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HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

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Budget Hearing

Judiciary

House Appropriations Committee

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Main Capitol Building  
Majority Caucus Room 140  
Harrisburg, Pennsylvania

Monday, February 24, 2014 - 2:36 p.m.

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1300 Garrison Drive, York, PA 17404

717.764.7801

## 1 COMMITTEE MEMBERS PRESENT:

2 Honorable William F. Adolph, Majority Chairman  
Honorable Ryan Aument  
3 Honorable Karen Boback  
Honorable Jim Christiana  
4 Honorable Gary Day  
Honorable Gordon Denlinger  
5 Honorable Brian Ellis  
Honorable Garth Everett  
6 Honorable Glen Grell  
Honorable Seth M. Grove  
7 Honorable Adam Harris  
Honorable Tom Killion  
8 Honorable David Millard  
Honorable Mark Mustio  
9 Honorable Donna Oberlander  
Honorable Bernie O'Neill  
10 Honorable Mike Peifer  
Honorable Scott Petri  
11 Honorable Jeffrey Pyle  
Honorable Curtis G. Sonney  
12 Honorable Joseph F. Markosek, Minority Chairman  
Honorable Brendan Boyle  
13 Honorable Matthew Bradford  
Honorable Michelle Brownlee  
14 Honorable Mike Carroll  
Honorable Scott Conklin  
15 Honorable Madeleine Dean  
Honorable Deberah Kula  
16 Honorable Tim Mahoney  
Honorable Michael H. O'Brien  
17 Honorable Cherelle Parker  
Honorable John Sabatina  
18 Honorable Jake Wheatley

19  
20 REPUBLICAN NON-COMMITTEE MEMBERS PRESENT:

21 Honorable Matt Baker  
Honorable Sheryl Delozier  
Honorable Gene DiGirolamo  
22 Honorable Jerry Stern  
Honorable Joe Hackett  
23 Honorable John Taylor  
Honorable Rick Saccone  
24 Honorable Mark Keller  
Honorable Mindy Fee  
25

1 DEMOCRATIC NON-COMMITTEE MEMBERS PRESENT:

2 Honorable Flo Fabrizio  
3 Honorable Pam DeLissio  
4 Honorable Michael Schlossberg  
5 Honorable Paul Costa  
6 Honorable Dom Costa  
7 Honorable Frank Burns  
8 Honorable Tom Caltagirone

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8 STAFF MEMBERS PRESENT:

9

10 David Donley  
Majority Deputy Executive Director

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12 Daniel Clark, Esquire  
Majority Chief Counsel

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14 Miriam Fox  
Minority Executive Director

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TESTIFIERS

JUDICIARY

Chief Justice Ronald Castille

Justice J. Michael Eakin

Zygmunt Pines, Esquire

Court Administrator of Pennsylvania

Kenneth Crump

Budget Administrator

REQUEST FOR INFORMATION

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1 MAJORITY CHAIRMAN ADOLPH: Good  
2 afternoon. I'd like to reconvene the House  
3 Appropriations budget hearings. The next budget  
4 hearing will be the judiciary.

5 Before we get started, I'd just like to  
6 acknowledge the presence of Representative Garth  
7 Everett and, also, Representative Rick Saccone and  
8 Representative Mark Keller have joined us. Also  
9 arriving has been Representative Mike O'Brien and  
10 Representative Tim Mahoney. Thank you.

11 It's certainly a pleasure to have before  
12 us, and it's certainly a privilege to have before  
13 us two distinguished justices, Chief Justice Ronald  
14 Castille and Chief Justice Michael Eakin. I  
15 appreciate you taking the time out of your busy  
16 schedule to appear before us today.

17 Chief Justice, if I can address you.  
18 If you'd like to make an opening statement, and  
19 then we'll get on to the questioning.

20 CHIEF JUSTICE CASTILLE: Yes, Mr.  
21 Chairman, and thank you for inviting us here to  
22 hear about our budget. It's a critical situation  
23 for us, but first I'd like to introduce Justice  
24 Michael Eakin from our court; Court Administrator  
25 Zygmunt Pines; our numbers person, Ken Crump. We

1 have also with us today the President Judge of the  
2 Court of Judicial Discipline, Magisterial District  
3 Judge Chuck Clement; the new President Judge of the  
4 Superior Court, Susan Gantman; the new judge of the  
5 Commonwealth Court, Ann Pellegrini; the Chair of  
6 the Court of Judicial Discipline. Those  
7 individuals will be willing to help explain if  
8 there's any questions for them. We also speak on  
9 behalf of the Court of Judicial Conduct and the  
10 Judicial Discipline Board.

11 I'd like to start off by saying some of  
12 the things we have been doing over the years and to  
13 highlight some of our budget needs before the  
14 members of both committees. As you well know, our  
15 budgets are primarily driven by the  
16 constitutionally-required personnel costs, the  
17 benefits and the salaries of the judges.  
18 Basically, that constitutes 86.4 percent of our  
19 budget. 9.2 percent of our budget is direct  
20 pass-throughs through our budget to the counties,  
21 leaving us with basically a little around 4 percent  
22 as an operating budget. As you all know, we're  
23 less than one-half of one percent of the entire  
24 budget. We don't have too much room to play with  
25 with our 4 percent.

1           In recent years, though, we have been  
2 trying to save money, just like all of the agencies  
3 of the Commonwealth and even this branch. We've  
4 saved money by avoiding appointments through the  
5 judicial vacancies, and that's with the cooperation  
6 of the Governor and the Senate. Over the past  
7 three years, we've saved \$14 million there.

8           We've also saved \$4.5 million by  
9 reducing the number of magisterial district judges  
10 that sit in the courts of Pennsylvania. There will  
11 probably be a total of 28 magisterial district  
12 justices that will be absorbed into the other  
13 systems through attrition. So, over the past six  
14 years, we have saved \$45.8 million through various  
15 means.

16           On the revenue side, we've instituted  
17 ways for defendants or individuals to pay their  
18 fines, fees and costs with credit cards, debit  
19 cards, PAePay. Always say it's better to pay your  
20 fines and fees and costs and have a debt with a  
21 credit card company as opposed to having a  
22 constable or a sheriff come to your door for  
23 nonpayment of fines, fees and costs, which are all  
24 court ordered. Totally, in the last year, we  
25 collected \$455 million through the calendar year

1 2013.

2           There were a couple new initiatives that  
3 we would talk about or we can discuss further.  
4 That would be the transition of the county clerks,  
5 Clerk of Courts and the prothonotaries to the  
6 Unified Judicial System, to bring them into the  
7 judicial family, as we call it, to make the  
8 delivery of justice, especially the administration  
9 of it more efficient and effective.

10           The County Commissioners Association,  
11 by the way, supports this move, and we can do it by  
12 a shifting of fees that go to the counties, so it  
13 will not be in addition to our request.

14           We have done other things. We're doing  
15 things in the system itself, as I mentioned, clerks  
16 and prothies unifications. We are rightsizing the  
17 Common Pleas Court judges through a weighted  
18 caseload study that we have just started; been able  
19 to start with a federal grant and the cooperation  
20 of the National Center for State Courts.

21           We have effected a new judicial code of  
22 conduct, which will take effect July 1st after a  
23 lot of work. Anne Lazarus was our leader on that,  
24 as the Superior Court.

25           We're into constable reform. We have



1 already put the president judges in charge of  
2 making the constables of the various counties kind  
3 of toe the line and be professionals and try to  
4 avoid some of the headlines that we've seen in the  
5 past.

6 This year we're starting an Elder Law  
7 Task Force, which is addressing elder abuse,  
8 elder's access to the court system. If you want to  
9 know what an elder is, it's a person 65 years of  
10 age or older. So, I am one of them myself,  
11 although I do have a lot better access to the court  
12 system.

13 We are also studying domestic filing  
14 fees in divorce cases. Some of them have gotten  
15 out of line over the years, and it's really  
16 expensive in some counties to obtain a divorce, so  
17 we're doing that.

18 We're still running our Office of  
19 Children and Families in the Courts, where we're  
20 getting kids out of the foster care system and into  
21 loving homes where they can thrive and, perhaps,  
22 become great citizens of the great Commonwealth of  
23 Pennsylvania. The first year it began, we were  
24 able to help 7,200 kids get out of foster care and  
25 into homes. Each one of those children costs about

1 \$50,000 to support in foster care on a yearly  
2 basis.

3 The second year we got 5,000 kids out of  
4 foster care, and we're getting the numbers now for  
5 this past year, but we think they'll be similar to  
6 that. It's a savings to the state, a savings to  
7 the federal government, and a savings to the  
8 counties. It is a significant savings. The 7,200  
9 kids that we got out of foster care the one year,  
10 we asked DPW to give us the numbers, the net, of  
11 what it saved them. It saved the DPW \$117 million  
12 that single year alone.

13 We are continuing the expansion of our  
14 special courts system. I think last year we had  
15 about 81, I believe was the number. This year  
16 we're over a hundred, including many veterans  
17 courts, which are to serve our heroes that come  
18 back from serving our nation, who sometimes fall by  
19 the wayside.

20 We've expanded to 21 counties the  
21 housing remediation program in the state of  
22 Pennsylvania that helps keep people in their homes  
23 in these difficult economic times.

24 We are an active court. We do things  
25 more than just sit and hear cases and write

1 opinions. We can affect, significantly, the lives  
2 of thousands and hundreds of thousands and maybe  
3 millions of Pennsylvanians that come through and  
4 have dealings with the court system.

5 So, thank you for allowing me to mention  
6 that. We would be more than happy to discuss any  
7 of the issues you have. We have handed out to your  
8 court earlier this brochure, How the Judiciary  
9 Impacts Philadelphians.

10 JUSTICE EAKIN: Pennsylvanians.

11 CHIEF JUSTICE CASTILLE: Well,  
12 Philadelphians and some Pennsylvanians.

13 (Laughter).

14 JUSTICE EAKIN: And the rest of us.

15 CHIEF JUSTICE CASTILLE: Everybody else.  
16 Sorry about that. Thank you, Justice.

17 It has a list of the savings that we  
18 have also made. There's some pretty poignant  
19 stories, especially the one about the state trooper  
20 who says the best thing that helps them out is  
21 access to the judicial computer system, because it  
22 literally saves their lives when they're doing a  
23 car stop or going into a domestic violence  
24 situation, which are the two major incidents that  
25 are most dangerous to our brave police officers.

1 So, we have that for you.

2 We are ready to take questions.

3 MAJORITY CHAIRMAN ADOLPH: Thank you,  
4 Chief Justice. As is customary, Chairman Markosek  
5 and I always invite the chairmen of the standing  
6 committees. It's unfortunate, but Chairman Marsico  
7 was not able to make it, but his staff is here and  
8 certainly going to be taking notes and pass us any  
9 questions that Chairman Marsico may have had for  
10 you. But, we are fortunate to have Chairman  
11 Caltagirone, the Democratic Chair of the Judiciary  
12 Committee, and I'm happy to see him here.

