

**REPORT**

**of the**

**SPECIAL COURTS ADMINISTRATION**

**SUBCOMMITTEE**

**of the**

**INTERGOVERNMENTAL TASK FORCE**

**TO STUDY THE**

**DISTRICT JUSTICE SYSTEM**

## EXECUTIVE SUMMARY

This report is submitted by the Special Courts Administration Subcommittee of the Intergovernmental Task Force to Study the District Justice System. The Special Courts Administration Subcommittee (hereinafter “the Subcommittee”) was one of three subcommittees formed when the Supreme Court of Pennsylvania convened the Task Force on May 30, 2001. In drafting this report, the Subcommittee’s intent was to aid the Supreme Court in identifying problems, challenges, and opportunities relating to the administration and management of Pennsylvania’s district justice courts, and to make recommendations to improve the operations of those courts. The Subcommittee had seven members: three president judges of the courts of common pleas, two district justices, a district justice court administrator and a police chief. Staff support was provided through the Administrative Office of Pennsylvania Courts (AOPC).

The Subcommittee met three times to identify relevant issues, discuss them, and formulate recommendations. As its first task, the Subcommittee identified a comprehensive list of administrative and management issues relating to the district justice system. The Subcommittee then researched and analyzed numerous legal authorities and other sources of information. The Subcommittee also thoroughly reviewed and considered the many responses to surveys that had been circulated to district justices via the Special Court Judges Association of Pennsylvania. Based on the issues identified and the information gathered, the Subcommittee formulated ten recommendations for the Supreme Court’s consideration.

In drafting recommendations, the Subcommittee attempted to “think outside the box,” putting all ideas on the table without being constrained by concerns about the

potential need for legislative changes or funding issues. However, where possible, the Subcommittee framed recommendations that can be addressed via court rules or internal procedures, because such recommendations may be easier to implement. Further, the Subcommittee was mindful of funding issues, and where appropriate did address these concerns.

The following are the ten major areas addressed by the Subcommittee's recommendations and a summary of each recommendation:

1. The Subcommittee recommends that the Supreme Court, by general rule, specifically outline the authority, powers, and responsibilities of the president judges with regard to the management of the district justice system.
2. The Subcommittee recommends that the Supreme Court adopt a "menu" of options for president judges to provide continuous coverage by an issuing authority in a fair and efficient manner. The recommended options include variations of traditional "on-call" systems, full service night courts, the use of appointed bail commissioners to act as issuing authorities, and other options.
3. The Subcommittee recommends that the Supreme Court adopt a uniform formula and standards for determining staff size in each district court based on case load.
4. The Subcommittee recommends that the Supreme Court, by general rule, adopt further specific minimum standards for district court facilities and equipment. Also, the Subcommittee recommends several technology enhancements for the district courts, including a recommendation to study the feasibility of electronic filing of cases.
5. The Subcommittee recommends that the AOPC study the current use of credit and bank cards for the payment of fines and court costs, and explore the feasibility of a statewide credit card service contract to provide this payment option in all district courts.
6. The Subcommittee recommends that district court statistical reports be revised to more accurately and consistently reflect the work done in district courts and central courts.
7. The Subcommittee recommends that the Supreme Court, by general rule, require district justices to submit a monthly report to president judges to monitor case flow and track the age of specific cases.

8. The Subcommittee recommends that the Supreme Court adopt two new rules of civil procedure for district justices to provide for coverage in the absence of an issuing authority, and for the reassignment of civil cases when needed.
9. The Subcommittee recommends that the Supreme Court amend the general rule relating to bonds of district justices to provide for increased bond amounts to better protect against loss of funds from the district courts.
10. The Subcommittee recommends that the Supreme Court adopt a convenient reference guide for district justices in the conduct of routine administrative and judicial functions.

## INTRODUCTION

This report is submitted by the Special Courts Administration Subcommittee of the Intergovernmental Task Force to Study the District Justice System. The purpose of this report is to aid the Supreme Court of Pennsylvania in identifying problems, challenges, and opportunities relating to the administration and management of Pennsylvania's district justice courts, and to make recommendations to improve the operations of those courts. In formulating this report, the Subcommittee was mindful of the importance of the district justice courts to Pennsylvania's Unified Judicial System, as they are the courts in which most citizens of the Commonwealth will have their only contact with the judiciary. Thus, the Subcommittee hopes that this report will give the Supreme Court the information it needs to improve the operations of the district justice courts, to address their administrative needs, and to provide them with adequate resources to deliver to the citizens of Pennsylvania the highest quality judicial services possible.

### **Subcommittee Membership and Staff**

The Special Courts Administration Subcommittee (hereinafter "the Subcommittee") was comprised of three president judges of the courts of common pleas, two district justices, a district justice court administrator and a police chief. Staff support was provided through the Administrative Office of Pennsylvania Courts (AOPC). Members and staff of the Subcommittee were:

The Honorable John M. Cleland, *President Judge, McKean County, Chair*

The Honorable Joseph M. Augello, *President Judge, Luzerne County*

The Honorable William J. Martin, *President Judge, Indiana County*

The Honorable Martin R. Kane, *District Justice, Luzerne County*

The Honorable A. Joseph Weindorf, *District Justice, Erie County*

District Justice Administrator Ward T. Williams, Esquire, *Delaware County*

Chief of Police Michael J. Carroll, *West Goshen Township, Chester County*  
and 1<sup>st</sup> Vice President, *Pennsylvania Chiefs of Police Association*

Joseph J. Mittleman, Esquire, *Director of Judicial Programs*  
Michael F. Krimmel, Esquire, *Staff Counsel, Minor Court Rules Committee*

### **Identification of Issues**

The Subcommittee met three times in State College to discuss the administrative needs and challenges of the district justice courts. As its first task, the Subcommittee devoted a significant amount of time to identifying the relevant administrative issues in need of examination. After extensive discussion and deliberation, the Subcommittee identified a comprehensive list of issues covering the following major subject areas:

- Defining the powers and authority of the president judges of the courts of common pleas with regard to the administration of the district justice system;
- Bonds of district justices;
- Facilities and equipment issues;
- Technology issues;
- Staff issues;
- Case flow management issues;
- Night duty and coverage issues;
- Central courts issues;
- Other miscellaneous administrative issues.

The following section of this report will specifically state the issues and the corresponding recommendations.

## **Research and Resources**

In identifying the relevant issues, and in formulating recommendations, the Subcommittee examined and analyzed numerous legal authorities including constitutional and statutory provisions, rules of court, case law, and other sources of information.<sup>1</sup>

Further, the Subcommittee thoroughly reviewed the many responses to surveys that had been circulated to district justices via the Special Court Judges Association of Pennsylvania. These survey responses provided the Subcommittee with valuable input from the district justices, particularly regarding night duty coverage, the role of the president judges, staff issues, technology issues and others. The Subcommittee acknowledges and appreciates these responses, and made every effort to give them due consideration.

