

**FIRST JUDICIAL DISTRICT  
FISCAL YEAR 2024 BUDGET TESTIMONY  
APRIL 4, 2023**

**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 2024 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 Joffie Pittman, Administrative Judge Traffic Division. Joining me today is Christopher A. Waters, Deputy Court Administrator, Financial Services.

**DEPARTMENT MISSION & PLANS**

**Mission:** Pursuant to the Pennsylvania Constitution creating the unified judicial system under the authority of the Supreme Court of Pennsylvania, the courts of the First Judicial District of Pennsylvania (FJD) serve the county and City of Philadelphia.

A strong and independent judiciary is a founding premise of our democratic form of government. Functioning separate and apart from the legislative and executive divisions - the judicial branch is fundamentally responsible for providing an impartial forum for the resolution of disputes, ensuring the rule of law, and the protection of individual rights. The FJD adheres to these principles by guaranteeing access to the court process for all who seek it, by promoting transparency, and by the timely and fair disposition of cases filed.

The judiciary is, by necessity, deliberative. While efficiency of government is laudable, the unique nature of our courts’ responsibilities dictates that our primary focus be in taking considered and thoughtful steps to ensure justice, guarantee liberty, resolve disputes, maintain the rule of law, provide equal protection, and ensure due process; thus, formulating the foundation of public trust and confidence in our democracy.

The First Judicial District of Pennsylvania is organized into several divisions. In the Court of Common Pleas there are three divisions: Trial Division (Criminal and Civil Sections), Family Division (Domestic Relations and Juvenile), and the Orphans’ Court Division. The Municipal Court includes the Criminal Division, Civil Division, and the Traffic Division. The courts and judges reflect the values of Philadelphia communities and understand the challenges facing the people who appear in its courtrooms. FJD remains committed to fairness, equality, equity, promoting diversification and shortening the distance between the Court and the community.

**Plans for Fiscal Year 2024:** The FJD plans to continue the work of developing the Civil Case filing and Management System. 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. Startup costs can reach up to \$10 million – with 20% yearly ongoing costs going towards system maintenance and upkeep.

As previously stated, the overall mission of the FJD is the delivery of fair, timely, and accessible justice to the City and County of Philadelphia. While the Philadelphia Courts are a coequal and independent branch of our City’s government, our core functions intersect with the City’s vision for racial equity. “Fair,” as mentioned in our mission statement, includes a commitment to racial equity. Like the City, we believe that racial equity will be achieved when race alone no longer predicts one’s socioeconomic, political, or life outcomes in Philadelphia. This pertains, both to our employees and the public that we serve.

As such, the Office of DEI will continue working on several strategies and initiatives to promote diversity, equity, and inclusion. The Office of DEI will continue to assist the FJD’s Office of Human Resources (OHR) and Court Administration with updating FJD policies from a DEI perspective; including racial equity. This includes using gender-inclusive language in our policies as well as embracing cultural differences. The Office of DEI recommended the removal of all pre-employment and promotional exams, promoting racial equity and gender equity. The Administrative Governing Board approved the recommendation and removed pre-employment and promotional exams. The Office of DEI is also a “safe space” for all FJD Employees.

The Office of DEI provides relevant and robust training programs to FJD employees. All new employees are provided with DEI training at OHR orientation on topics including but not limited to unconscious bias, microaggressions, racial equity, gender equity, LGBTQIA+, ageism, veterans, disabilities, and allyship. The Office of DEI works with judicial leadership to develop tailored training sessions for specific divisions/units. A certified diversity professional/court executive was brought in as a special guest to conduct engaging programs such as “Having conversations through the lens of inclusion and belonging,” and “Supervising in Family Court through a lens of inclusion and belonging.” The Office of DEI plans to provide additional training in the new fiscal year.

Additionally, the FJD requested increased funding necessary to sustain key programs and services provided by the FJD, which include an increase for the Mental Health Clinic, Courtroom Audio upgrades, and Adult Probation Supervision program. If the funding is approved the FJD will continue the following programs.

