

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
FISCAL YEAR 2022 BUDGET TESTIMONY
MAY 19, 2021**

INTRODUCTION

Good Day President Clarke and Members of City Council. I am Richard T. McSorley, Esq. and I am pleased to provide brief written testimony in support of the First Judicial District’s Fiscal Year 2022 budget. As the District Court Administrator of the First Judicial District, I am representing the Administrative Governing Board, Honorable Idee C. Fox, President Judge Court of Common Pleas, AGB Chair; Honorable Patrick F. Dugan, President Judge Municipal Court; Honorable Lisette Shirdan-Harris, Administrative Judge Trial Division; Honorable Margaret T. Murphy, Administrative Judge Family Court; Honorable Sheila Woods-Skipper, Administrative Judge Orphans’ Court; Honorable Gary S. Glazer, Administrative Judge Traffic Division. Also, joining me today is Kevin A. Cross, Deputy Court Administrator, Financial Services.

As an independent and coequal branch of government, the First Judicial District of Pennsylvania (FJD) is constitutionally entrusted with the fair and just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and the Commonwealth of Pennsylvania.

FY2022 FJD General Fund and Grants Revenue Request	Amount
FJD FY2022 General Fund Budget Request	\$115,743,463
FY2022 FJD Grants Revenue Budget Request	52,452,497
FJD Total General Fund and Grants Revenue Budget Request	\$168,195,960

Plans for Fiscal Year 2022:

For the Fiscal Year 2021-2022, the FJD’s notable departmental plans are as follows:

- Establishment of an Office of Diversity, Equity, and Inclusion (DEI): A DEI Officer will be hired and funded internally -- a significant commitment to equity and inclusion for all Philadelphians whom we serve and employ. The FJD is the first in the Commonwealth’s Unified Judicial System to create a position solely dedicated to addressing the diverse needs of our community and team members. This office will be an integral piece for community engagement and policymaking.
- In FY21, the FJD continued the work of securing its network infrastructure. This work will extend into FY22 and beyond. To date, the FJD has spent approximately \$8 million to purchase the necessary hardware and software to accomplish this endeavor.
 - During the review of the FJD’s network infrastructure, it was determined that the current *Civil Case Filing and Management System* was inadequate and must be updated so that all systems on the network are secure and fully accessible to the public and legal community. This modernization is in its initial stage and will likely be a multi-year project.

- Additionally, due to the pandemic and the impact on the State's budget, the AOPC may no longer be able to maintain the *Common Pleas Criminal Case Management System* (CPCMS), which is responsible for all case management aspects such as filings, dispositions, sentences, and finances. This will have an enormous impact on all City criminal justice partners, but especially the FJD. If CPCMS is no longer supported, budgetary resources will be needed to continue this function. The scope or cost of this project cannot be determined at this time.
- A partnership is underway with the Civil Gideon Task Force to redesign the FJD's website to make it more user-friendly and accessible to the public.

COVID OPERATIONS

- **Safety Expenditures:** During the COVID-19 pandemic, the FJD remained operational by reallocating existing funds to meet the social distancing and safety needs to partially restore operations across all courts. Overall, the FJD has spent \$1.3 million in equipment and materials to help with the response to the COVID-19 pandemic. Examples of expenses included in this total:
 - \$620,000 for Plexiglass partitions to secure courtrooms and public areas in order to limit the exposure and transmittal of the COVID-19 virus to our employees and the public during hearings and trials
 - \$582,262 in hardware purchases, such as laptops, web cams, and monitors in order to allow for virtual hearings to be conducted by various divisions of the FJD.
 - \$100,000 in sanitizing materials (hand sanitizer, wipes, etc.) in order to limit the spread of COVID-19
 - In addition to the laptop and hardware purchases, the FJD spent \$40,700 in Zoom licensing fees to allow remote hearings to continue while in-person court activity was limited due to the pandemic.
 - To date, over 6 million Zoom minutes have been used to conduct hearings, trials and meetings. Additionally, the Family Court Division utilized Ring Central for video hearings, accumulating more than 2.6 million minutes since July, 2020.
- **Criminal Trial Division of the Philadelphia Court of Common Pleas (CP) and Municipal Court (MC) Criminal Operations:**
 - MC Preliminary Arraignment Court was never interrupted and continued to conduct bail hearings 24/7/365.
 - MC Emergency Protection from Abuse - which had previously operated during non-traditional business hours, holidays and weekends - remained opened continuously during the pandemic.
 - MC Early Bail Review (EBR), Crash Court and Bench Warrant Court remained operational since March 2020 conducting hearings in a hybrid virtual setting.
 - CP and MC e-Filing remained available 24/7 for judicial review of motions for bail modifications, lifting detainers, and early parole petitions.
 - In April of 2020, the criminal divisions of the Court of Common Pleas and Municipal Court began scheduling Early Release Hearings for incarcerated defendants. Lists of potential candidates were created and vetted by the District Attorney and Defender Association. CP and MC Cases were scheduled before 4 CP and 2 MC Judges for review for release only. Between the two courts:

