COURT ADMINISTRATOR'S OFFICE
THIRTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA
FRANKLIN/FULTON COUNTIES

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AIMEE R. HUTCHISON
DEPUTY COURT ADMINISTRATOR
ANGELA J. STONER
DEPUTY COURT ADMINISTRATOR

May 2, 2022

Judicial District Operations Department
Pennsylvania Judicial Center
601 Commonwealth Avenue
P.O. Box 61260
Suite 1500
Harrisburg, PA

RE: Decennial Magisterial District Reestablishment Plan for the 39th Judicial District - Franklin County and Fulton County

Attention: Judicial District Operations Department, AOPC:

Revised Plan being submitted for approval

Attached is the Decennial Magisterial District Reestablishment Proposed Plan for the 39th Judicial District. An electronic version has also been emailed to: judicialdistrictoperationsdept@pacourts.us. The plan and related documents have also been uploaded on the SharePoint site provided by AOPC.

This revised plan was posted for public comment for thirty days on April 1, 2022 through May 1, 2022. The postings were done electronically, made available on the Court's website in both counties, and by placing a physical copy at The Office of the District Court Administrator and all Magisterial District Court Offices in the 39th Judicial District. Media outlets were alerted as well via email with an electronic copy of the plan included as an attachment. A copy of the posting and the public comments received are included with this correspondence. Also included are the completed worksheets detailing the proposal for the 39th Judicial District and each magisterial district within. President Judge Meyers signed the Judicial District Summary Worksheets – Reestablishment 2021-2022 (one for Franklin County and one for Fulton County). His Honor indicated that he is standing by the calculations determined by Court Administration, and His Honor's analysis of the data and a thorough review of the public comments received.

With regards to the public comments enclosed, these are the comments specific to the revised plan, and comments received during the 30-day public comment period open between April 1, 2022 through

May 1, 2022. There were 19 total comments received. Here is the breakdown of the comments received:

- (7) business owners and/or landlords. Of the seven, two are family members (wife and brother) of Magisterial District Judge David L. Plum, 39-3-03. Neither discloses their familial relationship when discussing the hardship their businesses will endure if 39-3-03 is approved for elimination. Nothing was mentioned about the conflict associated with a wife and brother appearing and conducting court business with the Magisterial District Judge in which they are related.
- (5) Franklin County Magisterial District Judges, of which some submitted more than one written comment for a total of (7) submissions. In addition, written comments submitted by Magisterial District Judge Kelly Rock, 39-3-07, stated that she is submitting comment on behalf of 6 of 7 Magisterial District Judges in Franklin County. She then listed six Judges by name on that document. However, one of the listed Judges, Magisterial District Judge Duane Cunningham, 39-3-05, emailed me after learning of that submission and requested that his name be removed from the document submitted by Judge Rock. This communication is enclosed with the public comments provided.
- (3) elected officials.
- (2) citizens/residents.

For me, this was the second decennial magisterial district reestablishment plan that I have been involved with in my tenure as District Court Administrator (DCA) for the 39th Judicial District. The first plan was the 2011 reestablishment. With regards to the current, 2021 reestablishment, the guidelines, instructions, and processes were improved, and the assistance and knowledge of AOPC staff continues to be unsurpassed. The provided data packets of information and instructions were relatively easy to follow and apply. The continued communication, scheduled workshops, and hosted webinars presented by AOPC greatly aided in the process. What stuck out to me throughout an objective review of the data was commentary from Joseph Mittleman, Director of Judicial District Operations with AOPC, that he made during one of the webinars back in January, 2021 during the ZOOM Check-in meeting in which he stressed that this is an opportunity to *right-size some courts to ensure the right number of Magisterial Districts to serve the public.* This was the mindset in which the data was reviewed for the 39th Judicial District. The focus was on what is needed for the judicial district for the next decade and to balance caseloads and workloads that are equitable under weighted criteria provided by the AOPC. There was no presumptions made that there are too many or too few districts in the 39th Judicial District.

As indicated, the plan submitted here within is a revised plan. The worksheets provided are reflective of this revised plan. As stated in the second paragraph of this correspondence, this revised plan was posted for a 30-day public comment period. This was necessary because there were revisions that made this revised plan significantly different from the original proposed plan; therefore, another 30-day public comment period was necessary. [redacted] In Franklin County, the original plan reestablished two of seven magisterial districts, realigned four of seven magisterial districts, and eliminated one of seven magisterial districts.

[redacted] In Franklin County, four of seven magisterial districts are proposed to be reestablished, two of seven magisterial districts are proposed to be realigned, and one of seven

magisterial districts is proposed for elimination. This elimination has not changed from the original plan.

In summary, in the 39th Judicial District, there are currently a total of ten magisterial districts courts with three located in Fulton County and seven located in Franklin County. The revised plan [redacted] eliminates one in Franklin County. Therefore, in the 39th Judicial District, if this plan is approved by the Pennsylvania Supreme Court, the overall number of Magisterial District Courts will be reduced by one, from ten to nine within the 39th Judicial District.

With regards to Franklin County, doing nothing and maintaining the status quo, reestablishing all districts, would result in three districts in the lower end for caseload (-20%, -23%, and -41%) as compared to other districts at the higher end for caseload (+22% and +11%). This would create variances ranging between +63% to +31%. The same three districts are in the lower end for workload as well (-32%, -35%, and -41%) as compared to other districts at the higher end for workload (+59% and +47%). This would create variances ranging between +100% to +79%. These variances are not balanced, and create inequity among the judges. Related, changes in population for each district in terms of increases and decreases for both Counties were taken into consideration even though population, per AOPC instructions, is not a driving factor in reestablishment.

Throughout the review of the data, Amy Kehner, Judicial Programs Administrator with AOPC, was both easily accessible and vastly knowledgeable when it came to answering questions, reviewing data specific to the 39th Judicial District, and running multiple different scenarios for us that enabled President Judge Meyers to make the most informed plan proposal recommendation. Ms. Kehner not only took phone calls at various times from us, she spent an entire day in Franklin County working directly with me, Aimee Hutchison (Deputy Court Administrator), and President Judge Meyers in a conference room in which all data for both counties was reviewed in detail, formula calculations were reviewed for accuracy, and mapping and boundaries were discussed. Court Administration's conference room was the location for this with President Judge Meyers clearing His Honor's entire docket for the day to be present for the duration which included a working luncheon as all the data was collectively reviewed with Ms. Kehner present. In addition, Ms. Kehner was contacted by Magisterial District Judge Kelly Rock, 39-3-07, to answer specific questions related to the data, and calculations cited in the worksheets by Court Administration. Ms. Kehner notified Judge Rock that she performed her own independent analysis before looking at the revised plan being submitted for approval. Ms. Kehner provided Judge Rock with her AOPC Analysis Summary and informed Judge Rock that *although there are slight differences between the AOPC numbers and the numbers on the worksheets, the result is the same.*

The Original Plan first submitted for public comment on January 28, 2022

The original plan was released on January 28, 2022, and provided for a 30 day public comment period. Public comments were received. [redacted]

Public comments of opposition based on the original plan were received from all MDJs in the 39th Judicial District, some residents, a few businesses, a handful of elected officials, and two spouses and one brother of two MDJs currently seated in the 39th Judicial District. These spouses and brother did not indicate that they were of any relationship to any MDJ. The wife and brother of Magisterial District Judge David L. Plum, 39-3-03, which is the district proposed for elimination, cited in their written public comment the hardship, as a small business owner, that their businesses will endure in order to file matters and attend hearings at another magisterial district if the District 39-3-03 proposal for elimination is approved. In addition, there were many of the public comments that were all the same; in other words, they were submitted on what appeared to be a form letter, with a pre-populated date already printed. Therefore, all one had to do was sign their name to that document and mail in the document they signed, but appeared to not produce. Related, many of the letters had the same paragraph in them submitted by members of the community from different households and/or businesses. Much of the written comments in the form letters and those with the same paragraph stated facts that were incorrect which raised suspicion of who is writing these letters for others to sign and submit. It raises concern that lobbying and solicitation for comments could have possibly occurred.

In addition to the above, Magisterial District Judges Annie R. Gomez Shockey (39-3-02), David L. Plum (39-3-03), and Kelly Rock (39-3-07) within Franklin County requested copies of the public comments received from the original plan. AOPC advised that public comments can be shared as requested, so copies of all comments were provided as requested. I point this important factor out because to the extent that previous public comments from the original plan have been submitted to the AOPC and/or the Pennsylvania Supreme Court to affect the revised plan, most if not all of those comments would no longer be of relevance or apply to the revised plan submitted for consideration. These would include public comments submitted during the dates of January 28, 2022 through February 28, 2022. If any or all of those comments from the original plan are forwarded to AOPC by another, it is the request of President Judge Meyers that AOPC check the dates of the public comments submitted to see if they are from the original plan or the revised plan. Most, if not all, of the public comments submitted from the original plan would have little to no merits to the revised plan being submitted here since the revised plan is substantially different from the original plan. In addition to asking for copies of the public comments, Magisterial District Judge Kelly Rock, 39-3-07, requested the data that was provided to Court Administration and President Judge Meyers. That data was subsequently provided by AOPC to Judge Rock.

Based on public comments received from the original plan as late as February 28, 2022, which exceeded the 30-day limit by one day, President Judge Meyers requested of AOPC an extension of time to allow a thorough review of all public comments that were submitted. That request was granted

with a deadline of April 1, 2022 to either submit the original plan to AOPC or to release a revised plan for an additional 30-day public comment period.

Please be advised that President Judge Meyers, Deputy Hutchison, and I kept the MDJs in the 39th Judicial District appraised of the 2021 Reestablishment process. The MDJs collectively agreed to continue their practice of utilizing liaisons for this project. The liaison practice involves one MDJ from Franklin County and one MDJ from Fulton County present to represent input on behalf of their colleagues when meeting with Court Administration. The liaisons for this project were Magisterial District Judge Duane Cunningham (39-3-05) and Magisterial District Judge Tamela M. Heming (39-4-03).

In Conclusion

The revised plan, as stated at the beginning of this correspondence, was released for a 30-day public comment period. This revised plan took into consideration public comments received when the original plan was posted, and is being submitted to the Supreme Court for consideration and approval. Included with this is all the public comments received regarding the revised plan. The majority of the comments received during the 30-day public comment period between April 1, 2022 through May 1, 2022 are duplicate of comments from the original plan with only the date being changed. This again includes comments of opposition from the wife and brother of Magisterial District Judge David L. Plum, 39-3-03, which is the district proposed for elimination.

On behalf of President Judge Meyers, myself, and Deputy Hutchison, we look forward to hearing back from AOPC on any questions or comments during AOPC's review period of this plan before it is submitted to the Pennsylvania Supreme Court for consideration.

Sincerely,

Mark Singer
District Court Administrator
39th Judicial District

cc: The Honorable Shawn D. Meyers, President Judge, 39th Judicial District
Aimee Hutchison, Deputy Court Administrator, 39th Judicial District
Amy Kehner, Judicial Programs Administrator, AOPC

AOPC

Judicial District Summary Worksheet – Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheet in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint. Complete one worksheet or one for each county if you are a joint judicial district.

Judicial District Number:	39	**County:**	Franklin	**Class of County:**	4

1. List the existing magisterial districts in your judicial district (##-#-##):
   39-2-01, 39-3-02, 39-3-03, 39-3-04, 39-3-05, 39-3-06, 39-3-07

Caseload Analysis

	Avg for Judicial District	*Avg for Class of County*
2. Average total caseloads:	A. 3,911	B. 4,150

	Difference (2A - 2B)	*Ranking*	*Total*
3. Compare the difference between the caseload average of your judicial district to the class of county.	-239	8	*out of* 9

4. Is your judicial district caseload average at the lower end of the caseload range when compared to the other judicial districts in your class of county? Yes

Proposed Actions

5. Are any magisterial districts proposed for reestablishment? Yes

   If **YES**, list the magisterial districts proposed for reestablishment (no changes).

   39-2-01, 39-3-02, 39-3-05, 39-3-07

6. Are any magisterial district proposed for realignment? Yes

   If **YES,** list the magisterial districts proposed for realignment (changes).

   39-3-04, 39-3-06

7. Are any magisterial districts proposed for elimination? Yes

   If **YES**, list the magisterial districts proposed for elimination.

   39-3-03

AOPC

Additional Workload Factors	
8. Do you have a night court operating within the judicial district?	No
9. Do you have a central court within your judicial district?	Yes
10. Do you have any special programs that will entail effort by the MDJs such as truancy programs or drug, DUI, veteran, or mental health diversion programs? If **YES,** briefly explain the types of programs.	No

Final Checklist	
11. Was a request for public comment posted?	Yes
12. Method of posting - electronic, physical copy, or both?	Both
13. Were media outlets notified?	Yes
14. Were public comments received?	Yes
15. Did you include a copy of the posting and public comments in your submission?	Yes
16. Did you complete summary worksheets for all magisterial districts?	Yes
17. Did you include your petition and all supporting documentation, if applicable?	No
18. Did you confer with the MDJs in your county?	Yes

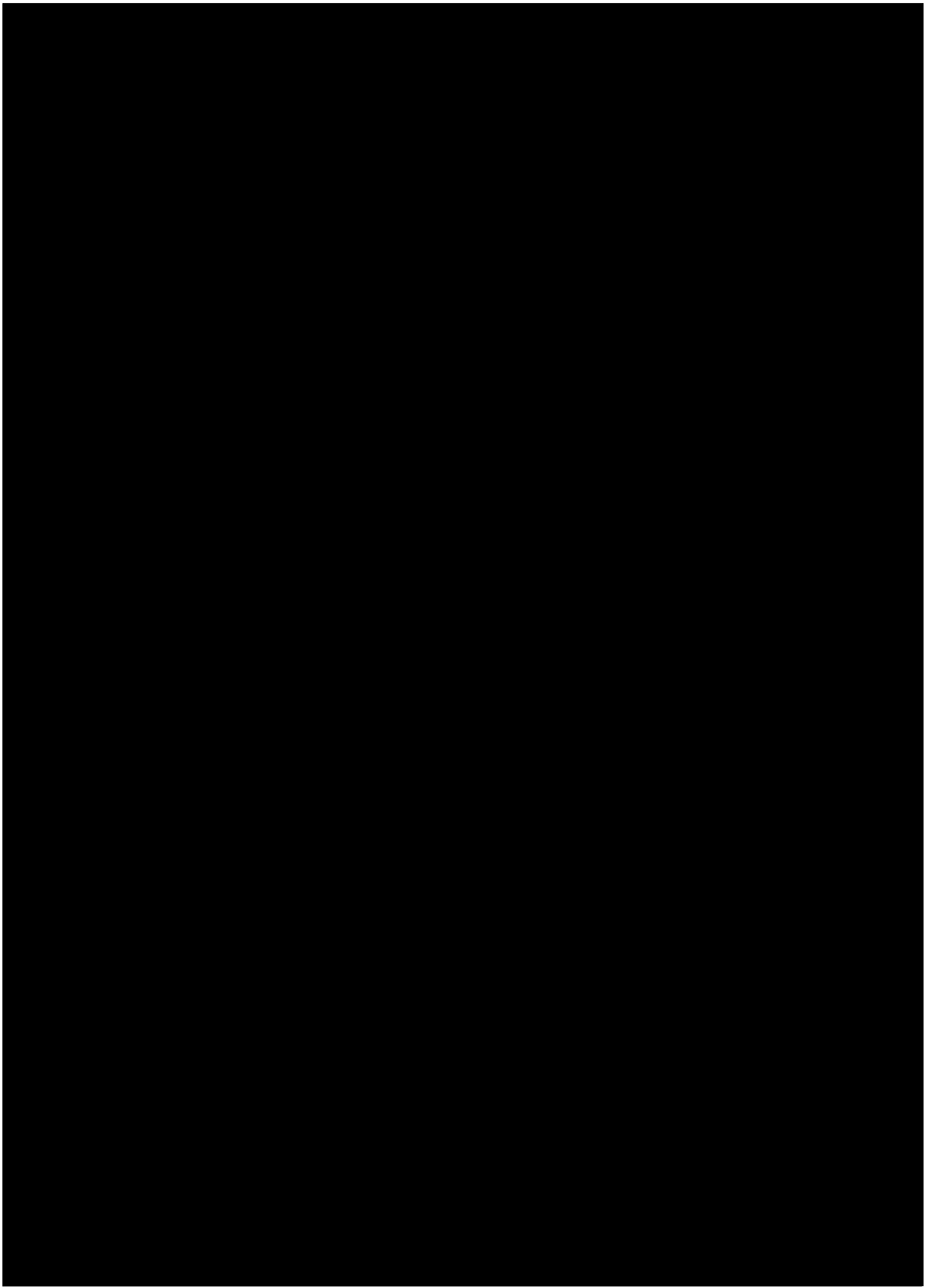
19. Additional Remarks

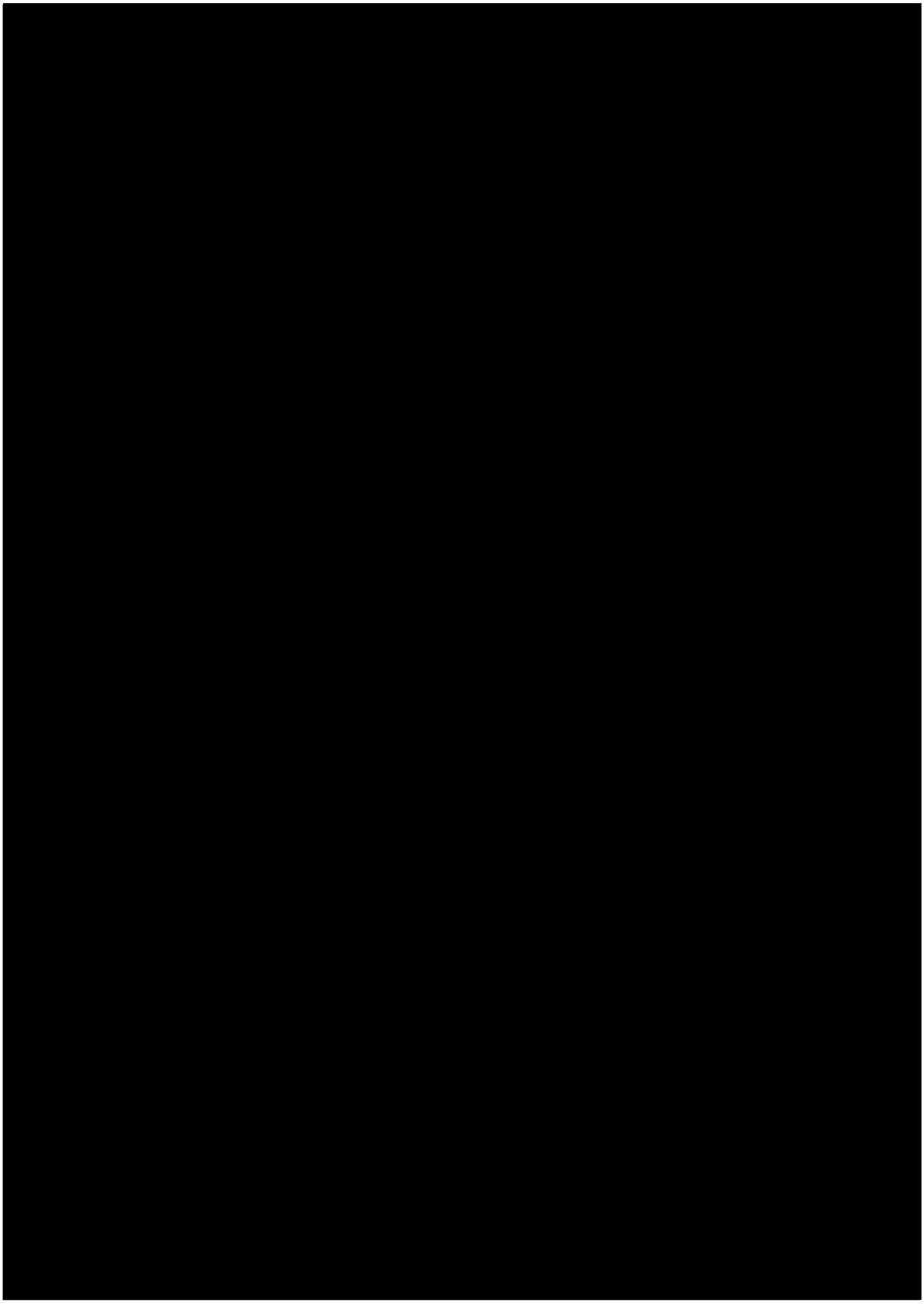
Verification of Submission

20. Date submitted to AOPC: 5/2/2022

21. President Judge Name: Shawn D. Meyers

Signature





Magisterial District Reestablishment Report

39th Judicial District

Franklin and Fulton Counties

2022 – 2031

REVISED PLAN

Issued: April 1, 2022

NOTICE OF PROPOSAL

REESTABLISHMENT OF THE MAGISTERIAL DISTRICTS WITHIN THE 39TH JUDICIAL DISTRICT

OF THE COMMONWEALTH OF PENNSYLVANIA

FRANKLIN COUNTY and FULTON COUNTY

April 1, 2022

NOTICE is hereby given that a revised proposal to reestablish the Magisterial Districts within the 39th Judicial District (Franklin County and Fulton County) has been prepared and is available for examination and review through May 1, 2022 at the following locations:

1. **The office of the District Court Administrator, 1st Floor – Franklin County Courthouse, Chambersburg, PA;**

2. **All Magisterial District Court Offices in the 39th Judicial District; and**

3. **On the Court's website in Franklin County at www.franklincountypa.gov and in Fulton County at www.co.fulton.pa.us**

Written comments regarding the proposal may be directed to:

Mark Singer
District Court Administrator
39th Judicial District
14 N. Main Street
Chambersburg, PA 17201
msinger@franklincountypa.gov

All written comments must be received no later than 11:59:59 pm May 1, 2022 and shall be based on this plan as proposed by President Judge Meyers and not be based on any other source of information not previously authorized for release by President Judge Meyers.

Media inquiries regarding the state-wide process should be directed to Stacey Witalec, Communications Director, 717-231-3324

Issued by the authority of: The Honorable President Judge Shawn D. Meyers, 39th Judicial District

Magisterial District Judges – 39th Judicial District
Franklin & Fulton Counties
Proposed Changes Summary Sheet

District Judge	Magisterial District	Contact Information	Add	Remove
Glenn K. Manns	39-2-01 Borough of Chambersburg	218 N. Second Street Chambersburg, PA 17201 717-263-5808	N/A	N/A
Annie Ramona Gomez Shockey	39-3-02 Borough of Waynesboro Washington Twp	22 North Oller Avenue Waynesboro, PA 17268 717-762-9411	N/A	N/A
David L. Plum	39-3-03 Hamilton, Fannett, Lurgan, and Letterkenny Twp	P.O. Box 135, 9724 Cumberland Hwy, Pleasant Hall, PA 17246 717-532-7672	This District Court is proposed to be eliminated effective 1/2/2028	
Kristin D. Nicklas	39-3-04 Boroughs of Orrstown and Shippensburg (West End). Greene and Southampton Twp	P.O. Box 460, 1157 Garver Lane, Scotland, PA 17254 717-263-7949	Lurgan Township, Letterkenny Township	N/A
Duane K. Cunningham	39-3-05 Borough of Greencastle Antrim Twp	401 S.Washington Street Greencastle, PA 17225 717-597-8581	N/A	N/A
Jody C. Eyer	39-3-06 Borough of Mercersburg, Metal, Montgomery, Peters, St. Thomas, and Warren Twp	20 Veteran's Way Mercersburg, PA 17236 717-328-3521	Hamilton Township, Fannett Township	N/A
Kelly L. Rock	39-3-07 Guilford and Quincy Twp Borough of Mont Alto	2038 B Lincoln Way East Chambersburg, PA 17202 717-263-5820	N/A	N/A

[redacted]

Revised Decennial Magisterial District Reestablishment Plan for the 39th Judicial District – Franklin & Fulton Counties

Decennial reestablishment of magisterial districts is mandated by 42 Pa.C.S.A. §1503 which requires that the Court reestablish the numbers and boundaries of the magisterial districts the year after the census figures are certified by the Census Bureau. The Census figures were compiled and released for use by the court in the second half of 2021. Under 42 Pa.C.S.A. § 1501, the "Court" is defined as, "The Supreme Court or the court of common pleas of each judicial district under the direction of the Supreme Court."

