



2006  
ANNUAL  
REPORT

COURT OF COMMON PLEAS  
OF LEHIGH COUNTY

JUDGE WILLIAM H. PLATT  
PRESIDENT JUDGE

**2006**  
**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 ten judges. In 2006, the Court was organized as follows:

<b>Adult Probation:</b>	Supervisory Judge Robert L. Steinberg
<b>Civil Division/Motion/Family Court Division</b>	Administrative Judge Alan M. Black Judge Thomas A. Wallitsch Judge Edward D. Reibman Judge Carol K. McGinley Judge Lawrence J. Brenner Judge J. Brian Johnson
<b>Criminal/Juvenile Division:</b>	Administrative Judge Robert L. Steinberg President Judge William H. Platt Judge William E. Ford Judge Kelly L. Banach
<b>Juvenile Probation:</b>	Supervisory Judge Robert L. Steinberg
<b>Orphans' Court Division:</b>	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 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 taking 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. The design phase lasted until the end of 2005. The construction phase was delayed during 2006 due to changes in scope of the project resulting from a new approach taken by the new County Executive.

### **Criminal Case Management System**

The Administrative Office of Pennsylvania Courts Criminal Case Management System was implemented in 2005. 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**

The replacement of the KEA legacy information system in civil court was continued with a new software system by the winning bidder, Tyler Technologies, Inc. The project management portion of the system implementation was awarded to Computer-Aid, Inc. Some portions of this new software system began to be phased in during 2005 and continued into 2006.

### **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 through 2005 and 2006.

## **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 and again in 2005. Judge McGinley has served as Chairman of the Pennsylvania Juvenile Court Judges Commission, as a member 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 Governor's Cabinet on Children and Families.

## **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. In 2001, Judge Wallitsch was retained for another ten-year term. Judge Wallitsch resigned from the Lehigh County Bench in March 2006 and returned to private practice.

## **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 was a specially appointed solicitor for the City of Allentown providing representation for police officers sued for civil rights violations. He is an adjunct professor at De Sales University and Chestnut Hill College. The judge is an avid long distance runner. 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 a Past 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.

### **JUDGE J. BRIAN JOHNSON**

Judge J. Brian Johnson graduated from Villanova University in 1977 and earned a J.D. from Temple University School of Law in 1981. He served Lehigh County as an Assistant Public Defender from 1981 to 1983, as Criminal Arraignment Master from 1984 to 1986, as Assistant County Solicitor from 1987 to 1989, and as Criminal Costs and Fines Master from 1990 to 1991. He taught Business Law at DeSales University 1986 to 1987. He has been a member of the Pennsylvania Bar Association since 1984, a member of the Bar Association of Lehigh County since 1982, a member of its Board of Directors 1999 to 2000 and a member of the Donald E. Wieand Inn of Court 2000 to 2001 and a Team Leader 2002 to 2003. He was elected Judge of the Court of Common Pleas for Lehigh County in November 2003.

### **JUDGE KELLY L. BANACH**

Judge Kelly L. Banach received her undergraduate degree in Government from Cornell University in 1979 and her law degree from Villanova University School of Law in 1982. She served as Assistant Public Defender in Bucks County, Pennsylvania February 1983 to November 1985. After a brief association with the Allentown Law Firm of Wiener and Wiener, Judge Banach started at the Office of the Lehigh County District Attorney in May 1987. She ultimately became Senior Chief Deputy District Attorney, Supervisor of the Special Offenses Unit, which handled Sex Crimes, Child Abuse, and Domestic Violence cases, and Director of Training and Public Education, developing the Protecting Kids from Cyber Crimes Program. Judge Banach served as an instructor for the Allentown Police Academy and the Pennsylvania District Attorney's Institute. She is a former board member of the Child Advocacy Center of Lehigh County, and was co-chair of the Lehigh County Death Review Team. She was elected to the Lehigh County Court of Common Pleas in November of 2003.

