

AOPC^{ON}NECTED



Issue 2, 2021

In this issue

Read about the neuroscience of judicial decision-making, the FY 2021-2022 Judicial Budget Request, a department spotlight on AOPC/IT and more.



(l) Justice Thomas G. Saylor (r) Chief Justice Max Baer

Pa. Chief Justice Transition

After more than two decades on the Pennsylvania Supreme Court, Chief Justice **Thomas G. Saylor** has transitioned from the role of chief justice, in anticipation of his upcoming retirement in Dec. 2021.

Under the state Constitution, a Justice of the Supreme Court must retire at the end of the calendar year in which they reach the age of seventy-five. To ensure an orderly transition, Chief Justice Saylor announced he would transfer the role of chief justice to Justice **Max Baer** before the end of his tenure, while remaining a Justice for the balance of his term on the Court.

“I am grateful to have led a productive Court, composed of collegial and dedicated jurists, and I appreciate the support I have received from the other justices and court system personnel throughout my tenure,” Saylor said.

Saylor was installed as Chief Jan. 2015. He came to the Supreme Court in 1998 with a strong focus on producing high-quality judicial opinions. In his twenty-three years of service with the Court, Chief Justice Saylor has authored approximately 400 main opinions. Collectively, with his responsive opinions, he has penned more than 1,000, covering the gamut of Pennsylvania law, throughout the civil, criminal and administrative arenas.

During his time leading the judiciary, Chief Justice Saylor also shepherded the transition to mandatory judicial education; headed the creation of a grand jury task force; and supervised the implementation of a new advisory

position to the Supreme Court, namely, that of its counsel. Most recently, he has guided the court system through the unprecedented challenges posed by a public health crisis.

On April 1, Justice Max Baer assumed the role of Chief Justice. A distinguished member of the bench for more than three decades, Justice Baer served on the Court of Common Pleas of Allegheny County from 1990 to 2003, with a majority of those years in the Family Division. During his time in Family Court, he earned statewide and national recognition for implementing far-reaching reforms to Juvenile Court as well as Domestic Relations. He assumed his role as a member of the Supreme Court in 2003 and was retained in 2013.

“I have every confidence that Justice Baer, who has been my friend and colleague for many years, will be an able steward of both our Supreme Court and the Pennsylvania Judiciary,” Saylor said.

“Chief Justice Saylor has long been lauded for his distinguished service and extraordinary leadership of an independent judiciary,” Baer said. “We have been discussing this transition for some time, and I particularly value the opportunity to have him close at hand as I take on the myriad additional responsibilities of Chief Justice. I hope to follow his example of strong, collaborative, and effective leadership during the remainder of my time on the Court.”

more INFORMATION

More information about the Court is available [here](#).

The neuroscience of decision-making in the courts

Defining the challenges and implementing concrete solutions

A course offered in December 2020 by the AOPC Judicial Education department delved into the neuroscience behind judicial decision-making.

Brain-imaging studies were used to show what may motivate, scare and fool people in a courtroom setting as participants explore the neuroscience of fairness, innovation, accuracy and empathy.

The speaker in this course, Kimberly Papillon, Esq., has been teaching at the National Judicial College since 2005 and is nationally recognized as an expert on the subject of decision-making in law, education, business and medicine. She uses neurophysiologic studies to explain how judges assess credibility, threat, intelligence, competence and culpability in a diverse society.

“In this course, we are always open and ready to admit that fatigue, stress, distractions or being under-trained or under-informed can all affect how accurate our decisions will be,” Professor Papillon said.

“The goal is to look at and change the brain reactions that keep a person from doing what they would have otherwise done had those barriers not been there, trusting that their value system and intellect are intact.”

While exploring issues of gender, socio-economic status, race, religion and ethnicity, the two-phase course pinpointed areas where decisions may be affected by implicit preferences, unconscious processes and subtleties.

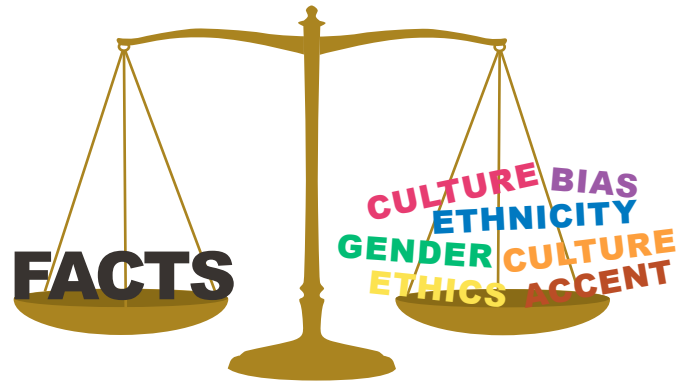
For example:

- We may remember facts differently based on the gender or ethnicity of the person who communicated the information;
- We may use different parts of our brain to make judgments about people based on whether they share key aspects of our identity such as region of the country, religion and political affiliation;
- We have different brain reactions when we hear an accent that we find pleasant versus unpleasant;
- We may instantaneously assess people as threatening or benign based on facial features (a process that occurs in the fear center of the brain).

These neurophysiologic reactions may also affect verbal and nonverbal communication styles which impact the

confidence court staff, counsel, litigants, jurors and the public have in the justice system.

In the course, participants were taught concrete research-based solutions to these challenges of implicit bias. Research in neuroscience and psychology were used to show how unconscious processes can actually be changed.



The course introduced interactive, individual solutions that have been proven to reduce or eliminate implicit bias. Some of these approaches include:

- Increasing accurate assessments of competence and intelligence and reducing the fear, threat anxiety and distrust reactions to gender expressions, and specific racial or ethnic groups;
- Activating the part of the brain that weeds out implicit bias (anterior cingulate cortex);
- Activating the part of the brain that ensures that details and surrounding circumstances will be considered equally for all individuals.

The last phase of the training addressed solutions, next steps and ways to make accurate and fair decisions even when bias is present.

This particular course was offered as part of a larger, ongoing effort addressing implicit bias, diversity and inclusion in the courts.

Throughout the past five years, over 30 judicial education courses surrounding these topics have been offered through AOPC's Judicial Education Department and the Pennsylvania Conference of State Trial Judges' Education Committee.

A few of these have included:

- Judicial Wellness and Decision Making (2020)
- Recent Trends in Judicial Ethics (2020)
- Fairness and Access (2018, 2020)
- Angry Judges (2018)
- Legal Ethics, Harassment and Discrimination (2017)
- Gender and Racial Bias (2016)

ADA training for judicial districts

The AOPC recently launched a project to provide additional resources to Americans with Disabilities Act (ADA) coordinators for the judicial districts, appellate courts, boards and committees.

