

**Testimony of Nancy M. Sobolevitch
Court Administrator of Pennsylvania
Judiciary Committee Subcommittee on Courts
Thursday, July 14, 1994**

Good afternoon, Mr. Chairman and members.

Thank you for your kind invitation to address a variety of issues relating to Pennsylvania's Judiciary.

As you know, the views of how effectively Pennsylvania's courts function are numerous. And as is true when any large institution is evaluated, some of those views are straight-forward and constructively critical, while others are factually inaccurate and some are dead wrong.

Yet many of the most critical assertions about our judicial system are taken as gospel, often simply by function of their repeated retelling. Today, I hope to offer practical insight into some facts.

Like so many other Americans, over the past weeks I have been fascinated at least periodically by events unfolding in a California court room. But I am at least as fascinated by the nature and volume of the media's coverage of the proceedings relating to the deaths of Nicole Simpson and Ronald Goldman as I am by the proceedings themselves.

Clearly, I have no insight into the facts surrounding the O.J. Simpson case and that's not our purpose here today. But as not one, two, or three, but at least five television networks have offered up the day-to-day court room drama, and as newspapers have even headlined the story above the fold, one begins to sense something less than a glimmer of responsible public service in the extraordinary coverage.

Ironically, given O.J. Simpson's career both on the field and in the broadcast booth, to a very real extent the proceedings in Los Angeles feel almost like competitive sport.

Somewhat similarly, in Pennsylvania, I have reluctantly concluded that for a few, there is an element of sport when our judicial system is the subject of discussion. In fact, a portion of the commentary has become so routine and is so religiously rehashed that it has become almost trite in the retelling.

But far worse than trite, such comments can be -- and are -- deeply injurious to a judicial system:

•which functions extraordinarily well on balance, particularly given its size, the complexity of the law and the issues which it confronts, the system's geographical scope, and the resources that are available to it.

Such comments are also injurious to a judicial system:

•which has long been accountable in ways that few recognize and fewer credit,

•which has taken enormously successful strides to meet operating challenges head on,

•and which has had the foresight, if limited support in some quarters, to try to plan for its future through technological innovation and attempts at critical self-examination.

Briefly today, let me touch on a few key topics which I believe are of particular interest to both this subcommittee and to the Judiciary.

Caseloads: holding our own and whittling at backlogs

First, that we are functioning well as a system in one sense can be seen at a glance in the statistics: statewide we are generally at least holding our own in keeping up with caseloads. In some areas, enormous successes are being achieved in whittling civil case backlogs dating back many, many years.

For example, the most recent statewide caseload statistics available are for calendar year 1992. For that year, the Common Pleas criminal dockets showed slightly more than twenty-five hundred fewer cases pending at year end than were pending at the beginning of the year notwithstanding growth in the number of new cases filed.

In Philadelphia, herculean effort by judges there, by the First Judicial District's executive administrator, and by many others, have led to dramatic decreases in civil case inventories, as I believe a press statement in the packet we handed out demonstrates. Those efforts, spearheaded by Administrative Judge Alex Bonavitacola and using the services of members of the bar as voluntary "judges pro tem" and as settlement masters, are continuing.

For those successes in swift case management, we can thank a variety of people: judges who are doing their jobs effectively; those who work in support of judges, be they elected row officers, court administrators, court reporters, or the like; volunteers like those in Philadelphia; certainly members of the Bar; and the legislature for periodically assessing the need for additional judgeships and creating them when necessary.

Collections successful when tools are available

Statistics can also tell us something beyond caseloads. How well, for example, are fines, fees and costs being collected?

The answer: nearly ninety percent on, at least at the District Justice level since automation of those offices was completed in December, 1992.

While we all recognize that the Judiciary's primary role is not as a collection agent but rather to equitably dispense justice, with the right tools courts are increasingly able to emphasize effective collections. They do so not just because the money is owed, but also because the obligation to pay fines, fees and costs enforces the effectiveness of the criminal justice system itself.

Planning for the future by meeting operational challenges

Our success in establishing a strong collections rate at the district justice level is no accident. That achievement results from successful implementation of the first phase of our Judicial Computer Project. And that first phase, as well as our plans for future statewide court automation, represent the type of planning for present and future challenges which Pennsylvania's Judiciary has undertaken since the mid-eighties.

We are proud of our success in automating district justice offices and with good reason. For although I've said this before, possibly to some of you, it nevertheless bears repetition: in 1992, we completed a statewide automation project costing \$24.5 million on budget and on time.

Frankly, there were those who said the Supreme Court and the Administrative Office weren't up to the task, that we would fail at an effort which by every national standard was ambitious. On behalf of the men and women who made that Project work, some of whom I just laid off last Thursday for lack of funding, I am happy to say our critics were wrong.

A financially accountable judiciary

Our critics are also wrong about the Judiciary's fiscal accountability. They say, succinctly, we aren't. Again, they are wrong.

The fiction is that we don't submit budgets the way the rest of state government does.

The fiction is that we're not audited the way the rest of state government is audited.

The fiction is that no one knows what we spend, when we spend it, how we spend, whom we hire, when we hire them, how much they earn.

And the fiction is, that none of the information is public and available.

The truth is contained right here. In report after report, in hard copy, diskette, magnetic tape, produced variously on an annual basis or as frequently as a monthly basis.

Where does it go?

It goes to Appropriations Committees, to the Legislative Data Processing Center, to the State Treasurer, the Auditor General, the Budget Secretary, the Deputy Secretary of Administration for Employee Relations, the Deputy Secretary for Comptroller Operations. It also goes to the media when they request it and it goes to the public when they request it.

The fact is that one Appropriations Committee staffer some years ago told our staff that, if anything, we provided too much information. Another legislative staffer admitted at another time that some of what we provide is never touched. Ever.

With the exception of a three year period, our budgets have always been submitted to the Governor's budget office as executive branch agencies do, and of course they are also submitted subsequently to the legislature for scrutiny as well.

The fact is that judicial budgets are subjected to at least as much scrutiny as those of any other state government entity, and certainly more so than some. For instance, neither the executive nor legislative branches of government has two branches examining their budgets.

