Official newsletter of the Pennsylvania Judicial System

# AOPONNECTED



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Efforts to modify and adapt the Judiciary's long-term communications plan reflect our current landscape – where 93 percent of Americans receive news and info through digital channels.

Technology has no doubt played a vital role in keeping court functions operating during the pandemic, and while the newsletter was already in the process of going digital, recent months have helped to speed that process up.

This new electronic format will allow us to cover news in a more timely and frequent manner, cut costs, and reduce our environmental footprint.

Originally limited to 16 pages, we will now be able to customize the length, shorten content and embed links and videos.

AOPConnected will no longer be printed and mailed out to those accustomed to receiving it in paper form; however court staff and users will soon be able to subscribe to the e-newsletter on our website once the process of adding an opt-in feature is complete.

We also continue to expand and increase our use of social media as a means to provide information and share the good work of the courts with public.

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# Lackawanna County Treatment Court receives \$2 million grant

Lackawanna County Treatment Court will receive a nearly \$2 million grant over a five-year period from the Substance Abuse and Mental Health Services Administration (SAMHSA).

U.S. Rep. Matt Cartwright, a member of the House Appropriations Committee, announced the grant in a press release in early June saying, "Treatment courts offer rehabilitation and compassion, and the hard work of the program participants and dedication of the mentors yield real results. They are proven to be both effective at reducing people's chance of sliding back into addiction, and cost-efficient."

Under the direction of Lackawanna County President Judge **Michael Barrasse**, Lackawanna County Treatment Court has been recognized as one of the top 25 in the country.

"The recognition and financial support from SAMHSA will allow us to help individuals who suffer from substance abuse and mental health issues get the treatment and support they need," said President Judge Barrasse.

Lackawanna County is proud to exemplify how evidencebased treatment and an individual's commitment to recovery can bring life-altering changes to families and the community. We celebrate a recovery community that restores families and makes Lackawanna County a better place to live."

A branch of the U.S. Department of Health and Human Services, SAMHSA provides funding to organizations to support community-based substance abuse treatment and recovery services through their grant programs.

The court will receive nearly 400,000 in the first disbursement of the grant next year. AOPC

# **Q&A with Geoff Moulton**

Some of you may already know new Court Administrator of Pennsylvania **Geoff Moulton** from his time as counsel to the Pennsylvania Supreme Court – or as a judge on the Pennsylvania Superior Court.

In addition to these judicial roles, Geoff also made his mark in the legal community with eight years as an assistant U.S. attorney in Philadelphia, including four as first assistant. Furthermore, he directed the independent investigation of the ATF raid on the Branch Davidian Compound in Waco, TX, and reviewed the investigation of Jerry Sandusky for the PA Attorney General.

Among his numerous accomplishments, Geoff served as chief counsel to Vice President Biden's successor in the U.S. Senate, Ted Kaufman, and also assisted with the U.S. Supreme Court nominations of Justices Sonia Sotomayor and Elena Kagan.

Shortly before the pandemic emerged, AOPConnected sat down with Geoff to get to know a little bit more about him as a person, a leader and a father.

## Q&A

## Q: Where did you grow up/ have you ever lived outside of PA?

**A:** I grew up in Montgomery County, in Ambler and Fort Washington. Beginning with college, I've lived in Massachusetts, New York City and Washington, D.C. I came back to Pennsylvania in 1986, and other than a two-year stint in D.C., I've lived here ever since.

## Q: What are some things you like to do outside of work?

**A:** Spend time with our children and their families, including our one-year-old granddaughter. I also like to travel, go hiking, play squash and golf.

## **Q:** What has been the most challenging and/or rewarding thing you've ever done?

**A:** For both, being a father to two wonderful daughters. It is an awesome responsibility, one that I fear is getting harder for parents every day. I've been blessed by having a wonderful partner in this enterprise – my wife, Lisa – and the two of us are both lucky and proud of the terrific adults our children have become.



