

## New Year Marked by Transitions

### Newly Elected Appellate Court Jurists

by Art Heinz



Justice Joan Orié Melvin

Pennsylvania voters filled more than a half-dozen vacancies on the state's appellate courts with several new and familiar faces.

Supreme Court Justice **Joan Orié Melvin** was elected to the state's highest court after serving on the Superior Court of Pennsylvania since 1998. Voters retained her for a second term on the Superior Court in 2007. She is a former Allegheny County Common Pleas Court judge and chief of the former Pittsburgh Magistrates Court and has experience in private practice. Justice Orié Melvin succeeds former Justice **Jane Cutler Greenspan**, who was serving on the seven-member court in an interim capacity to fill a vacancy left by the late former Chief Justice **Ralph J. Cappy**.

Allegheny County Judge **Judy Olson**, Chester County President Judge **Paula Ott**, Philadelphia County Judge **Anne Lazarus** and Tioga County lawyer **Sallie Mundy** all were elected to the 15-member Superior Court. **Patricia McCullough**, a Pittsburgh lawyer, and **Kevin Brobson**, a Harrisburg lawyer, were elected to the nine-member Commonwealth Court.

Many political observers noted the statewide courts' growing diversification. In the latest election, voters chose female jurists to fill six of the seven appellate court vacancies in a state that has never elected a woman as governor or U.S. senator.

[Art Heinz is managing editor of AOPConnected.]

## A Celebration of Achievement

by Steve Schell

Chief Justice **Ronald D. Castille** presided over a ceremony to officially dedicate the Pennsylvania Judicial Center as the first "state courthouse" in Pennsylvania's 300-year history. Speakers included Lt. Gov. Joseph B. Scarnati III, Commonwealth Court President Judge **Bonnie Brigance Leadbetter**, General Services Secretary James P. Creedon and Pennsylvania Bar Association (PBA) President Clifford E. Haines.

Chief Justice Castille told more than 100 guests that it was his predecessor, former Chief Justice **Ralph Cappy's** vision and leadership, and ultimately the architects, engineers, construction managers, contractors and laborers that "made it so," creating a first-class facility on time and under budget.

State Supreme Court justices and distinguished guests participated in a ribbon cutting to symbolically renew the pledge to serve the Commonwealth with "equal justice under law" and to say to all Pennsylvanians that the state judiciary is open and accessible whether in the Pennsylvania Judicial Center or in any of Pennsylvania's courthouses.

*(From left, Lt. Gov. Scarnati, President Judge Leadbetter, Chief Justice Castille, Secretary Creedon and PBA President Haines. Photo by Commonwealth Media Services.)*



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## New to the Judicial Branch

### Counties

**Robert P. Coleman** - Philadelphia - Common Pleas Court judge

**Gregory V. Hines** - Chester - magisterial district judge

**Hugh A. Jones** - Northumberland - magisterial district judge

**Russell L. Lawton** - Columbia - magisterial district judge

**Kevin O'Hearn** - Northumberland - deputy district court administrator

**Robert W. Redlinger** - Washington - magisterial district judge

**Madeline Shea** - Blair - deputy district court administrator

**Dennis M. Songer** - Mercer - magisterial district judge

**Jeffrey J. Valocchi** - Chester - magisterial district judge

**Lowell A. Witmer** - Dauphin - magisterial district judge

**Donna M. Woelpper** - Philadelphia - Common Pleas Court judge

**Christina Zook** - Juniata/Perry - district court administrator

### AOPC

**Paul Brown** - Judicial Automation - IPT phone technician

**Soumya Krishnamurthi** - Judicial Automation - programmer analyst - team leader

**Scott Morse** - Judicial Automation - IT Operations project manager

**Stephen Mutzel** - Judicial Automation - database administrator

**Kheng "Charles" Ooi** - Judicial Automation - database administrator

**Xiaojian "James" Xie** - Judicial Automation - programmer analyst

## Appointments

### Counties

**Clifford J. Woessner** - Butler - senior magisterial district judge

**John H. Yoder** - McKean - senior judge

### Other Job Changes

**Mark Holland** - AOPC Administrative Services - receptionist - to Supreme Court - clerk

### Deaths

**Willie J. Adams** - senior Philadelphia Traffic Court judge

**Emanuel A. Cassimatis** - former York County (senior) Common Pleas Court judge

**Lee A. Donaldson Jr.** - former Allegheny County Common Pleas Court judge

**Lawrence J. Franzi** - Westmoreland - magisterial district judge

**James B. Hunter Sr.** - Montgomery - former (senior) district justice

**Joseph J. Moran** - Blair - magisterial district judge

### Retirements

### Counties

**Donna Posey** - Lebanon - deputy administrator

### Resignations

### Counties

**Richard P. Cashman** - Columbia - magisterial district judge

(Transitions continued on page 8)

1/1	New Year's Day Holiday	3/8-3/12	Supreme Court Session (Phila.)
1/10/-1/16	New Judge School (State Coll.)	3/9-3/11	Superior Court Session (Phila., Pgh.)
1/12-1/14	Superior Court Session (Phila., Hbg.)	3/15-3/19	Commonwealth Court Session (Hbg.)
1/18	Martin Luther King, Jr., Holiday	3/23-3/25	Superior Court Session (Phila.)
1/26-1/28	Superior Court Session (Phila., Pgh.)	3/25	Supreme Court Administrative Session (Hbg.)
2/4	Supreme Court Administrative Session (Phila.)	3/31-4/1	Superior Court Session (Pgh.)
2/8-2/12	Commonwealth Court Session (Phila.)	4/6-4/8	Superior Court Session (Hbg.)
2/15	Presidents Day Holiday	4/12-4/16	Supreme Court Session (Pgh.)
2/18-2/21	Trial Judges Mid-Annual (Phila.)	4/13-4/15	Superior Court Session (Phila.)
2/23-2/25	Superior Court Session (Phila., Hbg., Pgh.)	4/19-4/23	Commonwealth Court Session (Pgh.)
		4/27-4/29	Superior Court Session (Pgh.)

