



2008  
ANNUAL  
REPORT

COURT OF COMMON PLEAS  
OF LEHIGH COUNTY

JUDGE WILLIAM H. PLATT  
PRESIDENT JUDGE

**2008  
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 2008, the Court was organized as follows:

<b>Adult Probation:</b>	Supervisory Judge Kelly L. Banach
<b>Civil Division/ Family Division</b>	Administrative Judge J. Brian Johnson Administrative Judge William E. Ford Judge Carol K. McGinley Judge Edward D. Reibman Judge Michele A. Varricchio
<b>Juvenile Dependency</b>	Supervisory Judge J. Brian Johnson
<b>Criminal/Juvenile Division:</b>	Administrative Judge Kelly L. Banach Judge William H. Platt Judge Robert L. Steinberg Judge James T. Anthony Judge Maria L. Dantos
<b>Juvenile Probation:</b>	Supervisory Judge Robert L. Steinberg
<b>Orphans' Court Division:</b>	Administrative Judge J. Brian Johnson Judge Carol K. McGinley Judge Edward D. Reibman Judge William E. Ford Judge Michele A. Varricchio

The Court was further staffed by Senior Judges Lawrence J. Brenner and Alan M. Black , 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**

Construction on the four story addition of the courthouse began in September 2007 and continued through 2008, with the exterior façade replacement approaching completion by the end of the year. The construction of the interior portion of the addition began late in 2008 and the most ambitious part of the project, the renovations to the interior of the original building, is expected to move expeditiously throughout 2009.

### **Domestic Relations Service Relocation**

Domestic Relations, which has been located at 11<sup>th</sup> and Hamilton Streets for about 9 years, is projected to be relocated in 2009 to 6<sup>th</sup> and Hamilton Streets. The design of the interior of the new location was begun late in 2008 with the potential relocation set for spring 2009.

### **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., which completed their portion in June 2008, although enhancements to the system are ongoing. A new case management system for Adult and Juvenile Probation, Automon, was begun in 2008 and is planned to go on line in spring 2009.

### **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 Jennifer Hammer and it saw rapid growth through 2008. The program added an Assistant Director in 2007, Elizabeth Savoia, due to the number of volunteers.

## **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 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 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. . 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 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 an Assistant 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 recipient of a number of awards, including the Colonel John J. Schafer Award for excellence in law enforcement. He also has been a lecturer, a member of the faculty and an author of criminal law related articles for the Pennsylvania Bar Institute and other organizations. He was elected Judge of the Court of Common Pleas for Lehigh County in November 1997, and retained for a ten year term in 2007.

### **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 was an associate with Lanshe, Lanshe and Lanshe from 1983 to 1986. He was in private practice as a sole practitioner and as a partner in the firms of Johnson & Ashcraft and Johnson, Ashcraft & Giordano from 1986 to 1996. Immediately prior to his election, he was Special Counsel to the Philadelphia-based national law firm of Duane Morris LLP from 1996 to 2003. Judge Johnson has chaired the Lehigh County Children's Roundtable since 2006 and has served on the Pennsylvania Supreme Court's Leadership and State Roundtables since 2007. He chairs the Guiding Principles Committee of the Pennsylvania Children's Roundtable Initiative and is a member of the Initiative's Benchbook Committee and Children's Summit Committee. 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. He is Administrative Judge of the Civil Division, Orphans' Court Division, and Juvenile Dependency cases.

### **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 and presently serves as the Administrative Judge of the Criminal Division.

### **JUDGE JAMES T. ANTHONY**

Judge James T. Anthony graduated from Saint Joseph's University in 1980 and earned a J.D. from Creighton University School of Law in 1983. Commissioned a Second Lieutenant in the United States Marine Corps Reserve in 1981, he retired at the rank of Colonel in 2009. During his military career he served in both active duty and reserve capacities, including service in Okinawa in 1984-1985, and service in Iraq in 2004-2005 and 2006-2007. He served as a full time Assistant District Attorney in York County in 1987 and as a part time Assistant District Attorney in Lehigh County from 1989 to 1999. After employment as staff counsel for two insurance companies, Judge Anthony went into the private practice of law where he remained for

nineteen years. Judge Anthony is a member of the Allentown-West Rotary Club, and a former board member of the Lehigh County Historical Society. He was elected Judge of the Court Of Common Pleas for Lehigh County in November 2007.