13 We'll start off by asking a basic  
14 question to the Chief Court. The Governor has  
15 suggested level funding for the courts, I think  
16 \$317 million, and you requested 342 million, a  
17 difference of about \$25 million; 6.7 percent  
18 increase.

19 Your Honor, could you please explain to  
20 the Appropriations Committee why you feel this  
21 increase of 6.7 percent is necessary?

22 CHIEF JUSTICE CASTILLE: Generally,  
23 overall, it will affect us tremendously because of  
24 the fixed salaries and benefits that we have to pay  
25 to our employees and in the pass-through to the

1 other sections -- to the counties. Sometimes we  
2 add that up, and we happen to have the effect that  
3 the reduction or the flat-funding would have on the  
4 system. The funding gap is equal to the salaries  
5 and benefits of 35 and a half judges. It's funding  
6 to the gap and the salaries and benefits for 31  
7 judges and 112 magisterial district judges and 112  
8 judicial days.

9           There's a whole list that I could go  
10 through that shows the impact that it would have,  
11 especially on our staff, because of the inability  
12 to get funds from other sources other than the  
13 appropriations. So, overall, it would have a  
14 devastating impact on our budget if we could not  
15 receive the amount we requested.

16           I've noticed, in the past, you and the  
17 legislature have been very cooperative with helping  
18 us out in the courts to meet our budgetary needs.  
19 So we thank you for that, and we look forward to  
20 your assistance this time.

21           MAJORITY CHAIRMAN ADOLPH: Thank you.  
22 I'm sure we'll get into further questions about how  
23 we can try to arrive at that figure one way or the  
24 other. Chairman Markosek.

25           CHAIRMAN MARKOSEK: Thank you, Chairman.

1 For the information of the members, Representative  
2 Dom Costa from Allegheny County has joined us as a  
3 guest of the committee. I would be really remiss  
4 if I didn't recognize my former long-time  
5 colleague, former Representative Tom Tigue, who is  
6 now a member of the Judicial Conduct Board. Thank  
7 you for that sidebar, and I recognize some good  
8 friends.

9 Justices, welcome, as well as the other  
10 judges in the room and their staff. I don't have  
11 any immediate questions. I'm going to let the rest  
12 of the members use my time for their questions.  
13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN ADOLPH: Thank you  
15 Chairman Markosek. We'll then go to Chairman  
16 Caltagirone.

17 REPRESENTATIVE CALTAGIRONE: Thank you,  
18 Mr. Chairman.

19 Justices and court personnel, just to  
20 share with you, I just finished reading Young  
21 Patriots and how we count our roots. It was very  
22 interesting with Madison and Hamilton and, of  
23 course, John Marshall.

24 One of the things I think we need to  
25 share with the members is that, we have three legs

1 of government, and, certainly, judiciary is one of  
2 those legs. For our own benefit, as was mentioned  
3 earlier by the Chief Justice, it's kind of  
4 interesting that about a half of one percent goes  
5 to the legislature and about a half of one percent  
6 is spent by the judiciary.

7 With that being said, following up on  
8 the comments by the Chief, the courts historically  
9 have actually taken in more money than it costs us  
10 to operate. I think we need to keep that in mind  
11 when you're looking at the budgets and how the  
12 money is distributed.

13 Now, to the question. As you may be  
14 aware, I've introduced legislation to reenact Act  
15 49--it's House Bill 1791--that's due to sunset on  
16 December 31st of 2014. Question to the court: Can  
17 you explain to us why it's essential to the  
18 operations of the judiciary for Act 49 to be  
19 extended? That was my baby. I fathered that bill,  
20 and I'm proud of it because it did provide the  
21 supplemental appropriations that were absolutely  
22 needed to pay for the judiciary to keep in  
23 operation. If one of you could answer that  
24 question, I'd appreciate it.

25 JUSTICE EAKIN: Our projections are that

1 that would raise about \$2.8 million in the upcoming  
2 fiscal year. Given a gap of 25 million, that's  
3 over 10 percent. We can reduce the deficit that  
4 we're staring at by over 10 percent with the  
5 renewal of that. If we don't get it, if your bill  
6 does not get the support and passed, it digs the  
7 hole 10 percent deeper; 11 percent, I guess,  
8 deeper. So that's quite important.

9 I might note, we just put out a release,  
10 I believe today, about the amount that the court  
11 collected in the last year. It was somewhere  
12 around \$440 plus million, which hammers home your  
13 point that, if the budget we seek is 90 million  
14 short of what we're taking in -- We're not in this  
15 to be paying our own way in that sense. But if you  
16 just look at the numbers, the point you make is  
17 really quite valid, and the amount we've taken in  
18 last year has just been calculated and released  
19 today.

20 REPRESENTATIVE CALTAGIRONE: I just have  
21 one more thought. Yes, Chief Justice.

22 CHIEF JUSTICE CASTILLE: That's a  
23 thirteen fifty dollar temporary filing fee, which  
24 we, unfortunately, had to put in place to get us  
25 through these tough economic times. It brings in



1 \$27 million on a fiscal year. So if this thing  
2 were to expire in December, there would still be  
3 money coming in, but basically, you'd be looking at  
4 a 13-and-a-half-million-dollar hole in our budget  
5 until next June. I keep saying June 31st. I don't  
6 think there is one of those. It's July 1st. Then  
7 after that would be another \$27-million-or-more  
8 hole in our budget for the fiscal year further down  
9 the pike.

10 It's only supposed to have been  
11 temporary. When we originally initiated it, we  
12 thought it would be for two or three years and that  
13 the economic cycle would bring back revenue, but it  
14 has not. So it would be important to have that  
15 redone, re-enacted, because a dollar of it also  
16 goes to fund legal services in the state of  
17 Pennsylvania; plus, another \$2.25 of it goes to  
18 help fund the DAs' salaries who have chosen  
19 full-time employment as DAs without private  
20 practice. So, it would be a tremendous difficulty  
21 for us to overcome, including what the Governor has  
22 flat-funded us.

23 REPRESENTATIVE CALTAGIRONE: So, either  
24 the reenactment or the waiver of the sunset  
25 provision, which would be included into the budget

1 for your consideration, members of the  
2 Appropriations Committee.

3 Just one follow-up question, Mr.  
4 Chairman. This has been near and dear to me  
5 because I wrote the original legislation on the  
6 court computerization many, many years ago. Can  
7 you explain to the members the need and benefits of  
8 the court computer system? You had touched on that  
9 with the state trooper.

10 We were one of the first in the nation,  
11 and I'm very proud of that; that we did computerize  
12 the entire judiciary from top to bottom. We're  
13 still a leg up, I think, on most other states, but  
14 we're still perfecting the system. I'd like to  
15 open it up for your explanation.

16 CHIEF JUSTICE CASTILLE: Justice Eakin  
17 is our computer person in the court, so it's an  
18 appropriate question for him.

19 JUSTICE EAKIN: I'm the computer person  
20 because my handwriting is awful; and, therefore, I  
21 need to take a laptop on the bench, which makes  
22 everyone think I'm computer smart.

23 But I am liaison a with our IT staff  
24 about this matter of thing. I just learned today  
25 that we've not only got other states coming to look

1 at our system but, internationally, we've got other  
2 countries coming to look at Pennsylvania's computer  
3 system because it is, indeed, cutting-edge.

4 But computers are like buying cars. You  
5 don't buy it and then it's free. You've got to put  
6 gas and tires and batteries and inspect it and  
7 rewrite it every couple hundred thousand miles. We  
8 have over 12,000 users on our system of all  
9 stripes. So, to keep it up to date, we need  
10 constant rewriting of the civil division, the  
11 criminal programs, juvenile laws, magistrates'  
12 systems and the like. And every time the  
13 legislature passes a new law or tweaks an existing  
14 law, we've got to rewrite the computer system to  
15 fit it.

16 I was just given an anecdote this  
17 morning about the transportation bill; that  
18 Department of Transportation is calling the  
19 judiciary to find out the projected costs of  
20 certain parts of this because our system lets us do  
21 that. When I say it's cutting-edge, it's cutting-  
22 edge. But it's not cutting-edge without a purpose  
23 and a focus.

24 We have a five-year plan that's extended  
25 out as to what's getting rewritten when, why;

1 prioritizing it and continually looking at the  
2 things that aren't being rewritten just to keep  
3 them up to date as well. It takes a lot to do  
4 that. Again, I'm very proud every time I speak to  
5 somebody from outside the state as to what we do  
6 and how we do it. But it's not cheap and it's not  
7 free.

8           We do, I think, more in-house than most,  
9 which makes us less susceptible to the vagaries of  
10 contract services that statistically go out of  
11 business a lot; statistically want you to buy their  
12 system and not adapt their system to your needs.  
13 These are things, again, that are very important to  
14 us, but not just to us. They're important to the  
15 police. They're important to probation. They're  
16 important to anyone who can benefit from access to  
17 the system.

18           If you're an attorney and want to find  
19 out what's scheduled in Perry County's court this  
20 afternoon, you can find it through our website,  
21 through our docketing information. It is  
22 phenomenal. The older you are, the more phenomenal  
23 it may seem. But it's really something; what we  
24 can do and how we can do it.

25           But, again, our revenues from Act 64 and

1 122 have continued to decline the last seven years,  
2 to the point where our reserve has declined. And  
3 should there be some catastrophic event, we're okay  
4 but only for the moment. So, continuing the  
5 funding of it is vital not just to the courts, but  
6 to everybody that the courts affect.

7 CHIEF JUSTICE CASTILLE: If I might,  
8 Chairman Caltagirone, none of that funding comes  
9 from taxpayers' dollars. It's all filing fees on  
10 the court system, so it's the court system  
11 supporting the court system. Were that money not  
12 there, then we would be actually coming to you for  
13 a lot more money to keep this system in place that  
14 we have. And that was through the foresight of one  
15 of our justices many years ago, and the Judiciary  
16 Committee to start this thing, and the legislature  
17 to pass the filing fee that supports that. And  
18 legal services for the indigent, that's part of it  
19 also; part of that fee.

20 Just to give you a for instance, our  
21 computer, it supports 67 counties and CPCMS, the  
22 Common Pleas Court management that supports all the  
23 MDJs in the state. We routinely deliver data to  
24 municipal agencies like police, parking  
25 authorities. We routinely file data at the request

1 of 31 state and government agencies: The Attorney  
2 General, the crime and delinquency, corrections,  
3 welfare. The list goes on of the individuals who  
4 need our data services.

5 We supply statewide information from the  
6 MDJ system and the CP system to the state police,  
7 to update the CLEAN system, and to the FBI for the  
8 NCIC system, which is going to save the lives of  
9 police officers and law enforcement officers. We  
10 provide bulk data requests to government agencies  
11 like the transportation; on the part of the  
12 transportation bill that Mike just mentioned.

