judges were provided with workload statistics for magisterial district courts that were based on an average of statewide filings for the 1978 and 1979 calendar years. The average caseload per magisterial district for 1978 was 3003 filings, with a standard deviation of 900 filings. The average caseload per magisterial district for 1979 was 3262 filings, with a standard deviation of 620 filings. The memorandum indicated that the busiest magisterial district handled 30,000 filings in 1978 and 24,000 filings in 1979. Detailed information regarding caseloads for individual magisterial district courts was not available, however.

For the 1990 reestablishment, a memorandum dated September 17, 1990, was distributed by then-Court Administrator Nancy Sobolevitch to each president judge, district justice, district court administrator and minor court administrator. In this memorandum, Court Administrator Sobolevitch set forth policy guidelines for the decennial reestablishment of magisterial districts. As with the prior decade's reestablishment, given the absence of more detailed, automated statewide data regarding caseload composition and volume, Court Administrator Sobolevitch was necessarily limited in her ability to provide president judges with guidance other than that set forth in statutory or constitutional provisions.

As a result, president judges were advised that in establishing their formal plan of reestablishment, they should consider population and population density, as well as other factors such as convenience and case filings, if such statistics were available. Presumably, not every judicial district had access to such case filing statistics, and therefore, not every president judge had the means to determine caseload disparity among magisterial district courts.

With the creation and implementation of the District Justice Automated System (DJS) in 1992, however, the AOPC is now able to supply detailed statistical information to the president judges for the reestablishment process. Through the DJS, the amount and composition of cases within each magisterial district court can be determined. It is anticipated that the provision of these data will be of assistance to president judges in the reestablishment process.

SUBCOMMITTEE MEETINGS AND FINDINGS

The Subcommittee held its first meeting on May 30, 2001 in Mechanicsburg in conjunction with the initial meeting of the Task Force. The purpose of this meeting was to introduce Subcommittee members and staff and to discuss how the group should begin to develop proposing clear reestablishment standards to recommend to the Supreme Court. Judge Kelly requested that each of the Subcommittee members submit a memo outlining issues, ideas, and past experiences relating to reestablishment that would assist the Subcommittee in formulating its course of action. Judge Kelly emphasized that the content of the memos should be unhampered by preconceived ideas or notions in the hope that the Subcommittee's report would be as creative and as objective as possible. The content of the members' responses was amalgamated into a summary document.

The next meeting was held in Mechanicsburg on June 28, 2001. The first portion of the meeting focused on reviewing relevant research including case law, statutory and constitutional provisions to provide the legal framework for the reestablishment process. In addition, the Subcommittee reviewed the responses received concerning Judge Kelly's letter of June 22, 2001, wherein he requested the input of all president judges on reestablishment guidelines. The predominant themes in those responses were the need

for evaluating population and geographic issues in reestablishment plans, the special requirements of a two-county or rural judicial district (e.g., sufficient coverage for after-hour emergencies), and the key role that caseload should play in the upcoming reestablishment.³

The Subcommittee then reviewed and analyzed the comments compiled from the Subcommittee's summary memo. The most frequently cited comment was the use of caseload as a means to balance district workload within a judicial district. Based on the Subcommittee's interest in this method, staff provided the Subcommittee with a copy of a redistricting study for West Virginia circuit and magistrate courts performed by the National Center for State Courts and a memo capturing the pertinent parts of that study. The study suggested that weighted caseload is an effective method of assessing workload because it takes into account the variety and complexity of case type and the corresponding variance in time and attention required for adjudication. A weighted caseload study also factors in the range of events that determine case complexity.⁴

Although the West Virginia study addressed different issues than those before this Subcommittee (namely, assessing the need for judges based on workload rather than caseload and the equitable allocation of judges among jurisdictions), framing the study within the context of reestablishment fostered productive discussion within the

³ The Honorable Samuel J. Magaro, Chair of the Quality of Justice Subcommittee, requested comments on the issues before the task force from the Special Court Judges Association of Pennsylvania. Of the responses received, more than half addressed reestablishment. The comments submitted support the Subcommittee's recommendation that flexibility within the guidelines should exist to accommodate the diversity (geographical, political, economic, and population) within and amongst the judicial districts.

