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MANAGEMENT STUDY  
OF  
THE COURT OF COMMON PLEAS  
OF  
WASHINGTON COUNTY  
Pennsylvania

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## I. INTRODUCTION

Pursuant to a request from President Judge Charles G. Sweet of the Washington County, Pennsylvania Court of Common Pleas and the Washington County Bar Association, a two-man consultant team was assigned to review the court's operations under the auspices of LEAA's Criminal Courts Technical Assistance Project at American University. The members of this technical assistance team were Charles H. Sterrett, Jr., Court Administrator of the Court of Common Pleas of Allegheny County, Pennsylvania and Carl Nery, of Allegheny County's Bureau of Systems and Computer Services.

Initially, the objectives of this management review were:

1. a survey of Washington County Court of Common Pleas operations from arrest through post conviction proceedings.
2. a review of the existing computerized court information system in adjacent Beaver County, and
3. recommendations regarding:
  - (a) the feasibility of converting to a computerized system in Washington County, and
  - (b) the necessary steps to implement an appropriate system should it be feasible.

During consultation with the Judges of the Court, Mr. Jack H. France, Chairman of the Washington County Bar Association Criminal Law Committee and other officials of the Court, the consultants were requested to expand the study scope to include proposals for improving the overall administration of criminal justice in the county, with particular attention to the feasibility of utilizing computer processes.

During the course of the study, the consultants conducted a series of interviews with justice system staff with the purpose of tracing each step of the criminal justice system - from case origination in the District Magistrate's office through the various procedures of the Clerk of Courts, the Prothonotary, the District Attorney and the actual courtroom process. While the original intent of the interviews was to examine the criminal procedure in detail, it became quickly apparent that a careful analysis of the handling of the civil caseload of the Court was also necessary.

Those officials interviewed in the course of this study include:

Washington County, Pennsylvania

Honorable Charles G. Sweet, President Judge

Honorable Thomas D. Gladden, Judge

Honorable Alexander R. Curran, Judge

Honorable Richard DiSalle, Judge

Jess D. Costa, District Attorney

Jack H. France, Assistant District Attorney

John F. Bell, Assistant District Attorney

David F. Posner, Pre-Trial Manager

Joseph Mouyard, Clerk of Courts

Ms. Barbara Gibbs, Deputy Clerk of Courts

John Luongo, District Magistrate

Ms. Daryl Azorsky, District Magistrate

Beaver County, Pennsylvania

Honorable James E. Rowley, Administrative Judge

Clifford P. Kirsch, Court Administrator

James Farley, Data Processing Manager

In addition, considerable assistance was provided by Mr. David E. Smith, Planner for the Southwest Regional Planning Council of the Governor's Justice System of Pennsylvania. It should be noted that the cooperation of the above members of the Washington and Beaver County justice systems was essential to this study for they provided information which as this report will demonstrate, would not otherwise have been available.

In addition to conferring with these officials and reviewing court operations in Washington County, the consultants examined the court computer system in Beaver County and discussed its function with Mr. Clifford P. Kirsch, Court Administrator, and Judge James E. Wowley, the Beaver County Court's Administrative Judge.

The results of this study are documented on the following sections of this report. Specific problems are identified along with recommended solutions - a format designed to allow those interested in implementing this report to address themselves more easily to the specific problems.

It should be noted that management criticisms of the court system in Washington County contained in this report are just that - criticisms of the system. They do not imply mismanagement or lack of dedication on the part of any of the functionaries in Washington County whom the consultants found to be conscientious and hardworking and anxious to solve court management problems. Despite the implied possibility that this survey and recommendations could lead to the installation of new ideas and programs, and despite the implied possibility of criticism of current procedures, all Washington County officials cooperated extensively in this study effort.

At the request of officials of the Washington County Court of Common Pleas, the consultants have divided this report into two sections:

- o Proposed improvements in the administration and operation of the justice system in Washington County (Sections II), and
- o A study of the feasibility of installing a computerized records management system within the justice system of Washington County (Section III).

In addition, a section has been included with recommended procedures for implementing a computer system in Washington County along with projected costs of such a system.

## II. The Administration of the Washington County Court of Common Pleas

### A. Description of the Washington County Justice System

Washington County, located in the southwest portion of Pennsylvania, is an industrial and agricultural entity consisting of a population of 217,271 persons. The county is comprised of 66 different political subdivisions (third-class cities, boroughs and townships), the largest of which is Washington, a third-class city of 19,827 persons.<sup>1</sup>

The initial stage of the criminal justice system in Washington County is a network of 14 salaried District Justices of the Peace (Magistrates), each of whom presides in a court not of record and with jurisdiction limited to civil matters under \$1,000 and summary judgments in criminal cases. Criminal actions other than summary cases originate in the District Magistrate's offices where the Magistrates receive the original complaints and conduct arraignment proceedings and preliminary hearings (unless waived). The Magistrates are responsible for fixing bond and may either dismiss the charge or bind the defendants over for the County Grand Jury.

