

# AOPC<sup>CONNECTED</sup>



Issue 6, 2021

## In this issue

Read about the recently-released civics education toolkit, county court highlights, a department spotlight on Judicial District Operations and Programs, upcoming AOPC legal staff transitions and more.



# Legislative roundup

by Damian J. Wachter, Esq.

The House and Senate wrapped up their voting calendars for 2021 on Dec. 15. [Session schedules for 2022 for the House and Senate](#) have been posted.

## Judicial Ethical Rules and Lobbying Reform

[House Resolution 114](#) urges the Pa. Supreme Court to modify its administrative rules to require the posting of statements of financial interest on a publicly accessible Internet website. It also codifies more restrictive policies on reporting gifts, transportation, lodging and hospitality; imposes a one-year prohibition on attorneys who leave government service and lobby that same governmental body; and end the practice of jurists receiving honoraria.

The resolution includes a general request that the Court conduct a full examination of ethical and financial reporting requirements for jurists and staff to determine whether additional amendments to promote greater transparency and avoid impropriety are necessary.

The prime sponsor of the resolution, Speaker Bryan Cutler, focused his floor remarks on the one-year lobbying freeze on lawyer-lobbyists – a moratorium that currently applies to non-lawyer lobbyists. The resolution was adopted by the House 200-0 and Senate action is not required.

[House Bill 1607](#) amends the Lobbyist Disclosure Act to prohibit Commonwealth entities including the General Assembly, the judiciary and executive departments or agencies from hiring an outside lobbyist, lobbying firm or campaign consultant to influence the decision-making process of another Commonwealth entity. Both bills were reported from the House State Government Committee unanimously and tabled.

## Kayden's Law and Custody

As covered in prior legislative roundups, [Senate Bill 78](#) establishes Kayden's Law, requiring comprehensive changes to the custody statute focusing on the health and safety of the child.

Readers will recall the legislation passed the Senate 46-4 and was referred to the House Judiciary Committee. On November 15, the Subcommittee on Family Law of the House Judiciary Committee held a public hearing on the bill. With the assistance of the Conference of State Trial Judges – notably the Family Law Section and the Legislative Committee – testimony was developed and provided by Judges Allison Bell Royer, Katherine B.L. Platt, and John Foradora. Judge Dan Clifford also testified about the work of the Custody Subcommittee of the Advisory Committee on Domestic Relations Law for the Joint State Government Commission.

## Election Code

[House Bill 1800](#) provides for comprehensive voting process and procedure changes. Broadly, the topics include early voting, supervised absentee voting, ballot curing, number of ballots required at each polling place, voter ID, drop boxes, signature matching, access to pre- and canvassing meetings, elimination of third-party voter registration programs, registration and ballot deadlines and the creation of the Bureau of Election Audits.

Provisions are of particular interest to the judiciary are the granting of special legislative standing for the General Assembly to intervene in proceedings examining the

constitutionality of the act and requiring county boards of election to enter into agreements with the Unified Judicial System to receive records of county residents who claim ineligibility for service as a juror under [42 Pa.C.S. § 4502](#). The purpose is to provide for the investigation of the registration status of any elector who claimed ineligibility to serve as a juror based on a lack of citizenship.

The legislation was reported from House State Government 15-10 and is pending in the House Appropriations Committee.

## District Attorney (DA) Law Licenses

[Senate Bill 420](#) – enacted as [Act 88 of 2021](#) – adds a qualification for DAs, requiring the individual to continually hold an active law license while in office. The act establishes a process for when a DA is disbarred or suspended. If disbarred, the office is considered vacant and the vacancy must be filled pursuant to the provisions of the County Code or Second-Class County Code, or for a county of the first class, pursuant to Act 385 of 1850.

If a DA's license is suspended, he/she is suspended from the office until the sooner of the license being reinstated or the term expiration. If the first assistant DA is willing, qualified, and able, he/she becomes acting DA. If not, the court of common pleas appoints a competent person satisfying the qualifications.

## Crime Victims and Notice of Bail Proceedings

[House Bill 2039](#) amends the Crime Victims Act to provide a victim with the opportunity to comment on a defendant's bail conditions at any time they are imposed or modified. The provisions apply to proceedings for personal injury crimes, crimes of violence, offenses relating to sexual abuse of children and offenses relating to sexual exploitation of children.

Specifically, the bill requires the arresting officer to provide victim name and contact information to the court conducting the preliminary arraignment so that the victim may receive notice of any proceedings to modify bail conditions and exercise the opportunity to appear. The court must then transmit the contact information and the transcript of the proceedings to the court of common pleas at the conclusion of the preliminary hearing so clerks of courts can notify the victim of any proceedings to modify bail.

The bill passed the House 139-60 and has been referred to the Senate Judiciary Committee.

## Bail Bondsmen Definitions

[House Bill 2046](#) amends Title 42 to define or modify terms within the Bail Bondsmen subchapter of the Bonds and Recognizances chapter. New terms include business of

giving bail or business of a bail bondsman, professional bondsman and surety bondsman. The current term bail bondsman is amended. No other substantive changes are proposed under the bill. Defining the terms impacts other provisions of the subchapter wherein the terms are used, notably, licensure. The legislation passed the House 111-88 and was referred to the Senate Judiciary Committee.

## Repeal of License to Carry Concealed Firearm Provisions

[Senate Bill 565](#) sought to amend Title 18 to repeal the provision of law prohibiting the carrying of firearms without a license, and add new language declaring that every individual not otherwise prohibited by law has an affirmative, fundamental, and constitutional right to keep and bear firearms, including the right to carry openly or concealed.