Court Access Coordinator **Mary Vilter** and Court Access Program Analyst **Chase Emanuel**, together with AOPC Communications, have created a [protected-view page](#) accessible from the ADA Compliance page on [pacourts.us](#).

The page provides an [FAQ document](#) on different types of disabilities and reasonable accommodations, a list of [disability resources](#) both nationally and throughout the state, as well as a comprehensive [PowerPoint training](#) on the ADA.

WHAT IS A "DISABILITY"?



- A PHYSICAL OR MENTAL IMPAIRMENT
- APPLIES TO ANYONE HAVING BUSINESS WITH THE COURTS
- IMPAIRMENT MUST "SUBSTANTIALLY LIMIT A MAJOR LIFE ACTIVITY" WHICH INCLUDES **WALKING, HEARING, SEEING, AND THINKING**



Among other topics, the training defines what the ADA says under Title II, who must be accommodated (litigants, jurors, courtroom spectators, witnesses, etc.) and how ADA requests are made.

It also addresses what types of accommodations are available in the courts along with the processes that court staff should follow when asked for an accommodation.

Staff provided this initial training to judicial district ADA coordinators at a Pennsylvania Association of Court Management Lunch 'n Learn session on March 10, where about 90 ADA coordinators and district court administrators attended. They later provided a similar training for the appellate, board and committee ADA coordinators on March 31. **AOPC**

Judge and OCFC director participate in Children and Youth Committee meeting

In February, Common Pleas Judge **Christylee Peck** (Cumberland County) and Office of Children and Families in the Courts (OCFC) Director **Sandy Moore** participated in a virtual House Children and Youth Committee informational meeting on child welfare issues in Pennsylvania.

House and Senate committees routinely conduct informational sessions at the beginning of each legislative term to give members of the committee a broad look at the issues under the committee's purview.

Moore provided committee members with a background on the important work OCFC does – including its role in judicial education, its support of the Children's Roundtable Initiative

and its involvement with the development and revisions of the Dependency Benchbook.

Judge Peck, who started her presentation by sharing a picture of a family who was in front of her in a dependency case, described that outcome as the reason she does what she does every day.

After walking members of the committee through the lifecycle of a dependency case, the judge explained that although many cases involve difficult circumstances, the ultimate goal is always finding safe



(l) Sandy Moore (r) Judge Christylee Peck

ways to make families stronger.

At the end of their presentations, both Moore and Judge Peck answered questions from committee members. **AOPC**

Department Spotlight: AOPC IT

One of the most integral parts of our modern state court system, and certainly the largest department within the AOPC, is the Information Technology (IT) Department.

Among the department's primary responsibilities is the continual support of the state's three case management systems: Magisterial District Judge System (MDJS), Common Pleas Case Management System (CPCMS) and Pennsylvania Appellate Court Case Management System (PACMS).

Not only are these systems used by the public, media, judges and court staff around the state and country – they are equally essential to the work of many other state and local agencies who use and rely on them daily. This includes law enforcement, as well as several other executive and legislative branch agencies.

Unique from other AOPC departments, AOPC/IT's funding comes from court fees rather than taxpayer dollars, and allows the case management systems to be provided at no cost to counties.

As current critical budget issues tied to the operation of the Judicial Computer System (JCS) threaten the operation of CPCMS, the Pennsylvania Supreme Court has respectfully requested that the governor and legislature restore funding in order to avoid the statewide fiscal and operational consequences of shuttering CPCMS.

In addition to maintaining these important systems, IT staff provide many other court-related applications and

technology services and support to Pennsylvania's court system and its 60 judicial districts.

There are seven main functional areas within the IT Department:

1. **Application Development** – performs all aspects of the software development process. All case management systems have been primarily developed, deployed and maintained by in-house staff.
2. **Application Design** – participates in the development of new applications, system enhancements and mandates (legislative and rules changes).
3. **Network and Security** – provides connectivity and cybersecurity monitoring to all levels of courts using AOPC-provided case management systems in Pennsylvania.
4. **Operations Teams** – designs, maintains and supports the technical infrastructure used to deliver AOPC/IT services and applications to judiciary personnel, court related agencies and the public.
5. **Network Operations Center** – provides 24/7 monitoring, support and notification for over 600 court locations, two data centers and all AOPC-provided services.
6. **Case Management System User Support** – comprised of help desks, system trainers and documentation writers who provide support and training to thousands of court users at all levels of courts.
7. **User Services** – supports Supreme Court and AOPC office applications, messaging and mobile devices and other hardware and software used by court personnel.

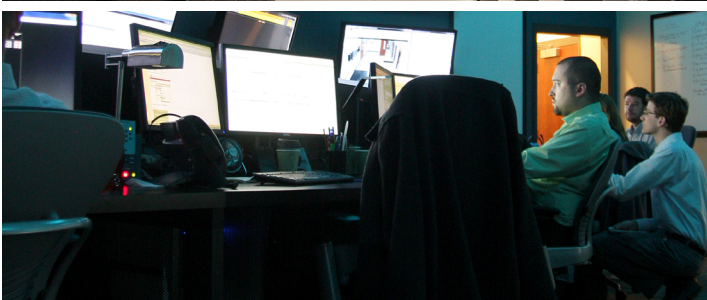
The IT department has won numerous awards and received accolades over the past decade and is seen as a leader in building technical solutions to automate and facilitate efficient court business processes.

IT staff have played a key role throughout this past year keeping courts online and fully operational while many work from home, always ready to help court staff navigate through any technological challenges that telework may present.

Leading the department for the last 20 years has been Director of IT **Amy Ceraso**. It was announced last month that after nearly 35 years of dedicated service, Amy will retire in June.

She will be succeeded by **Russel Montchal**, who has been with the AOPC for 22 years, the last six as assistant director of IT.

The leadership transition will no doubt be a smooth one given the talented and hardworking IT staff, who every day provide essential support to Pennsylvania's judges and court personnel.



Unified Judicial System: Impact of Diverting Core Funding from Judicial Computer Systems

The Judiciary's Information Technology operations are supported exclusively by fees and increases in court collections. Case management systems developed by AOPC/IT for the courts and the data contained in them are used daily by the public, media, more than 20 law enforcement partners, prosecutors, government agencies, judges and judicial staff throughout Pennsylvania and across the nation.

Core funding for the Judicial Computer system has been gradually reduced. Act 42 of 2018 *annually* diverts \$15 million of the Judicial Computer System (JCS) Act 64 revenues for other government purposes. Recently, due to the pandemic, the Legislature transferred an additional \$30 million from the JCS account to cover General Fund shortfalls. Currently, annual revenues are not sufficient to support expenses, forcing AOPC/IT to do the unthinkable:

shuttering the common pleas criminal case management system (CPCMS) provided to the county courts, and eliminating services available on the UJS web portal.