In addition to the district justices and magistrates, active fee-paid Justices of the Peace also handle a portion of the cases. According to the Judicial Article of the Pennsylvania Constitution, enacted effective January 1, 1969, which consolidated the Courts and created the District Magistrate System, these justices of the peace positions will be phased out by December 31, 1973.

The Court of record of Washington County is the Court of Common Pleas. Composed of five Judges, the Court has general and unlimited jurisdiction in

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<sup>1</sup>1970 U.S. Census

all criminal, civil and probate matters in Washington County. In addition, the new consolidated court system in Pennsylvania confers general administrative responsibility for the entire Washington County justice system upon the President Judge of the Court of Common Pleas, the Honorable Charles G. Sweet.<sup>2</sup>

B. General Management Problems Noted

The problems faced in this relatively small Pennsylvania County are somewhat dissimilar from those of large metropolitan courts which are plagued with huge backlogs of both civil and criminal cases with inadequate facilities, personnel and systems resulting from mounting caseloads. In Washington County, the civil caseload at the trial court level appears to be manageable and the criminal caseload, while it is rising, can be handled by the institution of more modern procedures.

1. Need for centralized management.

The major problem in the Washington County justice system is one of management - of centralizing responsibility for management of the caseload and installing modern tools of case control and case disposition to free Judges and other components of the system for more careful and judicious supervision of individual matters of litigation.

2. Need for centralized record-keeping procedures.

An illustration of this need for management is the lack of information on the workloads of the various system components. For example, no viable statistics are available on the caseload of the individual District Magistrates. While some statistics are available as to the workload of the Court of Common Pleas, i.e., basic filing and disposition

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<sup>2</sup>Constitution of Pennsylvania as amended January 1, 1969, Article 5, § 20

totals, other statistics are suspect, because no specific procedure exists for orderly case management or case control despite the fact that court employees are efficient and conscientious.

Insight into the status of the Court is possible in a limited way, however, from an examination of available statistics.

The workload report prepared by the Court at the end of 1972 indicated the following case volume.

	<u>Cases Filed in 1972</u>	<u>Dispositions in 1972</u>	<u>Cases Pending at end of 1972</u>
Criminal	913	875	675
Civil	189	215	118
Equity	27	27	0
Arbitration	192	158	189
Divorce	498	474	94
Juvenile	127	96	36
Domestic Relations	277	264	45
Custody	35	32	3
Mental Health	99	101	0
Adoptions	151	138	22
Audits	462	430	183

The above statistics clearly indicate that the great bulk of cases pending before the Washington County Court are criminal, nevertheless the number of criminal case dispositions (875) indicates that the Pending inventory of criminal cases (675) represents a delay factor of less than 10 months - providing these statistics are accurate. They were gathered from several sources not specifically charged with the need for accuracy or, for that matter, with the responsibility for producing case counts.

3. Need for greater communication between various agencies of the justice system.

In addition to the lack of adequate record-keeping procedures, judges, lawyers and other individuals have pointed to other problems which emanate from the lack of centralized control. For example, District Magistrates complain of a lack of communication with the Court and other components of the system. Judges are displeased with the present procedures which waste their time. The District Attorney is uncomfortable with the necessity of summoning all witnesses to wait inordinate lengths of time before being called for testimony. Judges are dissatisfied with the necessity for postponing cases in which criminal defendants appear without counsel on the trial date.

By centralizing management and utilizing more adequate statistical record-keeping, the Court could identify problems in these areas and deal with them more knowledgeably and with the confidence that if they fail to be remedied, that failure will be quickly identified and the attempted remedy abandoned.

In addition to this need for centralized management, specific individual problems were identified in this study and are discussed along with proposed solutions on the following pages of this report.

C. Specific Administrative Problems Confronting the Court of Common Pleas In Washington County and Remedial Recommendations

1. Centralized Administration of the Court

The absence of centralized administration of the Washington County justice system described in the foregoing section of this report is mirrored in the administrative process of the Court of Common Pleas. The need for

centralized record-keeping, for example, was apparent as soon as the study began. No viable statistics exist on all aspects of court operation. No one individual or one office has available all of the case flow data needed by the Judges to make administrative policy decisions.

The Judges are therefore burdened with the task of personally managing their trial lists. In addition, they must go to numerous sources for information about court operations and spend valuable time on clerical and management matters which should be left to others. The time available for their more important responsibility of presiding in judicial proceedings is therefore substantially reduced.

