

AOPC CONNECTED



Issue 4, 2021

In this issue

Read about the new Case Research Collection launched by the Pa. Disciplinary Board, the upcoming re-establishment process, a department spotlight on Legislative Affairs and more.

DEPARTMENT SPOTLIGHT:

Legislative Affairs

AOPC's Office of Legislative Affairs represents the AOPC before the state's executive and legislative branches of government. The office partners with the Legislative Committee of the Pennsylvania Conference of State Trial Judges – a robust group of commissioned and senior common pleas judges from rural, suburban and urban judicial districts. The committee is chaired by Judge **Craig Dally**, a former member of the House of Representatives from Northampton County.

The department is made up of Director of Legislative Affairs **Josh Wilson** and Assistant Director of Legislative Affairs **Damian Wachter**.

Together, they monitor and report on the progress of legislation in the General Assembly and comment on the effect bills will have on the fiscal and administrative operations of the judicial system. Seven months into the legislative session, staff and the committee are watching nearly 600 bills.

The department's schedule, focus and workload are almost entirely based on the legislative calendar – meeting directly with leadership, chairmen, rank and file legislators and their staffs on issues of interest.

Pertinent legislative committees include Judiciary, Aging and Older Adult Services, Children and Youth, Appropriations and Transportation. The ever-expanding list of statutes of interest include the Judicial Code, Domestic Relations Code, Administrative and Fiscal Codes, Crimes Code, Vehicle Code, Landlord and Tenant Act and Commission on Crime and Delinquency Law.

As a result of this collaboration with our government partners, proposed legislation receives crucial input from the AOPC regarding the effects it may have on relevant courts or the programs supporting those courts, as well as on Pennsylvania's judicial system as a whole.

Feedback and participation by members of the Legislative Committee is critical to providing the perspective of jurists who have acquired knowledge and expertise on a myriad of issues in the course of their judicial duties. Several members of the committee – a number whom are former members of the General Assembly – have provided input to House and Senate committees, individual members, legislative leadership and staff on legislation involving issues of interest including mandatory minimum sentences, probation reform, custody, dependency and protection from abuse.

Positions on legislation are never taken or provided – rather critical feedback and potential points of concern within bills are always communicated and at times,



(l) Damian Wachter and (r) Josh Wilson

amendatory ideas meant to clarify or improve legislation are provided for consideration.

The Legislative Committee is also crucial to ensuring that the spirit of the O'Brien Memorandum – that all approaches to the Legislature be coordinated and channeled through the Supreme Court or the AOPC – is adhered to. Any jurist with a legislative issue is encouraged to work with Judge Dally, the Legislative Committee and AOPC/Legislative Affairs.

In addition to coordinating all interaction with the legislature, AOPC/Legislative Affairs staff also provides vital legislative support to all areas of the judiciary including all levels of court, boards, advisory committees and departments of the AOPC. ▲



Members of the Legislative Committee meeting at the Pennsylvania Conference of State Trial Judges in July 2021.



Legislative roundup

by Damian J. Wachter, Esq.

The legislature wrapped up the budget at the end of June. The chambers will return to session in September and the House and Senate are scheduled for 18 voting session days this fall.

Budget

The 2021-22 judicial budget was flat funded by Act 1A of 2021, except for an increase and supplemental appropriation for the Court of Judicial Discipline. The judiciary sought a modest 5.7 percent increase.

Two other budget-related requests were statutory in nature – one addressing the annual \$15 million diversion from the Judicial Computer System (JCS) account, the second reauthorizing critical “Act 49” surcharges that provide for a significant portion of the judiciary’s general operations budget.

[Act 24 of 2021](#) suspended the annual diversion of \$15 million for the 2021-22 fiscal year. In tandem with the suspension, [Act 70 of 2021](#) created the JCS Financial Audit Committee within the Pennsylvania Commission on Crime and Delinquency (PCCD). The committee is comprised of seven voting and six non-voting advisory members. The voting members include members of legislative leadership or designees and a common pleas judge. The non-voting advisory members are users of the system – including the state court administrator, executive entities (including PCCD, Department of Corrections and Pennsylvania State Police) and the presidents of County Commissioners Association of Pennsylvania and the Pennsylvania State Association of the Prothonotaries and Clerks of Courts.

The committee will review the policy goals, purpose and programs of the JCS, assess the annual financial needs and revenue streams that support the continuous and

uninterrupted operation of the system and submit a report to the Appropriations and Judiciary Committees.

Reauthorization of the Act 49 surcharges was not part of the budget and will require action in the fall. Without legislative reauthorization, the surcharges will expire on Dec. 31.

Failure to appear for payment determination hearing and collection agencies

[Senate Bill 516](#) sought to allow issuing authorities to turn delinquent accounts over to private collection agencies or county collection enforcement units when defendants fail to appear for a scheduled and noticed financial determination hearing. The bill passed the Senate 34-15 and the House 109-92, but was vetoed by the governor.

Compulsory Joinder Statute and Perfetto

[Senate Bill 588](#) addresses the decision in *Commonwealth v. Perfetto*, 652 Pa. 101 (2019), clarifying that prosecution is not barred for offenses based on the same conduct or arising from the same criminal episode if the offense for which the defendant was formerly convicted or acquitted was a summary offense or a summary traffic offense. The bill passed the Senate 46-4 and was referred to the House Judiciary Committee.

