

Judges invited to use in juror orientation New Video Explains Role of Judiciary

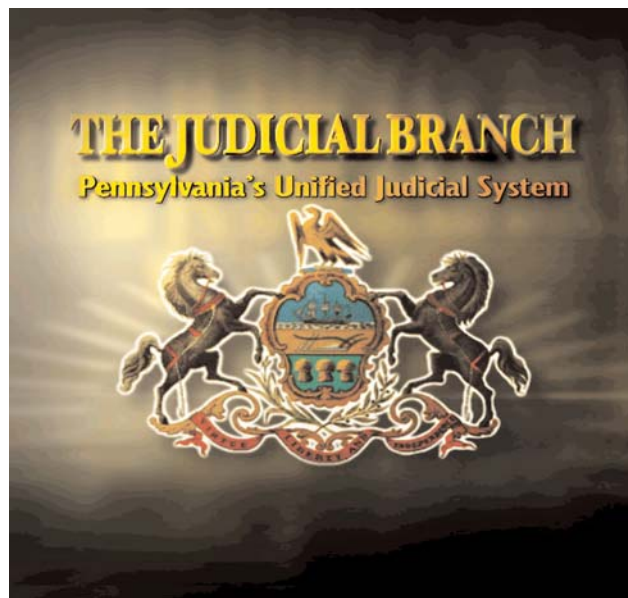
by L. Stuart Ditzen

In mid-March, the president judges of all Common Pleas Courts received a package from Chief Justice of Pennsylvania **Ronald D. Castille**. Inside were copies of a new video in which the chief and several other Pennsylvania jurists played starring roles.

The 15-minute educational video, titled "Pennsylvania's Unified Judicial System," had been in the works for nearly two years and now production was complete and distribution was under way.

Depending on the size of the judicial district, the president judges received packets of five to 25 DVDs.

In a cover letter accompanying the packets, Chief Justice Castille wrote: "This DVD is intended to be a tool that you and your colleagues on the Common Pleas Court and in the Magisterial District Courts can use in explaining to the public the role of the courts in protecting our rights and freedom. I



(Video continued on page 14)

"State of the Commonwealth's Courts for 2008" New Report Heralds Judiciary's Past Successes and Future Promise

On May 1, Law Day, Chief Justice of Pennsylvania **Ronald D. Castille** issued a report on the State of the Commonwealth's Courts for 2008, outlining his goals for the future and discussing salient programs and initiatives of the past year.

The report is the third such annual overview of the Unified Judicial System to be issued by the chief justice in the past three years. Prior to 2006, no report of a similar kind had been issued in Pennsylvania in two decades. Many court systems around the nation now publish annual "state of the courts" reports and these often are exchanged among chief justices and state court administrators.

In its opening, Pennsylvania's new report on the State of the Commonwealth's Courts praises former Chief Justice **Ralph J. Cappy**, citing the retired chief's efforts to modernize the Pennsylvania court system and to serve litigants and the public through judicial automation, specialized treatment courts, improved judicial education and other programs.

"As Pennsylvania's new chief justice, I intend to continue those programs and to begin other programs in keeping with the Supreme Court's constant commitment to improve the administration of justice," Chief Justice Castille writes.

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New to the Judicial Branch

Counties

Bradley Cober - Somerset - district court administrator

Cynthia Stoltz - Allegheny - deputy administrator, trial court

Toni-Ann Venditti - Pike - assistant to the court administrator

AOPC

Lisa Burton - Judicial Automation - clerical assistant

Peggi Calley - Judicial Automation - NOC team lead

Paul Crouse - Judicial Automation - NOC team lead

Jason Ford - Judicial Automation - IT specialist

Michael Fulton - Judicial Automation - NOC technician

Will Gilfillan - Judicial Automation - management analyst

George Matta II - Judicial Automation - support manager - OLS

Sandra Moore - Judicial Programs - Office of Children and Families in the Courts administrator

Elke Moyer - Judicial Programs - administrative assistant

Emily Sarver - Finance - administrative assistant

Jesse Ream - Judicial Automation - communications network specialist

Malavika Ruprell - Judicial Automation - database administrator

Joy Verner - Human Resources - HR analyst

Lisa Zuber - Judicial Automation - NOC technician

Other Job Changes

Counties

Melissa H. Calvanelli - Cumberland - promoted to district court administrator

Deaths

Nicholas Cipriani - former Philadelphia Common Pleas Court (sr.) judge

David W. Craig - former Commonwealth court president judge

Frederick Edenharter - Berks - sr. Common Pleas Court judge

Sally Ann Edkins - Allegheny - former magisterial district judge

Hugo R. Iorfido - Beaver - former (sr.) district justice

John W. Miller - Berks - sr. magisterial district judge

Harold R. Weaver Jr. - Northampton - former (sr.) district justice

Marjory A. Wheaton - Susquehanna - former district justice

Richard M. Wickersham - former Superior Court and Dauphin County Common Pleas Court judge

Geraldine M. Wilkins - Indiana - former (sr.) district justice

Retirements

Counties

Mary Foster - Susquehanna - district court administrator

Sandra Guidon - Cumberland - assistant special court administrator

Robert Hawley - Dauphin - deputy administrator - special courts

AOPC

Stephen Angle - Payroll - payroll manager

Resignations

Counties

John F. Anthony - Chester - magisterial district judge

Jennifer Greco - Pike - assistant to the court administrator

Ginger Hogg - Lebanon - deputy district court administrator

Harold D. Kessler - York - magisterial district judge

Bonnie P. Lewis - Wayne - magisterial district judge

(Transitions continued on page 15)

6/1-6/4 PJ/PACM Conference (State College)
6/5 Supreme Court Administrative Session (Pgh.)
6/9-6/13 Commonwealth Court Session (Phila.)
6/10-6/12 Superior Court Session (Phila.)
6/24-6/27 Superior Court Session (Phila., Hbg., Pgh.)
7/4 Independence Day Holiday
7/16-7/20 Trial Judges Annual Conference (Hershey)

7/22-7/24 Superior Court Session (Phila., Pgh.)
8/19-8/21 Superior Court Session (Phila., Hbg., Pgh.)
9/1 Labor Day Holiday
9/1-9/5 Superior Court En Banc Session
9/8-9/12 Supreme Court Session (Pgh.)
9/8-9/12 Commonwealth Court Session (Hbg.)
9/16-9/18 Superior Court Session (Phila., Hbg., Pgh.)

