

What to Watch For at an MDJ Office Near You:

Greater Safety, Efficiency Fuel Growing Use of Video Arraignments

by Steve Schell

Aimed at increasing court security and reducing defendant transportation costs, in June the Pennsylvania Supreme Court launched a \$2.8 million initiative to expand the use of video conferencing technology within the state's magisterial district courts.

"Implementation of video preliminary arraignment enhances safety for magisterial district judges, their staff and others who have business in their courts since fewer detainees are present," Chief Justice **Ronald D. Castille** said. In addition, this technology makes defendant processing more efficient, while significantly reducing defendant transportation costs."

Instead of having a constable, sheriff or police officer transport defendants to court, this technology allows magisterial district judges (MDJs) to arraign or hold hearings with defendants from secure locations within central booking centers, local police departments, jails, state police barracks, and state and county correctional institutions.



The new video arraignment equipment allows judges to arraign defendants from their offices. Pictured is Judge William Reuter of Lancaster County.

(Arraignments continued on page 15)

New Appellate Jurists Appointed



Justice Greenspan

Three judges and a Philadelphia attorney unanimously were confirmed recently to fill temporary openings on Pennsylvania's appellate courts.

Philadelphia Common Pleas Court Judge **Jane Cutler Greenspan** fills a seat on the Supreme Court that has been vacant since former Chief Justice **Ralph J. Cappy** retired in January.

Northampton County Judge **Robert A. Freedberg** and McKean County Judge **John M. Cleland** became new Superior Court judges. Former state Labor Secretary **Johnny Butler** became the newest member of Commonwealth Court.

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New to the Judicial Branch

Counties

Leslie Fillak - Lebanon - deputy district court administrator

Joseph Lanzalotti - Philadelphia - deputy district court administrator

Jamie Mitchell - Cumberland - deputy district court administrator

AOPC

Christopher Bookwalter - Judicial Automation - NOC technician

Perian Doko - Assistant Court Administrator's Office - legal intern

James Edwards - Judicial Automation - IT specialist

Wendy Forthman - Judicial Automation - IT specialist

Lesley Fritz - Administrative Services - assistant manager

Robert Gohn - Judicial Automation - NOC team leader

Adam Hean - Judicial Automation - NOC technician

Abbie Hitz - Judicial Automation - administrative assistant

James Kling - Judicial Automation - purchasing technician

Matthew Levier - Judicial Automation - IT specialist

Natalie Rosario - Judicial Automation - student intern

Anthony Russo - Judicial Automation - student intern

Nikolaos Seitz - Judicial Automation - IT specialist

Appointments

Commonwealth Court

Johnny J. Butler, Esq.

Counties

John F. Anthony - Chester - sr. magisterial district judge

Anthony J. Kilker - Schuylkill - magisterial district judge

Sandra J. Zemgulis - Northampton - sr. magisterial district judge

Other Job Changes

County

Jane Cutler Greenspan - Philadelphia - Common Pleas Court judge - appointed to Supreme Court

Robert A. Freedberg - Northampton - Common Pleas Court president judge - appointed to Superior Court

John M. Cleland - McKean - Common Pleas Court president judge - appointed to Superior Court

Deaths

Counties

James E. Buckingham - former York County Common Pleas Court (senior) judge

Albert Endy - former Chester County Common Pleas Court (senior) judge

George E. Hoffer - former Cumberland County Common Pleas Court judge

Regis C. Naim - former Allegheny County (senior) district justice

Albert R. Subers - former Montgomery County Common Pleas Court (senior) judge

AOPC

Michael Green - Judicial Automation - network systems specialist

Colleen Zaiane - Judicial Automation - computer operator

Retirements

Counties

Cathy Gillahan - Bucks - deputy district court administrator

AOPC

Bunny Baum - Judicial Services - Director of Judicial Services

David Donaldson - Legal - Chief of Litigation

(Transitions continued on page 11)

9/30-10/2	Superior Court Session (Phila., Pgh.)	11/10-11/14	Commonwealth Court Session (Phila.)
10/13	Columbus Day Holiday	11/18-11/20	Superior Court Session (Phila., Hbg., Pgh.)
10/14-10/17	Commonwealth Court Session (Pgh.)	11/27	Thanksgiving Day Holiday
10/20-10/24	Supreme Court Session (Phila.)	11/28	Day after Thanksgiving Day Holiday
10/28-10/30	Superior Court Session (Phila., Hbg., Pgh.)	12/1-12/5	Supreme Court Session (Hbg.)
11/2-11/4	PACM Conference	12/2-12/4	Superior Court Session (Phila., Pgh.)
11/4	Election Day Holiday	12/8-12/12	Commonwealth Court Session (Hbg.)
11/11	Veterans Day Holiday	12/25	Christmas Holiday

Our Changing World, Part 1

by Zig Pines

I came across an article this summer in the Philadelphia Inquirer about Alma, a Chester County courthouse part-time employee, volunteering to fill in for a co-worker who wanted to visit his girlfriend. Ordinarily, this common occurrence would not be newsworthy. But it is. Alma and her co-worker, as the article points out, represent the changing face of Pennsylvania. Alma is 83. Her co-worker is 85.

According to recent census figures, Pennsylvania is third in the nation with a population of 65 and older (behind Florida and West Virginia). By 2020, one in four Pennsylvanians will be 60 or older. The national population of those over 85 is projected to triple by 2050 to 19 million. In Southeast Pennsylvania, the 85 and older population has increased by 24% since 2000. For Chester County the increase was 35%.

Why should we be concerned? Obviously, on a personal level (if we are so blessed), we will all eventually belong to the society of elders. Burdens will be placed on social security, our increasingly expensive and burdened health care system, precious and precarious pension funds, assisted care living facilities, as well as the broad spectrum of goods and services. For the baby boomer generation (those born between 1946 and 1964), especially the "Early Boomers," special needs is becoming a reality.