In advance of the reestablishment process the administrative leadership of the Pennsylvania Supreme Court, AOPC, provided guidance to President Judges and District Court Administrators in a memorandum explaining the past history of reestablishment and the criteria to apply when determining the number of magisterial districts in each county. Part of the reestablishment process was the creation of the Magisterial District Reestablishment Subcommittee of the Intergovernmental Task Force to Study the District Justice System, ("Subcommittee), in 2001. The Subcommittee was comprised of two president judges of the courts of common pleas, two district justices, (now known as Magisterial District Judges), two district justice court administrators, and a member of the state police. Staff support was provided through the Administrative Office of Pennsylvania Courts (AOPC). As part of the report issued by the Subcommittee, the following statement provided: *The overall objective of the subcommittee was to ensure that the district justice system emerging from the reestablishment process is efficient and provides the highest quality of justice to the citizens of the Commonwealth of Pennsylvania.* (Emphasis added.)

Ultimately the Subcommittee made seven recommendations to the Pennsylvania Supreme Court. The 7 recommendations were:

1. Magisterial district reestablishment proposals should include a thorough review of population statistics and population trends using 1990 and 2000 census data.

2. Magisterial district reestablishment proposals should include a systematic analysis of current district justice/Magisterial District Judge caseload statistics and caseload trends.

3. Magisterial district reestablishment proposals should minimize unnecessary travel time and related impediments to public access.

4. Magisterial district reestablishment proposals should establish caseload equity within the judicial district.

5. Where the proper administration of justice requires a departure from caseload equity, magisterial district reestablishment proposals should set forth the specific grounds for the departure.

6. The President Judge should by public notice invite written comments from the public regarding magisterial district reestablishment issues. In addition, the President Judge may seek comments from court users.

7. Following adoption of magisterial district reestablishment guidelines by the Supreme Court, the AOPC should promulgate procedures and forms to implement the guidelines.

A subsequent 2011-2012 Weighted Caseload Study was performed to update the standards that AOPC applied to Magisterial District Judges' caseloads.

Ever since the process of reestablishment of Magisterial Districts has been undertaken to comply with the statutory requirements, the issue of the necessity of magisterial districts given caseload disparities within districts has existed. The 2001 report of the Subcommittee emphasizes that trying to achieve caseload equity was a principle task of the Subcommittee. In order to do that, the Subcommittee analyzed various systems to determine not only caseloads, but to properly determine the "weight" a case should be accorded. (Ex. An out of state driver receives a speeding ticket. The driver never appears before the court, agrees to the finding of fault and pays the ticket using online bill pay or mails in a payment to the magisterial district office. The process never requires the Magisterial District Judge to take evidence and issue a decision, but does require staff time to process the filings and payment in the case. On the other hand a contentious Landlord/Tenant, or Homeowner/Contractor case may require several hours or days of hearings on the part of the Magisterial District Judge.) With these considerations in mind, a system of caseload analysis was developed by the Administrative Office of the Pennsylvania Courts (AOPC), in consultation with the Subcommittee.

This court understands the goals of case equity as a basis to justify the need for the number of Magisterial District Judges in each judicial district. As the report cautions, significant case inequities be it case filings, versus workloads, within a county begs the question, why should one or two Magisterial District Judges bear the load of case dispositions within a district while others do not? Disparities in the processing of case filings, frequently associated with traffic cases, can be addressed through the addition of staff or the reduction in staff within offices, which is the responsibility of the President Judge and can be easily handled in coordination with the affected Magisterial District Judge's offices, Court Administration and County fiscal representatives.

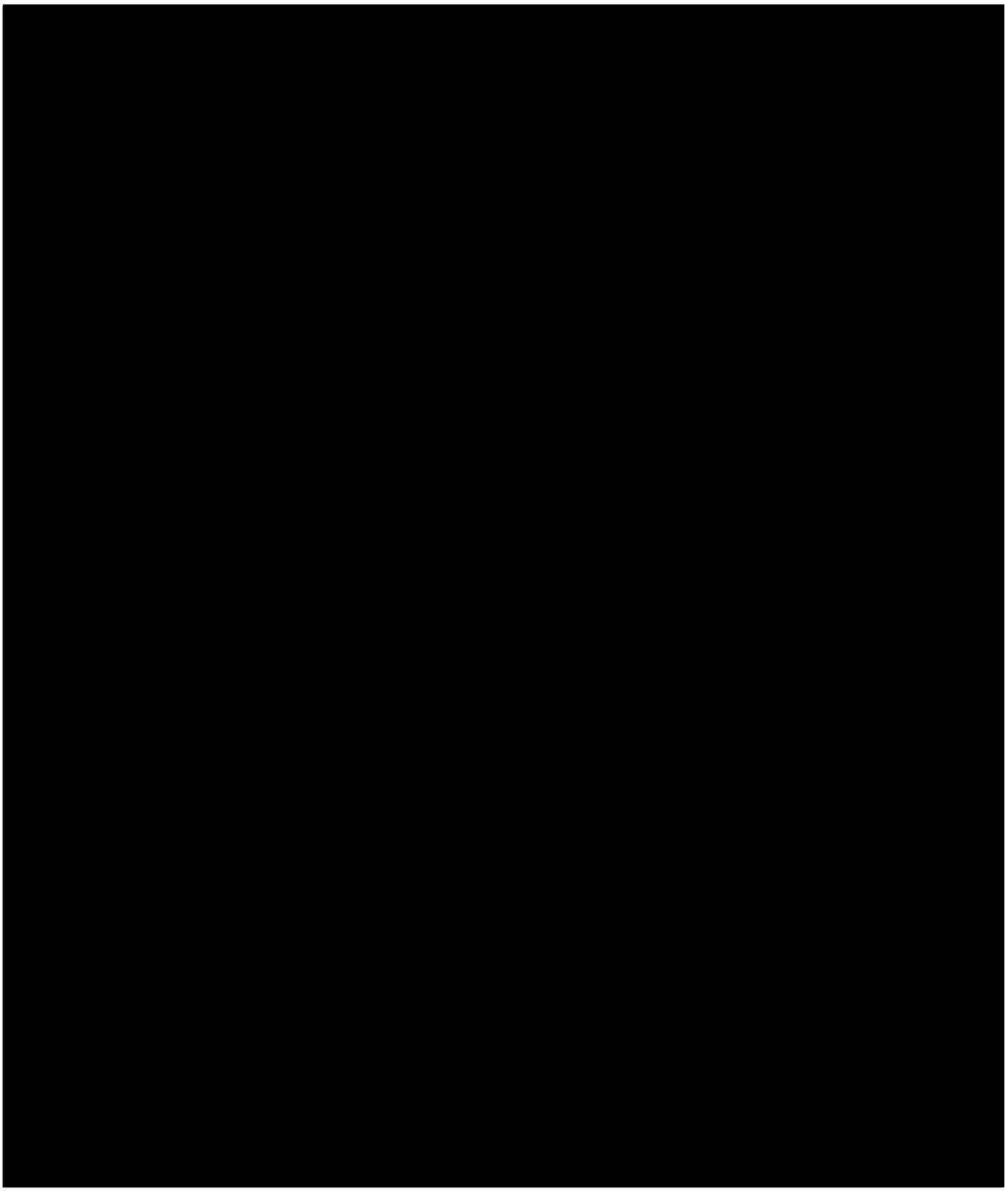
Reestablishment is the only way to address disparities in Magisterial District Judge workloads. Significant disparities in workloads of Magisterial District Judges are harder to justify to the public, taxpayers and media. Disparities prompt questions as to efficiencies, fairness and necessity. As a result it is not surprising that in order to justify the number of Magisterial Districts, Magisterial District Judges, staff and offices, the balancing of case numbers and caseloads are a desired goal of reestablishment, as set forth in the Subcommittee report and stressed in the memorandum to President Judges and Court Administration issued in 2021.

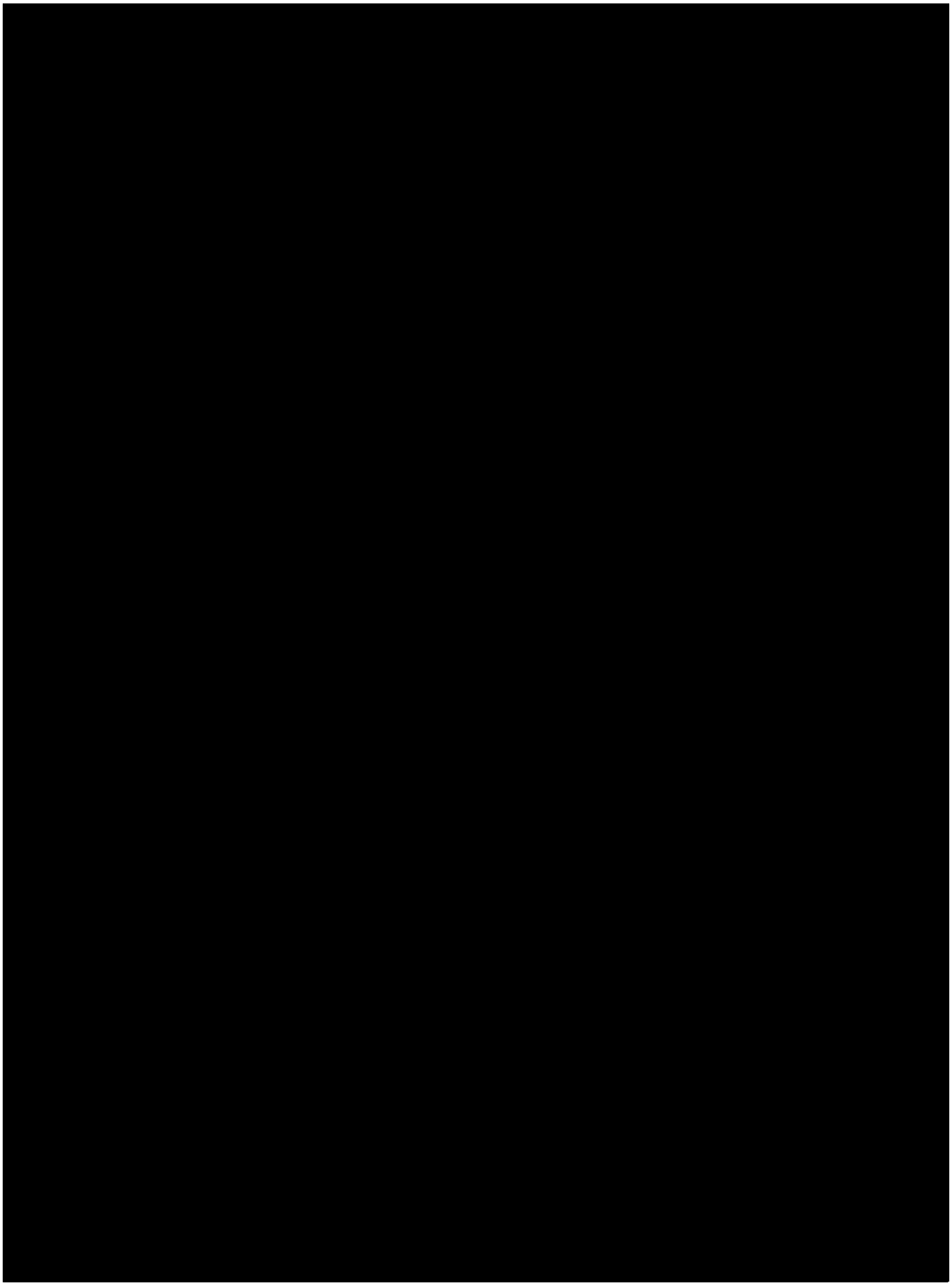
Despite the desire to promote efficiency and equity in the allocation of case work, there are other special factors which are to be considered when deciding reestablishment. Reliance upon special factors must be explained, including pros and cons, if they are to be given greater consideration by a President Judge. Failure to adequately explain the reasons for relying upon special factors versus achieving equitable caseload distribution may prompt further investigation or a request for explanation by the AOPC and the Pennsylvania Supreme Court. Due to each county's or district's unique features, be they geographic, population changes, and development issues, availability of transportation or lack thereof, municipal police, and other governmental factors, equitable distribution within narrow margins is very difficult. **Despite those difficulties, the AOPC adopted a standard and directed each President Judge and District Court Administrator to create districts which had margins of difference in workload equity within +15% to -15%.** The AOPC has supplied case filing and weighted caseload data and the Pennlive investigative report data for use and consideration in deciding what is the proper ratio of caseload distribution, workload distribution and number of magisterial districts.

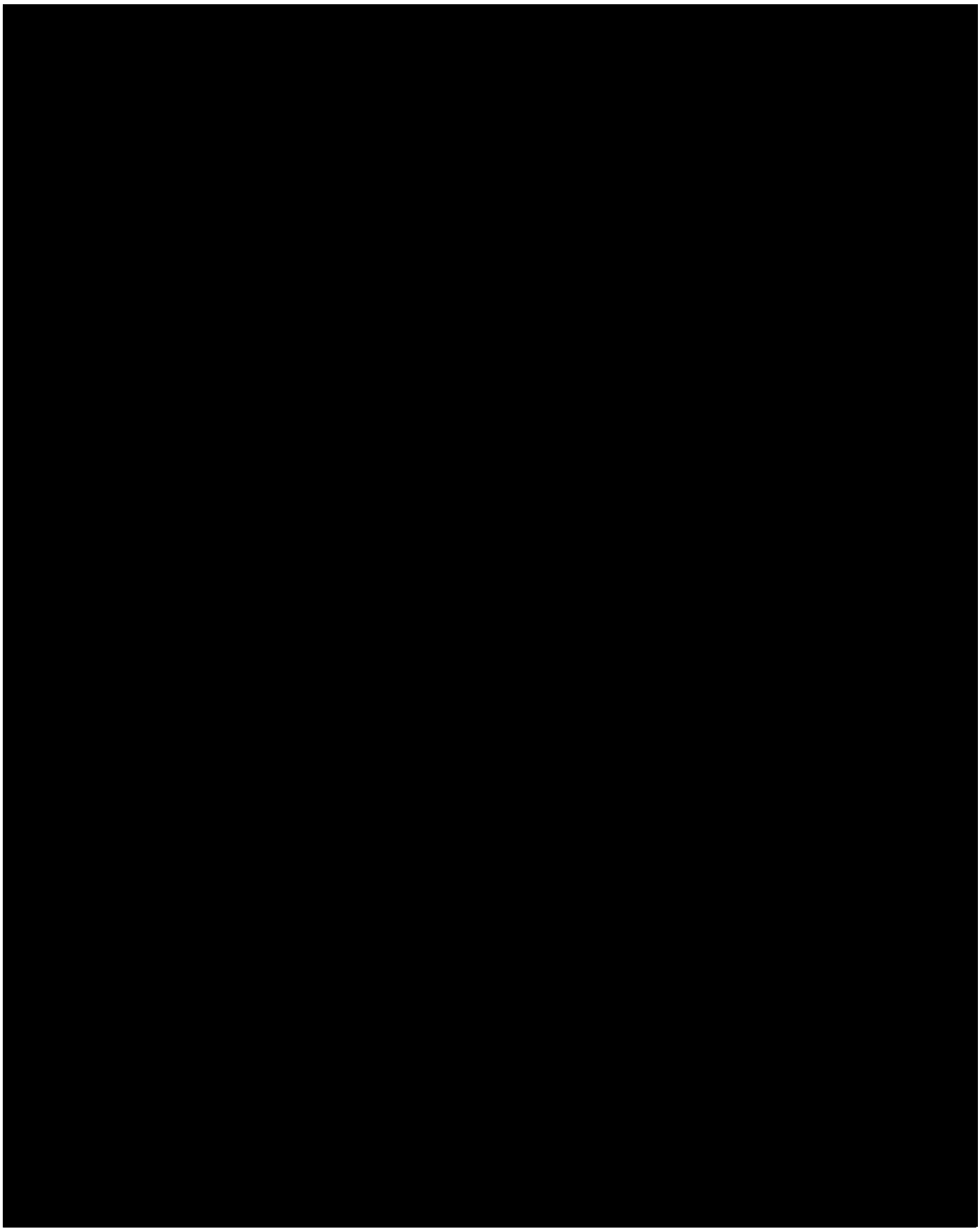
The undersigned judge has traversed both counties in the district, evaluated the data provided by AOPC and in the initial report published January 28, 2022 for comment attempted to achieve the goals as outlined by the Pennsylvania Supreme Court and AOPC. In response to its publication, public comment was received by District Court Administrator Mark Singer from elected officials, Magisterial District Judges, the Pennsylvania State Police Association and the public, which the President Judge has reviewed with great care. In consideration of the commentary received, the President Judge instructed the District Court Administrator Mark Singer to create a revised plan and provide revised forms with the calculations in accordance with the new plan. The forms containing the calculations are attached hereto. This document provides the reasoning for the plan, with explanations and reasoning, (both pro and con), as to why it should be adopted by the Pennsylvania Supreme Court. Presumably the explanations will allow those at AOPC and the Pennsylvania Supreme Court as well as those reviewing the plan to understand that the President Judge has carefully considered the directives of the Pennsylvania Supreme Court, AOPC, the concerns of community, taxpayers, and elected officials, and the special considerations within each county to insure the desired efficiency, equity and access to justice.

The costs of the operation and maintenance of each magisterial district office district to the taxpayers of the Commonwealth generally in the form of judge salaries and benefits, and to the local taxpayers in the costs for staff and office maintenance, is not a specific criteria to consider in developing the plan. However, the greater equity that can be achieved, the less concern there will be as to the necessity for the existence of a magisterial district which had significant disparities, or lack of caseload and/or workload, when compared to other magisterial districts. For reasons set forth below, the court provides reasoning why the Pennsylvania Supreme Court may or may not elect to

accept the reasoning of the President Judge. Ultimately the President Judge will comply with any directives of the Pennsylvania Supreme Court if further changes are deemed appropriate.







II. Franklin County/Magisterial Districts to be reduced from 7 to 6. Reestablish Districts 39-2-01, 39-3-02,39-3-05 and 39-3-07; Realign Districts 39-3-04 & 39-3-06; Eliminate District 39-3-03 .

Pros for reestablishing the districts which includes a reduction by one from seven to six:

- One cannot ignore that municipal police departments are experiencing strain due to budgetary cuts and increased expenses and operating costs and challenges in the changes in policing methods. Under the proposed reestablishment plan there will be an emphasis on preserving the community safety provided by municipal or private/university police departments. Five of six magisterial districts have at least one municipal or private/university police force which will be served by the magisterial district, (39-2-01/Chambersburg Police Department), (39-3-02/Waynesboro Police Department & Washington Township Police Departments), (39-3-05 /Greencastle Police Department), (39-3-06/Mercersburg Police Department), (39-3-07/Penn State Mont Alto Police Department). District (39-3-04/Pennsylvania Police Department) is located 8/10ths of a mile of the Pennsylvania State Police Barracks. In an era of concern for increased safety for the community, by keeping magisterial district offices in a borough or township, or immediately adjacent thereto, where there is a municipal or private police department, there is a minimization of travel for the law enforcement officers when attending hearings for the enforcement of traffic and summary cases, thus reducing travel and prolonged absences from the areas in which they have jurisdiction. All municipal police departments and the Pennsylvania State Police have been conducting Preliminary Hearings at Central Court which has been in place for 20+

years, one day per week. Reestablishment will not affect that process or the staffing of municipal law enforcement and Pennsylvania State Police on those days.

- Under reestablishment four of six magisterial districts have at least one municipal police force, (39-2-01/Chambersburg Police Department), (39-3-02/Waynesboro Police Department & Washington Township Police Departments), (39-3-05 /Greencastle Police Department), (39-3-06/Mercersburg Police Department) in the district. One district (39-3-04/ Pennsylvania Police Department) is located 8/10ths of a mile of the Pennsylvania State Police Barracks. As a result for four of six districts, there is at least one additional police department that can provide a prompt response in the event there is a security incident, in addition to the response that will be provided by the Pennsylvania State Police and the Franklin County Sheriff's Department. The district eliminated does not contain a municipal law enforcement department or one that can provide response to a security event.
- Analogous to the same reasoning as that the court has used as an argument for maintaining three judges in Fulton County, this plan maximizes the use of the most dependable roadways to afford access to the magisterial district offices. The realigned districts either maintain or establish a way for township residents to use the primary roadways within each district to access the district offices, without traversing a significant mountain ridge in the northwest portion of the county. The length of mileage to be traveled is not the only consideration. The type of roadway is of considerable importance as well. The mountain ridge in the northwest corner of the county is so significant that construction of the Pennsylvania Turnpike includes a tunnel through the Blue Mountain. Citizens in the townships formerly in 39-3-03, but now in the newly realigned 39-3-06, will be able to access the office via State Route 75, which provides a reliable state

maintained route the entire lengthy of Path Valley. As for townships formerly in 39-3-03, now in the newly realigned 39-3-04, they can access the district office via State Route 997. There is no requirement to traverse a significant mountain road, State Route 641, to access a district office.

- Under this realignment plan, no boroughs or townships are split, thus providing townships and boroughs consistency in the location and filing of cases for code or municipal enforcement.
- Under this plan, the jurisdictions with actual provable development, both commercial and residential, are maintained. Wal-Mart has confirmed major warehousing and distribution centers and development plans in 39-3-04 and 39-3-05. 39-3-06 has confirmed development of a major poultry operation that has prompted concerns from government officials within the Borough of Mercersburg and the surrounding townships regarding the large truck traffic that will impact the roads and traffic patterns and effects on law enforcement efforts.
- Under realignment, workload disparities, although not within the margins of +/- 15% established by AOPC, is much more equitable. Retaining 39-3-03 as is with a -23% in caseload filings and workload of -41%, coupled with 39-3-06 which also has low caseload numbers without modification, prevents meaningful efforts at trying to achieve equity in caseloads and workloads. Under the proposed plan, when evaluating caseload numbers: 39-2-01 was at 11% and will now move to 15%; 39-3-02 remains the same at 3%; 39-3-04 moves from 8% to 29%; 39-3-05 moves from -20% to -22%, but has projected significant growth, and by administrative order can be assigned Interstate 81 traffic filings to achieve balance. 39-3-06 was -41% now is at 12% and 39-3-07 was at 22% remains the same. In the overall review there is greater

equity and balance of case filings among the six district courts.

- As was cautioned in the Subcommittee report, one or two Magisterial District Judges should not be asked to shoulder significantly larger workloads within a district. Under realignment, the weighted workload for the two districts that carry the largest load, 39-2-01 and 39-3-02 are now having their workloads reduced from 59% to 45% and 47% to 30% respectively. Although it will be seeing an increase in case filings, District 39-3-04 has a projected reduction in workload from 4% to 2.3%. 39-3-05 will see a projected reduction from -32% to a -46% but as explained, through an administrative order can be assigned Interstate 81 cases from adjoining districts, as that route runs through the district, and the commercial development along Interstate 81 and residential development in Antrim Township has been established with certainty. 39-3-06 will see a workload that drops from -35% to -14%, but is now within the +/- 15%. 39-3-07 will see a projected change from -2% to -18%. The reduction in significant negative percentages substantiates in a majority of the districts the need to preserve the remaining Magisterial District Judges and district offices to the taxpayers, the public, county fiscal officials and media.
- No Magisterial District Judge has advised the court that the judge cannot handle the existing workloads.
- Franklin County is under the statewide and 4th Class County averages in the following categories: Criminal filings; Non-traffic filings; Traffic filings; Civil filings; Miscellaneous filings. Franklin County is under the statewide average in the following category: Landlord/Tenant.
- Financial considerations. As the committee that established the standards for reestablishment stresses, while there is always a need for assuring access to justice, there is also a

need for efficiency as well. Efficiency means that where justice can be provided, but taxpayers can be afforded economic relief, elimination of districts needs to be scrutinized and implemented where possible. It is noted that there have been elimination of districts in past reestablishment plans statewide. Currently there are at least 9 districts statewide proposing elimination of at least one magisterial district. Logic dictates that maintaining the status quo, just to maintain the status quo, is an inadequate reasoning for maintaining the current number of magisterial districts. Where there is an opportunity to reduce judicial/government expenditures, serious consideration must be given to same.

According to AOPC data, the average annual savings for the Magisterial District Judge Salary, Benefits and Retirement is $177,500.00. With the proposed elimination not occurring until 2028, there will be projected annual Cost of Living increases which makes the projected number of annual savings in judicial salary greater than current projections; The estimated average savings of annual expenses for maintenance of the office, (not including district employee wages or benefits), is approximately $41,500.00. Of course with inflation and the constant increase in operating costs, the annual costs will also increase year to year.

There have been documented security issues at various magisterial district offices statewide. In the event additional safety provisions can be implemented in Magisterial District Offices, one less office to monitor and man with security staff will be a savings for the Court/Sheriff/County, who would be responsible for providing same.

- Despite significant growth and development in 39-3-05, case filings and workloads have not seen the reasonably anticipated increases in filings in criminal and civil filings. Ergo, not all increases in development automatically mean more work or demands for judicial services in a district. (What explains the phenomenon? The populace is generally more law abiding? The law enforcement departments are not as active?) Whatever the reasons, in all instances development does not equal increases in workloads for magisterial districts. Thus a reduction from seven to six districts based on the data and projected future growth is appropriate for the county.
- Six Magisterial District Judges can still provide on call, after hours and Central Court coverage.