## **RECOMMENDATIONS**

In formulating recommendations, the Subcommittee attempted to “think outside the box,” putting all ideas on the table without being constrained by concerns about the potential need for legislative changes or funding issues. In all cases, the Subcommittee attempted to seize this opportunity to review all system related administrative issues. However, where possible, the Subcommittee framed recommendations that can be addressed via court rules or internal procedures, because such recommendations may be more feasible to implement than those requiring legislative or constitutional changes. Also, the Subcommittee was mindful of funding issues, and where appropriate did include suggestions regarding funding of court programs. Finally, the Subcommittee attempted to specify in its recommendations the most appropriate method of

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<sup>1</sup> A complete list of the authorities that the Subcommittee relied upon is attached to this report as Appendix A.

implementation: by court rule, by establishing minimum standards, by empowering president judges to address issues according to local needs, or by legislative or constitutional changes.

The following is a complete statement of the issues identified by the Subcommittee and the corresponding recommendations. Where necessary, the Subcommittee has included explanatory comments to highlight its considerations in formulating the recommendation.

1. *Defining the Authority and Powers of the President Judges of the Courts of Common Pleas with Regard to Administration of the District Justice System*

**Recommendation:** The Subcommittee recommends that the Supreme Court amend Rule 17 of the Rules Governing Standards of Conduct of District Justices, or adopt other general rules, to specifically define certain areas of authority of the president judges of the courts of common pleas with regard to management of the district justice system, including but not limited to the following:

a. *Records* - The president judge shall have authority to require the district justices or such other person designated by the president judge to maintain personnel records and other records in such form as directed by the president judge or required by general or local rule.

b. *Meetings with District Justices* - The president judge or his or her representative shall meet on a regular basis with the district justices of his or her judicial district and shall have authority to require the attendance of the district justices at such meetings.

c. *Personnel in the District Justice Courts* -

i. The minimum job qualifications for employees in a district justice court shall be prescribed by the Supreme Court of Pennsylvania and the president judge shall have authority to increase, but not decrease, the minimum job qualifications with regard to the district justice court employees in his or her judicial district.

ii. The president judge shall have authority to establish procedures regarding the hiring, firing, supervision, and discipline of all employees in the district justice courts of the judicial district.



iii. A district justice shall have the right, with the consent of the president judge and subject to paragraphs (i) and (ii) above, to designate or appoint and fix the duties of one personal staff member who may be designated as the lead staff member in his or her office.<sup>2</sup>

iv. The president judge shall have authority, after consultation with the affected district justice, to transfer or assign a staff member from one district justice court in the judicial district to another as may be necessary in his or her discretion in the interest of efficient administration of the judicial district; and to hire and assign as appropriate temporary or floater personnel.

v. The president judge shall have authority to establish a system of performance evaluation for employees in the district justice courts in the judicial district.

vi. The president judge shall have authority to prescribe initial and ongoing training for employees in the district justice courts in the judicial district.

**d. *District Justice Leave Time; Coverage During Leave Time* -**

i. The president judge shall have authority to coordinate vacation leave time for district justices in the judicial district to assure access to judicial resources.

ii. Subject to the provisions of paragraph (i) above, district justices, as elected members of the judiciary, shall enjoy autonomy with respect to: (1) choosing when to take vacations, subject to reasonable coordination with the president judge and the other district justices in the judicial district; and (2) deciding whether court sessions in addition to normal court hours are necessary to complete assigned work, provided that the president judge be advised of such decisions.

**e. *Office Hours* -** The president judge shall have authority to designate the ordinary hours of work of district justice courts in the judicial district in accordance with Rule 103 of the Rules and Standards With Respect to Offices of District Justices.

**f. *Temporary Assignments; Transfer of Cases* -** The president judge shall have authority to order temporary assignments of district justices or reassignments of certain classes of cases to other magisterial districts or to

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<sup>2</sup> See 42 Pa.C.S. § 2301(a)(1).

central courts within the judicial district or within any regional unit of which the judicial district is a part as may be necessary in his or her discretion.<sup>3</sup>

**g. *Complaints Regarding Conduct of District Justices* - When complaints are received with respect to the conduct of a district justice, the president judge shall, when appropriate in his or her discretion, review the complaint with the affected district justice and take any other administrative action that the president judge deems appropriate.**

**h. *Procedural Audits* - The president judge shall have authority to direct procedural audits of the district justice courts to assure compliance with general and local rules, administrative policies and procedures, and the *District Justice Automated Office Clerical Procedures Manual*. To protect the independence of the judiciary, such procedural audits shall be separate from the fiscal audits conducted by the county controller and/or state Auditor General, which shall be limited in scope to the accounts of the district justice. Such procedural audits may be conducted by the district court administrator, an outside independent auditor, or such other person as the president judge may designate.**

**COMMENT:**

Rule 17 of the Rules Governing Standards of Conduct of District Justices<sup>4</sup> broadly states that the president judge of the judicial district has general supervisory authority and administrative control over the district justices in the judicial district, but fails to specifically define the president judge's authority in major administrative areas. In reviewing this issue and formulating this recommendation, the Subcommittee was concerned that president judges are given the *responsibility* of overseeing the district justice system, but are not given clearly defined *authority* with regard to management of the system. Accordingly, the Subcommittee determined that Rule 17 should be amended and expanded to specifically outline the authority, powers, and responsibilities of the president judge with regard to management of the district justice system.

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<sup>3</sup> See *infra* related Recommendation 8.b. regarding a new general rule to provide for such reassignment of cases.

<sup>4</sup> Rule 17 states “[t]he president judge of the court of common pleas of a judicial district shall exercise general supervision and administrative control over district justices within his judicial district.”

In enumerating the authority, powers, and responsibilities of the president judges, however, it was not the Subcommittee's intention to create an exclusive list of powers and responsibilities, nor was it the Subcommittee's intention to limit the president judges' authority to the areas listed. The Subcommittee agreed that the president judges should have broad authority with regard to management of the district justice courts, but it further determined that certain areas of authority and responsibility should be specifically defined.

With regard to initial training of district court employees, the Subcommittee further suggests, if feasible, that the program of DJS computer training at the AOPC Central Site be made more accessible by AOPC providing financial assistance to those judicial districts that may not have sufficient resources to send new staff members to the training.