Geoff Moulton with his wife, two daughters and sons-in-law

#### **Q: What's something on your bucket list? A:** An African safari.

#### Q: What is your leadership philosophy?

**A:** Find the right people, give them a vision, and let them find the best path to success. I've always liked this quote from Steve Jobs – *"It doesn't make sense to hire smart people and tell them what to do; we hire smart people so they can tell us what to do."* 

#### Q: What's the best advice you've received?

**A:** *"Measure twice, cut once."* Or maybe *"Don't let the perfect be the enemy of the good."* Those two thoughts may seem inconsistent, but I think they help me focus on finding the sweet spot between undue caution and recklessness.

### Q: What is your favorite thing to do with your family?

**A:** Just hang out, especially on vacation. We're lucky to have great kids who have grown into responsible, fun and interesting adults.

### Q: Who had the biggest influence on your life?

**A:** My mother and father, who instilled in me the importance of honesty, integrity and hard work.

Above all, even with his impressive career, Geoff will tell you he's most proud of his family.

## **Rapid Fire**

Favorite TV show: The West Wing
Favorite author: Fiction, Richard Russo; Non-Fiction, Walter Isaacson
First car: Ford Mustang
First job: Delivering the Ambler Gazette at age 12
Favorite season: Fall
Favorite travel spot: Cape Cod

# **Allegheny Family Court builds playground**



The courthouse setting can be an intimidating one – especially for children who have experienced trauma or who are experiencing the court system for the first time.

Allegheny County Common Pleas Judge **Jennifer McCrady** has been involved in discussions about ideas for modifications to the courthouse to help make it a more trauma-informed environment.

In 2017, those discussions eventually led to a partnership with the Allegheny Family Court, Allegheny County Department of Human Services and design students from Carnegie Mellon University to come up with ways to improve court experience.

As part of the semester-long sponsorship, students observed court activities and resources, and conducted surveys and focus groups with stakeholders including children, parents and court staff. After completing their research, students presented their results and recommendations in December 2019 to court staff and stakeholders.

While several recommendations were made, Judge McCrady explained that they prioritized ideas that they thought could be easily implemented – one of which was the playground behind the Family Law Center where family court is held.

"The playground will provide an opportunity for families to be together in a more natural environment and hopefully reduce their stress while waiting for their court case," Judge McCrady said.

Installation was slated to begin in mid-February, however COVID-19 delayed these plans and the project was completed the week of July 19. AOPC

## Where and how to resume jury trials

AOPC recently held an open-forum webinar for court administrators and jury managers to discuss ideas for the different procedures and processes involved with resuming jury trials.

The primary challenge most courts face for resuming jury trials – space.

District Court Administrators (DCAs) discussed their courts' need and interest in working closely with community leaders to solve the logistical challenges presented by the pandemic. Through those communications, many courts are finding alternative facilities. For example, Bradford County and Snyder/Union Counties are using high school gymnasiums for jury selection, whereas Franklin County is holding a jury selection and criminal trial in a theatre.

Another method that some courts will likely apply to resume jury selection is the jury pool per case selection process (which may not be as economically efficient, but is safer because fewer people are involved and each juror spends less time at the court facility). This process tends to produce a greater sense of appreciation and perhaps trust among jurors toward the court. The prevailing lesson learned for court administrators and jury managers is the number of trials a court may try at one time is significantly smaller than it was pre-pandemic.

The webinar concluded with reference to the wide variety of helpful resources created by NCSC to help state courts deal with challenges presented by the pandemic.

Several polls were conducted during the webinar to get an idea of where judicial districts currently stand on the resumption of jury trials.

## "Restarting jury trials in Pa" Polling Results

Polling responses below represent where county courts currently stand (as of July 22, 2020) on resuming in-person jury trials and the ideas they may be considering. Responses don't necessarily indicate adopted protocols.





NOTE: 34 out of 60 judicial districts (56 percent) were represented in the polling responses.

Are you providing clear masks or face shields for jurors?



