

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE

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In re: Oversight on the Administrative Office of
Pennsylvania Courts

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Stenographic report of hearing
held in the Majority Caucus Room,
Main Capitol Building, Harrisburg,
Pennsylvania, on Wednesday,

February 23, 1994
10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN
HON. KATHY M. MANDERINO, SECRETARY

MEMBERS OF JUDICIARY COMMITTEE

HON. TIMOTHY F. HENNESSEY

ALSO PRESENT:

Ken Sutter, Esquire, Minority Counsel
Galina Milohov, Research Analyst

Reported by:
Nancy J. Grega, RPR

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WITNESS:

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Thomas B. Darr, Director
of Administration and
Communication

3

1 CHAIRMAN CALTAGIRONE: This is the House
2 Judiciary Committee. We are going to be taking
3 testimony from the AOPC dealing with some of the issues
4 dealing with finances. And we'd like to start out with
5 some introductions.

6 I am Chairman Caltagirone and we have with
7 us Representative Kathy Manderino and Galina Milohov,
8 Researcher for the Staff.

9 You can introduce yourself for the record.

10 MR. DARR: Tom Darr, Director of
11 Administration and Communication.

12 How would you like me to proceed?

13 CHAIRMAN CALTAGIRONE: Do you want to make
14 any presentation?

15 MR. DARR: Sure. Let me describe what is
16 in the packet that you both have and maybe go through
17 that a little bit.

18 Mine is sort of jumbled because I added all
19 sorts of other things.

20 I believe what you have first of all, is a
21 brochure which we have used. We produced it a long
22 time ago, frankly. It describes the District Justice
23 phase of the Judicial Automation Project and we used it
24 essentially to give out to staff in the D.J. Offices
25 who were about to be automated.

1 The woman on the cover, Sally Vaughn is, in
2 fact, a real live clerk in a D.J. Office, or was. I
3 think she has since left. She was there ten or fifteen
4 years.

5 We came to choose her for that cover shot
6 because she determined when she was going to have her
7 office automated that she was going to quit. She
8 couldn't handle automation and it turned out that one
9 of her sons had grown up with one of our lead trainers.
10 And the lead trainer persuaded her to come in and
11 participate in the testing of our system before it was
12 up and running.

13 She came for a week, did the testing. At
14 the end of the week, we took each of the staff people
15 that we brought in into a conference room and debriefed
16 them.

17 I wandered in that afternoon to hear this
18 woman who had been described to me as being very
19 negative just waxing eloquently about what a great
20 thing this was going to be.

21 So, there was our ticket. If this
22 grandmother of several could do automation, anybody
23 could do it.

24 That was really the purpose for the
25 brochure, to point out to people who had a lot of fear,

1 a lot of concern, that this was not something that they
2 couldn't handle. And, in fact, most people in the D.J.
3 Offices staff and the District Justices have handled
4 it.

5 So, that is there to give you sort of an
6 overview.

7 There is also, I believe, a copy from the
8 A.D.A. Judge's Journal on our Automation Project. It
9 was written by Sue Willoughby of our staff. So, it
10 comes with a bit of a bias, but we think it was
11 noteworthy that the A.D.A. asked us to submit an
12 article for their publication.

13 And, I should say that Sue Willoughby, who
14 is our Director of Automation was to have been here
15 this morning as was our Financial Manager, Deb
16 McDevitt, both of whom are out there in the snow
17 somewhere. So, I apologize on their behalf.

18 There is a single sheet, which lists a
19 variety of magazines in which there have been either
20 mentions or articles about Pennsylvania's Judicial
21 Computer Project.

22 And we are pleased that things like city
23 and state and government technology have seen fit to
24 recognize what we have done.

25 We think that is somewhat symptomatic of

1 the success we have had.

2 And finally, or next to last, there is a
3 list of Common Pleas implementation team members. I'll
4 allude to that in a moment.

5 And then most notably there is this Guide
6 for the Second Phase of Judicial Automation. And let
7 me just go through that for a brief moment or two,
8 divide it into four sections: Where we have been,
9 where we are, where we are going and what we need to
10 get there.

11 I don't know, Mr. Chairman, you and I have
12 talked about this at length, but for Representative
13 Manderino's benefit, perhaps and if I'm going into this
14 in too much detail, stop me please.

15 Where we have been, of course, is about the
16 task of automating District Justice Offices, 541 of
17 them. As of December, 1992, all of those offices are
18 up and running. There was a \$24 and a half million
19 dollar first phase of the overall project. We
20 automated eight offices per week. We brought eight
21 offices up per week around the State until we had all
22 541 done.

23 That was a competitively bid project. IBM
24 was the successful vendor out of six or seven people
25 who originally bid. And there was really a team effort

1 between IBM and our staff.

2 We located a computer center in
3 Mechanicsburg and we had IBM staff and our staff
4 working hand in hand in that facility to get the
5 project done.

6 Essentially, how we did it was IBM hardware
7 is used, of course. IBM in the D.J. Project wrote the
8 software. It was customized software, which was not
9 our original intent. We had originally thought we
10 would be able to use a package that had been written by
11 a vendor that was a subcontractor to IBM.

12 That turned out really as we got started,
13 to not work at all. Pennsylvania's Courts, much as
14 Pennsylvania's Government, in all phases are different.
15 As frankly most Courts are different around the
16 country.

17 There are certainly vast similarities, but
18 when you get down to local practices, the differences
19 are sufficient that using a standardized package would
20 not really have worked.

21 So, we ended up writing our own software
22 through a vendor that IBM hired. They also, IBM, also
23 hired a firm which designed some training materials and
24 then we had about fifteen trainers, half AOPC State
25 employees and half contractors. And what we

1 essentially did was send the trainers out into the
2 field, into the District Justice Offices, closed the
3 office for a week. The training took place for four
4 days essentially. And at the end of the four days,
5 hopefully and miraculously, in some cases, District
6 Justice staff knew what they were doing and our
7 trainers would move onto the next office. Eight of
8 those offices per week.

9 Additionally, we set up a half desk in
10 Mechanicsburg, with a toll free number. I won't give
11 you the toll free number, but with the reporter
12 present, we won't publicize the toll free number. But
13 there is a toll free number and if District Justice
14 staffs get into a fix, don't know what to do, the
15 system freezes on them. Hopefully they will look at
16 the training materials first. They will try and figure
17 it out themselves. and if they can't do that, they can
18 call the toll free number and we have people staffed
19 there from eight in the morning until five. We have
20 an operations staff in Mechanicsburg which is 24 hours
21 a day.

22 So, if there are drug busts at night and
23 there needs to be arrangements, that sort of thing,
24 there are people that can take questions even later in
25 the day.

1 We really feel quite happy about the
2 District Justice System. We think that it's noteworthy
3 that it was finished on budget, \$24 and a half million
4 dollars, and on time. We met those goals.

5 And we feel good about it particularly
6 because if we look back when we were getting started,
7 there were a lot of people who said the Administrative
8 Office couldn't possibly do this. Couldn't possibly,
9 possibly pull this off. Pennsylvania's Judiciary was
10 not up to the task.

11 I think we had something in that respect to
12 prove and I think we did prove it. And so we feel very
13 good about that.

14 There remains a good deal of work to do.
15 However, because while the District Justices were not
16 automated significantly around the State, so, too, many
17 Common Pleas Courts are not automated to any extensive
18 degree. Although, most of them are automated to some
19 degree.

20 That takes me really to the phase of where
21 we are. I want to pay a little closer attention to
22 detail here. Because what we have found in looking at
23 the District Justice System and looking at the Common
24 Pleas Courts in Pennsylvania is that the factors which
25 existed in the D.J. Offices are very similar to those

1 faced by Common Pleas Courts. The factors that really
2 call out or cry out for automation.

3 We found that automation in Common Pleas
4 Courts just as in the District Justice Courts is
5 fragmented.

6 The ability to computerize is frequently a
7 function of wealth. Counties that are more wealthy,
8 counties that have a stronger economy have much greater
9 opportunity to automate.

