

AOPC CONNECTED



Issue 3, 2021

In this issue

Read about the upcoming leadership transitions in AOPC/IT, a school justice partnership in Allegheny County, emerging issues in elder law and more.

IT leadership transitions

After nearly 35 years of dedicated service with the judiciary, Director of AOPC Information Technology **Amy Ceraso** retired in June.

For the last 20 years, Amy has led AOPC IT through many technological advances that have augmented the AOPC's mission in supporting the administration of justice.

Amy has worked for the Pennsylvania Courts throughout her entire legal career. During those 35 years, she said that she has seen many things change drastically, but what she's enjoyed most was the opportunity to be a part of a team that developed systems that have significantly improved the delivery of court services throughout the Commonwealth.



“When I started at AOPC, there were barely any county case management systems in place, let alone statewide ones. Now we have over 20,000 people using our case management systems, and we provide data to scores of state and county agencies. When I look at what has been accomplished, I am proud of what we’ve done, particularly in the last several years in building innovative systems like the Guardianship Tracking System,” she said.

“As director, I’ve been able to help build a strong and professional IT team that will hopefully continue on this path, and I truly appreciate all of their hard work and commitment. I’m also thankful for the opportunity to have worked with so many wonderful people who make the court and justice systems run - at all levels of court, including our partners at JNET and other state agencies, and of course, my colleagues at AOPC.”

In retirement, Amy looks forward to playing more golf, reading the pile of books that she has accumulated over the years and hopefully, doing a lot of traveling.

Upon her retirement, Assistant Director of IT **Russel Montchal** will take over as director. Russel has been with the AOPC for 22 years, six of those as assistant director.



“We are so fortunate to have incredibly smart and dedicated people that work in the IT Department. We are always looking for ways to make tangible, positive contributions for the courts,” Russel said.

“I look forward to building new relationships and cultivating existing ones in collaborating with the many internal and external groups that enable us to successfully accomplish improved efficiencies and workflow through the use of technology for the Pennsylvania Judiciary.” ▲



Legislative roundup

by Damian J. Wachter, Esq.

April and May were fairly quiet months legislatively, with the chambers meeting on a handful of days. That changed in June as the House and Senate were both scheduled for 12 voting days, leading up to the passage of the 2021-22 budget.

Budget

The judiciary’s 2021-22 budget request includes three points. The first is a modest 5.7 percent increase in state funding – state funding has been flat since FY 2015-16. The second and third are statutory changes critical to the operation of the judiciary. One is a repeal of the annual diversion of \$15 million from the Judicial Computer System – a third of the system’s annual budget – to ensure operations continue without impact. The other is the reauthorization of what is known as “Act 49” surcharges, which provides for a significant portion of the judiciary’s general operations budget. The surcharges are set to expire later this year.

Constitutional amendment to change the entity that advertises constitutional questions

Readers will recall from the last newsletter a discussion about a Department of State error in failing to advertise legislative passage of a constitutional amendment providing for a two-year window to bring childhood sexual abuse civil claims. In addition to the need to restart the amendment process, the error has resulted in legislation to modify advertisement procedures.

HB 1010 would amend the constitution to replace the Secretary of the Commonwealth with the Legislative Reference Bureau (LRB) or a successor legislative agency,

as the entity responsible for publishing constitutional amendments. The bill also requires that the second publication of proposed amendments include only the language of the amendment, the ballot question to be used and a summary of the amendment as prepared by the LRB or successor agency. The legislation passed the House 113-88 and was referred to Senate State Government. If the Senate also passes the bill, it will have to be considered and passed again in the 2023-24 legislative session before it could appear on the ballot.

Sovereign immunity and two-year window

House **Bill 951** provides for a two-year window to commence civil actions when the individual was under 18 years of age at the time the cause of action ensued, and the time limitation for the cause of action has expired. Additionally, the bill applies the sexual abuse exception to the defenses of sovereign and governmental immunity “retroactively to a cause of action that arose prior to the effective date of this subparagraph [*i.e.*, immediately upon enactment]” and, “prospectively to a cause of action that arises after the effective date,” respectively.

The bill grants the Pa. Supreme Court with extraordinary jurisdiction to hear challenges to, or render declaratory judgements concerning, the constitutionality of the provisions. It states that the Court may take action as it deems appropriate, consistent with the court retaining

jurisdiction over the matter, to find facts or to expedite a final judgement in connection with the challenge or request for declaratory relief.

The House passed HB 951 by a vote of 149-52. The bill was reported from the Senate Judiciary Committee by a vote of 11-3 and is pending further action.