# Planting an Acorn to Protect a Child

by Zig Pines

*(The first Pennsylvania Children's Roundtable Summit, sponsored by the AOPC's Office of Children and Families in the Courts, was held Nov. 19-21 in Pittsburgh. To highlight how far we have come in a short period of time, I offered the following remarks at the opening session. This initiative's history and progress are worth documenting.)*

Last year at one of our children's roundtables, I recall seeing in the hotel lobby a large poster-board for a companion event. It said, "Great oaks from little acorns grow." If I had to pick a metaphor for our judicial system's initiative to protect abused and neglected children, it would be the acorn.

Some of you may have noticed the bumper crop of acorns this year. (My staff tells me that it's nature's warning of a tough winter!) The acorn contains a single seed enclosed in a tough leathery shell. It generally takes six to 24 months to mature. Acorns are one of the most important sources of food for wildlife. In literature and mythology, acorns are the symbol of wisdom, patience, good luck, affection and the fruition of long hard labor. Hence the proverb, "Great oaks from little acorns grow."

Our juvenile dependency effort, in many ways, started as a little acorn. In 2005 former Chief Justice of Pennsylvania **Ralph J. Cappy** and I attended a national conference for chief justices and state court administrators. After one of our joint meetings, Chief Justice Cappy and I had a conversation with the now-retired Chief Judge of the State of New York Judith S. Kaye. In the course of the conversation, Chief Judge Kaye spoke passionately about what New York's judiciary was doing for abused and neglected children. In her soft—yet effective—advocate style, she urged Pennsylvania to look into New York's program.

So in 2005 the acorn of an idea was carried back to Pennsylvania. Chief Justice Cappy then approached one of our jurists who has dedicated his judicial career to the cause of juvenile justice—Supreme Court Justice **Max Baer**. If you know Justice Baer, you can imagine what his reaction was when offered the opportunity to do pioneering work for our kids in Pennsylvania. In fact, on prior occasions Justice Baer has told me that juvenile justice was perhaps the prime motivator in why he sought a seat on our Supreme Court.

In 2006 Justice Max Baer, with seed money from the federal government, took the acorn and planted it. He was instrumental in helping to create a mini-corporate entity within the AOPC, the Office of Children and Family in the Courts (OCFC). He assembled a team and allocated a division of labor to cultivate the fields. He worked with our first hire, another dedicated public servant, Andrea Jelin, to come up with an amazing juvenile justice infrastructure of "roundtables" to cover all our judicial districts. This three-tiered infrastructure would bring a vast array of "gardeners," so to speak, who had a vital stake in the growth of this acorn.

Later, Justice Baer searched high and low for a "horticultural expert" who knew precisely how to fertilize the Pennsylvania fields and manage a team for optimal growth. The person he found was none other than **Sandy Moore**, a person, like Justice Baer, who demonstrates compassion, passion and competence in the field of juvenile justice. In her role as OCFC's administrator, she has done truly exceptional work.

Today, approximately three years after the planting of the acorn, we are here all together. And look at what has been accomplished for abused and neglected children in our state in such a short time span—the formalized collaboration of vital stakeholders, enhanced judicial involvement and oversight, the collection and dissemination of information in almost all of our counties via an impressive case management system for dependency cases, educational training to improve the lives of children, the creation of a judicial bench book and Web site, and the identification of best practices (such as family-finding and family group decision-making). Last but not least, these collective efforts have led to this inaugural children's summit in Pittsburgh, similar in concept to the three national summits (Minnesota, New York and Texas) that Justice Baer and team members have attended. We are seeing the growth of a mighty oak tree.

I have said on prior occasions that the work that you do is truly noble and gratifying. We only need to look at the grim statistics to realize how daunting your task is.

From 2001-07, there were approximately 10,440 reported cases of child abuse and neglect. Many believe that the number is unrealistic because of severe

All of us here have every reason to be proud of the outstanding achievements that have been done for abused and neglected children in Pennsylvania during the past three years.

(Zig continued on page 16)

# PJC Meets the Educational Needs for Judges Serving Minor Courts

by Susan M. Davis

The Minor Judiciary Education Board (MJEB) moved into the new Pennsylvania Judicial Center (PJC) on August 10, 2009, and immediately began the 2009-2010 continuing legal education program for 600-plus jurists who serve the state's minor courts, the foundation of Pennsylvania's judicial system.

These jurists include magisterial district judges, Philadelphia Traffic Court judges and Philadelphia arraignment court magistrates. Vital to the efficiency of our judicial system, they are the only jurists statutorily mandated to attend 32 hours of annual continuing legal education provided by the MJEB.

Up until the move, training was held in various locations. In the early 1970s classes were held at Shippensburg University, then at the Institute for Courts of Initial Jurisdiction at Penn State University; then at Wilson College until 2000, before relocating to the Comfort Inn in Chambersburg. In 2005 the school again moved, this time to the Four Points by Sheraton in Harrisburg in preparation for the final shift into the PJC.

The MJEB program now has a facility that brings us together for

the first time with other entities of the judiciary, including the Supreme Court boards and committees, to carry out its educational mission. The amphitheater training room provides an educational atmosphere that is conducive to learning.

The 2009 academic year began Sept. 14 with a curriculum consisting of courses such as Effectively Dealing with Diversity; updates on civil law, bankruptcy law and criminal law; evidence; arrest and administrative warrants; and the motor vehicle code. Also offered this year are sessions on Tobacco Sale to Minors and the Clean Indoor Air Act, the MDJS rewrite, district court audits and MDJS reports, Protection from Abuse Case Law, Non-Discrimination Policy and Practice, Rule 509 and Risk Management for Depression.

William Tully, Esq., who succeeded James Morgan, Esq. as solicitor for the Special Court Judges Association of Pennsylvania, is again teaching criminal law. Of special note, John Mancke, Esq., who has taught the motor vehicle code for the MJEB since the inception of the program following the 1968 Constitutional Convention, will retire from teaching at the conclusion of the academic year.

Judges have commented positively on the layout of the lecture room, especially the fully adjustable "eight-hour chairs" and a dining area with patio. They were impressed with the electric outlets available at each seat in the amphitheater as

well as plug-and-play units for Internet access. The three large projection screens and theater-quality projectors make Power Point presentations extremely easy to view from every seat in the room.

