



2003  
ANNUAL  
REPORT

COURT OF COMMON PLEAS  
OF LEHIGH COUNTY

JUDGE WILLIAM H. PLATT  
PRESIDENT JUDGE

**2003  
ANNUAL REPORT  
LEHIGH COUNTY COURT OF COMMON PLEAS**

**INTRODUCTION**

The Court of Common Pleas of Lehigh County, the 31st Judicial District, under the leadership of President Judge William H. Platt, is staffed by nine judges. In 2003, the Court was organized as follows:

- Adult Probation:** Supervisory Judge Robert L. Steinberg
- Civil Division/Motion/Family Court Division** Administrative Judge Thomas A. Wallitsch, Civil  
Administrative Judge Alan M. Black, Family  
Judge Edward D. Reibman  
Judge Carol K. McGinley  
Judge Lawrence J. Brenner
- Criminal/Juvenile Division:** Administrative Judge Robert L. Steinberg  
President Judge William H. Platt  
Judge William E. Ford
- Juvenile Probation:** Supervisory Judge Robert L. Steinberg
- Orphans' Court Division:** Administrative Judge Lawrence J. Brenner  
Judge Thomas A. Wallitsch  
Judge Edward D. Reibman  
Judge William E. Ford  
Judge Alan M. Black

The Court was further staffed by Senior Judge John E. Backenstoe, Senior Judge James N. Diefenderfer, Senior Judge John P. Lavelle, and such other Senior Judges as assigned from time to time by the Supreme Court of Pennsylvania. Senior Judges may work a limited number of days each year in order to assist the Court. The Supreme Court of Pennsylvania determines the number of days each Senior Judge may preside during a given month.

**SIGNIFICANT EVENTS**

**Courthouse Renovations**

With a tenth judge to take office in January 2004, the court proceeded to build a new courtroom on the second floor of the main courthouse, designated Courtroom 2B. Plans were begun in spring of 2003 and construction was started in November 2003 with a completion date of March 2004. The court also began the architectural design phase of a planned expansion that would double the size of the main courthouse, in

addition to repair of the long term water leaks in the courthouse curtain wall. This long term project began in the spring of 2003 and continued throughout the year. This phase is expected to last until May 2004.

### **Criminal Case Management System**

Planning was begun for the implementation of the Administrative Office of Pennsylvania Courts Criminal Case Management System in 2004. This is a statewide system created to standardize the management of all criminal cases within the state, superseding the legacy systems that were unique to each county, and, tying together the relevant offices, such as Court Administration, the District Attorney, the Clerk of Courts, etc.

### **Business Process Review**

A very complicated business process review was completed in 2003, under the guidance of the National Center for State Courts. This process prepared the court to bid for a new information system to replace the antiquated ADMINS system database with a more modern system.

### **Court Appointed Special Advocate (CASA)**

The court embarked on a new program in 2003, CASA, the aim of which is to effectively represent and advocate the best interests of abused and/or neglected children in the court system. Trained CASA volunteers conduct objective investigations and observations with the intent to aid the court in providing a safe, permanent and nurturing home for the child(ren) in an expeditious manner. The program is under the direction of Elizabeth Y. Edwards, hired in November 2002, and it saw rapid growth in 2003. Twenty-one volunteers came on board during the year and amassed 785 volunteer hours.

## **JUDGES' BIOGRAPHIES**

### **PRESIDENT JUDGE WILLIAM H. PLATT**

Judge William H. Platt is a graduate of Emmaus High School, Dickinson College (A.B., Honors in Economics, 1961), and the Law School of the University of Pennsylvania (J.D., 1964). He served in the U.S. Army Military Police Corps from 1964 to 1966. From 1976 to 1991, he was the District Attorney of Lehigh County, and before that, the Lehigh County Chief Public Defender. From 1994-1996, he was the Allentown City Solicitor. Judge Platt has published numerous legal articles, including a practice handbook on *Pennsylvania Eyewitness Identification*. He was Chairman of the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania from 1986 to 1992, and a member of the Committee beginning in 1982. Judge Platt is a past president and lifetime honorary board member of the Pennsylvania Bar Institute, a past president of the Pennsylvania District Attorneys' Association, a member of the National District Attorneys' Association, the National Association of Criminal Defense Attorneys, the Education Committee of the Pennsylvania Conference of State Trial Judges, and the Lehigh County, the Pennsylvania, and the American Bar Associations. He has been a member of the Executive Board of the Minsi Trails Council, B.S.A., since 1990, and, from 1991 to 1995, served as their legal counsel. Immediately prior to his election to the Court of Common Pleas, he was the partner in charge of the Allentown office of a Pittsburgh-based national law firm, a member of that firm's litigation department and the Coordinator of its White Collar Crime Practice Group. Before becoming District attorney, he was in private practice with the late Howard Yarus, Esquire, from 1967 through 1976, in a firm which ultimately became Yarus & Platt.

### **JUDGE CAROL K. MCGINLEY**

Judge Carol K. McGinley graduated from Manhattanville College in 1970 and earned a J.D. from Georgetown University in 1973. She was Chairman of the Pennsylvania Board of Law Examiners from 1990 to 1992 and is a past president of the Pennsylvania Conference of State Trial Judges. She is a former member of the Pennsylvania Court of Judicial Discipline. She is the author of "Characterizing Police Encounters Under the Fourth Amendment", published in the Search and Seizure Law Report, vol. 10, no. 8, September 1983. She was elected Judge of the Court of Common Pleas for Lehigh County in 1985 and was retained for a ten-year term in 1995. Judge McGinley currently serves as Chairman of the Pennsylvania Juvenile Court Judges Commission, as chairman of the Judicial Planning Committee of the Judicial Council of the Supreme Court of Pennsylvania, as Vice Chairman of the Supreme Court Juvenile Procedural Rules

Committee, and as a member of the Chief Justice Emeritus Advisory Committee on Judicial Education.

