

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

I am pleased to present this Report of the Administrative Office of Pennsylvania Courts (AOPC) for 2006. As a “historical record,” the report attempts each year to outline many of the actions, programs and services that have helped to define the Commonwealth’s court system. The report does not contain information about cases considered or decisions rendered by courts, nor does it contain statistical information. The former information is found through traditional legal research and the latter is published separately, also by the AOPC. Law libraries contained in each county and in Pennsylvania’s many law schools can be of assistance for case-related information while statistical information can be found at [www.courts.state.pa.us](http://www.courts.state.pa.us), the judiciary’s Web site.

Initiatives concerning children and families, accessibility in several ways to our courts, enhanced court safety and the release of solid data regarding decreased medical malpractice filings were among the highlights of 2006. But perhaps the most symbolically and substantively significant effort this year was publication by Chief Justice of Pennsylvania Ralph J. Cappy of the first “state of the judiciary” report to Pennsylvanians.

“Looking to the Future: The State of the Commonwealth’s Courts” was issued by Chief Justice Cappy on behalf of his colleagues on the Supreme Court in recognition of jurists, staff and citizen-volunteers throughout Pennsylvania’s UJS on May 1, 2006. The twelve-page booklet defined many of the challenges facing the judiciary, but also outlined solutions being pursued to meet those challenges. Several of the judiciary’s notable successes were highlighted, all of which can be summarized as efforts to enhance judicial administration through automation, innovation, education and intergovernmental collaboration.

“Looking to the Future” set a tone for Pennsylvania’s judiciary by highlighting not just current efforts, but also aspirations for the future that Pennsylvania’s courts continually strive to meet citizens’ expectations for a just society and a judicial system that is administratively responsive and effective. Some of those aspirations began to be fulfilled in 2006.

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**Office of Children and Families in the Courts Created...**

For example, Pennsylvania’s Supreme Court decided in 2006 that issues involving children and families required particular emphasis, noting that the state of the judiciary’s title, “Looking to the Future,” aptly described the importance of ensuring that our children are given effective care and protection within the structure of safe and stable families.

To begin this focus, the Court created a new Office of Children and Families in the Courts (OCFC), which works with county family courts and child welfare officials to speed the placement into permanent homes of thousands of abused and neglected children. Justice Max Baer, designated by the Supreme Court to lead this important initiative, has begun promoting coordinated improvements for abused and neglected children statewide. More than 20,000 such children throughout the state now live in foster care and other temporary residential settings.

The OCFC, part of the AOPC, aims to minimize the length of time that dependent children—who have been removed from their parents under court order because of abuse or neglect—must spend in foster care or in other temporary living situations. They are called “dependent” children because they literally are dependent on the courts and the child welfare system for their protection. An additional goal will be to establish a structure for family courts in all counties to share information with each other on “best practices” in the handling of dependency cases.

**...and Adoptive Parents Are Assisted...**

Another focus on families was reflected in new rules adopted by the Supreme Court in 2006 to assist parents who adopt a child from a foreign nation. The rules standardized procedures to complete the adoption registration process in the Commonwealth’s 67 counties. The changes were prompted by legislation approved by the General Assembly and signed into law by Gov. Rendell as Act 96 of 2006. The law was designed to make foreign adoption procedures less burdensome and more uniform.

The Court’s rule changes eliminated the need for most adopting parents to attend a hearing or obtain legal counsel so long as they provide an authenticated copy of a foreign adoption decree, the child’s visa and some form of birth identification or an affidavit if no birth certificate is obtainable.

## **...While New Protection from Abuse Act Provisions Are Implemented**

In May 2006 the Supreme Court issued rules to guide implementation of the Commonwealth's new Protection from Abuse (PFA) Act. The rules changes were necessitated by the act's provisions authorizing county judges to order defendants with PFA orders against them to surrender all firearms and other weapons within 24 hours—when the court determines such action is necessary to protect a victim. Defendants who do not surrender a firearm when ordered face a misdemeanor charge. The act also provides for alternative methods of relinquishment, such as transferring firearms to a licensed dealer, and allows a Common Pleas Court president judge to appoint a part-time or full-time master for emergency relief who may hear PFA petitions when a judge is not available.

## **Accessibility and Fairness to Courts Enhanced Through Open Records...**

The development and adoption of a significant new public records access policy governing electronic case records of the Unified Judicial System was noteworthy as one of several efforts in 2006 to improve accessibility to our courts. All electronic case record information maintained in the Pennsylvania Appellate Court Management System, Common Pleas Criminal Court Case Management System or Magisterial District Judge System is covered by the policy.

What prompted the development of the new policy was the burgeoning amount of information available from the Pennsylvania judiciary's extensive efforts to automate court processes statewide, including the recently completed Common Pleas Criminal Court Case Management System. The task in crafting such a policy was to maximize availability of information while simultaneously shielding statutorily-protected data and certain personal identifiers. The new policy was adopted by the Supreme Court in November 2006 to become effective January 1, 2007.