- 1,766 total emergency hearings (March 15 – May 31,2020)
 - MC = 410
 - CP = 1,356
 - 714 releases from prison due to emergency hearings
 - MC = 154
 - CP = 560
 - Currently all Common Pleas Criminal Courtrooms are fully operational. Hearings are conducted either via Zoom, in person, or using a hybrid model. Waiver trials, guilty pleas, sentencing hearings, motions, violation of probation hearings, and Post-Conviction Relief Act (PCRA) hearings are scheduled and heard daily either in person or remotely.
 - Common Pleas Court Criminal jury trials resumed on 9/8/20. Due to a spike in the Prison COVID population, they were postponed on 11/16/20. Jury trials resumed again on 3/1/21 - and continue to this day. Courtrooms are fully outfitted with PPE and Plexiglass, and public viewing of the trial is provided remotely from another Courtroom.
 - Currently there are 18 MC Courtrooms operational in the Stout Center and one in the Detention Center. The courtroom in the Philadelphia Detention Center was created solely to address Preliminary Hearing cases for people who are incarcerated. All Court staff, including the Judge and defendant, are present in the prison courtroom. Witnesses appear remotely via Zoom.
 - Stout Center courtrooms are a mix of “in-person only” and Zoom proceedings. MC opened 13 courtrooms on August 31, 2020, while additional rooms are opening with a focus on adjudication of pretrial, felony custody matters. From August through December, MC scheduled approximately 4,400 felony cases.
 - CP and MC are utilizing both Polycom (video units) and Zoom to conduct hearings within Philadelphia County, surrounding counties and state prisons/correctional institutions.
 - The Sheriff transports individuals in custody from State Road for court matters held at the Stout Center.
 - Mental Health evaluations are being conducted in-person and via Zoom.
 - The Adult Probation and Parole Department (APPD) began remote supervision in April and continued to operate remotely during the pandemic. Home visits began on April 5, 2021, with a particular focus on populations requiring intensive supervision. In-person office visits are not being conducted but contact with the supervised population remains voluminous with remote reporting via video, Zoom, phone calls, and text messages.
 - Pretrial Services’ 24/7 and essential operations, including the Electronic Monitoring Center, Electronic Monitoring Field Team, Bail Interviewing Unit, and Data Verification Unit never shut down and continued running around the clock through both the pandemic and the civil unrest. An array of logistical and technical adjustments made this possible.
 - Pretrial Supervision of clients remained operational throughout the pandemic as well with staffing adjustments and remote contact of clients. Clients continued to receive referrals to all types of social services with 561 referrals in 2020 and over 300 referrals so far in 2021.
- Municipal Court Criminal Division Operations since March 2020:
 - The FJD took extraordinary steps to ensure that criminal proceedings were held as safely and timely as possible. Municipal Court conducted ongoing, continual

communication and interaction with its justice partners in order to work together to find immediate solutions.