10 The case loads are continuing to increase
11 around the State significantly. That isn't universally
12 true on all Civil, Criminal, but by and large, case
13 loads are increasing.

14 From 1987 until 1991, Criminal case loads
15 increased by 26 percent. Of course, we know the
16 emphasis on crime and citizens concerns about crime.

17 I was talking yesterday with the National
18 Center for State Courts Office in Washington about the
19 Federal Crime. I forget the title of it, the Federal
20 Crime Bill, which is moving through Congress. Sixty-
21 six percent of the funding from that Crime Bill is
22 going to law enforcement, police. One hundred thousand
23 police officers. Some thirty percent is going to
24 corrections. Four percent, actually a little less than
25 four percent, is going to Courts, prosecutors and

1 defenders combined.

2 Now, no one would argue that corrections
3 and law enforcement doesn't need huge amounts of help.
4 But, it's a little like a camel. You have the two
5 bumps and you have that deep trough in the middle and
6 not much help getting from the one hump to the second
7 hump.

8 That's one of the reasons we think
9 automation is going to be important to Pennsylvania.
10 Because obviously, there are going to be, on the
11 Criminal side, many more people entering the Criminal
12 Justice System. Entering the Court System. There
13 clearly is not the ability on the part of the Counties
14 as the funding mechanism exists now, to be able to hire
15 the kinds of staff, the numbers of staff, and frankly,
16 the quality of staff that will process those cases
17 through the System.

18 So, we think automation really is a
19 significant answer to that. We also think that Courts
20 generally, not just in Pennsylvania, but, of course,
21 that's where we are. Are a little behind the curve in
22 many respects in terms of their automating.

23 If you look at your Branch of Government,
24 if you look at certainly the Executive Branch of
25 Government, automation really had taken hold long

1 before Courts really got into the swing of things.

2 And so, in some respects, we are playing
3 catch up. If you understand that, we think we are up
4 to that task.

5 One of the spin-offs of the D.J. System,
6 and we knew this from the start and we're happy that
7 it's paid benefits. And we think the same benefits
8 will occur in Common Pleas, are the ability to audit
9 our Courts better.

10 In the D.J. System, we have -- the phrase
11 they use is Electronic Data Interchange, which means we
12 now, or will have electronic linkages with PennDOT in
13 terms of filing the DL38's, suspensions of licenses;
14 revenue in terms of funneling revenues back and forth.

15 And we have also trained, had the Auditor
16 General's staff out to train them on how our system
17 works so that they can hopefully audit more
18 efficiently, more effectively. Using our automated
19 system.

20 We think those kinds of linkages external
21 to the Judiciary are a boon to Government in general.

22 Standardization, uniformity, those are all
23 things we have been pushing for, that the Supreme Court
24 has been pushing for in our Judiciary and we find that
25 certainly to be the case in automation.

1 In the District Justice System, there was
2 an advantage in the sense that the District Justice
3 Office operated, always operated, through a standard
4 procedures manual.

5 And so theoretically around the State, if
6 you went to a District Justice Office in Erie or
7 Montgomery County, you would have your case processed
8 similarly even before automation. In practice, that
9 wasn't always the case. Local practices grow up and
10 the rules sometimes get fractured.

11 With the automated system, the fractures
12 are really difficult to occur. It's a much more
13 standardized and uniform process. And that doesn't
14 affect the Judicial discretion certainly. We are
15 confident that this is an administrative system. This
16 is not something to affect the Judicial discretion.
17 But it has brought the standardization, which we think
18 is useful.

19 I was at the County Commissioner's
20 Subcommittee Meeting last week. There was a District
21 Justice there whom I didn't know. Didn't know how he
22 would react when I started talking about the System.
23 There are still some who don't think it's the greatest
24 system. They don't like the intrusion of automation.

25 And so, I started talking about things and

1 got to that point in terms of standardization and
2 uniformity and he shook his head vigorously. I
3 thought, well, I'm home free; he likes it. And he told
4 me afterwards that, in fact, in his experience, it has
5 brought that kind of standardization and he thinks it's
6 good. And he thinks it's useful.

7 At the Common Pleas level for those who are
8 practicing attorneys, any attorneys?

9 CHAIRMAN CALTAGIRONE: One, two, three.

10 MR. DARR: Okay. If you practice -- I'm
11 not an attorney, but as I understand it, there are
12 local rules all over the State, county by county.
13 Although we are not quite there yet, we think that the
14 Common Pleas automation is probably going to
15 significantly alter that practice to the extent that
16 there will probably be State-wide rules of practice
17 eliminating -- I mean there are already many State-wide
18 rules of practice, but eliminating most local rules.
19 And we think that is going to be a plus.

20 Interestingly, we were not certain how the
21 Judges would react to that. And certainly, I wouldn't
22 sit here and try to speak for all Judges in
23 Pennsylvania or even any Judges in Pennsylvania, but
24 those President Judges and other Judges who have been
25 on our Implementation Team for Common Pleas have really

1 said they believe it is time for that kind of
2 standardization on the Common Pleas Level.

3 We think that automation will do that for
4 us.

5 The ability to implement Court automation
6 at the County Level is, of course, limited by available
7 resources. And if there is one thing I learn every
8 time I meet with County Commissioners is how limited
9 the Commissioners believe their resources are. And
10 that does lead to disparities in how much automation
11 the counties can afford.

12 So, we believe that we are bringing to the
13 counties, if we are able to at the Common Pleas Level,
14 we will be bringing to them a system which they will
15 just never have to spend money on again.

16 Frankly, we think it will be a boon to
17 counties in that here is a large chunk of their
18 operation that at least they will not have to worry
19 about the automation costs for. If they have
20 automation in County Courts now, we think they will
21 probably be able to shift those systems to other parts
22 of the County Government.

23 Many counties have the Courts using main
24 frames. Those that have a lot of automation have their
25 Courts using main frames that other parts of County

1 Government are using.

2 So, we think that they will be able to
3 shift those systems to other units without too much
4 difficulty.

5 And, of course, the pace of automation just
6 keeps trolling along. It is tough to be up-to-date.
7 It's tough for us to be up-to-date, let alone every
8 individual county. We think we will be able to
9 alleviate that kind of problem in the Courts.

10 The process that we used to develop the
11 District Justice System was what we call a Ground Up
12 Process. We think that is important. We think that's
13 important and we think that is really the only way for
14 the users to feel that they have a stake in the system.
15 And that it's a system that they will, in fact, use and
16 will do, in fact, what needs to be done.

17 That's where we get to the question of
18 Implementation Teams. At the D.J. Level we had an
19 Implementation Team that was made up exclusively of
20 District Justices. And they met here in Harrisburg
21 wherever they needed to, reviewed what was needed in an
22 Automated District Justice System, worked with our
23 staff almost on a weekly basis. It was a grueling
24 process for District Justices. I don't think they knew
25 how grueling it was going to be or they probably

1 wouldn't have agreed to participate.

2 But they did participate and the end result
3 was that they were not only on the ground floor of
4 refining the terms of the system and how it should
5 work. What needed to be done. They also were active
6 participants in choosing the vendor. The same process
7 is being used in the Common Pleas System. Except on an
8 expanded basis.

9 That's the list I alluded to in your
10 packet. We have Judges, Clerks of Courts,
11 Prothonotaries, District Attorneys, Defenders, the
12 whole panoply of participants, user participants,
13 engaged in planning the System. And just like the
14 District Justices, they came in from all over the State
15 to Mechanicsburg to meet, not every week, but several
16 weeks per month.

17 And at this point, we are in the process of
18 trying to define the System. They are about to the
19 point where the System is pretty well defined in terms
20 of what we need. What they think they need. What the
21 users will find useful and from there we will move into
22 an even further level of definition.

23 And then ultimately the software
24 development and presumably bidding again, competitive
25 bidding, for hardware.

1 The difference in the Common Pleas System
2 from the District Justice System development is that we
3 now have a core staff, which we think of software
4 programmers, operations people, which we think is more
5 than up to the task of performing software development
6 for the new System.