The policy was the culmination of significant study by and public comment to the AOPC. Businesses, public-interest groups, the media and government officials are among those who responded to multiple requests for input since a draft policy first was published for comment in September 2005.

Because the policy deals only with electronic case records, its adoption did not alter the long-standing practice of making case records open for public inspection and photocopying at court offices—unless otherwise sealed by a court or restricted pursuant to law. The new policy covers what and how electronic case records are available

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to the public and how requests for access to those records are to be handled. It defines information, (e.g., certain personal and victim identifiers), that is not available; sets time frames within which request responses are required and sets reasonable fees for producing requested information.

Through automated case records made possible by the judiciary's continued efforts to computerize state court processes and these clearly defined information access policies, Pennsylvania's court records are probably more available to the public, and the court system's long-standing policy of "openness" is again reaffirmed.

**... As Well As Through Qualifying Interpreters and Expanding Jury Pools**

The AOPC's Judicial Programs Department and legislative staff worked during 2006 together with members of the General Assembly, other agencies and individual judges to implement practical programs to improve jury diversification and the availability of qualified interpreters statewide. Those efforts ultimately led to the passage of laws supporting jury diversification and qualified interpreters programs that were already underway within the AOPC's Judicial Programs Department.

Simultaneously, the Supreme Court's Interbranch Commission for Gender, Racial and Ethnic Fairness presented its first annual report to the public. The advisory group, charged with promoting fairness in the justice system, focused on domestic violence prevention, court workforce and jury diversification, and limited English-speaking interpreter services.

**Medical Malpractice Case Data Shows Results from Supreme Court Actions**

A front-burner issue in Pennsylvania for some years has been the cost of medical malpractice insurance for doctors and the resulting perceived effects on the health care across the state. During 2006 the Supreme Court released court system data on medical malpractice case filings and verdicts for the previous year (2005) that showed a sustained decline in the number of med mal lawsuits filed statewide.

The AOPC began the systematic collection of data from each of Pennsylvania's 67 counties in 2003 as part of the Supreme Court's commitment to intergovernmental collaboration in addressing medical malpractice litigation issues. At that time, counties also began to create a means of methodically tracking medical malpractice case information

to enhance the focus and accuracy of future annual data collections. Statewide rules of civil procedure were promulgated—Pa.R.C.P. 1018 and 1042.16—to help identify med mal cases. Also adopted was new Pennsylvania Rule of Judicial Administration 1904 to codify the reporting requirements.

The statistical compilation was key in showing the impact of procedural rules changes implemented by the Supreme Court: that is, the number of medical malpractice lawsuits filed in Pennsylvania dropped by more than one-third. The changes curbed the practice of “venue shopping,” in which lawyers sometimes filed cases in counties where they believed juries would be most sympathetic to their clients. The rules also now require lawyers who file medical malpractice lawsuits also to file a “certificate of merit” signed by licensed medical professionals to support their claims. The certificate of merit must assert a “reasonable probability” that the medical treatment under dispute failed to meet “acceptable professional standards” of care. The Court also promoted mediation in medical malpractice disputes as an alternative to going to trial.

### **Making Courts, Litigants, Jurists and Staff Safe Was a Priority...**

Efforts to enhance courtroom safety continued in 2006. Magisterial district judge courts, central booking and night court facilities in Pennsylvania were equipped with electronic security measures in a major step toward better securing those courts. The project, which included the installation of shatterproof safety glass and better restraints for in-custody defendants, was completed for less than its original \$4.4 million price tag.

The security measures—including 750 digital cameras and 1,400 duress alarms—were a direct result of collaboration by all three branches of state government and with both county commissioners and judges. Enhancements significantly have focused on low-cost, practical approaches to improved security—including better planning, greater awareness and increased education as to risks.

### **...As Were New Means of Providing CLE Tried**

The Supreme Court during 2006 approved a pilot project of its Continuing Legal Education (CLE) Board to explore the accreditation of teleconferences as an additional form of distance learning. The project was seen as a natural follow up to a previously successful initiative conducted in 2003-2005 that evaluated computer based/Internet CLE programs. Since the original distance-learning pilot project, the board reviewed programs delivered over the telephone to individual learners.

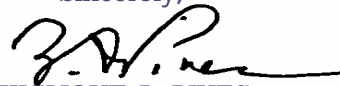
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The pilot project expanded the distance-learning options to include pre-approved telephone seminars. CLE also announced a new regulation change in 2006 to assist lawyers returning from military service. Persons licensed to practice law in Pennsylvania who were called to active duty in the armed forces had found it difficult or impossible to comply with CLE requirements prior to the change.

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Only highlights of 2006 could be offered in this brief introductory letter, but much more is found in individual sections within this overall report. Each accomplishment noted in these pages reflects the determined work of jurists, staff and many volunteer citizens appointed to serve on numerous Supreme Court boards and committees. These citizen volunteers particularly deserve mention, for without their *pro bono* expert counsel and effort, either far less would be accomplished within the Unified Judicial System or much greater cost would be incurred.

Sincerely,



ZYGMONT A. PINES

Court Administrator of Pennsylvania

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