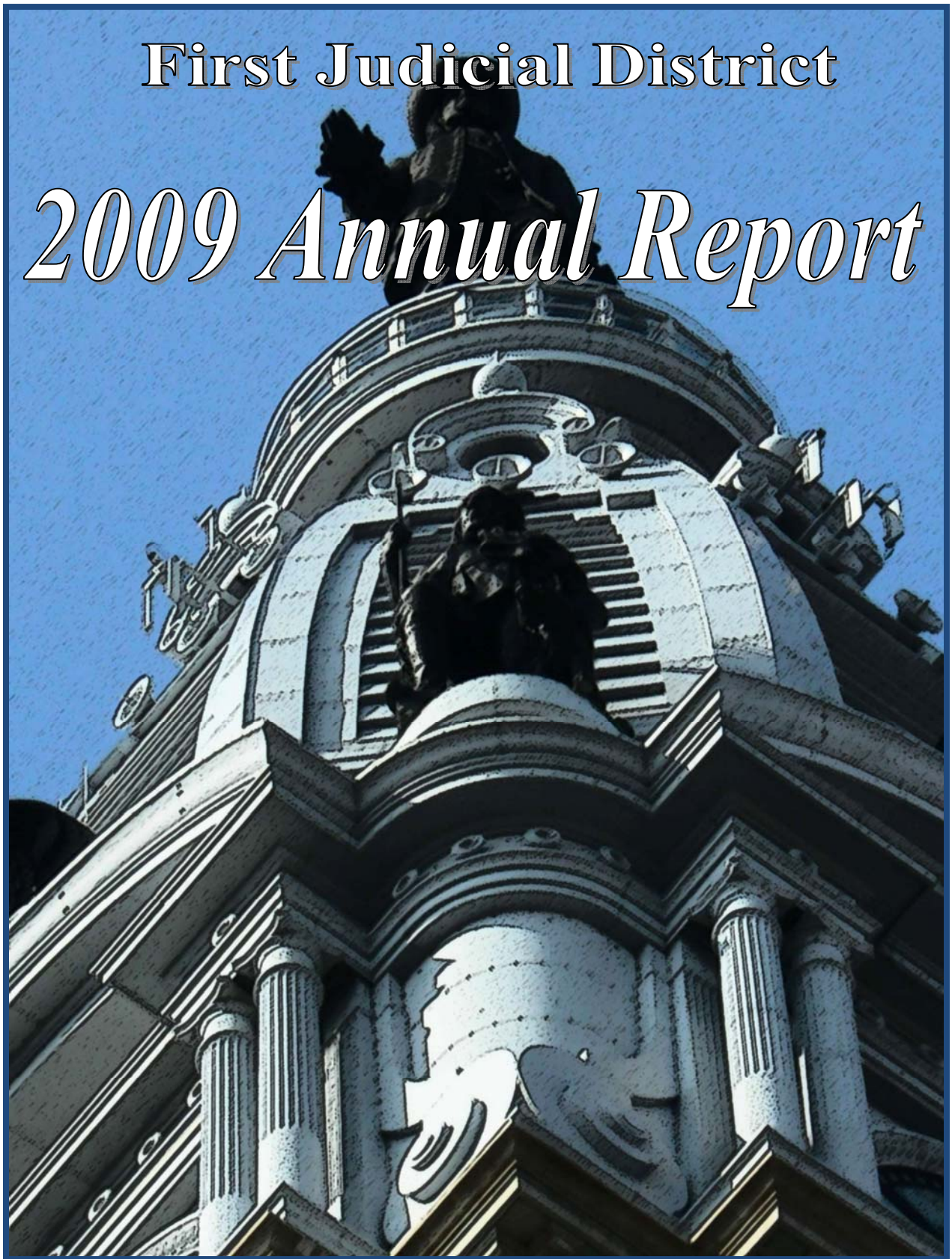


First Judicial District

*2009 Annual Report*



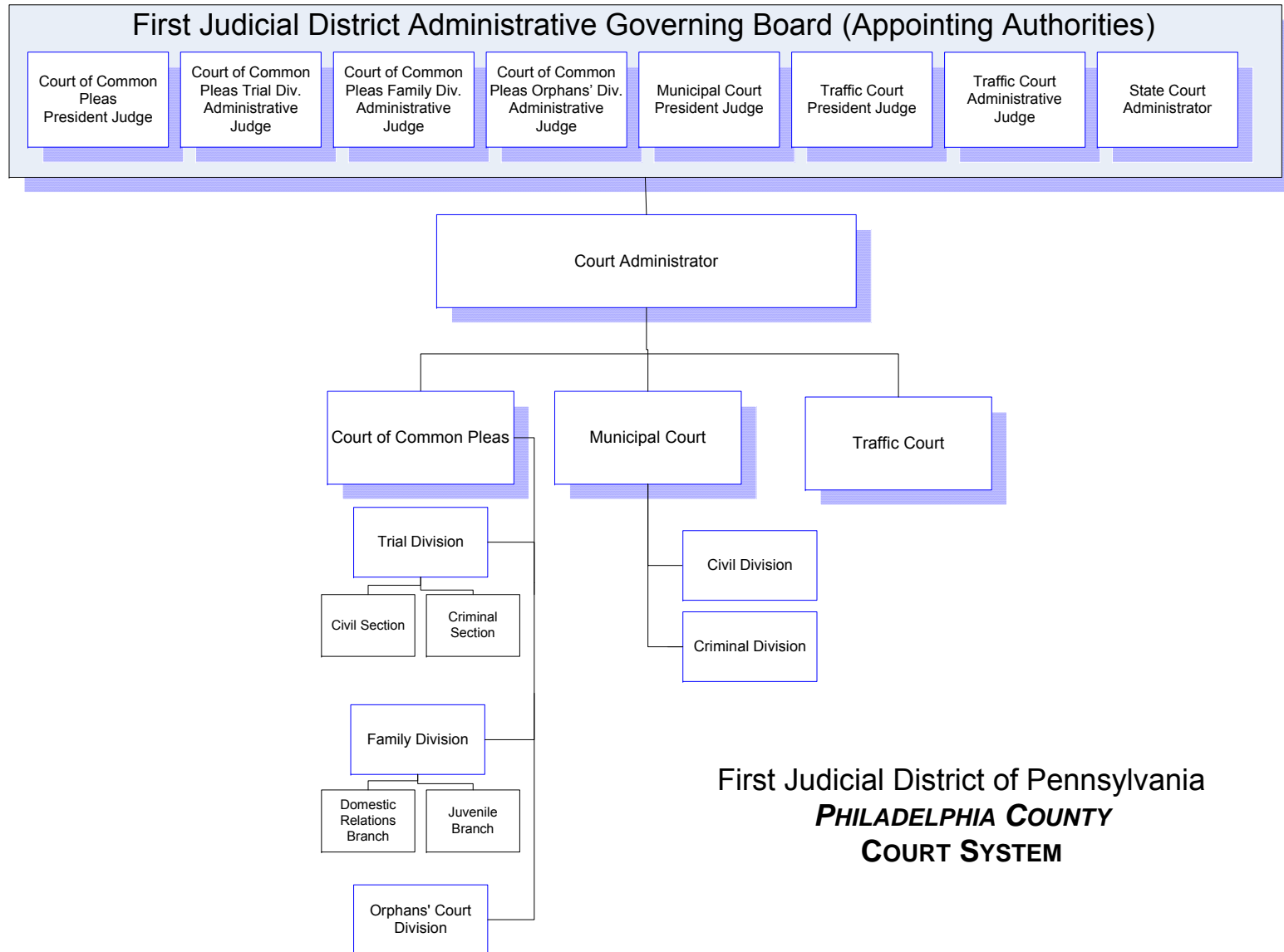


*A view of Philadelphia City Hall as seen looking south from N. Broad Street*

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# First Judicial District Organization





# **First Judicial District of Pennsylvania**

## **Organization and Leadership**

The state trial courts of the City and County of Philadelphia are collectively known as the First Judicial District of Pennsylvania (FJD). The first level of the organizational structure of the FJD comprises three courts. In turn, those constituent courts are composed of divisions that are themselves further subdivided into branches and sections. The three FJD courts are 1) the Court of Common Pleas; 2) the Philadelphia Municipal Court; and 3) the Philadelphia Traffic Court. The Common Pleas and Municipal Courts are each headed by a President Judge elected from among their peers on their courts' respective benches. The Traffic Court President Judge is appointed by the governor. Four Administrative Judges appointed by the Pennsylvania Supreme Court also help to direct the three divisions of the Common Pleas Court and the Philadelphia Traffic Court.

The judges in those leadership positions – the three President Judges and four Administrative Judges – together with the State Court Administrator, meet together as the First Judicial District Administrative Governing Board. The Board represents the highest level of management and leadership in the Philadelphia court system. *(More information about the Administrative Governing Board, including the biographies of its members, begins below on page 9.)*

## **Court of Common Pleas**

Led by President Judge Pamela P. Dembe since December of 2008, the Court of Common Pleas is a general jurisdiction court of record with three divisions: 1) the Trial Division; 2) the Family Division; and 3) the Orphans' Court Division. Each division is led by an Administrative Judge appointed by the Supreme Court of Pennsylvania. Descriptions of the three Common Pleas Court Divisions and the case types over which they have jurisdiction are outlined below.

### **Trial Division**

The Court of Common Pleas Trial Division Administrative Judge is D. Webster Keogh. The Trial Division is subdivided into Criminal and Civil Sections. The Criminal Section has jurisdiction for all state court felony trials in the City of Philadelphia and appeals from the lower courts' (Municipal and Traffic Court) decisions. The Trial Division Civil Section generally has jurisdiction over civil cases with an amount of more than \$10,000 in dispute. Each section also has a Supervising Judge. *(See the Municipal Court description on the next page for details on jurisdictions and linkages with the Common Pleas Court Trial Division.)*

### **Family Division**

Led by Administrative Judge Kevin M. Dougherty, the Family Division is composed of the Juvenile Branch and the Domestic Relations Branch. The Juvenile Branch has jurisdiction over cases involving juvenile delinquency, juvenile dependency, truancy, incorrigibility, and adoptions. The Domestic Relations Branch is the jurisdiction for divorce, child custody, child and spousal support, and protection from abuse (domestic violence).

### **Orphans' Court Division**

The Orphans' Court Division is so-named from the sense that an orphan is an individual who needs the help of the court in seeing to their affairs and safeguarding their best interests. The Division is headed by Administrative Judge Joseph D. O'Keefe. Cases involving probate and the estates of decedents, minors, and incapacitated persons are heard in Orphans' Court.

## **Philadelphia Municipal Court**

Philadelphia Municipal Court is a court of record divided into the Criminal and Civil Divisions. Municipal Court is led by President Judge Marsha H. Neifield. There is no right to jury trial but appeals from Municipal Court decisions are heard as *trials de novo* in the Common Pleas Court. The appeal rate is very low at less than 3%.

### **Criminal Division**

The Municipal Court Criminal Division is the court for summary and misdemeanor trials. Felony case preliminary hearings are also conducted there. All arrests made in Philadelphia County must at least initially be processed through Municipal Court. In criminal cases, this is the beginning of the court's involvement even if final disposition is not reached there. Many felony cases are eventually tried in Common Pleas Court following their preliminary hearings in Municipal Court.

### **Civil Division**

The Municipal Court Civil Division is the jurisdiction for civil cases where the amount in controversy is \$10,000 or less for Small Claims; unlimited dollar amounts in Landlord and Tenant cases; and \$15,000 in real estate and school tax cases.

## **Philadelphia Traffic Court**

While not a court of record, the Philadelphia Traffic Court is the trial venue for all summary violations of the motor vehicle code in Philadelphia.

## **Leadership Overview**

**The Administrative Governing Board:** Composed of the three President and four Administrative Judges along with the State Court Administrator, the Administrative Governing Board oversees the management of the Courts of Philadelphia with the help of the FJD Court Administrator.

**The Office of the President Judge of the Court of Common Pleas:** Services overseen by this office affect the judiciary throughout the courts and divisions of the District. The 2009 President Judge was President Judge Pamela P. Dembe.

**The Office of the Court Administrator:** This position was created by the Supreme Court of Pennsylvania in 1996. David C. Lawrence was appointed as the FJD Court Administrator on July 10, 2006 and remained in the office throughout 2009. The Office of the Court Administrator oversees many of the FJD administrative and management services such as Data Processing, Human Resources, Management Analysis, Facilities, Financial, and Administrative Services. The Court Administrator attends meetings of the Governing Board, develops solutions to problems, and conceives and implements improvement measures throughout the District.

## Greetings from the President Judge

2009 marked our first full year with new President Judges in both Municipal and Common Pleas Courts. 2009 presented challenges to the First Judicial District, but the resolution of those challenges left this a stronger and better court system. We were faced with a substantial reduction in our county funding and were forced to plan for budget reductions ranging from 20 to 40%. Relying on increased operational efficiencies and retrained employees, along with an increased reliance on technology, we succeeded in improving performance without layoffs, furloughs, or court closures. Trial Division began reviewing all arrests so as to consolidate matters where one defendant has multiple cases, and to speed the resolution of probation and parole violations. Some of this was implemented through increased use of interactive video technology. This not only improved the speed and volume of our dispositions, but it also created substantial savings for the prisons, sheriffs, prosecutors, and defenders. This was one manifestation of a new spirit of cooperation and mutual assistance among justice partners developed in part through monthly meetings of the Criminal Justice Assistance Board (CJAB). A Common Pleas Mental Health Court was developed to complement the Municipal Court Mental Health Court.



*President Judge  
Pamela Pryor Dembe*

The Probation Department incorporated academic research results into its operations in order to concentrate supervisory resources on high-risk individuals deemed most likely to get into serious trouble on the streets.

Trial Division also implemented the universally applauded electronic filing system that raised revenue, reduced operational costs, and improved efficiency of processing civil matters. The Mortgage Foreclosure Diversion Program continued to win local and national acclaim. All branches of the court were involved in a remarkable program called Fugitive Safe Surrender which brought in many fugitives who voluntarily surrendered and had their cases resolved at a church in South Philadelphia.

Family Court won national recognition for successful child support collection, and court personnel and court users devoted much thought and effort to developing detailed plans for a new Family Court building.

Orphans Court also implemented electronic filing, and focused attention on supervising guardians. Municipal Court developed a Crash Court, and began planning for a Veterans' Court. Traffic Court substantially increased collections. Court-wide planning for continuity of operations (COOP) put us well in the forefront of disaster preparedness, and particular efforts were made to prevent and plan for a possible avian flu epidemic that fortunately never arrived. Additionally, the Court disseminated the Supreme Court's policy on non-discrimination and equal employment opportunity.

While 2009 was a year of multiple challenges, the District's responses to those challenges wrought multiple benefits, not the least of which was confirmation of the fact that teamwork – both within the FJD, and externally with our justice partners – when combined with ingenuity and hard work can turn problems into opportunities; opportunities we have used to better serve the people and communities of Philadelphia.

## Greetings from the Court Administrator

Calendar Year 2009 marshaled in an era of new beginnings on several fronts that improved and expanded judicial services for the citizens of Philadelphia. First, a landmark occasion was marked by the opening of electronic filing for civil cases in Common Pleas Court. Civil administration representatives worked with personnel from the Prothonotary's Office, and technicians and experts from Data Processing who together presented the new electronic filing system to benefit of the Bar, the citizens, and the efficiency of the FJD civil court system.



David C. Lawrence  
Court Administrator

In the criminal courts, District personnel capitalized on funding opportunities from the Pennsylvania Commission on Crime and Delinquency (PCCD) to develop and write a successful grant funding request to plan and eventually implement the First Judicial District Mental Health Court. To combat the recidivist cyclical involvement of individuals with mental health issues – arrest, imprisonment, release, and re-arrest – the Mental Health Court is designed to interrupt the pattern that leads most mentally-ill inmates right back where they began: in jail. Inmates with mental illness, and especially those with co-occurring substance abuse issues, have been proven to respond better to treatment outside of prison. The FJD Mental Health Court accepts those who qualify by virtue of their non-violent arrest histories and other screening factors and removes them from prison to live under strict supervision in the community. This practice decreases the number of inmate prison days, provides improved treatment milieus, boosts behavioral adjustment, and saves money. In 2009, the FJD Mental Health Court Planning grant resulted in the beginning of regularly scheduled courtroom proceedings in preparation for the formal opening of the Mental Health Court on July 8, 2009.

There was increased participation in the *pro bono* program and those who volunteered their services for the public good were again recognized at a formal ceremony. New President Judges were sworn in for Municipal and Common Pleas Courts, Veterans' Court plans proceeded as scheduled, and the District won awards for excellence of service in the civil arena and in forestalling the loss of homes for residents who participated in the Mortgage Foreclosure Diversion Project.

In addition to these new beginnings, plans were made for future openings and other new ideas and projects on several forefronts, including video and other exciting new developments in the consolidation of each defendant's cases for more streamlined criminal courts administration. Even as these innovations came to life, the District nonetheless remained under budget doing the yeoman's work by faithfully administering the thousands of cases that have traditionally come into this large urban jurisdiction every year. The accomplishments you'll read about here represent tax dollars well invested – not spent – in the continuing effort to improve the safety and better the lives of the individuals and families in the neighborhoods of Philadelphia.



# **Administrative Governing Board**

## *2009 Administrative Governing Board*

**T**he First Judicial District Administrative Governing Board (AGB) is the “Board of Directors” for the Philadelphia Courts. The membership includes the three President Judges and four Administrative Judges of the District, along with the State Court Administrator. The President Judges are from the District’s three constituent courts: the Court of Common Pleas, the Philadelphia Municipal Court, and the Philadelphia Traffic Court. The Administrative Judges are from the three divisions of the Common Pleas Court of Philadelphia (the Trial, Family, and Orphans’ Court Divisions) and the Philadelphia Traffic Court. The addition of the State Court Administrator completes the membership of the AGB. Together, they work with the FJD District Court Administrator to conceive, develop, approve, and carry out the operations of the First Judicial District.

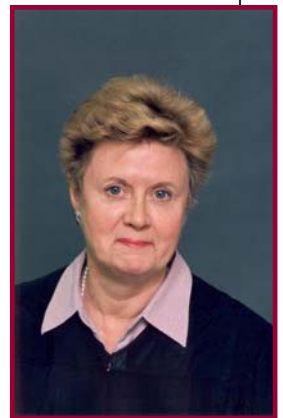
### ***Honorable Pamela Pryor Dembe***

#### ***Chair, Administrative Governing Board***

#### ***President Judge Court of Common Pleas***

**J**udge Pamela Pryor Dembe has been a judge for 20 years and is the President Judge of the Common Pleas Court. She is a graduate of Temple University School of Law and has lived in Philadelphia for approximately 40 years.

Judge Dembe is the Past President of the of State Trial Judges organization, the Pennsylvania Bar Association Criminal Law Section, the Brehon Law Society, and the Friends of the Free Library of Philadelphia. Presently, she is Secretary of the Board of the Free Library of Philadelphia as well as an officer of the Temple Inn of Court and a member of the Board of the Lawyers’ Club of Philadelphia. In 2010 she was named a ‘Woman of Distinction’ by the Legal Intelligencer.



She is a member of the Union League of Philadelphia, Corinthian Yacht Club, the Athenaeum, the Orpheus Club, and the Forum of Executive Women.

## ***Honorable Marsh H. Neifield***

### ***President Judge Philadelphia Municipal Court***

**P**resident Judge Marsha H. Neifield was elected to the Philadelphia Municipal Court in 1997. Since her election, she has served on various committees and panels including the Municipal Court Criminal Justice Rules Committee, the Bail Commissioners (now Arraignment Court Magistrates) Committee, the PARS Committee, the Domestic Violence Law Enforcement Committee, and the Criminal Justice Advisory Board and its sub-committees. Under her direction, new case management procedures were initiated to streamline protracted cases and she was instrumental in developing and centralizing the current Municipal Court Mental Health Program. She served as Secretary to the Board of Judges of Municipal Court for six years. In January 2009, Judge Neifield was unanimously elected by her colleagues to serve a five-year term as President Judge.



Since beginning her term as President Judge, Municipal Court began a Veterans Court, expanded its usage of video technology to conduct hearings and has been actively working with other criminal justice partners to expand its diversion programs and community court prosecutions.

Judge Neifield has been a presenter at several CLE programs and has participated in Career Day Panels and criminal justice programs with elementary and high school students. She is a member of the Philadelphia Bar Association, a Zone Representative with the Pennsylvania Bar Association and a member of the Temple American Inn of Court. Judge Neifield serves on the Board of Genesis II.

Judge Neifield received her Bachelor of Science Degree from Syracuse University and her Juris Doctor from Temple University School of Law.

## ***Honorable Thomasine Tynes***

### ***President Judge Philadelphia Traffic Court***

**J**udge Thomasine Tynes was born and educated in Philadelphia, Pennsylvania. In 1989 she was appointed by Governor Robert Casey to serve as a judge of the Philadelphia Traffic Court. She was subsequently elected by the voters. In March of 2005, Governor Edward G. Rendell appointed her as President Judge of Traffic Court. Judge Tynes has eighteen years of distinguished service as the longest sitting judge of this Court. She also has the distinction of being the first African-American female ever to serve as a Traffic Court Judge and to be appointed as the Traffic Court President. Her reputation as a fair and dedicated jurist has prevailed throughout her career.



She achieved a degree in Minor Judiciary Law from Wilson Law College and a Bachelor of Arts Degree from Roosevelt University.

Before serving in the judiciary, Judge Tynes was Director of the Congregate Housing Services Program from 1983 to 1989. This federal pilot program was funded through the Philadelphia Housing Authority and provided seniors with medical, nutritional and legal services,

along with homemaker skills to facilitate independent living within a controlled environment. She was Controller of a multi-million dollar sportswear conglomerate in New York City. She was proprietor and CEO of a successful automobile retail business, and earned a single-engine pilot's license. She has been an honored host of WHAT-AM (1340) Radio-talk entitled "Rappin' with the Judge", a program with an informational format describing the Traffic Court Process and the public's rights.

**Memberships:** As President Judge of the Philadelphia Traffic Court she is currently a member of the Administrative Governing Board of the First Judicial District of Pennsylvania. She was Treasurer and Assistant Secretary of the Clifford Scott Green Judicial Council (a chapter of the National Bar Association), a member of the American Bar Association, the Pennsylvania Bar Association, the Philadelphia Bar Association, and a member of the National Coalition of 100 Black Women.

The President Judge has amassed a large number of accommodations, citations, and awards in a variety of areas: she was featured on the Comcast Newsmakers Program in January 2008; in the Jackson Advocate Newspaper from Jackson, Mississippi in September 21-27, 2006; Jet Magazine - December 2005; and in the Atlanta Voice of Atlanta Georgia publications of July 26 through August 2, 2006. In addition, she won the Community Service Award from the Gadangme Educational & Cultural Foundation of Pennsylvania in December of 2006; recognition as A Living American History Maker at the Berean Institute 107th Founders Celebration in 2006; and the "Making a Difference Award" from the Philadelphia Comprehensive Center for Fathers – Life Changing Moments celebration in 2005. Judge Tynes also received the Madame C.J. Walker Award from the Pennsylvania Chapter of the National American's Heritage Society in 2000; the African American Movers and Shakers Award in 1998 and 2005; and a Certificate of Appreciation from Sisters in Touch, a Philadelphia Black Women's Health Project in April 2002. She was recognized as one of Philadelphia's Most Influential Leaders by the Tribune Magazine in January 2002 and January 2008. Further, she was honored as the Pennsylvania Breast Cancer Spokesperson for the "67 Women – 67 Counties: Facing Breast Cancer in Pennsylvania" exhibit, that toured the Commonwealth in 1999; she received the WDAS-FM Women's History Month Honor in 1999; and she was inducted into the African American Legends Hall of Fame.

In March of 2010 President Judge Tynes was a faculty member for the Pennsylvania Bar Association where she taught courses about the policies and procedures of the Philadelphia Traffic Court for Continuing Legal Education (CLE) credits in the five counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

## ***Honorable D. Webster Keogh***

### ***Administrative Judge, Common Pleas Court Trial Division***

**O**n March 30, 2007, the Supreme Court of Pennsylvania named Hon. D. Webster Keogh Administrative Judge of the Trial Division, Court of Common Pleas. As Administrative Judge, he is the approving authority for all administrative matters associated with the Trial Division and a member of the FJD Administrative Governing Board, serving as Interim Chair in '08-'09.



After spending seven years in the District Attorney's Office and thirteen years in private practice, Administrative Judge Keogh was appointed to the bench of the Court of Common Pleas by then Governor Casey in 1991. Judge Keogh was later elected to the bench in 1993 and retained for a second term in November, 2003. He served as a section leader for major felony prosecutions before being assigned to the major trial section of the Civil Trial Division in 2000. Judge Keogh was named Supervising Judge of the Criminal Trial Division in 2001.

A graduate of St. Joseph's Prep ('64) and LaSalle University ('68), Judge Keogh received his Juris Doctor in 1971 from Mercer University Law School. He is a member of the Philadelphia and Pennsylvania Bar Associations as well as the Lawyers Club of Philadelphia; the Brehon Law Society, the Society of the Friendly Sons of St. Patrick, the Irish Society, the Philadelphia District Attorney's Alumni Association, and the LaSalle University Law Alumni Association. He has been elected three times to the Executive Committee of the Pennsylvania Conference of State Trial Judges. In 1985 and again in 1996, he was appointed to the House of Delegates for the Pennsylvania Bar Association. He has served as the Governor's appointee to the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriff's Education and Training Board since 1996 and as the Chief Justice's representative to the Governor's Commission to Address Gun Violence. A Former 103<sup>rd</sup> Combat Engineer Captain, he also serves as a member of the Corporation of the First Regiment Infantry of Pennsylvania.

Administrative Judge Keogh has been a continuing legal education presenter on the "Pennsylvania Rules of Evidence," an instructor for Temple University on "Ethics and the Law," and a PBI faculty presenter at the Philadelphia Bar Association's Bench-Bar Conferences, and multi-presenter on Civil E-Filing in Philadelphia Courts.

Judge Keogh has been the recipient of distinguished and outstanding Judicial Service Awards by the Lawyers Club of Philadelphia; the John Peter Zenger Society and the Brehon Law Society.

Judge Keogh is married with three sons.



## ***Honorable Kevin M. Dougherty***

### ***Administrative Judge, Common Pleas Court Family Division***

**J**udge Kevin M. Dougherty was appointed Administrative Judge of Philadelphia Family Court by the Supreme Court of Pennsylvania on December 31, 2005. As Administrative Judge, his responsibilities include overseeing the Juvenile Branch, the Juvenile Probation Department, the Domestic Relations Branch and the population of the Youth Study Center. Judge Dougherty was appointed a Common Pleas Judge in 2001 by Governor Thomas Ridge and was subsequently elected in 2002. His original assignment was and continues to be Family Court. Prior to becoming a judge, he was a Philadelphia Assistant District Attorney, worked in private practice, and served as a Special Master to the Philadelphia Family Court Truancy Program. In addition to his Administrative duties, Judge Dougherty is Vice-Chair of the Juvenile Court Judges Commission, Vice-Chair of the Pennsylvania Supreme Court Domestic Relations Procedural Rules Committee; Co-Chair of the Mayor's Blue Ribbon Children's Behavioral Health; a member of the Mayor's Children's Commission of Distinguished Leaders in Philadelphia; the Mayor's Educational Task Force; the Board of Judges Committee for Glen Mills Schools and the Youth Study Center, the Gender Bias Implementation Committee, and the Pro Bono Committee.

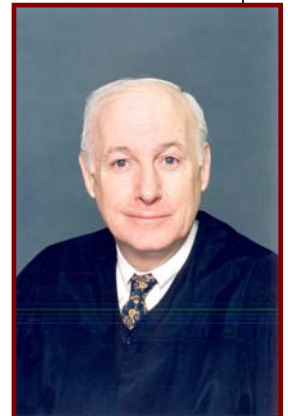


## ***Honorable Joseph D. O'Keefe***

### ***Administrative Judge, Common Pleas Court Orphans' Court Division***

**T**he Supreme Court of Pennsylvania appointed Judge Joseph D. O'Keefe as Administrative Judge of the Orphans' Court Division in December, 2000. As such, he became a member of the Administrative Governing Board.

He was initially elected to the Court of Common Pleas bench in November of 1983 and re-elected for a second ten-year term in 1993 and a third ten-year term in 2003. Judge O'Keefe previously served as Supervising Judge of the Complex Litigation Center from January of 1999 to December of 2000 overseeing all Mass Tort programs, Asbestos, Major Non-Jury, Arbitration Appeals, Landlord Tenant Appeals and the Penn-DOT Appeal cases. Judge O'Keefe was the Team Leader of the Day Forward 1995 Program from January, 1997 to December, 1998. Judge O'Keefe has also served as the Civil Motion Judge for a three year period and spent ten years in the Criminal Section of the Trial Division.



As Administrative Judge of the Orphans' Court Division, Judge O'Keefe worked to modernize court processes through technology and the Internet. He implemented a new case management and docketing system and improved access to the court through the addition of forms, materials and references to the Orphans' Court website. The Judge has sought out the assistance of, and improved relations between, the Probate Bar and the court. Judge O'Keefe received his B.S. from St. Joseph's University in 1966 and his J.D. from Duquesne University in

1973. The Judge sat on the Pennsylvania Supreme Court Orphans' Court Rules Committee from 2002 to 2004 and has been a regular participant in continuing legal education seminars.

### ***Honorable Bernice Ann DeAngelis***

#### ***Administrative Judge, Traffic Court***

**I**n 1991, Judge Bernice DeAngelis was elected Judge of the Philadelphia Traffic Court and assumed office January 6, 1992. In May, 1996 she was appointed by the Supreme Court of Pennsylvania as Administrative Judge of Traffic Court and as a member of the First Judicial District Administrative Governing Board, and served in this capacity until December, 2000. In February of 2005, the Pennsylvania Supreme Court again appointed Judge DeAngelis as Administrative Judge of the Philadelphia Traffic Court and as a Member of the Administrative Governing Board.



Judge DeAngelis studied and was certified as Judge of the Philadelphia Traffic Court at Wilson College, Chambersburg. In 1992, she attended the American Bar Association Seminar at Georgia State University of Law. In 1993 and 1999, she attended classes at the National Judicial College in Reno, Nevada; also in 1999, she attended the American Bar Association Seminar at Tulane University School of Law, New Orleans, Louisiana. In 2000, she attended the American Bar Association Seminar at Northwestern University School of Law in Chicago, Illinois. In 2007, she attended the American Bar Association Seminar in Seattle, Washington.

### ***Zygmunt A. Pines, Esquire***

#### ***Court Administrator of Pennsylvania***

**Z**ygmunt A. Pines, Esquire was appointed Court Administrator of Pennsylvania on October 18, 2000; Acting Court Administrator of Pennsylvania, January - October, 2000. Chief Legal Counsel, Administrative Office of Pennsylvania Courts, 1991-99; Assistant Chief Attorney, Superior Court of Pennsylvania, 1978-91; Chief Legal Counsel to Governor's Commission on Judicial Reform, 1987-88; Adjunct professor, University of Pennsylvania, 1986-91; Adjunct professor Villanova Law School, 1984-85; Private practice, 1975-78. Mr. Pines is the author of various publications on criminal justice, appellate procedures, ethics, and court security. *Member:* Judicial Council of Pennsylvania; Pennsylvania Judicial Council's security and strategic planning sub-committees; Governor's Pandemic Advisory Council; Pennsylvania Commission on Crime and Delinquency; Pennsylvania Association of Court Management; Administrative Governing Board of Pennsylvania's First Judicial District (Philadelphia); Pennsylvania Supreme Court's Investment Advisory Board; U.S. Department of Justice-Sponsored National Advisory Board/Judicial Education Project on Victims' Rights; Co-chair of Conference of Chief Justices/Conference of State Court Administrators Joint Committee on Security and Emergency Preparedness; member of CDC/DOJ Taskforce on Public Health Emergency Preparedness; Conference of State Court Administrators (COSCA) Board of Directors; COSCA Regional Mid-Atlantic Committee; National Association for Court Management; B.A., Wilkes College, 1970; J.D., Cleveland State University College of Law, 1974 (cum laude); LL.M., University of Pennsylvania Law School, 1978.

# First Judicial District 2009 Opportunities and Responses

## *Trends that District leaders see as opportunities*

### ***Opportunity: Improve court-community relations***



*FJD Civil employee Evelyn Thompson helping out at Martin Luther King Day project at St. Cyprian School Library.*

In 2008, the Dr. Martin Luther King, Jr. holiday drew a record-breaking 500,000 Americans working on over 5,000 projects. In 2009, more than twice as many people volunteered nationwide. It's been estimated that in 2009 almost 65,000 Philadelphians turned a day off from work into a day to remember. Also for the first time in 2009, the FJD turned out and worked as a team to get the job done. The Project was initiated by Chief Deputy Court Administrator David Wasson; Deputy Court Administrator Charles Mapp, Sr.; and the Arbitration Center Manager, Joseph Hassett. After they sent out the call, 25+ workers from the court system, friends, and family gathered in a small parochial school in the Cobb's Creek section and tried to make a difference for a day.

### ***Opportunity: Increase pro bono participation in the public-interest***



The first Judicial District honored attorneys in recognition of their long time commitment toward providing *pro bono* services at an annual awards ceremony held on January 22<sup>nd</sup> at the Bonavita Cola Law Library in City Hall. The court and the clients these lawyers selflessly represent are fortunate that there are members of the bar who are so generous with their time and talent. The entire community benefits from their voluntary service.

*Some of the many pro bono attorneys recognized for donating their services to others in need.*

### ***Opportunity: Help children and bring the school to the courthouse***



Members of the FJD workforce have time and again answered to the call to help others. This is an institution grounded upon the principle of service to others. During the school year, one of two classes of elementary school children report to the Criminal Justice Center, while the other goes to City Hall. FJD volunteer employees meet with them to help and encourage the youngsters to read. This is the court-sponsored READS program, and hundreds of children – and employees – reap the benefits while having fun.

*Data Processing employee Fran DeMuro and one of the students he's helped.*



### ***Opportunity: Elevation of President Judge to federal bench leaves room at the top for new leadership***



*President Judge Dembe is sworn into office with the assistance of her sons.*

When former Common Pleas Court President Judge C. Darnell Jones II was appointed to the federal bench in December of 2008, his colleagues who make up the Common Pleas Court Bench elected Pamela P. Dembe to replace him. Judge Dembe has been a Common Pleas judge for 20 years. She is a graduate of Temple University School of Law and has lived in Philadelphia for approximately 40 years. Calendar Year 2009 was the first full year of her leadership and the District has thrived while forging ahead despite severe funding shortages brought on by the recession and its effects on the City of Philadelphia.

### ***Opportunity: 2009 National Judicial College Award earns employees congratulations***



In an email to all employees of the District, Common Pleas Court President Judge Pamela Dembe commended them for their hard work and dedication saying:

*"Last night, as Chief Justice Castille watched, the president of the National Judicial College presented the FJD with an award 'For its Outstanding Commitment to Providing Timely Access to Justice' based on fifteen or more years of innovative, nation-leading programs and policies. This award comes to us based on years of hard work, courage and cooperation on the part of hundreds and hundreds of people who make up the FJD. Thanks to all of you, and congratulations. You have much to be proud of, and it is an honor to work among you."*

*President Judge Dembe.*

### ***Opportunity: Foreclosure epidemic spurs successful program; residents keep homes; FJD earns honors***



*NACM President Ray Billotte (left) gives Trial Division Administrative Judge D. Webster Keogh the 2009 Justice Achievement Award*

The National Association of Court Management Justice Achievement Award program was established to publicly recognize courts and related organizations for meritorious projects and exemplary accomplishments that enhance the administration of justice. Each of the court programs and projects nominated for the award were evaluated according to several criteria, including how the program helps to solve a problem and improve the lives of the people whom it affects. The winning project was also required to be the most efficient and/or effective way of answering the problem. The FJD Mortgage Foreclosure Diversion Program has excelled at answering a problem and helping to fulfill the needs of the people of Philadelphia. Here, lenders and homeowners can finally sit down together and work toward realistic solutions to their common problems and to achieve their shared goals while keeping families in their homes.



## ***Recidivism of prisoners with mental illness generates new FJD Mental Health Court***



*PA Supreme Court Justice Seamus McCaffery speaks at MHC opening*

Supported by a planning grant of \$60,000, the Philadelphia Mental Health Court began official operations on July 8th, the day after a press conference was held at the CJC. Speaking at the conference, state Supreme Court Justice McCaffery, Mayor Nutter, President Judge Dembe, DA Lynn Abraham, and other dignitaries ushered in a new era of courts specifically geared toward fighting recidivism, stopping the cyclical nature of mentally-ill prisoners becoming enmeshed in the Justice System, and getting those with mental health issues the proper help and supervision that they need to become productive members of society. More than 1,200 "incarceration days" were saved during the first six months of operation.

## ***Opportunity: Fun session brings children to court for civics lesson on Law Day***



Every May 1st, the FJD invites hundreds of area schoolchildren to come to court and participate as jurors in cases that decide the guilt or innocence of The Big Bad Wolf, Goldilocks (trespassing) and other characters from children's literature. The children split up to go to several different classrooms to hear cases and deliberate on their outcomes. But first, everyone gathers in courtroom 653 City Hall for photos with judges and other dignitaries.

*Trial Division Administrative Judge D. Webster Keogh poses with the young jurors on Law Day, 2009.*

## ***Opportunity: Problems drive video technology expansion***



In 2009, the District broadly expanded the scope of video technology to include connections to state institutions. Video allows hearings to be held even with some parties absent from the courtroom. Their images and speech can be seen over dedicated networks wired into the courtroom from wherever they are being detained. Although they're not physically present, through the use of a split screen they can see and hear their lawyers, prosecuting attorneys, and the judge. As a result, many prisoners need not be brought to a courtroom from the site of their detention. This system saves risks, time, and trouble associated with transporting prisoners. Because video is more dependable than transporting

defendants, many more cases can be scheduled while minimizing costs. In the first 10 months of 2009, transportation expenditures were cut by nearly \$400,000.

## ***Opportunity: Recognize excellence in employees' performance***



Trial Division Civil Administrators decide whom to award the employee of the year. They also recognize employees from other courts or divisions for distinguished service. For 2009, the Civil Employee of the Year was Jennifer Stewart. Distinguished service awards went to Hai Ngo from MIS, and Rachel Gallegos, law clerk to the honorable Annette Rizzo. Prothonotary Joe Evers was singled out for a Special Award of Merit.

*From left, Civil Court DCA Charles Mapp, Jennifer Stewart, Administrative Judge D. Webster Keogh, and Civil Supervising Judge William Manfredi.*

## Court of Common Pleas

**T**he Courts of Common Pleas are Pennsylvania's courts of general trial jurisdiction. They have existed since the colonial charter of Pennsylvania, and are incorporated in the Pennsylvania Constitution of 1776. The complement of judges for the Court of Common Pleas of Philadelphia County is set at 93 full-time judges. In 2009, 91 full-time judges were generally assigned along the following proportions: Trial Division (66), Family Division (22) and Orphans' Court (3).

The Court of Common Pleas is supervised by a President Judge who is elected for a five year term by the Judges of the Court of Common Pleas. For 2009, the Honorable Pamela P. Dembe was the President Judge of the Court of Common Pleas of Philadelphia. She was elected by the other members of the Common Pleas Bench as President Judge for a term which commenced on December 8, 2008.

## Office of the President Judge

The President Judge:

- initially assigns all newly appointed or elected Judges to one of the divisions of the court, and may request from the Supreme Court the assignment of Senior Judges to help dispose of Philadelphia County's case-inventory, and the appointment of out-of-county Judges to assist the court in conflict cases;
- directs space allocation within the Court of Common Pleas and assigns judicial chambers;
- is responsible for the implementation of local rules as adopted by the Board of Judges, and for the initiation of administrative orders, directives, or general court regulations as may be mandated or authorized by various court rules and directives, as well as legislative enactments;
- is responsible for preparing an Emergency Judge Schedule assigning a Court of Common Pleas Judge to act on emergency matters during off-court hours, as well as ensuring that Election Court, with numerous satellite locations, is judicially staffed during the primary and general elections in order to enable all citizens to exercise their right to vote;
- supervises the Office of the Prothonotary, the Court Law Library (all locations), and the Court Messenger Service;
- supervises the Mental Health Review Officer(s) who act on behalf of the court in hearings pursuant to the Mental Health Procedures Act of 1976, as amended;
- entertains all petitions which seek to modify monetary judgments issued against defendants accused of criminal offenses, and their sureties, when defendants violate the terms of their bail and fail to appear for court hearings; and

- maintains a Disbarment Docket of local attorneys who are suspended or disbarred by the Supreme Court.

## Civil Mental Health Program

The Office of the Court of Common Pleas President Judge oversees the Civil Mental Health Program. State law requires the President Judge to appoint Mental Health Review Officers who hear civil petitions involving involuntary civil commitments. The hearings are held for the purpose of authorizing involuntary mental health treatment to individuals who suffer from mental illness and pose a clear and imminent danger to themselves or others. Mental Health Review Officers are required to be lawyers with experience in Mental Health matters.

The Mental Health Procedures Act of 1976, as amended, provides that individuals who have been involuntarily committed under Section 302 of the Act (which does **not** require a court order) must be released within 120 hours unless a petition filed with the Prothonotary is heard by a Mental Health Review Officer before the expiration of the 120 hour period, and additional involuntary treatment is authorized by the Mental Health Review Officer. Ordinarily, when Section 303 petitions are filed, they must be scheduled, heard, and decided within a 24-hour period.

To assist in the filing, scheduling, and disposition of mental health petitions, the Office of the President Judge, with the support of the Prothonotary and the Office of the FJD Court Administrator, developed and implemented an innovative FJD web-based Civil Mental Health Electronic Filing Program and Case Management System that is accessible through the FJD website: <http://courts.phila.gov>. Fully implemented in Calendar Year 2001, the Civil Mental Health Electronic Filing Program provides for secure filing of all mental health petitions through the Internet by almost 30 mental health providers throughout the Philadelphia area, and a State Correction Institute at Waymart. All communication with the Mental Health Electronic Filing website occurs over a secure encrypted communications channel (SSL), equipped with a firewall. To log on, a First Judicial District-issued User Name and Password must be utilized by every authorized user. Different user profiles have been created, and each profile has different access rights to the system's functionality and the data stored within the system.

