

Invisible Wounds of War

Statewide Veterans' Task Force Sets out to Help Vets/Creation of Veterans' Courts a Priority

While physical wounds of war are all too evident, there often lurks, underneath the surface of so many veterans, unseen scars, "casualties of a different kind." They are a soldier's psychological wounds, known to many as post-traumatic stress disorder (PTSD), traumatic brain injury (TBI) or depression.

State Supreme Court Justice **Seamus P. McCaffery**, a retired United States Air Force colonel, former U. S. Marine and Philadelphia police officer with 40 years of military service, said, "The wounds of war are not always visible. They are often invisible, manifesting themselves months or even years later, causing many veterans to turn to drugs and alcohol in attempts to self-medicate. This often leads to unlawful behavior and/or sudden outbursts of violence, preventing some veterans from successfully reentering our communities."



Justice McCaffery addresses members of the Statewide Veterans' Task Force.

These unique challenges and battles faced by veterans after they leave combat prompted the Pennsylvania Supreme Court to partner with the U. S. Department of Veterans Affairs to create a statewide task force, Veterans and Pennsylvania's Criminal Justice System. The inaugural meeting of the task force was held on February 3, 2010, in the Pennsylvania Judicial Center. The task force's goal is to coordinate efforts

by **Steve Schell**

among courts, the federal Department of Veterans Affairs and criminal justice agencies to assist veterans who are struggling with substance abuse or mental health problems and who come into contact with the criminal justice system.

The task force will meet bi-annually, initially focusing on veterans' courts. Justice McCaffery, who is co-chairing the task force said, "With a focus on resource coordination and guided rehabilitation, Veterans' Courts offer a chance for the veteran to conquer problems and with the support of a veteran mentor, get his or her life back on track."

Pennsylvania has veterans' courts in Allegheny, Lackawanna and, most recently, Philadelphia counties. Courts are also being planned in Chester and Montgomery counties.

Problem-solving courts, such as drug, DUI, mental health and veterans courts, curb recidivism, help defendants lead productive lives and save tax dollars. They are an alternative to incarceration that divert eligible, nonviolent offenders into treatment programs. Defendants in these programs receive intense supervision from probation officers and intense treatment, either from community providers or in the case of veterans courts, from the Veterans Administration. They are held accountable for compliance with program requirements by appearing at regular, frequent intervals before a judge.

Data show recidivism among adult drug court participants is reduced to 20-30 percent, compared to a recidivism rate of non-drug court participants of 50-60 percent.

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New to the Judicial Branch

Appellate Court Elections

P. Kevin Brobson - Commonwealth Court
 Patricia A. McCullough - Commonwealth Court
 Sallie Updyke Mundy - Superior Court

Common Pleas Court Elections

Adam M. Beloff - Philadelphia
 Michele G. Bononi - Westmoreland
 Daniel J. Brabender Jr. - Erie
 Thomas R. Campbell - Adams
 Carolyn Tornetta Carluccio - Montgomery
 Linda A. Cartisano - Delaware
 Bernard L. Coates Jr. - Dauphin
 Patricia E. Coonahan - Montgomery
 Roxanne E. Covington - Philadelphia
 Deborah E. Curcillo - Dauphin
 Craig A. Dally - Northampton
 Wendy Demchick-Alloy - Montgomery
 Andrew H. Dowling - Dauphin
 Linda R. Fleming - Cambria
 Tina Polachek Gartley - Luzerne
 Gary B. Gilman - Bucks
 Gregory J. Hammond - Warren/Forest
 Philip Anthony Ignelzi - Allegheny
 Charles T. Jones, Jr. - Lebanon
 Patrick T. Kiniry - Cambria
 Arnold I. Klein - Allegheny
 Angela R. Krom - Franklin/Fulton
 Marc F. Lovecchio - Lycoming
 Albert H. Masland - Cumberland
 Joy Reynolds McCoy - Lycoming
 Shawn D. Meyers - Franklin/Fulton
 Stephen P. B. Minor - Potter
 Margaret A. Bisignani Moyle - Lackawanna
 Lois E. Murphy - Montgomery
 Harry M. Ness - York
 Garrett D. Page - Montgomery
 Clarence N. Patterson Jr. - York
 Christian F. Scherer - Westmoreland
 Steven R. Serfass - Carbon

Michael H. Sholley - Snyder
 Jennifer H. Sibum - Monroe
 Gary S. Silow - Montgomery
 Diane R. Thompson - Philadelphia
 Donald R. Walko Jr. - Allegheny
 Nancy D. Vernon - Fayette
 Kelly C. Wall - Montgomery

Minor Courts Judge Elections

James A. Andring - Armstrong
 Kim L. Bagenstose - Berks
 Anthony M. Ceoffe - Allegheny
 Lori Novak Donatelli - Chester
 Mark D. Douple - Bucks
 Aaron L. Gingrich - Mifflin
 Ronald J. Haggerty Jr. - Fayette
 Robert A. Hawke - Northampton
 Andrew M. Hladio - Beaver
 Cathleen Kelly Rebar - Montgomery
 David T. Kovach - Butler
 Edward C. Kropp Sr. - Montgomery
 James A. Lenker - Dauphin
 Kenneth A. Lenker - Dauphin
 Ronald S. Manescu - Lehigh
 Roy A. Manwaring - Northampton
 Diane M. Marakovits - Northampton
 Daniel Neil McEwen - Mercer
 Maureen McGraw-Desmet - Allegheny
 Michael M. Metros - Fayette
 James A. Motznik - Allegheny
 David L. Plum - Franklin
 Alvin B. Robinson - Berks
 Derwin D. Rushing - Allegheny
 Timothy P. Schill - Clarion
 Jean Seaman - Bucks
 Matthew Seavey - Chester
 Jacqueline M. Taschner - Northampton
 David W. Tidd - Northampton
 Philip S. Turner Jr. - Delaware
 Joseph C. Waters Jr. - Philadelphia Municipal Court

County

Russell Carlino - Allegheny - deputy court administrator

AOPC

Keith Williams - Judicial Automation - Hosted Applications LAN technician

Appointments

Joseph M. Cosgrove - Luzerne - Common Pleas Court judge

Other Job Changes

Miscellaneous

Irene M. Bizzoso, Esq. - Supreme Court - apptd. acting prothonotary
 Joseph A. Hudock - senior Superior Court judge apptd. to Common Pleas Court
 Lawrence J. O'Toole - Allegheny - appointed orphans' court division administrative judge
 David N. Wecht - Allegheny - appointed family division administrative judge