As for audits, copies are sent each year to the Appropriations Committees, to the Budget Secretary and his Deputy. They are performed annually by a Big Six accounting firm, currently KPMG Peat Marwick, which is hired by the Judicial Audit Agency. For those who aren't familiar with the Judicial Audit Agency, it is established by statute, and performs a similar review function in the Judiciary to that of the Legislative Audit Advisory Commission, which is responsible for overseeing audits of the House and Senate.

The fact is that our audits are routinely available, not just to other parts of state government, but also to anyone else who would like to see them. Periodically, someone in the media does want to see them and we've always complied.

Just to emphasize the point of accountability once further, some of you may have read recently about the *Philadelphia Daily News's* lawsuit filed against the executive branch. The gist of it, as I understand it, is that the *Daily News* is seeking data on state employees in an electronic format which the Administration has declined to provide.

Granted, there are a lot more employees in the executive branch than we have in the Judiciary and I will concede that all units of government have resource issues to contend with if everyone in America is going to seek data in just the precise electronic formats they designate. But I was amused when the *Daily News* reporter who contacted our office said that someone in the executive branch had told him, to the effect, "...oh, you'll never get this information from the courts."

The *Daily News* had the information from us in two weeks, in an acceptable format which we worked with them to provide.

We're far from perfect in being able to provide all the electronic data people want from us and we're still working at a policy which will help us provide a consistent level of electronic public access to court information from the District Justice System. But we were able to meet the *Daily News's* request because of the experience we are gaining from our Judicial Computer Project in the area of what computer people call "electronic data interchange." We are committed to furthering our EDI coordination, not only with the media but also with state agencies like PennDot, the Revenue Department, the Department of Corrections, and others who will benefit. Unfortunately, lack of resources in the Judicial Computer Project is going to hinder each of these links.

Other strides for the present and the future

Enclosed in your packets are recent statements by the Supreme Court which relate to -- literally -- a multitude of activities which it has undertaken in more diverse areas than one might realize. I will briefly summarize some of what is said in those releases.

•I spoke earlier of the successes in Philadelphia's civil courts at reducing case backlogs. That effort, is but a small part of the vast improvements which have occurred in the city's courts since the Supreme Court assigned Justices Papadakos and Cappy to intensively work on reforms there. Although the Justices no longer devote day-to-day attention to these reforms, the work continues -- even under the strictures of a multi-year, no growth budget agreement which the Court entered into with the City -- with strong local leadership.

●In recent years, the Supreme Court has mandated a continuing legal education program for Pennsylvania's attorneys and seen the CLE curriculum expand rapidly from courses on ethics to a range of courses on substantive legal issues.

●Even more recently, the Court has sought funding to extend the availability of continuing education to all state trial judges, a program which is currently well attended but only optional, partly due to lack of available funding.

●The Court has also sought funding for a commission to study issues of gender, race and ethnic equity in Pennsylvania, topics which have been given careful consideration by a number of other states throughout the country and which bear examination here as well.

●The Court has undertaken in-depth reviews of issues relating to the establishment of internal operating procedures for itself, whether appeal review processes should be revised, all the while establishing a vouchered expense account system for itself and the intermediate appellate courts.

●The Court has indicated its desire that my office dramatically enhance our policy planning capabilities by developing a staff with that expertise. My suggestion in this regard is that developing such a staff can and should be accomplished in tandem with efforts to rebuild the Administrative Office's court management department, which no longer exists for lack of funding.

●And, of course, the Court has pursued the Judicial Computer Project with considerable success and, ironically given the level of support it has received in Pennsylvania, notable national recognition from those who understand the issues at stake for judicial systems which are behind the technological times as the twenty-first century approaches.

●Finally, the Court has spoken clearly of the need for broader unification of Pennsylvania's judicial system. Aside from the Constitutional points in this matter, it is clear that the time of public sector fiefdoms, be they judicial, legislative or executive, is long past. And from the standpoint of organizational theory, it is *this* Supreme Court which has worked longest, hardest, and most successfully in achieving the positive results that unification can mean to an organization in a state as large as ours.

Ladies and gentlemen, I am not here to paint a picture suggesting all is right with every aspect of our judicial system, just as I assume that you would not try to tell me that the

legislative process works just as you believe it should. I am here to answer your questions and to remind you that Pennsylvania's judiciary is working well from Erie to Philadelphia, from Scranton to Beaver, from Shinglehouse to Bedford, and in all parts in between.

The Supreme Court has been examined more closely over the past year than any other part of state government has recently been scrutinized and at a time when it was under unfortunate and misguided attack from within. Through this difficult period, the Court and its members have continued to function effectively in both their judicial and administrative roles.

As work is completed by individual members of the Supreme Court on their review of internal operating and allocatur procedures, Pennsylvanians can expect to learn of the Court's findings, just as the Court recently publicly announced its expense account policy.

We are, in summary, making great strides in this judicial system, with progressive plans for the future which emphasize every judiciary's fundamental task: adjudicating fairly and impartially in an accountable manner. Today I invite your questions, as I invite your support for our efforts as this legislative session draws to a close and in coming years.

Thank you for the opportunity to be here and please consider inviting me back for a follow-up conversation when you are nearing the end of your tasks. I promise not to come with such a lengthy introductory statement!

###

7/13/94



Administrative Office of Pennsylvania Courts

PRESS RELEASE

CONTACT:

FOR IMMEDIATE RELEASE

Tom Darr, Director
Administration and Communications
717-795-2026

PHILADELPHIA -- Chief Justice Robert N. C. Nix, Jr. announced today on behalf of Pennsylvania's Supreme Court the commencement of six initiatives designed to further develop structures already in place in the Commonwealth's Judiciary.

The Chief Justice noted the importance of recognizing that the Supreme Court has been responsible for significant innovations during the past several years, all directed at enhancing the Judiciary's credibility, accountability and unity. The six initiatives which the Court is announcing today represent a continuation of the efforts to accomplish those ends.