The legislation proposed to repeal the current law prohibition on persons carrying firearms on the streets or on public property without a license during an emergency declared by a state or municipal government and remove language prohibiting the carrying of firearms on public streets or public property in Philadelphia. The bill passed the Senate 29-21 and the House 107-92. The governor [vetoed](#) the bill.

## Firearm Regulation Preemption and Relief

[Senate Bill 448](#) amends Titles 18 and 53 to allow a person adversely affected by ordinances promulgated or enforced by a county, municipality, or township in violation of statutes prohibiting such entities from regulating firearms to seek declarative and injunctive relief and actual damages in an appropriate court. The legislation passed the Senate 31-19 and has been referred to the House Judiciary Committee.

## Probation Reform/Standards

[Senate Bill 913](#) amends Title 42 to provide for comprehensive probation reform, similar to a bill passed by the Senate in 2020. The bill prohibits courts from extending probation periods, imposing brief sanctions, or revoking probation solely for nonpayment of fines or costs, unless it is found that the defendant is financially able to pay and refuses to do so.

The legislation repeals the current language limiting total confinement and adds new provisions to prohibit courts from imposing sentences of total confinement upon revocation unless the defendant has been convicted of another crime. The bill allows courts to impose a determinate sentence of total confinement upon revocation if it is found by a preponderance of the evidence that the defendant committed a technical violation, and one or more enumerated factors (e.g., assaultive behavior) are present. A court imposing a sentence of total confinement for revocation based on the above is subject to caps on the

period of incarceration.

Finally, the bill provides for probation review conferences, generally taking place when a defendant has completed three years of probation following a misdemeanor conviction or five years of probation following a felony conviction. The legislation establishes other eligibility requirements and outlines processes for the review conferences.

[Senate Bill 904](#) and [Senate Bill 905](#) involve standards for probation and parole personnel developed by the County Adult Probation and Parole Advisory Committee (CAPPAC) pursuant to [JRI 2](#). Senate Bill 904 amends Title 42 to allow probation officers to use technology portals – “a device ... that allows simultaneous voice and video communication in real time between the offender and the probation officer” – in lieu of in-person probation meetings.

Senate Bill 905 amends the Pennsylvania Commission on Crime and Delinquency Law to require CAPPAC to adopt a standard that includes circumstances under which an offenders’ schedules, including consideration of work and medical care schedules, is weighed when making probation scheduling decisions.

All three probation bills were reported unanimously from the Senate Judiciary Committee and have been referred to the Senate Appropriations Committees. The CAPPAC Subcommittee on Standards is in the process of developing standards that will address the requirements in Senate Bills 904 and 905. ▲



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

## Allegheny County Housing Court receives Judicial Services Award



*left to right: Judge Patrick Connelly, Administrative Judge Christine Ward, Case Management Coordinator, Candice Malizio, Deputy Court Administrator/Civil Div. Dianne Wainwright, Housing Ct. Help Desk Supervisor, Shawnell Smith and Housing Court Data Clerk, Quinn Kobelak*

Allegheny County Administrative Judge **Christine Ward** and Deputy Court Administrator, Civil Division, **Dianne Wainwright** were recently honored with the Judicial Services Award from the Allegheny County Bar Foundation.

The award was given for the work done over the past year with the Civil Division’s Housing Court and the Housing Court Help Desk, which were created in June 2019 as a result of Judge Ward’s vision.

Recognizing that litigants could benefit greatly from streamlining residential housing disputes between owners and renters, Judge Ward sought to designate a specific judge (Judge **Patrick Connelly**) to hear all motions, petitions and trials for these types of cases.

The Housing Court includes a Help Desk where litigants can obtain forms, ask questions about procedures and case status and receive answers from knowledgeable Help Desk team members.

“Having the Housing Court Help Desk in place when the pandemic hit was invaluable,” Wainwright said.

“Since March of 2020, we partnered with numerous local agencies – including the Allegheny County Department of Health, Neighborhood Legal Services Association etc. – to work with litigants who are attempting to obtain funds through the Emergency Rental Assistance Program.”

“Judge Ward and I are humbled and grateful, but we are also very proud of Judge Connelly, his staff and the Help Desk team who serve litigants each day,” she said. ▲

# Chief Justice Emeritus Saylor Retires

After a long and distinguished career including 28 years on the bench, Chief Justice Emeritus **Thomas G. Saylor** will retire at the end of 2021.

Over the past few months, the Court, legal scholars and a host of organizations have recognized and celebrated the Chief's tenure, immeasurable contributions to the judiciary and the legal profession, his commitment to judicial education and some would say most importantly, his love of animals.

Known to his colleagues as Tom, Saylor received his B.A. from the University of Virginia, his J.D. from Columbia University School of Law, and an L.L.M. from the University of Virginia School of Law.

After early years in private practice, Saylor spent the bulk of his career in public service, serving as First Assistant District Attorney in Somerset County and First Deputy Attorney General for Pennsylvania. In 1993 he was elected to the Pennsylvania Superior Court and in 1997 to the Supreme Court of Pennsylvania.

His tenure on the bench has been praised by legal scholars. During a recent ceremony honoring Saylor, Duquesne University President Ken Gormley described the Chief Justice Emeritus (CJE) as "being at the top of the list of extraordinary luminaries who have served in the Supreme Court chamber."