Judicial ethical rules

[House Resolution 114](#) urges the Pennsylvania Supreme Court to modify or adopt rules to require the posting of

statements of financial interest on a publicly accessible website; codify more restrictive policies on the reporting gifts, transportation, lodging and hospitality; impose a one-year prohibition on attorneys leaving government service and lobbying the governmental body with which the attorney had been associated; and end the practice of judges and justices receiving honoraria.

The resolution includes a general request that the Court conduct a full examination of ethical and financial reporting requirements for jurists and staff to determine whether additional amendments would promote greater transparency and avoid impropriety and the appearance thereof. The resolution was referred to House State Government and re-referred to the Subcommittee on Campaign Finance and Elections.

Kayden's Law and custody

[Senate Bill 78](#) would establish Kayden's Law, bringing comprehensive changes to the custody statute focusing on the health and safety of the child.

The most important part of the bill codifies that no single custody factor can by itself be determinative in awarding custody. Courts must examine the totality of the circumstances, giving weighted consideration to the factors that impact the health and safety of the child, when issuing a custody order that is in the best interest of the child. Also, criminal convictions cannot by themselves be determinative in the awarding of custody.

Finally, the AOPC may develop and implement an ongoing education and training program for judges, MDJs and relevant court personnel, including guardians ad litem, counsel for children, masters and mediators regarding child abuse. The education and training program must include all aspects of the maltreatment of children, including sexual and physical abuse, implicit and explicit bias, trauma and neglect and the impact of child abuse and domestic violence on children. It must also include the latest best practices from evidence-based and peer-reviewed research by recognized experts in the specific types of abuse.

The legislation passed the Senate 46-4 and was referred to the House Judiciary Committee.

Expert witnesses and tender years exception

Senate Bill 81 was enacted as [Act 52 of 2021](#) to expand the scope of offenses for which it is allowable to call expert witnesses to testify to the understanding of the dynamics of sexual violence to include human trafficking and crimes of domestic violence. For the purposes of the act, domestic violence offenses include simple assault, aggravated assault, stalking or strangulation perpetrated against a family or household member as defined 23 Pa.C.S. § 6102.

House Bill 156 was enacted as [Act 29 of 2021](#) to increase the age of a child victim or witness to which the tender years exception applies from 12 to 16 years or younger.

Constitutional amendment – advertising entity

[House Bill 1010](#) would amend the constitution to replace the Secretary of the Commonwealth with the Legislative Reference Bureau (LRB) or a successor legislative agency as the entity responsible for publishing constitutional amendments. The bill also requires that the second publication of proposed amendments include only the language of the amendment, the ballot question to be used and a summary of the amendment as prepared by the LRB or successor agency. The legislation passed the House 113-88 and is pending on the Senate floor. If the Senate passes the bill, it will have to be considered and passed again in the 2023-24 legislative session before it can appear on the ballot.

Justice Reinvestment Initiative (JRI) 2 and Crime Victims Act

[Senate Bill 708](#) is the remaining bill in the JRI 2 package. The legislation makes comprehensive changes to victim rights and compensation, includes updates and modifications to definitions and adds responsibilities for victims, law enforcement and prosecutors.

The bill repeals the current law governing the Crime Victims Compensation and Victim Witness Services Fund, establishing in their place a single Crime Victim Services and Compensation Fund, for use by the Office of Victim Services for payments to claimants, victim-witness services and technical assistance. Costs imposed under current law remain the same and will be paid into the fund, except that 70 percent of any costs exceeding \$60 is paid into local victim service funds administered by counties.

The bill eliminates the 50 percent share of the minimum \$25 supervision fee assessed against offenders that is currently deposited into the State Offender Supervision Fund. Rather, all funds will go to county supervision fee restricted receipts accounts.

Finally, the legislation directs the County Adult Probation and Parole Advisory Committee to advise PCCD on the promulgation of regulations providing for offender supervision programs. Senate Bill 708 passed the Senate 50-0 and has been referred to the House Judiciary Committee.

Elder abuse

Acts [48](#) and [49](#) of 2021 are two measures of a four-bill (House Bills 1428-1431) elder abuse package. Act 48 creates a new criminal offense – financial exploitation of an older adult or care-dependent person – for the wrongful or unauthorized taking (or attempt to take) assets or property of an older adult or care-dependent person. Violations are generally first degree misdemeanors, with felony grading available for offenses involving higher dollar amounts.

Act 49 criminalizes the posting of any audio, video or still image of care-dependent persons on social media and

other platforms with intent to ridicule or demean. The act grades the offense as a third-degree misdemeanor. The Advisory Council on Elder Justice in the Courts was involved in calling attention to this issue and assisted in developing Act 49. ▲



{Damian Wachter, Esq. is the assistant director of Legislative Affairs.}

Pa. Disciplinary Board launches Case Research Collection

Over the past few years, Pa. Disciplinary Board staff have worked with web developers to design and build an online database of their concluded proceedings.

The [Case Research Collection](#) was released to the public on July 1 and currently consists of all Disciplinary Board cases that have concluded from Jan. 2016 through the present.

While the site was originally planned as a tool for attorneys to conduct research, it became clear that there might be public interest in the collection and that it could be a great educational resource for law students.

Case entries in the collection provide a basic set of information including keywords, rule violations and dispositions.

For matters resulting in reinstatement or public discipline, additional details identifying the petitioner or respondent are available. Some entries also offer links to varying public documents if available – such as a Board or Court Order/Opinion, Board report, joint petition for discipline or resignation statement.

For any matter resulting in an informal admonition or private reprimand, a summary of discipline is provided, although all documents and identifying information remain entirely confidential.