District attorney/attorney general law licenses

SB 420 adds a qualification of district attorneys to the County Code – specifically, that the individual continually hold an active law license during the period he/she is in office. The legislation creates a process for situations when a district attorney is disbarred or suspended. If disbarred, the office is considered vacant, and the vacancy must be filled pursuant to the provisions of the respective County Codes.

If the district attorney's license is suspended, the district attorney is suspended from the office until the sooner of reinstatement or term expiration. If the first assistant is willing and qualified, he/she acts as the district attorney during the suspension. If the first assistant is unwilling or unqualified, the Court of Common Pleas appoints a competent person meeting the requirements.

The bill passed the Senate unanimously and has been referred to the House Judiciary Committee.

Senate Bill 457 is a constitutional amendment governing the qualifications of the attorney general, clarifying that he/she must be an active member of the bar. The legislation establishes a process for situations when the attorney general is disbarred or suspended. If disbarred, the office is considered vacant.

If the attorney general's license is suspended, the first deputy attorney general if qualified and able to hold the office, serves as the acting attorney general until the sooner of the reinstatement of the license, or the expiration of the current term. If the first deputy attorney general is not qualified or able to serve, the executive deputy attorney general of the Criminal Law Division serves as the acting attorney general.

The bill was reported unanimously from the Senate Judiciary Committee and is pending further consideration.

Sentencing – murder of unborn child

HB 1095 addresses the decision in Commonwealth v. Haynes, 125 A.3d 800 (Pa.Super.2015), clarifying that convictions of third degree murder of an unborn child, murder of an unborn child and voluntary manslaughter of an unborn child require a sentence of life. The bill passed the House 123-80 and was referred to the Senate Judiciary Committee.

Failure to appear for payment determination hearing and collection agencies

SB 516 allows issuing authorities to turn delinquent accounts over to private collection agencies or county collection enforcement units when a defendant fails to appear for a scheduled and noticed financial determination hearing. The bill was reported 13-0 from the Senate Judiciary Committee and is pending further action in the Senate.

Compulsory Joinder Statute and Perfetto

SB 588 addresses the decision in Commonwealth v. Perfetto, 652 Pa. 101 (2019), clarifying that prosecution is not barred for offenses based on the same conduct or arising from the same criminal episode if the offense for which the defendant was formerly convicted or acquitted was a summary offense or a summary traffic offense. A companion bill has been introduced in the House – **HB 1231**. SB 588 was reported 12-0 from the Senate Judiciary Committee and is pending further action in the Senate. ▲



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

School Justice Partnership introduced in Allegheny County

In an effort to divert youth away from school-related arrests and toward supportive, restorative and skill-building alternatives, Allegheny County Juvenile Probation has recently signed a contract with the National Center of State Courts (NCSC) Court Consulting Services.

The goal of the new partnership is to strengthen existing relationships and build new formal agreements between Allegheny County schools and the Court's Juvenile Court Division.

There is inherent overlap between schools and juvenile court. Not only is school connectedness a protective factor to keep youth out of the justice system, but those who experience exclusionary school discipline (like out-of-school suspensions and expulsions) are significantly more likely to enter the juvenile justice system in the subsequent year.

Additionally, students of color are significantly more likely to experience exclusionary school discipline and referrals to court for school-based incidents.

School justice partnerships aim to reduce these negative outcomes and support student success by implementing formal agreements between courts and schools.

With the leadership of Allegheny County Common Pleas Judge **Dwayne Woodruff**, Allegheny County Juvenile Court has partnered with three schools to develop strategies for reducing referrals to court and plans to initiate partnerships with two additional schools this year.

With support from the Pittsburgh Foundation, NCSC will provide support in sustaining existing partnerships, coordinating new partnerships and evaluating the efforts.

The evaluation will end up documenting what these School Justice Partnerships look like in action and assess the extent to which they are being implemented as intended.

The hope is that this work not only contributes to positive outcomes for young people and their communities, but also informs similar partnerships in other school districts.

For more information on this work, please contact Teri Deal at tdeal@ncsc.org. ▲

Water intrusion project at the PJC



Employees working in the Pennsylvania Judicial Center (PJC) who have been reporting into the office may have noticed fencing around different areas of the building over the past several months.

The process first began several years ago to resolve a leak in the building's foundation and restore the areas where water damage had occurred.

Working with AOPC Administrative Services, the Pa. Department of General Services is managing and funding the public works project.

As construction continues, the fencing will remain around the front of the building through September, when work will then move to the right side of the building facing North Street.

Currently ahead of schedule, the project is slated to be completed in December.