From the government's perspective, there is clearly a growing sense of concern in two respects: the viability of our future workforce and the ability to provide services to this growing and increasingly vulnerable population.

Our state's executive branch, for example, has been carefully studying the practical problems that we will face. Pursuant to Governor Rendell's 2006 executive order, the Department of Aging issued "Pennsylvania's 2020 Vision Report." The report analyzes our changing demographics and attempts to develop a Commonwealth-wide, multi-agency strategic response in major areas, including workforce planning.

At the judiciary level, the Pew Foundation sponsored an eye-opening national forum at the Constitutional Center in Philadelphia last spring for the conferences of chief justices and state court administrators (CCJ and COSCA). The impact of an ageing population, especially in terms of services to elderly litigants and victims, was the focus. To be honest with you, this topic had not been on my radar screen as a problem.

As a follow up to the Pew conference and a CCJ/COSCA resolution, the National Center for State

Courts will attempt to create a resource center that will focus on the growing and largely hidden problem of elder abuse (defined as physical, sexual, psychological, neglect, abandonment and isolation, financial/fiduciary and self-neglect). For example, with the rise in Alzheimer's disease and related dementias, and the increased need for surrogate decision-making because of the unavailability of family or friends, there will have to be greater focus on guardianship monitoring.

Some states, such as Florida and California, have created specialized centers, protection programs and dockets to address the particular problems and needs of the elderly in our courts. The National Center has been instrumental in shedding light on the real need for more research, documentation, training for judges and staff, and identification of "best practices" to guide courts in detecting and responding to this problem.

As I receive more information and materials on the elder abuse aspect of this demographic challenge, I will share them with our judicial community, particularly with our president judges and district court administrators. In the meantime, we need to remain vigilant to the problem of elder abuse and the needs of the elderly in our judicial system.

And we must face the reality that a greying workforce requires us to address the problem of how we are going to maintain our level of competency in providing justice to our citizens. Finding room for our baby boomers through part-time employment (as demonstrated by the Chester County example or even our senior judge programs) or creating "encore career" post-retirement opportunities in our courthouses may be some options. Just take a look at the private sector (for example, the neighborhood McDonald's) and you will see that programmatically providing employment and special services to seniors is one way of converting challenges into opportunities. A volunteer program for retired employees may be another avenue, which could be especially valuable in an emergency such as a pandemic or public health crisis.

I have no doubt that necessity, the mother of invention, will enable us to maximize the precious resource of experience and wisdom that often comes with age.

Part two of this column, appearing in the next issue of AOPConnected, will explore the challenge of another changing demographic with significant impact. Stay tuned.

Partners Against Crime Improve Access to Information

by Steve Schell

Partners in the fight against crime is perhaps the best way to describe the decade-long relationship between the AOPC's Judicial Automation staff and that of Pennsylvania's Justice Network, known as JNET.

Amy Ceraso, Director of Judicial Automation, said there has been a long history of cooperation between the two agencies and that the core of the relationship has remained constant: "To improve criminal case management and help in the fight against crime, we tap JNET's ability to link computer systems from many agencies. They call on us to provide comprehensive criminal data from the magisterial district judge and Common Pleas case management systems."

Along those lines, the AOPC has recently worked with JNET on two projects that promise to be important crime-fighting and case management tools: the Federated Warrant Search and a state-of-the-art process for information sharing between state and national agencies.

JNET's Federated Warrant Search, which required Judicial Automation staff to make computer program changes, provides authorized criminal justice practitioners with access to Pennsylvania and out-of-state warrant information through just one search.

Prior to its deployment, law enforcement had to independently search the AOPC's warrant database, the Department of Public Welfare's PA Automated Child Support Enforcement System, the PA State Police Commonwealth Law Enforcement Assistance Network and the National Crime Information Center to view all active warrants. Now an authorized JNET user has the ability to, with one request, search for warrant information from all systems. Not only does the warrant search allow separate networks and databases to be queried simultaneously, it also categorizes and organizes results in such a way that they can be easily viewed by law enforcement in the field.

By reducing the number of individual queries needed for a complete warrant search, each law enforcement officer saves approximately four minutes per offender. JNET projects the statewide use of the more efficient warrant search will save law enforcement more than 9,000 hours annually, while increasing public and officer safety.

According to JNET officials, 25,000 warrant searches were executed through the Federated Warrant Search during the first two months of availability, which began in February 2008.

To take advantage of the new warrant search function, the Westmoreland County Sheriff's Department initiated new procedures that include running the name of each defendant scheduled to appear before the



Common Pleas Court against the Federated Warrant Search. In only three weeks of use, the sheriff was able to serve more than 400 warrants, resulting in the collection of more than \$17,000 in outstanding costs and fines owed. The warrants served encompassed several court jurisdictions across the state.

In addition to the Federated Warrant Search, Judicial Automation staff assisted JNET in a pilot project to upgrade the information exchange process used by state and national agencies in sharing criminal data to the latest version of the National Information Exchange Model. This effort will provide a uniform standard for the sharing of information between state and national agencies.

The pilot program is using the AOPC's Common Pleas Case Management System court case event message containing information related to important court outcomes such as dispositions, bind-overs and warrants. These messages are triggered at critical events in the processing of court cases and used by justice agency partners such as the Sentencing Commission, PA State Police and County Commissioners Association of Pennsylvania to make key decisions within their own agencies.

JNET Executive Director David Naisby said, "The processes developed through this project can be used or modified by other agencies, both within and outside Pennsylvania, to provide an efficient and effective means of converting from legacy standards to the new National Data Exchange Model."