### **JUDGE THOMAS A. WALLITSCH**

Judge Thomas A. Wallitsch graduated from Dickinson College in 1970 and earned a J.D. from Duquesne University in 1973, where he served on the Law Review. In 1993, Judge Wallitsch received his Master's in Governmental Administration from the University of Pennsylvania. From 1970 to 1978, Judge Wallitsch was a member of the United States Army Reserves, being honorably discharged with the rank of Captain. He served Lehigh County as the Solicitor to the County Controller from 1984 to 1987, as Assistant County Solicitor in 1976, and as Chief Public Defender from 1976 to 1981. Since 1994, Judge Wallitsch has an appointment as Adjunct Professor in Political Science at Muhlenberg College, teaching courses in "The American Judiciary" and "Public Administration". He also served as an instructor in Criminal Justice Administration at the Lehigh Carbon Community College. Judge Wallitsch was certified as a Civil Trial Specialist by the National Board of Trial Advocacy and has served on the Board of Examiners for that organization. He serves as co-chairman of the Education Committee of the Pennsylvania Conference of State Trial Judges and is a member of the Advisory Committee of the Pennsylvania Supreme Court on Continuing Judicial Education. He also serves as a member of the STOP Violence Against Women Planning Committee of the Pennsylvania Commission on Crime and Delinquency. He was the first President of the Donald E. Wieand, Sr. American Inn of Court and has been active in various community service organizations including the Board of Directors for Lifepath, Inc., Allentown Liberty Bell Rotary Club where he served as President and Foundation President, and United Way. He was elected Judge of the Court of Common Pleas for Lehigh County in November of 1991, and elected for a full term later that year.

### **JUDGE EDWARD D. REIBMAN**

Judge Edward D. Reibman graduated from Lafayette College in 1969 and earned a J.D. from Duke University School of Law in 1972. He served in the U.S. Army Reserves from 1969 to 1975. He was the Law Clerk to Honorable Bryan Simpson, U.S. Court of Appeals, 11<sup>th</sup> Circuit (formerly 5<sup>th</sup> Circuit), 1972 to 1973, and a trial attorney in the Civil Rights Division of the United States Department of Justice from 1973 to 1975. He served as President of Lehigh Valley Legal Services and Chairman of the Allentown Historic and Architectural Review Board. He currently serves as a trustee of the Swain School. He has served on the Ethics Committee of the Pennsylvania Conference of State Trial Judges since 1994. He was elected Judge of the Court of Common Pleas for Lehigh County in November 1991, and retained in November, 2001.

## **JUDGE WILLIAM E. FORD**

Judge William E. Ford graduated with honors from De Sales University in 1972 and earned a J.D. from Dickinson School of Law in 1975. He served as a Captain in the United States Marine Corps Reserve (JAG) from 1975 to 1979 and as an Assistant District Attorney for Lehigh County from 1979 to 1981 and 1983 to 1991. Judge Ford also had a private civil practice, concentrating in defense litigation, from 1981 to 1991. He serves on the Board of Trustees and is an adjunct professor at De Sales University and Chestnut Hill College. He was elected Judge of the Court of Common Pleas for Lehigh County in November 1991 and retained for a second ten-year term in November 2001.

## **JUDGE LAWRENCE J. BRENNER**

Judge Lawrence J. Brenner graduated from Saint Charles Seminary in 1959 and earned a J.D. from Villanova Law School in 1965. He served Lehigh County as an Assistant District Attorney from 1968 to 1976 and as the County Solicitor from 1983 to 1991. He served as the President of the United Way for Lehigh County from 1983 to 1985 and was appointed Judge of the Court of Common Pleas for Lehigh County in July 1991. In November 1993, he was elected as a Judge for Lehigh County for a ten-year term. In November, 2003, he was retained for another ten-year term.

## **JUDGE ALAN M. BLACK**

Judge Alan M. Black graduated from the Wharton School of the University of Pennsylvania in 1960 with distinction and earned a J.D. from the Harvard Law School in 1963. He served as the Solicitor for the City of Allentown from 1974 to 1977. He is the Past President of the Donald E. Wieand, Sr., American Inn of Court. He was formerly chairman of the Lehigh County Court Procedural Rules Committee and a mediator and arbitrator in Lehigh County and the Federal District Courts. He was also an arbitrator for the American Arbitration Association. He is the President of the Adult Literacy Center of the Lehigh Valley and on the Board of Governors of the Civic Theater of Allentown. He is a member of the Allentown Rotary Club and a founding member of Confront, Inc., a Lehigh Valley drug rehabilitation organization. He is a former Secretary and Board Member of the Lehigh County Mental Health/Mental Retardation Board and a former Board Member of the Program for Women and Families, Inc. He is a former Legal Counsel and Vice-President of the Allentown Jaycees and a Past President and Board Chairman at Temple Beth El. He is a Past Vice-President and Board Member of the Jewish Day School of Allentown. He was elected Judge of the Court of Common Pleas for Lehigh County in November 1997.

## **JUDGE ROBERT L. STEINBERG**

Judge Robert L. Steinberg graduated from American University in 1973 and earned a J.D. from Western New England School of Law in 1976. Judge Steinberg served Lehigh County as a Public Defender from 1976 to 1978. He served in the District Attorney's Office as an Assistant from 1978 to 1983, as Deputy District Attorney from 1985 to 1988, and as First Assistant District Attorney from 1988 to 1991. He served as District Attorney for Lehigh County from 1991 to 1998. He is the author of "Juvenile Court: Practice and Procedure", published in the manual for Pennsylvania prosecutors, and "Mental Infirmity Defenses", published by the Pennsylvania Bar Institute. He has been an instructor for the Pennsylvania District Attorney's Association and the Pennsylvania Bar Institute. He is the recipient of the Colonel John J. Schafer Award for excellence in law enforcement and was appointed by Pennsylvania Governor Ridge to the Victim Services Advisory Board. He was elected Judge of the Court of Common Pleas for Lehigh County in November 1997.