## **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 2006 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.

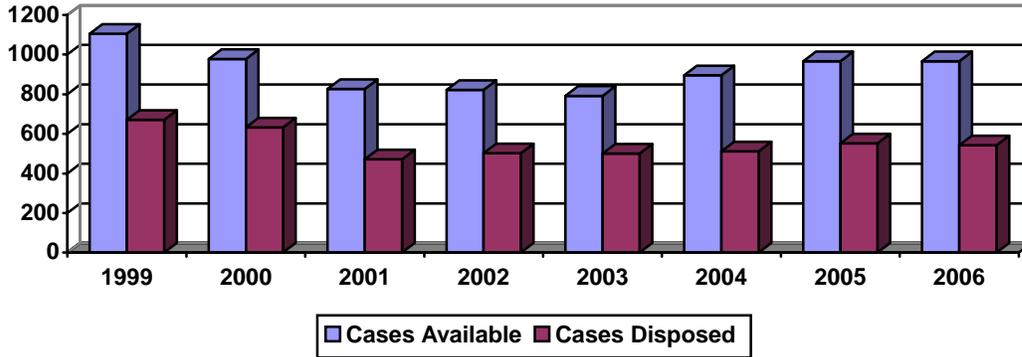
At the time a complaint is filed, civil actions are assigned to the judges in the division on an impartial rotational basis. The cases are assigned on the individual calendar system, which means that the same judge handles all aspects of the case from its inception to its completion. Most civil cases 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 2006, there were 451 trial ready civil actions filed and 542 were disposed of by the court. The cases disposed of in 2006 included some cases which were still pending from the 2005 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 in 2006, as did the dispositions.

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.

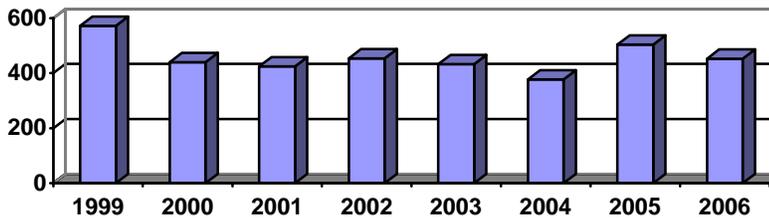
### Total Civil Division Trial Ready Cases



### 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

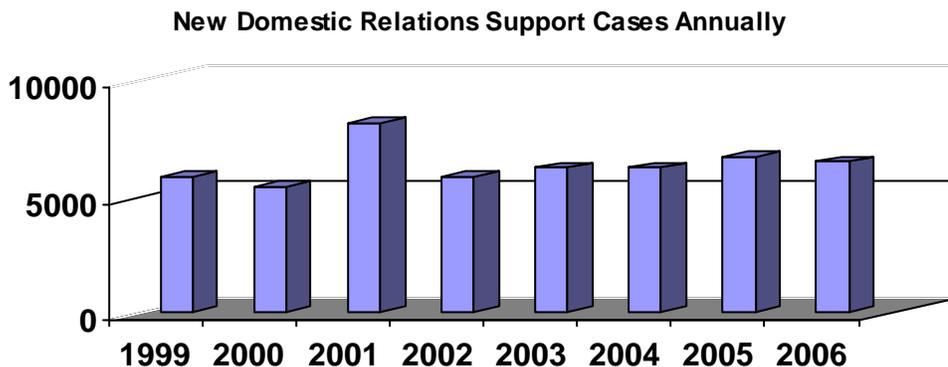
The Lehigh County Domestic Relations Section, under the supervision of Director Rosemary C. McFee, consists of 20 conference and enforcement officers, 9 managers,

and 42 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 14,000 active support cases in Lehigh County. 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 has yet to be resolved, and it is expected that the PACSES system will be generating the information to be gathered at state level by the Administrative Office of Pennsylvania Courts.

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).



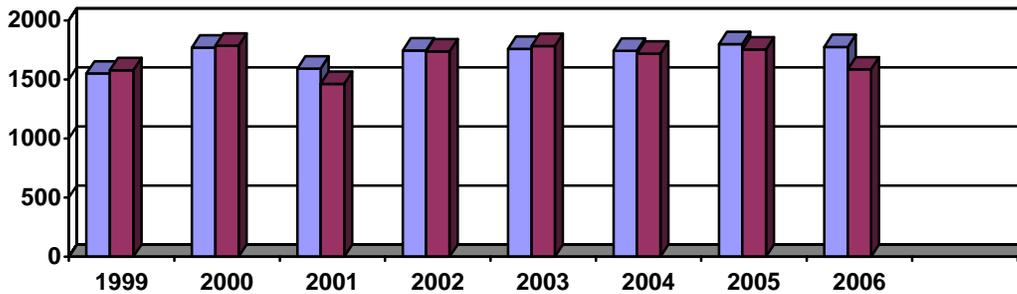
Domestic Relations is responsible for the collection of support funds from the defendant in the action and disbursement of those funds to the plaintiff. In 2005, the total

amount collected and then disbursed to the plaintiffs was \$ 47,321,180. In 2006, that figure was \$ 44,153,894.