JNET is an executive branch agency with the mission to enhance public safety through the integration of criminal justice information throughout the Commonwealth of Pennsylvania by adopting business practices which promote cost effectiveness, information sharing and timely and appropriate access to information while recognizing the independence of each agency.

Ghost Hunter

Unusual Adventure for Philadelphia Warrant Officer

by **Stuart Ditzen**

What is it that prompts a man to wonder, and wonder deeply, about ghosts?

"Just to know the answer," says **Mark Fusetti**. "That's my interest."

Fusetti, 32, is a member of the First Judicial District's warrant unit in Philadelphia. At home in Northeast Philadelphia, he and his wife have five children, including two-year-old twins.

On the job, Fusetti spends his time—an intensive 40 hours every weekend—hunting criminal suspects to serve them with arrest warrants.

But in an unusual sidelight for a law enforcement officer, Fusetti hunts something else: he recently appeared as a guest investigator on the cable television program "Ghost Hunters." The program, broadcast in June on the Sci-Fi channel, was filmed during an all-night vigil at Fort Delaware on Pea Patch Island in the Delaware River, a place rich with the lore of ghosts and hauntings.

Fort Delaware was used as a northern military prison during the Civil War. Thousands of Confederate soldiers taken prisoner at the battle of Gettysburg were held there under harsh and inhumane conditions.

The crew from Ghost Hunters set up cameras and sound devices in several locations in the gloomy old fort, and over the course of a long night, picked up several intriguing sounds and images.

But how did a Philadelphia warrant officer get involved?

Fusetti was chosen because his 14-year-old son, Andrew, last year urged him to enter a contest in which the producers of "Ghost Hunters" sought to recruit a "ghost hunter" from the show's audience.

Fusetti had been watching the program for several years. He had long been interested in the paranormal. From the first time he saw "Ghost Hunters," he said, "I got hooked."



Though doubtful, Fusetti decided to take his son up on

the idea of entering the contest. To his surprise, he was chosen as one of three finalists and, ultimately, he made the final cut and was asked to join the show as a guest investigator.

At one point during the taping at Fort Delaware, the crew members of "Ghost Hunters," who were scattered in various rooms within the fort, recorded what sounded like a disembodied voice uttering the word "respect" and other less clear words. At another point, a loud banging noise startled members of the crew. Most dramatic was film footage of what appeared to be a blurry figure moving at the end of a passageway.

Fusetti said he was impressed with the investigative techniques the producers used and the seriousness of their approach, the goal being to explain the explainable and document that which could not be explained.

"When they catch some footage they can't explain and they've done everything possible, you say, 'What's going on here?'" said Fusetti. "I believe there is something else out there. It's just that no one knows what it is. I think one day it can be explained and understood. That's my interest. There has to be an answer for everything."

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

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Justice

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Justice

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Justice

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Rules Changes Proposed to Speed Cases for Children

by **Stuart Ditzen**

A series of rules changes designed to speed cases for children living in unstable or impermanent homes is being proposed by the Appellate Court Procedural Rules Committee of the Supreme Court.

Some of the children the proposals are intended to help are victims of abuse or neglect. These children have been removed from their parents under court order and are living in foster care or in other temporary homes. Other children are awaiting adoption while legal disputes play out over parental rights. Still others are at the center of custody battles between warring parents.

The proposed appellate rules changes would expedite the process by which these and other types of children's cases would advance on appeal from the trial courts to be heard in the Superior Court and the Supreme Court.

"We're talking about children's lives," said Superior Court Judge **Maureen E. Lally-Green**, who chairs the Appellate Court Procedural Rules Committee and co-chairs a subcommittee that developed the rules change proposals. "Each day in the life of a child is a very valuable time. That is why the focus here is on time in the appeals process. We tried to see if some of that time could be shaved down. The answer is, 'Yes.'"

Judge Lally-Green said the effort to accelerate children's cases does not mean that legal issues involved in those appeals would be shortchanged on appellate review. She said every case will receive full and thorough review. The goal of the rules changes, she said, is to reduce the time normally consumed as an appeal moves toward that review and a court decision.

The rules change proposals are designed to strengthen and expand the existing "Family Fast Track" program that has operated in Superior Court since 2000. Under this program, appeals have been accelerated internally at the court in cases involving adoption, child custody, dependency (child abuse and neglect), paternity and involuntary termination of parental rights.

Under the proposed rules changes, these types of cases now would be accelerated externally as well. The cases would be given compressed filing deadlines from the first notice that a trial judge's ruling is to be appealed and at each step of the appeals process thereafter.

All fast track cases would be stamped by court clerks with the words "Family Fast Track" in red ink to ensure that these cases are not overlooked in docketing

or in the filing process. The Superior Court would be given special notice of fast track appeals.

The proposed rules changes include a dozen compressed filing deadlines for fast track cases. While 30 days is the allowable period for filing an appeal from Common Pleas Court in a criminal case, for example, the appeal time in a Family Fast Track case would be just 21 days.

While the record of a lower court case normally must be transmitted to an appellate court in 60

days, that deadline would be cut in half for fast track cases and reduced to 30 days.

A separate but related effort is under way to accelerate the process of transcribing the records of lower court proceedings. Transcript delays also can slow the appellate process.

The proposed rule changes were developed by the Dependency Subcommittee of the Appellate Court Procedural Rules Committee. The subcommittee is co-chaired by Judge Lally-Green and **Fredrick N. Frank**, a Pittsburgh domestic relations lawyer.

"Many states are expediting appeals for children so they are not caught up in the appellate process any longer than they need be," said Frank. "Time lost in a child's life is not something we can put back."