Senior Judge **Richard Gatti** of Lehigh County, recalled the days of sleeping on cots at Wilson College and walking across the campus to a classroom with large pillars "strategically" placed in the room that obstructed the view of the instructor, in stark contrast to the PJC's facilities. Other judges stated that there is no comparison between where they are now and where they have come from and that the design of the room allows focus on the speakers and the materials without fatigue. The new Judicial Center meets the needs of the judges, and it is obvious there was attention to detail in the planning and execution stages of the entire project.

Judges feel valued and appreciated in their new classroom. Judge **Gail Greth** of Berks County commented that the location near the Capitol validates the judiciary and what it represents. Judge **Duane Quinn** of Clarion County noted that as judges, they recognize the positive evolution of their academic environment and respect the professional value of the space.

Magisterial district judges, Philadelphia Traffic Court judges and arraignment court magistrates now have an educational venue that more than adequately supports our judges on the front line. The PJC is well-equipped to assist the MJEB in fulfilling its educational mission.

[Susan Davis is executive director of the Minor Judiciary Education Board.]



Magisterial district judges attend classes in the judicial center's state-of-the-art amphitheater.

# Interbranch Commission on Juvenile Justice Holds First Hearing in Pennsylvania Judicial Center

by Stu Ditzen



The Interbranch Commission on Juvenile Justice held its first hearing in the Council Room at the new Pennsylvania Judicial Center.

The Interbranch Commission on Juvenile Justice, which is investigating the causes of a breakdown of the juvenile justice system in Luzerne County, held its first public hearing on October 14 in the new Pennsylvania Judicial Center in Harrisburg.

Eleven members of the commission sat at a massive oval table in the handsome first-floor "Council Room" of the judicial center as the Pennsylvania Cable Network (PCN) broadcast the hearing live.

In an opening statement, Superior Court Judge **John M. Cleland**, the commission chairman, described a judicial scandal involving former Luzerne County judges Mark A. Ciavarella and Michael T. Conahan as only one part of a "breathtaking collapse" of the juvenile justice system in Luzerne County.

Ciavarella and Conahan are charged in a federal indictment with racketeering in connection with the alleged receipt of \$2.8

million from the developers of two juvenile detention facilities. Ciavarella also is accused in civil lawsuits of denying many juvenile defendants the constitutional right to counsel and improperly ordering many youths to serve time in out-of-home placements, while he was the juvenile court judge.

Cleland said the Interbranch Commission on Juvenile Justice would not focus solely on alleged misconduct by Ciavarella and Conahan.

"Our concern is also the inaction of others," Cleland said. "Inaction by judges; prosecutors; public defenders; the defense bar; public officials and private citizens; those who knew, but failed to speak; those who saw, but failed to act...."

"All of those involved, whether by action, inaction or silence, whether by willful choice or benign ignorance, engaged in an

assault on the fairness and impartiality of our legal system. It was an assault on the very rule of law."

The commission was established in August by an act of the General Assembly with the support of the Supreme Court and the governor. Its purpose is to conduct a noncriminal investigation of the circumstances that led to corruption of the juvenile justice system in Luzerne County, to restore public confidence in the administration of justice and to make recommendations to prevent a similar situation from occurring in Luzerne County or elsewhere.

"It is our intention," Cleland said, "to shine light on to some very dark days of the Pennsylvania Judiciary, days that have disrupted the lives of children and their families, brought shame to an entire community and sewn seeds of distrust throughout the legal system."



WNEP-TV, Channel 16, in Moosic was the first television station to pick up a video and audio feed transmitted from inside the Judicial Center to the "press box" located outside the building on North Street.



Due to limited seating in the Council Room, interested parties were able to view a broadcast of the hearing in the PJC amphitheater; here, Luzerne County President Judge Chester B. Muroski testifies.

(Commission Hearing continued on page 10)

# Judicial Automation Expands Data Sharing to Assist Victims

by Steve Schell

"Interface" is the technical term to describe computer equipment or programs designed to communicate or share information from one system of computing devices or programs to another. At last count, the state's three court case management systems were "interfacing" with systems in 13 different agencies throughout Pennsylvania.

"These interfaces have been built over the years to systematically and strategically send and receive information to improve agency and court management, public safety and law enforcement efforts," Director of Judicial Automation **Amy Ceraso** said. "The most recent interface is between the Common Pleas Case Management System and the Statewide Automated Victim Information and Notification system, known as PA SAVIN."

PA SAVIN is a cooperative effort between the Pennsylvania District Attorneys Institute (PDAI) and the Pennsylvania Commission on Crime and Delinquency (PCCD). Once complete it will provide crime victims, criminal justice professionals and other concerned citizens with free, prompt, confidential and anonymous notifications regarding a defendant or inmate's court case events and/or release, transfer or escape from a prison.

PA SAVIN is being implemented in several phases. The first phase, which is nearly complete, connects the

county prisons so that their information can be passed to registered, interested parties. The second phase will incorporate the Department of Corrections and state probation and parole information. **Ralph Hunsicker**, AOPC Senior Projects Manager and PA SAVIN Steering Committee member, said, "The project's third phase will provide court information as a larger strategy to notify victims or registrants about court events."

"PA SAVIN offers victims of crime some measure of security and peace of mind," **Andrea Warner**, PDAI's PA SAVIN project manager, said. "By broadening the scope and application of PA SAVIN to include court date notifications, the Commonwealth takes another step forward in giving victims the recognition, information and support they deserve."

Interested parties who want to register will log on to PA SAVIN's VineLink Web site at [www.pacrimevictims.state.pa.us](http://www.pacrimevictims.state.pa.us) and select "Courts," to be directed to the AOPC Web Portal to search for the cases they are interested in. When they select cases, the AOPC will pass information on to PA SAVIN registration. The AOPC also will create a watch list of cases for which people have registered and when those cases have specific triggering events such as a case initiation, calendar event, sentence or disposition, will send a court case event message to PA SAVIN so that it can, in turn, contact the registrant.

[Steve Schell is an AOPC communications coordinator.]

PA SAVIN...will provide crime victims, criminal justice professionals and other concerned citizens with free, prompt, confidential and anonymous notifications regarding a defendant or inmate's court case events and/or release, transfer or escape from a prison.