- The CPCMS - a case management system for the criminal, dependency and juvenile delinquency areas of the courts of common pleas.
- UJS web portal - services include docket sheets, statewide warrants and calendars

Without a statewide case management system (CPCMS), particularly in the area of criminal trial courts, 67 separate county systems will need to be put in place, creating a huge management, workload and financial burden on the counties, as well as impacting the safety of all Pennsylvanians.

With 67 separate systems running independently, the current ability to share statewide criminal information will be lost, jeopardizing the safety of law enforcement and the public.

Shuttering CPCMS

What it Means

CPCMS, the statewide criminal, dependency and juvenile delinquency case management system will be shuttered, as will some of the services currently available on the UJS web portal, resulting in:

- the need for counties to **purchase or build 67 new systems**, costing them **millions of unplanned dollars**.
- the **elimination of a comprehensive statewide warrant database**.
- an **inability to provide many datasets requested for legislative queries in policy-making**, as well as other government and media data requests.
- the **elimination of many services on the UJS web portal**, including docket sheets and warrant information.
- **discontinuing legislative mandates such as Clean Slate**, tax refund and lottery winnings intercepts.
- an **inability to transfer case information electronically between levels of court**.
- a **loss of data transmission to many state departments and agencies**, including those listed below.

Negative Impact on Collections

The CPCMS brings uniformity and effective tools to the collections process. Using AOPC/IT case management systems, Pennsylvania courts collect and disburse more than \$480 million in fines, fees, costs and restitution annually, **the majority of which flow back to state and local governments** and to programs that support crime victims, including restitution payments. This includes **a record \$145 million paid online through PAePay®** in 2019, raising the total collected during the last 10 years to **over \$4.67 billion**.

In 2019 the state received \$240.6 million of the total \$480.4 million collected by the courts. Counties received \$156.6 million and municipalities \$41.7 million to support local government programs, while crime victims received a total of \$37.7 million in restitution.

Who it Impacts

Attorney General

No Megan's Law or Walsh Act reporting

Department of Corrections

No bulk check processing or messaging of sentencing information

PennDOT

No electronic transfer of data for license suspensions

Auditor General

No statewide electronic auditing report data from CPCMS

Department of Revenue

No electronic transfer of master account reporting statewide at the Common Pleas level

Pennsylvania State Police

No electronic disposition reporting; no warrant processing interface

CCAP and PCCD

No data sharing to support dashboards or ancillary systems

JNET

Hundreds of JNET county and agency interfaces **eliminated**

Problem-Solving Courts

No case or data transfer to PAJCIS, the AOPC's problem solving courts application

Allegheny judge pays tribute to Steelers legend

As part of a series on the history of black sports pioneers in western Pennsylvania, the Pittsburgh Post-Gazette recently published an illuminating op-ed on the first black player in Pittsburgh Steelers history

– authored by Allegheny County Common Pleas Judge **John McVay Jr.**

Judge McVay explained to readers who Ray Kemp was in vivid historical context and why his achievements both on and off the field deserve acknowledgement as part of the community’s celebration of Black History Month.

Below is an excerpt from Judge McVay’s article:

“Ray Kemp laid the foundation in the NFL for much of what is taken for granted today, as did the great Jackie Robinson in Major League Baseball and Duquesne University’s own Chuck Cooper in the National Basketball Association. Robinson and Cooper’s histories are undoubtedly

better known than Kemp’s, likely due to the obscure nature of the NFL in the 1930’s as well as the fact there already had been black players in the NFL at inception. Nonetheless, Kemp has been recognized by the Pro Football Hall of Fame as one of the black pioneers of the game. Kemp is also a member of the Duquesne University Hall of Fame, the Western Pennsylvania Sports Hall of Fame, and was honored by the NFL as an honorary captain during the 75th Anniversary Season of the NFL at the Pittsburgh Steelers/ Indianapolis Colts game in 1994.”

Read the full op-ed, *Other Voices: Recognizing Ray Kemp*, first Black Steelers player, [here](#). **AOPC**

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Call for Entries

AOPC Connected is always looking for stories. Do you know of a court-related community project or award? Contact the AOPC Communications Office with the scoop! Email: CommunicationsOffice@pacourts.us

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2021
-
2022


Judicial Budget Request

In 2020 Pennsylvania Courts . . .



Spearheaded a virtual listening tour through partnership with the Department of Human Services and Drexel University focused on examining **access to justice issues for people with an Autism Spectrum Disorder (ASD)** and educating judges and the public to help encourage better understanding of and communication with individuals with an ASD.

Continued to implement the **Clean Slate Act** through a system that automatically removed certain criminal history record information from public view. **Over**



36 million cases

have been sealed (June 28, 2019 - December 15, 2020).

As of December 2020, there were

18,585

active guardianship cases with assets totaling \$1,530,117,466 under court supervision in these cases.



Produced first animated videos on filing a protection order and launched digital social media ad campaign on domestic violence funded by the federal STOP grant.

There were

18,242

family/lay guardians
and
410
professional guardians

serving in the Commonwealth.

Court Technology



Selected as a two-time winner of the National Association for Court Management (NACM) and Court Information Technology Officers Consortium (CITOC) 2020 Technology Awards in recognition of improved communications, operational efficiencies and access to justice using technology in Court Management: Cross Boundary – Clean Slate and Court Management: Court Process Innovations – Language Access System.



666 law enforcement agencies are now electronically filing traffic/parking citations and criminal complaints – **31 of which started e-filing in 2020.**

A record

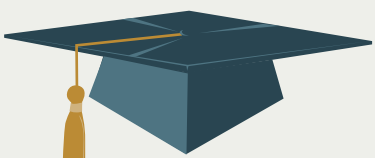
\$156
million

in fines, fees and restitution was paid online through **PAePay** – an **8% increase** in a year with lower overall revenue.



Over **1.9 million cases** were docketed in 2020.
Over **100 million docket sheets** were viewed in 2020.

Problem-Solving Courts



1,604

participants graduated successfully from problem-solving court programs.



522

became employed between admission and discharge.



260

of the participants discharged in 2019 improved their level of education between time of admission and discharge.

Collections

Over the past 10 years, the judiciary has collected over

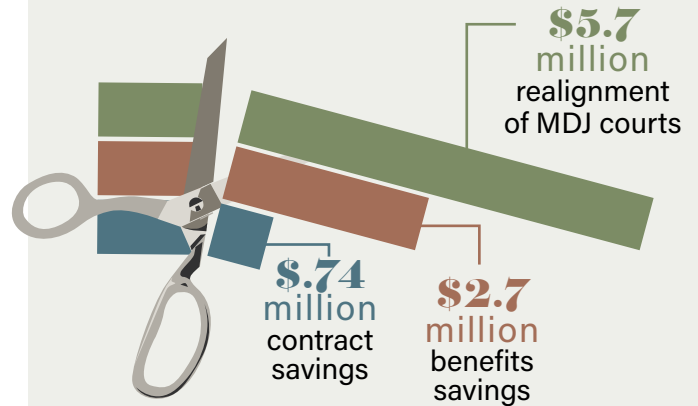
\$4.6 billion.