## **CIVIL DIVISION/MOTION/FAMILY COURT DIVISION**

The judges assigned to the Civil Division/Motion/Family Court Division, under the Administrative Judges of the Division, are responsible for the administration of civil and family law within the Court.

Included within this division in 2003 were the Domestic Relations Section, the Child Custody Masters and Mediators, the Divorce Master, and the Protection From Abuse Office.

### **Civil Actions**

Civil actions are those cases which, for the most part, involve the resolution of private conflicts between people or institutions. These cases may include personal injury or personal property claims, matters of equity, products liability, malpractice, or commercial and contract disputes.

At the time a complaint is filed, civil actions are assigned to the judges in the division on an impartial rotational basis. The cases are assigned on the individual calendar system, which means that the same judge handles all aspects of the case from its inception to its completion. Most civil cases are scheduled according to a differentiated case management tracking system. This is a computer-assisted system which assigns procedural aspects of a case to a timeline or track, depending on the nature and complexity of the matter.

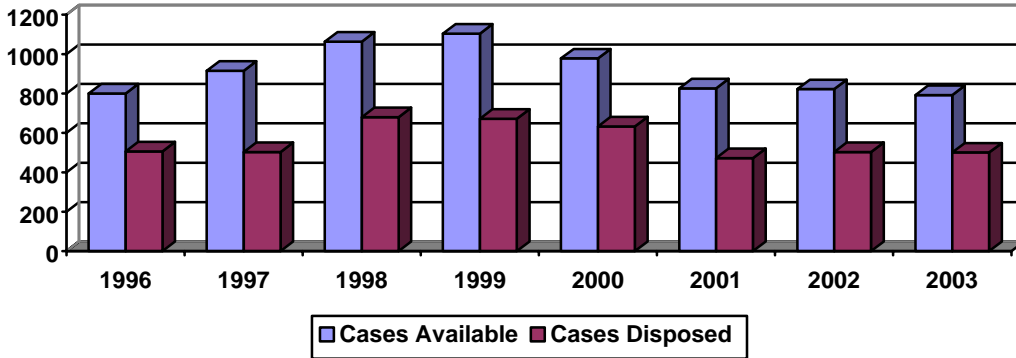
In 2003, there were 284 trial ready civil actions filed and 443 were disposed of by the court. The cases disposed of in 2003 included some cases which were still pending from the 2002 inventory.

The Civil Operations section of the Court Administrator's office, under the supervision of Court Operations Director Kerry Turtzo, is responsible for scheduling, conferencing, and controlling all civil cases until trial begins. There are over 2000 cases pending in civil court, all requiring extensive and demanding preparation by the Civil Operations staff. After numerous pre-trial motions, arguments, and conferences, the case is termed "trial ready". Trial ready civil actions pending for court decreased slightly in 2003, and the disposition rate remained almost the same as 2002.

High disposition rates are indicative of very active participation by assigned judges through pre-trial settlement conferences, resulting in case resolution prior to trial date.



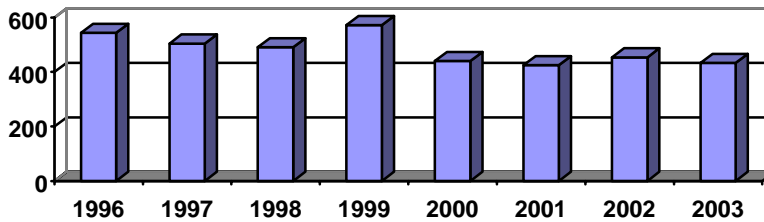
### Total Civil Division Trial Ready Cases



### The Arbitration Program

The Arbitration Program is utilized to adjudicate those civil cases which involve an amount with a monetary total of \$ 50,000 or less. A panel of arbitrators, consisting of three attorneys, is appointed by the Court to conduct a hearing and rule on each arbitration case. Either opposing party, if not satisfied with the panel ruling, may appeal the decision to the Court of Common Pleas, where a new trial will be held. The Arbitration Program has proven to be a very effective method of alternative dispute resolution.

### Civil Cases Arbitrated



### Domestic Relations Section

The Lehigh County Domestic Relations Section, under the supervision of Director Rosemary C. McFee, consists of 21 conference and enforcement officers, and 47 full and

part time support staff. This office is responsible for the establishment and enforcement of orders of child support for the court. This may involve an initial determination of paternity, and then proceeds to determine parental ability to support their minor children. This process requires procedures for securing the financial support for those minor children and may include locating absent parents by nationwide searches if necessary.

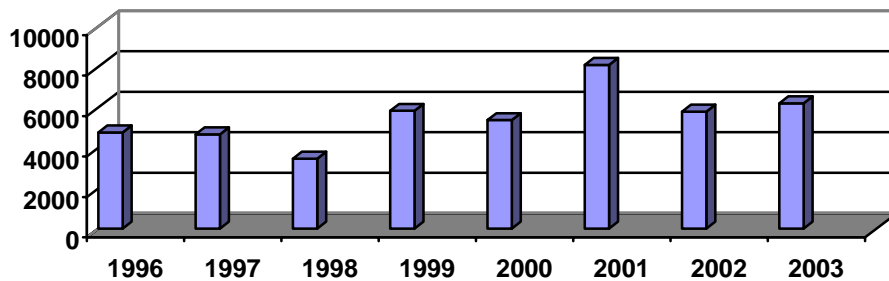
After the initial application, hearings are set by conference officers in order to gather information for the preparation of a proposed support order to be approved by the court. Support orders proposed by conference officers can be appealed to the court for hearing before a judge. Enforcement officers are responsible for insuring compliance with those support orders assigned to them and the appearance before the court of those failing to meet their support obligations.

There are currently over 13,000 active support cases in Lehigh County and new filings increased by 8% in 2003. The Pennsylvania Child Support and Enforcement System (PACSES) is a state wide computer and check disbursement system. The system was implemented in 1998, and the difficult beginning has been resolved by an increasingly effective state-wide system. However, the criteria used to calculate the statistics in the PACSES system is different from the county criteria under its legacy computer system, resulting in some year end figures that do not appear consistent. This was resolved in 2003, and the PACSES system will be generating the information to be gathered at state level by the Administrative Office of Pennsylvania Courts.