Chief Justice Nix outlined the initiatives as follows:

(1) Because of the Court's unique action in relieving one of its members from any further judicial and administrative responsibilities and to ensure that the Supreme Court is able to maintain the flow of cases and manage its workload efficiently, the Court will, for the first time in its history, assign a Senior Justice to fill its constitutional complement of seven justices. Justice Frank J. Montemuro, Jr., who was appointed by Governor Casey on November 19, 1992 to fill the term of the late Justice James T. McDermott, will begin the duties of Senior Justice on January 3, 1994, upon completion of his interim term of office. In addition to carrying a full caseload, Justice Montemuro has been assigned to assess the Supreme Court's need for formal internal operating procedures. In that role, he will draw upon his prior experience as a judge of the Superior Court, which conducts business according to an extensive set of defined procedures.

(2) Consistent with the Court's commitment to professional education for both the bench and bar, Justice John P. Flaherty will explore the feasibility of establishing mandatory continuing education for all trial, appellate and senior judges in Pennsylvania. This initiative is a logical step following the establishment of mandatory continuing legal education for lawyers in 1992, and the recent extension of that program by the Court.

Currently, most judges participate in intensive, twice yearly educational programs developed by the Pennsylvania Conference of State Trial Judges along with other voluntary educational programs approved by the Court. Although education for newly-elected judges has been sponsored by the William Penn Foundation, judicial education for veteran judges is purely voluntary and currently not sufficiently funded by the state to ensure full participation of all judges. Additional funding will be sought to provide mandatory continuing education for each judge.

(3) Recognizing that other state or federal models may be applied to promote more effective and efficient review of the various types of petitions which the court receives, Justice Ralph J. Cappy, who

with Justice Nicholas P. Papadakos, was instrumental in setting the reform agenda in the Philadelphia courts, will analyze petition review processes currently used by the Court.

(4) Historically, taxed, unvouchered expense accounts have been available to appellate court jurists in Pennsylvania. While the use of these accounts has met the courts' needs, it is clear that the negative view of unvouchered accounts suggests that history cannot necessarily dictate future practice. With greater public disclosure as a goal, the Court has directed the State Court Administrator, Nancy M. Sobolevitch, to examine issues and recommendations, including specific ones made by state Senate leaders, related to tailoring a revised expense account plan for appellate court jurists. With the advice of appropriate counsel, it is hoped that a proposal will be in place by the beginning of Fiscal Year 1994-1995.

(5) Noting the importance of maintaining a fair and impartial system of justice for all Pennsylvanians, the Court will empanel a commission to conduct a detailed study of questions concerning racial, ethnic and gender equity throughout the Commonwealth's Judiciary. In so doing, Pennsylvania will join 19 other states which have studied ethnic/racial equity, and 38 states which have undertaken gender equity studies. To accomplish this task, the Court intends to request adequate funding when it presents the General Assembly with an amended Fiscal Year 1994-1995 spending plan.

(6) In addition to the analytical activities of the study commission, the Court has directed the State Court Administrator to enhance the policy planning component, including additional staff and additional funding, within the Administrative Office. Consistent with its efforts to establish a fully integrated computer system for Pennsylvania's Judiciary, the Court believes that enhanced planning capabilities will assist in assessing trends, analyzing policy options, and identifying management strengths and weaknesses as the Judiciary's future is charted to and beyond the century's turn.

The Chief Justice noted that while each of these initiatives demands considerable effort by individual justices, staff, and in some cases citizens, the result will be to enable the Court to make informed decisions on issues of vital concern to all who are interested in the effective operation of Pennsylvania's judicial system. The Chief Justice expressed confidence that with the cooperation of the General Assembly, to whom the Court will need to turn for consideration of some additional funding, and others who will work with the Court, additions can be made to the list of significant innovations achieved over the past several years.

Among the recent innovations the Chief Justice cited as providing a foundation for these new initiatives are:

- envisioning the development of a statewide Judicial Computer Project and successfully implementing the Project's first phase, computerization of the 541 district justice courts across the state on budget and on time;
- instituting successful reform and professionalization of Philadelphia's courts while holding firm on a pledge to a five-year, no growth budget;
- establishing, and recently extending, mandatory continuing education on ethics for Pennsylvania's attorneys (the extended CLE program will include substantive law, practice, procedure, professionalism and substance abuse affecting lawyers);
- proceeding with the development of the Judicial Computer Project's second phase, statewide automation of Common Pleas Courts; and
- consolidating many Supreme Court Administrative Office and Committee functions at a central location near Harrisburg.

###



Administrative Office of Pennsylvania Courts

PRESS RELEASE

CONTACT: Tom Darr, Director
Administration/Communications

FOR IMMEDIATE RELEASE

Heather Ruth, Communications Assistant
717-795-2000

District Justice System receives national attention

John Davenport, Director of Data Processing for the Administrative Office of Pennsylvania Courts, has been invited to represent the Administrative Office at the Client/Server Conference & Exposition, to be held January 18-21 in San Jose, CA. Davenport is one of fourteen computer technology experts from around the nation who will attend the show and share their experiences in implementing efficient, cost-effective client/server computer technology, such as Pennsylvania's statewide District Justice System (DJS).

Davenport's presentation is entitled, "Distributing Data Without Losing It: the data, your hair, your sleep, or your mind," also the title of a paper he authored outlining the creation and operation of the DJS, a network with 3,000 users, 4,000 terminals and printers, and 1,200 communications lines, that a team of 10 computer operators keeps on-line 24 hours a day.

In addition to Davenport, other Administrative Office senior staff members have recently made presentations about Pennsylvania's successful District Justice System before national audiences at the CTC-III, the National Center for State Court's Third Court Technology Conference, and the 1993 IBM State & Local Government-Industry Executive Conference.

Pennsylvania's Judicial Computer Project, underway since mid-1986, connects the state's judiciary via an integrated statewide communications network. It allows for a more unified minor judiciary by improving fiscal management, expediting criminal and civil case tracking, and facilitating statewide information exchange, among other features. The Project's first phase, computerization of District Justice Courts, was completed in December, 1992. When the Project's second phase, Common Pleas automation, is complete, Pennsylvania's courts will be the only judicial system in the United States with a fully integrated, computerized information system.



Administrative Office of Pennsylvania Courts

PRESS RELEASE

Contact: Tom Darr
(717) 795-2026

FOR IMMEDIATE RELEASE

Philadelphia's First Judicial District CIVIL CASE BACKLOG SLASHED

Pittsburgh — "Nothing short of phenomenal" is state Supreme Court Justice Ralph J. Cappy's assessment of recent progress in slashing Philadelphia courts' civil case backlog.