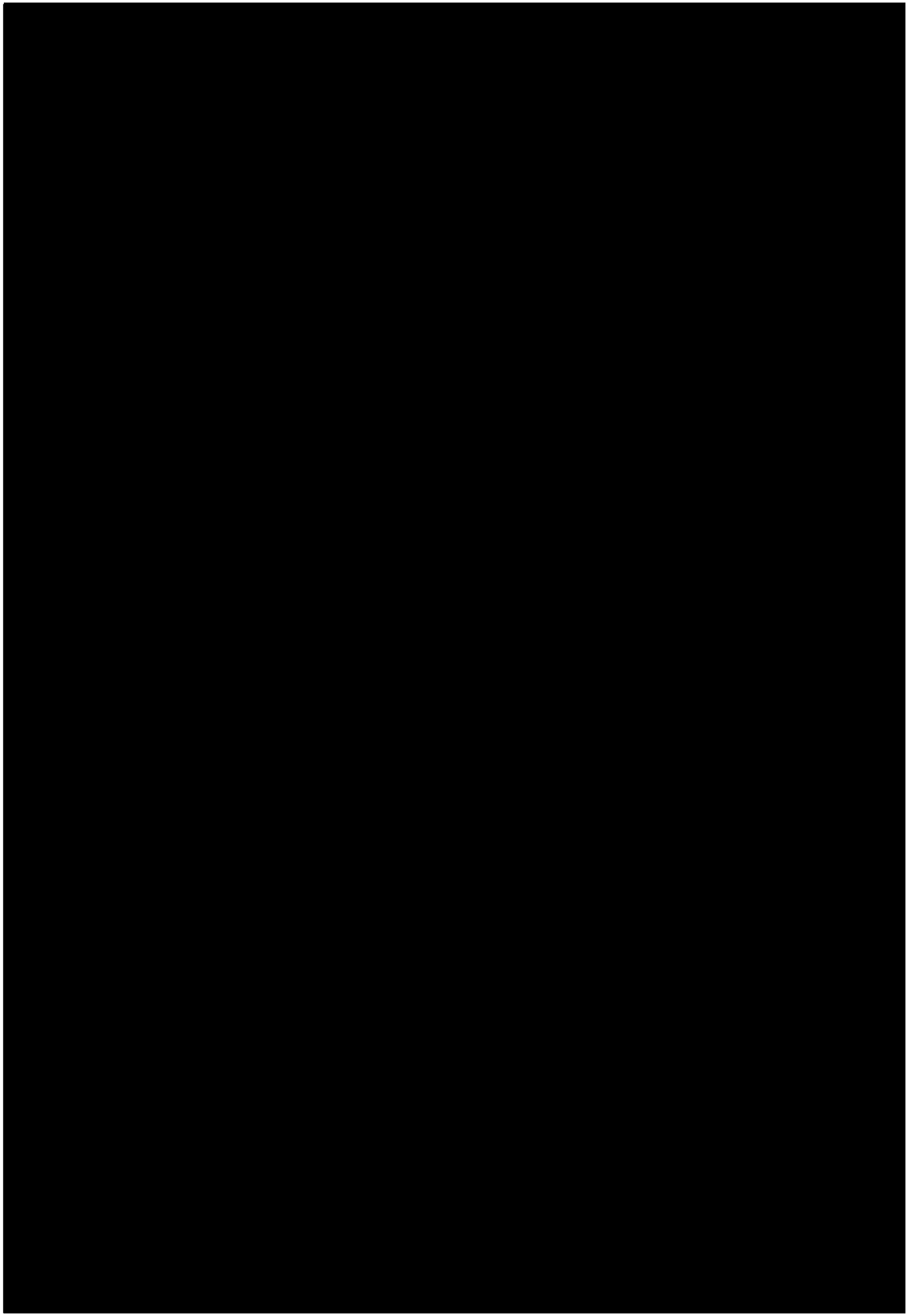
Cons against eliminating a Magisterial District Court and maintaining the status quo:

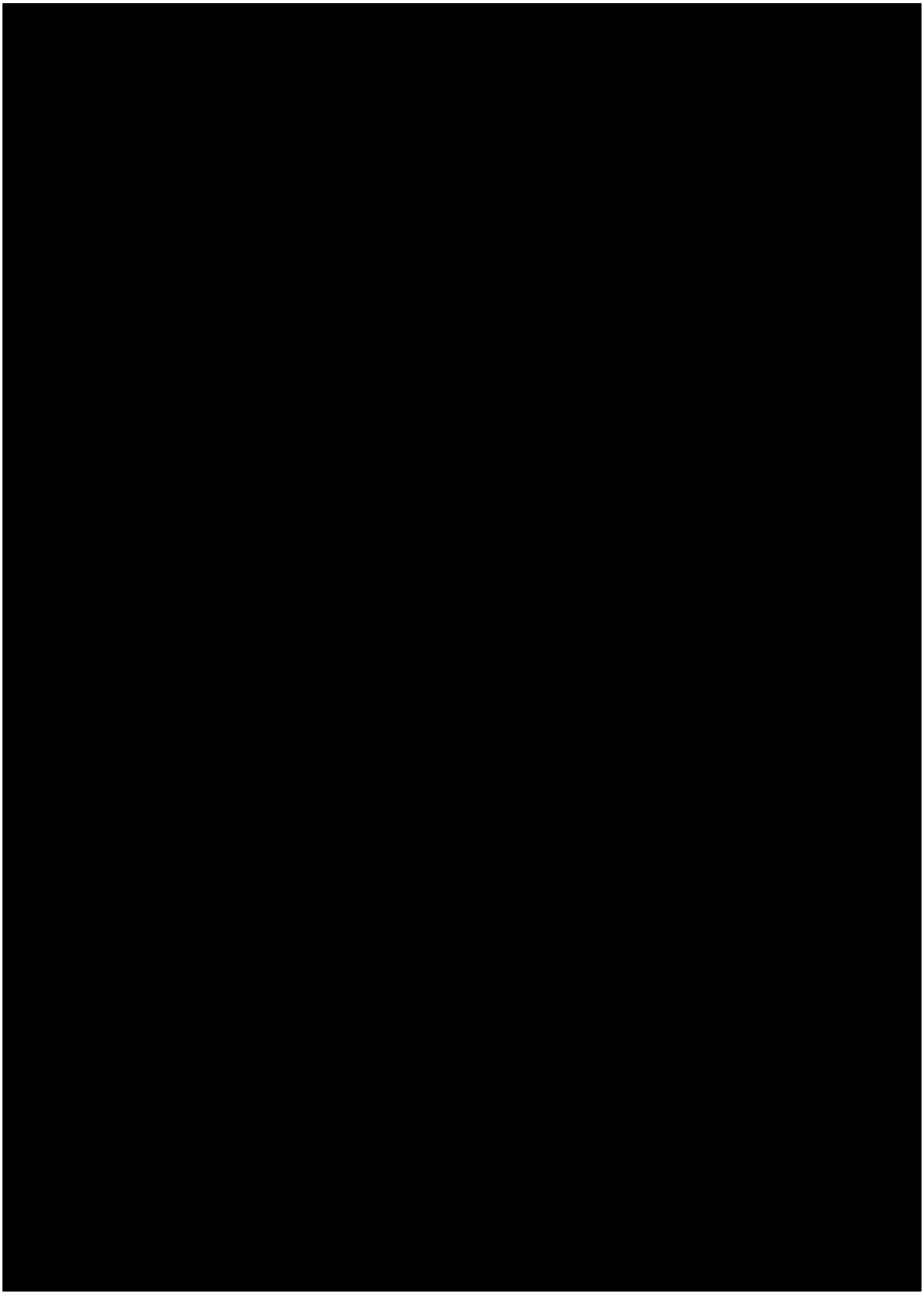
- There will be an increase in caseloads and workloads for the two Magisterial District Judges and staff which will absorb the townships in the eliminated district. Staff can be added to address case filing dispositions at any time through the efforts of the President Judge, Magisterial District Judges and Court Administration staff.
- Franklin County has experienced population growth and within the last decade was increased from a 5th Class to a 4th Class County. Population growth is usually a predictor of increased caseload and need for judicial services in a county.
- Franklin County exceeds the state and 4th Class County average for filings in the following categories: Private Criminal; Private Summary cases. Franklin County exceeds the 4th Class County average for filing in the following category: Landlord Tenant. (AOPC Reestablishment Data for 2021).

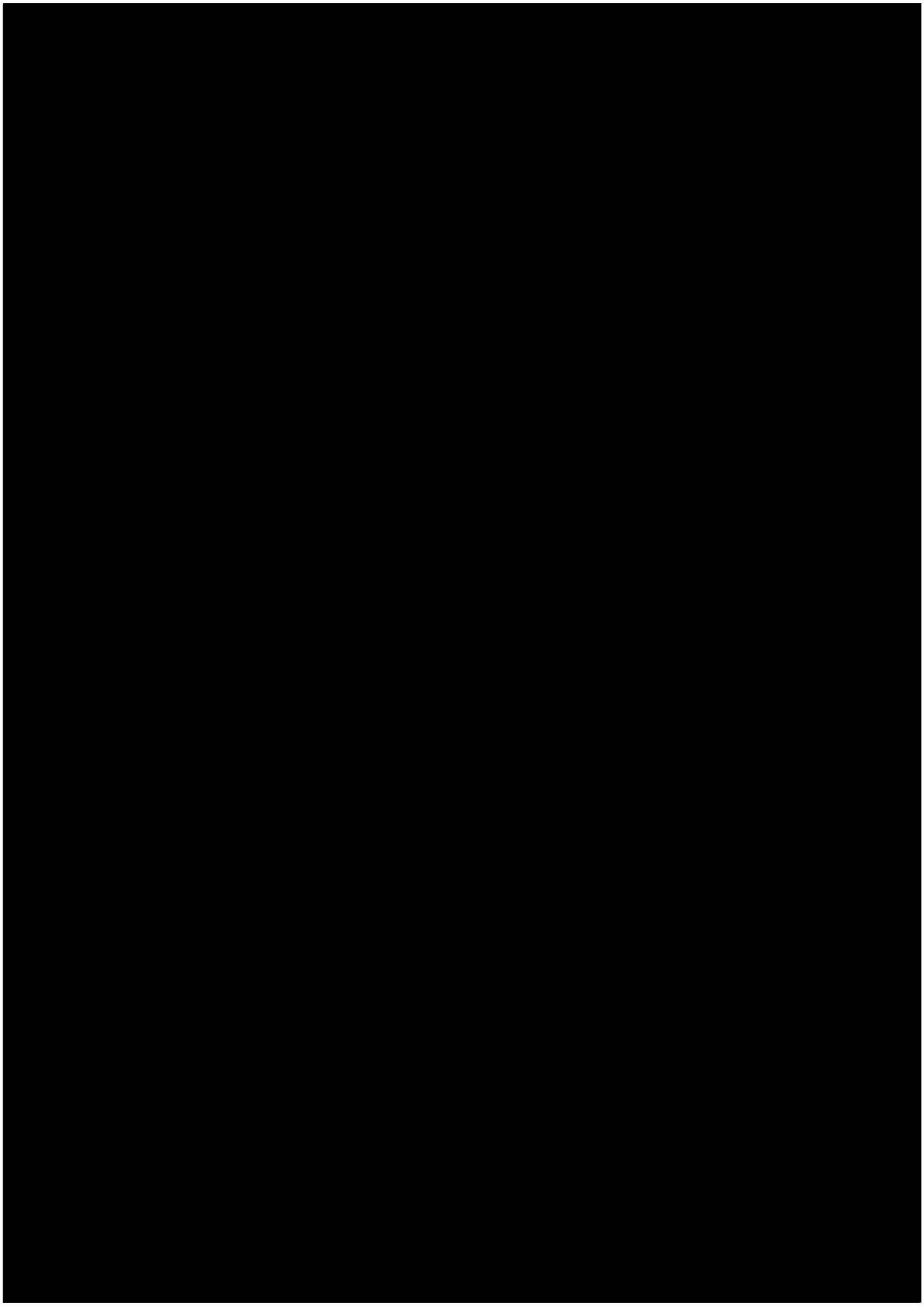
- Some citizens may experience increases in drive times, but few would have to drive in excess of the 30 minute allowance as described in the Subcommittee report.
- One fewer Magisterial District for cases to be processed for the Pennsylvania State Police.
- Magisterial District Judges may have less time for secondary employment if their judicial workloads increase.
- One fewer Magisterial District Judge to handle after hours/on-call obligations and Central Court duties.
- The proposed plan does not achieve the equitable goal of workload distribution of +/- 15% as directed by AOPC.
- No taxing authority or local government has suggested that a district be eliminated.

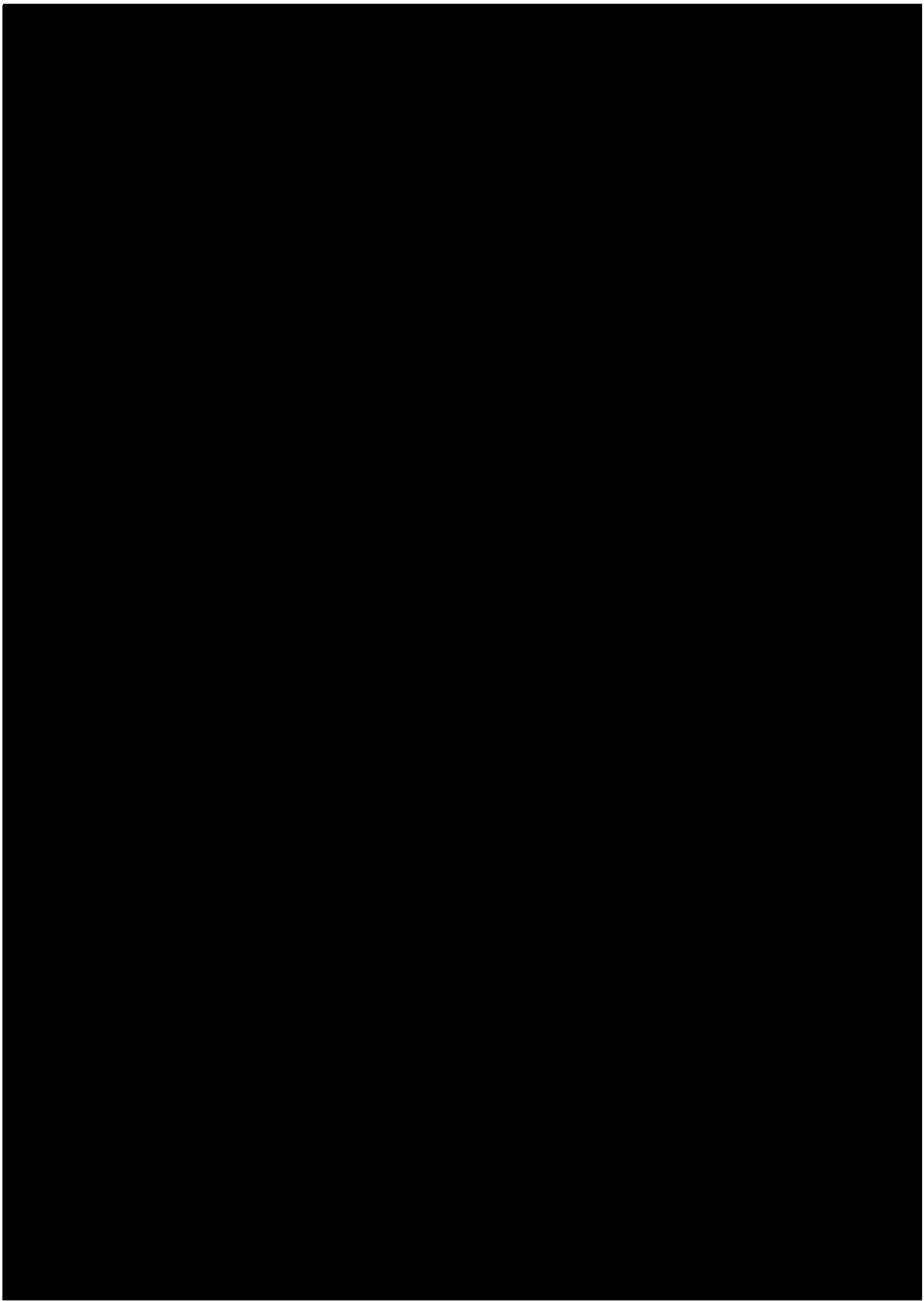
In conclusion the President Judge respectfully submits that the AOPC and the Pennsylvania Supreme Court approve the attached plan for reestablishment for the 39th Judicial District's magisterial districts.

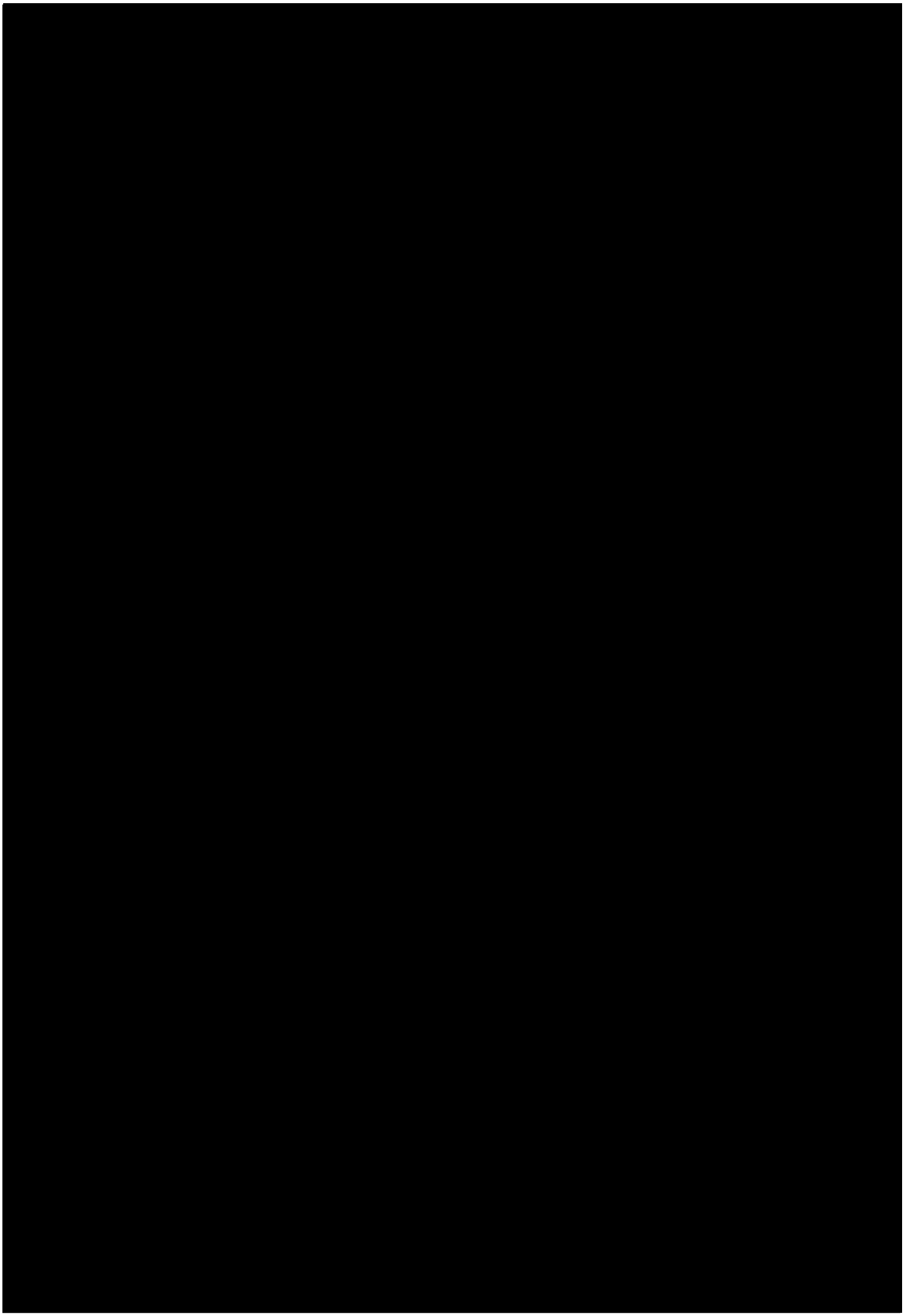
Hon. Shawn D. Meyers
President Judge, 39th Judicial District











AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-2-01	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 4,626	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	715	2	*out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	476	11 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 50,928	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	18,922	59 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

Elimination of 39-3-03, and subsequent realignment as a result of that elimination, will improve equity.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Glenn K. Manns		12/31/23	12/31/29

11. Magisterial District Court Information - Physical Location:

218 N. Second Street, Chambersburg, PA 17201

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	No/Not Sure

16. List any police departments located within this magisterial district.

Chambersburg Borough Poilce Department and Pennsylvania State Police

17. List any major highways within this magisterial district.

US RT 11 and US RT 30

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Borough of Chambersburg

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

A second Magisterial District Summary worksheet has been completed to capture the change in averages as a result of realignment and elimination of other districts.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

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Magisterial District Court Number:	39-2-01	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 4624	B. 4563	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking* / *Total*
	61	4 *out of* 6

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	474	11%

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 50928	B. 37341

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	13586	36%

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

Elimination of 39-3-03, and subsequent realignment as a result of that elimination, has improved equity from 59% above to 36 % above.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Glenn K. Manns		12/31/23	12/31/29

11. Magisterial District Court Information - Physical Location:

218 N. Second Street, Chambersburg, PA 17201

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	No/Not Sure

16. List any police departments located within this magisterial district.

Chambersburg Borough Poilce Department and Pennsylvania State Police

17. List any major highways within this magisterial district.

US RT 11 and US RT 30

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Borough of Chambersburg

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

This is the second Magisterial District Summary worksheet to capture the change in averages as a result of elimination of 39-3-03, and subsequent realignment as a result of that elimination.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

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Magisterial District Court Number:	39-3-02	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 4,254	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	343	4	*out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	104	3 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 47,078	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	15,072	47 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

Elimination of 39-3-03, and subsequent realignment as a result of that elimination, will improve equity.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Annie R. Gomez Shockey		12/31/23	12/31/57

11. Magisterial District Court Information - Physical Location:

22 North Oller Avenue, Waynesboro, PA 17268

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

Housing proposed in Washington Township with commercial development proposed.

16. List any police departments located within this magisterial district.

Waynesboro Borough Police Department, Washington Township Police Department and Pennsylvania State Police

17. List any major highways within this magisterial district.

PA RT 16, RT 997 and RT 316

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Borough of Waynesboro and Washington Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

A second Magisterial District Summary worksheet has been completed to capture the change in averages as a result of realignment and elimination of other districts.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

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Magisterial District Court Number:	39-3-02	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 4254	B. 4563	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	310	5	*out of* 6

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	104	3 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 47078	B. 37341

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	9736	26%

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

Elimination of 39-3-03, and subsequent realignment as a result of that elimination, has improved equity from 47% above to 26% above.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Annie R. Gomez Shockey		12/31/23	12/31/57
Magisterial District Judge Name	*Birthdate*	*Term Expiration Date*	*Mandatory Retirement Date*

11. Magisterial District Court Information - Physical Location:

22 North Oller Avenue, Waynesboro, PA 17268

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

Housing proposed in Washington Township with commercial development proposed.

16. List any police departments located within this magisterial district.

Waynesboro Borough Police Department, Washington Township Police Department and Pennsylvania State Police

17. List any major highways within this magisterial district.

PA RT 16, RT 997 and RT 316

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Borough of Waynesboro and Washington Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

This is the second Magisterial District Summary worksheet to capture the change in averages as a result of elimination of 39-3-03, and subsequent realignment as a result of that elimination.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

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Magisterial District Court Number:	39-3-03	**County:**	Franklin

1. Proposed plan for this magisterial district: Eliminate

2. Effective date: 1/2/2028

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 3167	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	-744	6	*out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	-983	-23 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 18472	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	13534	-42%

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

Proposal is to eliminate this district.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
David L. Plum		1/2/28	12/31/40

11. Magisterial District Court Information - Physical Location:

9724 Cumberland Hwy., Pleasant Hall, PA 17246

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

300 homes approved in Pleasant Hall pending relocation of rare reptiles.

16. List any police departments located within this magisterial district.

Pennsylvania State Police

17. List any major highways within this magisterial district.

PA Turnpike, RT 997, RT 75 and US RT 11

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Hamilton Township, Fannett Township, Lurgan Township, Letterkenny Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	No

Proposal is to eliminate this district and realign with 39-3-04 and 39-3-06.