Counsel for the parties, the Mental Health Review Officers, and the treatment facilities' representatives are able to view petitions on-line, in real-time. Moreover, each of the Mental Health Review Officers is able to log-on and access their assigned daily hearing lists and pleadings filed in each case. As each case is heard, applicable orders are prepared and filed on-line with the Prothonotary. Service of the pleadings and issued orders is accomplished via e-mails that are automatically sent to the interested parties in compliance with the notice requirements of Pa. R.C.P. No. 236. All parties are able to comply with the time-sensitive requirements of the Mental Health Act and provide the required mental health services to the citizens of Philadelphia County. All Civil Mental Health participants have benefited from this very important initiative completed by the Offices of the President Judge and Court Administrator.

First Judicial District Mental health hearings are recorded utilizing state-of-the-art digital systems that meet the strict requirements imposed by the court. Digital audio files of the hearings are stored and maintained by the District as required by record retention policies, and are available for transcription as needed.

In Calendar Year 2009, a total of 6,143 mental health petitions were filed by 28 medical treatment facilities. These were heard at six hearing locations throughout Philadelphia County, and also at the State Correctional Institute at Waymart, Pennsylvania. A total of 4,982 cases involved involuntary treatment for up to 20 days; 507 cases involved involuntary treatment for up to 90 days; 454 cases involved involuntary treatment for up to 180 days; and the balance, 200 cases, involved hearings to determine whether patients could be subjected to treatment involving greater restraint (i.e. from outpatient to inpatient treatment, or to a more restrictive facility).

## **Office of the Prothonotary**

### **Organization and Responsibilities**

The Prothonotary of Philadelphia is responsible for processing and maintaining the millions of documents that directly and materially affect the legal relationships and legal commerce of the citizens of Philadelphia. The goal of the office is to improve, through innovation and technology, the art and science of record keeping.

Working under the direction of the President Judge of the Court of Common Pleas and the Board of Judges, the role of the Prothonotary includes the daily operation of various units and departments which include the Electronic Filing Unit; Appeals/Certifications; Civil Commencement; Current Records; Finance; Judgment Index; Liens; United States Passport; Older Records; Public Information; Quality Assurance; Adoption Unit; and Family Court Filings.

### **Filings and Revenue**

The Prothonotary's Office has been proactive in its efforts to increase revenues which accrue to the city. Effective January 1, 2009, civil filing fees were increased by 10% – the maximum under current law. This will generate an additional \$1.7 million annually. Further, the Prothonotary has imposed an electronic filing fee along with a credit card convenience fee that will provide the city with an additional estimated amount of \$1.6 million, and fees for arbitration continuances that will bring in another \$500,000 in revenue. These added funds have helped to avoid furloughs and layoffs by the First Judicial District.

During calendar year 2009, the Prothonotary's Office received more than 457,000 filings, of which 40% required judicial involvement. These filings generated approximately \$33 million in revenue, which was applied to certain entities and in proportions according to a schedule established by statute. The Prothonotary is responsible for the receipt, management, and accounting of the filings and associated funds.



## **First Judicial District Civil Electronic Filing Program**

In anticipation of the implementation of electronic filing, in March 2008 the Prothonotary's Office commenced the process of scanning all documents and linking them to the FJD Civil Case Management System.

In January 2009, the Office of the Prothonotary and the Trial Division – Civil implemented a mandatory Civil Electronic Filing System. It was successfully designed in-house and implemented as web-based system that fully integrates electronic filing and an electronic document management system within the existing case management system. The electronic filing system contains an electronic service and notification component. Through this process, the registered parties in each case are notified via electronic notification whenever a pleading, motion, notice, or order has been filed or issued by the court.

Today, court customers send and receive documents, pay filing fees, notify other parties, receive court notices and orders, retrieve court information, and review case inventory and electronic filing history electronically. The parties to an action save time and the costs of transporting materials to the courthouse. In addition, users have improved access to pleadings and other documents.

A reliable and accurate case filing system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions. The maintenance of case records directly affects the timeliness and integrity of case processing. The FJD Electronic Filing System meets these measures.

Extensive training sessions were conducted at nearly every major law firm in the City of Philadelphia, the Philadelphia and Montgomery County Bar Associations, and within the First Judicial District of Pennsylvania in order to educate the public and the bar on the use of the electronic filing system.

## **Electronic Filing Statistics for 2009**

2009 Electronic Filing Statistics	
E-Filings Accepted Electronically	Over 400,000
Documents E-Filed	Over 630,000
Documents Scanned	Over 230,000
Attorneys Assigned Profiles	Over 6,700
Value of Credit Card Transactions Processed	\$27,083,630

## **Specialized Services Provided**

Prothonotary employees serve the public and the bar on a daily basis providing personalized and specialized assistance in various capacities. Some of these services are listed below.

### *E-Filing Center*

The E-Filing Center was established to ensure access to justice for all filers including those who do not have access to a personal computer. The center is located in Room 280 City Hall and equipped with six personal computers and Internet access so that filers can register for an e-mail account and/or register for and gain access to the First Judicial District E-Filing System. A highly skilled and knowledgeable staff is assigned to the center to assist the public with this process. Staff in this center guide filers through the E-Filing process, scan their documents for attachment to E-Filing submissions, and provide any other procedural assistance or information possible. The center personnel are also responsible for monitoring the E-Filing Support E-Mailbox and the E-Filing Support Hotline. These mailboxes are checked and cleared on a daily.

### *Judgment Unit*

The Judgment Unit of the Prothonotary's Office has been updated and expanded for greater operational efficiency and lower costs. Today, the public is able to search and review all judgments, liens, and the divorce index electronically. This eliminated the need to print dozens of judgment books on a monthly basis; a task that had cost the court approximately \$12,000 annually. The Judgment Unit is responsible for providing copies of liens and judgments, certifications of motor vehicle judgments and judgment searches for name change petitions. This office is also responsible for conducting name and judgment searches for the Pennsylvania Board of Probation and Parole Sexual Offenders Assessment Board. As a result of the automation of the judgment index, the Prothonotary was able to add four additional computers to this office for a total of 12 public access terminals. If necessary, the public may also access the judgment and divorce indexes from the public access computers located in the E-Filing Center.

Additionally, the public is able to search and view other electronic documents located on the civil docket from the computers located in the Judgment Unit.

### *United States Passports*

The Office of the Prothonotary is an official acceptance agency of the United States Passport Agency. Passports and renewals of passports are processed on a daily basis in Room 284 City Hall. From time to time, the office conducts community service drives when employees visit senior citizen centers and schools in order to process passports and renewals onsite. In 2009, we processed more than 600 passports for the citizens of Philadelphia.

### *Certifications/Appeals Unit*

The Certifications Unit is responsible for certifying various documents, including, but not limited to, records, judgments, civil docket reports, civil orders, satisfactions and discontinuances, letters rogatory (*letters requesting information, especially information that might be pertinent to a court case*), commissions for out-of-state depositions, adoption and divorce decrees, and charters. This office is also responsible for maintaining the notary registry for Philadelphia, which has recently been automated to include electronic signatures of all notaries. In addition to those services, this office is responsible for processing all civil court appeals to the Superior, Commonwealth, and Supreme Courts of Pennsylvania, as well as transfers and removals to other courts or jurisdictions.

### *Records & Scanning Unit*

With the implementation of electronic filing, the Records & Scanning Unit now prints approximately 70% of all copying requests from the First Judicial District Document Management System.

This office is responsible for scanning documents filed in the traditional paper format and any and all orders issued by the Court. In early 2009 Prothonotary's Office employees began the process of back-scanning all liens. Since this process was begun, approximately 66,000 IRS liens filed between 1991 to the present, and approximately 25,000 Waivers and Mechanics Liens have been scanned. With the implementation of E-Filing, over 90% of pleadings and documents are electronically filed. With no need to purchase and create paper files, about \$5,000 is saved every month.

### *Training*

The Office of the Prothonotary and the Quality Assurance Unit conducted extensive training sessions in almost every major law firm in the City of Philadelphia. In response to the requests from the Philadelphia Bar Association to provide Continuing Legal Education credits to attorneys, application was made to the Pennsylvania Continuing Legal Education Board for approval of an electronic filing training course that provides three credit hours of substantive law. Additionally, the Board was asked to approve one credit hour of substantive law for all legal staff of the First Judicial District. Both courses were approved by the Pennsylvania Continuing Legal Education Board.

### *Goals and Challenges for 2010*

- Continue to provide outstanding customer service to the public and the bar
- Continue to operate as a high-performance office by providing as much procedural information and assistance to the public as is permitted
- Continue to conduct immediate reviews and approval of all filings
- Monitor and enhance the Civil Electronic filing system process and procedures
- Provide continued training to members of the bar and the public on the use of the electronic filing system
- Provide adequate resources and continued training and cross-training to staff of the Office of the Prothonotary in order to meet the growing demand for court services
- Continue with the process of back-scanning all documents filed with the court prior to the implementation of electronic filing

# **Trial Division of the Court of Common Pleas**

## **Criminal Section**

### **Overview**

Calendar Year 2009 brought many challenges to the Court of Common Pleas and the entire First Judicial District as judges, employees, and administrators worked together toward meeting their common goal to provide judicial services and administer justice for the public. While the influx of new criminal cases was constant, the court nonetheless timely and efficiently tried and disposed almost 16,000 criminal cases – even while taking on many new projects and programs. Pre- and post-trial services, including electronic monitoring and probation supervision also placed heavy demands on the system.

The Court of Common Pleas disposed 9,354 cases in the List program (including 948 in Gun Court) and 5,381 cases in the Majors program. The Homicide Program disposed 239 Homicide cases. Special programs also took on their share in disposing 408 ARD cases and 8,975 Traffic Court appeals. In addition, due to active consolidation practices by Court of Common Pleas Judges and staff, 2,738 Municipal Court cases were added to the mix. All this plus the miscellaneous cases heard by non-criminal judges and out-of-town judges resulted in a total of 15,964 cases being processed in Calendar Year 2009. These accomplishments were attained despite shrinking resources and increasing case complexity. Court personnel successfully answered the call to do more with less.

Amid talks of budget cuts, court closures, and other methods of streamlining and cost cutting, the Court the Court of Common Pleas Criminal Trial Division did more than weather the storm. They did this by moving ahead and putting into practice more programs and changes to keep the court at the forefront of innovation and exemplary service. Newly implemented programs such as Discovery Court, Mental Health Court, Advance Review and Consolidation (ARC), Accelerated Violation of Probation Program (AVOPP) and the Non-Sitting Judge Program (NSJ) (all described below) were put into place in 2009 and proved very successful. The continuing use and further expansion of technology, including video, have helped to even further reduce costs and increase productivity.

The Court of Common Pleas Trial Division Criminal Section weathered the stormy days of 2009 and succeeded in attaining its goals; this is a credit to its hard working and dedicated judges and employees.

### **Trial Division – Criminal – Pre-Trial Service Division**

Among its many responsibilities, the Pretrial Service Division operates a full service bail agency. The agency is responsible for many of the components from arrest to adjudication within the Criminal Justice process. The agency acts as the informational gatekeeper for all arrested and charged individuals and is responsible for monitoring, supervision, and enforcement of released individuals.

The mission of the agency is to serve the public and the First Judicial District judiciary, administration, and employees by providing a responsible program of pretrial release alternatives and enforcement mechanisms. The agency has five main units: 1) Arraignment/Bail Acceptance; 2) Accounting; 3) Electronic Monitoring; 4) Supervision; and 5) the Warrant Unit. A brief description of each unit is provided below.



### ***Arraignment/Bail Acceptance***

Arraignment Interviewing operates 24 hours a day, 7 days a week at 1401 Arch Street. Staff interviewers collect Information about all arrested adults including their references, employment, and family ties, as well as their personal, financial, and criminal histories. Interviewers also verify addresses and personal data by telephoning references in the community. This information is then used to calculate release guidelines. Each defendant's package is presented to a judicial authority or Arraignment Court Magistrate for a bail determination.

The role of the unit is provide detailed personal information, charge severity, and the likelihood for pretrial misconduct in order for judicial decision makers to arrive at well-informed bail determinations. All adults charged with misdemeanors or felonies at each of six Detective Divisions and Police Headquarters in Philadelphia are interviewed by employees of the unit via video located at 1401 Arch Street. During calendar year 2009, the unit interviewed and processed 55,576 defendants prior to their Preliminary Arraignments.

In 2009, this group also helped the Accounting Unit collect Fines and Costs. Voicemail messages from people seeking information about how to make payments are answered and payment plans are created on line. They also contact each person scheduled for a payment hearing.

In addition, the unit also is responsible for accepting and processing bail and fines. Payments are also accepted for Family Division Domestic Relations Branch cases and from Traffic Court scofflaws if the payment will permit a release from custody. There is a bail acceptance cashier window located at the Criminal Justice Center (CJC) and at a remote site in the lobby of the County Jail in the northeast Philadelphia. The prison site allows sureties to post bail at the incarceration site expediting the release process.

Presently, the Prison site is open Monday through Friday from 10:00 AM to 6:00 PM. The CJC window is staffed 24 hours a day including weekends and holidays. Below are the bail acceptance statistics for 2009:

Total Bails Accepted (CJC)	26,438
Total Bail Posted Amount	\$20,266,768
 Total Bails Accepted (Prison)	 3,076
Total Bail Posted Amount	\$2,458,318
 Total Fines/Cost Payments	 207
Total Fines/Cost Posted Amount	\$41,059

### ***Accounting Unit***

The Accounting Unit staffs and operates the First Judicial District (FJD) collection center located at 1401 Arch Street. While unit responsibilities have changed since the inception of CPCMS in 2006, current responsibilities include:

- Processing payments for court imposed fines/costs, fees and restitution
- The assessment of OSP (Supervision Fees)
- Creation and management of payment plans

- Verification or correction of current assessment balances
- Lien satisfactions and payoffs
- Scheduling and conducting payment plan status hearings
- Responding to restitution inquiries
- Dunning and 3<sup>rd</sup> party collection process

A staff of 17 employees makes up the unit, but they also rely on the cooperation of other units and departments within the court and city. These include but are not limited to: Pretrial Services, Adult Probation, and Community Court which are also located at 1401 Arch Street. On a daily basis, employees interact and communicate with their counterparts in other units, and reply to requests for information on a variety of issues. Their efforts ensure that payments and assessments are properly attributed to specific offenders.

The Accounting Unit provides a distinct benefit to the community, the court, the Commonwealth, and local government. Monies collected for restitution for private individuals and companies, and the money collected as fines and costs provide sources of revenue for state and local governments.

Operating two cashier windows during business hours (8:00 AM to 5:00 PM), the unit's primary function is to collect and process payments for court-imposed fines and costs, fees, and restitution. More than 50,000 offenders on active probation, an additional 40,000 reporting to the Pretrial Service Division, and the many Community Court cases make up the bulk of "walk in" and mail payments processed at the main office. The unit also processes bulk check payments from Traffic Court and the Pennsylvania Department of Corrections as well as lockbox payments received from the third party collection vendor. In 2009, unit cashiers processed more than 116,148 payments totaling nearly \$6.5 million that represented almost 72% of the total receipts for Philadelphia County adult criminal courts:

	# of Payments	Amount	Percentage
1401	116,148	6,475,205	71.85%
Total Criminal	N/A	9,011,859	100%

Along with the regular payments, unit staff also processed payments received as result of special projects and activities. Adult Probation and Parole Late Night appointments, held the first Wednesday of every month, resulted in more than 800 payments totaling \$41,653. Also, nearly \$36,000 was collected during weekly payment plan hearings. This figure represents only money collected at the hearings and does not include subsequent payments toward payment plan agreements.

Unit staff manually review all dockets for defendants sentenced to probation or parole for the assessment of supervision fees (OSP). In order to arrive at an accurate total owed by each defendant, the process also involves researching all open events for individuals already on probation; supervision fees are assessed on the person not the case. Credits must be calculated for docket overlaps in supervision. In 2009, meetings were held with APPD Administrators to try and find ways to reduce the manual processes needed for assessment. They are presently awaiting a newly developed report format from *Monitor*, the APPD case management application, to determine its benefit. It is hoped that even if the assessment process can't be automated, the amount of time required to calculate and lodge the assessments can at least be reduced.

Payment plans are created or amended as soon as a docket indicates that a sentence has been ordered. With the exception of those from Community Court, Treatment Court, and ARD, most payment plans are created by the Accounting Unit. A minimum payment of \$35 per month is used for all plans unless otherwise ordered by the sentencing judges. Along with the creation of new plans, if a defendant already has a plan and receives a new sentence, assessments from that docket are added to the existing plan. Plans are also modified as result of payment plan hearings, violation hearings, or court orders. In 2009, a report modification request was completed that enabled staff to identify dockets not on payment plans.

Payment plan hearings are held every Wednesday in room 505 CJC with the exception of the first Wednesday of the month when Late Night Court is scheduled. These hearings are designed to promote regular monthly payments by defendants in order to satisfy their total financial obligation. Rather than addressing individual cases, these hearings deal with monies owed on all of a particular defendant's dockets at that time. Defendants are also given the opportunity to present evidence of errors in their accounts so that adjustments can be made. During 2009, ongoing system enhancements continue to be implemented to improve all facets of the hearing process. Scheduling additional hearing days and including more cases are two ideas currently under discussion.

Despite working with one of the more quantitative measures existing in the court system, (money) many of the unit's activities are not yet able to be quantified and therefore reported in a manner that accurately reflects their contributions. In 2009, steps were taken to re-establish statistics reflecting the activities of this unit. These figures are reported here. Efforts continue in the attempt to provide more information in future reports.

### ***Supervision Unit***

The Records and Notification Unit is responsible for intake interviews of all defendants required to report to the Pretrial office after preliminary arraignment. These are defendants who receive a bail of Release On Special Condition (ROSC) Type I or II at the preliminary arraignment. During Calendar Year 2009, a total of 8,069 defendants were required to report for orientation and assignment to Pretrial Officers for supervision and monitoring. A total of 2,917 defendants were also sent to this unit by the court for financial interviews and investigation to determine their eligibility for appointment of counsel from either the Defender Association or the panel of court appointed counsel. A total of 959 defendants were found to be eligible for court appointed counsel or the Defender Association.

In addition to defendants who report in person, this Unit fields numerous daily phone calls from defendants, family members, and attorneys requesting information regarding court appearance dates, how and where to surrender for a bench warrant, and how to avail themselves of other services. These include requests for continuances based on absolute verification of serious hospitalization or incarceration in other jurisdictions. Other requests involve financial interviews for Traffic Court and inquiries and processing bail using real estate that has been investigated and certified for that purpose. Another responsibility of this unit is to provide pretrial history information for the city Emergency Release Hearings that are scheduled at least two times per week. All division records regarding intake interviews and other related court events are maintained in the file room of this unit.

The Supervision Unit is responsible for monitoring and supervising all defendants ordered to adhere to specific conditions of release including ROSC Types I and II, Intensive

Direct Supervision, and Electronic Monitoring House Arrest. Each defendant is assigned a Pretrial Officer. Defendants ordered to ROSC bail are typically medium-risk in terms of charge severity and court and social history. During calendar year 2009, there was an average daily caseload of 5,096 in both active and violation status, an increase of over 1,000 from the 2008 average daily caseload.

These defendants must report for initial orientation and thereafter in conjunction with each court appearance. In-person reporting can be increased by court order or at the discretion of the assigned Pretrial Officers. Defendants report by phone once or twice a week to the Interactive Voice Response System that records their check-ins which are relayed to supervising officers. Pretrial Officers assigned to monitor defendants ordered to Electronic Monitoring (EM) House Arrest and Direct Supervision are the most experienced employees of the unit to effectively handle defendants with serious charges and high flight risk. A great deal of communication between the assigned judges, officers, attorneys, and representatives from related agencies is required. Stringent records are kept. During calendar year 2009, the average daily number of defendants on this form of release was 639 in both active and violation status. This represented a 6.5% increase over the average daily caseload size in 2008.

### ***Electronic Monitoring Unit***

The Electronic Monitoring Program is currently supervising 793 defendants on active electronic monitoring. The current caseload consists of all Pretrial and Post-Trial cases that have been judicially ordered to undergo Electronic Monitoring. Active electronic monitoring involves the installation of an ankle bracelet on an individual with a monitoring device attached to their residential phone line. The active system transmits a continual signal from the transmitter worn by defendants to a field-monitoring device (FMD) attached to the defendants' home phones. Defendants are monitored 24 hours a day. Continuous signals are sent to the host computer located at 1401 Arch Street. Scheduling accommodations are arranged for employment, court and attorney visits, and other verifiable and judicially approved appointments. This process is ongoing. Defendants are added or removed daily.

The First Judicial District of Pennsylvania, through its Pretrial Service Division, operates the Electronic Monitoring Unit 24 hours a day, seven days a week. The monitoring room staff are responsible for processing alerts, scheduling data entry, enrolling new cases, notifying the Warrant Unit on all confirmed alerts, and maintaining the daily inventory of all electronic monitoring equipment. The staff must respond to each and every alert from the FMD. These alerts range from the trivial where a defendant is a few minutes late returning home, all the way up to more serious alerts such as occur for willful violations. Regardless, each alert must be checked, logged, and cleared by staff. Approximately 2,500 alerts occur weekly. The office of the Electronic Monitoring Coordinator along with their support staff is responsible for all administrative functions related to the Electronic Monitoring Program.

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The Electronic Monitoring Unit is responsible for monitoring defendants who are released from prison through the City of Philadelphia-sponsored Special Release Program. The current caseload also consists of defendants participating in the DUI Treatment Court Program. DUI treatment court offenders are not only monitored with active electronic monitoring according to their location, but are also monitored for alcohol consumption. The staff in the Electronic Monitoring room is responsible for monitoring Blood Alcohol Content (BAC) readings that are



received throughout the day. The additional responsibility of supervising this population has also required personnel from the Electronic Monitoring and Warrant Units to receive specialized BAC training. A new one-piece unit is being tested. The new equipment can be used for active electronic monitoring and alcohol detection, the latter through analysis of the sweat glands of the offenders. The unit also continues its relationship with Drug Treatment Court and unit personnel have been actively working with that defendant population for the past five years. Defendants are also monitored for several other Adult Probation Department initiatives, including Intermediate Punishment (IP) and Gun Court supervision. In 2008, defendants with Traffic Court appeals began receiving Electronic Monitoring Release stipulations with supervision performed by Pretrial Officers.

The Electronic Monitoring room continues to improve the automated scheduling process with a fully automated schedule transfers from Pretrial and Probation Officers. Automation reduces scheduling errors and saves time for focusing on other duties that need to be performed.

Throughout 2009, Electronic Monitoring Unit employees have been testing Global Positioning Systems (GPS) monitoring. They have tested seven vendors for both one-piece and two-piece units. A goal for 2010 is to begin to use this technology and offer the judiciary another option for monitoring defendants in the community. As technology continues to advance, the growth and success of the program will depend on the ability to evaluate new trends and incorporate them into existing programs.

Electronic Monitoring responsibilities include but are not limited to:

- Interpretation of all Court Orders received for defendants being placed on active Electronic Monitoring. In 2009, the Electronic Monitoring Unit monitored over 2,300 defendants on active electronic monitoring.
- Conducting phone interviews with contacts that have been provided to the court for possible placement on Electronic Monitoring.
- Coordination of home investigations and installations with the Warrant Service Unit.
- Handling telephone communication from the judiciary, attorneys, prison officials and family members.
- Preparation of daily prison release list for defendants in custody who have been ordered to Electronic Monitoring.
- Maintaining daily statistical information about all defendants that are on Electronic Monitoring and the method of their release.
- Providing daily communication between the Electronic Monitoring Unit and all Pretrial Officers and Probation Officers who supervise defendants on Electronic Monitoring.
- Providing daily arrest activity to Pretrial Officers and Probation Officers about defendants under supervision.

### ***Warrant Unit***

The Warrant Unit is responsible for enforcement of adult criminal bench warrants and adult probation and parole violation warrants for the First Judicial District. The Unit is also responsible for the enforcement of Traffic Court and Domestic Relations Branch warrants related to child support and custody. Unit personnel provide services twenty-four hours a day, seven days a

week through the work of administrative staff and investigative personnel who perform fugitive investigations for individuals wanted on warrants. Through an agreement with the Pennsylvania State Police (PSP), the administrative staff processes correspondence from Law Enforcement Agencies and Departments throughout the Commonwealth as part of the Commonwealth Law Enforcement Assistance Network (CLEAN) in order to confirm the validity of criminal bench warrants and probation violation warrants for individuals detained in those jurisdictions. Warrants are lodged against defendants who are held on new charges so they can be remanded to the County Prison, or against inmates who are already incarcerated. Warrant Unit investigative personnel are dispatched to accept custody of fugitives wanted on First Judicial District warrants who are not being held on any other criminal charges. Due to limited time response requirements mandated by law, the administrative staff must continually monitor the CLEAN terminal for requests from other counties.

The Warrant Unit has a major role in the First Judicial District House Arrest Program, starting with conducting home investigations prior to installation of monitoring devices. The Unit provides transportation from the prison to the residence along with the installation and maintenance of the Electronic Monitoring equipment. Any violations of house arrest are reported to the Warrant Unit and arrest procedures are initiated there. Specific alerts identified as “high priority” require the unit to respond immediately, pursuant to a zero-tolerance policy for violations in these cases. The Warrant Unit maintains an office at the Criminal Justice Center, manned by investigators and administrative staff, to handle individuals who surrender on criminal bench warrants. When that happens, defendants are interviewed, hearings to address the warrants are conducted, new court dates are assigned and, in most instances, new arrests are avoided. In calendar year 2009, the Warrant Unit processed 17,381 individuals who voluntarily surrendered peacefully and at a minimum cost to taxpayers.

The Warrant Unit has established excellent working relationships with the local, state and federal law enforcement communities and has participated in a number of cooperative projects. The Philadelphia Police Department requested Warrant Unit participation in a number of new endeavors, including “Operation Pressure Point” that pooled the manpower and resources of the U.S. Marshal’s Service, the FBI, the ATF and the DEA to address gun violence in the city. Every weekend through the summer, teams converged on the city’s most violent areas in certain Police Districts. There, they served warrants, raided bars and “speakeasies,” and displayed a concerted Law Enforcement presence during the most problematic periods in the most challenging areas.

Unit members continue to work closely with the FBI Violent Offenders Task Force and the U.S. Marshal Fugitive Task Force. In 2009, the Warrant Unit arrested 1,947 individuals wanted on Traffic Court warrants owing fines that totaling almost \$3.9 million. About 6,300 individuals were arrested on criminal bench warrants or probation warrants. In addition to the criminal cases, the unit arrested 779 individuals involved in Domestic Relations cases. Nearly 1,500 individuals surrendered to the Domestic Relations Unit as a result of Warrant Unit active notification and intervention practices.

The ultimate mission of the Warrant Unit is to reduce the inventory of outstanding warrants, safeguard the integrity of the Judicial Process, and foster public confidence in the criminal justice system. The Unit continues to participate in the Law Enforcement Network that creates a cooperative effort to locate and apprehend fugitives. Warrant Unit Officers utilize the Internet and other technological means that provide new techniques to achieve their mission. For example, one fugitive was located and arrested by the Warrant Unit using his Facebook account. Tracking cellular phones via satellite through the cooperation of the F.B.I. and U.S.

Marshal's Service is another approach. As exemplified by the Fugitive Safe Surrender Program, streamlined procedures for processing and hearing the cases of those who surrender on bench warrants at the Criminal Justice Center might double or even triple the number of warrants adjudicated on a daily basis. The Warrant Unit has created an efficient and effective way to accomplish enforcement that results in a "one stop shop" for warrant service.

### ***2009 Pretrial Accomplishments***

- Maintained continual 24 hours per day, 7 days per week coverage in the Warrant Unit, Bail Acceptance Unit, Electronic Monitoring, and Arraignment operations.
- Interviewed and processed 55,576 clients for Arraignment.
- Bail Acceptance processed 26,438 bonds for a total of \$20,266,768 in Bail fees collected at the Criminal Justice Center.
- Bail Acceptance processed 3,076 bonds at the Philadelphia Prison remote Bail office for a total of \$2,458,318 in fees.
- The Accounting Unit collected \$9,011,859 in payments.
- Electronic Monitoring continues to monitor 785 pre- and post-trial Electronic Monitoring defendants 24 hours a day, 7 days per week.
- During 2009, 8,069 clients reported for Type I and Type II Pretrial orientation as a condition of release; 2,917 clients were interviewed for counsel appointment and on average, Pretrial Officers supervised 5,096 Pretrial defendants daily.
- The Warrant Unit processed 17,381 cases for defendants who surrendered peacefully on Warrants in the Intake Unit of the Criminal Justice Center.
- There were 1,947 defendants arrested on Traffic Court Warrants who had a total of \$3,873,411 outstanding fines and cost owed.
- The Unit arrested 6,300 defendants on Bench Warrants and Probation Detainers and 779 defendants on Domestic Relations Warrants. An additional 1,482 defendants surrendered peacefully on their Domestic Relations Warrants due to intervention and notifications practices.

### ***2009 Pretrial Goals***

- Continue to maintain 24/7 coverage for major departments
- Increase automation and streamline specific functions
- Increase collections
- Decrease outstanding warrants through arrest or surrender
- Streamline the bench warrant surrender function to allow more defendants to surrender safely on outstanding warrants
- Enhance and expand the Electronic Monitoring Program to include more defendants to help reduce prison overcrowding and costs. In addition, technical upgrades of the software and hardware for this system will allow better and more accurate reporting to reduce the number of false alerts that must be responded to each time
- Implementation of a GPS monitoring system to track defendants in real time
- Increase Traffic Court and Family Court warrant service and increase revenue collection for the First Judicial District
- Continue to improve training, knowledge transfer, and teach law enforcement techniques to better equip and enable the Warrant Officers serving warrants in sometimes

dangerous and unpredictable, potentially life-threatening situations to better enable them to carry out their tasks

- Expand Bail Intake hours at the Prison to increase bail revenue
- Create and implement a new program to assist pregnant female inmates by providing structured EM Release before childbirth in order to allow meaningful interaction between mother and child at a much lower cost to the prison system.
- Utilize more efficient DUI Detection equipment for monitoring DUI defendants
- Continue to provide professional and courteous customer service to the public
- Expand payment-plan hearing days to increase collections



## **Trial Division – Criminal – Active Criminal Records**

Active Criminal Records (ACR) comprises five units: Data Management, Criminal Listings, File security, Post Trials Unit, and Criminal Motions. All units are located on the second floor of the Criminal Justice Center, 1301 Filbert Street, Philadelphia, PA. Active Criminal Records mission is to contribute to the smooth and efficient operation of the Criminal Courts of the First Judicial District by executing administrative and quasi-judicial tasks in coordination with other judicial partners

The overview of the Active Criminal Records Department along with each unit's accomplishments in 2009 and objectives in 2010 are summarized below. Department leaders and employees are proud of their accomplishments and the direction in which the department is proceeding. The staff has excelled during 2009 partly by implementing many new policy and program innovations. Active Criminal Records (ACR) employees enjoy and capitalize on their opportunities to help increase First Judicial District productivity and efficiency.

ACR administrators and employees adopted a forward-looking plan throughout 2009. Staff created opportunities to meet with their judicial partners and take advantage of new statewide legislative opportunities and nationally recognized best practices. These collaborations have resulted in new policies and programs that serve all participants better. ACR has repositioned itself to improve the quality of criminal justice in Philadelphia.

Each one of the ACR units has shown significant improvements. In some units, processes and procedures have been streamlined to make ACR more environmentally responsible and efficient. In other units, new policy has been implemented to dramatically improve the use of judicial resources. The changes enacted during 2009 prove that ACR leaders and staff will continue to excel and improve the judicial process.

While many new and exciting innovations have been implemented, they have been carefully planned, monitored, and evaluated. During 2009, certain mechanisms were installed to do just that. Unit performance is constantly evaluated and judicial partners are consulted to make adjustments or revisions where necessary.

### ***Data Management***

The Data Management Unit has many daily responsibilities in the First Judicial District. The unit imposes stringent controls for records of new arrests, migration issues, participant identifiers, bench warrant hearings, and various other tasks as assigned and required. Unit staff work closely with the District Attorney's Office in the creation of Bills of Information and executes judicial assignments in the Section Calendar and Homicide pre-trial programs. Employee responsibilities also include producing and updating judicial accountability management reports.

There are approximately 150 new arrests daily that are passed electronically from the Preliminary Arraignment Reporting System (PARS) to the Common Pleas Criminal Case Management System (CPCMS). In PARS, law enforcement agencies, the District Attorney's Charging Unit, the Pre-Trial Services Bail Interview Unit, and the Municipal Court Data Clerk enter data. The Data Management Unit reviews each individual file to ensure that identifier information such as state identifier (SID), address, offenses, bail, offense tracking number (OTN), date of birth, and calendaring information has been passed electronically into CPCMS. If important information (such as the SID) is not shown, personnel obtain information via JNET CLEAN system and update CPCMS accordingly. Additionally, in assigned courtrooms (bench

warrant hearings, Motion Courtroom, List Trial Readiness Review, Major Trial Readiness Review, and Homicide Pre-trial Courtrooms), employees conduct quality control processes and enter data elements coded into CPCMS. These elements include disposition, sentencing, financial data, bench warrants, bail sue-out notification notices, and calendaring information.

In conjunction with the District Attorney's Office, the Data Management Unit assists in the creation of the Bills of Information by identifying the felony cases that are held for court, juveniles certified as adult cases from Family Court, or misdemeanor cases appealed to Common Pleas Court so that proper case numbering can be assigned. Once cases are identified, the case data pass to the District Attorney's Office via the "DA Link" interface from CPCMS. The DA's Pre-Trial Unit reviews, approves, and submits the Bills of Information back into CPCMS. Lastly, Data Management employees accept and print the Bills of Information from CPCMS.

In the Major Trial and Homicide Pre-Trial Program courtrooms, the unit employees are responsible for the random assignment of the judicial authorities in various event track groups as well as for scheduling cases in CPCMS.

The Common Pleas Criminal Case Management System has the capability to produce case management reports for data integrity and judicial accountability. The reports also allow workers to monitor entries into CPCMS by updating and maintaining specific case information like case processing status, case status, dispositions, and scheduling issues.

In 2009, the Data Management Unit took on two notable and weighty responsibilities. The Unit now compiles over 20 monthly and year-to-date reports to produce Common Pleas Court Statistics. This new endeavor is essential to evaluate and monitor dispositional as well as inventory data.

The unit attained a 2009 goal and now has a training module to train FJD employees to use CPCMS. There is now a computer laboratory dedicated to training. The supervisor of the unit developed the curriculum and the training materials. The educational plan calls for bi-monthly training sessions about various aspects of CPCMS functionality.

Some of the other tasks include updating SID and PID numbers in CPCMS for all defendants, docketing parole orders from judges, calendaring and preparing the Crash Court hearing lists for the Philadelphia Prisons, processing notices of re-filing of criminal complaints from the DA's Office, and coding appeals from Municipal Court to Common Pleas Court.

Since CPCMS has been integrated throughout the state of Pennsylvania, the task of validating defendant criminal case information has become more stringent. Incorrect identifier or data information entered into CPCMS could affect employment, sentencing imposition, prior records scores, and various other problems for individuals. The Unit has developed a reputation as knowledgeable experts on CPCMS database corrections through developing processes to identify and execute CPCMS data corrections.

### ***2009 Data Management Accomplishments***

- Corrected over 1,000 defendant identifiers including State Identification numbers (SID), Local Identification Numbers (PID), and CPCMS Participant numbers
- Developed CPCMS training curriculum
- Began creating monthly Common Pleas Criminal Statistical Report.

- Created the Philadelphia Attorney Attachment List (PAAL) as a case management tool for the judiciary

### **2010 Goals**

- Staffing additional courtrooms to further aid in criminal case management
- Develop new CPCMS applications for the FJD

### **Criminal Listings**

The Office of Common Pleas Criminal Listings is responsible for overseeing case inventory management for the Criminal Trial Division. In addition, it is also responsible for providing support and assistance to the judiciary and their staff, attorneys, defendants, witnesses, court employees, criminal justice partners and the general public. This unit comprises three sub-units: Trial Commissioners, Court Appointments, and Scheduling.

#### ***Trial Commissioners***

These individuals act in a quasi-judicial capacity and assist the criminal court judiciary by performing some administrative court functions and assignments. Trial commissioners preside in courtrooms in the Criminal Justice Center and at the Curran-Fromhold Correctional Facility (CFCF) where criminal cases are assigned for court or administrative proceedings including bench warrant hearings, Gagnon I hearings; Traffic Court appeals, pre-trial conferences, special release hearings, probation and parole payment plan hearings, and formal arraignments. In addition, they are responsible for conducting the review and assignment of criminal cases to judges. Trial Commissioners are also responsible for case management and administrative functions, including statistical report generation, helping to ensure proper case flow in the Criminal Division.

In 2009, the Trial Commissioners implemented new Criminal Division Programs: Advance Review and Consolidation (ARC); Accelerated Violation of Probation Program (AVOPP); and Discovery Court. The Trial Commissioners worked to consolidate cases while preparing the Formal Arraignment List in an effort to make the first listing of any new case an event where counsel may resolve multiple issues. A Common Pleas Court Trial Commissioner has either reviewed or scheduled all Accelerated Violation of Probation Program cases sent to Criminal Listings each day by the Adult Probation and Parole Department (APPD), and in the courtroom they help presiding judges to identify these cases. Lastly, Trial Commissioners in the Arraignment process review all discovery issues with prosecutors and defense counsel. Cases where discovery is incomplete are sent to Discovery Court with detailed notations about the specific discovery issues presented. Statistical data from all of these programs is collected and analyzed as the programs progress.

#### ***Appointment Unit***

The Appointment Unit processes assigned counsel appointments to ensure that indigent defendants are represented at scheduled court events. Appointments for homicide and non-homicide criminal cases and appeals are processed in accordance with Local Criminal Rule 406. This unit also maintains each Municipal and Common Pleas Court judge's list of certified court appointed attorneys to represent in misdemeanor, felony, homicide, and non-homicide, and Post Conviction Relief Act (PCRA) cases. Appointments processed by this Unit are for counsel to represent in cases to be heard in Common Pleas and Municipal criminal courts. Counsel are also appointed for certain Family Court Domestic Relations cases and Adult Preliminary Hearings that are conducted in Juvenile Court when complainants are juveniles. This Unit also processes petitions where counsel have requested to be relieved of their

representation due to conflict of interest or other reasons. The Appointment Unit also performs all CPCMS data entry and related clerical functions associated with the counsel appointment process. Pursuant to their duties, employees work closely with the FJD Fiscal Department, the Philadelphia Bar Association, and the Pennsylvania Supreme Court.

In the last year, the Appointment Unit has also faced a new challenge as the result of the belabored economy. Due to fiscal constraints, many of the court-appointed attorneys were not timely paid by the city. This caused many attorneys on the court-appointed panel to request to be relieved of representation in many of their cases. In those instances, new counsel had to be appointed, and this resulted in much more scheduling and related work for this small two-person unit. However, even with the increased workload the unit remains faithful to its task of assigning certified court appointment attorneys in a timely manner. This unit also was the liaison for many of the attorney's who remained on our list and took cases even though payment was not forthcoming. It is a credit to the personnel of the Court Appointment Unit that they achieved these results.

#### *Post Trial Scheduling Unit*

This unit is responsible for scheduling Common Pleas and Municipal Court violation of probation hearings, GAGNON I and II hearings, sentencing hearings, and post trial motions. These matters are scheduled in conjunction with the Probation/Parole Department, judges, and judicial staff. This unit is also responsible for reassignment of cases when judges are reassigned to other divisions of the court.

The new Non-Sitting Judge (NSJ) and AVOPP programs instituted in 2009 have had a direct impact on the Post Trial Scheduling Unit. This program increases efficiency when judges are reassigned from the criminal court to the civil court or to other courts. Instead of waiting for VOP hearings when reassigned judges are able to schedule them, cases are assigned to new judges for follow up. This prevents defendants awaiting trial from languishing in jail until they can be fitted into the original judge's new schedule in another court. The employees of this small unit schedule VOP cases of all types in a timely manner into the NSJ Courtroom. The previous sentencing judge must be contacted on each and every case so that there is an agreement to allow this VOP to be transferred to the new NSJ Judge. Technology has allowed employees to succeed in handling more cases faster and more efficiently. These procedures are also used for all AVOPP cases and it is a credit to the staff of the Post Trial Unit that these programs enjoy so much success. Both programs have been very important factors in successfully reducing the jail population.

Active Criminal Records implemented four new programs in 2009 to help streamline active and post trial matters. These programs are: the First Judicial District Mental Health Court (FJDMHC); Advance Review and Consolidation (ARC); Accelerated Violation of Probation Program (AVOPP) and the Non-Sitting Judge (NSJ) program. These three new programs have enjoyed much success from their start.

## ***New Programs***

Among others, four newly instituted programs began producing very positive and measurable results almost immediately: 1) the FJD Mental Health Court; 2) Advanced Review and Consolidation; 3) Accelerated Violation of Probation; and 4) the Non-Sitting Judge Programs.

### ***First Judicial District Mental Health Court (FJDMHC)***

On July 8<sup>th</sup> 2009, the First Judicial District Mental Health Court (FJDMHC) officially commenced operations. A multidisciplinary team of justice partners was assembled to create this new initiative. Stakeholders include Court Administration, the District Attorney's Office, the Defender Association, Adult Probation and Parole, the Philadelphia Prison System, the Philadelphia Mental Health Care Corporation and the Department of Behavioral Health. With the support of a Planning Grant from the Pennsylvania Coalition on Crime and Delinquency (PCCD), this taskforce created the clinical, logistical and criminal justice framework for this initiative.

The First Judicial District Mental Health Court is a reentry program, seeking to identify potential participants while they are incarcerated in county facilities, and to develop a cohesive plan of treatment and social services designed to reduce recidivism. Data overwhelmingly indicate that individuals identified as having an Axis 1 diagnosis often become involved with the criminal justice system as a direct result of their mental illness. Their arrest and incarceration allows them to receive proper diagnosis and treatment in a correctional facility, but they are statistically likely to re-offend when they are released from custody and return to the community. Re-entry programs like the FJDMHC work to break the cycle of recidivism by identifying eligible candidates when they have at least fifteen months of their total sentence remaining. They then work to design a framework of treatment, parole supervision and court monitoring. It is this framework that will enable candidates to successfully reenter the community while maintaining healthy and acceptable behaviors. Courts utilizing this model often achieve recidivism rates two-thirds lower than traditional criminal justice models.