⁴ See also Harry O. Lawson, and Barbara J. Gletne, Workload Measures In The Court, (National Center for State Courts 1980); Brian J. Ostrom, Ph.D., et al., Final Report on Florida Delphi-based Weighted Caseload Project, (National Center for State Courts, 2000).

Subcommittee regarding how to utilize caseload statistics to arrive at a coherent set of guidelines that can be used by the president judges in their decision-making.

Other critical factors included in the Subcommittee's memo that were discussed in greater detail at the meeting were geography of a judicial district and its associated effect on public accessibility to the courts, and adequate staffing levels. Additional considerations included assigning specific cases to a designated district justice and an examination of factors that can impact caseload size (e.g., regional police departments).

Staff provided statistics reflecting district justice filings by class of county, annual caseload filings for the period covering 1995 through 2000, and Pennsylvania county census data for 1990 and 2000. Review of the various statistics led the Subcommittee to conclude that multi-year statistics are needed to forecast trends, and that using a median number for filings (rather than the arithmetic mean) absorbs anomalies that can skew understanding of the typical office.

Because caseload equity is of great interest to the Subcommittee insofar as it can have substantial impact on reestablishment, considerable time was spent evaluating the strengths and weaknesses in weighted caseload techniques. Data integrity, and the risks associated with misinterpreted results, led the Subcommittee to adopt a more flexible approach in analyzing caseload statistics and their use in supporting reestablishment proposals. Another concern raised by the subcommittee was the likelihood that case weights might "take on a life of their own." That is, rather than summary measures of judge time by type of matter, the weights might evolve into a normative standard of statewide practice, constraining regional differences in adjudicatory practice and the

discretion of judicial officers to devote the proper amount of time and attention to each case according to its individual characteristics.

On July 23, 2001, at the invitation of Judge Kelly, the district presidents and directors of the Special Court Judges Association of Pennsylvania (SCJA) participated in a videoconference meeting with the Subcommittee. The purpose of the meeting was to elicit the SCJA presidents' and directors' thoughts and suggestions on the best use of caseload statistics in the upcoming reestablishment process. The frank and open discussion and the helpful observations would become one of the foundations for the Subcommittee's recommended guidelines.⁵

The culmination of the Subcommittee's work was the identification of several points that should be considered in developing the reestablishment guidelines:

1. not every case type requires the same amount of "judge" time or effort;
2. each judicial district, unique in terms of population, demographics, and topography, can have a different mix of case type;
3. the amount of time required for citizens to access their district justice office must be an important consideration;
4. staffing and funding concerns were raised to and within the Subcommittee. The Subcommittee believes that striking a balance between the concerns of the district justices and the local governing bodies will ultimately result in an improved district justice system;
5. the president judges must retain discretion to respond to local circumstances. Disparities exist amongst the judicial districts on many levels, including resources, population and geography. Ultimately, responsibility for the efficient

⁵ Subsequent to the July 23, 2001 videoconference, the Subcommittee received a Position Statement from Richard M. Cappelli, Second Vice President of the SCJA and Chairman of the Response Committee. The Position Statement, in part, set forth suggestions and recommendations for the development of guidelines in the reestablishment process. As with the responses provided by individual members of the SCJA, the suggestions and recommendations contained in the Position Statement supported the concept of guideline flexibility and the accommodation of differences within judicial districts in reestablishing magisterial district boundaries.

administration of justice within a judicial district is lodged with the president judge; and

6. it is anticipated that once the work of the Subcommittee is complete the AOPC will provide support to the Supreme Court by ensuring that the reestablishment guidelines articulated by the Court are utilized, as directed, within each judicial district.

On August 21, 2001, the Subcommittee reconvened to review and finalize a draft report and recommended guidelines for the decennial magisterial district reestablishment process.

RECOMMENDED GUIDELINES

Guideline 1: Magisterial district reestablishment proposals should include a thorough review of population statistics and population trends using 1990 and 2000 census data.