## **2. *Night and Weekend Duty Coverage ("Night Court")***

**Recommendation: The Subcommittee recommends that by general rule if possible, or by enabling legislation if necessary, procedures be adopted to give president judges the authority to implement one or more of the following options for night and weekend duty coverage as local conditions require:**

**a. To assign a district justice to conduct preliminary arraignments only at designated times while being on-call to handle other emergencies, while designating a prison or other official to accept deposits of bail "at any time."**

**b. To appoint bail commissioners to be available at all times after regular business hours to conduct preliminary arraignments, accept deposits of bail, and issue protection orders, while designating a district justice to be on call for the limited purpose of issuing arrest and search warrants.**

**c. To establish a full-service night court in a central location, staffed by an on-duty district justice or bail commissioner and dedicated staff.**

**d. Other options as may be proposed by the president judge and approved by the Court Administrator of Pennsylvania.**

**Any of the options listed above may incorporate the use of video conferencing technology.<sup>5</sup>**

**The Subcommittee expressly recommends that senior district justices, unless sitting and compensated as bail commissioners, not be routinely used for night and weekend duty coverage, as this is not an appropriate use for such costly and limited judicial resources.**

**COMMENT:**

The Subcommittee engaged in extensive discussion and research regarding night and weekend duty coverage by district justices. The Subcommittee notes that this issue generated more comment from district justices, and more internal discussion, than any other issue addressed in this report. The Subcommittee heard accounts of district justices being on call 24 hours a day for up to a week at a time, while trying to maintain their office and hearing schedule during regular business hours. These accounts included complaints about the rigors of after-hours coverage causing fatigue, physical illness, and a lack of ability to concentrate in hearings. Also, the Subcommittee learned that many district justices are required to handle matters at nighttime in their own offices, often with no staff support and little or no security. It became obvious to the Subcommittee that in many judicial districts, night and weekend duty now entails much more than handling the

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<sup>5</sup> Related to night duty coverage and videoconferencing is the emergence of central or regional booking centers. These centers are set up for the speedy and efficient processing of arrestees, including typical “booking” processes such as fingerprinting, photographing, and temporary holding of arrestees pending preliminary arraignment. Most such centers utilize Livescan fingerprinting that allows for extremely fast identification of arrestees, and enhances public and officer safety. These centers are law enforcement functions, often established by the district attorney or county sheriff, and are not directly related to the court system. However, in its discussions about the efficient provision of after-hours coverage by district justices, the Subcommittee recognized that these centers can benefit the entire criminal justice process, and can work very well in conjunction with a central night court or with videoconferenced preliminary arraignments. The Subcommittee recommends that local court officials cooperate with law enforcement officials in the establishment of central or regional booking centers and work to integrate the functions of the booking center with after hours judicial coverage.

occasional arraignment or protection from abuse case. Many district justices indicated that when they are on call, once they are called out the first time at night, they remain in their offices until morning because the work continues to flow throughout the night giving no opportunity for sleep. Despite all the problems associated with night and weekend duty, however, the Subcommittee realized that it is necessary for the president judge of each judicial district to assure coverage by an issuing authority at all times to set and accept bail, and to handle other emergency matters after regular business hours. This must be done, despite limited judicial and staff resources, in a fair and efficient manner.

The Subcommittee defined the term “night court” as a shorthand way of referring to a system to comply with the requirement that at least one issuing authority be available in each judicial district to provide continuous (“24/7”) coverage. The Subcommittee agreed that any night court system must be:

1. Fair
  - to the district justices
  - to the court users including law enforcement, the public, and parties/defendants, and
2. Efficient
  - by being cost effective
  - by not wasting time or causing delay
  - and by not taking away from the daily duties of the district justices.

Also, from the outset, the Subcommittee realized that this issue, more than any other, would require empowering the president judges to establish systems to meet the needs of the individual judicial districts. Accordingly, the Subcommittee determined that it needed to recommend that the Supreme Court adopt a menu of options from which president judges could choose in order to provide the required coverage.

The Subcommittee attempted to identify and list a district justice’s after hours responsibilities and the types of things for which a district justice is typically called out to handle. The group identified the following list:

- Accepting deposits of bail – Pa.Rs.Crim.P. 132 and 521(B);
- Preliminary arraignments – setting bail, etc., including DUI cases in which the defendant is not a resident of the Commonwealth – Pa.Rs.Crim.P. 132, 516, 517, 518 and 540;
- Emergency Protection From Abuse orders – 23 Pa.C.S. § 6110 and Pa. R.C.P.D.J. No. 1201 *et seq.*;
- Immediate trials in summary cases instituted by arrest without a warrant – Pa.R.Crim.P. 441(C);
- Issuing search warrants;
- Issuing arrest warrants.

The Subcommittee noted that district justices in some counties may customarily handle additional matters after hours, particularly in those counties that operate “full-service” night courts. This list, however, is intended to include only those matters that a district justice would be required to handle by general rule or statute, or that the Subcommittee deemed important enough to require an immediate response by a district justice.

The Subcommittee then engaged in a discussion of the relevant case law regarding a defendant being afforded a preliminary arraignment without unnecessary delay. In an effort to define “unnecessary delay” as it relates to the availability of district justices, the Subcommittee reviewed *Commonwealth v. Davenport*<sup>6</sup> and *Commonwealth*

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<sup>6</sup> 370 A.2d 301 (Pa. 1977) (where accused is not arraigned within six hours of arrest, any statement obtained after arrest but before arraignment is not admissible).

*v. Duncan*<sup>7</sup>, as well as *Commonwealth v. Williams*<sup>8</sup>, which is cited in the Comment to Pa.R.Crim.P. 518.

In light of the case law, there was discussion about whether “unnecessary delay” can be defined as any period over six hours. The Subcommittee agreed that such a restrictive rule is not necessary, as *Duncan* makes clear that the six hour rule relates to the time between arrest and the time the defendant gives a statement, and gives flexibility in the amount of time that is permissible between arrest and arraignment. Thus, there was general agreement that, according to the case law reviewed, *for purposes of conducting preliminary arraignments* it would be acceptable for a district justice to be available only at specified times as opposed to “at all times.” It was noted that in at least one county, the night duty schedule calls for a “window” of district justice availability every eight hours.

Having established that there does exist some flexibility in the “unnecessary delay” standard with regard to district justice availability for preliminary arraignments, the Subcommittee attempted to reconcile the requirements of the various criminal rules that necessitate after hours availability. The Subcommittee noted that Rule 132(A)<sup>9</sup> requires “continuous availability” to set bail (i.e. conduct preliminary arraignments) and

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<sup>7</sup> 525 A.2d 1177 (Pa. 1987) (modified *Davenport* by holding that “the focus should be upon *when* the statement was obtained, i.e., within or beyond the six hour period. If the statement is obtained within the six hour period, absent coercion or other illegality, it is not obtained in violation of the rights of an accused and should be admissible. In keeping with the underlying objectives of the rule, only statements obtained after the six hour period has run should be suppressed on the basis of *Davenport*.” 525 A.2d at 1182-83.).

<sup>8</sup> 400 A.2d 1258 (Pa. 1979).

<sup>9</sup> Pa.R.Crim.P. 132(A) states, “(1) The president judge of each judicial district shall be responsible for insuring the availability at all times within the judicial district of at least one issuing authority. (2) The issuing authority assigned to be on duty after business hours shall set bail as provided in Chapter Chapter [sic] 5 Part C, and shall accept deposits of bail in any case pending in any magisterial district within the judicial district.”

accept bail; Rules 516, 517(A), and 518(A)<sup>10</sup> require that a defendant be afforded a preliminary arraignment “without unnecessary delay” (as discussed above); and Rule 520(B) provides that “[a] defendant may be admitted to bail on any day and at any time.” In analyzing these rules, the Subcommittee determined that there appear to be two different standards contained within the “continuous availability” requirement: the “without unnecessary delay” standard that applies to setting bail (preliminary arraignments) and a more rigid “on any day and at any time” standard that applies to accepting deposits of bail. Therefore, the Subcommittee determined that even if a district justice could be made available only at designated times to conduct preliminary arraignments, a district justice would still be required to be available “at any time” to accept deposits of bail from defendants who wish to be released from pretrial detention.

