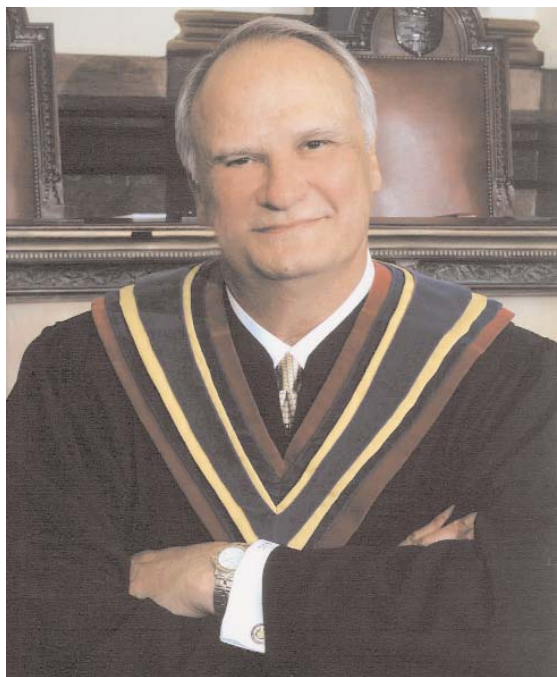


Late Chief Justice Praised for his Creativity, Spirit

by Art Heinz



Former Pennsylvania Supreme Court Chief Justice **Ralph Cappy** was remembered as a “born leader” and motivator during a memorial service in his hometown of Pittsburgh.

The 65-year-old jurist died May 1 at his home, and his memorial was held at Heinz Chapel on the University of Pittsburgh campus. Auxiliary Bishop Emeritus William Winter of Pittsburgh conducted the service.

Chief Justice of Pennsylvania **Ronald D. Castille** called the late jurist “a justice of tremendous integrity and a tireless worker,” adding he was well-respected nationally for his leadership and innovative programs that addressed court-related problems.

“Ralph’s record on our court was one in which he could be justifiably proud,” Chief Justice Castille said. “His tenure as chief will be noted for his many creative initiatives and initiatives that affected difficulties within the court system and with the Commonwealth itself. Chief Justice Cappy’s good works will survive his passing.

“Ralph Cappy left our court a much better place than it was when he first began his service to the Supreme Court.”

Former Chief Justice Cappy joined the Supreme Court in 1990 and served as its leader from 2003 through January 2008. During his tenure as chief administrator of the state court system, he oversaw advances in statewide automation, the groundbreaking of the Pennsylvania Judicial Center and the introduction of a number of new judicial programs. However, his leadership in the adoption of rule changes that sharply curtailed the number of frivolous medical malpractice claims was among the more memorable achievements.

He was the public defender and an Allegheny County Court judge before joining the Supreme Court in 1990. Justice Cappy also was an alumnus of the University of Pittsburgh and its law school and chaired its board of trustees.

During the service Gov. Ed Rendell remembered the late jurist as “a born leader. He was a motivator. He was a doer.”



Flags at the new judicial center flew at half-mast in remembrance of Chief Justice Cappy.

Inside

- 4 Civics Education E-filing Popularity Growing
- 6 Proposed Court Reporter Rules
- 7 Venango County Courts Include Families in Decisions
- 8 Lancaster MDJ Moves from Bench to Ball Field
- 11 Managing Online Records
- 12 Teen Mock Trial
- 16 Voices

New to the Judicial Branch

Counties

Thomas Nocella - Philadelphia Municipal Court judge
Victor Riley - Dauphin deputy administrator - trial court
Thomas W. Tartaglio - Chester - magisterial district judge
Carmen Thome - Bucks - deputy administrator

AOPC

Colette Bailes - Administrative Services - clerical assistant
Natalie Bream - Judicial Automation - LAN technician
Angela Dissinger - Human Resources - benefits assistant
Frances Fencel - Administrative Services - receptionist
Samuel Justis - Judicial Automation - NOC technician
Scott Kershner - Administrative Services - lead support assistant
Megan Kumpf - Finance - accountant
Glenn Lester - Judicial Automation IT specialist
Laurie McDowell - Judicial Automation - LAN technician
Michael Melusky - Judicial Automation - IT specialist
Lynne Napoleon - Judicial Programs - judicial programs analyst
Carol Narkiewicz - Administrative Services - receptionist
Cody Reigle - Judicial Automation - LAN technician
Angela Sager - Judicial Programs - judicial programs analyst
Stephanie Strayer - Judicial Programs - judicial programs analyst
Charles Summerscales - Judicial Automation - NOC technician

Appointments/Elections

Counties

Linda S. Baumunk - Sullivan - sr. magisterial district judge
Dominic M. Cermele - Philadelphia Traffic Court - sr. judge

Mary D. Colins - Philadelphia - sr. judge
Donna J. Coombe - Columbia - sr. magisterial district judge
Robert L. Davis - Chester - sr. magisterial district judge
Pamela P. Dembe - Philadelphia - elected president judge
Victor J. DiNubile Jr. - Philadelphia - sr. judge
Jay H. Dutton - Washington - sr. magisterial district judge
Robert J. Eby - Lebanon - sr. judge
William L. Fagley - sr. magisterial district judge
Rochelle S. Friedman - Commonwealth Court - sr. judge
H. Terry Grimes - Greene - sr. judge
William S. Kieser - Lycoming - sr. judge
Francis J. Leahey - Cambria - sr. judge
Jeffry A. Manning - Allegheny - administrative judge of criminal division
William J. Mazzola - Philadelphia - sr. judge
Donna Jo McDaniel - Allegheny - elected president judge
Elaine M. McGraw - Allegheny - sr. magisterial district judge
Ronald B. Merriweather - sr. judge
Marsha H. Neifield - Philadelphia Municipal Court - elected president judge
Diane S. Repyneck - Northampton - sr. magisterial district judge
Susan D. Scott - Bucks - elected president judge
Steven M. Semic - Dauphin - sr. magisterial district judge
Raymond F. Sugars - Dauphin - sr. magisterial district judge
Chester B. Muroski - Luzerne - elected president judge
William R. Nalitz - Greene - appointed president judge
William T. Nicholas - Montgomery - sr. judge
John C. Tylwalk - Lebanon - appointed president judge
John R. Walker - Franklin/Fulton - sr. judge
David N. Wecht - Allegheny - administrative judge of family division