"Over fifteen months - from December, 1992 until March, 1994 - *approximately 13,000 cases have been cleared from the dockets, settled, or completely adjudicated,*" said Cappy. "This incredible progress is another significant step in the First District reform process which the Supreme Court began in late 1990, and which we are committed to continue."

"As has been true throughout the First District, our Court has been gratified by the hard work and dedicated effort that judges, judges pro tempore, special masters, members of the Bar and staff have devoted to making this and other reform initiatives a success. While much remains to be accomplished in working through long-standing inventories, this success proves that the work can and will be done because our faith in the people of the First District, whether paid or volunteer, was well placed."

Justice Cappy's comments were in response to a recent update from First District Trial Division Administrative Judge Alex Bonavitacola. The update highlights the First District's efforts in clearing Civil Division cases backlogged:

- prior to October, 1989 in a project known as "Day Backward I" (DB-I) and
- between October, 1989 and June 30, 1992 in a follow-up project known as "Day Backward II" (DB-II).

The update also:

- provided an operational outline, including several structural changes, for future disposition of all cases in the Civil Division and
- highlighted the specific achievements of the largely-senior judge staffed Complex Litigation Unit in resolving backlogged, complex cases (mostly medical malpractice.)

(more)

Specifically during DB-I, of 866 complex cases assigned to senior judges for disposition, only 25 remain to be assigned. 451 of the total have been disposed, while the remaining 390 have firm trial dates.

About Day Backward I

The Day Backward concept means that a date certain is selected and caseloads preceding that date are grouped for intensive status review and disposition. In "DB-I," the date certain selected was October 2, 1989, meaning that cases pending prior to then were targeted for review and follow-up action.

The DB-I review revealed an initial inventory of approximately 12,671 cases, roughly half – 6,389 – of which had been settled or dropped, but for which dispositions either had not been recorded or had been recorded improperly.

The remainder of DB-I cases – 6,282 – were assigned to Judicial Teams for disposition. Teams consisted of a Leader, either two or three additional judges, and several volunteer settlement masters and judges pro tempore (JPT). The team concept, previously untried in Philadelphia, focused attention on the inventories, ensured through the Team Leader that cases were constantly available for assignment, and allowed experienced attorneys serving as either an unpaid, volunteer master or JPT to encourage settlements where possible. Of the 6,282 cases, only 364 remain as unassigned cases and the vast majority have been completely disposed.

Day Backward II

Day Backward II covers a period beginning in June, 1992 and reaching backward to October, 1989 (the end point of Day Backward I).

Using procedures similar to those used in DB-I, the initial case inventory for DB-II of 16,893 was reduced to 11,887 cases as of February 25, 1994. After subtracting 229 cases for which updated case information had not yet been filed, 11,658 viable cases remain for court action.

"The first priority in Day Backward II is to resolve cases filed during October, November and December of 1989 and all 1990 cases," said Bonavitacola. "Although case inventories tend to be somewhat fluid, approximately 4400 such cases exist and all of them have already been scheduled for conference."

"Day Forward"

"The First District is presently designing a Day Forward category to deal with cases beginning in July, 1992 through the present. Implementing Day Forward, numbering nearly 3,000 cases, can begin following conferencing of all DB-II cases," said Cappy.

"The particular significance of that achievement - when it occurs - is that civil case processing in the First District will begin to closely approach the American Bar Association recommendation that no more than two years elapse from case filing to disposition. By nationally-accepted standards, Philadelphia's civil case processing will be among the nation's best."

###

March 30, 1994



Administrative Office of Pennsylvania Courts

PRESS RELEASE

CONTACT: Tom Darr
(717) 795-2026

FOR IMMEDIATE RELEASE

Several Other Initiatives Ongoing APPELLATE COURTS BEGIN EXPENSE VOUCHERING

HARRISBURG – Pennsylvania's Supreme, Superior and Commonwealth court jurists will abandon the long-standing practice of unaccountable expense accounts and begin vouchering their business expenses beginning July 1, 1994, it was announced today.

The vouchered expense account plan has been in the works since December, 1993, when the Court announced that it would pursue six "initiatives" related to important issues facing Pennsylvania's Unified Judicial System in the 1990s. The Court's commitment to vouchering was reaffirmed in a March, 1994 appearance before the Senate Appropriations Committee by Justice Stephen A. Zappala, whose administrative portfolio includes judicial financial matters.

"For years, the Supreme Court on behalf of the Unified Judicial System, has routinely provided the General Assembly and others with detailed financial information about our expenditure of public funds," said Zappala. "I am confident that this plan to voucher expenses will only enhance the Judiciary's largely unrecognized accountability."

Under provisions of the vouchering plan, appellate jurists will submit monthly expense reports, including backup documentation, which are nearly identical to those used by staff within the Executive and Judicial Branches. Specific requirements for vouchering were detailed early last week to appellate jurists in a memorandum from Court Administrator of Pennsylvania Nancy M. Sobolevitch.

"While the transition from non-vouchered to vouchered expense accounts may initially be somewhat confusing, given the requirement for totally new procedures, I have received total cooperation from court members in reviewing and adopting these new procedures," said Sobolevitch.

= = =

Three additional initiatives outlined in the Supreme Court's December press release remain under active study by members of the Court. Those include:

- **Petition Review Process** -- Justice Ralph J. Cappy is devoting extensive attention to the Supreme Court's petition review process and has enlisted input from a variety of other states and the Federal Court system, as well as from knowledgeable Pennsylvanians.

●**Internal Operating Procedures** – Senior Justice Frank J. Montemuro is actively assessing the Supreme Court's need for formal internal operating procedures. In this assignment Justice Montemuro is drawing on his prior experience as a judge of the Superior Court, which conducts business according to an extensive set of defined procedures.

●**Mandatory Judicial Education** – Despite the General Assembly's failure to provide limited, additional funds for mandatory continuing education for trial judges in Fiscal Year 1994-95, efforts will be made to at least partially meet this need by stretching existing funding to the extent possible.

The remaining two initiatives, establishment of a task force to study issues of gender, race and ethnic equity in Pennsylvania's courts and the establishment of a policy planning component within the Administrative Office of Pennsylvania Courts, were also not funded by the General Assembly for Fiscal Year 1994-95 and can not proceed.