**Mental Health Clinic Increase**

The FJD is seeking \$875,000 in increased funding for Court ordered psychiatric and psychological criminal evaluation services. This increase is being sought to sustain and improve the efficiency and content of mental health evaluations conducted by the current professional team of evaluators. It should be noted that this program has not received an increase in 17 years.

Although referred to as a “clinic”, it is a unit of Court Clinicians who are contracted by the FJD to conduct mental health evaluations for both pretrial and presentencing matters. The mission is to provide quality and comprehensive reports, which allows for proper recommendations at sentencing and to protect the community by intervening in the lives of those we serve. A detailed, comprehensive report is necessary to ensure that the proper disposition and treatment is provided as appropriate.

During Fiscal 2023, the FJD, in collaboration with DBHIDS, worked with an outside evaluator to review and make recommendations regarding the functioning of the Mental Health Court Clinic and implications for the court as well as for individuals with behavioral health challenges who interface with the criminal justice system. The evaluation identified the need for more detailed content related to mental health evaluations, which has proved challenging due to the number of evaluations and the limited resources available for the Court Clinicians.

Additionally, the vendor provided several recommendations that will go to improving the Mental Health Clinic; however, as the evaluator pointed out the model will only work if sufficient funding is available to meet the needs of the program. Various stakeholders were engaged during the evaluation, including, judges, defense attorneys, prosecutors, forensic evaluators, administrators, staff, and DBHIDS personnel.

Funding this request will have a great impact on the Court's ability to deliver the services needed for this program. Increased funding will afford the FJD the ability to improve the quality of care for individuals with mental illness involved with the Courts.

Furthermore, increasing funding for the Court's Mental Health Clinic could decrease impacts on other departments' budgets, such as the Prison system. Improvements to the system may lead to better treatment, thus reducing recidivism and the likelihood that the person will cycle through the criminal justice system. Additionally, in the long run, a more effective system may lead to fewer individuals with mental illness spending unnecessary long periods of time in the local jail/prison.

### **Courtroom Audio Upgrades**

This request, which amounts to \$1 million, is to replace existing courtroom audio equipment installed 28 years ago when the Stout Center for Criminal Justice first opened. The Stout Center was constructed reliant on an operational and effective audio sound system.

It is imperative for all participants and observers to hear a court proceeding to ensure fair hearings and trials, with public access as required under our Constitution. The current sound system no longer guarantees this. As tenants in this building, this infrastructure upgrade to a professional audio system is necessary for the judiciary to properly ensure all participants can be heard. In addition, any infrastructure upgrade will require major renovations to the foundation and structure of the building.

Included in the request is the purchase of the necessary software and hardware to run the system, including, switches, receivers, speakers, microphones, wiring, and installation for 37 courtrooms.

Funding this request will allow the FJD to meet its primary focus by affording all court users not only the ability to be clearly heard, but also to clearly hear court proceedings, thus allowing for transparency and clarity of the record. Public access to trials and criminal proceedings is inherent to the FJD's Constitutional responsibilities.

### **Adult Probation Supervision Increase**

The FJD's proposed budget includes a \$2.4 million increase to transfer Probation Officer salaries to the General Fund. Currently, PO salaries are paid from revenues received from fees imposed on current probationers. This places the burden of funding PO salaries on some of the most economically challenged individuals in our city. Although supervision fees of \$25.00 or more per month are authorized by statute, (18 P.S. § 11.1102), they may be and often are waived by Judges after the consideration of the economic circumstances of the probationer. Permanent PO salaries cannot be supported by such a variable and

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unpredictable source. Over the last several years, the salary expense has surpassed the incoming revenue causing a deficit for this program. In the short term, the FJD used internal funds to stem the shortfall; however, the FJD cannot sustain this program in light of rising expenses and falling revenues.

