

**INTERGOVERNMENTAL TASK FORCE  
TO STUDY  
THE DISTRICT JUSTICE SYSTEM**



Justice Stephen A. Zappala, Co-Chair  
Justice Ronald D. Castille, Co-Chair

**OCTOBER 2001**

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Justice Ronald D. Castille, *Co-Chair*

October 2001

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## *Forward* BY JUSTICE STEPHEN A. ZAPPALA *and* JUSTICE RONALD D. CASTILLE

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It has been a privilege for us to serve as co-chairs to the Intergovernmental Task Force to Study the District Justice System. The essential charge to the Task Force was straightforward: wholly examine the current state of the minor judiciary, identify its short-term and long-term problems, and devise solutions to ensure the effective and efficient administration of justice.

Undaunted by its mission or stringent schedule, the Task Force, through the work of its subcommittees, proceeded with its charge. With a desire to digest the history, parameters and diverse needs of the district justice system, each subcommittee reviewed volumes of legal and scholarly authority, in addition to the vast amounts of information provided by jurists and other court constituents.

The result of the subcommittees' extensive study and discussion is a series of recommendations touching upon magisterial district reestablishment, special courts administration, and issues related to the quality of justice delivered at the district court level. While some of the recommendations may be considered controversial, they cannot be viewed in isolation. Having received the unanimous consent of the entire Task Force membership, the proposals present a full-scale integrated package for the future of the district justice system.

We wish to extend our deep appreciation for the energy and commitment given by every Task Force member. The assembly of such a talented group of individuals -- spanning three branches of government and hailing from diverse backgrounds and affiliations -- indeed proved that dedicated, cooperative public servants get the job done.

A special acknowledgment is deserved by the subcommittee chairs -- President Judge Bob Kelly, President Judge John Cleland, and District Justice Sam Magaro -- who worked tirelessly to focus and facilitate the work of their groups.

Finally, but not least, a special thanks to the State Court Administrator and his capable staff for services above and beyond the call of duty, which merits the gratitude of the entire Task Force.

## *Forward* BY COURT ADMINISTRATOR OF PENNSYLVANIA ZYGMONT A. PINES

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This report of the Intergovernmental Task Force is a significant contribution to judicial administration in Pennsylvania. We would have to go back to the 1967-68 Constitutional Convention to find a comparable examination of the foundation of our unified judicial system.

When Justices Zappala and Castille convened the Task Force in May 2001, the mission statement was essentially the only source of guidance. Within an intense and compressed time schedule preliminary to the 2002 magisterial district reestablishment process, all three subcommittees creatively and successfully fulfilled their mission. The hallmarks of the Task Force's deliberations were its methodical approach, thorough analysis, and prudent yet insightful proposals. The scope of this study is indeed impressive.

This report represents a collaborative governmental effort. It is important to acknowledge and appreciate the contributions of the following:

- the Supreme Court of Pennsylvania for its vision in authorizing the creation of such a representative group to study and report on the state of our district justice system
- Justices Zappala and Castille for their quiet and steady guidance, support and latitude which they extended to the chairs and members of the subcommittees
- as subcommittee chairs, President Judge Kelly, President Judge Cleland, and District Justice Magaro for their wisdom, patience, perseverance and dedication in so ably directing the work of their subcommittees
- the subcommittee members for the hours of effort they took out of their busy schedules to meet and deliberate on the many difficult issues facing our district justice system and to bring these issues into sharp focus
- the representatives of the legislative and executive branches of government for participating in this collaborative effort and sharing their valuable insights into our judicial process
- the support staff for providing the fuel of legal, technological, statistical and administrative services without which this report would not have been possible
- and Andrea Tuominen, assistant court administrator, for her competent, gentle and firm direction in making sure that the best possible product would be produced by this august body.

The work of this Task Force will be valuable in the years to come for all who fervently believe in equal justice and sound administration. We are grateful for this report.