7 So, what we have decided at the Common
8 Pleas Level is not to seek a vendor that would be a
9 systems integrator to do the software writing. Rather,
10 we are more likely to find a vendor, to seek a vendor,
11 purely for hardware and for some limited systems
12 integration.

13 We plan to write the software ourselves,
14 using our own in-house staff. The question has been
15 raised, isn't it cheaper in the long term to hire a
16 consultant, because we don't have imbedded staff with
17 benefits and all of that long-term costs. And we
18 looked at that.

19 But the truth of the matter is that you pay
20 a vendor millions of dollars. You have to bring them
21 up to speed. They don't know what Pennsylvania's
22 Courts are like. They don't have a clue as to the
23 nuances and ins and outs. So, you have to have a
24 learning curb for them. And, then eventually they go
25 away and you need staff anyhow to keep the system

1 running.

2 That is, in fact, where we ended up with
3 the District Justice System. Every time a law is
4 passed, a statute is changed, we have to change the
5 program on the District Justice System to accommodate
6 that statutory change.

7 We are always going to need some
8 programmers and our feeling is that with, practically
9 at this point, with limited additional staff, we can
10 handle that and not incur those costs to the vendor.
11 And incur the time lag that would be required in terms
12 of that learning curb.

13 So, that is our plan for Common Pleas
14 Automation.

15 There is on, I believe, on page 10 of your
16 packet a set of tentative milestones in developing the
17 Common Pleas System. And as you can see, it says from
18 October '93 through June of '94. Which is where we are
19 now. They would be involved in developing system
20 design, assessing the county sites to be automated and
21 finalizing the functional requirements.

22 A lot of this, I'm not a computer person
23 either, is minor gibberish to me in terms of functional
24 requirements.

25 That is essentially where they are at the

moment.

There is, of course, in all things a catch. If you turn to the next page, you will see the tentative plan is to really roll out this automated system beginning in June of 1996.

There is between now and then a great deal of testing.

The other thing that there is are pilot sites. We have chosen four counties around the State to be pilot sites, Erie, Beaver, Philadelphia and Bedford.

Philadelphia was chosen, of course, because it is the largest and it is the biggest thing we could possibly tackle. If we can automate Philadelphia, we feel we can automate anyone. And they are in the process of building a new Criminal Justice Center. So, the logical linkage there is almost without dispute, I suppose.

Erie was chosen because it's a multi-judge county. It mixes both urban and suburban types of issues, cases. We thought that was important.

Beaver was chosen because it's a multi-judge, somewhat more rural suburban county.

And then Bedford was chosen as the representative of a single Judge, smaller county, that

1 has sets of problems all their own.

2 I can tell you happily that in talking with
3 the County Commissioners around the State or in those
4 four counties or three counties, excluding
5 Philadelphia, that they are very enthusiastic about
6 being part of a pilot project.

7 Our process in choosing the counties was to
8 go not only to the judge or judges, but also go to the
9 County Commissioners and say this is what we would like
10 to do. This is what you will get from it. This is
11 what we will need from you. And, if you believe this
12 is good for your county, then we'd like to sign a
13 memorandum of understanding, which we have done.

14 I have talked to the Commissioners in
15 Beaver. I have talked to the County Council President
16 in Erie myself. Other staff, we have told you about
17 the conversations with other Commissioners and they are
18 very enthusiastic and that's good. We're happy about
19 that.

20 So, we will be taking this System into the
21 pilot counties first. The purpose for that, of course,
22 is to see where we made mistakes in software. There
23 will be some. There certainly were in the D.J.
24 System. And hopefully, we will iron out those mistakes
25 before we roll it out to the rest of the State.

1 Now, back to the catch. The catch, of
2 course, is that it takes money to do this. We don't
3 have any more.

4 There are two financing mechanisms that
5 fund the Judiciary Computer Project. Do you want me to
6 go into all of the details?

7 CHAIRMAN CALTAGIRONE: I had a series of
8 questions.

9 REPRESENTATIVE MANDERINO: I don't know it.

10 CHAIRMAN CALTAGIRONE: I think it's going
11 to be important that we cross that bridge.

12 MR. DARR: Okay. I'll do it. I'll give
13 you a real capsule.

14 There are two funding mechanisms. The
15 original one, Act 64 of 1987, essentially set 1987 as a
16 base year for fines, for the collection of fines and
17 whatever was collected in 1987 is a cap. And what the
18 legislation said was anything that was -- in terms of
19 fines, in a range of different types of offenses, that
20 was collected above that base year, would go to the
21 Judicial Computer Project.

22 That was an okay mechanism except that
23 exemptions were enacted almost instantly. And
24 progressively thereafter. Various funds wanted to be
25 opted out. The last one was Games and Fish, which was

1 a major hit.

2 So, what was a reasonable funding stream
3 kept getting smaller and smaller and smaller. We came
4 back in 1990 and said that that exemption problem was
5 significant. Also, that that particular mechanism did
6 not prove to be particularly predictable. And that
7 there was a need for additional funding.

8 And the Legislature, quite graciously and,
9 I might note, Representative Manderino, with your
10 father's support, which we will never forget. Indeed,
11 I'm told, this was quite unusual. Your father was
12 Speaker at the time. And he came off the Speaker's
13 rostrum to debate the issue on the floor on our behalf.
14 And I will never forget him doing that.

15 CHAIRMAN CALTAGIRONE: I must interject on
16 that part because it was my piece of legislation, as
17 you well know, and I was a little bit put out with the
18 attack that was coming from both sides of the aisle. A
19 former prothonotary, I think, was laying into me on the
20 Republican side, a couple of Democrats on our side. I
21 was just getting so terribly frustrated because I was
22 in the lion's den battling alone. And I'm looking over
23 there, her dad, I look over to Matt Ryan and I'm
24 thinking, come on, guys, help out. I'm standing here
25 alone naked in the sun and this is getting quite

1 difficult to say the least. And it is absolutely true.
2 He came down off the podium and he spoke and also Matt
3 got up there and spoke, too. And that pretty well
4 carried the day that was very, very critical. That was
5 the point that we had to overcome in order to get this
6 thing into reality.

7 MR. DARR: I don't think there was general
8 opposition at the time, but there were, as you say, a
9 couple of people who were really concerned and were
10 creating some difficulty.

11 So, in any event, not to digress too much,
12 the proposal we came forth with in 1990 was, in fact,
13 to attach fees, which by now it's a common process onto
14 criminal convictions at the District Justice and Common
15 Pleas Level and Civil Filings, also at the Appellate
16 Level.

17 The fees at the D.J. Level were a dollar
18 fifty and at the Common Pleas and Appellate Level were
19 five dollars. Which, by standards even then, were
20 incredibly modest. Today remain incredibly modest.
21 And that has brought in an additional sum of money.

22 I believe if you look in your packet, you
23 will see at the back three charts. The first chart
24 essentially is what was spent, the cost for the D.J.
25 System. Now, I have to point out that when I alluded

1 to a \$24 and a half million dollar cost for the
2 project, that was our cost to IBM. Rolled into the
3 cost, you see there, of course, are operating costs.
4 Telecommunications staff, benefits, all of that. So,
5 you don't see the direct tie, 24 and a half to what you
6 see there.

7 The second chart, Table B, is a history of
8 collections under Act 64 and Act 59. Frankly, the
9 collections seem to have plateaued from '91--'92
10 onwards. They seem to have plateaued at about eleven
11 million dollars a year. And, in fact, I just got a
12 report the other day, which suggests that the
13 collections under Act 64 are, in fact, down
14 significantly. And if the trend continues, they are
15 going to be down a million and a half dollars. A
16 significant amount.

17 Why are they down? Frankly, we would love
18 to know for sure. And we don't. We know a variety of
19 things affect this that we can't control. For example,
20 when the Camp Hill Prison Riot occurred, there were
21 fewer State Police on the highways. And there were
22 fewer traffic tickets being issued. And there is a
23 direct result on the financing.