Collecting fines, fees, costs and restitution is a priority for the judiciary – with **\$403.3 million collected in 2020** alone. These dollars flow back into the state budget and Pennsylvania communities, and to victims of crime.



Saving Tax Dollars

Saving tax dollars through various cost saving measures remains a priority through renegotiating leases and contracts, containing benefit costs and the right sizing of the judiciary including the realignment of Pennsylvania's magisterial district courts.

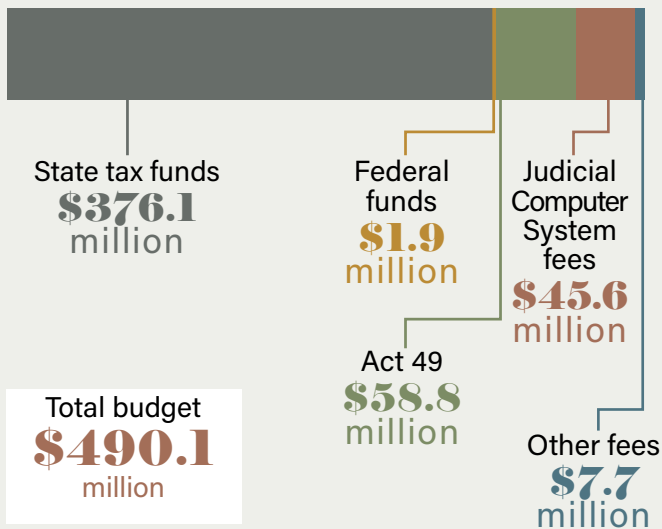


Over the past 13 years, the judiciary has saved a combined

\$103 million.

Funding

Proposed 2021-2022 Funding



The judiciary receives about

0.5% of the state budget.

Fee revenue has been used to fund a portion of the judiciary's annual general fund budget, currently about

14%

Breaking New Ground in Judicial Education

Funded through the STOP Grant, judicial education programs heavily focused on understanding, recognizing and addressing human trafficking. Workshops and trainings on the topic were offered to magisterial district and trial judges, court reporters and court interpreters.

Some topics of judicial education:

- Building Resiliency in a Time of Change
- Economics for Judges
- Justice Reinvestment Initiative Part 2
- Medically Assisted Treatments for Opioid Use Disorders
- Mental Health in the Courts: Autism is not a Label
- Mindfulness, Personal Wellbeing and Judicial Decision Making
- The Neuroscience of Judicial Decision-Making: Accuracy, Excellence and Equity
- Recent Trends in Judicial Ethics
- Third Party Litigation Funding
- SCOTUS Update with Professor Karlan
- Understanding the Lexicon of Text Emoji's.

620 Pennsylvania judges attended

10,325½

total hours of continuing education in 2020.



Philadelphia Bar Association sections honor 2020 award winners

Every year, the Philadelphia Bar Association takes the opportunity to recognize outstanding members and community leaders for their contributions to the legal profession and the administration of justice.

Throughout the month of December, a few exceptional Philadelphia jurists and court officials were among those honored with Sections Honor 2020 Awards.

In the Public Interest Section, Philadelphia Common Pleas Judge **Kenneth J. Powell, Jr.** and Philadelphia Municipal Court Judge **Karen Y. Simmons** were honored with the Hon. Louis H. Pollak Award, given annually to a judge(s) who embodies Judge Pollak's commitment to public service.

Director of Criminal Administration for Philadelphia Municipal Court **Roseanne Unger** received the Henry Czajkowski Award in the Criminal Justice Section. This award recognizes a non-lawyer who has made outstanding contributions to the administration of justice.

Lastly, in the State Civil Litigation Section, Philadelphia Court of Common Pleas Judge **Arnold New** was presented with the Hon. Alex Bonavita Award in recognition of an individual for lasting contributions and dedication to the Philadelphia court system.

The AOPC congratulates the award recipients on these much-deserved recognitions of dedicated public service.

Protecting yourself from tax scams

Security tips from the AOPC IT Security Department

The IRS is warning consumers about the latest solicitation scam that stems from the congressional economic stimulus package. Beware of this type of rebate scam – along with other ones that try to convince recipients that they are entitled to a rebate or reimbursement from the government, a bank, or another trusted organization. Everyone should use great caution if they receive phone calls or e-mails that claim to be related to government-issued tax rebates.

Guidelines to follow to protect yourself from identity fraud during tax season:

- The IRS does not send unsolicited tax-related e-mails to taxpayers and will never ask for personal information (such as Social Security, bank account or PIN numbers) via e-mail. Anyone who receives an e-mail claiming to be from the IRS or Department of Revenue that asks for personal or tax-related information should be highly skeptical.
- The only IRS website is www.irs.gov, and all genuine IRS Web pages begin with <https://www.irs.gov/>. If you want to access the IRS online, you should type this address into your browser. Do not follow any links provided in an e-mail.
- Be careful with all documents that contain personal financial or tax-related information.

Other ways to protect yourself from tax fraud:

- File your taxes as soon as you can.
- Always be wary of calls, texts, emails and websites asking for personal or tax data, or payment. If contacted, end the call and call the organization through their publicly-posted customer service line.
- Don't click on unknown links or links from unsolicited messages. Type the verified, real website address into your web browser.
- Don't open attachments from unsolicited messages, as they may contain malware.
- Only conduct financial business over trusted sites and networks. Don't use public, guest, free or insecure Wi-Fi networks.
- Shred all unneeded or old documents containing confidential and financial information.
- Check your financial account statements and your credit report regularly for unauthorized activity. Consider putting a security freeze on your credit file with the major credit bureaus. This will prevent identity thieves from applying for credit or creating an IRS account in your name.

REMINDER: If you believe you've received a tax-related phishing or suspicious email at work, please forward the original suspicious email as an attachment itsecurity@pacourts.us. More information about tax scams is available on the [IRS website](#).