13 So, it's not just us. It's an integral  
14 part of state government and the taxpayers for the  
15 last 25 years or so, have not had to pay one cent  
16 into this system. We've managed it well. It's  
17 audited. We turn our audits over to AO. We've  
18 supplied information to the legislature, the House  
19 and the Senate. We marshal those funds carefully,  
20 and they're critical to the success of not only our  
21 branch of government but for many other agencies.

22 REPRESENTATIVE CALTAGIRONE: One final  
23 closing comment. I can remember years back when I  
24 was dating one of the judges, and on a Friday  
25 afternoon, the shop had to shut down just to get

1 the paperwork done. Now with the computerization,  
2 all of a sudden, you just hit a few buttons, boom,  
3 boom, boom, and everything comes right out. It's  
4 just amazing what the system can really do.

5 We've come a long way, and we just can't  
6 go backwards. I want to share that with the  
7 members because I think it's so, so important that  
8 we treat our friends in the other branch of  
9 government as good as we treat ourselves.

10 CHIEF JUSTICE CASTILLE: What happened  
11 to your date?

12 REPRESENTATIVE CALTAGIRONE: She's still  
13 serving.

14 MAJORITY CHAIRMAN ADOLPH: Thank you. I  
15 would be remiss if I did not acknowledge the  
16 presence of House Republican Majority Leader Mike  
17 Turzai who has joined us.

18 At this time, I'd like Representative  
19 Glen Grell to ask his question.

20 REPRESENTATIVE GRELL: Thank you, Mr.  
21 Chairman. Thank you, everybody, for being here,  
22 members of the judiciary.

23 Chief Justice, I'd like to ask you to go  
24 in a little further on two items you mentioned in  
25 your opening remarks; first, having to do with the

1 magisterial district justices and the resetting of  
2 those numbers. I know that's been a long time in  
3 the works. We've talked about that at previous  
4 appropriations meetings and judiciary meetings, for  
5 that matter. I want to commend you for what you've  
6 done there.

7 I know you did give an amount that you  
8 believe you saved from that. Was it 14 million;  
9 did I hear correctly?

10 CHIEF JUSTICE CASTILLE: 4.5 million.

11 REPRESENTATIVE GRELL: 4.5. And that's  
12 a recurring annual adjustment, and that's from  
13 eliminating 28, I believe.

14 CHIEF JUSTICE CASTILLE: We're up to 18  
15 now.

16 REPRESENTATIVE GRELL: Then another 10,  
17 so there will be additional savings when that takes  
18 place?

19 CHIEF JUSTICE CASTILLE: Correct. We  
20 originally had 50 as a target, but that was just  
21 guesswork. So after extensive review, our court  
22 decided that 28 would be the number. We wanted to  
23 avoid the situation like one of your legislators  
24 was into where she had to run against another  
25 magistrate for the same district. So, the other 10



1 will be attrition as they retire, or whatever  
2 happens to them, or leave the bench.

3 REPRESENTATIVE GRELL: Moving, then, to  
4 next step. I know you're currently working on a  
5 similar project assessing workload of Common Pleas  
6 judges. And just like we do every 10 years with  
7 redistricting, we sort of reset the deck.

8 Could you give us an idea of how that's  
9 coming and what savings you may project from that,  
10 if you're at that point, and when you might be in a  
11 position to give the General Assembly some  
12 recommendations on how to go about paring those  
13 ranks as well?

14 CHIEF JUSTICE CASTILLE: If I would just  
15 give you some general information, Representative  
16 Grell, the cost to the court system of one MDJ in  
17 salaries and benefits is \$117,000. That's just  
18 one, so you multiply that by how many ever.

19 A Common Pleas Court judge in our budget  
20 costs about 225 to \$230,000 just for salary and  
21 benefits alone. So, each one of those that is  
22 eliminated or added takes a plus or minus that  
23 number away from our budget.

24 On the Common Pleas Court, we were  
25 always asked a question by the legislature about,

1     what about Common Pleas?  Are there too many; are  
2     there too few?  We said we did not really know  
3     because we did not have data on what they do.  We  
4     know what they do:  Robberies, murders, things like  
5     that, civil cases.  But we decided that we would  
6     take a look to see if there's some way that --  
7     would be a rational way to say if we have too many  
8     judges, too many Common Pleas Court judges, or too  
9     few Common Pleas Court judges, giving shifting  
10    populations and different kinds of crimes that come  
11    on board, like computer crimes, which we never had  
12    before.

13                 Because of the complicated nature, a  
14    robbery of a 7-Eleven that a judge hears is a lot  
15    different than a triple homicide or even a lengthy  
16    divorce case, things like that.  So, we're actually  
17    to the point where we have got the National Center  
18    for State Courts to come in, and they're going to  
19    assist us in trying to quantify how much of time  
20    that a judge spends on a certain type of case,  
21    which, you can imagine, is pretty difficult.

22                 So, the NCSC has done this in six other  
23    states?

24                 MR. PINES:  15, I think.

25                 CHIEF JUSTICE CASTILLE:  I'm sorry.  Mr.

1 Pines says 15 other states have done the same kind  
2 of review. So we've gotten a federal grant. We've  
3 gotten our committee together. Most are judges, by  
4 the way, and we're going to start on March 7th with  
5 a one-month review period where every Common Pleas  
6 Court judge will have to record the data of what  
7 happens in their courtroom and what happens out of  
8 the courtroom, too; meetings, things like that.  
9 Hopefully, it will give us a good grasp on what a  
10 Common Pleas Court judge does.

11 Then, unlike the magisterial district  
12 judges where we can adjust their boundaries and  
13 their caseloads, we're bound by the counties. And  
14 also, we can't eliminate Common Pleas Court judges  
15 through our review. It has to be done by the  
16 Senate. So that would be up to the Senate and the  
17 Governor, but at least we think we will be able to  
18 hand to them accurate information which will allow  
19 them to make those decisions somewhere down the  
20 line. It may be more judges; it may be less  
21 judges, but we can't say at this time. But the  
22 crucial part is in March.

23 REPRESENTATIVE GRELL: Just a couple  
24 follow-ups. I believe when you were talking about  
25 the impact of not getting the additional

1 25-million-dollar budget request, you equated that  
2 to 35 and a half Common Pleas judges, which, if I  
3 do my math correctly, the total cost of a Common  
4 Pleas judge would appear to be about \$700,000, if  
5 you include, I guess, everything that's involved in  
6 however you do the other calculation?

7 CHIEF JUSTICE CASTILLE: A lot of it is  
8 picked up by the counties also. I was adding them  
9 up as it goes down the line, so that number --

10 REPRESENTATIVE GRELL: Oh, it's all of  
11 those things?

12 CHIEF JUSTICE CASTILLE: Correct. We  
13 can give you a list of those.

14 REPRESENTATIVE GRELL: I may also follow  
15 up with a couple written questions in terms of some  
16 numbers of the extent to which you're using senior  
17 judges and things like that. If you'd be receptive  
18 to that kind of a follow-up, then you can respond  
19 back to the Chairman of the committee.

20 I would just say in closing that this  
21 is, I believe, the third year that we've had this  
22 item on the discussion list for the appropriations  
23 hearing. I'm encouraged that we're getting closer  
24 to the court being able to come to us with some  
25 recommendations on how to proceed. I would

1 certainly be hopeful that between now and the next  
2 time we're together, next February or so, that  
3 we'll be in a position where we can move forward  
4 with a plan of action.

5 Thank you very much, Mr. Chairman.

6 Thank you, Chief Justice.

7 CHIEF JUSTICE CASTILLE: Just on the  
8 seniors, they are the ones that help us get through  
9 the problem or the situation where a judge retires  
10 and the Governor and the senators do not appoint a  
11 full-time person. We can take a senior judge,  
12 either a magistrate or a Common Pleas Court judge,  
13 and we use them to fill in where it's needed.

14 There's about 200 judges who are  
15 certified as senior judges in our court system, and  
16 I think their per diem is set by the statute. So  
17 they get a per diem; really, it's their salary for  
18 one day's pay. We would have a difficult time  
19 functioning without that line item. There's also a  
20 line item in our budget for senior judges.

21 REPRESENTATIVE GRELL: I believe they're  
22 limited in the number of days that they can serve  
23 without jeopardizing their pension status, their  
24 annuitant status. And I'm sure you're taking that  
25 into consideration when you're looking at the

1 overall workload.

2 CHIEF JUSTICE CASTILLE: Yes, we do.  
3 They can't work more than 90 days without affecting  
4 their pension, if I'm correct. A lot of these  
5 judges will -- When we go into a county, we can  
6 only say, support a senior judge for 19 days or 15  
7 days, but a lot of those judges will sit anyway  
8 just because they're judges and they want to be  
9 doing their job.

10 Even when they're seniors, they'll  
11 provide free services for the state of Pennsylvania  
12 in each county. I don't know if it's they want to  
13 get away from their wives or husbands or something,  
14 but they are willing to step up to the plate and  
15 actually give days of service for gratis.

16 REPRESENTATIVE GRELL: We certainly  
17 appreciate that they're doing that. Thank you very  
18 much, Chief Justice. And thank you, Mr. Chairman.

19 MAJORITY CHAIRMAN ADOLPH: Thank you,  
20 Representative. Representative Mike Carroll.

21 REPRESENTATIVE CARROLL: Thank you, Mr.  
22 Chairman. Mr. Chief Justice, Justice Eakin,  
23 gentlemen, thank you for being here today.

24 I'll start, Mr. Chief Justice, with a  
25 thank you. It was last year at this time that we

1 had a discussion relative to the magisterial  
2 district judge maps in Luzerne County, and the  
3 Court's timely disposition of that matter was  
4 helpful to all of us back in Luzerne County with  
5 respect to the subsequent election. So, my thanks  
6 on behalf of the citizens of greater Pittston and  
7 Luzerne County with respect to the maps.

8 CHIEF JUSTICE CASTILLE: You're welcome.

9 REPRESENTATIVE CARROLL: As a resident  
10 of Luzerne County, Mr. Chief Justice, I paid close  
11 attention to the Judicial Conduct Board and the  
12 circumstances surrounding all that's transpired in  
13 Luzerne County over the last four or five years and  
14 watched carefully the discussion in the Senate  
15 recently that the Appropriations Committee had  
16 relative to the Judicial Conduct Board.

17 It was surprising to me to hear about  
18 the increase in complaints that have been filed to  
19 the board. Can that be quantified in any way? Do  
20 you have a sense, Mr. Chief Justice, of how many  
21 new complaints come to the Judicial Conduct Board  
22 year over year?

23 CHIEF JUSTICE CASTILLE: The conduct  
24 board puts out their report every year, and it's  
25 available publicly, so we can certainly supply you

1 with that.

