

State of the Commonwealth's Courts
Chief Justice Ronald D. Castille, Pennsylvania Supreme Court
Written Message
May 1, 2012

In recent years, typically around May 1 (designated nationally as Law Day), I have reported to the people of Pennsylvania on the state of the Commonwealth's courts. Here, again, it is my privilege to do so.

Ensuring access to justice is the highest priority of Pennsylvania's courts. Courts must be open to hear disputes involving families, to resolve commercial issues and to uphold justice and protect victims when crimes are involved. To ensure that access, courtrooms must be open to defend Americans' rights as constitutionally enshrined - to prove again and again that ours is a free and just society.

This year, under the theme "No Courts, No Justice, No Freedom," the American Bar Association has focused its attention on the national issue it believes is most problematic in sustaining access to justice: underfunding of court systems across the country. For as in Pennsylvania, too, underfunded courts ultimately render timely justice less accessible.

Pennsylvania's courts this year benefited from strong collaboration between all three branches of state government in beginning to resolve the judiciary's long-standing funding challenges. Just as we recognize the challenges state government leaders face, we believe that they understand that our fundamental fiscal challenges remain and that our commitment to a judiciary that works hard, creatively and innovatively, is sincere.

For instance, Pennsylvania leads the nation in the way we use technology to make the courts accessible and efficient. The data we generate is used widely in government to help make informed policy decisions, foster public safety and be transparent.

Our innovative programs provide opportunities for dramatic differences in peoples' lives and are often proving to be cost-savers as well. Among these are problem-solving courts; our landmark efforts that continue to help at-risk children find safe, permanent homes; and mortgage mediation programs.

Just as importantly, we continue to look at our costs, including our unprecedented effort, nearing completion of its first phase, to ensure that Pennsylvania has enough jurists to meet caseload demands, but no more judges than we need.

We want you to know what we are doing, and we need you to know of the issues that confront us. Some may observe that financial resource issues have become a recurrent theme in this report in recent years, but only of necessity, for those issues remain critical.

ADEQUATELY FUNDING OUR NATION'S COURTS

Across the country, severe funding cuts are crippling the ability of courts nationwide to fulfill their critical role. We join with the American Bar Association this year to bring the fiscal plight of courts across the country to the forefront. As the ABA notes, "No Courts, No Justice, No Freedom."

- No judicial system wants to spend more than is necessary to fulfill its constitutional role, but incredibly, not one state spends more than 4 percent of its annual budget on its judiciary, and many states, including Pennsylvania, fund their courts at less than 1 percent.
- Approximately 95 percent of all legal cases are filed in state courts.
- At last count, states reported 106 million incoming trial courts cases, the most in 35 years.
- Last year, 42 states cut much-needed funding for their judiciaries.
- Courts have been forced into hiring freezes, pay cuts, judicial furloughs, staff layoffs, increased filing fees, reduced hours and facility closures.
- Criminal case delays create a dilemma. Should those awaiting trial be kept for extended periods or should they be released risking public safety?
- Civil case delays translate into growing backlogs in cases that affect families, children, businesses and consumers.

CURRENT FINANCIAL STATE OF PENNSYLVANIA COURTS

Constructive collaboration among all three branches of the state government has helped Pennsylvania's judiciary "tread water" fiscally, even as its overall financial picture has continued to slowly sink.

PENNSYLVANIA JUDICIARY FISCAL FACTS

- Funding remains about one-half of 1 percent of the state budget (about the same as the legislature).
- 85 percent of the requested budget goes toward personnel, most of that for jurists.
- Another 12 percent flows directly to the counties for court-related costs.
- Operating costs are less than 3 percent of the total budget.
- Jurists' salaries are constitutionally mandated to protect decisional independence against undue influence.
- The state-funded judicial staff complement has remained flat.
- Budget shortfalls over the past seven years have been filled by "loans" from an account that funds the judicial computer system, endangering Pennsylvania's courts' ability to use technology for greater efficiency and to help assess solutions to policy problems.

Pennsylvania Unified Judicial System

In 2010 Pennsylvania's courts processed 3.5 million cases.

In 2011 senior judges worked 1,126 days without compensation.

In 2011 criminal court collections were \$470 million.

Judiciary Fiscal Facts

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Judiciary Cost-Cutting Measures

Austerity measures have saved approximately \$26 million over four years. Some of this year's savings include:

- The first year of magisterial district judge "right-sizing" - \$947,000
- Not filling Common Pleas and magisterial district court vacancies - \$3.29 million
- Jurists' and employees' contributions to the cost of their health care - \$1.7 million
- Renegotiation of leases and contracts - more than \$1 million
- A change in a workers compensation carrier reduced that expense by \$608,000.

Collections and Savings That Benefit Others

The judiciary is unique-it collects far more than it receives each year in its budget. Over the past five years, the court's state appropriations have totaled less than \$1.5 billion, and its collections from criminal courts alone have exceeded \$2.3 billion.

Even more noteworthy, the funds the judiciary collects do not, for the most part, flow back into its coffers. The money goes largely to state and local governments.