Distracted Driving Citations in Pennsylvania

(Data pulled from PA Courts case management systems and Philadelphia Municipal Court traffic division eTIMS system)



In Pennsylvania, distracted driving means:

- wearing or using headphones while driving
- texting while driving which includes sending, reading or writing a text-based message.
- using a handheld device while driving (commercial vehicle)

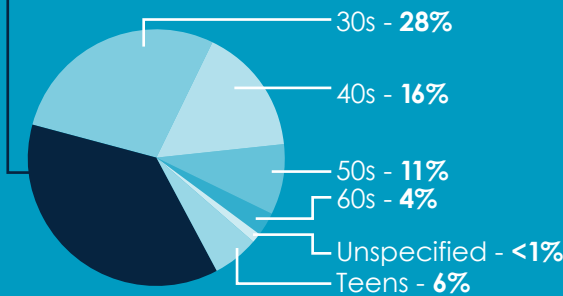
TEXTING WHILE DRIVING = **\$50 FINE*** plus court costs and fees

*Title 75, Section 3316

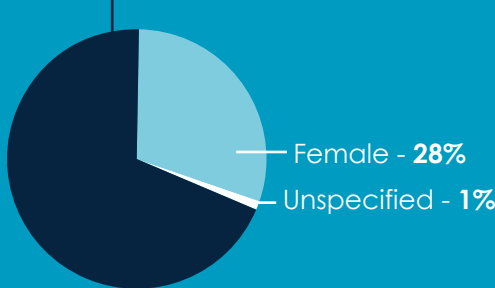


The greatest number of citations are given between **10 a.m. and noon**

34% of people cited were in their 20s



71% of people cited were male

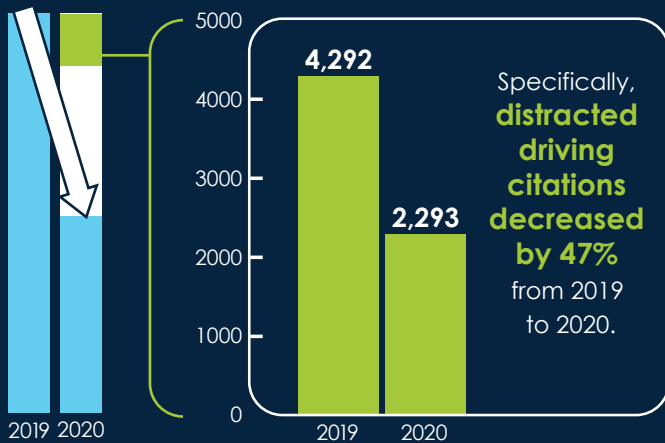


56% of citations were issued by Pennsylvania State Police

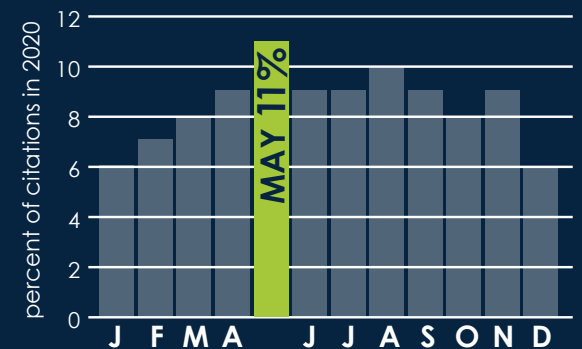


Statewide traffic citations of all kinds decreased by **33%*** in 2020 during the pandemic compared to 2019.

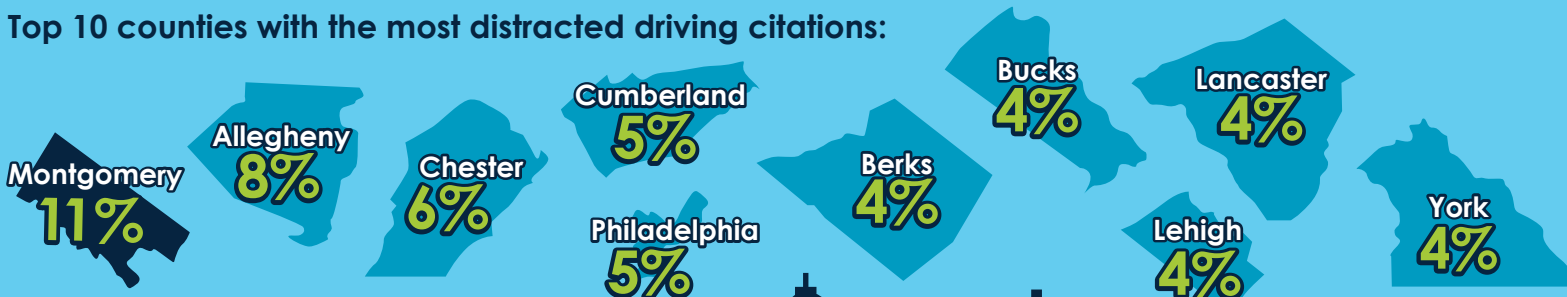
* Preliminary data



Most citations were given during May.



Top 10 counties with the most distracted driving citations:





Legislative roundup

by Damian J. Wachter, Esq.

The legislature continues with its spring session schedule. It will meet periodically through May, and then every week in June until the 2021-22 budget is adopted. The budget will benefit from passage of the American Rescue Plan, which the governor’s office estimates will provide more than \$13.7 billion in state and local funding for Pennsylvania. The budget debate will include decisions on how to allocate the state funding provided by the plan.

Constitutional amendment and legislation – statute of limitations on childhood sexual abuse claims and sovereign immunity

After an error by the Department of State failing to adequately advertise the first passage of a constitutional amendment providing for a two-year window to bring childhood sexual abuse claims, the process had to be started anew. The legislature debated whether the failure of the department to advertise, and therefore preventing the amendment from appearing on the May 18, 2021 municipal primary ballot, constituted an emergency allowing for a quicker process to adopt a constitutional amendment.

[House Bill 14](#) is a proposed constitutional amendment allowing individuals for whom a statutory limitations period has expired to have a period of two years from the time the constitutional amendment becomes effective to commence an action arising from childhood sexual abuse. In addition to survivors of childhood sexual abuse, the provisions apply to those whose claims are otherwise barred or limited by a statutory cap on damages, sovereign immunity or by governmental or official immunity.

[House Bill 951](#) would revive civil actions and provide for a two-year window to commence civil actions when the individual was under 18 years of age at the time the cause of action accrued, and the time limitation for the cause of action has expired. Additionally, the bill applies the

sexual abuse exception to the defenses of sovereign and governmental immunity “retroactively to a cause of action that arose prior to the effective date of this subparagraph [i.e., immediately upon enactment] and prospectively to a cause of action that arises after the effective date.”

The bill would grant the Pa. Supreme Court with extraordinary jurisdiction to hear challenges to, or render declaratory judgements concerning, the constitutionality of the act.

House Bill 14 started as a regular constitutional amendment, was changed by the Senate Judiciary Committee to an emergency amendment and reverted back to a regular constitutional amendment by the full Senate, which passed it 44-3. The House concurred in the Senate amendments by a vote of 188-13. The bill will require second passage in 2023-24 before it can appear on the ballot.