24 We know that the City of Philadelphia
25 decriminalized its parking tickets and we know that

1 there are fewer City of Philadelphia police writing
2 tickets. Demonstrably so. Hundreds of thousands of
3 fewer tickets per year.

4 We know that the indigency factor is a big
5 problem. Because, of course, if you can't pay your
6 fine, you can't do one source, you can't pay us either.

7 So, there are a variety of things that we
8 think are factors.

9 Can we put our finger on any one as a
10 problem to solve, no. In fact, I think, much of it is
11 beyond our solution.

12 Then, there is the third chart, which I
13 will get to right now. Because the funding for the
14 D.J. Project was reasonably adequate, but not when we
15 needed it. We needed to be able to pay IBM when IBM
16 felt it's money was due. And the collections did not
17 keep up with that pace. So, we did what other entities
18 in State Government have done. I had discovered --
19 there was a Control Board, even the Legislature, I'm
20 told, have financed their computer efforts through, in
21 this case IBM Credit Corporation.

22 And, in fact, we still owe IBM Credit
23 Corporation some eight million dollars on the D.J.
24 System. Which we have scheduled payments for. The
25 upside of that is that interest rates, of course, were

1 as good as they were ever going to get over the last
2 several years.

3 So, we got incredibly good interest rates.
4 But the chart, Table C, the real salient figure is the
5 one at the bottom right-hand corner, a million, five
6 hundred sixty-five thousand dollars. That is the
7 amount of interest we will have paid to IBM Credit
8 Corporation by the end of our financing.

9 So, that takes me to what we need to
10 succeed in Common Pleas and what we need frankly are
11 four things. And they are all statutorily related and
12 they are referenced on page 13 of your booklet. The
13 big ticket item is raising more money.

14 We have proposed, and proposals have been
15 made in a series of meetings with Legislative leaders,
16 both House and Senate, Republican and Democrat, that
17 the fees, the Act 59 fees, be increased from \$1.50 and
18 \$5.00.

19 Frankly, we originally thought that since
20 there was that dichotomy, \$1.50 and \$5.00, that we
21 would keep it that way. But we know what we need to
22 raise. At least at the time now. I'm hedging a little
23 bit because of this million and a half dollar shortfall
24 I'm seeing. I'm now beginning to wonder, but I think
25 we will be all right. We think we need to raise

1 fourteen million additional dollars per year to proceed
2 with Common Pleas Automation.

3 To accomplish that by raising those fees,
4 we would have had to raise the District Justice fees
5 from \$1.50 to \$5.00 and the Common Pleas and Appellate
6 fees from \$5.00 to \$19.00.

7 The suggestion has been made, and I think
8 it's a good one. And we have adopted it; that if we
9 are going to do it that way, the better approach would
10 be to equalize the fees and if we did so, that would be
11 in the vicinity of nine or ten dollars.

12 Now, nine or ten dollars seems like a lot
13 of money. But, of course, when you compare it to the
14 fees that other similar entities are tacking on, the
15 Legislature has tacked on for crime victims
16 compensation, that sort of thing. Ten dollars is very
17 much in the ballpark.

18 If anything, we would be low. So, one of
19 our proposals is to raise those fees. We think that
20 will do the trick. We think that will also, if we do
21 it by July 1, which frankly we need to do, one way or
22 the other. We will be able, given the schedule, to
23 have banked quote, unquote, some money in the
24 Restricted Receipt Account. Which is where this money
25 flows into.

1 We do not just spend the money willy-nilly,
2 I hasten to note. It is all appropriated from the
3 Restricted Receipt Account by the Legislature. The
4 Appropriations Committee scrutinizes our expenditures
5 quite carefully. And so it is appropriated to us and
6 we spend it.

7 What we think will happen is if we get the
8 Legislation by July 1, there will be a period of time
9 when the money is coming in before we actually need to
10 spend it on vendors. To encumber it to a vendor.

11 And we hope what will happen is then we
12 will be able to avoid the type of financing that we had
13 with IBM Credit, where interest charges obviously
14 occurred and frankly a million and a half dollars would
15 have gone a long way to help us in some other areas.

16 There are two, what I call technical
17 amendments. Act 64 and Act 59 both have caps written
18 into them. Act 64 had a cap written in, which said we
19 could take in up to twenty million dollars a year in
20 the Restricted Receipt Account up until June 30 of this
21 year. And at that point we could only take ten
22 million.

23 That cap, I believe, needs to be lifted,
24 because frankly with only ten million dollars, we will
25 barely be able -- as a matter of fact, I don't think we

1 will quite make the interest payment and the operating
2 costs of the D.J. System ongoing.

3 What we'll have to do, obviously, since the
4 interest payments and the debt service is fixed, is to
5 make some cuts in the operation of the D.J. System and
6 we don't think that is a good idea. We don't think
7 that the District Justice Courts would be well served.

8 So, we would like to see that cap lifted.

9 There is in the Act 59 mechanism a cap
10 which said that eighty million dollars total could be
11 raised and could flow into the Restricted Receipt
12 Account. Frankly, that doesn't make a whole lot of
13 sense when you think about it. Because the total
14 Automation Project, including operations is funded not
15 out of general fund revenues but out of these various
16 fee mechanisms that includes operations.

17 So, if we assume that there will never be
18 General Funds money, in perpetuity, we're paying for
19 operations.

20 But at some point we're obviously going to
21 hit eighty million dollars. That cap, although it was
22 well intentioned when it was put there. And it was, in
23 fact, I believe, put there by those who had concerns
24 about our ability to function effectively in automating
25 the Courts. I don't think it makes a good deal of

1 practical sense. And I think we have gone past the
2 point where there was any doubt that we can do what we
3 say we are going to do.

4 There is a final Legislative point which is
5 subject to considerable debate. And then I am finished
6 with this dissertation.

7 There is a two million dollar -- the only
8 General Fund money that went into this project was two
9 million dollars up front that was seed money, so to
10 speak. And there is a repayment of that two million
11 dollars, which is due to the General Fund. It is due,
12 I think, finally by the end of this fiscal year.

13 Given the difficulties in funding, the fact
14 that we had to finance through IBM Credit, the fact
15 that we have all manner of exceptions from Act 64
16 originally, we have not paid the two million dollars
17 back yet.

18 Justice Zappala, who is in charge of the
19 Automation Project as well as the Budget for the
20 Courts, had said in Appropriations Hearings that his
21 intent is to pay back. He has gone on record saying
22 that and I know that he is sincere in that.

23 Frankly, we don't have the wherewithal to
24 do it. So, either we would like to have that two
25 million dollar payment schedule released, approved,

1 altered somehow, or frankly, if I were doing it, I
2 would eliminate it. But that would be me.

3 Those are the four Legislative proposals.
4 And without them we're not likely to proceed with
5 Common Pleas Automation in any near term basis.

6 Clearly, we have to pay that debt.
7 Clearly, we have to keep the Justice District System
8 going.

9 Those are our first priorities. We think
10 the momentum is really in our favor in terms of moving
11 ahead with automation. And we think there are a lot of
12 people out there for it.

13 Will everyone in counties get every last
14 automated item that they want, no. We are not trying
15 to do a Cadillac system. But we think that we will
16 give them most of what they need. If not all of what
17 they need. And so we are going to need some help.
18 Some support, if we are to proceed.

19 If that doesn't occur, then there will be
20 some hard choices that have to be made. And I'm sure
21 we will make them.

22 CHAIRMAN CALTAGIRONE: Very good. Okay.
23 Questions?

24 I'd like to start off with your '94--'95
25 Budget that you have proposed.

1 Is that going to be adequate for the
2 operations of the Court per se, of course, excluding
3 what we were talking about with the automation?

4 There isn't any money that is being
5 proposed in the Budget to cover the ongoing costs of
6 the computerization project; is that correct?