Gormley pointed out that what the CJE is probably most well-known for is crafting opinions which are "deliberative, rigorous and measured – reflecting what the CJE set as his goal for his time on the bench to 'First, do no harm and issue opinions and rulings that stand the test of time.' "



*Chief Justice Emeritus Thomas Saylor*

Saylor is regarded as an expert in many areas of the law, but most notably in constitutional law. His opinions, decisions and law review articles in that area have been described as powerful and extraordinary works in a distinguished body of jurisprudence.

During his time as Chief Justice, CJE Saylor observed that like all judges, he was at times faced with difficult choices, but quotes former U.S. Supreme Court Justice Antonin Scalia who said, "If you are going to be a good and faithful judge, you have to resign yourself to the fact that you are not always going to like the conclusions you reach."

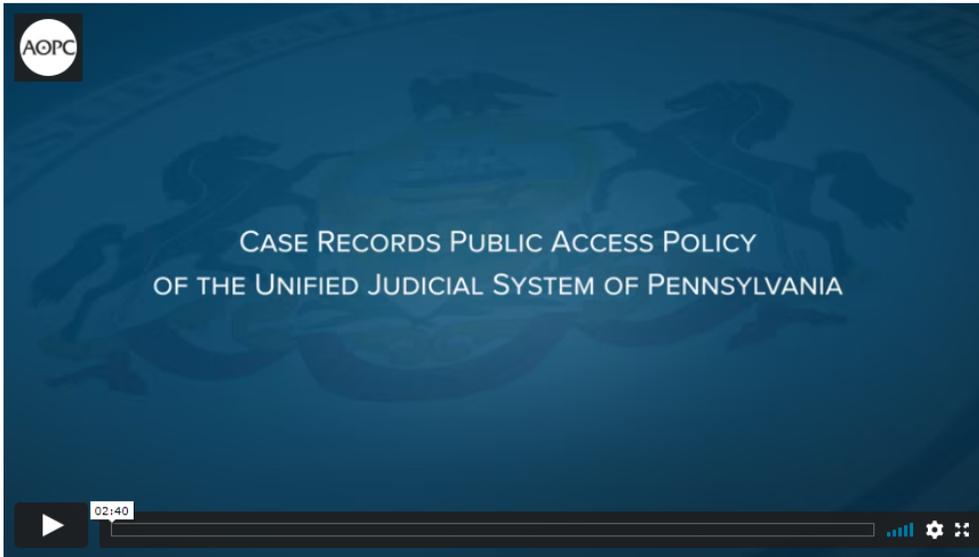
Steadfast in his commitment and dedication to the Court, the rule of law and the people of Pennsylvania, he remained focused on ensuring justice for all. He led the Court with a calm, thoughtful demeanor, going to great

lengths in his opinions to detail his reasoning on complex legal issues while always remaining respectful of the opinions of his colleagues.

Throughout his career, CJE Saylor has been revered as a mentor and inspiration to young lawyers, with many noting that the chance to argue before him in court session was a highlight of their careers. His focus on and involvement in judicial and legal education has helped to shape the next generation of legal practitioners.

Chief Justice Emeritus Saylor will leave the Supreme Court as he came – quiet in nature and respected beyond measure. As he prepares to transition from the bench and solidify his plans for the future, one thing is certain – he has left a lasting impact on those who worked with him, argued before him and were influenced by him. ▲

# Revisions to UJS Public Access Policies



The Court has recently amended two public access policies effective Jan. 1, 2022.

Amendments to sections of the *Case Records Public Access Policy* require filers to safeguard confidential information using a Confidential Information Form.

Prior to these amendments, an appellate or trial court could permit the filing of any document in two versions – a “Redacted Version” and an “Unredacted Version” – when the document contains confidential information as defined in Section 7.0 of the Policy. Unredacted versions of documents filed with a court on or after Jan. 6, 2018 pursuant to prior versions of the *Case Records Policy* are not accessible to the public.

Now, all litigants and attorneys throughout the state will utilize the same method to safeguard confidential information.

Implementing a single, statewide approach for the treatment of confidential information throughout the courts of the Commonwealth will establish procedural uniformity and

support the statewide practice of law by members of the bar.

The *Electronic Case Record Public Access Policy* (ECR Policy) was amended to incorporate electronic case record information residing in the Guardianship Tracking System (GTS) and provide that information maintained in GTS is not accessible by the public – except for aggregate or statistical data that does not identify an incapacitated person. These provisions complement those in the *Case Records Public Access Policy* that generally prohibit access to case records concerning incapacitated persons at the courthouse and via remote access.

Information that would be accessible under the ECR Policy includes, for example, how many active guardianships petitions have been filed, granted or terminated. Public release of such data will be facilitated by the AOPC. ▲

## more information

Additional information about these policies can be found on the [Public Records page](#) of the UJS website.

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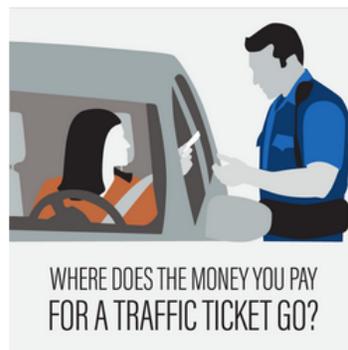
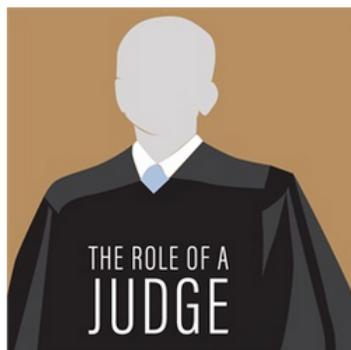
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## How the Courts Work



## AOPC Releases Educational Toolkit to Teach Students about the Pennsylvania Judiciary

The Pennsylvania Courts joined schools across the state to celebrate American Education Week in November by launching a civics educational [digital toolkit](#) aimed at helping children learn about the work and role of the Pennsylvania courts.