The collection can be accessed from the new “cases” tab on the Disciplinary Board website, where users can also study rule sets, view pending case information and learn more about the discipline and reinstatement processes.

The screenshot shows the 'The Case Research Collection' search interface. At the top, the title 'The Case Research Collection' is displayed in a large, blue, serif font. Below the title is a section titled 'General Search'. This section contains several input fields: 'First Name' (with a placeholder 'First Name'), 'Middle Name' (with a placeholder 'Middle Name'), 'Last Name' (with a placeholder 'Last Name'), and 'Suffix' (with a placeholder 'Sr., Jr.'). To the right of these fields is a 'County' dropdown menu with the placeholder 'Start typing or select a county.' and a blue arrow icon. Below the name fields are three buttons for 'Public or Private Case': 'Both' (highlighted in blue), 'Only Public', and 'Only Private'. Below the 'General Search' section is a section titled 'Search By Rules'. It contains three dropdown menus: 'Select a Rule Book' (placeholder 'Start typing or select a book.'), 'Select a Rule' (placeholder 'Type or search...'), and 'Select a Paragraph' (placeholder 'Type or search...'). Each dropdown is preceded by a plus sign. Below the 'Search By Rules' section is a section titled 'Keywords'. It contains a text input field with the placeholder 'Start typing words associated with the case'. At the bottom of the form is a blue button with a plus sign and the text 'Show Additional Fields'.

Users can search for case entries based on a variety of criteria including disposition, relevant rules, disciplinary counsel, keywords etc.

When searching by keywords, users can choose keyword phrases from the dropdown menu that are relevant to a specific case entry. Some examples include excessive fees, mail fraud or restitution.

Searching by keyword proves particularly helpful when seeking a case resulting in private discipline

since, to preserve confidentiality, users are not able to ascertain private discipline via county or attorney information.

A list of searchable keywords is included in the [user manual](#) and a [video tutorial](#) is also available online as further guidance.

Hopeful that this will prove to be a useful resource to both attorneys and non-attorneys alike, the Disciplinary Board will continue to update the collection as future cases conclude. ▲

New statewide tool allows for more current monitoring and evaluating caseloads

By AOPC Research and Statistics Director Kim Nieves, and Assistant Director Laurie Sacerdote

The pandemic and judicial emergency required courts to find new ways to conduct business. Interruption of normal court operations, statewide shut downs and stay-at-home orders changed the normal flow of cases through the courts.

The Caseload Highlights of the Unified Judicial System of Pennsylvania report was created to provide court leadership with a means of tracking these changes in real time. The report shows the pace of incoming cases alongside the pace of outgoing cases. Together these measures can alert court managers to potential for backlogs, and highlight where resources need to be targeted.

To deliver this report to districts monthly, rapid changes in business processes were needed. In Pennsylvania, Appellate, Common Pleas and Limited Jurisdictions data come from many different sources and case management systems.

All of these sources – including judicial district personnel, multiple AOPC departments and outside agencies – coordinated to increase the frequency of data reporting to meet the demand for current caseload information.

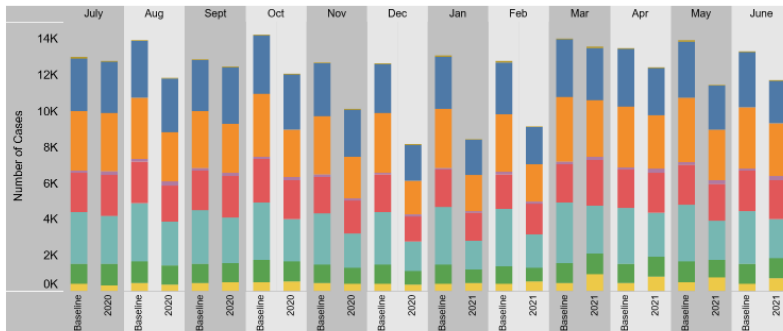
The result is a comprehensive Caseload Highlights report that has grown in scope and detail with each issue over the past year. In addition to the inclusion of more case types and courts, it has also been transformed into a [web-based, interactive dashboard](#) that can be more easily shared, increasing the scope of its distribution.

Moving forward, the Caseload Highlights Report will continue to serve as a statewide tool for counties to monitor and evaluate caseloads. The courts will soon see the expiration of many administrative and



Common Pleas Court Criminal: Filings
This report is intended to provide timely information about the impact of the COVID-19 pandemic on court caseloads. Caseload figures are those reported by the judicial districts and have not been verified. Accordingly, they are preliminary and subject to change.

Baseline: The average number of filings or dispositions in that month for the pre-pandemic years 2017, 2018 and 2019.



	Percent Change			
	June Baseline	June 2021	Jun Base- Jun 2021	Year To Date
Criminal-Other	59	43	-27.1%	-4.2%
Drugs	3,050	2,335	-23.4%	-22.4%
DUI	3,404	2,954	-13.2%	-21.9%
Motor Vehicle-Other	115	185	60.9%	38.1%
Person	2,225	2,174	-2.3%	-3.7%
Property	2,944	2,201	-25.2%	-31.9%
Public Order	1,088	1,091	0.3%	-8.2%
Weapons	420	716	70.5%	58.6%
Grand Total	13,305	11,699	-12.1%	-17.2%

To print this page, click the "Download" icon on the menu located at the bottom

Example: Court of Common Pleas Criminal filings

executive orders, including the eviction moratorium. It is assumed that the expiration of the moratorium will have a direct impact on the Magisterial District and Philadelphia Municipal Courts.