Lack of funding for this program could cause a reduction in staff levels. Our PO's already carry a full caseload, and do not have the capacity to take on cases from a decrease in officers. Fewer probation officers would result in less time and attention given to supervised individuals, and negatively impact the community. For example:

- Less supervision means a loss of opportunities to help probationers gain their proper place back in society, including educational and employment opportunities and connection to community resources.
- Less supervision means a greater risk of violation of probation sentences, which may lead to longer prison stays causing increased costs for the Prison system.
- Less supervision increases the risk for probationer failure to complete drug or alcohol treatment programs.
- Possible increase in recidivism for probationers.

To help offset this expense, the FJD will transfer revenue collected for this program to the City. Current FY23 revenue estimates for this program are approximately \$1 million.

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 FY2024 General Fund and Grants Revenue budget.

**BUDGET SUMMARY & OTHER BUDGET DRIVERS**

<b>Staff Demographics Summary (as of December 2022)</b>				
	Total	Minority	White	Female
Number of Full-Time Staff	2134	979	1155	1323
Number of Exempt Staff	2134	979	1155	1323
Number of Executive Staff (deputy level and above)	70	25	45	28
Average Salary, Full-Time Staff	\$55,985	\$52,907	\$58,593	\$54,338
Average Salary, Exempt Staff	\$55,985	\$52,907	\$58,593	\$54,338
Average Salary, Executive Staff	\$107,409	\$106,044	\$108,168	\$102,783
Median Salary, Full-Time Staff	\$51,885	\$48,369	\$54,512	\$51,485
Median Salary, Exempt Staff	\$51,885	\$48,369	\$54,512	\$51,485
Median Salary, Executive Staff	\$105,604	\$107,035	\$105,504	\$101,514

<b>Employment Levels (as of December 2022)</b>		
	Budgeted*	Filled*
Number of Full-Time Positions	2091	2134
Number of Part-Time Positions	61	61
Number of Exempt Positions	2091	2134
Number of Executive Positions (deputy level and above)	70	70
Average Salary of All Full-Time Positions	\$54,297	\$55,985
Median Salary of All Full-Time Positions	\$50,287	\$51,885

\*The budgeted count does not include critical vacancies that were filled during the fiscal year.

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General Fund Financial Summary by Class						
	FY22 Original Appropriations	FY22 Actual Obligations	FY23 Original Appropriations	FY23 Estimated Obligations	FY24 Proposed Appropriations	Difference: FY24-FY23
Class 100 - Employee Compensation	\$105,324,122	\$101,924,504	\$111,144,985	\$112,841,137	\$116,833,778	\$3,992,641
Class 200 - Purchase of Services	\$8,643,039	\$13,403,422	\$8,643,039	\$8,643,039	\$9,075,191	\$432,152
Class 300/400 - Materials, Supplies & Equipment	\$1,710,944	\$2,231,868	\$2,231,868	\$2,231,868	\$2,343,461	\$111,593
Class 500 - Contributions	\$520,924	\$42,333				\$0
	<b>\$116,199,029</b>	<b>\$117,602,127</b>	<b>\$122,019,892</b>	<b>\$123,716,044</b>	<b>\$128,252,430</b>	<b>\$4,536,386</b>

Contracts Summary (Professional Services only)				
	FY20	FY21	FY22	FY23 YTD (Q1 & Q2)
Total amount of contracts	\$6,994,290	\$5,277,997	\$5,404,801	\$3,716,200
Total amount to M/W/DSBE	\$3,034,855	\$2,268,278	\$2,175,339	\$1,242,053
Participation Rate	43%	43%	40%	33%

**Total M/W/DSBE Contract Participation Goal (Public Works; Services, Supplies & Equipment; and Professional Services combined): N/A**

**PROPOSED BUDGET OVERVIEW**

**Proposed Funding Request:**

The proposed Fiscal Year 2024 General Fund budget totals \$128,252,430, an INCREASE of \$4,536,386 over Fiscal Year 2023 estimated obligation levels. This INCREASE is primarily due to City negotiated union salary increases and exempt employee raises. Additionally, the FJD is to receive proposed funding to support the Supervision Fee Program and the impact of inflation on the FJD's 200/300/400 budget.