### **JUDGE MARIA L. DANTOS**

Judge Maria L. Dantos received her undergraduate degree from Rutgers University in 1982 and her law degree from Syracuse University College of Law in 1985. Judge Dantos served Lehigh County as a Public Defender from 1986 to 1989. She began her service in the District Attorney's Office as an Assistant in 1989. She served as Deputy District Attorney, Chief Deputy District Attorney, and in 2001 was appointed First Assistant District attorney. She was the supervising attorney for the Lehigh County Investigating Grand Jury and the Homicide Task Force. She has been an instructor for the Allentown Police Academy, the Pennsylvania District Attorney's Association, and the Pennsylvania Bar Institute. She is the recipient of the Colonel John J. Schafer Award for excellence in law enforcement. She was appointed by the Governor to fill a vacancy on the bench in June of 2007 and was elected Judge of the Court of Common Pleas for Lehigh County in November 2007.

### **MICHELE A. VARRICCHIO**

Judge Michele A. Varricchio, a graduate of William Allen High School, Class of 1977, earned a B.A. at St. John's College, Santa Fe, New Mexico, and a J.D. from Antioch School of Law in Washington, D.C. She served as a judicial law clerk to the Honorable James N. Diefenderfer from 1985-1987. She was Solicitor for the Lehigh County Domestic Relations from 1988-1992. From 1987 through 1992 she was in partnership with Frederick P. Rooney, Esq. She was appointed by Governor Casey in 1992, was elected in 1993, and served for fifteen years as a Magisterial Judge in Lehigh County. Judge Varricchio was a member of the Special Court Judges association from 1992-2007. She is the Treasurer and was a Past President and Treasurer of the Allentown YWCA. She has been a member of the Allentown Rotary Club since 2003. She served on the boards for 4H, Bikeworks, and Human Services Advisory Board. She is a member of the Lehigh Valley Arts Council and serves on the board of the Pennsylvania Shakespeare Festival at DeSales University. She was elected Judge of the Court of Common Pleas for Lehigh County in November 2007 and assigned to the Civil Division.

**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 2008 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.

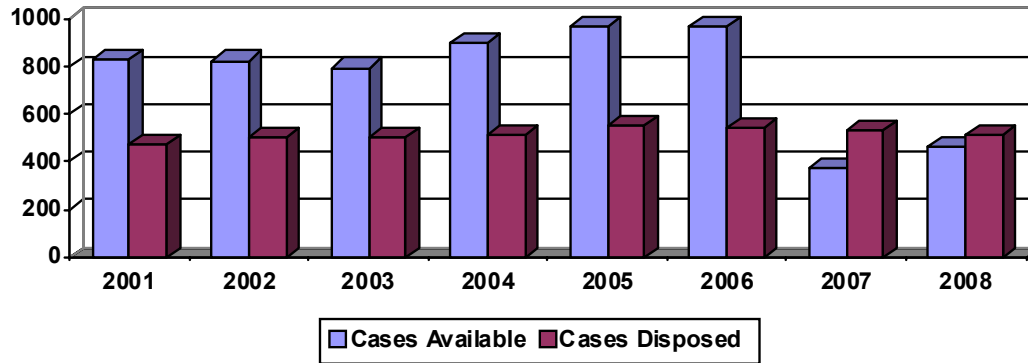
In 2008, there were 464 trial ready civil actions filed and 513 were disposed of by the court. The cases disposed of in 2008 included some cases which were still pending from the 2007 inventory.

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 increased in 2008, and the dispositions decreased slightly.

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.



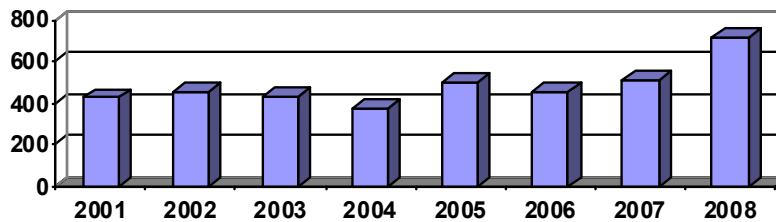
### Total Civil Division Trial Ready Cases