The effort to expedite the appellate process is supported by the Office of Children and Families in the Courts (OCFC), which was formed within the AOPC in 2006. The mission of the OCFC is to achieve more rapid placement of abused and neglected children in permanent homes. There are about 20,000 such children in the Commonwealth.

"The overall goal here is to safeguard the rights of all parties while minimizing delays for children," said Sandra Moore, administrator of the OCFC. "The committee's work is a huge step toward expediting permanency for Pennsylvania's dependent children."

The proposed rule changes are posted for public comment on the Web site of Pennsylvania's Unified Judicial System at www.courts.state.pa.us. The deadline for commenting is September 24, 2008.

The proposed appellate rules changes would expedite the process by which... children's cases would advance on appeal from the trial courts to be heard in the Superior Court and the Supreme Court.

Judicial Training and Convenience Enhanced in Move to New Digs

by Art Heinz



Stan Ritchie, the AOPC's senior technical projects coordinator, discusses the state-of-the-art training facility.

Dozens of AOPC staffers from 5035 Ritter Road have relocated just down the block to a newly renovated office suite in the Rossmoyne Office Park. The new training center at 5095 Ritter Road will house Judicial Computer System trainers and help desk personnel in Mechanicsburg on a long-term basis, and provide temporary work space for others destined for the Pennsylvania Judicial Center (PJC) while renovations take place at 5035 Ritter.

The new facility features three state-of-the-art training centers with the best in visual and audio aids, along with customized temperature-setting room controls to offer convenient, effective services and comfort to visitors from judicial offices across the Commonwealth. Large conference rooms will enhance the experience for visitors and staff.

Included in the move to 5095 Ritter are staff members of the Administrative Support Application Project (ASAP), who will relocate to the PJC when it opens in May 2009. The remainder of the approximately 60 staffers involved in the temporary move will return to 5035 Ritter once renovation work there is complete.

It is important to note that other than a different physical location, ALL PHONE NUMBERS AND E-MAIL ADDRESSES WILL REMAIN THE SAME for employees involved in the move. Also, interoffice mail will continue among the various buildings without interruption.

[Art Heinz is an AOPC communications coordinator and the managing editor of AOPConnected.]

Around the Judiciary

One might say that Northampton County Judge **William H. Wiest** travels easily from one bench to another. In addition to his judicial duties, he has been playing the organ at Trinity United Church of Christ in Dalmatia for the last 50 years. Elected to the court in 1997, Judge Wiest has been playing the church organ since he was 13 and earned a bachelor's degree in music education from Susquehanna University in addition to his background in law. (Photo courtesy the Sunbury *Daily Item*.)



Honors & Dispatches

Commonwealth Court President Judge **Bonnie B. Leadbetter** and Montgomery County Judge **Stanley R. Ott** were among those recently elected to serve three-year terms on the board of directors of the Pennsylvania Bar Institute. The PBI board members were elected at the group's annual meeting, which was held in conjunction with the Pennsylvania Bar Association's annual meeting.

Westmoreland County Judge **Rita Hathaway** is the new president of the Pennsylvania Conference of State Trial Judges. Judge Hathaway will oversee education, training and ethical advice given to the state's approximately 450 Common Pleas judges. Judge Hathaway was elected to the Westmoreland County bench in 1997 and served on family court until becoming a criminal court judge in 2004. Judge Hathaway also spent 10 years as an assistant district attorney in Westmoreland County before she was elected judge.

Philadelphia Common Pleas Judge **Pamela P. Dembe** was named 2008-2009 chair of the Pennsylvania Bar Association's Judicial Administration Committee. The committee studies and makes recommendations on legislative issues pertaining to the operation, procedure and reform of the state and federal court systems.

York County Common Pleas Judge **John S. Kennedy** was renamed chair of the Pennsylvania Bar Association's Corrections System Committee for 2008-2009. The committee studies the current corrections system in Pennsylvania and makes recommendations for its improvement.

Philadelphia Common Pleas Court Judges **Frederica A. Massiah-Jackson** and **Marlene Lachman** were among the distinguished panelists for a discussion entitled "Women in the Courtroom—Communication across the Gender Gap" at the Philadelphia Bar Association's first summit dedicated to the status of women in the legal profession. The goal of the "Women in the Profession Summit" was to build on the bar association's Call to Action and Best Practices for the Retention and Promotion of Women Lawyers passed late last year by the group's board of governors.

Help Abolish Legal Tyranny, or HALT, ranked **Pennsylvania** as the third best state in the country for judicial

accountability. The organization, which has more than 50,000 members, annually reviews attorney and judicial review boards and posts the results on its Web site: www.halt.org/jip/2008_jarc.

Northampton County President Judge **F.P. Kimberly McFadden** made history by becoming the first person elected to her current post. Judge McFadden won the unanimous support of her colleagues to succeed Superior Court judge **Robert A. Freedberg** who left the president judge's role after his recent confirmation to the appellate bench. The vote was held because the county went from seven to eight judges in 2005—necessitating a vote for the president judge's post, rather than having the seat filled by seniority. Judge McFadden also holds the distinction of being the first woman to serve as a Northampton County judge.

Northampton County Judge **Edward G. Smith** recently returned from a six-month stint in Iraq where, as a Naval reservist, he served as a "rule of law adviser" in Baghdad. Judge Smith's duties took him to Iraqi detention places, juvenile holding locations, courthouses and other similar facilities to offer input on how to make improvements. Judge Smith holds the rank of captain in the Naval reserves, which he has served in for more than 20 years. "We're trying to help the government of Iraq to strengthen and improve its judicial, correctional, police and law enforcement program and its military," Judge Smith told the Allentown Morning Call upon his return.