7 MR. DARR: There is a -- we have as we do
8 every year, a segment of our Budget presentation which
9 does include appropriation from the Augmentation
10 Account to the Computer Project.

11 That is a standard feature of our Budget.
12 But in terms of addressing the issues that I have just
13 alluded to, no, that is not a part of the Budget
14 presentation.

15 CHAIRMAN CALTAGIRONE: If you don't get the
16 additional monies, let's say in a worst case scenario,
17 where what you just explained does not, in fact, occur
18 by July, what will happen to the Computerization
19 Project?

20 MR. DARR: Obviously, the final decision on
21 such things come from the Court and Justice Zappala,
22 and from the State-wide Hearing Committee that has had
23 overall control of the project.

24 I think what will happen clearly is that
25 the Common Pleas will not proceed. That we will have

1 to probably have to lay off some staff on the District
2 Justice side.

3 We do have some staff now working who have
4 been D.J. staff employees working on Common Pleas
5 clearly to staff the Implementation Team. That would
6 just come to a grinding halt and there will have to be
7 some cost reduction efforts on the D.J.'s side to
8 insure that we can keep it running and keep the Debt
9 Service payments.

10 It will be hard medicine at a time when we
11 think the project, in terms of performance earned its
12 way.

13 CHAIRMAN CALTAGIRONE: Looking at the
14 continuing education, just shifting to another area,
15 continuing education for Judges has been a problem
16 issue.

17 If the AOPC is looking at this and making
18 plans for continuing education in the future?

19 MR. DARR: The Supreme Court in December
20 announced a series of initiatives, six in number. And
21 one of those initiatives was, in fact, to mandate
22 continuing education for Common Pleas and Appellate
23 Judges.

24 As you know, now, District Justices have
25 mandated weekly, one week per year mandated continuing

1 education through the Minor Judiciary Education Board.

2 And there are voluntary programs placed per
3 year for Common Pleas and Appellate Judges. But they
4 are only voluntary and they are funded through the
5 General Fund.

6 But they are not funded sufficiently so
7 that all Judges could participate. The Court believes
8 mandatory education is desirable. There is a \$175
9 thousand dollar increase request in this Budget
10 presentation this year to go to fund that initiative.
11 So that the Court does believe mandatory education is
12 important.

13 CHAIRMAN CALTAGIRONE: Since you touched on
14 this, has any progress been made on the Supreme Court
15 initiative that were announced at the end of 1993 and,
16 if you could, enumerate on this?

17 MR. DARR: There were six initiatives --
18 I'm not sure I have them all straight in my mind. One
19 dealt with mandatory education and there is additional
20 funding needed for that.

21 Two of them essentially dealt with internal
22 operating procedures of the Supreme Court. Justice
23 Cappy was given the responsibility for examining the
24 Petition Review processes, allocatur petition,
25 miscellaneous, all petitions, to determine whether

1 those petition processes need revision.

2 Justice Montemuro was given the assignment
3 of reviewing whether internal, written internal
4 operating procedures are required in the Supreme Court.
5 The Superior Court has them. Commonwealth Court has
6 them, I believe. The Supreme Court does not.

7 So, those two reviews are ongoing. I know
8 that Justice Montemuro has surveyed all Supreme Courts
9 all across the Country to determine what types of
10 procedures they are using, and whether they are using
11 some.

12 And my understanding preliminarily is that
13 it is not necessarily common for Supreme Courts to have
14 written operating procedures.

15 But Justice Montemuro, having come from the
16 Superior Court where he is familiar with written
17 operating procedures, was thought to be the right
18 candidate to examine that more closely.

19 So, I know that is ongoing.

20 Justice Cappy -- I have less familiarity
21 with what steps he has taken, although I understood at
22 the outset, and I believe it to be true, that he was
23 going to be seeking outside counsel, so to speak.
24 Looking at the Federal Appellate Review procedures.
25 Petition review procedures as well as those of other

1 States.

2 I don't frankly have an update as to where
3 he is.

4 On the third initiative, it dealt with the
5 unvouchered expense account issue, which has been
6 brought to the Court's attention on numerous occasions.
7 Notably in Appropriations Committee, both here and in
8 the Senate.

9 The Court -- there is an ongoing effort and
10 the Court's hope is that by the beginning of the coming
11 fiscal year that a proposed process will be in place by
12 which the Judicial, Appellate Judicial Expense Accounts
13 can be vouchered.

14 There are some issues, as I understand it,
15 that relate to Federal taxes and others that need to be
16 resolved.

17 They have had unvouchered expenses from
18 time memorial. And so they are, to my understanding,
19 working very diligently. And the State Court
20 Administrator is working on that issue particularly to
21 try and develop a plan that will give an unvouchered
22 expense account in response to those types of concerns.

23 This issue or initiative that the Court
24 spoke of was in paneling a Commission to Study Gender,
25 Race and Ethnic Equity or bias, if you prefer. Issues

1 of those natures, there have been several requests over
2 time for the Court to impanel such a Commission.

3 The Philadelphia Bar Association most
4 recently petitioned the Court to ask that a Gender Bias
5 Study be conducted in the Philadelphia Court alone.

6 The Commission on Women -- actually, I
7 think Philadelphia was asking for a Study of Racial
8 Equity.

9 The Commission on Women has some time ago
10 suggested that a Gender Equity Study be done. And so
11 the Court has concluded that perhaps this is the time
12 to do that.

13 They would join, I believe it is, 38 states
14 which have undertaken Gender Bias Studies and 19 other
15 states have done either Racial or Ethnic Bias Studies.

16 That requires funding and there is a
17 provision in our fiscal '94--'95 Budget for, I believe,
18 \$350,000 to conduct that study.

19 Frankly, there can't be anything done
20 without funding. I have had some conversation with
21 people in other states and it is clear to me that when
22 you tackle all of those issues that you are looking at
23 an expenditure of perhaps as much as \$500,000.

24 In at least one state, that kind of money
25 has been spent. We are asking for \$351,000 at this

1 point. Whether we will need more in the coming school
2 year, I don't know.

3 Finally, the other initiative was the
4 Court's desire that a Policy Planning Function be
5 established within the AOPC. They feel that we are not
6 well served, particularly by our ability to use
7 strategic planning and we don't frankly have a policy
8 plan component.

9 So, they asked that we improve that
10 process. And to do so there was a very limited amount
11 of funding in our Budget request for one additional
12 position, and some restructuring of an existing
13 position.

14 So, those are the initiatives. Several of
15 them depend on funding. Several of them depend on
16 members of the Court proceeding. And one depends on
17 what the results of the study in terms of expenses
18 reveals.

19 My belief is that in all areas, with the
20 exception of where funding is necessary, things are
21 moving ahead. I think the Court is very sincere about
22 proceeding.

23 And frankly, from my perspective, and this
24 is only me talking, the result, the reaction to those
25 initiatives when they came out was disappointing.

1 The reaction, you may recall, from the
2 Press was too little, too late, lame, all those words
3 you can think of. I don't think that gives enough
4 credit for sincere intent. And I also think it fails
5 to recognize some of the other things that this Court
6 has done recently.

7 The Computer Project is a real success. It
8 is this Court that went to Philadelphia and finally
9 managed to get substantial reform in the Philadelphia
10 Court System.

11 If there is one thing we have heard
12 consistently, is fix Philadelphia. Philadelphia is
13 well on the way to being fixed and that frankly is seen
14 incidentally in the case figures. There are
15 significant reductions in backlog in Philadelphia
16 cases.

17 It was this Court, also, that instituted
18 mandatory legal education for lawyers. So, I don't
19 want to belabor that, but I think there is sincere
20 intent and progress has been made.

21 CHAIRMAN CALTAGIRONE: Thank you, Tom,
22 we'll open it up for Representative Manderino and
23 Representative Hennessey.

24 BY REPRESENTATIVE MANDERINO:

25 Q Thank you.

1 A number of the questions, Tom, that I
2 wrote down, I think as you talked and explained more,
3 they were answered. But just so I understand because
4 I'm new to this as well as probably Tim may have the
5 same questions.