### 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



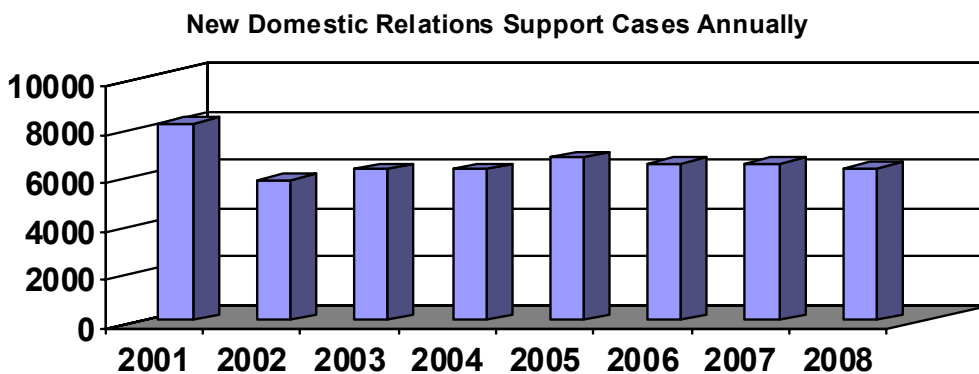
### Domestic Relations Section

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).



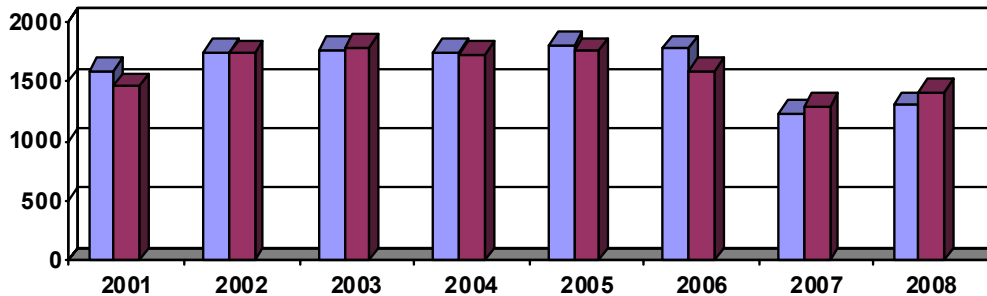
Domestic Relations is responsible for the collection of support funds from the defendant in the action and disbursement of those funds to the plaintiff. In 2007, the total amount collected

and then disbursed to the plaintiffs was \$ 48,706,397. In 2008, that figure was \$ 50,009,915.

### **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 2008, 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 2008, 932 cases were scheduled for mediation and agreement between the parties was reached in 359 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 2008, there were 2580 cases before the court, with 1696 carried over from 2007, and 884 added in 2008. A total of 942 divorce decrees were issued in 2008, and of those, 209 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 1227 new cases in 2008, and 98 were carried over from 2007, for a total of 1325 before the court. Of these cases, 559 final orders were issued, 279 cases were dismissed for cause, 301 were withdrawn prior to a hearing, 154 were agreed to by the parties before the final hearing, and 28 were dismissed when the plaintiff failed to appear in court. There were 4 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.

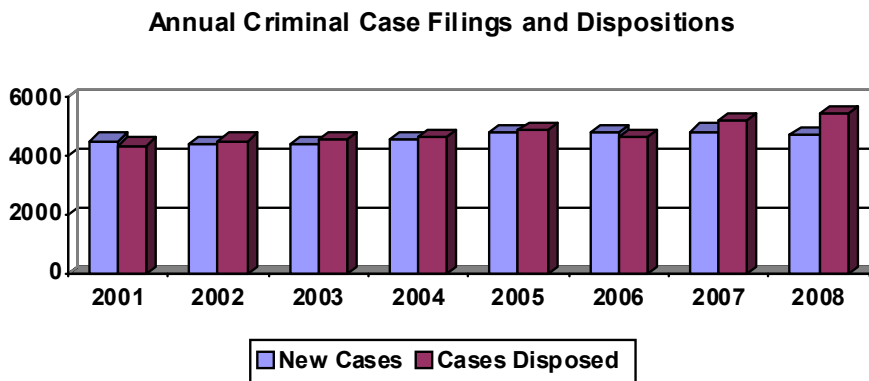
### **CRIMINAL/JUVENILE DIVISION**

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 2008 there were 4725 adult criminal cases filed or re-opened in Lehigh County. The court disposed of 5402 adult cases in 2008.

Most years since 1994 have seen increases in the number of adult criminal case filings. The year 2008 saw a slight decrease in adult cases and an increase in dispositions.

Five judges were assigned to the Criminal/Juvenile Division in 2008, responsible for criminal cases, summary case appeals, and juvenile delinquency cases. Homicide cases are divided among the five 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.