Legacy of AOPC's "Founding Father" Endures

by Zig Pines

We stand on the shoulders of giants.

I have oftentimes heard that expression, invoked by others to express humility and gratitude. For some, the sentiment may be trite. But there are times when we are able to realize the expression's underlying truth.

The name of A. Evans Kephart is probably foreign to most of our court employees and jurists. He died in January of this year at the age of 102. His passing was briefly noted in our prior newsletter that celebrated the installation of a new chief justice and two justices. The reality is that we are all living in a judicial edifice that A. Evans Kephart helped to build shortly after the ratification of Pennsylvania's 1968 constitutional revision, which substantially reorganized the judicial branch.

In 1968, then Governor Raymond Shafer appointed former state Senator Kephart to serve as the Unified Judicial System's first state court administrator. He served in that position until 1973. His credentials were impressive.

A four-term state Republican senator, who had served in an overwhelmingly Democratic district. A graduate of Princeton University and Harvard Law School. A partner in a boutique Philadelphia law firm with the so-called perennial presidential candidate, Harold Stassen, former governor of Minnesota. The son of former Pennsylvania Chief Justice John Kephart. A chess player who played with the international chess champion from Russia, Boris Spassky. And a proud lawyer who—one and a half years out of law school—argued and won a case before the Pennsylvania Supreme Court against an opponent who was a former justice of that court, Robert Moschzisker. Can you imagine the thrill of that victory?!

When I came to the AOPC as chief counsel in 1991, my next door neighbor, so to speak, was a dignified and charming woman, Charlotte Carson, who served as the assistant court administrator from 1969 to 1991. Outwardly, she was impeccable and patrician in her carriage and diction. Inwardly, she was passionate about good government and integrity. I recall her telling me about her deep respect (almost veneration) for "Senator Kephart," or "Keppie" as he was affectionately called. Having done a little research, I can understand why.

In the course of five years, Senator Kephart and the Supreme Court, supported by the muscular machinery of a nascent Judicial Council to get things going, proceeded to create an administrative infrastructure that would serve the new conceptually-unified judicial system. As Chief Justice Jones noted in his May 1973 address to the

General Assembly: "We have by rule established an administrative office of Pennsylvania courts under the Court Administrator of Pennsylvania to serve as a focal point for the improvement and more efficient business-like operation of the system."

Chief Justice Jones' statement was not hyperbole.

In a short period of time, Senator Kephart, known as the quiet and unassuming secretary to the Judicial Council, served a pivotal role to implement innovation and reform including: a disciplinary process and ethical rules for attorneys; a process for the authorization and appointment of district court administrators and their deputies to serve and support a more coordinated judicial system; authorization for the representation of judges by AOPC or private counsel (such as Bill Zeiter), rather than the executive branch's attorney general, when court personnel are sued in their official capacity; publication of the first manual on jury instructions.

There's more... an AOPC infrastructure (including deputy court administrators, including Carlile King and Gerald Spivack) to tackle the rapidly growing areas of finance, operations, the minor judiciary, personnel, procedural rules as well as president judge communications; a training center within the AOPC to permanently promote the education of judges; a process of "surveillance" to assess the impact of legislation on the authority of the Supreme Court and judicial system; standards and processes for job descriptions and qualifications, salaries, uniform fees, procurement of goods and services, cost of living increases, benefits, and acquisition of leased office space (including a threat to sue a county when it refused to provide chambers space to a sitting Supreme Court justice).

And the list goes on... fostering better communication with the General Assembly, including a set of recommendations for the proper and economical allocation of jurisdiction among the three appellate courts, especially with respect to the proposed Judicial Code's jurisdictional provisions of the newly created Commonwealth Court; advocacy to highlight the importance of adequate judicial compensation; and, most amazingly and presciently, uniform procedures in "electrodata processing operations" to address the challenge of computerized record-keeping.

Whew! If there is a Founding Father of judicial administration in Pennsylvania, it is certainly Senator Kephart. We—and all the citizens of Pennsylvania—are the beneficiaries of "Keppie's" wisdom and effort in constructing an edifice that has stood the test of time.

Honors & Dispatches

Former Chief Justice of Pennsylvania **Ralph J. Cappy** was presented with the Distinguished Leadership Award from the Southwestern Pennsylvania Chapter of the American Red Cross. The award was presented at the organization's annual Red Tie Affair at the Westin Convention Center Hotel in downtown Pittsburgh. Chief Justice Cappy was elected to the Supreme Court in 1989. He retired from the bench at the end of last year and joined the Pittsburgh law firm Buchanan Ingersoll & Rooney.



Photo: Philadelphia Inquirer

Supreme Court Justice **Seamus P. McCaffery** has been elected to the board of governors of the Civil War and Underground Railroad Museum of Philadelphia. Founded in 1888 by veteran Union officers, the museum is the oldest chartered Civil War institution in the U. S. and was created to promote public education

through the collection, preservation and display of artifacts and written and photographic documents.

Berks County Judge **Linda K.M. Ludgate** has become a member of the state Advisory Committee on Probation. Judge Ludgate was nominated for the post by Gov. Ed Rendell, and her appointment was confirmed by the Senate. The committee recommends statewide policies and procedures for offenders on parole and probation. Judge Ludgate also is a member of the Pennsylvania Commission on Crime and Delinquency's safety committee and an advisory committee to the Pennsylvania Commission on Sentencing.

Superior Court Judge **Susan Peikes Gantman** received the 2008 Margaret Richardson Award from the Montgomery Bar Association's Women in the Law Committee. The award is given annually and honors women who have advanced the role of women in the legal profession and furthered women's legal rights. Margaret Richardson was the first female member of the Montgomery Bar Association.