The Mental Health Treatment Unit of the Philadelphia Prison System identifies candidates. Twice per month a list of candidates is forwarded from PPS to Active Criminal Records in Common Pleas Court. Active Criminal Records determines candidates' suitability for the program based on factors including the nature of their offense, the remaining sentence, and the number of previous convictions. Despite still being in a startup phase, since July the FJDMHC has evaluated over 100 candidates for participation. Appropriate candidates are to the Public Defender's Office where legal personnel review their cases, and members of the Defender's Social Work team interview the candidates themselves. Candidates approved by the Public Defender's Office are forwarded to the District Attorney's Office. The District Attorney's office reviews the details of the candidates' cases from the prosecution standpoint and completes an NCIC check to assure that there are no previous or unknown charges or open matters in other jurisdictions. Once candidates are approved by the District Attorney's Office, they are forwarded to the Behavioral Health Team. An in-depth, custom treatment plan is developed for approved candidates. Finally, the candidate is brought into Mental Health Court and offered the opportunity to participate in the program. Candidates who accept participation in the Mental Health Court program execute a participation contract. The judge then sentences them to participation in the program, and they are transported from incarceration to a participating residential treatment facility when space is available.

Once transported to a residential treatment facility, MHC enrollees participate in the group therapy sessions of their facility, as well as intensive, wrap-around treatment and



supervision by the Philadelphia Forensic Assertive Community Treatment (PFACT) Team. The role of the PFACT team is a keystone of this program. The organization of this team enables enrollees to receive intensive treatment and supervision. In addition, enrollees are subject to closely coordinated monitoring by Adult Probation and Parole (APPD). The Court status listings are scheduled based on the individual needs and progress of each participant. In-court appearances are an important part of the program, as participants are often rewarded to reinforce positive behaviors.

During the last five months of 2009, the FJDMHC grew from an idea to a fully functioning court. Since the inception of FJDMHC, the diversion of participants from incarceration to treatment has generated a total of 1,036 incarceration days saved. At an average daily incarceration cost of \$98.49, this represents an approximate savings total of over \$102,000. The court has also added two consultant Court Coordinators, and the policies and operational procedures of the court are being improved based on practical experience and lessons learned. The court has obtained an online case management tool, and is working with the Philadelphia Department of Technology to create an information-sharing portal that will enable the court to extract data from the legacy information management systems of the involved justice partners. Additionally, the FJDMHC was selected as a presenter at the Annual SAMHSA/GAINS Conference in Orlando in March of 2010. 2009 was a period of extensive planning and rapid growth for the FJDMHC, and 2010 promises to be an important time during which the FJDMHC may become the benchmark for Mental Health Courts nationwide.

#### *Advanced Review and Consolidation (ARC)*

**Objective:** Scheduling open Common Pleas and Municipal Court cases with Common Pleas Court probation/parole hearings or other open cases for those defendants who have cases on the arraignment list could reduce delay. The defendants would then have an opportunity to consolidate their open cases and dispose of them at one time. The success of these listings reduces defendants' time to trial in many cases, and decreases the numbers of cases on different trial and pre-trial lists to allow the trial judge to focus on trial matters. This would also centralize defendants' probation/parole cases with fewer, perhaps even one judge.

**Process:** If defendants have more than one open case scheduled for formal arraignment, the commissioners list all the matters in a newly designed Common Pleas Court "ARC bucket" for status. All the matters – active or post trial – are consolidated into one of the pretrial rooms: 705 CJC or 1103 CJC. These cases are reviewed by the District Attorney's Office, the Defender Association, and the private bar when (private counsel has been appointed). The District Attorney's Office makes a plea offer to defense counsel for consideration prior to or on the day of the pretrial conference. The theory is if all the active and post trial matters are consolidated together, resolution of all matters could be made at one time. If resolution cannot be reached, the previously assigned dates to the cases remain and the pretrial conference proceeds in the normal fashion.

#### *Accelerated Violation of Probation Program (AVOPP)*

**Objective:** The purpose of the Accelerated Violation of Probation Program (AVOPP) is to expedite non-custody Common Pleas Court and Municipal Court technical violation of probation hearings.

Judicial calendars are often unable to timely accommodate technical violation hearings. Caseloads and other judicial matters often cause technical violation hearings to be heard 30 days or more from the date the violation is cited. Early judicial intervention will provide the

attention these cases need and reduce jail time and the occurrence of serious infractions such as direct violations.

The AVOPP Judge conducts the technical violation hearing consistent with AVOPP protocols and addresses the infraction if one is confirmed. Or, they may forward the matter to the sentencing judge.

With technical violation hearings removed from dockets, judges can focus more on the trials scheduled before them.

*Procedure:* A probation/parole officer detects a possible technical violation of probation or parole. Violations may include non-reporting, lack of employment, lack of drug or mental health treatment, payment arrears, electronic monitoring violation, or any other condition of probation/parole except a new arrest or a direct violation.

The Adult Probation/Parole Department (APPD) submits scheduling requests to Active Criminal Records for technical VOP hearings, except electronic monitor violations. Hearings are scheduled 10 working days from the date of the request before the AVOPP Judge.

APPD will submit summaries and hearing dates to AVOPP judge, defense counsel, and the District Attorney's Office.

The AVOPP judge will notify the sentencing judge of the hearing and provide a consent form. If the sentencing judge is no longer assigned to the Criminal Justice Center, the case will be reassigned to either the AVOPP judge or another of the defendant's probation/parole judges.

Sentencing judges retain the right to object to AVOPP hearings and reassignment of the case. Even if they no longer are assigned to the Criminal Justice Center, a sentencing judge has five days to respond to the AVOPP judge if they object to the AVOPP judge conducting the hearing. Such objections result in a VOP date before the sentencing judge. If the sentencing judge objects, the probation/parole matter must be disposed within 72 hours by that judge. The sentencing judge may convey specific information pertaining to the hearing to the AVOPP Judge in writing. The AVOPP judge will provide the information conveyed by the sentencing judge to defense counsel and the District Attorney's Office at the AVOPP hearings. No response from sentencing judge is considered tacit approval for the AVOPP hearing.

The Commonwealth or defense may object to an AVOPP hearing. When such an objection is registered, the case is scheduled before the sentencing judge consistent with the sentencing judge's calendar.

Absent objection by the sentencing judge, the AVOPP judge may acquire full control over the probation/parole of a defendant and handle future infractions. The AVOPP judge retains full control over the probation/parole of a defendant if probation/parole is revoked. The AVOPP judge will have no more than two hearings with a probationer/parolee per incident before returning cases to the sentencing judge if probation/parole is not revoked. If the AVOPP judge continues probation/parole, the sentencing judge retains jurisdiction.

#### *Non-Sitting Judge (NSJ) Program*

One of the main challenges facing the Active Criminal Records Post-trial Unit is scheduling cases for VOP hearings when the sentencing judge no longer presides in the Criminal Justice Center. The normal procedure would be to find a day in the judge's calendar where they could

come back and sit in the CJC for a day. This would raise scheduling issues for the judge, logistical problems inherent in finding a courtroom for only one day, and also staffing issues in assigning required personnel. This process has historically been cumbersome and time-consuming.

With the new NSJ policy, whenever a VOP needs to be scheduled for a judge who no longer presides in the CJC, that case is scheduled before one designated NSJ Judge in courtroom 905 CJC. All NSJ cases are listed into this room and emails are sent to the original sentencing judge, the prosecutor, and defense counsel informing them of the new listing. In this way, if parties object to the case being moved to the NSJ judge, they may do so formally and the case is sent back to the sentencing Judge.

This program has proven to be very successful with hundreds of cases each month being heard by one sitting judge saving thousands of dollars in personnel costs and allowing VOP cases to be heard more quickly, and when expanded, also reducing defendants' time spent waiting in jail.

### ***2009 Criminal Listings Accomplishments***

- Arranged 16,000 arraignment hearings and 20,000 Traffic Court Appeal hearings
- Conducted over 500 Payment Plan Conferences collecting over \$20,000
- Processed appointment of counsel for over 12,000 felony and misdemeanor trials and appeals, and over 500 homicide trials and appeals
- New ARC, AVOPP and NSJ processes resulted in streamlining active and post-trial matters and more efficient use of resources

### ***2010 Criminal Listings Goals***

- Expansion of the ARC program in pretrial conference rooms by putting more focus on review in the formal arraignment process and adding Municipal Court Cases
- Expansion of the AVOPP program to include custody matters
- Work with Municipal Court Administrators for more real-time courtroom updates to MC post-trial matters to eliminate trial sheet transfer and additional data entry
- Developing a more focused review of cases in Gagnon I hearings at the prison for quicker resolution of detainer issues resulting in fewer incarceration days, reductions in the prison population, and lower costs

### ***File Security***

The File Security Unit comprises two operations: File Maintenance and Information Services.

The File Security File Maintenance Operation is responsible for the security and integrity of all criminal records entrusted to Active Criminal Records. Core support services include:

- Maintaining an extensive file inventory of active Municipal and Common Pleas court records
- Assembling and forwarding case records to legal proceedings located in the Criminal Justice Center and community police districts
- Utilizing electronic bar-scanning to track court records and their destinations
- Assisting court personnel and judicial staff with inquiries regarding court records
- Exercising quality-control for files returning from judicial proceedings for accuracy and completeness

The File Security Unit Information Services Operation provides core support and public court case information in person or over the telephone. Core support and services include:

- Responding annually to over 100,000 telephone requests and 50,000 personal inquiries for case listing information
- Managing access and release of active court case information
- Providing efficient customer service to the public, legal community, defendants, criminal justice partners, and other agencies
- Helping visitors and callers to navigate through various aspects of criminal justice proceedings

#### **2009 File Security Unit Accomplishments**

• Number of CP files retrieved :	96,557
• Number of MC files retrieved:	21,077
• Number of information calls received:	32,625
• Number of persons at information counter :	19,575
• Number of file requests at counter :	2,527
• Number of files managed in file library	137,500

#### **2010 Goals**

- Increased use of technology including automated telephone service

#### **Appeals**

The Appeals Unit principal function is to receive and docket criminal case appellate filings to the Superior, Commonwealth, and Supreme Courts of Pennsylvania. All judicial filings pertaining to the appellate process including orders for 1925(b) statements and judicial opinions must first be filed with the Appeals Unit in order to assure their accurate transmittal to the appropriate appellate court.

All post sentence motions (PSM) including but not limited to Motion for New Trial, Motion to Withdraw/Challenge Validity of Guilty Plea, Motion for Reconsideration of Sentence (trial and VOP), Motion to Correct Illegal Sentence, Motion for Credit Time, Motion for Judgment of Acquittal, and Motion in Arrest of Judgment are filed and docketed to CPCMS by Active Criminal Records personnel upon filing. All motions that activate the PSM time frame are sent to the assigned judges. If the assigned judge schedules a court date for consideration of the motion, the Appeals Unit must be notified immediately. Otherwise, once the time frame for the motion has elapsed, all appropriate parties will be notified of the dismissal of the motion by operation of law.

The appellate process begins with the filing of the Notice of Appeal (NOA), by *pro se* filers (defendants), defense counsel, or the Commonwealth. The Appeals Unit accepts all NOA on a conditional basis only. Final determination as to the propriety of the filing is made by the appellate court.

File preparation is initiated by the NOA. The Appeals Unit commences the search for the official court file by contacting the Clerk of Courts. Also, the Unit begins the process of securing the notes of testimony if properly ordered via the Court Reporters Office. Notes of testimony for trials should be available on the on-line Court Reporting System (CRS). When the record is located, the file is preliminarily prepared in anticipation of the filing of the opinion. Once the opinion has been filed, the record will be finally certified and transmitted to the appellate court

within one or two days. If the record is not available after a suitable period, the Appeals Unit will notify all relevant parties of the unavailability of the file. In that case, a reconstructed record is made using available documentation and the file is transmitted to the appropriate appellate court.

### *Post Conviction Relief*

The Appeals Unit is the central repository for docketing and filing motions seeking Post Conviction Relief (PCRA) and Habeas Corpus release. All requests for post conviction relief are made via the Appeals Unit. Unit personnel will preliminarily review and recommend possible disposition. If reassignment of the PCRA is necessary, the Appeals Unit will promptly notify the Supervising Judge. In addition, Appeals Unit workers notify the Criminal Listings Unit of the need for assigned counsel if the petitioner is eligible. The Appeals Unit will set the initial conference date for counsel to review the file as well as the first scheduled court listing. All future listings should be updated by courtroom personnel in accordance with the court's calendar. Court records are located in the Active Criminal Records File Library except during those periods of time those cases are: 1) scheduled for a court listing; 2) with judicial staff for review; or 3) with the Clerk of Courts personnel. When the case is ready for final dismissal, the court may be required to send notice to the petitioner. (See Pa.R.Crim.P. 907) A copy of the 907 notice should be sent to the Appeals Unit for docketing and inclusion in the criminal case file. Upon final disposition of the case, the court is required to send the petitioner a certified mail copy of the written order disposing of the case. All other parties may be notified by regular or interoffice mail. The order with appropriate proof of service is made part of the official case record.

A review by the Appeals Unit discovered that approximately one third of all petitions submitted seeking post conviction relief are second or subsequent requests. A high percentage of these cases are filed by defendants whose original trial judges are no longer on the bench. These individuals are ineligible for court appointed counsel and the issues that they raise do not properly invoke the exceptions to the timeliness provisions of the Post Conviction Relief Act. Reassignment of these cases is not an effective use of judicial resources.

In 2009, the Appeals Unit developed an expanded PCRA review protocol whereby cases that meet certain criteria are not reassigned to other judges but are reviewed to their conclusion by law clerks within the Unit. PCRA petitions that are reviewed to conclusion are second and/or subsequent petitions; cases where the original trial/sentencing judge is no longer sitting, and cases where issues raised by the petitioner do not meet an exception to the timeliness provisions of the Post Conviction Relief Act.

### **2009 Appeals Unit Accomplishments**

- Certified and transmitted over 2,000 appeals
- Reviewed and processed over 1,200 PCRA petitions
- Developed and implemented a computer application that will allow the judiciary to review on demand how many appeals to Superior Court have been filed regarding their cases
- Instituted and expanded PCRA review

### **2010 Appeals Unit Goals**

- Develop a pre-hearing PCRA protocol where cases are listed in a forum for review and discovery completion before being listed for a PCRA hearing
- Develop a satisfactory method of electronic delivery of the record for appellate cases to Superior Court instead of the hard copy now mandated



## **Criminal Motions**

The Criminal Motion Court Unit in the Criminal Justice Center is the central location for the judiciary and their staff, criminal justice partners, attorneys, and the public to file motions, answers to motions, briefs, appeals, orders, and judicial opinions regarding criminal and related matters in the Common Pleas and Municipal Courts of Philadelphia.

Criminal Motion Court personnel are responsible for time-stamping, filing, and docketing written motions: pretrial, trial, post trial, post sentencing, and miscellaneous. In addition, they are responsible for calendaring and scheduling miscellaneous motions in the Criminal Motions courtrooms. Miscellaneous motions include, but are not limited to motions for private detective license, expungements, motions for return of property, and drug forfeiture petitions. Staff is responsible for accepting and receipting payments on motions filed by private counsel and *pro se* litigants. The unit accepts cash, money orders, and major credit cards and checks from private counsel.

Judicial Orders, Findings of Fact and Conclusions of Law, and Opinions are filed at the Motions Counter. These documents must have a Certificate of Service attached pursuant to Pennsylvania Rule of Criminal Procedure 576.

Due to the large volume of filings and requests from the Offices of the District Attorney and the Public Defender, the Motion Unit has over the years developed a strong working relationship with those two organizations that allows personnel to provide excellent customer service to them. Lastly, the unit also receives a large volume of mail from incarcerated *pro se* litigants that requires the docketing and distribution of *pro se* petitions, and in some situations, may involve responses to the *pro se* litigants.

### **2009 Criminal Motions Accomplishments**

- Filing fees receipted at the Criminal Motions Counter: \$57,337, a more than 3% increase over 2008 receipts
- Accepted increased role relating to calendaring motions hearings in CPCMS
- Processed 38,623 criminal motions
- Fundamentally changed processing of Bail Motions and Motions to Quash channeling both to designated courtrooms
- Developed Motions Calendar in CPCMS

### **2010 Goals**

- Participation in the design of a Criminal Electronic Filing System similar
- Implementation of the Motions Calendar

## **Courtroom Operations**

The essential function of this department is to assist the judiciary in the performance of their duties on a daily basis. The office is composed of employees classified as Director, Supervisor, Secretary, Court Interpreter, Tipstaff 2 and Tipstaff 1.

In calendar year 2009, members of this office were engaged in assisting toward the disposition of almost 16,000 Common Pleas cases. Innumerable motions, sentences, violation hearings, and every other activity possible associated with a Common Pleas Court calendar in a major metropolitan jurisdiction were scheduled and disposed with the assistance of the employees of Courtroom Operations.

## ***Supervisors***

The employees in this classification directly supervise line personnel according to all FJD rules and regulations. They are responsible for the performance, training, and evaluation of employees. Many documents and records are prepared and maintained in the normal flow of business in the District and are shared with other justice partners in order to ensure adequate staffing resources. Each of these veteran supervisors is well versed in every aspect of Courtroom Operations and cross-trained in their duties and responsibilities.

## ***Secretarial***

A secretary is assigned to Room 401 of the Criminal Justice Center and another is assigned to the Receptionist Desk serving the CJC judiciary on the 13th floor at the Judicial Reception Desk. These employees are responsible for the various functions involved with the management of a professional office environment.

## ***Court Interpreters***

This four-employee Unit provides real time translation from Spanish to English (and vice versa) for the Criminal Trial Division. Each employee is state-certified. Additional per diem interpreters are used for other languages.

## ***Tipstaff 2***

Members of this job classification perform a wide variety of functions and services to assist the judiciary in the performance of their duties.

As the primary liaison between the court and all other agencies, offices, and departments that together compose the “justice partners,” these employees are sworn or affirmed to act “...with fidelity to the Court, according to the best of [their] ability with strict impartiality between litigants, witnesses, jurors and counsel...,” while at the same time establishing and maintaining effective working relationships with all the participants in the process.

The justice partners include but are not limited to;

- All other FJD Departments
- The District Attorney
- The Defender Association
- The Private Bar
- The Philadelphia Sheriff
- The Philadelphia Police Department
- The Clerk of Quarter Sessions
- The Jury Commissioner

Acting as the first point of public contact for defendants, witnesses and complainants, it is the further duty of the Tipstaff 2 to ensure the safety, care and comfort of the jurors, and to guarantee the dignity and decorum of the judicial process.

To facilitate courtroom functions during legal proceedings, the Tipstaff 2 is also charged with adhering to the many regulations, policies, rules, and business practices that have been enacted by the leadership of the District in order to ensure fair, equitable, and timely disposition of criminal charges. This requires performing a varied and complex set of duties that require a multi-faceted understanding of many court-related practices, in particular, case flow

management. This skill set begins at the early review of a docket, days ahead of the scheduled hearings, and continues through to disposition of any and all post trial issues.

Further duties and responsibilities include but are not limited to:

- Data entry related to the Common Pleas Case Management System
- Case flow management
- Scheduling and calendaring court events
- Reporting directly to the court
- Accounting directly to the court
- Maintaining and supplying computer, fax, printer phone and other court equipment
- Training in safety, CPR, defibrillation, Shelter in Place, and CJC evacuation and emergency policies
- Providing general information to participants
- Limited courtroom security duties
- Ordering, requisitioning or arranging for courtroom maintenance, supplies or services
- Preparing, marking, recording and maintaining necessary records of court procedures
- Resource management of other FJD Departments and outside agencies.

### ***Tipstaff 1 Summary Statement***

The Tipstaff 1 is under the direct supervision of the Court and the Tipstaff 2, and assists the Tipstaff 2 in their duties. Members of this job classification are responsible for assisting the court and Tipstaff 2 in all phases of the jury process, but especially the care, comfort and safety of the Jurors, before and during selection, during the trial and after verdict (to ensure payment and the safe egress from the CJC).

### ***Hours of Operation***

The office of Courtroom Operations is staffed Monday through Friday from 7:00 AM until 5:00 PM, or until the closing of any individual courtroom. However, supervisory staff and employees remain available to the judiciary on a 24 hour schedule, on Saturday, Sunday or any holiday with the approval of the Administrative Judge of the Trial Division. The Courtroom Operations Department is always available for any length of time in order to help bring any trial or hearing to completion.

### ***Staffing Responsibilities, Criminal Justice Center and City Hall***

A Courtroom Operations Tipstaff 2 is present wherever a judge is presiding in the Criminal Justice Center, where all criminal matters must be adjudicated. The Trial Division – Criminal Court Bench consists of 44 judges each assigned to one of the 47 Courtrooms in the CJC. Some Family Court, Orphans' Court, Trial Division – Civil Court, and specially presiding judges are also assigned tipstuffs by Courtroom Operations whenever they preside in the CJC (usually due to a criminal docket) or when a Civil Trial Division or Orphans' Court litigant is in custody.

The administration of the Civil Trial Division is responsible for assigning courtroom staff in City Hall, with the exception of Landlord/Tenant Court. When Civil Division staff cannot work due to illness or other causes, Courtroom Operations in the CJC supplies a Tipstaff 2 to the civil court judiciary upon their request.

Election Court, Grand Jury Selection and all Ceremonial Sessions are also coordinated and staffed by Courtroom Operations. Non-judicial assignments include the operation of the two

“Jury Flow” rooms on the second floor of the CJC, the operation of the Video Courtroom located in Room 1106 CJC, and staffing for a Trial Commissioner in Courtroom 505.

## **2009 Accomplishments and Improvements**

### **CJC Video Program**

The connectivity between the FJD and Philadelphia Prison System institutions is available in six CJC Courtrooms. Each year, this program continues to expand the number of what would have otherwise been problematic cases that are disposed via videoconferencing. In 2009, over 2,200 matters were resolved via video conferencing producing measurable savings in Sheriff's transportation and other costs.

### **Election Court**

Due to changing voting laws and legislation, the District was required to design and institute a court process for “emergency petitions” beginning with the November 2009 election cycle. On Election Day, these proceedings were staffed from 6:00 AM until 10:00 PM in Courtroom 676 City Hall, without incident or delay. Further refinements will be implemented for the coming May Primary.

### **Case Consolidation**

To achieve earlier dispositions, supervisory staff targeted defendants who had multiple cases in any individual judicial calendar. Their activity began at the Pre-Trial Conference stage; trial impediments were addressed and removed, multiple cases were consolidated on a single day, and each trial was conducted, consecutively if necessary. The program resulted in fewer court listings by streamlining the judicial process, and saving waiting time in prison and associated costs. Formally adopted by court administration, the strategy is known as Advanced Review and Consolidation (ARC).

### **Transportation List and Interpreter**

Prior to scheduled court events, the assigned Tipstaff 2 is required to review the docket to ascertain the need for Spanish and non-Spanish Interpreters. (Several Spanish interpreters are on staff for the CJC) Working closely with prosecutors and defense attorneys, the Tipstaff presents relevant information to the presiding judge. A pre-determination is made based on certain criteria and the needs of the court. If cases will not go forward, interpreter services cancellations are forwarded to the Court Reporter and Interpreter Services Department to save the scheduled interpreters and the agencies that have retained them from unnecessary expenditures of time, effort, and money.

### **Probation Review**

The Tipstaff review of cases scheduled for probation hearings has evolved into the Accelerated Violation of Probation Program (AVOPP) and the Non-Sitting Judge Program (NSJ).

### **Grand Jury Selection**

Conducted in City Hall, groups of 300 jurors are empanelled into the sitting Grand Jury in an expeditious and professional manner. Refinements in the process have been well received by the participating judges.

### **Municipal Court Case Consolidation**

Tipstaffs proactively identify “active” cases on the Municipal Court docket, and upon agreement of counsel and the defendant, add these matters onto the Common Pleas calendar of the day

for disposition. In 2009, this program resulted in over 2,738 Municipal Court cases being resolved in the Court of Common Pleas.

### **Miscellaneous Departmental Information**

- Zero overtime expenditure for the sixth year in a row
- Reduced usage of “Sick Time”
- Exceeded expectations for the FJD Combined Campaign
- Exceeded expectations for the FJD Blood Drive
- Coordinated and hosted Studies Program participants from Grade School through Graduate School
- Participated in the Philadelphia Mentoring Program

### **2009 Goals**

#### **Rule 631A Waiver Program**

This program was designed to improve the jury selection process and preserve judicial resources. Upon agreement, the defendant, the defense attorney, and the prosecutor (along with Court Operations supervisory staff) conduct some of the more time-consuming steps in the jury selection process. The presiding judge is available to make necessary legal rulings on jury service, such as claims of hardship and challenges for cause, among others. Each jury selected in this way will free up an additional block of time for judges to devote to more pressing work.

Supervisory staff have been prepared to launch this pilot program, but at each opportunity so far the disposition of the case was changed from Jury Trial to Plea or Waiver Trial.

#### **Intermediate Punishment and Expedited Arraignment Video Dispositions**

Courtroom 705 is the Expedited Case Management Courtroom for all Felony Waiver Program cases. Wiring, other hardware and software have been installed or ordered to institute the acceptance of guilty pleas via video for all incarcerated defendants who qualify for the Intermediate Punishment Program or who have been offered a “time served” sentence.

The timeliness of these one-day track pleas results in a significant reduction of the number of “days to disposition” for these matters, reduces the delay to needed treatment for drug offenders, and results in a significant savings for the Pennsylvania Department of Corrections (PDOC).

### **Trial Division – Criminal – Adult Probation & Parole Department**

#### **Introduction**

The Philadelphia Adult Probation and Parole Department (APPD) is the largest Department within the Criminal Trial Division of the First Judicial District of Pennsylvania. The Honorable D. Webster Keogh, to whom the Probation Department reports, is the Administrative Judge of the Trial Division. Chief Probation Officer, Robert J. Malvestuto oversees APPD and reports directly to Joseph A. Lanzalotti, Deputy Court Administrator, Trial Division – Criminal.



**Mission Statement** - The mission of the Philadelphia Adult Probation and Parole Department is to protect the community by intervening in the lives of offenders. They are held accountable through the enforcement of the orders of the court. Through a balance of enforcement and treatment strategies, offenders have the opportunity to become productive, law-abiding citizens. APPD provides all possible assistance to the victims of the supervised offenders. The agency's mission is implemented as follows:

**Serve The Court** – Provide pre-sentence investigation reports, mental health evaluations, and other information needed for the judicial decision-making process.

**Protect The Community** – Monitor offenders granted probation or parole to ensure compliance with the rules and regulations of probation and parole, and court-imposed special conditions. Through collaboration with community agencies, assist offenders in developing their potential.

**Service To Victims** – Provide services to victims of crime including developing victim impact statements, providing direct and referral services to victims, providing information to victim service providers, and participating in victim service networks to promote the rights of victims.

**Vision Statement** – The APPD seeks to become a leading organization in the field of community corrections by implementing evidence-based offender supervision strategies.

**Standards and Compliance** – The State Board of Probation and Parole promulgates American Correctional Standards that county Probation Departments in Pennsylvania are obligated to meet. For 2009, there were 227 such standards, all of which were met by APPD. The level of compliance with these standards is tied to the SBPP Grant-In-Aid program, which subsidizes 38.5% of the staff salaries in certain classifications.

**Staffing and Workload** – Salaries for staff represented by the American Federation of State, County and Municipal Employees (AFSCME) are determined in part through collective bargaining. The court leadership, rules, and policies govern the salaries of non-represented employees.

CATEGORY	COUNT
<b>STAFF</b>	
Managers	43
Probation Officers	272
Support Staff	45
Part-Time Staff	22
Vacancies	56
<b>APPD WORKLOAD</b>	
OFFENDERS SUPERVISED	48,045
CASES SUPERVISED (discrete dockets/judges)	59,834

### ***Programs – Specialized Units and Functions***

*Administrative Supervision Units* – Three administrative supervision units were created in 2009 to supervise offenders who score low on the APPD risk tool. These offenders pose a minimal risk to public safety and can be safely supervised in large caseloads. Creating these units frees up officers so that high risk offenders can be intensively supervised in small caseloads.

*Alcohol Highway Safe Driving Unit (AHSD)* – This unit supervises 2,200 offenders and coordinates and monitors the completion of all statutorily mandated conditions for D.U.I. offenders. This unit is also responsible for DUI Treatment Court. In late 2009, this unit was eliminated as part of the departmental risk-based reorganization. Responsibility for DUI Treatment Court now resides in the Supervision Support Division.

*Accelerated Rehabilitative Disposition (ARD)* – This is a diversionary program available to certain first time non-violent offenders at the discretion of the District Attorney's Office. This unit supervises 2,865 offenders.

*Center For Adult Education* – This program is a joint effort between APPD and the Center for Literacy (CFL), a private, non-profit philanthropic organization. APPD provides office space and supplies. CFL provides on-site evaluations and referrals to educational programs that include instruction from basic literacy through GED preparation. In 2009, 1,053 offenders were referred for help.

*Community Service* – This program arranges all court-ordered community service for offenders. APPD has developed well monitored site placements with responsible organizations. APPD receives reports on hours of service and maintains computerized records of completion. Last year, 600 offenders were referred and 480 offenders completed the program.

*Court Mental Health Clinic* – In 2009, 1,958 Mental Health Evaluations were ordered by the judiciary to determine offenders' competency to stand trial and assist in their own defense. Evaluations are also ordered for involuntary commitment cases, amenability to treatment determinations, and special requests from trial judges. The clinic honors APPD requests for mental health evaluations on supervised offenders and provides training for the judiciary regarding mental health issues.

*DNA* – In 2009, over 2,000 samples were collected from offenders convicted of felonies in accordance with Pennsylvania Act 185-2004. Testing is conducted in accordance with State Police Standards by a technician from a contracted vendor. The Pennsylvania State Police supply collection kits and receives the results.

*Domestic Intervention Supervision* – Specially trained, experienced officers supervise offenders involved in family violence. These offenders are visited at home by teams of Probation and Police Officers during non-traditional hours in a program known as Targeted Patrol. In 2009, 736 offenders were supervised by this unit.

*Drug Detection Center* – APPD operates an on-site drug detection laboratory staffed by a contracted vendor. The lab uses two testing methods: urinalysis and eye scan. At the end of 2009, eye scan was eliminated. The department has made a concerted effort to test only those offenders who would benefit from this service. This has resulted in a reduction in the number of tests and associated costs. Last year, 36,959 urinalysis drug tests were conducted.

*Facilities And Grant Management* – Several staff with other duties share these additional responsibilities that include:

- Building Management at APPD offices at 1401 Arch Street Philadelphia
- Vehicle Fleet Management
- Equipment and Supplies: ordering, storing, inventory, distribution, and repair
- Criminal record checks on supervised offenders for compliance with DPW standards
- Supervision of part-time clerical employees
- Ensuring compliance with federal, state, and local grant requirements
- Maintaining messenger services
- Management of Service Contracts

*Forensic Intensive Recovery (FIR)* – This program was developed in conjunction with the District Attorney, the Defender Association, and the Philadelphia Health Management Corporation. Offenders in this program have been diagnosed with co-occurring drug and mental health problems. The APPD FIR unit supervises 1,077 such offenders.

*Fraud Unit* – Supervises offenders convicted of defrauding the Department of Public Welfare, Insurance Companies, and Unemployment Compensation agencies. This unit is funded by the District Attorney's Office. There are 5,034 offenders in this unit.

*Fugitive Safe Surrender* – FSS is an-going faith-based initiative to receive and process offenders who voluntarily turn themselves in to clear outstanding warrants.

*General Supervision* – In the past, the majority of offenders supervised by APPD were placed on caseloads based on the geographical location of their residences. Caseloads in that type of general supervision are large, averaging 150 offenders per officer. Today, the division's clients are no longer determined by geography, but organized according to new criteria. In 2009, this division's caseload was reorganized to include those offenders who scored as "moderate" on an APPD risk-assessment tool. All offenders report to the probation office.

*Gun Court Program* – This program began on January 10, 2005. APPD provides strict supervision for offenders convicted of Violation of the Uniform Firearms Act (VUFA). All probationers must perform community service and participate in firearms education courses. Gun Court Probation Officers participate in targeted patrols with the Philadelphia Police Department. As of the end of 2009, 23 officers within the unit worked while armed. A total of 1,184 offenders are supervised by this unit. With the departmental reorganization, these units are now located in the specialized supervision division.

*Intake Unit* - Responsible for probation case initiation, offenders number approximately 20,000 annually. Technicians use the "Monitor" computer software program to expedite intake. The process involves entering docket information and interviewing offenders to collect and key in demographic information. In 2009, the unit began using the automated APPD risk tool to assign offenders based on their risk of committing a new offense. Unit staff had worked with the records of the Clerk of Quarter Sessions.

*Intermediate Punishment (IP) Unit* – This is a probation sentence established by statute intended to divert offenders from state prison. Supervision is stringent. Offenders have substance abuse problems and score in the upper or more severe range of the Sentencing Guideline calculation. Supervision for some 741 offenders includes: 1) Inpatient Drug and Alcohol Treatment; and 2) House Arrest with Electronic Monitoring

*Mental Health Unit* – Offenders are ordered to report to this unit by sentencing judges or sometimes referred by Probation Officers. Offenders have documented psychiatric difficulties and require mental health treatment. This unit works closely with the Court Mental Health Clinic to identify treatment options and develop supervision plans for the offenders. The unit supervises 1,252 offenders. In July of 2009, Philadelphia created a mental health court. Offenders convicted in this court are supervised by the Mental Health Unit.

*Monitored Supervision Unit* – This unit provides a structured alternative to incarceration for 250 offenders who are monitored electronically and referred for needed treatment. Offenders who violate their monitoring conditions are subject to arrest by the Warrant Unit of Pre-Trial Services.

*Operations Support* – These specialized technical staff handle the administrative support functions generated by certain frequently occurring case events.

- Records Management Personnel:
  - Maintain and catalog approximately 100,000 master files, each of which contains all documents accumulated for any offender supervised by APPD whose cases have expired
  - Create new cases via the Monitor caseload management computer application resulting from parole petitions and requests for courtesy supervision from other jurisdictions
  - Respond to subpoenas for archived case information
  - Responds to requests from other agencies for information on active and expired cases
  - Process a number of Monitor transactions, including case transfers, expirations and quality control printouts
  - Microfilm expired cases on a schedule according to the age of the case
  - Created 6,318 dockets and “expired” 26,331 dockets
- Violation Of Probation Management Employees
  - Generate and track arrest warrants requested by officers for offenders who have violated or absconded from supervision
  - Schedule and attend daily warrant hearings for arrested and incarcerated offenders
  - Track potential open-bill violations through the trial phase, identify direct violations and request violation hearings on “ready” cases as determined by the assessment of offenders’ legal profiles
  - Field inquiries from agencies nation-wide regarding Philadelphia offenders apprehended in other jurisdictions
  - Issue and track warrants requested by State Parole agents on certain shared-supervision cases; schedule and attend warrant hearings
  - 12,433 warrants were issued with 17,520 warrants lifted
  - 16,812 in violation status were submitted for hearings

*Out Of County/State* – Caseloads consist of residents of other jurisdictions who are convicted of criminal offenses in Philadelphia. Such offenders are supervised by the Probation Department in the county of residence, with administrative monitoring by officers in this unit. This unit also supervised offenders that live in Philadelphia but were convicted of a criminal offense in other jurisdictions. APPD receives reports from the supervising jurisdiction, which sometimes requires

intervention by FJD officers. Cases are returned to APPD for cause. This unit monitors 3,264 offenders.

*Parole Unit* – The Parole Unit is responsible for the timely issuance of petitions to sentencing judges based on local parole eligibility rules. The Release Information Network (RIN) is a networked computer application used by APPD and the Defender Association to support the paroling process. The Parole Unit receives and acts on both approved and denied petitions received from sentencing judges. In 2009, 6,897 parole petitions were submitted to the judiciary for approval.

*Presentence Unit* – Staffed by experienced Probation Officers, this unit conducts background investigations examining and evaluating offenders' criminal and psycho-social histories. Investigators compose reports for judges to assist them with sentencing decisions. In 2009, 2,378 pre-sentence reports were completed as were 2,378 sentencing guidelines.

*Probation Case Management System (PCMS)* – This is a broad system centered on Monitor, a networked software application to which most employees have some level of access. Monitor is used by Probation Officers' many supporting units to enter data about all aspects of case supervision. Managers use Monitor to audit cases and otherwise oversee the operation of their units. Technically proficient staff maintain a liaison with the vendor and conduct ongoing weekly and ad hoc phone conferences to support and improve the program.

*Probation Supervision through Analysis, Research and Training (PROB-START)* – This is an overarching management construct based on Monitor software. It started after data had been amassed sufficient to yield informative results to targeted queries. Management identifies, reviews, and acts on trends. The Chief Probation Officer selects topics of importance in case supervision. These are analyzed by the research team. Concurrently, managers, supervisors and officers audit cases for instances of the specified PROBSTART topic. Group conferences are held and management and line staff present and explain pertinent cases. Identified practices are supported or remediated. They serve as the basis for development of policy improvements and department-wide training. In 2009, the program was further enhanced to allow managers to generate reports on their division from their own desktops.

*Reentry Initiatives* – The Mayor's Office for the Reentry of Ex-Offenders (MORE) offers reentry services to offenders at all stages of the criminal justice system. APPD staff participates in MORE standing committees and refers offenders to their job training and placement services.

*Sex Offender Unit* – Supervises offenders convicted of sexual crimes through intensive supervision, urinalysis, counseling referrals, and by monitoring stay away orders and inappropriate living arrangements. The officers initiate Megan's Law registration for those offenders convicted of designated sex offenses. Officers in this Unit participate in targeted patrols with the Philadelphia Police Department. Additionally, 80 female sexual offenders are assigned to one officer to specifically address their issues. Computer technology monitors and blocks internet usage by sex offenders. There are 1,146 offenders in this unit.

*Special Projects And Research* – Provides APPD with operational and evaluative information not otherwise available. Two degreed professionals conduct studies with the help and support of the University of Pennsylvania and Temple University. The relationship with the University of Pennsylvania produced a reliable APPD risk tool now used to assess the relative risk of each offender under supervision. The research department worked with Public Private Ventures on



and evaluation of the Youth Violence Reduction Partnership (YVRP) that will be completed in 2010. Work is also underway on a sex offender containment model.

*Strategic Anti-Violence Units (SAV-U)* – This initiative was undertaken in 2006 in collaboration with the University of Pennsylvania, whose Jerry Lee Center for Criminology developed a statistical model for identifying offenders with a high risk for committing future violence. Two of the officers are trained in group Cognitive Behavioral Therapy (CBT). They facilitate a 16-week program focusing on emotional control and life skills for some of the unit's offenders. Following departmental reorganization, there are now four anti-violence units responsible for supervising the highest risk offenders identified with the APPD risk tool.

*Training Unit* – This multifaceted unit arranges and conducts training that complies with the Pennsylvania Board of Parole and Probation annual requirements of 40 hours for professional staff and 16 hours for support staff. The FJD subsidizes certain graduate studies for which training hours are credited. The Training Unit studies and develops policy for the department. In 2008, the unit established the Armed Officer Program.

*Victim Services Unit* – Two probation officers are dedicated to assisting victims of crime. These officers reach out to all victims of sexual offenses and survivors of homicide attempts. They work with victims to compose impact statements which are a part of the presentence report and they help to coordinate services with support agencies.

*Weapons-Related Injury Surveillance System (WRISS)* – Using Philadelphia Police Department data, the APPD maintains a database of Philadelphians who have been victims of shootings. APPD uses these data to identify APPD offenders who were the victim of gun violence (205 in 2009, down 25% from the previous year).

*Youth Violence Reduction Partnership (YVRP)* – This is a multi-agency effort to reduce violent crimes among high-risk/at-risk juveniles and adults age 24 or younger. Probation Officers conduct Targeted Patrol with Police Officers, visiting homes between 4:00 p.m. and midnight in the 12th, 19th, 22nd, 24th, 25th and 39th Police Districts. Currently, the four YVRP units supervise 871 offenders. The American Probation and Parole Association (APPA) presented its Distinguished Annual Program Award to APPD in 2007 in recognition of the success of YVRP. With the departmental reorganization, the YVRP units are now housed within the Anti-Violence Division.

## **Office of the Chief Probation Officer Robert J. Malvestuto**

### **Highlights of 2009**

*The APPD Risk Tool* – In early 2009, the automated risk tool was put into use at Intake and Parole. Each incoming offender is given a risk score (low, moderate, or high) which serves as the basis of their assignment to different caseloads. In late 2009, juvenile data were integrated into a new tool to be deployed in early 2010.

*Departmental Reorganization* – Beginning in March 2009, the entire department was reorganized around the APPD risk tool. The department has three risk-based divisions: administrative supervision for low-risk offenders, general supervision for moderate-risk offenders, and anti-violence supervision for high-risk offenders. This reorganization allows the department to shift resources from those offenders who pose the least risk to public safety to those most likely to commit a new serious offense. The department also has a specialized supervision division for offenders who require specific services (e.g. sex offenders).

*Stimulus Grant Funds* – APPD staff worked with court administrators on a grant proposal for stimulus funds which led to the retention of 22 officers who would have lost their jobs due to the financial crisis, exacerbating the already critical Probation Officer shortage.

*Armed Officer Program* - A second cadre of 10 fully-trained and armed Probation Officers and their Supervisor graduated in 2009.

*Sex Offenders* - Training and implementation of new computer technology that monitors and blocks internet usage by sex offenders

*High Risk Study* – Led by researchers at the University of Pennsylvania, this experiment will determine whether cognitive behavioral therapy reduces recidivism among high risk offenders. The APPD research team worked closely with their University of Pennsylvania partners in 2009 to develop a study that will begin in early 2010.

*Publication Of The Low Risk Study* – An article co-authored by Chief Malvestuto appeared in Perspectives, the periodical of the American Probation and Parole Association. The research team at APPD also presented the findings of the low risk study at the annual meeting of the American Society of Criminology.