The Washington County Bar Foundation and an area Literary Council have helped establish a reading center in the children's lounge of Washington County's juvenile court. The foundation donated money, and the Literacy Council obtained bookshelves (on wheels) with 200 books for children of all ages. "We are hoping that while children are waiting for their dependency and/or delinquency hearings, they will find some comfort or help in reading," Washington County President Judge **Debbie O'Dell Seneca** said. "We intend to add more toys and comfy children's furniture to the space in an effort to make the experience of being in our facility at a difficult time more bearable."

President Judge's Re-Enactment of Gettysburg Standoff Brings Civil War Drama to Life

by the Hon. John Kuhn

On June 26, 1863, Civil War forces under the command of Confederate Gen. Jubal Early arrived in Gettysburg, Adams County, and demanded a large amount

Voices

of supplies for his men and horses. Borough officials informed the general that his demands were far beyond those available to the town of approximately 2,400. Nevertheless, the local citizenry offered to provide whatever they could from their stores.

The next day the Confederates departed for York, only to return four days later to engage in the first day of the Battle of Gettysburg against Union forces.

On July 3, 2008, the interaction between Gen. Early and town officials was re-enacted in front of the historic Adams County Courthouse.

Approximately 500 armed Confederate re-enactors filled the street facing the courthouse as Gen. Early's adjutant made his demand upon Sen. William J. McSherry (state Sen. Terry Punt, Franklin/Adams), Council President David Kendlehart (Adams County Commissioner George Weikert), Constable John Burns (Adams County Sheriff William Mueller) and Attorney David Wills (President Judge **John Kuhn**).

It was Wills who later invited President Abraham Lincoln to "offer a few appropriate remarks" at the dedication of the Soldiers National Cemetery on November 19, 1863.

Those remarks have been recited repeatedly as "Lincoln's Gettysburg Address."



State Senator Terry Punt (third from left) and President Judge John Kuhn (fourth from left) on the steps of the Adams County Courthouse.

Around the Judiciary

The Pennsylvania Conference of State Trial Judges held its annual meeting in Hershey with sessions on judicial ethics, court security, advanced land-use matters, domestic violence and assault cases, economics and evidentiary issues specific to family and juvenile law. Award-winning author and political analyst Juan Williams (pictured right) recounted the life and work of the late U.S. Supreme Court Justice Thurgood Marshall. One of America's leading journalists, Williams authored the critically acclaimed *Thurgood Marshall: American Revolutionary*. Chief Justice of Pennsylvania **Ronald D. Castille** and Court Administrator of Pennsylvania **Zygmunt A. Pines** offered welcoming remarks and AOPC Judicial Security Administrator **Frank Lalley** participated in a presentation on court safety.



Column to offer Practical Approach to Judicial Ethics

by Joseph A. Massa Jr., Esq.

I am privileged to serve as chief counsel of the Pennsylvania Judicial Conduct Board and, on behalf of the board, I welcome the invitation of the AOPC to author this column which will deal with judicial ethics.

The board is committed to preserving the honor, dignity, independence and integrity of Pennsylvania's judiciary and strives to enhance the excellence of Pennsylvania courts by

- enforcing standards of judicial conduct on and off the bench
- assisting the judiciary in maintaining a balance between independence and accountability
- reassuring the public that the judiciary neither permits nor condones misconduct
- providing a forum for citizens' complaints against judges
- creating a greater public awareness of what constitutes proper and improper judicial conduct
- preventing the erosion of public confidence in our courts arising from false, unfounded and inaccurate accusations made by use of a confidential review process of citizens' complaints.

The Code of Judicial Conduct and the Rules Governing the Standards of Conduct of Magisterial District Judges embody those principles, which our system of justice articulates as essential ingredients to preserve the rule of law. In essence, the code/rules are the core of what being a judge is about. Intrinsic to all sections of the code/rules are the precepts that judges must respect and honor the judicial office as a public trust and strive to establish and maintain high standards of judicial and personal conduct. As our Supreme Court has opined:

"Judges are not autocrats; they are not police forces; they are not religious advisors; and they do not legislate their own rules and statutes. Rather, they are impartial arbiters under the precedents, rules of

Board Matters

court and statutes of this Commonwealth to insure that those who appear before them receive justice. The power of a judge is enormous, and concomitantly, no position in our society demands higher standards." (Judicial Inquiry and Review Board v. Fink, 516 Pa. 208, 238-239, 532 A.2d 358, 373 (1987).)

Our goal in this column will be to give the concepts contained in the code/rules a practical context to help judges deal with ethical issues as they arise. It is quite a challenge, but we will share with you insights into how the board functions and provide examples of dismissed complaints; complaints resolved by confidential letters of caution or counsel and the rare instances where the board concluded that serious misconduct occurred, requiring the filing of formal charges with the Court of Judicial Discipline.

The Judicial Conduct Board does not provide legal research or legal advice to the judiciary or the public. Information in this column should not be construed or interpreted as such. For more information we encourage you to visit our Web site at www.jcbpa.org which provides the board's annual report, answers to frequently asked questions, links to other resources on judicial conduct and ethics, and more.