To address an anticipated increase in filings, a separate Landlord-Tenant dashboard will provide regular updates to the movement of these cases through the limited jurisdiction courts.

In addition, analysis of the post-pandemic cases will be of particular interest, as courts manage the caseload's return to pre-pandemic

levels, and observe the effects of court business innovations on timely case processing.

In terms of lessons learned, the unexpected push to accelerate the reporting schedule and provide more timely data that could be applied to urgent needs resulted in a permanent tool that policy makers, judges and court administration can use to evaluate and manage courts. ▲

more information

If you would like more information, please email the Research Department at statistics@pacourts.us.

NCSC CREATES COURSES FOR TREATMENT COURT PROFESSIONALS



The nation's opioid crisis highlighted a persistent challenge for state courts: what to do with the massive number of non-violent drug offenders who find themselves in court. It also highlighted the need to provide additional training for those who work in the nation's treatment courts.

NCSC's Institute for Court Management (ICM) has been working for a year and a half to create online courses to train judges, administrators and others who work in treatment courts.

"Treatment courts are a specialty court that doesn't operate like a traditional criminal or civil court," said Derek Felton, ICM's director of Creative Learning Services. "People working in treatment courts need foundational knowledge to help them better understand the mission of treatment courts and the participants they will be working with."

The work, done on behalf of the National Association of Drug Court Professionals (NADCP) and funded by the U.S. Justice Department's Bureau of Justice Assistance, has involved creating interactive courses that focus on 10 areas:

- Psychopharmacology
- Assessment and Treatment
- Co-Occurring Disorders
- PTSD
- Drug Testing
- Recurrence
- Confidentiality and Ethics

- Mentors in Veterans Courts
- Introduction to the Department of Veterans Affairs
- Military Culture

These courses are replacing a course ICM developed for NADCP in 2008 as well as several webinars used by the association, a training and advocacy organization for the treatment court model, which includes about 4,000 programs in every state, four territories and more than 20 countries.

"We want to empower every person working in treatment courts to continue to expand their knowledge and deepen their understanding of core principles and practices," said NADCP Chief of Training and Research, Carolyn Hardin.

The new courses feature self-paced content modules that present the most up-to-date science and best practices in the treatment court field. The modules employ interactive exercises, animation and audio voice over to guide participants through the training.

Felton, who oversaw the creation of the courses, said ICM is also creating courses that cover seven of NADCP's 10 Adult Drug Court Best Practice Standards. ICM also recently signed a new contract with NADCP to develop four courses to help treatment court law enforcement officers.

**This excerpt was reprinted with permission from the National Center of State Courts June newsletter – @the Center.*

Narcan® in county courts

Partnering with the Pa. Sheriffs' Association, Pa. Commission on Crime and Delinquency (PCCD) and the Pa. Department of Drug and Alcohol Programs, the Pa. Courts are working to increase the availability of the life-saving medication, naloxone (Narcan®), at county court facilities statewide.

According to the Center for Disease Control and Prevention, Pennsylvania has the fifth highest overdose death

rate in the country. By making naloxone available in county court facilities, the courts will be better equipped to assist those experiencing an overdose-related emergency while in a court facility.

Any county court may request naloxone doses for use within their court facilities, including magisterial district court offices.

The new initiative is part of PCCD's Naloxone for First Responders Program, which is aimed at providing outreach, assistance and training on the use of naloxone.



This program, launched in Nov. 2017, provides Narcan® to groups through a network of Centralized Coordinating Entities – who have distributed more than 80,000 kits to first responder groups, resulting in more than 17,000 reported overdose reversals to date.

Counties interested in participating in this program should contact Tom Maioli, executive director of the Pa. Sheriffs' Association at tmaioli@pasheriffs.org. ▲

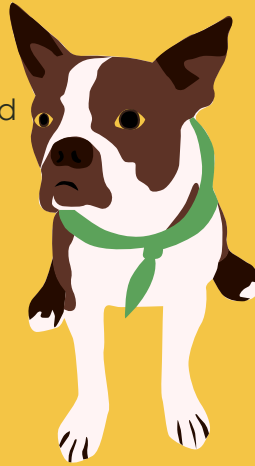
Animal abuse data in Pennsylvania – nearly four years since Libre’s Law took effect



What is Libre’s Law?

Libre's Law is an anti-cruelty law that strengthened protection for animals and increased penalties for animal abuse in Pennsylvania - including the ability for aggravated animal cruelty to be charged as a felony.

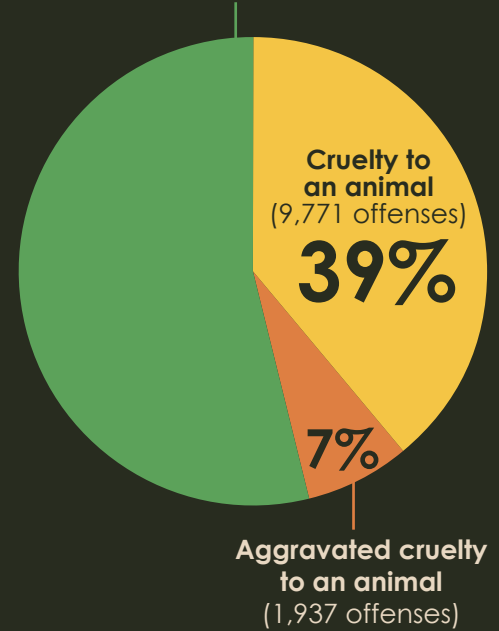
The law, inspired by a Boston Terrier puppy who was found badly neglected and abused in Lancaster County, went into effect Aug. 28, 2017.