6 I think you explained that you started the
7 Automation Project at the lowest level with the D.J.'s
8 so that whatever automation there is at the Common
9 Pleas Level right now is just what individual counties
10 have chosen to do?

11 A That's correct.

12 Q And assuming we are able to do, you're able
13 to do phase two, is the long term goal not only an
14 integration this way, but this way, too?

15 A Absolutely.

16 Q In terms of the various Courts.

17 A Yes. The goal is certain to be able to
18 start a case at the D.J. Level and have it transferred
19 electronically up straight through to the Appellate
20 Level.

21 Q One thing that threw me about exactly what
22 it is that we are automating, because I am trying to
23 get a better understanding, is I was picturing it and I
24 think you used the words earlier as being an
25 administrative process. I was picturing dockets and

case histories and things like that. And then you said something about in describing ongoing staff every time a new law is passed, et cetera. We need to change the program at the D.J. Level.

So then, I wondered, did you actually have substantive things where the District Justice can plug in and say, oh, what's my penalty for this crime? I couldn't quite figure out what you meant there.

A You are correct. It is a docket system. It is a case tracking system. It is an accounting system. It is a collection system with ticklers and dummy letters and all those sorts of things.

Where the changes occur in terms of legislation is that what we find is that when legislation changes, it changes the penalties frankly. And the penalties are, in fact --

Q Like the fines and fees?

A Yes. So, that requires the program to change.

Q Okay. And I guess that the -- maybe you have this information, but I think putting it together, if it isn't put together yet, would help, would help strengthen the argument for phase two is can we show -- do we have information -- is it too early to tell from the D.J. System how the cause of automation on the

1 front end will either make us more efficient and/or
2 save us money and/or increase our ability to collect
3 money on the long end. On the back end?

4 A If I could show you that. I guarantee it
5 would have been in here. The problem is that there are
6 no good base numbers to compare to from the time when
7 the D.J. System was manual.

8 We have worked, I can not tell you how much
9 effort has been put along with the Revenue Department,
10 with whom we have worked very closely. And they have
11 been great in trying to help us. We have not been able
12 to put together a base line so that there is a
13 comparison to judge by.

14 When I travel around, which is frequently,
15 but occasionally to District Justice Offices, I always
16 talk to the clerks and ask them, are you collecting
17 more money.

18 Invariably, they tell me absolutely because
19 it's very structured. If I owe something, and I don't
20 pay, it pops up and they send a letter.

21 Q It's the stuff you get from the Parking
22 Authority in Philadelphia?

23 A Exactly.

24 Q Somebody asked yesterday in our Judiciary
25 Committee why was Philadelphia doing so good in

1 collecting on Parking Authority fines and not their
2 moving violations. I said, well, you get those
3 threatening letters from the Parking Authority.

4 A Right, right. As much as you may not like
5 them, they work.

6 So, antidotally, I'm convinced that more
7 money is coming in.

8 By the same token, those things that I
9 alluded to earlier, the fewer traffic officers, all of
10 those things are constantly shifting the sand. I would
11 die -- I would kill for those kinds of figures, because
12 it would make this sell a lot easier.

13 Q Okay.

14 A I guess the other thing I might note is I
15 continually run up against is it is tough to prove
16 productivity in a Judicial System. We are constantly
17 fighting with those who say show us the productivity.

18 And, in fact, as much as I hate to say this
19 from a management standpoint, the primary function, of
20 course, in Court is not productivity. It's
21 guaranteeing rights. It is adjudicating equity. And
22 although we want to be productive. And we think this
23 makes us more productive. It's tough to prove that,
24 too.

25 Q Thank you.

1 BY REPRESENTATIVE HENNESSEY:

2 Q Mr. Darr, I want to hone in on your
3 proposal that we raise fees under Act 59.

4 Frankly, I'm a little concerned. Ten
5 dollars is not a lot of money for a lot of people, but
6 it can be a lot of money to other people. Especially
7 when we tack on -- we seem to have the same idea, we
8 just tack this on.

9 It seems to me that, you know, a minor
10 traffic or speeding ticket today is probably going to
11 cost somebody a hundred and eighty bucks or two hundred
12 dollars. And, I don't know when we are going to get to
13 a point where we have to stop this practice of
14 continually just tacking something else on to the
15 traffic ticket.

16 Secondly, I was trying to search for the
17 ratio of fees that you get back from the District
18 Courts, District Justice Courts, and the fees you get
19 back from Common Pleas.

20 My expectation would be that you probably
21 get a better rate of return in terms of percentage of
22 the return from the District Courts than the Common
23 Pleas Courts.

24 A I think that is probably true. I couldn't
25 bear that out but, from personal experience, I think

1 you are right.

2 Q I'm just searching around, but it seems
3 to be about 4 to 1.

4 How many more are the numbers in -- how
5 many more District Justice Courts do we have in the
6 Commonwealth than we have in Common Pleas Courts?

7 A There are 541 District Justice Courts and
8 there are Common Pleas Courts in every county, 57
9 counties. But of course they vary in size, so I'm
10 not quite sure.

11 Q Do you have the number for Judges?

12 CHAIRMAN CALTAGIRONE: Don't we have
13 around 528 Common Pleas Judges?

14 MR. DARR: It is close to parity.
15 Actually, it's not identical but it's close to
16 parity. We have about 1,000 judicial officers
17 total in Pennsylvania.

18 BY REPRESENTATIVE HENNESSEY:

19 Q I guess what I'm looking at is trying to
20 figure out if we went from 519 under the current
21 structure and just equalized the 9 or 10, it would
22 seem to me that you must be getting close to three,
23 four times more money out of the District Justice
24 Court in terms of the minor fines.

25 A That I couldn't be sure that that is the

1 exact ratio, but I think it's fair to say that we would
2 be getting more from the District Justice Court than we
3 would from Common Pleas. I think that's true.

4 I think you also find in the Common Pleas
5 the indigency factor is likely to kick it more heavily.
6 And that will diminish to some greater degree what your
7 revenues are going to be from Common Pleas.

8 So, I think that is probably true.

9 Q In terms of the collections experience, I
10 would guess the experience from District Justice Court
11 must be in the 80's or 90 percent. I mean, if you can
12 take a stab at that?

13 A There is a figure in the guide there which
14 I believe is 86 percent under automation.

15 Montgomery County, which has had automation
16 in its Common Pleas Court for quite a while and I have
17 had a pretty good system on the Common Pleas Level.
18 I'm told, has a collection rate in the Common Pleas
19 Level in that vicinity, which is fabulous.

20 We think we are performing at the D.J.
21 Level up to that measure. And we are pretty pleased
22 with that. Not that we wouldn't like to close the gap
23 from 86 and 100.

24 The last figure I have seen is the 86,
25 which is in that document.

1 Q I guess what I'm getting at is I would have
2 expected -- I'm surprised that figures in Montgomery
3 are that high because I thought the indigency factor
4 might affect the Common Pleas Level more than District
5 Justice.

6 Because District Justice people, you know,
7 those Defendants are trying to maintain their license
8 or get their license back.

9 A As I understand it now, there is not a
10 correlation necessarily at the D.J. Level between
11 getting their license suspended and paying the fine.

12 There is, I believe, legislation currently
13 before either the House or Senate that links suspension
14 of license and payment of fines. We are in favor of it
15 absolutely.

16 My understanding, and correct me if you
17 think I'm mistaken, is that there is not that direct
18 link now in terms of paying your fines and having your
19 license suspended.

20 Q There may not be a direct link but people
21 there have something tangible that they can look at
22 that they can lose.

23 A It's true, that's true.

24 Q In terms of the Criminal Justice System.
25 Oftentimes, the deed is done and there is not a whole

1 lot of tangible property going to be affected after the
2 fact.

3 A Right, right.

4 Q Okay. I don't have anything else.

5 BY CHAIRMAN CALTAGIRONE:

6 Q I just want to share a few other things
7 with you, Tom. I have a couple of other questions as a
8 matter of fact, also.