Throughout the duration of the work, AOPC Administrative Services staff have attempted to minimize any disruptions caused by the noise, doing their best to identify and work around court hearings and shift meetings to the side of the building opposite to the construction site.

Employees and visitors will continue to have access to the PJC front entrance during the entire construction period.

For any questions about the project, please contact Administrative Services (Facilities) at AdminSrvDept-Facilities@pacourts.us. ▲

Emerging issues in elder law

In May, the AOPC Judicial Education Department held a virtual, two-part program for judges that focused on identifying the emerging issues in elder law and how courts should address them.

During the program, speakers identified the physical, social and emotional characteristics of the elderly population and explored how these traits make them uniquely vulnerable.

Judges learned about the general victimization, and particularly the prevalence of financial exploitation, within this group.

The course laid out for judges what financial exploitation can look

like, types of evidence they can anticipate lawyers will present and what safeguards and resources are available.

Representatives from the Pa. Office of Attorney General, Pa. Department of Aging, Temple University/ Beasley School of Law and the U.S. Attorney's Office all presented on a range of topics, including:

- Cognitive aging, mild cognitive impairment and dementia
- Neglect of a care-dependent person
- Enforcement of nursing home failure-of-care cases
- Elder financial abuse

Montgomery County Judge **Lois Murphy** and Philadelphia County Judge **Sheila Woods-Skipper** were featured presenters during the second part of the course, where they discussed specific considerations for the courts to address in elder abuse and exploitation cases.

They explained some of the unique issues faced in elder abuse cases, how courts can meet the needs of elderly victims, the different tools available for different courts in preserving assets, recommended practices when seniors are witnesses, exploitation that can occur using power of attorneys etc. ▲

WHAT THE COURTS CAN LEARN FROM IMPLICIT BIAS RESEARCH



The deaths of George Floyd, Breonna Taylor, and Ahmaud Arbery last year prompted court leaders around the country to adopt a resolution to “intensify existing efforts” to improve racial equity in the justice system. At the same time, NCSC researchers were working to update a previous report examining implicit bias.

The recently released report – The Evolving Science on Implicit Bias: An Updated Resource for the State Court Community – explains how implicit bias fits into broader conversations about equity and fairness; defines commonly used terms originating from the science of implicit bias; and summarizes current research in the psychological and brain sciences, including implicit bias strategies generally found to be effective and ineffective.

In the report, NCSC researchers Jennifer Elek and Andrea Miller write that implicit bias, sometimes

also referred to as unconscious bias, is a term often used to refer to the attitudes and beliefs people have about others that they may be unaware of, and it manifests itself everywhere, including in the courts. Removing these biases is difficult because people are not always fully aware of their influence. But there is hope that they can be lessened, according to research.

The report lists three key takeaways from the scientific research on implicit bias:

- One of the most effective strategies for reducing prejudice and discrimination is through positive, meaningful intergroup contact
- Implicit bias interventions that attempt to change implicit associations in memory are not consistently effective

- Implicit bias interventions that bypass or disrupt biased responding show more promise

Funded by the State Justice Institute and NCSC, the report also addresses some implications of this knowledge for state court leaders, lawyers and others, and it defines key terms and clarifies how they're used.

Research on implicit bias continues to develop, and there are a lot of unknowns. But court leaders must be aware that implicit bias exists and combat against it in order to more effectively provide justice for all.

“In the meantime,” Elek and Miller wrote, “court leaders forge ahead, continuing to make the best decisions they can with the knowledge we have today.”

**This excerpt was reprinted from the National Center of State Courts April newsletter – @ the Center.*



Judge Lois Murphy accepting Champion of Justice award during virtual ceremony

Judge Murphy honored as Champion of Justice

In early May, Hon. **Lois Murphy**, administrative judge of the Montgomery County Orphans' Court Division, was honored as a Champion of Justice by the SeniorLAW Center.

Among her many contributions to the advancement of elder justice across the Commonwealth, Judge Murphy serves on the Advisory Council on Elder Justice in the Courts. She has served on both the Pa. Supreme Court's Elder Law Task Force and Elder Justice Roundtable of Montgomery County.

She has also helped to update the Orphans' Court Rules, draft the Elder Abuse Bench Book and Guardianship Bench Book, and has been commended for her work on new guardianship forms and case management systems.

"I cannot think of a more deserving recipient of SeniorLAW Center's Champion of Justice Award than Judge Lois Murphy. I have had the pleasure of working side by side with Judge Murphy for the past eight years through our Supreme Court's Elder Law Task Force and Advisory Council on Elder Justice. She is so much more than a participant in our efforts to protect and advance the interests of Pennsylvania seniors, she is a leader,"
*Pa. Supreme Court Justice **Debra Todd** said.*



Judge **Paula Ott** also offered her congratulations saying, "Judge Lois Murphy's award from the SeniorLAW Center is well deserved. She is an invaluable member of the Advisory Council and brings her vast courtroom experience in Orphans' court and her innovative ideas to improve the lives of those under guardianship in Pennsylvania."