Mechanicsburg Magisterial District Judge **Mark Martin** has been deployed to Iraq for a second time as a lieutenant colonel in the U.S. Army Reserves. Judge Martin is in charge of the 424th Military Police Detachment based out of Ashley, Luzerne County. His judicial district covers the Mechanicsburg, Upper Allen and Monroe Township areas of Cumberland County.

Three president judges were appointed to serve on the County Commissioners Association of Pennsylvania's Courts and Corrections Committee. Berks County President Judge **Jeffrey L. Schmehl**, Lackawanna County President Judge **Chester Harhut** and Jefferson County President Judge **John Henry Foradora** were appointed to serve on the committee by the Pennsylvania Trial Judges Association. The committee meets four times a year to develop ways to enhance the working relationships among counties, jails and the courts.

President **Judge C. Darnell Jones II** of the Philadelphia Court of Common Pleas has been appointed as a Business Court Representative to the Business Law Section of the American Bar Association (ABA). Judge Jones will help foster communication and educational opportunities between the ABA's Judicial Division and its Business Law Section. He was recommended by the ABA's Business Law Section's leadership based upon his experience in the First Judicial District's Commerce Case Management Program and having previously been appointed as a member of the Board of Directors of the American College of Business Court Judges.



Pennsylvania's state court system was well represented at a recent Stanford University Law School Executive Session on Sentencing and Corrections. The gathering explored ways in which probation and the judiciary might improve the ways in which pre-sentence reports are collected and distributed, and to see what opportunities exist for greater cooperation and coordination between probation officers and judges. Also discussed was the importance of data integration in the criminal justice systems. Those from Pennsylvania included Allegheny County President Judge **Joseph M. James**,

(Honors & Dispatches continued on page 11)

Supreme Court Justice Max Baer Helps Students Prepare for Mock Trial

by David Keller Trevaskis

Most Supreme Court of Pennsylvania justices have put fifth grade long behind them, but Justice **Max Baer** returned recently to the elementary school classroom for what Allegheny County's Mt. Lebanon Markham Elementary School teacher Matthew Mikesell called a "magical hour and a half."

Justice Baer helped Mikesell's students prepare for their upcoming classroom mock trial.

And this was no ordinary mock trial they were preparing for—the students were putting the father of our country, George Washington, on trial for murder!

"These kids were preparing as hard for their trials as real lawyers getting ready for a significant trial," Justice Baer said.

The Markham students tried a young George Washington for the murder of French Ensign Joseph Coulon de Jumonville. Although the mock trial is a fiction created by Mikesell, Jumonville's death was an actual event that helped spark the French and Indian War.

Washington's involvement in that death remains a mystery of history, but Mikesell's students gathered enough information on both the history of the period and the conduct of real trials to hold three separate mock trials, with Washington being convicted twice and acquitted once by the three different student groups. The trial was conducted live January 22-24, 2008, over the Internet. It is still viewable on demand from the Mt. Lebanon site.

The students wore period costumes that had been carefully researched and authentically prepared, and they conducted a realistic modern courtroom exercise, thanks to an extended course of study that included instruction from such guests as Justice Baer. The mock trials made the 18th century come fabulously alive at Markham Elementary during a cold January week.

At a time when the First Lady of Pennsylvania and Third Circuit Court of Appeals Judge Midge Rendell is promoting mock trials as one of her Keystone Programs for promoting civic education, Mikesell showed how a committed teacher can combine history with creative teaching to promote the civic values of the rule of law, jury service and more.

Pennsylvania Secretary of Education Gerald Zahorchak featured the Markham elementary mock trial as a model civics program at the January 25, 2008, Pennsylvania Coalition for Representative Democracy School Summit.

Mr. Mikesell gives the credit for his lesson to many others, starting with Steve Bullick, the curriculum coordinator at Mt. Lebanon, who provides the administrative support needed for teachers to try new ideas. PA Citizen's Jim Wetzler and his successor at the Pennsylvania Department of Education, Social Studies Coordinator Jeff Zeiders, also share in Mikesell's success since it was attending their Governor's Institute for Social Studies on the French and Indian War that connected Mikesell to the scholars who shared with him the story behind the trial.

You can see the students' work on the school district's webpage at www.mtlsd.org/markham_elementary/5thgrademocktrial.asp.

[David Keller Trevaskis, Esq., is the Pennsylvania Bar Association's *Pro Bono* Coordinator.]

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Justice

J. Michael Eakin
Justice

Max Baer
Justice

Debra Todd
Justice

Seamus P. McCaffery
Justice

Zygmunt A. Pines
Court Administrator
of Pennsylvania

New AOPC Orphans' Court Reporting Form Makes Pennsylvania Adoption Data Easier to Tally

by Kim Nieves and Laurie Sacerdote

How many children were adopted in Pennsylvania last year? Members of the legislature, media, universities, research centers and the public pose this question to AOPC research staff at least a dozen times a year. Our scripted answer is: We don't know for certain. Indeed, no one knows how many children are adopted in the United States each year.

This missing piece of public policy information has national implications: Congress needs accurate adoption data to develop and draft new legislation; states need numbers to estimate the costs for adoption assistance and for licensing and monitoring private agencies.

So why can't we count adoptions?

While the adoption process involves multiple agencies, in most states, including Pennsylvania, no one agency is responsible for collecting data. Since 1995 public child welfare agencies have been required by federal statute to report adoption data to the Children's Bureau of the U. S. Administration on Children, Youth and Families via the automated Adoption Foster Care Analysis and Reporting System (AFCARS). However, private agencies are not required to report any information, leaving the number of children privately adopted out of the equation. These include stepparent and kinship adoptions, which, according to National Center for State Courts (NCSC) expert Dr. Victor Flango, may account for more than 40 percent of all adoptions.

The NCSC's Court Statistics Project is viewed as the most accurate count of adoptions since all adoptions, public and private, require court action. But a recent national review of state adoption data by the Children's Bureau questioned why the NCSC's adoption data for Pennsylvania reported fewer adoptions than would be expected for a state of our size. What these analysts noticed was that orphans' court statistics were based on the number of petitions disposed, even if multiple children were listed on one petition. It has become an accepted practice for attorneys to list multiple children on one petition. For statistical purposes, the count of petitions is a useful measure of court activity, but it does not reflect the number of children involved in adoption proceedings, obscuring a critical piece of information.