9 How innovative is the Pennsylvania Court
10 Computer Station Project compared to the other states?
11 Are we far ahead, about even or where would we stand
12 state-wide with other states?

13 A My understanding is that no other state has
14 attempted and successfully achieved systemic automation
15 on a single level in the country.

16 Some have attempted it. My understanding
17 is they haven't achieved it.

18 So, in that sense, I think we are in a very
19 good position.

20 IBM, which was our vendor -- in fact, as I
21 understand it, has created a small subsidiary designed
22 to market what they developed for us to other states.
23 And I know they have been to Arizona trying to market
24 it there.

25 Now, granted, IBM --

1 REPRESENTATIVE HENNESSEY: Where are the
2 payments to pay off the interest?

3 MR. DARR: Don't we wish. IBM has had its
4 problems as of late. My suspicion is that they would
5 not set up a subsidiary if they didn't think there was
6 business. So, I think that is another indication
7 perhaps that we are right up to the cutting edge in
8 terms of innovation.

9 BY MR. CALTAGIRONE:

10 Q We have also heard that there have been
11 several AOPC staff that have given demonstrations and
12 seminars.

13 Is this to spread the new knowledge to
14 support you or to make an effort to prepare the other
15 states to make this communication link possible. And
16 what's been the response to the demonstration efforts?

17 A I'm sorry Sue Willoughby is not here today.
18 Because she is one of the people who have done that.
19 She and our Data Processing Director, Joan Davenport,
20 have both invited to two or three different National
21 Conferences. And frankly, what they have talked about
22 is not Pennsylvania's Judiciary so much as the process
23 by which we got the D.J. System up and running. The
24 teamwork approach. The Implementation Team approach,
25 how to get diverse types of people, operations and

software development together.

That appears, and again, I'm not a data processing professional. But that's appearing to be a real task. And those are the topics that they have discussed.

And I'm told that they have done so quite successfully. The most significant, I suppose, there is a conference called the Court Technology Conference 1, 2, 3. It goes on. It's sponsored by the National Center for State Court. It is in Court automation technology circles a big deal.

They perform -- they gave a presentation at CTC III along those lines and have since done several others and met with considerable enthusiasm.

They believe that our process is the right one. That we are taking the right steps to develop the system. We are trying to develop it.

Q I also want to share with you a couple of things that are developing.

Of course, you know, on the history of House Bill 908, leadership asked me to prepare a Judgeship Bill for Common Pleas Court. So that we could address that in a single bill. Which I did and members who had amendments prepared to House Bill 908, which did pass on the 9th, the last time we were in session.

1 I received a call yesterday from the
2 Majority Leader's office. They'd like to prepare that
3 bill and have it ready for submission when we come
4 back.

5 A The Judgeship Bill?

6 Q Yes. At the present time, I think there is
7 somewhere between 20 and 25 additional Common Pleas
8 Judges that are being requested around the State. I
9 plan to put that in when we get back.

10 We are trying to get the sponsorship of the
11 leadership on both sides of the aisle to go on this as
12 cosponsors. We are in the process of doing that. I
13 might add.

14 That, of course, is going to impact on
15 everything we are talking about, because of the
16 additional costs associated with any additional judges.

17 In addition to that, tomorrow we plan to
18 hold a workshop with the Solicitors and the State-wide
19 Officers of the Row Offices, which would be involved.
20 And I think you plan to participate or somebody from
21 the Court has been asked.

22 A I've been invited. I'm not sure I'm going
23 to be able to participate, graciously invited.

24 Q We took time, just in the last few weeks to
25 tour some of the operations here in Harrisburg, Dauphin

1 County, the Recorder of Deeds.

2 And it's been pretty much agreed that that
3 really isn't too much Court-related but the others, the
4 Prothonotary, Register of Wills, Clerk of Courts,
5 Orphan's Courts, that certainly is.

6 We are getting very good reception and
7 acceptance of the notion that what we'd like to attempt
8 to do, whether or not we are going to be able to pull
9 it off remains to be seen. To address a number of
10 issues in those Row Offices.

11 Because of the problems with County
12 Commissioners making up their Budgets, they have not
13 been able to computerize or automate with modernized
14 equipment.

15 Their Office's fax machines are an example.

16 A Right.

17 Q We have had a negotiations ongoing with the
18 County Commissioners Association. They haven't nixed
19 the idea as of yet. As long as they are taking care of
20 in the legislation that would deal with any fee
21 increases. And many of those offices have not had fee
22 increases in a number of years. We might be able to
23 get them on board to satisfy them.

24 Several, and you know I want to share this
25 with you now, and we are going to go through this again

1 tomorrow. But, basically, we want to get the input of
2 the Court to see how they are going to react to this.
3 The Commissioners and the State Associations of these
4 Row Offices.

5 It may be an overly ambitious attempt to
6 moving forward at modernization, and unifying the
7 system.

8 It's my opinion, and we are going to draft,
9 hopefully, the legislation that would allow the AOPC to
10 set the fees for those Row Offices and give them the
11 authority to do that for future years; increase the
12 fees to allow, and dedicate funding for those Row
13 Offices for modernization and computerization.

14 Now, also allow, depending upon the amount
15 of increases that those fee increases could possibly
16 generate.

17 And in the initial discussions I have had
18 with Jim Morgan, Attorney Morgan, Solicitor for a
19 couple of those organizations, he felt kind of certain.
20 And we want to crunch the numbers to see if that were
21 to hold. That would provide enough of the potential
22 money for the continuation of the Common Pleas Court
23 Computerization Project.

24 That was an initial reaction that may or
25 may not hold water. We have to see if those numbers

1 hold. That may be a much more easier way to sell it to
2 the Members of the General Assembly as opposed to the
3 proposal that is being made today. We don't know yet.

4 We're going to look at that and then, of
5 course, making sure that the County Commissioners are
6 given consideration for their role that they have to
7 plan this in.

8 If we can put those pieces together and
9 draft the legislation and draft those particular
10 issues, we might be able to have that up and running.
11 And, hopefully dealt with by the House if it comes to
12 fruition sometime in March. Get it over to the other
13 Body, get it into Law. We might very well be able to
14 accomplish that before we go out in June.

15 That could set the mechanism up for the
16 money that you may very well need to do the rest of the
17 Court computerization.

18 I might also add that I have looked very
19 closely, and I have studied this for some time in the
20 last year or two prior to the finalization of the
21 District Justice Computerization Program. I always
22 have been convinced that once that Computerization
23 Program had taken place, looking at the various
24 counties and the collection rate at the Common Pleas
25 Level, that there are a lot of different problems. Of

1 course, as you have stated. But I was always of the
2 opinion and I think it's going to pretty well hold true
3 over time now that the District Justices have been able
4 to collect more money. They have a little more
5 flexibility in dealing with people. They have the
6 payment schedules and they really know their people.

7 And rather than incarcerate somebody, they
8 would rather pay up, pay on the payment plan. Now, we
9 can possibly -- I don't know -- you know, I have talked
10 to some of the President Judges about trying to take
11 some of that outstanding money that is due in Common
12 Pleas. And we know that there is going to be a certain
13 large percentage that will probably have to be written
14 off of past monies. And, of course, we have kicked
15 this around the computerization, how this is going to
16 be phased in.

17 We asked them and they said they would be
18 willing to do that, to initiate some type of a letter
19 and the Clerk of Courts told us point blank, when they
20 send it out it's thrown in the Oval File.

21 If it comes from the Sheriff or President
22 Judge, a slightly different branch, you may have served
23 your time, blah, blah, blah, but you still owe a
24 certain obligation.

25 Now, can you force the collection? There

1 is controversy in almost every case of President Judge
2 we talked to, Court Administrators and Sheriffs that
3 they would be willing to make an attempt to try and
4 collect that money that was owed that particular
5 county. And whether or not the AOPC would be willing
6 to work with them and assist in trying to make up a
7 collections effort.