In November 1999, the Domestic Relations Section moved from the old quarters at 523 Hamilton Street to new leased building at 10 North 11<sup>th</sup> Street in Allentown. This move was accomplished efficiently and was the result of months of planning and preparation by all DRS employees. In 2002, this space was expanded to allow for the introduction of a Domestic Relations Master and the attendant hearing room, to allow for hearing of appeals from the conference officer's ruling.

The county process of child support is closely tied into the state Bureau of Child Support Enforcement. Child support case management and enforcement is concentrated and is managed at the county level. Payments are made to and disbursed from the state level agency, the State Central Disbursement Unit (SCDU).

**New Domestic Relations Support Cases Annually**

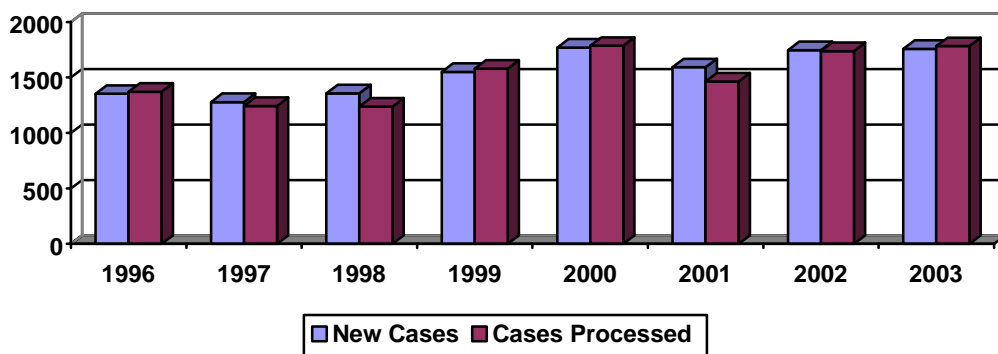


Domestic Relations is responsible for the collection of support funds from the defendant in the action and disbursement of those funds to the plaintiff. In 2002, the total amount collected and then disbursed to the plaintiffs was \$ 43,312,541. In 2003, that figure was \$ 43,967,389.

### Child Custody and Visitation

The Child Custody Office, under full-time Master Nancy A. Longenbach, Esquire, assisted by part-time Master Judith A. Dexter, Esquire, is responsible for cases involving legal and physical custody of children, visitation of parents and grandparents, and modification and contempt of custody agreements. In 2003, they were assisted by Family Court Masters Allen I. Tullar and John E. Roberts III. The Masters hold settlement conferences to encourage adoption of an agreement which is acceptable to both parties. The Master may enter a court order for approval by a judge in partial custody cases, and most cases are settled in this manner. Full custody cases and appeals from a custody order will be heard before a judge.

Child Custody Cases Annually



In 1995, the court instituted a custody mediation program, and in 1997 required participation by custody clients unless specifically exempted. Mediation is an alternative dispute resolution process in which the parties meet with an experienced mediator to resolve custody issues. In many instances, this process is preferable because it removes the parties from the adversarial process and encourages cooperation. The mediator's role is to assist the parties in identifying and resolving the issues so that an agreement can be reached. The court's current staff consists of four mediators, Deborah R. Gaber, Esquire, Don S. Klein, Esquire, Joanne Fossett, LSW, and Susan Smith, LSW. All mediators have received extensive training in mediation and have been very effective in resolving

custody case issues. In 2003, 946 cases were scheduled for mediation and agreement between the parties was reached in 325 cases.

### **Divorce Master**

The full-time Divorce Master, John E. Roberts III, Esquire, is responsible for initially hearing any contested divorce action. A contested divorce filed with the Master will have an initial conference and a settlement conference upon request of either party. A pre-trial conference will be held prior to the scheduled Master's hearing. The Master can order discovery, and can rule on any contested action, to include the divorce, the date of separation, economic claims, and alimony. Based on the testimony presented at the hearing, the Master will generate a recommended order for the court. Any exceptions to the Master's order may be appealed to the court for resolution.

In 2003, there were 2936 cases before the court, with 1921 carried over from 2002, and 1015 added in 2003. A total of 983 divorce decrees were issued in 2003, and of those, 89 had been to record hearings before the Master.

### **Protection From Abuse Program**

The Protection From Abuse Office, under the supervision of Sylvia Paz, is responsible for assisting persons filing under the Protection From Abuse Act (PFA). The PFA Office staff prepares petitions and court orders, schedule hearings, escort the petitioners to court, and process court orders. The Protection From Abuse Office disseminates information to victims about other agencies and services available to them. It refers to and receives referrals from agencies such as Turning Point, the Lehigh County Office of Children and Youth, the Area Agency on Aging, and the CALM program of the Program for Women and Families.

The PFA Office received 1196 new cases in 2003, and 150 were carried over from 2002, for a total of 1346 before the court. Of these cases, 282 final orders were issued, 530 cases were dismissed for cause, 112 were withdrawn prior to a hearing, 247 were agreed to by the parties before the final hearing, and 28 were dismissed when the plaintiff failed to appear in court. There were 147 pending cases at the end of the year.

The PFA Office is one component of the Lehigh County consortium of the judiciary, government and private agencies, law enforcement, and the district justice system, which strives to eradicate domestic violence in the community.

## CRIMINAL/JUVENILE DIVISION

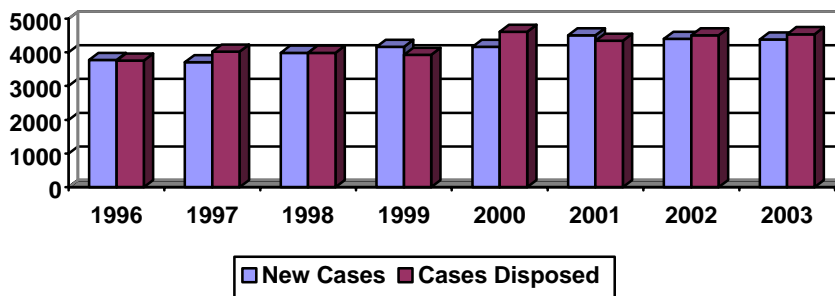
The judges assigned to the Criminal/Juvenile Division, under the Administrative Judge of the Division, are responsible for the administration of criminal and juvenile law within the court.