In addition to the millions of dollars collected for state and local governments, the judiciary continues to support innovative programs that generate savings for other agencies:

- The Supreme Court's Office of Children and Families in the Courts, along with the Department of Public Welfare and other partners, has reduced the number of dependent and delinquent children in temporary foster care homes by more than 7,000, or 33 percent. Placing these children into permanent family settings greatly improves their chances to succeed and significantly reduces the cost of institutional care, saving an estimated \$117 million annually.
- Videoconferencing of preliminary arraignments and other court proceedings saves counties an estimated \$21 million a year in reduced transportation and security costs.
- Expansion of problem-solving courts saves \$3.36 for every \$1 spent and improves the chances that graduates remain arrest-free after serving their sentences.

- Electronic filing of traffic citations by the Pennsylvania State Police saves an estimated 60,000 hours a year. It also saves the court 77,000 hours a year. Overall, the savings are in the millions of dollars.

The judiciary Collaborates:

- as a charter member and active participant in JNET, Pennsylvania's Criminal Justice Network
- as a member of the State Victim Advocate's Restitution in Pennsylvania Task Force
- as a member of the commonwealth's Justice Reinvestment Initiative
- as a long-standing and active participant with the Pennsylvania Commission on Crime and Delinquency
- through extensive data exchange initiatives with the Pennsylvania State Police; the Departments of Revenue, Transportation, Corrections, Health and DPW; the Pennsylvania attorney general; the Pennsylvania auditor general; the Pennsylvania Game Commission; the Juvenile Court Judges' Commission; the County Commissioners Association of Pennsylvania; the Pennsylvania Commission on Sentencing.

The Dangers of a Shrinking Judicial Computer System Account

- The Judicial Computer System (JCS) Account was created to fund development and maintenance of the statewide system used by the courts, most criminal justice agencies and others.
- For seven years loans from the JCS Augmentation Account have been used to fill the judiciary's budget gaps. The combination of declining fee revenue, projected increases in expenses and these loans put JCS operations in jeopardy.
- A fund balance needs to be maintained to enable the JCS to undertake multi-year projects. Per consultants' recommendations, money is also designated as an emergency reserve to recover computer operations after a potential natural or man-made disaster at the data center.
- This chart shows the seriously declining JCS fund balance (excluding the emergency reserve). It shows that this account can no longer be used to cover funding shortfalls and will be insufficient to cover critical IT operations. Discussion of increased JCS revenues will be necessary next year.

Who else is affected when justice isn't funded

The Pennsylvania legal Aid Network is an independent entity that provides legal services for Pennsylvanians too poor to afford their own lawyers. Because of a decrease in funds from each of its funding sources, Legal Services is facing a crisis. The judiciary respectfully encourages reconsideration and restoration of these critical funds.

The Judicial Conduct Board is the independent state agency responsible for investigating allegations of judicial misconduct or disability or impairment. The Judicial Conduct Board has been underfunded for several years and will not be able to fulfill its constitutional mission nor

address recommendations made by the interbranch Commission on Juvenile Justice without limited, additional funding.

Initiatives that Make a Difference in People's Lives

Problem-Solving Courts

Pennsylvania's nearly 100 problem-solving courts have been successful in improving offender outcomes and reducing incarceration costs.

This year the court launched a first-in-the-nation online training for veteran court mentors. Mentors support and guide veterans in the court system who are struggling with drug/alcohol, mental health and other difficulties. Pennsylvania leads the nation with more veterans courts than any other state.

Docket Sheets and Financial Data Easily Accessible Online

In 2011, 41 million Web docket sheets were accessed from the Internet at no charge. This eliminates the time and cost for people to travel to courthouses for paper copies of information. It also saves court staff time from making paper copies available.

The judiciary's financial information has long been accessible on the Web site; now summaries of contracts and purchase orders are also available. The site received more than 60,000 hits in 2011.

Supreme Court Proceedings on PCN

This year the Supreme Court joined its sister appellate courts on Pennsylvania Cable Network (PCN). For the first time, PCN taped Supreme Court proceedings for later broadcast in their entirety. And in another first, the Court allowed PCN to cover the legislative redistricting hearings live due to intense public interest.

"Freezing" justice

Chief Justice Castille has again called for extending the freeze on interim judicial appointments. While freezing vacancies is not a practice to be continued indefinitely, particularly in light of limited funding for senior judge service, the chief justice points out that over the past two years, not filling vacancies has saved taxpayers more than \$7.3 million.

MAKING A DIFFERENCE IN PEOPLE'S LIVES AND SAVING TAXPAYER DOLLARS

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Even more noteworthy, the funds the judiciary collects do not, for the most part, flow back to the judiciary! The money goes largely to state and local governments for general government use.

In addition to the millions of dollars collected for state and local governments, the judiciary continues to support innovative programs that both improve lives and generate savings for other agencies:

OFFICE OF CHILDREN & FAMILIES IN THE COURTS

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CHALLENGES TO OUR COMMITMENT TO SWIFT AND FAIR JUSTICE FOR ALL

Who Else Is Affected When Justice Isn't Funded?

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