



PENNSYLVANIA CONFERENCE OF STATE TRIAL JUDGES
1515 MARKET STREET, SUITE 1428
PHILADELPHIA, PENNSYLVANIA 19102

PRESIDENT
HON. LINDA WALLACH MILLER
MONROE COUNTY COURTHOUSE
STROUDSBURG, PA 18360
(717) 420-3600
(717) 420-1751 FAX

TESTIMONY ON HOUSE BILL 1521

PRESIDENT-ELECT
HON. SAMUEL W. SALUS
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19404
(610) 278-3925

FIRST VICE-PRESIDENT
HON. PAMELA PRYOR COHEN
1415 CRIMINAL JUSTICE CENTER
PHILADELPHIA, PA 19107
(215) 683-7142

SECOND VICE-PRESIDENT
HON. GARY P. CARUSO
WESTMORELAND COUNTY COURTHOUSE
GREENSBURG, PA 15601
(412) 830-3815

TREASURER
HON. HIRAM A. CARPENTER, III
BLAIR COUNTY COURTHOUSE
HOLLIDAYSBURG, PA 16648
(814) 693-3070

SECRETARY
HON. ALBERT A. STALLONE
BERKS COUNTY COURTHOUSE
READING, PA 19601
(610) 478-6446

IMMEDIATE PAST PRESIDENT
HON. JAMES KNOLL GARDNER
LEHIGH COUNTY COURTHOUSE
ALLENTOWN, PA 18105
(610) 820-3122

Good afternoon Representative Birmelin and other Members of the House Judiciary Committee, Subcommittee On Crime and Corrections. My name is Linda Wallach Miller, I am a Judge in the Court of Common Pleas of Monroe County and President of the Pennsylvania Conference of State Trial Judges, the organization representing the over 400 trial judges in the Commonwealth. I wish to express our appreciation for this opportunity to talk to you and outline the concerns of the trial judges about this proposed bill.

At our mid-annual meeting at the end of February, the Conference voted overwhelmingly to oppose this matter. We ask that you consider this matter carefully. We believe the consequences of your taking this action are considerable and that any perceived benefit is illusory and not real.

We have neither quarrel with the District Attorneys' Association nor any alignment with the Defense Bar. Indeed, more judges, including this one, are former DA's than any other

chosen path to the bench. Perhaps it is for this very reason that the majority in our Conference recognize the potential mischief which this measure does.

The burden of this measure in the larger jurisdictions is potentially crushing. Philadelphia County heard over three thousand (3,000) non-jury trials in 1996. Allegheny County heard an additional five hundred (500). Without these waivers of jury trials, the system could not function. Trials that would take days are completed in hours. If this Amendment is enacted, the Legislature will inevitably be requested to fund many additional judges to preside over the additional jury trial days needed for the lengthier jury trials. Citizens will be asked to serve as jurors far more often. In some jurisdictions, we are calling citizens back for jury duty every eighteen months. Our crowded jails will be unable to hold the defendants in pretrial lock-up and the possibility of Rule 1100 violations is very real. Thus, those very same defendants may be back on the streets. Overcrowded jails have come to mean that in many places only the most serious defendants can be kept in jail before trial. More jury trials will mean longer time to trial and it will lengthen the time to conviction and incarceration. Because private lawyers charge much more to try jury trials, more defendants will be unable to afford them, and County's will have the expense of expanded Public Defender Offices.

It is apparent that the advocates of this bill support it based upon a belief that the Commonwealth can get better results in front of juries than in front of certain judges in a particular county. Is it logical to enact a Constitutional Amendment based on this belief? It is certainly true that trials before different judges may have different results. However, to concede this is to concede nothing. Many of you know full well that there are few more

random events in life than asking a criminal jury to apply the reasonable doubt standard. There is no evidence that jurors are more conviction minded than judges. A reading of the headlines of some of the most famous criminal trials of our decade is evidence of this. Bear in mind that jury use will not effect sentencing. That will remain in the hands of judges.

I testified before the Senate Judiciary Committee several weeks ago. During the question and answer session that followed, it was made clear to me and my colleagues present that this bill is specifically aimed at Philadelphia County. Is it logical to amend the Constitution of Pennsylvania for a perceived problem in one county out of sixty-seven?

Our Constitution was written to protect the citizens of Pennsylvania not to protect the Government. In our sound-bite society, it has become popular for elected officials, especially prosecutors, to label legislators and/or judges as "soft on crime". This political posturing has the effect of eroding confidence in the Judiciary and the Legislature. Our Constitution was written by men who had first hand knowledge of a Judiciary that was not permitted to function independently. We believe that the far reaching aim of this bill would seriously erode judicial independence.

As judges we respect your role and your concerns. We understand that you have a deep concern that serious crime be treated with gravity and strictness. We share your concern — remember as I said before, a large proportion of our judges came to their jobs from the prosecutor's table.

We ask that you carefully consider the constitutional and practical ramifications of this measure.

Thank you for you time and attention.