In 2003 there were 4546 adult criminal cases and 1490 juvenile cases filed or re-opened in Lehigh County. The court disposed of 4536 adult and 1474 juvenile delinquency cases in 2003.

Most years since 1994 have seen increases in the number of adult criminal case filings. The year 2003 stayed level in criminal cases.

Three judges were assigned to the Criminal/Juvenile Division in 2003, responsible for criminal cases, summary case appeals, and juvenile delinquency cases. Homicide cases are divided among all nine active judges, and certain matters, including probation and parole violations and Post Conviction Relief Act matters, are referred to the judge who initially heard the case, even when that judge is currently serving in another division.

**Annual Criminal Case Filings and Dispositions**



## Adult Probation

The Lehigh County Adult Probation and Parole Department is a department of the Court of Common Pleas, reporting to the Supervisory Judge responsible for Adult Probation activities. The function of this department is to supervise adult offenders placed on probation or parole. In addition to supervision services, the department is responsible for completion of pre-sentence reports and pre-parole investigations. This information provided to the court allows planning of treatment programs and appropriate sentencing of offenders.

The community corrections policy followed by Adult Probation is a balanced approach called Restorative Justice. Although community protection through traditional community based casework and surveillance supervision remains a high priority, offenders are also required to acquire specific skills through educational and job readiness programs. This program also makes them accountable for the satisfaction of financial liabilities such as victim restitution and fines and fees.

Adult Probation and Parole also participates in a collaborative program with the Lehigh County Mental Health/Mental Retardation Office called the Special Program for Offenders in Rehabilitation and Education (SPORE). This program was created to deal with the special conditions created when criminal offenders, whether adult or juvenile, have been diagnosed with mental retardation or mental illness.

As of December 31, 2003, the department's total caseload was 4,441, an increase of 7% over 2002. There were 3,744 investigations and reports completed, a decrease of 2% over 2002 and broken down as follows:

- ◆ 636 pre-sentence investigations
- ◆ 1,344 pre-parole investigations
- ◆ 1,274 Court Reporting Network evaluations (DUI offenders)
- ◆ 153 psychiatric evaluations (SPORE)
- ◆ 24 psychological assessments (SPORE)
- ◆ 313 drug/alcohol assessments

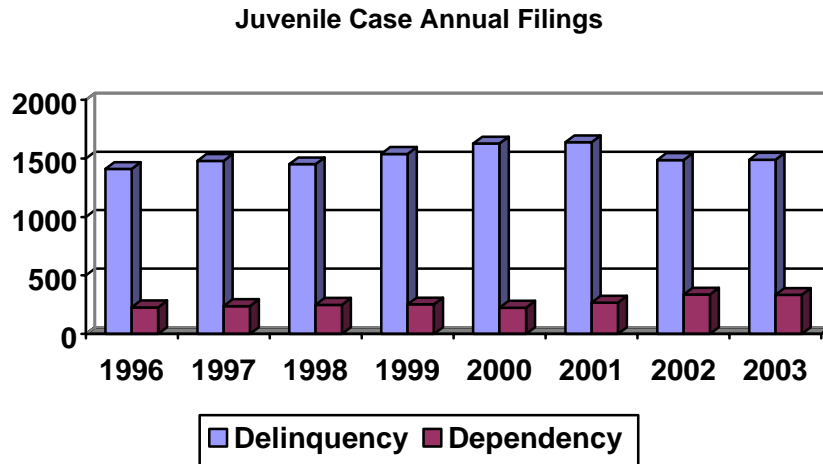
Major accomplishments during 2003 included collaboration on a Bureau of Drug and Alcohol Programs grant application and award; continuance of the Probation/Police Partnership Program and the Penn State Research Project; continuance of the DUI Repeat Offender Project; reclassification of an existing staff member to administer DNA registration regulations; certification of two additional firearms instructors; and the reduction in the number of state-sentenced inmates serving their terms in Lehigh County Prison. In addition, the department was found to be in 100% compliance with all applicable American Correctional Association standards during an annual audit conducted by the Pennsylvania Board of Probation and Parole in May 2003.

### **Juvenile Court**

Juvenile Court, under the authority of the Administrative Judge of the Criminal/Juvenile Division and the Administrative Judge of the Civil Division/Motion/Family Division, is responsible for cases involving juvenile delinquency and juvenile dependency.

Delinquent juveniles are those under the age of 18 who are in violation of criminal law. Dependent juveniles are children who are, or who have been, subject to abuse or neglect. Action before the court is initiated by the Lehigh County Office of Children and Youth Services or the Lehigh County Juvenile Probation Department. Delinquency cases referred to a judge are part of the Criminal/Juvenile Division, while dependency cases referred to a judge are part of the Civil Division/Motion/Family Division. The Juvenile

Court judges are assisted by three Juvenile Masters, Theresa M. Loder, Esquire (full-time), and Stephen A. Lanshe, Esquire and Jacquelyn Paradis, Esquire (both part-time), who adjudicate both delinquency and dependency cases.



### **Juvenile Probation**

The Lehigh County Juvenile Probation Department is a division of the Court of Common Pleas, reporting to the Supervisory Judge responsible for Juvenile Probation activities. The department, under the supervision of Chief Juvenile Probation Officer Paul J. Werrell, is responsible to the court and the community for delivering necessary and appropriate services to those juveniles referred to the department. The jurisdiction of the Juvenile Court and the Juvenile Probation Department extends to both “delinquent” and “dependent” children as defined in the Pennsylvania Juvenile Act, Section 6302. In light of the mandate of this Act, it is essential for the Department to have operational principles to guide its decision making and delivery of services. Accordingly, operational procedures have been formulated to coincide with “The Balanced Approach” principles:

1. Community Protection-- residents have a right to live in a safe and secure community. Decisions made by a Probation Officer should be designed to insure community protection.
2. Accountability-- every juvenile offender is to be held accountable for his or her actions and behavior. When a juvenile commits an offense against a

person or property, the juvenile incurs an obligation to the victim of that offense. Victims are to be compensated by the offender as a rehabilitative measure.