20. Additional Comments:

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

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Magisterial District Court Number:	39-3-04	**County:**	Franklin

1. Proposed plan for this magisterial district: Realign

2. Effective date: 1/2/2028

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 4506	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking* / *Total*
	595	3 *out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	356	9%

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 33658	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	1652	5%

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Kristin D. Nicklas		1/4/26	12/31/58

11. Magisterial District Court Information - Physical Location:

1157 Garver Lane, Scotland, PA 17202

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

Approved housing development (single family detached and townhouses) total of 77.
Proposal for 292 homes in a residential housing development.
Walmart Distribution Center recently opened in Southampton Township in 12/2021.

16. List any police departments located within this magisterial district.

Pennsylvania State Police

17. List any major highways within this magisterial district.

Interstate 81, US RT 11 and US RT 30

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Greene Township, Orrstown Borough, Shippensburg Borough (West End) and Southampton Township.

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	No

Lurgan Township and Letterkenny Township from 39-3-03.

20. Additional Comments:

A second Magisterial District Summary worksheet has been completed to capture the change in averages as a result of realignment and elimination of other districts.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-3-04	**County:**	Franklin

1. Proposed plan for this magisterial district: Realign

2. Effective date: 1/2/2028

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 5500	B. 4563	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	937	1	*out of* 6

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	1350	33%

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 38552	B. 37341

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	1210	3%

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Kristin D. Nicklas		1/4/26	12/31/58
Magisterial District Judge Name	*Birthdate*	*Term Expiration Date*	*Mandatory Retirement Date*

11. Magisterial District Court Information - Physical Location:

1157 Garver Lane, Scotland, PA 17202

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

Approved housing development (single family detached and townhouses) total of 77.
Proposal for 292 homes in a residential housing development.
Walmart Distribution Center recently opened in Southampton Township in 12/2021.

16. List any police departments located within this magisterial district.

Pennsylvania State Police

17. List any major highways within this magisterial district.

Interstate 81, US RT 11 and US RT 30

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Greene Township, Orrstown Borough, Shippensburg Borough (West End) and Southampton Township.

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	No

Lurgan Township and Letterkenny Township from 39-3-03.

20. Additional Comments:

This is the second Magisterial District Summary worksheet to capture the change in averages as a result of elimination of 39-3-03, and subsequent realignment as a result of that elimination.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-3-05	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 3,298	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	-613	5	*out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	-852	-20 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

This district has actual probable development, both commercial and residential, which equates to projected growth.

The President Judge can, by Administrative Order, assign I-81 Traffic filings to achieve a more equitable caseload balance.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 21,707	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	-10,299	-32 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

No Magisterial District Judge has advised the court that the Judge cannot handle their existing workloads.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Duane K. Cunningham		12/31/23	12/31/42

11. Magisterial District Court Information - Physical Location:

401 South Washington Street, Greencastle, PA 17225

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

Norfolk Southern Intermodal project has resumed operations.
600 homes approved for development in Antrim Township.
New warehouse being built and expected to bring 1,000 jobs.

16. List any police departments located within this magisterial district.

Greencastle Borough Police Department and Pennsylvania State Police

17. List any major highways within this magisterial district.

Interstate 81, US RT 11, US RT 16

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Antrim Township and Greencastle Borough

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

A second Magisterial District Summary worksheet has been completed to capture the change in averages as a result of realignment and elimination of other districts.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-3-05	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 3297	B. 4563	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	-1266	6th	*out of* 6

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	853	-21%

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Possible/potential increase in caseloads as a result of growth expansion as described in #15 of this worksheet.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 21707	B. 37341

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	-15634	-42

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

Possible/potential increase in workload as a result of growth expansion as described in #15 of this worksheet.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Duane K. Cunningham		12/31/23	12/31/42

11. Magisterial District Court Information - Physical Location:

401 South Washington Street, Greencastle, PA 17225

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

Norfolk Southern Intermodal project has resumed operations.
600 homes approved for development in Antrim Township.
New warehouse being built and expected to bring 1,000 jobs.

16. List any police departments located within this magisterial district.

Greencastle Borough Police Department and Pennsylvania State Police

17. List any major highways within this magisterial district.

Interstate 81, US RT 11, US RT 16

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Antrim Township and Greencastle Borough

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

This is the second Magisterial District Summary worksheet to capture the change in averages as a result of elimination of 39-3-03, and subsequent realignment as a result of that elimination.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-3-06	**County:**	Franklin

1. Proposed plan for this magisterial district: Realign

2. Effective date: 1/2/2028

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 2,458	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	-1453	7	*out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	-1692	-41 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 20,900	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	-11,106	-35 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Jody C. Eyer		12/31/23	12/31/33

11. Magisterial District Court Information - Physical Location:

20 Veterans Way, Mercersburg, PA 17236

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

Poultry farm expected to bring 600 jobs.
New commercial entities currently under construction.

16. List any police departments located within this magisterial district.

Mercersburg Police Department and Pennsylvania State Police

17. List any major highways within this magisterial district.

RT 416, US RT 30, PA RT 16, PA RT 75

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Borough of Mercersburg, Metal Township, Montgomery Township, Peters Township, St. Thomas Township, Warren Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	No

Hamilton Township and Fannett Township from 39-3-03.

20. Additional Comments:

A second Magisterial District Summary worksheet has been completed to capture the change in averages as a result of realignment and elimination of other districts.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-3-06	**County:**	Franklin

1. Proposed plan for this magisterial district: Realign

2. Effective date: 1/2/2028

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 4631	B. 4563	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking* *Total*
	68	3 *out of* 6

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	481	12%

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 21707	B. 37341

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	-2862	-8%

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Jody C. Eyer		12/31/23	12/31/33

11. Magisterial District Court Information - Physical Location:

20 Veterans Way, Mercersburg, PA 17236

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

Poultry farm expected to bring 600 jobs.
New commercial entities currently under construction.

16. List any police departments located within this magisterial district.

Mercersburg Police Department and Pennsylvania State Police

17. List any major highways within this magisterial district.

RT 416, US RT 30, PA RT 16, PA RT 75

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Borough of Mercersburg, Metal Township, Montgomery Township, Peters Township, St. Thomas Township, Warren Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	No

Hamilton Township and Fannett Township from 39-3-03.

20. Additional Comments:

This is the second Magisterial District Summary worksheet to capture the change in averages as a result of elimination of 39-3-03, and subsequent realignment as a result of that elimination.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

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Magisterial District Court Number:	39-3-07	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 5,073	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	1162	1	*out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	923	22 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 31,306	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	-700	-2 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Kelly L. Rock		1/2/28	12/31/40

11. Magisterial District Court Information - Physical Location:

2038 B Lincoln Way East, Chambersburg, PA 17201

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	No/Not Sure

16. List any police departments located within this magisterial district.

Pennsylvania State Police, Penn State Mont Alto Campus Police Department

17. List any major highways within this magisterial district.

Interstate 81, US RT 30, US RT 997, US RT 11

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Guilford Township, Mont Alto Borough, Quincy Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

A second Magisterial District Summary worksheet has been completed to capture the change in averages as a result of realignment and elimination of other districts.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-3-07	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 5073	B. 4563	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	511	2nd	*out of* 6

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	924	22 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 31306	B. 37341

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	-6036	-16%

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Kelly L. Rock	1/2/28	12/31/40	

11. Magisterial District Court Information - Physical Location:

2038 B Lincoln Way East, Chambersburg, PA 17201

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	No/Not Sure

16. List any police departments located within this magisterial district.

Pennsylvania State Police, Penn State Mont Alto Campus Police Department

17. List any major highways within this magisterial district.

Interstate 81, US RT 30, US RT 997, US RT 11

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Guilford Township, Mont Alto Borough, Quincy Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

This is the second Magisterial District Summary worksheet to capture the change in averages as a result of elimination of 39-3-03, and subsequent realignment as a result of that elimination.

RECOMMENDATION TO REESTABLISH ALL 7 MAGISTERIAL DISTRICT COURTS IN FRANKLIN CO. PA

This recommendation is unanimous among 6 of the 7 Magisterial District Judges in Franklin County. Judge Eyer chose not to endorse this letter, his email explanation is attached.

1. During the 2002 Magisterial District Reestablishment Process, Franklin County was a 5th class county and requested approval from AOPC to add an additional Magisterial District (39-3-07). That request was granted and 39-3-07 added. Ten years later, Franklin County moved from a 5th class to 4th class status, but elected not to add another magisterial district. Instead, believed maintaining seven magisterial districts were warranted given a jump in status.[1]
2. Presently, Franklin County has seen the 2nd highest growth of 4th classes counties at 4.3%, just slightly below Butler County. Franklin County is currently seeing both economic and population growth with various business projects and housing projects throughout the county.
3. Franklin County has seven magisterial district courts; however, the average number of districts for a 4th class county is 8.3.
4. AOPC guidelines state that all portions of the magisterial district must be contiguous. The two districts with both the highest caseloads and workloads are 39-2-01 and 39-3-02. The two districts with the lowest caseloads and workloads are 39-3-03 and 39-3-06. These districts are not contiguous to those with the highest caseloads; therefore, a simple shift of jurisdictional lines between these courts is not possible as this would result in a non-contiguous split.
5. Growth in magisterial district 39-3-05 is anticipated due to a Wal-Mart E-fulfillment Center, approved housing developments and several other manufacturing and warehouse construction project. Magisterial district 39-3-06 neighbors Antrim Township and has a massive poultry farm under construction as well as other new business slated for construction. Adjacent to those magisterial districts is 39-3-03. This district has seen a growth in population over the past ten years. Within magisterial district 39-3-03 is a planned housing development and across the county line a casino is to be constructed which will increase population and business into that district.
6. It is anticipated that both magisterial district 39-3-03 and 39-3-06 will see an increase in filings due to the development projects in and surrounding the districts. A change in culture and practices will continue to be contributing factors that will lead to increased caseloads and workloads for 39-3-03 and 39-3-06.
7. Franklin County utilizes a central court program which was established in 2001. It is proposed that Magisterial District Judges with lower workloads rotate more often through central court in an effort create more workload equity within Franklin County. Currently, judges equally rotate through the weekly central court sessions. It is anticipated that this newly scheduled rotation will afford the magisterial district judges in 39-2-01 and 39-3-02 more scheduling opportunities within their offices making overall workload more equitable throughout Franklin County.

[1] It is noted that similar rationale and basis to support the reestablishment of all seven magisterial district courts in 2012 is applicable in 2022. Accordingly, portions of the 2012 Reesablishment Report, issued February 29, 2012, are used herein.

8. All seven magisterial district judges take rotations with regards to being on-call. The Franklin County judges docket cases within their own court even when the cases are outside of their municipality which allows for more equity concerning caseload. It is proposed that Magisterial District Judges with lower caseloads rotate more often with regards to being on-call in an effort to create more caseload equity within Franklin County.

The elimination of the magisterial district court will cause unnecessary hardships for citizens without their own transportation and no means of public transportation to access justice. The travel times increase significantly for PSP and citizens cited on the Turnpike. Citizens in the proposed eliminated district will also suffer longer travel time and expense to access the local court, what takes 5 to 10 minutes will increase 20 to 45 minutes depending on location. The proposed elimination affects those who can afford it the least.

The elimination of magisterial district 39-3-03 will give each magisterial district judge 16.6% more on-call time if divided equally. The workload for each magisterial district judge will also increase an average of 16.5% across the board, thus increasing the disparity between the court's caseload and workload not alleviating the issue. In addition, the average filing per court in Franklin County will rise from 3911 to 4563 moving Franklin County up to 4 out of 9 in the 4th class counties. Projected filings per court in 2028 if the elimination takes place is 4677, a staggering increase of 19.59%. Franklin County will go from being 8 of out 9 for the number of filings per court to 3 of 9. That is a significant increase in filings, caseload and workload for the proposed remaining 6 offices.

In conclusion, the magisterial district judges firmly believe we can show more equity in both caseload and workload among all seven magisterial district courts by changing the central court and on-call rotations. The citizens and police agencies of Franklin County should not be tasked or inconvenienced with a longer travel time to seek justice and access the local district court.

Sincerely,

Glenn Manns

Annie Gomez-Shockey

David Plum

Kristen Nicklas

Duane Cunningham

Kelly L. Rock

Jody Eyer 11:16 AM (2 hours ago)

to Duane, Kristin, Glenn, David, Annie, me

Judge Rock,

I read your letter and think this would have been a great first letter to be sent to Judge Myers to voice our concerns. However, I have already sent one letter as requested, and I am not endorsing a second one. As you know my letter acknowledged I did not want any court to close. In Judge Myers' second plan he is still planning to close one court. I did not read anything in the new letter that was not already relayed to him in the first one .

Jody

Mark Singer <msinger@franklincountypa.gov>

Re: Reestablishment letter

1 message

Mark Singer <msinger@franklincountypa.gov> Mon, May 2, 2022 at 9:40 AM
To: Duane Cunningham <dkcunningham@franklincountypa.gov>
Cc: Kelly Rock <klrock@franklincountypa.gov>, Jody Eyer <jeyer@franklincountypa.gov>, Glenn Manns <gkmanns@franklincountypa.gov>, Annie Gomez Shockey <argomezshockey@franklincountypa.gov>, Kristin Nicklas <kdnicklas@franklincountypa.gov>, David Plum <dplum@franklincountypa.gov>, Shawn Meyers <sdmeyers@franklincountypa.gov>, Aimee Hutchison <arhutchison@franklincountypa.gov>

MDJ Cunningham,

I will include this email with that document, so your position is noted; specifically, the request to have your name removed from the document submitted by MDJ Rock during the public comment period for the revised plan.

Thank you,
Mark Singer
District Court Administrator
Franklin & Fulton Counties
39th Judicial District

On Mon, May 2, 2022 at 9:33 AM Duane Cunningham <dkcunningham@franklincountypa.gov> wrote:

Mark,

I am sending this email to address the document Judge Rock sent on Friday, April 29th. I believe Judge Rock misunderstood our conversation from Friday morning. We discussed and I was in agreement with not closing a court. She asked if I had read the document she sent out and I informed her that I briefly read over it and saw a couple typos. My Friday morning was busy and I didn't have the opportunity to review the document in greater detail and get back to her with my thoughts. That afternoon I had to be in Chambersburg to meet John Thierwechter at 1pm and did not return to the office. I didn't realize Judge Rock was sending the document that day. This morning I spoke with Judge Rock to advise her we must have had a misunderstanding about my name being attached to this document. I agree with not closing a court and that is articulated in the letter I sent in during the first comment period but I did not agree to have my name attached to this document. I would like it to be noted that I am requesting to have my name removed from this document.

Duane

Duane K. Cunningham
Magisterial District Judge
District Court 39-3-05
Greencastle, PA 17225
717.597.8581
dkcunningham@franklincountypa.gov

This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender by reply e-mail and delete the message.

On Fri, Apr 29, 2022 at 4:32 PM Mark Singer <msinger@franklincountypa.gov> wrote:

MDJ Rock,

I do not wish to debate this, but I wrote that document. That was my work product. If the point of the letter was to show the same rationale, then that should have been clearly articulated, but it was not.

Thank you,
Mark Singer
District Court Administrator
Franklin & Fulton Counties
39th Judicial District

On Fri, Apr 29, 2022 at 4:14 PM Kelly Rock <klrock@franklincountypa.gov> wrote:

Mark
I'm glad you noticed that. The point of the letter is to show the same rationale and basis to support the reestablishment of all seven courts 10 years is still applicable today.
Furthermore, that was a public document created by the input of multiple stakeholders.
Have a great weekend!

Kelly L Rock
Magisterial District Judge

District Court 39-3-07
2038-B Lincoln Way East
Chambersburg, PA 17202
Phone: (717) 263-5820
Fax: (717) 263-4116

On Fri, Apr 29, 2022 at 3:45 PM Mark Singer <msinger@franklincountypa.gov> wrote:
MDJ Rock,

In reading the documents you submitted; specifically, the first attachment, as I was reading the document, I recognized that I read this somewhere else. It was recognizable to me because portions of it is my work product from 10 years ago. You, on behalf of 6 of 7 MDJs, submitted identical paragraphs that I produced in 2012 as part of the reestablishment plan from 10 years ago. Not only are portions of my work product from 10 years ago being submitted now under the names of six MDJs, there was no attempt to update the average of MDJs stated in #3. The current average is 7.7, it is no longer 8.3 as that was the average 10 years ago. I am not sure if your colleagues are aware of this duplication of my work product, so I am pointing it out. Items #1, #3, and #4 are word for word from what I produced back in 2012. In addition, much of the other points stated are very similar to the same document I produced in 2012, but slightly wordsmitted differently. I have attached what I produced in 2012, so you can see the duplication and similarities. I did not give permission for my work to be reproduced.

Thank you,
Mark Singer
District Court Administrator
Franklin & Fulton Counties
39th Judicial District

--------- Forwarded message ---------
From: **Mark Singer** <msinger@franklincountypa.gov>
Date: Fri, Apr 29, 2022 at 2:32 PM
Subject: Re: Reestablishment letter
To: Kelly Rock <klrock@franklincountypa.gov>

MDJ Rock ~ Received.

Mark Singer
District Court Administrator
Franklin & Fulton Counties
39th Judicial District

On Fri, Apr 29, 2022 at 2:09 PM Kelly Rock <klrock@franklincountypa.gov> wrote:
Mark
Attached is a letter from 6 of 7 Magisterial District Judges to reestablish all courts. There are two attachments in this email.

Kelly L Rock
Magisterial District Judge

District Court 39-3-07
2038-B Lincoln Way East
Chambersburg, PA 17202
Phone: (717) 263-5820
Fax: (717) 263-4116

Mark Singer <msinger@franklincountypa.gov>

Fwd: updated submission for reestablishment from MDJs in Franklin Co

1 message

Mark Singer <msinger@franklincountypa.gov> Mon, May 2, 2022 at 8:12 AM
To: Kelly Rock <klrock@franklincountypa.gov>
Cc: Shawn Meyers <sdmeyers@franklincountypa.gov>, Aimee Hutchison <arhutchison@franklincountypa.gov>, Joseph Mittleman <joseph.mittleman@pacourts.us>, "Moulton, Jr., Geoffrey" <geoff.moulton@pacourts.us>, Annie Gomez Shockey <argomezshockey@franklincountypa.gov>, David Plum <dplum@franklincountypa.gov>, Duane Cunningham <dkcunningham@franklincountypa.gov>, Glenn Manns <gkmanns@franklincountypa.gov>, Jody Eyer <jeyer@franklincountypa.gov>, Kristin Nicklas <kdnicklas@franklincountypa.gov>

MDJ Rock ~

Received. I will not be deleting any versions that have been received. All public comments received during the revised plan period seeking public comment will be submitted to the AOPC. That will include the version you mentioned about deleting (the other version).

Thank you,
Mark Singer
District Court Administrator
Franklin & Fulton Counties
39th Judicial District

---------- Forwarded message ---------
From: **Kelly Rock** <klrock@franklincountypa.gov>
Date: Sun, May 1, 2022 at 3:57 PM
Subject: updated submission for reestablishment from MDJs in Franklin Co
To: Mark Singer <msinger@franklincountypa.gov>
Cc: Joseph Mittleman <joseph.mittleman@pacourts.us>, <geoff.moulton@pacourts.us>, Annie Gomez Shockey <argomezshockey@franklincountypa.gov>, David Plum <dplum@franklincountypa.gov>, Duane Cunningham <dkcunningham@franklincountypa.gov>, Glenn Manns <gkmanns@franklincountypa.gov>, Jody Eyer <jeyer@franklincountypa.gov>, Kristin Nicklas <kdnicklas@franklincountypa.gov>

Mark
Attached is an updated version of the Franklin Co. MDJs proposal for reestablishment. You can either delete the other version or send both.
Thank you

Kelly L Rock
Magisterial District Judge

District Court 39-3-07
2038-B Lincoln Way East
Chambersburg, PA 17202
Phone: (717) 263-5820
Fax: (717) 263-4116

2 attachments

Recommendation to Reestablish all 7 Magisterial District Courts in Franklin Co (Revised).docx
19K

Jody Eyer (1).docx
16K

Mark Singer <msinger@franklincountypa.gov>

updated submission for reestablishment from MDJs in Franklin Co

1 message

Kelly Rock <klrock@franklincountypa.gov> Sun, May 1, 2022 at 3:57 PM
To: Mark Singer <msinger@franklincountypa.gov>
Cc: Joseph Mittleman <joseph.mittleman@pacourts.us>, geoff.moulton@pacourts.us, Annie Gomez Shockey <argomezshockey@franklincountypa.gov>, David Plum <dplum@franklincountypa.gov>, Duane Cunningham <dkcunningham@franklincountypa.gov>, Glenn Manns <gkmanns@franklincountypa.gov>, Jody Eyer <jeyer@franklincountypa.gov>, Kristin Nicklas <kdnicklas@franklincountypa.gov>

Mark
Attached is an updated version of the Franklin Co. MDJs proposal for reestablishment. You can either delete the other version or send both.
Thank you

Kelly L Rock
Magisterial District Judge

District Court 39-3-07
2038-B Lincoln Way East
Chambersburg, PA 17202
Phone: (717) 263-5820
Fax: (717) 263-4116

2 attachments

Recommendation to Reestablish all 7 Magisterial District Courts in Franklin Co (Revised).docx
19K

Jody Eyer (1).docx
16K

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF FRANKLIN

KRISTIN D. NICKLAS
MAGISTERIAL DISTRICT JUDGE
Magisterial District 39-3-04
1157 Garver Lane
P. O. Box 460
Scotland, PA 17254

GREENE TOWNSHIP
SOUTHAMPTON TOWNSHIP
BOROUGH OF ORRSTOWN
SHIPPENSBURG BOROUGH
IN FRANKLIN COUNTY

OFFICE:
TEL (717) 263-7949
FAX (717) 261-1849

April 30, 2022

Mr. Mark Singer
14 N Main Street
Chambersburg, PA 17201

Dear Mr. Singer:

I respectfully request reconsideration of the revised Reestablishment Report proposed on April, 2022. I do not support elimination of District Court 39-3-03 in Franklin County Branch of the 39th Judicial District, based on the following:

Elimination Determination

The determination to eliminate a district court is a separate and distinguishable determination from that of realignment and equitable distribution of workload. Simply stated, equitable workload amongst District Courts can be achieved without elimination. Franklin County has experienced growth over the past 10 years and is projected to continue to experience growth over the next 10 years. Thus, no District Court's in Franklin County should be eliminated.

Comparison to Other 4th Class Counties

4th Class County	2011 Population	2021 Population	% Change
Butler	183,862	193,763	5.3%
Franklin	**149,618**	**155,932**	**4.2%**
Centre	153,990	158,172	2.7%
Washington	207,820	209,329	0.7%
Monroe	169,882	168,327	-1.0%
Beaver	170,539	168,215	-1.4%
Schuykill	148,289	143,049	-3.6%
Fayette	136,606	128,804	-5.8%
Cambria	143,679	133,472	-7.1%

- The Reestablish Report notes the population of Franklin County grew "only by 4%"; however, this growth must be looked at objectively in comparison to other counties rather than isolated and subjectively
- **Franklin County had the second largest growth of all the 4th class counties, growing +4.2%**
- It is anticipated that this trend will continue as families migrate north along the Interstate 81 corridor from the Washington, D.C. and Baltimore, MD metropolitan areas
- All other counties combined percentage loss is **-10.83%**

As can be seen in Exhibit A-1: Opposition to Elimination of District Court, there is growth in virtually every part of our county. Five of the seven magisterial district had population growth. We are experiencing historic economic growth with substantial jobs being created. The highest rates of population growth are in the southern part of our county (Judge Cunningham, 9.5 %) and the northern part of our county (my district, 39-3-04, 9.0%). This growth was documented prior to the very recent and substantial economic growth in these district courts.

As noted in the Reestablishment Report, there is economic growth within Judge Cunningham (Norfolk Southern Project and 1.2 million square foot warehouse) and Judge Eyer's (poultry farm and supply store) districts.

However, absent from discussion and analysis in the Reestablishment Report is the growth in other areas of the county. Like the southern part of our county, there is substantial economic and residential in the northern part of our county. In my district (Southampton Township) a Certificate of Occupancy was issued to Walmart Distribution in December 2021 for a 1.8 million square foot warehouse with another 1.0 million square foot warehouse approved for the adjacent land parcel. Similar to the theory stated in the Reestablishment Report for the impact of the economic growth on neighboring districts, the residential and economic growth in my district will impact Judge Plum's neighboring district and therefore should not be eliminated. Additionally, Judge Plum's district neighbors Cumberland County, specifically the adjacent district which has shown positive growth in the last census.

