

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

THE PHILADELPHIA COMMUNITY BAIL : No. 21 EM 2019
FUND, BY AND THROUGH ITS :
TRUSTEES, CANDACE MCKINLEY AND :
LAUREN TAYLOR, THE YOUTH ART & :
SELF-EMPOWERMENT PROJECT, BY :
AND THROUGH ITS TRUSTEES, SARAH :
MORRIS AND JOSHUA GLENN, M.W., :
AN INDIVIDUAL BEING HELD ON BAIL :
HE CANNOT AFFORD, P.R., AN :
INDIVIDUAL BEING HELD ON BAIL HE :
CANNOT AFFORD, G.T., AN INDIVIDUAL :
BEING HELD ON BAIL HE CANNOT :
AFFORD, T.J., AN INDIVIDUAL BEING :
HELD ON BAIL HE CANNOT AFFORD, :
S.T., AN INDIVIDUAL BEING HELD ON :
BAIL HE CANNOT AFFORD, D.M., AN :
INDIVIDUAL BEING HELD ON BAIL HE :
CANNOT AFFORD, K.B., AN INDIVIDUAL :
BEING HELD ON BAIL SHE CANNOT :
AFFORD, J.H., AN INDIVIDUAL BEING :
HELD ON BAIL HE CANNOT AFFORD, :
AND H.J., AN INDIVIDUAL BEING HELD :
ON BAIL HE CANNOT AFFORD, Z.L., A :
MINOR BEING HELD ON BAIL HE :
CANNOT AFFORD, BY AND THROUGH :
HIS MOTHER A.B., :

Petitioners

v.

ARRAIGNMENT COURT MAGISTRATE :
FRANCIS BERNARD OF THE :
COMMONWEALTH OF PENNSYLVANIA, :
ARRAIGNMENT COURT MAGISTRATE :
JANE RICE OF THE COMMONWEALTH :
OF PENNSYLVANIA, ARRAIGNMENT :
COURT MAGISTRATE SHELIA :
BEDFORD OF THE COMMONWEALTH :
OF PENNSYLVANIA, ARRAIGNMENT :
COURT MAGISTRATE KEVIN DEVLIN OF :
THE COMMONWEALTH OF :
PENNSYLVANIA, ARRAIGNMENT :

COURT MAGISTRATE JAMES O'BRIEN :
OF THE COMMONWEALTH OF :
PENNSYLVANIA, ARRAIGNMENT :
COURT MAGISTRATE ROBERT STACK :
OF THE COMMONWEALTH OF :
PENNSYLVANIA, :
Respondents :

ORDER

PER CURIAM

AND NOW, this 8th day of July, 2019, the Application for Leave to File Original Process is GRANTED.

The Motion for Leave to File an Amended Class Action Complaint and Petition for a Writ of Mandamus is GRANTED.

The Application for Leave to Proceed Anonymously and the Individual Petitioners' Motion for Class Certification are DENIED.

The Application for Briefing Schedule on Issues Raised by Respondents, which seeks permission to submit further briefing in this Court at this juncture, is DENIED.

As to the Amended Class Action Complaint and Petition for Writ of Mandamus, the request for mandamus relief is DENIED.

That said, this Court invokes its King's Bench jurisdiction in this matter to conduct an inquiry, more fully described below, relative to the operation of the cash-bail system in the First Judicial District. See PA.CONST. art. V, §10(a) (delineating this Court's constitutional duty of general superintendency over the judiciary); see also *Commonwealth v. Chimenti*, 507 A.2d 79, 81 (Pa. 1986) (noting that King's Bench jurisdiction may be invoked *sua sponte* as an exercise of this Court's inherent supervisory powers).

That inquiry shall be conducted by a special master. The inquiry shall be limited to Petitioners' allegations regarding systemic failures of the First Judicial District to properly conduct cash-bail matters pursuant to current law, as well as any suggestions for action by this Court in response to those alleged systemic failures. Any attempt to advocate for the abolition of cash bail will not be entertained.

The Honorable John M. Cleland, Senior Judge of the Court of Common Pleas of McKean County, is appointed to preside as special master over the inquiry.

In light of the denial of the Application for Leave to Proceed Anonymously, a Petitioner may continue in this action only if identified by name. Any Petitioner who chooses not to be named may withdraw from the action with no continuing obligation to identify himself or herself. Petitioners' counsel is directed to submit to the special master and this Court's Prothonotary, within 10 days of this order, a letter indicating which Petitioners, if any, have withdrawn from the action. That letter shall also identify by name all Petitioners who are continuing to participate and list their associated First Judicial District cases by docket numbers. Petitioners' counsel shall attach to that letter a reformed caption, identifying all Petitioners by name. This Court's Prothonotary shall thereafter amend the caption accordingly.

The named Petitioners and Respondents are to participate in the proceedings before the special master. The President Judge of the First Judicial District and the President Judge of the Philadelphia Municipal Court, or their designees, are invited to participate in the proceedings. The Philadelphia District Attorney's Office and the Defender Association of Philadelphia are also invited to participate in the proceedings.

In the proceedings before the special master, any evidence or argument introduced relative to open-court proceedings shall be linked to a particular docket number or other case-specific identification. The parties are encouraged to enter into

stipulations of facts and, if appropriate, reach any other relevant agreement for consideration by the special master.

With respect to the proceedings before the special master, all necessary additional filings shall be presented and any hearings shall be concluded within 90 days of this order. Within 60 days thereafter, the special master is to submit to this Court a report and recommendation, detailing any indicated proposed findings of fact, conclusions of law, and recommendations for further action by this Court.

Petitioners, Respondents, the President Judge of the First Judicial District, the President Judge of the Philadelphia Municipal Court, the Philadelphia District Attorney's Office, and the Defender Association of Philadelphia shall have 30 days to file a response in this Court to the special master's report and recommendation.

Any *amicus curiae* will be permitted to file a brief in this Court concerning the special master's report and recommendation. See Pa.R.A.P. 531(b)(1)(iii) (permitting *amicus curiae* filings upon leave of court). Those briefs are subject to the word-count limit applicable to filings per Rule of Appellate Procedure 531(a)(1)(i). *Amicus curiae* filings are due within 30 days of the special master submitting his report and recommendation in this Court.

The Prothonotary is directed to strike the names of the jurists from the caption.

Jurisdiction is retained.