2 Bob, did they just come out with a new  
3 one?

4 HONORABLE GRACI: We're in the process  
5 now, Mr. Chief Justice.

6 CHIEF JUSTICE CASTILLE: That's Robert  
7 Graci, who is Chief Counsel for the Judicial  
8 Conduct Board.

9 About two-thirds of these things are  
10 filed by prisoners who are unhappy over their  
11 sentence and they believe it was some kind of  
12 conspiracy between the judge and their lawyer. We  
13 get a lot of them from domestic relations, which  
14 can be very testy at times. They only end up  
15 trying about two or three judges per year, bringing  
16 it before the board.

17 Then there's the federal government,  
18 who's pretty active in that area also.

19 REPRESENTATIVE CARROLL: I guess what I  
20 wanted to focus on was the intervening step between  
21 the filing of the complaint and then the trial of a  
22 particular justice, and that is the investigations.  
23 It seems to me that a thorough investigation, at  
24 least of the complaints that come in that may not  
25 be just from inmates, may be helpful with respect



1 to trying to minimize the likelihood of another  
2 recurrence as we had in northeastern Pennsylvania.

3 I'm wondering whether or not the  
4 appropriation and the attention paid to the  
5 investigations is adequate in your opinion?

6 CHIEF JUSTICE CASTILLE: They haven't  
7 gotten to me yet, so I guess it's pretty adequate.

8 JUSTICE EAKIN: I'm sure they can always  
9 use another couple investigators, if only to  
10 expedite things, because it's not an easy thing to  
11 do with an eye towards getting truthful  
12 information.

13 Luzerne is a classic example of a  
14 judge's bullying, if you will, other people into  
15 silence, and you do want to avoid that. So, how  
16 you go about the investigation without destroying  
17 the chances of a successful investigation is  
18 significant.

19 It's important, the investigation, one,  
20 to determine if there's anything to it. But if  
21 there is something to it, to distinguish between,  
22 as my wife says, stupid and evil. People do make  
23 mistakes, and that's one thing and one result in  
24 criminal court and in judicial conduct. Evil is  
25 quite another. Any investigation with an eye

1 towards that, I think is significant.

2 CHIEF JUSTICE CASTILLE: Judge Graci has  
3 given me the figures. He's a retired judge. Last  
4 year there were 660 complaints to the conduct board  
5 open. I'm sorry. 2012, there were 660. 2013,  
6 there's 784.

7 REPRESENTATIVE CARROLL: Thank you. I  
8 fully understand that the additional investigations  
9 come with a cost, and as somebody who is on the  
10 Appropriations Committee, easily can reconcile what  
11 that means.

12 But, considering the stain that was  
13 placed on the court system in Luzerne County and,  
14 essentially, across the state, I think it's  
15 probably a worthy investment and something that the  
16 Appropriations Committee ought to contemplate and  
17 the judiciary ought to contemplate as well with  
18 respect to allocation of resources. Thank you  
19 both.

20 CHIEF JUSTICE CASTILLE: Both of those  
21 agencies are independent of us, but we've also  
22 included in the budget request increases for the  
23 Court of Judicial Discipline and the Judicial  
24 Conduct Board so they can carry out their  
25 activities.

1           JUDGE LAZARUS: I would just add, as the  
2 chair of the conduct board, that we thank you very  
3 much for your interest in the conduct board. Our  
4 status since 2005, we have increased every year in  
5 the number of complaints that have been filed with  
6 the conduct board. We currently have a relatively  
7 limited staff, and we do very well with the staff  
8 that we have, but we would sure like to have at  
9 least two additional staff members.

10           What happens is, for every of the 800  
11 complaints that we receive, every single one of  
12 them must be investigated every year. We can  
13 determine whether they're valid or invalid  
14 complaints, but we can't afford to let a complaint  
15 go by without investigating it, just in case it  
16 becomes a Luzerne County case.

17           MAJORITY CHAIRMAN ADOLPH: Excuse me.  
18 If you would, state your name so we know who --

19           HONORABLE LAZARUS: Judge Anne  
20 Lazarus. I am the chair of the conduct board  
21 currently. Thank you.

22           MAJORITY CHAIRMAN ADOLPH: My kids  
23 didn't listen to me much. I'm sure judges aren't  
24 going to listen to me. But I would appreciate it,  
25 if this has to go on, I don't mind the other

1 testimony, but we need to identify you. Thank you.

2 HONORABLE LAZARUS: Thank you.

3 CHIEF JUSTICE CASTILLE: I would just  
4 like to say, in Luzerne County, with respect to  
5 President Judge Burke, when he was appointed to go  
6 in there in a very difficult situation, we had him  
7 report to us every two months about what they were  
8 doing in Luzerne County to counter what had  
9 occurred up there previously. He's done a  
10 marvelous job in getting that court system back to  
11 what it should have been and what it is now. So,  
12 he deserves the respect of the citizens of Luzerne  
13 County for that.

14 REPRESENTATIVE CARROLL: I agree with  
15 you, Mr. Chief Justice. President Judge Burke and  
16 the new bench that exists in Luzerne County has  
17 done a wonderful job. Thank you very much, and  
18 thank you for the attention to the Judicial Conduct  
19 Board.

20 MAJORITY CHAIRMAN ADOLPH: Thank you,  
21 Representative. Next question will be by  
22 Representative Donna Oberlander.

23 REPRESENTATIVE OBERLANDER: Thank you,  
24 Chairman. Good afternoon.

25 Your budget request funding to

1 transition local Clerk of Courts, prothonotaries  
2 and their key deputies to the Unified Judicial  
3 System, could you explain a little bit more about  
4 this transition and the time line involved?

5 JUSTICE EAKIN: The transition is from  
6 local officials with local political ties and local  
7 agendas, if you will, to a more uniform and,  
8 hopefully, professional approach to the job  
9 statewide. And I don't say that with any  
10 disrespect for all the elected officials. By and  
11 large, they do a fine job. But everybody does it  
12 differently, and everybody has different quirks and  
13 different ways they do things.

14 We've just tried to complete a study to  
15 determine the number of civil cases that have  
16 languished more than two years statewide, county by  
17 county. We came up with a county that said theirs  
18 were zero. Well, we know that's not true. And  
19 when you talk to the PJ, they will not be given the  
20 figures by the Clerk of Courts or the Prothonotary  
21 of their county.

22 We have another one where the statistics  
23 are outrageous in the other directions. Two-thirds  
24 or more of their cases show up as --

25 CHIEF JUSTICE CASTILLE: 80 percent.

1 JUSTICE EAKIN: 80 percent show up as  
2 being overage. And, again, they can't get the  
3 numbers from the local elected officials.

4 Now, these are extremes, of course.  
5 But, frankly, these are filing officials. These  
6 are people who accept filings, docket them and  
7 route the paper; again, some with great efficiency,  
8 some with less efficiency.

9 But what was necessary for the system a  
10 hundred years ago or 50 years ago does not seem to  
11 be nearly as significant anymore, particularly  
12 given automation where things are more and more  
13 filed electronically. They are maintained  
14 electronically; they're passed electronically, and  
15 the need for someone to examine them with the sword  
16 of independence as their claim to fame has passed.  
17 It really has.

18 The transition would be to make them  
19 state employees and, certainly, under the control  
20 of the President Judge and professionals. And the  
21 hope is that this will allow much greater  
22 efficiency; much less nepotism, if you will;  
23 getting people who are there trained on their  
24 merits, and, in the end, it should be a major  
25 improvement in efficiency.

1           As far as cost, in the great scheme of  
2 things, it isn't going to be a lot. It will be  
3 transferred to the state, but the savings in other  
4 areas to the state will offset. I think it's all  
5 but a million and a half, I think, is the number.

6           CHIEF JUSTICE CASTILLE: The amount of  
7 money that would cover them is presently given to  
8 the counties by the state, and that would just be  
9 transferred to the judiciary to cover those state  
10 employees.

11           The County Commissioners Association has  
12 voted to support this, as has about two-thirds of  
13 the clerks and prothies when we've gone to their  
14 association and explained to them what they do.

15           There's a counter to this, too. If  
16 they're really good, we'd like to keep them in the  
17 system rather than having them be voted out of the  
18 system. They come in as professionals who know  
19 their job, and they can do it efficiently. We  
20 believe it would be a win-win situation in helping  
21 court unification.

22           REPRESENTATIVE OBERLANDER: Thank you.  
23 I do appreciate the CCAP supports that and that  
24 their fees will be transitioned. You also had a  
25 309,000-dollar line item for your court

1 administrators to assist in this transition. Do  
2 you expect that to be a one-time thing; and once  
3 it's transitioned, it would go forward without  
4 that?

5 CHIEF JUSTICE CASTILLE: That's actually  
6 to increase the staff, because we will need more  
7 supervision of the --

8 MR. PINES: An additional 200 employees  
9 eventually.

10 CHIEF JUSTICE CASTILLE: Mr. Pines says  
11 there will be 200 additional employees who will  
12 come into our system if it comes to pass. That  
13 number is just for supervisory personnel; not for  
14 the salaries and benefits, which will be countered  
15 by less funding to the counties to pay for their  
16 court services, basically.

17 REPRESENTATIVE OBERLANDER: Lastly, I'm  
18 sure that in this transition you thought about  
19 retirement and the pension issues that we're  
20 already facing. I'm sure you factored that in; am  
21 I correct?

22 CHIEF JUSTICE CASTILLE: Yes, you're  
23 correct. We've done this previously with the court  
24 administrators in each of the counties. We  
25 absorbed them into system. We looked at their



1 pension, retirements, credits they have, things  
2 like that. That has been a pretty good situation.  
3 Now we have a person in each county who's our  
4 employee that can bring to us any problems that  
5 might have.

6           Unfortunately, Luzerne County, that  
7 clerk also got arrested for embezzling funds. So,  
8 it wasn't a good situation for us at all in that  
9 county.

10           REPRESENTATIVE OBERLANDER: Thank you  
11 very much. Thank you, Mr. Chairman.

12           MAJORITY CHAIRMAN ADOLPH: Thank you,  
13 Representative. The next question will be asked by  
14 Representative Kula.

15           REPRESENTATIVE KULA: Thank you, Mr.  
16 Chairman. Good afternoon, Chief Justice, Justice  
17 Eakin, Administrator Pines. Good to see all of you  
18 again.

19           You know I'm going to bring up about the  
20 MDJs. I believe, Chief Justice, you said there are  
21 no MDJs now that are seeking re-election  
22 encumbrance against each other; is that correct?

23           CHIEF JUSTICE CASTILLE: I think there's  
24 one county, Northampton County. I believe that's  
25 the only county.

1           REPRESENTATIVE KULA: I'm just glad to  
2 see that it's stretched out over a period of time.  
3 I believe the last ten will be by 2018. I know we  
4 had many conversations in the beginning of my  
5 tenure here about trying to do that by attrition.  
6 I know the caseloads and what they do and how busy  
7 their offices are. Adding more to it, I just hope  
8 that we are not --

9           I know it's very difficult because,  
10 everybody that comes into those offices, that case  
11 is important to them, even though it may seem minor  
12 to everyone else. It is not a homicide, but to  
13 that person, that case is the most important thing  
14 in their life at that time. To allow everyone to  
15 have the opportunity to have their day in court and  
16 to be heard and have the time to do that, that's  
17 what I hope will never go away; that district  
18 judges are not going to be so overwhelmed by  
19 caseload that that opportunity for everyone that  
20 comes before them to have their day in court and  
21 heard fully will ever go away. That's just a  
22 little opinion on my part.