Common Pleas Court Judges Elected to Superior Court

Anne E. Lazarus - Philadelphia
 Judith Ference Olson - Allegheny
 Paula Francisco Ott - Chester - president judge

Magisterial District Judges Elected to Common Pleas Court

William H. Amesbury - Luzerne
 Susan Evashavik DiLucente - Allegheny
 Michael J. Koury Jr. - Northampton
 Russell D. Shurtleff - Wyoming/Sullivan - president judge

Elected/Appointed President Judge

Thomas F. Burke Jr. - Luzerne - apptd.
 Timothy P. Creany - Cambria - apptd.
 Ernest J. DiSantis Jr. - Erie - elected
 Kevin A. Hess - Cumberland - apptd.
 Todd A. Hoover - Dauphin - elected
 James P. MacElree II - Chester - elected
 Joseph C. Madenspacher - Lancaster - elected

(Transitions continued on page 13)

5/4-5/6	Superior Court Session (Phila.)	6/6-6/8	PJ/PACM Conference, State College
5/10-5/14	Supreme Court Session (Hbg.)	6/8-6/10	Superior Court Session (Phila., Hbg.)
5/17-21	Commonwealth Court Session (Phila.)	6/21-25	Commonwealth Court Session (Hbg.)
5/18-5/20	Superior Court Session (Phila., Hbg., Pgh.)	6/22-6/24	Superior Court Session (Phila., Pgh.)
5/31	Memorial Day Holiday (Observed)	7/27-7/29	Superior Court Session (Phila., Hbg., Pgh.)
6/4	Supreme Court Administrative Session (Pgh.)		

Remembrance and Gratitude

by Zig Pines

Memory, and our confidence in our capability to remember, can be tricky.

As Joseph Hallinan noted in his recent book, *Why We Make Mistakes*, “working memory can evaporate like water in a desert.” He notes that, after only two seconds, things begin to disappear. Within fifteen seconds of a new problem, we will have forgotten the old problem. And, in some cases, the forgetting rate can be as high as 40 percent.

Over-confidence in our memory (especially eye-witness identification) was forcefully demonstrated at the recent mid-annual conference of our trial judges. Judges were given the “penny-drawing test.” The audience was shown 15 variations of the penny, something we see day in and day out. The challenge was to recall what a penny precisely looks like and pick the accurate portrayal. The devil, of course, is in the details. For some of our judges, who were supremely confident in their power of recollection, the discovery of delusion and error was startling.

Which takes me to our newsletter. Our newsletter has been around for eight years. When we began this venture in 2002, our stated goal was a simple one. In our first issue, we said: “Good communication is an essential foundation of any successful organization.”

As I look back, our stated communication goal turned out to be a bit more expansive. In a sense, we created both a journal and photo album about who we are and what we do because we believe it is important

to document the judiciary’s achievements and challenges.

During this eight-year span, we have covered our Chief Justices (**Flaherty, Zappala, Cappy** and **Castille**) and their colleagues, the many faces of security in a post-9/11 world, the growth of public access and the expansion of “problem-solving” courts. It was in early 2002 that we spoke about the prospect of a new “judicial center.” We put a spotlight on the plight of abused and neglected children. We followed our automation staff as they blazed new trails and extended our automation highway. We even “traveled” with some of our jurists (Judges **McEwen** and **Wallitsch**) as they took their wisdom to foreign locations (Bulgaria and Morocco, respectively). We covered our staff’s volunteer efforts to help their communities. And in each issue, we spoke about the “transitions” of our jurists and employees who entered and left our little circle.

When we decided to call our newsletter “AOPConnected,” little did we know what the future would bring. I’m sure that our steadfast editorial board (**Tom Darr, Andrea Tuominen, Jim Koval, Art Heinz**) and staff harbored the hope that their efforts to chronicle our judicial lives would help us in better remembering our past. To all who have assisted in this continuing worthy effort, a simple thank you.

Post-script: We are always looking for newsletter ideas and articles. We could really use an editorial cartoonist!

Around the Judiciary



Hoot, There It Is!

This finely feathered friend (photo, left) found a home in the courtroom at the Forest County Courthouse in Tionesta before being caught and released. The small bird of prey undoubtedly had his eyes fixed on the ornamental owl perched on the clock near the judges’ bench (photo, right). Court officials suspect fowl play.

(Photos courtesy of Forest News)



Finding Permanent Homes for Abused and Neglected Children

by Steve Schell

Nearly four years ago, the Pennsylvania Supreme Court created the Office of Children and Families in the Courts (OCFC) with the goal of improving court oversight of foster care cases and reducing delays in placing abused and neglected children safely and permanently in loving, caring homes. Today these efforts are paying off handsomely, not only for the children, but for the taxpayers as well.

Recent reports from the state Department of Public Welfare show that the number of Pennsylvania children in foster care is declining significantly from approximately 20,450 in September 2006 to 15,920 at the end of 2009.

State Supreme Court Justice **Max Baer**, a former administrative judge of family court in Allegheny County, is guiding these efforts on behalf of the Supreme Court. In February he told the Senate Appropriations Committee that the Welfare Department statistics not only mean Pennsylvania has 4,500 fewer children who were in foster care drift now in permanent homes, but that \$225 million are saved in the gross costs for administering foster care programs throughout Pennsylvania. Even subtracting the costs of subsidized adoptions and legal guardianship from this figure, the taxpayers are saving tens and perhaps hundreds of millions of dollars, while children are being provided a real chance for success in life.

A combination of local, state and federal tax dollars is used to pay county foster care costs that studies have shown run between \$30,000 and \$70,000 per youth per year. Dauphin County officials, for example, have reported a reduction of 29 children ages zero to five years in out-of-home care from September 2008 to January 2010. Blair County officials reported having fewer than 100 children in out-of-home care at the end of February 2010 for the first time in nearly 10 years, down from approximately 190 only three years ago.

"Working together...families, communities, agencies, courts and commissioners ...we see increased safety, stability and permanency for children. And at the end of the day, that's what we want from our dependency system," said President Judge Todd Hoover, who oversees dependency cases in Dauphin County.