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## AOPC Employee Service Milestones

A number of AOPC employees have reached service milestones between September and December 2009. They are:

### 20 Years

**David Kutz** - Human Resources

### 10 Years

**William DeWolfe** - Judicial Automation

**Kate Grenke** - Minor Judiciary Education Board

**Lynda Group** - Judicial Automation

**Damon Kline** - Judicial Automation

**Bonnette McNichol** - Judicial Automation

**Cheryl Patterson** - Judicial Automation

**Hedy Sherwood** - Judicial Automation

**Gary Spangenberg** - Judicial Automation

# Online Filing Makes It Easy to Save Time... and a Few Trees

by Nicholene DiPasquale

Have you seen the pictures of the polar bear floating on globally warmed stranded melting ice? Well, here at AOPC we are trying to do our part to help the environment, i.e., polar bears—and trees. For the last several years, judges and others have been able to file financial interest statements online rather than on paper.

We encourage you to join them. In mid-February an e-mail from the AOPC's Online Services will be sent to alert judges and other judicial officers that the Financial Disclosure online filing system is available for 2009 filings. When you receive this e-mail, you are encouraged to click on the link.

You'll be connected to a Web site that will recognize you and treat you like an old friend: your name, address, county and court already will be filled in. You then will be prompted to provide the answers to some familiar questions. You know—real estate interests, creditors, direct or indirect sources of income, gifts. *(Just a friendly tip: no need to report the fruit cake your staff gave you over the holidays.)*

After you've entered all the information—or checked the ever popular "None" box—you will reach the Holy Grail: the "Submit" button. (At this point music will start to play: I believe this year's selection is Roy Orbison singing "It's Over.") And just when you think it can't possibly get any better, within minutes you will receive an e-mail confirmation that you've completed your 2009 financial interest statement.

So please, give trees a chance. That's all we're saying.

*[Note: 53 percent of all judges required to fill financial interest statements last year did so online. For further information, contact Judicial Services at 215-560-6325 or the Online Services Help Desk at 717-231-3345. Offer expires May 1, 2010.]*

*[Nicholene DiPasquale is Judicial Services Administrator for the AOPC.]*

## Around the Judiciary

The cornerstone for Schuylkill County's "Temple of Justice" (at right) was laid on Oct. 3, 1889. Beebe Construction built the Romanesque structure out of Cleveland sandstone for about \$320,000—almost \$180,000 over the initial estimate. The Schuylkill County Jail (below) was built in 1851 and is modeled after the Eastern State Penitentiary in Philadelphia. John Kehoe, Schuylkill County head of the Ancient Order of Hibernians in the 1870s, was hung in the Schuylkill County Jail as a Mollie McGuire in the 1870s. Kehoe operated a



tavern in Girardville

that remains open to this day and includes the jail cell door from his cell. The post card of the Courthouse is post marked 1903. The post card of the jail is post marked 1907. Both are from the collection of **Dean R. Phillips**, a shareholder of the regional law firm Elliott Greenleaf and counsel to the Appellate Court Procedural Rules and Orphans' Court Procedural Rules committees. Phillips has collected more than 200 post cards, showing more than 50 Pennsylvania courthouses dating to 1902.



# Cure to Public Health Threat: Preparation

by Rick Pierce

The World Health Organization (WHO) declared in June of 2009, a pandemic was upon us relating to the H1N1 virus, or swine flu. Prior to this declaration, the AOPC put into motion a plan to disseminate information to judges through a three-day conference on public health and science held in State College. In addition, court administrators and court stakeholders, including county officials, would be invited to attend a similar event later in the year.

Partnering with the PA Department of Health, the AOPC recently completed six one-day seminars across the Commonwealth. These seminars featured an epidemiologist or public health physician from the Department of Health and two representatives from AOPC.

Each program featured a presentation on public health and science with a focus on the nature of infectious diseases, historical trends

of past pandemics and how best to combat the spread of such menaces to public health. This seminar, given to president judges; district court administrators and county officials such as sheriffs, emergency management directors and county commissioners proved timely as we focus on how such a pandemic would affect our workforce and the challenges it would create if we experience high absenteeism.

The second half of the seminar, presented by **Kyle Ramberger** of Judicial Security and me, centered on what courts and county executives should do to prepare for disruption in operations due to workforce displacement. Convening these difficult conversations and establishing policies for employees in the face of a public health crisis are critical to ensure our courts and court stake-

holders continue to operate in an efficient and effective manner.

Judges, administrators and elected officials departed from this seminar more knowledgeable of infectious diseases and more aware of their role in court operations in a public health crisis.

[Rick Pierce is a Judicial Programs administrator with the AOPC.]



Kyle Ramberger (left) and Rick Pierce spoke on preparing for disruptions in operations.

## Transitions, continued from page 2

**John H. Yoder** - McKean - president judge

### AOPC

**Heather Knapp** - Finance - payroll technician

**Kathy Sauter** - Judicial Programs - Judicial Programs analyst

**Ted Tice** - Judicial Automation - IT facilities administrator

### Appointments

#### Supreme Court Committees

**Honorable Phyllis W. Beck** - reapptd. to Continuing Legal Education Board

**Honorable Mark A. Bruno** - reapptd. to Minor Court Rules Committee

**Carl D. Buchholz III, Esq.** - reappt. to, designated vice chair of Disciplinary Board

**William P. Carlucci, Esq.** - designated chair of IOLTA Board

**Charlotte S. Jefferies, Esq.** - reapptd. to Disciplinary Board

**Penina Kessler Lieber, Esq.** - apptd. to IOLTA Board  
**Honorable Blaise P. Larotonda** - reapptd. to Minor Court Rules Committee

**Brian S. Neft, Esq.** - apptd. to IOLTA Board  
**Deborah D. Olszewski, Esq.** - reapptd. to Committee on Rules of Evidence

**Michael H. Reed, Esq.** - designated vice chair of IOLTA Board

**Honorable John T. Robinson** - apptd. to Minor Judiciary Education Board

**Michael A. Scherer, Esq.** - apptd. to Minor Judiciary Education Board

**Kelly M. Sekula, Esq.** - reapptd. to Committee on Rules of Evidence

**Honorable Clyde W. Waite** - reapptd. to Committee on Rules of Evidence

#### Other Boards/Committees

**Honorable Bernard L. McGinley** - apptd. to Court of Judicial Discipline

# Fee-Increase Law Supports the UJS in Lean Budget Year

by Jim Koval

While the recently-passed state budget funds the Unified Judicial System (UJS) at some \$30 million less than last year, the collections from the temporary fee-increase legislation initiated by the AOPC will just about close that gap. But even with this much-needed revenue source, the state court system will find itself millions short of the funding necessary to support its essential needs in the current fiscal year.