(Transitions continued on page 13)

6/23-6/24	Superior Court Session (Montgomery County, Phila.)	9/1-9/3	Superior Court Session (Northampton Cty.)
7/3	Independence Day Holiday (Observed)	9/7	Labor Day Holiday
7/21-7/23	Superior Court Session (Phila., Pgh.)	9/14-9/18	Supreme Court Session (Pgh.)
7/22-7/25	State Trial Judges Annual Conference (Hershey)	9/14-9/18	Commonwealth Court Session (Hbg.)
8/18-8/20	Superior Court Session (Phila., Hbg.)	9/22-9/24	Superior Court Session (Phila., Hbg., Pgh.)
8/25-8/26	Superior Court Session (Pgh.)		

Photo Captures Four Extraordinary Lives Who Led Pennsylvania's Judiciary

by Zig Pines



Seated (l to r): Chief Justice of Pennsylvania Ronald D. Castille (2008-present), Chief Justice Emeritus John P. Flaherty Jr. (1996-2001). Standing (l to r): Chief Justice Retired Ralph J. Cappy (2003-2007), Chief Justice Emeritus Stephen A. Zappala (2002).

The photo above captures a simple moment in four extraordinary lives.

In November of 2008, four chief justices of Pennsylvania took time away from family and professional responsibilities to share dinner and conversation. We look at their smiling faces and see four so very different individuals who each achieved the pinnacle of judicial leadership through a unique trajectory of experiences.

In an e-mail on November 14, 2008, **Chief Justice Cappy** wrote:

At **Chief Justice Castille's** request, former **Chiefs Flaherty, Zappala** and I joined the Chief for dinner tonight.

Except for Ron, I do not believe any of us grasped the significance of having four

chiefs at the table using their collective decades and decades of judicial experience to discuss the current state of the judiciary and how to make it even better.

Its significance didn't hit me until John indicated that he had done some cursory research and had determined that, at least back as far as 1694, there has never been a time when four chiefs had come together. My hat is off to our Chief Justice for calling the meeting. It was indeed historical and, hopefully, substantive.

In a post-script, so typical of Chief Justice Cappy's humor and integrity, he said:

You should know that former Justice Zappala, now a private citizen, bought the wine. Inquiring minds might ask that question.

A photo is a precious possession. The emotion it invokes often changes with time and circumstances. When we received this photo for publication, we knew that it captured an historic moment. Looking at the photo, we wondered about the topics of conversation. Oh, to have been that proverbial fly on the wall!

With the sudden loss of Chief Justice Cappy on May 1, we now view this memento of a moment with poignancy. There was never an opportunity to say good-bye. A future of possibilities is gone. To paraphrase the poet W.S. Merwin, we have only what we remember.

Calling for Volunteers

Civics Education—a Maintenance Plan for Strong Courts

by L. Stuart Ditzen

She knew they didn't want a long speech so she kept it short and delivered it with gusto.

Former Supreme Court Justice **Cynthia A. Baldwin** made an eloquent pitch to members of the Conference of State Trial Judges on February 20, urging them to visit schools and teach civics to young people in their communities.

"Imagine what a great experience it can be for a group of kids to come to school and find a judge in their classroom," she said. "What a huge impact you can have in that classroom."

Baldwin, who was a longtime Common Pleas Court judge in Allegheny County before serving a two-year appointment on the Supreme Court, scanned the faces of nearly 250 judges gathered in Pittsburgh and told them she knew what they were thinking: "Be brief, be brief."

She was indeed brief, but it was her powerful oratory that drew the judges' applause as she concluded her remarks.



Supreme Court Justice J. Michael Eakin (seated) works with Harrisburg area eighth graders. (Photo: Dan Gleiter, Patriot-News)

"Most of us probably don't think of ourselves as teachers," Baldwin told her former colleagues. "But the fact is that we can and should be teachers. We as

(Civics Education continued on page 10)

Popularity of Electronic Filing Clicks with a Growing Number of Courts

by Steve Schell

The IRS says, "It's as easy as 1-2-3," offering a quick and accurate alternative to filing your return on paper. It's electronic filing, or e-filing, the submission of documents by means of an online computer transmission. For several years, e-filing has been the method of choice for millions filing income tax returns.

Recently, several courts have been turning to this technology, providing an e-filing option to litigants as a means to increase efficiency and decrease the need to store paper files.

A recent survey conducted by the AOPC's Judicial Programs Department revealed that, of the 55 counties that responded, six had some form of e-filing, one was in contract negotiations with a vendor to implement e-filing and 11 counties were considering e-filing as an option in the near future.

Some counties are using vendor e-filing systems while others are using systems built in-house. For the most part, e-filing is optional; only Philadelphia civil and Allegheny dependency cases are required to be filed electronically.

Allegheny is the only county providing an e-filing option for criminal complaints. A model e-filing system was installed there in July 2008, resulting in more than 15,000 criminal complaints being filed electronically in the first six months, saving the county's magisterial district court staff an estimated 1,500 hours that would have been needed to enter the data manually, according to Allegheny County Deputy Court Administrator **Claire Capristo**. However, at this point, paper copies of the complaints must still be filed with the courts.

(E-filing continued on page 14)

Jurists Perform Honorably Amid Increased Scrutiny

by Joseph A. Massa Jr., Esq.