AOPC Employee Service Milestones

A number of AOPC employees have reached service milestones between June and September 2008. They are:

15 Years

Nicholene DiPasquale - Judicial Services

10 Years

Kevin Frantz - Administrative Services

Arthur Heinz - Communications & Legislative Affairs

Philip Jensen - Judicial Automation

Christine Pasquariello - Finance

David Price - Judicial Automation

Craig Rapp - Judicial Automation

Transitions, continued from page 2

Carole Sheriff - Administrative Services - administrative assistant

Resignations

Commonwealth Court

James Gardner Colins - senior judge

Counties

Kathryn Streeter Lewis - Philadelphia - Common Pleas Court judge

Thomas E. Martin Jr. - Chester - magisterial district judge

Bernice A. McCutcheon - Westmoreland - magisterial district judge

Eugene F. Scanlon Jr. - Allegheny - Common Pleas Court judge

J. Albert Spence - Washington - magisterial district judge

AOPC

Karen Bruce - Judicial Automation - systems trainer

Seth Jerome - Judicial Automation - server technician

Matthew Richardson - Judicial Automation - LAN technician

Daniel Thompson - Judicial Automation - IT specialist

Daniel Williamson - Judicial Automation - IT Systems security officer

Appointments

Larry E. Bendesky, Esq. - apptd. to Appellate Court Procedural Rules Committee

Gabriel L.I. Bevilacqua, Esq. - apptd. to Disciplinary Board
Stuart W. Davidson, Esq. - apptd. to Board of Law Examiners

David R. Fine, Esq. - apptd. to Appellate Court Procedural Rules Committee

Professor Abraham J. Gafni - designated vice chair of Appellate Court Procedural Rules Committee

Superior Court Judge Richard B. Klein - reapptd. to Appellate Court Procedural Rules Committee

Superior Court Judge Maureen Lally-Green - reapptd. to, designated chair of Appellate Court Procedural Rules Committee

Gerald Lawrence, Esq. - apptd. to Disciplinary Board

William F. Manifesto, Esq. - apptd. to Criminal Procedural Rules

William J. McKim, Esq. - apptd. to Appellate Court Procedural Rules Committee

Susan E. Moyer, Esq. - reapptd. to Appellate Court Procedural Rules Committee

Magisterial District Judge Mary Paulette Murray - apptd. to Minor Court Rules Committee

David A. Nasatir, Esq. - apptd. to Disciplinary Board

Robert S. Saidis, Esq. - apptd. to Board of Law Examiners

James C. Sargent Jr., Esq. - reapptd. to Appellate Court Procedural Rules Committee

Richard W. Stewart, Esq. - apptd. to Board of Law Examiners

Around the Judiciary

Allegheny County has launched a videoconferencing pilot program for children's court proceedings. Eight sites will participate in the pilot: children's court courtroom 5059; a mobile child-friendly testimony unit; a children's court regional courtroom; a juvenile detention center; Children's Hospital of Pittsburgh; Allegheny County Jail and county Children, Youth and Families regional offices. Family Court Administrative Judge **Kim Berkeley Clark** (pictured left) said the project's goal is to "improve court proceedings and enhance participation in the court process, particularly for children who need to feel comfortable and safe." Children's Court Administrator **Cynthia K. Stoltz** (right) also participated in the event.



AOPC Staff Yields Data That Makes News

by Steve Schell

“Speeders, Beware the Hot Spots,” was the headline of a recent front-page story in the Harrisburg *Patriot-News* disclosing 16 mid-state areas where the most speeding tickets were issued by state and local police in 2007.

If you live in the central Pennsylvania area, you may have read or heard about this extensive news report that included analysis of the devices used by police to track speeders, and the myths and facts about dealing with speeding citations. The newspaper included maps, charts, graphs, even a sidebar titled “The Midstate’s 100mph Club,” which took a look at the fines and punishments issued to some of the 189 drivers ticketed for driving in excess of 100 miles per hour.

Some readers may have viewed the story as a public service, warning would-be speeders where to take it easy. To others, perhaps, the story was simply the result of a PR campaign for the State Police’s “Smooth Operator” program, targeting aggressive drivers. To employees on the AOPC’s Data Hub Team, however, this story was the end-result of one of literally hundreds of requests that flood in every year for criminal court data.

A substantial amount of the data used for the *Patriot-News* story was obtained from the AOPC’s Magisterial District Judge System (MDJS), under the UJS’s Electronic Case Record Public Access Policy. The newspaper’s reporters requested and received, for a fee, a customized report of more than 42,000 speeding tickets issued in Cumberland, Dauphin, Lebanon, Perry and York

counties in 2007. The report included the defendant’s name, month and year of birth, sex and municipality of residence. From this report the reporters began their analysis.

Stories like this are part of a growing trend within the media to collect raw data from government

and other agencies to do independent analysis rather than generate stories based on existing agency reports. In the media business, it’s often referred to as original research or value-added reporting.

On a national level earlier this year, the *St. Louis Post-Dispatch* ran a series of stories on its research

Supreme Court Updates Right-to-Know Rule

In June 2008 the Supreme Court of Pennsylvania announced the expansion of the scope of its policy governing public access to the financial records of the Unified Judicial System to reflect changes in the state’s recently passed Right-to-Know Law.

The revisions—outlined in an order issued by the Court—amended the process for requesting and accessing financial records of the state court system that was formally adopted by the Court more than a year ago.

The Right-to-Know Law pertains to the financial records of the state court system that historically have been regarded by the Judiciary as publicly accessible—items such as budgets, spending, salaries and other uses of public funds. The long-time practice was formalized on May 14, 2007, under a Supreme Court order that created Rule of Judicial Administration No. 509.

Among the changes in the rule are:

- requirement that the Administrative Office of Pennsylvania Courts provide contract information on the Unified Judicial System’s Web site for purchases of \$5,000 or more
- creation of a procedure and timeframe for accessing copies of the financial records of a judicial district through a records manager designated by the president judge
- provision of specific timeframes and an appeal procedure for judicial districts.



Members of the Judicial Automation Data Hub Team. (l to r sitting) Ami Levin, data hub project manager; James Mattaboni; John Skocik and; Andrew Sickler. (l to r standing) Mark Malinoski, Sailaja Yagnavajhala, Rebecca Ross-Snedeker, Kelly McClain, Bill Curtis, Deb Weber. (Not shown is team member Mark Whitworth.)

revealing that between one-third and two-thirds of all felony warrants are never entered into the FBI’s warrant database. This research was based, in part, on information obtained from the AOPC’s comprehensive warrant database, again, under the UJS’s Electronic Case Record Public Access Policy. According to the *Dispatch*, Pennsylvania was one of only 13 states in the country to respond to its request.

