

State of the Commonwealth's Courts  
Chief Justice Ronald D. Castille, Pennsylvania Supreme Court  
Written Message  
May 1, 2011

The Pennsylvania Supreme Court has used the occasion of Law Day, May 1, to issue the State of the Commonwealth Courts, a report that annually highlights the judiciary's challenges and successes. Out of necessity this year's report focuses on the greatest challenge—the strain of six straight years of inadequate funding. Underfunding threatens not only the courts' creative and cost-saving initiatives, but its ability to administer justice in a timely fashion. We chronicle for your review the problem—the numbers, the facts and the temporary steps taken to close the annual shortfall. The goal of Law Day is to promote the ideals of equality and justice. To preserve those ideals the judiciary must be adequately funded as mandated by Pennsylvania's constitution, and we ask for your support in making sure we meet that goal.

Chief Justice Ronald D. Castille

### The Facts

- The judiciary is about one-half of one percent of the state budget, about the same as the legislature.
- Jurists' salaries are constitutionally mandated to protect decisional independence against undue influence.
- 83 percent of the requested budget goes toward personnel.
- Another 13 percent flows directly to the counties for court-related costs.
- The judiciary's operating costs, (e.g., supplies, etc.) are less than 4 percent of its total budget.
- In 2010 the judiciary contributed a record \$480 million to the state, counties, municipalities and victims through the collection of fees and fines and restitution. Those dollars do not flow back to the judiciary.

### Cost-Cutting Measures

- Austerity measures have saved approximately \$17 million over the past three years, an amount equal to the operating and fixed asset budgets over those three years.
- The judiciary has taken steps to cut costs: with consent of the legislature and the governor, vacant judge positions have not been filled suspension of merit-increments and COLAs for half the time period contract and lease savings targeted hiring freeze and out-of-state travel ban
- Future savings: "right sizing" the number of judges at both magisterial district judge (MDJ)

and Common Pleas levels (nine MDJ seats have already been eliminated)

## The Problem

The judiciary has been underfunded by a total of \$94 million in the last six budgets.

- In FY 2010-11 the judiciary received \$276 million in state funds, leaving it with a shortfall of \$38 million – small in context compared to the \$28 billion state budget, but crippling to the courts. Even with the help of a temporary fee (Act 49-2009), the deficit will be \$12 million.
- The governor’s proposed FY 2011-12 budget of \$276 million in state funds leaves the judiciary with a projected gross deficit of \$71.3 million. After the Act 49 fees are added, the net deficit will be \$47.2 million.
- Prior year deficits have been covered by cost efficiencies, program cuts and Act 49 revenues. Large loans from the Judicial Computer Augmentation Account have filled the remaining gap. That account was statutorily created to build and maintain the statewide system used by many courts and upon which many criminal justice and other state and local agencies rely.
- Those loans have put the computer account in financial jeopardy.
- The purpose of maintaining an account balance is to enable the Judicial Computer System to fund multi-year projects, which often require substantial start-up costs. A balance also ensures an emergency reserve to recover computer operations after a potential natural or man-made disaster at the data center.
- In 2010 the internationally recognized Gartner Group analyzed the account and determined that based on current and projected revenues and expenditure, it would be depleted in FY 2016-17
- If the account continues to be used to cover shortfall, including the one from FY 2010-11, we estimate depletion of the reserve will be accelerated to FY 2012-13, meaning the judiciary will begin to lose its ability to fully maintain critical IT operations for the 12,000 court staff and law enforcement as well as develop systems for family, civil and orphans’ courts
- This chart depicts the projected precipitous decline in the Judicial Computer Augmentation Account balance because of unpaid loans needed to fund general government operations due to inadequate budget appropriations.

*Compiler’s note: Chart omitted here.*

Pennsylvania’s Judiciary at Work

In addition to its duty to decide cases, Pennsylvania's judiciary is committed to implementing programs that serve justice and provide a sound "return on investment." Some of the judiciary's current programs and their benefits, both social and fiscal, include:

#### Problem-Solving Courts Increased by 40 Percent Over Two Years

For every dollar invested in a problem-solving court such as drug, mental health, DUI and veterans' courts, \$4.74 can be saved in costs to the criminal justice system, (e.g., corrections), and community.

#### Abused and Neglected Children Helped

The Office of Children and Families in the Courts helps at-risk children find safe and permanent homes. As a result of its work, 5,500 fewer children are in foster care homes, saving hundreds of millions of dollars annually in state and local government costs and, most importantly, improving kids' lives. This 27 percent drop in the number of kids in foster care homes is the result of the work of the Office of Children and Families in the Courts judges and staff statewide.

#### Mortgage Foreclosure Programs Save Homes

The judiciary has encouraged counties to establish mortgage foreclosure programs to help homeowners and lenders. In Philadelphia more than 2,000 homes have been saved.

#### Online Access to Court Records Easier for the Public

In 2010, 32 million case records were accessed through the court's Web site without charge, saving citizens, media, those in government and court interest and staff countless hours in travel and copying time.

#### Court Collections Hit Record High

Automation and a convenient online payment application have improved the collection and processing of defendants' penalties. In 2010 Pennsylvania's courts disbursed a record \$480 million in payments to state and local governments and victims.

#### Judicial Security Improved

The installation of video conferencing equipment for arrangements in more than 480 magisterial district courts and various proceedings in Common Pleas courts has improved court safety and lessened prisoner transportation costs.

*Compiler's note: Insets with featured quotations omitted here.*

#### Med Mal Cases Continuing to Decline

Since the Supreme Court made procedural changes, there has been a seven-year decline in the

number of medical malpractice actions.

### Criminal Courts Automated

Automating 544 magisterial district courts and 67 Common Pleas courts has standardized court processes, improved efficiency and enhanced law enforcement and public safety. Whether improving collections, providing e-filing of citations, making outstanding warrants more accessible, the benefits of these statewide systems save time and money.

### Court Interpreters Program Providing Access to All

The Supreme Court is committed to providing equal access to justice to all citizens, regardless of the language they speak. The Interpreter Certification Program provides trained and qualified interpreters to ensure the rights of persons with limited English proficiency as well as those who are deaf or hard of hearing.

### Interbranch Commission on Juvenile Justice Recommendations Being Implemented

In the past nine months, the Court has either implemented or is in the process of implementing scores of significant recommendations to make sure the tragedy in Luzerne County never happens in Pennsylvania courts again.

### Lawyer Disciplinary Process Confidentiality Lifted

The Supreme Court removed a long-standing veil of confidentiality in the lawyer disciplinary process by authorizing disciplinary proceedings to be open to public review once formal charges—otherwise known as a Petition of Discipline—are filed and after the respondent-attorney has either filed an answer or the time to answer the petition has elapsed.

### Conduct for All Judicial Employees Reinforced with New Code

The Supreme Court adopted a comprehensive Code of Conduct for some 15,000 state and county-level court employees, barring them from using their positions for personal gain; soliciting or accepting additional compensation beyond their salaries for the performance of their duties; doing special favors; and misusing court resources, supplies or equipment to benefit themselves or others.

### Education for Teachers and Jurists Offered

Teachers throughout the state continue to attend the Supreme Court-sponsored “Teachers Institutes on the Judiciary” to promote and encourage greater emphasis on civics education in the classroom and foster a better understanding of the role of courts in a democratic society. At the same time, the judiciary understands the importance of well-informed jurists and offers classes ranging from computer training to managerial skills and from legal refreshers to court operations updates.