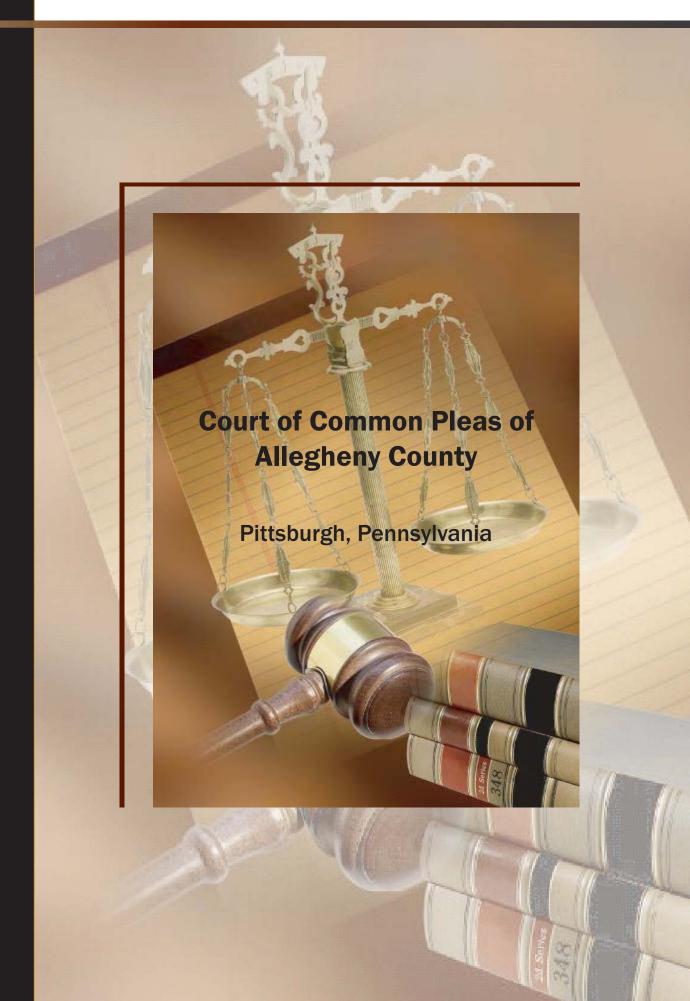
## 2005 Annual Report



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#### President Judge and District Court Administrator

#### To the Citizens of Allegheny County

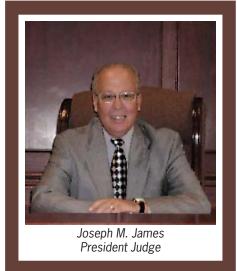
 $\overline{\mathbb{W}}$ e are pleased to present our 2005 Annual Report of operations for the Family, Civil, Criminal and Orphans' Court Divisions of the Court of Common Pleas of Allegheny County. We welcome and encourage you to review the report and our accomplishments.

The court proudly introduced its new website found at www.alleghenycourts.us in April 2005. The site contains a wealth of information on the structure and operations of the court, office locations, telephone numbers, trial schedules as well as forms and case information. Users are able to access local download annual reports, rules and brochures and court manuals. Prospective jurors find the site a convenient and simple means to complete qualification questionnaires, seek a deferment from a scheduled jury service date and view policy and procedures related to juror service. We continue to update and upgrade all site information to better serve the citizens of Allegheny County.

By orders of the Supreme Court of Pennsylvania, Pittsburgh Magistrates Court and Pittsburgh Housing Court were incorporated into the statewide Magisterial District Court System. The courts, now collectively known as Pittsburgh Municipal Court (PMC), fall under the administrative authority of the President Judge of the Fifth Judicial District and currently house four distinct judicial venues: Traffic Court, Non-traffic Court, Criminal Court and Arraignment Court. Early in 2005, PMC Criminal Court was designated

as the site of preliminary hearings for defendants charged with responsibility for death by criminal means anywhere in Allegheny County. In these cases, a magisterial district judge from any one of the county's 52 magisterial district courts is specially appointed by the President Judge to conduct the preliminary hearing. Generally, 13 magisterial district judges preside over all matters at PMC as well as maintain offices in their respective districts within the City of Pittsburgh.

We continued to capture data and observe efforts in the jury supplementation process first ordered by President Judge James in March 2004. Participation by African-Americans rose to 8.1 percent in the third and fourth quarters of 2005, the highest level since the court began monitoring juror diversity. The secondary school education project, an integral part of the court's multifaceted, strategic plan to improve diversity in the juror pool, involved on-site visits by Court of Common Pleas judges and officials to local area high schools. Educating students on the role of courts in our society and their responsibilities as citizens of our community, and encouraging participation in the jury process by registering to vote are primary goals of the program. The President Judge and District Court Administrator provided testimony on





District Court Administrator

October 3, 2005, at the University of Pittsburgh in support of legislative efforts in relation to Senate Bill 668. Sponsored by State Senator Jay Costa, the proposed law calls for the assembly and compilation of a list of jurors from a number of sources including tax and state Department of Welfare records. A tremendous amount of time and effort continues by numerous entities to increase the diversity of juror pools.