*AVOPP Court* – Established in 2009, this court hears and streamlines processing for all technical violations of probation. These hearings are handled by one probation officer.

*Budget* – In 2009, APPD transferred 22 Probation Officer Trainees' salaries from the general fund to the Stimulus Grant fund for a savings to the FJD of - \$865,194. Supervision Fees paid for 32 Probation Officer salaries for a savings to the FJD of \$1,258,464. Two supervisors left along with 29 Probation Officers who were not replaced, and these departures saved \$134,000 and \$1,334,000 respectively. Drug testing was limited to special circumstances and only for required offenders. There was a 40% decrease in drug testing from the previous year for an approximate savings of \$117,524. Office supplies were reduced by \$46. The APPD budget showed a total savings of \$3,755,182.

In 2009, APPD continued to make significant strides in making its decisions and deploying its resources based on solid research and practices. These are not experimental undertakings but a fulfillment of our public safety obligations.

***Please see Criminal Section statistics on page 119.***

## **Civil Section**

During calendar year 2009, the Trial Division-Civil courts continued to administer justice in Philadelphia in an efficient and productive manner. The Civil Section continues to provide access to justice by the implementation of innovative and progressive caseflow management systems, continuous education for support staff, creation of appropriate pre-trial forums, and technological advancements.

### **Civil Case Management Programs**

The key to the success of the Trial Division - Civil court administration is stringent management of cases. Civil cases are categorized and placed into case management programs and centers specifically organized for effective handling and prompt and precise disposition. Significant court events are scheduled and deadlines are enforced. These programs and centers include Complex Litigation, Day Forward Major Jury, Commerce Case Management, Compulsory Arbitration, Residential Mortgage Foreclosure Diversion Program, Motions, Class Actions, Governmental and Administrative Agency Appeals, Forfeiture, Code Enforcement, Landlord/Tenant Appellate Mediation, and Discovery, as well as the Civil Case Management and Dispute Resolution Centers.

### **Civil Electronic Filing System**

The success of civil court automation efforts has encouraged leaders to continue to explore better ways to conduct the court's business through the use of technology and the Internet.

In January 2009, mandatory Civil Electronic Filing Program was implemented. The web-based system fully integrates electronic filing and an electronic document management system with the court's existing case management system (Banner Courts).

A reliable and accurate case filing system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions. The maintenance of case records directly affects the timeliness and integrity of case processing. The new Electronic Filing System meets this measure.

The public is now able to send and receive documents, pay filing fees, notify other parties, receive court notices and orders, and retrieve court information electronically.

The electronic filing system contains an electronic service and notification component. Through this process, the registered parties in each case are notified electronically whenever a pleading, motion, notice or order has been filed or issued by the court.

Employees and in-house developers put together a secure and reliable, user friendly e-filing system that sped up the time in which filings can be sent to the court and opposing counsel. This reduced the time to disposition in all civil matters.

Now, the public, the court, and members of the Bar are able to locate and retrieve electronic records instantaneously. The electronic case files are complete and they comport with existing federal and state policies relating to privacy.

Many practitioners have already recognized the time and cost savings offered by mandatory electronic document filing. They realize the benefits and appreciate improved electronic access to court records.

During calendar year 2009, exactly 408,824 records were filed and accepted electronically. More than 10,700 attorneys and 5,100 self-represented parties have registered to file documents electronically.

Electronic filing promises greater productivity and effectiveness along with dramatic savings and improvements in the work of the courts and the practice of civil law.

### ***Day Forward Major Jury Program***

The nationally-recognized Day Forward Major Jury Program encompasses all major civil jury cases except Commerce and Mass Tort cases. Day Forward Case Management is a system that has been created to coordinate and schedule major jury cases for trial. It provides for early intervention and continuous control of the major jury cases.

To manage these cases more effectively, judges assigned to this program are divided into teams. To maintain consistent oversight of each case, each Team is led by a Judicial Team Leader. The Judicial Team Leader and the assigned team of judges rule upon all motions (including discovery motions), and they conduct status conferences, settlement conferences, pretrial conferences, and trials.

To assure effective case management, every case in the Day Forward Program is scheduled for a case management conference before a Civil Case Manager approximately 90 days after the initial filing. The main objective of the Case Management Conference is to obtain early disclosure of basic information so that each case can be managed more effectively. Based on this information, the Civil Case Manager prepares a Case Management Order that establishes a schedule for each case. The Case Management Order sets deadlines for discovery, the exchange of expert reports, and the filing of motions. Also, a presumptive month is scheduled for a settlement conference, pretrial conference, and trial.

Another important task at the Case Management Conference is the assignment of all cases to an appropriate “track.” At the Case Management Conference, all cases are classified into one of three case management tracks: expedited, standard, and complex. Expedited track cases are tried within 13 months of filing; standard track cases are tried within 19 months; and complex track cases are tried within 25 months.

During calendar year 2009, the civil judges assigned to the Major Jury Program disposed of 5,866 “records” (usually cases). As of December 31, 2009, there were 6,406 Major Jury records pending in the Trial Division – Civil court system.

### ***Commerce Program***

The Commerce Case Management Program continues to be successful and well received by attorneys and litigants. This success can be attributed in part to early intervention, mediation, and stringent case monitoring conducted by Commerce Program Judges and volunteer Judges Pro Tempore.

Over the past two years, the Commerce Program inventory has been refined so as to concentrate its resources on purely commercial and business matters



The Commerce Program continues to provide guidance in Pennsylvania commercial law. Since its inception, Commerce Program Judges have issued approximately 725 substantive opinions, encompassing a wide array of business and commercial law. The Program continues to experience a very low reversal rate.

The Commerce Case Management Opinion Project of the Bar Association Business Law Section's Business Litigation Committee has created, and continues to create, "chapters" on distinct areas of the law addressed in the Commerce Court body of opinions. These chapters can be found on the court's website; and on the Bar Association Business Litigation Committee website. All Commerce Program opinions, rules and procedures, forms, and guidelines are published on the court's website for ease of reference. The opinions are indexed and searchable by topic. To provide guidance to the Bar concerning the types of cases that fall outside the criteria for the Commerce Program, the court's website also features a synopsis of cases transferred out of the program.

During calendar year 2009, Commerce Program judges disposed of 806 records. As of December 31, 2009, there were 690 Commerce Program records pending in the Trial Division - Civil.

### ***Complex Litigation Center***

When it opened in 1992, the Complex Litigation Center (CLC) was the first facility in the United States designed exclusively for complex, multi-filed Mass Tort cases. The Mass Tort, Asbestos, Major Non-Jury, Equity, Class Action, Arbitration Appeals, Lead Contamination, and Penn-Dot Appeals Programs are managed within the Complex Litigation Center. The National Center for State Courts has noted, "the creation and operation of the Complex Litigation Center is clearly one of the court's major achievements and a substantial service to the citizens of Philadelphia, the Bar and the nation, given the scope of mass tort litigation and class actions."

During calendar year 2009, the total Complex Litigation Center inventory increased from 5,879 cases to 6,837 cases by year's end. The Mass Tort Program had the biggest inventory increase, rising from 2,411 records pending to 3,688 records pending.

As reported last year, the Mass Tort Section of the Complex Litigation Center continues to be the focal point of major drug company litigation. Twenty-five Mass Tort Programs have been successfully completed since the program's inception.

The Hormone Replacement Therapy Program is the Complex Litigation Center's largest Mass Tort Program, making up 35.6% of the mass tort case inventory. There were 1,527 Hormone Replacement Therapy cases in the inventory at the end of 2009. The Hormone Replacement Therapy Program is on track and many cases are scheduled for trial during 2010.

Six new Mass Tort Programs have recently been created: Denture Adhesive Cream; Digitek; Gadolinium-Based Contrast; Nursing Home Litigation; Yaz/Yasmin/Ocella; and Risperdal.

A new Case Management Order is now issued in major non-jury cases through an efficient automated process. These cases are placed in trial pools 11 months from the date of filing. The new process provides flexibility in the use of judicial resources.

### ***Compulsory Arbitration Program***

The Compulsory Arbitration Program in Philadelphia County is one of the most successful programs of its kind in the nation. All civil actions filed in the Court of Common Pleas with an amount in controversy of \$50,000 or less (excluding equitable actions and claims to real estate) must first proceed to a compulsory arbitration hearing before a panel of three attorneys who have been certified by the court to serve as arbitrators. Arbitration cases are scheduled for hearings eight months from the date of commencement.

Electronic Filing procedures relating to applications for continuances and the deferment of arbitration cases were developed and implemented during calendar year 2009. Over 5,000 continuance applications were processed through the electronic filing system.

Counsel and unrepresented parties involved in arbitration cases now receive electronic notification of reports and awards of arbitrators and court orders issued through the Arbitration Center.

During calendar year 2009, arbitrator fees totaled \$1,095,262. This amount reflects cost savings of over \$290,000 from the previous year.

As of December 31, 2009, there were 10,754 records pending in the Compulsory Arbitration Program.

The 2009 Arbitration Appeal rate was 38%. There were 1,268 records pending in the Arbitration Appeals Program.

### ***Philadelphia's Residential Mortgage Foreclosure Diversion Program***

Philadelphia's Residential Mortgage Foreclosure Diversion Program continues to provide relief for thousands of Philadelphia residents. The program is designed to provide early Court intervention in residential owner-occupied mortgage foreclosure cases. The goal of the program is simple: to save homes in Philadelphia, one address at a time.

The Philadelphia Court of Common Pleas was the recipient of The National Association for Court Management (NACM) 2009 Justice Achievement Award for its Residential Mortgage Foreclosure Diversion Pilot Program. The NACM Justice Achievement Award was established to publicly recognize courts and related organizations for meritorious projects and exemplary accomplishments that enhance the administration of justice and can be replicated in other jurisdictions. This is the second award the court received for the program, after being awarded The Mid-Atlantic Association for Court Management (MAACM) John Neufeld Award in 2008.

The program has attracted the interest of judges and lawyers from other states and counties looking to duplicate its success. It has been recognized by The Wall Street Journal and The New York Times, and praised by media outlets including Good Day Philadelphia, the Today Show, the Philadelphia Inquirer and the Philadelphia Daily News.

In 2009, there were 8,381 mortgage foreclosure complaints filed in the City of Philadelphia. This number is indicative of the nationwide epidemic facing Americans everywhere. These are extraordinary times that require extraordinary measures, and the Trial Division - Civil court has taken appropriate measures to address this crisis.

This program rests on the theory that if homeowners and lenders are brought face to face, deals can be struck. This is exactly what takes place each Thursday in Courtroom 676 City

Hall. Court regulations call for all cases involving residential owner-occupied properties to be noticed for a conciliation conference before any such property can be put up for Sheriff's Sale. When the complaint for foreclosure is filed it must be served on the defendant homeowner (as in any civil proceeding) and with that complaint is a case management order stating that the homeowner has a conciliation conference scheduled. Attached to that order are instructions that direct the homeowner to contact the Save Your Home Philly Hotline to schedule an appointment with a housing counselor. Homeowners then meet with housing counselors before their conference to gather all necessary financial information to hand over to the attorney for the plaintiff before the conference. Both parties then attend the conciliation conference on a designated Thursday where they attempt to negotiate a resolution with the assistance of a housing counselor, volunteer attorneys for the homeowners, and if necessary, a Judge Pro Tempore (JPT).

The Residential Mortgage Foreclosure Program is a case management tool also used in other areas of Trial Division – Civil court judicial administration. The conferences are mandatory and take place to obviate the need for Sheriff Sales. In order to make sure homeowners attend conferences to receive the assistance of the program, program employees coordinate activities with the Mayor's Office and various city housing counseling agencies for community outreach to notify troubled homeowners. Once inside Courtroom 676, homeowners are entitled to a free attorney for their conference if they meet eligibility requirements. Over 300 volunteer attorneys have stepped up to volunteer their time thanks to the efforts of the Volunteers for the Indigent Program, a non-profit legal organization in Philadelphia. Other senior members of the local bar have also volunteered their time to serve as JPT's in mortgage foreclosure cases. These attorneys are some of the best and brightest in this industry and have donated hundreds of hours in an effort to resolve these cases.

At the conclusion of a conciliation conference, a court order is issued indicating the resolution reached. Resolutions can be forbearance, a stay of sale, settlement of the entire action, loan modification, loan reinstatement, payment plans, and in some instances "graceful exit." The latter refers to times when the homeowner simply cannot remain in the house and thus instead of enduring a Sheriff Sale, the lender and homeowner agree upon a date on which residents agree to exit the property. In a good deal of those cases, the lender will also provide some additional funds to give the homeowner so that they are able to find an alternative living situation.

According to the Office of Community Housing and Development in Philadelphia, between 1,500 and 2,000 homeowners resolved their cases and approximately 3,500 more are currently in line to receive permanent resolutions.

In October of 2008, the Mortgage Foreclosure Program was the subject of a U.S. Senate Judiciary Hearing called by Senator Arlen Specter and presided over by he and Senator Casey. At that hearing, representatives from all sides of the issue were able to testify. This hearing also included testimony from homeowners who benefited from participation in the program.

In September of 2009, a Congressional Oversight Panel conducted a hearing in Philadelphia over the issue of foreclosures. The Honorable Annette M. Rizzo testified before this panel about Philadelphia's Mortgage Foreclosure Program and the success of local FJD efforts. Philadelphia's Mortgage Foreclosure Program is without a doubt a success. Homeowners and lenders are able to walk away from a conference with an amicable resolution that allows the homeowner to stay in the home, and the lender to have a performing loan.

Thanks to the implementation of this successful program, thousands of homeowners in Philadelphia who face foreclosure will have an opportunity to save their homes.

## **Office of Civil Administration**

### ***Civil Motions Program***

The Office of Civil Administration/Civil Motions Program is an integral part of the civil court process. Most civil cases never make it to the courtroom. Once a civil action is commenced, motions and petitions are filed and ruled on prior to trial. While trial dates are set, many cases are often disposed through the motions process and settlement.

Annually, the Motions Program is responsible for processing and assigning over 62,000 motions, petitions, preliminary objections, and stipulations requiring court approval.

Many changes occurred within the Office of Civil Administration in 2009. Most notable was the integration of the electronic filing system into the motions program. Employee training for implementation of this enormous change began in 2008 with discretionary filing and electronic assignment of motions commencing on August 4, 2008. Its success continues to belong to all the judges and their support staff, as well as the staff within the following units: Office of Civil Administration, Data Processing and Quality Assurance.

Mandatory electronic filing started on January 1, 2009. During the following calendar year, nearly 60,000 motions, answers to motions and to preliminary objections, stipulations requiring court approval, replies and briefs were accepted for filing.

In addition to the number of electronic filings processed, this office continues to receive more than 300 manual filings monthly, bringing the total number of filings processed in 2009 to over 62,800. As a result of those filings, 42,049 motions were assigned to civil court judges.

November of 2009 marked a second milestone for the rollout of the court's electronic notification pursuant to P.A.R.C.P. 236(b). Since November 9, 2009, 3,233 judicial orders, trial worksheets, case management orders, and trial scheduling orders have been sent electronically.

The Office of Civil Administration is also responsible for the management of the Motion Program Argument List; Forfeiture Program; Lead Contamination Program; Code Enforcement Cases; Municipal Court Landlord/Tenant Appeals; Statutory Appeals; Civil Tax Petitions; Civil Tax Complaints; Non-Commerce Class Actions; and the High Technology Courtroom Technical Operations and Scheduling.

### ***Dispute Resolution Center***

The Dispute Resolution Center provides a centralized location for mandatory settlement conferences. In so doing, it encourages uniform procedures for these conferences while offering litigants comfortable modernized facilities for the disposition of civil cases within historic City Hall.

Mandatory settlement conferences are conducted in every major jury case after the close of discovery. Settlement conferences are scheduled in accordance with a case management order that is issued in all major jury cases approximately ninety (90) days after the commencement of

the action. All counsel and unrepresented parties are directed to file a settlement memorandum at least ten days before the mandatory settlement conference and they must appear with full settlement authority.

The Trial Division – Civil court administration recruits Judges Pro Tempore (JPTs) to preside over the mandatory conferences in the Dispute Resolution Center. The JPTs are experienced members of the major jury Bar. In preparation for the conference, the JPT reviews the case file in order to effectively discuss all issues with the parties. In the event a case does not settle at the conference, the JPT is available by telephone or for follow-up conferences. However, these follow-up conferences and calls will not delay the court's schedule for the case. At the conclusion of each settlement conference, the JPT must complete a settlement conference report. This report is provided to the trial judge along with the case file in preparation for the next scheduled event, which is the final pretrial conference.

#### ***During calendar year 2009:***

- With the help of the Philadelphia Trial Lawyers Association and the Philadelphia Association of Defense Counsel, the Dispute Resolution Center recruited more than 60 new volunteers for the Judge Pro Tempore Program;
- An e-mail server list was designed and implemented to enhance communication between the Dispute Resolution Center, counsel of record, and the Judges Pro Tempore regarding scheduling and any emergency issues that may arise;
- A Judge Pro Tempore Biographical Data Sheet was designed in order to quickly match and confirm the qualifications of the Judges Pro Tempore with various case types, i.e., medical malpractice, product liability, construction, motor vehicle and premise liability matters; and
- Settlement conferences in cases involving the Southeastern Pennsylvania Transportation Authority (SEPTA), Geico Insurance Company, and American Independent Insurance Company, were scheduled on dates certain in order to guarantee full settlement authority at the time of the conference; to encourage meaningful negotiations; and to accommodate counsel's schedules.

During calendar year 2009, almost 3,400 settlement conferences were conducted within the Dispute Resolution Center, 26% of which were amicably resolved.

#### **2009 Civil Inventory**

***New Filings:*** Including arbitration matters, there were 39,956 new filings during calendar year 2009.

***Dispositions:*** 2009 civil dispositions totaled 44,935. Excluding arbitration matters, the Court disposed of 27,227 civil records.

***Dispositions per Trial Judge:*** There were 26 commissioned judges and 7 part-time senior judges assigned to the Trial Division – Civil courts during calendar year 2009. Each judge assigned to the program averaged 44 non-arbitration dispositions per month. This statistical analysis supports and confirms strong judicial leadership, a high level of judicial productivity, and the commitment of judges to achieving the goals of the various case management



programs.

**Records Pending:** Civil records pending as of December 31, 2009, totaled 34,861:

<b><i>Trial Division - Civil Program</i></b>	<b><i>Civil Records Pending</i></b>	<b><i>Percent of Inventory</i></b>
Arbitration	10,754	31%
Mortgage Foreclosure	7,260	21%
Complex Litigation	6,837	20%
Major Jury Program	6,406	18%
Programs Assigned to Motions Judges	1,899	5%
Governmental and Administrative Agencies	1,015	3%
Commerce	690	2%
Total	34,861	100%

**Trials:** There were 320 Jury Trials and 197 Non-Jury Trials conducted in the Civil Section of the Trial Division during calendar year 2009.

### **Advancements in Technology (High Technology Courtroom/Website)**

Today, technology is perceived as the single most potent force transforming the justice system landscape. Technology in its many facets impacts the types of disputes brought to court; the manner in which trials can be conducted and evidence presented; how court and trial papers are filed, stored and accessed; and how decisions are relayed.

**High Technology Courtroom:** The High-Technology Courtroom in City Hall continues to serve as the location of choice for a multitude of trial and non-trial events. According to all reports, the technology in 625 significantly improved the ability to handle complex matters where evidence may be difficult to obtain and/or present at trial. The state-of-the-art technology has enabled the court to try complex cases in less time than usually allotted for these matters. The courtroom is also used for FJD employee education, training, and development programs.

**FJD Website:** Through the First Judicial District award winning website, the Trial Division – Civil continues to provide the Bar, businesses, *pro se* litigants and individual citizens with immediate online access to civil dockets, forms, notices to the Bar, court opinions, statistics and publications such as the Civil Electronic Filing Manual and Civil Administration-At-A-Glance. The goal is to provide additional features and links on the web so that the public may become better informed about all civil court operations and procedures.

### **Trial Division – Civil Goals and Challenges for 2010**

- Continue to operate as a high performance court by excelling in three areas: (1) civil case flow management; (2) treatment of participants in the legal process; and (3) management of internal operations.
- Maintain acceptable time to disposition standards in all Trial Division - Civil programs by continuing to meet the civil case disposition time standards adopted by the Conference of State Court Administrators (COSCA), the Conference of Chief Justices (CCJ), and the American Bar Association (ABA).

- Monitor and improve the Civil Electronic Filing process and procedures. Provide electronic notification of all Trial Division – Civil judicial orders, notices and letters to counsel of record.
- Continue electronic filing education, training, and development programs for the Civil Bar.
- Provide adequate resources and staffing for the Trial Division - Civil to meet the growing demand for court services.
- Continue to educate the public about their civil courts.

***Please see Civil Section and other statistics beginning on page 112.***

## **Family Court Division**

The Family Court Division is the second of the three Divisions that together, constitute the Common Pleas Court of the First Judicial District. Kevin M. Dougherty is the Administrative Judge of the Family Division. The Family Division is separated into two components: 1) the Juvenile Branch and 2) the Domestic Relations Branch. The Juvenile Branch has jurisdiction over juvenile delinquency cases, juvenile dependency cases, truancy, and adoptions. The descriptions of the Domestic Relations Branch organization and overview begin after the Juvenile Branch Section below.

### **Juvenile Branch**

#### **Overview and Organization**

The Juvenile Branch is located at 1801 Vine Street, Philadelphia, PA., 19103. There are two Deputy Court Administrators who supervise approximately 349 professional and support staff. The Juvenile Branch consists of twelve judges who preside over delinquency and dependency matters. Six commissioned judges and two full-time Masters are assigned to dependency proceedings. Five commissioned judges and one full-time Master are assigned to delinquency proceedings. One senior judge is assigned to "B" Court, pursuant to the Pennsylvania Constitution, Article V, Section 16(q) (ii) and (r) (iii) and Philadelphia Local Criminal Division Rule 435. Cases heard there involve adult defendants and juvenile complainants.

#### **Juvenile Probation**

The Philadelphia Juvenile Probation Department is located on the second floor of 1801 Vine Street. A Chief Probation Officer leads a team of 2 Deputy Chiefs, 5 Deputy Directors, 30 supervisors, and 123 line probation officers.

In 2009, Juvenile Probation accomplished its mission by creating several new initiatives that had tangible results. Of the numerous initiatives, below are several examples worthy of notice:

#### ***Gun Violence Task Force Initiative with Family Court***

In April of 2009, Administrative Judge Dougherty, District Attorney Lynn Abraham, Police Commissioner Charles Ramsey and Pennsylvania Attorney General Tom Corbett announced a cooperative effort focusing on gun traffickers providing guns to juveniles. All juveniles arrested with a gun are assigned to one judge, similar to the Adult Gun Court program. The District Attorney assigns a prosecutor to vertically prosecute each case. Task Force agents investigate every arrest. The goal of the collaboration is to commit the resources of the court to target adults who abuse their relationship with juveniles. Rehabilitating juveniles begins with capturing the names of the adult criminals who provide guns to them. In 2009, the Task Force accepted 140 juvenile cases. Of the 140, 14 remain open. The remaining 126 were disposed as follows: Adjudications-46; Admissions-58; Deferred Adjudications-5; Certified to Adult Court-2; Not Guilty-5; Nolle Prosequed-10. Of the combined 104 adjudications and admissions, 83 youth were placed in institutions. Twelve juveniles provided information to the government to cooperate with their treatment and supervision. As a result, four of those juveniles assisted in the prosecution of twelve adults, including a Grand Jury indictment of nine City employees from the CLIP program who were stealing guns from residential homes and selling for personal profit.

### ***New Probation Trainee Training Manual and Protocol***

The Administrative Judge created the Probation Training and Evaluation Unit. Selected as the lead are two seasoned probation officers. Under their leadership, the Training and Evaluation Unit developed training manuals for new and veteran staff that focus on day-to-day probation responsibilities. These protocols, in addition to the new case audit and management process, allowed the Probation Department to conduct over 90,000 youth contacts in 2009, drove down the recidivism rate by 20%, spurred the collection of \$325,000 in restitution dollars for victims, and the resulted in 51,000 community service hours performed.

### ***Revision of Bench Warrant and Contempt policies and procedures***

In an effort to address the significant population of juvenile bench warrants, the Court partnered with the District Attorney's Office and the Defender Association of Philadelphia to revisit and revise the existing policies and procedures addressing juveniles who have failed to appear for court or escaped from juvenile placement. This, coupled with the revision of bench warrant contempt procedures, reduced outstanding warrants from 1,000 to less than 675, and decreased the number of warrants for those who are 18 years and older by nearly 10%. Initially, probation developed an in-house bench warrant tracking system in order to prioritize those high profile warrants involving juvenile adjudged delinquent for serious offenses and those who escaped from placement.

With these new tools, the Juvenile Enforcement Team (JET) probation unit coordinated its efforts with the Philadelphia Police Department to execute the warrants to capture absconders. To assist in the effort, court administrators created a Juvenile Bench Warrant Hotline. The people of Philadelphia now may dial the main phone number for Family Court to be prompted to a voice mailbox where they may anonymously provide relevant information regarding juvenile fugitives.

### ***Implementation of the Global Positioning System (GPS)***

The Administrative Judge developed a Memorandum of Understanding with the Department of Human Services to implement a global positioning system for home surveillance of juvenile offenders, in lieu of placement in the Youth Study Center or in Community-Based Detention. The system is also used in the Graduated Sanctions Program to reduce the number of youth placed in out-of-home care. Utilizing GPS significantly reduces costs for the court and the city. GPS surveillance costs approximately \$9 per day per youth, as opposed to the cost of approximately \$500 needed to place children in detention. The early success of this program attracted the attention and featured story on Philadelphia Fox News- Channel 29.

### ***Youth Level of Service Risk and Needs Assessment (YLS)***

In midyear 2009, the administration introduced to Juvenile Probation a new standardized evidence-based assessment tool to identify those juveniles at highest risk for recidivism and guide intervention efforts in a manner that can prevent future violence and criminal activity. This tool was piloted in two geographical units in probation as part of statewide implementation of assessment systems.

### ***New Deferred Adjudication Oversight Process***

In an effort to help decrease the inventory of deferred adjudicatory hearings pursuant to Pa. R.J.C.P. Rule 409, the court worked with the District Attorney's Office and the Philadelphia Defender Association to develop a process that reduced the total number of outstanding deferred adjudications by 49%. In 2008, the court inventory was approximately 700 matters in deferred adjudicatory status. In 2009, this number decreased to 340.

### ***Needs-Based Plan and Budgeting Process***

Article VII of the Public Welfare Code, 62 PS §701 *et seq* provides that the Philadelphia Department of Human Services (DHS) and the State Department of Public Welfare (DPW) share joint responsibility of for financial support of county-administered social services programs for children and youth involved in the child welfare and juvenile justice systems. Act 30 of 1991, which is part of Article VII, mandates an annual process. The Department of Public Welfare controls the funding to support these services. Philadelphia's child welfare and juvenile justice programs, as defined by DHS, are created and funded consistent with approved Needs-Based plans and budgets. The annual plan and budget submission to DPW require the approval of the Chief Juvenile Probation Officer and the Family Court Division Administrative Judge.

Historically, Administrative Judges permitted the Commissioner of DHS and the DHS management team to develop the annual plan and budget independently without court intervention. Administrative Judge Dougherty has integrated the court leadership into the budgeting process and works closely with DHS in its preparation and development. In 2009, the leadership teams of Family Court and DHS met regularly to review the receipt and expenditure of funding, and its application toward the enhancement of existing programs and the development of new ones.

### ***Creation of the Residential Service Unit***

In support of the National Governor's Academy effort to reduce foster care placements, the Philadelphia Family Court assumed a similar philosophy regarding juvenile justice children. Historically, Juvenile Probation created specialized Aftercare Units each catering to one of the larger delinquent placement providers. The Residential Service Unit was created to collectively address the need to assure the most appropriate out-of-home placements. The unit gives seasoned probation officers the opportunity to develop an understanding of each delinquent program, its rules, policies, practices and leadership. The unit created uniformity of expectations and delivery of appropriate services for all the children involved. As such, the unit implemented the use of a universal referral packet with procedures and policies for behavioral health evaluations and residential placement referrals.

### ***JCJC Juvenile Probation Statewide Case Closing Outcomes***

As part of the Juvenile Court Judges Commission Statewide Probation Outcomes Initiative, the Philadelphia Juvenile Probation recidivism rate for cases closed out of the system in 2009 continued to show positive results. Of the 4,352 delinquency cases that were closed out, 80% successfully completed probation supervision without a new arrest, matching 2008 results.

- The median length of supervision was 16.7 months in 2009, a decrease from 18 months in 2008.
- The average length of time a child spends in out-of-home placement was 11.5 months in 2009, a slight decrease from the 2008 average of 11.6 months.



### ***Mural Arts Art Court***

In March, 2009, Administrative Judge Dougherty and Chief Sharp introduced Mural Arts Court to the roster of services for juvenile justice-involved children. In collaboration with Jane Golden, Executive Director of the Mural Arts program, and in conjunction with the building of competencies for children, the world of painting, sculpturing and creative thinking was opened to those children with interest in the Arts. The program operates inside 1801 Vine Street. The program expanded to include non-adjudicated families, guardians, youth and children waiting for court. The atmosphere provides a healthy setting and an opportunity for families to interact with each other in a positive manner while learning or refining their artistic skills. Their artwork is often displayed for all visitors to view.

### ***Balanced and Restorative Justice Outcomes BARJ***

Philadelphia probationers completed nearly 51,000 hours of community service in 2009, matching 2008 levels, and correlating to over \$300,000 worth of services to the neighborhoods and citizens of Philadelphia.

The Juvenile Probation department collected more than \$325,000 in restitution payments and dispersed nearly \$340,000 to victims of juvenile crime in 2009. These amounts reflect a 10% increase from 2008. Philadelphia continues to be the statewide leader in restitution collection and payments to victims.

The Juvenile Probation Department also collected \$131,000 in court ordered fines and costs that were forwarded to be distributed through the Pennsylvania Crime Victims' Compensation Fund to victims of juvenile crime. This was a 12% increase over 2008 collections.

### ***Graduated Sanctions Court***

This Court is specifically designed to address delinquent youth who violate probation and who are subsequently exposed to repeated court appearances and graduated levels of sanctions. The project is aimed at reducing the number of out-of-home placements through the increased utilization of community-based services and interventions. The sanction team includes representatives from collaborating agencies and probation officers who intervene to develop and recommend appropriate dispositions for each case.

In 2009, Juvenile Probation expanded the Graduated Sanctions Court population to 100 youth. The Graduated Sanctions Court as a full-time specialized program reduced the long-term placement rate to fewer than 15%. The Sanctions Court also made use of the newly implemented GPS tracking system that resulted in a reduction of the average daily number of youth in secure detention from 135 to 82.

### ***Juvenile Enforcement Team (Jet)***

In 2007, the Juvenile Probation and Philadelphia Police Department's 17<sup>th</sup> Police District teamed up to create the Juvenile Enforcement Team. Known as **JET**, this task force identifies known juvenile offenders in the 17<sup>th</sup> district and targets surveillance, and supervision of these juveniles. The development and utilization criminal intelligence guides JET and the Probation and Police efforts in this joint community-policing venture.

### ***Youth Violence Reduction Partnership (YVRP)***

The Youth Violence Reduction Partnership continues as one of the most progressive and successful cooperative efforts in Philadelphia's mission to address the most violent offenders in the Juvenile and Adult systems. The motto of "Alive at 25" and an annual report have yielded results in addressing re-arrest rates and safety of the clients and community. As part of the State and Federal Blue Print for Violence Program the YVRP initiative continues to fight the growing problems of guns and youth violence in the city. The Juvenile Probation Department participates in the Steering, Management, and Operations Committees of the partnership between the Philadelphia Police Department, the District Attorneys Office, and PAAN. They work together to provide supervision, surveillance, and competency development to some of the most at-risk youth.

### ***Revised Youth Study Center (YSC) Intake Diversion Program***

In 2009, the Youth Study Center Intake processed 7,061 juvenile petitions including the diversion of nearly 400 cases through the YSC Diversion Program and almost 700 through the District Attorney's Youth Aid Panel (YAP) program. The number of petitions filed was reduced by 18% from 2008 totals.

### ***Operation Pressure Point***

In April of 2009, the Juvenile Probation Department teamed with local, state and federal law enforcement agencies (FBI, ATF, US Marshal's Office, DEA, PA State Police, and FJD Warrant Unit) in an effort to apprehend the most serious juvenile offenders in the 12 most violent police districts throughout Philadelphia. Juvenile Probation alone served over 400 high profile warrants with a better than 34% apprehension rate. On November 1, 2009, Philadelphia Police Commissioner Charles Ramsey presented to Administrative Judge Dougherty a Certificate of Appreciate in recognition of "the commitment, dedication and devotion to Operation Pressure Point helping make the City of Philadelphia a safer place to live and work"

### ***Case Management and Probation Officer Supervision Accountability***

The Philadelphia Juvenile Probation Department typically supervises over 6,000 cases at any one time. To ensure the integrity of the Department mission, the Department developed the JACS Supervision report that outlines all probation officer supervision contacts for each Probation Officer each month. This evaluation tool, developed through the JACS system, is a monthly report for field Probation Officers that captures all contacts with clients and others and outlines where the visits occurred, and with whom, to ensure effective and efficient supervision for all probation cases. This report has become a critical tool for staff to view work productivity and progress toward meeting Departmental supervision standards for Philadelphia youth.

In 2009, Probation Officers averaged over 7,800 successful client contacts per month, which, over the course of the year totaled 93,686 documented successful client contacts. This effort surpassed the 2008 total of 87,000 successful contacts. Since the inception of the Case

Management and Supervision standards in 2005, the department has steadily increased its supervision levels each year.

### **2009 Delinquent Court Outcomes**

#### **Juvenile Delinquency – New Case Disposition Outcomes – 2009**

Referred Elsewhere .....	39
Dismissed / Withdrawn .....	4,198
Probation.....	3,048
Committed.....	1,841
Certified .....	21
Other .....	<u>276</u>
<b>Total .....</b>	<b>9,423</b>

### **Philadelphia Dependency Operations**

#### **Children and Youth Services**

The main office of the Philadelphia Dependency Operations Children and Youth Services is housed on the third floor of 1801 Vine Street. Dependency Operations include the Adoption Unit, Accelerated Adoption Review Court, Project START (Stop Truancy and Recommend Treatment), Prevention Services, Appellate Unit, and Supervised Visitation. All services unavailable to children and families through the juvenile justice system are referred to Children and Youth Services.

Led by Justice Max Baer, the AOPC Office of Children and Families in the Courts (OCFC) and the Philadelphia Family Court joined forces to provide children with safe, nurturing and permanent families. This year, Philadelphia Dependency Operation concentrated on enhancing permanency for court-involved children. The court focused its efforts on designing initiatives that would help to:

1. Decrease out-of-home care for dependent children;
2. Decrease out-of-state care for both dependent and delinquent children; and
3. Reduce lengths of stay for dependent and delinquent children in out-of-home care.

To meet these goals, the Court established the Philadelphia Roundtable. Modeled after the Roundtables created across the state by the OCFC, the Philadelphia Roundtable membership comprises top leaders of all children and family serving systems including the Department of Human Services, the Department of Behavioral Health, the School District of Philadelphia, the Support Center for Child Advocates, the Child Advocacy Unit of the Philadelphia Defender's Office, the Philadelphia City Solicitor's Office, Community Legal Services, and others from human services providers, hospitals, and universities.

Dependency judges worked hard at meeting goals by ensuring that every effort was made to move a child to permanency. Their motivation and commitment to enhancing permanency resulted in a drop of nearly 9% in dependent placements as the child welfare system reached an all time low of 4,953 children in out-of-home care in December of 2009. At the beginning of 2009, there were 5,669 children in out-of-home care.

Please see charts prepared by the Philadelphia Department of Human Services.

## **2009 Dependent Court Operations Initiatives**

### ***Adoption Branch***

Pursuant to the Pennsylvania Constitution, Article V, Section 16(q) (iii), Philadelphia Family Court is vested with jurisdiction to hear adoption matters. Adoption Branch staff is responsible for the filing, processing, and listing of termination of parental rights and adoption petitions. In the second half of this year, the court examined and identified the need to streamline the adoption hearing process in order to increase adoptions and thereby increase permanency for more children. Several new processes were developed including those for filing, review, and the listing cases. The new policies implemented in January, 2010.

From January 1, 2009 through December 31, 2009, the Court ensured permanency for Philadelphia children by hearing and granting 470 adoption petitions.

### ***Accelerated Adoption Review Court (AARC)***

AARC is a specialized courtroom dedicated to examining cases where parental rights have been terminated and ensure that those children receive urgent attention and efforts focused on achieving permanency. The Court has dedicated a Master to sit two days of each week to review these cases. The Master serves the Court by tracking each child's progression toward a finalized adoption. This requires intensive monitoring of the Department of Human Services to ensure that all necessary paperwork and requirements of the Adoption Act are met so the case can be made ready as quickly as possible for an Adoption finalization hearing.

### ***Stop Truancy and Recommend Treatment (Project START)***

This year the court was once again successful in securing close to \$1.7 million from the Department of Human Services to support the Philadelphia School District in an innovative approach to the problem of truancy. Through this diversion initiative, the court is able to meet the needs of families and children who are experiencing difficulties attending school. The court recognized that by investing resources at the front end of this problem, children and youth could be diverted from entering the dependency system.

By hearing these cases at the early warning stages when a youth is absent more than 10 days, the court is able to intervene and provide social services to address the issues that are preventing these children from getting to school everyday. In collaboration with the Department of Human Services, the court created a multi-level process that affords families the opportunity to meet with a trained social worker to identify barriers and provide solutions. If such solutions and appropriately targeted services are not able to help the family, the case proceeds to a more formal court hearing conducted by a Master and held at one of eight regional courtrooms throughout the City.

If the case is referred to formal court proceeding at 1801 Vine Street, court sanctions may be imposed. Depending on the reason for the failure to correct the truant behavior, the court may determine that more intensive services are required. The court may also fine the parents and require the children to perform community service. In extreme matters, truancy petitions are dismissed and the filing of a formal dependent petition is ordered by the court.

From September, 2009 through December, 2009, the court presided over approximately 11,000 new truancy cases and conducted another 14,000 cases as review hearings.

### ***Prevention Services Unit (PSU)***

The Prevention Services Unit seeks to help prevent children's involvement or placement in dependent and delinquent systems. This initiative facilitates services to parents who directly contact Family Court indicating that their child is incorrigible, truant, using drugs, or engaging in any of a host of other negative behaviors. Some parents are of the opinion their only avenue to obtain services is to have their child arrested or to leave them at Family Court or the Department of Human Services. The PSU makes every effort to avoid supervision or commitment to the Department of Human Services by offering services with direct supervision by court staff and community or social service providers.

In addition, the Prevention Services Unit is able to provide services to those juveniles who are placed on deferred adjudication, interim probation or have been referred through Truancy Court for more intensive supervision. The benefit of utilizing PSU in this fashion is that they have an easily referral process to access community based services immediately. Judges utilize this service when adjudication is deferred to determine how the juvenile responds to intervention prior to a judicial adjudication of delinquency.

Cases commence with an assessment conducted by Family Court social workers. Upon completion of the assessment, the parent or child is linked to the agency that will best address their particular problem. The agencies that provide services to these clients are: Girls, Inc., Vision Quest, Caring People's Alliance (CPA), Congreso de Latino Unidos, Inc., Counseling or Referral Assistance (CORA) and George Junior Republic Preventive After-care.

ACT 53 cases, under age ten petitions, incorrigibility petitions, and emancipation petitions are also handled by this unit. ACT 53 cases involve the treatment of children with drug abuse issues and allow a commitment to a drug treatment center without an adjudication of delinquency. The under ten petitions involve children under the age of ten who commit delinquent acts but due to their age cannot be charged in the delinquent system. The incorrigibility petition is filed to obtain a court hearing only after all other efforts have been exhausted. Emancipation petitions are filed by young people, who are between the ages of 16½ and 17½, receive no financial assistance and live separately from parents or legal guardians.

Again this year, the court engaged in partnership with *It Takes a Village, Inc* to further empower families through the practice Family Group Decision Making conferences. The court uses this strength-based approach to help children and families to find their circle of family and work together as a unit towards safety for their children. It also assures that all family members recognize they have a voice and that voice will be heard.



### ***Supervised Visitation***

Each Sunday, court-ordered supervised visitation is conducted at the courthouse located at 1801 Vine Street. The court orders are generated from both Domestic Relations and the Juvenile Branch. Three sessions are held: 9:30-11:30 AM; 12:00-2:00 PM; and 2:30-4:30 PM.

This year, employees maintained procedures and regulations first implemented in 2008. Parties are required to bring a copy of their order and identification and to register for their visitation sessions. Data about each visitation case is recorded into a computer system so that judges can access necessary information and use such information in determining custody and visitation issues.

An innovative component of the court's supervised visitation is the collaboration with Creative Arts therapists and the Department of Human Services to provide art, music, and dance movement therapy to families involved in supervised visitation. This adds an engaging modality that helps families work productively to develop positive relationships.

### ***Project PENN***

On October 29, 2009, the University of Pennsylvania Field Center opened its doors at Philadelphia Family Court. Administrative Judge Dougherty met with the Field Center leadership and developed an initiative that provides outreach to families awaiting dependency hearings. Project PENN placed a University of Pennsylvania social work graduate student in the dependency waiting rooms one day a week to provide information and referrals for a full range of services to families, such as emergency and long-term housing, utility assistance, emergency food, family planning, medical, dental, and vision care, and assistance in completing CHIP insurance forms. It is the intent and hope of the University of Pennsylvania and Administrative Judge Dougherty to expand the program in 2010.

### ***Unified Appellate Unit***

On March 16, 2009, at the behest of Justice Max Baer and the Office of Children and Families in the Court (OCFC), the Superior Court of Pennsylvania adopted amendments' to its Internal Operating procedure creating the Children's Fast Track and Other Family Fast Track Appeals. As a result, Administrative Judge Dougherty created a Unified Appellate Unit in an effort to meet the needs of those litigants seeking expedited appellate review. Prior to the unification, sites for filing appeals were scattered: delinquent appeals were filed in the Criminal Justice Center, dependent appeals were filed in City Hall, termination of parental rights appeals were filed at 1801 Vine Street, and Domestic Relations related appeals were filed at the Family Division courthouse located at 34 S. 11<sup>th</sup> Street.