The OCFC serves as a statewide resource center for the handling of issues associated with children dependent on the courts for their well-being. It oversees the

statewide Permanency Practice Initiative, which brings together local child welfare administrators and Common Pleas Court judges who handle cases involving abused and neglected children, and many others working in child welfare to implement best methodologies in every Pennsylvania county to enhance child safety, well-being and permanence.

Additionally, the OCFC is working with the Department of Public Welfare's Office of Children, Youth and Families to support these best practices; a combination of strength-based, family inclusive practices, resulting in an increase in the number of children in permanent placement, either through safe reunification with their parents or with another permanent family. This allows for the shift of valuable resources from supporting "temporary out-of-home placements" to services that support children living safely within their own communities.

OCFC Administrator **Sandy Moore**, who is "the person on the ground" and most responsible for these great successes, said, "The results are not only good for taxpayers; they are good for our children, families



Justice Max Baer testifies before the Senate Appropriations Committee in February.

and communities. Working together, we are making a positive difference for the children and families of Pennsylvania."

For more information regarding the OCFC, please see www.ocfcpcourts.us.

Where Are We Going? Emerging Issues in Public Access Policy Development

by Andrea Tuominen and David Price

"All of this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this Administration, nor even perhaps in our lifetime on this planet. But let us begin." President John F. Kennedy, January 20, 1961.

With these words Justice John Dooley, Vermont Supreme Court, opened the Seventh Conference on Privacy and Public Access to Court Records in Williamsburg, Virginia.

While President Kennedy was speaking of the Cold War, his words could equally be applied to the perpetual issue of public access to records of the Pennsylvania Judiciary.

At the time of the first national conference in 2001, Pennsylvania had only one statewide policy governing public access to court records, specifically case records maintained by the magisterial district courts. Fast forward to 2010, and there are now several protocols governing various court records: the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania (UJS) governs access to electronic case records maintained in the UJS' three statewide case management systems (PACMS, CPCMS, and MDJS); Rule of Judicial Administration 509 sets forth procedures for access to UJS financial records; and most recently, the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts.

Despite the implementation of these policies, new issues frequently crop up that often have statewide implications. For example, current issues include a review of fees charged to requestors of electronic case records in bulk and possibly restrictions on use of electronic case records received by requestors.

In attendance at the conference, Assistant Court Administrator of Pennsylvania **Andrea Tuominen** and AOPC Staff Attorney **David Price** engaged in presentations and dialogue about the seeming dichotomy of public access to and privacy interests in public records.

Participating in a panel discussion entitled "Court Public Access Policy Implementation: Recent Developments," Mr. Price highlighted a recent study by Carnegie Mellon University that found it possible to predict individuals' social security numbers from the Social Security Administration's death master file when knowing an individual's date and state of birth.

This finding obviously raises concerns for courts and policies that allow the release of partial social security numbers. In Pennsylvania the statewide electronic case record policy and Rule 509 prohibit the release of any part of a social security number. The soon-to-be effective policy governing access to the magisterial district courts' paper case records generally requires litigants and attorneys place social security numbers on confidential information forms not publicly accessible. In addition, social security number fields were removed or suppressed from the court's file copy in accordance with the new policy, a result that was more easily achieved because the courts are automated on a statewide system.

In addition, Mr. Price spoke about the AOPC's experience with complaints received from individuals claiming that some commercial "background check" Web sites have listed incorrect or expunged case information and also attributed the AOPC as the source of the information. In all cases, the AOPC has definitely not been the direct source of this inaccurate information, and

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Chief Justice

Thomas G. Saylor
Justice

J. Michael Eakin
Justice

Max Baer
Justice

Debra Todd
Justice

Seamus P. McCaffery
Justice

Joan Orié Melvin
Justice

Zygmunt A. Pines
Court Administrator
of Pennsylvania

Annual State of the Commonwealth's Courts Released

by Art Heinz

The fifth annual State of the Commonwealth's Courts report was issued by Chief Justice of Pennsylvania **Ronald D. Castille** to recognize the work of many—within and outside the court system—who collaborated in the past year to “right wrongs, streamline court processes and preserve citizens’ rights.”

“If ever there was a time for the state and local governments in Pennsylvania to work together, as resources are limited and citizens’ needs are great, this is that time,” Chief Justice Castille wrote in the 2010 report.

Among the report’s highlights:

- The Children’s Roundtable Initiative to improve dependency programs, which help abused and neglected children to find permanent and loving homes, is both reducing the need for foster care and saving scarce funds.
- Problem-solving courts are expanding in Pennsylvania counties to include non-violent offenders who are veterans and those with mental health issues

in addition to their more traditional emphasis on drug and alcohol offenders. These courts are aimed at both improving offender outcomes and reducing incarceration costs.

- The number of judges at the trial and magisterial level will be assessed to determine whether shifts or decreases in caseloads suggest the need to eliminate judgeships through attrition.
- Collaborative consideration with the legislative and executive branches of state government and local governments is necessary to rethink the value and effects of current practices in the fields of correction, parole and probation, specifically with respect to sentencing procedures, greater use of intermediate punishment alternatives, effective treatment programs, and parole and probation violations.

“My colleagues on the Supreme Court and I all share the privilege of serving Pennsylvanians by protecting our constitutional freedoms and



administering an effective court system whose judges and staff are equally dedicated to those principles,” the chief justice wrote.

A copy of this year’s State of the Commonwealth’s Courts report can be found on the Pennsylvania Judiciary’s Web site at www.pacourts.us by clicking the Reports button at the bottom of the page.

[Art Heinz is managing editor of AOPConnected.]

AOPC Employee Service Milestones



Carl Botti

A number of AOPC employees have reached service milestones between January and March 2010. They are:

35 Years

Carl Botti - Judicial Automation

25 Years

Diane Bowser - Judicial Programs

Ralph Hunsicker - Judicial Automation

20 Years

Basear Ahadi - Judicial Automation

15 Years

Tari Wiest - Payroll

10 Years

Denise Aylward - Judicial Automation

Cheryl Crider - Judicial Automation

Ashok Modi - Judicial Automation

Deanne Warrenfeltz - Judicial Automation

Honors and Dispatches

Supreme Court Justice **Thomas Saylor** was the featured speaker at Warren County Historical Society's fifth annual Robert H. Jackson program at the county courthouse. The late Jackson, a Warren County native, is a former U.S. Supreme Court justice and was chief prosecutor for the Nuremberg trials. Justice Saylor presented a program on the landmark Supreme Court case of *Brown v. Board of Education* that declared state laws establishing separate race-based schools was unconstitutional.