The proposed budget includes:

- \$116,833,778 in Class 100, A \$3,992,641 INCREASE OVER FY23.
- \$9,075,191 in Class 200, A \$432,152 INCREASE OVER FY23.
- \$2,343,461 in Class 300/400, A \$111,593 INCREASE OVER FY23.

**STAFFING LEVELS**

The department is requesting 1,720 budgeted positions for FY24, an increase of 1 position over FY23.

\* Please note that the FJD intends to fill critical vacancies throughout FY23 that may impact the budgeted positional count.

**NEW HIRES**

New Hires (from 7/1/2022 to December 2022)	
	Total Number of New Hires
Black or African American	61
Asian	6
Hispanic or Latino	4
White	65
Other	3
Total	139

FYI - the FJD does not capture language information for new hires during the onboarding process.



**EMPLOYEE DATA**

Staff Demographics (as of December 2022)					
Full-Time Staff			Executive Staff		
	Male	Female		Male	Female
	African-American	African-American		African-American	African-American
<i>Total</i>	239	543	<i>Total</i>	9	8
<i>% of Total</i>	11%	25%	<i>% of Total</i>	13%	11%
<i>Average Salary</i>	\$52,878	\$51,563	<i>Average Salary</i>	\$111,886	\$98,306
<i>Median Salary</i>	\$48,381	\$47,085	<i>Median Salary</i>	\$111,533	\$95,336
	White	White		White	White
<i>Total</i>	501	654	<i>Total</i>	27	18
<i>% of Total</i>	23%	31%	<i>% of Total</i>	39%	26%
<i>Average Salary</i>	\$61,111	\$56,664	<i>Average Salary</i>	\$109,945	\$105,501
<i>Median Salary</i>	\$56,735	\$52,085	<i>Median Salary</i>	\$103,835	\$103,875
	Hispanic	Hispanic		Hispanic	Hispanic
<i>Total</i>	31	73	<i>Total</i>	2	0
<i>% of Total</i>	1%	3%	<i>% of Total</i>	3%	0%
<i>Average Salary</i>	\$62,885	\$54,927	<i>Average Salary</i>	\$109,503	\$0
<i>Median Salary</i>	\$52,285	\$51,885	<i>Median Salary</i>	\$109,503	\$0
	Asian	Asian		Asian	Asian
<i>Total</i>	18	20	<i>Total</i>	2	0
<i>% of Total</i>	1%	1%	<i>% of Total</i>	3%	0%
<i>Average Salary</i>	\$54,511	\$53,266	<i>Average Salary</i>	\$126,948	\$0
<i>Median Salary</i>	\$40,807	\$47,521	<i>Median Salary</i>	\$126,948	\$0
	Other	Other		Other	Other
<i>Total</i>	22	33	<i>Total</i>	2	2
<i>% of Total</i>	1%	2%	<i>% of Total</i>	3%	3%
<i>Average Salary</i>	\$63,511	\$53,238	<i>Average Salary</i>	\$96,163	\$96,232
<i>Median Salary</i>	\$67,824	\$46,485	<i>Median Salary</i>	\$96,163	\$96,232
	Bilingual	Bilingual		Bilingual	Bilingual
<i>Total</i>	11	15	<i>Total</i>	1	1
<i>% of Total</i>	1%	1%	<i>% of Total</i>	1%	1%
<i>Average Salary</i>	\$61,452	\$53,331	<i>Average Salary</i>	\$116,414	\$111,533
<i>Median Salary</i>	\$54,899	\$41,847	<i>Median Salary</i>	\$116,414	\$111,533
	Male	Female		Male	Female
<i>Total</i>	811	1323	<i>Total</i>	42	28
<i>% of Total</i>	38%	62%	<i>% of Total</i>	60%	40%
<i>Average Salary</i>	\$58,671	\$54,338	<i>Average Salary</i>	\$110,493	\$102,783
<i>Median Salary</i>	\$54,899	\$51,485	<i>Median Salary</i>	\$110,024	\$101,514

**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.**

**Language Access Coordinator:** Elizabeth McCarrick

**Last training date:** March 2022 through May 2022. Weekly trainings were offered to all members of the judiciary to provide and ensure legal information and skills-based training for judges serving litigants with limited English proficiency. Additionally, routine refresher training is provided throughout the year to court staff to ensure they are aware of policies and protocols in ordering interpreters and providing assistance to LEP individuals. All new employees are shown a 30-minute language access video and provided the policy at orientation.