Magisterial district reestablishment plans must include a thorough consideration of population figures. Population is a structural variable that correlates with the workload of a district justice. Research has consistently shown a strong, positive correlation between a jurisdiction's population and court filings, both at the local and statewide levels.⁶ A long-term increase in a district's population will generally lead to an increase in filings and, thereby, to an increase in the district justice's workload. But filings also may increase due to other factors (e.g., construction of a new shopping complex), even if a district's population remains relatively constant. The Subcommittee emphasizes "long-term" because minor changes in population do not always translate into a noticeable difference in caseloads, given the contribution of other variables. A review of population data can, therefore, assist planners in formulating a preliminary sketch of judicial need

⁶ National Center for State Courts, Assessing the Need for Judicial Resources: Guidelines for a New Process (Preliminary Draft), (Williamsburg, Va., 1983), p. 18.

and in identifying specific districts for closer examination. The Subcommittee cautions against an "over-reliance" on demographic data, as their primary role is to provide foundational or background information.

Note that the statutory provisions of 42 Pa.C.S. §1503 do not appear to require exclusive consideration of population and population density in the reestablishment process. In the case of a political subdivision that contains two or more magisterial districts within its boundaries, section 1503(c) provides that the political subdivision be divided into magisterial districts that are as nearly equal as possible in population and area, with the presumption that the population density of each part of the political subdivision is equal to the population density for the whole political subdivision. Section 1503(c) further provides that a political subdivision shall not be divided unless it contains (1) two or more non-contiguous parts; or (2) the political subdivision contains two or more magisterial districts within its boundaries. A political subdivision is defined in the Judicial Code as "[a]ny municipality except the City and County of Philadelphia." 42 Pa.C.S. §1501.

With respect to population and population density as factors for the re-establishment of magisterial districts, it appears that §1503(c) is only applicable to a municipality that contains within its boundaries more than one magisterial district. Therefore, particularly in those instances in which geography and reasonable accessibility to a magisterial district court is a concern, a reestablishment plan should not place sole reliance and consideration upon population and population density.

The Subcommittee recommends that planners use population data supplied by the United States Census Bureau. Population data are reported by county and by two smaller

land areas: political subdivisions and census tracts. Both reporting levels are essential for identifying emerging population trends within each county. The 1990 and 2000 census data and maps detailing the political subdivision and census tract boundaries are available directly from the Census Bureau's web site (www.census.gov).

Guideline 2: Magisterial district reestablishment proposals should include a systematic analysis of current district justice caseload statistics and caseload trends.

The keystone of a reestablishment plan should be the caseload analysis of the magisterial districts, as caseloads are a core indicator of judicial workload. With the statewide automation of the district justice system in the early 1990s, detailed caseload statistics became available for each office covering the main docket areas: criminal (misdemeanor and felony), traffic, non-traffic, private criminal complaints, civil, and landlord/tenant. Several dimensions of each district's caseload should be considered: filings, dispositions, backlogs, and miscellaneous docket activity.

Filings are the most direct measure available of workload, as each filing represents a certain quantum of work. However, a distinction should be made between the workload of the district justice, and the workload of his or her staff. While adequate staffing levels are crucial to the proper functioning of the office, reestablishment plans must specifically address the workload of the district justice. In this regard, the leadership of the SCJA advises that filings vary in the typical amount of time each requires of a district justice. Criminal, landlord/tenant and civil actions generally lead to more bench time than traffic, non-traffic and the typical private criminal cases. Such

differences between case types suggest that planners should look to both the number and type of filings when assessing and comparing workloads.

Planners also should examine the annual changes in a district's filings. (AOPC will provide planners with the most recent six years of caseload data for each magisterial district.) Several questions should be asked of any observable increases or decreases: (1) do they show a consistent trend over time, (2) has the magnitude of the trend substantially altered the district justice's workload, (3) what factors appear to have produced the trend, and (4) is the trend a temporary phenomenon or is it expected to continue in the years to come?