## TASK FORCE MEMBERSHIP

### *Co-Chairs:*

The Honorable Stephen A. Zappala, *Justice of the Supreme Court of Pennsylvania*  
The Honorable Ronald D. Castille, *Justice of the Supreme Court of Pennsylvania*

### *Members:*

The Honorable Robert A. Kelly, *President Judge, Allegheny County*  
The Honorable Joseph M. Augello, *President Judge, Luzerne County*  
The Honorable Robert A. Freedberg, *President Judge, Northampton County*  
The Honorable John M. Cleland, *President Judge, McKean County*  
The Honorable William J. Martin, *President Judge, Indiana County*  
The Honorable John B. Leete, *President Judge, Potter County*  
The Honorable Samuel J. Magaro, *District Justice, Dauphin County*  
The Honorable James E. Russo, *District Justice, Allegheny County*  
The Honorable Bernard B. Yanich, *District Justice, Dauphin County*  
The Honorable Martin R. Kane, *District Justice, Luzerne County*  
The Honorable Mary Alice Brennan, *District Justice, Delaware County*  
The Honorable A. Joseph Weindorf, *District Justice, Erie County*  
Ward T. Williams, Esquire, *District Justice Administrator, Delaware County*  
Lena M. Speicher, *Special Courts Administrator, Westmoreland County*  
Lyn Bailey-Fenn, *Minor Courts Administrator, Monroe County*  
Stephen C. MacNett, Esquire, *General Counsel, Senate Republican Caucus*  
C.J. Hafner, II, Esquire, *Chief Counsel, Senate Democratic Caucus*  
Brian J. Preski, Esquire, *Chief of Staff to Majority Leader, House Republican Caucus*  
Michael P. Edmiston, Esquire, *General Counsel, House Democratic Caucus*  
Gregory E. Dunlap, Esquire, *Deputy General Counsel, Office of General Counsel*  
Lt. Col. Thomas K. Coury, *Deputy Commissioner of Administration, State Police*  
Chief Michael J. Carroll, *Chiefs of Police Association*

### *Staff:*

Zygmunt A. Pines, Esquire, *Court Administrator of Pennsylvania*  
Andrea B. Tuominen, Esquire, *Assistant Court Administrator*  
Joseph J. Mittleman, Esquire, *Director of Judicial Programs*  
Dr. Donald J. Harris, *Director of Policy Research & Statistics*  
Darren M. Breslin, Esquire, *Staff Attorney, Legal Department*  
Glenn D. Deaven, *System Trainer, Judicial Automation*  
Tara A. Kollas, Esquire, *Staff Attorney, Legal Department*  
Michael F. Krimmel, Esquire, *Staff Counsel, Minor Court Rules Committee*  
Amy J. Kehner, *Administrator, Judicial Programs*

## **SUBCOMMITTEE MEMBERSHIP**

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### **Magisterial District Reestablishment Subcommittee**

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 Speicher, *Westmoreland County*  
Minor Courts Administrator Lyn Bailey-Fenn, *Monroe County*  
Lt. Col. Thomas K. Coury, *Pennsylvania State Police*

#### *Staff:*

Donald J. Harris, *Director of Policy Research & Statistics*  
Glenn D. Deaven, *Systems Trainer, Judicial Automation*  
Tara A. Kollas, Esquire, *Staff Attorney, Legal Department*  
Amy J. Kehner, *Administrator, Judicial Programs*

### **Special Courts Administration Subcommittee**

The Honorable John M. Cleland, *President Judge, McKean County, Chair*  
The Honorable Joseph M. Augello, *President Judge, Luzerne County*  
The Honorable William J. Martin, *President Judge, Indiana County*  
The Honorable A. Joseph Weindorf, *District Justice, Erie County*  
The Honorable Martin R. Kane, *District Justice, Luzerne County*  
District Justice Administrator Ward T. Williams, *Delaware County*  
Chief Michael J. Carroll, *Pennsylvania Chiefs of Police Association*