Effective January 2008, the AOPC Orphans' Court Report now counts the number of children. This key enhancement of reporting practices is the result of an

AOPC and Registers of Wills and Clerks of Orphans' Court Association of Pennsylvania working group, which met for a series of sessions in 2007 to update the AOPC Orphans' Court Reports and enhance the training and reference materials for clerks of orphans' courts.



Members of the working group included AOPC research staff and Orphans' Court Clerks/Registers of Wills Judy Moser of Butler County, Carol Ruckert Fiorucci of Beaver County, Janet Hanks of Huntingdon County and Glenda Farner Strasbaugh of Cumberland County.

In addition, AOPC staff visited with members of the Register of Wills and Clerk of the Orphans' Court Association of Pennsylvania at their conferences for input into the process. According to Judy Moser, legislative liaison and analyst for the Association, "This joint effort between the AOPC and local orphans' court clerks is an example of what can be accomplished when all levels of the court system can work together. Each entity gained new knowledge and understanding of what had previously been viewed as opposing perspectives. The cooperative venture that produced more accurate statistical data for Pennsylvania courts also produced clearer reporting instructions and improved methodologies for orphans' court clerks. More importantly, it has created new communication links between those who oversee (AOPC) and those responsible for implementation (OC clerks)."

The number of children adopted each year is important information for designing initiatives to improve national and state adoption policies. In the future, the cooperation of other agencies involved with the adoption of children will be needed to gather additional types of statistical information. However, with these significant changes to reporting caseload statistics, the clerks of the orphans' courts advance the court's role in keeping Pennsylvania current with national adoption issues and needs.

[Kim Nieves is the AOPC's assistant director of policy research and statistics; Laurie Sacerdote is an AOPC caseload statistics coordinator.]

Central Pennsylvania President Judge Shares His ‘Connection’ with AOPC Staff

by the Hon. Harold F. Woelfel Jr.

At the mid-annual Conference of the Pennsylvania Conference of State Trial Judges in Philadelphia this year, I had a medical event that resulted in me being taken from the hotel by ambulance and spending three days at Pennsylvania Hospital.

Even before the ambulance arrived, **Bunny** (no surname necessary) was doing her usual thing: taking care of the judges, in this case me, assuring me that she would take care of everything at the hotel. While still in the emergency room, Judges **Louise Knight** (Snyder County) and **Kate Morrow** (Perry County) came to visit and to see what they could do.

Dr. **Stephen Feiler**, Director of Judicial Education, who happens to live in the same town that I live near, offered to get my car from Philadelphia back home. I had numerous phone calls from judges on Saturday, including one from Judge **Shelley New** (Philadelphia) offering cheese steaks from either Pat’s or Gino’s, despite knowing that what landed me in the hospital was perceived to be cardiac-related. First Judicial District President Judge **Darnell Jones** visited me on Monday.

I was discharged from the hospital on Monday afternoon and was back in the office Tuesday morning. There were telephone messages from Judge **Norm Krumenacker** (Cambria County), president of PCSTJ, and Bunny as well as

e-mails from others, including judges whom I barely knew and judges whom I did not know. I used the PJ’s listserve to let people know that I was doing fine and back in my office.

One week after becoming ill, almost to the minute, I was advised that the sister of a disgruntled litigant had threatened to kill me. Given the context of the threat, I was not that concerned. I did not think to make a critical incident report to AOPC Security as we are supposed to. The next business day

Voices

I have not met any AOPC staff who are not willing to go out of their way to be of assistance.

I received a phone call from **Frank Lalley**, judicial security administrator for the AOPC. He had been informed of the threat by someone connected with the Pennsylvania Sheriff’s Association. By the time that Mr. Lalley contacted me, he had already spoken with **Charlotte N. Kratzer**, our court administrator, and Snyder County Sheriff Joseph S. Reigle Jr. and had attempted to contact the juvenile probation officer, who was also threatened. Mr. Lalley asked some questions, expressed some concerns and made recommendations as to what things I should be doing in the wake of the threat.

At the time that I received the phone call from Mr. Lalley, Chief

Probation Officer Craig Fasold was sitting across the desk from me.



Craig participated in the call with Mr. Lalley. When we ended the call, Craig made a comment to the effect that the AOPC was really on the ball and was taking care of its people. He was impressed, and it’s not easy to impress Craig.

I have been on the bench in excess of 17 years. I have told a great many people that one of the greatest benefits of my job is that I have been able to meet wonderful people from around the Commonwealth who otherwise, I would never have had the opportunity to meet and spend time with. Some of the people I have met have become role models, and some have become very close friends. I have not met any AOPC staff who are not willing to go out of their way to be of assistance. While I would not go so far as to say that we judges, court administrators and other court administration staff are a family, we are certainly “connected.”

I am extremely fortunate to be one small link in that chain.

[Judge Woelfel is the president judge of the Snyder/Union Court of Common Pleas.]

Pennsylvania Hosts National Forum on Children and

Philadelphia was the site of a sweeping, three-day National Forum on Children, Families and the Courts aimed at improving domestic relations, family law issues and the plight of abused and neglected children. Dubbed “Planning for the Future” the event drew more than 300 attendees from many disciplines throughout the country.



Chief Justice Ronald D. Castille welcomed participants to the conference.

From judges to juvenile justice personnel, prosecutors to probation officers, children and youth professionals to child protection workers, police to private service providers, and legislators to legal defense counselors, all learned of the latest techniques and best practices with children and families involved in court proceedings.

The forum, held April 30 through May 2, was sponsored by the Supreme Court of Pennsylvania and the National Council of Juvenile and Family Court Judges. Event planning was spearheaded by Dr. **Stephen Feiler**, Director of the AOPC’s Judicial Education Department and Lackawanna County President Judge **Chester T. Harhut**, with

support from **Sandra Moore**, administrator of the AOPC’s Office of Children and Families in the Courts.