Dispositional and case inventory data provide another area for consideration. When dispositions consistently lag behind filings, the number and age of the pending cases will increase. This, in turn, will lead to longer average times to disposition and to backlogs -- a sure sign of a problem in the district. Planners must determine whether the backlogs, if any, have resulted from an inordinately large caseload or from other causes. Moreover, planners must determine if the backlogs are "staff backlogs" or "judge backlogs." Both problems must be remedied, but only "judge backlog" falls within the province of the reestablishment plan.

It is important to mention that district justices also have areas of responsibilities not well documented in traditional caseload statistics (e.g., search and arrest warrants, time payment plans, protection from abuse hearings, marriage ceremonies). To the extent that reliable measures can be developed, AOPC will supplement the caseload statistics with information about these activities.

Guideline 3: Magisterial district reestablishment proposals should minimize unnecessary travel time and related impediments to public access.

As the initial -- and often only -- point of contact between the community and the courts, district justice offices must be conveniently located to facilitate public access. Long driving times or out-of-the-way locations discourage the public from filing papers, attending hearings, paying fines, posting bail or collateral, or conducting other court business. Long travel distances also may result in dispositional delays and increased litigation costs. They may even hinder access to emergency relief, such as when a protection from abuse order is needed. Thus, reasonable proximity to district justice courts is an important ingredient in the public's willingness to place its trust in the judicial branch.

The leadership of the SCJA has suggested to the Subcommittee that residents of a magisterial district should not have to travel more than 30 minutes to the district justice court. Reestablishment plans should be mindful of this distance criterion, even at the expense of caseload considerations.

Guideline 4: Magisterial district reestablishment proposals should establish caseload equity within the judicial district.

Reestablishment plans should aim toward caseload equity among all magisterial districts in a judicial district, where equity is defined in terms of judicial workload. An even workload among district justices is a necessary element of sound judicial administration. It helps to prevent the inefficiencies arising from an under- or over-utilization of judicial resources, and it averts the distributive injustice of some district justices carrying the load for others.

Residents of a judicial district, regardless of the magisterial district, are entitled to comparable levels of judicial service. The principle of equal justice requires no less. However, equity does not mean that all magisterial districts must have identical caseloads. For reestablishment purposes, caseloads are equitable if they produce comparable workloads for each district justice. As discussed in Guideline 2, different types of cases produce different amounts of work for a district justice. Planners should recognize that the mix of case types, and the consequent amount of staff support required, need not be the same in each office, but the net effect on the judicial workload should be reasonably similar.

Guideline 5: Where the proper administration of justice requires a departure from caseload equity, magisterial district reestablishment proposals should set forth the specific grounds for the departure.

Occasionally, circumstances may warrant an uneven distribution of work among district justices. The exigencies of public access (Guideline 3) or the constraints of topography may force planners to (re)establish offices that place fewer demands on judicial time. Similarly, highway construction or commercial development may affect caseload equity at some anticipated future date, though the impact cannot be quantified at present. Planners must exercise discretion to accommodate such unusual circumstances; no formula or decision logic can objectively satisfy the preferences for work equity and fiscal responsibility on the one hand with our cardinal concern for quality justice on the other. If departures from caseload equity are proposed, planners should report all of the arguments, pro and con, together with the supporting documentation.

Guideline 6: The President Judge should by public notice invite written comments from the public regarding magisterial district reestablishment issues. In addition, the President Judge may seek comments from court users.

Statistical data cannot speak for themselves; they require context and a frame of reference to be informative. With balanced input from the frequent users and constituencies of the district justice system, the population and caseload statistics will be less vulnerable to misinterpretation.

District justices and their staff members are among the first individuals who might be consulted. They will be the most conversant with workloads, and will have closely observed the factors shaping their own district.

Planners may consult with law enforcement officials (e.g., state and local police, prosecuting attorneys) who spend a significant amount of time in the county district justice offices, along with other knowledgeable members of the criminal justice community (e.g., public defenders). Each interacts with the district justice system from a different vantage point, and each may have distinctive insights.

Other users and interest groups (e.g., domestic violence agencies, the county bar association) are likely to have valuable comments regarding public access and case processing delays. Balanced input also means soliciting the opinions of county funding and auditing authorities. Magisterial district reestablishment may well have a financial impact on the county, and county fiscal officers are well positioned to offer suggestions for improving efficiency.