High-profile cases such as those arising out of Luzerne County involving former judges Mark Ciavarella, Michael Conahan and Anne Lokuta brought intense attention on Pennsylvania judges and the system of judicial discipline. Ciavarella and Conahan recently pled guilty to federal corruption charges and await sentencing. Lokuta was removed by the Court of Judicial Discipline last December for violating a number of canons of the Pennsylvania Code of Judicial Conduct. [Editor's note: This case has been remanded back to the Court of Judicial Discipline.]

Last year, the Judicial Conduct Board of Pennsylvania (JCB) received 636 complaints, an all-time high since the board's inception in 1993 (See Table 1).

The 2008 numbers align similarly with the JCB's five-year averages (See Table 2).

Pennsylvania reflects a nationwide trend of increased scrutiny of judicial conduct. The nationwide statistics of judicial discipline are outlined in Table 3.

The 350 judges removed since 1980 corresponds to an average of 12.5 judges removed each year.

Notwithstanding these statistics, the vast majority of Pennsylvania judges comport themselves appropriately, and discharge their judicial responsibilities with dignity and honor. Indeed, 95% of all complaints filed with the JCB are dismissed after preliminary inquiry, and fewer than 1% result in the filing of formal charges against a judge before the Court of Judicial Discipline.

(Joseph Massa is chief counsel of the Judicial Conduct Board of Pennsylvania.)

Board Matters

2008 JCB Activity

636	Complaints received
18	Notice of Full Investigation letters issued
8	Letters of Counsel issued
14	Letters of Caution issued
2	Formal Charges authorized

Table 1

Five-Year Average

583	Complaints received
27	Notice of Full Investigation letters issued
10	Letters of Counsel issued
16	Letters of Caution issued
3-4	Formal Charges authorized

Table 2

2008 National Statistics

12	Judges removed from office
11	Judges resigned or retired in lieu of discipline
114	Judges received other public sanctions
12	Judges suspended without pay, with sanction lengths 3 days to 3 years
17	Judges publicly censured
69	Judges publicly reprimanded or admonished

Since 1980

350	Judges removed from office
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Table 3

AOPConnected is published periodically.

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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

Tackling New Technology, Training and Rates Advisory Group Proposes Updated Rules for Court Reporters

by **Laurie A. Sacerdote**

At the recommendation of the Supreme Court's Judicial Council, Court Administrator of Pennsylvania **Zygmunt Pines** last year established the Advisory Committee on Court Reporting and Transcripts to review rules for court reporters.

The Hon. **Robert A. Freedberg**, former president judge of Northampton County and now judge of the Superior Court of Pennsylvania, serves as committee chair. The committee consists of judges, district court administrators, prothonotaries, representatives from public interest groups and AOPC staff. Members are reviewing and revising the current Rules of Judicial Administration regarding court reporting and the preparation of transcripts.

The making of the official record of court proceedings is vital to an open and credible judicial system. The court record must be an exact, word-for-word record of oral proceedings before the court. The current court reporter rules have remained unchanged for more than 25 years.

To gain a better understanding of the job the court reporters perform, Judge Freedberg reached out to the president judges around the Commonwealth for input. The committee also collected data from every county to better understand court reporter operations. The work group also reviewed practices around the country as well as in the federal courts, and consulted the Pennsylvania Court Reporters Association and other experts.

It is critical that Pennsylvania's Unified Judicial System require qualified court reporting services in each judicial district, production of transcripts in a timely manner and accessibility for all litigants. It must also ensure that efficient technologies are in place to reduce litigation costs and conserve public resources. With these goals in mind, the advisory committee was divided into three subcommittees, each of which addressed specific issues related to court reporters and transcript production.

The Management Subcommittee, chaired by Judge **John C. Uhler** of York County, reviewed issues such as the handling of requests for transcripts at the county level and the hiring requirements for and training of court reporters. The Technology Subcommittee, chaired by **Michael R. Kehs, Esq.**, district court administrator of Montgomery County, reviewed new technologies that have emerged since court reporter rules were

first promulgated. When the rules were written, personal computers were in their infancy and laptops were nonexistent. Today these are integral parts of court reporters' equipment.

President Judge **Paula Francisco Ott** of Chester County, chaired the compensation subcommittee that, among other issues, reviewed the rates charged to litigants for transcripts. One of the goals of the compensation subcommittee was to guarantee transcript availability to those requesting them, regardless of ability to pay.

After much research and several plenary and subcommittee meetings over the past 12 months, the committee has completed a set of new rules for publication and comment. Under the proposed rules, the Pennsylvania Rules of Judicial Administration 5000 *et. seq.* would be rescinded and replaced with a new series of rules governing court reporting—Pennsylvania Rules of Judicial Administration 4000 *et. seq.*

Members of the Advisory Committee include Judge Freedberg; President Judge Ott; Judge Uhler; President Judge **Chester T. Harhut**, Lackawanna County; Judge **Daniel J. Ackerman**, Westmoreland County; President Judge **Richard A. Masson**, Elk County; Kehs; **Raymond L. Billotte**, district court administrator of Allegheny County; **Mary Lou Vanderpool**, district court administrator of Bradford County; **Paul S. Kuntz, Esq.**, district court administrator of Westmoreland County; **Gerald C. Montella, Esq.**, district court administrator of Delaware County; **Janet C. Fasy**, deputy court administrator of Philadelphia County; **Patricia L. Bachtle**, prothonotary of Bucks County; **Jane Leslie Dalton, Esq.**, Duane Morris, LLP, Philadelphia; **Karen Reid Bramblett**, Superior Court prothonotary; Hon. **Robert A. Graci** (formerly of the Superior Court); Jennifer R. Clark, Esq. of the Public Interest Law Center of Philadelphia and staff members from the AOPC Legal, Judicial Programs and Research departments.

The AOPC's **Joseph J. Mittleman, Esq.**; **Geri St. Joseph, Esq.** and **Darren Breslin, Esq.** serve as staff counsel to the Compensation, Management and Technology subcommittees, respectively.

[Laurie A. Sacerdote is a caseload statistics coordinator in the AOPC's Policy and Research Department.]