The \$276.8 million judicial budget, passed as part of the overall state budget 101 days past the constitutional deadline, was the lowest of the various budget proposals offered during the protracted negotiations between the General Assembly and the governor. But even those budget proposals that were more generous to the judiciary didn't fully provide for its funding needs, prompting the AOPC to explore other possible revenue generators.

The result was a proposal to temporarily raise court fees across the board to augment court funding that, along with most state government appropriations, was diminished from previous years due to a \$3.2 billion state revenue shortfall—a consequence of the national and statewide economic downturn. While the Supreme Court believes the core government function provided for by the judiciary should be funded by state revenues and not fees, it reluctantly agreed to the proposal in light of the overall financial environment. However, the court insisted that the increase expire after 25 months—the timeframe within which most economists predict the current recession will abate.

The original legislation was sponsored by the majority and minority chairmen of the House and Senate Judiciary committees and included fee increases sufficient to fund court deficits

and those of Access to Justice (ATJ) (funding civil legal services for the indigent) for this fiscal year and next. Through the legislative process, the bill saw numerous alterations that generally decreased the amount of the fee increases for the courts and ATJ and added fees for other entities. The fee proposal language was ultimately amended into an unrelated bill dealing with judicial matters, passed by both legislative chambers and signed by the governor. The new law, Act 49 of 2009, became effective on December 8.

During debate on the proposal, Rep. John Pallone (D-Westmoreland) praised the court system for offering a solution to its budget crisis, unlike other government entities that simply requested additional general fund appropriations.

Under the law the fee increase to support the operations of the judiciary was set at \$10.25 per filing, ATJ was set at \$1.00, and a fee to help county governments pay the salaries of full-time district attorneys was set at \$2.25. The court and ATJ fee increases expire in January 2012; the DA fee is permanent.

For the current fiscal year, the revenue generated under Act 49 and those funds available in the judicial budget will fall short of the essential needs of the UJS. To make up for this shortfall, further economies may have to be instituted within the court system, and ultimately a request for supplemental budget appropriations may be forwarded to the General Assembly.

As of the end of November, state revenue collections were \$217 million short of projections. If this trend continues, the Commonwealth and the UJS will face additional fiscal challenges in the upcoming budget cycle.

[Jim Koval is the AOPC's Communications Manager.]

AOPCconnected is published periodically.

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## Supreme Court of Pennsylvania

Ronald D. Castille  
Chief Justice

Thomas G. Saylor  
Justice

J. Michael Eakin  
Justice

Max Baer  
Justice

Debra Todd  
Justice

Seamus P. McCaffery  
Justice

Jane Cutler Greenspan  
Justice

Zygmunt A. Pines  
Court Administrator  
of Pennsylvania

# Pennsylvania Hosts Annual National Conference of State Courts of Appeal

by Zig Pines

The Council of Chief Judges of the State Courts of Appeal held its 30th annual conference in Philadelphia recently (Oct. 27-31). The educational sessions of the conference were especially impressive. Some highlights:

Profs. Thomas Pangle (Univ. of Texas) and Gordon Wood (Brown) engaged in a discussion with the audience about separation of powers and its early development in the newly formed union. The concept originally focused on the executive, not legislative, branch and was influenced by the Montesquieu-based distrust and fear of a judicial aristocracy. Eventually, through the Federalist papers and influence of John Adams, the concept was viewed as a force for holding the infant republic together, culminating in *Marbury vs. Madison*.

Chief Justice Paul J. De Muniz (Oregon) participated with judicial panelists from Florida and Massachusetts to address the problem of increased demands on the judiciary and dwindling economic resources. In addition to traditional measures (freezes, cuts, furloughs), the panelists identified the importance of good relationships between chief justices and presiding judges; effective communication with all judges to promote a consistent message; designating judges to serve as "judicial champions" with the legislature; and collaborating with bar leaders and, as in Florida, the business community to underscore the impact of cuts on society and the economy. A caveat, however, was offered at the end: there may be a political "boomerang effect" by courts creating efficiencies and ending up with legislative expectations that courts can, in fact, do more with less.

Prof. Michael Klarman (Harvard) provided a fascinating glimpse into the behind-the-scenes maneuvering in the historic case of *Brown vs. Board of Education*, as reflected in the conference notes of the justices. The

legal challenge to government-imposed segregation in education faced three obstacles: the text and original intent of the 14th Amendment and the precedent of *Plessy vs. Ferguson*, all of which were compounded by societal pressures and the fractured personal dynamics among the justices. In the end, the serendipitous entry of Earl Warren as chief justice engineered extraordinary unanimity. Prof. Klarman offered his view that the Civil Rights Act was, in the end, of greater importance in ending segregation.

Prof. Judith Resnick (Yale) spoke of the portrayal of justice through its historical symbols, from the iconic blindfolded female figure with scales to the modern artistic statement of a jurist's frayed corduroy jacket framed and hung in a Minnesota courtroom. Prof. Resnick's thematic thread was how society chooses to represent justice in its courtrooms in support of democratic principles and how images can effectively resonate with the poor and disadvantaged.

Lastly, a highlight of the conference was NPR correspondent, Nina Totenberg, who spoke at Congress Hall in Independence Square. Her message was basically a plea for greater judicial sensitivity to the needs and limitations of reporters. She recommended that courts consider ways to improve accurate news gathering such as: utilizing judicial Web sites to explain commonly used terms and proceedings; looking at Twitter as a potential informational resource; cultivating relationships with reporters and letting them know when they make mistakes; promptly making opinions and documents available to the media and general public.

*Pennsylvania Superior Court President Judge Kate Ford Elliott is president-elect of the Council of Chief Judges of the State Courts of Appeal.*

[Zig Pines is Court Administrator of Pennsylvania.]

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## Commission Hearing, continued from page 5

Among the witnesses at the October hearing was Luzerne County President Judge **Chester B. Muroski**, who replaced then-President Judge Ciavarella early in 2009 after charges were filed against Ciavarella. Muroski testified that he has made efforts to reorganize and reform court management in Luzerne County, including the juvenile court. He said he believes that president judges in Pennsylvania are vested with too much authority under the Pennsylvania Judicial Code. In Luzerne County, he said, the "omnibus power" of the president judge led to abuses and excesses during periods when Ciavarella, and Conahan before him, held the position.