The House passed HB 951 by a vote of 149-52. The bill has been referred to Senate Judiciary.

Vacancies in the Office of District Attorney

Senate Bills [84](#), [85](#) and [86](#) were enacted as Acts 7, 8 and 9 of 2020, respectively. The acts seek to bring consistency to the way vacancies in the Office of District Attorney are filled, building off the passage of [Act 78 of 2020](#).

Acts 7 and 8 extend Act 78's provisions to second class A and third class counties, and second class counties, respectively. Thus, the Court of Common Pleas would appoint the first assistant district attorney upon a showing that he/she satisfies statutory qualifications. If the first assistant does not satisfy the qualifications, the Court of Common Pleas would be required to fill the vacancy with a competent person who does. Under both bills, the individual appointed would serve until the first Monday in January following the next municipal election. The new provisions apply to vacancies occurring on or since March 24.

Act 9 prohibits language in home rule charters from granting any powers to municipalities contrary to, or in limitation or enlargement of, powers granted by statutes applicable to classes of municipalities (e.g., county codes), including the procedure for the filling district attorney vacancies. The intent is to preempt and supersede any contrary provision in county home rule charters, ordinances or codes.

Cost of Living Adjustment Suspension

[House Bill 583](#) would extend the suspension of the 2021 cost of living adjustment to executive, legislative and judicial official annual salaries passed in [Act 79 of 2020](#), to annual salaries in 2022, i.e., Jan. 1, 2022 through Dec. 31, 2022. The bill was unanimously reported from House State Government and is currently tabled.

Qualifications of Legislative Reapportionment Commission (LRC) Chair

[Senate Bill 441](#) provides for the qualifications of the chairperson of the LRC in addition to those in section 17 of Art. II of the Constitution.

Specifically, the chairperson must be an individual who has voted in at least two of the last three statewide general elections immediately preceding the date of appointment. Additionally, neither the chairperson nor his/her spouse can have:

- Registered as a federal or state (PA) lobbyist in the five years immediately preceding the date of appointment;
- Been nominated as a candidate for elective office in this Commonwealth by a political party or political body in the five years immediately preceding the date of appointment;
- Served as a staff member or officer of a political party, political body, political committee or PAC in the Commonwealth in the five years immediately preceding the date of appointment; or,
- Served as a staff member of an elected official in the Commonwealth in the five years immediately preceding the date of appointment.

The provisions would apply to the chairperson of the LRC next selected or appointed after the effective date of the bill.

Under the constitution, the four members of the LRC (i.e., majority and minority floor leaders of each house) select the fifth member, who serves as chairman. "If the four members fail to select the fifth member, the entire membership of the Supreme Court ... appoint the chairman."

The legislation was unanimously reported from Senate State Government and is pending on second consideration.

District Attorney/Attorney General Law Licenses

[Senate Bill 420](#) adds to the qualifications of district attorneys – specifically, that the individual must continually hold an active law license during the period he/she is in office.

The bill establishes a process to address situations when district attorneys are disbarred or suspended. If disbarred, the office is considered vacant, and the vacancy must be filled pursuant to statute. If suspended, the district attorney is suspended from the office until the sooner of the reinstatement of the license, or the expiration of the current term. In such cases the first assistant district attorney acts as the district attorney if he/she is willing, qualified and able. If not, the Court of Common Pleas appoints a competent person satisfying the requirements.

The bill was reported unanimously from Senate Judiciary and is pending on third consideration.

[Senate Bill 457](#) is a constitutional amendment governing the qualifications of the attorney general, clarifying that he/she must be an active member of the bar.

The legislation establishes a process for situations when the attorney general is disbarred or suspended. If disbarred, the office is considered vacant. If suspended, the first deputy attorney general, if willing, qualified and able to hold the office, serves as the acting attorney general until the sooner of the reinstatement of the license, or the expiration of the current term. If the first deputy attorney general is not willing, qualified or able to serve, the executive deputy attorney general of the Criminal Law Division shall serve as the acting AG.

The bill was reported unanimously from Senate Judiciary and is pending in Appropriations. [AOPC](#)



{Damian Wachter, Esq. is the assistant director of Legislative Affairs.}

Court language access analyst doubles as artist

Whether it's travel, photography, gardening or painting – channeling energy through a creative outlet has been proven to ease stress on both the mind and body.

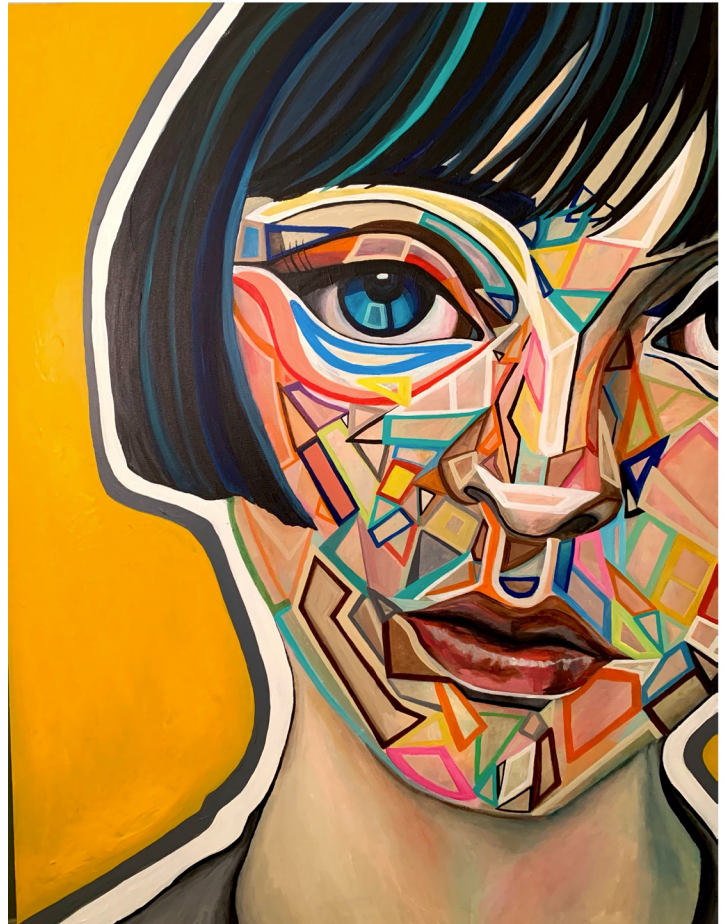
Like many people throughout the pandemic and periods of lockdown, AOPC Court Access Program Analyst **Chase Emanuel** turned to a hobby – or perhaps in this case, more of a passion.