3. Competency Development-- offenders should ultimately leave the Juvenile Court system more capable of living productively and responsibly in the community. The Department will provide skill development techniques for living, learning, and for creating work skills.

Records for the Department indicate 1069 referrals from criminal justice agencies in 1990, with 1559 referrals in 2003. This is about a 45% increase in thirteen years. The number of juveniles on probation during the year 2003 averaged 1070 per month.

The characteristics of juveniles committing crimes today have changed dramatically over the last few years. In many cases, they are more criminally sophisticated, more violent, more emotionally disturbed. In addition, many border on illiteracy, have been victims of abuse, and come from dysfunctional families. All of these traits tend to increase the difficulty of the Juvenile Probation officer's caseload.

## **ORPHANS' COURT DIVISION**

There are currently six judges, including an Administrative Judge, assigned to the various matters within the jurisdiction of the Orphans' Court Division.

The Orphans' Court Division of the Court of Common Pleas is under the direction of the Director of Orphans' Court Operations, Janet T. Woffindin, Esquire, and the Clerk of the Orphans' Court, Barbara A. Stoneback. Unlike the other divisions, Orphans' Court hears many matters that are non-adversarial. Orphans' Court is charged with the responsibility of overseeing the administration of decedents' estates and trusts and the processing of adoptions, incapacity hearings, parental termination cases and miscellaneous disputes regarding those matters.

The name Orphans' Court is an anachronism derived from an era in which those persons who traditionally had no legal "voice"(minor children, widows, orphans, dead persons) required an objective entity (the Orphans' Court) to "speak" for them and assure that their rights and interests were protected. Today, matters involving not-for-profit organizations also come within the jurisdiction of the Orphans' Court. In Lehigh County, settlement of lawsuits or claims involving minors and/or decedents' estates must be approved by the

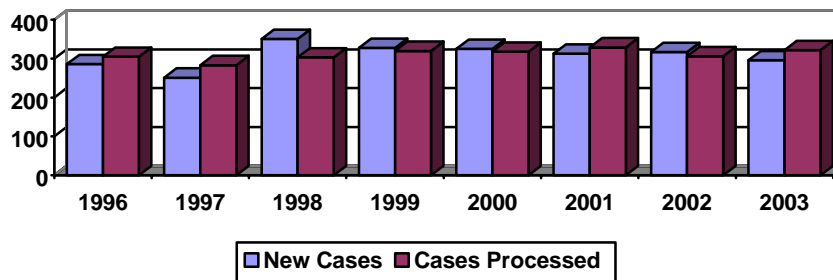


Orphans' Court Division to assure proper allocation of proceeds and preservation of monetary awards during minority.

The Clerk of the Orphans' Court is responsible for issuing marriage licenses upon "in person" application by the couple. In 2003, there were 2197 marriage licenses issued.

During 2003, the Orphans' Court issued 43 adjudications confirming fiduciary accountings. It granted 88 adoptions and 70 children were made available for adoption following the termination of the rights of their biological parents. In addition, the court appointed guardians for 94 persons determined to be incapacitated and unable to manage their own affairs. One judicial bypass hearing was held pursuant to the Abortion Control Act. There were 82 restricted accounts approved for minors, together with a significant number of structured settlements, almost all resulting from settlement of civil litigation. In addition, petitions regarding contested wills, joint asset ownership problems, and inheritance tax disputes were processed. A steady number of requests by adoptees for information about their biological parents were processed by the Clerk and the Director of Operations. With the advent of better search tools (including the Internet), more biological parents have been located than in previous years, and about half of those contacted agree to contact with adoptees.

**Orphans' Court Cases Annually**



## **DISTRICT COURTS**

There are fourteen District Courts in the Thirty-First Judicial District that comprises Lehigh County. They are courts of limited jurisdiction and are not courts of record, but often times are the courts with which the average citizen has the most contact. These courts hold trials on summary cases such as traffic violations, bad check cases, school

truancy, underage drinking, and similar types of cases. District Courts can enter dispositions on cases graded up to a misdemeanor of the third degree and also for cases of Driving Under the Influence of Alcohol which is graded as a misdemeanor two case.. In the area of civil law, district courts can hold trials on civil disputes with a maximum monetary limit of \$ 8,000 (plus costs), in addition to disputes between landlords and tenants. These landlord/tenant cases can result in evictions of tenants from rental properties.

In the more serious criminal cases, higher level misdemeanors and felonies, District Courts conduct the initial hearings, including preliminary arraignments and preliminary hearings. At the preliminary arraignment, the criminal charges are read to the defendant, the bail amount is set, and the District Justice assigns the preliminary hearing date. At the preliminary hearing stage, the court conducts a hearing to determine if there is sufficient evidence for the case to proceed to trial. If so, the case is forwarded to the Court of Common Pleas, which is the court of general jurisdiction. If the evidence presented at the preliminary hearing does not support the criminal charges, the charges will be dismissed. The date of arraignment in the Court of Common Pleas is established at the conclusion of the preliminary hearing.

The judges of the District Courts are referred to as District Justices, and are elected officials serving six-year terms. The District Justices are elected within magisterial districts, which comprise the geographic boundaries of their jurisdictions. Lehigh County contains fourteen magisterial districts. During 2002, the district courts of the 31<sup>st</sup> Judicial District underwent a constitutionally required reestablishment review. This review includes the evaluation of the district courts caseload filings, magisterial district population, and related issues to determine if there is an effective administration of justice in each judicial district. Approval for the reestablishment plan is under the authority of the Supreme Court of Pennsylvania.