It was suggested that, in considering after hours coverage, the Subcommittee take the need to accept deposits of bail out of the equation. If this responsibility were to be taken away from district justices, then the focus could be on the more flexible requirement of providing for preliminary arraignments without unnecessary delay. It was then suggested that some person designated by the president judge, perhaps an employee of the county prison, clerk of courts office, or some other county agency, could accept deposits of bail after regular business hours in cases where bail has been previously set

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<sup>10</sup> Pa.R.Crim.P. 516 states, “When a defendant has been arrested in a court case, with a warrant, within the judicial district where the warrant of arrest was issued, the defendant shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay.” Pa.R.Crim.P. 517(A) states, “When a defendant has been arrested in a court case, with a warrant, outside the judicial district where the warrant of arrest was issued, the defendant shall be taken without unnecessary delay to the proper issuing authority in the judicial district of arrest for the purpose of posting bail, as permitted by law.” Pa.R.Crim.P. 518(A) states, “Except as provided in paragraph (B), when a defendant has been arrested without a warrant in a court case, a complaint shall be filed against the defendant and the defendant shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay.”



by an issuing authority. This could be done at the county prison or at such other locations as may be necessary. Such an arrangement would eliminate the need for a district justice to be available “at any time” to perform an essentially ministerial function. It was noted that a district justice would still need to be available for other emergencies such as issuing arrest and search warrants, but these cases would be limited.

The Subcommittee then discussed the possibility of bail commissioners, similar to those used in Philadelphia, being appointed to set and accept bail and perform other functions of an issuing authority after regular business hours. It was suggested that a bail commissioner could be available at all times to assure continuous availability. There was extensive discussion about this idea and the Subcommittee identified the following issues relating to the idea:

- One bail commissioner could be appointed to cover a number of smaller or less populated counties where there would not be enough after hours activity to justify one commissioner per county. The multi-county bail commissioner could conduct proceedings in the various counties via video-conferencing connections to one or more central or regional locations in each county.
- If video conferencing were to be used as described above, bail could be accepted at the remote locations by appointing a prison or other official to accept the bail as described above. Deposits of bail could be secured and then forwarded to the appropriate court.

It was also suggested that the use of bail commissioners and video conferencing would tie in well with the central booking centers that are being operated or planned in several counties. Arraignments could be conducted as they are in Philadelphia via video conferencing between the booking center and the court location where the bail commissioner would preside.

The Subcommittee attempted to set parameters for bail commissioner authority. After discussion, the Subcommittee agreed that bail commissioner authority should be limited to the following:

- A bail commissioner should be given authority to preside as an issuing authority only outside of regular business hours, as defined by the president judge, when the district justice courts are closed.
- When sitting as an issuing authority, a bail commissioner's authority should be limited to conducting preliminary arraignments and setting bail, accepting deposits of bail, and issuing emergency protection orders as authorized by statute or general rule.<sup>11</sup>

Given the recommended limitations on bail commissioner authority, the Subcommittee notes that when bail commissioners are used as proposed here, a district justice must still be on call and available to issue arrest and search warrants. The Subcommittee believes, however, that these occurrences are limited.

It is the Subcommittee's intention in making this recommendation that where used, bail commissioners, as all other options for night and weekend duty coverage, be funded by the counties. The Subcommittee notes that bail commissioners may be appointed from within existing court departments such as court bail agencies or probation departments, or other agencies such as the county sheriff's office. Further, the Subcommittee recommends that president judges be given broad authority, subject to any general rules the Supreme Court deems necessary, to establish the work hours, compensation,<sup>12</sup> qualifications, and training requirements of bail commissioners on the local level. Finally, the Subcommittee agreed that senior district justices may be

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<sup>11</sup> The Subcommittee noted that this authority is more limited than that of bail commissioners appointed by the Philadelphia Municipal Court. *See* 42 Pa.C.S. § 1123(a)(5).

<sup>12</sup> With regard to compensation of bail commissioners, however, the Subcommittee strongly recommends that bail commissioners be paid a salary or per diem rate and that they *not* be paid on a fee for service basis.

appointed to serve as bail commissioners. However, when sitting as a bail commissioner the senior district justice's authority and compensation should be limited to that of a bail commissioner as described herein, and service as a bail commissioner may not interfere with the individual's duties as an appointed senior district justice.

In recommending that the options for night and weekend duty coverage include the use of appointed bail commissioners, the Subcommittee in no way means to suggest that authority can or should be taken away from district justices. This recommendation is intended only as a means to relieve the burden on district justices and to assist them in the performance of their duties by granting appointed judicial officials limited authority during limited time periods. The recommendation is based on the recognition that the system needs additional resources and that existing judicial resources are, in many counties, being stretched too thin. The Subcommittee believes that the use of appointed bail commissioners is a good option for district justices, for law enforcement agencies that have come to rely on the continuous availability of the courts, and for the public that is deserving of easy access to judicial services.

The Subcommittee also included in its recommended menu of options for night and weekend duty coverage a "full service" night court in a central location as is already in place in a number of counties. The Subcommittee noted that the advantages of such systems may include a central, permanent location (often with security and special night court facilities and amenities), and full-time dedicated staff. It was noted that these systems often work well in more populated counties with larger urban areas.

As a final option, the Subcommittee included "[o]ther options as may be proposed by the president judge and approved by the Court Administrator of Pennsylvania." As

stated above, the Subcommittee was very committed to giving local president judges as much flexibility as possible to establish programs that meet the specific needs of their judicial districts. It was thought, however, that requiring approval from the Court Administrator of Pennsylvania would assure compliance with the basic requirements of night and weekend coverage as outlined in this report.

The Subcommittee then discussed incentives that could be used to induce the counties to cooperate with and fund the various night duty coverage options. The Subcommittee identified the following funding options:

- The court of common pleas, by local rule, could establish a percentage cash bail program in which the county could retain a portion of the percentage cash bail deposited as an administrative fee for running the program.<sup>13</sup>
- The Governor and General Assembly could reinstate, in the state budget, the per-district justice subsidy that was once paid to the counties to offset the cost of the district justice system.
- The Governor and General Assembly could fund a district justice grant program similar to the grant program to fund facilities and staff support for senior judges at the common pleas level.
- Bail commissioners and full service night courts could process defendants arrested on summary “scofflaw” warrants at any time, thereby increasing the potential collection of fines and court costs. Currently, in many counties, defendants wanted in summary cases for failure to respond or failure to pay fines and costs are arrested only during regular business hours when a district justice is available to arraign the defendant.