In February of this year, the court announced the appointment of James J. Rieland to the position of Director of Probation Services, signifying the beginning of consolidation of Juvenile and Adult Probation services in Allegheny County. Mr. Rieland, Director of the Court's Family Division-Juvenile Section, was selected by President Judge James, Criminal Division Administrative Judge Donna Jo McDaniel and Family Division Administrative Judge Eugene F. Scanlon, Jr., because of his wealth of experience in the probation field and his ability to design and implement programs that enhance public safety while holding offenders accountable for their actions. We are pleased with Mr. Rieland's appointment and look forward with much confidence to his continued success in the probation area.

We also continued our efforts to address the spiraling costs of providing representation to indigent defendants. On February 14, 2005, in collaboration with Allegheny County and Duquesne University School of Law, the Office of Conflict Counsel began operations. This

office, created through the use of grant funds, is designed to provide legal defense services for defendants who cannot be represented by the Public Defender.

The year ended with the court welcoming seven new judges to the bench. The Honorable Edward J. Borkowski and the Honorable Alan D. Hertzberg were appointed to the court and took their places in the Family Division on April 21st and April 15th respectively. Each was elected in November. Also elected, the Honorable Thomas E. Flaherty, the Honorable Kathryn M. Hens-Greco, and the Honorable Anthony M. Mariani took their oaths of office in late December. The Honorable Beth A. Lazzara and the Honorable Dwayne D. Woodruff, also elected in November, will be sworn into office in early January 2006. With the exception of Judge Mariani, who will serve in the Criminal Division, the new judges have been assigned to the Family Division. We welcome the addition of these judges to the bench.

Special thanks is given to Administrative Judges, R. Stanton Wettick, Jr., Donna Jo McDaniel, Eugene F. Scanlon, Jr., Frank J. Lucchino and Kim Berkeley Clark for their invaluable advice and counsel during this past year.

## **Court of Common Pleas — Fifth Judicial District**

#### **CIVIL DIVISION**

Hon. R. Stanton Wettick, Jr.
Hon. Eugene B. Strassburger, Ill
Hon. Robert P. Horgos
Hon. Judith L.A. Friedman
Hon. Joseph M. James
Hon. W. Terrence O'Brien
Hon. Paul F. Lutty, Jr.
Hon. Cynthia A. Baldwin
Hon. Ronald W. Folino
Hon. Timothy Patrick O'Reilly
Hon. Robert J. Colville
Hon. Michael A. Della Vecchia

#### **CRIMINAL DIVISION**

Hon. Donna Jo McDaniel
Hon. Jeffrey A. Manning
Hon. Robert C. Gallo
Hon. Kathleen A. Durkin
Hon. Cheryl Lynn Allen
Hon. David R. Cashman
Hon. John A. Zottola
Hon. Lawrence J. O'Toole
Hon. Donald E. Machen
Hon. Robert E. Colville
Hon. Lester G. Nauhaus
Hon. Kevin G. Sasinoski
Hon. Randal B. Todd

#### ORPHANS' COURT DIVISION

Hon. Walter R. Little Hon. Robert A. Kelly Hon. Lee J. Mazur Hon. Frank J. Lucchino

#### **FAMILY DIVISION**

Hon. Kathleen R. Mulligan
Hon. Eugene F. Scanlon, Jr.
Hon. Kim Berkeley Clark
Hon. Kim D. Eaton
Hon. Guido A. DeAngelis
Hon. David N. Wecht
Hon. Christine A. Ward
Hon. Jill E. Rangos
Hon. Alan D. Hertzberg
Hon. Edward J. Borkowski
Hon. Patricia A. McCullough



(Seated): Joseph M. James, President Judge (Standing L-R): Donna Jo McDaniel, Administrative Judge-Criminal Division; Eugene F. Scanlon, Jr., Administrative Judge-Family Division; R. Stanton Wettick, Jr., Administrative Judge-Civil Division; and Frank J. Lucchino, Administrative Judge-Orphans' Court Division.

