

To: The Honorable Chief Justice of Pennsylvania and Honorable Justices of the Supreme Court of Pennsylvania and to the Citizens of the Commonwealth

I am pleased to present this Report of the Administrative Office of Pennsylvania Courts (AOPC) for 2005. This general reference document reflects the hard work and dedicated service of the boards and committees of the Supreme Court of Pennsylvania and the AOPC.

This report outlines many of the programs and services that provide the framework of the Commonwealth's state court system. It also serves to highlight noteworthy accomplishments in the administration of justice that took place during what was both a very busy and productive year.

Of particular note in 2005 are the Supreme Court's many administrative accomplishments that came through the significant involvement of judges and court administrators from across the Commonwealth, along with members of the bar, legislature, executive branch and public.

Changes in court procedures, new educational initiatives and the creation of more options for communities and their trial courts to help nonviolent criminal offenders avoid repeating their crimes and become productive members of society were among the year's highlights. It also was a year in which the state's 550-plus district justices became known as magisterial district judges. The name change was made to better reflect the nature of their office as judges and eliminate confusion by the public as to their important role in the judicial system.

Medical malpractice liability cases was a topic that commanded considerable attention during the year among all three branches of government. Court rule changes of note during the year included an amendment to the Rules of Civil Procedure to clarify Certificate of Merit requirements in medical malpractice liability cases.

The state's Rules of Civil Procedure require a plaintiff to file a certificate of merit attesting that a licensed professional believes the actions fell outside acceptable standards. The change addressed questions raised by some attorneys who have interpreted the rule to mean that a certificate of merit was required for each licensed professional involved in the alleged misconduct.

Later in 2005 the AOPC published medical malpractice data that showed a continued annual decline in case filings and an updated

Preface

from the

Court

Administrator

Preface
from the
Court
Administrator,
continued

listing of previously disclosed statistics for four prior years. Many believe the decline was a result of court rules changes regarding where cases are filed and the previously mentioned Certificate of Merit requirements.

All judicial districts must track medical malpractice cases and file an annual report that lists filings and verdict amounts. A Rule of Judicial Administration that codifies the reporting requirements was issued -- Pa.R.J.A. 1904 -- and statistical collection and analysis methods continue to be enhanced to ensure the accuracy of med-mal data.

Other rule changes in 2005 let Pennsylvania's lawyer disciplinary process come under public review, following years of keeping such information private. The Supreme Court amended the Pennsylvania Rules of Disciplinary Enforcement by authorizing disciplinary proceedings to be open to public review once formal charges -- otherwise known as a Petition of Discipline -- are filed, and after the respondent-attorney has either filed an answer or the time to answer the petition has elapsed. Pennsylvania joined 40 other jurisdictions across the country that allow public access to lawyer disciplinary proceedings.

Also during the year, the Supreme Court approved long-distance learning options for lawyers to meet their continuing legal educational requirements. The change provided lawyers with the option of completing four hours of instruction per compliance year by participating in pre-approved, interactive, Internet or computer-based CLE programs. Educational activities of this nature allowed for courses to be taken on a schedule convenient to the learner and expanded the availability of subject matter. Over the years technological advances in the delivery and exchange of information have enhanced educational options for lawyers.

Pennsylvania also played a role in coming to the aid of other state court systems in the southeastern U.S. that were debilitated by Hurricane Katrina. The Supreme Court authorized eligible licensed attorneys from Louisiana, Mississippi and Alabama who were displaced by Hurricane Katrina to conduct their practices in Pennsylvania for up to nine months. The attorneys' practice was limited to furnishing legal services to their clients about matters arising in the state where the attorneys are licensed.

Enhancing Judicial Education

The AOPC implemented a new Judicial Education Department in 2005, and Dr. Stephen Feiler was appointed director. The move addressed Chief Justice Ralph J. Cappy's priority to help the

Pennsylvania Conference of State Trial Judges (PCSTJ) standardize and augment judicial education offerings.

Initial department objectives included putting into place the systems necessary to provide administrative and organizational support to the PCSTJ, which previously relied upon judges to volunteer during their spare time. The new department provided a framework to bring together a staff to devote their full professional attention to judicial education.

Improving Decision-Making in Death Penalty Cases

The year also saw the development of a statewide education program for judges who try death penalty cases. Pennsylvania was selected as one of five pilot states for a program to be developed with the Nevada-based National Judicial College to augment legal education specifically for judges who try defendants facing the death penalty. Pennsylvania is using the broad-based curriculum provided by the college to develop a customized statewide program for the Commonwealth. The initiative is fully funded through a federal grant provided by the U.S. Bureau of Justice Assistance.

The highlight was just the latest in a series of actions advancing legal education for attorneys and jurists in areas of significant public concern here in the Commonwealth, such as death penalty cases and medical malpractice litigation. In November 2004 the court ordered mandatory legal education for attorneys in capital cases. The 2005 initiative focused on enhancing already high continuing legal education standards for the state's approximately 400 trial court jurists.