The multiple locations for different filings created confusion and loss of files and documents needed for appellate review which in turn caused unnecessary delay for the Superior Court and litigants. Administrative Judge Dougherty worked closely with the leadership of the FJD and developed a protocol such that all juvenile justice, child welfare and adoption-related appeals are filed and processed at 1801 Vine Street. Domestic relations-related appeals remain filed at the south 11<sup>th</sup> Street Family Court building. Administrative Judge Dougherty now works closely with Superior Court Judge Susan Gantman to ensure that all opinions are timely received.

### ***Philadelphia School District Support Center***

In 2009, Administrative Judge Dougherty met with Philadelphia School District Superintendent Dr. Arelene C. Ackerman to discuss cooperation between the two organizations. Among the many discussions was the continued concern by the judge that court orders directing school district officials to act were not being followed. In particular, the requests for Individual Educational Plans (IEP), correction of school attendance records, transfers to and from local schools, receipt of requested information, and reintegration into public education from delinquent placement were causing further problems. These included duplicated services, unnecessary truancy petitions, and delay in prompt disposition of court-related matters. As a result, the Family Court and the Philadelphia School District expanded its “Help Desk” at 1801 Vine Street and created the new Support Center.

Administrative Judge Dougherty allocated space in the basement to house a team of School district employees. This expansion of space permitted the building of offices – at the expense of the School District – to accommodate a team that meets the daily needs of court-involved children. Now, judges and court personnel need only refer families to the Support Center for children and families, and to provide current educational information to the bench, as needed.

### ***Family Court/DHS/ Philadelphia School District Memorandum of Understanding***

In an effort to enable the Juvenile Branch of Family Court to properly access juveniles and place such children in appropriate educational environments, and to support and further the educational needs and interests of truant and dependent students, the School District, the Department of Human Services, and Family Court entered into a comprehensive Memorandum of Understanding. As a result, all have agreed to certain procedures and processes to share educational records and information about these juveniles in compliance with local, state and federal law.

## **Domestic Relations Branch**

### **Overview and Organization**

Under the leadership of Administrative Judge Kevin M. Dougherty and Supervising Judge Margaret T. Murphy, twelve judges of the Court of Common Pleas preside in the Philadelphia Family Court Domestic Relations Division, which is responsible for cases involving child support, spousal support, custody, divorce, and domestic violence. Domestic Relations Court comprises more than 30 units and 385 professional and support staff.

### **Mission Statement**

*The mission of the Domestic Relations Division is to efficiently administer cases involving paternity establishment, child and spousal support, divorce, child custody and domestic violence. The Domestic Relations Division utilizes state of the art case management techniques that enhance timely case processing, increase performance measures, maximize child support collections, help to establish paternity, and secure improved medical support for children. Most importantly, the Domestic Relations Division is devoted to bringing justice to the public it serves.*

### **Responsibilities**

The Domestic Relations Division has multiple and varied responsibilities in responding to complaints and petitions that can be broadly categorized under: Divorce, Child Custody, Domestic Violence and Child and Spousal Support.

### **Divorce**

The Domestic Relations Division has jurisdiction over all facets of divorce proceedings. These include the entry of decrees in divorce and annulments and the resolution of economic claims arising from divorce actions. Domestic Relations Judges hear all divorce motions; including motions for discovery, substituted service, specific relief, and they enter orders approving grounds for divorce. Economic claims arising from divorce actions, such as equitable distribution, alimony, and counsel fees and costs are initially heard by Divorce Masters, who conduct non-record hearings. If an agreement is not reached before the Divorce Master, a proposed Order and Decree is issued and a party may file for a trial *de novo* (a new and complete trial) before a Domestic Relations Judge.

In 2009, there were 1,877 new Complaints in Divorce filed, and 1,438 Divorce Decrees entered. In addition to the new Divorce Complaints, there were an additional 11,720 divorce related pleadings (contested and uncontested) filed within the Domestic Relations Division.

### **Custody**

Resolution of child custody disputes is one of the more sensitive and emotionally charged functions of the Domestic Relations Division. Custody complaints are initially referred to the Custody Unit and conferences or hearings are conducted by Custody Masters. Mediation is available to parties who are seeking an opportunity to amicably resolve their custody disputes. Domestic Relations Judges conduct hearings in claims for primary physical custody, contempt of custody orders, expedited and emergency matters, and exceptions to proposed orders for partial custody and visitation orders.

In 2009, there were more than 24,000 custody petitions, including 11,824 new Complaints in Custody, plus petitions for modifications, contempt and interim relief. The number of individual custody cases processed totaled 13,389 with more than 24,500 Domestic Relations custody events.

### **Domestic Violence**

The Domestic Violence Unit is a *pro se* filing unit (“for self” – petitions are initiated by the victims themselves) designed to provide assistance to victims of domestic violence. The Domestic Violence Unit conducts interviews with petitioners and prepares Protection from Abuse (PFA) Petitions, which are then submitted to Domestic Relations Judges for review and, if appropriate, the entry of a Temporary PFA Order. Domestic Relations Division Judges hear cases involving domestic violence between family members, or between parties who have had an intimate relationship. Domestic Relations Judges also conduct hearings to vacate or extend restraining orders, and for contempt of PFA orders, both criminal and civil. In 2009, PFA petitions seeking the entry of an order totaled 11,695 and 11,607 cases were processed, in addition to contempt cases and modifications filed.

Judges assigned to the Domestic Relations Division conduct criminal trials every Tuesday and Thursday at the Criminal Justice Center on cases charging defendants with indirect criminal contempt for violation of a protection order entered pursuant to the Protection from Abuse Act. In 2009, Domestic Relations Judges conducted 4,890 hearings in criminal abuse cases.

### **Support**

Child and spousal support cases have three broad components: 1) establishment of paternity; 2) determination of the support obligation; and 3) enforcement.

#### ***Paternity***

For children born out of wedlock, establishment of paternity is the first step toward determining the child support obligation. Paternity can be established in one of four ways: 1) voluntary acknowledgement of paternity (AOP); 2) genetic testing; 3) default paternity establishment; and 4) in-hospital paternity establishment. As of December 31, 2009, there were approximately 85,000 children associated with a Philadelphia County IV-D (child support) case that were born out of wedlock. Of this figure, approximately 75,000 children (nearly 88%) had paternity resolved.

#### ***Determination of the Support Obligation***

When there is an obligation to provide child support, spousal support, or *alimony pendente lite*, the amount of the support award is determined pursuant to the Pennsylvania Support Guidelines that are set forth in the PA Rules of Civil Procedure. Support Conference Officers and Support Masters conduct conferences and hearings regarding the entry of support orders. Domestic Relations Judges conduct Exceptions hearings and Contempt hearings and enter final orders for support. In 2009, there were over 46,000 support filings, including approximately 20,000 new complaints in support.

### ***Enforcement and Support Collections***

In 2009, \$192,373,422 was collected for Domestic Relations child support. Of that total, \$13,744,517 represented welfare collections on behalf of the Pennsylvania Department of Public Welfare.

### ***Improved Performance Measures: Increased Child Support Enforcement Funding***

In Federal Fiscal Year 2009, Pennsylvania became the first state in the nation to exceed 80% in all Federal Performance Measures.

The diligent efforts of Philadelphia's Domestic Relations Division have contributed toward this historic milestone. In two key performance measures, Philadelphia increased current collections by 4.66 points to 78.94% (as of December 2009) and increased arrears collections by 5.52 points to 80.75% (as of federal fiscal year 2009).

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### ***Inter-divisional Memorandum of Understanding***

As outlined in an Inter-divisional Memorandum of Understanding (MOU), the Domestic Relations Division, Pre Trial Services of the Criminal Division, and the Bureau of Child Support Enforcement demonstrated continued success executing Domestic Relations bench warrants. The combination of the MOU and the administrative bench warrant review process has enabled the Domestic Relations Division to successfully dispose of outstanding bench warrants. As of January 2009, there were 8,397 outstanding bench warrants. An additional 6,509 bench warrants were issued during 2009, totaling 14,896 warrants. During 2009, 10,737 (over 72%) were disposed.

### ***Bench Warrant Amnesty Program:***

A Bench Warrant Amnesty Program was put into effect from Thursday, November 12 through Wednesday, November 18, 2009. The Amnesty program was implemented to give parents with an outstanding bench warrant an opportunity to surrender and resolve their past due child support without fear of arrest. Job placement services were also provided to unemployed parents. With the assistance from fatherhood programs and other community-based organizations, 872 parents surrendered and dealt with their child and spousal support problems.

### ***First Payment Exit Interviews***

In 2009, the Support Establishment Unit First Payment Initiative continued to encourage obligors (those who owe) to make a support payment at the time that the support order is established. Several days before their scheduled establishment conference, potential obligors receive a letter reminding them that they will be expected to make a payment on the day their order is established. If a support order is established during the establishment conference, the defendant is immediately referred to a conference officer who is well versed and trained in the enforcement process.



During the exit interview, the defendant is asked to make his/her first payment, and the ramifications of delinquency are thoroughly explained. If the obligor is not prepared to make a payment, a review conference is scheduled within 15 days to ensure that payments are being made. If payments are not made within the first 15 days, the case is referred to the Support Compliance Unit to schedule an enforcement conference. During 2009, more than 3,000 cases were processed through the First Payment Initiative, and more than \$224,733 was paid on these cases within 15 days of the orders being established.

## ***Pennsylvania Child Support Enforcement System (PACSES) Enhancements***

### ***Federal Insurance Match Program***

In 2009, the Commonwealth implemented the Federal Insurance Match Program (FIMP). This program provides data for personal injury and/or worker's compensation claims with insurance companies that do not participate in the Child Support Lien Network (CSLN). On a daily basis the Bureau of Child Support Enforcement (BCSE) receives insurance match information via the Federal Case Registry. A list of cases that have a personal injury and/or worker's compensation claim is generated for each county. This list is then uploaded to PACSES E-Reports on a weekly basis; the report is available every Monday morning. On Monday the list is retrieved from PACSES E-Reports and reviewed; cases that are duplicates of a prior CSLN claims are ignored; all new claims found are issued a non-distribution order. The order is then forwarded to the DA's Office to send to the insurance company and the defendant.

### ***Automated Case Closure/Order Modification***

In 2009, the Bureau of Child Support Enforcement (BCSE) provided an automated process to help the Domestic Relations Division manage their caseload and improve performance. The automated case closure/order modification (ACC/OM) program identifies and selects cases that are eligible for *closure* under 45 CFR 303.11, or *modification* under Pa. R. C. P. 1910.19(f). The automated functions streamline the case closure and order modification processes and dramatically reduce the need for employee intervention, allowing managers to allocate worker resources to other child support enforcement efforts.

### ***Performance Improvement Module (PIM)***

In 2009, the Bureau of Child Support Enforcement (BCSE) provided a new system tool to assist with case management and improve two key performance measures by increasing collections on current support and arrears. The Performance Improvement Module (PIM) presents key case information on a "worker dashboard" that is easily read and allows staff to quickly assess a case and determine the next steps. Since PIM was implemented, two key performance measures, collections on current support and collections on arrears, have increased and virtually exceed the 80% target.

## **Facilities**

### ***Intake Unit Renovations***

In August of 2009, the Intake Unit waiting area was renovated to more efficiently utilize the space on the Mezzanine floor and optimize workflow. This allowed the triage area on the first floor to be moved to the Mezzanine where Intake's primary space is located. Clients are now directed to one central location and can be provided essential Intake services in a less stressful environment. Expanded seating was provided along with the installation of a public address and a television to provide clients a more comfortable environment while waiting to complete their intake process. Intake staff was very cooperative and continued to provide full services during the renovation period.

## **Training**

### ***Domestic Relations Training Center***

During 2009, the Domestic Relations Training Center provided New Hire Orientation Training for 17 employees. The new hires consisted of 4 support staff and 13 Conference Officers. Each new employee received an in-depth orientation that included instruction in Domestic Relations policies and procedures and introductions to the PACSES child support enforcement computer system, the BANNER computer system, and the Department of Public Welfare CIS computer system. They also learned about case processing with overviews of case initiation, paternity, support establishment, support compliance, interstate/intrastate case processing, and an introduction to the financial components of support obligations. The new staff members are also given instruction in PIM, JNET, and how to access the wealth on information on the PACSES Home Page.

The Training Center coordinated efforts with the Pennsylvania Child Support Training Institute (PACSETI) to provide training for 190 Domestic Relations employees. Courses provided ranged from New Hire modules to PIM and Medical Support Workshops. Additionally, cross training and enrichment training was provided for individuals recommended by their supervisors. This training is given on a one-on-one basis to enhance individual staff members' skills in system application and case processing. Throughout the year, classes were offered to expand the knowledge of employees beyond the scope of their current assignment. The Training Center also provided PACSES and BANNER computer training to new judicial staff.

## Orphans' Court Division

Calendar Year 2009 was an exciting and productive one for the Orphans' Court Division of the Court of Common Pleas. With an overhaul of the annual guardianship report filing system, a revision of filing fees, and an increasingly efficient Electronic Filing System, the Philadelphia Orphans' Court saw an increase in both its productivity and its competency.

The Orphans' Court Electronic Filing System allows both attorneys and *pro se* parties to electronically apply through the court web site (<http://courts.phila.gov>) for a User Name, Password and PIN to access the E-filing system. The User Name, Password and PIN will be sent, immediately upon submission of the request, to the email address provided by the registered user.

The Orphans' Court was the first court in the First Judicial District to institute the Electronic System. As a result, leaders and employees have had some time to tweak and perfect the system. This has been an ongoing process. The most recent development is electronic tracking for annual reports about incapacitated persons. The Orphans' Court plans to further refine and update this system to be able to track whether guardians of incapacitated persons are filing required reports.

During 2009, approximately 2,233 cases were filed in Orphans' Court. Additionally, 3,312 motions were filed, both electronically and in person over the counter.

The Orphans' Court initiated the use of the Electronic Filing system on January 1, 2005. Since then, a total of 15,988 persons (10,585 attorneys and 5,403 *pro se* parties) have requested and been granted access to initiate new cases or file pleadings in existing Orphans' Court cases. In 2009, 3,888 attorneys, through the Electric Filing System, were assigned a username and password, along with 1,518 *pro se* parties.

From January 1, 2005 to December 31, 2009, approximately 22,446 Orphans Court pleadings have been filed. Of these, 4,653 (21% of all pleadings filed) were filed in a paper format and then converted by the Orphans' Court Clerk into electronic documents. The majority of all pleadings filed, 17,793 (or 79%) were filed electronically.

In 2009 alone, approximately 5,433 Orphans' Court pleadings were filed, representing a substantial (377%) increase from the 2008 number of 1,139. Although the bulk of the documents filed in Orphans' Court are done so electronically, the court continues to allow the filing of documents in paper format for those who do not have the access or ability to file by electronic means. The documents originally filed in paper format are later scanned into the E-filing system by the Clerk's office.

As a result, the E-filing system has dramatically reduced the waiting time for filings to be approved and accepted by the Court Clerk. In 2009 alone, electronic filings made during court hours (a total of 3,432 pleadings) were reviewed within 51 minutes after they were filed. Pleadings filed after regular Court hours (a total of 1,675 pleadings) were reviewed within 50.66 hours of the electronic filing.<sup>1</sup>

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<sup>1</sup> This average includes any delays after the filing, including overnight, holiday and week-end delays, as well as delays occasioned by the in-person or mail payment of the filing fees.

Orphans' Court E-filing system information is also available to the general public. Access to electronically filed documents, in redacted form, is available through computer terminals in the Clerk's office. Outside the Clerk's office, however, the public can only access docket lists. The following five data fields are redacted as required by local rule: 1) the name of the minor (in cases of a minor's estate); 2) social security numbers; 3) dates of birth; 4) financial account numbers; and 5) home addresses. Redaction of such information provides both financial and identity security to the parties. Unchanged documents are accessible only to attorneys of record and *pro se* parties.

Following the implementation of the Orphans' Court Electronic Filing system in 2005, both attorneys and court staff were thoroughly trained on how to utilize the new system. To further assist the users of the Orphans' Court E-filing system, a training video and a user manual are available online at the Court's web site (<http://Courts.phila.gov>). The user manual provides instructions on how to employ the Orphans' Court Electronic Filing System to file documents, view information, or retrieve docket reports.

Additional Orphans' Court information is available on the internet as well. Since November 15, 2006, "fill-in" format, statewide forms have been accessible on the Administrative Office of Pennsylvania Court web site (<http://www.pacourts.us/Forms/OrphansCourtForms.htm>). The site contains Audit and Administration forms, Guardianship forms, Register of Wills forms, Foreign Adoption Registration Forms Pursuant to New Pa. O. C. Rule 15.8, and Model Forms of Account, among others. These standardized forms promote uniformity and efficiency throughout the Pennsylvania judicial system.

Furthermore, the Philadelphia Estate Practitioner Handbook can now be retrieved on the internet (<http://www.peph.com>). The website contains links to different Practitioner Handbooks: the Blue Book (Register of Wills of Philadelphia County Manual), the Green Book (Forms for Use Before the Register of Wills and the Orphans' Court Division in Philadelphia), and the Red Book (Practice and Procedure Before the Orphans' Court Division of the Court of Common Pleas of Philadelphia County). Downloads for a variety of forms and checklists are also available on the website.

The availability of online forms and information, combined with the effectiveness of the Electronic Filing System, have enabled the expeditious handling of an increasing number of Orphans' Court filings, and will continue to do so in the future.

Of the ten largest United States cities, Philadelphia has one of the highest proportion of people age sixty-five years and over. The older population (65+) numbered 38.9 million in 2008, an increase of 4.5 million or 13.0% since 1998. With higher life expectancy rates, and considering that over one in every eight, or 12.8%, of the population is an older American, the number of incapacity hearings will likely increase as well. This trend is evidenced by the number of incapacity hearings before the Orphans' Court in 2009, which increased to 493 from 344 in 2007 and 478 in 2008.

While the city is suffering some severe repercussions as a result of the current financial recession, the Orphans' Court has continued to bring revenue into the city and the state, despite the economic crisis. In 2009, the Orphans' Court collected nearly \$11 million (\$10,819,995) from Inheritance Tax collections for the state of Pennsylvania. This figure, however, marks a decrease from the amount collected in 2008 that exceeded fourteen million dollars.

The Orphans' Court has been able to continue its high level of service to the judicial system while working within a tighter budget and without the need for personnel reductions. This situation, however, may radically change in the near future. There is ongoing, intensive discussion as to alternative solutions this court may have to implement in order to function within budget constraints.

As a direct result of the city's aging population and busy economy, the workload of the Orphans' Court is expected to continue to increase dramatically in the years to come. As outlined above, the Orphans' Court has positioned itself to deal with increased future demands with a high level of competency and efficiency.



# Philadelphia Municipal Court

*During 2009, budget challenges have continued to impact the operations of the Philadelphia Municipal Court. The court has been operating under a hiring freeze since September, 2008, and judges, administrators, and employees have continued to successfully face and overcome these challenges. The judiciary and court staff continue to provide timely access to justice, while maintaining quality programs and problem-solving court initiatives. Despite the difficulties, new initiatives are being pursued. More significant cuts make it more difficult to process the huge number of new cases entering the Municipal Court system each year. If current trends continue, well over 200,000 new civil and criminal cases will be generated in 2010. While the ability of judges and staff to handle this volume will be tested, they will continue to apply their best efforts to meet the challenge even in the face of further reductions in staffing and resources.*

## Civil Division

### 2009 Philadelphia Municipal Court Civil Division Initiatives

#### Civil Litigation Automated Information Municipal Court System (CLAIMS)

Introduced in 2002, CLAIMS was the first integrated, web-based electronic filing, and case management system in the Commonwealth of Pennsylvania. All Municipal Court civil cases are filed electronically and provide online access to dockets, schedules, and forms. All dispositions are recorded “real time” into the system. On March 2, 2009, electronic filing became mandatory in Municipal Court for all attorneys.

Currently, over 2,862 attorneys are registered CLAIMS users. All City of Philadelphia code enforcement cases are filed and disposed electronically. Training is provided by Civil Administration for new users. *Pro-se* litigants can gain search access to the CLAIMS system and view an online video that highlights and explains the Court’s filing procedure via the court website, <http://fd.phila.gov/municipal>. In May of 2009, an updated attorney’s training manual was added to the court website. This fluid document will be supplemented with future revisions as needed. As always, the staff of Municipal Court remains available to answer questions and offer assistance. Currently, the court averages over 4,500 filings per month.

In 2009 Municipal Court fully implemented all CLAIMS enhancement goals set in 2008. Major highlights include:

- Attorneys are required to submit all continuances electronically.
- Attorneys are required to electronically file all judgments by agreement in advance of hearing dates.
- Electronic subpoenas are issued in courtrooms.
- City agencies file electronic writs, petitions, rescheduling, and continuance requests.
- Court Interviewers process credit card transactions.

The court's accomplishments are noteworthy and audits are performed to ensure that the system is operating with maximum efficiency. The Judgment and Petition Unit has commenced scanning paper files into CLAIMS.

#### **Future Goals for 2010 for CLAIMS**

- Complete the automation of Private Criminal Complaints filings and include an Arbitration module
- Provide a feature to allow garnishees to satisfy and dissolve attachments
- Provide for the filing of a Praecipe to Enter Judgment against the Garnishee based on answers to the interrogatories
- Complete an electronic interface with the Sheriff's Office
- Provide attorneys with the ability to electronically file answers to interrogatories
- Provide for the electronic filing of a Bill of Cost
- Enhance website links
- Restrict confidential staff scheduling to court staff
- Enhance the statistical reporting features
- Complete the redesign of the Landlord/Tenant complaint form

#### **2009 CLAIMS STATISTICS**

<b>FIRST FILINGS</b>	<b>FILED ELECTRONICALLY</b>	<b>DISPOSED ELECTRONICALLY</b>
Code Enforcement	54,088	49,156
Small Claims	40,947	39,332
Landlord/Tenant	28,438	24,558

<b>SECOND FILINGS</b>	<b>FILED ELECTRONICALLY</b>
WRITS (LANDLORD/TENANT)	29,685
WRITS (SMALL CLAIMS)	4,607
WRITS (CODE ENFORCEMENT)	73
WRITS (TRANSFER OF JUDGMENT)	82
PETITIONS	8,067
RELISTMENTS	3,608
ORDERS TO SATISFY	8,716
SETTLE DISCONTINUED AND ENDED	3,145
ADMINISTRATIVE CONTINUANCES	1,313

#### **Wage Attachments in Landlord/Tenant Matters**

Section 8127 of Title 42 was amended on December 9, 2002, which allowed wage attachments in Landlord/Tenant Cases. Municipal Court and its staff implemented a procedure on April 22, 2003 to handle this process. During 2009, the court filed 53 praecipes, resulting in the collection

and dispersing of \$86,375 from attorney filings along with \$35,138 in *pro-se* filings totaling \$121,513. The CLAIMS system has been enhanced to have all wage attachments and payments scanned and docketed.

### **ADA Statistical Accommodations**

Philadelphia Municipal Court offers several options to expeditiously accommodate individuals with disabilities. In 2009, through a dedicated phone line for all ADA requests, the court received 1,398 calls. We assisted 272 individuals with wheelchairs to and from the courtrooms; the court ordered and paid for 8 sign language interpreters at a cost of \$2,098; and continued 432 cases in order to provide more time for clients to make special arrangements. The Court conducted 386 telephonic hearings during this period from courtrooms, and mailed over 772 ADA forms and 102 various instructions to individuals. The total number of individual accommodations was 1,972.

### **Interpreter Requests**

The Civil Division utilizes the Language Service Line as an alternative method to use in our departments. The Court secured 87 per diem interpreters for the Landlord/Tenant courtroom; 62 per diem interpreters for the Small Claims Courtrooms; and 10 interpreters for Code Enforcement Cases. The expenditures for 159 cases amounted to \$22,477.

### **Satellite Small Claims Court**

In 2009, the court continued to provide access to justice through the 8<sup>th</sup> Police District Civil Night Court Program. This program provided litigants the ability to have their cases heard by a Philadelphia Municipal Court Judge or settled with the assistance of a Certified Court Mediator. In 2009, the court scheduled 609 Small Claims Cases and disposed of 571. The program's outlook is facing closure due to budget restrictions.

### **Customer Service**

The Court designates two on-site areas for customers and attorneys to access civil dockets in a "read only" mode. The Court provided assistance to 44,212 customers at information counters in 2009.

### **Internship Programs**

The Civil Division continues to utilize students from the following programs:

- CITE Business School Internship Program
- Greater Philadelphia Urban Affairs Coalition
- Path, Inc.
- PHEAA Student Interns
- Liberty Resources
- Philadelphia Electrical and Technology Charter School (PE & T)
- Credits Student Interns
- Volunteer Student Interns
- Externship Program

### **One City One Vision**

The City of Philadelphia awarded the Philadelphia Municipal Court a certificate in recognition of its contribution to the "One City, One Vision" film. The film celebrated workplace diversity by exploring the value of employing persons with disabilities. President Judge Marsha H. Neifield,

Supervising Judge Bradley K. Moss, Deputy Court Administrator Patricia McDermott appeared in the film along with Margaret Berger, a part time clerk in the Civil Division of the Philadelphia Municipal Court. Ms. Berger, who has cerebral palsy, was one of several employees at various workplaces whose contributions were highlighted in the film.

### **Dispute Resolution Program**

The Dispute Resolution Program continues to offer mediation services for all Landlord/Tenant and Small Claims matters. Certified volunteers or third-year law students handle these cases. The 2009 agreement rate for Smalls Claims reached 75% and the agreement rate for housing-related matters was 80%.

The Program also provides Arbitration for resolution of Private Criminal Complaints. Arbitrations are conducted by attorneys trained in dispute resolution skills. Participants enter binding, non-appealable Orders. Department statistics show a 95% success rate. Only five percent of these cases are scheduled for a criminal hearing before a judge. Trial listings are initially scheduled for compulsory mediation to attempt to reach resolution without trial.

## **Municipal Court Criminal Division**

### **STATISTICS**

#### ***Felony and Misdemeanor Filings***

Since 1996, there has been a significant increase in Philadelphia Municipal Court misdemeanor trial and felony preliminary hearing filings. Initially, most new cases were filed in 2001 (64,994) and 2002 (62,695) and since then leveled off to a fairly consistent average of 58,000 filings from 2003 through 2006. Trends for 2007 indicated another upward swing of 59,972 new cases and 2008 filings increased again by 5% to almost 63,000 felony and misdemeanor cases. In 2009, there was a decrease in arrests, and new felony and misdemeanor cases in Municipal Court.

<b><i>Criminal Filings</i></b>	<b>1996</b>	<b>2000</b>	<b>2004</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Felony Hearings	21,062	30,819	30,434	34,590	34,667	32,301
Misdemeanor Trials	22,641	30,606	27,607	25,382	28,151	26,841
Total Criminal Filings	43,703	61,425	58,041	59,972	62,818	59,142

In 2009, 52,173 individuals accounted for 59,142 cases (25,249 defendants accounted for 26,841 misdemeanor cases; and 26,924 defendants accounted for 32,201 felony cases).

#### ***Felony and Misdemeanor Dispositions***

*Disposition data is supplied by the Administrative Office of Pennsylvania Courts (AOPC) from the statewide Common Pleas Criminal Case Management System (CPCMS). Data entry was performed by the Clerk of Quarter Sessions staff.*

<b><i>Criminal Dispositions</i></b>	<b>1996</b>	<b>2000</b>	<b>2004</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Felony Hearings	21,081	30,882	27,934	35,144	36,812	34,331
Misdemeanor Trials	22,733	29,150	25,037	27,641	27,987	29,238
<b>Total Dispositions</b>	<b>43,814</b>	<b>60,032</b>	<b>52,971</b>	<b>62,785</b>	<b>64,799</b>	<b>63,569</b>

## ***Disposition Types<sup>2</sup>***

<b>Disposition Types</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Dismissed LOP	3,196	2,834	2,373
Dismissed LOE	1,592	1,518	1,392
Dismissed (Dismissed, Other, 1013, Abatements, etc)	6,431	5,837	6,218
Not Guilty	1,114	794	812
Remands	1,668	3,113	2,493
Held for Court	16,068	17,453	16,735
ARD	2,879	2,893	3,512
GUILTY (Trials, Pleas, Plea & Probation w/o verdict, etc.)	14,210	13,266	14,289
<b><i>Withdrawn</i></b> (Prosecution withdrawn includes all withdrawals for successful completion of problem solving court programs, community service and diversion program completions.)	14,990	16,443	15,136
Transfers	637	648	609
<b>Total Dispositions</b>	<b>62,785</b>	<b>64,799</b>	<b>63,569</b>

## **2009 Philadelphia Municipal Court Criminal Division Initiatives**

### **DUI Treatment Court**

According to the PA DUI Association, one-third of Philadelphia County DUI offenders are multiple offenders. These offenders are causing havoc on the highways. According to National Highway Traffic Safety Administration (NHTSA), repeat offenders cause nearly one-half of all DUI fatalities.

Building upon the success of the Philadelphia Drug Treatment Court, the Municipal Court, with total support from the Philadelphia District Attorney, Defender Association of Philadelphia, Philadelphia Health Management Corporation (PHMC), City of Philadelphia Coordinating Office of Drug and Alcohol Programs (CODAAP), and the First Judicial District, implemented a DUI Treatment Court initiative in June 2007.

DUI Treatment Court promotes public safety, holds offenders accountable for their actions, and helps offenders to be sober, responsible, and productive members of the community. The DUI Treatment Court has over 100 defendants currently enrolled and has conducted several graduation ceremonies for those who have successfully complied with all terms and conditions of the program. The Philadelphia Health Management Corporation (PHMC) conducted a preliminary evaluation. The evaluation is reviewing quantitative data (e.g., positive number of drug tests) and will incorporate demographic characteristics and progress reviews through phases and recommendations.

Challenges from the faltering economy and lack of funding remain evident with the DUI Court continuing the unfortunate cap on accepting new clients into treatment in this alternative to incarceration program. We have applied for stimulus funding in 2009 and decisions are pending. 2009 statistics:

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<sup>2</sup> Data reports for dispositional categories were received by AOPC from coding entries into CPCMS by the Clerk of Quarter Sessions staff.



There were 59 clients entered into the DUITC program between January 2009 and July 2009, when the cap was implemented.

<b>2009 DUI Treatment Court</b>		
Active Participants	105	59%
Successful Completions	62	36%
Unsuccessful Completions	3	2%
Pleas Withdrawn/Terminated	1	1%
Fugitives (Judge Only BWs)	5	2%

During calendar year 2009, there were 57 graduates and 2 unsuccessful completions. Overall, from program start through December 31, 2009, there have been 62 graduates and there have been 3 unsuccessful completions.

The first DUI TC graduation occurred 9/28/08 and, as of February of 2010, none of the 62 graduates have been arrested on new criminal charges.

### **Philadelphia Drug Treatment Court**

Since the Court's inception in April 1997, 3,032 individuals (most charged with Felony Delivery or Possession with Intent to Deliver Controlled Substances) have participated in the program and 1,867 participants have successfully completed it.

<b>2009 Drug Treatment Court</b>		
Active Participants	439	14%
Successful Completions	1,867	62%
Unsuccessful Completions	462	15%
Pleas Withdrawn/Terminated	118	4%
Fugitives (Judge Only BWs)	146	5%

Of the successful graduates, 91% have remained conviction free for eighteen months after graduation. These defendants represented over 3,500 criminal cases during which no court-related police overtime was expended (police officers are never subpoenaed to appear in Drug Court).

The first of its kind in the Commonwealth of Pennsylvania, the Philadelphia Treatment Court represents the latest initiative in addressing the drug involvement of the criminal justice population. It is premised on the notion that the courts need to deal with some of the root causes of criminal activity. The Treatment Court is designed as an alternative to or to supplement normal case processing in order to provide treatment to substance abusing defendants. The Treatment Court incorporates the dual aim of 1) reducing defendants' involvement in crime and their return to the criminal caseload; and 2) increasing the possibility that they could function more productively as citizens. The Treatment Court model represents a structure drawing upon a network of treatment services to respond to the clinically determined needs of participants and features a new and central role for the Treatment Court judge. This court serves as a nexus for delivery of treatment and other supportive services that more fully address the range of treatment, health, housing, literacy, educational and other social service needs presented by drug-involved defendants.

Calendar Year 2009 was a transitional period with staff changes in the judiciary and administration. The team undertook a comprehensive review of overall program operations and a data management review of its MIS system. It is also working collectively on grants for sustainability. Funding initiatives provided for a transportation program to assist indigent clients attend court ordered treatment programs. Support from the cooperative effort allowed Philadelphia Treatment Court to maintain consistent levels of staffing that ensured participants were able to access treatment court services and clients were successfully reintegrated as productive members of society.

## Summary Diversion Programs

Many summary offenses are quality-of-life issues such as disorderly conduct, prostitution, graffiti, and underage drinking, among others. Special summary programs are operated within the unit, like nuisance night court and the summary diversion program. Introduced in the late 1990's, these programs were the first "problem solving courts" in the Commonwealth to address those sorts of issues in an attempt to dissuade future criminal behavior. The Quality of Life Diversion Program continues its mission of changing behaviors that lead to criminal activity. Over 4,000 people attended the program in 2009. Collections for the Victim Compensation Fund amounted to \$127,200 for calendar year 2009. The unit handled a total of 16,912 summary offense cases in 2009. Collections continue to sustain the operations of the departmental staff, including that for the nuisance night court and the summary diversion programs.

### Other matters initiated without an arrest warrant:

Case Type	Dispositions
Private Criminal Complaints	1,357
Welfare Fraud	1,229
Unemployment Compensation	645

## Emergency Protection from Abuse

The Emergency Protection from Abuse (EPFA) unit operates during non-traditional hours for emergency petitions only<sup>3</sup>. Law-trained Masters staffing the unit conduct *ex-parte* hearings and review petitions, to determine if a petition should be granted in accordance with the Protection from Abuse Act. The unit granted 3,362 emergency petitions in 2009 for review by Family Division Judges. Twenty-one petitions were denied during calendar year 2009.

Court leaders also worked with advocates from Drexel University Law School and the Women's Law project to allow law student volunteers to interview petitioners upon exiting the EPFA Unit provided the petitioners agree. Staffing by the advocates has been somewhat sporadic and initial statistics did not illustrate an increase of the number of appearances before Domestic Relations Branch Judges. The initiative will be monitored by Municipal Court and the Court of Common Pleas Domestic Relations PFA Department. The EPFA petition forms other documents are being translated into various languages for continued and wider to justice. The EPFA unit remains dedicated and sensitive to the needs of domestic violence victims. The staff provides appropriate referrals to all customers. In 2009, services were for more than 5,800 families.

## Community Court

The aim of the Community Court is to provide sentencing options while addressing underlying behavioral problems associated with quality of life crimes and recidivism. Law enforcement estimates that 80% of the offenders they arrest for quality of life crimes are involved with either drug or alcohol addictions or both. Others require mental health intervention. The court's goal is to reduce the quality of life crimes and develop a system of supervised community service while reducing recidivism.

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<sup>3</sup> Regular PFA intake is located in the Family Court Domestic Relations building at 34 S. 11<sup>th</sup> Street during normal business hours.

Community Court sentences emphasize restitution to the community by requiring that offenders perform community service in the neighborhoods where the crimes were committed. Offenders have worked at cleaning sidewalks, landscape maintenance, and graffiti removal in the Center City District and the University City District. They have also worked at other locations, including the offices of nonprofit organizations that provide services to the homeless, and they have assisted with neighborhood cleanups.

The court also provides on-site classes in drug treatment readiness and anger management, physical health screenings, continued medical care, and referrals. When appropriate, offenders are placed in drug treatment, health care, education, job training or other programs either mandated by the court or voluntarily entered by the offender, to break the cycle of crime.

In 2009, the Community Court processed 8,089 summary cases and 1,318 misdemeanors. Over \$115,400 in fines and costs and \$4,011 in restitution case was collected. Since its inception in 2002, over 407,000 hours of community service have been performed, with more than \$1.4 million dollars in fines and court costs collected. The Community Court was selected as the recipient of the Community Leadership Award from Caron Treatment Centers, a non-profit provider of drug and alcohol addiction treatment.

### **DO IT Program (Domestic Violence)**

The Diverting Offenders Into Treatment (DO-IT) program is offered by the District Attorney, upon agreement of the complainant, for defendants charged with domestic violence misdemeanors. Defendants approved for the program will have their cases held under advisement while they attend treatment programs. Levels of care will be determined after a confidential assessment by a certified CODAAP evaluator in a centralized location within the courthouse. If the defendant complies with the treatment requirements and there are no further problems between the victim and the defendant, prosecution will be withdrawn at the conclusion of the status term (minimum three months, maximum six months). Approximately 1,000 new domestic violence cases are diverted each year. Eighty-one percent of all offenders who enter the program successfully comply with the terms (anger management counseling, drug and alcohol treatment, etc.) and are not brought back before domestic violence judges.

### **Mental Health Initiatives**

Many of the mental health challenges brought before the Municipal Court have been centralized and streamlined before President Judge Marsha Neifield. Operationally, the ability to centralize mental health cases for criminal defendants has proven beneficial in dealing with questions of competency and coordinating orders for mental health evaluations with all parties in one location. The judge also monitors defendants returned to the community at subsequent status hearings. In 2009, 56 cases were sent directly from Arraignment Court for status of mental health review. These cases were added to the existing caseload in the inventory. Additional cases were referred from all other Municipal Court courtrooms.

### **Technology Enhancement with Law Enforcement (for Non-Traffic Summary Citations)**

Municipal Court leaders continue to explore avenues to work with law enforcement agencies toward utilizing electronic filing via the MC-based Preliminary Arraignment Reporting System (PARS). They are working to electronically generate summary citations through existing police patrol car MDTs (laptops). Amendments to Rule 1002 took effect in February 2010. This collaborative effort between the Criminal Rules Committee, Philadelphia Municipal Court, the

Philadelphia Police Department and the District Attorney's Office will enhance Philadelphia Police efforts to process "quality of life offenders." Some changes involve MC Emergency Judges' handling of certain summary offenders during non-traditional hours.

### **Linda Anderson Alternative Treatment for Misdemeanor (ATM) Case Program**

In a continuing effort to increase disposition rates for misdemeanor cases in Municipal Court, the District Attorney's Office proposed a new pre-trial diversion program entitled the Linda Anderson Alternative Treatment for Misdemeanants (ATM) which started March 24, 2008. The ATM Program is modeled on the Section 17 Probation without Verdict Program for drug offenders, wherein defendants are encouraged to reach a quick resolution to their case in order to receive appropriate treatment (as determined by the Probation Department) and to prevent further recidivism.

Defendants charged with Knowing & Intentional Possession of Illegal Narcotics (K&I), Prostitution, or Retail Theft are eligible to enter the ATM Program, provided they have not been on probation or parole for any misdemeanor or non-violent felony offense within the previous five years. Non-violent felony offenses include car theft, burglary, forgery, identity theft, theft and similar economic crimes. Additionally, defendants who have been on probation or parole for a violent felony offense within the past 10 years are ineligible for the ATM program.

Defendants entering the program are scheduled for hearings on one day before the presiding judge in courtroom 603 CJC, where they tender a conditional guilty plea. The judge then places each defendant on one year's probation without a verdict and requires the defendant to comply with treatment as arranged by the Probation Department. The defendants must also remain arrest-free during the one-year probation without verdict period.

Eventually, the cases are withdrawn by prosecutors at a status listing when the defendants have complied with treatment and remained arrest free for one year. If defendants do not comply, their cases are scheduled before the presiding judge in 603 CJC where the judge finds the defendant guilty and enters the appropriate sentence as is done in Section 17.

The ATM program handled 187 cases through December 31, 2009.

### **Department of Corrections Temporary Transfer/ACT 82 Graterford Inmate Program**

In an effort to reduce the inventory of out-of-county custody cases and to enhance time to disposition, the District Attorney's Office and Defender Association agreed to this program.

The Defender Association requests the transfer of eligible defendants from their state institutions in other counties to SCI Graterford (SCIG) prior to their scheduled preliminary hearing dates in courtrooms 405 and 406 CJC. The transfer request is forwarded to the Department of Corrections a minimum of three weeks in advance of the hearing date, with copies directed to the Sheriff's and District Attorney's Offices.

When the presiding judge grants a continuance at the first or second listing, cases from this program are continued back to 405 or 406 CJC within ten days. The defendants remain housed at SCIG and the Commonwealth withdraws prosecution at the third listing if the cases are not ready.

In September 2009, this model was expanded to include misdemeanor trials in Municipal Court and trials in the Court of Common Pleas. Since the expansion, 338 Municipal Court state custody cases have been scheduled for expedited preliminary hearing or trial.

### **MC VOP / Open Case Project**

The MC VOP/Open Case Project was implemented in July 2007 in an effort to enhance judicial economy and reduce case inventory from Gagnon I hearings. At the hearing in “Crash Court,” the Defender Association reviews defendants’ court histories to consolidate open cases for a guilty plea before the imposition of sentence by the VOP judge.

When defendants agree to consolidate open cases for a guilty plea along with the VOP sentencing, the trial date for the new cases is cancelled and both are generally disposed together within 30 days.

*Since the inception of the program, 561 cases were removed from the Municipal Court trial calendars and scheduled for sentencing before the VOP judge.*

### **DOC STATUS Program: Defendants Confined in State, Federal & Other County Jurisdictions**

Consideration is given to withdrawing prosecution in cases where defendants are incarcerated in state, federal, and out-of county institutions. Cases for defendants confined with the Department of Corrections (DOC), federal institutions, and county prisons outside Philadelphia are flagged “DOC Status” at the initial pretrial status listing in Municipal Court Courtroom 404 CJC.

Eligible cases are then reviewed by the District Attorney’s office to determine whether they wish to proceed to trial. When the District Attorney’s Office decides not to proceed, the cases are withdrawn at the second status listing in 404 CJC.

When the District Attorney’s Office decides to proceed, the cases are scheduled for trial on the earliest possible date consistent with the court’s calendar. With regard to Rule 1013, by agreement of the Defender Association, the time between the first and second status listing in 404 CJC is excludable.