Are you making changes to your jury service process (e.g., move from weekly trials to one day/one trial?)







NOTE: 37 judicial districts (62 percent) were represented in the responses.

## Mock jury exercise helps Chester County Courts prepare to resume jury trials





Operational drills are designed to simulate reallife experiences. These drills, in theory, point out omissions and faults in processes and procedures.

Pennsylvania's 15<sup>th</sup> judicial district, Chester County, conducted such a drill on Thurs., July 23<sup>rd</sup> at the Chester County Justice Center. An additional drill took place at its historic courthouse on July 30<sup>th</sup>.

The purpose of this drill: what will jury trials look like and how will the court conduct such a trial in the face of a pandemic where social distancing is required, and available space is severely curtailed?

The drill took participants through all phases of jury service – reporting for duty at the Justice Center, attending juror orientation in a jury assembly room with reconfigured seating, moving jurors to a courtroom for voir dire, and concluding with a mock presentation of a trial.



Participants included representatives from the district attorney, public defender, sheriff and clerk of courts offices as well as court staff.

By conducting this drill, the court reconfigured its courtroom seating to accommodate jurors as to not place a juror in an uncomfortable location. Additionally, the use of face shields or masks by participants when communicating through the court's sound system was resolved.

The drill, spearheaded by Common Pleas Judge **David Bortner** and District Court Administrator **Patricia Norwood-Foden** was evaluated as enlightening and successful. The true verdict, pardon the pun, will be when real jurors report for service, planned for Aug. 3.



# **Re-starting jury** trials in **P**a

Early in 2020, the COVID-19 Pandemic significantly curtailed nearly every aspect of our society. The court system was not immune. For a time, only the most critical court functions were performed across the Commonwealth.

However, the justice system cannot stay frozen indefinitely. Slowly, and with the utmost concern for public health, court operations have begun to resume, including jury trials as guaranteed by the U.S. and Pennsylvania constitutions.

In May, the Pennsylvania Conference of State Trial Judges and the AOPC collaborated in developing guidance and suggested best practices for trial courts to consider in resuming jury trials.

Chaired by Judge **Terence Nealon**, the Jury Trial Working Group reviewed the work of similar bodies across the country, and carefully considered public health advisories and protocols. The Working Group Report, issued in June, focused on four areas:

- (1) Preparing courthouses for the return of staff, jurors, and other members of the public in the wake of COVID-19
- (2) Summoning prospective jurors, notifying them of new protocols to promote their safety, and obtaining relevant COVID-19 information that may affect their ability to serve as jurors
- (3) Selecting juries, both in-person and virtually through advanced communication technology
- (4) Conducting jury trials. AOPC

## **more**INFORMATION

<u>Read the full jury trial report here</u>. Or, you can view individual judicial district orders on the PA Courts <u>website</u>.



MDJS training was conducted at AOPC's Ritter Road location between July 22-24, 2020 following social distancing and public health protocols.

## York County's first female president judge



In the beginning of June, Judge **Maria Musti Cook** was unanimously chosen by her 14 fellow common pleas judges to become York County's first female president judge.

Judge Musti Cook previously made York County history as the first female president of the county bar association in 1995. Since then, she has gained nearly 15 years of experience serving on the York County bench since January 2006 most recently as the supervising judge for the county's criminal and family court divisions.

"This background has given me a breadth of experience that will be important in the role of PJ. I am honored to have the support of my fellow judges. I am pleased and proud to be the first woman to serve as PJ in York County, especially in this year of the 100th anniversary of the passage of the 19th amendment. Giving women the right to vote opened innumerable doors and we continue to strive for being a part of all important decisionmaking," said Judge Musti Cook.

"Our Commonwealth and nation have faced extraordinary challenges during the past three months addressing COVID-19. We have needed to be flexible and open to new ways of insuring access to our courts. We have had to think outside the box and we have learned valuable lessons. We need to take that innovation and lessons learned through this year and into the years that follow to improve access to justice for all people."