Although the Court created the position of Court Administrator several years ago, the potential service of this staff member has never been fully utilized. The present court administrator is well educated and hardworking but, until recently, his duties have consisted primarily of presiding at pre-trial conferences of civil cases. His secretary has been assigned some responsibility for managing the centralized Magistrates hearings which are held in the courthouse once each week. He has recently begun to compile statistical data on court operations although his efforts have been restricted because of the lack of centralization of non-judicial functions in the court.

#### RECOMMENDATION

a. Expand the duties of the Court Administrator

The Court of Common Pleas of Washington County should expand the position of Court Administrator, specifying that the person holding that position be given general responsibility for administering the justice system in the County subject, of course, to policy control by the President Judge and the

Board of Judge of the Court.<sup>4</sup>

The Court Administrator should be assigned responsibility for directing a proposed statistical and case management system. He should also be delegated responsibility for not only preparing a central civil trial list, but also performing actual case assignment duties, responsibility for control of a central criminal trial list and assignment of cases, and exercising authority to direct the jury selection process. The Administrator should also be assigned responsibility for establishing and maintaining contact with the minor judiciary - a function upon which the President Judge can spend little time because of his more pressing court duties.

b. Provide staff assistance to Court Administrator

The Court Administrator should be assigned at least two additional clerks to assist him. The additional clerical cost would be at least partially defrayed by the savings in witness fees and other costs made possible by a reduction in continuances due to better criminal case calendar management. Better calendar management resulting from improved case control records should improve the ability of the Court Administrator to expedite the civil pre-trial conferences for which he is responsible.

The strengthening of the court administrative position should not result in a lessening of control by the Judges even though they delegate operational authority to the Court Administrator. Indeed, more and more courts across the nation, including many of similar size to that in Washington County, have found that centralization of administrative responsibility in the hands of

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<sup>4</sup>Other sections of this report describe the need for statistical and case management. Such management will require centralized direction by an administrative official of the court.

a non-judicial functionary actually increases the control of court operations by the Judges. This seeming paradox results, of course, because the authority of the Court Administrator flows completely from the Judges, particularly the President Judge.

## 2. Jury Panel Management

The present jury panel management system has been in use for many years. Jury panels for the Criminal Trial List are summoned for service for two weeks on each of five Criminal Trial List periods per year. Each panel consists of 50 persons, who, upon arriving at the courthouse each jury trial day, are usually detailed to wait in a marshaling area on the third floor corridor of the courthouse for summoning for actual jury selection. While chairs are available, the jury area is not shielded from the public so that it is possible for jurors to be approached by litigants, witnesses and other persons whose contact with the jurors should be prevented. To date, significant problems in this area have been averted - largely as a result of Judges in advising jurors, and thus, few cases have ended in mistrials because of jury tampering or subornation. The situation however, should be remedied before significant problems arise.

The actual jury selection process goes on in each of the usual jury trial courtrooms immediately before a specific trial, and with the Judge in attendance while the court clerk questions the individual jurors in the presence of the attorneys. The Judge plays a passive role in the procedure, unless, as in some cases, he takes over the questioning of jurors.

This jury selection process wastes judicial time and severely restricts the Judges' options in utilizing their courtrooms. They must wait while the jury selection operation proceeds.

## RECOMMENDATIONS

### a. Utilize courtroom No. 5 for jury assignment.

Jury management can be more efficient by utilizing courtroom No. 5 on the third floor of the courthouse as a jury assignment room. This courtroom is usually assigned to the Judge charged with the disposition of Orphans Court matters. Since much of the probate work can be done in chambers, it would be a relatively easy matter to work out a schedule whereby the necessary probate hearings could be scheduled during periods when jury panels are not called.

### b. Utilize non-judicial personnel in jury selection process.

It is recommended that the voir dire system of selecting juries be dispensed with except in capital cases. Instead, questioning of jurors - for either criminal or civil cases - should be regularly conducted by court staff, either tipstaves or clerks, in courtroom No. 5 without the presence of the Judges.

A list of routine questions could be devised for the guidance of the clerks. Special questions could be referred to the Judge of the term (the Judge designated to oversee all motions and trial list matters). Experience in other jurisdictions indicates that once the system is operating for a period of time the involvement of Judges for such special questions becomes infrequent.

Such a selection plan will also permit the pre-selection of juries while the other four courtrooms are being utilized. This pre-selection will mean that Judges will not have to wait their turn to obtain a jury. Instead, one will be ready for them as soon as their courtroom is free.

The effective operation of this selection plan requires a central calendar system although the plan can work - less officially - with the

individual calendar system.

c. Provide secure facilities and identification methods for jurors.