In 2003 the District Courts of Lehigh County had total case filings as follows:

|                            |        |
|----------------------------|--------|
| Summary Traffic Cases:     | 63,928 |
| Summary Non-Traffic Cases: | 15,036 |
| Civil Cases:               | 7985   |
| Criminal Cases:            | 7627   |

The district court offices collected over \$1.42 million in costs and fines in 2003. Part of this income included the collection of a designated warrant service fee by the District Courts that surpassed \$ 252,853. The supervision of each district court is the responsibility of the elected District Justice, a state employee. The employees within the specific office, however, are county judicial employees, and the personnel and administrative functions fall under the responsibility of the District Court Administrator, H. Gordon Roberts.

With the retirements of District Justice Richard A. Gatti and John E. Dugan, in addition to filling the vacancy that had been the assignment of Senior District Justice Joan Hausman, the public elected three new District Justices in 2003. Their terms began in January 2004.

### **District Justices**

#### **District Court**

#### **District Justice**

|         |                                      |
|---------|--------------------------------------|
| 31-1-01 | Richard A. Gatti                     |
| 31-1-02 | John E. Dugan                        |
| 31-1-03 | Michelle A. Varricchio, Esquire      |
| 31-1-04 | David G. Leh                         |
| 31-1-05 | Carl L. Balliet                      |
| 31-1-06 | Thomas P. Murphy                     |
| 31-1-07 | Joan L. Snyder                       |
| 31-1-08 | Anthony G. Rapp                      |
| 31-2-01 | Senior District Justice Joan Hausman |
| 31-2-02 | Patricia Youkonis                    |
| 31-2-03 | Donna R. Butler                      |
| 31-3-01 | Edward E. Hartman                    |
| 31-3-02 | Charles H. Crawford                  |
| 31-3-03 | David B. Harding                     |

### **Senior District Justices**

Senior District Justice Joseph Maura  
Senior District Justice Joan Hausman

### **COURT ADMINISTRATION**

The responsibility of the Court Administrator is to manage the non-judicial functions of the Court under the guidance of the President Judge. Judges are ultimately responsible for effective court management. However, the complexity of the modern court requires the delegation of administrative functions and responsibilities to the Court Administrator. The Court Administrator serves as an appointee of the entire Court but is subject to the supervision and direction of the President Judge. The Court Administrator must practice extensive managerial and administrative skills to serve effectively as the managerial arm of the Court. The Court Administrator serves the dual function of increasing judges' time for adjudication by accomplishing the administrative functions of the Court, and by bringing professional managerial expertise to the administrative problems of the judiciary.

Duties of the Court Administrator include personnel and fiscal management, calendar or scheduling management, information systems and space and equipment management, records control, public information, and jury management.

The District Court Administrator, Susan T. Schellenberg, and the Deputy Court Administrator, William B. Berndt, are responsible for supervision of all court-related departments of the Judiciary, to include Adult Probation, Juvenile Probation, Domestic Relations, District Justice personnel, the Law Library, the Court Transcription Unit, and Court staff personnel, a total of 300 full-time employees.

### **COURT TRANSCRIPTION UNIT**

The Court Transcription Unit, under the supervision of Supervisory Court Reporter Dolores M. Young and Assistant Supervisor Susan Sherry, has the primary task of recording proceedings before judges or other factfinders appointed by the Court. This task also includes the transcription of those notes taken during proceedings when a transcript is requested. The thirteen employees in this unit use both stenography and audio recording to perform the assigned task. Members of the unit are assigned to specific judges for a period of one year. Those who are not assigned serve in a pool. Pool members fill in for assigned reporters and monitors when needed and also provide support to senior and visiting judges. Since the adoption of this system, transcription backlogs have been substantially reduced and office morale and effectiveness have been improved.

### **JURY ADMINISTRATION**

The Office of the Court Administrator is responsible for the effective management of the jury system. The jury system operation is supervised by Court Operations Officer Gayle Fisher, who coordinates the process of random juror selection and determines the number of jury panels needed each day.

The reception and orientation of jurors, followed by selection and control of individual juries, is a process that requires continuing cooperation between the jury management staff and the judges' staff personnel. The emphasis is on making juries available to those judges who may require them and to keep available only those jurors necessary for the accomplishment of this task.

To this end, Lehigh County has adopted the "one day, one trial" method of selection to increase the efficiency of the jury system while making a minimal imposition in the lives of our residents. Citizens selected for jury duty will serve one day, or, if selected for a jury, will serve the duration of that trial.

In 2003 the Lehigh County Court of Common Pleas served 36,000 jury summons and called over 7,000 jurors for service.

## **LAW LIBRARY**

The Lehigh County Law Library, now known as the Donald E. Wieand Law Library, is a county-funded resource offering full library services to the public, the bar, county employees, and the court. In the absence of local law schools, the law library of the Thirty-First Judicial District stands alone in providing legal research material in the local region. Founded in 1869, the law library has been located in the Lehigh County Courthouse since 1963.

The law library collection consists of more than 30,000 volumes in traditional print, microform, and CD-ROM and online formats. This comprehensive library of Pennsylvania, national and federal casebooks, selected statutes and regulations, practice materials, treatises, and periodicals is supplemented by inter-library loan with other institutions. The library also offers on-line legal research through Lexis, Shepard's Citations Online, and Westlaw. Through these services the law library may supply virtually any legal resource to patrons. The public records of Lehigh County offices are available in the library through the county's computerized public access system.

The law library is a lending library, a rarity among law libraries. The circulation system and the full featured public access catalogue are online. Library staff maintains great control over both locating sources in the collection and tracking of the thousands of volumes borrowed by patrons each year. April of 2003 heralded the migration to a user-friendly windows based card catalogue and circulation system. Although not yet available to the public, the 24,700 book records and nearly 600 patron records formerly on the county system were converted to the new LibraryWorld system. Retroconversion and catalogue record editing is still taking place and is expected to be finalized in 2004. Catalogue records are now in MARC format- the standard for libraries worldwide- and searching is now available by keyword, title, author, and more. Future plans are to make the card catalogue available to all on the Internet. The new circulation and card catalogue system is a major improvement.