- Safety concerns related to COVID-19 necessitated modifications to court procedures and scheduling and limited the number of proceedings that Municipal Court could conduct.
 - With closures effectuated in March 2020, Municipal Court pivoted from in-person proceedings to conducting as many proceedings as possible through alternate means, including video conferences.
 - Offsite locations were created for remote testimony of police and civilian witnesses to further decrease the number of people coming into the Stout Center.
 - Civilian Witness expansion: secured space at Traffic Division for civilian witness testimony via Zoom.
 - Police Witness expansion: secured space at a police district for remote police testimony to reduce the number of officers subpoenaed to the Stout Center.
 - Administrative Bench Warrant Court was set-up to accept e-filed motions to lift bench warrants and reduce the number of individuals needed to come into the building for warrant surrenders.
- **Family Court Division:**
- Juvenile:
 - All units are open and operational. Alternate staff schedules have been utilized since 11/30/20. Individual and unit schedules are routinely evaluated and are based on the overall needs of the court, the operational needs of each respective unit, and staff availability. Employees working alternate off-site schedules are expected and required to report for on-site duty when and if needed.
 - All Family Court hearings are conducted using advanced communication technology and/or in accordance with the CDC guidelines when in-person.
 - Delinquency
 - Detention Hearings are heard within 72 hours of the youth placed in detention on Monday, Wednesday, and Friday in person at the Philadelphia Juvenile Justice Services Center.
 - Adjudicatory Hearings, Dispositional Hearings, Pretrial Hearings, and Review Hearings are being conducted daily. Most delinquent hearings are being conducted using advanced communication technology; however, in custody adjudicatory hearings are conducted in-person. Out of custody adjudicatory matters are being heard virtually.
 - In cases where a juvenile is detained prior to the adjudicatory hearing, the court may schedule the adjudicatory hearing more than ten (10) days after the filing of the petition or the pre-hearing conference, as deemed appropriate by the hearing officer or the judge. The court will conduct a status hearing to review the pretrial detention every ten (10) days until the adjudicatory hearing is scheduled.
 - Juvenile Probation
 - Juvenile Probation Intake continues to operate on a 24/7/365 basis in order to process arrests and admissions into the Philadelphia Juvenile Justice Services Center (PJJSC).
 - Warrant operations and Violence Prevention Partnership (VPP) continue cooperation with the Philadelphia Police Department and other law enforcement agencies.

- Juvenile Probation are conducting field operations, including contacts with youth in the community, GPS monitoring, and residential visitation requirements. Probation Officers are visiting youth via curbside and in accordance with all CDC guidelines. In-person reporting for youth at Family Court remains suspended.
- Dependency
 - Shelter Care Hearings are conducted in person at Family Court.
 - Adjudicatory Hearings, Dispositional hearings, Review hearings, and Goal Change hearings are being conducted.
- Adoption
 - Adoption proceedings are being conducted using advanced communication technology.
- Criminal
 - Cases in which a victim is a minor are scheduled on Mondays, Wednesdays, and Fridays in person in courtroom 5F at Family Court.
- Truancy
 - Truancy matters are being held daily at Family Court via advanced communication technology.
- Domestic Relations
 - All units are open and operational. Alternate staff schedules have been utilized since 11/30/20. Individual and unit schedules are routinely evaluated and are based on the overall needs of the court, the operational needs of each respective unit, and staff availability. Employees working alternate off-site schedules are expected and required to report for on-site duty when and if needed.
- Domestic Violence
 - Court staff available daily to assist self-represented litigants complete Protection from Abuse petitions.
 - Emergency PFA services available nights and weekends at CJC.
 - Abuse trials and ex-parte hearings are conducted daily primarily using Ring Central. Some judicial hearings are in person at the request of the presiding judge
- Custody
 - Emergency custody petitions are being accepted through an electronic process (email)
 - Non-emergency petitions are being accepted through an electronic process (email)
 - Intake staff are available daily via telephone to assist self-represented litigants prepare and file non-emergency custody pleadings.
 - Properly prepared petitions may be dropped off in Drop box located in Family Court lobby
 - Judicial custody hearings are being conducted daily primarily via Ring Central. Some judicial hearings are in-person at the request of the presiding judge.
 - Custody Hearing Officers conducting hearings/conferences daily exclusively via Ring Central.
 - Sunday Supervised visitation remains suspended until further notice.
- Support
 - Complaint for support/petition to modify can be filed electronically via the state's child support website