The present hallway space reserved for jurors should be utilized on a full-time basis for jurors. Barriers or walls should be placed at either end of the hallway to form a room clearly marked as a jury assignment area.

In order to further cut down on the possibility of jury tampering by unauthorized persons, jurors should be issued badges upon their arrival for duty and should wear them during their service. The badges can be reclaimed by court personnel when the jurors are dismissed. Such an identification system is used in several jurisdictions in Pennsylvania.

3. Administration of the Civil Trial List

The present procedure for handling the Civil Trial List in Washington County has been long established. It amounts, essentially, to the prothonotary's preparation of a master list of available cases and subsequent selection by the staffs of the individual Judges in consultation with each other. Thus, the final product is four separate civil trial lists. The court's antiquated docketing system and the breakdown of trial list cases into four individual calendars results in a loss of control and a lack of viable and accurate statistics as to the caseload and to the disposition of cases. Furthermore, the Judges find themselves spending an inordinate amount of time on cases prior to the trial date, answering inquiries of attorneys, ruling on postponement motions, etc.

It should be repeated that the Court does not have an unmanageable civil backlog. The problem, rather involves improving the management of the cases so that the Court and the Judges and their staffs have more complete knowledge

of the civil caseload - knowledge which will be useful in assessing the current judicial procedures, identifying specific problem areas requiring judicial attention, and reducing the amount of judicial time spent on each case before trial.

Since 1966, each civil case has been submitted to a pre-trial conference conducted by the Court Administrator. While this system has merit, once the pre-trial conference has been completed the case reverts to the control of an individual Judge and his staff, thereby ending the centralized control. This process has led to confusion among the Court staff, attorneys and their clients, and, on occasion, has resulted in a waste of judicial time and an undue burden on individual Judges to manage their own lists.

RECOMMENDATION: Establish a case management system.

A new case management system should be established to include all stages of process, beginning with the docketing of cases in the office of the Prothonotary. This system should utilize some form of automated case control. Such a system would permit the effective tabulation of cases through each step of litigation, through the pre-trial conferences and thence to the preparation of a central civil trial calendar. The preparation of such a calendar in the system should be under the supervision of the Court Administrator. The centralized control would remain with the Administrator until the case is assigned for immediate trial. This control could make possible either the assignment of groups of cases to Judges or the case by case assignment to a Judge upon day of trial. The call of the Civil Trial List should be centralized and be the responsibility of the Court Administrator. Such a plan will free the Judges from what is essentially a burdensome clerical task and will allow them to concentrate on their judicial function.

#### 4. Inefficient administration of the Criminal Trial List

The Court conducts five criminal trial periods per year. Cases flow from the District Magistrates and Justices of the Peace to the office of the Clerk of the Courts, and after docketing, are referred to the District Attorney's office. The actual case papers are sent by the Clerk of Court to the District Attorney, who maintains control of them until disposition of the case. It should be noted that Pennsylvania law vests the responsibility for custody of the papers in the hands of the Clerk of Courts. While the information in each case may well be needed by the District Attorney, the original case papers must remain in the care of the Clerk until needed by the Court.

This long-standing procedure vests in the District Attorney not only the duty of presenting the cases to the Grand Jury, but also the duty of notifying witnesses through a complicated subpoena system. Witnesses, attorneys and others party to the case are summoned on a given day to the courthouse where the Grand Jury meets in the District Attorney's office. These quarters become frequently overcrowded and witnesses and other parties in the cases roam the courthouse halls awaiting the call before the Grand Jury.

Individual trial calendars for each of the Judges are prepared by the District Attorney and each Judge maintains control of those cases until disposition, or until the expiration of one year. At the beginning of a criminal trial term witnesses, litigants, defendants and counsel, as well as jury panel members, must wait in crowded hallways of the courthouse until their case is called to a specific courtroom. This situation can lead to confrontations, exchange of information, and idle gossip and talk among parties to cases in a manner not conducive to the best operation of the justice system.

Moreover, since each judge feels responsible for disposing of his individual calendar without resorting to issuing bench warrants and forfeiture

proceedings, defendants who fail to show for trial on the day stated often find their cases have been continued until the next trial term.

Another problem in this area indicated by a number of the interviewees is the lack of contact between attorneys and defendants until the day of their trial. Moreover, since there is no centralized call of the list, the District Attorney and the Court have no prior knowledge of the defendant's intention to proceed - i.e., by plea of guilty, plea of not guilty, jury trial, or non-jury trial.

In short, the present system is not designed to allow for proper case management or for the compilation and extraction of accurate statistics as to case filings, caseload, disposition rates, etc.