Judge Murphy was first elected to the bench in 2009, after having served as a litigator for the U.S. Department of Justice and spending time in private practice serving individuals, families and charities.

She earned both her undergraduate and J.D. at Harvard University. ▲

Culturally-responsive practices in the courts

Using STOP Grant funds, AOPC Judicial District Operations offered a two-part, virtual training on culture and bias in May.

Held a week apart, the first of the 90-minute webinars focused on culturally-responsive practices in the courts while the second webinar addressed bias in domestic violence (DV) cases.

Around 60 people attended each session including minor court administrators, who took this course as part of their annual MDJ Court Administrator Workshop.

The training was presented by Nida Abbasi, associate director of Gender & Family Justice at the Center for Court Innovation and Jose Juan Lara, project manager at Casa de Esperanza/National Latin@ Network.

The goal of the first part of this training was to discuss culturally-specific barriers experienced by survivors seeking legal relief in the Pennsylvania justice system, identify role-specific responsibilities in implementing these practices and design strategies for overcoming those challenges.

During the second training, participants explored how to distinguish between systemic and individual bias in the legal system, how implicit bias can prevent litigants from accessing justice on DV cases and assess strategies for

court staff to minimize the impact of implicit bias in DV cases.

With positive feedback among those who attended, the training will later be modified and offered as separate webinars to court administrators and department supervisors, common pleas and magisterial district judges and frontline court staff.

To supplement these trainings, there are also plans to develop a series of short webinars for all court employees including judges, managers/supervisors, front line staff, row offices etc., with each webinar exploring a different culture based on the top languages where interpreters are requested.

In 2020, those languages were Spanish, American Sign Language, Chinese, Nepali, Russian, Arabic, Vietnamese, Portuguese, Haitian Creole and Korean.

These trainings will help familiarize court employees with the practices, beliefs and customs of people from different cultures and backgrounds who come to the courthouse using local community partners who can talk about what they see in their communities and suggest practical tips on ways the court can be more accessible.

COURT SYSTEM ACCESSIBILITY

Physical and emotional safety are part of accessibility:

- Does the court provide a safe environment for litigants?
- Is there trained security personnel present? Safety measures in place?
- Is security able to accompany petitioners/witnesses to parking areas and/or bus stops.
- Are there separate, monitored waiting rooms for petitioners and respondents.
- Are there staggered entrances and exits for litigants?
- Is there protocol for responding to mental health crises?
- Would an undocumented individual feel safe coming to court?

A slide from the training with questions for consideration when assessing court accessibility.

Recognizing AOPC's frontline workers

Throughout the COVID-19 pandemic, as most of the AOPC's staff transitioned to working remotely, there remained a group of essential staff who stayed onsite and have reported to the office since the beginning of the pandemic, serving as the organization's "frontline workers."

These personnel are deserving of our gratitude as they have played a uniquely vital role in ensuring that court

operations remained functional and effective during the unprecedented, and at some parts daunting, times faced throughout the past year and a half.

To all of the court employees who fall in this category – from facilities staff and department directors to NOC/Help Desk staff and various administrative assistants, etc. – the AOPC recognizes and appreciates all of your contributions and sacrifices that have been made. ▲

Veterans Treatment Court Virtual Summit

In May, the AOPC Problem-Solving Courts held a two-day Veterans Treatment Court (VTC) Virtual Summit where over 150 participants heard from a panel of qualified experts about issues of importance in the veteran-treatment community.

Dr. Brian Meyer hosted three sessions throughout the summit presenting on effective substance use disorder treatments for justice-involved veterans; identifying and providing treatment for traumatic brain injury; and effective clinical interventions for justice-involved veterans.

Scott Tirocchi, U.S. Army Major (ret.) and Justice for Vets division director, also presented on both days of the training explaining ways to leverage military cultural nuances to the participants' benefit and apply principles of criminogenic risk and need in VTCs.

During his presentations, he described some of the established norms, beliefs and embedded principles of military personnel and how treatment court professionals and mentors can structure their programs around these shared traits to optimize participants' success.

Speaking about mentor-mentee relationship fundamentals, Philadelphia Veterans Court Mentor Coordinator Tim Wynn described ways that mentors can build effective relationships by being responsive, dependable, empathetic and non-judgmental.