#### **SENIOR JUDGES**

Hon. Gerard M. Bigley
Hon. S. Louis Farino
Hon. Livingstone M. Johnson
Hon. Lawrence W. Kaplan
Hon. James H. McLean

## **Judges of the Court of Common Pleas**



Pictured (L-R):

#### Row 1:

Ronald W. Folino Eugene F. Scanlon, Jr. Donna Jo McDaniel Joseph M. James R. Stanton Wettick, Jr. Frank J. Lucchino Christine A. Ward

#### Row 2:

S. Louis Farino\* Eugene B. Strassburger, III Paul F. Lutty, Jr. Timothy Patrick O'Reilly Robert C. Gallo

#### Row 3:

Walter R. Little Robert A. Kelly Robert P. Horgos David N. Wecht Kim D. Eaton Kathleen A. Durkin Judith L.A. Friedman Patricia A. McCullough

#### Not Available for Photo:

Cynthia A. Baldwin Gerard M. Bigley\*

James H. McLean\* W. Terrence O'Brien

#### Row 4:

Lawrence W. Kaplan\* Livingstone M. Johnson\* Jill E. Rangos Kathleen R. Mulligan Guido A. DeAngelis Kim Berkeley Clark Edward J. Borkowski

#### Row 5:

Cheryl Lynn Allen Kevin G. Sasinoski Michael A. Della Vecchia Robert J. Colville John A. Zottola Randal B. Todd Alan D. Hertzberg

#### Row 6:

Lee J. Mazur Donald E. Machen Lawrence J. O'Toole Jeffrey A. Manning David R. Cashman Robert E. Colville Lester G. Nauhaus

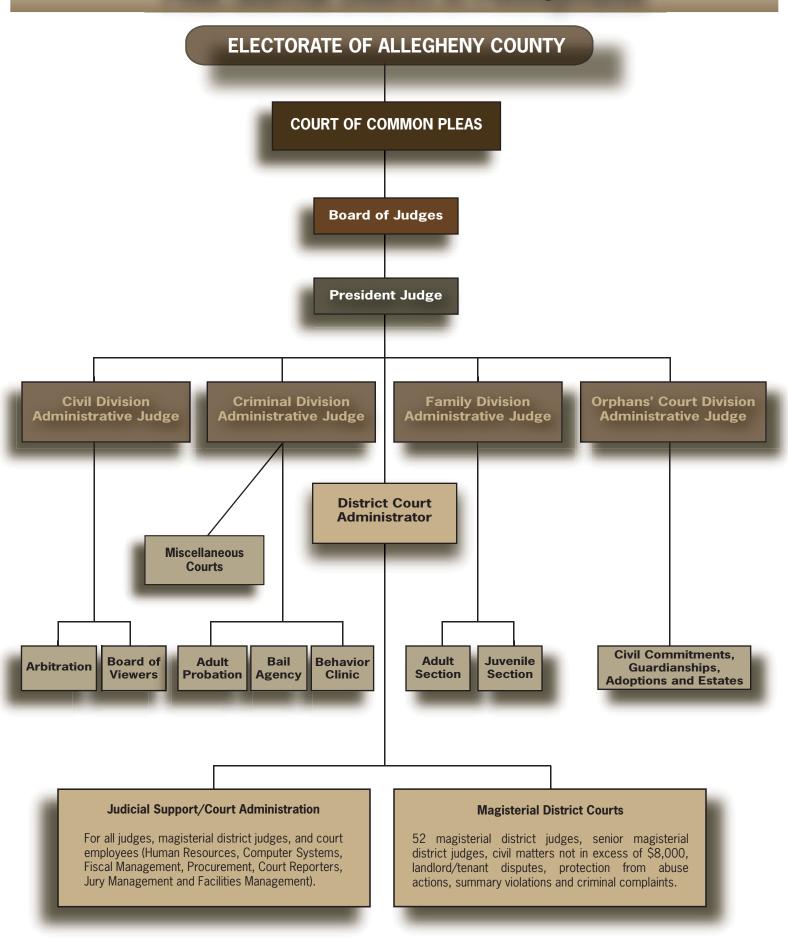
\*Denotes Senior Judge

> Civil **Division**

**Criminal Division** 

**Family Division**  **Orphans' Court Division** 

# Fifth Judicial District of Pennsylvania



# Senate Hearing on Jury Reform



Top Photo (L-R): Ronald N. Jumper, Jr., Senator Jay Costa and Senator Stewart J. Greenleaf chair the subcommittee hearing on jury reform on October 3, 2005.

Bottom Photo (L-R): President Judge Joseph James and District Court Administrator Raymond Billotte testify before the subcommittee on the topic of juror diversification.

President Judge Joseph M. James and District Court Administrator Raymond L. Billotte testified before the Pennsylvania Senate Judiciary Committee in support of Senate Bill 668 on October 3, 2005, at the University of Pittsburgh's William Pitt Union. Sponsored by Allegheny County State Senator Jay Costa from Forest Hills, the proposed bill would provide access to additional resources from which counties could compile master lists of prospective jurors intended to increase the number of minorities participating in the jury system.