Spearheaded by the Pennsylvania Supreme Court's Commission on Judicial Independence, the project includes:

- Digital one-pagers on topics exploring the layers of the Pennsylvania court system, how the courts work, the importance of judicial independence, the role of a judge, how judges are elected, how a case progresses through the system and much more;
- Videos to complement and further expand on topics, giving a visual aid to students and teachers;
- 3D video offering tours of courtrooms, complete with interactive educational points to learn more about the effects in the rooms; and
- Games for the younger audience including the Flat Judge project, modeled after the Flat Stanley project used by schools across the nation.

"Pennsylvania judges are part of the communities in which kids live, but too much critical information is missing to help kids understand why the courts matter so much," said Commission Co-Chair, former federal judge and current Dickinson College President John E. Jones III. "If we can reach them through technology and teach them about the critical role the courts play in their lives, we can light a fire in the next generation of civic leaders."

"A critical part of the mission of the Judicial Independence Commission is to educate all Pennsylvanians about the work and role of the courts in our communities," Commission Co-Chair and Commonwealth Court Judge **Renee Cohn Jubelirer** said.

"This new resource incorporates concepts and ideas which we hope will be appealing and educational for students at all grade levels, but also complement curriculum currently being used by school districts across the state. ▲

# Pa. Courts Launch Civics Education Toolkit

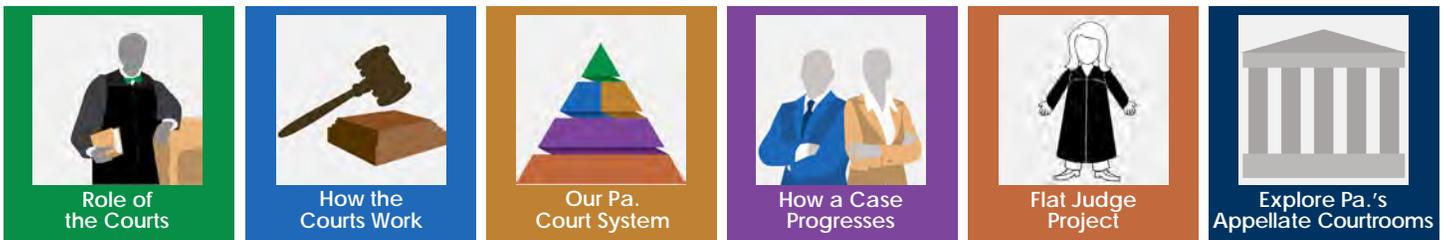


As one of the three branches of government, the judiciary reflects the core values of American democracy while acting as one of its essential pillars. Created by the Pa. Supreme Court, the [Commission on Judicial Independence](#) is charged with fostering a greater public understanding about the role of the courts and explaining the essential need of an independent judiciary.

As part of their efforts, a comprehensive civics education toolkit was developed as a resource for teachers, students and the public to learn more about the work, role and structure of the state's courts.

## Key Components

Learn about a wide range of court-related topics:



## Educational Videos

The webpage contains several animated videos designed for all grade levels explaining how our state government works, how judges are selected and held accountable, how the jury system works and why judicial independence is so important.



To view the toolkit in its entirety, visit [www.pacourts.us/civics-ed](http://www.pacourts.us/civics-ed).  
#CourtsInTheClassroom

# AOPC Legal staff transitions

After 35 years of service to the Commonwealth, AOPC Chief Counsel **Greg Dunlap** will retire at the end of the year.

“On behalf of the AOPC, I thank Greg for his exceptional service to government for more than three decades,” said Court Administrator of Pennsylvania **Geoff Moulton**. “His legal knowledge and quiet professionalism have served us beyond measure, and we wish Greg all the best in his retirement.”

Dunlap was appointed in 2015 as AOPC’s Chief Counsel and has managed the Legal Department for more than six years under Court Administrators Tom Darr and Geoff Moulton. The Legal Department, including the chief counsel and 12 staff attorneys, serves the judiciary in innumerable ways, including representation in a wide range of litigation in federal and state courts, counseling on a broad array of subjects and support for a variety of transactions and leases.

Before joining AOPC, Dunlap worked for the Governor’s Office of General Counsel (OGC) for 26 years as a deputy general counsel. At OGC, Greg served a variety of important roles under six gubernatorial administrations, including as first deputy general counsel to the governor, OGC’s chief of litigation, manager of judicial appointments and acting chief counsel to the Departments of State,

Education and Banking. He also served as counsel to the State Board of Education for 25 years.

In 2001, the Pennsylvania Bar Association Government Lawyers’ Committee honored Dunlap with its annual “Government Lawyer of the Year Award,” recognizing a government lawyer who has made a significant contribution or has dedicated his or her career to outstanding service to the profession for benefit of the public or government entity.

Dunlap began his career over 38 years ago with the Pennsylvania Superior Court, where for two years he served as a law clerk for Judge **Donald E. Wieand**. He also served as a litigation attorney for several years with Cozen O’Connor in Philadelphia.

*“It has been a distinct honor and great pleasure during most of my career as an attorney to have served the Commonwealth of Pennsylvania in both the executive and judicial branches. I have always regarded government service as among the most noble of callings, and I could not have dreamed of a more gratifying experience than the one I was so privileged to enjoy here in Pennsylvania’s capital.”*

So, what’s on the horizon for Dunlap? He looks forward to spending more time with Peg, his beloved wife of



Greg Dunlap (l) and John Witherow (r)

nearly 35 years, and his three adult children, and perhaps to exploring worthy volunteer opportunities and finding some new hobbies. But he will always cherish and miss the many friends that enriched his Commonwealth service, especially his colleagues at AOPC.