### **Child Custody and Visitation**

The Child Custody Office, under Family Court Administrator Vivian Appel, 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 2006, she was assisted by Family Court Masters Richard Betz, Don VanGilder, Eugene Mayberry, 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, LCSW. All mediators have received extensive training in mediation and have been very effective in resolving custody case issues. In 2006, 910 cases were scheduled for mediation and agreement between the parties was reached in 292 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 2006, there were 2882 cases before the court, with 1872 carried over from 2005, and 1010 added in 2006. A total of 1079 divorce decrees were issued in 2006, and of those, 128 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 2006, and 164 were carried over from 2005, for a total of 1360 before the court. Of these cases, 395 final orders were issued, 563 cases were dismissed for cause, 120 were withdrawn prior to a hearing, 87 were agreed to by the parties before the final hearing, and 24 were dismissed when the plaintiff failed to appear in court. There were 171 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**

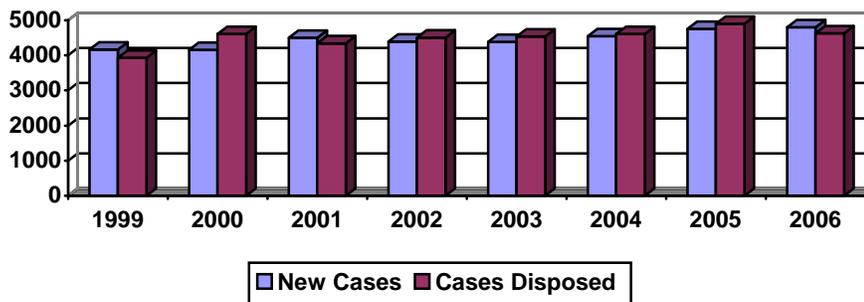
The judges assigned to the Criminal/Juvenile Division, under the Administrative Judge of the Division, are responsible for the administration of criminal and juvenile law within the court.

In 2006 there were 4801 adult criminal cases filed or re-opened in Lehigh County. The court disposed of 4629 adult cases in 2006.

Most years since 1994 have seen increases in the number of adult criminal case filings. The year 2006 saw a slight increase in adult cases but a smaller increase in dispositions.

Four judges were assigned to the Criminal/Juvenile Division in 2006, responsible for criminal cases, summary case appeals, and juvenile delinquency cases. Homicide cases are divided among all ten 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, parole, ARD, and Intermediate Punishment. 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, 2006, the department's total caseload was 4,929, an increase of 1.6% over 2005. There were 4,482 investigations and reports completed, broken down as follows:

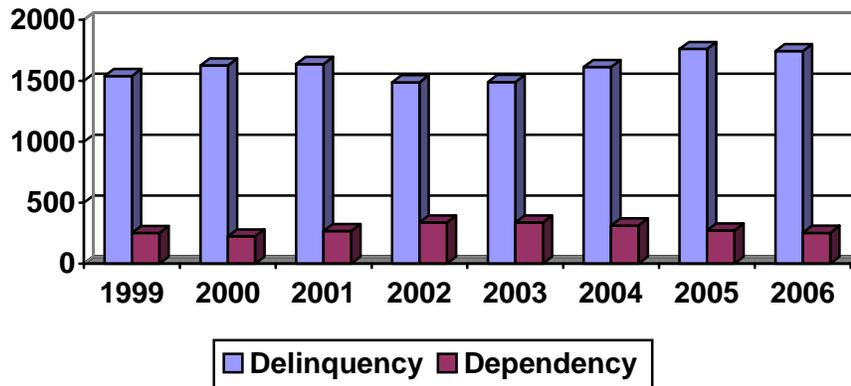
- ◆ 538 pre-sentence investigations
- ◆ 1,394 pre-parole investigations
- ◆ 1,343 Court Reporting Network evaluations (DUI offenders)
- ◆ 126 psychiatric evaluations (SPORE)
- ◆ 23 psychological assessments (SPORE)
- ◆ 500 Criminal History Records
- ◆ 538 Sentencing Guidelines

Major accomplishments in 2006 included the continuation of funding for the GPS project, presentation of the Courtwide Conference and follow-up workshop, revision of the department's defensive tactics curriculum and certification protocol, and the beginnings of the electronic caseload management project. In addition, the department remained in full compliance with the applicable American Correction Association standards as mandated by the Pennsylvania Board of Probation and Parole.

### **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 Case Annual Filings



### 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 2220 referrals in 2006. The caseload decreased 5% over 2005, largely attributable to a decrease in non-payment referrals. The number of juveniles on probation during the year 2006 averaged 1529 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 four judges, including an Administrative Judge, assigned to the various matters within the jurisdiction of the Orphans' Court Division.