"Our initial request for equity study funding totalled only about \$350,000, while at least one similarly-sized state spent half a million dollars on somewhat comparable studies," said state court administrator Sobolevitch. "Coupled with no funding for planning staff and a total lack of programming staff within AOPC currently, to proceed to study such serious issues without earmarked funds would be impractical and a disservice to those who would participate in the studies."

= = =

The six initiatives outlined by the Supreme Court in December, 1993 represent a continuation of specific efforts by the Court to improve Pennsylvania's Judiciary. Among other recent initiatives:

- envisioning the development of a statewide Judicial Computer Project and successfully implementing the Project's first phase, computerization of the 541 District Justice courts across the state on budget and on time;
- instituting successful reform and professionalization of Philadelphia's courts while holding firm on a pledge to a five-year, no growth budget;
- establishing, and recently extending, mandatory continuing education on ethics for Pennsylvania's attorneys;
- attempting to proceed with development of the Judicial Computer Project's second phase, statewide automation of Common Pleas Courts; and
- consolidating many Supreme Court Administrative Office and Committee functions at a central location near Harrisburg.

Upon completion of additional "initiative" studies, the Supreme Court anticipates making public the results of those efforts.

#

Attachment: "Travel Policies and Procedures, July 1, 1994"

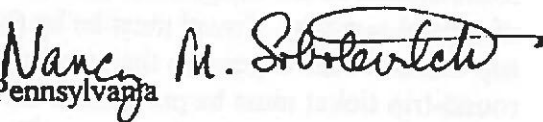
6/94

Supreme Court of Pennsylvania
ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Memorandum

TO: All Justices and Judges of the Appellate Courts

FROM: Nancy M. Sobolevitch
Court Administrator of Pennsylvania



DATE: July 1, 1994

RE: TRAVEL POLICIES AND PROCEDURES

The following travel policies and procedures are hereby set forth pursuant to the direction of the Supreme Court for the Pennsylvania Appellate Judiciary and shall take effect immediately.

AUTHORIZING AUTHORITY:

As used in this Travel Policy, the authorizing authority shall be the Chief Justice of Pennsylvania, Justices of the Supreme Court of Pennsylvania, and the President Judge for respective Appellate Court Judges.

JOB RELATED TRAVEL:

Prior written approval must first be obtained from the authorizing authority before incurring travel related expenses. In those instances where prior written approval is not feasible, prior oral approval with subsequent documentation of such approval is acceptable.

TRAVEL EXPENSE REIMBURSEMENT POLICY - JUDICIAL PERSONNEL:

The expense must be actual and necessary and within the limitations set forth on the following pages. All expenses are subject to review by the Chief Justice, Justice, President Judge, and the Court Administrator and any expense item disapproved shall not be reimbursable. No travel expense claim shall be paid unless rendered upon a "Business Expense Voucher" form within sixty (60) days after travel. All expenses shall be properly itemized and accompanied by the necessary receipts.

APPELLATE COURT TRAVEL POLICIES AND PROCEDURES

2

ALLOWABLE EXPENSES:

I Transportation

- A. General Rules - All modes of transportation are authorized consistent with the requirements of the assignment and with the efficient and economic conduct of official business. Travel must be by the most direct route. When a round-trip ticket is less expensive than two one-way tickets, when practicable the round-trip ticket must be purchased. Commuting costs between a Justice or Judge's permanent chambers or office and home are not eligible for reimbursement.
- B. When traveling by airplane or railroad, receipts must be submitted. First-class accommodations should be used only when required because other classes are fully booked.
- C. When business travel is to be by automobile which is owned by the Justice or Judge, reimbursement for use of the personal automobile will be made at a rate to be announced in memorandum form by the Court Administrator and which may from time to time be revised. The rate in effect at this date is \$.29 per mile.

Alternatively, as a transitional methodology, when a vehicle is owned by the Justice or Judge, the reimbursement may be in the form of a monthly allotment of \$750.00 gross. However, Federal and State taxes will be deducted from that amount and a W-2 form will be issued on the gross as income. The Justice or Judge will then be responsible for complying with applicable tax laws on the appropriate deduction or depreciation for business use of automobiles.

When travel is by automobile which is leased on a long term basis by the Justice or Judge, such travel will be considered part of the business use of the vehicle and be subject to a pro rata reimbursement for that part of the actual lease, insurance, gasoline and maintenance costs which are deemed to be a business expense. Reimbursement will not be made for personal use or for that portion of the mileage which constitutes commutation from home to the Justice or Judge's chambers.

The total reimbursement for automobiles, leased or owned, may not exceed \$9,000.00 per year per Justice or Judge.

- D. Use of taxicabs and airport limousines is allowed. When reimbursement for these expenses is requested, receipts are required if the amount is in excess of \$25.00. Cash paid for fares for local buses, streetcars, subways and the like, is reimbursable and no receipts will be required. Rental cars or other special conveyances will be allowed consistent with the assignment. Receipts are required.
- E. Parking charges, either lot or meter, in reasonable amounts, as well as toll road, toll bridge, and ferry charges, are reimbursable to Justices and Judges operating either Commonwealth, leased or personal automobiles. Receipts for amounts in excess of \$25.00 per use are required
- F. Those who, in the course of discharging their official duties, rent automobiles are reminded to subscribe to applicable insurance coverage offered by the rental agency. The Commonwealth Self-Insurance Program does not extend insurance protection to automobiles which are leased. Similarly, if a personal automobile is used in the performance of official duties, private insurance represents the coverage involved. The mileage remuneration from the Commonwealth is to defray in part the cost of the insurance for the time in question. No reimbursement will be made for rental cars for days other than the day of arrival, the actual dates of the meeting, seminar or assignment, and the day of departure.