#### *Staff:*

Joseph J. Mittleman, Esquire, *Director, Judicial Programs*  
Michael F. Krimmel, Esquire, *Staff Counsel, Minor Court Rules Committee*

### **Quality of Justice Subcommittee**

The Honorable Samuel A. Magaro, *District Justice, Dauphin County, Chair*  
The Honorable John B. Leete, *President Judge, Potter County*  
The Honorable Bernard B. Yanich, *District Justice, Dauphin County*  
General Counsel Stephen C. MacNett, Esquire, *Senate Republican Caucus*  
Chief Counsel C. J. Hafner, II, Esquire, *Senate Democratic Caucus*  
Chief of Staff Brian J. Preski, Esquire, *House Republican Caucus*  
General Counsel Michael P. Edmiston, Esquire, *House Democratic Caucus*  
Deputy General Counsel Gregory E. Dunlap, Esquire, *Office of General Counsel*

#### *Staff:*

Andrea B. Tuominen, Esquire, *Assistant Court Administrator*  
Darren M. Breslin, Esquire, *Staff Attorney, Legal Department*

## MISSION STATEMENT

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The mission of the Task Force is to examine the current state of the district justice court system. The Task Force will serve as an advisory body to the Supreme Court of Pennsylvania and will propose clear standards for the decennial magisterial district reestablishment, identify immediate and long-term system problems and needs, and formulate solutions to ensure the prudent and effective administration of the district justice courts. In accomplishing its mission, the task force should seek information from the users and constituencies of the district justice courts and from professional organizations.

## GENERAL INTRODUCTION

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Like every other state court system in the United States, the Commonwealth of Pennsylvania's judiciary has a hierarchical structure. While the pinnacle of the Commonwealth's judicial system is the Pennsylvania Supreme Court, the foundation is its minor judiciary, also known as the special courts.<sup>1</sup> The largest component of the minor judiciary is the district justice system. Other courts of the minor judiciary include the Philadelphia Municipal Court, the Philadelphia Traffic Court and the Pittsburgh Magistrates Court.

District justices, also known as justices of the peace<sup>2</sup>, have been a part of the Pennsylvania judicial system since 1776. Under the 1776 Constitution, justices of the peace were elected to seven-year terms by the freeholders of each city and county.<sup>3</sup> In 1790, the Pennsylvania Constitution changed so that justices of the peace were appointed by the governor for life. This was changed again in 1838, when the Constitution called for an elective system. Since that time, justices of the peace have been chosen through local elections. From 1838 until 1874, justices of the peace served five-year terms. Since 1874, the term of office for justices of the peace has been six-years.<sup>4</sup>

In 1968, the Pennsylvania Constitution was rewritten. Article V of the Constitution (appropriately called the Judiciary Article) provides the current framework for Pennsylvania's judiciary, including the district justice system. Article V, §7 states, in part, "[i]n any judicial district, other than the City of Philadelphia, where a community court<sup>5</sup> has not been established or where one has been discontinued there shall be one justice of the peace in each magisterial district."<sup>6</sup> *See also* 42 Pa.C.S. §1511 (one district justice in each magisterial district). The Pennsylvania General Assembly initially set classes of magisterial districts, 42 Pa.C.S. §1502, however, the Supreme Court is authorized to revise the number, boundaries and classes of magisterial districts within each judicial district in the year following the decennial federal

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<sup>1</sup> The Unified Judicial System is also composed of the Commonwealth's general trial courts, called the Courts of Common Pleas and two intermediate appellate courts, the Superior Court and the Commonwealth Court. For a better understanding of the jurisdiction, composition and organization of these courts, *see* Pennsylvania Const.art.V, §§3 (Superior Court), 4 (Commonwealth Court) and 5 (Courts of Common Pleas); 42 Pa.C.S. §§741-42 (Superior Court), 761-64 (Commonwealth Court) and 901-53 (Courts of Common Pleas). *See also* Pennsylvania's Unified Judicial System: A History of Pennsylvania's Courts, available at <http://www.courts.state.pa.us/Index/UJS/courthistory.asp> (last modified Apr. 12, 1999).