The state's Fifth Judicial District, Allegheny County, has instituted procedures over the last three years to improve the probability of summoning a more racially diverse jury pool. It was reported in 2002 that four percent of the people reporting for jury duty were African-American; as of the third quarter of 2005, minority representation on

criminal case juries had risen to almost eight percent. Judge James credits this increase to drawing an additional 10 percent of daily jury pools from the county's municipalities and city wards where approximately 11 percent of the voting age population is African-American and to the mailing of an extra 10,000 juror questionnaires. Drivers' license lists, in conjunction with voters' registration lists, are currently used for juror selection, but Judge James and Mr. Billotte have concluded that access to additional lists of citizens is needed to broaden the selection base to increase minority representation in the jury pools. While protecting the random selection of juries and the privacy of individuals, Judge James testified that tax and welfare records would add eligible citizens not included on any currently utilized resource list for summoning jurors.

Other jury reforms under discussion consider making jury duty less of a burden upon the individuals who serve and improvement of tracking people who do not respond to jury questionnaires or summonses. Through the efforts of Judge James and Mr. Billotte, response to jury questionnaires and summonses is more closely monitored, requiring individuals to be responsible for providing the necessary information and to be accountable when they fail to do so. Via the court's website, potential jurors now have information and utilities available to respond

online. The court has partnered with local downtown businesses to offer reduced parking rates as well as lunch and merchandise discounts to empaneled jurors and provides childcare services at the Family Law Center.

In addition to Judge James and Mr. Billotte, jury expert G. Thomas Munsterman of the National Center for State Courts and Lisette McCormick of the state Supreme Court Committee on Racial and Gender Bias and Pennsylvanians for Modern Courts agreed that the Allegheny County Courts are making progress on the racial diversity issue and recommend utilization of additional resource lists to further improvement. Other witnesses before the committee were Allegheny County Chief Public Defender Michael J. Machen and Joint State Government Commission Director David L. Hostetter.

### **COURT REPORTERS**

The Office of Court Reporters acquired new responsibilities in 2005. In March they began to record hearings for the Office of the Public Defender at the newly restructured Pittsburgh Municipal Court (PMC). Full-time reporters cover the hearings when the part-time reporter hired for this purpose is unavailable. Additionally, reporters now record homicide preliminary hearings at PMC on Wednesday afternoons and Friday mornings.

The reporters continue to update their software systems, enabling them to produce court transcripts more efficiently. State-of-the-art court reporting software that was purchased several years ago is regularly upgraded and the court reporters participate in continuing education and training. The objective was to have every court reporter on one of the court-owned systems by the end of 2005. However, due to budgetary adjustments, this goal will not be attained until 2006.

Real-time court reporting is a continuing goal of this office. In this method of transcription, the oral testimony appears on computer screens within seconds of the reporter's recording it. Real-time transcription is the result of highly skilled reporters and extensive job dictionaries. There are currently three court reporters certified as real-time writers by having passed the national exam. There are also six reporters capable of a more limited form of real-time writing where the transmission is sent to only the judge or jurors.

Three official court reporters record most Family Division trial/hearing testimony from its Audio Room. They constantly monitor and identify cases to more readily retrieve them when a hearing transcript is ordered. The cases are then burned onto a CD or electronically sent to the assigned court reporter.

The court reporters continue to investigate technical advancements to improve the services they provide and to stay abreast of the increased workload resulting from additional judges and added responsibilities.



Jo Lynne Ross Manager

## **HUMAN RESOURCES**

On September 26, 2005, the Court of Common Pleas adopted a Code of Conduct for departmental and agency/contracted staff. The code represents standards of individual performance, and it promulgates the court's expectations for professional and ethical conduct. The code does not relieve individuals from compliance with any other ethical or legal duty that may be imposed by virtue of their employment or service with the court.

In April of 2005, the court introduced an online employment application that is accessible to the public on the court's website at www.alleghenycourts.us. The Human Resources Office has also been working with the Court Information Systems staff to develop a link on the website for employees to access payroll, benefits and other employment-related information.



Charles Kennedy Manager

### **COURT SYSTEMS**



Sean Collins Director of Information Systems

In 2005, Court Information Systems had several major projects in progress. On September 13, 2005, Court Information Systems initialized the testing of ASAP (Allegheny Standardized Arrest Program), an Allegheny County initiated application that standardizes the filing of Criminal Complaints and Affidavits of Probable Cause. There are numerous features that are designed to expedite the required paperwork process by electronically sharing information among county law enforcement, as well as other criminal justice agencies. ASAP also reduces the delay between the date of arrest to the date of arraignment. After the initial complaint information is entered into the system's database, the Allegheny County Police Identification Section uses information to positively identify the individual by fingerprint and photo documentation. This allows the Bail Agency to recommend bail for the arraigning authority. At this time, Arraignment Court can enter the set bail amount as well as the preliminary hearing date and time. Initially, when implementing this program, Court Systems started with seven arresting authorities and continued to add additional agencies during the year.