More recently, an ESPN reporter analyzed millions of criminal MDJS and Common Pleas case records filed in Pennsylvania since 2002 for the network’s nationally televised program “Outside the Lines.” The program discussed charges and dispositions levied against 46 Penn State football players and—you guessed it—most of the information used for the program was provided to ESPN by the AOPC.

The media, however, is only a minor source for criminal data requests. In fact, **Amy Ceraso**, Director of Judicial Automation, says, “Court data requests from the media are only the tip of the iceberg, making up only about five percent of all requests we receive.”

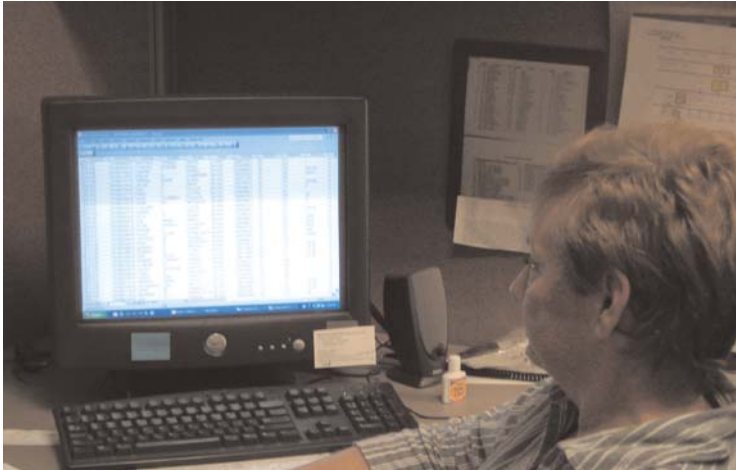
Other requests come from private citizens, court staff statewide, county governments, colleges, school districts, attorneys, legislators and for-profit and non-profit organizations. The AOPC also gets criminal data requests from state agencies such as the Attorney General’s Office, Department of Auditor General, Game Commission, Pennsylvania Fish & Boat Commission, Pennsylvania Sentencing Commission and Pennsylvania State Police. Some requests are recurring or generated on a monthly basis.

“Since the completion of the MDJS in 1992, the AOPC has been receiving requests for compiled criminal data,” Ceraso said. “Subsequently, the completion of the Common Pleas Case Management System in 2006 ushered in yet a new era of public access to criminal data. It created, for the first time, a single-source for obtaining criminal Common Pleas case information via the Internet and on a statewide basis.

“In the first couple of years after the completion of the MDJS,” Ceraso said, “we would receive several requests to compile court data reports a year. Now we receive hundreds per year.”

These customized court reports not only make good fodder for in-depth news reports with catchy headlines, they provide extremely valuable information to local and state government policy-makers. Legislators and government officials, for example, frequently request reports detailing a variety of court case information, such as the number and location of crimes; length of court sentences; restitution payments and court collections of fees, fines and costs.

Regardless of importance, many of the hundreds of court reports prepared by the Data Hub Team each year will go unnoticed by the general public. It’s only the court reports that go to the media that receive fanfare. And no doubt the next time you read a newspaper article or see a story about Pennsylvania criminal case statistics, there is a good chance the AOPC compiled the data.



Data Hub - IT Specialist Deb Weber is one of the original Data Hub Team members. She focuses on public access and government requests as they relate to the Magisterial District Judge System.

In the News



The **Raleigh News & Observer** reported how incompatible county computer systems challenge the legal process in **North Carolina**. The paper chronicled the difficulties faced by law enforcement, the courts and others in dealing with an inability to tap into one central statewide location and search for outstanding arrest warrants from other counties or other states. [Editor's Note: These same issues in Pennsylvania were overcome with the implementation of the Judicial Computer System.]

The **Tunkhannock Press Examiner** chronicled the successes of **Wyoming County's** drug court, which has seen all 10 people admitted successfully complete the program since its October 2007 inception. The paper noted how both participants and court officers say that providing an alternative to incarceration for certain drug offenders promises to benefit the community in many ways.

The **Erie Times-News** said a **Crawford County** court program to get more people to pay spousal and child support continues to earn rave reviews. The paper noted how the program aims to get people out of arrears by preparing them for employment through a partnership with a job search firm. More than 140 people have participated since the program began in September 2006, bringing in more than \$230,000, District Court Administrator **John Shuttleworth** told the paper.

The **Chambersburg Public Opinion** opined favorably on new **Franklin County** court practices that are saving money, easing security concerns and facilitating case processing by holding certain criminal administrative procedures at the jail in the Cumberland Valley Business Park instead of the courthouse. The proceedings are held in a courtroom that was included in the original design for the one-year old jail, the paper noted.

The **Bucks County Courier Times** reported on a promising **Bucks County** volunteer program that permits certain teens who have committed nonviolent offenses to perform community service rather than go through the court system. Buckingham Magisterial District Judge **Maggie Snow**, at whose urging the program was created, told the paper it was "an excellent way to handle certain cases." A panel that includes representatives from the court and area police departments decides on the appropriate punishment.

The **Pottstown Mercury** profiled a special working session of a three-judge panel of the **Superior Court** of Pennsylvania at the **Montgomery County** Courthouse in Norristown. "We do these special sessions to reach out to the public," Superior Court Judge **Susan P. Gantman** told the paper. "The public and even most lawyers have never seen the Superior Court in action."