Subsequent hearings will be held, and after completing its investigation, the Interbranch Commission on Juvenile Justice must file a final report with recommendations by May 31, 2010, to the Supreme Court, the governor and the General Assembly.

# Honors & Dispatches

Supreme Court Justice **Thomas Saylor** is the Widener University Law and Government Institute Jurist in Residence at the Harrisburg campus. He delivered the fall Jurist in Residence lecture, "The Nature of Judging," to an audience open to law students, lawyers and the public.

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Two Supreme Court of Pennsylvania justices made the case for electing, rather than appointing, jurists before an audience of the American Academy of Appellate Lawyers in Philadelphia. Justices **Seamus McCaffery** and **Debra Todd** were luncheon speakers at the academy's fall meeting.

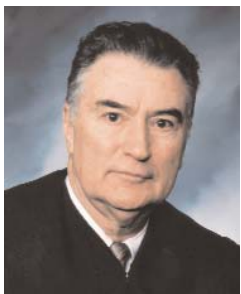
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Supreme Court Justice **Max Baer** was the keynote speaker at the Luzerne County Courthouse centennial celebration in Wilkes-Barre. Most of the courthouse was open for tours, and a display of photos of the various courtrooms and offices from its inception in 1909 were part of the day's rededication ceremonies. The county was named in 1786 after Chevalier de la Luzerne, France's first ambassador to the U.S.

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Supreme Court Justice **J. Michael Eakin** was the keynote speaker for the rededication of the Jefferson County Courthouse. The event marked the completion of more than a year of courthouse renovation work. The building originally was dedicated in 1869. Jefferson Judge **Edwin Snyder**, who served on the county bench from 1971 to 1991, provided an historical overview of the courthouse and its renovations.

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Commonwealth Court of Pennsylvania recognized Senior Judge **Joseph F. McCloskey** with a special session of the intermediate appellate court in Pottsville. Commonwealth Court President Judge **Bonnie Brigance Leadbetter** praised the contributions of Judge McCloskey before about 50

lawyers and others in attendance during a special 15-minute ceremony at the Schuylkill County Courthouse.

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Administrator of the Office of Children & Families in the Courts **Sandra Moore**, Dauphin County Dependency and Orphan's Court Judge **Todd Hoover**, Allegheny Children's Court Administrator **Cindy Stoltz**, and Dauphin County Commissioner George Hartwick III

testified before the state House Committee on Children and Youth regarding the Supreme Court's statewide initiative to improve the lives of dependent children.

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Allegheny County Judge **Joe Williams**, who was elected to the bench in the November election, was honored by the New Pittsburgh Courier as one of the publication's "2009 Men of Excellence." The annual listing honors 50 successful African American men in Pittsburgh to showcase their accomplishments, talents and contributions to the community.



\*\*\*

Retired Judge **Jerome Cheslock** was honored by the Monroe County Bar Association during a recent event in northeastern Pennsylvania.

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Allegheny County Judge **D. Alan Hertzberg** was honored by the Pennsylvania Bar Association for his contributions to the improvement of civil legal aid. Judge Hertzberg received the bar's annual Judge's Award during the Pennsylvania Legal Aid Network's Statewide Training Conference in Harrisburg.

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Luzerne County President Judge **Chester Muroski** was honored by the Wilkes-Barre Law and Library Association with its President's Award—the first time ever the honor was bestowed on a sitting judge. The association lauded Judge Muroski for leading the effort to promote transparency and integrity in the county judicial system, which faced criticism after two former jurists were charged with crimes.

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The Philadelphia Bar Association honored Common Pleas Court Judge **Annette M. Rizzo** with its Justice William J. Brennan Jr. Distinguished Jurist Award. Judge Rizzo was recognized for her work with Philadelphia's Residential Mortgage Diversion Pilot Program.

Judge Rizzo was also among the panelists participating in a recent National Bar Association "Town Hall Meeting" at its 21st annual issues symposium.

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Greene County Senior Judge **H. Terry Grimes** received the 2009 Distinguished Service Award individual award from the Waynesburg Area Chamber of Commerce.

(Honors & Dispatches continued on page 14)

# The Case of the Missing Ding-a-Ling

by the Hon. Wayne Seibel

When my staff came into work the day after Presidents' Day, they made a startling discovery—the judge's ding-a-ling was missing.

This ding-a-ling, otherwise known as a hand bell, has been faithfully letting staff know that someone was at the front counter requesting service since 2004—when the last bell was stolen.

For three hours I became very familiar with the new surveillance equipment installed by the AOPC. It took a little bit to figure out how to recall video, slow it down, pause and zoom—and then throw in some expletives.

I started reviewing the video from 8:30 am until 4:30 pm. Believe me, at 36x regular speed, it took all of three hours to do eight hours of review. At high noon (actually 12:03 p.m.), a person of interest came in—he was at the front counter and then left, and came back about five minutes later. Some type of transaction took place.

He looked directly into the surveillance camera. He slid his arm back across the counter and my ding-a-ling disappeared into his pocket—and out the front door they went.

My staff went to work, using the time of the theft and a little detective work—and the actor was identified as a 59-year-old man from Pittsburgh. He had come up to my office to pay a traffic citation.

The staff remembered him because he became upset that we would only accept exact change. He owed a balance of, I believe, \$54.50 and did not have the 50 cents. He left the office and came back with a roll of pennies. He was advised that we do not accept that either, and he became a little bit more upset. He put the rolled pennies in his pocket, pulled out two quarters and paid his citation.

The police were notified, and we filed a security incident report with the AOPC. Charges of theft were filed in Cranberry Township, and a preliminary hearing was scheduled before Senior Magisterial District Judge **Dan George**. Prior to the hearing, the defendant walked into our office, and I just happened to be out front. He asked if the arresting officer was present, and without saying anything, he slowly removed my ding-a-ling and slid it onto the counter and then walked out the door. My ding-a-ling was home; I played with it a little bit to make sure it still worked.