Beginning in January, Dunlap will be succeeded by **John Witherow**, chief law clerk to Pennsylvania Supreme Court Justice **Thomas G. Saylor**.

For the past 24 years, Witherow has served the Pennsylvania Supreme Court and Justice Saylor in all facets of the Court’s work with a focus on opinion work, operations and managing chambers staff.

“I am personally indebted to John for his 24 years of, commitment and dedication to the work of the Court,” said Justice Saylor. “He has been a friend and trusted confidant and I wish him the very best in his new endeavor leading AOPC’s legal team.”

Prior to joining the staff for the Court, Witherow practiced law in Harrisburg for 10 years at several law firms as well as served as

a law clerk to Judge Robert J. Woodside in the U.S. Bankruptcy Court Middle District of Pennsylvania.

Notably, Witherow served in the Pennsylvania Army National Guard for eight years as an executive officer, platoon leader and helicopter pilot. He is a published author drawing on his experience in the military and as an attorney sensitive to the challenges of the American criminal justice system.

“I am appreciative that Chief Justice Emeritus Saylor took me under his wing 24 years ago and has let me lend a hand through the completion of his legacy as a most dedicated and principled Justice and Court leader,” said Witherow. “His gracious mentorship has improved my abilities as a lawyer greatly, in terms of seeing the big picture, caring for the small details and everything in between.”

*Looking toward the future, Witherow said, “I am very much looking forward to working more closely with AOPC’s team of professionals to address the complex issues arising in a statewide judicial system.” ▲*



## Justice Dougherty gives presentation on Kings Bench Authority

Pennsylvania Supreme Court Justice **Kevin Dougherty** gave a Continuing Legal Education (CLE) presentation on Kings Bench Authority to the Luzerne County Bar Association in October. ▲

## First Female Judge Elected in Bedford County



Bedford County Judge **Brandi Hershey** made history in November 2019 when she was elected to be the county's first female judge.

"Regardless of whether a community is rural or urban, I think that people simply want a judge who is fair-minded and understands the law, regardless of gender. I am humbled by the trust the citizens have placed in me to make important decisions for the families of Bedford County," Judge Hershey said.

During her 20 years as a lawyer, Hershey has represented individuals, businesses, municipalities and nonprofit organizations – eventually starting her own law firm in 2012.

Some of her prior roles have included assistant district attorney in both Bedford and Blair counties, special deputy attorney general with the Pennsylvania Attorney General's Office and the Governor's Office of General Counsel and president of the Bedford County Bar Association.

Hershey has been recognized for her community service with many prestigious awards throughout the years and played an active leadership role in the Bedford County Pink Ribbon Fund, serving as the 2017 Survivor Chair for the Breast Cancer Walk and as the Chair of the Fund's Allocation Committee.

She earned a bachelor's degree from the California University of Pennsylvania and received her law degree from Dickinson School of Law. ▲

## Security upgrades at the Bedford County Courthouse

The Bedford County Courts, through the efforts of their Court Security Committee, recently worked with the county maintenance department to upgrade courthouse security.

The renovations included replacing the counter in the Court Administration Office with a solid wall with ballistic panels and transaction glass. Previously, the only barrier between

the office staff and the public was the open countertop and a swinging half door.

The entrance to the judicial wing was also upgraded from two glass doors that did not lock and replaced with two solid locking doors and a swipe card system installed for court staff.

Additionally, a video doorbell was installed at the entrance that allows

the judges' secretaries and court administration staff to buzz people into the judicial wing.

In addition to securing the other entrance into the judicial wing, the Court Security Committee is also working on plans to develop a screening process and install security screening equipment for the front entrance to the Courthouse. ▲

# Language Access Summit

As with many things during the pandemic, this year's Language Access Coordinator Summit was held remotely via WebEx for the second year in a row.

The summit consisted of five, hour-long sessions spanning six weeks:

- You Never Have a Second Chance to Make a First Impression: New Mexico's Language Access Initiatives Outside the Courtroom
- Training Staff & Judges on Language Access
- Best Practices for Working with Interpreters
- What's New in Language Access Data Collection
- The Art & Science of Translation.

Paula Couselo-Findikoglu, Court Services Deputy Division Director for New Mexico's Administrative Office of the Courts, kicked off the summit as its keynote speaker on Oct. 14.

Sharing insight with the district language access coordinators about what New Mexico's judiciary has been doing to further language access, she discussed various training and office protocols that assist their large limited English proficient (LEP) population.

Of note was a virtual avatar platform they created called "Clara" that can speak multiple languages to assist those who visit the courthouse and the judiciary's website.

In addition to "Clara" smart kiosks that can direct court users to the appropriate courtrooms, provide relevant court forms and answer frequently asked questions, a video remote interpreting platform called "Clara Connect" is also being rolled out to assist LEP court users who need an interpreter.



Pennsylvania's language access coordinators (LAC) were inspired by what New Mexico is doing to help LEP court users in a technologically savvy way.

All of the summit sessions have been recorded and can be found on the Language Access Coordinator Protected View Page, accessible for LACs via the Language Access & Interpreter Program page of the UJS website. ▲

## more information

please [contact your local language access coordinator](#) or Court Access Coordinator Mary Vilter.