Finally, the Subcommittee discussed the use of senior district justices for night duty coverage. The Subcommittee reviewed information provided by the Administrative Office of Pennsylvania Courts regarding the compensation, use, and current complement

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<sup>13</sup> See Pa.R.Crim.P. 528(c) (“After determining the amount of the monetary condition, the bail authority may permit the deposit of a sum of money not to exceed 10% of the full amount of the monetary condition if he or she determines that such a deposit is sufficient to ensure the defendant’s appearance and compliance.”) and Comment (“If a percentage of the cash bail is accepted pursuant to these rules, when the funds are returned at the conclusion of the defendant’s bail period, the court or bail agency may retain as a fee an amount reasonably related to the cost of administering the cash bail program. See *Schilb v. Kuebel*, 404 U.S. 357 (1971).”). See also Pa.R.Crim.P. 535(D) (“Within 20 days of the full and final disposition of the case, the deposit shall be returned to the depositor, less any bail-related fees or commissions authorized by law, and the reasonable costs, if any, of administering the percentage cash bail program.”).

of senior district justices.<sup>14</sup> The Subcommittee recognized the funding problems and the limited number of senior district justices in many counties. The Subcommittee agreed that senior district justices, as a limited judicial resource, should be used only where there are excessive case load problems, judicial vacancies, etc., and that night duty or night court coverage does not fit into any of these categories. After discussion, the Subcommittee agreed that its report should reflect that the use of senior district justices is not a recommended option for night duty or night court coverage (unless the senior district justice is appointed, sitting, and compensated as a bail commissioner as discussed above).

### 3. *District Court Staffing Levels*

**Recommendation: The Subcommittee recommends that the Supreme Court, through the Administrative Office of Pennsylvania Courts, develop and adopt a uniform formula and standards for determining staff size in each district court based on the size and nature of each court's case load.**

#### **COMMENT:**

It is the finding of the Subcommittee that the staffing levels in district courts vary greatly from county to county and that there are no statewide uniform standards for district court staffing levels. The lack of such uniform standards places some president judges and court administrators at a disadvantage when seeking funding for additional staff from funding sources. The Subcommittee noted that some president judges and local court administrators have adopted caseload-to-staff ratios of between 1000 and 1500 cases per fulltime staff member, based on unwritten "rules of thumb" for the allocation of AOPC DJS computer terminals. However, to enable president judges and

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<sup>14</sup> This information is attached to this report as Appendix B.

court administrators to effectively frame budget requests, the Subcommittee determined that there needs to be uniform, statewide written standards for district court staffing levels.

#### **4. *District Court Facilities, Equipment, and Technology Issues***

**Recommendation:** The Subcommittee recommends that the Supreme Court amend Rule 101 of the Rules and Standards With Respect to Offices of District Justices and adopt specific minimum standards for district court facilities<sup>15</sup> and equipment including but not limited to the following:

##### **a. *Facilities* –**

**i. Location – In addition to the standards for location already specified in Rule 101(1) and (2), the office should be located and designed so as to insure the independence of the judiciary, particularly in cases where the district court is a co-tenant in the same facility as a police department or other non-court agencies or offices.**

**ii. Minimum square footage and adequate office and storage space dependent upon the number of staff and the size and nature of the court's case load.**

**iii. Compliance with Americans With Disabilities Act (ADA) standards including but not limited to physical access for persons with disabilities.**

**iv. Adequate waiting room space dependent on the size and nature of the court's case load.**

**v. An adequate hearing room, dependent on the size and nature of the court's case load, with a judicial bench, witness stand, tables and seating for parties and counsel, and public seating.**

**vi. Adequate interview rooms for parties to confer privately with counsel.**

**vii. A secure prisoner holding cell or room.**

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<sup>15</sup> With regard to district court facilities, the Subcommittee notes that a critical issue, court security, is being addressed by the Quality of Justice Subcommittee of the Task Force. The Subcommittee wishes to stress the importance of and need for adequate district court security.

viii. Minimum amenities such as adequate climate control, access to drinking water, private restroom facilities for the district justice and staff, and a “break room” for the district justice and staff.

b. *Equipment* –

i. Basic office machinery including but not limited to copy machine, fax machine, and postage equipment.

ii. Telephone equipment with an adequate number of lines and extensions.

iii. Wireless communications equipment including wireless telephones or pagers to keep in contact with on-call district justices.

iv. Video cassette players and television monitors for the presentation of video-taped evidence.

v. An adequate law library consisting of print and/or electronic media to provide the district justice with access to relevant statutes, case law, court rules, and other authorities.

c. *Technology and District Justice Automated System (DJS) Issues* -

i. The Subcommittee recommends that the DJS computer equipment provided by the Administrative Office of Pennsylvania Courts should provide access to J-Net, electronic mail (beyond internal DJS e-mail), automated legal research capabilities,<sup>16</sup> and standard office software for word processing and other appropriate functions.

ii. The Subcommittee recommends that the DJS computer system include a user friendly statewide warrant inquiry function so that district justices can search for outstanding warrants from all district courts throughout the state using one or more common defendant identifiers.

iii. The Subcommittee recommends that the Supreme Court, through the Administrative Office of Pennsylvania Courts, explore the feasibility of incorporating electronic filing capability into the DJS, and further that the Supreme Court adopt such procedural rules

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<sup>16</sup> See *supra* Recommendation 4.b.v regarding an adequate law library. Also, the Subcommittee noted that district justices can currently have access to Lexis or Westlaw via the DJS if the district justice or the county pays the subscription fee. It is the intent of this recommendation that district justices be provided with more universal access to automated legal research.

**as may be necessary to permit electronic filing of cases in the district courts.**

**COMMENT:**

It is the finding of the Subcommittee that the quality, size, and nature of facilities and equipment provided to district courts vary greatly from county to county and that many district court offices do not conform to modern office standards and business practices, lacking even the most basic office equipment and amenities. Further, while counties are statutorily required to provide facilities and equipment for the district courts,<sup>17</sup> and Rule 101 of the Rules and Standards With Respect to Offices of District Justices<sup>18</sup> requires that offices meet minimum standards, there are no specific statewide uniform standards for district court facilities and equipment. Accordingly, the Subcommittee recommends that the Supreme Court, by general rule, specify in greater detail the minimum standards for district court facilities and equipment. The Subcommittee anticipates that such standards will aid president judges and court administrators in framing budget requests for their funding sources.

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<sup>17</sup> See 42 Pa.C.S. § 1514 (“The governing body of the county shall establish an office or offices for each district justice at such locations within the county as may be approved by the president judge of the court of common pleas of the judicial district in compliance with general rules.”); 42 Pa.C.S. § 3722 (“Except as otherwise provided by statute, each county shall continue to furnish... to the minor judiciary established for the county...all necessary accommodations, goods and services which by law have heretofore been furnished by the county.”); and 42 Pa.C.S. § 3725 (“All accommodations, goods and services furnished to personnel of the system by a county or any other government agency shall be furnished in conformity with general rules.”).

<sup>18</sup> Rule 101 states, “[t]he governing body of the county shall establish an office or offices for each district justice whose magisterial district is situated in the county at such locations within the county as may be approved by the president judge of the court of common pleas of the judicial district which includes the county. The governing body shall insofar as possible insure that each office meets the following minimum standards: (1) The principal office should be located in a place convenient to the public and which will allow the business of the office to be conducted with dignity, decorum and dispatch. (2) Such office shall not be located in or appurtenant to the residence or place of business of the justice of the peace. It shall have a hearing room and such other rooms as may be necessary, and shall be provided with necessary furniture and equipment. (3) A district justice shall be provided with such staff, forms, supplies and equipment as shall be necessary for the proper performance of his duties. To maintain the dignity of his office, he shall be provided with judicial robes.”