### 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, 2008, the department's total caseload was 5,471, an increase of 3.2% over 2007. There were 5,045 investigations and reports completed, broken down as follows:

- ◆ 562 pre-sentence investigations
- ◆ 1,564 pre-parole investigations
- ◆ 1,433 Court Reporting Network evaluations (DUI offenders)
- ◆ 139 psychiatric evaluations (SPORE)
- ◆ 7 psychological assessments (SPORE)
- ◆ 425 Criminal History Records
- ◆ 915 Sentencing Guidelines

Major accomplishments in 2008 included:

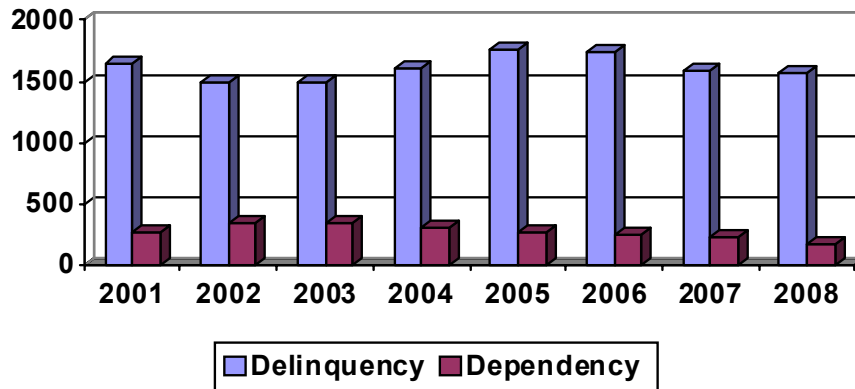
1. The approval from the Pennsylvania Commission on Crime and Delinquency for grant funding assistance for the Community Corrections Center, a collaborative effort of the Adult Probation Department and the Departments of Corrections and Human Services.
2. Expansion of the Special program for Offenders in Rehabilitation and Education.
3. Introduction of an active monitoring component to the Department's GPS capabilities.
4. Continuation of the Department's transition to an automated case management system.

In addition, the department remained in full compliance with the 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 juvenile referrals from criminal justice agencies in 1990, with 2094 juvenile referrals in 2008, an increase of 5% over 2007.

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 five 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

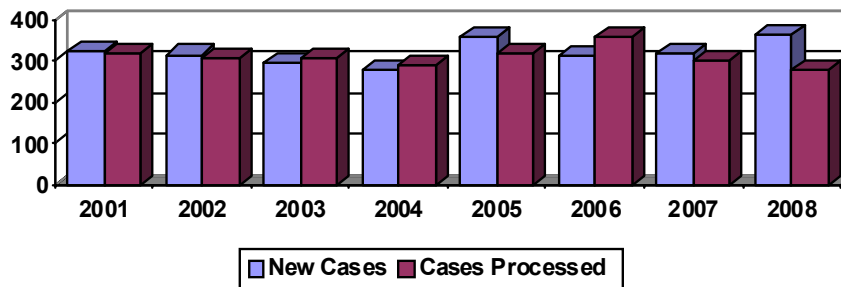


involving minors and/or decedents' estates must be approved by the Orphans' Court Division to assure proper allocation of proceeds and preservation of monetary awards during minority.

The Clerk of the Orphans' Court is responsible for issuing marriage licenses upon "in person" application by the couple. In 2008, there were 2,231 marriage licenses issued.

During 2008, the Orphans' Court issued 36 adjudications confirming fiduciary accountings. It granted 67 adoptions and 62 children were made available for adoption following the termination of the rights of their biological parents. In addition, the court appointed guardians for 87 persons determined to be incapacitated and unable to manage their own affairs. Twenty-two judicial bypass hearings were held pursuant to the Abortion Control Act. There were 62 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 2008 the District Courts of Lehigh County had total case filings as follows:

Summary Traffic Cases:	56,058
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Summary Non-Traffic Cases:	15,155
Civil Cases:	9,583
Criminal Cases:	6,967

The increase in the collection of fines and costs from 2007 as compared to 2008 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 \$388,879 in 2008, an increase of \$8,893 over 2007.

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***

#### **District Court**

#### **Magisterial District Judge**

31-1-01	Patricia M. Engler
31-1-02	Maryesther S. Merlo, Esquire
31-1-03	Currently vacant
31-1-04	David G. Leh
31-1-05	Carl L. Balliet
31-1-06	Wayne Maura
31-1-07	Robert C. Halal
31-1-08	Anthony G. Rapp
31-2-01	Karen C. Devine
31-2-02	Jacob E. Hammond
31-2-03	Donna R. Butler
31-3-01	Rod R. Beck
31-3-02	Charles H. Crawford
31-3-03	David B. Harding

## **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 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 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 2008, the library staff processed invoices and delivered products providing \$ 391,137 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 Judicial Records and other court related offices are served by Law Library funded administered Westlaw accounts. Library staff also provides computer technical support for many of the offices within the courthouse. The Library's technical support staff consists of one full time employee dedicated to computer support for the other offices in the courthouse.