Guideline 7: Following adoption of magisterial district reestablishment guidelines by the Supreme Court, the AOPC should promulgate procedures and forms to implement the guidelines.

It is anticipated that the AOPC will be the initial recipient of the reestablishment proposals from the judicial districts. Therefore, to assist the districts in preparing the proposals, the AOPC should promulgate procedures and forms. This would help ensure that the guidelines are uniformly applied across the judicial districts. It will also be less cumbersome for the Supreme Court in their review of the proposals if the proposals are alike in format and all contain the same sets of data. It will ensure, as well, the submission of all data that is necessary for a thorough review of each proposal. Standard procedures and forms will also make it easier for the AOPC to review the proposals and to expedite that segment of the process.

The Subcommittee recommends that the procedures and forms include at a minimum:

1. descriptions of the data needs of the districts for reestablishment purposes;
2. direction on the source of the data to be used;
3. guidance on how to present statistical analyses;
4. a standard format or template for submission of proposals; and
5. delineation of suggested procedures for compliance with Guideline 6, that the principal users and various constituencies of the district justice system should be consulted in the development of the magisterial district reestablishment proposals.

The procedures and forms that are promulgated should be sufficiently uniform to permit the AOPC and the Supreme Court to carry out their respective roles in evaluating each proposal to establish that it conforms to the guidelines, yet remains flexible enough to accommodate the needs of sixty widely disparate judicial districts.

APPENDIX A

The following is a list of primary and secondary authorities, including constitutional provisions, statutes, court rules, cases, and other sources of information, that the Subcommittee reviewed in the course of identifying issues and formulating recommendations for the reestablishment process.

PRIMARY AUTHORITIES :

Constitutional Provisions

Pa. Const. art. V, § 1 (Unified judicial system)

Pa. Const. art. V, § 7 (Justices of the peace; magisterial districts)

Pa. Const. art. V, § 10 (Judicial Administration)

Statutory Provisions

3 P.S. § 903 (Definitions) (West Supp. 2001)

35 P.S. § 1743 (Definitions) (West 1993)

42 Pa.C.S. § 1501 (Definitions) (West 1981)

42 Pa.C.S. § 1503 (Reestablishment of districts) (West 1981)

42 Pa.C.S. § 1514 (Offices) (West 1981)

42 Pa.C.S. § 1701, *et seq.* (Governance of the system) (West 1981, as amended West 2001)

Cases

Collins v. Gessler, 452 Pa. 471, 307 A.2d 892 (1973)

Davis v. Bandemer, 478 U.S. 109, 106 S.Ct. 2797 (1986)

Gomillion v. Lightfoot, 364 U.S. 339, 81 S.Ct. 125 (1960)

In re Pennsylvania Legislative Reapportionment Commission, 530 Pa. 335, 609 A.2d 132 (1992)

Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362 (1964)

Trout v. Casey, 154 Pa.Cmwlth. 67, 623 A.2d 372 (1993)

Court Rules

Rules Governing Standards of Conduct of District Justices

Rule 17 -Supervision of district justices by president judges

Rules and Standards with Respect to Offices of District Justices

Rule 101-Establishment of offices; Minimum office standards

Rule 102 -Implementation committees

SECONDARY AUTHORITIES :

Victor E. Flango, et al., West Virginia Redistricting Study, National Center for State Courts (October 15, 1998)

Harry O. Lawson, and Barbara J. Gletne, Workload Measures in the Court, National Center for State Courts (1980)

Brian J. Ostrom, Ph.D., et al., Final Report on Florida Delphi-based Weighted Caseload Project, National Center for State Courts (2000)

National Center for State Courts, Assessing the Need for Judicial Resources: Guidelines for a New Process, Preliminary Draft (1983)

Special Court Judges Association of Pennsylvania, Response to Intergovernmental Task Force Study of the District Justice System, (August 23, 2001)

Results of survey regarding reestablishment issues; survey conducted by the Special Court Judges Association of Pennsylvania