County Info	2012 Filings	2022 Filings	% Difference	2032 Estimates
4th Class County Average Filings	4,320	4,150	-4.0%	3,884 -4.0%
Franklin County Average Filings	**3,803**	**3,911**	**2.8%**	**4,020 +2.8%**

In 2012 Franklin County was **12% BELOW** the 4th class county average
In 2022 Franklin County was **6.1% BELOW** the 4th class county average
In 2032 Franklin County is projected to be **3.5% ABOVE** the 4th class county average

By way of comparison, Cambria County has eight (8) Magisterial District Judges and has the lowest average filings per county (2909) of all 4th class counties. They also show the largest decline in population. However, Cambira County's President Judge provided support and rationale to retain all eight (8) Magisterial District Judges in their recently submitted Reestablishment Plan.

Reestablishment Determination

Access to Justice. The most fundamental and compelling reason to reestablish ALL seven (7) district courts is the detrimental effect on the resident of District Court 39-3-03 and their access to the courts, if eliminated. District Court 39-3-03 is a very rural district with mountain ranges and relatively low household income. We have citizens who walk to court as mass transit does not exist in our judicial district. Additionally, District Court 39-3-03 is located at the northwest corner of our judicial district which further restricts residents' ability to access the courts if it were to be closed.

I agree there are workload and caseload discrepancies throughout our County, with Judge Manns' and Judge Gomez-Shockey's Courts seeing the highest workload and caseload. However, the proposed Reestablishment Report proposes no changes to these two Courts. Additionally, the caseload and workload averages for our district were not modified to account for Central Court or on call rotations, which when applied appropriately would evidence a more even workload than what was presented in the Reestablishment Report

Central Court and On-Call. Workload and Caseload equalities can be more efficiently achieved by increasing Central Court and On-Call rotations rather than eliminating a court. Modification of the frequency in which a judge is presiding in Central Court and taking On-Call shifts will increase workload and caseload for the lower range Courts and decrease the workload and caseload of the higher range Courts. These are simple and easily implemented changes that would have a quantifiable impact on the workload and caseload disparities amongst courts in our judicial district.

Factors Not Considered in Reestablishment Report. The daily, weekly and monthly duties and responsibilities of our Courts are not easily categorized nor quantified. To limit the variables of one's role to a number would not be an accurate measurement of a Judge's service. I disagree that this proposal improves efficiency and better utilizes the resources of the judiciary. The proposal does not discuss the adjusted weighted caseload/workload study of the AOPC. It does not discuss the caseload/workload study for the Franklin County District Courts but merely reflects numbers with no explanation or analysis on how those numbers were derived.

Additionally, the Reestablishment Report and process lacked discussion with the Magisterial District Judges. Six (6) out of seven (7) MDJ's involvement was limited to one phone call from the Deputy Court Administrator inquiring of any recent or proposed development in our districts. Each district has unique population and demographics that significantly impact the caseload and workload of their district. It is imperative to know how our courts function and the specific demographics that impact each district prior to making such substantial changes to our judicial system. For instance:

- Hospital and treatment centers yield a high number of non-traffic and criminal cases. Our county has Chambersburg Hospital (Judge Manns), Waynesboro Hospital (Judge Gomez Shockey) and Roxbury Treatment Center (Judge Nicklas).
- Housing Communities yield a large number of landlord-tenant filings. There are numerous large mobile home parks and housing communities located within each district.
- Retail stores yield a significant number of non-traffic and criminal filings. Examples of these businesses are Sheetz, Dollar General, Walmart and Lowes. Both Lowes and Walmart are located within Judge Rock's and Judge Gomez Shockey's district.

- I-81 is a significant driver for case filings. From Traffic to Criminal dockets, a majority of cases arise from this interstate travel. I-81 spans through the districts of Judge Cunningham, Judge Rock and Judge Nicklas.
- The Pennsylvania Turnpike is located in District Court 39-3-03 which yields a lot of traffic and criminal filings. Additionally, it is noteworthy that the weighted workload analysis for a standard traffic case would not accurately reflect the workload in this district as a large portion of the traffic citations on the turnpike are CDL driver who usually have hearings which increases the workload of this district.

Conclusion

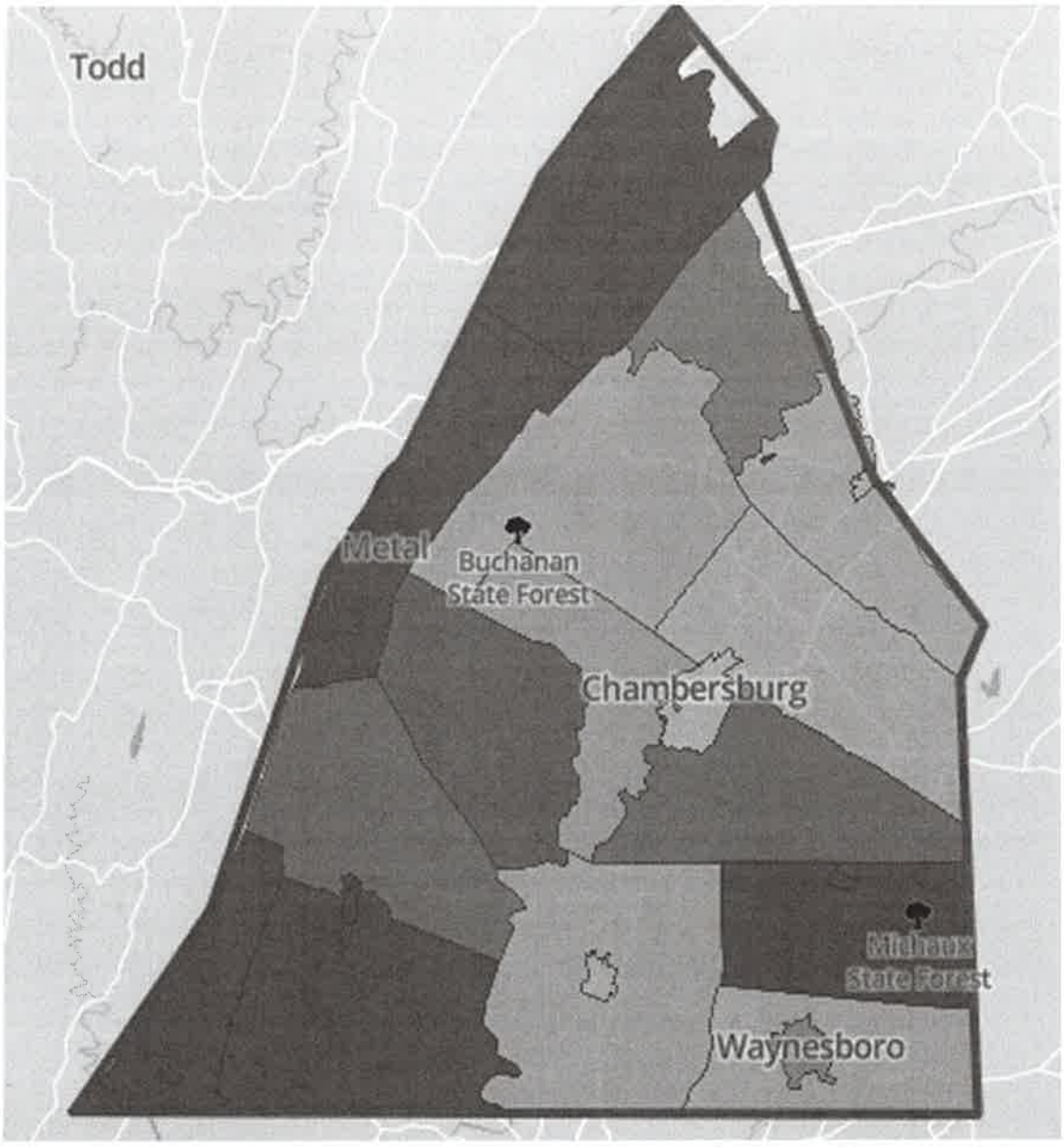
In summary, the data and foregoing analysis supports the reestablishment of ALL seven (7) district courts. The elimination of District Court 39-3-03 would adversely affect the function of the judicial system and the public's access to the courts for the 39th Judicial District.

Respectfully Submitted,

Kristin D. Nicklas

Judge Kristin D. Nicklas
District Court 39-3-04

Exhibit A-1: Opposition to Elimination of District Courts



COMMONWEALTH OF PENNSYLVANIA

COUNTY OF FRANKLIN

KELLY L. ROCK

GUILFORD TOWNSHIP
QUINCY TOWNSHIP
BORO OF MONT ALTO

Magisterial District Judge
Magisterial District 39-3-07
2038-B Lincoln Way East
Chambersburg, PA 17202

OFFICE: 717-263-5820
FAX: 717-263-4116

April 29, 2022

Geoff Moulton
Court Administrator
AOPC
Harrisburg, PA 17106

Mark Singer
District Court Administrator
14 N Main St
Chambersburg, PA 17201

Re: Opposition to 39th Judicial District's Magisterial District Reestablishment Report – Revised Plan

To Whom It May Concern,

Magisterial District Court is the first level of judicial authority in Pennsylvania. Our offices are strategically located throughout the county. The District Court is where most people experience the judicial system for the first time. Magisterial District Judges are members of the community with a vested interest in our community. I am vehemently opposed to the 39th Judicial District's reestablishment recommendation.

I have been a Magisterial District Judge since 2004 when my district was created because of the growth in Franklin County. Since taking office I have experienced an increase in criminal, traffic, non-traffic, civil and landlord tenant cases throughout our Judicial District and County. The President Judge and Court Administration requested two Magisterial District Judges attend a meeting about the reestablishment. Court Administration consisted of Mark Singer and Aimee Hutchinson, the Magisterial District Judges were Duane Cunningham (Franklin Co) and Tammy Mellott Heming (Fulton Co). They met for approximately two hours discussing the caseload, workload and growth within the respective counties. At NO time did the discussion lead into splitting township lines or eliminating a District Court. A second meeting was held with a member of AOPC but the two Magisterial District Judges were not invited to attend. Judge Cunningham stated he was shocked and caught off guard when hearing this plan from Judge Meyers on the same day this plan was published for public comment.

The growth in Franklin County is constant with new businesses and housing developments. The caseload and workload within our county are growing in each of our courts. Over 50% of our courts are at, over, or above caseload and workload. We have proposed a rotation in Central Court to increase the workload for the Judges that show a low workload based on the formula used by AOPC. We will also increase their caseload and workload by changing their rotation for on-call weeks. The on-call would increase each of their caseload by approximately 180 cases

per year. These cases would consist of some non-traffic but mainly criminal cases. The formula used for measuring caseload and workload do not factor in central court or on call rotations.

The elimination of District Court 39-3-03 is a grave disservice to the citizens of Lurgan Twp., Letterkenny Twp., Hamilton and Fannett Twp. Many, not a few citizens will have a drive time longer that 30 minutes to court. Unfortunately, those who can afford it least will pay more to access court. The cost and inconvenience to the citizens of that district is immense. Some will have to drive an hour just to get to a District Court. The turnpike goes through that district. Pennsylvania State Police (PSP) will lose one or two hours in just travel time not including court time. As a taxpayer I find this alone to be a waste of PSP's resources and misuse of tax dollars.

Franklin County Magisterial District Judges rotate on call. The current practice is to docket cases in our courts. This practice helps to equal out the workload and caseload. If we were to docket cases to the respective municipality, District Court 39-2-01 and District Court 39-3-02, which currently have the largest caseload, would go through the roof as most on call cases come out of Chambersburg Borough and Waynesboro. The CC and on call rotation could be redesigned to have the lesser workload/caseload judges appear more often in an effort to equalize workload/caseload. This simple adjustment would solve the disparity without eliminating a Court.

There are misleading statements made in the reestablement proposal. While district court 39-3-07 does have a PSU campus located in Mont Alto, the campus police do not patrol the town nor are they staffed to provide security for the district court. The court relies solely on PSP if a security issue were to arise. The response time of PSP if far greater based on proximity and manpower than that of PSU campus security. The response time to district court 39-3-07 and district court 39-3-03 for PSP is similar. The courts are within 6 miles of the barracks in separate directions. To say the eliminated district does not have a department that can provide response in a security event is misleading. Contrary to the explanation of roadways for the public's access to district court, residents currently use primary roads maintained by PennDOT. Route 75 and route 641 are two primary roadways. Route 641 has twice as much traffic as route 75 through the eliminated courts district, according to Franklin Co PennDOT. The reason that court was established is because of access to the district court for the citizens. The citizens of the eliminated district will have a longer drive to access district court 39-3-05 and 39-3-04. According to this plan, jurisdictions with actual and provable development both commercial and residential is not maintained. The plan does not discuss the development within the jurisdiction of the eliminated court. A major poultry farm planned for the jurisdiction of district court 39-3-06 does not equate to a higher caseload or workload.

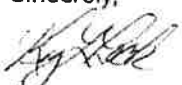
Under realignment, workload and caseload disparities are not going to be more equitable as it does not address more on call and central court rotations for the six magisterial district judges. The on call will increase the caseload and workload for the courts well over the 15%. While there is no possible way to achieve equity within the magisterial district courts, we can lessen the load through increasing on call and central court rotations for the courts with a lesser workload and caseload giving the courts with a higher percentage relief to focus on their court. The weighed workload for district court 39-2-01 and 39-3-02 will only have a reduction through decreased on call and central court rotations. Those courts are being reestablished which

means nothing is changing. How can those courts see a reduction if a court is eliminated and nothing else has changed?

Financial considerations are always important to view, however, at what cost is the access to court? While other counties have eliminated courts, some have been vacant, and others have retiring judges so it makes sense if the elimination can be done in a way that does not have an adverse effect on the citizens. The eliminated court has a lower cost to the county than any other court. The eliminated court does not have significantly lower workload or caseload percentages nor is it more costly to maintain to justify its closure. The proposed plan states that some existing courts will see a drop in negative workload percentages to bring them within the 15% range and other courts a drop in caseload and/or workload percentages which brings the existing courts closer to equity. The numbers used in this plan are incorrect a court does not decrease in caseload or workload if jurisdiction has not changed. The caseload and workload will increase if a court is eliminated. Financially the closing of this court isn't a savings but rather a transfer of expenses from one court to another. A reduction of a court in Franklin County is not adequate or justified in this plan.

In conclusion, careful consideration of future filings has not been taken into consideration, population trends and demographics have not been taken into consideration, and the citizens affected by the proposed reestablishment plan has not been taken into consideration. The reestablishment plan as offered has no consideration of the citizens of Franklin County. This plan does nothing to alleviate the workload/caseload of the two highest courts. In fact, their workload will increase with the elimination of district court 39-3-03. This court has been growing in business and housing. The county adjacent to this court has growth and a proposed casino which could also increase the population in 39-3-03. The court with the lowest workload and caseload, 39-3-06, will be given some townships but between the lack of new business, population, and drive for citizens to access that court is more burdensome, costly, and unnecessary. Likewise, the drive for the affected township residents to traverse to district court 39-3-04 will be an unnecessary burden to access their local court. Overall, this plan causes more hardship than relief to the existing courts and citizens of Franklin County. The Magisterial District Judges were not afforded the opportunity to discuss this plan nor were we consulted on the issues and possible solutions of the reestablishment plan. If the true goal of this plan is equity of workload and caseload among the courts, a change to on call and central court rotations will fulfill the desired objective. The current alignment of District Judges (not the proposed realignment) is acclimated to the needs of the citizens of Franklin County and has proven to be successful and efficient for all stakeholders. Again, District Court 39-3-07 was implemented because of the growth in Franklin County. The County is still one of the fastest growing counties in PA. The elimination of a district court within a county that remains the one of the fastest growing counties in the State is an inequity to the citizens of Franklin County.

Sincerely,



Kelly L Rock

Magisterial District Judge 39-3-07

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF FRANKLIN

BOROUGH OF WAYNESBORO
TOWNSHIP OF WASHINGTON

ANNIE R. GÓMEZ SHOCKEY
MAGISTERIAL DISTRICT JUDGE
Magisterial District 39-3-02
22 North Oller Avenue
Waynesboro, PA 17268

TEL (717) 762-9411
FAX (717) 762-9297

April 29, 2022

Geoff Moulton
Court Administrator
AOPC
PO Box 61260
Harrisburg, PA 17106

Mark Singer
District Court Administrator
14 N Main ST
Chambersburg, PA 17201

Re: Opposition to 39th Judicial District's Magisterial District Reestablishment Report – Revised Plan

Dear Mr. Moulton and Mr. Singer,

I am writing in opposition to the Magisterial District Reestablishment Report 2022 – 2031 Revised Plan (Revised Report) for the 39th Judicial District and request that this letter be included with the public comments to be submitted to the Pennsylvania Supreme Court. The reason for my opposition is straightforward. The plan is proposing to close **District Court 39-3-03** six years from now, which is not in the best interest of this quickly growing county. All seven courts are needed in order to efficiently and effectively serve all court users in the county. Serving those in rural areas is equally as important as serving those in urban areas. If District Court 39-3-03 would be eliminated in six years, it would place an undue burden on the residents of that district to travel to a different court. Additionally, courts 39-2-01 and 39-2-02 have very heavy caseloads and workloads. These courts will be even busier with one less judge to help with Central Court (CC) and on-call rotations.

Enclosed is a copy of my letter submitted during the original comment period for the first Magisterial District Reestablishment Report 2022 – 2031 (First Report) published in the 39th Judicial District. Everything written in that letter remains true and applicable to this Revised Report. I am enclosing that letter to ensure it is included with all the public comments that will be submitted to the Pennsylvania Supreme Court. It's disheartening that I must do so. However, Mark Singer has indicated in the enclosed email that only comments submitted for the Revised Report would be given to the Supreme Court unless the Supreme Court or AOPC specifically requests the comments submitted for the First Report.

I reviewed all the comments that were submitted addressing the First Report. There were 60 comments received. 58 of them were in opposition to the plan. Many of them specifically expressed **opposition to the proposed closure of District Court 39-3-03**. Although private citizens, township supervisors, police officers, business owners, legislators and all the magisterial district judges in Franklin County opposed the closure of District Court 39-3-03, this Revised Report still proposes to close it. If the benefits of closing that court truly outweighed the benefits of keeping it open, logic would dictate that there would have been a flood of comments in support of the proposal and few, if not any, in opposition to it. The inverse is true.

I respectfully request that the proposed plan in the Revised Report be denied. Please reestablish the district courts within the 39th Judicial District with boundaries as they currently stand.

Very truly yours,

Annie R. Gómez Shockey

Annie R. Gómez Shockey, Esquire
Magisterial District Judge
Enclosures

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF FRANKLIN

BOROUGH OF WAYNESBORO
TOWNSHIP OF WASHINGTON

ANNIE R. GÓMEZ SHOCKEY
MAGISTERIAL DISTRICT JUDGE
Magisterial District 39-3-02
22 North Oller Avenue
Waynesboro, PA 17268

TEL (717) 762-9411
FAX (717) 762-9297

February 25, 2022

Geoff Moulton
Court Administrator
AOPC
PO Box 61260
Harrisburg, PA 17106

Mark Singer
District Court Administrator
14 N Main ST
Chambersburg, PA 17201

Re: Opposition to 39th Judicial District's Magisterial District Reestablishment Report

Dear Mr. Moulton and Mr. Singer,

I am writing in opposition to the Magisterial District Reestablishment Report 2022 – 2031 (Report) for the 39th Judicial District and request that this letter be included with the public comments to be submitted with said Report to the Pennsylvania Supreme Court. Specifically, I strongly oppose the changes proposed in Franklin County. I am the Magisterial District Judge serving District Court 39-3-02, which covers the Borough of Waynesboro and Washington Township. According to workload calculations, my court has the seconded highest workload in Franklin County.

During the previous Reestablishment the goal of the Supreme Court was a 10% reduction in the district courts in the Commonwealth. None of the district courts in the 39th Judicial District were proposed for closure and none were closed. The logic behind such decision is still applicable today.

During this Reestablishment there was no presumption that there are too many or too few districts. Focus was to be given to how many district courts would be needed to handle case filings for the next 10 years and where the boundaries of those districts should be drawn in order to equally distribute the workload amongst the Magisterial District Judges.

Leading up to the January 28th meeting with President Judge Shawn D. Meyers, I was led to believe that the Report would propose that nothing should change in the 39th Judicial District. It was quite a surprise to hear Judge Meyers say that he would be proposing to close a court and realign several others. During said meeting, I immediately expressed my concerns that such a proposal would negatively impact access to justice and cause an increase in work for all courts

right when our county is experiencing record growth. The Report was distributed to us and posted for public comment later that evening.

Franklin County has experienced one of the fastest growing populations in the state. (source: "U.S. Census: Central Pennsylvania's population growth outpaces the state," York Daily Record, August 13, 2021). When our county grew in population causing it to move from a 5th class county to a 4th class county, we were given a 7th judge. Nothing has changed about that pace of growth. It doesn't make sense to close one of our district courts when our county has been steadily growing and is projected to continue doing so.

The fact is that the workload and caseload amongst the district courts in Franklin County is not equal. It's been that way since the courts were created due to our population centers and the need for district courts to be located in places convenient for all including those living in rural areas. Our district courts with the lowest caseload and workload (lowest courts) have never been bordering our district courts with the highest caseload and workload (highest courts). Geographically, it's not possible that the lowest courts will ever border the highest courts due to the need for district courts to be easily accessible for their communities. As such, the easiest way to spread the workload and caseload amongst the district courts is to have the judges from the lowest courts take more on-call and central court (CC) rotations. This will spread out the criminal filings and give those judges more time on the bench in CC freeing up the judges in the highest courts to have more time to hear cases and process filings in their offices. It's a simple change that won't result in upheaval for litigants, officers, attorneys, and anyone else searching for access to justice.

The proposed plan in the Report does nothing to lower the caseload and workload in my court nor in District Court 39-2-01 (Borough of Chambersburg). In fact, the **closing of District Court 39-3-03** as proposed in the Report would immediately add to the caseload and workload to all of us. This is because there would be one less judge to include in the on-call and CC rotations. In Franklin County we have CC every Tuesday with two to three judges helping each week. The more I have to be in CC the less time I have in my court to hold hearings and process paperwork. One of the ways my court has been able to stay on top of our caseload is by how much I help with processing the paperwork and organizing the office. With less time in my court, I'll have less time to help, which means we'll fall behind on things like our warrant list and our servicing tracking list. These lists are important because they help keep my court current with our caseload. When justice is not delayed due to failure to keep up with these lists, then justice is served.

According to the census, my district has been growing in population with a portion of it growing as much as 15.2%. Within the next few years, a farm of over 100 acres in my district will be turned into a housing development that has been approved to be developed in its entirety rather than in phases. Currently, there are several housing developments with phase II plans that have already received approval. Additionally, the Fort Ritchie property located in Cascade, MD, which is 500 +/- acres, has recently been sold to a developer who plans to bring businesses, housing and historic preservation to the property. Fort Ritchie directly borders my judicial district. Put simply, my district has been growing and is projected to continue to grow over the

next 10 years. This will result in more filings in my office, which will be difficult to handle should I have to be on-call more and in CC more due to the loss of a district court.

I respectfully request that the proposed plan in the Report be denied and that a simple solution of changing on-call and CC rotations be considered.

Very truly yours,

Annie R. Gómez Shockey, Esquire
Magisterial District Judge

Annie Gomez Shockey <argomezshockey@franklincountypa.gov>

Reestablishment Submission

Mark Singer <msinger@franklincountypa.gov> Wed, Apr 20, 2022 at 4:25 PM
To: Kristin Nicklas <kdnicklas@franklincountypa.gov>
Cc: Annie Gomez Shockey <argomezshockey@franklincountypa.gov>, David Plum <dplum@franklincountypa.gov>, Duane Cunningham <dkcunningham@franklincountypa.gov>, Glenn Manns <gkmanns@franklincountypa.gov>, Jody Eyer <jeyer@franklincountypa.gov>, Kelly Rock <klrock@franklincountypa.gov>, Shawn Meyers <sdmeyers@franklincountypa.gov>, Aimee Hutchison <arhutchison@franklincountypa.gov>

MDJ Nicklas,

Only the second submissions of comments will be sent up. If the AOPC or Supreme Court requests the first set of public comments from the first plan, then they will be provided upon request.

Thank you,
Mark Singer
District Court Administrator
Franklin & Fulton Counties
39th Judicial District

On Wed, Apr 20, 2022 at 2:53 PM Kristin Nicklas <kdnicklas@franklincountypa.gov> wrote:

> Good afternoon Mark,
>
> Could you kindly provide clarification on the public comments that will be submitted with PJ Meyers' Reestablishment Plan & Proposal? Will both rounds/sets of public comments be sent to the Supreme Court or only the second submissions?
>
> Thank you.
>
> Kristin D. Nicklas, Esq.
> Magisterial District Judge
> ---
> District Court 39-3-04
> 1157 Garver Lane
> Chambersburg, PA 17202
> Phone: (717) 263-7949
> Fax: (717) 261-1849

Mark Singer <msinger@franklincountypa.gov>

Public Comment to 39th Judicial District Revised Reestablishment

1 message

Annie Gomez Shockey <argomezshockey@franklincountypa.gov> Fri, Apr 29, 2022 at 2:24 PM
To: "Moulton, Jr., Geoffrey" <geoff.moulton@pacourts.us>, Mark Singer <msinger@franklincountypa.gov>

Dear Mr. Moulton and Mr. Singer,

Attached is my letter reflecting my opposition to the 39th Judicial District's Revised Reestablishment Report for 2022 - 2031. Please include this letter in the public comments for the same.