RECOMMENDATION:

a. Prepare Centralized Criminal Trial List

Assuming the establishment of a proper records management system, the first step in correcting the problems enumerated above should be the preparation by the Court itself of a centralized criminal trial list. This duty should be made the responsibility of the Court Administrator or clerks operating at his direction. Throughout the country the trend has been for the Court to assume full control of preparing a trial calendar - largely on the theory that to leave such a duty in the hands of the District Attorney is to confer upon one section of the adversary system a task which tends to be prejudicial to the rights of the accused.

A properly functioning automated data control system would greatly assist the Court Administrator in this calendar preparation. Notification of defendants, witnesses and counsel can be left to the District Attorney and would also be simplified by an automated data system.

While at least one Judge expressed the belief that individual trial calendars for each Judge would permit the District Attorney to assign his trial assistants to cases in advance, there is no reason why the assignment of assistants in advance of trial can not occur as soon as the indictments have been returned. The trial list should be prepared by the Court four to five weeks prior to the opening of the trial list period. Such advance assignments should also be made by the Public Defender.

Arraignment of defendants now occurs immediately after indictment by the Grand Jury. A better arrangement would be for the arraignment to be scheduled two weeks after indictment to permit defendants an opportunity to seek counsel. Such a system would also reduce the number of no-show defendants on the trial date. Defendants who report they do not have counsel by arraignment time could be assigned to the Public Defender or volunteer private counsel. Such counsel at arraignment could be notified to prepare their case immediately.

An added by-product of a centralized calendar would be the ability, within limits, to schedule some cases for the afternoon session. This will reduce the number of defendants, witnesses and counsel required to wait in hallways until their specific case is called.

b. Institute a daily, centralized call of the criminal list before the Judge of the term.

Such a call will allow the Court Administrator or his aide to have an overview of the case load for that day and permit him to provide the Judges with a reasonable estimate of their workload for that specific day. The central call will also permit the Court to move immediately upon those defendants who fail to show up and will reduce the amount of time each individual Judge is required to spend on procedural matters.

## 5. Postponement Policies

Every Court faces the problem of dealing with delay caused by postponements which are unrelated to the Court's ability to try cases. Too frequently every Court marshals its resources to begin the disposition process, whether by jury or non-jury trial, only to find that one party, or possibly both, seek a continuance for any one of a multitude of reasons. Multi-judge courts face the added difficulty of resolving the individual philosophies of the Judges regarding postponement requests.

Washington County's Court, like the others, is beset with frequent frivolous postponement requests which, if granted, decimate a trial list and result in added costs and the waste of judicial time. Such sudden postponement requests, if granted on behalf of the defendant, reduce the ability of the District Attorney to properly prepare his case. The same is true if the continuance request is made, and approved, on behalf of the prosecutor.

### RECOMMENDATION

#### a. Extend the term judge assignment to one year.

Presently, the "Judge of the term," a two-month assignment is charged with the responsibility of acting on all postponement requests. A new policy should be adopted wherein the Judge of the term (Motions Judge) would be assigned for a one-year period. All postponement requests should be by formal petition and should be accompanied by an affidavit signed by the litigant (civil or criminal) indicating that the litigant joins in the motion for continuance. While it would be presumptuous to formulate a policy for the Judges regarding postponements, it is respectfully suggested that postponements should be granted only for good and sufficient cause.

b. Adopt strict continuance policy

All postponements should be to a date certain, placing the litigants on notice immediately that their case is to proceed as soon as the current cause for postponement has been alleviated. Such a procedure has worked well in several other jurisdictions where postponement requests dropped markedly once attorneys and litigants realized that the Court intended to hold firmly to a hard-nosed policy on continuance requests. (See Appendix B) Moreover, the requirement that a client join in the postponement request meets head-on the practice of a few attorneys who tend to seek frivolous continuances for their own personal accommodation.

The extension of the term judge assignment to a 12-month period will enable that Judge to establish and maintain a firm policy on postponements and should have a salutary effect on attorneys who might otherwise seek to play the policy of one judge against that of another.

6. Administration of Probation Services

A cursory examination of the probation services of the Court indicates that the various probationary functions are now divided into four separate and very small offices: Adult Probation, Juvenile Probation, Presentence Investigation and Domestic Relations.

The staffing is as follows:

Adult Probation - 10 officers and clerks

Juvenile Probation - 8 officers and clerks

Presentence Investigation - 2 officers and clerks

Domestic Relations - 3 officers and clerks

Presently, each staff operates somewhat independently although three offices are quartered in the same space. Each staff is administered separately

except for one Adult Probation Officer who is assigned one half-time to the Presentence Investigation Office and one female Juvenile Officer who is assigned one half-time to the Domestic Relations Office.