From left: Wilkinson mayor John Thompson, Judge Livingstone Johnson, Judge Justin Johnson. (photo courtesy Pittsburgh Post-Gazette)

Retired Superior Court Judge **Justin Johnson** was inducted into Wilkesburg High School's Wall of Fame along with his brother, retired Allegheny County Judge **Livingstone Johnson**. Judge Justin Johnson who served on Superior Court

from 1980 to 2007 was a 1951 graduate of Wilkesburg—one of only three African-American students at the time. His brother, Livingstone, who served on the Common Pleas Court bench from 1982 to 2007, was the lone African American student when he graduated in 1945. Both jurists served honorably in the armed forces prior to their careers on the bench.

Franklin County Judge **Carol Van Horn** is the 2010 recipient of the Sylvia H. Rambo Award for her contributions to the legal profession and society. Judge Van Horn, the first woman elected to the Franklin/Fulton Court of Common Pleas, received the award from the Women's Law Caucus of the Penn State University, Dickson School of Law in Carlisle.

Former Supreme Court Justice **Cynthia Baldwin** has become the first in-house counsel and chief legal officer for Penn State. Her responsibilities include overseeing the academic institution's legal work, contracts and policies and advising the board of trustees and senior management.

Luzerne County Judge **Tina Polachek Gartley** was the keynote speaker at the Women's Resource Center's 32nd annual report luncheon held at the Scranton Country Club. Judge Gartley received the Margie Memorial Award in recognition of her service to the community. The annual award is presented in memory of a domestic violence victim.

Allegheny Common Pleas Court extended its goodwill to the Far East by welcoming a judicial contingent from the Republic of Korea. Three judges, two clerks and two other court officers from the Daejeon District Court and the Seoul Central District Court were in Pittsburgh to study American trial procedures. The visit was intended to help the South Korean judiciary understand the use of oral arguments and proceedings in a jury system. Members of the Korean delegation were welcomed by President Judge **Donna Jo McDaniel** and Judges **Cathleen Bubash** and **Jeffrey A. Manning**, administrative judge of the criminal division. Also participating were **Raymond L. Billotte**, district court administrator; **Claire Capristo**, chief deputy court administrator and **Helen Lynch**, administrator of the criminal division.

Philadelphia Common Pleas President Judge **Pamela Pryor Dembe** was guest speaker at the Brandeis Law Society of Philadelphia ninth annual law student networking night. The event gives Jewish law students from Philadelphia-area law schools an opportunity to interact with experienced attorneys and judges.



Former Philadelphia Judge **Louis J. Presenza**—who started the first adult drug court in Pennsylvania and was the impetus behind the Pennsylvania Association of Drug Court Professionals—was presented with the organization's first Distinguished Service Award. The annual award, which was established in Judge Presenza's name, is designed to recognize an individual who has shown extraordinary leadership and support of the problem-solving court field in Pennsylvania. It was given during the PADCP's annual conference in State College.

New MDJS Roll Out Begins

by Steve Schell

Judicial Automation marked yet another milestone in March when Adams, Westmoreland and Lancaster counties completed testing and became the first to “go live” on the magisterial district courts’ new Magisterial District Judge Automated System (MDJS). After more than two years of planning with a committee of district judges, district court staff, court administrators and AOPC staff, the new Windows-based case management system for Pennsylvania’s magisterial district judges (MDJs) and the Pittsburgh Municipal Court began the roll-out on a county-by-county basis.

Amy Ceraso, Director of Judicial Automation, said, “Careful planning during the system development stages and intensive pre- and post-go live training for system users are allowing us to make a smooth transition from the old system to the new.”

Like the old system, the new system supports the management of traffic, non-traffic, criminal, private criminal, civil, landlord-tenant and miscellaneous docket cases.

“In addition,” Ceraso said, “the new system will provide greater court-to-court access for the magisterial district judges, allowing them to see whether warrants exist statewide on a defendant who may appear in a court office or court. It will provide additional information on state bail, sentencing history and defendant case balance and confinement information.”

“I particularly like the ability to use the new MDJS to review a defendant’s statewide past history when setting bail. Allowing the district judge to review a defendant’s previous record, any indication of flight or escape and any prior bench warrants for failure to appear is a valuable asset when determining the release of a defendant on bail and imposing any relevant conditions to assure the defendant’s appearance at the next proceeding,” said Westmoreland County Magisterial District Judge **Roger Eckels**.

The upgraded system supports a recently developed function allowing electronic filing of criminal complaints and traffic citations—a process that significantly

reduces data entry for MDJ court staff. The system also assists Common Pleas (CP) court staff by providing important MDJ information in near real time and facilitating the transfer of cases from the MDJ system to the CP system, thus eliminating the need for CP staff to re-enter case information.

The system’s 3,200 users docket more than two million cases annually, and when the rollout is completed by December 2011, approximately 26 million criminal cases are expected to be migrated from the old to the new system.

Every district court within each county will go live on the new system at the same time.

All costs associated with the implementation of the new system, including the replacement of outdated court desktop equipment, are picked up by the AOPC. There are no costs to the courts or counties except for supplies.

...when the rollout is completed... approximately 26 million criminal cases are expected to be migrated from the old to the new system.



Westmoreland County set up a temporary training room in the courthouse to enable centralized training. This eliminated any need to shut down the district courts and provided a more efficient use of training resources.

Skating Sparks Bond

Friendship between American and Swedish Judges Is on Solid Ice

by Lancaster Judge **Hank Kenderdine**,
as told to *AOPConnected*



Judges Hank Kenderdine of Lancaster County (l) and Helmuth Foell on the Viking Trail Skate in southern Sweden.

Note: Judge Kenderdine passed away in April. He had already submitted this article for publication.

Like many other lads who grew up within the Hershey Bears fan base in the '60s, Lancaster County Common Pleas Judge **Hank Kenderdine** played lots of pond ice hockey throughout the cold winters. As a south-central Pennsylvania resident, Judge Kenderdine continues to rink skate as one of his life sports.