All the best,
Annie

Annie R. Gomez Shockey
Magisterial District Judge
Magisterial District Court 39-3-02
22 N. Oller Ave.
Waynesboro, PA 17268
Tel: 717-762-9411
Fax: 717-762-9297

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GomezShockeyOpposingRevisedReestablishment.pdf
346K

Recommendation to reestablish all 7 Magisterial District Courts in Franklin Co. PA

This recommendation is unanimous among 6 of the 7 Magisterial District Judges in Franklin Co. Judge Eyer chose not to endorse this letter, his email explanation is attached.

1. During the 2002 Magisterial District Reestablishment Process, Franklin County was a 5th class county and requested approval from AOPC to add an additional Magisterial District (39-3-07). That request was granted and 39-3-07 added. Ten years later, Franklin County moved from a 5th class to 4th class status, but elected not to add another magisterial district. Instead, believed maintaining seven magisterial districts were warranted given a jump in status.
2. Presently, Franklin County has seen the 2nd highest growth of 4th classes counties at 4.3%, just slightly below Butler County. Franklin County is currently seeing both economic and population growth with various business projects and housing projects throughout the county.
3. Franklin County has seven magisterial district courts; however, the average number of districts for a 4th class county is 8.3.
4. AOPC guidelines state that all portions of the magisterial district must be contiguous. The two districts with both the highest caseloads and workloads are 39-2-01 and 39-3-02. The two districts with the lowest caseloads and workloads are 39-3-03 and 39-3-06. These districts are not contiguous to those with the highest caseloads; therefore, a simple shift of jurisdictional lines between these courts is not possible as this would result in a non-contiguous split.
5. Growth in magisterial district 39-3-05 is anticipated due to a Wal-Mart E-fulfillment Center, approved housing developments and several other manufacturing and warehouse construction project. Magisterial district 39-3-06 neighbors Antrim Township and has a massive poultry farm under construction as well as other new business slated for construction. Adjacent to those magisterial districts is 39-3-03. This district has seen a growth in population over the past ten years. Within magisterial district 39-3-03 is a planned housing development and across the county line a casino is to be constructed which will increase population and business into that district.
6. It is anticipated that both magisterial district 39-3-03 and 39-3-06 will see an increase in filings due to the development projects in and surrounding the districts. A change in culture and practices will continue to be contributing factors that will lead to increased caseloads and workloads for 39-3-03 and 39-3-06.
7. Franklin County utilizes a central court program which was established in 2001. It is proposed that Magisterial District Judges with lower workloads rotate more often through central court in an effort create more workload equity within Franklin County. Currently, judges equally rotate through the weekly central court sessions. It is anticipated that this newly scheduled rotation will afford the magisterial district judges in 39-2-01 and 39-3-02 more scheduling opportunities within their offices making overall workload more equitable throughout Franklin County.
8. All seven magisterial district judges take rotations with regards to being on-call. The Franklin County judges docket cases within their own court even when the cases are outside of their municipality which allows for more equity concerning caseload. It is proposed that Magisterial District Judges with lower caseloads rotate more often with regards to being on-call in an effort to create more caseload equity within Franklin County.

The elimination of the magisterial district court will cause unnecessary hardships for citizens without their own transportation and no means of public transportation to access justice. The travel times increase significantly for PSP and citizens cited on the Turnpike. Citizens in the proposed eliminated district will also suffer longer travel time and expense to access the local court, what takes 5 to 10 minutes will increase 20 to 45 minutes depending on location. The proposed elimination affects those who can afford it the least.

The elimination of magisterial district 39-3-03 will give each magisterial district judge 16.6% more on-call time if divided equally. The workload for each magisterial district judge will also increase an average of 16.5% across the board, thus increasing the disparity between the court's caseload and workload not alleviating the issue. In addition, the average filing per court in Franklin County will rise from 3911 to 4563 moving Franklin County up to 4 out of 9 in the 4th class counties. Projected filings per court in 2028 if the elimination takes place is 4677, a staggering increase of 19.59%. Franklin County will go from being 8 of out 9 for the number of filings per court to 3 of 9. That is a significant increase in filings, caseload and workload for the proposed remaining 6 offices.

In conclusion, the magisterial district judges firmly believe we can show more equity in both caseload and workload among all seven magisterial district courts by changing the central court and on-call rotations. The citizens and police agencies of Franklin County should not be tasked or inconvenienced with a longer travel time to seek justice and access the local district court.

Sincerely,

Glenn Manns

Annie Gomez-Shockey

David Plum

Kristen Nicklas

Duane Cunningham

Kelly L. Rock

Jody Eyer 11:16 AM (2 hours ago)

to Duane, Kristin, Glenn, David, Annie, me

Judge Rock,

I read your letter and think this would have been a great first letter to be sent to Judge Myers to voice our concerns. However, I have already sent one letter as requested, and I am not endorsing a second one. As you know my letter acknowledged I did not want any court to close. In Judge Myers' second plan he is still planning to close one court. I did not read anything in the new letter that was not already relayed to him in the first one .

Jody

Mark Singer <msinger@franklincountypa.gov>

Reestablishment letter

1 message

Kelly Rock <klrock@franklincountypa.gov> Fri, Apr 29, 2022 at 2:09 PM
To: Mark Singer <msinger@franklincountypa.gov>

Mark
Attached is a letter from 6 of 7 Magisterial District Judges to reestablish all courts. There are two attachments in this email.

Kelly L Rock
Magisterial District Judge

District Court 39-3-07
2038-B Lincoln Way East
Chambersburg, PA 17202
Phone: (717) 263-5820
Fax: (717) 263-4116

2 attachments

Recommendation to reestablish all 7 Magisterial District Courts in Franklin Co.docx
18K

Jody Eyer.docx
16K

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF FRANKLIN

FANNETT TOWNSHIP
METAL TOWNSHIP
LURGAN TOWNSHIP
LETTERKENNY TOWNSHIP
HAMILTON TOWNSHIP

DAVID L. PLUM

MAGISTERIAL DISTRICT JUDGE

Magisterial District 39-3-03
9724 Cumberland Highway
P.O. Box 135
Pleasant Hall, PA 17246

OFFICE:
TEL 717-532-7672
FAX 717-532-2506

April 27, 2022

Mark Singer, District Court Administrator

RE: Magisterial District Reestablishment Report - 39th Judicial District, Revised Copy
Issued: April 1, 2022

To Whom It May Concern:

As Magisterial District Judge of District Court 39-3-03, I must again respond to the above referenced proposal. This reestablishment did NOT include input from Franklin or Fulton County Magisterial District Judges as instructed by AOPC. The Magisterial District Judges were led to believe there was going to be NO change and certainly no court closures. The information provided by the state was not shared and the process as outlined by AOPC was not followed. The original proposal was shared with the Franklin County Magisterial District Judges on the 28th of January. This proposal also was made public and presented the last required day, March 28th. There was no request for input from the public, court users, or the Magisterial District Judges on either proposal as required. This revised plan has been buried deep within the Franklin County Courts webpage. This plan was written with one goal in mind, to eliminate District Court 39-3-03. This proposal provides no facts or justification to eliminate a court, especially not District Court 39-3-03.

The statistics clearly do not justify closing an office in Franklin County. Franklin County is the second fastest growing 4th class county of nine in Pennsylvania. Franklin County had continued growth of 4% (exhibit #1) above the 16% growth reported from the 2010 Census. The townships served by District Court 39-3-03 had up to 6.2% growth in the most recent census. This is above the Franklin County average (exhibit #2).

In 2004, District Court 39-3-03 was strategically located just northwest of Chambersburg and southwest of Shippensburg. Also in 2004, the county split District Court 39-3-04 and District Court 39-3-02 creating District Court 39-3-07. This was well planned for the projected continued growth in and around the Chambersburg, Shippensburg, Waynesboro and along I-81.

Closing District Court 39-3-03 and redistricting in 2028, per this plan, would end my career short of my mandatory retirement and short of what I had planned. More importantly, it would be a detriment to the county at large. Moving Hamilton Township, Fannett Township and Franklin County Turnpike matters to District Court 39-3-06 in Mercersburg would increase PSP Chambersburg and PSP Newville (turnpike) travel drastically to attend hearings, make filings and receive warrants. This would be true for the business owners, townships and the residents involved with any matters at District Court.

Hamilton Township is situated at the edge of Chambersburg. There are four mobile home parks and two Section VIII housing developments within Hamilton Township, all of which file Landlord/Tenant Complaints monthly. These developments are all situated within 10 minutes of District Court 39-3-03 in Pleasant Hall. The added travel distance, coupled with the lack of public transportation, would only add to the burden for these residents to attend a hearing 20 miles/40 minutes out of town to District Court 39-3-06 in Mercersburg. Hamilton Township Supervisors and Hamilton Municipal Authority, as well as all the residents and business owners along Route 30 in Hamilton Township, would have an extra 30 minutes travel each way to court. Chambersburg School District would have an hour drive for Hamilton Township school matters. This plan will increase travel distance and time for law enforcement, school officials, business owners, residents, and our county and state officials who make court appearances. It certainly does not take into consideration the access to local courts and defeats the purpose of "community" courts.

Additionally, this new proposal also moves Fannett Township to District Court 39-3-06 Mercersburg. As an example of the increased travel time from Fannett Township, Fannett/Metal High School is located along Route 75 in Metal Township (exhibit #3), 23 miles from District Court 39-3-06 Mercersburg. The Fannett Township line begins a few hundred yards north on Route 75 and extends north, approximately 40 miles away from District Court 39-3-06. This is a rural road with speed limits ranging from 25 to 55 miles per hour. The proposal states a safer travel route for the residents of Fannett Township via Route 75 and not the mountain of Route 641 to District Court 39-3-03. However, Route 641 is the preferred travel of the residents in Path Valley and beyond. According to PennDOT records, Route 641 is traveled twice as much as Route 75. Additionally, Route 533 (Fannettsburg to Pleasant Hall) is also traveled more than Route 75. Route 641 intersects with Route 997 in Roxbury then runs north to Carlisle and Harrisburg. Route 997 North leads to the Pennsylvania Turnpike and 4 miles south to District Court 39-3-03 Pleasant Hall, to Letterkenny Army Depot, to Chambersburg, to I-81. The majority of residents travel Route 641 on a regular basis. According to PennDOT records, this is the preferred travel route. District Court 39-3-03 Pleasant Hall is located at the intersection of RT-997 and RT-533, providing convenient court access for Fannett Township residents and PSP Newville (Turnpike).

The work sheets within the Reestablishment Report only list a 300-unit housing development slated for District Court 39-3-03, when speaking to the district's growth. This development is well underway. The report omits several other areas of growth including two poultry farms under construction in Letterkenny Township and two developments in the planning/approval stage or under construction in Hamilton Township.

There is no mention of Letterkenny Army Depot in either Reestablishment Report. Letterkenny Army Depot is the **largest employer in Franklin County** with approximately 3500 people (civilian and military). This does not include the private sector and their employees located on the base grounds. Additionally, no mention of the Cumberland Valley Business Park located within Letterkenny boundaries that includes a police force (military and civilian), Franklin County Jail, Franklin County Emergency Services (911) Center, a firehouse, a clothing store, Franklin County Head Start, a cabinet and stair manufacturer, Cumberland Valley Animal Shelter and many others. The vast majority of Letterkenny is situated within District 39-3-03(exhibit #4). In 2019 Letterkenny added a new tractor-trailer entrance on Route 997, Letterkenny Township, only one mile from District Court 39-3-03.

The Reestablishment Report provides misleading information about the police departments in Franklin County. Mont Alto Police is a Penn State Campus police, with no authority off campus. Greencastle Police and Mercersburg Police only have jurisdiction in those small towns. Neither proposal mentions PSP Newville (Pa. turnpike). Turnpike PSP Barracks is located in Newville, Cumberland County.

That is 50 miles and over an hour drive one way to District Court 39-3-06 Mercersburg (exhibit #3). The turnpike PSP is 20 minutes to District Court 39-3-03 in Pleasant Hall. Chambersburg PSP is located on Route 997 (exhibit #3), 5 miles from District Court 39-3-03. Neither proposal explains if this court is eliminated, PSP Chambersburg would have to travel approximately 30 miles to District Court 39-3-06 for an incident happening in Hamilton Township. If PSP Chambersburg were called to Fannett Township, they would travel Route 997 north, past eliminated District Court 39-3-03 to Route 641. Then travel the full length of the county to obtain a warrant or bring the individual to District Court 39-3-06 Mercersburg (exhibit #8).

Also, despite the Subcommittee's out-of-state traffic citation example, a majority of District Court 39-3-03 traffic citations come from the PA Turnpike. These citations are frequently disputed due to CDL certification, requiring more Judge time and PSP Turnpike court appearances. These citations also generate more warrants to reach a resolution.

I oppose the closure of any court in Franklin County due to the county's continued and projected growth (exhibit #5). Looking at population trends, case load trends, financial trends and convenience to local courts, as required, it stands to reason NO court should be eliminated. However, if there were a need to close a court, the logical choice would be District Court 39-3-06. I have attached the following statistics for District Court 39-3-03 and 39-3-06. District court 39-3-06 has had the lowest caseload for 30 years. During the 2011 Reestablishment, President Judge Herman moved Metal Township from District Court 39-3-03 Pleasant Hall to District Court 39-3-06 Mercersburg. Even after this move, District Court 39-3-06 Mercersburg still has the lowest caseload per the worksheets. District Court 39-3-06 "workload" was higher due to the Magisterial District Judge of 39-3-06 Mercersburg taking a majority of the scheduled on-calls for the outgoing Magisterial District Judge of District Court 39-3-04 Scotland. District Court 39-3-06 Mercersburg population has had a consistent decrease in population while District Court 39-3-03 Pleasant Hall had an average of 6.2% increase as reported (exhibit #2). District Court 39-3-06 Mercersburg revenue is consistently lower than District Court 39-3-03 Pleasant Hall and the deficit of District Court 39-3-06 Mercersburg is drastically higher than District Court 39-3-03 (exhibit #6) all while maintaining the exact number of staff. District Court 39-3-06 Mercersburg is situated on the fringe of Franklin County, in the southern-most corner. District Court 39-3-03 Pleasant Hall, centrally located in the county, provides easy access to Chambersburg PSP, Newville PSP, Franklin County Jail, and Franklin County Courthouse. Historically, District Court 39-3-06 has struggled with staff turnover. Also, in District Court 39-3-06, the Judge's term ends in 2023 with a mandatory retirement of 2033, noted on the worksheets. This elimination is to take effect in 2028, at the end of my current term. I have a mandatory retirement of 2040, also noted on the worksheets. My plan is to serve one more term which would provide me with 30 years of service (including military time) as Magisterial District Judge. If eliminating a court to cut costs was the goal, District Court 39-3-06 Mercersburg would logically be the court to close as it can be closed next year and not 6 years from now. I have also attached a sensible map of redistricting if that option were to be considered (exhibit #7).

On January 28th, I shared this option with Judge Meyers, to which he replied, "I can't hardly expect a municipal police department to travel to another municipality to conduct business." He was referencing the Mercersburg Police. Mercersburg is a town of 1500 population. This department is a day time Monday-Friday department with three officers. The Chief lives in Fort Littleton, Pa (one mountain and one county away from Mercersburg). The Sargent lives in Three Springs, Pa. (two mountains and two counties away from Mercersburg). If District Court 39-3-06 was eliminated per my option, the only inconvenience would be a 9 ½ mile drive in a Borough issued patrol vehicle for these three officers to conduct court business on a rare occasion it's necessary. It is obvious Judge Meyers has significant ties to the Mercersburg area. However, his role and duty should be in the best interest of Franklin County as a whole.

I ask the question, if a District Court is eliminated and nothing is done with a majority of the other District Courts, how do some of those District Court caseloads and workloads decrease as indicated on the worksheets? This proposal provides no factual justification for the closure of District Court 39-3-03, just an inaccurate list of Pros and Cons. If this court is eliminated and redistricting Hamilton Township, Fannett Township and the Turnpike PA State Police to District Court 39-3-06, a majority of Hamilton Township, all of Fannett Township and the Turnpike State Police would require more than a 30-minute drive for access to justice as quoted in this plan. Again, all the Magisterial District Judges, Tax Authorities, State Police, Local Governments, Attorneys, Residents, Business Owners and others that aware of this plan have voiced their opposition to it.

In closing, it simply defies logic to arbitrarily eliminate District Court 39-3-03 as it is centrally located within the county, serves the largest area of the county, has continued growth in and around the district, and maintains excellent procedural and financial records. District Court 39-3-03 has two dedicated staff members who will each have over 16 years of service to Franklin County Courts at the proposed closure date with no promise of a comparable position. Currently, my travel to Pleasant Hall is 6 miles, about 8 minutes; Mercersburg is 20 miles, almost an hour travel time. If this plan is approved and should a future elected Magisterial District Judge for District Court 39-3-06 reside on the northwest side of Hamilton Township, the response time for an arrest warrant or a search warrant after hours would be close to an hour which is unconscionable. Again, District Court 39-3-03 is currently only minutes from PSP Newville (turnpike), PSP Chambersburg, Franklin County Jail and the Franklin County Sherriff and Judicial Center. Franklin County overall has had continuous growth with projected future growth as presented in exhibits 1 and #5. The realignment instructions made it very clear the purpose was to obtain equity among the courts with no requirement to eliminate a court. The information in this proposal is fallacious and simply defies logic. No Magisterial District Judge has expressed their concerns of inequity within the 39th Judicial District. It is my strong recommendation that the Supreme Court deny this proposed redistricting plan for the 39th Judicial District and reestablish as we currently are, in the best interest of Franklin County.

Sincerely,

David L. Plum
Magisterial District Judge
District Court 39-3-03

Below are the average filings per court info from 4th class counties

County Info	2012 Filings	2022 Filings	% Difference	2032 Estimates
4th Class County Average Filings	4320	4150	-4.0%	3884 -4.0%
Franklin County Average Filings	3803	3911	**+2.8%**	**4020 +2.8%**

In 2012 Franklin County was 12% BELOW the 4th class county average filings.
In 2022 Franklin County was 6.1% BELOW the 4th class county average filings.
In 2032 Franklin County is projected to be ***3.5% ABOVE*** the 4th class county average.

Below are the population numbers from the census data.

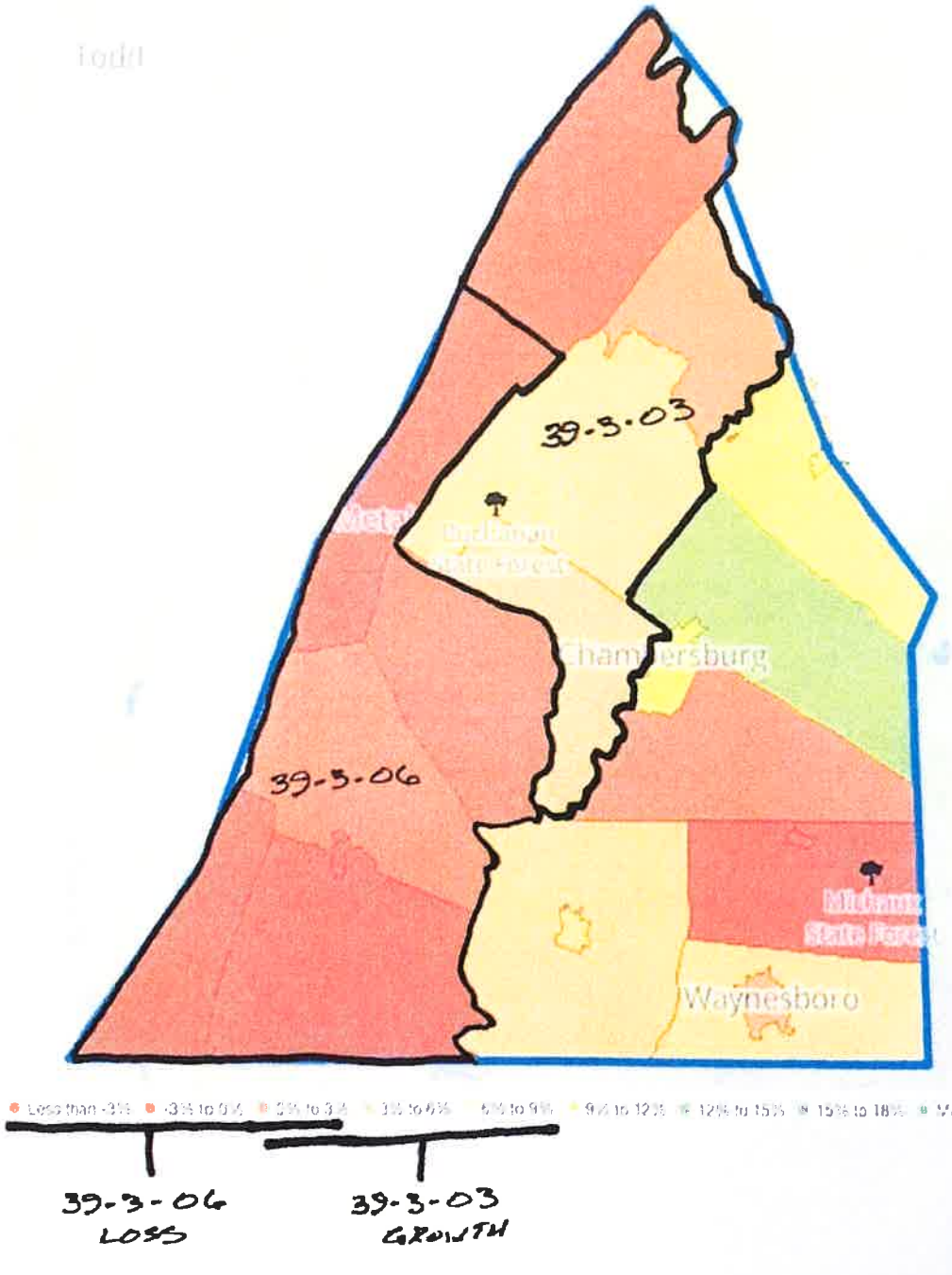
4th Class County	2011 Population	2021 Population	% Change
Butler	183,862	193,763	+5.3%
Franklin	**149,618**	**155,932**	**+4.2%**
Centre	153,990	158,172	+2.7%
Washington	207,820	209,349	+.07%
Monroe	169,882	168,327	-1.0%
Beaver	170,539	168,215	-1.4%
Schuykill	148,289	143,049	-3.6%
Fayette	136,606	128,804	-5.8%
Cambria	143,679	133,472	-7.1%

Franklin County had the second largest growth in all of the 4th class counties.
Franklin County grew **+4.2%**
All of the other counties combined percentage loss is -10.83%
If you take Butler out, that number climbs to -16.13%

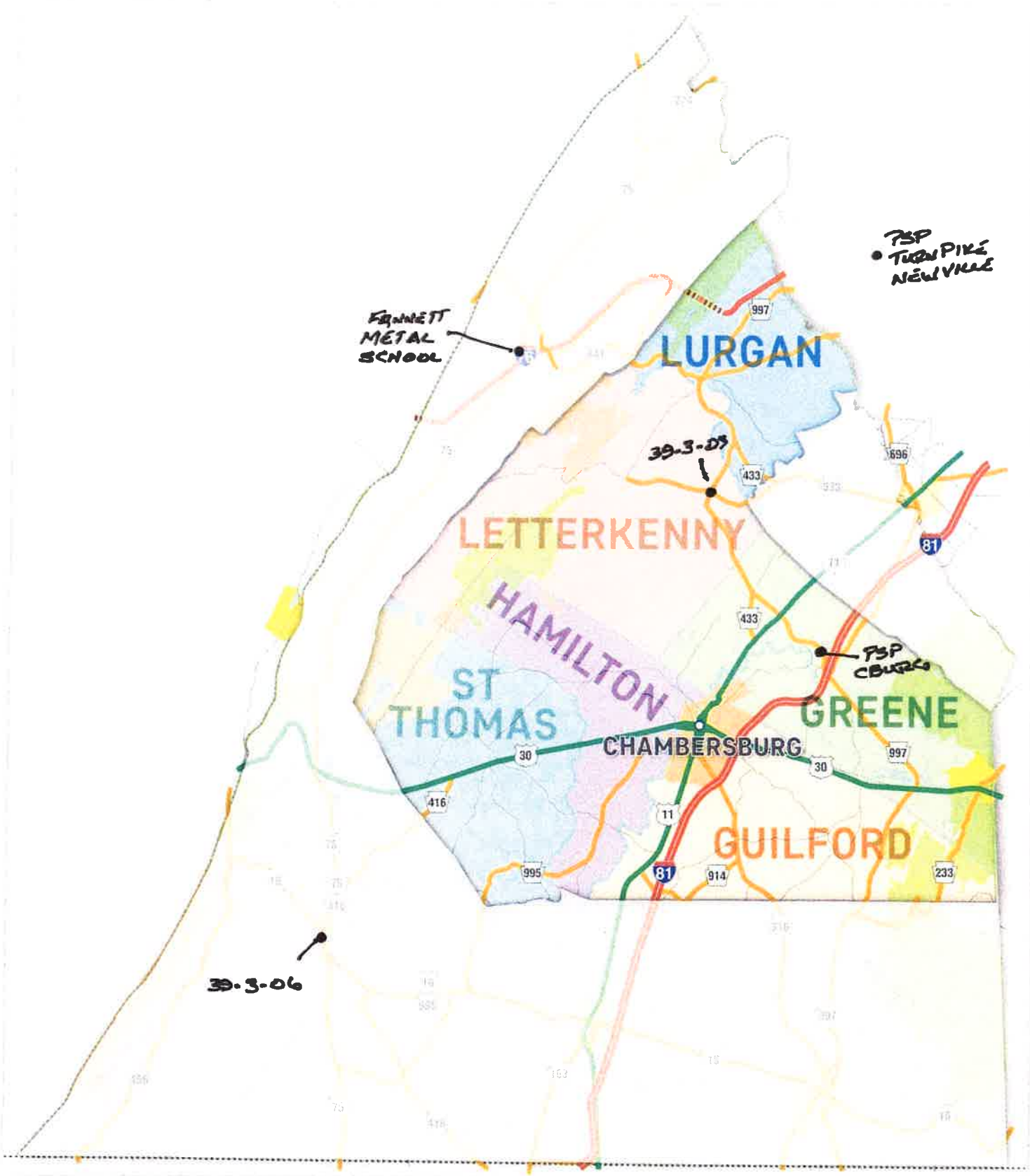
Cambria County has 8 MDJ's. They have the lowest average filings per county (2909) of all 4th class counties. They also show the largest decline in population. Their President Judge shows reasons why they are retaining ALL 8 MDJ's.