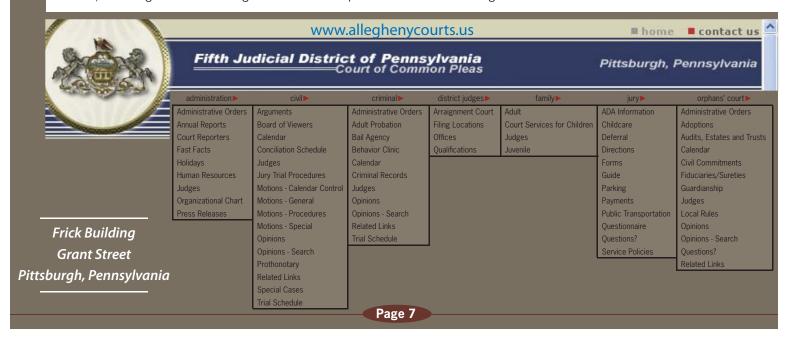
Another key project that is being put into operation is the Common Pleas Case Management System

(CPCMS). CPCMS, currently being implemented in each of Pennsylvania's 60 judicial districts, is a statewide Common Pleas Court criminal case management system that allows for the sharing of offender information among counties across the Commonwealth. The system also allows noncriminal justice agencies and the public to obtain an offender docket sheet via the web. Each docket sheet contains offender case information such as judge's name, attorneys' names, offenses, calendar events, warrant, sentence and case financials. CPCMS also shares information with PennDOT, the Commission on Crime Pennsylvania Delinguency, the Pennsylvania State Police and the Department of Corrections.

This project consists of several different phases. The first phase of the implementation process included an on-site system demonstration, visits by the Administrative Office of Pennsylvania Courts (AOPC) systems analysts to review and identify potential problems with the utilization of CPCMS, and the ability to view migrated data in the statewide system application. The second phase will consist of additional training prior to installation and post-installation.

The availability of court information to the public with Internet access was significantly increased when the court's website went on-line in April of 2005. The result of amassing and condensing pertinent information for each division and all court-related departments, the website provides comprehensive descriptions of court functions, procedures, operations, and systems. The website's interactive components allow for electronic retrieval of unrestricted court records, including the downloading and on-line completion of

administrative forms. For example, prospective jurors may submit questionnaires, request deferrals, and obtain helpful information concerning jury service with the "click of their mouse." The court intends to continually monitor the needs of the public and upgrade this valuable resource tool as warranted. Comments, questions and suggestions are accepted at feedback@alleghenycourts.us. The illustration below outlines the subject matter accessible via the website categories.







## **JUDGES**

L-R: Robert A. Kelly Frank J. Lucchino Walter R. Little Lee J. Mazur

> Frick Building Grant Street Pittsburgh, Pennsylvania



Paul W. Stefano, Esq. Administrator

he Guardianship Department received a 2005 Award of Excellence from ACHIEVA for the department's work and dedication on behalf of people with disabilities. Also known as The Family Trust, ACHIEVA is a non-profit, disability-based financial and estate planning organization. The award was presented to the Guardianship Department at a ceremony held on December 5, 2005, at the Sheraton Hotel in Station Square.

In 2005, the court changed the procedure for disposing of petitions for review filed in civil commitment cases. This change was made in response to a decision the Superior Court filed in the case of *In Re: Estate of S.G.L.*, a Montgomery County case. Under the new procedures, all petitions for review are disposed of in open court and the proceedings are transcribed by a court reporter. Attorneys for all parties must be present. If the petitioner does not appear for the hearing, the record must reflect whether the petitioner waived his right to be present, as well as his right to present *de novo* evidence (in addition to the review of the tape of the proceedings before the Mental Health Hearing Officer).

Another change in civil commitment cases involves petitions to expunge. All petitions must contain specified information, and notice is required to be given to the Allegheny County Law Department, Pennsylvania State Police, and the hospital or psychiatric facility involved in the underlying civil commitment. To bring more consistency to this area, all petitions to expunge are now heard by a single judge who has been expressly assigned to dispose of these cases.

At the request of the Honorable Frank J. Lucchino, Administrative Judge of the Orphans' Court Division, new procedures were implemented in the Register of Wills for petitions for probate and recording of trust instruments. In both of these matters, counsel is required to identify if any minors, incapacitated persons, or charities have an interest. Once these estates and trusts are identified, the Orphans' Court Division staff monitors them to ensure compliance with all pertinent rules and statutes.