## Using AOPC Security Equipment

On the more serious side of this incident, I want to make all aware of several things about the surveillance equipment. To play back an incident or search or zoom in is not hard, but it takes some time to become familiar with the system.

The laminated cards that were supplied worked very well. The system is similar to a VCR, but you do not have a remote; all controls are on the digital recorder. I was able to download the incident onto a thumb drive. From there you can download and view on any computer and pause the video to print a picture.

The one thing that I was told was that the digital recorder would keep video up to two weeks. That was not true with my unit. It only kept video for 10 days before the system copied over, and I did lose some video.

As I noted above, to review video for an extended time period will take your time. I used ADT assistance, and they were right on top of my requests in pulling this incident off of the recorder.

Even though it was a \$5 bell, this incident was a good learning tool on how to use the surveillance equipment we have.

At the preliminary hearing, the defendant showed up without counsel. The assistant district attorney talked to the defendant and police officer. Being that the defendant did not have a criminal history, he was offered to waive the hearing and apply for ARD or to plead guilty to criminal mischief or have the hearing.

The defendant decided to plead guilty to criminal mischief. He was before Senior Judge George and they were quietly discussing his options. The defendant was not happy with the \$300 fine and was trying to get Judge George to lower it. Then the defendant made the mistake of telling Judge George to "shhh."

All that I can tell you is that any thought of leniency went out the window, and everyone in the courtroom and office knew it. After receiving an invigorating lecture from Judge George, the defendant paid and went home.

So ends the case of my stolen ding-a-ling. I am going out to the front now to make sure my ding-a-ling still works.

[Judge Seibel is a magisterial district judge in Evans City, Butler County.]

[This article originally appeared in the Special Court Judges Association Journal.]

# First Ever Children's Roundtable Summit

by Steve Schell

In November officials from more than 50 counties throughout the state participated in Pennsylvania's first ever Children's Roundtable Summit hosted by the State Supreme Court in Pittsburgh. Dependency court judges, solicitors and children and youth service professionals collaborated with national experts at the three-day event to develop county-specific plans aimed at helping to help abused and neglected children find safe, permanent homes in a timely manner.

State Supreme Court Chief Justice **Ronald D. Castille**, Allegheny County President Judge **Donna Jo McDaniel** and State Court Administrator **Zygmunt Pines** provided opening remarks, while Justice **Max Baer**; Office of Children, Youth & Families Deputy Secretary Richard Gold; Dauphin County Commissioner George Hartwick III and Lehigh County Common Pleas Court Judge **Brian Johnson** presented the Child Dependency System Mission Statement & Guiding Principles document. In addition a Dependency System logo and the new Office of Children & Families in the Court's (OCFC) Web site were unveiled. All three were created to assist judges and legal professionals, parents and families, children and helping services professionals

better address often complex and challenging dependency issues. The Web site can be found at [www.ocfcpcourts.us](http://www.ocfcpcourts.us).

National experts who participated in the summit included Judge Stephen Rubin, Pima County, Arizona; Judge Charles Pratt, Allen County, Indiana; Dr. Judith Silver, Pediatric Psychologist Children's Hospital of Philadelphia; Larry Brown, Casey Family Programs Consultant; and Dr. Barbara Needell, researcher, California State University at Berkeley. These experts provided a national perspective of the work being done to help dependent children and families and shared strategies used to successfully address issues similar to those facing Pennsylvania's child dependency system.

Additional participants include OCFC Administrator **Sandra Moore**, Butler County Judge **Kelly Streib**, Lackawanna County President Judge **Chester Harhut**, Dauphin County Judge **Todd Hoover**, Blair County President Judge **Jolene Kopriva**, Allegheny County Children's Court Administrator **Cindy Stoltz**, Allegheny County Administrative Judge **David Wecht**, Allegheny County Judge **Kim Berkeley Clark**, **Denise Aylward** of the AOPC's Judicial Automation and others.

## Around the Judiciary

Representatives from the courts and news media held a panel discussion at Dickinson College in Carlisle to engage in active learning about each other's jobs and their sometimes divergent needs and goals. The half-day event, titled "The Third Branch Meets the Fourth Estate," was co-sponsored by the Pennsylvania Commission on Judicial Independence, the Supreme Court of Pennsylvania and the Clarke Forum for Contemporary Issues. State and federal court judges, journalists from major media outlets and law school and college faculty examined the nature, quality and depth of courtroom news coverage and the media's function in America. The group also mulled over the challenges that media outlets face when covering courts in an era of diminishing newsroom resources, threats to judicial independence and "the public's right to know." Panelists included Chief Justice of Pennsylvania **Ronald D. Castille** (in photo at right); Superior Court President Judge **Kate Ford Elliott**; Dauphin County President Judge **Richard Lewis**; U.S. District Court Judges **C. Darnell Jones** (in photo at left) and John E. Jones III and U.S. Court of Appeals Judge Marjorie Rendell, also the First Lady of Pennsylvania.



# In the News



The **Philadelphia Inquirer** outlined the successes of **Delaware County's Treatment Court**, one of more than 200 specialty courts around the country to reduce recidivism among criminals with mental disorders and chemical dependencies. The paper characterized Treatment Court Judge **Frank Hazel** as "a sharp-witted father figure with an endless supply of sage advice, uplifting jokes and words of encouragement."

The **Altoona Mirror** reflected on the steadily growing **Blair County Juvenile Drug Court**, which anticipates its first graduate by the end of the year. Judge **Elizabeth Doyle** told the paper that teen participants keep a daily personal chronicle of their activities, undergo frequent drug testing and receive treatment through various local programs.



Judge Patterson

The **York Daily Record** congratulated Judge **Chuck Patterson** on becoming the first African-American man elected to the York County Common Pleas Court. In an editorial the paper noted how Judge Patterson "outpolled them all, showing that county voters are good judges of character and qualifications."

The **Sunbury Daily Item** profiled the planned move of **Snyder County** President Judge **Harold F. Woelfel Jr.**, who, after two decades on the bench, will move from the **Snyder County Courthouse** to the **Union County Courthouse**. The paper noted how Judge Woelfel, despite moving his chambers, will continue to do some work at the Snyder County Courthouse in the two-county judicial district.

The **Reading Eagle** reported how the area school district and **Berks County Judiciary** plan to operate a magisterial district court in the city high school. President Judge **Jeffrey L. Schmehl** said further deliberations were needed to determine where such a court would be

located, who will provide security and how many days it will operate.

