

The 2009-2010 Budget Request of Pennsylvania's Unified Judicial System

The economic difficulties that the Commonwealth faces – that Pennsylvanians face – are as sobering as those ever known to anyone in this room.

We recognize that the fiscal choices you face as legislators are both sobering and delicate. As revenues spiral downward, “safety net” expenditures spiral upward, and core government services remain to be funded, as citizens expect and as social order demands.

Courts are of course an historic, fundamental, core government function, even as some of our efforts seem to veer ever closer to being part of the social safety net.

For instance, the past year has seen the introduction in several judicial districts of innovative programs to help resolve issues between homeowners and lenders before mortgage foreclosures occur. Problem-solving courts of various types now exist throughout the Commonwealth and more will be created. They meet society’s need for accountability, while serving the need for treatment of those convicted of non-violent crimes.

Both such efforts use judicial resources and inter-governmental collaboration to garner positive social outcomes and maximize efficiencies and cost-effectiveness in the court system and in other areas of the justice and human services systems.

Similar efforts in which the judiciary is engaged include our continued commitment to and excellence in court automation and our facilitation of video conferencing in certain court proceedings, programs that both enhance safety and improve efficiency and financial performance within the judiciary and in the criminal justice system at large.

For example, since full implementation of the judiciary’s statewide Common Pleas Criminal Court Management System in September 2006, data show increases in trial court fee, fine and cost collections of 24% in Bucks and Erie counties, and 11% in Lancaster county. Overall, the judiciary’s automated systems collected \$482 million last year as our courts considered nearly 4 million cases.

With regard to video technology, studies in other locales have shown that its use can decrease costs for police and district court processing, including prisoner transport, by almost \$25,000 per site, while improving court security and public safety. We feel certain that cost savings are accruing in Pennsylvania with implementation of court video conferencing.

Programs like these promote process and financial efficiencies throughout the entire justice system, though their costs tend to be borne in state judicial budgets and are drivers of growth in those budgets. Thus, achieving savings while implementing programs like these and maintaining traditional court operations is difficult. However, during the current fiscal year we have taken cost-saving measures, by:

- Suspending merit salary increases for judicial staff for calendar year 2009.
- Freezing hiring for non-essential positions.
- Eliminating all but previously planned and essential out-of-state travel; and
- Eliminating or under-filling at least a half dozen senior level staff positions.

Taken together, and coupled with our ability to internally fund a current deficit in line items that pay trial and magisterial judges, these savings total approximately \$3.5 million. We are particularly pleased by our ability this year to fund the deficit in jurists' salary line items, for doing so avoids the necessity to seek supplemental funding.

This is the fourth, consecutive year in which those line items have been under-funded. Unfortunately, that trend continues in the proposed spending plan for the new fiscal year to a magnitude – a projected \$24 million deficit – that is internally unmanageable. Put in perspective, that projected deficit equates to funding for salaries of 150 existing jurists, as well as for 11 new judgeships created in 2008 to be seated in January 2010.

Another product of multi-year under-funding is a significant, projected deficit of \$5.3 million in Superior Court, a deficit which threatens to diminish its expeditious case management, as well as its successful Family Fast Track and mediation programs. (The Family Fast Track program expedites appeals involving the rights and welfare of children; the mediation program is an alternative means of case disposition.)

Additional funding deficiencies totaling \$4.76 million exist within the proposed spending plan for the judiciary and, again, we must seek full, requested funding of non-tax revenue for the Judicial Computer System appropriation.

With the approach of Law Day on May 1st, Chief Justice Castille will soon release the annual "State of the Commonwealth's Courts" message. In a nutshell, with a notable exception, our court system is reasonably healthy. But fiscal shortfalls such as those outlined above, and also within some of our counties, do pose more than the diplomatically-phrased "challenges" which statements like these tend to reference.

The proposed state budget for the judiciary represents a *6 percent reduction over current year spending* when media reports suggest the *increase in the proposed state budget is a range of 2.5 to 4.6 percent*. For a fundamental, core governmental function, those spending priorities are troubling, particularly when the impact of under-funding courts can have tremendous societal impacts. Like you, we do not want adoptions delayed, nor jails and prisons to be over-extended because of slower trials, nor do we want the promise of problem-solving courts denied.

Earlier we outlined cost reductions taken in the current fiscal year. For the coming year \$3.97 million in austerity reductions have been incorporated into the spending plan under discussion today. Seeing little alternative, we are also reluctantly prepared to accept \$7.1 million in proposed reductions, recognizing in doing so that those cuts fall heavily on grants to counties.

We believe that the Unified Judicial System's responses to this year and next year's fiscal problems, as well as the types of programs we briefly have outlined today, demonstrate that state and county courts are committed to be responsible problem-solvers. We appreciate the Judiciary Committee's interest today in coming to grips with the problems that the proposed Fiscal Year 2009-2010 budget may pose in effectively and responsively sustaining the rule of law.

The Supreme Court of Pennsylvania

Chief Justice Ronald D. Castille

Justices Thomas G. Saylor, J. Michael Eakin, Max Baer,
Debra Todd, Seamus P. McCaffery, Jane Cutler Greenspan