



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

## NEWS RELEASE

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***Pennsylvania Court System prepares for public health threats***  
**Administrative Office of Pennsylvania Courts Releases Benchbook  
Providing Judicial Guidance**

**HARRISBURG, March 13, 2007** — The Supreme Court of Pennsylvania today announced that it has distributed a Public Health Law Benchbook to state judges, preparing them for the unprecedented challenges they would face should a major public health threat such as a pandemic hit the United States.

“It is widely believed by public health experts that a global pandemic will occur at some point in the future, and, in the view of many, it is not a question of ‘if’ but ‘when,’” Chief Justice of Pennsylvania Ralph J. Cappy said. “This benchbook provides guidance regarding quarantine orders and legal information that will expedite the judicial process when time is of the essence.”

The AOPC, the administrative arm of the Pennsylvania Supreme Court, has been in the forefront in planning for a possible pandemic or public health crisis. Only a handful of other states have developed such benchbooks to prepare their judges on how to respond to emergency requests for court action or intervention if a public health crisis should develop.

Daniel Stier, a public health analyst for the federal Centers for Disease Control and Prevention, said, “CDC’s Public Health Law Program recognizes the crucial role of the courts in addressing public health legal issues. The new public health law benchbook will greatly benefit judges, public health officials and residents of Pennsylvania and will serve as a model for courts in other states.”

“History tells us government agencies have not always been prepared for pandemics or major public health crises,” said Court Administrator of Pennsylvania Zygmunt A. Pines. “If a pandemic like the devastating ‘Spanish Flu’ of 1918 strikes, the courts, along with other branches of government, must be prepared to act quickly. Today, for example, if two cases of avian flu were suddenly reported within a single municipal block, a judge could turn to this benchbook for guidance on how to quickly respond to a quarantine order from the local health department.”

A practical and useful resource, the benchbook will help Pennsylvania judges and court staff cut through a maze of public health law if an emergency arises. Much of the law is outdated and consists of a patchwork of statutes and state and local regulations. The benchbook also will help explain the often overlapping federal and state jurisdictional questions that would arise.

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The benchbook work is ongoing and will be expanded, updated, and corrected as time, circumstances, and changes in the law require, Pines noted. “We looked at and included more than 100 years of case law, analysis, and precedents from across the country in developing this benchbook,” he said. “It is our hope that this work will contribute to the collective and ongoing efforts of judges around the country who are committed to preserving the rule of law in the face of public crises.”

In conjunction with the benchbook, the AOPC is developing a Continuity of Operations template for judicial districts to use in shaping their own emergency operations plans in the event a crisis, including pandemics, terrorism, biological threats, and natural disasters occurring in Pennsylvania.

Preparing and issuing the benchbook is among a number Supreme Court of Pennsylvania “people-focused initiatives” to modernize and improve the state court system’s ability to effectively provide services to its citizens. These initiatives include court safety and security, specialty courts, trained court interpreters, statewide judicial automation and access to court information, and responding to needs of families and children involved in court proceedings.

The Public Health Law Benchbook is the product of a remarkable collaborative effort. Researchers, writers, and a board of editors were assisted in this year-long project by the University of Pittsburgh Graduate School of Public Health’s Center for Public Health Preparedness. While building on the work of others, Pennsylvania’s benchbook authors explored critical questions that will likely arise in a public health emergency, not only in Pennsylvania, but also across the country.

The benchbook is divided into three sections:

- Section one contains a set of public health law bench guides that provide concise responses to the key questions that will arise when specific public health issues come before the court.
- Section two offers analysis and background information on some of the legal issues the court may be called on to consider.
- Section three provides a glossary of public health-related terminology, model orders, and a table of cases. The benchbook will also be provided in compact disc format, with material being hyperlinked to original sources.

President Judge John M. Cleland of McKean County was the benchbook’s chief editor. Principal writing and research of this benchbook was performed by Darren M. Breslin, Esq. and Owen J. Kelly, Esq., AOPC staff attorneys, and Elizabeth Ferrell Schmidt, Esq. and Patricia M. Sweeney, JD, MPH, RN of the Center for Public Health Preparedness. The editorial board consisted of Judge Mark I. Bernstein of Philadelphia County; Judge John A. Bozza of Erie County; Grace R. Schuyler, Esq., Office of Legal Counsel, Pennsylvania Department of Health; and Zygmunt A. Pines, Esq., Pennsylvania State Court Administrator.

Special appreciation is extended to Daniel Stier, Esq. and the Centers for Disease Control and Prevention Public Health Law Program; Caroline S. Cooper of American University; Caroline C. Johnson, MD and Esther D. Chernak, MD of the Philadelphia Department of Public Health; AOPC Assistant Court Administrator Andrea Tuominen Esq.; AOPC legal intern Joseph DiGuglielmo; and especially to Judge Linda L. Chezem, retired judge of the Indiana Court of Appeals, who is a pioneer in the work of alerting judges to the challenges presented by public health law and teaching judges what they need to know to perform their critical functions in a democratic society.