II. Lodging:

- A. General Rules - Justices and Judges should use hotel orders wherever possible. In instances where hotel orders are not accepted by a hotel, a receipt must be obtained for the cost of the lodging. Hotel orders may be used for accommodations only. No other charges may be made on the hotel order. Other charges appropriately reimbursable should be submitted on the Expense Voucher with receipts when expense is in excess of \$25.00.
- B. Expenses for lodging will not be allowed at a Justice or Judge's place of residence or his/her official headquarters. In addition, hotel expenses will not be allowed for locations which are within a reasonable commuting distance from headquarters or residence. Generally, 50 miles is considered to be a reasonable commuting distance subject to itinerary, weather, and time considerations. Any extenuating circumstances must be fully explained.
- C. Justices and Judges are expected to request government rates where available

APPELLATE COURT TRAVEL POLICIES AND PROCEDURES

4

and to use less expensive accommodations when possible and which do not place an undue burden on the Justices and Judges or are impractical because of the lateness of the hour, inclement weather, security or other similar factors.

D. Preparation of Hotel Order (Form STD-192):

The hotel order will be completed in an original and three copies, in accordance with the guidelines below:

1. Date order prepared;
2. Name of hotel and location - city, state;
3. Name and social security number of traveler;
4. Agency name and agency comptroller's address; (Use Executive Administrator's or AOPC's address)
5. Inclusive dates of the nights that lodging expenses were incurred;
6. Daily charge and total charge incurred must be entered by the hotel clerk or management representative;
7. Signature of hotel clerk or management representative;
8. Executive Administrator enters account code;
9. Signature of Executive Administrator;
10. Signature of traveler.

E. Submission of Hotel Order:

1. Have the hotel manager indicate the rate and sign the hotel order in the space provided.
2. Certify receipt of hotel services by signing the order.
3. Retain copies 3 and 4; give copies 1 and 2 to the hotel.
4. Attach copies 3 and 4 to your "Business Expense Voucher."

III. Subsistence:

- A. **General Rules** - For Justices and Judges in overnight travel status, reimbursement for actual meal expenditures will be made. Receipt required if the cost of the meal exceeds \$25.00 plus gratuity.
- B. Justices and Judges not in overnight travel status while on business travel outside of headquarters area (at least 50 miles from headquarters) shall be compensated for meals at actual cost.

APPELLATE COURT TRAVEL POLICIES AND PROCEDURES

5

IV. Registration Fees:

- A. General Rules - Registration fees at professional or association programs or meetings will be reimbursable.

V. Other Expenses:

- A. General Rules - Other actual official expenses, such as telephone and telegraph, emergency equipment or supply purchases and all other charges necessary to the completion of official business may be reimbursed with appropriate receipts where available. Membership fees for judicial or legal organizations are reimbursable if approved by the appropriate authority.

VI. Business Related Meals:

- A. General Rules - The cost of meals for other participants during business-related meetings is reimbursable. Receipts required if costs exceed \$25.00 plus gratuity per occasion.

VII. Education and Training Expense Allowance:

- A. General Rules - Actual lodging and meal expenses will be reimbursed in addition to costs of tuition or fees and transportation while attending educational programs subject to any limitations that may be imposed by the Chief Justice, Justice or President Judge.

EXCEPTIONS:

The Supreme Court may permit deviations from the foregoing standards upon the application in writing of the President Judge if he/she approves the deviation and the reasons established therefore in such written request. Said documentation should be attached to the Expense Voucher.

RECEIPTS:

Receipts need not be submitted with the Expense Voucher for:

- A. Taxicab and airport limousine fares less than \$25.00.
- B. Local bus, streetcar, or subway fare.
- C. Personal automobile mileage or gasoline.
- D. Meals costing less than \$25.00 plus gratuity.

APPELLATE COURT TRAVEL POLICIES AND PROCEDURES

6

- E. Parking (if less than \$25.00), tolls, telegraph, registered or certified mail and money order charges.
- F. Reasonable tips to service personnel when such is necessary.

NOTE:

No item of expense will be approved if a required receipt is missing, unless it was impossible to secure such a receipt and the reason is fully explained. Mere inconvenience or forgetfulness will not be a satisfactory explanation.

ITEMS NOT SUBJECT TO REIMBURSEMENT ARE:

- A. Fees for short term rental cars for days prior to the day of arrival or after the day of departure from meeting or assignment.
- B. Alcoholic beverages.
- C. Meals taken while a seminar or meeting is in progress and a meal is being served as part of the meeting activities.
- D. Rooms taken more than twelve hours prior to start of meeting.
- E. Unutilized rooms if prior notice of cancellation is not given.
- F. Additional charges for multiple occupancy when the additional occupant is not a Commonwealth Judiciary employee.
- G. Valet service.
- H. Personal telephone bills.
- I. In-room movies.
- J. Rooms used and expenses incurred more than twelve hours beyond termination date of seminar or assignment.

PREPARATION AND SUBMISSION OF BUSINESS EXPENSE VOUCHER:

- A. General Rules - After approval by the President Judge, the original and three copies are to be submitted to the Executive Administrator of the appropriate Appellate Court. Data required should be printed legibly and in ink or typed and signed by the Justice or Judge.

ver:b



Administrative Office of Pennsylvania Courts

PRESS RELEASE

CONTACT:

FOR IMMEDIATE RELEASE

Tom Darr, Director,
Administration and Communications
(717) 795-2026

HARRISBURG - State Supreme Court Justice Stephen A. Zappala today announced the elimination of nearly one third of the state Judicial Computer Project's staff, mostly through layoffs. The action results from the General Assembly's failure to fully fund the Project, Zappala said in letters mailed to Legislative Leaders.

"While support for the Project from a number of legislators -- including eighteen cosponsors of Senate legislation (SB 1657) to address this problem -- has been gratifying, ultimately even that support was insufficient to allow the Judiciary to continue our successful computerization efforts," said Zappala.

Sixteen Judicial Computer Project (JCP) staff were laid off, two Administrative Office of Pennsylvania Courts staff were terminated, and six recently vacated JCP positions were eliminated.

"These layoffs are extraordinarily regrettable, both because they represent unnecessary personal suffering to those affected and because the effect on the Judicial Computer Project will be long-lasting," said Zappala. "Nevertheless, not to cut JCP expenses in light of the Project's serious funding deficiencies would have been irresponsible."

Zappala said the cuts will immediately curtail development of the Project's Common Pleas automation efforts and also will affect ongoing operations of the automated District Justice System, which was completed in December, 1992.

