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Pennsylvania's
Unified Judicial
System

State of the Commonwealth's Courts

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"Funding" & "Understanding" are Challenges for the Courts

During my nearly 20 years on the Supreme Court, I have authored more than 400 majority opinions, and my colleagues, past and present, have written thousands more.

Given the nature of "judging," it's a fair guess that not all of those decisions were popular, for courts do not seek popularity in rulings, and a judge who seeks to please diminishes from within the judiciary's essential independence.

Longevity in service often allows new perspectives to be gained, and each of my years on the Supreme Court has sharpened my view of two recurring challenges to the judiciary and its independence.

It should be no surprise that the always immediate challenge is financial. This *State of the Commonwealth's Courts* updates readers on our current financial needs, what we do with the funds we are allocated and how we continue

"...judges take a solemn oath not to decide cases based on personal or political opinions, least of all on popularity."

to try to use those funds carefully. For some, our constant refrain about court funding may be tiresome, yet the judiciary as a core activity of our government has no choice but to seek funding that is adequate to its annual needs.

I am proud that Pennsylvania's courts, unlike

those in some other states, have not had to close or curtail services over the past several challenging years. That is a testament to collaboration between the branches of state government and hard, often selfless work of judges and staff alike.

Yet despite two years of solid and appreciated interbranch collaboration, the funding challenge for Pennsylvania's courts remains significant in the years to come. To my mind, there are four significant reasons.

First, there are no additional meaningful savings to be found in our budget. Much the same has been said publicly of the entire state budget, and the judiciary is no exception. At one-half of one percent of the state budget, the judiciary's lean budget has never had deep pockets for easy savings.

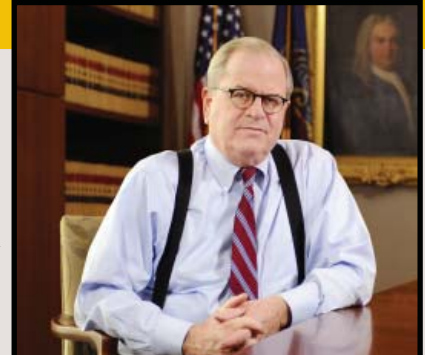
Second, the court system's budgets increase annually because our costs are largely fixed, many mandated by the constitution. In fact, it is clear that in coming years these increases, coupled with incursions to and structural difficulties with funding of the judiciary's computer system, will present fiscal challenges beyond those we know today.

Third, nationally and in Pennsylvania, the judiciary's core role in American democracy is not well understood. The American Bar Association said it best last year: "...without courts, there is no justice and no freedom..." but there is evidence that message fails to make its mark.

Finally, there is an equally serious misunderstanding of how and why judges do their jobs within the court system. This is the judge's second recurring challenge.

When you hear a court decision with which you disagree, remember these essentials: cases are brought to court; judges don't create them. A judge's job is to ensure the rights of all parties in a timely proceeding. Judges' interpretations of law may differ, but appellate courts serve to further ensure fairness and consistency in application of the law. And judges take a solemn oath not to decide cases based on personal or political opinions, least of all on popularity.

Sometimes the first two issues—essentially providing adequate support for our courts—become confused with the latter two—the essential role of courts and the importance of sustaining those courts in the public's trust. Judges in Pennsylvania overwhelmingly understand and meet the challenges before them. Through that work, partly capsulized in this document, and through these words, I ask Pennsylvanians to consider the values that support the American judicial system, the reasons courts function and judges rule as they do, and the vital importance of a judiciary free from dependence or influence when decisions are made.



By RONALD D. CASTILLE
Chief Justice of Pennsylvania

Pennsylvania's Courts by the Numbers

Organization

60 Judicial Districts in 67 counties; 450 Common Pleas Court judges; 15 Philadelphia Municipal Court judges; 533 magisterial district judges; seven Philadelphia Traffic Court judges; nine Commonwealth Court judges; 15 Superior Court judges; seven Supreme Court justices.