Venango County Courts Include Families in Decisions for Abused and Neglected Children

by **Sandra E. Moore**

In November 2008 Venango County volunteered to be one of 15 counties selected for the Permanency Practice Initiative (PPI), a program led by the Supreme Court of Pennsylvania and supported by the Office of Children and Families in the Courts/AOPC.

PPI employs work practices—combined with enhanced judicial review and oversight—to promote timely and safe permanency for dependent children.

Venango County President Judge **Oliver Lobaugh** has led a remarkable transformation in his county's Dependency Court process, shifting all parties from an adversarial, win/lose stance to one of cooperation and inclusion.

Modeling much of the change after the dependency courts of Allen County, Indiana, Judge Lobaugh and his team have introduced a process of "facilitation" that expedites the court process and includes all those who care for a child in the decision-making process at the very first hearing.

During that initial hearing, parents and extended families are introduced and encouraged to participate in Family Group Decision-Making (FGDM)—a process where those who care for a child needing help gather to develop a plan for the safety of the child. The shift is from being told what will be done, to being included and—in many cases—leading in the development of what will be done.

Judge Lobaugh notes that moving from a deficit perspective of what's wrong with people to a strength-based perspective is a daily challenge.

"It's easy to fall back into old patterns, and we all have to be on our guard," he said. "People don't get better by being told what's wrong with them and what they have to do to fix it. They get better by being included in decisions."

To ensure this new way of addressing dependency matters takes hold, Judge Lobaugh and his team are developing local rules. As required, these rules will be submitted to the Supreme Court for approval and may just be the catalyst for the development of statewide rules.

"While we are excited to see this kind of initiative in Venango County, we are committed to efforts that unify our court system," Supreme Court Justice **Max Baer**, who oversees Pennsylvania's court improvement efforts on behalf of the Court, said of the movement. "We hope to use Venango's rules as a starting place for the development of statewide rules that can be used in any of our 60 judicial districts."

This appears to be a huge step towards changing how dependency matters are handled in our state and the leadership being shown in Venango County and the other 14 Phase One PPI counties are to be commended.

Phase One counties are advancing statewide efforts to help children through the implementation of FGDM, Family Finding, Family Development Credentialing, expedited Court Reviews to mention a few.

(Sandra Moore is administrator of the Office of Children and Families in the Courts.)

...Judge Lobaugh and his team have introduced a process of "facilitation" that expedites the court process and includes all those who care for a child in the decision-making process...

AOPC Employee Service Milestones

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

35 Years

Patricia Kell - Payroll

20 Years

Deborah McDivitt - Finance

Agharese Ness - Judicial Automation

Veronica Williamson - Administrative Services

15 Years

Ellen Conaway - Legal

Allison Ott - Finance

10 Years

Matt Chiara - Judicial Automation

Kathy Sauter - Judicial Programs

Kay Shaffer - Judicial Automation

Eric Sick (Judicial Automation) was inadvertently left off the list for the Winter 2009 issue of AOPCConnected. Eric reached his 15th anniversary with the AOPC in December 2008.

Lancaster DJ Moves from Bench to Ball Field

by Kevin Freeman

By day, **Bill Reuter** renders decisions in his job as a Lancaster County magisterial district judge. By afternoon or night, when he trades his robe for an umpire's gear, he's still making decisions.

DJ Reuter's experience in making those calls—the ones on the baseball field—landed him in the Eastern League as a substitute umpire, marking the veteran arbiter's first appearance in Class AA baseball at Harrisburg's Commerce Bank Park.

DJ Reuter, 58, has been umpiring for the better part of 40 years, starting with youth baseball in Lancaster, American Legion baseball and PIAA baseball, then moving to all three divisions in college. He was behind the plate for a game in the Division II World Series in 2004. He also umpired in the professional Frontier League.

Since the professional Barnstormers' arrival in Lancaster in 2005, DJ Reuter has substituted in the independent Atlantic League, where he works approximately 25-30 games a year.

Now, he can put Double-A baseball on his resumé. Asking him to sub last summer was a no-brainer, according to Andy Shultz, a former minor-league umpire who is now one of seven umpire supervisor/evaluators for the minor leagues.

"I called the league office and asked who they had filling in, and they mentioned a couple of guys who had to come from out of town," Schultz said. "I told them I have a local guy right down the road, and he's a guy who I have the highest respect for. I guarantee he'll go out and do as good a job as anyone else you would bring in to fill in."

Shultz has known DJ Reuter for many years. In fact, Shultz, a Millersville native, was encouraged to become a professional umpire by DJ Reuter.

"I met Bill at a tournament in Manheim in my second year of umpiring when I was 16," Shultz said. "Bill kind of took me under his wing, and I've always held him in the highest respect. He just knows how to handle himself on the field."

DJ Reuter had third base for the Harrisburg Senators-Sea Dogs three-game set. But with two umps on the infield, he had to make a call on a steal of second in the bottom of the fourth inning. When he punched out the Senators' Ian Desmond, he heard it from the home fans.

For DJ Reuter the calls and the subsequent agreement or disagreement are part of the game.

"I'd be lying if I said there weren't any butterflies," he said. "There's pressure. You want to do a good job and not make a fool of yourself."

DJ Reuter said there are some differences when you umpire in college or even at the different levels of



Judge Reuter made his first appearance in Class AA baseball, at Harrisburg's Commerce Bank Park in late August 2008, umpiring a three-game set between the Harrisburg Senators and the Portland, Maine, Sea Dogs of the Eastern League.

(Photo: Kevin Freeman, *Intelligencer Journal*)

pro baseball. Differences as in the rotations around the infield in certain situations. In addition, he was working with two other umpires who didn't know him. That can be difficult because three-man crews build a comfort zone as the season goes on.

But the three games went off without a hitch.

"There were a few things I would have done differently, some things I think I did OK with," he said. "I'm my own worst critic."

Maybe not so surprisingly, there are similarities between his day job and his night job.