Other panelists went into details about how to identify and provide treatment for veterans with military sexual trauma and posttraumatic stress disorder.

The summit was recorded and has been posted on the AOPC Problem-Solving Courts webpage. ▲

Virtual town halls address elder abuse and financial exploitation

In recognition of Elder Abuse Awareness Month, the Pa. Advisory Council on Elder Justice in the Courts held two virtual town hall sessions educating older Pennsylvanians, caregivers, senior organizations and other stakeholders on recognizing and preventing elder abuse and financial exploitation.

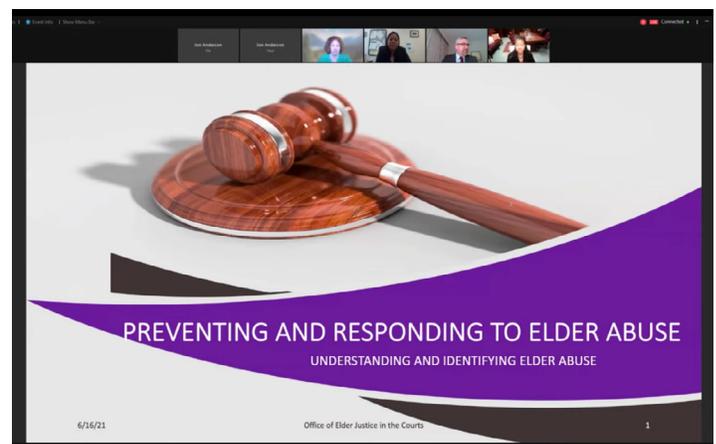
The Advisory Council partnered with the Pa. Department of Aging, Pa. Office of Attorney General, Pa. Department of Banking and Securities and the SeniorLAW Center to raise awareness about how these issues affect Pennsylvania's elders.

On June 16, the first session focused on elder abuse, while the following week's town hall on June 23 addressed financial exploitation of elders.

Participants heard from both victims and panelists about their experiences with these issues, what the Pennsylvania's courts and its elder justice partners are doing to address them, how to recognize elder abuse,

what to do if abuse is suspected and available resources.

The discussions took place on WebEx and were streamed live on both Facebook and YouTube. Elders without access to the internet were able to participate by telephone. ▲



A closer look at identity theft in Pa.

What is identity theft?

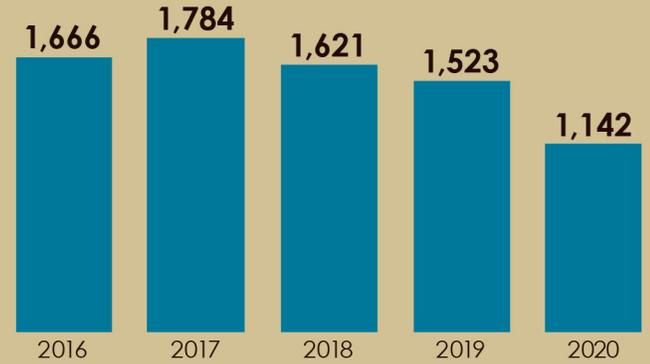
The fraudulent acquisition and use of a person's identifying information (such as their social security number, bank account information, license etc.) without their consent.

Pennsylvania's identity-theft laws were amended in 2013 to increase the severity of an offense by one grade when the victim is 60 years old or over.



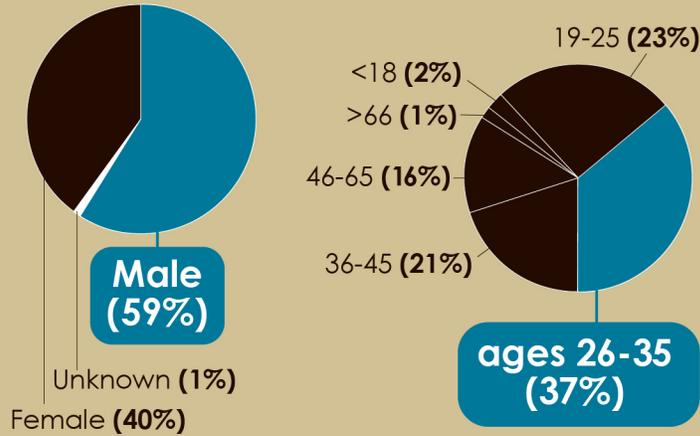
when the victim is **60 years old or over.**

Identity-theft cases over the past five years:

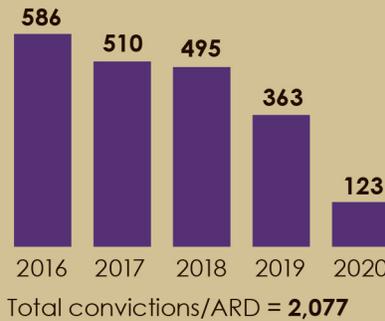


In the past five years, there were **6,828** defendants involved in **7,957** identity-theft cases.