2003 brought an increase in alternative delivery methods of material. Usage of the networked CD-ROM stations continued to increase and a move to Internet based research was made for Shepard's Citations for both the employees and the public. Reference assistance is becoming "virtual" with questions and answers handled by telephone and e-mail. The law library provides extended hours of operation, remaining open four evenings a week. Library staff members are on duty whenever the library is open.

The daily management of the law library is overseen by Lorelei A. Broskey, Director of Library Information Services, under the direction of the Court Administrator. A Law Library Committee meets as needed to approve major changes in policy. The Library Information Services staff also functions as the centralized purchasing and distribution

office for all books and CD-ROMS procured for the Judges' chambers and for judicial and county offices. Book requisitioning, bill preparation, and cataloging for more than 50 county and judicial offices are performed in the law library. In 2003 the library staff processed 1,622 invoices providing \$ 306,000 worth of new legal resources to the public, the judiciary, and county offices.

In 2003 the law library continued to deliver a growing selection of networked legal products to court employees' desks via cached CD's on its networked server. The District Attorney's Office, Public Defender's Office, the Clerk of Courts and other court related offices are also connected to the CD-ROM network. As well as functioning as the public workstations for the county public information, the six computers in the law library remain available for employees without PCs to access the Internet, the County Intranet and bulletin board, Word, Elibrary, the Lehigh County Rules of Court and the legal material.

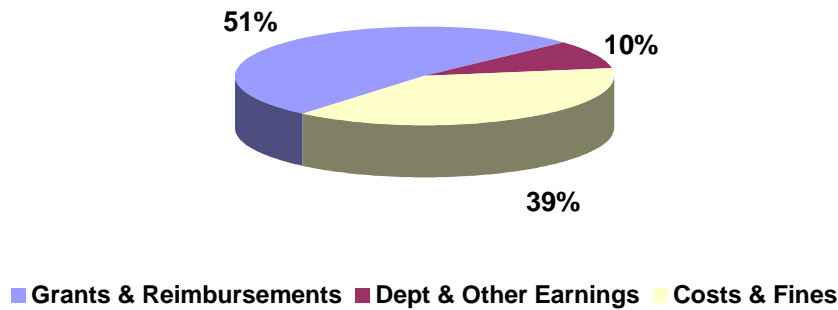
Library staff also provides first level computer technical support for many of the offices within the courthouse. Court-wide technological assistance, planning and maintenance and their related concerns is steadily on the increase for the Information Services division of the law library. Technological support and related training is a major component of law library services.

Further reduction of print-based resources in the Judges' Chambers and the law library is the focus of the future.

**COURT OF COMMON PLEAS  
2003 Budget**

Although it is not the function or mission of the Court of Common Pleas to generate revenue, the Court in 2003, nevertheless, produced significant revenue. The adopted 2003 budget for the Court of Common Pleas consisted of total revenues of \$7,639,956 and total expenses of \$20,366,866.

**2003 Budgeted Court Revenues**



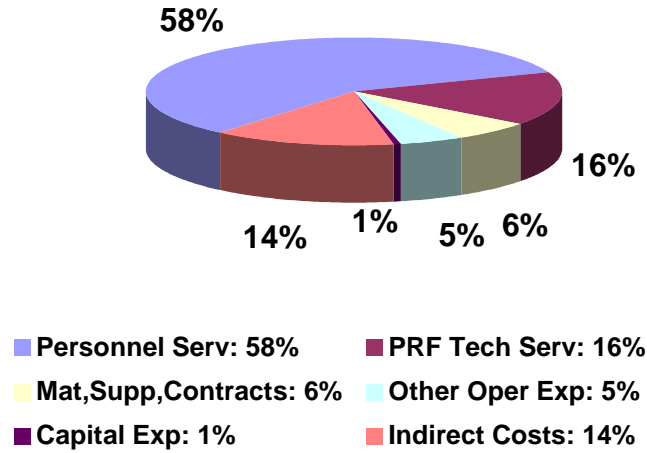
|                                      |                     |
|--------------------------------------|---------------------|
| Grants and Reimbursements:           | \$ 3,962,949        |
| Department Earnings, Other Earnings: | \$ 731,507          |
| Costs and Fines:                     | <u>\$ 2,945,500</u> |
| Total                                | \$ 7,639,956        |

The Court places emphasis in pursuing federal and state grants in order to offset the costs of current or new programs. This grant funding is more available in the areas of Adult and Juvenile Probation, with concentration on creation of new programs and initiatives.

Adult Probation receives state funding based on the amount of compliance with state-wide standards for probation operations. Currently the Lehigh County Adult Probation Department receives the maximum in state funding for compliance at over the 90% level.

The Juvenile Probation Department works closely with the Lehigh County Office of Children and Youth to produce a “needs-based” budget that attempts to maximize state assistance to the Court, in the form of services at state youth institutions and a funding stream to reimburse the court for some delinquent youth placement expenditures.

### 2003 Budgeted Court Expenditures



|  |                     |
|--|---------------------|
| Personnel Services:                      | \$11,817,112        |
| Professional & Technical Services:       | \$ 3,307,813        |
| Material, Operating Supplies, Contracts: | \$ 1,219,729        |
| Other Operating Expenses:                | \$ 1,008,570        |
| Capital Expenditures:                    | \$ 131,117          |
| Indirect Costs:                          | <u>\$ 2,882,525</u> |
| Total:                                   | \$20,366,866        |

In 2000, a long term project was initiated to investigate improvements in the computer operating system used by the court, and this continued throughout 2003. The National Center for State Courts was chosen as the project manager for this endeavor and guided the court through the process needed to update the operating system and database. This project is a multi-year effort and will impact the capital budget for the next few years. The Business Process Review was completed in 2003 and the bid process was begun to award this project to an information systems vendor.