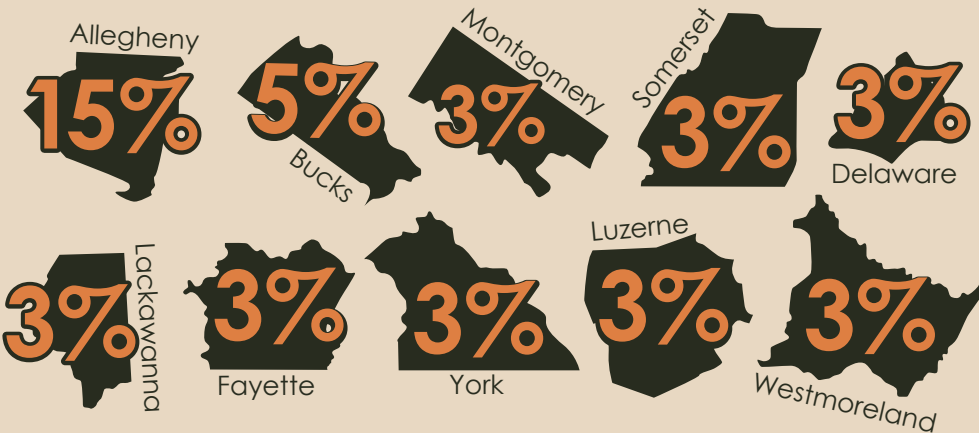
Total number of offenses filed = 25,228

54%

(13,520 offenses) of animal abuse offenses were filed for neglect of an animal

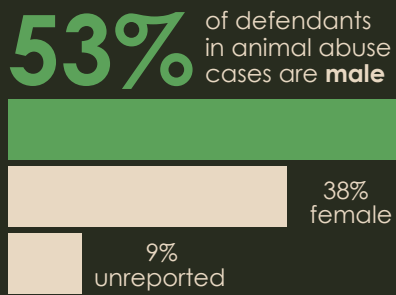


Top 10 counties with the highest number of animal abuse cases:

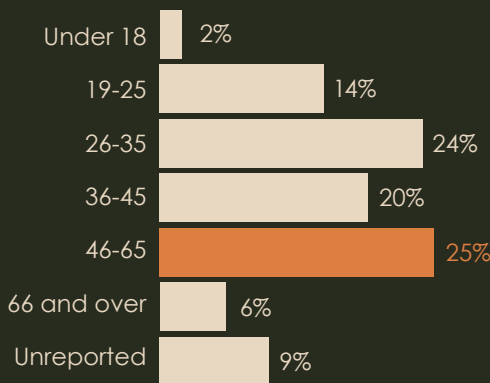


Total # of cases filed = 6,210

Gender of defendants:

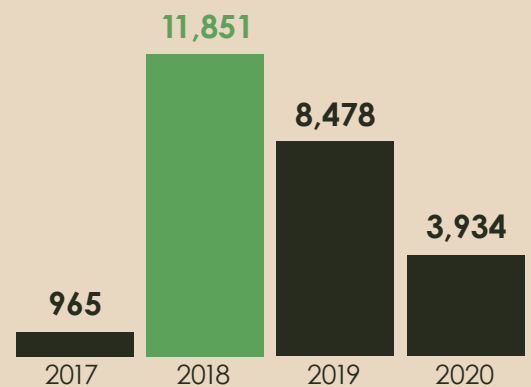


Age of defendants:



Total # of defendants = 3,271

Animal abuse offenses filed since Libre’s Law was enacted:



Animal abuse offenses refer to Title 18 – Sections 5532, 5533 and 5534

**All data refers to cases and offenses filed from 8/27/2017- 12/31/2020 for Title 18- Sections 5532 (Neglect of animal), 5533 (Cruelty to animal) and 5534 (Aggravated cruelty to animal) as recorded in the Magisterial District Judge System (MDJS) and Common Pleas Case Management System (CPCMS).



Beware of phishing emails

IT security reminders

Phishing is not a new phenomenon – it has been the most common attack vector for cybercriminals for a number of years – but, due to the increasing complexity of phishing scams, knowing how to spot a phishing email is becoming more important than ever before.

Cybercriminals may use social-engineering techniques to make their email look genuine and include a request to click on a link, open an attachment or provide other sensitive information such as login credentials. If the recipient clicks on a link to a malware-infected website, opens an attachment with a malicious payload or divulges their login credentials, an attacker can access a corporate network undetected.

How to spot a phishing email

1. Emails Demanding Urgent Action

Emails threatening a negative consequence, or a loss of opportunity unless urgent action is taken, are often phishing emails. Attackers often use this approach to rush recipients into action before they have had the opportunity to study the email for potential flaws or inconsistencies.

2. Emails with Bad Grammar and Spelling Mistakes

Another way to spot phishing is bad grammar and spelling mistakes. Many companies apply spell-checking tools to outgoing emails by default to ensure their emails are grammatically correct.

3. Emails with an Unfamiliar Greeting or Salutation

Emails exchanged between work colleagues usually have an informal salutation. Those that start “Dear,” or contain phrases not normally used in informal conversation, are from sources unfamiliar with the style of office interaction used in your business and should arouse suspicion.