- Intake staff are available daily via telephone to assist self-represented litigants prepare and file routine support pleadings.
 - Judicial hearings (motions, contempt, exceptions) are being conducted daily primarily via Ring Central. Some judicial hearings are in-person at the request of the presiding judge
 - Support Hearing Officers conducting establishment and modification hearings daily exclusively via Ring Central
 - Conference Officers are conducting establishment and modification conferences daily telephonically or via MS Teams
 - Divorce
 - Judicial divorce hearings are being conducted daily primarily via Ring Central. Some judicial hearings are in person at the request of the presiding judge.
 - Permanent Arbitrators in Divorce are conducting hearings daily exclusively via Ring Central.
 - Customer Service
 - Customer Service representatives are available and on-site daily via dedicated telephone numbers and email addresses to assist litigants with their Domestic Relations matters.
- **Trial Division – Civil Section:**
- Currently, the FJD’s Civil section conducts virtual Non-Jury Trials, Compulsory Arbitration Hearings, Discovery Hearings, Mandatory Settlement Conferences, Pretrial Conferences, Oral Argument in Statutory Appeal Matters, and Sequestration Hearings within the Commerce Program.
 - The Civil Electronic Filing System is operational 24/7/365, enabling parties to electronically file legal pleadings, motions, and papers in civil matters with the Office of Judicial Records without entering City Hall.
 - On Thursday, March 4, 2021, the Trial Division – Civil Section resumed in-person Civil Jury Trials for matters in the Arbitration Appeal, Major Jury and Mass Tort case management programs. City Hall Courtrooms have been significantly reconfigured to comply with CDC guidelines and COVID-19 protocols. As of April 7, 2021, approximately 400 civil cases have been scheduled for in-person jury trials through December 2021.
 - Virtual hearings for Department of Transportation (PennDOT) appeals will commence in May 2021.
- **Municipal Court Civil Division** has been operational since May 18, 2020. All hearings previously scheduled during the courts closure due to COVID-19 have been rescheduled and/or have been adjudicated. MC is currently fully operational. All filing types are currently being filed electronically, as well as in person. Non-Attorney in-person filings are being conducted by appointment and/or walk-ins.
- **Orphans’ Court Division** is planning to resume limited in person hearings and hybrid hearings for specific proceedings beginning May 17, 2021 Orphans’ Court Division has been very successfully in the use of remote hearings particularly for incapacitation and guardianship hearings, which allow more access and participation by the alleged incapacitated person, the parties, and interested family members.

- **Traffic Division** has systematically and carefully resumed 98% of its in-person and/or remote operations and processes that were affected by the pandemic. The Traffic Division currently provides the following services for the general public, Monday through Friday:
 - Financial Determination Hearings (payment plans) (conducted virtually, via Zoom technology)
 - Customer service (in person or telephonically through the Call Center)
 - Impoundment Hearings relative to the Live Stop Program
 - Pre-Trial Settlement Conferences (relative to pending summary trials in courtrooms “A” and “B”) conducted virtually, via Zoom technology, with representatives from the Office of the District Attorney.
 - *In-person hearings/trials in Courtroom “A” before our hearing officers and Courtroom “B”* where mandatory and subsequent offense violations are heard by judges of the Municipal Court

Thank you for the opportunity to present this written testimony today. On behalf of the Philadelphia Judiciary, Administrative Governing Board, and the employees of the FJD, we respectfully seek City Council’s consideration and approval of our FY22 General Fund and Grants Revenue budget.

BUDGET SUMMARY & OTHER BUDGET DRIVERS

1. Staff Demographics Summary

Staff Demographics Summary (as of December 2020)				
	Total	Minority	White	Female
Number of Full-Time Staff	2268	941	1327	1412
Number of Exempt Staff	2268	941	1327	1412
Number of Executive Staff (deputy level and above)	64	16	48	27
Average Salary, Full-Time Staff	\$52,851	\$51,047	\$54,130	\$51,549
Average Salary, Exempt Staff	\$52,851	\$51,047	\$54,130	\$51,549
Average Salary, Executive Staff	\$104,247	\$102,364	\$104,875	\$101,956
Median Salary, Full-Time Staff	\$49,283	\$48,683	\$50,100	\$48,883
Median Salary, Exempt Staff	\$49,283	\$48,683	\$50,100	\$48,883
Median Salary, Executive Staff	\$105,466	\$94,080	\$105,666	\$105,466