23           Also, I'm totally not understanding the  
24 transition of the Clerk of Courts and Prothonotary,  
25 and I have had a lot of questions back in my home

1 county. These are elected officials right now.  
2 How is that going to change? Are they now going to  
3 be phased out as elected officials and they're  
4 appointed to those offices, or how is that working?

5 CHIEF JUSTICE CASTILLE: They'll finish  
6 their term, and then they'll be able to cycle into  
7 the court system, if they so wish.

8 REPRESENTATIVE KULA: Cycle, meaning  
9 automatically staying within that position?

10 CHIEF JUSTICE CASTILLE: Just as the  
11 clerk of courts did. We took them all as they were  
12 and brought them into the system. The same thing  
13 will happen to the --

14 REPRESENTATIVE KULA: You mean the court  
15 administrator; when you brought them in? Yes.

16 CHIEF JUSTICE CASTILLE: You're correct,  
17 the court administrators. The same thing will  
18 happen with the prothies and the clerk of courts.

19 Let me just say, your court, when you  
20 were on that, that court is the front-line court in  
21 Pennsylvania. That's the one that most people will  
22 see in the system. In the 21 years I've been on  
23 this court, we've done a lot to professionalize and  
24 upgrade how they're treated in the system, how  
25 those judges are treated. We've made it more

1 professional in the system. We've cooperated with  
2 them in judicial education. They received training  
3 over in our building over there every year, as they  
4 must. So, they are an important court in our  
5 system. I can tell you that on my part, on Mike's  
6 part and on our whole court's part.

7           And it is a matter of fairness, too. We  
8 did this 10 years ago. I wasn't in charge of it.  
9 There were a lot more districts where a magistrate  
10 ran against a magistrate, yours including. But,  
11 this time we wanted to make it more fair. We would  
12 take that district and absorb the district or  
13 redistrict it upon the leaving, a death,  
14 retirement, whatever, of the magistrates. We  
15 didn't have the chaos that we had 10 years ago, but  
16 we did end up with the one county where we had two  
17 magistrates having to run against each other.

18           REPRESENTATIVE KULA: I appreciate what  
19 you have done and, hopefully, we won't have to do  
20 this again.

21           Also, the computer system. I can tell  
22 you, I started out as someone that had the  
23 pegboards, and when a payment was made, you had to  
24 divvy it up into every little section. I can tell  
25 you what an advancement it has been to the system

1 for the computer system coming in. I know that  
2 other states are envious of what this Commonwealth  
3 has done as far as computerizing their judicial  
4 system.

5 I'm looking forward to the expansion and  
6 giving the other courts the opportunity to kind of  
7 interact with each other, to have that opportunity  
8 to be able to find something without searching  
9 forever; enter in a name or a docket number and  
10 you're good to go. So, we commend the AOPC for  
11 their efforts and the Supreme Court for what  
12 they've done.

13 CHIEF JUSTICE CASTILLE: When I talk to  
14 the magistrates, to a person, they say they  
15 couldn't survive the system without that  
16 computerization. We just finished or are almost  
17 finishing the re-update of the magisterial district  
18 system's computers from 15 years ago. A lot of  
19 people say, when is it going to be over? It's  
20 really never over, given the modern times we face  
21 and the volume of cases that we face and the people  
22 that we deal with, from the state police, the  
23 prisons, everybody, transportation, et cetera.

24 REPRESENTATIVE KULA: Well, and being  
25 24-hour courts, it was invaluable as far as when it

1 was your turn for night duty, or whatever, to be  
2 able to have access to dockets that were not really  
3 filed within your own court. So, it's been an  
4 invaluable addition to the court system.

5 CHIEF JUSTICE CASTILLE: If I might,  
6 Chairman, one of the most important things is, that  
7 funding that was supplied by our legislative budget  
8 for court security has put videoconferencing  
9 equipment in every magisterial district judges'  
10 chambers or homes in the state of Pennsylvania. We  
11 are so far ahead in that and being able to  
12 videoconference.

13 One year, when we looked at the numbers  
14 saved in just transporting prisoners, we saved \$21  
15 million in the state budget; not our money, but  
16 the constables transporting people, sheriffs  
17 transporting people. It about \$500, on average,  
18 for a prisoner to be transported by a sheriff from  
19 a prison or a jail to some other place.

20 Just recently, I was invited by the  
21 Attorney General of the United States to come down  
22 and show to the rest of the states and give them a  
23 demonstration of what we are doing in Pennsylvania  
24 to helping court security in these little  
25 out-of-the-way courtrooms that the magisterial

1 justice has; about how advanced we are in  
2 videoconferencing and how much that is saving our  
3 state. They hope to replicate that to all the  
4 other 50 states and Puerto Rico and the Virgin  
5 Islands and Guam and American Samoa also.

6 So, we are leading there, too, and  
7 that's a result of that appropriation originally  
8 started about four or five years ago. I think it  
9 was \$5 million. So, you're responsible for that  
10 also.

11 REPRESENTATIVE KULA: Well, all of that  
12 came after my time, and I was still one that was  
13 traveling to my office at 3 o'clock in the morning  
14 to arraign someone. So, we do appreciate your  
15 knowing the importance of the MDJs and the upgrades  
16 that you have done for them and their systems.  
17 Thank you so much.

18 CHIEF JUSTICE CASTILLE: You're welcome.

19 REPRESENTATIVE KULA: Thank you, Mr.  
20 Chairman.

21 MAJORITY CHAIRMAN ADOLPH: Thank you,  
22 Representative. At this time, I'd like to  
23 acknowledge the presence of former Senate Majority  
24 Leader Joseph Loeper.

25 The next question will be by

1 Representative Curt Sonney.

2 REPRESENTATIVE SONNEY: Thank you, Mr.  
3 Chairman. Justices.

4 I noticed that you have a request for  
5 1.5 million for a grant program for interpreters;  
6 grants from the assets from the county level; is  
7 that correct?

8 CHIEF JUSTICE CASTILLE: That's correct.  
9 That would be a pass-through to the counties on an  
10 as-needed basis in the counties. That only covers  
11 about half the cost of interpreting services in the  
12 counties as we speak.

13 The reason we have that in there is  
14 because the Attorney General of the United States,  
15 through Deputy Attorney General, has threatened to  
16 reduce all federal funding to each state unless  
17 each state complies with an extensive use of  
18 interpreters at every level of the court system,  
19 including from walking in the courthouse door. It  
20 was so extensive that, even if the person was in a  
21 civil case and could afford their own interpreter,  
22 under this directive from the U.S. Government  
23 dumping it on us, if we did not comply with what  
24 they thought the Civil Rights Act of 1967 said,  
25 then they're going to cut off all funding to the



1 state of Pennsylvania; all federal funding.

2 That is why we are trying to comply with  
3 those somewhat onerous requirements forced upon the  
4 states by our friends in the federal government,  
5 particularly the U.S. Attorney General's office,  
6 and, I imagine, through the President.

7 Now, it is an Access to Justice  
8 question, and we have extensive interpreter  
9 services. We have a program with the Widener law  
10 school or Widener University that certify  
11 interpreters. We have a pay scale for them. We  
12 have tests that they have to take to receive their  
13 certification so that they can actually be  
14 interpreters.

15 Back when I was an assistant D.A., we'd  
16 have some Spanish person on trial or as a victim,  
17 and the sister or brother would be the translator.  
18 Usually, it didn't work out too well. There'd be  
19 one question and the two of them would be talking  
20 back and forth for about 10 minutes, and the  
21 interpreter would turn and say, he said yes.

22 REPRESENTATIVE SONNEY: Do you have an  
23 idea of what's spent today?

24 CHIEF JUSTICE CASTILLE: \$3 million,  
25 approximately, in the state.

1           REPRESENTATIVE SONNEY: And you are  
2 requesting is to use it as a grant program, and did  
3 you say first come, first serve?

4           CHIEF JUSTICE CASTILLE: On a matter of  
5 need. It depends on the population of your various  
6 counties. I think somebody once told me there's  
7 like 67 different languages spoken in the state of  
8 Pennsylvania. Obviously, the areas with the  
9 largest amount of non-English-speaking individuals  
10 would be the most qualified to receive these funds.

11          REPRESENTATIVE SONNEY: Can we assume  
12 that the need has increased year after year?

13          CHIEF JUSTICE CASTILLE: I think so, if  
14 we get more undocumented individuals. I'm not sure  
15 what the word is.

16          JUSTICE EAKIN: People who don't speak  
17 English.

18          CHIEF JUSTICE CASTILLE: Non-English as  
19 a second language; or not even as a language. You  
20 have more of them that are coming into the United  
21 States, and you can just read the papers. We don't  
22 keep track of that ourselves.

23          REPRESENTATIVE SONNEY: What you're  
24 saying is, if somebody comes in front of you and  
25 they cannot speak English, it's up to you to

1 provide them with the interpreter?

2 CHIEF JUSTICE CASTILLE: Correct. We do  
3 that as a matter of course, generally, but we only  
4 do it for individuals who can't afford -- If  
5 they're charged with a crime, then that's where the  
6 interpreters come in.

7 Civil stuff is totally different because  
8 we depend on the attorneys, or whoever represents  
9 those individuals, to be able to interpret for them  
10 or get somebody that will interpret for them. The  
11 one difficulty you have is, individuals that can't  
12 afford an attorney and cannot speak English but are  
13 in dire need of court services, so that makes it  
14 very difficult for the court system to deliver  
15 justice in their case.

16 REPRESENTATIVE SONNEY: But do you look  
17 at the federal requirement as one that requires you  
18 to provide that interpreter, regardless of whether  
19 or not they have the capabilities to pay for it on  
20 their own?

21 CHIEF JUSTICE CASTILLE: That's correct.  
22 That's why I used the word onerous.

23 REPRESENTATIVE SONNEY: I'd second that.  
24 Thank you, Mr. Chairman.

25 MAJORITY CHAIRMAN ADOLPH: Thank you,

1 Representative. Representative Jake Wheatley.

2 REPRESENTATIVE WHEATLEY: Thank you, Mr.  
3 Chairman. Good afternoon, gentlemen.

4 I wanted to kind of go to the problem-  
5 solving courts. I noticed in your budget you don't  
6 really ask for anything additional for the courts.  
7 Is that because, right now you're not seeing a  
8 major request for more courts or the need is not  
9 there anymore for the expansion of courts?