4. Inconsistencies in Email Addresses, Links and Domain Names

Another way how to spot phishing is by finding inconsistencies in email addresses, links and domain names. Does the email originate from an organization corresponded with often? If so, check the sender’s address against previous emails from the same organization. Look

to see if a link is legitimate by hovering the mouse pointer over the link to see what pops up.

5. Suspicious Attachments

Emails with attachments should always be treated suspiciously – especially if they have an unfamiliar extension or one commonly associated with malware (.zip, .exe, .scr, etc.).

6. Emails Requesting Login Credentials, Payment Information or Sensitive Data

Emails originating from an unexpected or unfamiliar sender that request login credentials, payment information or other sensitive data should always be treated with caution. Since cybercriminals can forge login pages to look similar to the real thing, whenever a recipient is redirected to a login page or told a payment is due, they should refrain from inputting information unless they are 100 percent certain the email is legitimate.



7. Too Good to Be True Emails

Too good to be true emails are those which incentivize the recipient to click on a link or open an attachment by claiming there will be a reward of some nature. If the sender of the email is unfamiliar or the recipient did not initiate the contact, it’s likely this is a phishing email.

Reminder: AOPC employees with questions or concerns about the legitimacy of an email should send the email as an attachment to ITSecurity@pacourts.us. ▲

**This is an excerpt from the July 2021 issue of the AOPC/IT Security newsletter.*

Medical marijuana: implications for Pennsylvania's Courts

Faculty at a recent Judicial Education Department course examined the challenging legal issues judges must navigate since Pennsylvania's legislature enacted the Medical Marijuana Act (MMA) in May 2016.

Dr. Carrie Hempel-Sanderoff began the discussion by reviewing current research trends into cannabis and its physiological effects, and by highlighting studies that help inform a judge's decision making when one or more party before them is licensed by the Commonwealth to use medical marijuana.

The second part of the course focused on cannabis-related legal issues judges face, issues that are made more complex by the significant discord between state and federal law.

Judges face unique challenges when determining the role cannabis use plays in individual cases before them, and how best to respond when a party is licensed to use, but is also appearing before the Court.

Faculty explained that a judge's ability to discern medical from recreational use, while challenging, can be guided by examining several factors, including: the party's reason for using medical marijuana; the setting in which they use marijuana, as well as their dosing and use patterns; and, importantly, their relationship with a medical professional.

When evaluating a party's medical marijuana use, judges should consider various indicators, including whether or not there is an active partnership between the patient and the medical provider, including regular follow-up and monitoring.

Under these circumstances, patients should present little or no evidence of impairment or intoxication and tend to gravitate toward lower THC and higher CBD formulas.

Comparatively, individuals using marijuana recreationally may or may not have medical cards, but typically are unmonitored and unguided in their use. The recreational user's goal is intoxication, rather than relief from symptoms. These individuals are more likely to seek out products that have higher THC potency.

Judges face challenging decisions when a party before them is licensed to use medical marijuana. In addition to the differentiating between an individual using marijuana recreationally rather than medically, they must make decisions with scant evidence-based treatment or dosing guidelines, and a lack of consensus among legal systems on definitions of intoxication, impairment and penalties. ▲

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(l to r) Matthew Wood - Clinical Director, Mark Longenberger – Director of Support Services, Matthew Salvatori – CYS Administrator, Judge Ryan Tira, Judge Joy Reynolds McCoy, Ronald James – Foster Parent, President Judge Nancy Butts, Heather Wood – Specialized Services Supervisor, Barbie Barnes – Resource Care Coordinator, Sara McCombie – Assessment Caseworker, Sam Group – Ongoing Caseworker

Lycoming County Court honors CYS

At the end of June, the five judges of the Lycoming County Court of Common Pleas held a ceremony honoring and recognizing the Children and Youth Services Agency (CYS) employees for their dedication and commitment to the children in their county.

Judges **Ryan Tira** and **Joy Reynolds McCoy**, along with Lycoming County CYS Administrator Matt Salvatori, presented the agency with an official proclamation and thanked CYS staff for consistently going above and beyond to meet the needs of children and families, especially during the pandemic.

“As a bench, we decided to recognize the court offices that work under us and the agencies that we work closely with for all of the work that these individuals do for our community,” Judge McCoy said.

Judge McCoy praised the achievements of CYS and acknowledged the proactive and forward-thinking nature of their team that has been recognized across the state.

“When I agreed to oversee the Family Court Division, I had no idea what I had said yes to, but looking back it has been incredibly fulfilling and rewarding,” Judge McCoy said.

In her remarks, Judge McCoy highlighted the county’s successful efforts to reduce the number of children in congregate care to zero, while increasing the number of children placed in kinship care from 17 percent in 2019 to 45 percent today.

She also spoke about the agency’s focus on the recruitment of new foster homes and training of all foster parents in Trust Based Relational Intervention (TBRI), pointing to the county’s increase from 44 foster homes in 2019 to their current number of 58.

As part of the ceremony, CYS specifically recognized Ron and Brenda James who have served as foster parents for over 25 years – caring for over 40 children during that time and routinely taking in teenage boys who were hard to place.

Attending the ceremony were various CYS employees, caseworkers and advisory staff, along with all three county commissioners, the county director and Office of Children and Families in the Courts Director **Sandy Moore**. ▲



Mercer County Judge Daniel Wallace (l) and Pa. Supreme Court Justice Debra Todd (r)

Mercer County Veterans Court Graduation

At the end of June, nineteen veterans graduated from Mercer County Veterans Treatment Court (VTC) – where Pa. Supreme Court Justice **Debra Todd** and Mercer County Common Pleas Judge **Daniel Wallace** presided over the ceremony. ▲

Pa. Supreme Court Boards enhance pro bono efforts

In a collaboration with the Pa. Continuing Legal Education (CLE) Board and the Interest on Lawyers’ Trust Account (IOLTA) Board, the Pa. Disciplinary Board has created a [webpage](#) to connect Pa. attorneys with available resources to perform pro bono services.