But the lure of natural ice still beckoned. Several years ago, after returning from skating the Rideau Canal during Ottawa's winter carnival, Judge Kenderdine focused on the goal of skating the much longer course in Sweden, called Vikingarannet, or Viking Trail Skate, along a series of interconnected lakes north of Stockholm. The annual Nordic skating event attracts more than 2,000 Scandinavians and Northern Europeans.

During that skate in February of 2009, a Swede named Helmuth, also age 62 at the time, struck up a conversation as the two walked a short land passage between the

frozen lakes.

Though they never saw each other again after re-entering the ice, they have become e-mail pals, finding that they have much in common in addition to their love of skating. In those Internet exchanges, Kenderdine learned about the Swedish judicial system because Helmuth holds the appointed position of a "lay judge."

Within the Swedish hybrid adjudicatory structure, most cases are heard—not by a panel of solely professional judges as in western Europe—but by a combination of law-trained judges and several "lay judges," who serve for multiple-year terms. Through those discussions during the past year, the extent of Helmuth's intellect and wisdom of his judgment became quite apparent.

Now, every time Judge Kenderdine laces his skates, he marvels at the coincidence of having met this fellow jurist during their brief walk in Sweden one cold winter's day.

Honors & Dispatches, continued from page 7

Lycoming County District Judge **Kenneth Schriener** coordinated a seminar on how local law enforcement agencies and judges may prepare to handle issues related to the heavy equipment used by gas drilling companies working in the statewide Marcellus Shale region. About 50 district judges and municipal and state police officers gathered at Little League headquarters in South Williamsport for the seminar.

York County Common Pleas Court was selected by the National Center for State Courts to pilot recently developed performance measures for mental health courts. The York program was one of just five in the country

chosen for the pilot. Judge **Penny Blackwell** presides over the York County Mental Health Court, which opened in May 2005. April Billet-Barclay, Deputy Chief of Adult Program, and Michael Stough, Problem-Solving Courts Coordinator in York, will be the liaison with the National Center for this project. The performance measures being piloted were developed by an advisory council that consisted of approximately twelve mental health court experts from various regions of the country—including **P. Karen Blackburn**, program administrator of the problem-solving courts program of the AOPC. The measures will assist with policy decisions surrounding how to address mental health issues within criminal justice settings.

Commission on Juvenile Justice Moving toward May Deadline

by L. Stuart Ditzen

After holding 11 days of public hearings between October 2009 and April 2010, the Interbranch Commission on Juvenile Justice has gathered information from dozens of individuals with varying perspectives on the corruption scandal and the breakdown of the juvenile justice system in Luzerne County.

With the coming of spring, the 11 members of the commission, chaired by Superior Court Senior Judge **John M. Cleland**, have been reading hearing transcripts, studying exhibits and reviewing hundreds of recommendations as they prepare a final report. On May 31 the report is due with the Supreme Court, the governor and the legislature.

The Interbranch Commission on Juvenile Justice was created by unanimous vote of both houses of the General Assembly in the summer of 2009 in response to a corruption scandal in Luzerne County involving former judges Mark A. Ciavarella and Michael T. Conahan.

Ciavarella and Conahan were arrested and charged with racketeering, fraud, extortion, money laundering, bribery and federal tax violations. Both men are charged with receiving \$2.8 million in payoffs from the builder and owner of two juvenile detention facilities.

In addition to the criminal charges, Ciavarella has been at the center of a massive controversy for his conduct as a juvenile court judge. In that role he decided thousands of juvenile cases and often ordered juveniles into detention without affording them their constitutional rights.

These rights violations were so extensive that the Pennsylvania Supreme Court in October ordered *all* juvenile adjudications by Ciavarella between 2003 and 2008 to be vacated and the records expunged.

The mandate of the Interbranch Commission on Juvenile Justice is to conduct a noncriminal investigation to determine the causes of the failure of the juvenile justice system in Luzerne County, to restore public confidence in the administration of justice and to prevent similar events from occurring.

The commission has taken testimony from former and current Luzerne County district attorneys, the county public defender, officials of the Juvenile Probation Department, the executive director of the Juvenile Court Judges' Commission, the executive director of the Juvenile Law Center of Philadelphia and many others.

The commission also has attempted to scrutinize the Pennsylvania Judicial Conduct Board, which in 2006 received a detailed complaint alleging ethical breaches by Conahan, then the president judge of Luzerne County. The Judicial Conduct Board did not investigate allegations in the complaint, but referred the matter to the U.S. Attorney's Office in Scranton.

Citing confidentiality rules, the conduct board has declined to provide detailed information to the interbranch commission about its decision. Lawyers for the two panels have disputed—and litigated over—the extent to which the board can claim confidentiality.

The Interbranch Commission on Juvenile Justice is made up of four members named by Chief Justice Ronald D. Castille, three appointed by the governor and four appointed by legislative leaders. In addition to Judge Cleland, other members are:

Tod C. Allen, Director of Court Advocacy, the Crime Victim Center, Erie County; Valerie Bender, former Senior Research Associate, National Center for Juvenile Justice, Pittsburgh; Honorable **James A. Gibbons**, magisterial district judge, Lackawanna County; Kenneth J. Horoho, Jr., Esq., former president, Pennsylvania Bar Association, Pittsburgh; Jason J. Legg, district attorney, Susquehanna County; Robert L. Listenbee, Chief, Juvenile Unit, Defender Association, Philadelphia; George D. Mosee, Jr., deputy district attorney in charge of the Juvenile Division, Philadelphia District Attorney's Office; Honorable **John C. Uhler**, Court of Common Pleas, York County; Ronald P. Williams, regional director, Pennsylvania Department of Agriculture, Lake Winola; Honorable **Dwayne D. Woodruff**, Court of Common Pleas, Allegheny County.

[Stu Ditzen is the AOPC's assistant for communications.]

Pittsburgh-Area Teachers Receive Civics Lesson

by Steve Schell

In March more than 50 teachers from the Pittsburgh area attended an intensive and interactive day of learning and discussion about the state and federal courts and constitutions at a Teachers Institute on the Judiciary hosted by the Pennsylvania Supreme Court in Hanley Hall, Duquesne University School of Law in Pittsburgh.