The public law library collection consists of more than 30,000 volumes in traditional print, microform, CD-ROM and online formats. This comprehensive library of Pennsylvania, national, and federal casebooks, selected statutes and regulations, practice materials, treatises, and periodicals are supplemented by interlibrary loan with other institutions. The library offers online legal research through Westlaw, Shepard's Citations Online and Lexis. 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. 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 PC's to access the Internet, the County Intranet, and bulletin board, Word, Elibrary, the Lehigh County Rules of Court and the legal material.

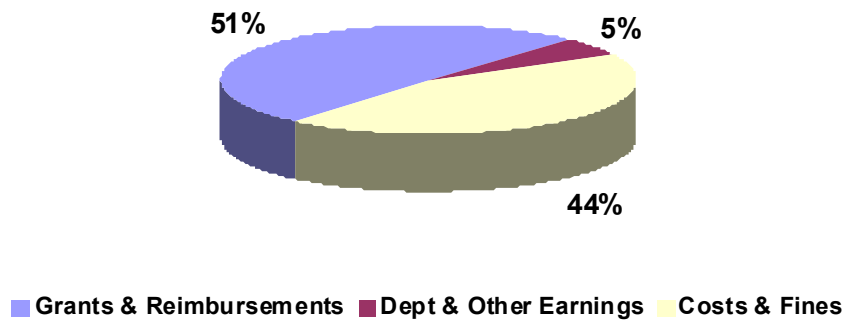
Although Westlaw access for both the public workstations and the court employees is the method by which most primary law is now delivered, the law library remains a lending library. Library staff maintains great control over both locating sources in the collection and tracking of the thousands of volumes borrowed and used by patrons each year. Reference assistance continues to become more "virtual" with questions and answers handled by telephone and email. Library staff members are on duty whenever the library is open to assist patrons with Westlaw.

Since 2003 the 25,000 book catalogue records and 500 patron library card records have been managed with LibraryWorld, a windows based card catalogue and circulation system. Catalogue records are 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. Future plans include making the card catalogue available to all on the Intranet and Internet and the development of a Family Court Resource Center in cooperation with Family Court, and continued expansion of self-help legal material available on the court website and in the law library.

**COURT OF COMMON PLEAS**  
**2008 Budget**

Although it is not the function or mission of the Court of Common Pleas to generate revenue, the Court in 2008, nevertheless, produced significant revenue. The adopted 2008 budget for the Court of Common Pleas consisted of total revenues of \$7,584,086 and total expenses of \$28,427,039.

**2008 Budgeted Court Revenue**



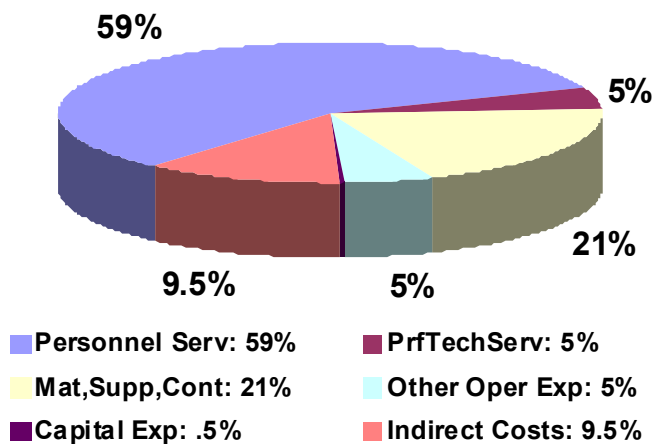
Grants and Reimbursements:	\$ 3,790,529
Department Earnings, Other Earnings:	\$ 367,807
Costs and Fines:	<u>\$ 3,425,750</u>
Total	\$ 7,584,086

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.

### 2008 Budgeted Court Expenditures



Personnel Services:	\$16,499,708
Professional & Technical Services:	\$ 1,322,072
Material, Operating Supplies, Contracts:	\$ 5,746,900
Other Operating Expenses:	\$ 1,438,908
Capital Expenditures:	\$ 130,067
Indirect Costs:	<u>\$ 3,289,384</u>
Total:	\$28,427,039



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. In addition, Tyler will assist with the implementation of Automon, a case management software for Adult and Juvenile Probation, to go live in 2009.