Moore said, “This conference was an amazing opportunity to bring together the many professionals in Pennsylvania and across our nation who have dedicated their lives to helping children and families. The ability to discuss like concerns and proposed solutions from a national perspective, a process that closely mirrors our Pennsylvania Roundtable structure, will certainly enhance Pennsylvania’s efforts to unify our dependency court system and find permanent homes for thousands of abused and neglected children.”

Chief Justice **Ronald D. Castille** and Court Administrator **Zygmunt A. Pines** made welcoming remarks at the forum’s opening session. Justice **Max Baer** and state Secretary of Public Welfare **Estelle Richmond** participated with others in a panel discussion focusing on the

courts and issues affecting abused and neglected children.

Justice Baer also led a workshop titled “Order Out of Chaos—Organizing Coherent Change in a County-Based system.” Justice Baer said, “Substantive and lasting change comes when those impacted are included in the change process. This is true for individuals, families and systems. To this end, the Pennsylvania Supreme Court has embraced the opportunity to lead the state’s Court Improvement Project through a unique and creative infrastructure which allows for local input, regional collaboration, and statewide decision-making.”

U.S. Court of Appeals Judge Marjorie O. Rendell, also First Lady of Pennsylvania; Andrew Susko, president of the Pennsylvania Bar Association; and others participated in a program focusing on civics education for young people and helping young people build stronger ties to their communities.



Justice Max Baer and the Reverend Dr. Alyn E. Waller, senior pastor of Enon Tabernacle Baptist Church in Philadelphia, participated in a panel discussion on human behavior.

Families in the Courts

by Steve Schell



First Lady of Pennsylvania and U.S. Court of Appeals Judge Marjorie O. Rendell spoke on civics education for young people and helping young people build stronger ties to their communities.

Additional forum participants from Pennsylvania included **Todd A. Hoover**, Dauphin County dependency and orphans' court judge; Peter Vriens, Dauphin County human services director; Patti Noss, executive director of It Take's a Village; Maryrose McCarthy, Northumberland County children & youth administrator; **Charles Saylor**, Northumberland County dependency judge; **Kim Clark**, Administrative Judge—Family Division, Court of Common Pleas of Allegheny County; **Carol Hanna**, Indiana County Common Pleas Court

judge; and **Kevin Dougherty**, Administrative Judge—Family Division, Court of Common Pleas of Philadelphia County.

[Steve Schell is an AOPC communications coordinator.]



(L to R) President Judge Darnell Jones of Philadelphia, Administrative Judge Kevin Dougherty of Philadelphia, Chief Justice Castille, Judge Webster Keogh of Philadelphia and Philadelphia District Court Administrator David Lawrence.

Dependency Data Tracking

In March the state Supreme Court announced that the Washington County Common Pleas Court would be the first to begin detailed tracking of dependency cases as part of a statewide effort to make Pennsylvania's courts more responsive to the needs of children and families and to reduce the time abused and neglected children spend in foster homes.

This new automated dependency tracking module is the first of its kind in the nation, and will move Pennsylvania far ahead of other states in understanding what is occurring within its child welfare population.

Built by the AOPC's Office of Children and Families in the Courts (OCFC) and Judicial Automation staff, the module will track 30 dependency performance measures.

"The collection of detailed dependency data will allow us to look at court caseloads and to create a baseline for which performance can be measured," said Sandy Moore, administrator of the OCFC. "In addition, we will be able to identify counties and courts which are excelling in certain areas, then apply those practices elsewhere."

The statewide county rollout of the dependency tracking module is scheduled to be completed by the end of the year. For more information on Pennsylvania's overall Dependency Court Improvement Project, court officials and dependency advocates can contact the OCFC at 717-295-2000, ext. 4255.

Access to Magisterial District Court Records Proposed Policy Balances Openness and Protection of Sensitive Information

by **Andrea Tuominen, Esq.**

Like many other court systems, Pennsylvania's Unified Judicial System (UJS), through the work of the AOPC, has been devoting considerable attention to public access policies and practices for UJS records. While records have always been presumed open in Pennsylvania's courts and related offices, the concerted effort to codify those practices has culminated in the adoption of two formal protocols and one proposed policy in the last 18 months.

As reported in prior editions of AOPCConnected, the first phase of policy development resulted in the Supreme Court's adoption of the "Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania," a set of comprehensive guidelines governing access to data maintained in the UJS' three automated case management systems. The policy became effective Jan. 1, 2007.

While efforts to revise the Right to Know Law were ongoing in the General Assembly (the revised law was ultimately enacted on Feb. 14, 2008), the next step regarding public access was taken a few months later when the Supreme Court adopted Rule of Judicial Administration 509 last May. Rule 509 essentially embodies the long-standing access practices and procedures employed by the AOPC related to financial records requests.

Also during the spring of 2007, Court Administrator of Pennsylvania **Zygmunt Pines** set the next access initiative in motion—re-examining the policy for magisterial district court records, initially established in 1994. Since the electronic case record policy governs the access to court record data contained in the automated Magisterial District Judge System, the objective was to create a thorough, practical process for access to the paper records at the 546 magisterial district courts. To do so, the court administrator convened a 16-member working group comprised of magisterial district judges, district court administrators, representatives of the statewide clerks of courts and prothonotaries association as well as AOPC and Supreme Court Committee staff.

No matter what form the data takes (paper or electronic), the struggle remains the same—how to achieve openness and yet protect those pieces of information that jeopardize personal privacy and/or security, such as Social Security and financial account numbers. This exercise was no exception to that rule. The working group dedicated itself to culling best practices from other state and federal court systems as well as intensely reviewing how the magisterial district courts receive and release information.

The proposed policy and accompanying commentary underscore that the records of magisterial district courts are presumed open and accessible.

On March 29 the "Proposed Public Access Policy Concerning Official Case Records of the Magisterial District Courts" was published for a 60-day comment period.