### **Misdemeanor Custody Program: Cases in Fugitive Status, Defendants Confined in State, Federal & County Jurisdictions**

Upon receipt of detainers from the FJD Pretrial Services Warrant Unit, misdemeanor cases in fugitive status for defendants confined outside Philadelphia County (state or federal level) are scheduled for pretrial status hearings. In those cases, the District Attorney’s Office reviews the defendants’ court summaries, confirms the status of the state sentences and determines whether or not to proceed to trial in Municipal Court. Since the inception of the program, the District Attorney’s Office has withdrawn prosecution on more than 58% of the 1,598 cases in the Misdemeanor Custody program.

In addition to reducing unnecessary and costly prisoner transportation, the program has enhanced efforts to provide more reasonable trial dates for custody matters in Municipal Court.



## **2010 Criminal Division Goals**

### ***Veterans Court***

In conjunction with the District Attorney's Office, Defender Association of Philadelphia and Veterans' agencies, Philadelphia Municipal Court will embark on its latest problem-solving endeavor to divert cases involving Veterans early on. The program will assist Veterans struggling with mental health, substance abuse or other reintegration issues.

Building on the success of established treatment court programs in Philadelphia, the new Veterans Court will oversee a range of services offered to qualified Veterans involved in the criminal justice system. Judicial branch leaders recognize the tremendous service Veterans provide to our country, and believe it is the court's obligation to provide them with programs and services to overcome challenges that are unique to their experiences.

The charge to initiate the Veterans Court in Philadelphia and expand similar courts across the Commonwealth has been led by Chief Justice Ronald D. Castille and Justice Seamus P. McCaffery; both distinguished jurists on the Pennsylvania Supreme Court and decorated veterans themselves.

The Philadelphia Veterans Court will provide veterans with immediate access to representatives from the Veterans Administration (VA) to help determine benefits eligibility and with those services, to perform assessments to determine the appropriate level of care. Assessments will determine Veterans' suitability for an array of VA programs, including required treatment (alcohol, drug, mental health or medical) as well as housing, job training, job referrals, and other ancillary services.

### ***Rule 455 Protocols for Non Traffic Summary Offenders***

The Municipal Court will implement protocols to establish Rule 455 in handling non-traffic summary cases when defendants fail to appear in court. The court will work with the District Attorney and Philadelphia Police Department to ensure timely adjudication, with notification on appellate rights to all defendants. Coordination between court staff and external agencies is nearing completion. Implementation of an enhanced program is scheduled for early 2010.

### ***Video Crash Court***

Municipal Court will expand video technology capabilities with the prison for the conduct of misdemeanor crash court to expedite adjudications for custody defendants. Now, those held in custody must be physically transported to the Criminal Justice Center for plea or stipulated trial. The implementation of this program will expedite release based on agreements of defendants and counsel in conjunction with offers presented by the Commonwealth. Logistical details, including the ability to remotely print documents at the prison locations are being worked out.

### ***Prostitution Initiative***

The "Project Dawn Court" is for women who are in custody on detainers or multiple open prostitution cases. Municipal Court is working with the Commonwealth and Defender to streamline prostitution cases to centralize treatment, housing, and ancillary services. The project will include a component of therapy for survivors of Commercial Sexual Exploitation (CSE). The court anticipates implementation before a designated judge with attorneys working in a non-adversarial special court to provide needed services to deal with the root causes of this criminal activity. The first group of defendants is scheduled to appear before the Honorable Lydia Y. Kirkland, Supervising Judge of the Criminal Division.

### ***CJAB Subcommittee on Police Overtime***

Criminal Division Administrators have worked with the Philadelphia Police Department and District Attorney to evaluate changes that will ensure a police officer's appearance in court with minimal impact to police overtime expenditures. In 2009, the efforts resulted in significant savings of several million dollars. Anticipated expansion will require dedicated CPCMS evaluation of the conflict-checking module and incorporation of police schedules. Discussions were held with AOPC programming staff to request that they dedicate some of their resources toward this worthwhile and cost effective endeavor.

### ***CJAB Committee on Prison Population***

The President Judge and Criminal DCA will continue to work with the FJD and criminal justice partners to review efforts to ensure timely adjudication of custody cases impacting prison population. The coordinated effort was successful in 2009.

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### ***Statistics***

The court will continue to work diligently with AOPC and FJD programmers to refine statistical reporting capabilities.

***FJD Initiative***

Municipal Court judges, administrators, and staff are committed to working to: 1) highlight successful programs and initiatives; 2) evaluate changes necessary to improve operations; and 3) utilize existing resources to work smarter in order to provide access to justice for everyone needing court services.

# **Philadelphia Traffic Court**

## **Philadelphia Traffic Court - 2009 Accomplishments**

### **State Police Electronic Citations**

Traffic court representatives worked in cooperation with the Pennsylvania State Police (PSP) for almost the full year to develop and implement the electronic citation, using “Tracs” software, provided by the PSP at no charge to the court. As part of the implementation, on October 16, 2009, the PSP started a pilot program to begin issuing electronic citations on the interstates of Philadelphia. At the end of the trooper’s shift, the citation data inputted by the PSP is immediately transferred to servers run by vendors ACS Tarrytown, and updated in “eTIMS” software upon which the court relies. At the end of 2009, approximately 3,000 electronic citations had been issued by the PSP.

The court gains several benefits from the implementation of electronic citations. It eliminates the need for data entry, allowing the citation data to be made available to Traffic court staff in one day, compared to the normal five- to seven-day waiting period for data entry. Another benefit to automatic data transfer is the significant reduction in citations that were written by police and a plea entered, but mistakenly not filed with the court by the law enforcement agency.

In addition, the electronic citation has reduced demographic data entry errors. As part of the software, the trooper can utilize the barcode accessible on state issued driver’s licenses and registration cards with a swipe that automatically enters the demographic information onto the citation. Moreover, the time spent by the trooper writing multiple citations at the same stop is shortened. By clicking a command button in the software, pertinent information on the citation is automatically duplicated on any corresponding citations.

### **Expansion of Electronic Citations – City Police**

Court leaders conducted a meeting with representatives of the Mayor’s Office and the Philadelphia Police Department to explore the prospect of using the PSP “TRACS” software for the purpose of issuing electronic citations within Philadelphia. The court has offered to assist with financing of the equipment and maintenance necessary to develop and implement electronic citations citywide. A pilot program has been proposed in the 7<sup>th</sup> Police District located in Northeast Philadelphia.

### **MOU with the City**

Once again, the court has surpassed the collection number baseline established in a Memorandum of Understanding (MOU) between the FJD and City Finance Department. As set forth in the MOU, the baseline number for revenue distributed to the City is \$8,764,835. In Fiscal Year 2009, the court distributed \$9,623,769, exceeding the baseline City disbursement number by \$858,933. The FJD gained \$283,448 in this mutually beneficial program.

### **Cross-Training Supervisors**

Traffic Court employees created a training manual with a bullet-style listing of each unit’s job responsibilities on the organizational chart. As part of the training program, supervisors conduct hands-on training in the unit for two hours per day for two weeks. A twenty-week training schedule was developed that allowed for five managers to be trained in multiple units within the

court. Training started on September 28, 2009 and was scheduled to end on February 26, 2010. At the conclusion of the training, supervisors can obtain additional training upon request.

#### **New Filing System for Record Retention**

Traffic Court technicians worked in conjunction with *SmeadSoft* Corporation to develop and install state-of-the-art inventory tracking software. As part of the filing system, a modern retractable shelving unit was installed. The unit can hold over 10 million records.

As part of the inventory tracking system, the software is a labeling barcode system that creates labels from hearing data contained on eTIMS. Labels are color coordinated by hearing date and placed on each folder that is scheduled for a trial date and. After the trial, the label on the folder is scanned with a reader and the destination is updated automatically in the software for placement on the shelving unit. When a case is requested for review, a separate barcode is scanned that is associated with an employee and the software automatically tracks the folder by the name of the requestor and the date and time the case was requested. A key feature of the software is the ability to produce reports about folders that were requested, but not returned to the unit within a specific period of time.

Also, the software can produce a list of folders that meet the criteria for disposal pursuant to the record retention policy.

### **Building Renovation**

The court continued a renovation project by expanding and enhancing the holding cells. Drains and an exhaust system were installed to promote a healthier environment. In addition, a new courtroom was built to be utilized as the Impoundment Court. This freed up the original Impoundment court space for the newly established financial determination hearings, starting in 2010. Additional renovations to the court's lobby doubled the square footage and increased the number of Customer Service windows from 13 to 18, a nearly 40% increase to serve more customers.

### **Budget Reductions**

2009 was a difficult time financially for the FJD. Court administration asked that each division reduce their operating budget by 9%. Traffic Court met the challenge, reducing operating costs in all four of its budget classes. Although the court lost 13 employees in its class 100 budget, it continues to operate from 8:30 AM to 8:00 PM Monday through Friday.

### **Pay by Web processing fees**

As part of a cost saving measure, the court negotiated an agreement with its vendor to reduce web payment processing transaction fees. In doing so, the court changed its clearing house for web payments, reducing the processing fee of 2.25% to a new rate of 1.54%. This action by the court will save an estimated \$70,000 annually. This allows the court to offset other processing fees associated with face-to-face credit card payment transactions.

### **Loitering Policy**

The court enforced the directive issued by the President Judge of Common Pleas Court. Due to a high volume of people coming through the courthouse daily, this directive was needed to prevent people from congregating in the hallways and lobby of the court. This directive clears those areas, providing greater access for people who must conduct court business.

### **Local Rule 1037 Developed**

Traffic Court worked with the Criminal Rules Committee to add a local rule to allow the court to maintain all post-disposition processing and enforcement on citations that are appealed to the Common Pleas Court. This change allows Traffic Court to become rule compliant in processing and enforcing collections of the citations that are adjudicated guilty at the Common Pleas Court level.

### **Appeal Disposition Only (APL 2)**

The “APL 2” case scheduling was eliminated. Now, any case that is not scheduled for an appeal within 30 days must be scheduled as a *nunc pro tunc* (literally, “now for then”) appeal hearing before a Common Pleas Court Judge who may approve the petition to proceed and schedule a *Trial De Novo* (an entirely new trial).

### **Financial Determination System Logic**

Court employees created logic in eTIMS that allows for the systematic scheduling of Financial Determination Hearings (FDH). These hearings are for defendants whose cases are in default status or who require a review of their current payment plan. If they fail to appear for their FD hearing, a warrant will be issued and forwarded to the Pre-Trial unit for execution. This is an additional proactive approach to enforcement developed by the court.

### **eTIMS Enhancements**

Traffic Court leaders continued to implement system enhancements throughout 2009. These included tracking the requested enhancements for the entire process; including development, implementation, and constant review, post implementation. Some of the other enhancements:

- Multiple citations issued at the same stop are combined into one courtroom (due to a police error in issuing citations some same-stop citations were issued with the incorrect hearing date on each citation)
- Reviewed and updated the violation code table in eTIMS. This was prompted by the State Police issuing citations on some offenses that had not been issued in prior years.
- Created a daily conviction file that is sent to the State Police and contains all citations adjudicated the previous day.
- Created a weekly cumulative report to display all payment orders that were not enrolled in the system due to user error. This quality control error-trapping prevents additional fees being mistakenly added to defendants' records.
- Updated the scofflaw file sent to the police to include any defendant with three or more citations with an amount due in default status
- Per a PennDOT request, added fields to the electronic files sent to PennDOT daily: Hazmat indicator, Commercial Vehicle indicator, Commercial Driver's license indicator, and 16-passenger vehicle indicator.
- Logic was developed to add a fee of \$10 to all installment payment orders entered into by violators according to Title 42 §1725.1.

### **Expanded Imaging and Indexing**

The list of imaged documents was expanded to add: installment payment orders, financial Information forms, prison information forms and the envelopes that accompany payments.



### **Monthly IPP Statements**

As part of a proactive approach to enforcement, the court, for the first time, sent reminders to defendants with an active payment order. These statements are mailed out monthly and indicate the monthly payment and the remaining balance due for the installment payment order. In addition, the mailing contains a business return envelope for easier processing for both the defendant and the court.

### **Ticket Inventory Tracking System**

The court tracked all citation books that were distributed to specific Law Enforcement agencies. For the City Police, this includes the distribution information for each district. As part of the tracking system, a report is prepared to display all unused books by any of the agencies. The system was utilized to transfer citation books from districts that had a surplus of books to districts that needed additional books. In addition, at the end of the year, a report is regenerated and any unused books are requested for return to the court to be marked "out of service" in the system.

### **Disbursement of Unapplied Money**

Traffic Court developed procedures in a joint effort with the Philadelphia Police Department Liaison Unit in an attempt to identify all citations in which the court received a plea from the defendant, but where the citation had never been filed with the court. The Police are given a report that contains citations that meet these criteria. The Police attempt to retrieve the citation from the district of issuance in order to file it with the court. If the citation is not retrieved and filed with the court, the Police will request a withdrawal and any money posted with the plea is returned to defendants that pled not guilty. If the defendant pled guilty, any money posted with the plea is disbursed according to the regular disbursement schedule.

### **System Reconciliation**

The court has identified several issues pertaining to the month-end financial undistributed funds reports that are used to balance the monies for the system reconciliation. Historically, there had been a bank surplus condition and the causes were unclear. The errors discovered on the report help to resolve some of the issues. The court has identified double postings, erroneous citations listings, and citations marked with incorrect distribution amounts.

### **Receivables Report**

Court representatives met with the City Controller and the Revenue Department to develop an updated receivables report. The former receivables report contained the total receivable amount for fines and costs for guilty adjudications. At the request of the Revenue Department, the court expanded the receivables report to delineate the portions of the fines and costs due to the City of Philadelphia.

### **Enforcement Notice**

The court created this notice to target a default population that included violators with only one or two citations in default. The court gave those violators an opportunity to pay their balance in full prior to being added to the police scofflaw file. This notice generated a 12% response rate and a payment rate of 5% of the total value of the defaulted amounts.

### **Continuity of Operations Plan (COOP)**

The existing COOP was updated to reflect any and all personnel changes that occurred within the year. This included updating personal contact information for the employees and revamping the court's emergency phone tree. Additional sections were added to cover a possible H1N1 pandemic. The cross-training program developed by the court was part of a response to the pandemic threat.

### **2009 Updated Citation**

The court requested several changes to the 2009 citation book:

- The cover was updated to remove the heading "*Additional Offenses (Same Stop)*" costs, which caused pricing issues by the Police in previous years
- \$1.50 was added to each amount listed on the book cover
- The trial time associated with the Midnight to 8:00 AM Police Shift was updated to display a trial time of 1:00 PM, eliminating 10:30 AM hearings
- The descriptor on box 11A was updated to read "DEFENDANT'S INFORMATION SOURCE"
- Box 58 added two descriptors to include a checkbox for commercial vehicles and hazmat vehicles
- Box 59 added two descriptors to include a checkbox for school vehicles and 16-passenger vehicles.

### **Drexel University Police**

In 2009, the Governor of Pennsylvania gave the Drexel University Police department the power to issue Title 75 moving violations. This required the court to establish system enhancements in respons, including setting a specific courtroom, date, and time for the hearings.

## Office of the Court Administrator

The Court Administrator is the highest non-judicial leadership position in the First Judicial District. The position was created in 1996, when the Supreme Court of Pennsylvania, in reorganizing the FJD established the Administrative Governing Board (AGB). The Office of the Court Administrator was established to complement the Board and carry out their directives, to propose solutions to problems and innovative ideas for improvements, and to oversee the day-to-day management of the District. In July 2006, David C. Lawrence was appointed as the FJD Court Administrator.

There are three groups of individuals reporting directly to the Court Administrator: Deputy Court Administrators; Directors; and Senior Staff Advisors. The Office of the Court Administrator provides centralized management for the major service centers that affect the work of the courts throughout the District, and coordinates the ministerial activities of Deputy Court Administrators (DCA) located in specific courts and divisions of the FJD.

### Deputy Court Administrators

One Chief Deputy Court Administrator heads the 12 DCA positions. Four are concerned with cross-court services: 1) Human Resources; 2) Financial Services; 3) Court Reporter and Interpreter Services; and 4) Legal Services. Eight DCA positions have responsibilities focused on the specific divisions of the courts in which they are located, and these are listed below (Two DCAs are assigned to the Juvenile Branch):

- Common Pleas Family Division Juvenile Branch;
- Common Pleas Family Division Domestic Relations Branch;
- Common Pleas Trial Division Civil Section;
- Common Pleas Trial Division Criminal Section;
- Municipal Court Civil Division;
- Municipal Court Criminal Division; and
- Traffic Court.

While the DCAs that are spread throughout the courts report to the Court Administrator, they must also work very closely and respond to the direction of their respective President and Administrative Judges. This dual organizational scheme guarantees individual courts and divisions the benefits of the services of a Deputy Court Administrator and at the same time ensures that their operations are coordinated as key components of the centralized FJD management structure through the Office of the Court Administrator.

### Directors

In addition to Deputy Court Administrators, the Court Administrator also employs Directors to oversee operational support services. These include: 1) Data Processing and Management Information Services (MIS) concerned with technology, including the FJD Internet presence and Intranet page; 2) Administrative Services, including Buildings and Facilities; and 3) the Procurement Department with purchasing and contractual services expertise.

## **Cross-Court Services**

A wide array of services is managed by the Office of the Court Administrator, and these are summarized below.

The FJD Human Resources Office serves the leaders and employees of the courts through the management of positions, policy improvement, testing, training, and employee compensation and benefits. Data Processing manages and maintains the court mainframe and PC information systems, including a Wide Area Network (WAN) connecting about 3,000 PCs. Court Reporting and Interpreter Services are provided throughout the District. The in-house Procurement Department ensures that the courts engage the most efficient system and the most economical approach to the purchase of equipment, services, and leased space. The Office of Administrative Services is responsible for the requisition of materials and coordination of maintenance and other services, largely through the Building and Facilities Department charged with upkeep, maintenance, and renovations of various court-occupied spaces. The Financial Services Office provides the Court Administrator and other leaders with valuable information needed to support sound management decisions, offers links with other branches of government and funding sources, and responds to the directives of the Court Administrator. The Deputy Court Administrator for Legal Services responds to litigation and all legal matters relevant to the administration of the business of the court.

## **Administrative Services**

Administrative Services provides a variety of support services throughout the First Judicial District. A primary area of concentration is maintenance and facility management. Coordination is provided for maintenance, renovation, construction, and cleaning services. Complete electrical, carpentry, air conditioning, painting, mill shop, cabling and moving services are provided.

Administrative Services provides planning, requisition preparation, and liaison services with the City Communications Department for the telecommunications requirements of the FJD. In addition to the installation and maintenance of telephone equipment, administration is provided for the over 2,000 telephone mail boxes now assigned to the FJD. Administrative Services also performs monthly testing and required maintenance of the duress alarm system.

Under Administrative Services, the Microfilm Unit provides complete filming, developing, and computerized access for court records.

Administrative Services maintains judicial chambers, telephone, vehicle and parking databases and generates reports for management as needed. Additional duties include arranging with garages for judicial parking and maintaining parking records, maintaining the list of City vehicles assigned to the FJD, and performing minor repairs on courtroom sound systems.

The department processes and provides routing documentation for purchase requisitions submitted by the Office of the President Judge and the Trial Division.

## **Procurement Department**

The Procurement Unit, located in 368 City Hall, continually strives to uphold an established and uncompromising Mission Statement to ensure that all *customers'* needs are satisfactorily addressed with congenial and attentive customer service through expeditious delivery of quality goods and services at the most economic prices available. In realizing its objectives, the

Procurement Unit administers the First Judicial District's program of purchasing of supplies, equipment, and services as well as monitoring the District's property management through the performance of the Inventory Control Division of the Unit. The Unit is also responsible for the negotiation, implementation, and on-going administration of contracts, licensing, and lease agreements. In addition, throughout 2009, the Procurement Unit routinely extended its established cost saving measures, economical protocol, and expertise to fund on-going technology enhancements, training, and space improvements throughout the FJD. Also during 2009, the Procurement Unit staff served as active members on various project management teams for many FJD endeavors and/or provided auxiliary services to the respective teams in all the courts and divisions throughout the First Judicial District.

In the past, the Procurement Department has helped by supplying the underlying support for many of the new projects and improvements implemented in the District. Listed below are examples of only some of the activities and initiatives in which the department has been involved:

- Family Court's Truancy Project
- The Commonwealth's Common Pleas Case Management System ("CPCMS")
- Additional enhancements to Municipal Court's Electronic Filing Case Management system ("CLAIMS")
- Technology enhancements and new equipment court wide, and in the FJD technology hubs, Data Processing and MIS Departments
- Continued success of the annual Juror Appreciation Day
- Continued success of the annual Pro Bono Awards Program
- Feasibility research and investigations related to divisional tenancy needs both current and projected
- Assistance to several City agencies for various projects: software enhancements, equipment, supplies, and contracting for supplemental manpower
- Assistance with transitioning into the new security protocol implemented by the City of Philadelphia to all applicable facilities as well as the purchase and installation of various state of the art x-ray and metal detector machines
- Updated and improved Video Conferencing System
- Provided assistance with obtaining some requisite materials and supplies for the FJD's participation in the U.S. Marshall's Fugitive Safe Surrender Program
- Research, recommendations, and purchasing of materials, supplies, and/or services for Civil Division Mortgage Foreclosure Program and the Civil E-Filing Program

## ***Court Reporter and Interpreter Services***

### ***Mission Statement***

*The Court Reporter, Interpreter and Digital Recording Administration is committed to providing the legal community and the public-at-large with service of the highest quality in the areas of court reporting, interpreter services, record reproduction and digital recording. We accept this charge and pledge to perform our duties with courtesy, efficiency and professionalism.*

The office of Court Reporter and Interpreter Services comprises five service centers, each of which provides myriad services to the public, the legal community, and internal customers within the court system.

The five service centers are: 1) Court Reporting Services; 2.) Interpreter Services; 3) Record Reproduction Center; 4) the CRS system and 5) Digital Recording Program. Court Reporter, Interpreter and Digital Recording Services employ a total staff of 143 employees.

### *Court Reporting Services*

Court reporters are highly trained and skilled professionals who, through the use of stenographic machines and computer-aided transcription, preserve the verbatim record of all proceedings in the First Judicial District (FJD) except those held in Philadelphia Traffic Court and those preserved through the use of Digital (audio) Recording. Court Reporting Services are provided in the Common Pleas and Municipal Courts and their constituent divisions.

Court of Common Pleas court reporters staff courtrooms housed in Family Court, Orphans' Court, and the various Trial Division Sections. These divisions handle a wide range of matters including Juvenile Delinquency and Dependency, Adoptions, Domestic Relations, Criminal, Civil and Probate cases. Grand jury matters, official ceremonies, and various administrative events also fall in the purview of court reporters' duties whenever the preservation of a record is required. Reporters also record testimony in the Civil and Criminal Divisions of the Municipal Court.

### *Court Reporter Statistics/Real-time Transcription*

As of the month of June 2009, The Court Reporter Division employs a total staff of 105 full-time court reporters compared to 125 in 2008. In July of 2009, that number will decrease to 104. Due to budget constraints, per diem court reporters are not presently utilized in the courtrooms. The official court reporters include Registered Merit Reporters (RMR) and Registered Professional Reporters (RPR) who have achieved excellence in stenographic writing proficiency. Also among the staff are 25 Court Reporter Trainees who have varied levels of experience and have attained, or are working towards attaining, their full certification.

Court Reporters provide services to FJD courtrooms in each of the divisions outlined above on a daily basis. Approximately one-fifth of the court reporter staff are Real-time writers and one out of every ten court reporters is a Certified Real-time reporter.

Real-time transcription involves the simultaneous translation and display of court proceedings utilizing computer-aided transcription. Certified Real-time Reporters are Registered Merit Reporters or Registered Professional Reporters who possess the knowledge, skill and ability to accurately and immediately translate spoken testimony into the written word that is simultaneously displayed on computer monitors during live proceedings in the courtroom. Real-time Reporters provide a valuable service to the hard-of-hearing and deaf individuals who otherwise would not be able to participate in the judicial process within the courtroom environment. In such instances, the deaf or hard-of-hearing individual utilizes a computer monitor situated in the courtroom so that they can read an accurate written version of the live oral testimony as it occurs (in real-time). Those real-time writers who are not certified continue to work towards their certification.



### *Digital Recording Program*

The Court Reporter and Interpreter Division instituted the Digital Recording Program in 2003 in response to a general shortage of highly-qualified stenographic court reporters. As of May of 2009, the Digital Recording Program employed three administrative staff members, (Supervisor, Transcript Coordinator & Administrative Tech 1) as well as a staff of 10 full-time and 12 part-time Digital Recording Technicians (DRTs). The Digital Recording Technicians (DRTs) monitor the recording of court proceedings through the use of specialized software. Additionally, Digital Recording Technicians create detailed log notes that are utilized by the digital recording transcriptionists to ensure accurate transcription of audio files.

The Digital Recording Program staffs courtrooms within the Domestic Relations Division, Juvenile Division, Youth Study Center, and all Violation of Probation hearings.

As of 2009, all computers used by Digital Recording Technicians are connected to a central server. As the recordings and log notes are being produced, the audio files and log note files are automatically sent to a central server for storage and future retrieval. Prior to this advance, each day's proceedings would be stored on a disk.

The central server technology has greatly reduced costs as well as physical storage needs.

The technology involved in the maintenance of the Digital Recording Program continues to evolve and grow at a quick pace, and has begun to serve functions within the Court Reporter, Interpreter and Digital Recording Administration which are not directly related to digital recording.

A Transcription Technician is charged with the duty of maintaining a central storage server upon which are placed all raw notes created by court reporters. The court reporters transfer their non-transcribed raw notes onto a flash drive. The Technician then transfers these files from the flash drive onto a central server which contains a folder for each court reporter. In the event of a lengthy sickness, death or termination of a court reporter's employment or if for some other reason the court reporter cannot produce the requested notes of testimony, technicians are able to access this raw note storage server, gain access to the reporter's notes and a transcript can then be produced, eliminating the time-consuming and often frustrating job of tracking an unavailable court reporter's raw notes of testimony.

The Administrative Staff of the Digital Recording Program, though not directly responsible for the maintenance of digital recording computers installed in other areas of the City, also voluntarily administers troubleshooting support services to the digital recording programs which have been implemented in other areas of the Philadelphia Court System, including the Civil Administration of the Municipal Courts and the Mental Health Hearing Program as well as offering support to the Berks County Court Administration in Reading, Pennsylvania.

### *Interpreter Services*

The Interpreter Division of the First Judicial District remains in the forefront of the field by ensuring, to the greatest extent possible, equal access to justice for those who are deaf or of Limited English Proficiency (LEP).

Toward that end, a database is maintained to record and track interpreter assignments, and to monitor costs. Accordingly, controls are in place to avoid unnecessary expenses and provide greater scheduling efficiency. As part of these controls, weekly calendars are sent to the

District Attorney, the Philadelphia Defender Association, and the Chiefs of Municipal and Common Pleas courtroom operations. They are also sent to MC Civil and Family Court's Juvenile and Domestic Relations Branches. These calendars are provided to confirm hearings for the upcoming week for which an interpreter has been scheduled, and to cancel interpreters for any hearing that will not go forward.

The FJD has been recognized as taking a progressive and proactive stance towards ensuring due process for persons with linguistic or auditory challenges. To further enhance service quality, training seminars have been conducted for interpreters so they can become more familiar with legal terminology specific to each court as well as instruction regarding professional and ethical standards. The Administrative Office of Pennsylvania Courts (AOPC) has set in place a certification roster. All interpreters working in any courtroom within the FJD must have passed certification criteria for confirmation and must appear on this roster.

The Interpreter Division has helped litigants meaningfully participate in the judicial process by providing interpreter services in over 60 languages.

### *Court Reporting System (CRS)*

The Court Reporting System (CRS) provides electronic archival and retrieval services for transcripts produced by court reporters. ASCII disks that contain completed transcripts are brought to the Record Reproduction Center, date stamped by the staff, and given to the CRS Technicians. The CRS Technicians place the notes of testimony on the CRS system, which is a central transcript storage server. This server is accessible by judges, assistant district attorneys and public defenders who enjoy the ease of retrieving and printing completed transcripts from their own offices. They or their staff may also save copies to utilize for drafting opinions.

### *Record Reproduction Center*

The Record Reproduction Center provides varied services to the Court Reporter Administration as well as all other divisions of the FJD court system. As it relates to Court Reporter Administration, the Center's primary function is to ensure the efficient reproduction of all transcripts produced by court reporters and digital recording transcribers. The Record Reproduction Center also prints notes of testimony for court-appointed counsel and other private parties who do not have access to the CRS system (*See Court Reporting System (CRS) above*).

In addition to the Record Reproduction Center functions, as they relate to court reporting services, the Center also provides the following services to the FJD, generally:

- Printing services to all the constituent divisions and departments of the Common Pleas, Municipal and Traffic Court systems.
- Archival and retrieval of raw steno notes and other court-related materials from the Iron Mountain Storage facility.
- Assisting judges, attorneys and private citizens with printing projects that are directly applicable to the functions of the court system.

### *Data Processing*

Data Processing manages and maintains the court mainframe and PC information systems, including a Wide Area Network (WAN) connecting about 3,000 PCs. The Department, including the MIS Unit, has been directly involved in the utilization of automation that has been increasing

in terms of size and variety of applications over the last 20 years. During 2009, the Data Processing Department played an important role in the following:

#### *Electronic Filing*

Electronic Filing in the Trial Division-Civil became mandatory January 2009. Case initiations, subsequent pleadings, motion filings and discovery hearing requests were all done through the e-filing system. Credit card payments were also processed for these filings via the system.

Beginning in November of 2009, judicial orders were sent out via the electronic filing system to those parties who were registered. Significant savings were realized in postage as well as printer and manpower efficiencies. Through March 16, 2010 nearly \$80,000 in postage costs were saved.

As an indicator for future savings, Trial Scheduling Notices began to be sent out via the electronic filing system to registered parties on March 6 2010. Over the following six days, nearly \$1,200 was realized in postage savings.

Along with dollar savings, efficiencies were gained in terms of manpower. The Prothonotary and Civil Administration clerks' tasks were halved. Responsibilities that had included data entry and its review were now limited to only review of data already entered into the system by filers. The Prothonotary Judgment Index Unit also underwent significant change. Each month, the unit would receive the printed judgment index for CP Civil, MC Civil, and Tax Liens, and a printed divorce index. In 2009, the unit began receiving electronic listings with search capability. These 'lists' are now accessed via the court's intranet.

#### *Other Advances*

Relying sole on in-house IT staff:

- 2009 marked the fifth year that electronic pay statements for direct deposit employees have been saving paper and handling costs
- Further improvements will be made to the Court Reporter Transcript Ordering System (CRS) that provides users with instantaneous electronic access to transcribed Notes of Testimony so that they can be ordered and subsequently viewed via the internet
- Subpoenas will be available for purchase over the Internet
- A document management system for the FJD Human Resources department will be in place

### *Mainframe Elimination*

Three systems remain active on the mainframe: 1) Jury Selection; 2) Juvenile; and 3) MC Civil Judgments. Three projects related to these applications are underway and expected to be completed during the next fiscal year (FY11).

- Jury selection – Installation of a new system and an online juror questionnaire expect to reduce costs through more efficient juror utilization
- Centralizing Juvenile Dependency and Delinquency functions in the statewide court system and the migration to JCMS for Juvenile Probation removes the major application running on the mainframe
- Improved efficiencies will be gained in by all three systems resulting in discontinuing the mainframe computer system. This will result in cost savings in space, energy, and maintenance.

### *Juvenile Improvements*

- Many of JACS reports are now available on the Intranet and are emailed saving associated expenditures for paper and printing cartridges.
- The Truancy system has been modified to generate new reports, screens and Data transfer for the Philadelphia School Board.
- The JACS member query database allows users to query members by Street Address and it assist users in identifying gang members and suspects.

### *Needed Network and Infrastructure Upgrades*

It has become all too apparent that the aging FJD network, and its associated servers, switches, and PC's need to be replaced. The equipment life-cycle has been stretched over the last two years, and it is now failing. Network upgrades are normal costs inherent to doing the business of the court. More than 60% of the District PCs are more than six-years old. The CJC is a multi-partner building and when the court upgrades systems in the CJC, all the stakeholders benefit.

The current PC replacement schedule has been stretched to six years from the planned four-year term agreed to by the city Department of Technology. In order to stay current, 65% of the District's PCs need to be replaced over the next two years. In addition, 50% of the court production servers are now eight years old; the original plan called for a six-year replacement schedule.

Maintained by the court, the network infrastructure of the Criminal Justice Center and City Hall support a wide variety of city and court functions. This infrastructure is now over ten-years old and needs to be replaced to support new technologies.

The continued savings enjoyed over the last two years of productivity increases are in part dependent on technology that has now reached its end of life cycle. Installation of new equipment would lead to more energy savings. Today's PCs and servers are 30% more efficient than even five-year old machines.

E-filing has produced savings but start-up costs were required for its implementation.

Another project is underway that will reduce the number of printers by installing high-speed networked printers. Savings in the costs of toner cartridges, printer maintenance, and other related cost are anticipated. This project too requires an up-front investment in printers

before cost savings would be seen. Five years ago, the court started a project of replacing individual desktop printers with grouped network printers. Overall maintenance and toner costs were reduced. Unfortunately, with only about 50% of the work completed two years ago, the project was put on hold due to lack of funds.

### ***Office of Human Resources***

The First Judicial District of Pennsylvania Office of Human Resources serves the District through the management of positions; policy review, maintenance, and the enforcement; testing; training; and administration of employee compensation and benefits for the entire FJD personnel compliment of 2,451 full-time and 218 part-time employees. In addition, since Human Resources also has a great deal of contact with the public, the importance of conveying a positive image of the FJD while building and maintaining public trust and confidence continues to remain a priority of this Department.

In pursuit of providing exemplary customer service throughout the District, HR functions include, but are not limited to: administering employee and labor relations; recruitment; applicant processing and testing; appointments; transfers; promotions; and reclassifications. In addition, the office manages payroll administration; benefits coordination and processing; time and attendance management; service connected injuries; maintenance of personnel files; performance appraisal management; training and development; and complaint resolution. Human Resources personnel are also responsible for Title VII investigations; disciplinary appeals; monitoring compliance with employment laws; and maintenance of an automated Human Resource Information System.

As a result of the Human Resources Department wide range of assignments, the Office of Human Resources has been involved with these types of projects in the past::

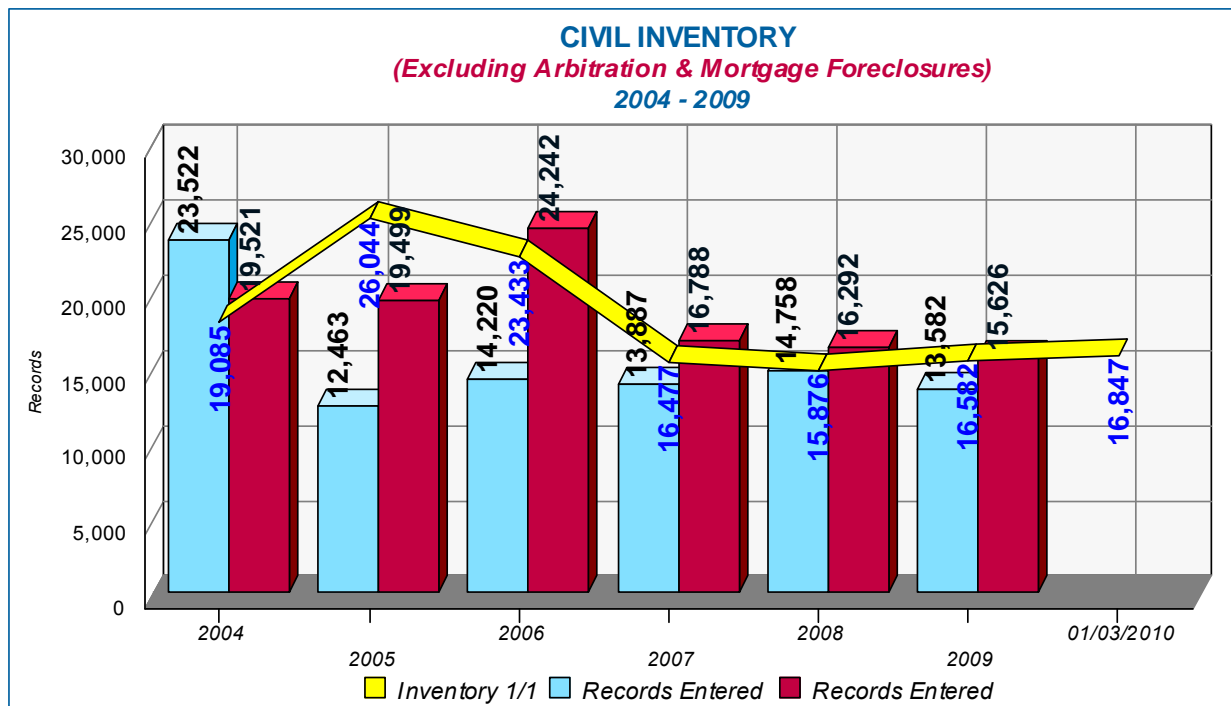
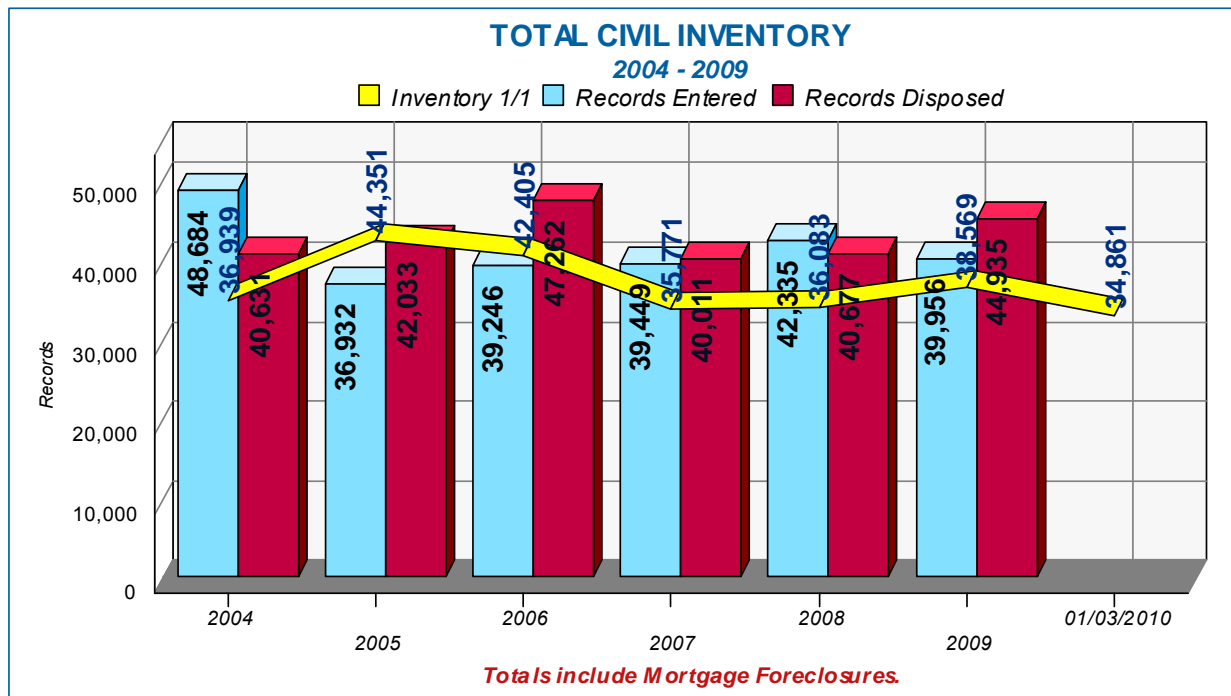
- Reaching out to the public through the expansion of recruitment efforts, including annual attendance at job fairs promoting job candidate diversity;
- Improved employee relations through completion of a legal and procedural review of personnel policies and presentation of proposed policy revisions to the Administrative Governing Board;
- Training sessions for supervisors and employees in the application of personnel policies;
- Supervisory Training Seminars for all supervisors;
- Continued coordination of welfare-to-work and work study programs;
- Continued coordination of CPR/AED certification;
- Coordination of Sensitivity Training seminars;
- Assistance with maintaining the FJD's Intranet;
- Processing of online Flex Open Enrollment forms and information;
- Coordinated processing through the City for online appointments and separations;
- Coordinated processing through the City Administration for online identification cards'
- Implementation of the Employee Assistance Program (EAP);

- Research, recruitment and implementation of New Employee Orientation film;
- Assisting the City Administration with the development and implementation of an online HRIS system;
- Assist the City Administration in implementing and maintaining City Hall security;
- Reviewed and updated Job Code List;
- Reviewed and recommended update to Judicial Staff Policies;
- Training for the FJD ADA coordinators;
- Development, implementation and distribution of a Rapid Run Report Writer throughout the District;
- Development and implementation of 153 new reports for various departments; and
- Completion of a new ABRA operational manual and training.