The Pittsburgh Teachers Institute was the third such event held throughout the state, designed to promote and encourage greater emphasis on civics education in the classroom and to foster a better understanding of the role of courts and the judiciary in a democratic society. The events are jointly sponsored by the Pennsylvania Commission on Judicial Independence, the Pennsylvania Coalition for Representative Democracy and the Pennsylvania Bar Association.

"We are sponsoring these seminars across the state to reach out to teachers to emphasize the importance of teaching government and teaching civics, and that will keep our society strong in the future," Chief Justice **Ronald D. Castile** said. "Schools don't emphasize government or civics anymore, and we think it's really



A highlight of the institute was a mock Supreme Court argument with teachers (front row) in the roles of the justices.

important for young citizens to learn about our government, how the system works and where the judiciary fits in."

Judge Marjorie O. Rendell, Third Circuit Court of Appeals and First Lady of Pennsylvania said, "I am delighted that that the Supreme Court of Pennsylvania, the Pennsylvania Bar Association, the AOPC and the Pennsylvania Commission on Judicial Independence have joined with PennCORD to offer these valuable professional development sessions on the judiciary. We, as members of the legal community, are uniquely placed to insure that the next generation has the knowledge, skills and attitudes of effective citizens. There is no more an important role or gift to share with the next generation."

Institute highlights included a mock Supreme Court argument with teachers in the roles of justices, sitting with Pennsylvania Supreme Court Justice **Joan Orié Melvin**, Commonwealth Court President Judge **Bonnie Brigance Leadbetter**, Allegheny County Common Pleas Court Judge **Joseph M. James**, Senior Superior Court Judge **Robert E. Colville** and former Superior Court Judge **Maureen Lally-Green**.

Another feature included a roundtable discussion titled, "Judges on Judging" with Pennsylvania Supreme Court Chief Justice Emeritus **John P. Flaherty**, Judge Rendell, Judge Leadbetter, Judge Lally-Green, Allegheny County Common Pleas Court Judge **Kim Berkeley Clark** and Allegheny County Magisterial District Judge **Dennis R. Joyce**.



Participants in the institute included, from left: Commonwealth Court President Judge Bonnie Leadbetter, former Superior Court Judge Maureen Lally-Green, Chief Justice Emeritus John P. Flaherty, Chief Justice Ronald D. Castille, Duquesne Law School Dean Kenneth Gormley, Third Circuit Court of Appeals Judge Marjorie Rendell, Allegheny County Common Pleas Court Judge Kim Berkeley Clark and Allegheny County Magisterial District Judge Dennis R. Joyce.

Allegheny Courts Launch Initiative to Better Help Families

by the Hon. David N. Wecht

Having expanded from 13 to 15 judges, Allegheny County courts' family division launched a Unified Family Court that began Jan. 25, 2010.

The initiative is designed to promote and implement the "one judge, one family" concept as a best practice for the Fifth Judicial District and the people it serves. The Unified Family Court also promotes cross-training and cross-competencies for judges and bridges the divide between adult and juvenile judicial cultures.

Each judge is now able to hear—and will hear—all types of cases. The judges are divided into five teams of three judges each. Each judge is designated as either Unified Juvenile (UJ), Unified Adult (UA) or 50/50. Each of the five teams has one judge from each category.

The designation determines what types of cases each judge will hear most often. The five UJ judges will focus mostly on dependency and delinquency issues, but will hear domestic relations matters as well. The five UA judges will focus mostly on divorce, support, custody and protection from abuse (PFA) matters, but also will hear dependency and delinquency matters.

The five 50/50 judges will split their time relatively equally between all matters.

This new model will allow each family division judge to maintain his or her supervision of a case no matter what path that case follows. A family will no longer need to appear before multiple judges depending upon what issue the family is attempting to resolve. The judge most familiar with each case and family will be able to preside over all matters. The family division will promote and implement "one judge, one family" and cross-competencies among the county's 15 judges without sacrificing the individual expertise and experience that judges have accumulated over time.

This UFC initiative will help to better serve families—a goal that remains constant in the family division. It grows from a consensus-driven collaboration among family division judges and draws upon both experiences in Allegheny County and the "one judge, one family" best practice model recognized nationwide.

[The Hon. David N. Wecht is administrative judge of the family division of the Allegheny County Court of Common Pleas.]

Veterans, continued from page 1

The first veterans court in the country opened in Buffalo, New York, in January 2008. The recidivism rate among graduates from that program currently stands at zero.

Director Michael E. Moreland of the Department of Veterans Affairs' Veterans Integrated Services Network 4, which includes Pennsylvania, Delaware and portions of West Virginia and Ohio, is co-chair of the task force. Moreland said, "Our goal is to try to intercept veterans so that they don't get that conviction. A court conviction affects employability and other things that end up causing homelessness. If we can get this program going and avoid some of those convictions through treatment that ends up with the veteran being successful, then we have done our job."

Justice McCaffery said, "As a society, we owe these veterans. Anyone who served our nation, offered to basically put themselves in harm's way and as a result suffers from PTSD or TBI and is arrested, should be given treatment."

According to the Pennsylvania State Data Center, there were approximately one million veterans in the Commonwealth in 2007. Allegheny County has the largest population, with 142,638, followed by Philadelphia with 123,365 and Montgomery County with 70,232.

Veterans' Task Force members include judges; congressmen; the administrators from every veteran's hospital in Pennsylvania; state legislators and agency heads from the State Department of Corrections, Pennsylvania State Police and State



Chief Justice of Pennsylvania Ronald D. Castille at the opening of the veterans court in Philadelphia.

Probation and Parole Board and representatives from the Pennsylvania Association of Criminal Defense Lawyers, County Commissioners Association, Pennsylvania District Attorneys Association and Pennsylvania Association of Drug Court Professionals.

[Steve Schell is an AOPC communications coordinator.]

Transitions, continued from page 2

Maureen A. Skerda - Warren/Forest - apptd.
Gerald R. Solomon - Fayette - apptd.