Safety Issues Proactively Addressed

Significant achievements in court security were made during the year under the leadership of Supreme Court Justice Sandra Schultz Newman and members of the Judicial Council's subcommittee on security. Specifically, an on-line prototype incident report was developed in select magisterial district courts and a facility assessment for all trial court facilities was completed. Judicial districts also identified alternate court sites in the event of a short-term emergency, and a comprehensive court security manual that emphasizes protecting people, property and information was developed.

The rewarding culmination of the security committee's efforts, however, was the legislature's appropriation of approximately \$5 million to address security enhancements for more than 500 magisterial district courts. With regard to security at the administrative

Preface
from the
Court
Administrator,
continued

Preface
from the
Court
Administrator,
continued

level, AOPC staff worked closely with a national security consultant in developing a comprehensive business continuity plan in the event of an emergency.

Enhancing Assistance for Families

Court leaders and representatives of child welfare agencies from every state, the District of Columbia and three U.S. territories gathered during the year at the Changing Lives by Changing Systems: National Judicial Leadership Summit for the Protection of Children, in Bloomington, Minnesota. The Pennsylvania delegation included Supreme Court Justice Max Baer, a former administrative judge for the family division of Allegheny Common Pleas Court and Pennsylvania's former Child Advocate and Adoption Advocate of the Year Award recipient; Allegheny County Juvenile Court Supervising Judge Kim Berkeley Clark; Philadelphia Juvenile Court Supervising Judge Kevin Dougherty; Court Administrator of Pennsylvania Zygmunt A. Pines; AOPC Director of Judicial Programs Joseph J. Mittleman and Terry Clark of the state Department of Public Welfare.

The summit paved the way for systematic change in subsequent years that resulted in an action plan to improve Pennsylvania's child protection procedures and programs.

Problem-Solving Courts

The Supreme Court also implemented statewide procedures for specialized adult drug courts. The guidelines established rules for the courts' voluntary creation in the 57 Pennsylvania counties that did not have them. The guidelines were developed in a joint venture by the AOPC and the Commission for Justice Initiatives, a judicial advisory group established in May 2004 by the Pennsylvania Bar Association at the request of the Supreme Court. The new guidelines apply only to adult defendants while similar procedures for juvenile drug courts remained under study by the commission and AOPC.

Public Comments Invited

The AOPC also moved ahead with development of new public access guidelines governing electronic court records by crafting a draft proposal for public review and comment. The proposed policy covered what and how electronic criminal case records should be available to the public and how requests for access to those records ought to be handled. Fees for accessing the records and other related issues also were addressed. Growing availability of court records over the Internet, coupled with increased concern regarding personal privacy and

security -- including the increased potential for identity theft and fraud -- prompted the AOPC to address the issues presented by the advent of electronic access to case files. At the direction of the state court administrator, an AOPC ad hoc committee crafted the policy proposal.

The committee work took place amid efforts to implement a statewide automated case management system in the criminal division of the Courts of Common Pleas. The Common Pleas Case Management System, or CPCMS, makes certain criminal case information available via Web docket sheets posted on the judiciary's public Web site.

The AOPC also sought public input on a redesign of the Pennsylvania judiciary's Web site, which was the second in the nation of its kind to go on-line. The revisions were driven by the anticipated completion of the CPCMS that will dramatically enhance criminal case data availability from Pennsylvania's courts. The Web site enhancements were part of the AOPC's continuing role in administering the state court system under the direction of the Supreme Court, which has a longstanding policy of promoting open access to the courts for the Commonwealth's citizens.

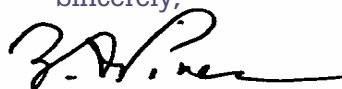
The Gender, Racial and Ethnic Fairness Commission provided collaborative forums on a variety of issues in taking significant strides during its first year of operation. The commission also held seminars on promoting jury diversity and participation.

At its second quarterly meeting of 2005 at the National Constitution Center in Philadelphia, Chief Justice of Pennsylvania Ralph J. Cappy announced plans to hold one public session each year to highlight commission accomplishments and seek public input.

Under the direction of the Chief Justice and the Supreme Court, the AOPC is dedicated to improving the administration of justice and will continue to develop ways to meet the challenges of ever more complex caseloads and societal changes through prudent use of resources.

Finally, in a look to the future, site preparation work began during the year in downtown Harrisburg on the much-anticipated Pennsylvania Judicial Center project. The northwest corner of Commonwealth and Forster streets was readied for a new garage where people parking at the current site of the planned center will be relocated to park.

Sincerely,



ZYGMONT A. PINES

Court Administrator of Pennsylvania

Preface
from the
Court
Administrator,
continued