8 We all realize that here we go again. We
9 want to dispense justice without looking at dollars.
10 And yet the reality of the situation is that it costs
11 money to operate the system. And if we want to
12 continue to do the things to make the job not only
13 easier, but expediting what we know needs to be done in
14 order to unify this system. And that's
15 computerization. And all of the other modernizing
16 equipment that is needed in all of these offices. It
17 takes money to do it.

18 Part of the generation of that money are
19 the fines and costs that we collect that really have to
20 put the rock bed underneath the system. And I think we
21 are groping to see where we can take next.

22 I know that you want to --

23 REPRESENTATIVE HENNESSEY: I just want to
24 say and take my leave. I want to thank you for your
25 testimony. I have to get out to a Subcommittee

1 Hearing. Hopefully, they will still be in the process.

2 CHAIRMAN CALTAGIRONE: But I just wanted to
3 share those with you, Tom. I don't know if Kenny had
4 any other questions because we need to keep our minds
5 open about where we are going to go. I don't know what
6 the reaction to the Leadership and/or the General
7 Assembly in the two Caucuses, particularly will be to
8 the continuing layer-taking of the additional funds
9 that are needed for the computerization.

10 To me it would be absolutely asinine if we
11 didn't continue to do this. I think the plan was that
12 by the end of the century, 2000, that everything would
13 be totally integrated. That we would have the complete
14 computerization project up and running and probably be
15 the only state in the country that would have something
16 like that.

17 MR. DARR: I think that's true. We
18 probably would be the only state that would have a
19 totally integrated system like that. I think you
20 really are talking about momentum.

21 If we are not able to keep the momentum
22 going, we certainly will not do it by the turn of the
23 century. If, in fact, it is true that we are playing
24 catch up now, we probably won't ever catch up, at least
25 well into the next century if we lose this kind of

1 momentum. Because we will lose staff. We will lose
2 the continuity. We will have to go back and reinvent
3 the wheel if we have to start over again.

4 My concern, as you know, is that in terms
5 of funding is that we know our deadline. We know how
6 much money we need and are we cast in stone how we get
7 it. I don't think so. As long as we get it.

8 If the wisdom of the Legislature is that
9 they don't want to proceed, then we know the outcome.
10 So that the cards are on the table. There are costs
11 and there are benefits.

12 CHAIRMAN CALTAGIRONE: That's why I wanted
13 to try to develop an alternative, because if there is
14 any resistance to doing it that way, and we don't know
15 yet. It's too early to tell.

16 If we can have a back-up in developing the
17 fees and if, in fact, it shows that that would be
18 another source of funding to help the system continue.
19 I think it would be absolutely stupid on our part not
20 to continue with what we are doing, and staying on
21 schedule. Because I think they have already seen the
22 benefits with the District Justice System. I think
23 that really speaks for itself.

24 MR. DARR: Well, we have -- I probably
25 should have said this at the outset, except there is no

1 good audience here except the media to hear it, but
2 your help over time in moving us along has been much
3 appreciated. Not only in Act 59 but before that and
4 since. And so we have enjoyed that opportunity to work
5 with you. And I'm sure we will succeed.

6 Let me just note that when I was with the
7 County Commissioners Subcommittee last week or
8 Committee, I guess, last week, they changed the name of
9 it. Corrections is the name of it, I believe. I gave
10 essentially a similar presentation to them. And
11 indicated that we had concluded to raise the \$14
12 million dollars we probably would be hitting on an
13 equalized basis the nine dollar figure.

14 And it was Commissioner Schaeffer
15 (phonetic), I believe, from Dauphin County, one of
16 them, perhaps not Commissioner Schaeffer, but one of
17 the Commissioners said well, nine dollars? Why don't
18 you make it ten dollars and perhaps that would provide
19 a little leeway for counties to make up some of the
20 costs that they are not being reimbursed for now.

21 For example, you may recall, the two glitch
22 points in our automation of the District Justice
23 Offices have been the cost of coded paper in District
24 Justice Offices and the cost of moving machines around
25 from office to office when District Justices shifted

1 their offices. Those are county costs. The system in
2 Pennsylvania still, without County of Allegheny, is
3 that the counties pay operating costs.

4 So, those are their costs. They have felt
5 that the cost of that coded paper, which essentially
6 facilitates one signature on a form, rather than the
7 District Justice having to sign every single copy.
8 That coded paper is more expensive than plain paper.

9 Commissioners who are grass roots folks,
10 who see the bottom line, say, gee, we don't want to
11 have to pay that. Well, they don't have to. They can
12 use single sheets. But that's a considerable burden on
13 a District Justice to sit there and write his name six
14 different times, or how ever many different copies
15 these things have.

16 So, the Commissioner's suggestion was
17 perhaps that additional dollar would provide some money
18 that would in some manner be distributed whether
19 through the AOPC on a grant basis. And we didn't get
20 into a great deal of detail. And perhaps it would --
21 my calculations, and I hesitate, because I'm
22 mathematically not gifted. Is it would be about a
23 million and a half dollars.

24 I don't think that's a brain surgery type
25 of calculation. It's not a lot of money spread across

1 the State.

2 But on the other hand, if we are talking
3 about the cost of paper -- and the other thing we
4 talked about was perhaps we could enter into a single
5 bulk state-wide purchase arrangement for paper, for
6 example.

7 Perhaps that million, million and a half
8 dollars would be enough to also facilitate the types of
9 things you are talking about with Clerks and
10 Prothonotaries.

11 If you are talking about whether Clerks and
12 Prothonotaries were able to afford fax machines, for
13 example, nobody would dispute in this day and age that
14 everybody should have a fax machine.

15 But when you get down to the counties, that
16 gets to be a dicey proposition. Fax machines aren't
17 that expensive, of course. If, in fact, you bought
18 them in bulk, you'd get an exceedingly favorable rate.

19 And the million dollars might go to buy a
20 considerable number of fax machines. Presumably in
21 Clerks and Prothonotaries' offices in terms of other
22 automation. People would be covered through this
23 project.

24 So, you really aren't looking, unless I'm
25 missing some of the point, you really are not looking

1 at a lot of expenditure in discussions you are having.

2 And that may be another option, but it's
3 worth looking at.

4 CHAIRMAN CALTAGIRONE: Well, you know, just
5 to share another thing. The money that was generated
6 by the fee schedule that did provide the basis for the
7 pay raise generated an additional what was, I believe,
8 \$12 million dollars.

9 The figure, I think, was somewhere around
10 five million dollars for the salary. Seven million
11 went into the General Fund.

12 MR. DARR: It was a great bargain.

13 CHAIRMAN CALTAGIRONE: Yes. You can't have
14 the Commonwealth or the General Assembly look a gift
15 horse in the face when they never really anticipated
16 that they would get that kind of money for us in the
17 General Fund.

18 MR. DARR: Not all of them, maybe.
19 Somebody anticipated it, I guarantee.

20 CHAIRMAN CALTAGIRONE: Some of us knew that
21 that was going to happen.

22 Are there other questions?

23 Tim, do you have any?

24 (No response.)

25 CHAIRMAN CALTAGIRONE: Tom, thank you very

1 much for the time you spent with us today.

2 MR. DARR: I'm sorry that the rest of us
3 could not be here.

4 CHAIRMAN CALTAGIRONE: No problem. The
5 weather is causing problems with us, too.

6 We will now adjourn the hearing.

7 Thank you.

8 (The hearing terminated at 11:34 a.m.)

9 * * *

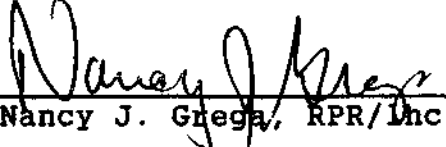
10

11 I hereby certify that the proceedings and
12 evidence taken by me in the above-entitled matter are
13 fully and accurately indicated in my notes and that
14 this is a true and correct transcript of same.

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Nancy J. Grega, RPR/Lnc

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