

**The 2012-2013 Budget Request of  
Pennsylvania's Unified Judicial System**  
House and Senate Appropriations Committees  
Chief Justice Ronald D. Castille and Justice Thomas G. Saylor

Thanks to early collaboration last year among leaders of the three branches of state government, this fiscal year the judiciary began to recover after six years of funding insufficient to meet its basic needs. While that recovery is far from complete, at the outset today I want to express our sincere appreciation for this year's significant fiscal step forward for the court system.

Pennsylvania's Constitution calls for our courts to be open.<sup>1</sup> We take that prescription seriously, for the road to justice often relies on our courts, which strive to ensure many of the rights that we hold important in our society.

Just as a fully-functioning, efficient court system is essential to providing justice for Pennsylvanians, so then Pennsylvania's courts must be provided with the essential resources that are reasonable and necessary to carry out our constitutionally mandated functions... "without sale, denial or delay."

To help keep our courts open, the judiciary over the past four years has saved \$26 million, borrowed a yet-to-be-repaid \$28 million from dedicated computer funds for general operations, and reluctantly advocated imposition of temporary fees in recent years.

But our ability to achieve significant, additional savings is limited, our willingness to borrow is past, reliance on fee funding must be balanced against citizens' accessibility to courts, and the need to stabilize both the judiciary's general government and computer system finances remains.

In contrast to some other states, our courts are open, vital and innovative with (like the legislature) less than 1% of the state budget, yet our vitality hangs by a slender fiscal thread.

**Here is a fact you may not know:** Pennsylvania's *criminal courts alone* collect more in fines, fees, costs, and restitution annually than is spent in the state

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<sup>1</sup> Article I, Section 11, Pennsylvania Constitution (1790): "All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay."

judicial appropriation. In the past five years the courts' state appropriation totaled \$1.46 billion; collections exceeded \$2.3 billion.

**Last year we collected nearly \$470 million as compared to our fiscal year 2011-2012 state-funded budget request of \$324 million.**

**And here is a related fact:** For the most part, fines, fees, costs and restitution collected by the judiciary do not fund the state court system. Instead, after collection by the judiciary, those dollars return to state and local governments for general operating or program costs, such as those in support of crime victims.

Let me turn to funding specifics for this fiscal year and the one ahead.

Even after this year's \$22 million appropriation increase, the judiciary began with a still significant gross deficit of \$49.3 million. I am pleased to report that savings, either ongoing or one-time, Act 49 temporary revenues, and another, small loan from the Judicial Computer System have erased that shortfall. Effectively, our books for this year are "balanced."

After reviewing the Governor's spending recommendation, the corollary gross deficit next year will be \$54 million which, after accounting for ongoing, projected savings and Act 49 temporary fee revenues, will leave a net shortfall of \$29.6 million. We offer the following suggestions to help erase that gap.

First, the judiciary can provide \$8 million, the remainder of our commitment last year of one, final \$10 million loan from Judicial Computer System funds. Second, more than \$2 million may be saved by accepting or eliminating certain of the Governor's recommendations, *subject to later reinstatement in some form*.

Third, action to expand provisions of Act 49-2009 by including a temporary fee surcharge on traffic citations (making Act 49 provisions consistent with other, existing fees) could yield \$7.6 million next year and double that the following year until reliance on these temporary fees can end.

Remaining is an \$11+ million deficit, the revenue for which remains to be seen. We look forward to that discussion, just as we invite discussion about the dire need for funding of legal services' programs and badly needed, but very limited new funds for the constitutionally-independent Judicial Conduct Board.

Thank you for your consideration today and in the weeks ahead.