Deaths

David W. Addy - Carbon - Common Pleas Court judge
Francis J. Catania - Delaware - former Common Pleas court judge
Mark S. Dows - Board of Law Examiners
Henry S. Kenderdine, Jr. - Lancaster - Common Pleas Court judge
David G. Leh Jr. - Lehigh - magisterial district judge
Robert A. Wright - Delaware - former Common Pleas court judge

Retirements

Daniel J. Ackerman - Westmoreland - Common Pleas Court judge+
Edgar B. Bayley - Cumberland - president judge
Conrad B. Capuzzi - Fayette - president judge+
Jerome P. Cheslock - Monroe - Common Pleas Court judge+
Barbara A. Clare - Mifflin - magisterial district judge#
S. Gerald Corso - Montgomery - Common Pleas Court judge+
Francis P. Cosgrove - Philadelphia Municipal Court judge
Benjamin R. Crahalla - Montgomery - magisterial district judge#
Philip J. Daly - Bucks - magisterial district judge#
Calvin S. Drayer Jr. - Montgomery - Common Pleas Court judge+
Brenda Frazier-Clemons - Philadelphia - Common Pleas Court judge+
Ronald J. Haggerty Jr. - Fayette - magisterial district judge#
William N. Hall Jr. - Berks - magisterial district judge#
Doris R. James - Lancaster - senior magisterial district judge
Bonita Julius - York - deputy district court administrator
Richard B. Klein - Superior Court judge
Joseph H. Kleinfelter - Dauphin - Common Pleas Court judge+
Gerard Long - Cambria - president judge+
Frank J. Lucchino - Allegheny - administrative judge+
Lee J. Mazur - Allegheny - Common Pleas Court judge+
Joseph P. McCloskey - senior Commonwealth Court judge
William F. Morgan - Warren/Forest - president judge+
Chester B. Muroski - Luzerne - president judge+
William J. Ober - Westmoreland - Common Pleas Court judge+
Carlton M. O'Malley Jr. - Lackawanna - senior Common Pleas Court judge
Timothy Patrick O'Reilly - Allegheny - Common Pleas Court judge+
James Rieland - Allegheny - deputy district court administrator
John J. Rufe - Bucks - Common Pleas Court judge+
Robert A. Schnell Jr. - Bucks - magisterial district judge#
Oscar F. Spicer - Adams senior Common Pleas Court judge
Esther R. Sylvester - Philadelphia - Common Pleas Court judge+
Eugene L. Zielmanski - Allegheny - magisterial district judge#

Resignations

Michael J. Brillhart - York - Common Pleas judge+
Leslie Fleisher - Philadelphia - Common Pleas judge
Michael L. Gerheim - Armstrong - magisterial district judge#

Michael J. Kennedy - McKean - magisterial district judge
Lee R. Lehman - Lebanon - magisterial district judge
John B. Leete - Potter - Common Pleas judge+
Ronald B. Merriweather - senior Philadelphia Municipal Court judge
Gloria W. Stitzel - Berks - magisterial district judge#
James F. Stocklas - Northampton - magisterial district judge
John C. Uhler - York - Common Pleas judge+

Terms Expired

John A. Bozza - Erie - Common Pleas Court judge+
Kenneth D. Brown - Lycoming - Common Pleas Court judge+
John M. Cleland - Superior Court judge*
John J. Durkin - Montgomery - magisterial district judge#
Joyce O. Eubanks - Philadelphia - Common Pleas Court judge
Jane Cutler Greenspan - Supreme Court justice
Robert A. Freedburg - Superior Court judge*
Nancy Kadunce - Clarion - magisterial district judge
Louise O. Knight - Snyder/Union - Common Pleas Court judge+
Ralph W. Litzenberger - Northampton - magisterial district judge#
Joan Marinkovits - Northampton - magisterial district judge#
Charles A. McLaughlin - Allegheny - magisterial district judge#
William F. Moran - Northampton - Common Pleas Court judge+
Peter Paul Olszewski Jr. - Luzerne - Common Pleas Court judge
Maurino J. Rossanese Jr. - Montgomery - Common Pleas Court judge+
Stanley Scott - Chester - magisterial district judge#
James F. Stocklas - Northampton - magisterial district judge#
Brendan J. Vanston - Wyoming/Sullivan - president judge+
William F. Zaun - Northampton - magisterial district judge#

* Appointed senior Superior Court judge

+ Appointed senior Common Pleas Court judge

Appointed senior magisterial district judge

Appointments

Kenneth M. Argentieri, Esq. - apptd. to Continuing Legal Education Board
Patricia A. Daly - apptd. to Continuing Legal Education Board
Samuel G. Encarnacion, Esq. - apptd. to Committee on Rules of Evidence
Honorable Risa Vetri Ferman - apptd. chair of Criminal Procedural Rules Committee
Charles J. Grant, Esq. - apptd. vice chair of Criminal Procedural Rules Committee
Honorable Todd A. Hoover - reapptd. to Juvenile Court Procedural Rules Committee
Patricia J. Kennedy, Esq. - reapptd. to Juvenile Court Procedural Rules Committee
Philip D. Lauer, Esq. - reapptd. to Criminal Procedural Rules Committee
Abraham C. Reich, Esq. - reapptd. to Continuing Legal Education Board
Kerry S. Schuman, Esq. - apptd. to Continuing Legal Education Board

Sessions Signify UJS Commitment to Nondiscrimination

by Denise Parise

The Supreme Court of Pennsylvania announced the Unified Judicial System's (UJS) Policy on Non-Discrimination and Equal Employment Opportunity, effective January 1, 2008, to ensure that all individuals having business with the UJS are treated in a dignified, civil, respectful and nondiscriminatory manner.

Although the UJS is already an equal opportunity employer and adheres to nondiscriminatory workplace practices, the policy formalizes those practices and promotes fair and equal treatment of judicial officers, court personnel and court users at all levels.

In addition to the policy, separate complaint procedures have been developed for employees and non-employees in each UJS facility. The procedures include contact information for anyone wishing to file a complaint under the policy and offer an overview of the steps that will be taken to investigate and adjudicate the complaint.

In conjunction with the distribution of this policy, representatives from the magisterial district courts throughout Pennsylvania gathered in Harrisburg and Pittsburgh in late September to attend training on how to properly investigate and adjudicate claims of discrimination and/or harassment because of one's race, color, sex, sexual orientation, national origin, age,

disability and/or religion. The training, led by attorneys specializing in employment law and by AOPC Human Resources staff, focused on the steps required to effectively perform investigatory responsibilities, general concepts of the UJS policy, proper enforcement and adjudication of the policy as well as remedial actions and reporting procedures.