With regard to incorporating electronic filing capability into the DJS, the Subcommittee noted that some taxing and municipal authorities, government agencies, and law firms “bulk file” cases in the district justice courts. For example, certain taxing or municipal authorities may attempt to collect past due taxes or fees by filing civil suits in a district justice court. These types of cases are often filed in bulk, sometimes several hundred at one time, creating backlogs and the need for staff overtime in the affected court. The Subcommittee further noted that most of these “bulk filers” maintain their case information in automated databases in a format that could be shared with the DJS. However, because the district justice courts require a paper complaint to initiate an action, the agencies must reduce their data to writing in the form of a complaint, that is then delivered to the district justice court. Upon receipt of the complaint, the district justice then inputs the information from the complaint into the DJS automated database. The Subcommittee recognizes that this data-to-paper-to-data cycle wastes time, creates unnecessary duplicate data entry, increases the risk of clerical errors, and drives up costs for litigants and the court system. The Subcommittee noted with interest the electronic filing program recently implemented for civil case filings in the Philadelphia Municipal Court. The Subcommittee therefore recommends that AOPC explore the feasibility of implementing a similar program on the DJS for use in the district justice courts.

##### **5. *Use of Credit Cards and Bank Cards***

**Recommendation: The Subcommittee recommends that the Administrative Office of Pennsylvania Courts study the current use of credit cards and bank cards in the district justice courts and adopt uniform statewide procedures for the use of these payment options. Further, that the Administrative Office of Pennsylvania Courts explore the possibility of entering into one statewide credit card contract, or a few regional contracts, to offer the credit card payment option to all district courts throughout the state at the lowest cost.**

**COMMENT:**

A number of individual counties have established programs for the use of credit cards and bank cards in district justice courts for the payment of fines and court costs. The counties that have established programs do not have consistent policies and procedures for the use of credit and bank cards. Also, many counties, especially those with few district courts, may not have the ability to establish credit card programs because of limited administrative resources. Further, those counties with few district courts may pay higher transaction and discount fees because of the relatively small amount of business generated by only a few district court offices. Therefore, the Subcommittee recommends that AOPC explore the feasibility of a statewide contract or a few regional contracts for the provision of credit and bank card services to make these payments options available in all judicial districts at the lowest possible cost.

**6. *Statistical Reporting***

**Recommendation: The Subcommittee recommends that District Justice Automated System (DJS) docketing procedures and statistical analysis accurately reflect the work done in central courts and by the district justices assigned to central courts. Further, that the DJS caseload statistical reports include a category to count miscellaneous docket cases handled by the courts.**

**COMMENT:**

It is the finding of the Subcommittee that the caseload statistical reports provided through the District Justice Automated System (DJS) do not adequately count certain types of cases and certain work performed in the district courts resulting in under-reporting of the actual work done in some district and central courts, and over-reporting in others. Specifically, there is no consistent method by which central court statistical

information is recorded and the DJS does not include miscellaneous docket cases in the caseload statistical reports.

## **7. *Case Flow Management Reports***

**Recommendation: The Subcommittee recommends that the Supreme Court require, by general rule, district justices to submit a monthly report to the president judge of the judicial district to identify and explain: (1) all cases awaiting disposition 40 days or more, and, (2) all criminal and summary cases in which the defendant is incarcerated and awaiting hearing or trial 10 days or more. Further, that the Administrative Office of Pennsylvania Courts make the necessary programming changes to the District Justice Automated System (DJS) to facilitate the identification of such cases and the automatic production of this report using data from the DJS.**

### **COMMENT:**

The Subcommittee engaged in extensive discussion about the merits of adopting time standards for the disposition of cases in the district justice courts or other case flow management tools. It was noted that time standards could be used as a management tool to help district justices and president judges monitor case flow and to properly allocate personnel and other resources. By analyzing how disposition times in a given district court compare to the standards, district justices and president judges can make informed decisions about such matters as reassigning cases, adding staff, and redistricting.

After discussion, however, the Subcommittee agreed that a case tracking report, submitted by the district justices to the president judges, would be a better tool to monitor and track specific cases in the district justice courts that may be lingering without disposition. Such a report would serve as a reminder to district justices to monitor cases, especially those involving incarcerated defendants. Also, the report would give president judges a tool to monitor case flow in the district courts. The Subcommittee noted that all of the data needed to compile such a report is already in the District Justice Automated

System, and the system could be programmed to facilitate the production of the report.

District justices would, however, need to explain the reasons for any delay of case dispositions on the report.

It is the intent of this recommendation that the report would *not* contain information on cases in which there is no service or in which a warrant is outstanding. Such information would likely render the report too long and would not serve the intended purpose.

**8. *New General Rules of Civil Procedure Governing Actions and Proceedings Before District Justices***

**Recommendation: The Subcommittee recommends that the Supreme Court adopt two new general rules as follows:**

**a. A new rule in the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices to provide for the continuous availability, during regular business hours, of at least one district justice in the judicial district to handle routine civil matters, such as the issuance of orders of execution or orders for possession, so that such matters are handled in a timely manner even in the absence of the proper issuing authority.**

**b. A new rule in the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices to provide for the reassignment of certain classes of civil cases to other district justices or to central courts when required by local conditions and in the interest of the efficient administration of justice.**

**COMMENT:**

As to the first recommended rule, while the continuous availability of at least one district justice in each judicial district for the handling of criminal matters is required by Pa.R.Crim.P. 132, no similar rule exist requiring availability of a district justice to handle routine civil matters in the absence of the district justice who would normally be required to handle the matters. The Subcommittee was informed that parties in civil and

landlord/tenant actions, particularly judgment holders, are often frustrated by delays in the issuance of judgments, orders of execution, or orders for possession when the proper issuing authority is unavailable because of vacation, illness, attendance at mandatory continuing education classes, etc. Accordingly, the Subcommittee recommends that the Supreme Court amend the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices to provide for the availability, during regular business hours, of at least one district justice in the judicial district specifically designated to handle routine civil matters, such as the issuance of orders of execution or orders for possession, so that such matters are handled in a timely manner even in the absence of the district justice who would normally be required to handle them.

The Subcommittee further recommends that the Supreme Court adopt a new rule of civil procedure for district justices, similar to Pa.R.Crim.P. 131, to provide for the reassignment, by the president judge, of certain classes of cases to other district justices or to central courts when required by local conditions and in the interest of the efficient administration of justice. For example, certain taxing or municipal authorities may attempt to collect past due taxes or fees by filing civil suits in a district justice court. These types of cases are often filed in bulk, sometimes several hundred at one time,<sup>19</sup> creating backlogs and the need for staff overtime in the affected court. In these situations a president judge may find it necessary and appropriate to transfer some cases to another court to ease the burden on the court in which the cases would normally be heard. Also, the Subcommittee was made aware of certain situations in which a president judge may wish to centralize certain classes of civil matters for the convenience of the court,

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<sup>19</sup> See *supra* Recommendation 4.c.iii regarding electronic filing.

municipal agencies, and the parties. For example, a president judge may determine it appropriate to centralize all local housing code cases before one district justice, essentially creating a “housing court” to handle a specialized case load. While the Subcommittee makes no recommendation as to the merits of such centralization, the Subcommittee determined that president judges should have these options at the local level.