<sup>2</sup> Act of April 28, 1978, P.L. 202, No. 53, §3(d), 42 P.S. §20003(d) (statutory references to justices of the peace are also deemed to refer to district justices)

<sup>3</sup> Pennsylvania House of Representatives, Creating a Commonwealth: A Guide To Your State Government, available at [http://www.legis.state.pa.us/WU01/VC/visitor\\_info/creating/creating1.htm](http://www.legis.state.pa.us/WU01/VC/visitor_info/creating/creating1.htm), (Judicial Branch, §190)(last visited Oct. 24, 2001).

<sup>4</sup> Woodside, Robert E., Pennsylvania Constitutional Law, Pgs. 11-12, (1985).

<sup>5</sup> Currently, there are no community courts in Pennsylvania.

<sup>6</sup> The Commonwealth is divided into sixty judicial districts. 42 Pa.C.S. §901. With few exceptions, there is one Court of Common Pleas for each county. 42 Pa.C.S. §911.

census and as required for the efficient administration of justice. Pa. Const.art.V, §7(b); 42 Pa.C.S. §1503. Currently, there are 550 magisterial districts. Correspondingly, a full complement of district justices would be 550. Presently, there are 546 active district justices in Pennsylvania.<sup>7</sup>

District justices' jurisdiction is established by the General Assembly. Pa.Const.art.V, §7(a). That jurisdiction, codified at 42 Pa.C.S. §1515(a), includes:

1) summary offenses, except those within the jurisdiction of an established and open traffic court;

2) certain matters arising under the Landlord and Tenant Act;

3) certain civil claims (except those against the Commonwealth) wherein the sum demanded does not exceed \$8,000;

4) as commissioners to preside at arraignments, to fix and accept bail in most cases, to issue warrants and other similar duties;

5) offenses related to driving under the influence of alcohol or other controlled substances, if certain criteria are met;

6) misdemeanors of the third degree under Title 18 (crimes and offenses), Title 30 (fish) and Title 35 (health and safety), if certain criteria are met;

7) all offenses under Title 34 (game);

8) any other matter in which jurisdiction is vested in district justices.

District justices also administer oaths and affirmations and take acknowledgments (42 Pa.C.S. §327), solemnize marriages (23 Pa.C.S. §1503(a)(1)), and preside over certain protection from abuse matters (23 Pa.C.S. §§6101-6118).

District justices, as well as Philadelphia Traffic Court and Pittsburgh Magistrates Court judges, do not have to be members of the bar. Pa.Const.art.V, §12(b); 42 Pa.C.S. §3101. By statute, judicial officers who are not members of the bar must complete a course of training and instruction in the duties of their respective offices and pass an examination before assuming office. Pa.Const.art.V, §12(b); 42 Pa.C.S. §3112. Additionally, every district must complete 32 hours of a continuing education program approved by the Minor Judiciary Education Board. 42 Pa.C.S. §3118.

While district justices are independently elected officers, pursuant to Article V, §13 and section 3131 of Title 42, they must comply with the Rules Governing Standards of Conduct of District Justices. Some of these Rules require that: (1) district justices must give their judicial

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<sup>7</sup> This number does not include senior district justices, authorized by 42 Pa.C.S. 4122(b).

duties first priority over any other occupation, business, profession or gainful pursuit<sup>8</sup>; (2) they must not engage in political activities (except in the year they are running for office)<sup>9</sup>; and (3) there are restrictions on the practice of law for attorney-district justices<sup>10</sup>. Moreover, district justices are under the general supervision and administrative control of the president judge of their respective judicial district.<sup>11</sup> They are also under the Supreme Court's general administrative and supervisory authority. Pa.Const.art.V, §10; 42 Pa.C.S. §1701.