"It's amazing how the two complement each other," said DJ Reuter, who has been a judge for 27 years. "On the bench, you have law books, crime codes, vehicle code and statutes. On the field, you have the rule book and then you have the interpretations of that. You have to apply the rules or the law in both professions, and you have to have good people skills in both cases."

Once a judge, always a judge. On the bench or on the field.

[This story was reprinted with permission from the Lancaster *Intelligencer Journal*.]

In the News



The **Johnstown Tribune-Democrat** featured a story about the growing popularity of video conferencing for court proceedings among judges, lawyers and defendants who are inmates at the **Cambria County Prison**. The paper noted how the practice is cutting manpower costs and providing more secure settings for the sessions.

The **Pocono Record** reflected on the career of **Monroe County Judge Jerome Cheslock**, who is retiring at the end of the year after 16 years on the bench. "Prior to starting each day, you never know what you're going to get," the judge told the paper. "You have to be ready to switch gears."

The **Wilkes-Barre Citizens Voice** outlined a successful new juvenile offender program in **Schuylkill County** that allows defendants to perform community service to work off fines for truancy and other minor infractions. The paper said various organizations in the area have requested to have work done through the program.

The **Wilkes-Barre Times Leader** noted that **Lackawanna County** defendants now have the option of paying fines levied by magisterial district judges by using a credit or debit card or online. The paper said the new service is expected to reduce the number of payment plans for fines of \$150 or less, enhancing convenience for both defendants and court staff.

The **Beaver County Times** reported how the **AOPC's** installation of the **Common Pleas Criminal Case Management System** was enhancing the collection of unpaid costs and fines. The paper said the previous county-run computer system did not provide as thorough an accounting of what is owed as the new statewide automation.

The **Carlisle Sentinel** profiled the retirement plans of **Cumberland County** Magisterial District Judge **Robert Manlove**, who left the bench in February after 21 years. The paper recalled how Manlove stepped out of his robes in March 2000 to chase a fleeing robbery suspect—out his office doors, down an embankment and across railroad tracks.

The **Centre Daily Times** reported on plans for a new DUI court in **Centre County**—which it said had the highest number of DUI offenses per 100,000 residents in the state. "I believe that drunk driving is the most pressing public health and safety issue in our county," Judge **Bradley P. Lunsford** told the paper. "For every offender caught, 10 more escape prosecution."

The **McKeesport Daily News** reported how Magisterial District Judge **Douglas Weimer Jr.** recently received his 16th consecutive perfect audit from the **Westmoreland County** Controller's Office. Weimer said the recognition is a compliment to his staff at his North Huntingdon Township office.

The **Sunbury Daily Item** reflected on the career of **Snyder County** Magisterial District Judge **John T. Robinson** and his contributions to the Court of Judicial Discipline. The paper noted how he was the youngest district attorney in the state when he won his first race in Snyder County in 1980. He also was a member of the Supreme Court's Criminal Procedural Rules Committee.

The **Kittanning Leader Times** ran a feature story about Leechburg Magisterial District Judge **Michael Gerheim**, who's retiring at the end of this year after 18 years on the bench in southern **Armstrong County**. The paper said that while the majority of cases he hears are serious matters, Gerheim believes it is important to keep a sense of humor when possible.

The **Fulton County News** covered the swearing in ceremony of the new president judge of the Franklin/Fulton County judicial district. Judge **Douglas W. Herman** succeeds retiring PJ **John R. Walker**. He was administered the oath of office by Magisterial District judges **Carol J. Johnson**, **Wendy Mellott**, **Devin Home** and Senior MDJ **Brenda Knepper** during a ceremony organized by the Fulton County Bar Association.

Civics Education, continued from page 4

judges have the ability to make an indelible impression on young minds. We have the ability to inspire. And the truth is, we are truly needed in the schools.”

Baldwin spoke to the trial judges as a member of the Supreme Court’s Judicial Independence Commission, which is promoting a statewide campaign to enlist judges and lawyers to volunteer to teach civics in public schools with a special emphasis on the courts. Leaders of the legal profession are partners in the effort.

“Our educational system is great in many ways, but it has fallen en short in teaching civics,” said Baldwin. “This subject, once a mainstay of the basic curriculum, has fallen by the wayside. And it must be restored.

“Jefferson said, ‘The price of freedom is eternal vigilance.’ Well, the price of freedom also is education. You might say it is as well as ‘eternal vigilance.’”

“So that’s why I’m here this morning: to ask you, whenever you can, whenever the opportunity arises, whenever an invitation to visit a school is extended—to please say ‘YES,’ and go to that school.”

Teaching materials developed by the Judicial Independence Commission and the AOPC were provided to all judges who attended the conference. The materials included a DVD on the Pennsylvania court system, a lesson plan and extensive talking points.

The Judicial Independence Commission is working with the Pennsylvania Bar Association, the Conference of County Bar Leaders, the Office of First Lady Marjorie O. Rendell and PennCORD, the Pennsylvania Coalition for a Representative Democracy, in advocating improved civics education.

“Everyone seems to agree that we need to better educate our young people on the fundamentals of government and Democracy,” said Baldwin. “But we as judges must lead the way. We must set the example, even for members of the bar.”

She noted that Supreme Court Justice **J. Michael Eakin**, Superior Court Judge **Jack Panella** and Dauphin County President Judge **Richard A. Lewis** all have participated in civics programs.

“If these judges can do it, so can you,” Baldwin declared with a smile. “The materials are free. The time invested is minimal. The result is priceless.”

If you would like to volunteer to teach civics, please contact Darren Breslin of the AOPC staff at 215-560-6300 or civics@pacourts.us.

(Stu Ditzen is the AOPC’s Assistant for Communications.)

“But we as judges must lead the way. We must set the example, even for members of the bar.”

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Resources on Civics Education:

Judges and lawyers who answer the call to teach civics in the public schools will find no shortage of teaching materials.

In addition to a video, talking points and a lesson plan provided by the AOPC and the Supreme Court's Judicial Independence Commission, volunteer civics teachers can look to two Web sites for additional resources and materials.