**WDUQ-FM**, Pittsburgh's National Public Radio station broadcast a news item about the startup of a new **Allegheny County Veterans Court**. That station said the court will meet every other week and will complement existing specialty courts for mental health, drug and alcohol and domestic violence.

The **Pennsylvania Lawyer** featured a prominent story and photos on the **Pennsylvania Judicial Center**, calling it "a symbol of the good—even the grand—of the judicial ideal." Deputy Court Administrator **Thomas B. Darr** provided the publication's staff with a tour of the facility, which he noted creates "a formal judicial presence in the Capitol complex to complement the strong presence of the legislative and executive branches."

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## Honors & Dispatches, continued from page 11

Magisterial District Judge **Gwenn Knapp** of Chester County is the 2009 recipient of the Mid-Atlantic Association for Court Management's John Neufeld Award, given in recognition of her Young Adult Community Conferencing program. Judge Knapp established the program after confronting a growing number of alcohol-fueled cases in West Chester, including disorderly conduct and underage drinking, and partnered with Family Service of Chester County in its establishment.

# Judicial Automation Staff Participates in National Tech Conference

by Steve Schell

At the National Center for State Courts Technology Conference this year in Denver, participants from across the country got an inside look at two Pennsylvania court projects.

Judicial Automation's **Denise Aylward**, an IT manager in the Enterprise Applications group, discussed the AOPC's development of a child dependency court tracking module for the state's Common Pleas courts, while Manager of Enterprise IT Operations **James Tulio** discussed the challenges in providing a cost-effective, yet highly available judicial system network.

At the same conference, State Court Administrator **Zygmunt Pines** participated on a panel discussing disaster recovery and business continuity. His focus was on pandemic planning.

The dependency tracking module was created by the AOPC's Judicial Automation Department at the request of the AOPC's Office of Children and Families in the Courts. Aylward's conference presentation carefully guided the audience through the intricate steps required to establish statewide child dependency tracking from its early planning stages to development of standardized forms and tracking methods, on-site training of county court employees, piloting of a tracking module prototype and the eventual roll-out of the module within the state.

Before the project began, Aylward said, many counties did not have an automated method to track dependency cases. "Information was kept manually or kept only by the county agencies," she said. The new dependency tracking module is not just a docketing system and, therefore, provides counties with better caseload management, making sure that cases are being heard timely and not slipping through the cracks.

The existing Common Pleas Case Management System was used as the platform for the new dependency module, allowing the module to capture the outcomes that affect specific measurements, including the number and types of placements that are ordered for the child. The tracking module also aligns each court's handling of child dependency case events and helps to ensure that they are conforming to the Rules of Juvenile Court Procedure.

It is anticipated that the system will be completely installed statewide by mid-2010.

Ultimately, the dependency tracking efforts will provide the ability to measure the success of programs and initiatives in placements or reunification to family for dependent children in each of the jurisdictions across the Commonwealth, helping the courts and community partners increase children's chances for successful lives.

James Tulio shared with other state court officials the AOPC's "lessons learned" on recent Wide Area Network (WAN) refresh projects, with a particular focus on AOPC's unique, relatively low-cost, yet highly-available network solution that leverages traditional telecom WAN services with residential-class broadband services—an effort that is expected to save the AOPC and appellate courts \$4 million in network costs per year.

"The goal is to have the network always available with no down time for users of our email, case management systems and other network services," Tulio said. "In our efforts to revamp the architectural structure of our systems' network, we found that by using independent local Internet cable providers in conjunction with a traditional WAN provider, we not only could deliver more diversity and better availability, we could reduce the cost of using just one wide area network vendor.

"The new judicial system network uses a single primary WAN vendor along with a residential-class cable broadband network. In its first year there has been no network down time during business hours, significantly exceeding the industry standard of 99.9 percent for network high-availability," Tulio added.

The Unified Judicial System's computer network serves more than 10,000 case management system and enterprise application users at nearly 700 judicial remote sites.



Denise Aylward and Jim Tulio

## Zig, continued from page 3

undercounting caused by poor reporting and inconsistent definitions. Regardless of bureaucratic definitions, we all know in our minds and hearts about the vast spectrum of child abuse and neglect—inadequate food, clothing, shelter, hygiene, education, care and protection; medical neglect; and the unimaginable instances of physical/sexual/emotional abuse that have contributed to permanent injuries and even the deaths of young children.

We know, for example, that the incidence of child abuse and neglect in the United States is three times higher than Canada's and 11 times greater than Italy's. Recently in our newspapers, it was reported that poverty in America is at an all time high—approximately one in five children in the U.S. lives in poverty. Poverty is perhaps the best predictor of child abuse and neglect. According to these statistics, nearly half a million in the developmentally critical years younger than six were going hungry. That's three times the number in 2006.

Nevertheless, the silver lining in this cloud is that Pennsylvania is ranked as No. 2 in its child welfare spending per capita. And Pennsylvania, notwithstanding the recent tragic events in one of our counties, has

a reputation for excellence in juvenile justice. We have that national reputation because of dedicated servants such as Estelle Richman, Jim Anderson, Richard Gold, Frank Cervone, Marc Cherna, our president judges and family law judges, the AOPC's OCFC and automation staffs, and all of you in this audience.

In this harsh economy and with our weakened safety net, your work in protecting children is of profound practical importance to the welfare of society. The presence and support of Chief Justice Castille at this summit is a testament to the significance of your work.

All of us here have every reason to be proud of the outstanding achievements that have been done for abused and neglected children in Pennsylvania during the past three years. This new oak as it matures will continue to provide protection and sustenance for our children. In turn, this oak will produce many acorns of incredible potential.

As we continue this noble mission, I think we all secretly carry within us an acorn of wisdom that was expressed more than 100 years ago by a wise man, Frederick Douglas. He said, *"It is easier to build strong children than to repair broken men."*

Thank-you for all your efforts.

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5001 Louise Drive  
Mechanicsburg, PA 17055

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The logo for the Association of Public Child Welfare Administrators (AOPC). It features the letters 'AOPC' in a bold, blue, sans-serif font. The letter 'O' is stylized as a circle with a small triangle pointing downwards inside it.