District justices are subject to suspension, removal and discipline, Pa.Const.art.V, §18<sup>12</sup> and they are subject to mandatory retirement provisions. Pa.Const.art.V, §16. District justices are paid an annual salary by the Commonwealth, 65. P.S. §366.2(a)(g), but their office and staff are provided for by the counties in which the individual magisterial district lies. 42 Pa.C.S. §§1514.<sup>13</sup>

Collectively, the special courts are often thought of as the "people's courts," because most Pennsylvanians' first and only encounter with the court system is at this level. In fact, approximately 2.3 million cases are currently filed and disposed of in the minor judiciary on an annual basis.<sup>14</sup> It is, therefore, probable that most people base their conclusions about the quality of justice in Pennsylvania upon their experience in the district justice courts.

The Intergovernmental Task Force to Study the District Justice System was formed to perform the first wholesale review of the special courts since the passage of the 1968 Constitution. In an effort to ensure the prudent and effective administration of the district justice system, the Task Force formulated the reports and recommendations that follow.

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<sup>8</sup> Rules Governing Standards of Conduct of District Justices, Rule 3.

<sup>9</sup> *Id.* at Rule 15.

<sup>10</sup> *Id.* at Rule 14.

<sup>11</sup> *Id.* at Rule 17.

<sup>12</sup> *See also* In re assignment of Judge Bernard J. Avellino, 547 Pa. 385, 690 A.2d 1138 (1997)(supervisory and administrative authority of Pennsylvania Supreme Court).

<sup>13</sup> *See generally*, Title 42, Chapters 35 (budget and finance) and 37 (facilities and supplies).

<sup>14</sup> *See e.g.*, 1999 Caseload Statistics of the Unified Judicial System, published by the Administrative Office of Pennsylvania Courts, available at <http://www.courts.state.pa.us/Index/Aopc/Research/stats99.asp>, (last modified Oct. 2, 2001).

## SUMMARY OF RECOMMENDATIONS

### Magisterial District Reestablishment Subcommittee

- Guideline 1:** Magisterial district reestablishment proposals should include a thorough review of population statistics and population trends using 1990 and 2000 census data (page 13).
- Guideline 2:** Magisterial district reestablishment proposals should include a systematic analysis of current district justice caseload statistics and caseload trends (page 15).
- Guideline 3:** Magisterial district reestablishment proposals should minimize unnecessary travel time and related impediments to public access (page 17).
- Guideline 4:** Magisterial district reestablishment proposals should establish caseload equity within the judicial district (page 17).
- 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 (page 18).
- 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 (page 19).
- Guideline 7:** Following adoption of magisterial district reestablishment guidelines by the Supreme Court, the AOPC should promulgate procedures and forms to implement the guidelines (page 20).

### Special Courts Administration Subcommittee

1. *Defining the Authority and Powers of the President Judges of the Courts of Common Pleas with Regard to Administration of the District Justice System (page 29)*

**Recommendation:** The Subcommittee recommends that the Supreme Court amend Rule 17 of the Rules Governing Standards of Conduct of District Justices, or adopt other general rules, to specifically define certain areas of authority of the president judges of the courts of common pleas with regard to management of the district justice system, including but not limited to the following:

- a. **Records** - The president judge shall have authority to require the district justices or such other person designated by the president judge to maintain personnel records and other records in such form as directed by the president judge or required by general or local rule.

b. ***Meetings with District Justices*** - The president judge or his or her representative shall meet on a regular basis with the district justices of his or her judicial district and shall have authority to require the attendance of the district justices at such meetings.