One Web site is operated by PennCORD, the Pennsylvania Coalition for Representative Democracy. This group, best identified with First Lady of Pennsylvania Judge Marjorie O. Rendell, is made up of the Office of the First Lady, the Pennsylvania Bar Association, the National Constitution Center and the state Department of Education.

PennCORD's Web site, www.pennCORD.org, offers civics lesson plans, Web-based resources and interactive student programs.

The other site is operated by Our Courts, an organization affiliated with retired U.S. Supreme Court Justice Sandra Day O'Connor. The site, www.ourcourts.org, is designed to provide teachers with materials to build stronger civics curriculum through interactive games and lesson plans, critical thinking exercises and other classroom activities.

Conference Networking Lets AOPC Share Ideas for Managing Online Records

by David S. Price, Esq.

On Nov. 6 and 7, 2008, Assistant Court Administrator of Pennsylvania **Andrea B. Tuominen** and I attended the sixth conference on privacy and public access to court records in Williamsburg, Va. Hosted by William and Mary Law School, the Center for Legal and Court Technology and the National Center for State Courts, the conference brought together jurists and staff from state (22 represented) and federal courts, federal executive branch agencies, law professors, access and privacy advocates, the business sector and others who are involved with efforts to develop policies on public access to court records.

Representatives from the AOPC have attended the conference since its inception. It is truly designed as a working conference where the exchange of information and spirited discussions of the many important privacy and access issues are encouraged. Many of the topics discussed are relevant to the Unified Judicial System's (UJS) ongoing efforts to enact policies (such as the "Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania") and rules (such as Pa.J.A. No. 509 governing access to financial records) that ensure the accessibility of UJS records.

I was asked by Minnesota Supreme Court Justice Paul Anderson to participate in a panel discussion entitled "Recent Developments in State Court Public Access Policy Implementation." I spoke about the recent changes to Rule 509 and provided an overview of the proposed "Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts." I outlined how case information is expunged from the Magisterial District Judge System (MDJS) and the Common Pleas Criminal Case Management System (CPCMS). Lastly, I described recent complaints the AOPC has received concerning inaccurate case information appearing on a Web site entitled "Criminalsearches.com" that erroneously identifies the AOPC as the source of the information. While most conference participants had never heard of "Criminalsearches.com", a representative from the Missouri State Court Administrator's Office

reported receiving similar complaints from constituents, who were referred to the state attorney general's office.

Other panels at the conference discussed issues such as the impact of technological advances on public access; charging fees for access to court records; identification of the privacy interest in public records and accessibility when private justice, (e.g., ADR,) is pursued. One of the most interesting panel discussions concerned public access to court records in other countries, which included representatives from Russia (via videoconference), China, Spain and Canada.

Our participation in this conference is extremely beneficial in keeping us up to date on how other court systems are tackling various public access issues. For example,

- Whether court systems that distribute case information in bulk should restrict its use. New Hampshire prohibits the information from being used for commercial purposes, while Ohio does not.
- If a filer is required to provide confidential information on a separate sheet of paper when filing documents with a court and fails to do so, what steps should be taken? Should the filing office refuse to accept the filing (Ohio's approach)? Should the court impose sanctions against the non-compliant filer (Minnesota's approach)? Should the filing be accepted and no sanction imposed upon the filer (Kansas' approach)?

As national debate on these issues continues, it is important for Pennsylvania to remain engaged in these important policy discussions. The conference has afforded the AOPC the opportunity to develop close working relationships with court staff in other states, who are working on public access issues in their respective jurisdictions. This exchange of information between court staff on the "front line" has proven valuable as we attempt to successfully navigate the myriad of public access issues.

(David Price is staff attorney for the Common Pleas project.)

Teen Trials May Be Mock, but Courtroom and Judges Are Real at State Finals

by Steve Schell

Playing the roles of lawyers, witnesses, plaintiffs and defendants, more than 2,500 students forming 316 teams from 267 high schools throughout Pennsylvania competed in the 25th Annual Statewide Mock Trial Program sponsored by the Pennsylvania Bar Association's Young Lawyers Division.

The competition, one of the largest in the nation, began at district level in January. After regional competition, 12 teams advanced to the state championships in Harrisburg, March 27-28. The winning team from Central High School in Martinsville (Blair County) represented Pennsylvania in the national mock trial finals in Atlanta, Ga., May 7-10, finishing tenth out of 41 schools.

This year's case, the fictional *Hansbra v. Plane's Park & Polish, LLC*, involves an employer's potential liability for the negligent actions of an employee depending upon whether the employee's actions occurred within the scope of his/her employment.

Ryan Blazure, chair of PBA Young Lawyers Division and co-chair of the Statewide Mock Trial Executive Committee, said, "The competition has offered students the opportunity to learn about the laws and the courts and to build important communication and teamwork skills that will serve them well throughout their lifetimes."

Eight-member teams were given the opportunity to argue both sides of the case in an actual courtroom before a judge. They were assisted in preparing for competition by teacher coaches and lawyer advisors. Lawyers and community leaders served as jurors for the mock trials. The juries determined the winners in each trial based on the teams' abilities to prepare their cases, present arguments and follow court rules.

"Over the years, hundreds of judges across the commonwealth have participated in the district, regional and final rounds of this exciting and educational annual competition," Blazure said.

The 2010 National Mock Trial Competition will be held in Philadelphia May 5-9. The competition will be sponsored by Drexel University and hosted by the Pennsylvania Bar Association.

Jurists Support the Mock Trial Program

The following jurists participated in the state championships in late March:

J. Michael Eakin, Supreme Court

Correale F. Stevens, Superior Court

John F. Cherry, Dauphin County Common Pleas Court

Sheryl Ann Dorney, York County Common Pleas Court

Norman A. Krumenacker III, Cambria County Common Pleas Court

Richard A. Lewis, Dauphin County Common Pleas Court president judge

Lillian Harris Ransom, Philadelphia Common Pleas Court

Jeannine Turgeon, Dauphin County Common Pleas Court

Thomas A. Placey, Cumberland County, magisterial district court

Robert A. Graci, former Superior Court judge

Thomas I. Vanaskie of the U. S. District Court, Middle District of Pennsylvania, judged the final round.