10 CHIEF JUSTICE CASTILLE: Generally, they  
11 use existing judges and court personnel, and it's a  
12 diversionary program in each county that has these.  
13 And the counties see the benefits of them because  
14 there's some quantification that every dollar spent  
15 in these kinds of courts saves you, like, three  
16 dollars, four dollars, five dollars down the line,  
17 and other costs, as if you went to the regular  
18 court system.

19 So, most of these are picked up by the  
20 counties voluntarily, assuming these different  
21 courts and using them as problem-solving courts is  
22 what they are. They're not really to punish  
23 somebody. They're just trying to straighten them  
24 out. The different court systems have embraced  
25 these types of courts not only as cost-saving but

1 as humanitarian-type things to save somebody's life  
2 and get them on the right track; save their home.

3 I think we requested some money for a  
4 study to try to determine the effectiveness of  
5 these courts. I think we got 400,000 from the  
6 federal government or somebody; PCCD, one of those  
7 things.

8 But, yes, that's an example of the  
9 courts reacting to a situation and coming up with a  
10 solution that's cost-effective, but it doesn't cost  
11 any more money because it's just looking at the  
12 problem differently.

13 REPRESENTATIVE WHEATLEY: If, in fact,  
14 they are savers of taxpayers' dollars, has there  
15 ever been a conversation, from a statewide-system  
16 perspective, that an investment could help expand  
17 and normalize their conducts throughout the  
18 counties; as a way to support the counties, so it  
19 wouldn't just be the counties financing it or  
20 through our Commission of Crime and Delinquency,  
21 but that we would have a state-wide effort to  
22 really try to impact diversion instead of  
23 punishment?

24 CHIEF JUSTICE CASTILLE: That's what  
25 we're attempting to do. Twenty-one counties have

1 these mortgage foreclosure courts. I think we're  
2 up to 20-some odd veterans courts. There's  
3 juvenile delinquency courts. There's DUI courts.  
4 There's mental health courts. Over a hundred now.  
5 We see the benefit of these things, and it saves  
6 people's lives.

7 I see the veterans court in Philadelphia  
8 all the time; me being a veteran, having served  
9 honorably in the U.S. Marine Corps in combat in  
10 Vietnam. I see some of these kids coming back from  
11 Afghanistan, personally, and I see that they've  
12 fallen by the wayside.

13 The one in Philadelphia that I'm  
14 personally familiar with has done a great service  
15 in turning some of these men and women -- For the  
16 first time ever, we are seeing more women veterans  
17 who are homeless or who are on the streets or who  
18 have gotten addicted to drugs or alcohol and have  
19 served their country honorably. So that's quite a  
20 different thing than we saw after the Vietnam War.

21 REPRESENTATIVE WHEATLEY: I want to  
22 thank you for your service. I also served in the  
23 United States Marine Corps, so Semper Fi.

24 If I can switch and take us back to a  
25 very dark time just a couple of years ago with the

1 Kids For Cash incident in Luzerne County, I know  
2 the courts acted immediately to try to make sure  
3 this doesn't happen again. Can you tell me a  
4 little bit about what changes happened?

5 And from a legislative point, just from  
6 what I was looking, I know one of the  
7 recommendations was to try to make sure no one  
8 waived their rights coming into the court system.  
9 Then there was a question about, how do you pay for  
10 that representation? Is it left to the counties or  
11 should the state also kick in to provide for  
12 support?

13 Can you tell me where you are with that  
14 and any suggestions that we could play in helping?

15 CHIEF JUSTICE CASTILLE: When that  
16 happened, we, of course, were shocked at the  
17 enormity of those crimes by those two judges, and  
18 it really reflects on the entire court system. It  
19 was a huge black eye.

20 As soon as we saw that had happened, we  
21 immediately put together, with the Governor and the  
22 legislative branch, the Interbranch Commission on  
23 Juvenile Justice. I believe 18 individuals under  
24 the leadership of Judge John Cleveland, they went  
25 up there and they looked at the entire system.

1 They came back to us with 54 different  
2 recommendations of amendments to the Juvenile  
3 Justice Code and the Appellate Courts Code,  
4 including making sure that these kids don't waive  
5 their constitutional rights knowingly.

6 We instituted those 54 changes. The  
7 legislature provided a fund to reimburse the  
8 victims of the child from the criminal conduct, and  
9 that has been completed by Judge Arthur Grim of  
10 Berks. We sent Judge Grim in there to look at  
11 every case that Ciavarella or Conahan sat on, to  
12 review it to see if -- We told him frankly, Judge  
13 Grim, if you review every one of these cases and  
14 you do not believe justice was done, tell us and  
15 the court, and we will take the appropriate action.  
16 Judge Grim did, in fact, come to the Supreme Court  
17 and say, I do not believe justice happened to any  
18 of those kids.

19 We expunged the record of every one of  
20 the kids who ended up in front of either of those  
21 two judges; that is, we erased their records so  
22 that they would have a chance to lead a productive  
23 life. That number was 2,401 kids whose records  
24 that we expunged.

25 Now, that's not going to take away what



1 happened to them, and some of the results were  
2 tragic. They can never been compensated. We did  
3 that because we want to make sure a tragedy like  
4 that never happens anywhere else in the state of  
5 Pennsylvania.

6 REPRESENTATIVE WHEATLEY: Thank you.  
7 Thank you, Mr. Chairman.

8 MAJORITY CHAIRMAN ADOLPH: Thank you.  
9 The Chair has been advised that former State  
10 Representative George Kenney has joined us. I know  
11 he's a friend of the Chief Justice.

12 CHIEF JUSTICE CASTILLE: Absolutely.

13 MAJORITY CHAIRMAN ADOLPH: The next  
14 question will be by Representative Dean.

15 REPRESENTATIVE DEAN: Thank you, Mr.  
16 Chairman. Mr. Justice, Mr. Chief Justice,  
17 gentlemen, how do you do? Good afternoon. Over  
18 here.

19 My first question has to do with  
20 something that's been brought to my attention by my  
21 local police department. It has to do with the  
22 acronym LEJIS, Law Enforcement Justice Information  
23 System. I believe it's under JNET.

24 So my ultimate question is going to be,  
25 within your appropriation, is there room in your

1 budget for the continued funding of this LEJIS  
2 project? What it is, as I understand it, is, down  
3 in the southeast, post-9/11, federal dollars were  
4 used to try to integrate records management systems  
5 of police departments so that, if a municipality  
6 had stopped a person in their municipality, they  
7 could check across the state, across  
8 municipalities, to see if other municipalities had  
9 any interaction with the person or the car or  
10 whatever it might be. Apparently, it's been quite  
11 successful in the southeast and expanded a little  
12 beyond the southeast.

13 But the federal dollars are drying up,  
14 as my police chief and deputy chief explained to  
15 me. They have put together sort of a business plan  
16 to say, they need another 400,000 or more dollars  
17 to continue this so that it becomes statewide.

18 So I'm wondering, are you aware of the  
19 LEJIS project? Is it something that's going to be  
20 able to be funded through line items, either JNET  
21 or somewhere else, in your appropriations?

22 CHIEF JUSTICE CASTILLE: We generally  
23 don't fund executive branch agencies, which all  
24 those police officers sound like they're a part of.  
25 That would have to be a different appropriation or

1 a federal grant, as you say, so we don't do that.

2 But our computer system is available  
3 through the JNET, and that is what the troopers use  
4 when they're in their cars making stops. All of  
5 the criminal justice information goes to the FBI  
6 and the state troopers. I don't know if it's  
7 available locally. Mike, do you know?

8 REPRESENTATIVE DEAN: This was that  
9 idea; to make it a seamless coordination between  
10 state police and the municipalities so that all the  
11 information could be shared.

12 CHIEF JUSTICE CASTILLE: If they have  
13 access to National Center -- What is it?

14 JUSTICE EAKIN: NCIC.

15 CHIEF JUSTICE CASTILLE: NCIC gets our  
16 information also. The state troopers would have  
17 it. It would be available to other police officers  
18 who can access JNET. But, we would have to look  
19 into that. We'll check it out and get back to you.

20 REPRESENTATIVE DEAN: I'll share the  
21 information with you. That would be great.

22 JUSTICE EAKIN: Too many acronyms and I  
23 start fogging over.

24 REPRESENTATIVE DEAN: I completely agree  
25 with you, Mr. Justice.

1 JUSTICE EAKIN: I think that's one that  
2 is a law enforcement interface, which is not our  
3 business. Our system would be triggered if  
4 somebody was arrested but not just by an  
5 interaction with a police officer.

6 REPRESENTATIVE DEAN: And it goes beyond  
7 that. I was just using that as one example. So,  
8 thank you. I'll share that information with your  
9 department. They just tell me it's critically  
10 important. It has saved an awful lot of public  
11 safety issues.

12 JUSTICE EAKIN: It is.

13 CHIEF JUSTICE CASTILLE: Absolutely.

14 REPRESENTATIVE DEAN: Then my other only  
15 question is, last year I offered House Resolution  
16 107, which is something I'm deeply interested in.  
17 What it would do is, it actually would urge the  
18 Supreme Court to require new lawyers to complete 50  
19 hours pro bono service as a requirement for  
20 admission to the Bar. We've seen other states do  
21 this; notably, New York, with the greatest number  
22 of lawyers.

23 What it does is, it attempts to do a few  
24 things: Get experience for young lawyers starting  
25 out so they'll be more competitive in the job

1 market; of course, try to close the Access to  
2 Justice, for those who are poor, gap; and also  
3 instill, hopefully, in the new practitioners the  
4 will and the want to do public service work.

5 I'm wondering if you have any ideas on  
6 that, and I ask for your consideration and I ask  
7 for your support of that.

8 CHIEF JUSTICE CASTILLE: One thing that  
9 we do to help legal services and the law schools  
10 is, the attorneys pay \$200 a year to be an  
11 attorney, the licensing fee. We supply each law  
12 school, seven or eight, how many there are now,  
13 \$200,000 each to run these clinical programs where  
14 the law students actually, under the tutelage of a  
15 law professor or an attorney who is running these  
16 programs, provide legal services to the indigent in  
17 the different communities and where these law  
18 schools are.

19 We even encourage the graduates of law  
20 schools to work in these agencies by what we call  
21 the Loan Repayment Assistance Program, which is  
22 funded by pro hac vice filing fees, which is Latin  
23 for whatever it means. But it means when you come  
24 from another --

25 (Laughter).

1 JUSTICE EAKIN: Lawyers from out of  
2 state.

3 CHIEF JUSTICE CASTILLE: That's not the  
4 literal translation, but that's what it --

5 JUSTICE EAKIN: For hacks that live  
6 here.

7 CHIEF JUSTICE CASTILLE: But they have  
8 to pay a filing fee to file cases in Pennsylvania,  
9 \$200 each, the same thing as a lawyer has to pay to  
10 be a lawyer in Pennsylvania. We take that and we  
11 apply it to repaying the loans of these kids that  
12 come out of law school with pretty deep debt, to  
13 the tune of \$4,500 -- I'm sorry. 3,500 the first  
14 year for the loan repayment assistance if you work  
15 in one of these agencies that provides legal  
16 services; \$4,500 the second year; and \$6,000 the  
17 third year, and you can get that up to 10 years.  
18 So, that provides \$54,000 in loan forgiveness as  
19 long as these kids are employed in these legal  
20 services programs.