The **Bradford Era** followed the swearing-in of Superior Court Judge **John M. Cleland**, formerly the president judge of **McKean County** Common Pleas Court. The paper noted how the brief, informal ceremony was held in Judge Cleland's office in the company of family members and courthouse employees. The oath of office was administered by McKean County Judge **John H. Yoder**, who succeeded Judge Cleland as president judge.

The **Williamsport Sun-Gazette** ran a story about **Lycoming County's** newly established underage drinking court, which gives first-time offenders—and those who have not committed serious crimes—a chance at redemption rather than jail. Lycoming County Judge **Nancy L. Butts** told the paper that a key to the program's success is the cooperative venture between the court, adult and juvenile probation departments and a local drug and alcohol abuse commission.

(In the News continued on page 16)

Arraignments, continued from page 1

"We estimate that video conferencing in our 20 district courts will annually save more than \$115,000 in constable transportation fees alone," **Mark Dalton**, Lancaster County court administrator, said. "In one office that had its equipment installed in the first weeks of the project, the MDJ estimated that when he used video conferencing to arraign a defendant located at another county's prison, they saved \$500 in constable fees."

"I'm very excited to be involved with this project from its inception," Lancaster County office, Magisterial District Judge **William G. Reuter** said. "Within the Pennsylvania Rules of Court, the possibilities for utilizing this equipment are many."

The project is being implemented in two phases. The first phase involved the installation of video conferencing equipment in 155 district courts statewide that had yet to install such technology. The second phase will include replacement or repair of equipment already in courts to bring it up to current standards.

"We estimate that video conferencing in our 20 district courts will annually save more than \$115,000 in constable transportation fees alone."

"This is an important security achievement that will benefit our judicial districts and law enforcement," Court Administrator of Pennsylvania **Zygmunt Pines**, said. "Many security benefits will be recognized with the flexibility the equipment provides, allowing judges anywhere within the state to conduct arraignments and hearings with a secure Internet connection, using desktop monitors with a high definition video and voice conferencing network."

The installation of video equipment is part of the Supreme Court's ongoing efforts to improve security, and is a direct result of the collaboration among the judicial, legislative and executive branches of state government, which included interaction among county commissioners, judges and staff within local police departments, jails, central booking centers, state police and state correctional institutions.

[Steve Schell is an AOPC communications coordinator.]

Bunny Baum Retires after Distinguished AOPC Career



The woman who was a driving force behind educational conferences over two decades retired in June.

As the AOPC's director of judicial services, **Bernice Baum** oversaw the administrative support needed to plan and conduct many educational seminars

and conferences, including the annual Pennsylvania Conference of Trial Judges. One highlight of her career was planning a spectacular annual Conference of Chief Justices/Court Administrators meeting in Philadelphia in August 1991 while Robert N.C. Nix Jr. was Pennsylvania's Chief Justice.

Bunny—as she is known to both staff and jurists—began her AOPC career in 1986 as an administrative assistant to Nancy Sobolovitch. In that role, Bunny was an indispensable jack-of-all-trades for Mrs. Sobolevitch at a time when the AOPC was a relatively small office. She had served three years earlier as the campaign manager for Senior Judge Phyllis W. Beck in her successful run for the Superior Court of Pennsylvania.

She was very active with the National Association of Women Judges for many years, helping them plan and organize their annual conferences. She also served as an active member of the National Association of Judicial Educators, Pennsylvania Association of Court Management, National Association of Court Management, Pennsylvania Bar Association's Commission on Women in the Profession, and was co-chair of the National Association of Women Judges Amicus Committee.

Prior to joining the AOPC, she owned a retail business and later worked in the Philadelphia City Representative's Office on "The Book and the Cook" team—a successful program still bringing hundreds of thousands of visitors to the city. Always active in the community, Bunny also chaired many charitable functions and served as president of a number of health organizations.

After completing her degree at Brooklyn College, Bunny devoted many years to the role of wife and mother. During that period, she had a welding studio for 11 years and was a student at the Barnes Foundation.

She has four children and 10 grandchildren.

In the News, continued from page 14

The **Pottsville Republican Herald** reported that **Schuylkill County** had the most cost-efficient jury handling figures among fourth-class counties for the second year in row. The paper noted how annual AOPC figures showed the average juror-fee-per-trial was significantly lower than the statewide average for similar-sized counties over the last two consecutive years.

The **Harrisburg Patriot-News** reported that **Dauphin County** has established a new drug court for certain non-violent offenders with drug or alcohol addictions. The paper said the court offers a program as an alternative to jail that includes supervision and weekly court appearances in addition to addiction treatment and securing gainful employment.

The **Pocono Record** profiled **Monroe County** President Judge **Ronald Vican**, who talked to the paper about specific life experiences that shaped his 28 years on the bench. The judge spoke about the positive intergovernmental cooperation in the county that he has experienced and how it ought to shape the criminal justice system over the next several decades, including possible development of a new family law center.

The **Philadelphia Inquirer** reported on the growing use of mental health courts in **Chester, Delaware** and **Montgomery counties** to promote treatment and supervision instead of prison for mentally ill offenders. Judge **William P. Mahon**, who runs Chester County's mental health court, said a similar drug court program already has become a model that other counties have followed.

The **Lebanon Daily News** featured a story about Lebanon County President Judge **Robert J. Eby**, who announced plans to retire in Jan. 2009. The judge lauded current and former judges in the county and thanked employees who serve the judiciary in the court administration, juvenile probation and domestic relations departments.

The **McConnellsburg News** presented an account of the **Fulton County** Bar Association's donation of a gallery of portraits of all 14 of the county's former and current president judges for display in the courthouse. The portraits were presented to Franklin/Fulton President Judge **John R. Walker** for placement in the main courtroom.