Washington County is the only other 4th class county where the President Judge is proposing an elimination. They currently already have a vacant office according to their county website. They currently have 11 MDJ's.
Their population is about the same, although their caseload has gone down from 2012.

(EXHIBIT #1)


39-3-03
39-3-06
Chambersburg
Waynesboro
Less than -3%
-3% to 0%
0% to 3%
3% to 6%
6% to 9%
9% to 12%
12% to 15%
15% to 18%
More than 18%
39-3-06
LOSS
39-3-03
GROWTH

(EXHIBIT #2)



Township Information

(EXHIBIT #3)

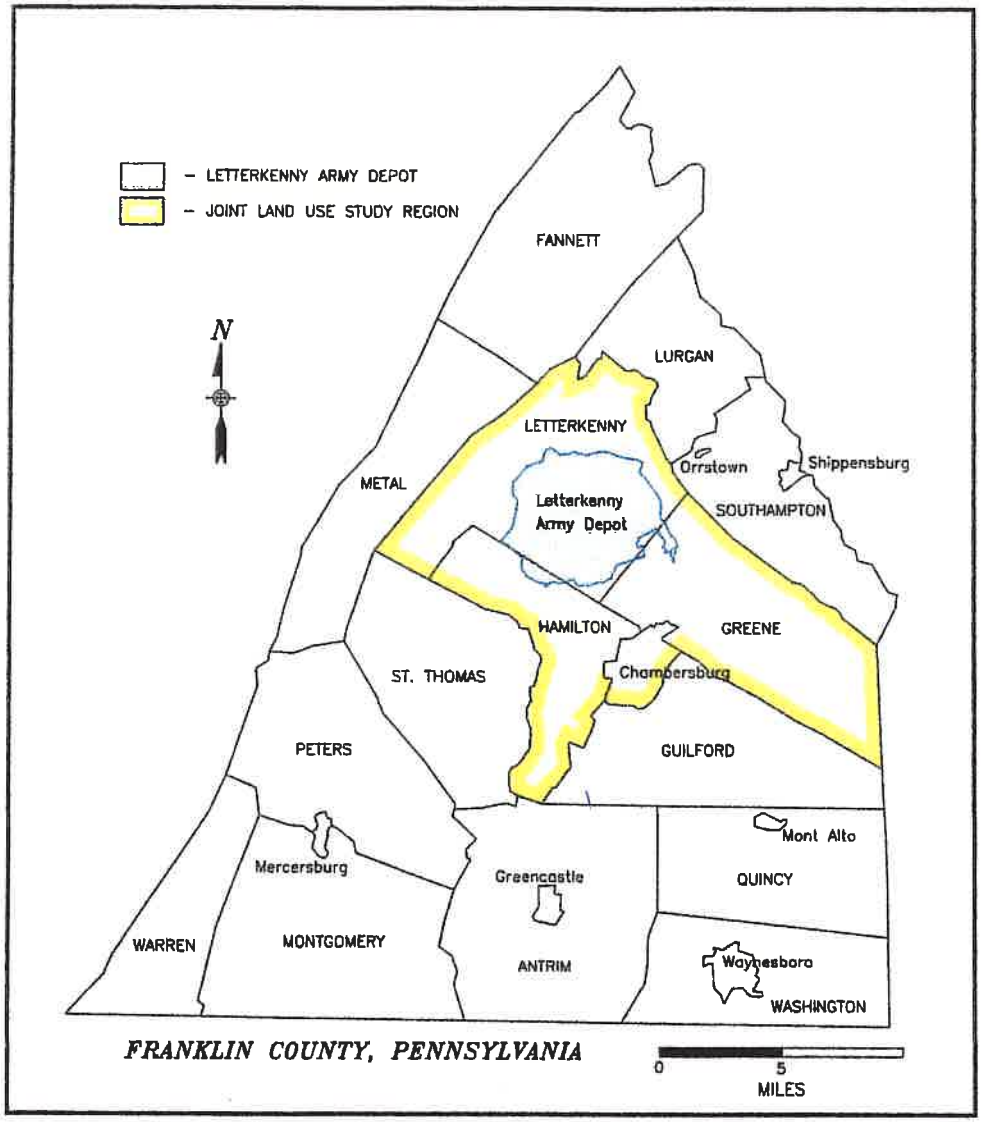


FIGURE 1: 2016 JLUS STUDY REGION

(EXHIBIT #4)

On call will give each MDJ 16.6% more on call time if divided out equally if moving to 6 MDJ's.
The workload will also increase an average of 16.5% across the board per office.
***This could mean more staffing needs at the other MDJ's Hence the need to keep all 7 open and keep staffing as is.

The current average "filings per court" according to the 2021-22 AOPC reports shows Franklin county at 3911. This places you in 8th out of 9 Class 4 counties in filings per court.

By eliminating an MDJ, that number swells to 4563 cases per court moving you up to 4th out of 9 class 4 counties. This is a HUGE jump.
This does not account for projected population and case load increases for Franklin

The below chart shows the average filings per court from the info AOPC gave us all.
The one column shows the projected numbers for 2028, when the proposed elimination will take place.
The data is collected from the proposed population increase and the average linear congruent filings per court decrease/increase for ALL 4th class counties in 2028.

County and current # of MDJ's	Current Average 4th class filings per court by AOPC (4150)	Projected average filings per court based on proposed eliminations (4271)	Projected filings per court in 2028 if eliminations take place (4256)	Percentage of decrease/increase from now to 2028.
Beaver (6)	4376	4376	4339	-1.0%
Butler (7)	4022	4022	4123	+1.03%
Cambria (8)	2909	2909	2786	-4.23%
Centre (6)	4689	4689	4765	+1.02%
Fayette (7)	4196	4196	4050	-3.48%
Franklin (7)	***3911***	***4563***	***4677***	***+19.59%***
Monroe (9)	4846	4846	4817	-.059%
Schuykill (7)	4270	4270	4178	-.022%
Washington (11)	4151	4566	4571	+10.1%

If the proposed eliminations take place in the 4th class counties, these are the new current stats and the projected stats for 2028.

Franklin will see an average increase in filings of a staggering 19.59% from now to 2028

Franklin county will go from being in 8th out of 9 for # of filings to 3rd out of 9. That is a significant increase in filings and work load for the proposed remaining 6 offices.

(EXHIBIT #5)

001/001 04/13/2022 WED 9:33 FAX →→ PLUM

Magisterial District Courts

2020 SUMMARY STATEMENT OF REVENUE AND EXPENDITURES

	39-2-01 MDJ Manns	39-3-02 MDJ Gomez-Shockey	39-3-03 MDJ Plum	39-3-04 MDJ Nicklas	39-3-05 MDJ Cunningham	39-3-06 MDJ Eyer	39-3-07 MDJ Rock	2020 TOTALS	2019 AUDITED TOTALS	$ Incr/(Decr)
REVENUE										
Charges for Services	$ 87,902	90,492	55,432	64,212	36,382	31,810	58,387	$ 424,617	$ 554,015	$ (129,398)
Miscellaneous Income	-	-	150	-	-	-	-	150	173	(23)
Total Charges for Services	87,902	90,492	55,582	64,212	36,382	31,810	58,387	424,767	554,188	(129,421)
EXPENDITURES										
Personnel Costs	206,739	168,987	76,021	92,269	84,445	84,487	109,507	822,455	921,182	(98,727)
Occupancy Costs	28,149	47,822	30,854	34,417	56,234	55,182	60,976	313,634	314,172	(538)
Communication & Postage	14,568	16,581	8,127	13,111	6,338	6,964	10,494	76,183	83,788	(7,605)
Office Supplies & Reference Materials	5,070	3,543	2,877	3,069	2,728	3,048	3,274	23,609	35,559	(11,950)
Office Furnishings & Equipment	-	-	-	331	-	-	-	331	4,108	(3,777)
Conference Costs & Travel	-	154	46	35	-	(58)	-	177	1,245	(1,068)
Constable Costs	5,767	4,529	1,282	3,968	616	3,046	1,286	20,494	15,603	4,891
Office Equipment Rental	1,585	1,585	1,585	1,585	1,585	1,585	1,585	11,095	12,512	(1,417)
Disposation of Records	-	-	50	208	-	-	86	344	1,542	(1,198)
Bonding Expense	-	-	-	600	-	-	-	600	-	600
Computer Equipment	708	83	83	83	-	1,296	83	2,336	-	2,336
Major Building Improvements	-	-	-	-	-	-	-	-	1,501	(1,501)
Total Expenditures	262,586	243,284	120,925	149,676	151,946	155,550	187,291	1,271,258	1,391,212	(119,954)
DISTRICT COURT SURPLUS / (DEFICIT)	$ (174,684)	$ (152,792)	$ (65,343)	$ (85,464)	$ (115,564)	$ (123,740)	$ (128,904)	$ (846,491)	$ (837,024)	$ 9,467
NUMBER OF DOCKETS	3,138	3,678	2,553	3,102	1,728	1,631	2,876	18,706	29,470	(10,764)
Average Revenue Collected / # Dockets	$ 28.01	$ 24.60	$ 21.77	$ 20.70	$ 21.05	$ 19.50	$ 20.30	$ 22.71	$ 18.81	$ 3.90
Average Cost Expended / # Dockets	$ 83.68	$ 66.15	$ 47.37	$ 48.25	$ 87.93	$ 95.37	$ 65.12	$ 67.96	$ 47.21	$ 20.75
Average Surplus / (Deficit) / # Dockets	$ (55.67)	$ (41.55)	$ (25.60)	$ (27.55)	$ (66.88)	$ (75.87)	$ (44.82)	$ (45.25)	$ (28.40)	$ 16.85
Staffing at Full-Time Equivalents	4.0	4.0	2.0	2.6	2.0	2.0	3.0	19.6	19.6	-

(EXHIBIT #6)

PAGE 1 OF 3

Magisterial District Courts

2019 SUMMARY STATEMENT OF REVENUE AND EXPENDITURES

	39-2-01 MDJ Manns	39-3-02 MDJ Gomez-Shockey	39-3-03 MDJ Plum	39-3-04 MDJ Williams	39-3-05 MDJ Cunningham	39-3-06 MDJ Eyer	39-3-07 MDJ Rock	2019 TOTALS	2018 AUDITED TOTALS	$ Incr/(Decr)
REVENUE										
Charges for Services	$ 113,457	100,065	58,749	96,191	54,738	42,950	87,865	$ 554,015	$ 568,226	$ (14,211)
Miscellaneous Income	-	-	173	-	-	-	-	173	97	76
Total Charges for Services	113,457	100,065	58,922	96,191	54,738	42,950	87,865	554,188	568,323	(14,135)
EXPENDITURES										
Personnel Costs	207,902	189,204	79,417	161,445	84,944	86,095	112,175	921,182	870,971	50,211
Occupancy Costs	29,467	49,080	33,032	32,747	50,118	58,440	61,288	314,172	321,605	(7,433)
Communication & Postage	16,698	16,699	8,132	13,257	8,655	8,599	11,748	83,788	84,064	(276)
Office Supplies & Reference Materials	7,488	7,245	2,932	5,215	4,115	4,011	4,553	35,559	34,315	1,244
Office Furnishings & Equipment	1,143	606	-	700	976	683	-	4,108	4,163	(55)
Conference Costs & Travel	-	-	-	41	553	651	-	1,245	1,923	(678)
Constable Costs	-	5,958	1,642	3,054	1,417	1,296	2,236	15,603	22,374	(6,771)
Office Equipment Rental	4,387	1,322	1,322	1,515	1,411	1,233	1,322	12,512	8,815	3,697
Disposation of Records	1,322	76	-	14	-	29	101	1,542	568	974
Bonding Expense	-	-	-	-	-	-	-	-	2,700	(2,700)
Computer Equipment	-	-	-	-	-	-	-	-	4,488	(4,488)
Major Building Improvements	-	-	-	-	-	1,501	-	1,501	4,223	(2,722)
Total Expenditures	268,407	270,190	126,477	217,988	152,189	162,538	193,423	1,391,212	1,360,209	31,003
DISTRICT COURT SURPLUS / (DEFICIT)	$ (154,950)	$ (170,125)	$ (67,555)	$ (121,797)	$ (97,451)	$ (119,588)	$ (105,558)	$ (837,024)	$ (791,886)	$ 45,138
NUMBER OF DOCKETS	4,651	5,639	3,013	4,290	3,809	2,109	5,959	29,470	31,160	(1,690)
Average Revenue Collected / # Dockets	$ 24.39	$ 17.75	$ 19.56	$ 22.42	$ 14.37	$ 20.37	$ 14.74	$ 18.81	$ 18.24	$ 0.57
Average Cost Expended / # Dockets	$ 57.71	$ 47.91	$ 41.98	$ 50.81	$ 39.96	$ 77.07	$ 32.46	$ 47.21	$ 43.65	$ 3.56
Average Surplus / (Deficit) / # Dockets	$ (33.32)	$ (30.16)	$ (22.42)	$ (28.39)	$ (25.59)	$ (56.70)	$ (17.72)	$ (28.40)	$ (25.41)	$ 2.99
Staffing at Full-Time Equivalents	4.0	4.0	2.0	2.6	2.0	2.0	3.0	19.6	19.6	-

(EXHIBIT #6)
PAGE 2 OF 3

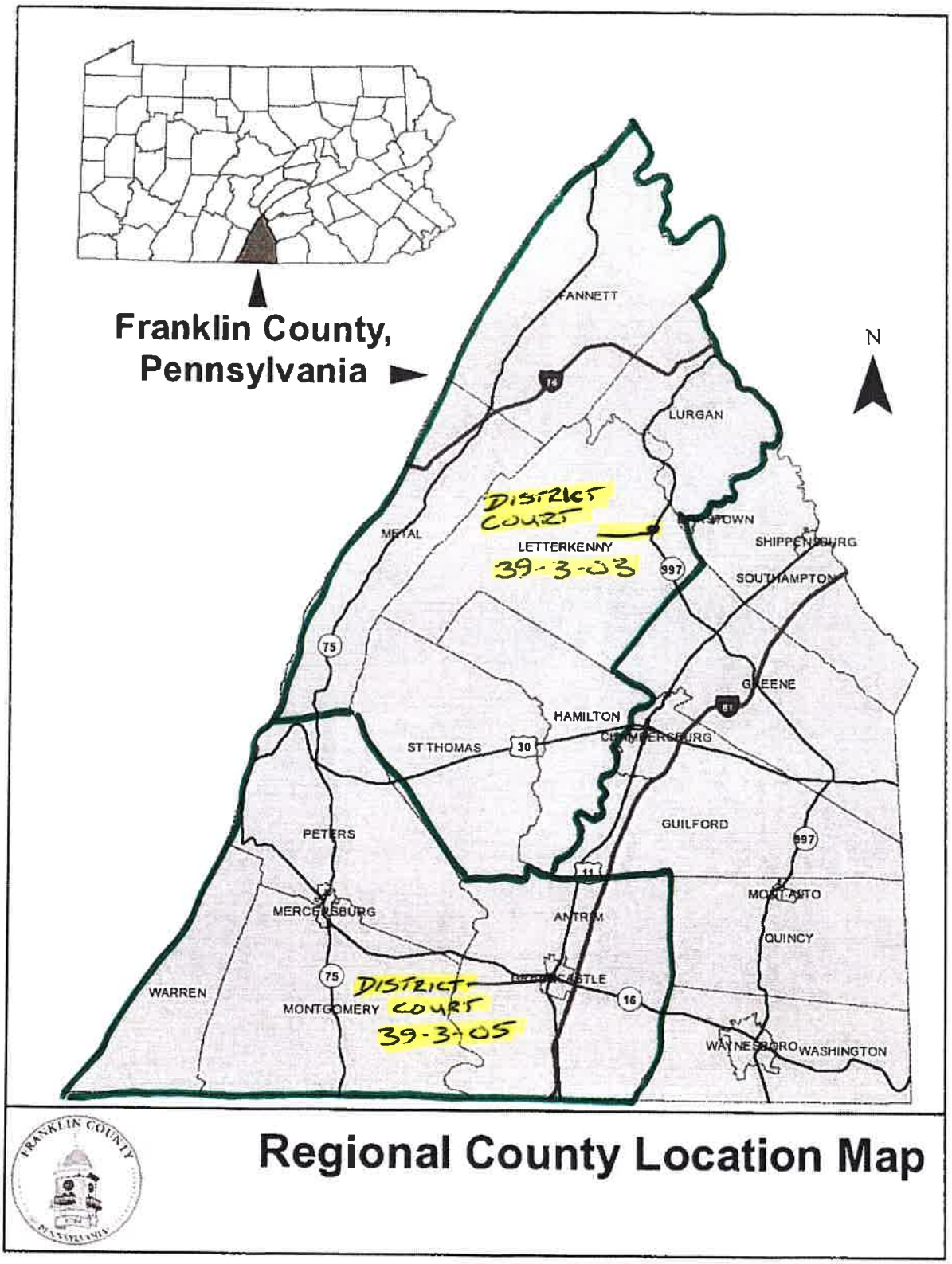
Magisterial District Courts

2018 SUMMARY STATEMENT OF REVENUE AND EXPENDITURES

	39-2-01 MDJ Manns	39-3-02 MDJ Pentz	39-3-03 MDJ Plum	39-3-04 MDJ Williams	39-3-05 MDJ Cunningham	39-3-06 MDJ Eyer	39-3-07 MDJ Rock	2018 TOTALS	2017 AUDITED TOTALS	$ Incr/(Decr)
REVENUE										
Charges for Services	$ 113,411	94,338	55,720	99,946	58,405	47,810	98,596	$ 568,226	$ 578,614	$ (10,388)
Miscellaneous Income	-	-	97	-	-	-	-	97	65	32
Total Charges for Services	113,411	94,338	55,817	99,946	58,405	47,810	98,596	568,323	578,679	(10,356)
EXPENDITURES										
Personnel Costs	198,314	181,940	82,371	154,566	78,759	66,593	108,428	870,971	855,151	15,820
Occupancy Costs	37,178	50,472	32,317	34,007	46,478	60,289	60,864	321,605	292,593	29,012
Communication & Postage	16,754	17,004	7,991	13,362	9,156	8,354	11,443	84,064	87,582	(3,518)
Office Supplies & Reference Materials	7,499	7,889	3,005	4,031	3,987	3,046	4,858	34,315	27,235	7,080
Office Furnishings & Equipment	1,428	858	-	1,116	-	262	499	4,163	4,782	(619)
Conference Costs & Travel	-	62	54	-	936	871	-	1,923	3,141	(1,218)
Constable Costs	7,979	3,985	2,314	2,942	2,601	455	2,098	22,374	25,567	(3,193)
Office Equipment Rental	1,233	1,233	1,233	1,416	1,233	1,233	1,234	8,815	8,814	1
Disposation of Records	-	140	68	237	46	-	77	568	346	222
Bonding Expense	600	600	300	-	600	600	-	2,700	-	2,700
Computer Equipment	-	1,496	1,496	-	1,496	-	-	4,488	4,518	(30)
Major Building Improvements						4,223		4,223	83,661	(79,438)
Total Expenditures	270,985	265,679	131,149	211,677	145,292	145,926	189,501	1,360,209	1,393,390	(33,181)
DISTRICT COURT SURPLUS / (DEFICIT)	$ (157,574)	$ (171,341)	$ (75,332)	$ (111,731)	$ (86,887)	$ (98,116)	$ (90,905)	$ (791,886)	$ (814,711)	$ (22,825)
NUMBER OF DOCKETS	5,011	5,930	2,933	4,855	3,636	2,497	6,298	31,160	28,731	2,429
Average Revenue Collected / # Dockets	$ 22.63	$ 15.91	$ 19.03	$ 20.59	$ 16.06	$ 19.15	$ 15.66	$ 18.24	$ 20.14	$ (1.90)
Average Cost Expended / # Dockets	$ 54.08	$ 44.80	$ 44.71	$ 43.60	$ 39.96	$ 58.44	$ 30.09	$ 43.65	$ 48.50	$ (4.85)
Average Surplus / (Deficit) / # Dockets	$ (31.45)	$ (28.89)	$ (25.68)	$ (23.01)	$ (23.90)	$ (39.29)	$ (14.43)	$ (25.41)	$ (28.36)	$ (2.95)
Staffing at Full-Time Equivalents	4.0	4.0	2.0	2.6	2.0	2.0	3.0	19.6	19.6	-

(EXHIBIT #6)
PAGE 3 OF 3

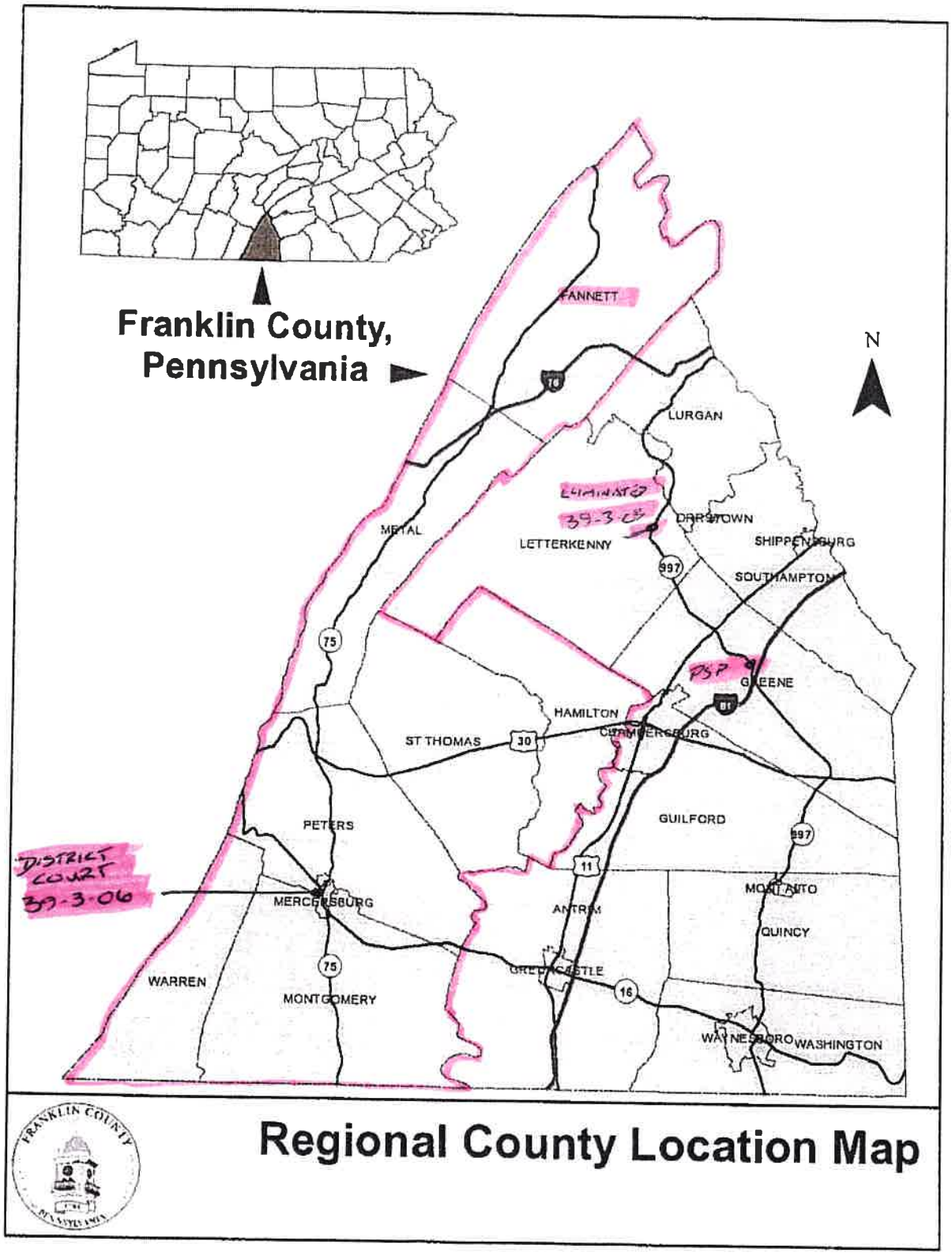
OPTIONAL MAP IF ELIMINATING DISTRICT COURT 39-3-06



(EXHIBIT # 7)

PROPOSED DISTRICT COURT 39-3-06

ELIMINATING DISTRICT COURT 39-3-03



(EXHIBIT #8)

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

David L. Plum	1/2/28	12/31/40
Magisterial District Judge Name	*Birthdate*	*Term Expiration Date*	*Mandatory Retirement Date*

11. Magisterial District Court Information - Physical Location:

9724 Cumberland Hwy., Pleasant Hall, PA 17246

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	Yes

300 homes approved in Pleasant Hall pending relocation of rare reptiles.