2. Employment Levels

Employment Levels (as of December 2020)		
	Budgeted	Filled
Number of Full-Time Positions	2349	2268
Number of Part-Time Positions	131	131
Number of Exempt Positions	2349	2268
Number of Executive Positions (deputy level and above)	70	64
Average Salary of All Full-Time Positions	\$52,282	\$52,851
Median Salary of All Full-Time Positions	\$49,083	\$49,283

First Judicial District

3. Financial Summary by Class

General Fund Financial Summary by Class						
	FY20 Original Appropriations	FY20 Actual Obligations	FY21 Original Appropriations	FY21 Estimated Obligations	FY22 Proposed Appropriations	Difference: FY22-FY21
Class 100 - Employee Compensation	\$104,792,068	\$103,276,427	\$105,324,122	\$105,324,122	\$104,868,556	(\$455,566)
Class 200 - Purchase of Services	\$8,480,039	\$11,060,993	\$8,480,039	\$8,480,039	\$8,643,039	\$163,000
Class 300/400 - Materials, Supplies & Equipment	\$2,231,868	\$2,224,626	\$2,231,868	\$2,231,868	\$2,231,868	\$0
Class 500 - Contributions		\$14,482				\$0
	\$115,503,975	\$116,576,528	\$116,036,029	\$116,036,029	\$115,743,463	(\$292,566)

4. Participation Rate

Contracts Summary (Professional Services only)				
	FY18	FY19	FY20	FY21 YTD (Q1 & Q2)
Total amount of contracts	\$7,342,441	\$9,157,373	\$6,991,290	\$5,394,578
Total amount to M/W/DSBE	\$2,912,448	\$2,607,388	\$3,034,855	\$1,652,298
Participation Rate	40%	28%	43%	31%

First Judicial District

STAFFING LEVELS

The First Judicial District is requesting 1,822 budgeted positions for FY22 a decrease of 28 position from 1,850 level in FY21.

Additional positions may be requested as judicial vacancies are filled.

NEW HIRES

6. New Hire Information/Language Access

New Hires (from 7/1/2020 to December 2020)	
	Total Number of New Hires
Black or African American	13
Asian	4
Hispanic or Latino	3
White	34
Other	3
Total	57

New Hires (from 1/1/2021 to 2/12/2021)	
	Total Number of New Hires
Black or African American	6
Asian	2
Hispanic or Latino	1
White	6
Other	1
Total	16

All Staff					
	Spanish	Italian	Russian	Korean	[language 5]
Black or African American	0	0	0	0	n/a
Asian	0	0	0	1	n/a
Hispanic or Latino	14	0	0	0	n/a
White	4	4	0	0	n/a
Other	0	0	1	0	n/a
Total	18	4	1	1	0

EMPLOYEE DATA

5. Staff Demographics

Staff Demographics (as of December 2020)					
Full-Time Staff			Executive Staff		
	Male	Female	Male	Female	
	African-American	African-American	African-American	African-American	
<i>Total</i>	225	526	6	5	
<i>% of Total</i>	10%	23%	9%	8%	
<i>Average Salary</i>	\$50,165	\$50,307	\$102,104	\$100,704	
<i>Median Salary</i>	\$45,582	\$48,131	\$99,823	\$93,580	
	White	White	White	White	
<i>Total</i>	559	768	27	21	
<i>% of Total</i>	25%	34%	42%	33%	
<i>Average Salary</i>	\$56,712	\$52,250	\$106,334	\$102,998	
<i>Median Salary</i>	\$53,609	\$49,083	\$105,666	\$105,566	
	Hispanic	Hispanic	Hispanic	Hispanic	
<i>Total</i>	36	76	1	0	
<i>% of Total</i>	2%	3%	2%	0%	
<i>Average Salary</i>	\$55,123	\$52,498	\$123,579	\$0	
<i>Median Salary</i>	\$52,742	\$50,751	\$123,579	\$0	
	Asian	Asian	Asian	Asian	
<i>Total</i>	16	23	1	0	
<i>% of Total</i>	1%	1%	2%	0%	
<i>Average Salary</i>	\$55,695	\$51,484	\$129,975	\$0	
<i>Median Salary</i>	\$46,646	\$53,609	\$129,975	\$0	
	Other	Other	Other	Other	
<i>Total</i>	20	19	2	1	
<i>% of Total</i>	1%	1%	3%	2%	
<i>Average Salary</i>	\$60,648	\$53,880	\$90,910	\$86,315	
<i>Median Salary</i>	\$64,122	\$57,069	\$90,910	\$86,315	
	Bilingual	Bilingual	Bilingual	Bilingual	
<i>Total</i>	0	0	0	0	
<i>% of Total</i>	0%	0%	0%	0%	
<i>Average Salary</i>	\$0	\$0	\$0	\$0	
<i>Median Salary</i>	\$0	\$0	\$0	\$0	
	Male	Female	Male	Female	
<i>Total</i>	856	1412	37	27	
<i>% of Total</i>	38%	62%	58%	42%	
<i>Average Salary</i>	\$54,997	\$51,549	\$105,919	\$101,956	
<i>Median Salary</i>	\$51,874	\$48,883	\$105,466	\$105,466	