# Early Identification of Pennsylvania Veterans Key to Success for Justice-Involved Veterans

Pennsylvania's Veterans Treatment Courts have launched an outreach campaign to encourage all justice-involved veterans to promptly notify the court, attorney or law enforcement officer that they served in the military.

Pennsylvania veterans may be eligible for a Veterans Treatment Court or other programs to help them with service-related issues involving posttraumatic stress disorder, brain injuries and substance use disorder or if they were the victim of sexual or physical abuse while in military service.

"Our goal is to help support our veterans -- to help them find their way back home -- and early identification as veterans is critical to their success," said Pa. Supreme Court Justice Debra Todd. "Courts encourage veterans who become involved with

the criminal justice system to report their veteran status. Some may not report their status because they are embarrassed that they have been charged with a crime or they do not understand that serving in combat is not a requirement for recognition as a veteran."

As part of the campaign, the Administrative Office of Pennsylvania Courts developed several posters encouraging early identification for justice-involved veterans and for Magisterial District Court judges and court staff to help determine if someone is a veteran and if they qualify for support and services.

Improving communication of services and programs for justice-involved veterans is a critical component of the campaign by connecting veterans with their local Veterans Affairs (VA)

Veterans Justice Outreach (VJO) specialist. The VJO can help veterans identify support options and VA benefits. Participation in Veterans Treatment Court is not required to receive their support.

Veterans Treatment Courts assist veteran defendants who are struggling with addiction, mental illness or co-occurring disorders, who come in contact with the criminal justice system. Using the drug court model, these courts combine treatment and personal accountability, with the goal of breaking the cycle of addiction and criminal behavior.

Pennsylvania currently has 25 Veterans Court programs, the first of which opened in Lackawanna County in Nov. 2009. ▲

## Pennsylvania Veterans Courts Recruiting Veteran Mentors



**DID YOU SERVE IN THE MILITARY?**

Do you want to serve your fellow servicemen and servicewomen who are struggling right now?

Become a volunteer veteran peer mentor to help justice-involved veterans today! Volunteer peer mentors SERVE as role models and coaches for justice-involved veterans participating in veterans treatment courts. With a small time commitment, you can have a HUGE impact on a veteran's life.

**NEXT STEPS:** Contact your local District Court Administrator or Veterans Court Coordinator at your county courthouse to inform them of your interest and learn more about veterans treatment courts in your county or a county nearby.

CONTACT:

VISIT [WWW.PACOURTS.US](http://WWW.PACOURTS.US) KEYWORD "VETERANS TREATMENT COURT" AOPC

Recruitment efforts are currently underway for veterans interested in playing a critical role as volunteer mentors in Pennsylvania's Veterans Treatment Court program.

"Volunteer veteran mentors serve as role models and coaches for justice-involved veterans participating in veterans courts," Pennsylvania Supreme Court Justice Debra Todd said. "Through their time and commitment to their fellow service members, these mentors make a life-long impact at a time when it is most needed."

"Pennsylvania has the fourth highest population of veterans in this country, nearly 800,000, and their struggles affect all of our communities and the need for men and women who have served our country to help their fellow veterans continues to grow," Justice Todd said. "The success of veterans participating in veterans courts depends in great part on the availability of mentors to support them as they navigate their way through the court, treatment and VA systems."

Those interested in serving as volunteer veteran mentors are encouraged to learn more and submit an application to the office of the court administrator or the Veterans Court coordinator in the county in which they would like to volunteer.

More information about Pennsylvania's Veterans Treatment Courts and becoming a mentor is available on the [PA Courts' website](http://PA Courts' website), [Facebook](#) and [Twitter](#). ▲

## DEPARTMENT SPOTLIGHT:

# Judicial District Operations and Programs

The Judicial District Operations and Programs Department serves as the point of contact for all district court administrators (DCAs) and their staff, as well as president and administrative judges on issues related to their administrative functions.

The mission of the department is to assist with the efficient operation of Pennsylvania's minor and trials courts, and to promote equitable access to and administration of justice.

The department works closely with the Pennsylvania Supreme Court and with other departments within the AOPC to assist in implementation of policies, procedures, rule changes and reporting standards.

Led by AOPC Judicial District Operations and Programs Director **Joe Mittleman** and Assistant Director **Christy Beane**, the department is comprised of judicial programs administrators, analysts and administrative assistants, who have expertise in court management and court operations, as well as variety of specialty skills and talents.

There are five units within the Judicial District Operations department:

## Senior judge assignments

Department staff administer the senior judge program, including processing applications for certification of senior judges and managing requests for senior judge assistance from judicial districts. Staff also work

with judicial districts concerning president judge elections and requests for change of venue/venue.

## Office of Elder Justice in the Courts (OEJC)

The OEJC educates judges, court staff, attorneys, guardians, and the public on best practices in the areas of guardianship, elder abuse and neglect, and access to justice, while calling attention to the prevention of elder abuse. The OEJC is guided in their efforts by an advisory council, an interdisciplinary group appointed by the Pa. Supreme Court and chaired by Judge **Paula Ott**.

## Problem-solving courts

The problem-solving court (PSC) unit assists the judicial districts by providing training and support for counties who are interested in starting, expanding or maintaining a PSC.

- Manages the Pennsylvania Supreme Court's Drug Court and DUI Court Accreditation Programs – an examination of a PSC's adherence to the 10 key components and best practice standards, which were established by the National Association of Drug Court Professionals and are a guide to successful program operation and outcomes.
- Oversees the Problem-Solving Adult and Juvenile Courts Information System (PAJCIS) – the statewide case management system for problem solving court cases which provide data and statistics about problem solving courts statewide.
- Provides scholarships for staff to attend conferences and allocates grants to judicial districts to offset the costs of new or existing PSC programs and develop training programs.