21 On the legal fees, the registration fees  
22 that the lawyers have to pay, \$25 of every \$200  
23 goes to fund legal services programs through our  
24 Interest on Lawyers Trust Accounts. This last year  
25 we added another \$10 to it, to the registration

1 fee. Not to 210, but we took \$10 from the 175 left  
2 over from the 25. So, every lawyer pays \$35 to  
3 fund legal services in Pennsylvania.

4 We also have a pretty active pro bono  
5 program throughout the state of Pennsylvania,  
6 especially in some of these speciality court  
7 programs like the home mortgage programs. We are  
8 reviewing those things. We see what New York State  
9 is doing to provide pro bono legal services; to  
10 have a 50-hour requirement before you can even take  
11 the Bar Association, but there's problems  
12 associated with that also.

13 So, it's not a win-win situation. It's  
14 a situation we are looking at on the court to see  
15 if it's appropriate for us.

16 JUSTICE EAKIN: It's difficult with  
17 implementation when you're talking about recent  
18 graduates who are at their lowest skill level they  
19 will ever be. So, somebody has got to ride herd on  
20 them, and it's as much finding someone to monitor  
21 what they're doing, to find them clients to be  
22 serving and the like, and then keeping track of the  
23 hours and all.

24 It's also kind of difficult in this job  
25 market, when the kids are coming out loaded with

1 debt and are happy to find a job, and then tell  
2 their employer, well, I need about a month to do my  
3 pro bono work before I can work for you. I'm not  
4 saying it's undoable, but it isn't quite as simple  
5 as one would hope it would be.

6 REPRESENTATIVE DEAN: I do understand  
7 some of the problems, and I've talked to different  
8 deans of law schools. To your point, Mr. Chief  
9 Justice, many of the students are already doing  
10 this. So, in my estimation, what I think we ought  
11 to do is consider if it ought to be one of the  
12 court requirements for sitting for the Bar or  
13 becoming an attorney. I think it has so many  
14 valuable outcomes and offshoots. The biggest one  
15 is Access to Justice for those who just simply  
16 can't afford it.

17 CHIEF JUSTICE CASTILLE: As Justice  
18 Eakin said, he's on the board of a law school.  
19 What law school is that? Do you want to give them  
20 a plug?

21 JUSTICE EAKIN: The Dickinson School of  
22 Law of Penn State University, yes.

23 CHIEF JUSTICE CASTILLE: Here at  
24 Carlisle, Pennsylvania.

25 REPRESENTATIVE DEAN: So I urge your



1 further consideration of my resolution.

2 CHIEF JUSTICE CASTILLE: We'll  
3 definitely look at it, But pro bono means for good  
4 or for free. So, pro bono means you want to do it  
5 because you want to do it; not because you have to  
6 do it. So it's really not pro bono anymore when  
7 you have to do it. You're not getting paid for it,  
8 but it's not the same mentality as you wanting to  
9 go out and help somebody.

10 REPRESENTATIVE DEAN: Thank you, Mr.  
11 Chief Justice.

12 MAJORITY CHAIRMAN ADOLPH: Thank you.  
13 Representative Michael O'Brien.

14 REPRESENTATIVE O'BRIEN: Thank you, Mr.  
15 Chairman. Your Honors, welcome. Thank you for  
16 joining us today.

17 As we go through this, being a  
18 guttersnipe from the Fishtown section of  
19 Philadelphia, you're gonna have to go slowly, and  
20 you're gonna have to take me by the hand on this.

21 CHIEF JUSTICE CASTILLE: Fishtown is one  
22 of the hot spots in Philadelphia. What are you  
23 talking about?

24 (Laughter).

25 REPRESENTATIVE O'BRIEN: Once upon a

1 time, Chief, it weren't so good.

2 So, let's talk about Philadelphia  
3 Traffic Court, if we can, for a moment. It's my  
4 understanding that that court was established by  
5 the Constitution of the Commonwealth of  
6 Pennsylvania. And if that be the case, explain to  
7 me how it can be disbanded statutorily.

8 JUSTICE EAKIN: It hasn't been  
9 disbanded. It has been moved under the umbrella of  
10 the municipal court. The seven spots are now  
11 filled by two municipal court judges and five  
12 hearing officers who are doing the work for it.

13 REPRESENTATIVE O'BRIEN: So the five  
14 appointed hearing officers are removing or in place  
15 of duly-elected traffic court judges?

16 JUSTICE EAKIN: They are hearing cases.  
17 They do not have full judicial powers. They have  
18 no contempt power or the like. They're hearing  
19 cases; making decisions. And if you've watched the  
20 process of traffic court, it is not, for the most  
21 part, like a courtroom you see on TV. It is a  
22 presentation by one officer of many cases, by  
23 reading the citation, listening to the defense, if  
24 any, and a decision. It is not necessarily the  
25 taking of testimony and the like. Whether it

1 should have been, it has not been for many years.

2 When you get seven constitutional judges  
3 and nine of them indicted, something had to be  
4 done. This I look at as a transitional state while  
5 the legislature considers legislation that would  
6 propose an amendment to the Constitution to do this  
7 officially.

8 The Supreme Court, incidentally, a dozen  
9 years ago, was faced with a similar court; not a  
10 similar problem but a similar court in Pittsburgh  
11 that was established by Constitution. And,  
12 essentially, by court order, moved it to the status  
13 of magisterial district judges as opposed to the  
14 Pittsburgh -- I'm blanking on the official name of  
15 that court.

16 CHIEF JUSTICE CASTILLE: Municipal Court  
17 of Pittsburgh.

18 JUSTICE EAKIN: Municipal Court of  
19 Pittsburgh. And, essentially, became MDJs because  
20 that was their function, even though they were in  
21 the Constitution.

22 So there's some precedent for it. This  
23 was done, though, by legislation; not by court  
24 order. Again, I think it's a transitional phase,  
25 if you will; a way of getting business done while

1 the ultimate solution is working its way through  
2 the process.

3 CHIEF JUSTICE CASTILLE: I'd just like  
4 to add a little something. I've been practicing  
5 law in Pennsylvania since 1971 as an assistant DA,  
6 as the DA, private practice, and on the court of  
7 last resort of the state. Since I've been involved  
8 in that system, the FBI, our friends in the Federal  
9 Bureau of Investigations, have come in there and  
10 cleaned house; not once, not twice. This is the  
11 third time that the FBI has come in and seized all  
12 the records of that court, the third time.

13 You know, in baseball, three strikes and  
14 you're out. And that is, as I say, when some judge  
15 gets locked up by the FBI, that's a stain on all of  
16 us. So, the way I look at it, they had their  
17 chances to clean up. They haven't. The FBI is in  
18 there. Somebody's going to pay for it. Our court  
19 had to do something, something, to try to make sure  
20 that does not happen again in Philadelphia or the  
21 state of Pennsylvania.

22 REPRESENTATIVE O'BRIEN: I agree with  
23 you, Chief Justice, that it was a total cesspool.  
24 Can't argue about that. It was. But, let's go  
25 down. So you said that you had a court in

1 Pittsburgh that was not disbanded but brought down  
2 to the level of an MDJ.

3 JUSTICE EAKIN: That's not exactly  
4 accurate, and I apologize --

5 REPRESENTATIVE O'BRIEN: I'm a  
6 guttersnipe, so you have to take me by the hand.

7 JUSTICE EAKIN: Well, I'm not sure I  
8 expressed it accurately, and I'm shooting from my  
9 recollection of what was done. But there was a  
10 discussion about the constitutionality of doing  
11 that, and the majority of the court felt that it  
12 was appropriate to make that court follow the same  
13 educational requirements and the like as an MDJ.

14 REPRESENTATIVE O'BRIEN: But, in  
15 essence, you replaced a court with a court,  
16 correct?

17 CHIEF JUSTICE CASTILLE: No. We just  
18 shifted their authority and their paychecks to  
19 other people.

20 REPRESENTATIVE O'BRIEN: But you  
21 replaced a court with a court, yes?

22 JUSTICE EAKIN: I don't think we  
23 replaced a single person, as I recall.

24 REPRESENTATIVE O'BRIEN: Okay.

25 CHIEF JUSTICE CASTILLE: That court is

1 still in the Constitution, by the way. You can  
2 look it up.

3 REPRESENTATIVE O'BRIEN: Okay. So,  
4 final question. If, as you said, there's  
5 legislation to change the Constitution regarding  
6 the Philadelphia Traffic Court, the process of that  
7 is that a bill must pass each chamber identically  
8 in two sessions and be put to a referendum. If we  
9 agree on that, then we have to agree that it's  
10 probably going to take a minimum of five years for  
11 this to happen, okay?

12 CHIEF JUSTICE CASTILLE: That's the  
13 question right there. That's the problem. We  
14 weren't going to wait for five years for the FBI to  
15 come in another time if the system wasn't changed,  
16 period.

17 REPRESENTATIVE O'BRIEN: I guess my  
18 point, Chief Justice, is that, given the process  
19 for amending the Constitution, we have a court  
20 that, for the next five years or so, is going to be  
21 suspended in a total void; that you're going to  
22 have appointed hearing officers, opposed to elected  
23 judges, and somehow it seems as though the whole  
24 equation is out of balance. I'll let you answer  
25 that, and that will be my final words.

1 JUSTICE EAKIN: The hearing officers are  
2 required to be law-trained. They must have a law  
3 degree. The elected judges did not. They were  
4 required to go to, basically, what, a little bit of  
5 the MDJ training in Harrisburg and not the full  
6 panoply of that, even, because their jurisdiction  
7 was limited.

8 The anecdotal evidence and complaining  
9 from those who were candidates only reaffirms my  
10 belief that the court did the right thing.

11 REPRESENTATIVE O'BRIEN: Thank you,  
12 gentlemen. I appreciate your time. Thank you, Mr.  
13 Chairman.

14 MAJORITY CHAIRMAN ADOLPH: Thank you.  
15 The final question will be by Representative Brian  
16 Ellis.

17 REPRESENTATIVE ELLIS: Thank you very  
18 much, Mr. Chairman. Gentlemen, thank you very much  
19 for being here today.

20 I want to go specifically to the recent  
21 ruling that you guys made on Act 13. I'm a little  
22 curious on that. I mean, obviously, between the  
23 branches of government, there's always going to be  
24 a little bit of sibling rivalry.

25 CHIEF JUSTICE CASTILLE: You have to

1 refresh me on what Act 13 is or was.

2 REPRESENTATIVE ELLIS: It was a historic  
3 piece of legislation that set out many great things  
4 for the Commonwealth as far as the industry of  
5 natural gas exploration in Pennsylvania was. While  
6 there are still many parts of that that you guys  
7 left intact, and I appreciate that, I do have some  
8 questions about the process that you guys went  
9 through before you made the decision.