c. ***Personnel in the District Justice Courts*** -

- i. The minimum job qualifications for employees in a district justice court shall be prescribed by the Supreme Court of Pennsylvania and the president judge shall have authority to increase, but not decrease, the minimum job qualifications with regard to the district justice court employees in his or her judicial district.
- ii. The president judge shall have authority to establish procedures regarding the hiring, firing, supervision, and discipline of all employees in the district justice courts of the judicial district.
- iii. A district justice shall have the right, with the consent of the president judge and subject to paragraphs (i) and (ii) above, to designate or appoint and fix the duties of one personal staff member who may be designated as the lead staff member in his or her office.
- iv. The president judge shall have authority, after consultation with the affected district justice, to transfer or assign a staff member from one district justice court in the judicial district to another as may be necessary in his or her discretion in the interest of efficient administration of the judicial district; and to hire and assign as appropriate temporary or floater personnel.
- v. The president judge shall have authority to establish a system of performance evaluation for employees in the district justice courts in the judicial district.
- vi. The president judge shall have authority to prescribe initial and ongoing training for employees in the district justice courts in the judicial district.

d. ***District Justice Leave Time; Coverage During Leave Time*** -

- i. The president judge shall have authority to coordinate vacation leave time for district justices in the judicial district to assure access to judicial resources.
- ii. Subject to the provisions of paragraph (i) above, district justices, as elected members of the judiciary, shall enjoy autonomy with respect to: (1) choosing when to take vacations, subject to reasonable coordination with the president judge and the other district justices in the judicial district; and (2) deciding whether court sessions in addition to normal court hours are necessary to

complete assigned work, provided that the president judge be advised of such decisions.

- e. **Office Hours** - The president judge shall have authority to designate the ordinary hours of work of district justice courts in the judicial district in accordance with Rule 103 of the Rules and Standards With Respect to Offices of District Justices.
- f. **Temporary Assignments; Transfer of Cases** - The president judge shall have authority to order temporary assignments of district justices or reassignments of certain classes of cases to other magisterial districts or to central courts within the judicial district or within any regional unit of which the judicial district is a part as may be necessary in his or her discretion.
- g. **Complaints Regarding Conduct of District Justices** - When complaints are received with respect to the conduct of a district justice, the president judge shall, when appropriate in his or her discretion, review the complaint with the affected district justice and take any other administrative action that the president judge deems appropriate.
- h. **Procedural Audits** - The president judge shall have authority to direct procedural audits of the district justice courts to assure compliance with general and local rules, administrative policies and procedures, and the *District Justice Automated Office Clerical Procedures Manual*. To protect the independence of the judiciary, such procedural audits shall be separate from the fiscal audits conducted by the county controller and/or state Auditor General, which shall be limited in scope to the accounts of the district justice. Such procedural audits may be conducted by the district court administrator, an outside independent auditor, or such other person as the president judge may designate.

## 2. ***Night and Weekend Duty Coverage (“Night Court,” page 32)***

**Recommendation:** The Subcommittee recommends that by general rule if possible, or by enabling legislation if necessary, procedures be adopted to give president judges the authority to implement one or more of the following options for night and weekend duty coverage as local conditions require:

- a. To assign a district justice to conduct preliminary arraignments only at designated times while being on-call to handle other emergencies, while designating a prison or other official to accept deposits of bail “at any time.”
- b. To appoint bail commissioners to be available at all times after regular business hours to conduct preliminary arraignments, accept deposits of bail, and issue protection orders, while designating a district justice to be on call for the limited purpose of issuing arrest and search warrants.

- c. To establish a full-service night court in a central location, staffed by an on-duty district justice or bail commissioner and dedicated staff.
- d. Other options as may be proposed by the president judge and approved by the Court Administrator of Pennsylvania.

The Subcommittee expressly recommends that senior district justices, unless sitting and compensated as bail commissioners, not be routinely used for night and weekend duty coverage, as this is not an appropriate use for such costly and limited judicial resources.

### 3. *District Court Staffing Levels (page 42)*

**Recommendation:** The Subcommittee recommends that the Supreme Court, through the Administrative Office of Pennsylvania Courts, develop and adopt a uniform formula and standards for determining staff size in each district court based on the size and nature of each court's case load.