## Interpreter services

Staff in this unit are responsible for the training, testing and certification of interpreters. They maintain a list of certified and qualified interpreters, and they assist court administrators in the procurement of court interpreters for uncommon languages or for which there is not certified interpreter on the list. Staff in this unit are also key participants in the implementation of the statewide language access plan.



*Top row (l to r): Christy Beane, Brandy Yasenchak, Natalia Petrova, Diane Bowser, Osvaldo Aviles, Owen Kelly, Keith Hinkel, Danette Oakes, Mike Passiment, Amy Kehner, Cathy Kelly, Nevin Warner, Andy Simpson (recently transferred to AOPC Judicial Education) Front row (l to r): Cherstin Hamel, Angela Lowry, Joe Mittleman, Linda Botti, Rick Pierce*

## Court operations

The remaining department staff are responsible for a variety of general court operations. The ongoing or recurring functions include:

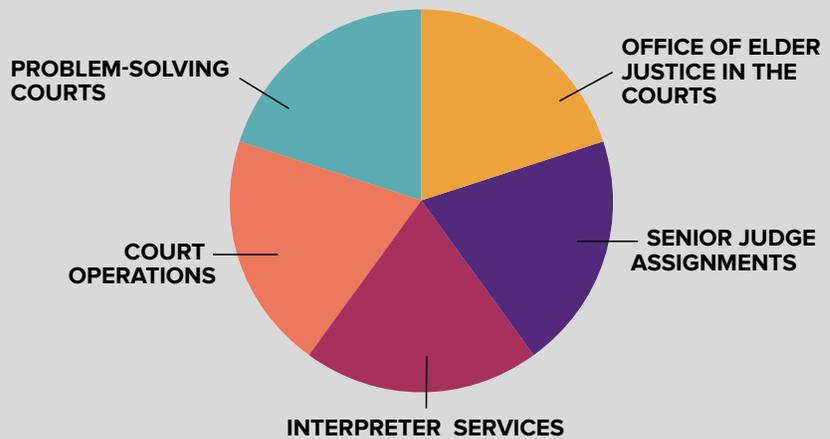
- **Reestablishment** – Staff provide data and support for the Decennial Magisterial District Reestablishment, which requires that the Court reestablish the numbers and boundaries of the magisterial districts the year after the census figures are certified by the Census Bureau.
- **Training** – Department staff develop and conduct trainings, webinars and continuing education programs for local court staff and judges, including the annual New Court Administrator Orientation, President Judge Symposium, Magisterial District Court Administrator Symposium and other in-person trainings.
- **STOP Grant administration** – Staff allocate federal grant funding to support court programs and services to benefit victims of abuse.

- **Common Pleas Judicial Needs Assessment** – The department is responsible for determining each district's eligibility for senior judge usage.
- **Employee Management** – Staff handle local court requests for state-level court administration personnel and annual performance evaluations for all state-level judicial district employees.
- **Reference documents** – Staff develop and maintain resources

including the President Judge Desk book, Court Administrators Reference Manual and Pennsylvania Central Court Resource.

- **Continuity of Operations Planning (COOP)** – The department ensures that essential court functions can be maintained in the event of a catastrophic event.
- Department staff also assist local courts in responding to audits from the Auditor General or county controller. ▲

### COMPONENTS OF JUDICIAL DISTRICT OPERATIONS DEPARTMENT:



## President Judge by Day, Professor by Night

For more than 10 years, Lancaster County President Judge **David L. Ashworth** has been teaching a community-based learning course titled, "Problem-Solving Courts: A Different World" at Franklin and Marshall College.

As a senior adjunct professor, PJ Ashworth created and designed the course that is offered to students as part of Franklin and Marshall's Public Health and Policy Curriculum.

The interdisciplinary course introduces students to the real world of problem-solving courts, including drug courts, veterans courts and mental health courts, and includes a hands-on experiential examination of traditional courts, drug court models and addiction issues.

During the course, students interact directly with drug court participants and members of the Lancaster County Adult Drug Court team.

"Teaching at F&M has given me the opportunity to interact with young people with tremendous potential who will some day be running our country," PJ Ashworth said. "Hopefully, by taking this course, they will be able to make informed decisions regarding people with substance use disorders to the benefit of everyone."

PJ Ashworth is the county's first and only drug court judge since the program was first established in 2005. Since then,



Lancaster County President Judge David Ashworth

under his direction, over 230 participants have graduated. ▲

# Local foundation helps Lawrence County Treatment Court participants enjoy Thanksgiving

This Thanksgiving, the Aaron Michael Cangey Memorial Foundation graciously donated their time and financial assistance to help Lawrence County Treatment Court participants with their holiday groceries.

Braving the frigid temperatures, volunteers from the foundation came to the Adult Probation Office on the Monday before Thanksgiving to deliver the groceries to the participants who signed up.

Seven treatment court participants were able to

take home an abundance of grocery items including a turkey, potatoes, fresh produce, milk, eggs, bread, canned and boxed items, paper products, foil baking trays, and a case of water.

“Our goal was to have everything there to make a meal – down to the spices,

proper baking trays and Thanksgiving- themed plates,” said Foundation Director Ginny Jacobs. “We also decided to throw in a few fun items like cake mix, icing and hot chocolate with marshmallows.”

Created in 2019 after the passing of Lawrence County Assistant Public Defender Aaron Cangey in 2018, the foundation was started by Aaron’s family to help treatment court participants with various financial needs – including help with schooling costs, interview/ work clothes, paying restoration fees for their driver’s license, etc.