### 9. *Bonds of District Justices*

**Recommendation: The Subcommittee recommends that the Supreme Court amend Rule 110 of the Rules and Standards With Respect to Offices of District Justices to require a minimum bond amount for each district justice that is based on the average balance of that district justice’s district court bank account in the preceding twelve months.**

#### **COMMENT:**

Rule 110 of the Rules and Standards With Respect to Offices of District Justices<sup>20</sup> requires that each district justice give bond in an amount directed by the president judge of the judicial district but not less than \$2,500.00. Given the case loads of and the amount of money collected by most district courts, the minimum bond amount required by this rule is likely insufficient to cover the loss if a district justice were to misappropriate funds from his or her district court bank account. Accordingly, the Subcommittee recommends that the Rule be amended to provide for a bond in an amount that is based on the average balance of the district court’s bank account, as this amount

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<sup>20</sup> Rule 110 states, “[e]ach district justice is required to give bond in such a sum, not less than two thousand five hundred dollars (\$2,500.00), as shall be directed by the president judge of the court of common pleas of the judicial district in which is located the magisterial district of the district justice, with one or more sufficient sureties. The bond shall be lodged with the prothonotary of the court of common pleas, be conditioned on the faithful application of all moneys that come into the hands of the district justice as an officer, and be for the benefit of the Commonwealth and its political subdivisions and all persons who may sustain injury from the district justice in his official capacity.”

represents the potential loss should funds be misappropriated. The Subcommittee anticipated that the local court administrators would be responsible for reviewing annual audit reports or other data to determine the average account balance, and then make recommendations to the president judge as to the appropriate bond amount for each district justice in the judicial district.

**10. *District Justice Bench Book***

**Recommendation: The Subcommittee recommends that the Supreme Court, through the Administrative Office of Pennsylvania Courts, develop and adopt a bench book for district justices to provide district justices with a convenient reference guide in the conduct of routine administrative and judicial functions, including but not limited to criminal matters; civil and landlord/tenant matters; marriage ceremonies; contempt powers; taking oaths or affirmations; swearing in local officials; office accounting and internal controls; etc. The bench book should include references to statutes, court rules, and other relevant authorities.**

**COMMENT:**

While the *District Justice Automated Clerical Procedures Manual* provides routine procedural guidance to district court support staff, and the various rules of court provide procedural guidance to district justices, the district justices have no single, convenient source of information regarding the conduct of routine administrative and judicial functions. The Subcommittee noted that the 32<sup>nd</sup> Judicial District (Delaware County) has adopted and approved such a bench book.

## APPENDIX A

The following is a list of primary and secondary authorities that the Subcommittee reviewed in the course of identifying issues and formulating recommendations, including constitutional provisions, statutes, court rules, cases, and other sources of information.

### **PRIMARY AUTHORITIES:**

#### **Constitutional Provisions**

Pa. Const. art. V, § 1 (Unified judicial system)

Pa. Const. art. V, § 6 (Community courts; Philadelphia municipal court and traffic court)

Pa. Const. art. V, § 7 (Justices of the peace; magisterial districts)

Pa. Const. art. V, § 10 (Judicial administration)

Pa. Const. art. V, § 13 (Election of justices, judges and justices of the peace)

Pa. Const. art. V, § 15 (Tenure of justices, judges and justices of the peace)

Pa. Const. art. V, § 16 (Compensation and retirement of justices, judges and justices of the peace)

Pa. Const. art. V, § 17 (Prohibited activities)

#### **Statutory Provisions**

16 P.S. § 1722.1 (West 2001) (Audit of accounts of minor judiciary)

23 Pa.C.S. § 6102 (West Supp. 2001) (Definitions)

23 Pa.C.S. § 6110 (West Supp. 2001) (Emergency relief by minor judiciary)

42 Pa.C.S. § 102 (West Supp. 2001) (Definitions)

42 Pa.C.S. § 325(e) (West 1981) (Powers of president judge)

42 Pa.C.S. § 1123 (West Supp. 2001) (PHILADELPHIA MUNICIPAL COURT; Jurisdiction and venue)

42 Pa.C.S. § 1501 (West 1981) (Definitions)

42 Pa.C.S. § 1502 (West 1981) (Classification of districts)



42 Pa.C.S. § 1511 (West 1981) (District justices)

42 Pa.C.S. § 1514 (West 1981) (Offices)

42 Pa.C.S. § 1515 (West Supp. 2001) (Jurisdiction and venue)

42 Pa.C.S. § 1722 (West Supp. 2001) (Adoption of administrative and procedural rules)

42 Pa.C.S. § 1723 (West 1981) (General supervisory and administrative authority)

42 Pa.C.S. § 1724 (West 1981) (Personnel of the system)

42 Pa.C.S. § 2131 (West Supp. 2001) (Minor Judiciary Education Board)

42 Pa.C.S. § 2301 (West 1981) (Appointment of personnel)

42 Pa.C.S. § 3111 et seq. (West Supp. 2001) (QUALIFICATIONS OF CERTAIN MINOR JUDICIARY; Definitions)

42 Pa.C.S. § 3722 (West 1981) (General facilities and services furnished by county)

42 Pa.C.S. § 3725 (West 1981) (Standards of local facilities and services)

42 Pa.C.S. § 4122 (West Supp. 2001) (Assignment of district justices)

42 Pa.C.S. § 4123 (West 1981) (Assignment procedure)

61 P.S. § 798 (West 1999) (Temporary detention of prisoners)

### **Administrative Code Provisions**

*Relating to temporary detention of prisoners in county prisons:*

37 Pa. Code § 95.222 (2000) (Admission.)

37 Pa. Code § 95.225 (2000) (Classification.)

37 Pa. Code § 95.232 (2000) (Medical and health services.)

### **Court Rules**

#### **Rules Governing Standards of Conduct of District Justices**

Rule 3 (Priority of judicial business)

Rule 4 (Adjudicative responsibilities)

Rule 5 (Administrative responsibilities)

Rule 8 (Disqualification)

Rule 17 (Supervision of district justices by president judges)

Rules and Standards with Respect to Offices of District Justices

Rule 101 (Establishment of offices; Minimum office standards)

Rule 102 (Implementation committees)

Rule 103 (Office schedules)

Rule 110 (Bonds of district justices)

Rule 112 (Temporary assignments of district justices)

Rules of Civil Procedure Governing Actions and Proceedings Before District Justices

Pa. R.C.P.D.J. No. 1202 (Definitions)

Pennsylvania Rules of Criminal Procedure

Pa.R.Crim.P. 103 (Definitions)

Pa.R.Crim.P. 131 (Location of proceedings before issuing authority)

Pa.R.Crim.P. 132 (Continuous availability and temporary assignment of issuing authorities)

Pa.R.Crim.P. 133 (Powers of temporarily assigned issuing authorities)

Pa.R.Crim.P. 516 (Procedure in court cases when warrant of arrest is executed within judicial district of issuance)

Pa.R.Crim.P. 517 (Procedure in court cases when warrant of arrest is executed outside judicial district of issuance)

Pa.R.Crim.P. 518 (Procedure in court cases initiated by arrest without warrant)

Pa.R.Crim. P. 520 (Bail before verdict)

Pa.R.Crim.P. 528 (Monetary condition of release on bail)

Pa.R.Crim.P. 535 (Receipt for deposit; Return of deposit)

Rules of the Philadelphia Municipal Court Establishing Standards and Procedures for the Appointment and Authority of Bail Commissioners

Phila. M.C.R. Crim. P., B.C., Sec. 1.00 (Appointment.)