### 4. *District Court Facilities, Equipment, and Technology Issues (page 43)*

**Recommendation:** The Subcommittee recommends that the Supreme Court amend Rule 101 of the Rules and Standards With Respect to Offices of District Justices and adopt specific minimum standards for district court facilities and equipment including but not limited to the following:

- a. *Facilities* –
  - i. Location - In addition to the standards for location already specified in Rule 101(1) and (2), the office should be located and designed so as to insure the independence of the judiciary, particularly in cases where the district court is a co-tenant in the same facility as a police department or other non-court agencies or offices.
  - ii. Minimum square footage and adequate office and storage space dependent upon the number of staff and the size and nature of the court's case load.
  - iii. Compliance with Americans With Disabilities Act (ADA) standards including but not limited to physical access for persons with disabilities.
  - iv. Adequate waiting room space dependent on the size and nature of the court's case load.
  - v. An adequate hearing room, dependent on the size and nature of the court's case load, with a judicial bench, witness stand, tables and seating for parties and counsel, and public seating.

- vi. Adequate interview rooms for parties to confer privately with counsel.
- vii. A secure prisoner holding cell or room.
- viii. Minimum amenities such as adequate climate control, access to drinking water, private restroom facilities for the district justice and staff, and a “break room” for the district justice and staff.

b. ***Equipment*** –

- i. Basic office machinery including but not limited to copy machine, fax machine, and postage equipment.
- ii. Telephone equipment with an adequate number of lines and extensions.
- iii. Wireless communications equipment including wireless telephones or pagers to keep in contact with on-call district justices.
- iv. Video cassette players and television monitors for the presentation of video-taped evidence.
- v. An adequate law library consisting of print and/or electronic media to provide the district justice with access to relevant statutes, case law, court rules, and other authorities.

c. ***Technology and District Justice Automated System (DJS) Issues*** -

- i. The Subcommittee recommends that the DJS computer equipment provided by the Administrative Office of Pennsylvania Courts should provide access to J-Net, electronic mail (beyond internal DJS e-mail), automated legal research capabilities, and standard office software for word processing and other appropriate functions.
- ii. The Subcommittee recommends that the DJS computer system include a user friendly statewide warrant inquiry function so that district justices can search for outstanding warrants from all district courts throughout the state using one or more common defendant identifiers.
- iii. The Subcommittee recommends that the Supreme Court, through the Administrative Office of Pennsylvania Courts, explore the feasibility of incorporating electronic filing capability into the DJS, and further that the Supreme Court adopt such procedural rules as may be necessary to permit electronic filing of cases in the district courts.

**5. *Use of Credit Cards and Bank Cards (page 46)***

**Recommendation:** The Subcommittee recommends that the Administrative Office of Pennsylvania Courts study the current use of credit cards and bank cards in the district justice courts and adopt uniform statewide procedures for the use of these payment options. Further, that the Administrative Office of Pennsylvania Courts explore the possibility of entering into one statewide credit card contract, or a few regional contracts, to offer the credit card payment option to all district courts throughout the state at the lowest cost.

**6. *Statistical Reporting (page 47)***

**Recommendation:** The Subcommittee recommends that District Justice Automated System (DJS) docketing procedures and statistical analysis accurately reflect the work done in central courts and by the district justices assigned to central courts. Further, that the DJS caseload statistical reports include a category to count miscellaneous docket cases handled by the courts.

**7. *Case Flow Management Reports (page 48)***

**Recommendation:** The Subcommittee recommends that the Supreme Court require, by general rule, district justices to submit a monthly report to the president judge of the judicial district to identify and explain: (1) all cases awaiting disposition 40 days or more, and, (2) all criminal and summary cases in which the defendant is incarcerated and awaiting hearing or trial 10 days or more. Further, that the Administrative Office of Pennsylvania Courts make the necessary programming changes to the District Justice Automated System (DJS) to facilitate the identification of such cases and the automatic production of this report using data from the DJS.