“Our Program has been extremely blessed to work in conjunction with the Aaron Michael Cangey Memorial Foundation,” Lawrence County Treatment Court Probation Officer **Sarah McCowin** said.

“Lawrence is a small county with limited resources, so connecting with the Cangey Family through the Foundation has enabled us to help our participants in ways we wouldn’t have been able to otherwise.” ▲



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# Diversity, Equity and Inclusion – A Journey with No Final Destination

By Rick Pierce, Judicial Programs administrator, AOPC Judicial District Operations and Programs



(l to r) President Judge Idee C. Fox (Philadelphia), Director for Racial Justice and Equity at the National Center for State Courts Edwin Bell, Court Administrator Will Simmons (Georgia) and Court Administrator Nicole Garcia (Arizona)

Diversity, equity and inclusion (DEI) appears to connote different meanings depending upon where you receive your news. But what exactly is DEI?

There is much misinformation surrounding this subject. When addressing our courts, we take on the literal meaning of practicing equity and inclusivity for all people from all cultures and backgrounds.

We also recognize our courts and those who work in the justice system may think we are inclusive and equitable. It is telling, shocking even, when we see data that shows how homogenized we are in makeup and how very likely it is we treat those from a minority group (race, gender, sexual orientation or identification, socio-economic status, education, to name a few) differently and not equitably.

AOPC Judicial District Operations and Programs recently produced a webinar for district court administrators and deputy court administrators across the Commonwealth.

Headlining the panel of presenters was the Director for Racial Justice and Equity at the National Center for State Courts, Edwin Bell. Mr. Bell was joined by court administrators from Georgia, Will Simmons and from Arizona, Nicole Garcia. Pennsylvania was ably represented by another headliner, President Judge **Idee C. Fox** from the First Judicial District, Philadelphia.

Mr. Bell provided an overview of what DEI is, and is not. He provided strategies for how each court can become more inclusive and equitable for the people it employs as well as addressing those needs of all court users.

Each panelist shared experiences where they may have felt marginalized or disenfranchised from a personal and professional position. One never truly understands what it means to be marginalized until one has such an experience first-hand or at least witnesses micro-aggressions toward an individual from a minority group.

This hour session was the first step in a process for all of us. It served as an introductory dialogue to help all of us prepare for even more meaningful and fruitful conversations to take place between and among court employees and court users from those in the majority with those who have been marginalized.

Future sessions in 2022 will address recruiting strategies to include individuals who are underrepresented or have been disenfranchised with the courts as an employer. We will seek to convene sessions on courageous conversations that will serve as a springboard to perspective taking and perspective giving from those in the majority with those who have been excluded.

We must realize addressing diversity, equity and inclusion is a journey with no final destination. There is no set goal or objective other than to take the perspective of someone who has been marginalized. Perspective taking (and perspective giving from those marginalized) will bring us closer to ensuring that justice is not just for those in the majority, but for all. ▲

# GREATER PARENT PARTICIPATION, EFFICIENCIES SEEN IN VIRTUAL CHILD WELFARE HEARINGS



Virtual hearings for child welfare cases offer plenty of benefits, and they have a future after the coronavirus pandemic ends. But they also present limitations, according to interviews with presiding judges.

This summer, NCSC issued a “**Study of Virtual Child Welfare Hearings Impressions from Judicial Interviews**” to offer insight into the effectiveness of virtual hearings and perceptions of how families, lawyers and case workers adapted to them. The interviews were part of a larger study, funded by **Annie E. Casey** and **Casey Family Programs**, due to be released later this year. The judges who participated range in experience from one to 29 years on the bench and work in big cities, rural counties or in between. The interviews led to these conclusions:

- **Parents participate more frequently.** Judges attributed this to parents not having to travel, find parking, take time off from work and enter the often-intimidating atmosphere of a courtroom.
- “I was surprised by the increased level of participation by both parents and children,” said Associate Judge Thomas Stuckey, who works in Centex Child Protection Court in Seguin, Texas. “Parents were able to appear in court without missing work or having anxiety about coming to the courthouse.”
- **Most judges prefer using video but don’t require it.** Lawyers and court professionals almost always appeared on camera, but parents did not. This calls into question whether judges should require all participants to be on camera.
- **Virtual hearings facilitate time-specific scheduling in some courts.** Time-specific scheduling is a long-standing recommendation for child welfare cases rather than assigning multiple cases for a morning time slot or an afternoon time slot.
- **Judges differ on whether virtual hearings make their jobs easier.** Some said the hearings allow them to see witnesses’ faces up close on camera and make it easier to observe how participants react to testimony. Others pointed out that the hearings make it more difficult to assess witness credibility, recognize witness coaching, and make personal connections with parents and children.
- **Virtual hearings seem to be more time efficient.** They reduced travel time and time spent in courthouses for attorneys, case workers and others. They allowed attorneys to appear in courts in multiple jurisdictions on the same day, and many judges found that attorneys were as well or better prepared for virtual hearings than for in-person hearings.
- **The hearings allow more “support people” to attend.** Besides parents, several judges said foster parents, therapists and relatives appeared more frequently because virtual hearings are more convenient to attend.
- **Most judges say virtual hearings are the new normal.** Some judges lament the loss of decorum in virtual hearings and say that environment sometimes dampens the gravity of the situation, but most see a future for these hearings at least some of the time.

Judge Stuckey said, “I believe we’ll see the development and implementation of a hybrid model, allowing court participants the option to appear remotely when we return to in-person hearings.”

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