"The Supreme Court remains steadfast in its support for statewide computerization of our trial courts; we are prepared to build upon our successful automation of District Justice Courts, but it is clear that we can not do so without adequate funding," said Zappala. "Our efforts to secure such funding will continue, but our progress of necessity has been slowed."

#

COMMONWEALTH OF PENNSYLVANIA



SUPREME COURT
1000 GRANT BUILDING
PITTSBURGH, PENNSYLVANIA 15219

STEPHEN A. ZAPPALA
JUSTICE

July 8, 1984

The Honorable Richard A. Tilghman
Chairman, Senate Appropriations Committee
535 Main Capitol
Harrisburg, Pennsylvania 17120

Dear Senator Tilghman:

Today, the Administrative Office of Pennsylvania Courts was forced to lay off 18 staff members and eliminate 6 recently-vacated staff positions because of the General Assembly's failure to fully fund Pennsylvania's Judicial Computer Project (JCP). *Total reductions in force represent nearly one third of the Project's staff.*

The impact of these cuts is two-fold:

- work to automate Common Pleas Courts, which began and was proceeding smoothly in early phases of development, will cease immediately;
- ongoing operation of the automated District Justice System will be curtailed to a level consistent with the ability of existing staff to meet day-to-day operating demands. Training of district justices and staff, responses to operating problems, software enhancements, public access requests, and electronic data interchange efforts with other state agencies will all be affected to an as-yet unknown degree.

I write to tell you of these steps because the ability of the Judiciary to build upon our past success in automating courts statewide is directly related to the General Assembly's willingness to provide adequate funding through a functional, predictable funding mechanism.

Our success in automating district justice offices statewide is well documented and I shall not belabor it. Suffice to say that we promised development of an automated system that would be implemented on budget and on time and that would work. In completing the automated District Justice System in December, 1982, we delivered on each of those promises.

Doing so was difficult, and not the least of all because stable, adequate JCP funding has always been a problem.

From the Project's inception, provision of adequate funding can best be characterized as too little, too late. For example, with adequate funds, the Judiciary would not have been forced to finance implementation of the District Justice System (for which we are still paying and for which more than one million dollars in interest will ultimately be required.)

Even more acutely, with adequate funds we would not now be in a position where the demonstrated value of our efforts at one jurisdictional level -- District Justice Courts -- are forced to an abrupt halt at the next level - the automation of the Common Pleas criminal courts.

By "demonstrated value," I would briefly cite the following:

- never before have District Justice Courts in Pennsylvania all had the ability to process cases uniformly and in a standardized manner, as they do today;
- never before has cooperation between criminal justice agencies and the Judiciary been better than it is today, with the JCP sharing the forefront with the Pennsylvania State Police, the Pennsylvania Commission on Crime & Delinquency, the Department of Corrections, and many others in developing workable systems to aid in the fight against crime;
- never before has Pennsylvania's Judiciary attracted such favorable attention for its progressive efforts in computerization as it has today, with articles in national publications about the Judicial Computer Project, with key staff invited repeatedly to share Project development techniques with national audiences of court professionals, and with periodic visits from foreign dignitaries to our Mechanicsburg computer facility.

Coupled with a fines, fees, and costs collection rate of over 90 percent (collections to date plus current time payments) since implementation of the automated District Justice System, by any reasonable standard our efforts have been successful.

Yet today, that success grinds to a halt for lack of legislative action to provide adequate funding.

Senate Bill 1657, Printer's Number 2057, was introduced by Senator Stewart J. Greenleaf and seventeen cosponsors in April, 1994, following briefings with legislative leaders in early Autumn, 1993, in which we emphasized that modifications to existing funding statutes were essential by July 1, 1994. More specifically, the bill's intent is to provide additional, needed revenue from user fees to the Judicial Computer Project so that automation of the Commonwealth's Common Pleas criminal courts could proceed, much as we successfully completed computerization of District Justice offices.

The bill was considered in the Judiciary Committee and unanimously reported out, also in April of this year. *For that action and the support of the cosponsors, I am deeply appreciative.* Since then, however, Senate Bill 1657 has languished in the Senate Appropriations Committee without

action, despite warnings that failure to act in a timely manner would adversely affect Common Pleas automation plans and likely inhibit the Judiciary's ability to effectively operate the existing, automated District Justice System.

In terms of our plans to automate Common Pleas criminal courts, Bedford, Beaver, Erie and Philadelphia Counties will suffer the most immediate effects since they were selected as pilot sites for testing the new system once development was completed.

Philadelphia, in particular, will be severely affected in the very near term since Common Pleas automation efforts there were designed to dovetail with completion of the city's new \$95 million criminal justice center. What computer system *will* be available, if any, to meet the needs of the City and its new facility, I do not now know. I do know that the inability to support Philadelphia in this manner casts a pall over the Supreme Court's successful steps in recent years to turn the City's court operations around and to hold a hard line with a voluntary no-growth budget for the last four years.

The bitter irony of this situation is that many who frequently clamor loudest for "judicial reform" have unfortunately offered little or no support for the real, technological tools which would allow the Judiciary to function as it must, as other units of state government and the private sector long have.

The Supreme Court remains committed to Pennsylvania's Judicial Computer Project for all of the right reasons - that is, moving our courts forward in ways that so-called reformers have apparently yet to imagine. But whether the Judicial Computer Project will proceed, or wither away to an increasingly desultory caretaking operation, remains within the General Assembly's province to provide adequate funding in the context of an acceptable and predictable funding mechanism.

Sincerely,



STEPHEN A. ZAPPALA

The state has since catapulted the judiciary into the world of computers with one of the most impressively coordinated data-processing installations in the nation. Pennsylvania spent \$24.5 million to erect a network of 1,664 IBM display terminals linked to 31 regional IBM AS/400-35 computers. Completed late last year, the project came in on time, on budget and with little fiscal plan: No taxes were employed to pay for it, only modest increases in court fees.

CITY & STATE

In 1989, AOPC signed a \$24.5 million contract that covered provisions for initial training, installation, equipment and system development. The first district office pilot size began training in December 1990 and the last completed in December 1992.



Pennsylvania's judicial system took a major stride in the drive for statewide computerization when the Commonwealth's district justice offices came fully online at the end of 1992.