The Orphans' Court has also begun reviewing all trust instruments filed in the clerk's office (Register of Wills) to identify whether the trusts involve

individual or charitable interests. A summary of the trusts that involves charitable interests has been provided to the Attorney General's Office for the Western Region of Pennsylvania. Also, the Orphans' Court Division has continued to review all estate settlement agreements filed with the Register of Wills to ensure the interests of minors and/or incapacitated persons are protected.

The Orphans' Court has continued to scrutinize settlement petitions involving minors and incapacitated persons and has worked in close cooperation with the

administrative judge and calendar control judge of the Civil Division. This cooperation between divisions has resulted in consistency in the disposition of these settlement petitions.

The Orphans' Court Division, in conjunction with the District Court Administrator's Office, established a web page that contains useful information about the entire court division including court rules and procedures for use by attorneys and laypersons.

#### CIVIL COMMITMENTS I. Total Petitions Presented 6,413 Dispositions A. Hearings by Mental Health Review Officers 5.823 B. Hearings/Reviews by Court 77 TOTAL DISPOSITIONS 5,900 HEARINGS BY TYPE UNDER MENTAL HEALTH PROCEDURES ACT 303 Up to 20 days involuntary commitment 3,229 304-B Up to 90 days involuntary commitment 1,137 304-C Up to 90 days involuntary commitment 312 305 Up to 180 days involuntary commitment 746 306 Modification of restrictions of commitment 390 306-2 Up to 180 days criminal commitment 6 304-G2 Up to 365 days criminal commitment 2 406 1 **ECT** Electro-Convulsive Treatment (ECT) 17 EXP **Expungements of Records** 15 **RFVS** Reviews of 303, 304B, 304C, etc., 45 5,900 TOTAL HEARINGS **Total Contested Hearings** 1,511 Total Hearings Disposed by Stipulation without Patient 2,502 Attendance Total Hearings Disposed by Stipulation with Patient 582 Attendance

## **Guardianship Proceedings**

	2=6
Number of New Petitions Presented	256
Hearings	
*Emergency Guardians Appointed	31
**Permanent Guardians Appointed	207
Successor Guardians Appointed	25
Guardians Discharged	19
Petitions Withdrawn	30
Electro-Convulsive Treatment (ECT)	19
Adjudication of Full Capacity	3
Petitions for Review	16
Contested Hearings	16
Miscellaneous Hearings	7
Total Number of Hearings Above	373
Bonds Approved	37
Safe Deposit Box Inventories	5
Court-Appointed Counsel	53
Independent Medical Evaluations	12
Number of Allowances	870
Annual Report of Guardian of Person and/or Estate (includes 156 final reports, 189 inventories filed)	1,903

\*Includes 11 plenary guardianships of person, 1 plenary of estate, 15 plenary of person and estate, 1 limited of estate, and 3 limited of person.

\*\*Includes 12 plenary guardianships of estate, 1 limited of estate, 28 plenary guardianships of person, 3 limited of person, 162 plenary of person and estate, and 1 limited of person and estate.







Under Anne's supervision, the Guardianship Department received an Award of Excellence from ACHIEVA for their work with disabled people. Anne retired in October of 2005 after 19 years of employment with the court.

## **Estates**

AUDIT HEARINGS OF ACCOUNTS		
—Accounts by Executors, Administrators,	777	F
Trustees, and Guardians	199	—Additional Bonds
—Small Estates (\$25,000 or less) TOTAL DECREES OF DISTRIBUTION	699	—Appointment of
CONTESTED HEARINGS OF ESTATE MATTERS*		and Estates of Min
Hearings on claims of creditors against		—Approval of Sett
estates, exceptions to accounts, questions		—Lifting of Susper
of distribution involving appeals from decree of the Register of Wills in the grant		—Sale of Real Esta
of Letters of Administration, inheritance tax appraisals and assessments, will		—Petitions for ci
contests, proceedings against fiduciaries,		to file accounts of should not be rem
termination of trust, delinquent inheritance tax due, miscellaneous hearings, including		
presumed decedents, absentees, and correction of birth records.		<ul> <li>Petitions filed</li> <li>Department and</li> </ul>
OPINIONS FILED	18	fiduciaries to sho
PRETRIAL CONFERENCES DOCKETED	407	not file Transfer In
RETURN DAYS SCHEDULED	196	or pay Transfer Inl
		—Miscellaneous Pe
*Excludes guardianship hearings and termina adoption hearings.	tion/	

PETITIONS FILED	
—Additional Bonds	36
—Appointment of Guardians of the Person and Estates of Minors	42
—Approval of Settlement of Minors' Claims	529
—Lifting of Suspension of Distribution	10
—Sale of Real Estate	79
—Petitions for citation against fiduciaries to file accounts or to show cause why they should not be removed, etc.	247
—Petitions filed by Inheritance Tax Department and citations awarded against fiduciaries to show cause why they should not file Transfer Inheritance Tax Return and/ or pay Transfer Inheritance Tax due	122
—Miscellaneous Petitions	553
TOTAL PETITIONS FILED	1,618