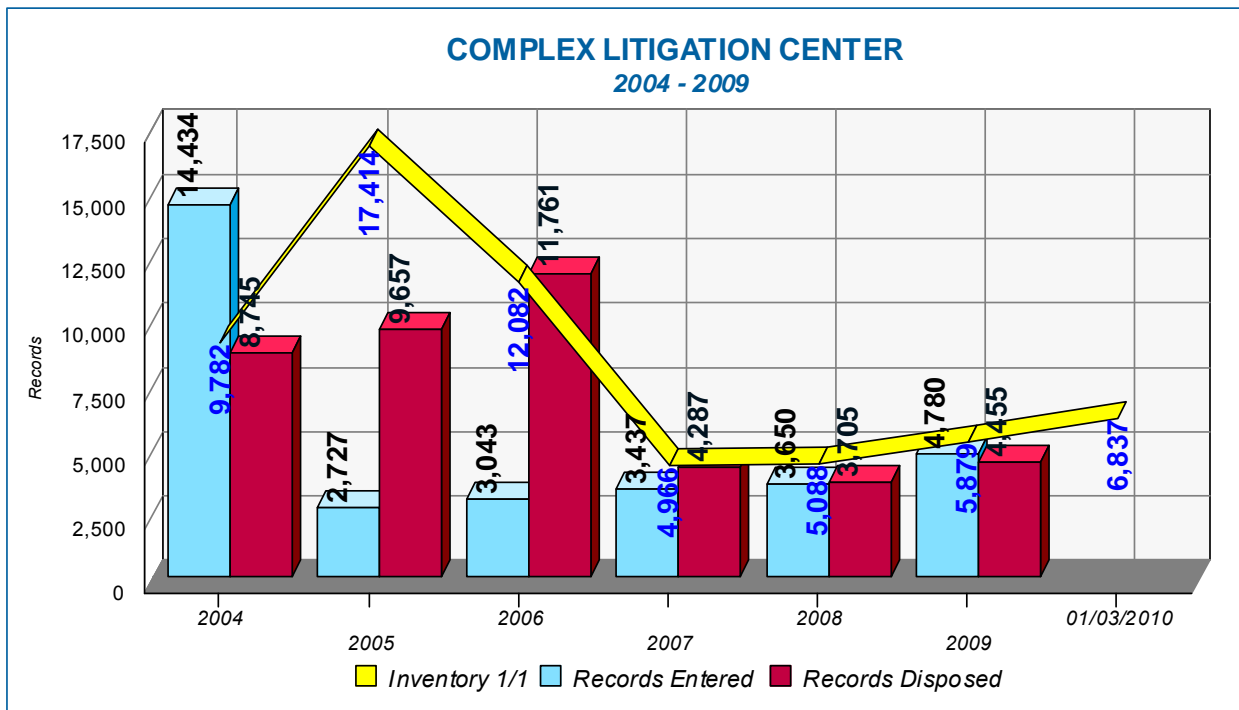
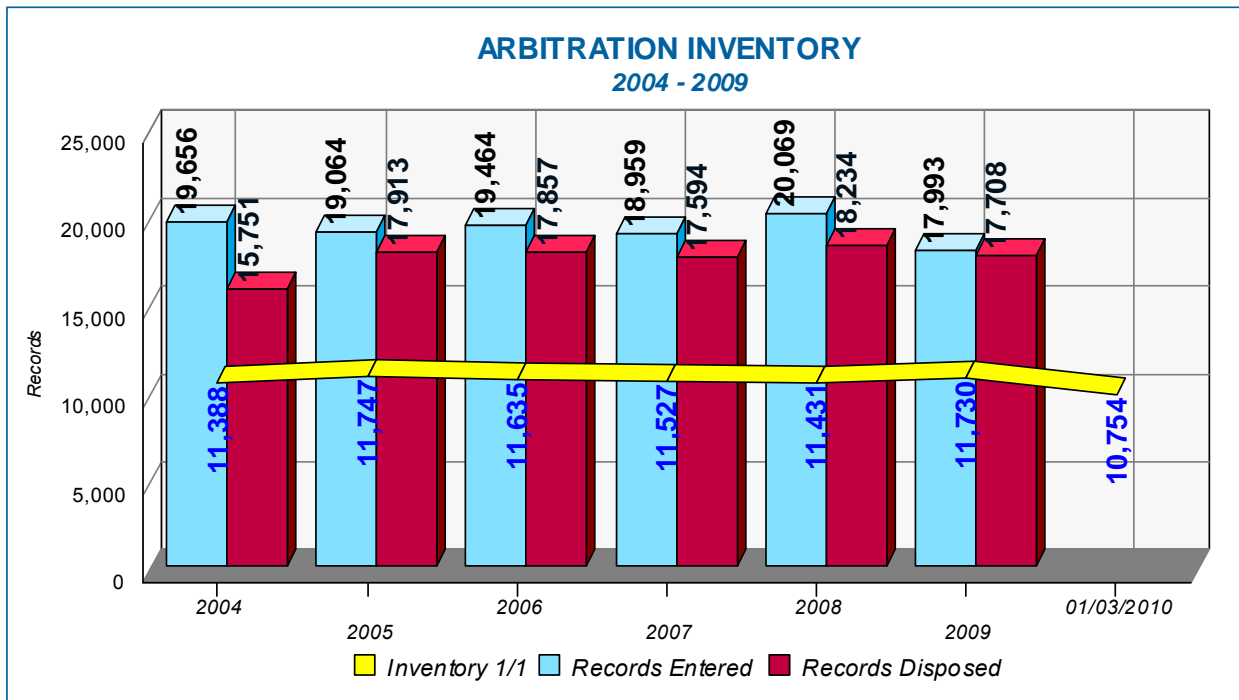


# Statistics

## Common Pleas Court Trial Division Civil Section

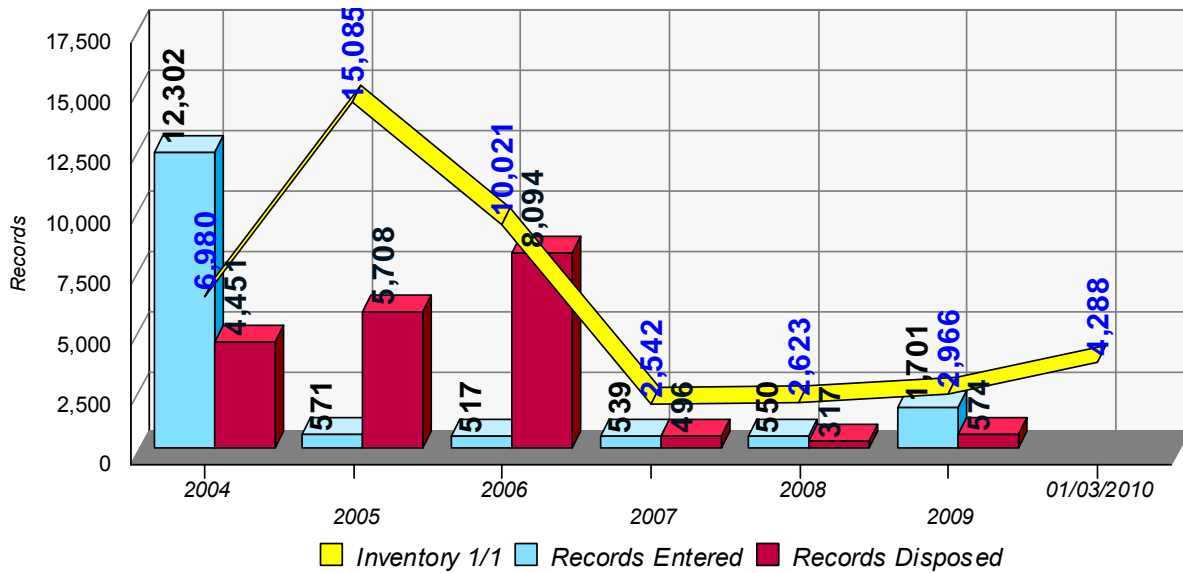


Graphs supplied by Deborah Teti, Data Processing. Re-Opened, Net Deferred and Net Transferred records are not shown on this report. Please see the December Term 2009 Civil Statistical Summary for details.

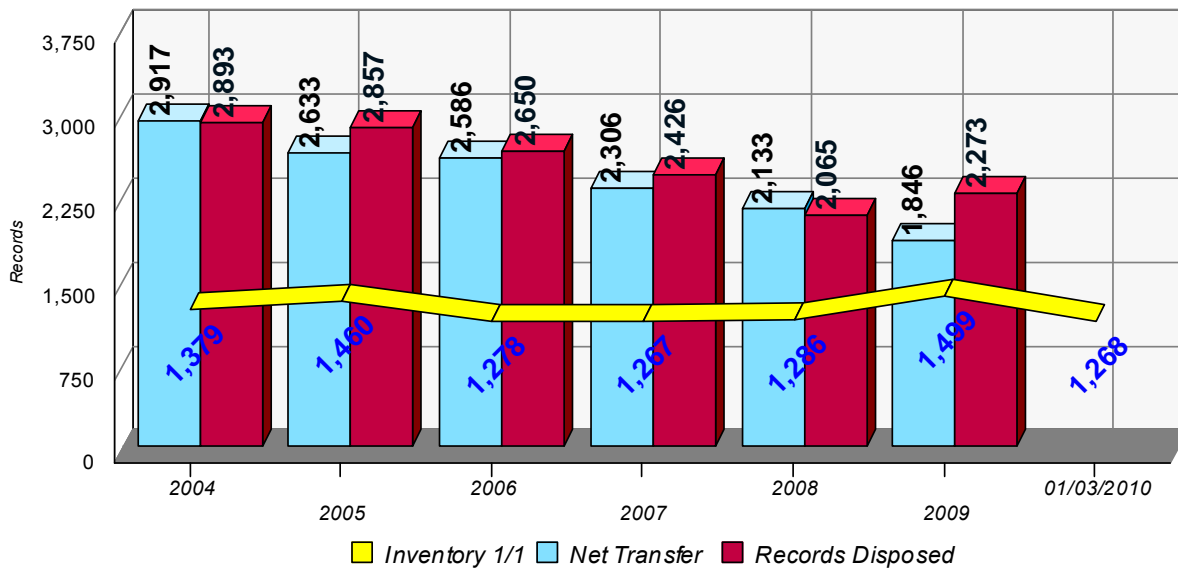


Graphs supplied by Deborah Teti, Data Processing. Re-Opened, Net Deferred and Net Transferred records are not shown on this report. Please see the December Term 2009 Civil Statistical Summary for details.

### MASS TORT PROGRAM 2004 - 2009

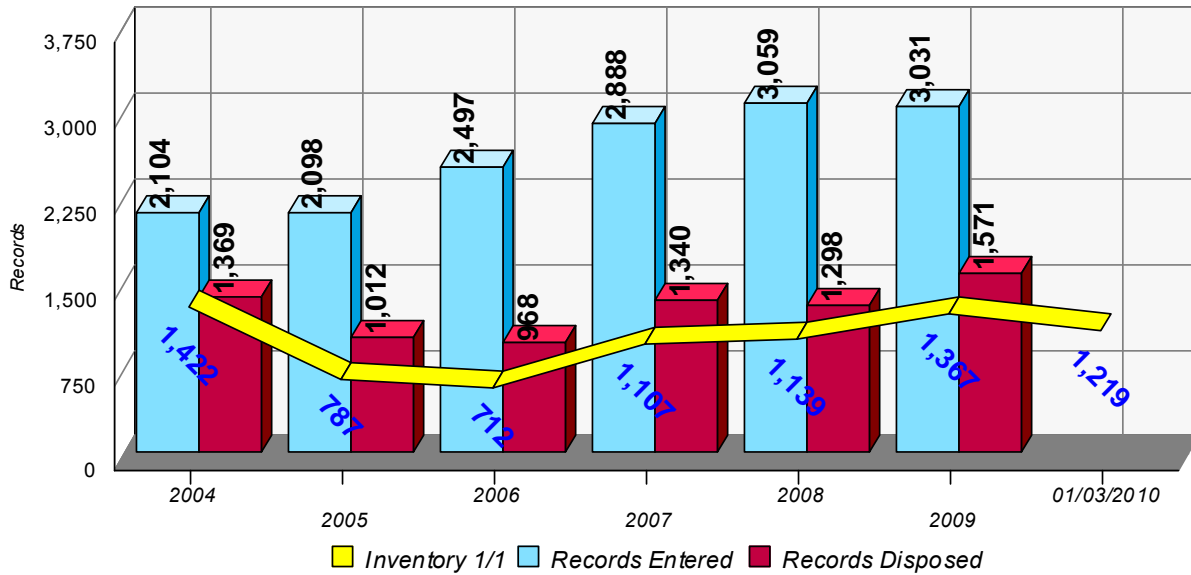


### ARBITRATION APPEALS 2004 - 2009

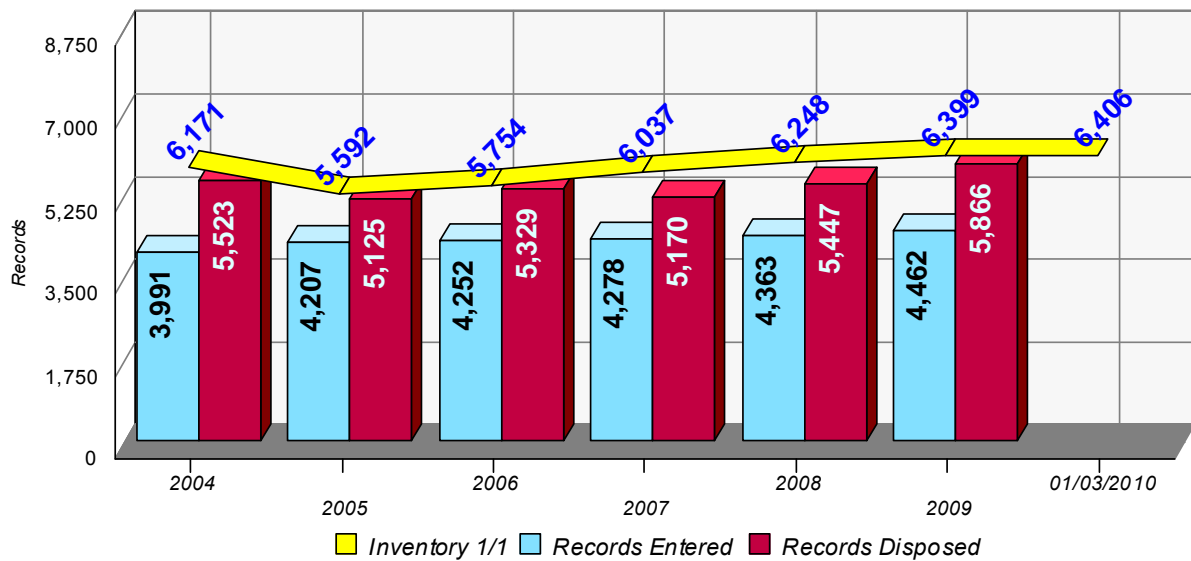


Graphs supplied by Deborah Teti, Data Processing. Re-Opened, Net Deferred and Net Transferred records are not shown on this report. Please see the December Term 2009 Civil Statistical Summary for details.

### MAJOR NON-JURY PROGRAM 2004 - 2009

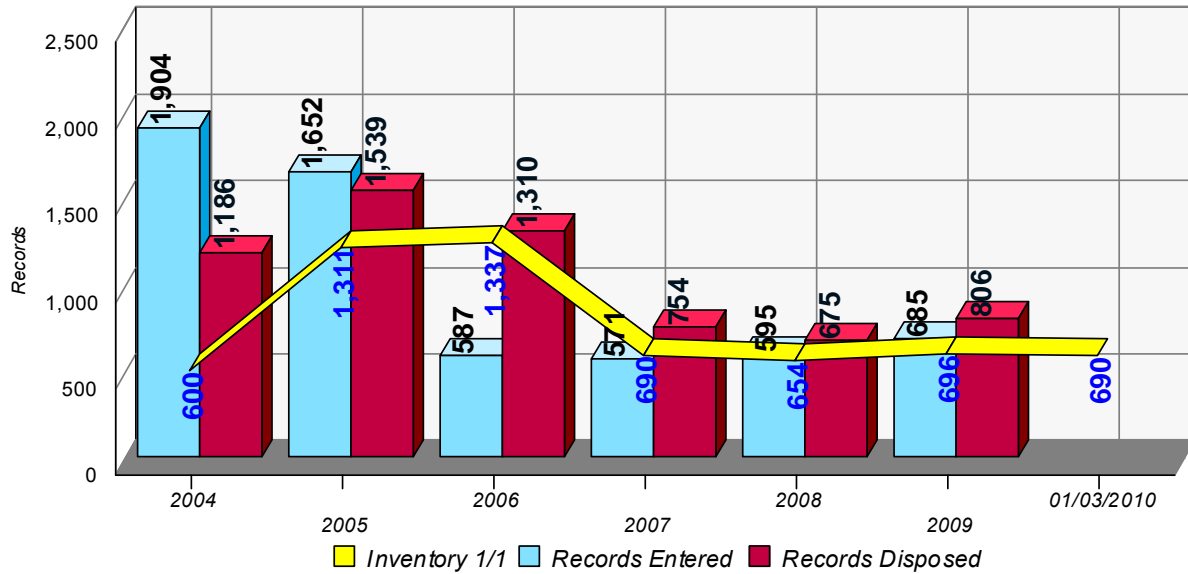


### MAJOR JURY PROGRAM 2004 - 2009

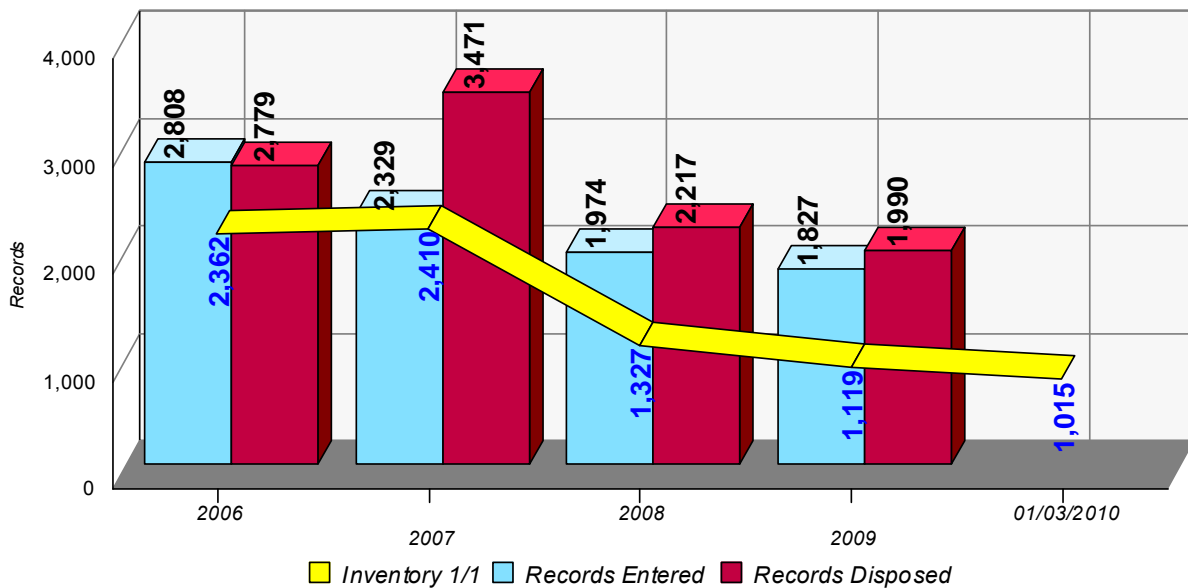


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### COMMERCE PROGRAM 2004 - 2009



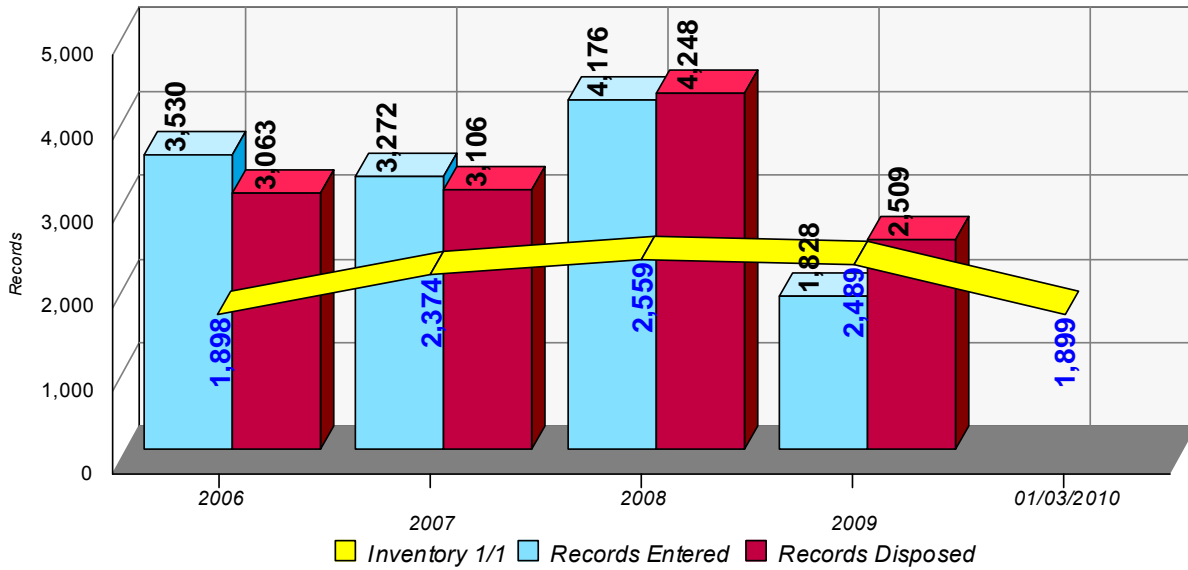
### GOVERNMENTAL & ADMINISTRATIVE AGENCIES 2006 - 2009



Graphs supplied by Deborah Teti, Data Processing. Re-Opened, Net Deferred and Net Transferred records are not shown on this report. Please see the December Term 2009 Civil Statistical Summary for details.

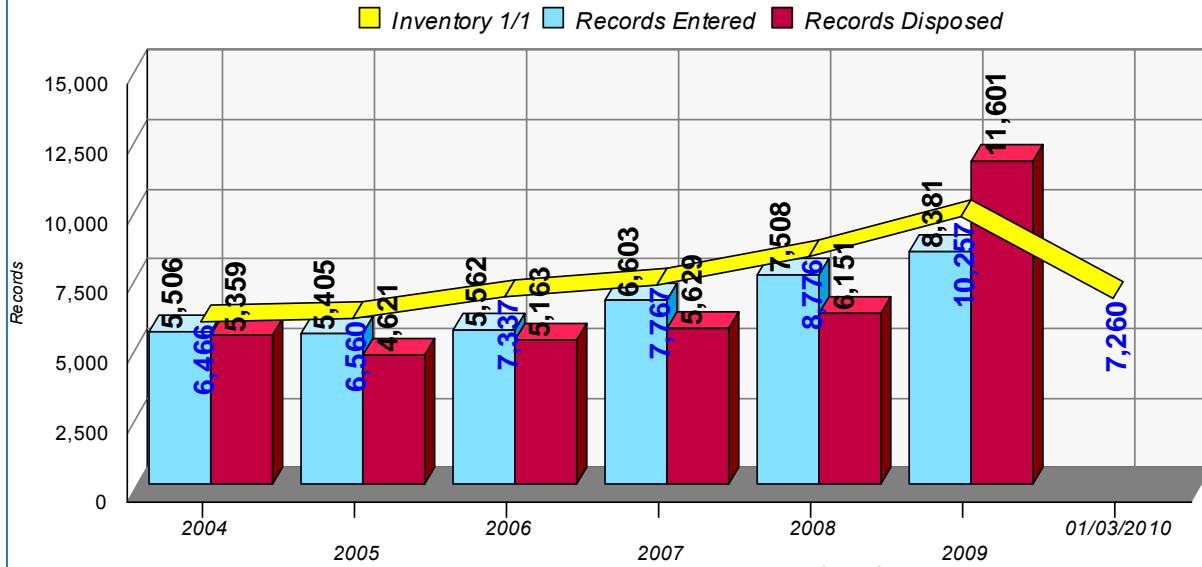
### PROGRAMS ASSIGNED TO MOTION JUDGES

2006 - 2009



### MORTGAGE FORECLOSURES

2004 - 2009



In March Term 2009, the court administratively terminated 5,168 records in which there had been no activity of record for more than 3 years. This is consistent with PA Rule of Civil Procedure 230.2, which provides an administrative method for the termination of inactive cases.

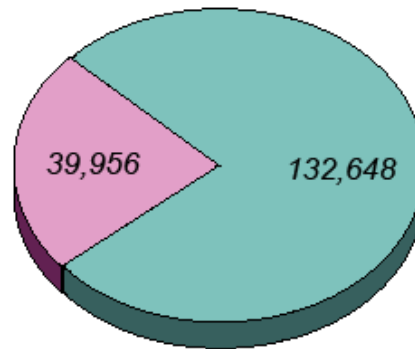
Graphs supplied by Deborah Teti, Data Processing. Re-Opened, Net Deferred and Net Transferred records are not shown on this report. Please see the December Term 2009 Civil Statistical Summary for details.



## Prothonotary

*First Judicial District of Pennsylvania*  
**OFFICE OF THE PROTHONOTARY**  
 FILINGS COMMENCED 2009: 172,604

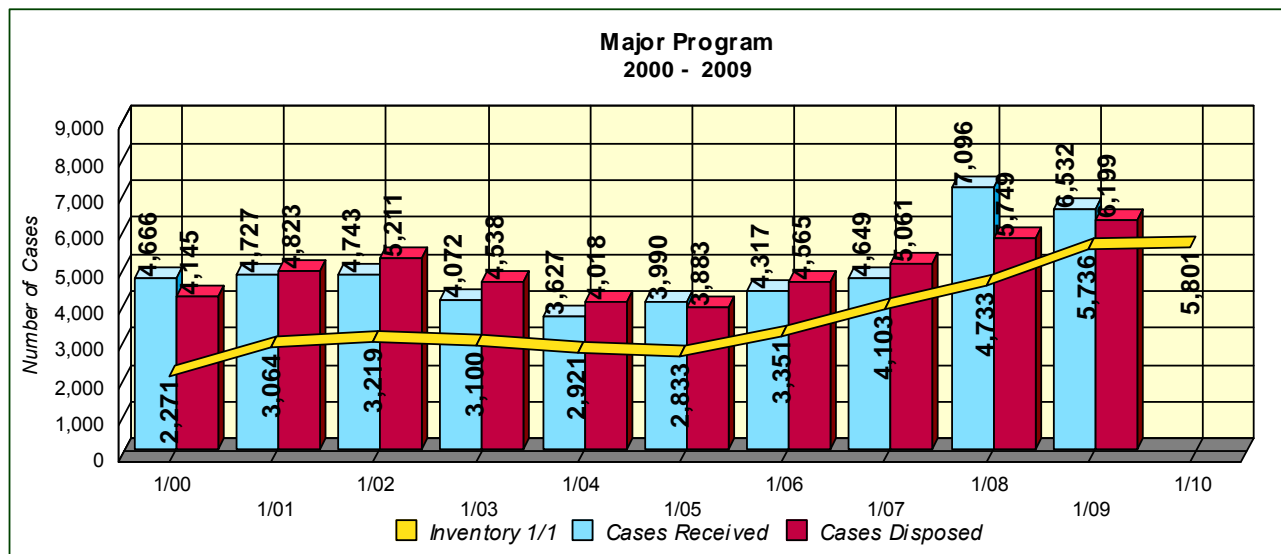
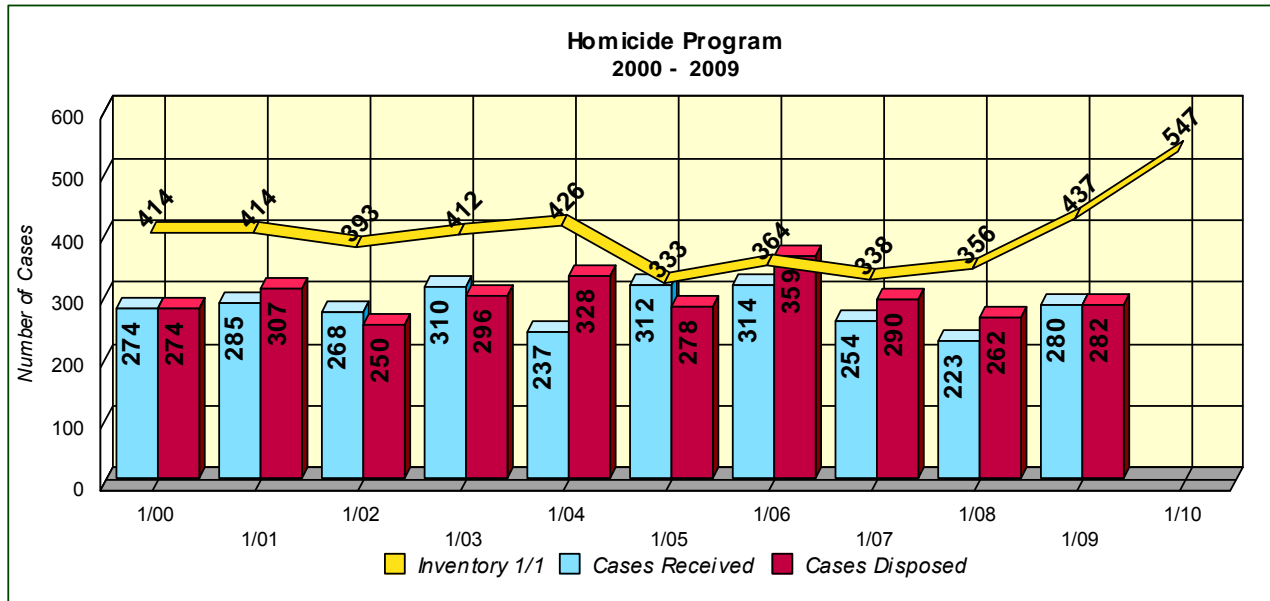
ARBITRATION	17,993
MAJOR JURY	4,462
PROGRAMS ASSIGNED TO MOTION JUDGES	1,756
COMP. LITIGATION CENTER	4,780
GOVERNMENTAL & ADMINISTRATIVE AGENCIES	1,899
COMMERCE PROGRAM	685
MORTGAGE FORECLOSURE	8,381



JUDGMENTS	123,927
MENTAL HEALTH	3,924
PETITIONS	1,558
RENT, LEASE & EJECTMENT	1,164
REAL ESTATE TAX LIEN	831
WAIVER OF MECHANICS LIEN	755
MECHANICS LIEN	386
MINOR'S COMPROMISE	86
COMMON PLEAS N-J	9
DRUG FORFEITURE	3
NOTICE OF MECHANICS LIEN	5

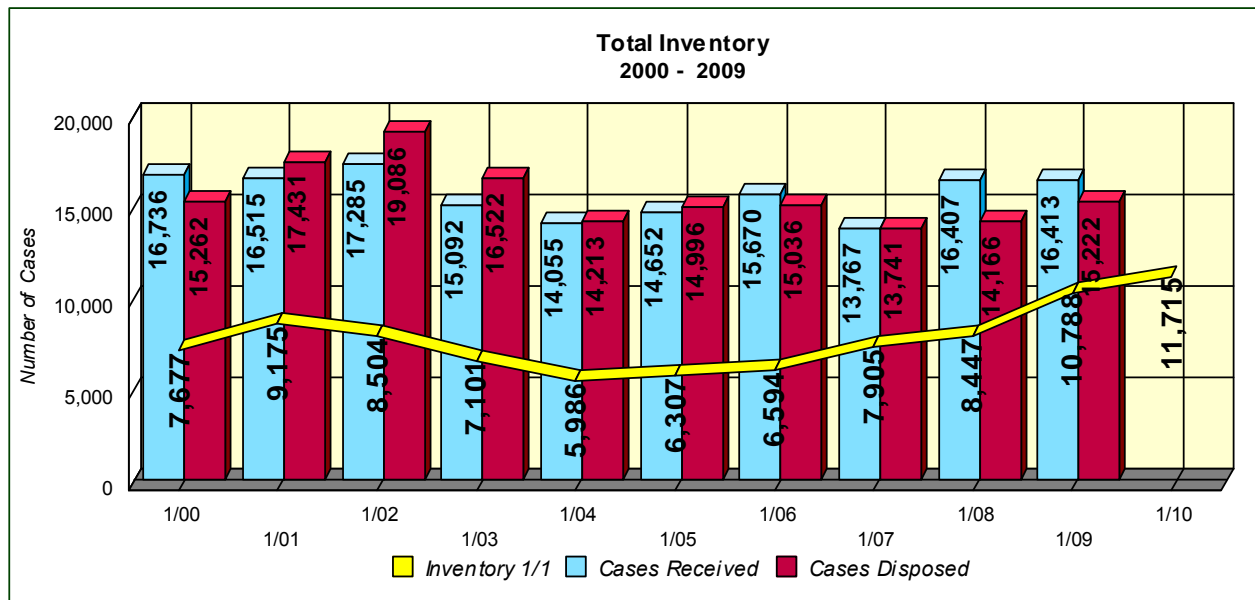
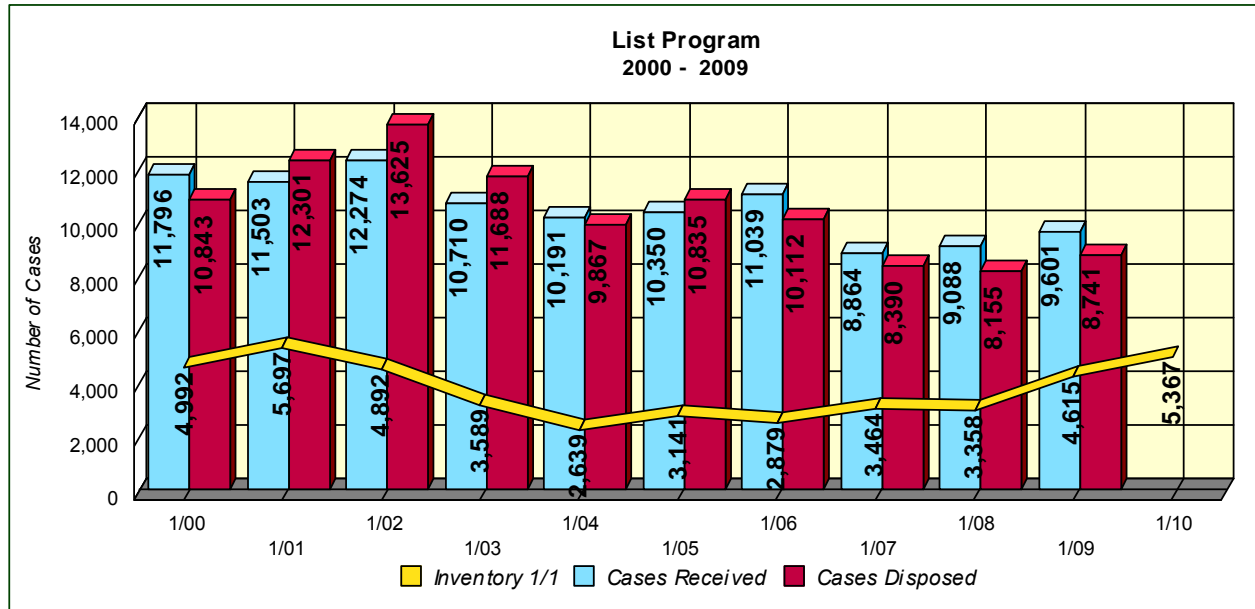
# Common Pleas Court Trial Division Criminal Section

## Statistics According to Track (Homicide, Major Felony, List Programs)



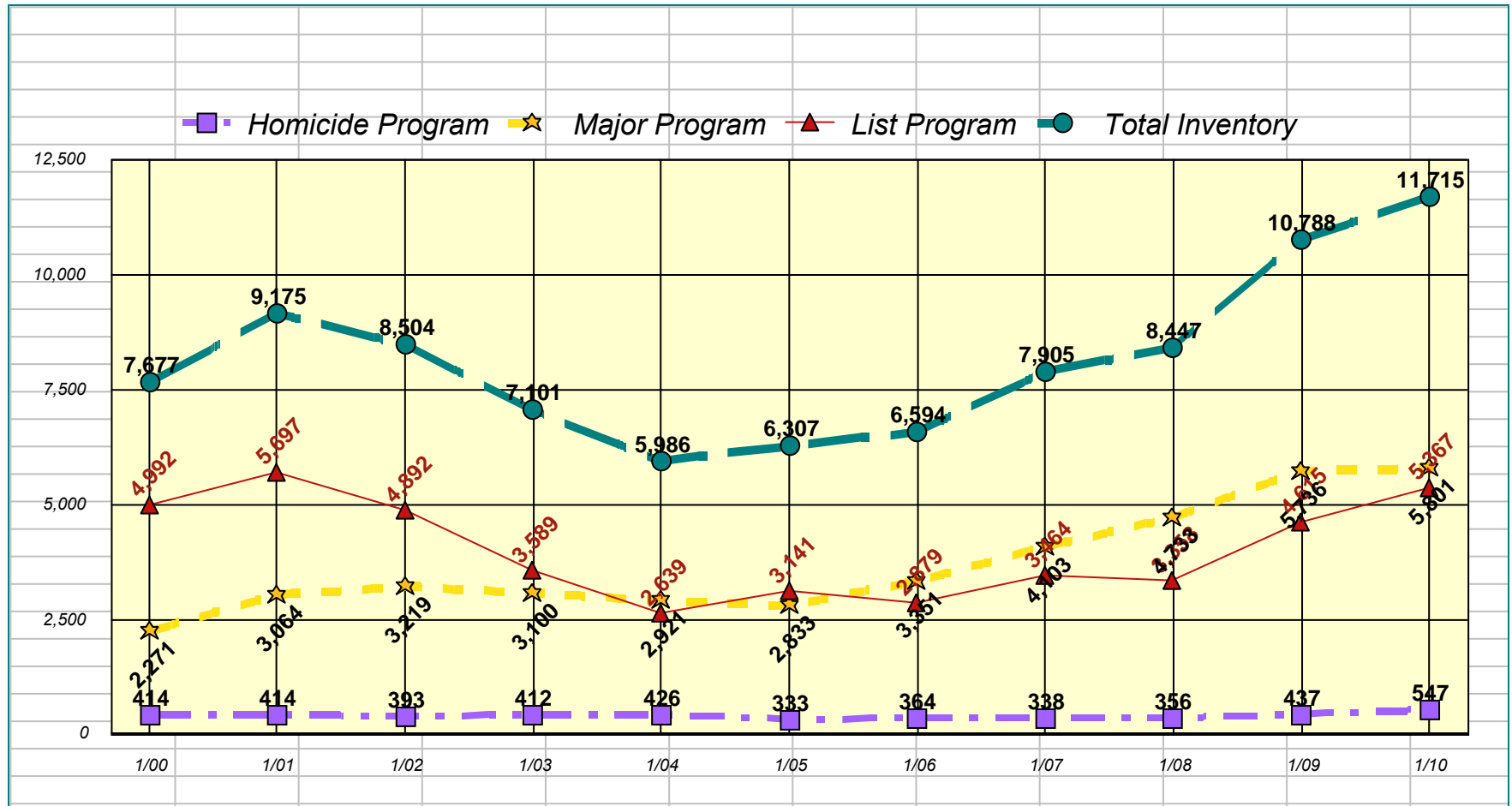
Graphs supplied by Deborah Teti. Cases Received includes Net Bench Warrant Activity and Net Track Changes (not specifically delineated on this report).

## Common Pleas Court Trial Division Criminal Section Tracks (Continued)



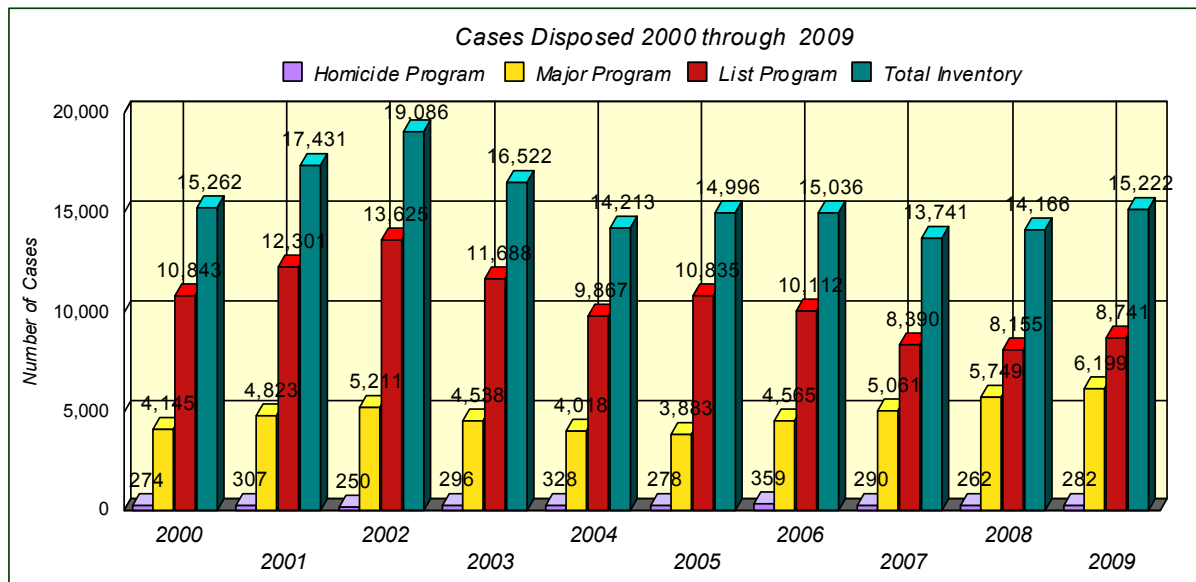
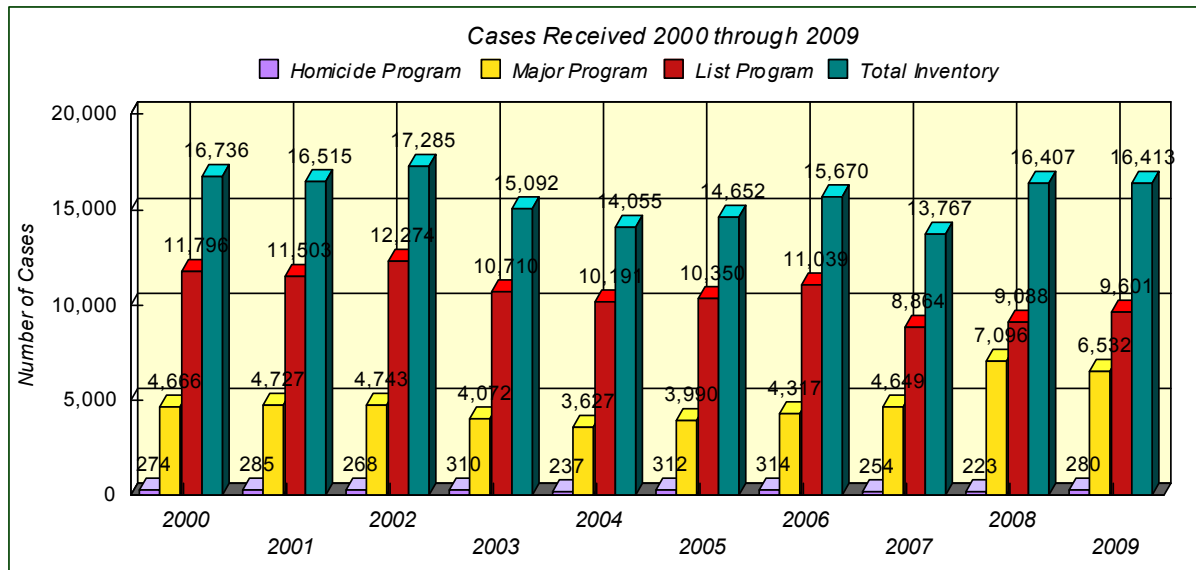
Graphs supplied by Deborah Teti. Cases Received includes Net Bench Warrant Activity and Net Track Changes (not specifically delineated on this report).