THE PENNSYLVANIA LAWYER

The system now allows all district justice staff to process cases identically in every county, using the same forms and receipts, thus making certain administrative and research tasks far easier - and much more uniform - than a manual system could ever allow.

THE JUDGES' JOURNAL

Completed in December 1992, the system is already credited with improving staff productivity and is expected to increase the state's share of collected fines and fees.

GOVERNMENT TECHNOLOGY

The 541 offices of Pennsylvania's district justices, for example, were recently automated for the first time. Some of those offices had still been using manual typewriters and filing court documents in cardboard boxes. Nobody on the cutting edge of organizational change would call it reengineering, yet there is no denying that it was a crucial step forward.

GOVERNING

Since its completion in December 1992, the District Justice System (DJS) of Pennsylvania has proven to be an overall success. With all district justice offices now on-line, case processing is more efficient and collections are up.

Court Technology
B U L L E T I N

**JUDICIAL FINANCE AND PERSONNEL REPORTS SUBMITTED
TO THE LEGISLATURE AND OTHERS**

Exhibit A

Judicial Personnel Complement Summary Report - Submitted monthly to the following:

- Michael B. Rosenstein, Executive Director
House Republican Appropriations Committee
- Robert A. Bittenbender, Executive Director
Senate Republican Appropriations Committee
- Paul S. Dlugolecki, Executive Director
Senate Democratic Appropriations Committee
- Mary Soderberg, Executive Director
House Democratic Appropriations Committee
- ~~Rich Kowal~~ Douglas Gitt
Office of the Budget
- Kathy Veneri
Democratic Computer Services

Exhibit B

**Legislative (Judiciary) Appropriations Tape (Contains staff and judges with title, salary, etc.)
- Submitted monthly to the following:**

- Legislative Data Processing Center

Exhibit C

**Annual Report of Personnel Employed by Unified Judicial System - Tape submitted
annually to the following:**

- Legislative Data Processing Center

Also, a paper report is submitted to the following:

- Catherine Baker Knoll, State Treasurer
- Barbara Hafer, Auditor General
- Michael H. Hershock, Budget Secretary
- Charles Sciotto, Deputy Secretary for Employee Relations

**JUDICIAL FINANCE AND PERSONNEL REPORTS SUBMITTED
TO THE LEGISLATURE AND OTHERS**

Exhibit D

Monthly Updates to Annual Report of Personnel Employed by the Unified Judicial System - Report is submitted monthly to the following:

- Catherine Baker Knoll, State Treasurer
- Barbara Hafer, Auditor General
- Charles Sciotto, Deputy Secretary for Employee Relations

Exhibit E

Budget request provided to legislature

Hard Copy

- 45 copies provided to the Chairman of the House Appropriations Committee
- 30 copies provided to the Chairman of the Senate Appropriations Committee
- 3 copies sent to the Secretary of the Budget, Michael Hershock

Symphony templates - templates used by the Governor's Office of the Budget and the Legislative analysts - provides specific detail of the Judiciary's budget. One copy of the Judiciary's detail is provided to the following:

- Mr. Al Ferguson, Assistant Executive Director
House Democratic Appropriations Committee
- Mr. K. Paul Muench, Budget Analyst
House Republican Appropriations Committee
- Mr. David K. Kurtz, Budget Analyst
Senate Republican Appropriations Committee
- Mr. Marx Leopold, Senior Budget Analyst
Senate Democratic Appropriations Committee

Periodic Budget Information

- Information is periodically provided to the Governor's Office of the Budget, the four chairmen of the appropriations committees, and their respective staff. Subjects include the status of current year programs, the Judicial Computer Project, as well as other topics of interest to the Legislature, Governor, and Judiciary.

**JUDICIAL FINANCE AND PERSONNEL REPORTS SUBMITTED
TO THE LEGISLATURE AND OTHERS**

Exhibit F

Budget and Expenditure Report - By law, the report is required to be provided by the 15th of the month following month-end. The report shows the current Judiciary Budget, by appropriation and by minor object, the current month activity, the year to date activity, encumbrances, and available balances. The report is distributed as follows:

Hard Copy

- Ms. Mary Soderberg, Executive Director
House Democratic Appropriations Committee
- Mr. Michael B. Rosenstein, Executive Director
House Republican Appropriations Committee
- Mr. Robert A. Bittenbender, Executive Director
Senate Republican Appropriations Committee
- Mr. Paul S. Dlugolecki, Executive Director
Senate Democratic Appropriations Committee
- Mr. Douglas Gitt, Governor's Office of the Budget

Diskette

- Mr. Al Ferguson, Assistant Executive Director
House Democratic Appropriations Committee

Tape

- Mr. James Schicatano, Systems Analyst
Legislative Data Processing Center
- Ms. Deborah Bleecker, Acting Director
Senate Democratic Computer Services

Exhibit G

Audits

Annual audit conducted in accordance with generally accepted auditing standards by KPMG Peat Marwick. The audit report is distributed as follows:

- Four appropriations committee chairmen
- Secretary of the Budget - Michael Hershock

JUDICIAL FINANCE AND PERSONNEL REPORTS SUBMITTED TO THE LEGISLATURE AND OTHERS

- Deputy Secretary for Comptroller Operations - Harvey C. Eckert

Audit for the year ended June 30, 1993 is not yet available - pending review and approval by the Judicial Audit Agency Committee

April 25, 1994

Hard Copy

- Mr. Mary Schaefer, Executive Director, House Democratic Appropriations Committee
- Mr. Michael B. Rosenstein, Executive Director, House Republican Appropriations Committee
- Mr. Robert A. Rittenbender, Executive Director, Senate Republican Appropriations Committee
- Mr. Paul S. Blagoder, Executive Director, Senate Democratic Appropriations Committee
- Mr. Douglas Gitt, Governor's Office of the Budget
- Mr. Al Ferguson, Assistant Executive Director, House Democratic Appropriations Committee
- Mr. James Schickel, Systems Analyst, Legislative Data Processing Center
- Mr. Deborah Blackman, Acting Director, Senate Democratic Computer Services

Exhibit 2
Audit

Annual audit conducted in accordance with generally accepted auditing standards by KPMG Fort Meade. The audit report is distributed as follows:

- Four appropriations committee chairmen
- Secretary of the Budget - Michael Haishek