Chase's main form of artwork right now mostly centers around painting. In the past year and a half, he has completed about 30 paintings – a huge accomplishment for the young artist.



“Painting definitely helped keep me busy and sane during the pandemic, especially during the earlier days where everything was closed and there were limited options for entertainment,” he said. “It’s a great way to relax and is very therapeutic.”

Among his inspirations are Van Gogh, Dalí, Picasso, Françoise Nielly and Franz Marc.



It wasn't until high school that Chase started to realize he had some artistic ability, and a teacher who saw his potential really pushed him to develop his skills. Deciding not to go the route of art school, he instead went on to graduate from the University of Pittsburgh majoring in Spanish.

In addition to being a talented artist, Chase is multilingual – speaking Spanish, as well as Portuguese and Italian.

This comes in handy for him – both in his job with the AOPC and sporadically during his international travels – another passion for Chase, prior to the pandemic.

While most of his travels have been around Europe and the Caribbean, Chase particularly likes Spain after having studied abroad in Barcelona. Croatia, St. Lucia and Denmark are among a few of his other favorite travel destinations abroad.

Another form of his artwork is the occasional making of videos documenting his different travel experiences across the world.

While he has painted a few pieces for friends, Chase said that art is something he really does for fun. In the future, he is looking to expand the media he works with to get more involved with pottery and ceramics, as his passion for art, in all forms, continues to evolve. [AOPC](#)

Listening. Learning. Educating.

Autism and the Courts awareness efforts continue



Since its statewide launch in November, the Autism and the Courts initiative has produced a thoughtful, ongoing conversation about overcoming challenges for individuals with an autism spectrum disorder (ASD) involved with the criminal justice system.

More than 1,000 people have participated in the previous three regional forums – Philadelphia (Jan. 26), Lehigh Valley (Feb. 23) and Central Pa. (Mar. 23), and two more forums are upcoming to conclude the statewide listening tour.

Offering the different perspectives of many key stakeholders, the panels have been comprised of judges, district attorneys, parents, self-advocates, law enforcement, healthcare providers, etc.

Leading the movement on behalf of the Pa. Supreme Court, Justice **Kevin Dougherty** explained at the most recent forum that the end goal of the initiative is a better understanding of an empathetic judicial system and more knowledgeable stakeholders overall.

“The goal here is simple – listen to those living in silence for too long, learn from their experiences and give power to their voices to educate those around us,” Justice Dougherty said. “That’s the way you work together to bring about real and lasting change for people in need.”

One of the judges participating in the Central Pa. forum was Potter County Common Pleas President Judge **Stephen Minor**, who himself has two family members on the autism spectrum. He spoke to the importance for judges to recognize and understand the needs of those in their court who have (or might have) autism.

“As the gate keepers of the judicial system, judges have a unique and critical role in educating ourselves about autism and asking probing questions concerning those who appear before us to ensure that the person with autism is able to appreciate the proceedings and fully express himself/herself,” he said.

“At first glance, an individual with autism may appear to be disinterested, disrespectful or lacking remorse when in reality, they are trying to survive, what they perceive as an extremely stressful situation. Judges need to know the difference and be flexible in how the proceedings occur and how the individual is involved. Otherwise, we are not fulfilling our responsibility to pursue fairness and justice for this disadvantaged group.”

He went on to explain that it’s the first 60 seconds of the encounter that sets the tone for the rest of the hearing, so his goal is to make the individual feel at ease. He said he will greet them in a manner that makes them more comfortable – maybe with a joke or positive comment.

“If the person with autism is initially addressed aggressively or in a negative manner, it may elicit reactions which could include a complete shutting down or heightened anxiety, in which very little is accomplished,” Judge Minor explained.

He said that this is especially true in juvenile matters, where a judge should make every attempt to put the individual at ease, to speak informally, and to initially focus on some positive issues involving the juvenile.

“I have instructed the juvenile probation officers to find something positive to say about the juvenile before delving into more difficult issues. A therapy dog or the accompaniment of a support person sitting with the individual is also helpful. These accommodations ordinarily will result in an individual with autism actually participating in the proceeding and ensuring that his/her voice is heard and needs are addressed.”

PJ Minor also spoke about some of the signs judges should be aware of to assess individuals in their courtroom.

“A judge should be deliberate in assessing each participant by direct eye contact with him/her to detect signs of autism. Physical expressions such as lack of eye contact, inability to express themselves, difficulty maintaining expected behaviors, having support persons accompanying them, and the like, may alert a judge that the individual has autism.”

He said that the judge should not hesitate to stop the proceedings and have discussions at the bench with counsel to identify the limitations of the individual and to formulate a plan on how to best proceed.

The final upcoming regional forums will be held on April 27 (Northeast Pa.) and June 17 (Western Pa.).

more INFORMATION

More information on the initiative and recordings of past forums are available at pacourts.us/learn/autism-and-the-courts

NCSC: ONE YEAR LATER, WHAT WOULD WE HAVE DONE DIFFERENTLY?



It's been a year since the coronavirus epidemic became a pandemic and opened court services like never before. As we approached this infamous anniversary, we asked judges, administrators and other court leaders to look back and answer this question: If you knew in March 2020 what you know now about the pandemic, what, if anything, would you have done differently?

A longer version of this story [can be found here](#), but here's some of what they said:

T.J. BeMent, district court administrator, Superior Courts of Georgia: "Had we known how well many court functions could be transitioned to video, we would have adapted and modified our state rules much sooner to keep more than just essential functions moving in the early months."

"And on a personal-business note, I lost both my chief probation officer and a judge to COVID. In hindsight, I would have pushed even more for following public health guidelines in all of our court locations in the early months regardless if court was the source of their exposure."

Charles Byers, chief information officer, Kentucky Court of Justice: "...I would have slowed down, been more deliberate, and set my mind to a 24-to-36-month mode vs. a 90-day mode. I assumed this was going to burn out much quicker than it has."

"...As it is, solutions that were thrown together to get us by temporarily until we could reopen are strained by the longer-than-expected shutdown and the mandate that we keep cases moving. As a Band-Aid is not a

substitute for stitches, some of what we delivered would be more suited for longer-term use had we known."

Judge Toko Serita, acting supreme court justice, New York City Criminal Court, Queens County: "...In terms of what I would have done differently based on what I now know, I would have focused on earlier and better coordination among the court and our stakeholders, earlier contact with the defendants in terms of assessing their immediate needs, and better efforts at coordinated care and services for our at-risk and vulnerable populations."

Ret. Judge Kevin Burke, Hennepin County (Minnesota) District Court: "...What we did very well is protect the health of our staff. We were good at being nimble and protecting litigants and lawyers. We were not as good dealing with incarcerated defendants and may well have made life far more difficult for public defenders whose clients were incarcerated."