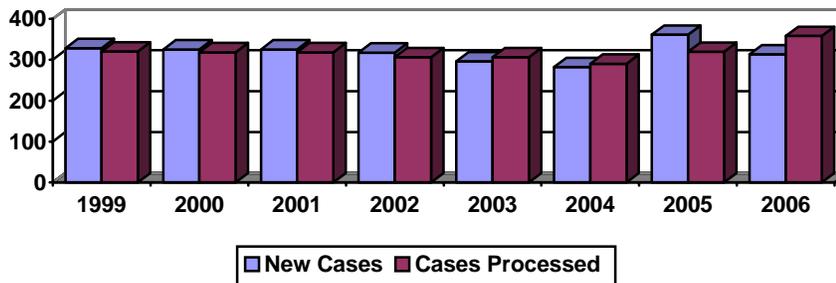
The Orphans' Court Division of the Court of Common Pleas is under the direction of the Director of Orphans' Court Operations, Janet T. Woffindin, Esquire, and the Clerk of the Orphans' Court, Barbara A. Stoneback. Unlike the other divisions, Orphans' Court hears many matters that are non-adversarial. Orphans' Court is charged with the responsibility of overseeing the administration of decedents' estates and both *inter vivos* and testamentary trusts, as well as the processing of adoptions, petitions for determinations of incapacity and appointments of guardians, termination of parental rights 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 2006, there were 2,361 marriage licenses issued.

During 2006, the Orphans' Court issued 33 adjudications confirming fiduciary accountings. It granted 70 adoptions and 67 children were made available for adoption following the termination of the rights of their biological parents. In addition, the court appointed guardians for 101 persons determined to be incapacitated and unable to manage their own affairs. Nineteen judicial bypass hearings were held pursuant to the Abortion Control Act. There were 81 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 continued to be 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 graded up to a misdemeanor of the second degree for cases of Driving Under the Influence of Alcohol. In the area of civil law, district courts can hold trials on civil

disputes with a maximum monetary limit of \$ 8,000 and also disputes between landlords and tenants. These landlord 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 Magisterial District Judge schedules the preliminary hearing date. At the preliminary hearing, 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 Magisterial District Judges, and are elected officials serving six-year terms. A change in the title of these elected officials from District Justice to Magisterial District Judge occurred in 2005. The magisterial district judges are elected within magisterial districts, which comprise the geographic boundaries of their jurisdictions. Lehigh County contains fourteen magisterial districts. In addition, the Lehigh County District Court System includes a Central Court and a Night Court. Central Court operates to schedule and preside over the preliminary hearings of all incarcerated defendants. The magisterial district judges of the fourteen individual districts are assigned to preside in Central Court utilizing a rotating daily schedule. Night Court operates to handle the preliminary arraignments of all defendants who are arrested within the county after the normal operating hours of the courthouse. The assignment of a Magisterial District Judge is also completed based upon a rotating schedule of the fourteen District Judges of the individual districts. In addition, Night Court operates to facilitate the payment of bail for incarcerated defendants, preside over matters related to warrants served by Constables and issue Protection from Abuse (PFA) orders in matters of domestic violence.

In 2006 the District Courts of Lehigh County had total case filings as follows:

Summary Traffic Cases:	62,383
Summary Non-Traffic Cases:	14,533
Civil Cases:	9320
Criminal Cases:	7208

The increase in the collection of fines and costs from 2004 as compared to 2005 was processed without an increase in full-time staffing of the District Court Offices. In addition, the collection of a designated warrant fee by the District Courts totaled \$415,377 in 2006, an increase of over \$32,159 from 2005.

The supervision of each District Court is the responsibility of the elected Magisterial District Judge, 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 Justice Administrator.

### **Magisterial District Judges**

<b>District Court</b>	<b>Magisterial District Judge</b>
31-1-01	Patricia M. Engler
31-1-02	Maryesther S. Merlo, Esquire
31-1-03	Michelle A. Varricchio, Esquire
31-1-04	David G. Leh
31-1-05	Carl L. Balliet
31-1-06	Wayne Maura
31-1-07	Joan L. Snyder
31-1-08	Anthony G. Rapp
31-2-01	Karen C. Devine
31-2-02	Patricia Warmkessel
31-2-03	Donna R. Butler
31-3-01	Rod R. Beck
31-3-02	Charles H. Crawford
31-3-03	David B. Harding
31-0-02 Traffic Court	Michelle A. Varricchio, Esquire

### **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 450 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 an average year, the Court of Common Pleas serves 36,000 jury summons and calls 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. Some 25,000 book records and 500 patron records are now on the new LibraryWorld card catalogue system. Catalogue records are now in MARC format- the standard for libraries worldwide- and searching is now available by keyword, title, author, and more. The online card catalogue is available to the public on the computer workstations. Though retroconversion of volume data is complete, title record editing is still ongoing to perfect the MARC format and increase the information available in the card catalogue. Future plans are to make the card catalogue available to all on the Internet and Intranet.