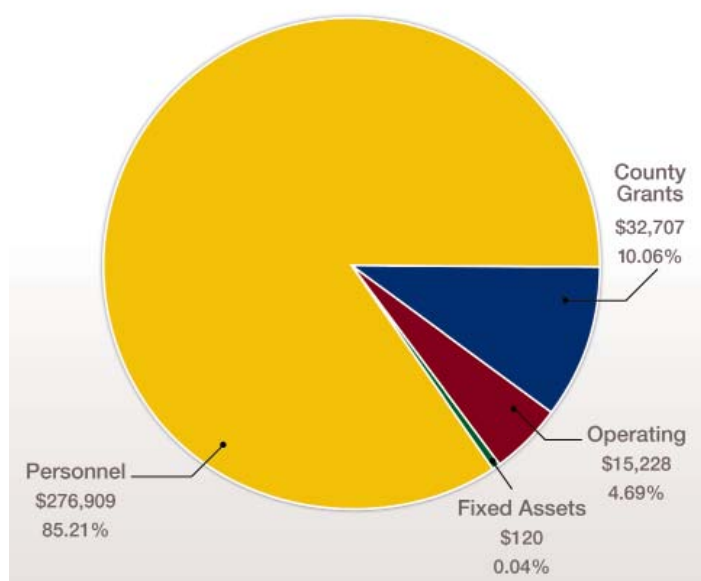
726 state-funded staff; staff of the overall Unified Judicial System includes thousands of county-paid staff and other elected officials, including county clerks of courts, prothonotaries, clerks of orphans' courts, and staff of county domestic relations and probation offices.

3.4 million cases processed in Pennsylvania courts in one year.

Budget

The state judiciary, a core function of government, receives about one-half of one percent of the total state budget. More than 90 percent of the judiciary's expenses are fixed. As the "weakest of the three branches of state government," the judiciary relies on the other branches to ensure its ability to meet the state constitutional requirement that all courts shall be open.

UJS 2013-14 Budget Request \$324,964 (in thousands)



For additional information about Pennsylvania's Unified Judicial System, please visit our website at www.pacourts.us



Savings

The judiciary understands and respects the challenge legislators and the governor face in these difficult financial times. The judiciary continues to accumulate meaningful savings even as mandated costs increase. For instance:

- Interim judicial appointments have been frozen when a vacancy occurs. Savings: \$10 million over three years.
- When vacancies occur, the judiciary uses senior judges—those who have left full-time duty—to fill the void until elections are held. Senior judges bring centuries of collective experience and cost savings. Days worked in 2012 by senior judges without compensation: 962.
- The judiciary has begun to "right size" its workforce. Magisterial district judge seats to be eliminated statewide: 30. Present dollar savings: \$4.5 million. Similarly, a study will assess the number of trial judges needed.

Collections

The judiciary collects far more in fines and fees than it receives in its state budget. State appropriations past six years: \$1.77 billion. Courts collections (fines, etc.): \$2.78 billion.

Collected funds do not, for the most part, flow back to the judiciary. The dollars go largely to state and local governments. The judiciary is committed to increasing collection of unpaid court assessments.



Leading the Way

Improving Lives in Pursuit of Justice

Achieving Higher Standards

It is a sad day when a judge is accused of wrong doing and even sadder still when those misdeeds are affirmed within the very system to which the judge has sworn fidelity.

And yet, any court system shines brightly when injustice is corrected.

That has happened here in Pennsylvania, proving that our carefully constructed system of justice dating to the 17th century works.

Recently this court righted one injustice by adopting 57 individual rule changes or amendments governing procedures in both appellate and juvenile courts. This action was in response to the juvenile justice scandal in Luzerne County where two judges criminally abused the public trust—and are now paying dearly for their actions.

As important as changing these rules to further ensure the protection of Pennsylvania's children was the court's earlier expungement of criminal records of 2,401 juveniles who had appeared before one of those two judges. The lives of these juveniles have, to varying degrees, been scarred, but both of these judicial actions demonstrate that the criminal justice system, flawed as it was, does work when right-minded women and men act to ensure justice.

Pennsylvania's more than 1,000 judges are "right-minded" men and women dedicated to service. But the actions of a few can taint the many.