Who commits identity theft?



Identity-theft cases with an Accelerated Rehabilitative Disposition (ARD) or conviction over the past five years:



26% of identity-theft cases over the past five years resulted in a conviction or ARD.

Top 10 counties with the highest number of identity-theft cases over the past five years:



New rule changes mandate small procedural changes in district court security

The Pa. Supreme Court recently approved proposed amendments to Pa. Rules of Judicial Administration 1950-1952 and 1954, requiring all district court facilities to implement emergency action plans (EAPs) and requiring local court security committees to meet at least twice a year.

The proposed rule changes were the result of the work by the Magisterial District Court Security Task Group, whose report was issued in August 2020.

Later this fall, AOPC Judicial District Operations and Judicial District Security will be providing trainings to judicial districts to help courts implement or enhance their EAPs and run their local court security committee meetings – as mandated in these rule changes that take effect Jan. 1, 2022.

The first training will offer best practices for hosting dynamic, effective local court security committee meetings.

Chaired by the president judge, members of the local security committees include the district court

administrator, a magisterial district judge and a member of the county executive branch. Often these committees include the sheriff and representatives from other county offices housed in the court facilities.

The purpose of these committees is ultimately to make recommendations to the president judge on security protocols, policies and procedures and communicate that information to all court employees.

The training will offer a sample agenda that these committees are encouraged to consider when preparing for these meetings. A few critical points to cover during these meetings include the reviewing of PAJIRS incidents, EAPs and Continuity of Operations Plan (COOP), and other security projects, trainings and assessments.

The second training, “The ABC’s of EAPs,” will outline exactly what is expected to be included in a court’s EAP and offers a template to help districts complete this task.

An EAP, different from a COOP plan, is a concrete plan for courts to use

during an emergency. These plans require a level of customization that contains specific guidance that court employees can follow in the event of an emergency including escape routes, emergency assembly locations, notification protocols etc.

Emergencies can be man-made or of natural origin. Some examples of emergency events that EAP’s should specifically address include utility outages, active attacker situations, severe weather, medical emergencies, suspicious packages, judicial threats etc.

The training will cover the three main sections that should be included in an EAP and give specific examples for what needs to be identified before the emergency happens, what to do during the actualized emergency event and how to handle the situation after the emergency has ended.

While judicial districts should certainly prioritize these security efforts, the work required to comply with these new rule changes should be minimal – especially for those courts who have established good collaboration with their county partners and already engage in routine review of their security posture. ▲

Legal advice vs. procedural information

The AOPC’s Judicial District Operations Department recently sponsored a virtual training on “Legal Advice vs. Procedural Information.”

Judicial Programs Administrator **Rick Pierce** and Berks County Deputy Court Administrator **Lisa Siciliano** presented the webinar that explained how court staff can help self-represented litigants without crossing a legal line.

The webinar was held at the beginning May with around 640 people attending virtually including

court administration staff and frontline court staff in MDJ courts and court-filing offices.

When it comes to assisting self-represented litigants, court staff are only allowed to provide procedural information including forms and instructions for a particular pleading upon request, or answer technical questions such as where to file documents, how much it costs, how many copies etc.

The training emphasized the need for court staff to refrain from ever providing

their own opinion or legal interpretation to litigants. The presenters clarified that the only time court staff may help litigants fill out a form is if the litigant has

a disability that prevents them from doing so.

A recording of the full training is available [here](#). ▲

Do:

- You may explain how to prepare a pleading, such as where the caption goes, what is in the caption, assist with the docket number.
- Provide forms and instructions for a particular pleading upon request. Provide in as many languages as feasible for your judicial district.
- If your court permits “walk thru”, assist the litigant through the process by giving directions of where to go and who to see.



Dan and Amy Hyde on their motorcycles returning from the expo center after the parade.



IT couple rides for a cause

During the first weekend of May, AOPC IT Systems Analyst **Amy Hyde** and IT Senior Project Manager **Dan Hyde** participated in an annual charity event to raise money for children with muscular dystrophy – a cause near and dear to the couple’s hearts.

Dan and Amy first became involved in the Muscular Dystrophy Association (MDA) Ride for Life in 2016 when they became members of the Cumberland Valley Harley Owners Group (HOG).