Westlaw online access for both the public workstations and the court employees is the method by which most primary law is now delivered. Reference assistance continues to become more "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. The Library Information Services staff also functions as the centralized purchasing and distribution office for all books and online services 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 2006, the library staff processed invoices and delivered products providing \$ 335,855 worth of new legal resources to the public, the judiciary, and county offices.

The District Attorney's Office, Public Defender's Office, the Clerk of Courts and other court related offices are served by Law Library funded administered Westlaw accounts. 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.

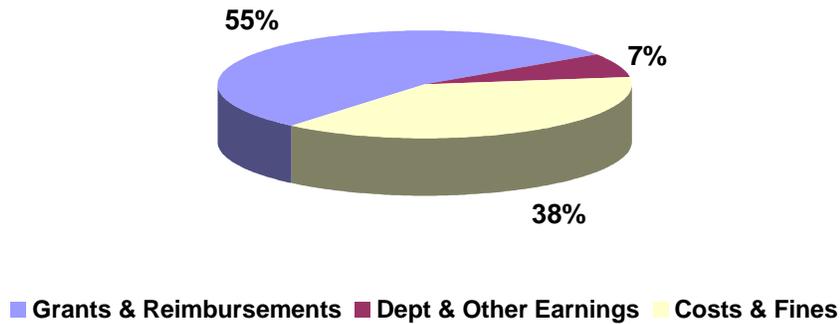
Library staff also provides first level computer technical support for many of the offices within the courthouse. Technological support and related training is a major component of Law Library services. Court-wide technological assistance, planning and maintenance and their related concerns is steadily on the increase for the Information Services division of the law library. The Library's technical support staff consists of one full time employee and one part time employee dedicated to computer support for other offices within the courthouse.

Further reduction of print-based resources in the Judges' Chambers and the Law Library as well as preparing the print collection for the move to the courthouse addition is the focus of the future.

**COURT OF COMMON PLEAS  
2006 Budget**

Although it is not the function or mission of the Court of Common Pleas to generate revenue, the Court in 2006, nevertheless, produced significant revenue. The adopted 2006 budget for the Court of Common Pleas consisted of total revenues of \$8,425,993 and total expenses of \$25,618,030.

**2006 Budgeted Court Revenues**



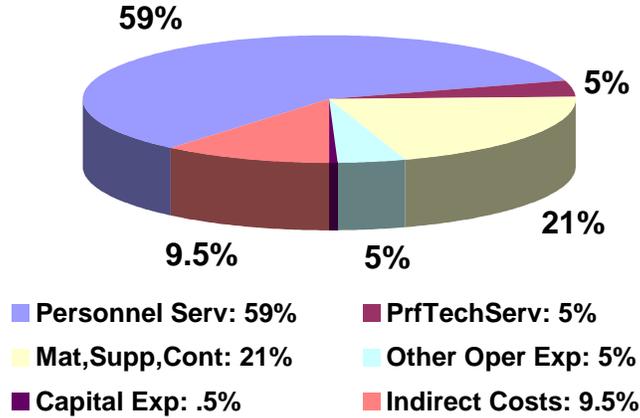
Grants and Reimbursements:	\$ 4,585,186
Department Earnings, Other Earnings:	\$ 619,807
Costs and Fines:	<u>\$ 3,221,000</u>
Total	\$ 8,425,993

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.

### 2006 Budgeted Court Expenditures



Personnel Services:	\$15,165,823
Professional & Technical Services:	\$ 1,058,185
Material, Operating Supplies, Contracts:	\$ 5,256,900
Other Operating Expenses:	\$ 1,176,483
Capital Expenditures:	\$ 111,068
Indirect Costs:	<u>\$ 2,849,571</u>
Total:	\$25,618,030

In 2000, a long term project was initiated to investigate improvements in the computer operating system used by the court, and this continued throughout 2005. 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 project was awarded to Tyler Technologies, Inc. The project manager for the implementation of the software is Computer-Aid, Inc. and the project was begun in 2004 and still continues.