Judge Musti Cook will be sworn in and begin her five-year term as PJ on Jan. 2, 2021. AOPC



Behind Hamlet, there are little stuffed animal Hamlets that his coordinator, **Karen Andreadis** and Judge **Jeffery Wright** sell to generate revenue for his care.

## Happy Birthday Hamlet!

Lancaster County's Treatment Court service dog, **Hamlet**, celebrated his 8<sup>th</sup> birthday in June.

Hamlet joined the Lancaster County Courthouse as a facility dog in 2014, where he assists in the Veterans, Mental Health and Drug Treatment Courts to help reduce anxiety and tension for participants.

Hamlet was trained by Susquehanna Service Dogs (SSD) in Harrisburg – a program of Keystone Human Services Children and Family Services that trains and provides service dogs. Hamlet was the second treatment court dog placed by SSD following Buster's placement in the York County Courthouse a year prior in 2013.

Several treatment courts now use Susquehanna Service Dogs to get a therapy dog for their treatment court. AOPC

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#### Supreme Court of Pennsylvania

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Max Baer Justice

Debra Todd Justice

Christine Donohue Justice

Kevin M. Dougherty Justice

David N. Wecht Justice

Sallie Updyke Mundy Justice

# **#ElderAbuseAwarenessMonth**

In recognition of Elder Abuse Awareness Month, AOPC/Communications launched a social media campaign in June calling attention to elder abuse in Pennsylvania and highlighting the ongoing work with elder justice in the courts.

A new **Elder Abuse Bench Book** was published and distributed to all trial judges in Pennsylvania to assist them with identifying and handling elder abuse issues.

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Pennsylvania ranks 5<sup>th</sup> in the nation for the highest population of adults age 65 and older.

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PA's Guardianship Tracking System (GTS) provides statewide alerts to courts about potential problems with guardians.

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Anyone suspecting elder abuse should call the statewide **Elder Abuse Reporting Hotline at <u>1-800-490-8505</u>.** 



Designed to help protect our most vulnerable citizens, the Guardianship Tracking System (GTS) allows courts to **identify and respond to potential** guardianship problems immediately. For more information about Pennsylvania's courts, visit: www.pacourts.us.



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Setup for ICP oral exam held on June 10.

# Interpreters continue certification process during COVID

While the pandemic has caused ongoing challenges and changes for everyone, court interpreter candidates continue to progress through the certification process thanks to the flexibility of the Interpreter Certification Program (ICP) team.

Originally scheduled to be held in April in Philadelphia, the ICP held its first written exam of 2020 in Western PA on June 10.

A necessary step towards interpreter certification, the exam cannot be given remotely – so when Butler County entered the green phase in early June, Butler County DCA **Erica Cihonski** recommended a nearby hotel as the exam location.

Social distancing, extra capacity and sanitizing of the exam room, wearing PPE and all other precautions recommended by the CDC were observed during the exam. Allegheny County Court's **Greg Sykes** and Interpreter Certification Coordinator **Natalia Petrova** proctored the exam to 15 interpreters of Arabic, American sign language, French, Nepali, Russian and Spanish.

Fortunately, most of the examinees were from western PA, where courts are in dire need of interpreters, and preliminary results have shown that 2/3 of the group have passed the first part of the exam.

A few weeks later, the ICP held their oral exam on June 25. According to NCSC protocols, oral exams must be taken in person, so all possible safety precautions were once again taken for the in-person test.

The next upcoming Orientation Workshop was scheduled to be held in Harrisburg, but due to restrictions on public gatherings and as a preventative measure, it was held online on July 18-19. AOPC

## Legislative roundup by Damian J. Wachter, Esq.

The legislature met in May, June and part of July, with many members continuing to vote remotely due to COVID-19. The General Assembly has recessed for the summer and the recess is scheduled to last until mid-September. Traditionally in an election year, the fall schedule is limited to about four weeks. Because of the status of the budget (see below), it is expected the General Assembly will convene voting sessions on several additional days this fall, including after the Nov. 3 general election.