Around the Judiciary

Two well-known AOPC employees have decided to call it a career. Patti Kell, a clerical assistant in Payroll who reached her 35th anniversary with the court system earlier this year, and Harold Robinson, the friendly face greeting people at the Ritter Road Office in Mechanicsburg, both retired at the end of March. Patti, an avid equestrian, hopes to devote more of her time to training horses while Harold is planning to relax and take it easy for a while.



Transitions, continued from page 2

Deaths

Emil Bertugli - Greene - former district justice
Kenneth A. Clouse - Delaware - Common Pleas Court judge
Mary Cross-Shaffner - Dauphin - former district justice
Mary S. DiClaudio - Westmoreland - (senior) magisterial district judge
John F. Dougherty - Berks - former magisterial district judge
Joyce K. Dunn - Erie - former district justice
Betty M. Keebaugh - Fulton - former district justice

Retirements

Counties

James J. Charley Jr. - Chester - magisterial district judge
Robert L. Davis - Chester - magisterial district judge
Victor J. DiNubile Jr. - Philadelphia - Common Pleas Court judge
Jay H. Dutton - Washington - magisterial district judge
Elizabeth G. Ehrlich - Berks - senior Common Pleas Court judge
Rochelle S. Friedman - Commonwealth Court judge
Leonard A. Invanoksi - Philadelphia - senior Common Pleas Court judge
Francis J. Leahey - Cambria - Common Pleas Court judge
Lawrence J. Kaplan - Allegheny - senior Common Pleas Court judge
Elaine M. McGraw - Allegheny - magisterial district judge
Ronald B. Merriweather - Philadelphia Municipal Court judge
William T. Nicholas - Montgomery - Common Pleas Court judge
Samuel C. Ranck - Northumberland - senior Common Pleas Court judge
Robert M. Shaffer - Delaware - senior magisterial district judge
Charles F. Smith - Erie - senior magisterial district judge
Raymond F. Sugars - Dauphin - magisterial district judge
Patrick R. Tamilia - Superior Court - senior Superior Court judge

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Harold Robinson - Judicial Services - receptionist
Patricia Kell - Payroll - clerical assistant

Resignations

Counties

Linda M. Baumunk - Sullivan - magisterial district judge
Donna J. Coombe - Columbia - magisterial district judge

Robert J. Eby - Lebanon - Common Pleas Court president judge
H. Terry Grimes - Greene - Common Pleas Court president judge
William L. Fagley - Mercer - magisterial district judge
David W. Heckler - Bucks - Common Pleas Court judge
William S. Kieser - Lycoming - Common Pleas Court judge
Robert V. Manlove - Cumberland - magisterial district judge
William J. Mazzola - Philadelphia - Common Pleas Court judge
Diane S. Repyneck - Northampton - magisterial district judge
Steven M. Semic - Dauphin - magisterial district judge
Robert A. Shoff - Centre - senior magisterial district judge
Lawrence T. Silvis - Mercer - magisterial district judge
John R. Walker - Franklin-Fulton - Common Pleas Court president judge
Clifford J. Woessner - Butler - magisterial district judge
Sandra J. Zemgulis - Northampton - senior magisterial district judge

AOPC

Dustin Jones - Judicial Automation - database analyst

Appointments

Supreme Court Committees

Mark S. Baer - reappointed to Disciplinary Board
Carol A. Behers, Esq. - reappointed to Domestic Relations Procedural Rules Committee
Harry S. Cohen, Esq. - appointed to Civil Procedural Rules Committee
Christopher H. Connors, Esq. - appointed to Committee on Rules of Evidence
John Patrick Delaney, Jr., Esq. - reappointed to Criminal Procedural Rules Committee
Daniel E. Fitzsimmons, Esq. - reappointed to Criminal Procedural Rules Committee
Deborah Gordon Klehr, Esq. - appointed to Juvenile Court Procedural Rules Committee
Douglas W. Leonard - appointed to Disciplinary Board
Alan M. Lemer, Esq. - appointed to Juvenile Court Procedural Rules Committee
Honorable Anthony G. Marsili - reappointed to Domestic Relations Procedural Rules Committee
Carol S. Mills McCarthy, Esq. - appointed to Domestic Relations Procedural Rules Committee
R. Burke McLemore, Jr., Esq. - appointed to Disciplinary Board

(Transitions continued on page 15)

E-filing, continued from page 4

As of January 5, 2009, all civil cases in Philadelphia had to be filed on the court's Civil Electronic Filing System. The system is designed to allow the user/filer to submit an electronic pleading or legal writing and exhibits to the prothonotary; provide for the payment of the filing fees; generate an acknowledgement of the clerk's receipt of the pleading and provide notification after review of the pleading by the clerk, either confirming that the pleading has been accepted for filing or setting forth reasons why the pleading was rejected—all in an electronic setting.

According to District Court Administrator **David Lawrence**, the system has performed extremely well and with little or no interruption in performance. "The system will dramatically improve the workflow process and provide for efficiencies in personnel and materials," Lawrence said.

At the 43rd Annual Seminar of the Conference of County Bar Leaders in February, Judicial Automation Director **Amy Ceraso** outlined the timeline for several AOPC e-filing initiatives. She warned attendees, however, that e-filing in the courts is not as easy as one, two, three. There are some concerns county court officials should be aware of, including significant start-up costs and increased costs to litigants if they use a system that charges the filer.

Other concerns are the use of proprietary systems (versus in-house or open systems) that result in public access advantages to vendors; requirements for actual signatures on some documents; and capturing required approvals, such as district attorney approval of criminal complaints, through workflow and data.