Phila. M.C.R. Crim. P., B.C., Sec. 6.00 (Supervision of Bail Commissioners by President Judge.)

Phila. M.C.R. Crim. P., B.C., Sec. 8.00 (Bail Commissioners to Fix Bail. Appeals.)

Phila. M.C.R. Crim. P., B.C., Sec. 10.00 (Course of Instruction and Examination Required.)

**Cases**

*Relating to preliminary arraignment without unnecessary delay:*

Commonwealth v. Davenport, 471 Pa. 278, 370 A.2d 301 (1977)

Commonwealth v. Duncan, 514 Pa. 395, 525 A.2d 1177 (1987)

Commonwealth v. Williams, 484 Pa. 590, 400 A.2d 1258 (1979)

Commonwealth v. Devan, 338 Pa. Super. 95, 487 A.2d 869 (1985)

*Relating to supervision of district justices by president judges:*

In re Timbers, 674 A.2d 1217 (Pa. Crt. Jud. Disc. 1996)

**SECONDARY AUTHORITIES:**

Eric J. Bronstein, Note, *The Davenport Rule -- Delays in Preliminary Arraignments Beyond Six Hours After Arrest No Longer Necessarily Preclude Inculpatory Statements Made Within Six Hours After Arrest* -- Commonwealth v. Duncan, 61 Temp. L. Rev. 541 (1988).

Survey conducted by the Pennsylvania Association of Court Management (PACM) regarding various district justice administration issues

Selected sections from the *Pennsylvania Manual of Court Management*

- The Role of the Common Pleas President Judge
- Chapter I - General Supervision of the Minor Judiciary System of the Judicial District

Hiring standards for district justice staff recently adopted by the Pennsylvania Association of Court Management (PACM)

Memorandum from Lehigh County District Justice Administrator H. Gordon Roberts regarding a weighted case load system for determining staffing levels in the district justice courts, January 23, 1988

***PROPOSED*** amendments to the Pennsylvania Rules of Criminal Procedure to allow the president judge of a judicial district to establish procedures for conducting summary trials at a centralized location within the judicial district, 30 Pa.B. 1360 (March 11, 2000)

***PROPOSED*** amendments to the Pennsylvania Rules of Criminal Procedure to clarify the procedures for using advanced communication technology in preliminary arraignments following a defendant's arrest in a court case, 29 Pa.B. 4536 (August 28, 1999)


The Initial Report of the Pennsylvania Futures Commission on Justice in the Twenty-First Century, March 2000

APPENDIX B

Supreme Court of Pennsylvania  
**ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

**Memorandum**

**TO:** Special Courts Administration Subcommittee

**FROM:** Joseph J. Mittleman, Esquire  
Director of Judicial Programs 

**DATE:** August 8, 2001

**RE:** Senior District Justices

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I have compiled the following information regarding senior district justices:

- Their current per diem rate is \$154.92.
- Use of senior district justices is concentrated in a few counties. The attached memo shows usage for the fiscal year July 1, 2000 to June 30, 2001. Of the 352 requests, 59 were for out-of-county district justices; the rest were for in-county.
- The general AOPC policy regarding use of senior judges and district justices is guided by the attached memo from State Court Administrator Pines.
- An updated senior district justice complement map is also attached.

If anyone would like any additional information for our August 22 meeting, just let me know.

JJM:ens  
Attachments

Supreme Court of Pennsylvania



ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

ZYGMONT A. PINES, ESQ.  
COURT ADMINISTRATOR OF PENNSYLVANIA

1515 Market Street, Suite 1414  
Philadelphia, PA 19102  
(215) 560-6300

MEMORANDUM

5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055  
(717) 795-2000

**TO:** Joseph J. Mittleman  
Director of Judicial Programs

**FROM:** Diane C. Bowser *DCB*  
Judicial Assignment Administrator

**DATE:** August 8, 2001

**RE:** Senior District Justice Assignment Requests

Per your request, the following is the amount of assignment requests for Senior District Justices, by county, for the period from July 1, 2000 to June 30, 2001.

<u>County</u>	<u># of Requests</u>	<u>County</u>	<u># of Requests</u>
Allegheny	151	Jefferson	1
Berks	62	Lehigh	4
Bradford	1	Luzerne	6
Butler	4	Lycoming	1
Chester	2	Monroe	6
Clarion	1	Montgomery	27
Cumberland	2	Northampton	6
Dauphin	23	Northumberland	1
Delaware	3	Washington	23
Erie	9	Westmoreland	9
Indiana	10		

**TOTAL: 352**

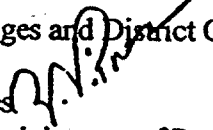
SUPREME COURT OF PENNSYLVANIA



ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
1515 MARKET STREET, SUITE 1414  
PHILADELPHIA, PENNSYLVANIA 19102  
(215) 560-6300

MEMORANDUM

**TO:** All President Judges and District Court Administrators

**FROM:** Zygmunt A. Pines   
Acting Court Administrator of Pennsylvania

**DATE:** July 27, 2000

**RE:** Senior Judge/District Justice Assistance

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I am writing to clarify the A.O.P.C. policy on recommending senior judge/district justice assistance for "vacant" offices, more popularly known as the "30 day rule."

In cases where senior judicial assistance is needed due to extraordinary circumstances (e.g., death, major surgery, unexpected resignation), this office will make every attempt to expeditiously locate an available senior judge or district justice and present a recommendation to the Supreme Court for approval.

However, when a vacancy exists for more routine, short-term reasons (e.g., vacations, minor surgery, anticipated absences of any sort), the judicial district should attempt to cover the vacant office with existing judicial resources, which obviously necessitates cooperation among the active judges and district justices.

In general, assignment requests must be received no later than thirty (30) days prior to the assignment's commencement date, otherwise they will be processed with the following month's set of requests forwarded to the Supreme Court for consideration. The Court has made very clear to this office that it must have adequate time to review all assignment requests.

Your cooperation is appreciated.

cc: Thomas B. Darr  
Joseph J. Mittleman, Esq.  
Diane Bowser

*Report of the Special Courts Administration Subcommittee  
Intergovernmental Task Force to Study the District Justice System*