NON-RELATIVE ADOPTION PLACEMENTS BY NON-ALLEGHENY COUNTY AGENCIES		
—Cambria County, Pennsylvania Children & Youth Services (with Bethany Christian Services)	1	
<ul><li>—Carroll County Department of Job &amp; Family Services (Carrollton, Ohio)</li></ul>	1	
—Children's Home Society of Minnesota (St. Paul, Minnesota)	1	
-Family to Family Adoptions (Richmond, Texas)	2	
<ul><li>LDS Family Services, Inc. (Farmington Hills, Michigan)</li></ul>	1	
—Madison Adoption Associates (Wilmington, Delaware)	1	
—Philadelphia Department of Human Services, Adoption Unit	1	
Sub Total	8	
NON-RELATIVE ADOPTION PLACEMENTS BY ALLEGHENY COUNTY AGENCIES		_
—Bethany Christian Services	7	
—Catholic Charities of the Diocese of Pittsburgh	4	
—Genesis of Pittsburgh, Inc.	12	
—International Assistance Group	1	
—The Children's Home of Pittsburgh	16	
Sub Total	40	
NON-RELATIVE ADOPTION PLACEMENTS BY NON-AGENCIES		
BY NON-AGENCIES	2	
BY NON-AGENCIES  —Attorney	2	
BY NON-AGENCIES AttorneyPhysician	1	
BY NON-AGENCIES AttorneyPhysicianAll Other	1	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent	1 5 5	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent  Sub Total	1 5 5	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent Sub Total Co-Parent Adoptions	1 5 5	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent  Sub Total	1 5 5	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent Sub Total Co-Parent Adoptions	1 5 5 13	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent Sub Total Co-Parent AdoptionsAdult Adoption - No Intermediary	1 5 5 13	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent Sub Total Co-Parent AdoptionsAdult Adoption - No Intermediary  TOTAL Non-Relative Adoptions  RELATIVE ADOPTION PLACEMENTS	1 5 5 13	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent  Sub Total Co-Parent AdoptionsAdult Adoption - No Intermediary  TOTAL Non-Relative Adoptions  RELATIVE ADOPTION PLACEMENTS BY NON-AGENCIES	1 5 5 13 16 1	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent Sub Total Co-Parent AdoptionsAdult Adoption - No Intermediary  TOTAL Non-Relative Adoptions  RELATIVE ADOPTION PLACEMENTS BY NON-AGENCIES Step-Parent	1 5 5 13 16 1 78	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent Sub Total Co-Parent AdoptionsAdult Adoption - No Intermediary  TOTAL Non-Relative Adoptions  RELATIVE ADOPTION PLACEMENTS BY NON-AGENCIES Step-ParentOther RelativeU.S.A. Re-Adoptions	1 5 5 13 16 1 78 84 20 13	
BY NON-AGENCIES AttorneyPhysicianAll OtherParent Sub Total Co-Parent AdoptionsAdult Adoption - No Intermediary  TOTAL Non-Relative Adoptions  RELATIVE ADOPTION PLACEMENTS BY NON-AGENCIES Step-ParentOther Relative	1 5 5 13 16 1 78	

	Scheduled	Decreed	Withrawn/ Dismissed			
—Adoptions	179	173	0			
—Voluntary Relinquishments	2	2	0			
—Confirm Consents	88	84	0			
—Involuntary Terminations	72	77	2			
—Confirm Consents with Involuntary Terminations	6	6	0			
TOTAL	347	342	2			
ORDERS OF COURT (Includes orders on petitions 702 presented, continuances, amendments, allowance on						

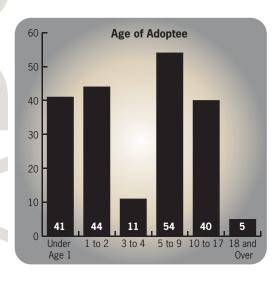
of interrogatories, appointments of search agents)	
ADOPTION DECREES	342
COMBINED DECREES AND ORDERS	1,044
ADULT ADOPTEE SEARCH REQUESTS	116
PERSONS ADOPTED (Some petitions include sibling	(s) <b>195</b>
ORDERS SIGNED APPOINTING SEARCH AGENTS	68
BIRTH PARENT REQUESTS TO PLACE WAIVERS IN FILE	2

## Gender

Female	100
Male	95

## Birthplace

Allegheny County	137
Elsewhere in Pennsylvania	16
Outside Pennsylvania	17
Outside USA	25