The proposed policy and accompanying commentary underscore that the records of magisterial district courts are presumed open and accessible. The proposal details the process for submitting a public access request, for responding to such requests (timeframes, fees, etc.), and for restricting certain sensitive pieces of information in case records. The working group recommends that parties and attorneys refrain from including Social Security and financial account numbers with the courts, unless required by law or requested by the court. If the data is required, however, the working group recommends providing the information to the court via a confidential form, a method adopted by other court systems, and recommends exploring other alternative approaches, such as truncation of the numbers.

The working group will reconvene to discuss the comments received and revise the proposal as necessary.

[For more information on this proposal or any UJS public access policies, go to the Public Access Policy area of the Pennsylvania judiciary's website at www.courts.state.pa.us/index/PublicAccessPolicy/Default.asp.]

[Andrea Tuominen is assistant court administrator of Pennsylvania.]

Making a Difference in Our Democracy: Pennsylvania Jurors

Chief Justice of Pennsylvania **Ronald D. Castille** issued a statement of appreciation to the estimated 200,000 citizens who appeared for jury duty at county courthouses across the Commonwealth during the past year as part of a statewide commemoration of Juror Appreciation Week by all three branches of state government:

“One of the fundamental rights of the American people is the right to a trial by jury. But to ensure that right, the people themselves must be willing to play a role in the justice system. They must occasionally be willing to set aside personal business and respond to the call to serve as jurors.

Historically, the American colonists took the power of trial by jury from the king of England by revolution, that right having been denied them through bitterly hated British laws known as the Navigation Acts. The Declaration of Independence denounced the king ‘for depriving us in many cases of the benefits of trial by jury.’

With the American Revolution, the people of this Nation asserted their right to be free and self-governing. The right to a jury trial was written into Article Three of the Constitution in 1787. The same right was reasserted in the Bill of Rights in the Sixth and Seventh Amendments in 1791.

Those rights are built into our history and our heritage. That is why this week we honor those Pennsylvania citizens who, by serving as jurors during the past year, have kept faith with the founders of our Nation and helped to keep the principles of Democracy alive. We encourage all citizens to do the same.

This year, we expect more citizens than ever to be identified as potential jurors in Pennsylvania. Data from a new statewide jury list will be made available to each county this fall by the Administrative Office of Pennsylvania Courts. The data from this list is far more extensive than information previously available. It is our hope that this program, by identifying more potential jurors in each county, will increase citizen participation and create greater diversity in jury pools throughout the Commonwealth.”

Honors & Dispatches, continued from page 4

Allegheny County District Court Administrator **Ray Billette** and **Ralph Hunsicker**, AOPC senior projects director.

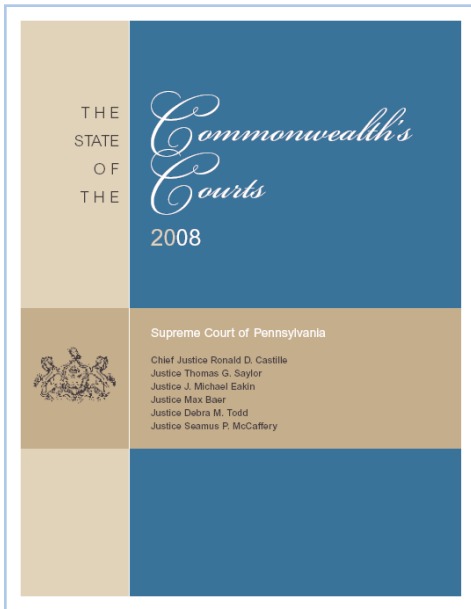


Photo: University of Pennsylvania

Philadelphia Common Pleas Court Judge **Frederica A. Massiah-Jackson** was a featured speaker during the 20th annual Pennsylvania Bar Association minority attorney conference. The two-day program, “Yesterday, Today and Tomorrow: Assessing Progress in the Legal Profession,” was held at the Sheraton City Center hotel. The conference included panel discussions on civil rights, judicial independence, hiring practices in law firms and corporations and landmark legislative and legal decisions impacting education.

Delaware County Senior Magisterial District Judge **Kenneth N. Miller** celebrated 40 years on the bench on May 28. Judge Miller was appointed justice of the peace for Upland Boro by then Governor Raymond Shaffer in 1968. He successfully ran for the seat when the court system was reorganized after the Constitutional Convention of 1968 and continued to sit until his retirement in January 2006. Since then he has served as a senior magisterial district judge.

Judge **D. Webster Keogh**, administrative judge of the First Judicial District trial division, has been elected a member of the Corporation of the First Regiment of Infantry of Pennsylvania. The organization serves to carry on the history of the First Regiment, which is the oldest National Guard Unit in Pennsylvania, and to honor those who currently serve in the guard. Judge Keogh was an officer in the 103rd Engineer Battalion, which is a successor to the First Regiment. The unit was formed by Benjamin Franklin in 1747.



“In a broader context, it is my hope and goal that the Supreme Court will always be viewed with respect by attorneys, litigants, legal scholars and citizens for the quality of its legal thought and the coherent body of law that it passes down through its opinions.”

This year’s report highlights developments and innovations that have taken place in the Pennsylvania courts during the past year and are anticipated in the months ahead.

Among those innovations is a statewide jury information system currently being implemented by the AOPC through which more potential jurors than ever before will be identified for inclusion in county jury pools. Under this program, the AOPC will create a statewide jury list, synthesizing information from lists of all state tax filers, driver’s license holders, registered

voters and welfare and food stamp recipients. From that master list, the AOPC will make data available to each county containing names and addresses of prospective jurors living within that county.

The State of the Commonwealth’s Courts report also focuses attention on the use of benchbooks as a new tool for judges in Pennsylvania. These are sophisticated user guides designed to assist judges with questions that arise in rarely applied areas of law or in complex areas where the law has many facets or is rapidly changing. Last year two benchbooks were introduced: the *Public Health Law Benchbook* and the *Sexual Violence Benchbook*. A third volume, a benchbook for magisterial district judges, is currently under development.

Other topics covered in the report include problem-solving courts, the five-year strategic plan, judicial automation, court security and innovations in the Superior, Commonwealth and Common Pleas courts.