Ceraso said the upgraded Magisterial District Judge System, due to go-live in counties beginning April

2010, will have the capacity to allow police departments to electronically file criminal complaints in a



Judicial Automation Director Amy Ceraso (center) participated in a presentation on e-filing at the Annual Seminar of the Conference of State Bar Leaders. At left is Judge John D. McBride of Beaver County. At right is Eric Feder, deputy director of court records in Allegheny County.

standard format established by the AOPC and will include online payment to facilitate development of e-filing for party litigants. The Common Pleas Case Management System will begin accepting criminal motions electronically in 2011, while the Appellate Court Case Management System will allow e-filing as early as 2010. E-filing for civil cases on a statewide basis is at least several years away, as is development of a statewide civil case management system.

[Steve Schell is an AOPC communications coordinator.]

Around the Judiciary



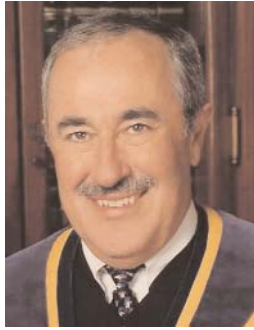
The Hon. **Donna Jo McDaniel** (left) was elected the first woman president judge of the Allegheny County Common Pleas Court. She most recently had served as the Administrative Judge of the Criminal Division, and succeeds former President Judge **Joseph M. James**.

The Hon. **Pamela Pryor Dembe** (right) was elected president judge of the Philadelphia County Common Pleas Court. She served as Supervising Judge of the Criminal Division, and succeeds former President Judge **C. Darnell Jones II**.



Honors & Dispatches

Supreme Court Justice **J. Michael Eakin** discussed the importance of civics education and the role of the Judiciary during a segment of WITF-TV's premier program of *Issues PA 2009: Government 101*. The program focused on several aspects of state government, including the function of the courts in our democracy and how civics education results in better citizens. It aired on Public Television Network stations in Harrisburg, Philadelphia, Pittsburgh and Pittston.





Philadelphia Common Pleas Court Judge **Jacqueline F. Allen** was honored by the Barristers' Association of Philadelphia with the Outstanding Woman of the Year Award. The Barristers is an association of African American attorneys and an affiliate of the National Bar Association. The annual honor is presented to women attorneys who have helped advance the education

or careers of other minority women within the profession.

Seven current female Pennsylvania judges and former Supreme Court justice **Sandra Schultz Newman** participated in a symposium at Clarion University-Venango Campus. Entitled "What if the Supreme Court Looked Like This: All Women," the symposium explored how past decision of the U. S. Supreme Court might be different if the court had been composed of all women.

Participating in the symposium were Superior Court judges **Joan Orié Melvin**, **Maureen Lalley-Green**, **Christine L. Donohue**; **Jacqueline O. Shogan** and **Cheryl Lynn Allen**; and Common Pleas judges **Stephanie A. Domitrovich** of Erie County and **Maureen A. Skerda** of Forest-Warren Counties. Supreme Court Justice **J. Michael Eakin** gave a video introduction. Senator **Mary Jo White** served as master of ceremonies.

Former Supreme Court Justice **Cynthia A. Baldwin** was named to co-chair a 16-member advisory group to Duquesne University's law school that is charged with advancing the institution's mission and supporting its students and alumni. Former Duquesne President **John E. Murray Jr.** also will co-chair the group, whose members include Superior Court Judge **Maureen Lally-Green**—a 1974 graduate of Duquesne's School of Law.

The **Pennsylvania Continuing Legal Education Board** has redesigned its Web site and expanded online services for lawyers. The new design of www.pacle.org allows visitors to navigate easier throughout the site and has several online features to help lawyers meet their CLE requirements. Highlights include a customizable search page for upcoming approved CLE programs, expansions to the online transcript feature called "MyPACLE" and an e-commerce feature that allows lawyers to pay fees online.

Lackawanna County Common Pleas Court Judge **Terrence R. Nealon** served as the grand marshal of the 2009 St. Patrick's Day parade in Scranton. Judge Nealon has been a member of the Common Pleas Court since 1998.

Transitions, continued from page 13

George D. Mosee, Jr., Esq. - reappointed to Juvenile Court Procedural Rules Committee, designated vice chair

Diane W. Perer, Esq. - appointed to Civil Procedural Rules Committee

Richard A. Sheetz, Jr. - reappointed to Criminal Procedural Rules Committee

Cynthia K. Stoltz, Esq. - designated chair of Juvenile Court Procedural Rules Committee

Jack M. Stover, Esq. - appointed to Civil Procedural Rules Committee

Stephan K. Todd, Esq. - appointed to Disciplinary Board
Honorable David N. Wecht - appointed to Domestic Relations Procedural Rules Committee

Other Boards/Committees

Hank Abate - appointed to Judicial Conduct Board

Honorable Pamela Pryor Dembe - appointed chair of the Administrative Governing Board of the First Judicial District

Honorable James J. Fitzgerald III - appointed to Commission on Judicial Independence, designated co-chair

Voices



For the past year, I have had the privilege of working as the legal intern for the AOPC in Philadelphia. Unlike other legal positions, the AOPC has offered me a behind-the-scenes look at the judicial system.

I have had the opportunity to witness the promulgation of rules, work with lawyers and judicial officers across the Commonwealth and help private citizens understand the legal system. I also became aware of the many security risks judges are faced with on a daily basis.

With the help of the Legal Department, I wrote a law review note on the frivolous filing of Uniform Commercial Code financing statements against public officials. I look forward to sharing my research with the Legal Department in hopes that it will assist in curbing these outlandish claims.

It has been an honor to work for the Assistant Court Administrator **Andrea Tuominen**. She has been an excellent mentor, and I will always admire her dedication and diligence. I have thoroughly enjoyed my term at the AOPC and would like to thank Ms. Tuominen and the entire staff at the AOPC for making this a great experience. I leave with a better understanding of the legal system and intend to utilize this knowledge as a future attorney.

Perianne Doko

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