### **Budget**

On May 29, the governor approved Act 1A of 2020, which became effective on July 1. As a result of the COVID-19 shutdown and the impact it had on revenues, Act 1A is a fivemonth "flat-fund" budget, funding at a level of approximately 41.7 percent of the 2019-20 budget. For the Judiciary, it constituted \$148.2 million in state funds. Under the plan, the state budget is funded through November, requiring the legislature to adopt a second budget – likely sometime after the election – to fund the remaining seven months. The state is facing a \$3.2 billion shortfall.

The governor also approved Act 23 of 2020, extending the statutory surcharges that augment state funds for the general operations of the Judiciary through Dec. 31, 2021.

## Federal CARES in response to COVID-19

The Coronavirus Relief Fund provided \$150 billion in direct aid to state and local governments. Funding was based on population with a minimum payment of \$1.25 billion. Fortyfive percent was set aside for local governments (including counties) with populations exceeding 500,000. The relief funds were allocated for necessary expenditure due to COVID-19 and incurred March 1, 2020, through Dec. 30, 2020.

As noted in the prior newsletter, justice-related initiatives funding totaling \$850 million was allocated via the Byrne/ JAG funding formula to "prevent, prepare for and respond to coronavirus." Pennsylvania received \$17 million, which will be disbursed by PCCD in two phases, the first through the county Criminal Justice Advisory Boards.

Additionally, Act 2A of 2020 was signed by the governor on May 29. The act allocates \$2.6 of \$3.9 billion in federal CARES funds. Additional federal money remains and the General Assembly continues to examine ways to allocate it. Act 2A appropriated CARES funds to the Departments of Agriculture, Education, Health and Human Services, Pennsylvania Emergency Management Agency, Pennsylvania Housing and Finance Agency, Department of Community and Economic Development, the State System of Higher Education and the Pennsylvania Higher Education Assistance Agency.

### **Probation Reform**

The legislature continues its work on reforming county probation. Readers will recall that the House Judiciary Committee moved the House version of reform legislation – HB 1555 – at the end of 2019. The bill has since stalled. The Senate version – SB 14 – was passed unanimously by the Senate on July 15, and referred to the House Judiciary Committee. Briefly, the bill:

- Modifies probation conditions on familial responsibility and requires courts to allow probationers to temporarily leave the jurisdiction
- Prohibits revocation of probation solely for nonpayment of fines and costs
- Allows total confinement upon revocation of probation only upon the commission of a new crime, or upon a technical violation when specific conditions are met – confinement under this scenario is subject to limits
- Establishes a process for probation review conferences, wherein generally after three years of probation for misdemeanors or five years for felonies, probationers are eligible for review conferences
- Establishes administrative probation for cases where courts do not terminate probation because the probationer has failed to pay restitution in full.

The House version addresses similar issues, but also includes provisions on use of medical marijuana while on

probation and language governing grounds for personal searches of probationers' property.

It is expected that legislation capturing provisions of both bills will be considered in the fall with the goal of sending something to the governor prior to the end of the legislative session.

## **Police Reform**

Two policing reform bills were signed into law by the governor on July 14 – Acts 57 and 59. The latter includes provisions impacting the continuing education course for magisterial district judges. Specifically, it requires a course on the identification and reporting of child abuse, as that term is defined by the Domestic Relations Code. Other provisions in the bills, although not impacting the courts, include mental health evaluations for law enforcement officers, municipal police officer training on interaction with individuals of diverse racial, ethnic and

economic backgrounds and law enforcement background investigations.