Deborah Taylor Tate, director, Tennessee Administrative Office of the Courts: "First, while I was not an ardent supporter of AWS (alternative work space), I am now so very thankful that our division directors pushed me into establishing an official AWS policy and arming all our staff with the ability and technology to work remotely.... I think that if we had known this would be a year, I would have had a different, longer term view. We probably would have made a decision to work remotely for the entire year rather than expending time and energy to plan a return to the workplace, only to reverse that decision."

Gene Valentini, director, Lubbock County (Texas) Office of Dispute

Resolution: "...The pandemic changed how people prepare for and negotiate during a mediation....More emphasis was needed in utilizing different tools to educate users of civil and criminal processes via virtual mediation. In hindsight, this perhaps was our oversight —different tools were needed to resolve disputes."

"Lastly, one of our jurists died from COVID. We parked next to each other for 14 years."

"Had I known he would leave us, I would have told him how much I appreciated him. Thank you, Judge Ruben Reyes. You are a friend not forgotten."

Howard Berchtold, trial court administrator, Superior Court of New Jersey, Atlantic and Cape May counties: "...I posed a similar question to our management team.... Everyone agreed that we were far too hesitant to take things as seriously as we should have. Safety measures should have been put in place immediately and enforced....Our COOP plans were good but honestly did not account for a full pandemic and not being in public buildings at all. Internet access, more webcams and headsets, etc. should have been on hand."

Marty Sullivan, director, Administrative Office of the Courts, Arkansas: "I wish I would have known more about work-life balance before the pandemic started....Once we realized the full threat of the pandemic, we had to make plans to protect our employees. We scrambled to purchase more laptops and provided Zoom and Team accounts for everyone within the organization."

This is an excerpt from the National Center of State Courts (NCSC) newsletter – @ the Center.

Staff transitions in AOPC/HR

After 23 years with AOPC's Human Resources (HR) department, Benefits Administrator **Nancy Kranz** retired at the end of March 2021. Nancy's career in Human Resources spanned 35 years, having worked for Giant Foods for 12 years prior to coming to the AOPC.



Nancy Kranz

"Fate smiled on me when this position appeared at a time when I wasn't really looking to change jobs, and I feel truly blessed, as I could not have asked for a more rewarding career or a better team of coworkers," Kranz said.

Reflecting on her work with the AOPC, Nancy has most enjoyed helping judiciary employees – during both difficult times (illness, loss of a loved one, divorce) and the happy moments (marriage, birth, adoption and retirement).

"Our goal has always been to keep benefits as simple as possible for our members and retirees; helping them in any way we can," added Kranz.

During retirement, she is most looking forward to having more

time to exercise, spending time with her grandchildren and doing some remodeling.

With Kranz's departure, veteran AOPC employee, **Beth Schneider** has been promoted from senior benefits analyst to benefits administrator after working alongside Nancy Kranz for the past 23 years.



Beth Schneider

Prior to joining the judiciary, Schneider worked in Human Resources for two years for the federal government while simultaneously earning her bachelor's degree in Public Administration through Hawaii Pacific University.

"I have been extremely fortunate to work and mentor with Nancy who has forged a legacy of professionalism with a deep commitment to advocacy for judiciary members and staff," commented Schneider.

Benefits administration and healthcare constantly evolve and AOPC/HR has adapted to the changing landscape while offering a robust and comprehensive benefits package and advocating for employees and retirees.

Throughout the pandemic, HR staff answered hundreds of calls from members who wanted reassurance that they, and their family, would be covered if they got sick from COVID or received the vaccine.

"We are honored that members trust our guidance and we will continue with the highest-level of service to our members and their families. As we look to the future, we realize employees increasingly want electronic access to benefits and policy information and we will continue to seek ways to keep benefit information at employee's fingertips," added Schneider.

As a result of these transitions, AOPC Benefits Analyst, **Molly Corman** has moved into Schneider's previous role as senior benefits analyst. Corman has over 15 years of experience in HR and benefits administration.



Molly Corman

"I am so honored to be part of a team that works together to provide an exceptional level of customer service on a daily basis," Corman said. "The shift in responsibilities does not mean a move into roles that are completely foreign to anyone, and our members should expect to receive the same level of attention they have always received from the HR team."

Employees and retirees should continue to reach out to the benefits team by calling 717-231-3309 or by emailing human.resources@paccourts.us.

Congratulations to all of these ladies!

Creating a digital history of the Pa Superior Court

Superior Court President Judge **Jack Panella** is in the process of completing a two-part project that focuses on preserving the history of the Court. The project includes the organizing of a Superior Court Historical Society, as well as the development of a webpage to support their work.

Through a lot of research, PJ Panella was able to put together a comprehensive list of all Superior Court judges dating back to the Court's establishment in 1895 – something that did not exist in an easily retrievable manner until now.

Broken up into four categories (commissioned, appointed, senior and president), the complete historical list will be included on a new webpage that is still under development.

In addition to the list of judges, PJ Panella said that digital copies of historical documents and books about the Superior Court will also be featured on the webpage – including a copy of *Keystone of Justice*, written by former Judge Patrick Tamilia and attorney John Hare, who provide a history of the Court up to the year 2000 when it was published.

Also accessible on the webpage will be a three-volume set of the Pennsylvania Superior Court Ceremonial Sessions, dating back to the first judge on the Court – the publisher of whom is providing digital copies. The third volume, which Judge **John Bender** is currently working on editing, begins with the ceremonial sessions for all Superior Court judges from 2006 through present day and will be included on the webpage once finished.

An article on the history of the Court, published in conjunction with the Pennsylvania Bar Association for their shared 100-year anniversary, will also be made available to link to on the webpage.

The final part of the project, which will also be included on the webpage, are short video interviews with a few notable Superior Court judges.

While the final interviews are currently still underway, a few have already been filmed and offer unique insight into these judges' different experiences serving on the Court. The interviews are significant in nature in that they include thoughtful conversations with some of the Court's "firsts."

Judge **Phyllis Beck** (ret.), interviewed by her daughter and current Superior Court Judge **Alice Beck Dubow**, spoke about what it was like to be the first woman to serve on the Superior Court.

Another first for the Court, PJE **Kate Ford Elliot** offered her perspective having served as the Court's first female president judge. As part of this project, she was interviewed by former Superior Court judge and former dean of Duquesne Law School **Maureen Lally-Green**.

Also interviewed was PJE **Correale Stevens**, who spoke about how his judicial experience has been uniquely shaped having served on both the Superior and state Supreme Court.

Determined to have the webpage up and running by the end of the year, PJ Panella hopes it will serve as a valuable, easily-accessible resource for members of the legal community, as well as the public. [AOPC](#)

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