**8. *New General Rules of Civil Procedure Governing Actions and Proceedings Before District Justices (page 49)***

**Recommendation:** The Subcommittee recommends that the Supreme Court adopt two new general rules as follows:

- a. A new rule in the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices to provide for the continuous availability, during regular business hours, of at least one district justice in the judicial district to handle routine civil matters, such as the issuance of orders of execution or orders for possession, so that such matters are handled in a timely manner even in the absence of the proper issuing authority.

- b. A new rule in the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices to provide for the reassignment of certain classes of civil cases to other district justices or to central courts when required by local conditions and in the interest of the efficient administration of justice.

#### 9. *Bonds of District Justices (page 51)*

**Recommendation:** The Subcommittee recommends that the Supreme Court amend Rule 110 of the Rules and Standards With Respect to Offices of District Justices to require a minimum bond amount for each district justice that is based on the average balance of that district justice's district court bank account in the preceding twelve months.

#### 10. *District Justice Bench Book (page 52)*

**Recommendation:** The Subcommittee recommends that the Supreme Court, through the Administrative Office of Pennsylvania Courts, develop and adopt a bench book for district justices to provide district justices with a convenient reference guide in the conduct of routine administrative and judicial functions, including but not limited to criminal matters; civil and landlord/tenant matters; marriage ceremonies; contempt powers; taking oaths or affirmations; swearing in local officials; office accounting and internal controls; etc. The bench book should include references to statutes, court rules, and other relevant authorities.

### Quality of Justice Subcommittee

**Recommendation 1:** The Subcommittee recommends that the question of retention elections for district justices should be put to the people by way of a constitutional referendum (page 69).

**Recommendation 2:** The Subcommittee recommends that in consideration of its proposal regarding retention elections, district justices' terms of office should remain at six years. The Subcommittee also recommends that the Rules Governing the Standards of Conduct of District Justices should be amended to restrict outside employment of district justices, as is done for judges in the Code of Judicial Conduct, and accordingly that consideration be given to compensation, commensurate with the full-time status (page 71).

**Recommendation 3:** The Subcommittee recommends that the Pennsylvania Constitution be amended so that (1) a non-lawyer district justice candidate must be certified prior to filing a nominating petition for that office, (2) as a precondition to gubernatorial nomination to the office of district justice, any non-lawyer nominee must be certified by the Minor Judiciary Education Board (MJEB), and (3) attorney candidates and appointees must

complete the MJEB course of training and instruction before assuming the office of district justice (page 74).

**Recommendation 4:** The Subcommittee recommends that: (1) statewide proposed standards or recommended guidelines be developed with regard to courtroom security in magisterial district offices and (2), that each president judge should appoint a security committee to assess the conditions and security related needs of each magisterial district office in the county. The Committee should report its findings to the president judge, the county governing authority and the Administrative Office of Pennsylvania Courts. In addition, the Subcommittee recommends the implementation of statistical reporting to the Administrative Office of Pennsylvania Courts to record security-related incidents (page 77).

**Recommendation 5:** The Subcommittee recommends that the Supreme Court appoint a committee to explore the problems associated with the collection of fines and costs imposed at the district justice level and to recommend appropriate solutions. The Subcommittee further recommends that the Minor Court Rules Committee develop and propose a statewide rule providing for the termination of inactive cases along the contours of Rule of Judicial Administration 1901 that recognizes the special circumstances and jurisdictional issues at the district justice level (page 80).

**Recommendation 6:** The judicial members of the Subcommittee recommend that the Pennsylvania Retirement Code be amended so that district justices are entitled to identical pension benefits as those currently enjoyed by common pleas and appellate court judges (page 85).

**Recommendation 7:** The Subcommittee recommends that while some increase in a district justices' jurisdiction may be warranted, caution should be exercised for the reasons expressed in the following commentary and in light of the district justice system as presently constituted (page 87).