In addition to this investigatory training program, an overview of the policy was presented to president judges during the PJ/PACM conference last June, and a similar overview was presented to magisterial district judges during their continuing education training for the 2009-2010 year.

The Supreme Court is committed to promoting public confidence in the fairness and integrity of the judicial system and the judicial process, and to the principles of equal employment opportunity.

(Copies of the policy and accompanying complaint procedures are available for review on the UJS website at www.pacourts.us.)

[Denise Parise is an employment services administrator for the AOPC's Office of Human Resources.]

Around the Judiciary

Snow Business Is Like No business You Know...

Commonwealth Court carried on with oral arguments during a week that brought double-pummeling snowstorms to Pennsylvania. Pictured here in front of Philadelphia's City Hall are the judges who sat in session during the great snowstorm week. From left to right, they are Judges: **P. Kevin Brobson; Robert "Robin" Simpson; Mary Hannah Leavitt; Dan Pellegrini; Johnny J. Butler; Bonnie Brigance Leadbetter; Renee Cohn Jubelirer and Patricia A. McCullough.**



Public Access, continued from page 5

Unfortunately, the Web site owners have been reluctant to reveal their sources. The AOPC has contacted the Federal Trade Commission and Pennsylvania attorney general's office to alert the agencies to what at least represents an irresponsible use of public record information. In one case, the AOPC convinced a commercial vendor to remove all Pennsylvania case information from its Web site because of numerous errors that were reported.

Other conference topics included emerging issues with e-filing and privacy, bulk data issues and future amendments to the federal court's Public Access to Court Electronic Records (PACER) system. One of the most interesting discussions concerned the use of social media—e.g., blogs, Facebook, Twitter—by courts as a public information tool.

The exchange of ideas and issues at this conference has proven extremely beneficial to the AOPC over the past decade. While we know where we've been, keeping current on the thorny issues and technological advances that may be coming around the bend is essential to sound policy development and implementation. While the Cold War may be over, it would seem that the subject of public access to court records will be evergreen during our lifetime.

For more information on the conference, you can go to the conference Web site at www.privacy.legaltechcenter.net/privacy.

Top Ten Facts about the New UJS Public Access Policy Governing Official Case Records of the Magisterial District Courts

1. Adopted by the Pennsylvania Supreme Court, it is effective July 1, 2010.
2. It governs access to the paper case records in the magisterial district courts (MDC).
3. The public can make verbal access requests, unless the MDC determines request is "complex or voluminous."
4. The AOPC has developed a request form that will be available to MDCs and the public prior to July 1.
5. MDCs must fulfill access requests as promptly as possible.
6. Any denials by the MDC must be in writing on the AOPC request form (# 4).
7. The requester can appeal denials within 15 business days to the president judge or designee; determinations must be made in 20 business days.
8. Reasonable fees can be charged if established by local rule, although copy charges cannot exceed 25¢ per page.
9. If social security numbers and financial account information are required by law or the courts, litigants must provide this information to the MDCs on a new confidential information form. The AOPC will release this form prior to July 1.
10. The AOPC is committed to providing training and support to court personnel for successful implementation of this policy. Look for us at PJ/PACM, SCJA and upcoming MJEB seminars!

More information to come in the next AOPConnected and on our Web site at www.pacourts.us/T/AOPC/PublicAccessPolicy.htm.

Did You Know...

A Bit of Trivia about Pennsylvania's Judiciary

Former Supreme Court Justice and Allegheny County judge **Michael A. Musmanno** sat as presiding judge at the *Einsatzgruppen* Trial, the ninth of the 12 Subsequent Nuremberg Trials for war crimes after World War II and as a member of the courts in the Milch and Pohl trials, second and fourth trials, respectively.

Einsatzgruppen were mobile death squads, part of the SS, the Nazi paramilitary group. They were responsible for killing more than one million Jews and

countless partisans, disabled persons, gypsies, political leaders and others. Twenty-four men were charged with war crimes, crimes against humanity and membership in criminal organizations. All were found guilty of at least one of the charges.

Justice Musmanno was a county judge from 1932-51 and a Supreme Court justice from 1952-68. He also served in the U. S. Navy, where he rose to the rank of rear admiral. He is buried at Arlington National Cemetery.

E-Pay Feature Expected to Further Improve Court Collections

by **Steve Schell**

Automation has significantly enhanced courts' efforts to collect and disburse court fees, fines and costs. This year the AOPC has introduced "E-Pay"—a Web-based application for the state's criminal case management systems that promises to further improve court collections.

Chief Justice **Ronald D. Castille** said, "E-Pay is yet another tool designed by our Judicial Automation staff to assist court officials in performing their duties. The new feature allows the public to securely pay traffic tickets and other court financial obligations via the Internet, eliminating the need to visit a court office or mail a check."

In April Adams County became the first judicial district to accept payments through E-Pay in both its Common Pleas and magisterial district courts. After testing in Adams, Lancaster and Westmoreland counties, the E-Pay feature will be made available to all other Common Pleas courts that wish to participate. Magisterial district courts throughout the state will have the opportunity to start E-Pay after the new magisterial court automated system is implemented county-by-county throughout 2010 and 2011 (see story page 8).

"Unlike credit/debit card payment functions that may currently exist with some counties, the statewide E-Pay function is 'online,' and it is fully integrated with both the magisterial and Common Pleas court systems," said **Amy Ceraso**, Director of Judicial Automation. "Consequently, when E-Pay is implemented statewide, users will have a one stop shop for payment of fines, costs and restitution with the ability to search for and locate cases and/or payment plans with balances due across courts and counties."

The AOPC is providing this service at no cost to the counties. A transaction convenience fee of \$2.75 will be charged to the user. A person interested in making court payments online will navigate to the Unified Judicial Web Portal at <http://ujportal.pacourts.us>, select the E-Pay link in the E-Commerce drop-down box, then search for his/her cases/payment plans. The Web application will send the user a payment confirmation generated by the E-Pay vendor, and court officials will get a notification that a payment is pending.

Common Pleas court officials wishing to implement E-Pay should contact the Common Pleas Help Desk at 1-877-227-2672.

601 Commonwealth Ave., Suite 1500
Harrisburg, PA 17120

The logo for the Administrative Office of the Pennsylvania Courts (AOPC). It features the letters "AOPC" in a bold, blue, sans-serif font. The letter "O" is stylized with a white triangle pointing downwards inside it.