Those who receive the report include chief justices of other states, court administrators, Commonwealth judges, legislative leaders, bar association leaders and the state’s libraries.

(For more information about the booklet, please contact Stu Ditzen at (215) 560-6052 or e-mail him at: stuart.ditzen@pacourts.us.)

—L. Stuart Ditzen

Around the Judiciary

The Philadelphia Inquirer profiled retired Superior Court Judge **Phyllis Beck** and newly elected Philadelphia Common Pleas Court Judge **Alice Beck Dubow**, noting how they are the first mother-daughter judges in the 231-year history of the Commonwealth. Judge Beck was the first woman elected to the Superior Court and served for 24 years before stepping down in 2005. Judge Beck served as her daughter’s campaign manager, and Judge Dubow wore her mother’s judicial robe during her swearing-in ceremony.



Photo: Philadelphia Inquirer

In the News



The **Greensburg Tribune-Review** profiled a four-month long effort to commemorate the centennial of the original **Westmoreland County** Courthouse. Common Pleas Court Judge **Daniel J. Ackerman** told the newspaper that the reaction of first-time visitors to his courtroom never ceases to amaze him. "They walk in glum, but two steps inside, they start looking around, and I see their change in attitude," he was quoted as saying. "Surroundings and atmosphere affect people's behavior."

U.S. News & World Report featured a story about **Allegheny County** Mental Health Court's efforts to serve justice and help mentally ill offenders. The national magazine's approving article noted the Pittsburgh court's low recidivism rate and profiled program participants who have remained clean and sober. Common Pleas Judge **John A. Zottola**, a former county prosecutor who presides over the court, told the magazine, "It really works."

The **Wilkes-Barre Citizens' Voice** opined on the **Luzerne County** Treatment Court, calling it a program that offers hope to offenders, their families and the community-at-large. The editorial said such courts have proven to reduce recidivism and commended the intergovernmental collaboration that led to its creation and positive results.

The **Oil City Derrick** outlined **Clarion County's** plans to launch a new automated victim notification system to help individuals track the status of offenders housed in the local prison. The paper noted how the county was the 22nd in Pennsylvania to use the statewide system, allowing residents to receive real-time information about the custody status of offenders.

The **Pittsburgh Post-Gazette** chronicled an effort underway in **Allegheny County** to provide legal assistance to families experiencing financial woes to help the families keep their homes. The project is a partnership between a law clinic at the University of Pittsburgh and Neighborhood Housing Services.

A story appeared in the **Sunbury Daily Item** about the successes of **Northumberland County's** DUI specialty court, which commemorated its one-year anniversary in January. The paper noted how Northumberland County Judge **Charles H. Saylor** is an enthusiastic proponent of the program.

The **Bucks County Courier Times** reported on the establishment of a pilot mediation program involving both doctors and lawyers at Abington Memorial Hospital that is hoped will serve as a model for the rest of Pennsylvania. The paper noted how the **Montgomery County** Medical Society and Montgomery County Bar Association also are involved with the program, whose origins can be traced to the **Supreme Court of Pennsylvania's** 2002 multi-faceted response to rising concern over medical malpractice litigation.

The **Elmira, NY Star-Gazette** followed efforts to bolster security at the **Tioga County** Courthouse through the installation of three dozen cameras after consultation with a security team that meets regularly to discuss the safety of visitors and employees.

The **Reading Eagle** ran a package of stories, photos and a column commemorating the late **Berks County** Judge **Frederick Edenharter**, who served as a local jurist for nearly three decades. Several judges noted in the story the many positive contributions Judge Edenharter made to the law and community. He served as president judge from Jan. 1981 until July 1982 when he became a senior judge.

The **Chambersburg Public Opinion** reported how **Franklin County's** family court system successfully was striving to smooth divorce proceedings for both families and judges. The paper said the county has a divorce master who helps resolve property issues, a custody conciliator to settle custody matters and a domestic relations department to determine child support. "About 35 percent of our judges' time is devoted to family matters," Judge **Carol Van Horn** told the paper. "Those cases are second only to criminal cases."

Video, continued from page 1

hope it can be shown in jury assembly rooms. By playing the video to prospective jurors, the Judiciary has the ability to reach an audience of more than 200,000 people a year across Pennsylvania."

Other prospective uses for the video, the chief justice noted, are "meet the judges" events, community meetings and school appearances by judges.

The goal of the video is to explain the court system to the broadest possible cross-section of the population. The educational effort derives from the need to improve civics education and build a better understanding of government and the courts among young people and adults. Studies have shown a deficit in this area of knowledge in students of all ages and in the general population.

In addition to Common Pleas Court president judges, the court system's DVD has been sent to chief justices of other states, all justices and judges of the Pennsylvania appellate courts and the members of the Judicial Independence Commission and the Commission for Justice Initiatives.

Two hundred copies of the video also are being distributed through the Pennsylvania Coalition for a Representative Democracy (PennCORD) to educators interested in improving civics education in public schools. PennCORD is a partnership of the Pennsylvania Bar Association, the office of the First Lady and U.S. Court of Appeals Judge Marjorie O. Rendell, the National Constitution Center and the state Department of Education. The AOPC is working with PennCORD to foster improved civics education on the courts.

David Trevaskis, the Pennsylvania Bar Association's liaison to PennCORD, is coordinating the distribution of DVDs to teachers.

"I have had very positive responses from teachers," said Trevaskis. "The general response has been great. Many of them are just delighted that anything like this is available."

Deputy Court Administrator **Tom Darr** was the in-house producer of the video. The script was written principally by Superior Court Judge **Jack Panella**. The narrator is Ron Martin, co-anchor of WGAL-TV in Lancaster. The AOPC contracted with JPL Productions of Harrisburg for the development of the project in 2006.

The story of how the Unified Judicial System is structured and functions is told on the video by Chief Justice Castille, Superior Court President Judge **Kate Ford Elliott**, Commonwealth Court President Judge **Bonnie Brigrance Leadbetter**, Allegheny County Family Court Administrative Judge **Kim Berkeley Clark** and Magisterial District Judge **Charles A. Clement Jr.** of New Cumberland.