Participating in the event every year are Harley Davidson owners, riders, dealerships, HOG chapters and local families who have been affected by one of the neuromuscular diseases that MDA supports.

Despite this year’s event being scaled back with only a fraction of the normal participants due to COVID, their sponsoring dealership alone raised \$30,000. Nearly \$498,000 was raised and donated in total.

All the money raised goes directly to supporting the families with medical bill payments, wheelchair and other essential purchases, and pays for a week of summer camp for the children.

Held at the Lebanon County Expo Center, the weekend-long event started on Saturday with a silent auction, corn

hole competition, FMX stunt show and a dinner reception, followed by music and dancing.

On Sunday morning, 300 motorcycle riders went on a police-escorted parade through downtown Lebanon followed by an hour-long motorcycle ride around Lebanon County – with many of the MDA ambassadors, who are all children living with neuromuscular disease, riding in sidecars.

Dan and Amy’s HOG chapter sponsors a local family that has twin 15-year-old boys who are affected by Duchenne’s disease, a severe type of muscular dystrophy.

“Throughout the years, as we have both gotten to know the boys and their parents personally, we have seen the effects this disease has on the entire family. This MDA event, and helping these families in any way we can, became very important to us,” Amy said.

Together, they continue to raise money, volunteer and participate in this wonderful event each year – which many of the MDA ambassadors say is the highlight of their year. ▲

IT cybersecurity tips

Cleaning up your cyber footprint

Taking the time to clean up your technology and cyber footprint not only helps remove digital clutter from your life, but it can be important for protecting your personal information online.

- Review your passwords and update them as needed.
- Enable multi-factor authentication on accounts wherever it is available – especially on accounts that contain financial or personal information such as online banking, credit card, retirement accounts etc.
- Review and update your contacts. Delete contacts that are no longer necessary or current.
- Review applications on your devices and remove those you no longer use.
- Review social media accounts and associated privacy settings. If you want to delete a social media account, make sure you delete your entire profile – not just the app.
- Review your backup routines and schedule and test the backups to validate they are being successfully completed.

Staying cyber-safe on vacation

Before you leave:

- Only use trusted and secure sites to book travel reservations. In addition to using reputable travel-booking sites, make sure the site is secure before you enter your payment information. Look for a web address that starts with “https://” instead of just “http://.”
- Back up the valuable data on the devices you are bringing so that if you lose them, it won’t be a double disaster.
- Do not announce the dates of your upcoming travel plans on social media.
- Disable the auto-connect options shortly before you leave and have your devices forget the wireless network SSIDs in their lists.

During vacation:

- Consider the risks associated when you use public Wi-Fi, or use a VPN to enhance the security by encrypting your connection. If you need to use Wi-Fi at your hotel, make sure their connections are secured with passwords. If you need to access sensitive material for work, set up a VPN on your device beforehand.
- Consider getting a privacy screen for your laptop or mobile devices. Privacy screens make sure that only the person sitting straight in front of the screen can read what is on it.

As a reminder, AOPC employees are encouraged to send any suspicious emails to ITSecurity@pacourts.us. ▲

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Pulling the Plug? Row Over Court Budget Could Shutter Pa.'s Docket System

With the \$45 million diverted through Act 42 of 2018 and the additional money taken to help with the most recent budget shortfall, the JCS budget has sustained a \$75 million loss over the past three years, the documents say.

By Max Mitchell | May 12, 2021

Pennsylvania court officials are now worried that unless some of its IT budget is restored after years of diversion of funds, they will be forced to shut down the statewide docketing system, creating filing difficulties across the state and impacting criminal justice.

According to letters obtained by The Legal, repeated budget diversions over the past few years, which were exacerbated last year by a \$30 million reallocation from the court's budget to shore up the state's COVID-affected 2020-21 budget, now mean that the court will be forced to begin winding down the Common Pleas Computer Management System starting in July if current funding levels remain in place.

The CPCMS, which is a central hub for statewide criminal dockets and court information, is relied on by attorneys, court and law enforcement for everything from uploading legal filings to performing inter-county warrant searches by police officers.

"The impacts of this reality are manifold. Collections to state, county and local governments not only will be interrupted but almost certainly will be diminished," a letter Chief Justice Max Baer sent to leaders of the state Senate and House appropriations committees in March warned. "Additionally, the existing implementation of statewide legislative policies such as Clean Slate and lottery and tax intercept for restitution will no longer be possible. Moreover, a real threat to public safety will accompany the loss of 'real-time' data exchanges,

including warrant databases used by law enforcement and information on dependent children utilized by judges."