The functions of these four staffs could be integrated into one probation service, directed by one administrative head, with no diminution in service. Indeed, the administering of the duties of one staff of 23 persons in one integrated operation should improve the services available. A better distribution of the workload could be made and staff could be shifted when one portion of the caseload increases.

Inquiries to state officials have disclosed that the combining of the offices should in no way affect the funding now available from the Pennsylvania Juvenile Court Judges Commission and the State Board of Probation and Parole. Indeed, Erie County has functioned for some time with such funding for a combined office. Additionally, several experts in the field of counseling and probation have indicated that integration of the probation operations is desirable.

#### RECOMMENDATION

Combine probation services into one agency with one administrative head.

The aforementioned probation services should be combined into one agency directed by a single administrative head. It is suggested that the Court confer with Mr. Chris Zander, Executive Director of the Juvenile Court Judges Commission, concerning funding. Mr. Zander, who has endorsed the proposed consolidation, has indicated his willingness to consider increasing the juvenile probation funding in Washington County.

#### D. Additional Recommendations to Improve the Administration of The Court

The recommendations below were developed during the course of this study and are designed to improve the court's administration although they do not deal

specifically with the problems discussed above.

1. The Court should consider adopting a three-day rule on plea bargaining. A copy of the Beaver County rule is attached as Appendix B.
2. The Court should consider adopting a rule and order form whereby parties waive the 12-member jury practice in the event a juror becomes ill during trial. This procedure will reduce chances of a mistrial in such an event.
3. The Court should seek additional space in the courthouse for establishing at least two small conference rooms so that attorneys and clients will not have to confer on complex and confidential trial matters in the public hallways.
4. The Court should consider increasing the number of meetings of the Grand Jury per year. The Grand Jury now meets four times a year and more frequent meetings would help reduce the time lag from arrest to disposition.
5. The Court should encourage attorneys and defendants to waive jury trials. Non-jury trials are less time consuming than jury trials and currently the number of non-jury trials is extremely low in Washington County.
6. The Court Administrator should be delegated the responsibility for communicating new rules and procedures to the District Magistrates. The District Justices presently complain they are not receiving this information.
7. Consideration should be given to establishing a centralized landlord and tenant court. This jurisdiction could be assigned to any of the District Justices adjacent to Washington and could be held in his hearing room.
8. Study should be given to expansion of the Accelerated Rehabilitation Disposition program (ARD). There have been only 10 such cases in the past six months. The ARD procedure would detour at least a few additional cases from the trial process.

9. Consideration should be given to the assignment of a clerk to work under the supervision of the Court Administrator to telephone defendants and attorneys immediately after a criminal trial list is made up to determine if the defendant has counsel.

### III. RECORDS AND STATISTICAL MANAGEMENT OF THE COURT

This portion of the report deals primarily with the question: Is installation of a computer system in Washington County economically and operationally feasible and would it be helpful in improving the operations of the Court?

In addition to analyzing Court operations, the consultant examined the functions of the various offices and ancillary agencies of the Court. As in any operation they noted instances wherein significant improvements could be made in the existing manual processes. However, since the present operation is chiefly manual, it is inevitable that the work force must be continually enlarged to keep abreast of the increasing flow of litigation without any significant upgrading of the level of information and analysis being made available to the Court.<sup>5</sup>

#### A. Current Manual System

The distressing lack of viable, accurate data as well as even rudimentary reports on which to base policy decisions regarding the Court's operations has already been noted. This lack of data contributes to the inability of the Court to predict problem areas or even to maintain proper management control of its workload.

To compile even basic essential data by manual means will require a relatively large additional staff. For more sophisticated analysis of the case load and the production of the type of reports, case lists and calendars necessary in a modern court, even more staff will be necessary if this process

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<sup>5</sup>Internship Report by Dr. Don Fuller (Washington County, 1969), p. 18, and A Profile of the Judicial System of the Southwest Region of Pennsylvania by Richard A. Katz, July 1, 1972, Table L

remains a manual operation.

While it is possible that with the additional personnel improved manual record-keeping could be initiated in the Court's ancillary offices, such as the Clerk of Courts and the office of the Prothonotary, the level of detail possible in such operation would not permit the type of case control now desirable for proper, efficient operation of a Court. A wide variety of office equipment and manual processes are now in use in various Court and Court-related functions. But none, however, offer the advantages that flow from the use of electronic computers.

#### B. Advantages of a Computer System

There is only one method by which the Court can avoid this inevitable enlargement of clerical staff and still have available the level of information and the adaptability required to properly manage its operation and to supply the information now required for the Department of Justice of Pennsylvania and the State Court Administrator. This method involves the approach to paper flow and information compilation utilized by industry and many agencies - i.e., the processing of data by use of electronic computer.