**Language Access Plan:** <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.**

Equal access to the courts is fundamental to the legitimacy of our system of justice and the trust and confidence of Pennsylvanians in our courts. The policy of the Unified Judicial System is to provide meaningful access for all individuals who are Limited English Proficient or who are deaf or hard of hearing. The Language Access Plan for the Unified Judicial System of Pennsylvania requires all court employees to receive training on language access. As such, all FJD staff have been provided language access training.

The below table lists all FJD employees that speak multiple languages:

All Employees									
	Arabic	Chinese	Albanian	Italian	French	Mandarin / Cantonese	Malayalam	Spanish	Other
Black or African American	0	0	0	0	0	0	0	0	1
Asian	0	2	0	0	0	1	2	0	2
Hispanic or Latino	0	0	0	0	0	0	0	12	0
White	0	0	2	4	2	0	0	0	4
Other	1	0	0	0	1	0	0	0	2
Total	1	2	2	4	3	1	2	12	9

Other languages include: Berber, German, Greek, Haitian Creole, Hebrew, Khmer, Portuguese, Tamil and Yoruba

- 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.**

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Total requests for interpreting services in 2022: 10,186. Staff Spanish interpreters interpreted 3,601 cases out of the 10,186. Additionally, the FJD has 20 documents, forms, notifications and brochures filled out in seven different languages.

Interpreting services were provided in 76 languages:

Language	Count	Language	Count	Language	Count
Albanian	57	Hindi	20	Punjabi	19
Amharic	19	Hmong	1	Q'eqchi	17
Arabic	326	Indonesian	30	Real Time	1
Armenian	2	Italian	1	Romanian	1
ASL	220	Jamacian Patois	1	Russian	424
ASLCART	1	Japanese	2	Somali	1
Bambara	1	Karen	1	Soninke	3
Bandi	2	Khmer	148	Spanish	2600
Bassa	2	Korean	144	Swahili	5
Bengali	111	Kpelle	1	Syheti	2
Berber	1	Kru	9	Tagalog	9
Bosnian Croatian Serbian	3	Lao	2	Tajik	2
Burmese	25	Laos	3	Thai	10
Cantonese	160	Laotian	2	Tigrinya	9
Creole	1	Liberian	1	Turkish	29
Dari	11	Lithuanian	1	Twi	5
Farsi	16	Malayalam	31	Ukrainian	24
French	111	Mandarin	558	Urdu	24
Fulani	7	Mande	2	Uzbek	46
Fuzhou	5	Mandingo	71	Vietnamese	400
Georgian	36	Mende	4	Wolof	1
Greek	5	Nepali	12	Yoruba	8
Gujarati	11	Pashto	3	<b>Grand Total</b>	<b>6,585</b>
Haitian Creole	176	Pashtu	3		
Hakka Chin	1	Polish	28		
Hearing Impaired	1	Portuguese	530		
Hebrew	23	Pular	2		

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

The FJD shared updated policies and protocols throughout the course of the year with our justice partners to assist them with ensuring their LEP witness/client has appropriate access to language services. Furthermore, the FJD compiled data and information from various divisions in order for vital forms to be translated, thus enhancing language access in the courts. This was part of the Court's Language Access Project.

Additionally, the FJD works closely with the Language of Justice Institute supporting recruitment efforts and developing strategies and academic programs to assist interpreters achieve certification so that meaningful access to justice is available to all those who appear before the Court in Philadelphia.

**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.