The webpage houses easily-accessible information about each of the Board’s pro bono programs and opportunities – including links to applicable forms, participating legal-aid organizations and accredited providers, FAQs about emeritus status, etc.

The overall effort to blend legal education initiatives with much-

needed assistance for legal service programs first accelerated in 2018 when the Pa. Supreme Court created an emeritus status for attorneys who retire from the practice of law and seek to provide pro bono services to legal aid organizations.

The following year in 2019, the Court approved a pilot project for the CLE Board to allow attorneys to receive one CLE credit for every five hours of pro bono service completed through accredited providers.

Renewing the Court’s support for these civil legal aid programs, Pa. Supreme Court Chief Justice **Max Baer** encouraged the more than 75,000 attorneys across the state to help in

the mission to advance equal access to justice for all Pennsylvanians by donating their time and legal skills.

“This year, the need is especially acute. The global pandemic has disproportionately impacted low-income groups, and the resulting financial and familial stressors are exacerbating the need for civil legal aid among those who cannot afford private counsel,” Chief Justice Baer wrote.

The new Pro Bono webpage can be accessed from the “For Attorneys” tab on the [Disciplinary Board website](#). ▲

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Pa. Supreme Court to re-establish magisterial districts – updating numbers and boundaries for the next 10 years

While July 2021 was marked by Independence Day and the dog days of summer, it also marked the start of the much anticipated process called re-establishment – also referred to as realignment or redistricting.

According to statute, re-establishment is the process by which president judges review the number and boundaries of the magisterial districts within each of the Commonwealth's 59 judicial districts. It takes place following the official reporting of the decennial U.S. census. Only the First Judicial District (Philadelphia), which has no magisterial district judges (MDJs), does not participate.

This comprehensive and demanding analysis helps ensure the effective administration of justice throughout the Commonwealth, and that the current configuration of each magisterial district is designed to serve its residents over the next decade.

While federal law requires that local census data be reported to the states no later than April 1, 2021, the Census Bureau will not be able to certify the local census figures until September 2021. The AOPC will forward this information to president judges once it's finalized in September. In the meantime, each judicial district has been provided with a variety of resources, including:

- Detailed instructions on how to navigate the process
- Case filing statistics by case type for a six year period (2014 – 2019) for each magisterial district within judicial districts

- Workload calculations for each of the magisterial districts
- Magisterial district judge term expiration, birthdate and mandatory retirement date
- Past re-establishment orders and proposals for judicial districts.

Since population is not a driving factor in re-establishment, these resources can be used to begin the process, and later in September, each judicial district can add the numbers from the U.S. Census as a guide for identifying trends in population increases or decreases.



Caseload data provides a multitude of insights into the magisterial district court system because it is case filings, and not population, that truly demonstrate the workload. Case filings for all case types, except for miscellaneous dockets, were provided for 6 years, along with averages for those six years, and averages by county class were provided to illustrate trends.

To assist judicial districts in differentiating among the impact of the various case types, case weights for each docket type were also included. Not all case types are equally complex and time consuming. The case weights also account for

required administrative and non-case related activities that impact workload, but are not captured by statistics.

By early 2022, each president judge will submit a draft re-establishment plan to the AOPC for review.

The guiding principle for re-establishment is for each president judge to determine if they have the proper number of MDJs needed to handle the caseload in their judicial district.

Historically, many proposals have recommended maintaining the status quo, others have recommended the shifting of boundaries to more equitably distribute the workload among the judges in a county. Likewise, others have eliminated one or more districts in their county or, where necessary, add a district.

It's important to note that proposals can become effective immediately, or in the future, when a sitting judge's term expires or he or she reaches mandatory retirement age.

Proposals will be made available for public comment prior to the final submission to the Supreme Court at www.pacourts.us.

The AOPC anticipates that the process will be complete by the end of 2022 although approved changes might not take effect for a few years if terms are ending or mandatory retirements are within a few years. ▲

Dependency courts in the family engagement initiative focus efforts on implicit bias and the urgency of awareness

Earlier this year, The Office of Children and Families in the Courts held the largest virtual-education event ever hosted by the AOPC with more than 800 participants from Pennsylvania dependency courts and child welfare agencies, who are part of the State Roundtable's Family Engagement Initiative (FEI).

Pennsylvania Supreme Court Justice **Kevin Dougherty** opened the session and encouraged participants to be very intentional in examining beliefs and biases.

Justice Dougherty said, "What we believe impacts how we behave and when we self-reform, we judicially reform."

"The Urgency of Awareness: Unlocking The Power within Individual, Organizational and Community Efforts," was presented by national expert and author Jodi Pfarr.

Since 2001, Pfarr has conducted seminars with police departments, judges, teachers, religious institutions, social service workers and fire departments. She is the author of *Tactical Communication: Law enforcement tools for successful encounters with people from poverty, middle class and wealth.*

The session focused on gaining a deeper awareness of the various societal categorizations placed upon us such as:

- married or non-married
- formally educated or informally educated
- white or of color
- working poor/impoverished or middle/upper class

Pfarr emphasized that "there is an urgency of awareness in our world," and these categories help shape the lenses through which we see ourselves and others. By gaining a better understanding of these categories, we can decrease

our implicit bias and improve our subconscious awareness.