Here are examples of a few Pennsylvania judges who have brought honor to themselves and the judicial system:

Judge Ken Valasek was recently recognized for innovations to expedite criminal cases in Armstrong County. Senior Judge John Uhler of York received the Pennsylvania Bar Association's Child Advocate of the Year Award. The Pennsylvania Commission on Crime and Delinquency honored retired Judge Linda Ludgate of Berks County with its Outstanding Leadership Award. In their communities, Magisterial District Judge Joe Lindsey of Dauphin County was recognized as a Rotarian of the Year, and Judge Kim Berkeley Clark of Allegheny County was honored for professional excellence, contributions to the community and mentorship of women, by the Allegheny Conference on Community Development.

The list could go on.

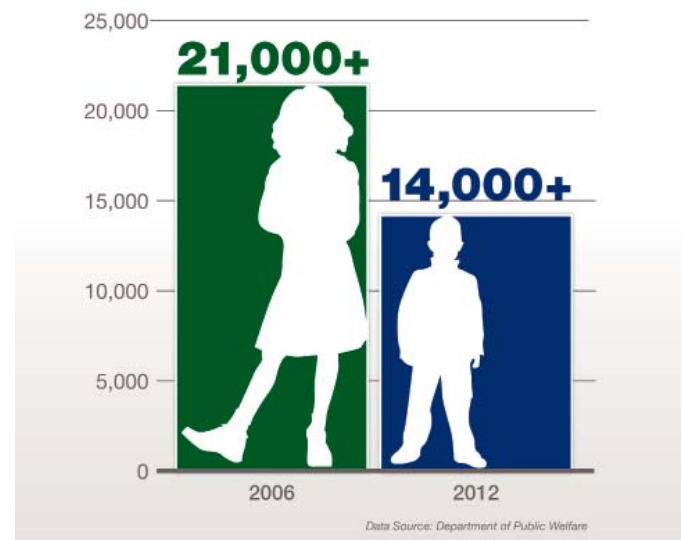
I am proud of my judicial colleagues and of the important work that many county and state staff provide to support Pennsylvania's court system. Every one of those individuals is challenged every day to make ours a better court system. This *State of the Commonwealth's Courts* describes some of their work and points out a few of the challenges we face together as we strive for fair and effective justice for all Pennsylvania citizens.

—RONALD D. CASTILLE
Chief Justice of Pennsylvania

Supreme Court justices lead programs, backed up by judges, staff and citizen volunteers, that make a difference in people's lives and also often save tax dollars.

- The Office of Children and Families in the Courts, led by **Justice Max Baer**, has, with its state and local government partners, reduced the number of dependent and delinquent children in temporary foster care homes by more than 7,200, or 34 percent, since 2006. Placing these

Pennsylvania children in foster care or temporary living situations



children into permanent family settings greatly improves their chances to succeed. A side benefit of finding permanent homes for children is significant financial savings, estimated at \$200 million in federal, state and local tax dollars over the last two years alone.

- Ensuring that judges receive adequate continuing education on the law and on societal issues is essential, a particular interest of **Justice Thomas G. Saylor**. Each year every magisterial district judge receives continuing education, as do most trial judges and all appellate court judges. The current basis for the latter two programs was designed under Justice Saylor's leadership.
- Problem-solving courts such as drug, alcohol and mental health courts reduce recidivism by diverting eligible offenders from the traditional court process into an alternative court program where they receive intensive treatment and other services. The programs are under the leadership of **Justice Seamus McCaffery**. Problem-solving courts are a less costly alternative to incarceration, and drug courts save more than \$3 for every \$1 spent. Pennsylvania has been a national leader in developing a new problem-solving court—veterans courts.

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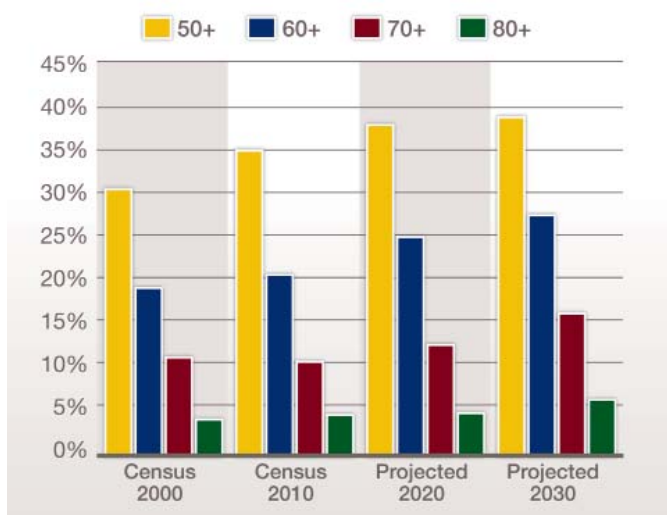
Leading the Way Improving Lives in Pursuit of Justice

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Veterans who come into contact with the justice system are diverted into treatment provided by the U.S. Veterans Administration, rather than incarcerated. Early reports of success are encouraging.