## Overall Criminal Inventory from 2000 Through 2009



Graphs supplied by Deborah Teti. Cases Received includes Net Bench Warrant Activity and Net Track Changes (not specifically delineated on this report).

## Criminal Cases Received and Disposed



Graphs supplied by Deborah Teti. Cases Received includes Net Bench Warrant Activity and Net Track Changes (not specifically delineated on this report).

## Common Pleas Court Trial Division Criminal Section (Continued)

### DISPOSITIONS BY PROGRAM

	2008	2009
	(Jan. - Dec.)	(Jan. - Dec.)
HOMICIDE	234	239
MAJOR	6,689	5,381
LIST	6,641	9,354
LIST - GUN	1,014	948

### DISPOSITIONS BY TYPE

	2008	2009
	(Jan. - Dec.)	(Jan. - Dec.)
ABATEMENTS	60	67
ADMINISTRATIVE CLOSURES	82	118
ARD	502	408
DISMISSED	122	228
GUILTY	2,294	2,471
GUILTY PLEA	4,384	2,343
GUILTY PLEA NEGOTIATED	4,049	6,190
NOLO CONTENDERE PLEA	168	202
NOLLE PROS	1,833	2,426
NOT GUILTY	768	827
QUASHED	179	205
REMAND TO MUNICIPAL COURT	45	44
TRANSFER TO JUVENILE	92	104
JUDGEMENT OF ACQUITTAL	n/a	20
OTHER	n/a	269
UNCATEGORIZED DISPOSITIONS	n/a	42
TOTAL DISPOSITIONS BY TYPE:	14,578	15,964

### JURY TRIAL DISPOSITIONS

	2008	2009
	(Jan. - Dec.)	(Jan. - Dec.)
GUILTY	430	393
NOT GUILTY	221	216
TOTAL DISPOSITIONS BY JURY:	651	609



## Common Pleas Court Trial Division Criminal Section (Continued)

### COMMON PLEAS CRIMINAL TRIAL DIVISION INVENTORY (AS OF 12/31/09)

HOMICIDE	408
MAJOR	4,502
LIST	5,167
LIST - GUN	671
<b>TOTAL</b>	
<b>INVENTORY:</b>	<b>10,748</b>



**COMMON PLEAS ARRAIGNMENT/ DISCOVERY STASTICS  
MAJOR & LIST PROGRAM (2009)**

**Major Cases**

2009	Total <b>Major Cases</b> Arraigned	Partial Discovery	No Discovery	Total Discovery Issues for <b>Major Cases</b>
January	456	99	230	72.15%
February	431	105	212	73.55%
March	512	120	276	77.34%
April	602	175	266	73.26%
May	468	143	179	68.80%
June	455	171	158	72.31%
July	470	146	196	72.77%
August	433	138	126	60.97%
September	401	125	195	79.80%
October	537	154	181	62.38%
November	391	74	118	49.10%
December	411	87	133	53.53%
<b>TOTALS:</b>	<b>5,567</b>	<b>1,537</b>	<b>2,270</b>	<b>69.57%</b>

**List Cases**

2009	Total <b>List Cases</b> Arraigned	Partial Discovery	No Discovery	Total Discovery Issues for <b>List Cases</b>
January	921	245	359	65.58%
February	837	271	289	66.91%
March	942	286	332	65.61%
April	989	313	350	67.04%
May	810	314	157	58.15%
June	866	348	191	62.24%
July	821	315	237	67.24%
August	851	282	157	51.59%
September	750	258	157	55.33%
October	868	269	170	50.58%
November	724	138	73	29.14%
December	783	133	110	31.03%
<b>TOTALS:</b>	<b>10,162</b>	<b>3,172</b>	<b>2,582</b>	<b>58.75%</b>

**ARC/ AVOPP/ NSJ (March - Jan.2009)**

ARC	1,635
AVOPP (saves 25 days per case)	438
NSJ ( saves 30 days per case)	1,396
Judge Brown's VOP'S	4,881

**VIDEO STATISTICS (2009)**

**STATE VIDEO**

VOP	300
PCRA	131
SENTENCINGS	80
GRAZIER HEARINGS	36
GUILTY PLEAS	14
POST TRIAL MOTIONS	29
STATE INTERMEDIATE PUNISHMENT	93
OTHER	22
<b>TOTAL STATE VIDEO HEARINGS</b>	<b>705</b>
<b>STATE TRANSPORTATION COST SAVINGS (VARIES BY INSTITUTION)</b>	<b>\$292,940</b>

**COUNTY VIDEO**

EXTRADITION	
CONFERENCES	1,094
BENCH WARRANTS, STATUS, RE-ARREST, ETC	275
COUNTY INTERMEDIATE PUNISHMENT CONFERENCES	186
COUNTY INTERMEDIATE DISPOSITIONS	110
<b>TOTAL COUNTY VIDEO HEARINGS</b>	<b>1,555</b>
EXTRADITION RELEASED TO OTHER JURISDICTION	619
<b>COUNTY TRANSPORTATION COST SAVINGS (\$79 PER DEFENDANT)</b>	<b>\$122,845</b>
<b>TOTAL VIDEO HEARINGS HELD (State &amp; County)</b>	<b>2,260</b>
<b>TOTAL TRANSPORTATION COST SAVING (State &amp; County)</b>	<b>\$415,785</b>

**FJDMHC (Common Pleas Mental Health Court Report)**  
**(as of Dec. 11, 2009)**

REFERRALS	116
FORMALLY ADMITTED	16
TERMINATED FROM PROGRAM	1
FAILED CRITERIA	56
PENDING REVIEW FOR ADMISSION	31
INCOMPENTENT	8
SUPERVISED UNDER PEFACT OR CTT	8
REFUSED PROGRAM	1

**BENCH WARRANT HEARINGS (2009)**

**PRISON**

COMMON PLEAS COURT CASES	5,748
MUNICIPAL COURT CASES	20,841
<b>TOTAL BENCH WARRANTS ADDRESSED:</b>	<b>26,589</b>

**CRIMINAL JUSTICE CENTER surrenders (2009)**

COMMON PLEAS COURT CASES	973
MUNICIPAL COURT CASES	9,825
SUMMARY CASES	6,583
<b>TOTAL BENCH WARRANTS ADDRESSED:</b>	<b>17,381</b>

**GAGNON I HEARINGS (2009)**

COMMITMENTS LIFTED	1,459
RECOMMITTED	9,253
<b>TOTAL GAGNON I HEARINGS ADDRESSED:</b>	<b>10,712</b>

**PRELIMINARY ARRAIGNMENT SYSTEM (PARS)  
NEW MUNICIPAL COURT ARREST**

	<b>2008</b>		<b>2009</b>
JAN	5,379	JAN	4,858
FEB	5,051	FEB	4,264
MAR	5,877	MAR	4,920
APR	5,735	APR	5,059
MAY	5,209	MAY	4,793
JUN	5,428	JUN	5,187
JUL	5,085	JUL	5,170
AUG	5,729	AUG	4,967
SEP	4,843	SEP	4,805
OCT	4,759	OCT	4,814
NOV	4,713	NOV	4,647
DEC	4,683	DEC	4,261
<b>TOTAL:</b>	<b>62,491</b>	<b>TOTAL:</b>	<b>57,745</b>



## Family Division Domestic Relations Branch

Philadelphia Family Court  
Domestic Relations Division  
Calendar Years 2007-2009

Total DR Filings				
		2007	2008	2009
<b>Custody Filings</b>	Custody/Confirm Custody	7,177	6,966	7,667
	Partial Custody/Visitation	610	495	555
	Modify Custody	4,027	3,924	4,209
	Contempt of Custody	1,950	2,002	2,013
	<b>Subtotal</b>	<b>13,764</b>	<b>13,387</b>	<b>14,444</b>
	Custody Exceptions	153	103	111
	Motions & Other Filings	8,563	7,917	9,473
	<b>Total Custody Filings</b>	<b>22,480</b>	<b>21,407</b>	<b>24,028</b>
<b>Support Filings</b>	New Complaints	22,333	23,306	19,931
	Modifications	12,483	13,100	12,650
	Contempt Petitions	14,994	17,045	10,876
	Support Exceptions	1,106	1,134	1,058
	Support Motions	2,161	1,707	1,596
	<b>Total Support Filings</b>	<b>53,077</b>	<b>56,292</b>	<b>46,111</b>
<b>Domestic Violence New Petitions</b>		<b>11,301</b>	<b>11,082</b>	<b>11,695</b>
<b>Divorce</b>	New Petitions	1,895	1,903	1,877
	Misc. Filings (Contested & Uncontested)	12,608	11,810	11,720
	<b>Total Divorce Filings</b>	<b>14,503</b>	<b>13,713</b>	<b>13,597</b>
<b>Total DR Filings</b>		<b>101,361</b>	<b>102,494</b>	<b>95,431</b>

Total DR Petitions Processed				
		2007	2008	2009
<b>Custody</b>	Interim, Master and Judicial	29,102	29,601	30,183
	<b>Support</b> Establishment only. Disposition of contempt and motion hearings are not counted on statewide child support system - PACSES	40,963	33,769	30,570
<b>Domestic Violence</b>	Interim & Final	29,798	31,173	32,788
<b>Divorce</b>	Final & Interim Orders only	4,326	4,235	3,856
<b>Total DR Dispositions</b>		<b>104,189</b>	<b>98,778</b>	<b>97,397</b>

## **DR Quick Facts**

### **Performance Measures Support Orders**

Open IV-D Cases (As of 12/09)	104,126
# Active Children in Open Cases (As of 12/09)	143,768
(Average 1.38 Children/Case)	

### **Collections (OCSE 34A)**

	<u>FFY 2005</u>	<u>FFY 2006</u>	<u>FFY 2007</u>	<u>FFY 2008</u>	<u>FFY 2009</u>
TANF Collections	\$95,350,391	\$100,114,383	\$102,641,409	\$103,353,530	\$94,625,336
Non-TANF Collections	<u>99,366,900</u>	<u>100,820,468</u>	<u>99,972,423</u>	<u>101,539,560</u>	<u>98,842,279</u>
Total Collections	\$194,717,291	\$200,934,851	\$202,613,832	\$204,893,090	\$193,467,615

### **Collections (OCSE 34A)**

	<u>Cal Yr. 2005</u>	<u>Cal Yr. 2006</u>	<u>Cal Yr. 2007</u>	<u>Cal Yr. 2008</u>	<u>Cal Yr. 2009</u>
TANF Collections	\$95,973,497	\$101,711,480	\$101,949,628	\$102,685,304	\$93,811,519
Non-TANF Collections	<u>99,540,316</u>	<u>100,887,886</u>	<u>100,401,005</u>	<u>100,727,765</u>	<u>98,561,903</u>
Total Collections	\$195,513,813	\$202,599,366	\$202,350,633	\$203,413,069	\$192,373,422

### **Philadelphia Collections Per Day (OCSE 34A)**

	<u>FFY 2005</u>	<u>FFY 2006</u>	<u>FFY 2007</u>	<u>FFY 2008</u>	<u>FFY 2009</u>
TANF Collections	\$376,879	\$395,709	\$394,775	\$394,479	\$362,549
Non-TANF Collections	<u>392,755</u>	<u>398,500</u>	<u>384,509</u>	<u>387,556</u>	<u>378,706</u>
Total Collections	\$769,634	\$794,209	\$779,284	\$782,035	\$741,255

### **Average Annual Collections Per Case (OCSE 34A)**

	<u>Cal Yr. 2005</u>	<u>Cal Yr. 2006</u>	<u>Cal Yr. 2007</u>	<u>Cal Yr. 2008</u>	<u>Cal Yr. 2009</u>
Average TANF Collections/Case	\$1,535	\$1,606	\$1,647	\$1,679	\$1,605
Average Non-TANF Collections/Case	3,713	3,864	3,906	3,985	4,096
Average Total Collections/Case	\$2,188	\$2,265	\$2,309	\$2,354	\$2,332

### **Average Monthly Collections Per Case (OCSE 34A)**

	<u>FFY 2006</u>	<u>FFY 2007</u>	<u>FFY 2008</u>	<u>FFY 2009</u>
Average TANF Collections/Case	\$131	\$137	\$141	\$133
Average Non-TANF Collections/Case	320	321	334	340
Average Total Collections/Case	\$187	\$191	\$198	\$193

### **Accumulated Arrears Owed for all Federal Fiscal Years (OCSE 157 FFY 2010)**

Philadelphia	\$245,016,536
Pennsylvania	\$1,228,320,140

#### Current Staff (As of 12/20/2009 payroll)

Full-Time IV-D Employees	337
Part-Time IV-D Employees	0
Full-Time General Employees	48
Part-Time General Employees	0
District Attorney Employees	16

#### Unemployment Rate

- As of December 2009, the Philadelphia unemployment rate was 10.9% and Pennsylvania's adjusted November 2009 rate was 8.5%

#### TANF Assistance Statistics

- Number of PA TANF Cash Grants – 207,000 (TANF + GA + Blind = 226,690)
- Number of PA Medical Assistance Grants – 1.9 million (children & adults)
- Typical TANF family is a mother and two children - \$403 monthly grant (NJ is \$424, MD is \$549 and NY is \$691)
- Family of three can earn no more than \$786/month to be eligible for cash assistance (1/2 federal poverty limit)
- Fewer PA residents are receiving cash assistance than anytime since 1961
- CHIP will service 185,764 children

## Common Pleas Court Orphans' Court Division

*The Orphans' Court Division processed the following during calendar year 2009:*

Type of Filing	Carry-Over from 2008	New Filings in 2009	Total Disposed of in CY 2009	Total Open Matters as of 01-Jan-2009
Accounts (for all case types)	156	154	155	155
Exceptions to Adjudications	7	15	15	7
Schedule of Distribution	2	19	19	2
Appeal from Register of Wills	4	13	14	3
Petitions to Appoint Guardians: for Incapacitated Persons for Minors	44 12	439 76	430 81	53 7
Approvals: Minors Comp., WD/S Orphans' Court +Civil Division	28 62	524 1463	509 1433	43 92
Petitions for Allowances: Minors & Incapacitated Persons	25	310	300	35
Scheduling Orders	0	3265	3265	0
Inheritance Tax Matters	40	50	60	30
Citations	0	773	773	0
"Other" Petitions*	191	1804	1649	346
Re-Exam of Trust Assets Ordered	0	11	11	0
Report of Exams & Termination of Trust Assets	0	5	5	0
Marriage License Matters	0	143	143	0
Report of Cemetery Assets	0	970	970	0
Miscellaneous Matters	0	1433	1433	0
<b>TOTAL</b>	<b>571</b>	<b>11,467</b>	<b>11,265</b>	<b>773</b>

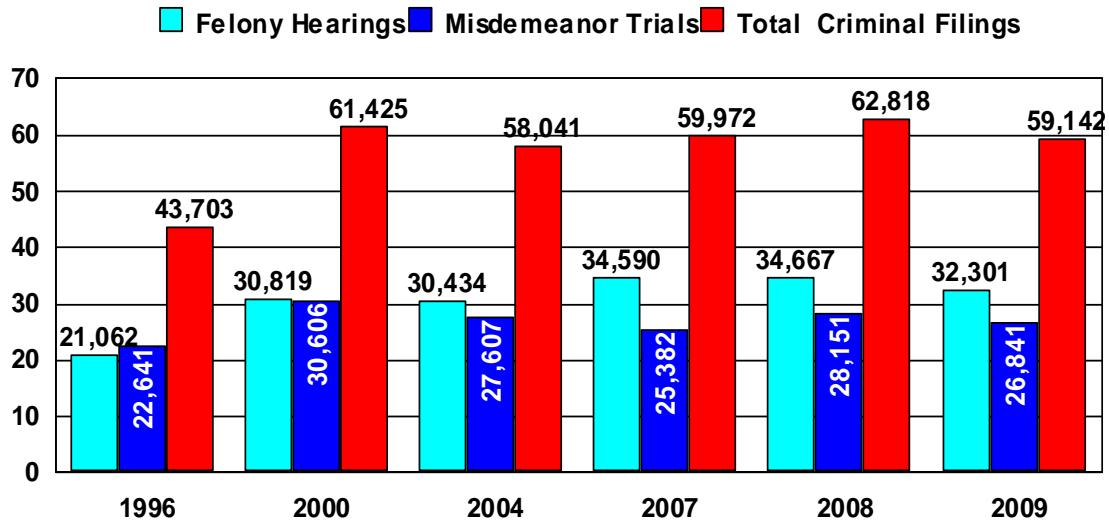
*\*Other Petitions include petitions for sale of real estate, approval to act as corporate fiduciary, letters after 21 years, and non-profits.*

### Total Inheritance Tax Collections

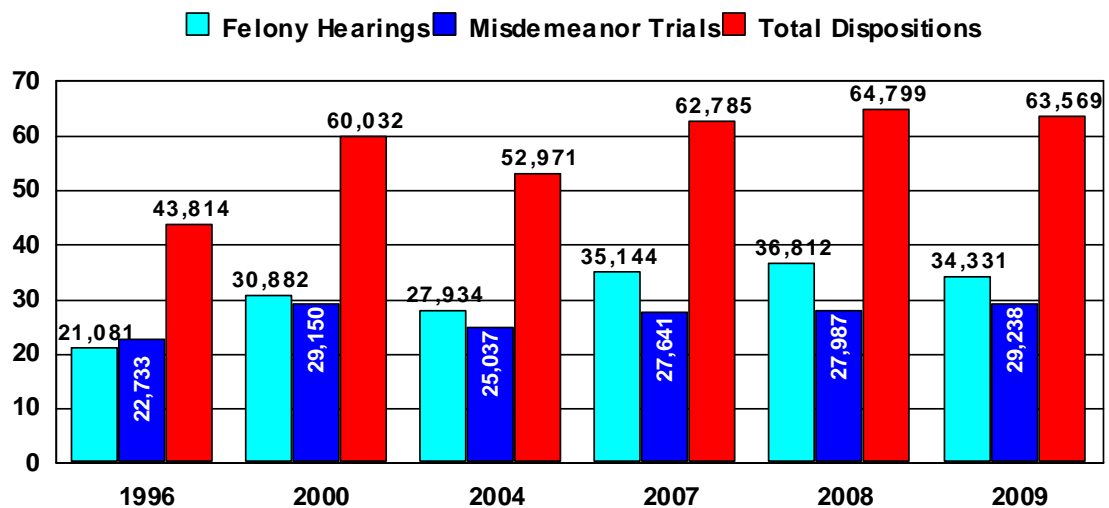
Fiscal Year	Collection Amount
2004	12,423,553
2005	12,848,922
2006	16,589,003
2007	15,280,423
2008	14,839,155
2009	10,819,995

## Municipal Court Criminal Division

### 2009 Municipal Court Criminal Division Filings

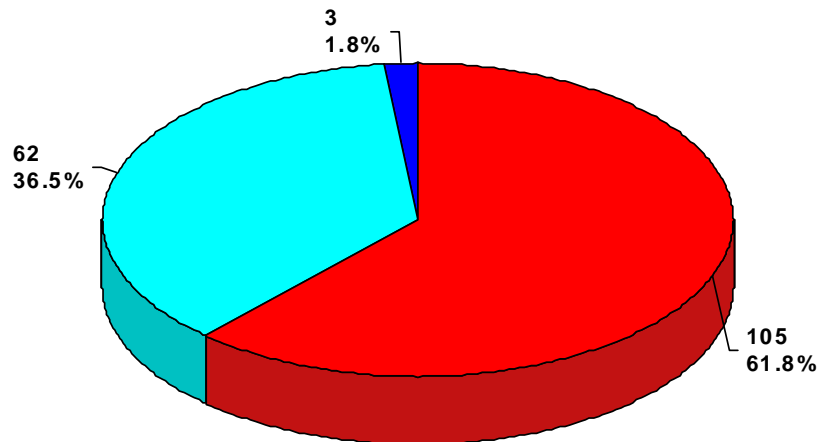


### 2009 Municipal Court Criminal Division Dispositions



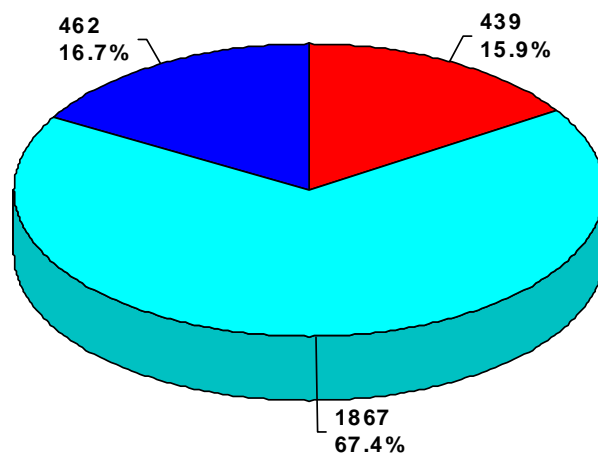
## 2009 Municipal Court DUI Treatment Court

■ Active Participants ■ Successful Completions ■ Unsuccessful Completions



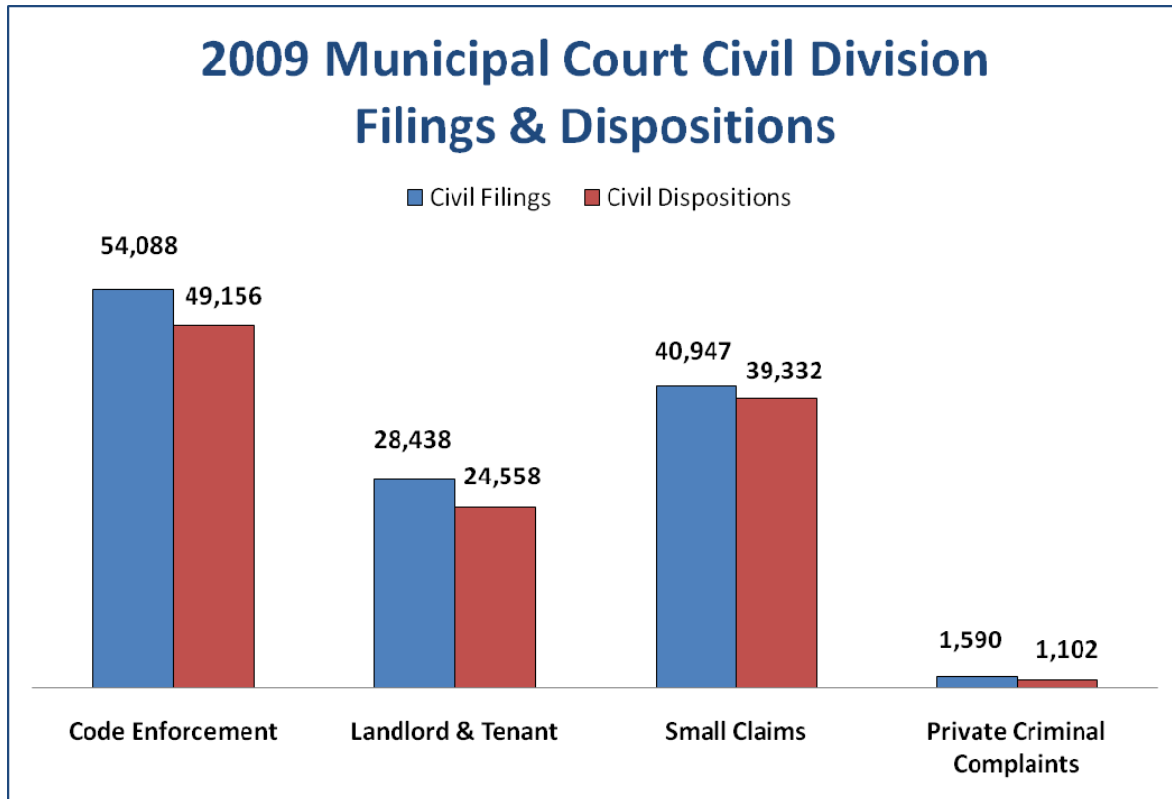
## 2009 Municipal Court Drug Treatment Court

■ Active Participants ■ Successful Completions ■ Unsuccessful Completions

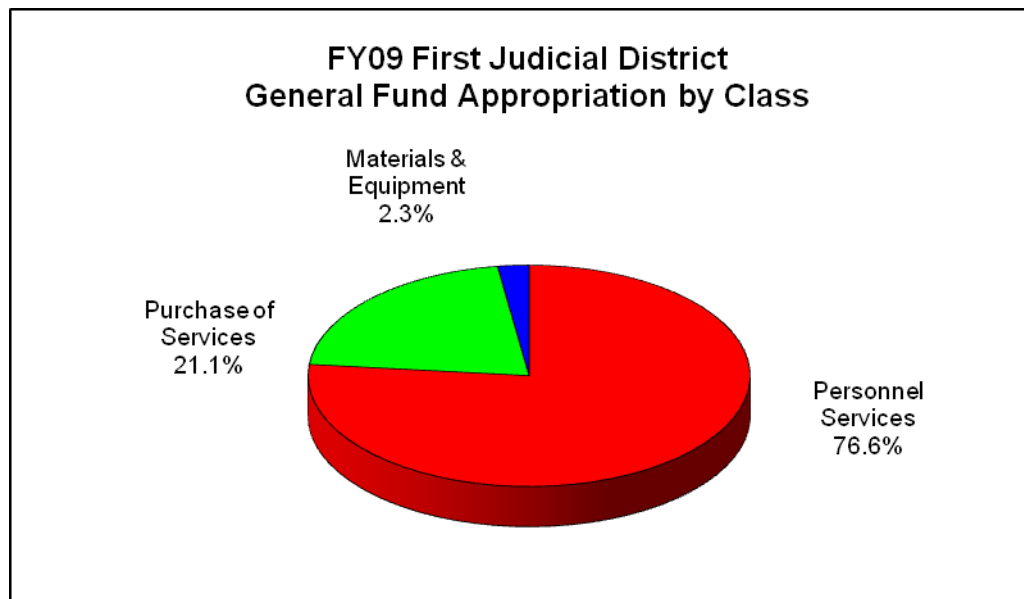
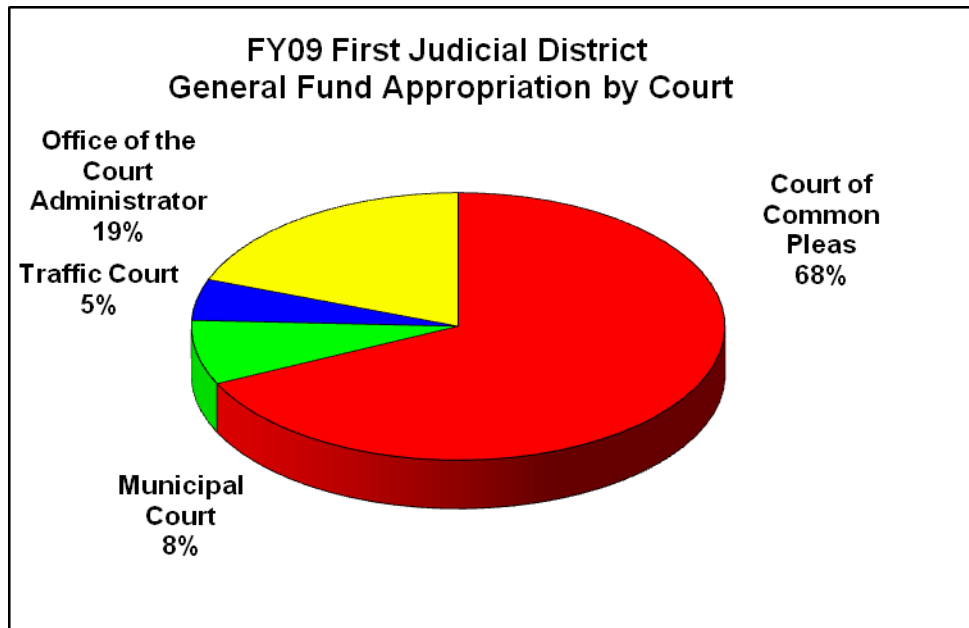




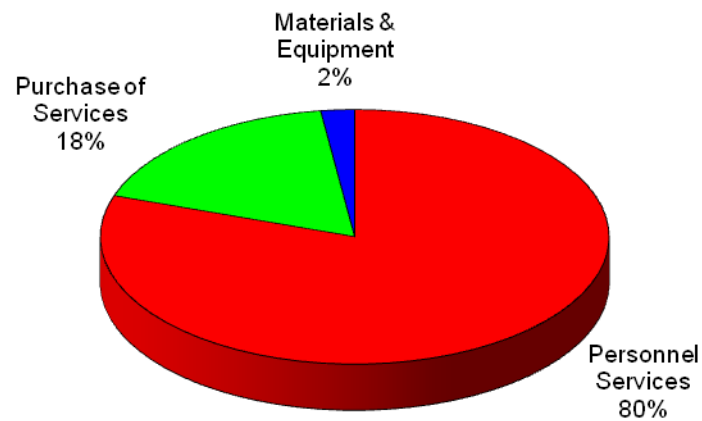
## Municipal Court Criminal Division



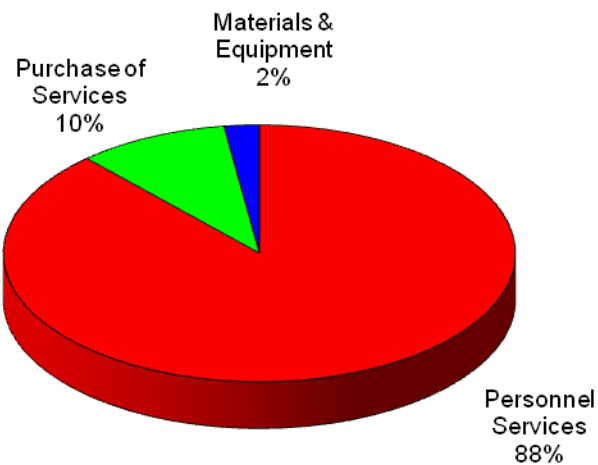
## Fiscal & Budget Office



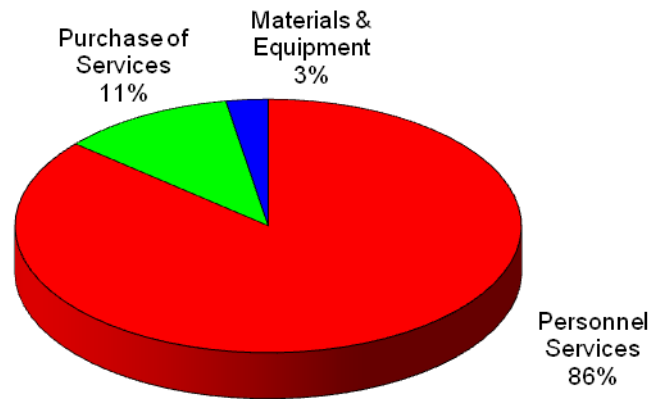
**FY09 Court of Common Pleas  
General Fund Appropriation**



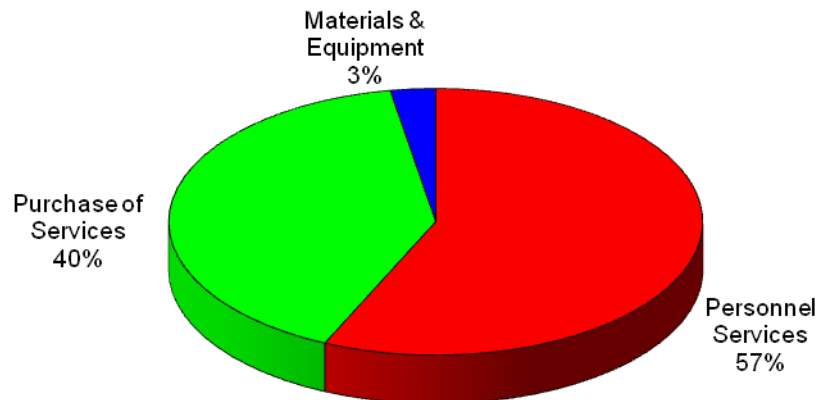
**FY09 Municipal Court  
General Fund Appropriation**

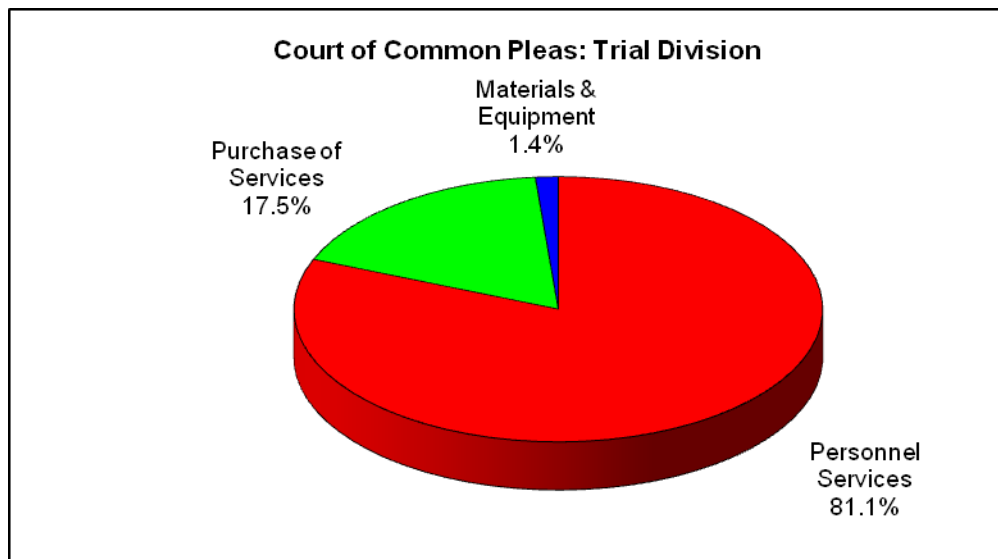
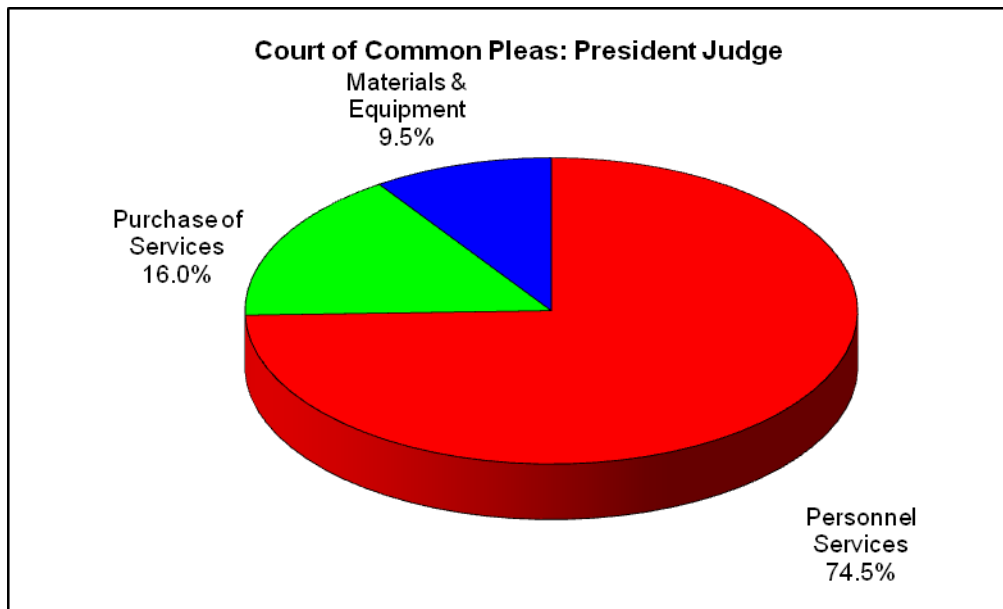


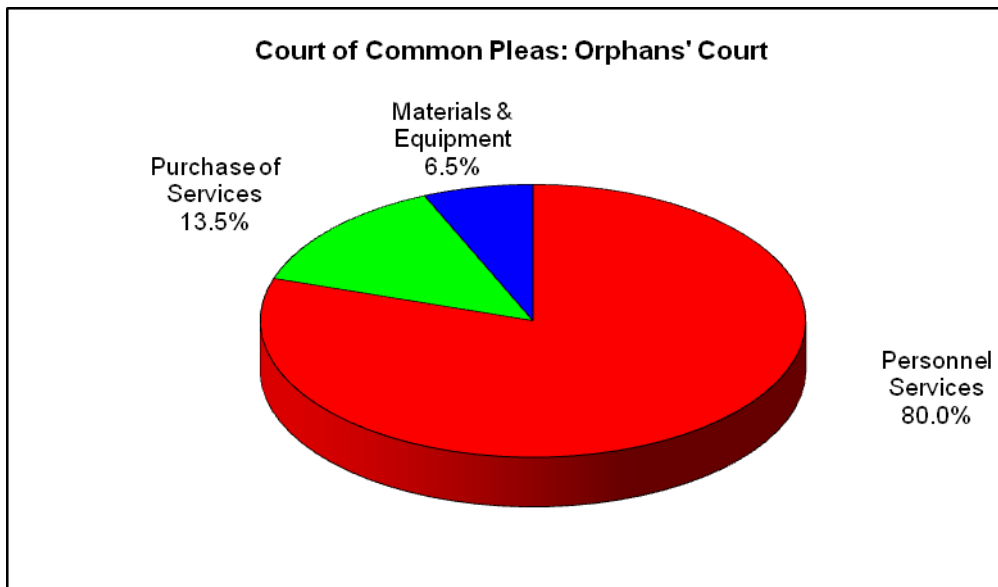
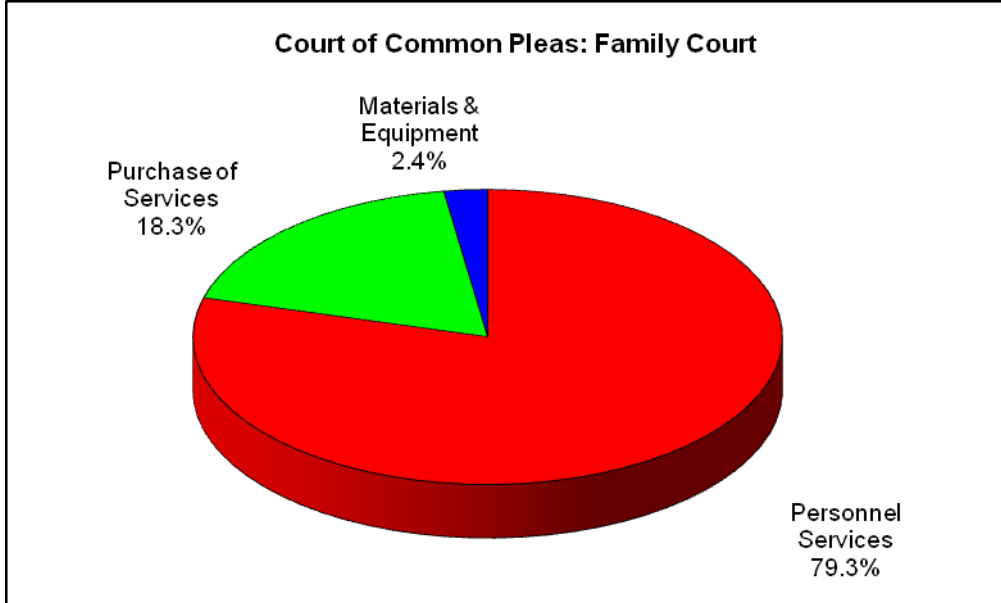
**FY09 Traffic Court  
General Fund Appropriation**



**FY09 Office of the Court Administrator  
General Fund Appropriation**











## Acknowledgements

*Sincere appreciation is extended to the following groups and individuals for their dedication to the causes of justice and judicial administration, for their support of the concepts presented in this 2009 Annual Report, and for their assistance in its preparation. The success story told here is one of their making.*

◇

***To the 2009 Administrative Governing Board of the First Judicial District of Pennsylvania***

Common Pleas Court President Judge Pamela P. Dembe  
Municipal Court President Marsha Neifield  
Traffic Court President Judge Thomasine Tynes  
Common Pleas Court Trial Division Administrative Judge D. Webster Keogh  
Common Pleas Court Family Division Administrative Judge Kevin M. Dougherty  
Common Pleas Court Orphans' Court Division Administrative Judge Joseph D. O'Keefe  
Traffic Court Administrative Judge Bernice A. DeAngelis  
Zygmunt A. Pines, Esq., Court Administrator of Pennsylvania

◇

*To David C. Lawrence, Court Administrator of the First Judicial District of Pennsylvania, our thanks for his continuing leadership, support, guidance, and dedication of time and resources, without which, the production of this report would not have been possible.*

◇

*Special thanks to the Deputy Court Administrators, each of whom provided prepared materials to describe the accomplishments of the judges, employees, and managers of their respective courts, divisions, and service centers:*

David Wasson, Esq., Chief Deputy Court Administrator  
Mary Lou Baker, DCA, Common Pleas Court Family Division, Domestic Relations Branch  
Glenn Bozzacco, Esq., DCA, Common Pleas Court Family Division, Juvenile Branch  
Kevin Cross, DCA, FJD Budget and Financial Services  
Mario D'Adamo, Esq., DCA, Common Pleas Court Family Division, Juvenile Branch  
Robert DeEmilio, DCA, Traffic Court  
Joseph Evers, Common Pleas Court Prothonotary  
Marc Flood, Esq., DCA, FJD Human Resources & Procurement  
Joseph Lanzalotti, DCA, Common Pleas Court Trial Division, Criminal Section  
Charles A. Mapp, Sr., DCA, Common Pleas Court Trial Division – Civil Section  
Patricia McDermott, DCA, Municipal Court, Civil Division  
Kathleen Rapone, DCA, Municipal Court, Criminal Division  
Dominic Rossi, Esq., DCA, FJD Legal Services

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