"It has been incredible to see the willingness of those within Pennsylvania's dependency court system to gain more individual awareness and apply that new awareness to the system itself," said Pfarr. "This type of drive and application is crucial on the march towards systems with equitable outcomes for children and families."

Following Pfarr's session overview, Beaver, Blair, Snyder and Union Counties were selected to work more directly with Pfarr to further examine how having a better understanding of these societal categorizations can enhance their engagement of families and impact their specific county work in the FEI and dependency system overall.

"We've accomplished much in the FEI and see this work with Ms. Pfarr as being the next step to improving the quality of service provided to the children and families that come before our court," said Judge **Michael Sholley**, Snyder/Union Counties. "Knowledge helps us understand people's behavior...not to excuse behavior, but to fashion our interventions and our systems in ways that are more likely to result in meaningful change."

Blair County President Judge **Elizabeth Doyle** added, "We are excited about this opportunity. It's a significant commitment of judicial time, but one that is certain to enhance our understanding, meaningful engagement of families, and positive outcomes for the children and families that come before our court."

These four counties will begin their work with Pfarr next month (September 2021) and the opportunity will include:

- Directly working with Pfarr 2.5 hours each week for five weeks.

- Participating in two, hour long follow-up meetings.
- Reflecting upon how their own life experiences shape how they see and interact with people, as well as how these experiences play out in their professional role within the Societal System.
- Completing an analysis of their organization/system and creating a plan for moving their organization/system towards healthier engagement between people with differing categories.
- Using specific tools and resources to assist in their journey.

Each county group will consist of the county dependency judge and child welfare administrator, along with 25 participants selected by the judge and administrator.

"Beaver County has embraced this opportunity to unlock our minds from the implicit bias that may be hindering our path to true, unfettered understanding, compassion and empathy for those we serve and everyone that we interact with in our lives," said Judge **Mitchell Shahren**, Beaver County.

Family Engagement Initiative:

"While we are extremely proud of the work being done in each FEI county and their outcomes are better than we imagined possible, we are especially excited about the work these three judicial districts will be doing with Ms. Pfarr," said **Sandy Moore**, director, Office of Children and Families in the Courts. "Gaining a deeper understanding of how our life experiences impact our interaction with others is sure to improve the work being done to help children and families."

To date, 15 counties have been selected as FEI participants out of 67 counties:

Beaver, Blair, Butler, Clinton, Dauphin, Fayette, Lackawanna, Lehigh,

Northampton, Northumberland, Philadelphia, Snyder, Tioga, Union and Venango.

These counties have the distinction of being selected to enhance their system for children and families. All 15 FEI counties, including dependency judges, dependency juvenile court hearing officers, attorneys, child welfare professionals and state and community partners attended the

virtual education event with Pfarr.

The overall goal of the FEI is to engage families in a more genuine and meaningful way so that when a child comes into the system, the county is reaching out to the family, friends and community of that child/parent to provide support and decrease trauma.

It's no secret that people need connections – and sometimes

those connections get lost. The focus for counties is generally to help find, sustain and rebuild these relationships by enhancing three components of practice:

- Enhanced Family Finding
- Enhanced Legal Representation
- Crisis/Rapid Response Family Meetings. ▲



HONORING ISAIAH

Connected in Purpose

Connected in purpose

After losing her son Isaiah during a medical emergency in 2019, AOPC IT Asset Coordinator **Alice Rahn** and her husband decided that each year, they wanted to do something special in his honor.

Last year, they helped to fund a ministry soccer, basketball and volleyball field in Haiti, and as they were thinking about what to do this year, they felt called to aid another international mission.

“I began learning about human trafficking and as I was in prayer about this issue, I felt led to help with the rescue efforts. In doing so, we would be connected in purpose with Isaiah,” Alice said.

It was around this same time that their friends were building recovery safe houses in Belize and while they initially thought about building a recovery house there, they soon learned about another couple in Nepal who have rescued over 1,000 women and children and were in danger of losing their home.

“One reason we decided to help Nepal is because, the victims have to pay for their prosecution, and since many are poor, it is a real issue for crime and sexual offenses there,” Alice explained.

“We are lucky to live in a nation that prosecutes criminals, but many of the people in Nepal don’t have the funds to do so. Answer International helps to prosecute criminals by paying for the prosecution and as a court employee, this was a big draw for me.”

With the goal to help raise \$100,000, Alice and her husband organized a fundraiser where all funds went to Answer International for the purchase of a recovery/safe house with a trauma center for sex- trafficked women and children.

The fundraising event – held on Aug. 21 at The Dream at Top Notch in Bloomfield, Pa. – consisted of a catered meal, live entertainment, live and silent auctions, a cash raffle and T-shirt sales. Also part of the fundraising efforts was a memorial motorcycle ride the week prior on Aug. 14. ▲

moreinformation

More information about the charity is available at <https://answerinternational.org/>.

Pennsylvania Conference of State Trial Judges annual meeting

At the end of July, judges from around the state gathered for the Pennsylvania Conference of State Trial Judges (PCSTJ) annual meeting.



Chief Justice **Max Baer** delivered opening remarks to attendees.



During the conference, Justice **Kevin Dougherty** met with the group involved with launching the Autism and the Courts initiative. Together, they reviewed the comprehensive results of the statewide listening tour and discussed possible next steps.