- The Supreme Court recently formed an Elder Law Task Force, chaired by **Justice Debra Todd**, to study issues and problems of guardianship, elder abuse and neglect, and access to justice for older Pennsylvanians. Experts

Age totals as percent of PA population



from the judiciary and elder services community will make recommendations on solving these problems, including court rules, legislation, education and best practices. Pennsylvania has the nation's fourth largest number of residents age 65 and older, and addressing these issues is critical to making sure they are given the opportunity to age with respect and dignity.

- The judiciary's sophisticated Judicial Computer System (JCS) provides statewide court case and financial management systems and system training for all courts and court staff. The JCS processes millions of cases each year and has dramatically increased online public accessibility to case records. Additionally, more sophisticated data requests are received and fulfilled by JCS staff for government, academic, media and business requesters. **Justice J. Michael Eakin**, who oversees the automation system, notes that over the past three years approximately one-third of these 1,500 data requests have come from the legislature and state agencies such as the Pennsylvania State Police, Department of Transportation, Commission on Sentencing, Department of Auditor General, Office of Attorney General, Board of Probation and Parole, the Game Commission and the State Victim Advocate. The JCS and county and state staff that depend upon it are primarily responsible for the judiciary's focus on improving collections of court costs, fees, fines and restitution.

Ensuring Justice for All

The judiciary is committed to ensuring that legal representation is available to all, including those who can't afford to pay a lawyer.

The Pennsylvania Legal Aid Network and other legal assistance programs are independent entities that provide legal services for indigent Pennsylvanians.

Those eligible for legal aid increase in numbers while funding for civil legal aid has fallen. In the upcoming year, the Pennsylvania Legal Aid Network estimates an \$8 million shortfall while the number of clients it has been able to assist has fallen 17 percent in the last two years. This means a reduction of legal services to low-income persons facing mortgage foreclosures, domestic violence, income security reductions and effects from the deep economic recession.

Pennsylvania is widely recognized as a national leader in helping make sure the less fortunate have access to civil legal services.

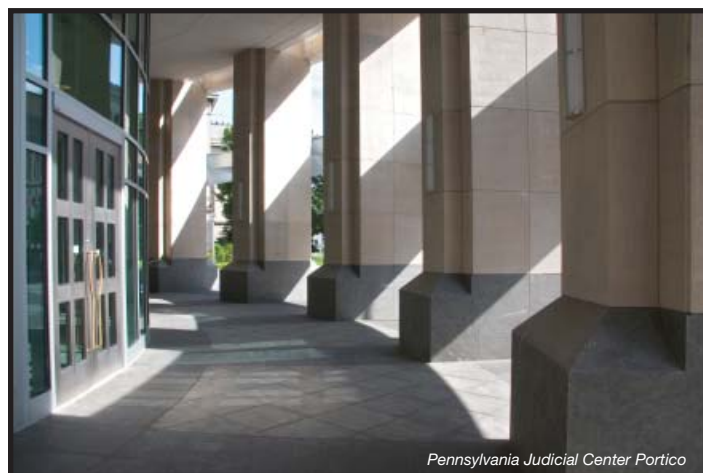
Legal Aid Cases Handled in Fiscal Year 2011-2012

- 29.3% Family
- 27.5% Housing
- 14.2% Income
- 11.1% Consumer
- 5.4% Health
- 5.0% Employment
- 4.5% Miscellaneous
- 3.0% Juvenile

Source: Pennsylvania Legal Aid Network

Pennsylvania Legal Aid Network programs represent about 90,000 clients yearly who have urgent legal problems, 54 percent of whom live in rural areas.

The total annual state appropriation for legal aid is about \$2.5 million and it has declined in recent years.



Pennsylvania Judicial Center Portico

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