10 Traditionally, the municipalities have  
11 always been treated as a creation of the state. In  
12 this ruling, it appears that the majority believed  
13 that what we were doing was saying that they were  
14 sovereign. That being said, that's what you ruled,  
15 and that is now the way it is. The Governor asked  
16 to reconsider it, and you chose not to.

17 But my questions is, since you come here  
18 today in an appropriations manner and you're asking  
19 for more money, how much money did you spend on  
20 doing the background? Which employees of the  
21 courts were the ones assigned to looking up the  
22 background information for you to make your  
23 decisions on that?

24 CHIEF JUSTICE CASTILLE: This is part of  
25 our job. People bring cases to us. Lawyers argue



1 in front of us.

2 REPRESENTATIVE ELLIS: And many times  
3 you send those back down to the lower courts  
4 whenever there's fact-finding involved. And I'm  
5 asking specifically, since this one didn't get  
6 remanded back, as your wisdom had it to not send it  
7 back down there, who on your staff were the ones  
8 that did that?

9 Because like myself, personally, and  
10 many members of the legislature, we spent a great  
11 deal of time on this. We had hearings all across  
12 the Commonwealth for over four years. You had it  
13 for a little under a year, and I was just curious  
14 which persons and who did they gather the  
15 information before you made your decisions.

16 CHIEF JUSTICE CASTILLE: We get it from  
17 the lawyers, basically; from who argues in front of  
18 us. We discuss these matters, and they go before  
19 the justices, and we decide -- We do our job, and  
20 we decide the cases as we see them.

21 JUSTICE EAKIN: I was in dissent.

22 REPRESENTATIVE ELLIS: Yes, you are.  
23 Thank you.

24 JUSTICE EAKIN: I just want that clear  
25 in case you have anything over there that's

1 throwable.

2 REPRESENTATIVE ELLIS: I will not throw  
3 anything. I promise that, Justice.

4 JUSTICE EAKIN: I guess. Ours is not a  
5 fact-finding body. We're stuck with the record  
6 that is brought to us. So, insofar as going back  
7 to investigate, we have no people to do that. We  
8 are not set up to do it, and the jurisprudence is  
9 such that the record we're given is what we've got,  
10 period; not the record that existed at this body.

11 REPRESENTATIVE ELLIS: So, in fact,  
12 whenever the decision --

13 JUSTICE EAKIN: The fact that --

14 REPRESENTATIVE ELLIS: I'm sorry.

15 CHIEF JUSTICE CASTILLE: Where's my  
16 gavel?

17 JUSTICE EAKIN: We're used to talking  
18 over people. I forget I'm in your house.

19 REPRESENTATIVE ELLIS: So are we, Mr.  
20 Justice.

21 JUSTICE EAKIN: Yes, I'm in your house.  
22 I apologize.

23 One of the points that was discussed was  
24 the fact that this body, the legislative body, is  
25 the one to conduct the hearings and get all the

1 information. By all the information, I mean an  
2 awful lot of things that were considered that are  
3 not able to be passed to us simply because they're  
4 not in the litigation that ensued. So, all that  
5 you learned and all that you heard --

6 REPRESENTATIVE ELLIS: Was not  
7 necessarily all that you heard?

8 JUSTICE EAKIN: -- is not going to be in  
9 front of us, and it would be improper for us to go  
10 back and start picking and choosing what wasn't in  
11 front of us and considering that in any case; not  
12 just this case.

13 REPRESENTATIVE ELLIS: And I appreciate  
14 that. I know there was, as is often the case  
15 within a ruling from the higher court, that you  
16 will dissent, and there will be people that feel  
17 one way or another. This certainly is a very  
18 controversial thing. I just think, naturally,  
19 there are a lot of folks that are curious about the  
20 ramifications that are going to come down the road.

21 I guess it would be the question on an  
22 appropriations standpoint, there was no more or  
23 less spent on this than any other case? There was  
24 no additional resources that were hired or anything  
25 to that capacity?

1 CHIEF JUSTICE CASTILLE: No. This was  
2 all of our existing staff. I spent a lot more work  
3 on it than most people because it was 165 pages of  
4 opinion, including historical review of things that  
5 have happened across the state of Pennsylvania in  
6 the past where the environment was kind of  
7 overlooked on the basis of economics. I spent a  
8 lot of time on it myself, and so did my staff.

9 But that's just the way it is. That  
10 happens in every -- Mike Eakin's staff spent a lot  
11 of time on his dissent. So, this is normal  
12 procedure that happens. You can't quantify it.  
13 It's just part of our entire budget process. We  
14 didn't ask for any more money or any less money  
15 because of it.

16 REPRESENTATIVE ELLIS: If I can go off  
17 of Act 13 for a second. Since we are talking about  
18 budgets, I'm a little curious about the nature of  
19 how you guys conduct business and the cost of doing  
20 that.

21 I know, over the years, we've had  
22 testimony from you guys how you're going to try to  
23 save a little bit of money here and try to save a  
24 little bit of money here, and everybody is  
25 tightening where they can.

1           But I'm a little curious. We have a  
2 beautiful building across the street that we built  
3 for you guys; \$85 million of taxpayers' dollars.  
4 It seems to me, from what I'm to understand, that a  
5 majority of your work happens in either Pittsburgh  
6 or Philadelphia. Is that not accurate? I saw a  
7 shake of the head.

8           CHIEF JUSTICE CASTILLE: It happens  
9 across the state, but we happen to have three  
10 courtrooms: Pittsburgh, Philadelphia and  
11 Harrisburg. So, it's --

12           REPRESENTATIVE ELLIS: What's the logic?  
13 We don't have three House of Representatives. The  
14 Senate doesn't have three Senates, but you have  
15 three courtrooms.

16           CHIEF JUSTICE CASTILLE: What's the  
17 logic? Nebraska only has one legislature.

18           REPRESENTATIVE ELLIS: Yeah, and there's  
19 a lot of us that think we'd be okay with the  
20 unicameral legislature here as well; an issue I  
21 would probably support myself.

22           My comment and thought about that is, if  
23 we're really looking to consolidate and save money,  
24 the concept of having one location so that -- I'm  
25 assuming, whenever you go out, like we do when we

1       come here, we get a cost-of-living expense. I'm  
2       sure you pay for your expenses in some form or  
3       fashion.

4                        Would it not be, in fact, easier; with  
5       all the staff people already here, with the  
6       building the taxpayers paid for, wouldn't it make  
7       sense -- Because I just think, if I ask my  
8       constituents to understand the concept that  
9       sometimes I meet in Pittsburgh, sometimes I meet in  
10      Harrisburg, and sometimes I meet in Philadelphia,  
11      don't think that would sell very well. But if I  
12      said, you know what, we're gonna trying to  
13      consolidate the way we have in the legislature.

14                      CHIEF JUSTICE CASTILLE: You're a local  
15      legislature. We're representing the state.

16                      REPRESENTATIVE ELLIS: I like to believe  
17      my opinion counts for the entire state as well.  
18      I'm one of 203. You're one of however many you  
19      have. But the specific point --

20                      JUSTICE EAKIN: Do you hold town  
21      meetings or such outside of here?

22                      REPRESENTATIVE ELLIS: Absolutely. Do  
23      you guys hold townhall meetings?

24                      JUSTICE EAKIN: No, but we sit to hear  
25      cases in three different places, but --

1           REPRESENTATIVE ELLIS: Well, I don't  
2 vote on legislation in three different places, but  
3 I do have hearings across the state.

4           But my point is, you come here and you  
5 ask for additional funds, and I'm pointing out to  
6 you one possible way you could save funds.

7           JUSTICE EAKIN: That might be, but you  
8 don't ask your constituents to come here to talk to  
9 you all the time. We have three districts, as do  
10 the feds, in Pennsylvania; western, eastern, and  
11 middle. And that's for the convenience of the  
12 parties, because the people from Pittsburgh  
13 shouldn't have to drive 200 miles to file a piece  
14 of paper.

15           Now, with e-filing, that's going to  
16 shift to some degree, but that's been the reality  
17 for the history of the state. It's the same reason  
18 we go out there. It's easier for seven of us, or  
19 with the Superior Court or Commonwealth Court,  
20 panels of three, to go out there. Well, Superior  
21 Court, I know, hears 45 cases in three days.  
22 That's 45 sets of lawyers that can go to Pittsburgh  
23 from out west, rather --

24           REPRESENTATIVE ELLIS: Or they can come  
25 to Harrisburg and bring some economic development

1 to the area that absolutely needs it.

2 Look, we're going to agree to disagree  
3 on this one. I was just saying that, what we've  
4 seen from the Rendell Administration; what we've  
5 seen from the Corbett Administration; what we've  
6 seen from the House of Representatives and the  
7 Senate over the last nine years that I have been in  
8 the legislature, have been serious efforts at  
9 reform. I do not believe that, when someone gives  
10 you a suggestion, you shouldn't take it seriously  
11 and reconsider something; that if you explained to  
12 the average person on the street, they would be  
13 amazed.

14 I feel bad for the attorneys that would  
15 have to drive out here to Harrisburg, but I feel  
16 bad for the grassroots groups that have to come out  
17 here as well. But that's their choice, and they  
18 know this is the capital of Pennsylvania, which, by  
19 the way, is not in the center of the state. I wish  
20 it was because, instead of having a four-hour  
21 drive, I'd have a two-and-a-half-hour drive.

22 But the reality is, this is where we do  
23 business. This is where the Governor is. This is  
24 where the legislature is, and this is where your  
25 home office is. I would take it into consideration



1 that, perhaps you should think about it. And next  
2 year whenever you come before me, if I'm fortunate  
3 enough to be on the Appropriations Committee, I'd  
4 like to maybe revisit this topic.

5 Beyond that, I thank you for your time.  
6 Thank you, Mr. Chairman.

7 MAJORITY CHAIRMAN ADOLPH: I want to  
8 thank Chief Justice Castille and Justice Eakin for  
9 appearing before us today. I'm looking forward to  
10 working with you.

11 As you know, economic times are tough,  
12 and we're trying to work together to put together  
13 the best possible budget for the Commonwealth of  
14 Pennsylvania, and I'm looking forward to working  
15 with you. Thank you very much.

16 CHIEF JUSTICE CASTILLE: We thank the  
17 committee for their time.

18 MAJORITY CHAIRMAN ADOLPH: I'd like to  
19 remind the members of the Appropriations Committee  
20 that, in five minutes we will reconvene with the  
21 Secretary of Agriculture. Thank you.

22 (At 4:15 p.m., the budget hearing  
23 concluded).

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C E R T I F I C A T E

I, Karen J. Meister, Reporter, Notary Public, duly commissioned and qualified in and for the County of York, Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript, to the best of my ability, of the budget hearing stenographically taken by me and reduced to computer printout under my supervision.

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Karen J. Meister  
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