LANGUAGE ACCESS

- 1. Provide the name of your language access coordinator, the date of your last department training, and a link to the posting of your language access plan.**

The FJD's language coordinator is Elizabeth McCarrick. Training was last held in October/November 2020.

The FJD's language access plan can be found at
<https://www.courts.phila.gov/pdf/report/court-reporters/FJD-LAP.pdf>

- 2. Breakdown new hires and existing staff by race and language. Breakdown how many front-line personnel are trained to provide language access services.**

Please see the FJD's language access table.

- 3. How many requests for language access services did your department receive in the past year? How many language access services were delivered by staff? Breakdown language access services provided, by language, including but not limited to the language line, translation of public notices and documents, website language services, and advertisement/publication services.**

Over the past year, the FJD processed 2,665 requests for interpreter services. Our staff Spanish interpreter in the Stout Center in the MC-Criminal Division handled 1,878 cases in 2019. Please see the below language usage table for more information.

- 4. Explain what your department has done to improve language access services over the past year.**

We continue to develop strategies and programs in the hopes of assisting interpreters achieve certification in order to provide LEP individuals with quality interpreters.

We attend and speak at meetings of the Delaware Valley Translators Association (DVTA) to provide information to Interpreters who are interested in serving the First Judicial District.

Continue planning and conducting Open Houses to support the recruitment of students in coordination with the Language of Justice Institute at Widener University/Delaware School of Law, a program which was initiated by the FJD, in collaboration with the law school, in order to develop a pipeline of interpreters in the various languages which reflect the court's diversity.

CLIMATE CHANGE

1. How has climate change affected your department's provision of services?

Not applicable at this time.

2. How might worsening climate change increase costs and demands for your department?

Not applicable at this time.

3. How does your department intend to mitigate and adapt to climate change?

Not applicable at this time.

**First Judicial District
2020 Language Access Service**

Language	Amount	Language	Amount	Language	Amount
Albanian	31	Karen	2	Telugu	1
Amharic	11	Khmer	47	Thai	2
Arabic	152	Korean	43	Tibetan	1
Armenian	2	Lao	2	Tigrigna	1
ASL	144	Lao/Laotian	1	Tigrinya	6
Bambara	5	Lingala	1	Turkish	13
Bassa	5	Lithuanian	3	Ukrainian	15
Bengali	37	Loma	1	Urdu	16
Burmese	11	Loma (Mande)	1	Uzbek	7
Cantonese	85	Malayalam	14	Vietnamese	186
Croatian	1	Mandarin	242	Wolof	1
Dari	11	Mande	2		
Farsi	6	Mandingo	12	Grand Total	2,665
French	66	Nepali	10		
Fulani	5	Pashto	20		
Fuzhou	4	Patois	3		
Fuzhounese	1	Polish	28		
Georgian	10	Portuguese	232		
Greek	5	Portuguese (Brazilian)	1		
Gujarati	3	Punjabi	4		
Haitian Creole	130	Q'eqchi'	2		
Hausa	1	Romanian	2		
Hebrew	8	Russian	208		
Hindi	9	Russian/Ukrainian	1		
Ilocano	1	Sinhala	1		
Indonesian	12	Slovak	2		
Italian	4	Spanish	763		
Kabylia	1	Swahili	7		