### Remote notarial acts in response to COVID 19

On April 20, 2020, the governor signed Act 15 of 2020, which required the Department of State to authorize notaries public to conduct remote notarial acts in accordance with the act. The new section created in the act expires 60 days after the expiration of the COVID-19 disaster emergency. House Bill 2370 would enact many of the same provisions as Act 15, but the enactments would remain after the disaster emergency expires. The bill is currently in the Senate Appropriations Committee. AOPC



{Damian Wachter, Esq. is the assistant director of Legislative Affairs.}



# Check out our new brochure

A new brochure about understanding Pennsylvania Courts is now available! It is a companion piece to the Pennsylvania Justice: Understanding the Courts education video which was launched by AOPC in the fall.

Both of these educational pieces describe in basic terms the role of the courts in a democracy, how the Pennsylvania court system is structured and how various types of cases advance through the system.

Judges and other court staff are encouraged to use the video and the companion brochure at outreach events.



Download a copy of the brochure on our website at **pacourts.us/learn** or order copies by emailing **CommunicationsOffice@pacourts.us**. The new brochure replaces an older version of the brochure (A Citizen's Guide: The Judicial Branch).

Watch the video on our website or on our PA Courts YouTube page.

## **MORE** INFORMATION

www.pacourts.us/learn <u>YouTube @PACourts</u>

# **CLE Board develops diversity** training program for lawyers



In a collaboration with Carnegie Mellon University's Entertainment and Technology Center, Pennsylvania's Continuing Legal Education (CLE) Board has developed an interactive diversity training program for Pennsylvania lawyers.

**Cliff Levine**, chair of the CLE Board, explained that this is a first-of-its-kind project for the Board.

Over the course of a roughly two-year period, they worked with a group of six graduate students, along with content experts from around the state, to create an ethics program that is fun and engaging for the lawyers who take it.

In the program, lawyers are shown short animated clips (created largely based on real-life situations) that address some of the pervasive issues and inherent challenges that many lawyers face concerning implicit bias, sexual harassment and inclusion in the workplace.



Utilizing audience-polling technology, lawyers use their cell phones to anonymously vote on multiple-choice questions about the conduct depicted in the scenes they just watched.

The facilitator, who should be well-versed in diversity issues, then begins an in-depth discussion with the group.

"It's been interesting to see that many of the younger lawyers, and those detached from client relations, are more likely to encourage the reporting of misconduct," Levine commented.

He explained that the Board conducted focus groups and purposefully tested the questions to ensure that they were able to produce a range of different answers.

"The goal in all of this was to create 50/50 situations, meaning that we didn't want to have 99 percent of the audience agreeing on an answer and moving on," Levine explained.

The purpose is really to stimulate conversation because it's in that open nature of a dialogue where real perspectives are shared."

Overall, the program has been very well-received among the lawyers who have participated – many of whom enjoyed the opportunity for direct engagement through the audience polling.



The Board has made the program available free to accredited CLE course providers to offer to Pennsylvania lawyers for one to 1 1/2 hours of ethics credit.

If you are a CLE course provider interested in obtaining this program, please contact PA CLE Board Associate Administrator **Katey Buggy** at 717-231-3212 or kbuggy@pacle.org. AOPC

## **MOTE** INFORMATION

For more information visit <u>www.pacle.org/diversity-cle</u>

Over 34 million cases sealed from public view under Pennsylvania's Clean Slate Law



## What is Clean Slate?

The process by which a court of common pleas issues an order of limited access sealing from public view criminal history record information pertaining to an eligible conviction of a misdemeanor offense, a summary offense and/or the nonconviction of any offense.

There are two methods by which a court may grant this status. In certain cases, a person must file a petition with the court of common pleas. In most instances, eligible cases will be identified and processed via an automatic process created and maintained by the AOPC and the Pennsylvania State Police.

The automatic process began on the law's effective date – June 28, 2019.



#### Number of cases and offenses sealed from public view under Clean Slate by County (Approximate as of May 2020)



\*Data reflects all cases, offenses and misdemeanors sealed under Clean Slate from 6/28/2019 – 5/5/2020. Counts by county are available at <u>http://www.pacourts.us/assets/files/setting-7047/file-8210.pdf?cb=ce8fed</u>.

