

State of the Commonwealth's Courts 2009

When I took office a year ago as Chief Justice of Pennsylvania, I anticipated that unforeseen challenges would lie ahead. Little did I imagine that in less than a year our nation would be caught in an economic downturn so severe that personal, corporate and government finances are all seriously tested.

Since 2006, Pennsylvania's Chief Justice has offered a report to Pennsylvanians about our court system – its programs, plans, challenges and successes. This year's State of the Commonwealth's Courts is appropriately "to the point" and low-cost, as we focus on the year's little-imagined challenges.

Fallout from the financial crisis is expected to deliver a double punch to Pennsylvania's courts. Even as we carefully review our costs, we anticipate that the workload of the courts will rise. Hard times often mean busy times for courts. As negative economic forces bear down, a dramatic increase in mortgage foreclosures, debt-collection actions, domestic filings and criminal caseloads can be expected.

Those pressures lead citizens to the court system in desperation. More than ever then, these times require that citizens be treated with respect. Their causes must be heard promptly. They must have confidence that judicial decisions are thoughtfully considered and fairly rendered.

Even as we are asked to do more with less, I remain committed to the pledges I made a year ago to press forward with meaningful reforms already in progress, to join with my colleagues in fostering a spirit of inter-governmental cooperation and collegiality, and to continue to fight vigorously for the independence of the Judicial Branch. Most of all, we will decide cases before us knowledgeably, fairly and impartially, as Pennsylvanians expect us to do.

Where possible, we will continue to seek practical, innovative solutions to relieve financial pressures and enhance judicial administration. Because the state of our courts at this moment is generally good, we are well positioned to pursue such solutions.

For example, with the dramatic increase of mortgage foreclosures, several judicial districts in Pennsylvania have established programs to redirect these cases to settlement conferences. These programs - in Philadelphia, Allegheny County and other judicial districts - save judicial resources, strive for a fair resolution of issues between those who owe and those who are owed, and they provide the social benefit of keeping homeowners in their homes.

Promoting the use of video conferencing technology in our courts is a proven means of driving down costs and enhancing security by limiting the cost of transporting criminal defendants. By collaborating with state and local government, the Supreme Court jump-started video conferencing in 2007, a program we shall continue to support because its results make sense.

The growth of problem-solving courts throughout the Commonwealth continues. Through court-monitored treatment programs, these courts provide a cost-effective alternative to incarceration for non-violent offenders while reducing offenders' recidivism rates. Fifty-eight problem-solving courts tackling drug, DUI and mental health issues, among others, presently exist. Extending this model to include veterans who become involved in the criminal justice system is also under active review.

Recognizing that the internet is fast becoming the world's dominant communications mode, Pennsylvania's courts continue to be a national leader in using automation to effectively manage cases and increase citizens'

accessibility to court information. Last year, the Supreme Court unveiled a redesigned, easier-to-use Web site (www.pacourts.us) to help Pennsylvanians understand our courts better and get data they want to know. Some Pennsylvanians are not fully attuned to the electronic world, but the ability of our Web resources to communicate broadly and cost-effectively cannot be denied. We will continue to build on these successes.

Since full implementation of the judiciary's statewide Common Pleas Criminal Court Management System in September 2006 data is beginning to show increases in court fee, fine and cost collections, with hikes of 24% in Bucks and Erie counties and 11% in Lancaster. Overall, CPCMS collected \$463 million last year. Similarly, studies have shown that video technology can decrease costs for police and district court processing, including prisoner transport, by almost \$25,000 per site.

But in tight economic times responsive, cost-effective programs do not necessarily translate into direct financial savings for the programs' innovators or administrators. So during the past year, Pennsylvania's judiciary has taken steps to achieve direct, bottom-line cost savings:

- Merit salary increases for judicial staff were suspended for calendar year 2009.
- Hiring for non-essential positions has been frozen.
- All but previously planned and essential out-of-state travel has been eliminated.
- At least five senior level staff positions have been eliminated or under-filled.

These and other actions have saved \$3.5 million in the current fiscal year and will save an additional \$4 million in fiscal year 2009-2010. We are continuing to review other means of garnering savings for the coming fiscal year.

Unfortunately, a disturbing trend in under-funding judicial line items continues under the Executive's spending plan for the new fiscal year. That budget proposal contains a six percent across-the-board funding cut, which translates to a minimum \$33 million deficit for the judiciary statewide. Included in this deficit is a \$24 million shortfall in salary and benefit payments for judges across the state. That translates to insufficient

funds to pay 68 trial judges, including 11 created by the General Assembly to take office in January 2010, and 90 magisterial district judges.

Another product of multi-year under-funding is a significant deficit of \$5.3 million in Superior Court, a deficit which threatens to diminish historic excellence in thoughtful and expeditious case management. Continued under-funding of Superior Court will have lasting consequences in its ability to manage its substantial caseload, including its well-established Family Fast Track program and its mediation program. The Family Fast Track program expedites appeals involving the rights and welfare of children, while the mediation program is an efficient, alternative means of disposing of certain types of cases.

These, combined with serious funding problems in some of Pennsylvania's counties and a few, smaller deficiencies at the state level, are obvious causes for concern to those of us responsible for leading the Commonwealth's courts. During 2007, the most recent year for which statistics are available, Pennsylvania's courts heard nearly four million cases ranging from traffic offenses to murders from the grass-roots magisterial courts to our three appellate courts. With case volumes of this size, inadequate funding is bound to diminish the judiciary's ability to adequately serve Pennsylvanians through effective and expeditious case dispositions.

Above all, Pennsylvanians want to know that their courts are dedicated to providing "equal justice under the law" first and foremost and that we are doing so in tough times with a practiced eye on practical solutions to real problems. My additional pledge this year is that we will pursue those problems, be they long-standing or newly-emerging, with our best wisdom and renewed vigor. Whether in good times or bad, we are committed to maintaining standards of judicial excellence.



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Chief Justice of Pennsylvania

The State of the Commonwealth's Courts, 2009 is published and distributed in limited quantities. For additional copies and information about Pennsylvania's court system, please see the Pennsylvania Judiciary's Web site at www.pacourts.us.