Based upon a careful examination of the present operation and an assessment of the court's need for better control of its operations, it is apparent that a computer system can be developed and installed at a cost well within the cost-budget factor applied to information systems by both government and industry. Considered separately, the individual offices serving the Court, and the Court itself, would be hard pressed to justify the use or cost of a computer. But a proper Court computer system, embracing selected operations in the County Jail, District Magistrates' offices, the Clerk of Court's office, the Prothonotary's office, the office of the District

Attorney, the Probation office, as well as the Court's own administrative area, could well justify the cost of a computer. This cost justification is based on such factors as accuracy in statistical compilation, convenience, speed, control and flexibility.

What is needed in the Washington County Court system is a relatively small third generation computer now available on the market, although a decision regarding the specific make and model is beyond the scope of this technical assistance effort. However, a discussion regarding the proper procedure for installing a computer system and its hardware is provided in the following section of this report.

At the minimum, the proposed computer system should be capable of performing the following tasks (sample attached in Appendix A and referenced by item number below):

1. Produce mailing labels to attorneys, attorney firms, Magistrates, Judges, Probation Officers, bondsmen, police agencies, etc., on pressure sensitive continuous strip labels.
2. Produce Criminal Trial Schedule, listing case number, defendant name and address, charge description, prosecutor, Assistant District Attorney and defendant names, filing date, date of offense, etc.
3. Produce Civil Trial List, listing case number, plaintiffs' names, defendants' names and addresses, filing date, issue date, type of case, attorneys' names, etc.
4. Produce Statistical reports:
  - (a) Judicial Criminal and Civil Disposition Proceedings. (No sample)
  - (b) Civil and Criminal Disposition Aging Reports.
  - (c) Civil and Criminal Active Case Aging Reports. (No sample)
  - (d) Inventory of Civil and Criminal Cases Pending.
  - (e) Inventory of Civil and Criminal Inactive Cases Pending.
  - (f) Civil and Criminal Monthly Workload Reports.
  - (g) Civil and Criminal Open Cases Report by month and by year. (No sample)
  - (h) Arbitration Disposition Report.
5. Produce Daily Docket Reports.
6. Edit Lists, showing complete record of each criminal case.

7. Produce Indictment List.
8. Produce New Case Edit List.
9. Produce Defendant Profile.
10. Produce Civil Dispositions by Attorney Firms.
11. Produce Criminal Trial List Work Sheet, monthly.
12. Report on all Court Business to State Court Administrator. (No sample)
13. Produce Monthly and Annual Reports to State Bureau of Criminal Statistics.
14. Store complete docket entry reference and date on each case from filing of case, either civil or criminal, with Clerk of Courts and Prothonotary, including secondary pleadings, appeals, motions to suppress, etc. (No sample)
15. Produce Civil Conciliation Lists.
16. Produce Criminal Arraignment Lists. (No sample)
17. Account for Adult Probation Receipts and Disbursements. (No sample)
18. Account for Adult and Juvenile Probationers to indicate monthly listing of delinquents. (No sample)
19. Produce Criminal List Subpoenas. (No sample)
20. Produce Annual Report of Civil, Criminal Cases.
21. Produce monthly reports of all cases filed and disposed of except civil and criminal cases.
22. Produce annual report of all cases filed and disposed of except civil and criminal cases: (No sample)
23. Produce notice to defendant of submission of case to Grand Jury.
24. Provide inventory of County Jail Prisoners, (No sample)
25. Produce monthly Civil Master List.
26. Provide Conciliation Notification Cards for Civil Cases.

It should be readily evident that the foregoing output would be extremely difficult, if not impossible, to obtain even in the very best manual operation. But once in operation, a properly constructed computer system

would generate this information easily, quickly and accurately. In addition such a computer system could be easily modified, updated and expanded to include other specific tasks not presently needed or foreseen, with the addition of only a minimal amount of equipment.

The need and feasibility of a computer system for the Washington County Court as indicated by this study, is substantiated by an examination of the benefit modern data processing has had for the Court of Common Pleas of Beaver County, Pennsylvania - a Court of comparable size.

It should be noted that the recommended computer system will not reduce the existing clerical staff. In fact, the Court will require a data processing staff of at least one programmer, one operator and two keypunch clerks.

However, with the formation of this data processing staff, the increase in litigation anticipated in the next few years and the level of information needed by the Court will not require any further staff enlargement. The same could not be said if the operation remains manual.

The reluctance of the Court and the County of Washington to expend additional monies for computers and computer staff is understandable. This dilemma has confronted executive and judicial branches of government throughout the country and the outcome has been a realization that modernization of our judicial branch of government has been too long delayed. Essentially, the management apparatus available to the Court in Washington County is the same as it was 50 years ago. This administrative gap can be effectively closed by the initial expenditure of a relatively small installation sum and a small annual amount for the system's maintenance.