Preliminary reaction from judges and educators has been positive. After seeing the video in mid-March, one Common Pleas judge wrote to Chief Justice Castille saying: "THANK YOU! This new DVD fills a very important need."

(For more information about the video, please contact Stu Ditzen at (215) 560-6052 or e-mail him at: stuart.ditzen@pacourts.us.)

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

Steve Angle, Payroll Manager Retires

Stephen F. Angle, a familiar face to many at the AOPC, retired at the end of March after a decade as payroll manager for Pennsylvania's judiciary and more than 20 years previously as a school district business manager. The Carlisle-area resident said he plans to travel and pursue family interests.

A testament to Steve's successful tenure, effective March 29 Payroll became a unit of the Finance Department, and Payroll Assistant Manager Janice Evans became acting Payroll Administrator, reporting to Assistant Finance Director Mary Gillette. Veteran payroll staff member Patti Kell and long-term staffer Tari Wiest continue to work within the unit.



Transitions, continued from page 2

Douglas F. Meisenhelter - York - magisterial district judge
C. Joseph Rehkamp - Perry-Juniata - president judge

AOPC

Denise Howarth - Judicial Automation - IT Specialist
Dustin Jones - Judicial Automation - IT specialist
George Matta - Judicial Automation - support manager
Brian Quinn - Judicial Automation - IT specialist
Laurie Reed - Judicial Automation - help desk operator
Andre Warner - Judicial Automation - LAN Technician
Christine Wilbern - Finance - administrative assistant

Appointments

Supreme Court Committees

Frank P. Cervone, Esq. - apptd. to Juvenile Court Procedural Rules Committee
Kristen M. Del Sole, Esq. - reapptd. to Orphans' Court Procedural Rules Committee
Calvin S. Drayer - Common Pleas Court judge - reapptd. to Orphans' Court Procedural Rules Committee
M. Kay DuBree - magisterial district judge - reapptd. to Minor Court Rules Committee, redesignated chair
Karen Engro, Esq. - designated chair of Pennsylvania Board of Law Examiners
Smith B. Gephart, Esq. - designated chair of Disciplinary Board
Robert A. Graci, Esq. - apptd. to Pennsylvania Lawyers Fund for Client Security Board

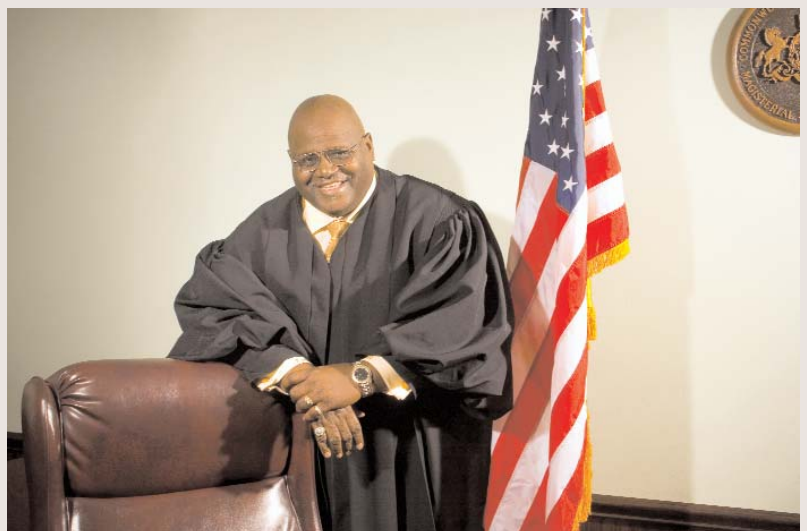
Neil E. Hendershot, Esq. - apptd. to Orphans' Court Procedural Rules Committee
Martin R. Kane - magisterial district judge - apptd. to Minor Court Rules Committee
Anne E. Lazarus - Common Pleas Court judge - apptd. to Orphans' Court Procedural Rules Committee
Maureen Murphy McBride - designated vice chair of Pennsylvania Lawyers Fund for Client Security Board
Michael L. Mixell, Esq. - reapptd. to Orphans' Court Procedural Rules Committee
James M. Mead - reapptd. to Pennsylvania Lawyers Fund for Client Security Board, designated chair
Paula Francisco Ott - Common Pleas Court judge - reapptd. to Orphans' Court Procedural Rules Committee
William Pietragallo II, Esq. - designated vice chair of Disciplinary Board
Thomas A. Placey - magisterial district judge - reapptd. to Minor Court Rules Committee
William R. Sasso, Esq. - designated vice chair of Pennsylvania Board of Law Examiners
Dwayne D. Woodruff - Common Pleas Court judge - apptd. to Juvenile Court Procedural Rules Committee

Other Boards/Committees

James J. Fitzgerald III - Superior Court sr. judge - apptd. to Pennsylvania Commission on Judicial Independence, designated co-chair

Around the Judiciary

Harrisburg Magisterial District Judge **Robert Jennings III** was featured prominently in a recent story in the Patriot-News about his activism in raising awareness of prostate cancer, one of the most common cancers in American men. Judge Jennings is outspoken in his efforts to have men—especially African American males—to have their prostates checked. Judge Jennings was confronted with the discovery of prostate cancer while running for magisterial district judge in 2003. After surgery and radiation, he is winning the fight against the deadly disease.



AOPC Employee Service Milestones

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

20 Years

Tom Darr - deputy court administrator

Rick Pierce - Judicial Programs

15 Years

Michelle Semken - Judicial Automation

10 Years

Rhonda Hocker - Office of Deputy Court Administrator

Tom Hunt - Judicial Automation

Stan Ritchie - Judicial Automation



Deputy Court Administrator Tom Darr (L) and Judicial Programs Administrator Rick Pierce. Twenty of Tom's 30 years in and around Harrisburg have been with the AOPC. Rick's service includes 13 years with Cumberland County court administration.

5001 Louise Drive
Mechanicsburg, PA 17055

AOPC