16. List any police departments located within this magisterial district.

Pennsylvania State Police

17. List any major highways within this magisterial district.

PA Turnpike, RT 997, RT 75 and US RT 11 RT-533

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Hamilton Township, Fannett Township, Lurgan Township, Letterkenny Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	No

Proposal is to eliminate this district and realign with 39-3-04 and 39-3-06.

20. Additional Comments:

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-3-05	**County:**	Franklin

1. Proposed plan for this magisterial district: Reestablish

2. Effective date:

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 3,298	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	-613	5	*out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	-852	-20 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

This district has actual probable development, both commercial and residential, which equates to projected growth.

The President Judge can, by Administrative Order, assign I-81 Traffic filings to achieve a more equitable caseload balance.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 21,707	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	-10,299	-32 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

No Magisterial District Judge has advised the court that the Judge cannot handle their existing workloads.

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	39-3-06	**County:**	Franklin

1. Proposed plan for this magisterial district: Realign

2. Effective date: 1/2/2028

Caseload Analysis

3. Average total caseloads:	*Avg for Magisterial District*	*Avg for Judicial District*	*Avg for Class of County*
	A. 2,458	B. 3,911	C. 4,150

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	*Difference (3A - 3B)*	*Ranking*	*Total*
	-1453	7	*out of* 7

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	*Difference (3A - 3C)*	*% Above/Below*
	-1692	-41 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

Workload Analysis

7. Average total workloads:	*Avg for Magisterial District*	*Avg for Judicial District*
	A. 20,900	B. 32,006

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	*Difference (7A - 7B)*	*% Above/Below*
	-11,106	-35 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

Cumberland Valley Investments, Inc.

d/b/a New Oxford Mobile Village

1024 Laurich Drive

Chambersburg, PA 17202

(717) 263-4600

April 12, 2022

Mark Singer
Court Administrator
14 N. Main St.
Chambersburg, PA 17201

Re: Opposition to 39th Judicial District's Magisterial District Reestablishment Report

Dear Mark Singer,

I am writing this letter to make it clear that I am strongly opposed to closing Magisterial District Court 39-3-03. I am a landlord of a mobile home park, townhomes, and various other residential and commercial properties located in Hamilton Township, within the jurisdiction of District Court 39-3-03. Should you go forward with closing that court, then I will be required to travel significantly further to file matters and attend hearings in Magisterial District Court 39-3-06. This would not only be an inconvenience to me but will also cost me more money to pay for the extra gas to drive the extra distance to Mercersburg or pay an employee to attend on my behalf. As a small business owner, I must scrutinize my overhead and this proposal unnecessarily adds to it.

The matters I'm filing in District Court are for eviction or damages to my property from prior tenants. You might not realize it, but even when I have a monetary judgment issued in my favor, I'm usually not able to collect on it. If you approve closing this court, each filing will cost me more money that I'll never get back just to get my own property back from the tenant.

It's hard enough being a small business owner. Why would you make it worse by making this arbitrary and counterproductive change? Plus, I pay the same taxes as

everyone else. So, why shouldn't I be able to continue to experience access to my local district court just down the road.

Sincerely,

Cumberland Valley Investments, Inc. President Ray Nicarry

April 11, 2022

Mark Singer
Court Administrator
14 N. Main St.
Chambersburg, PA 17201

Re: Opposition to 39th Judicial District's Magisterial District Reestablishment Report

Dear Mark Singer,

I am writing this letter to make it clear that I am strongly opposed to closing Magisterial District Court 39-3-03. I am a landlord with rentals located in Hamilton Township, within the jurisdiction of District Court 39-3-03. Should you go forward with closing that court, then I will be required to travel significantly further to file matters and attend hearings in Magisterial District Court 39-3-06. Currently it is about 15 minutes to travel to District Court 39-3-03 and the new proposed location would take me nearly an hour. It's not just a one-time drop off per each offense. I have to file it, show up for a hearing and then if I need to proceed with eviction, instead of about an hour and a half of my time its closer to 6 hours, this is a huge difference. So this further punishes me as a landlord via costs of maintaining my properties. As a small business owner, I must scrutinize my overhead and this proposal unnecessarily adds to it.

The matters I'm filing in District Court are for eviction or damages to my property from prior tenants. If you are not a landlord yourself, you might not realize it, but even when I have a monetary judgment issued in my favor, I'm usually not able to collect on it. If you approve closing this court, each filing will cost me more money that I'll never get back just to get my own property back from the tenant.

It's hard enough being a small business owner. Why would you make it worse by making this arbitrary and counterproductive change? Plus, I pay the same taxes as everyone else. So, why shouldn't I be able to continue to experience access to my local district court just down the road.

Sincerely,

Tiffany Woy

April 12, 2022

Mark Singer
Court Administrator
14 N. Main St.
Chambersburg, PA 17201

Re: Opposition to 39th Judicial District's Magisterial District Reestablishment Report

Dear Mark Singer,

I am writing this letter to make it clear that I am strongly opposed to closing Magisterial District Court 39-3-03. I am a landlord of a large mobile home park, located in Hamilton Township, within the jurisdiction of District Court 39-3-03. Should you go forward with closing that court, then I will be required to travel significantly further to file matters and attend hearings in Magisterial District Court 39-3-06. This would not only be an inconvenience to me but will also cost me more money to pay for the extra gas to drive the extra distance to Mercersburg or pay an employee to attend on my behalf. As a small business owner, I must scrutinize my overhead and this proposal unnecessarily adds to it.

The matters I'm filing in District Court are for eviction or damages to my property from prior tenants. You might not realize it, but even when I have a monetary judgment issued in my favor, I'm usually not able to collect on it. If you approve closing this court, each filing will cost me more money that I'll never get back just to get my own property back from the tenant.

It's hard enough being a small business owner. Why would you make it worse by making this arbitrary and counterproductive change? Plus, I pay the same taxes as everyone else. So, why shouldn't I be able to continue to experience access to my local district court just down the road.

Sincerely,

Ray Nicarry

April 5, 2022

Mark Singer, Court Administrator
14 N. Main St.
Chambersburg, PA 17201

Dear Mr. Singer,

As the Tax Collector for Hamilton Township, I'm writing to express my strong opposition to the 2022 Magisterial District Court Reestablishment Proposal, more specifically, eliminating Magisterial District Court 39-3-03, Judge David L. Plum's court.

I can personally speak to the upward trend of population growth in Hamilton Township and the need to keep this local court open and conveniently accessible to its residents. According to the 2020 Census figures, Hamilton Township had a 5.4% increase in population. Currently, there are several subdivision plans that have either been approved or are in the reviewing stages, projecting continued growth in our municipality.

Based on the rate of growth and projected growth of our township and the fact that the state is not recommending any court closures for this round of the Decennial Reestablishment of Magisterial Districts, a decision to eliminate a centrally located court appears to be quite arbitrary. A local decision of this magnitude should have the best interest of the tax-paying residents at the forefront. No matter how you look at this closure, it's the small business owners, the landlords, the low-income residents, those with limited transportation, and the PSP who will sacrifice as you relocate their court 45 minutes from its current location. Wasn't it for the convenience of those exact groups that the "community courts", the Magisterial District Courts, were created in the first place?

I'd respectfully ask that my letter of opposition be forwarded with your report to the Supreme Court and perhaps **they** will consider the best interest of the residents of Franklin County and deny the closure of Magisterial District Court 39-3-03.

Sincerely,

Jodi Eiker

Jodi Eiker,
Hamilton Township Tax Collector

ROB KAUFFMAN, MEMBER
89TH LEGISLATIVE DISTRICT

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

COMMITTEES

MAJORITY CHAIRMAN,
JUDICIARY COMMITTEE

CONSUMER AFFAIRS

RULES

April 26, 2022

The Honorable Shawn D. Meyers
President Judge
39th Judicial District Court
272 North Second Street
Chambersburg, PA 17201

Mr. Mark Singer
District Court Administrator
39th Judicial District
14 North Main Street
Chambersburg, PA 17201

Geoff Moulton
Court Administrator
AOPC
PO Box 61260
Harrisburg, PA 17106

Dear President Judge Meyers, Mr. Singer and Mr. Moulton:

I am writing to comment on the recently released Revised Magisterial District Reestablishment Report for the 39th Judicial District consisting of Franklin and Fulton County issued on April 1, 2022. Specifically, I would like to express concerns I have regarding the recommendation to eliminate District Court 39-3-03.

Although I commend the diligent work done in creating the Reestablishment Report, I believe there were numerous factors overlooked regarding the recommendation to eliminate District Court 39-3-03. First, Hamilton, Letterkenny, and Lurgan townships which are located in this district, each had at least a 3% growth in population according to the 2020 census. If the population in these townships increase in a similar fashion in the future, this could significantly increase the caseload and workload for the other district courts if District Court 39-3-03 is eliminated.

Next, the elimination of District Court 39-3-03 would cause significant logistical issues that would have an array of harmful unintended consequences. For example, placing Hamilton Township in District Court 39-3-06 would severely burden the Pennsylvania State Police ("PSP") Chambersburg, school districts, Hamilton Township supervisors, business owners and residents. This is because any court filings or appearances at the district court level in Hamilton Township issued would require travel to Mercersburg, increasing PSP Chambersburg travel time from 10 minutes to 45 minutes. PSP Troop T, located in Newville, who issue citations on the portion of the

Harrisburg Office: Room 312, Main Capitol Building • P.O. Box 202089 • Harrisburg, PA 17120 • Phone: (717) 705-2004 • Fax: (717) 787-9840
Chambersburg Office: 166 South Main Street • Chambersburg, PA 17201 • Phone: (717) 264-3943 • Fax: (717) 264-2893
Shippensburg Office: Southampton Township Municipal Building • 703 Municipal Drive • Shippensburg, PA 17257 Phone: (717) 532-1707 • Fax: (717) 532-5043

Pennsylvania Turnpike that runs through Hamilton Township, would see their travel time to district court increase from 20 minutes to an hour or more. Simply put, elimination of District Court 39-3-03 would increase travel time and subsequently produce higher failures to appear at court proceedings. This would result in an increase in danger to the community and unnecessary financial burdens. Such consequences are antithetical to easy access to our community courts. Finally, eliminating District Court-39-03 would also increase the number of times the remaining 6 magisterial district judges would be on call.

It should also be noted that District Court 39-3-03 surrounds Letterkenny Army Depot, one of Franklin County's largest employers. The District Court also surrounds the Franklin County Jail, 911 Call Center and various other private businesses. All of these entities could be negatively impacted by the elimination of District Court 39-3-03.

Thank you for taking the to review my comments on the Revised Magisterial District Reestablishment Report for the 39th Judicial District. I sincerely hope you take these comments into consideration to make what I believe would be appropriate, equitable and effective changes to the report. Finally, as a representative of the Franklin County, I sincerely appreciate the hard work you have undertaken in this important endeavor. endeavor.

Best regards,

Rob Kauffman, Majority Chairman
House Judiciary Committee
89th Legislative District

Court Administrator
14 S. Main St.
Chambersburg, PA 17201

Mark Singer,

April 6, 2022

As a life-long resident of Franklin County, I am writing in opposition to the Magisterial District Reestablishment Report 2022–2031 for the 39th Judicial District. Specifically, I strongly oppose the closure of District Court 39-3-03, Judge Plum's office.

It simply does not make sense to eliminate one of our Magisterial District Courts especially when we added a new District Court office in 2004 and an additional Common Pleas Judge in 2010, both due to population growth. That growth trend certainly hasn't changed over the years and shows no signs of slowing in the future, particularly in Hamilton Township.

After speaking with MDJ Plum regarding this proposal, I was made aware that the majority of the Franklin County Magisterial District Judges were not consulted or a part of drafting this proposal. How does one come up with a plan this drastic without consulting the Judges who know the day-to-day workings of the District Court Office? The judges are familiar with the businesses and people in their district. The judges know the distance people travel to get to their court. The judges know the demographics that their specific court serves. It would seem to me that a much better plan could be formulated if all parties affected were included in the proposal phase.

Closing a centrally-located community court and moving it so far away would become a hardship for many in this district. It makes access to justice a burden for the low-income and those without a means of transportation and adds unnecessary extra travel costs to those who do. Small business owners and landlords have enough trouble making ends meet, why make it more difficult for them? Afterall, they certainly pay their share of taxes in our county!

I'd ask that this letter, voicing my strong opposition to your proposal, be forwarded to the Supreme Court with your report. It would be my hope that the Supreme Court would consider the negative effects the closure of District Court 39-3-03 would have on the people in the district and **not approve** the closure.

Thank you,

Helen McDonald

Helen McDonald

HAMILTON TOWNSHIP BOARD OF SUPERVISORS

1270 Crottlestown Road
Chambersburg, Pennsylvania 17202
Telephone: (717) 264-2946
Fax: (717) 264-2134
Email: hamiltontwp@comcast.net

Supervisors:
Jeffrey T. Rockwell
Richard K. Troup
Ronald R. Yeager

Solicitor:
Andrew J. Benchoff

April 21, 2022

Mark Singer,
District Court Administrator
39th Judicial District
14 N. Main Street
Chambersburg, PA 17201

RE: Magisterial District Reestablishment REVISED Plan – 39th Judicial District

Dear Mr. Singer:

Our office has reviewed the revised recommendations proposed by President Judge Meyers for the 39th Judicial District – Franklin County Branch. This correspondence is written to ensure that our concerns and objections are acknowledged and taken into consideration prior to final action being taken to submit the proposal to the Administrative Office of Pennsylvania Courts.

It is our understanding that District Court 39-3-03, currently serving Hamilton, Fannett, Lurgan and Letterkenny Townships, and physically located at 9724 Cumberland Highway, Pleasant Hall, Pennsylvania, is proposed to be eliminated effective January 2, 2028. Speaking only on behalf of our municipality, Hamilton Township would then become a part of District Court 39-3-06, which is physically located at 20 Veteran's Way, Mercersburg, Pennsylvania.

As currently located, our office staff, Township business owners, Township residents and local law enforcement personnel have the ability to access District Court 39-3-03 within a 15 to 20 minute drive. The travel time to the proposed District Court 39-3-06 in Mercersburg would necessitate a 45-minute drive. This additional travel time of approximately one hour to file Ordinance violations will not only cause our office staff to be away from our Municipal Office longer, but will mean additional fuel, as well as wear and tear on vehicles. The same effects will apply to Township business owners, residents and law enforcement to conduct business at District Court. To further detail the negative effects of this location, Hamilton Township contains a large Section 8

housing complex. Many of those residents do not have their own method of transportation, and no public transportation system exists for our residents to commute to Mercersburg.

According to the 2020 Census figures, Hamilton Township had a 5.4% increase in population, even during a decade when our office issued 70% fewer permits for new home construction. We are projecting continued growth in our municipality due to the number of subdivision plans for residential developments that have recently been approved or are currently under review. Additional population will produce more traffic incidents and matters involving local law enforcement as well as potential filings for our office and local business owners.

We respectfully request that a closer review be conducted and consideration be given to the far-reaching effects of the current recommendations proposed in the 39th Judicial District's Magisterial District Reestablishment Report, as revised.

Respectfully submitted,

Jeffrey T. Rockwell, Chairman

Richard K. Troup, Vice-Chairman

Ronald R. Yeager, Township Supervisor

djh

B & T MINI STORAGE
1656 Letterkenny Road
Chambersburg, PA 17201
(717)261-5997

April 4, 2022

Mark Singer
Court Administrator
14 N Main St.
Chambersburg, PA 17201

I am writing to express my stern opposition to the 2022 Magisterial District Reestablishment Proposal, more specifically, the closing Magisterial District Court 39-3-03.

I own 250 rental units all of which are in the jurisdiction of Magisterial District Court 39-3-03. Should you go forward with closing that court, then I will be required to travel 3 times the distance to file matters and attend hearings in Magisterial District Court 39-3-06. This would not only be a major inconvenience to me, but will also increase fuel costs to drive to Mercersburg or require me to pay someone to attend on my behalf. As a small business owner, I must scrutinize my overhead and this proposal unnecessarily adds to it. In addition, many of my tenants are within walking distance of their rentals. If they were to find themselves in a situation where they needed to find transportation to Mercersburg, we do not have a public transportation system that would provide for that, putting their access to justice in serious jeopardy.

Our Magisterial District Courts were created for the purpose of serving as "community courts" and this proposal most definitely defeats that purpose entirely. Currently, District Court 39-3-03 is centrally located in the district. As a resident and small business owner of Hamilton Township, I certainly pay my fair-share of taxes and at the very least should be able to continue to experience the convenience of a district court at a reasonable distance from my location.

It's hard enough being a small business owner. Why would you make it more difficult by making this counterproductive change?

Thank you for your consideration.

Sincerely,

Jennifer L. Plum

UMH
PROPERTIES, INC

Mark Singer
14 N. Main St., Chambersburg, PA 17201

April 22, 2022

Dear Mark Singer,

I am writing this letter to make it clear that **I am strongly opposed to closing Magisterial District Court 39-3-03**. I am the property manager of Carson's Mobile Home Park in Hamilton Township, within 10 minutes of District Court 39-3-03. If this court is closed, I will be required to travel 20 miles, approximately 40 minutes, to file matters and attend hearings in Magisterial District Court 39-3-06 Mercersburg. This would not only be an inconvenience to me but will cause an unnecessary hardship for my tenants to access justice as there is currently no public transportation system.

The matters I'm filing in District Court are for eviction or damages to my property from prior tenants. If you are not a landlord yourself, you might not realize it, but even when I have a monetary judgment issued in my favor, I'm usually not able to collect on it. If District Court 39-3-03 is eliminated, each filing will cost me more money that I'll never be compensated for, just to get the property back from the tenant.

It's hard enough for our tenants to make ends meet. Why would you make it worse by making this arbitrary and counterproductive change? Why shouldn't we be able to continue to experience convenient access to our local district court as they were intended.

I'd respectfully ask that you forward my letter of opposition to the Supreme Court with your report. Perhaps the Supreme Court will take the best interest of our community into consideration and deny the closure of Magisterial District Court 39-3-03.

Sincerely,

Lincoln Hogg
Property Manager

M.C. Plum, Inc.

Plumbing,
Heating & Air Conditioning
Sheet Metal

891 Lincoln Way West
P.O. Box 39
Chambersburg PA 17201-0039

Telephone: (717) 263-1001
Fax: (717) 263-2255
Email: mcplum@planetcable.net

April 20, 2022

Mark Singer
Court Administrator
14 N. Main St.
Chambersburg, PA 17201

Dear Mr. Singer,

I am writing this letter in complete opposition to closing Magisterial District Court 39-3-03. As a small business owner located in the jurisdiction of Magisterial District Court 39-3-03, should you go forward with closing that court, unnecessary costs will be added to my already tightly budgeted overhead. Our once centrally located community court would no longer be conveniently accessible as I'd have to travel to Mercersburg to file matters and attend hearings in Magisterial District Court 39-3-06.

As a life-long resident of Hamilton Township and small business owner for more than 25 years, it is very easy to see the growth in our township. Our county as a whole has been steadily growing since 2010 it simply defies logic to close down one of our Magisterial District Courts, especially when we added a new district court office in 2004. The growth from 2004 to the proposed closing date will be astronomical. I simply can not imagine the justification for needing less district court offices considering that is the only level of the court system that most of the population will ever encounter.

I would respectfully ask that you take into consideration the continued growth of our county and the ease of access to the courts for small business owners, citizens, and those without means of transportation and reconsider what appears to be an arbitrary proposal to close District Court 39-3-03.

Sincerely,

Michael C. Plum, Owner
M.C. Plum Plumbing and Heating Inc.

Hamilton Heights Market, Inc

1486 Edenville Rd, Chambersburg, PA 17202
717-264-3071

April 5, 2022

Mark Singer
Court Administrator
14 N. Main St.
Chambersburg, PA 17201

Dear Mr. Singer,

I am writing this letter in opposition to the closing of Magisterial District Court 39-3-03. As a small business owner located in Hamilton Township, should you go forward with closing that court, unnecessary costs will be added to my already tightly budgeted overhead. Our once centrally located community court would no longer be conveniently accessible as I'd have to travel 3 times the distance to Mercersburg to file matters and attend hearings in Magisterial District Court 39-3-06.

I have been a life-long resident of Hamilton Township and **our small family-owned business has been around for more than 50 years**. It is very easy to see the growth in this district. Our county as a whole has been steadily growing since 2010 it simply defies logic to close down one of our Magisterial District Courts, especially when we added a new district court office in 2004 due to population growth. The growth from 2004 to the proposed closing date will be astronomical. I simply cannot imagine the justification for eliminating a court in one of the fastest growing areas in Franklin County.

I would respectfully ask that you forward my letter of opposition to the Supreme Court along with your report. I'd certainly expect the Supreme Court would take into consideration the continued growth of our area and the ease of access to the courts for small business owners and residents and **block this arbitrary proposal to close District Court 39-3-03.**

Sincerely,

Michael B Johnson

Michael Johnson, Owner
Hamilton Heights Market

Mark Singer,

April 5, 2022

As a life-long resident of Hamilton Township, I am writing in opposition to the Magisterial District Reestablishment Report 2022–2031 for the 39th Judicial District. Specifically, I strongly oppose the closure of District Court 39-3-03, Judge Plum's office.

It's easy to see that our county has been steadily growing. It simply does not make sense to close down one of our Magisterial District Courts especially when we added a new District Court in 2004 because there was a need at that time. The population has steadily grown since then and continues on an upward trend, particularly in Hamilton Township.

After inquiring with several District Judges regarding this proposal, I was made aware that the Franklin County Magisterial District Judges were not consulted or a part of drafting this proposal. How does one come up with a plan this drastic without consulting the Judges who know the day-to-day workings of the District Court Office? They are familiar with the businesses and people in their district. They know the distance people travel to get to their court. They know the demographic that their specific court serves. It would seem to me that a much better plan could be formulated if all parties affected were included in the proposal phase.

Closing a centrally-located community court and moving it so far away would become a hardship for many in this district. It makes access to justice a burden for the low-income and those without a means of transportation and adds unnecessary extra travel costs to those who do. Small business owners and landlords have enough trouble making ends meet, why make it more difficult for them? Afterall, they certainly pay their share of taxes in our county!

I'd ask that you consider the negative effects the closure of District Court 39-3-03 would have on **the people in the district** and reconsider this proposal.

Thank you,

Harold F. Gomer

Harold F. Gomer