IV. SUGGESTED PROCEDURES AND COSTS FOR THE INSTALLATION  
OF DATA PROCESSING  
IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY

Based upon the experience of the consultants in managing the installation of computer systems in a relatively large court and in observing the systems in other courts of various sizes, the following procedures are recommended for creating a computer system for the Court of Common Pleas in Washington County. Since Washington County does not have the capability of designing and installing a computer system for the Court, the outside services of records management analysts, hardware specialists, software experts and experienced programmers should be secured.

The Court should retain a qualified management consulting firm to accomplish the system installation. There are several such firms in the Western Pennsylvania area with the expertise necessary for the task, and the cost of retaining such a firm to produce a "package" would be approximately \$35,000 to \$45,000.

A. System Tasks

The "package" to be developed would include:

- \* Recommendation as to the specific hardware to be purchased or rented.
- \* Design of specifications for the hardware.
- \* Design of specifications for actual programming.
- \* Assistance in the programming of all computer input, output and operations instructions necessary for the computer, and training of Court personnel to perform these tasks.
- \* Design of formats for all input and output forms.
- \* Production of an operations manual for the computer and another for the information flow.

- \* Training of a Court staff programmer and such other permanent data control personnel as are needed.
- \* Testing and debugging of all programs and operational runs.

It is estimated that the procedures described above would require about one year to complete.

B. System Costs

During this time, the Court should be in the process of hiring its own operational staff. The projected staff and its approximate annual cost would be:

1 - Data Supervisor - programmer	\$12,000
1 - Data System Operator	9,000
2 - Key punch operator-clerks (@ \$5,400)	<u>10,800</u>
	\$31,800

While the actual cost of the computer hardware will vary slightly with the type of equipment finally acquired, it is anticipated that the hardware purchase, leasing or rental, would be approximately \$70,000 per year.

An additional budget item would be the cost of supplies (desks, chairs, paper, forms, tapes, etc.) which is projected at about \$3,000 the first year.

Thus, the initial two-year cost of the entire system will be approximately:

Computer Installation Consultant . . . . .	\$40,000
First year personnel costs . . . . .	31,800
First year supplies . . . . .	<u>3,000</u>
TOTAL	\$74,800

Second year costs:

Second year personnel costs . . . . .	\$31,800
Second year supplies . . . . .	1,500
Hardware purchase or lease . . . . .	<u>70,000</u>
TOTAL	\$103,300

It is suggested that this cost might be defrayed by applying to the Southwest Regional Planning Council (SRPC) of the Governor's Justice Commission for funding. An initial grant might be sought to cover the cost of the installation. Thus, the Court would find it necessary to ask the County of Washington to fund a first year cost of about \$18,700 (25 per cent of the total of \$74,800). The pledging of in-kind services of various Court and clerical staff personnel could reduce the required cash outlay to as little as \$3,000.

It is further suggested that a second grant might be sought from the SRPC for the remaining costs. This portion of the project should begin about nine months after the start of the installation project. Again, the making available of space for the equipment and the pledging of the services of present Court personnel associated with the input-output operation could well reduce the cash outlay necessary on the part of Washington County to as little as \$4,000.

It is also possible that once the Court's data system is in operation, some of the equipment cost might be defrayed by assuming contract work for other County governmental agencies. For example, one area of the County government presently is spending \$7,000 per month for the data processing of certain data on contract to an outside firm. This work might well be performed on a shared time basis on the Court's computer equipment at a savings to the County as well.

The Southwest Regional Planning Council and the Governor's Justice Commission of Pennsylvania should look with favor on these applications mentioned above for the following reasons:

- o The production of manuals and the design specifications of the system will be one of the first for a court of relatively small size

and will serve as seed money to demonstrate to other courts in the nation that such a computer operation is feasible.

- o The system supports the efforts of the State Court Administrator and his staff, to update management procedures in all courts of Pennsylvania.
- o The project provides a genuine test of the theory that seed money such as this can materially affect the operation of a justice system in a given jurisdiction.

It is recommended that the Court seek the specific advice and counsel of the SRPC staff in formulating the applications.

## V. CONCLUSION

This study was conducted with no preconceived ideas for change in procedures or for the introduction of computers in a Court the size of that in Washington County. The recommendations have been developed as the study progressed and are herewith offered as feasible and practical and in the best interests of the Washington County justice system. The technical assistance team is convinced that the forward thinking and dedicated Judges of Washington County need only the financial tools to accomplish the updating of the administration of justice we have suggested herein.