Letters recently obtained by The Legal show that, along with Baer, Court Administrator of Pennsylvania Geoff Moulton has been reaching out to state officials, including president judges, county commissioners and legislators, in an attempt to relay their concerns about the looming budget and raise awareness.

The letters, all sent in early March, outline the recurring budget diversions, and ask the recipients to reach out to state legislators to help ensure the General Assembly becomes aware of the situation as part of their effort to restore some of the funding.

One letter from Moulton to the County Commissioners Association of Pennsylvania says that, based on current budget projections, if funding is not restored in this cycle, new systems will have to be put in place and all existing data will need to be migrated over to those systems by December 2022.

The current statewide docketing system, which includes criminal, dependency and juvenile delinquency, has been in place at most counties since 2006. According to state officials, without CPCMS, counties would be forced to develop their own individual docketing systems, with no guarantee that any of the systems would communicate with each other. It could also mean losing the ability to transfer court

data to state agencies, including state police, PennDOT and the Department of Revenue.

"It would be an absolute catastrophe for the entire state of Pennsylvania and the criminal justice system," said James Troutman, who has been clerk of courts for Berks County for more than 30 years. "It's just terrible to think about it. ... I'm praying they don't, with 67 clerks of courts, have to go back to 15 years ago when we had our own systems."

According to Brinda Penyak, deputy executive director at the County Commissioners Association, it is impossible to know exactly what the fallout would be if the AOPC had to wind down the CPCMS, but it would mean that these systems would need to rely on funding at the local county level, rather than at the state level.

"Counties don't have a lot of resources for revenue. There would be kind of a pass along there," she said. "It would be a really hard consideration for the counties to figure that out. We wouldn't want to head in that direction until we absolutely have to."

The current problem stems in large part from a three-year-old piece of legislation, Act 42 of 2018, which has allowed legislators to divert \$15 million annually from the Judicial Computer System into the state General Fund to help pay for school safety.

The JCS budget, which was established in 1987, is primarily funded from fines, court costs and fees. Known as a restricted revenue

account, it is designed to be self-funding and cannot be funded through taxes.

According to the AOPC letters, as well as the court's 2021-22 budget proposal, for the past 10 years, the JCS budget has been largely flat, however, under Act 42 of 2018, legislators have diverted \$15 million from the budget each year for the past three years. Then, an additional \$30 million was taken out of the JCS budget to help balance the most recent funding accord the state approved in November. With the \$45 million diverted through Act 42 of 2018 and the additional money taken to help with the most recent budget shortfall, the JCS budget has sustained a \$75 million loss over the past three years, the documents say.

The latest budget proposal from Gov. Tom Wolf does not include restoration of any funding that had been previously diverted.

In an emailed statement, Lyndsay Kensinger, a spokeswoman for the governor's office, expressed support for restoring the funding.

"The administration agrees that the transfers are unsustainable and plan to work with the General Assembly to address the upcoming fee expiration,"

she said, referring to additional revenue for the courts under Act 49 of 2009, which is expected to expire at the end of the year.

A spokeswoman with the AOPC confirmed the budget diversions, but did not comment further about the situation.

Neither Sen. Patrick M. Browne, R-Lehigh, nor Sen. Vincent Hughes, D-Philadelphia, who are chairmen of the Senate Appropriations Committee, returned a call seeking comment. House Appropriations Chairman Stan Saylor, R-York, also did not return a call seeking comment.

Megan Augustine, press secretary for Rep. Matthew Bradford, D-Montgomery, said in an emailed statement that Bradford fully supports "the courts and a restoration of funds in the 2021/22 budget."

"A failure to fix this budgetary issue creates an imminent problem, beginning on July 1, that would result in a shutdown of the Common Pleas Case Management System," she said. "This would threaten critical public and law enforcement safety systems, as well as statutory requirements such as the Clean Slate Program."

One effect from the court's letters is that some in the state's criminal justice

system are stepping up to make legislators aware of the situation.

During a budget hearing in March, Secretary of Corrections John Wetzel told lawmakers that allowing the CPCMS to disappear "would grind the entire criminal justice system to a halt," noting that it would affect background checks, record checks and victim notifications.

"It's kind of the hub and the spokes. It's a pretty critical aspect of the criminal justice system's data right now," he told legislators.

Troutman also said he has also been speaking with his representatives. Although he said he is hopeful, he said animosity and mistrust between many legislators and the courts could be at play in the recent budget diversions. But, he had one suggestion for what the courts should do if legislators don't provide sufficient funding for the JCS by the July 1 budget deadline.

"If I was the courts, I would file a mandamus action and sue the legislature for proper funding," he said. "If they have to, go into court and get it straightened out because we cannot give up this system."

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