# **FAMILY DIVISION**



Eugene F. Scanlon, Jr. Administrative Judge



## **JUDGES**

L-R: *Row 1:* 

Patricia McCullough Kathleen R. Mulligan Christine A. Ward Kim D. Eaton David N. Wecht Guido A. DeAngelis Row 2:

Alan D. Hertzberg Edward J. Borkowski Kim Berkeley Clark Jill E. Rangos Eugene F. Scanlon, Jr. Lawrence W. Kaplan\*

Family Law Center Ross Street Pittsburgh, Pennsylvania

\*Denotes Senior Judge

# **FAMILY DIVISION** — ADULT SECTION



Patrick Quinn, Esq. Administrator

he year 2005 was a very busy and successful year for the Adult Section of the Family Division. The section continued its very impressive reputation by handling a record volume of domestic relations cases in both a time and cost-efficient manner. At the same time, the section continued to move forward with initiatives to improve its performance in providing service to litigants and leadership to our colleagues across the state and nation.

In 2004, the Adult Section of the Family Division, in collaboration with the Pennsylvania Department of Public Welfare, Bureau of Child Support Enforcement, instituted a process of self-evaluation termed "Management Review." The purpose of this self-evaluation was to evaluate the current processes of the child support function of the court and to make recommendations and consequent changes to improve the efficiency of the child support collection activities. This process was completed in early 2005. As a result, a document was agreed to by the court and the Department of Public Welfare that will require both a management reorganization of the child support program and the addition of staff with the goal of enabling the Family Division to strengthen and improve its already notable performance in the establishment and collection of child and spousal support obligations. Due to the collaborative nature of this process, the Department of Public Welfare has provided the funding for the recommended changes from its share of federal child support incentive funds.

In calendar year 2005, Family Division continued to build on its outstanding support collections record. The Family Division collected \$159,325,239, a \$1.621 million increase over support collections in 2004, despite the fact that the number of support cases was reduced from 81,648 in 2004 to 76,471 in 2005. The division continues to operate at 100 percent in the "cost effectiveness" category of the federal performance measures.

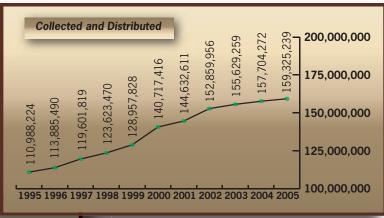
One of the benefits of the Family Division's child support collection performance is that it continues to maintain a position of nationwide leadership among urban areas. Allegheny County's performance statistics far exceed those posted by other urban jurisdictions in nearly all federal categories. In the most recent federal statistics available, Pennsylvania was ranked second among all states (between South Dakota and North Dakota) in overall federal performance categories in the collection of child support. In fact, among the "big ten" states, only Ohio (14th ) and Pennsylvania were among the top twenty.

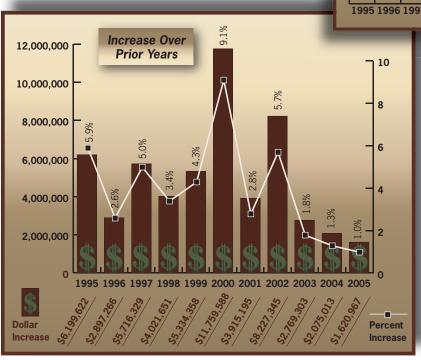
(Continued on Page 16) Adoptions

Child Support Enforcement
Performance Measures of Allegheny County

Federal Fiscal Year	Paternity Establishment	Support Order	Current Payment	Arrearage Payment	Federal Fiscal Year	Paternity Establishment	Support Order	Current Payment	Arrearage Payment
2004	%	%	%	%	2005	%	%	%	%
October	86.19	73.93	71.16	26.63	January	86.68	74.01	70.54	47.52
November	86.38	73.84	71.25	36.53	February	86.67	74.10	69.51	50.61
December	86.64	74.00	74.24	43.68	March	86.71	74.15	74.41	54.82
					April	86.85	74.24	71.32	56.99
					May	87.00	74.42	73.20	59.39
					June	87.12	74.53	72.12	61.31
					July	87.25	74.73	71.57	62.75
					August	87.32	74.73	74.57	64.30
					September	87.42	74.86	72.12	65.42

**Child Support Amounts Collected and Distributed** 





Allegheny County's contribution to this high ranking was critical. Therefore, during 2005, Family Division administrators were invited to participate in a leadership conference designed to help the Federal Office of Child Support Enforcement create a TEMPO (Techniques for Effective Management of Program Operations) to assist urban areas in improving performance management.

In compliance with federal regulations, the division's case closure unit continues to make significant strides in closing inactive support cases, such as those where paternity cannot be established, the subject child has been emancipated, or one of the parties cannot be located. In 2005, the division reduced its active caseload by approximately 5,177 cases, not withstanding the fact that 23,077 new cases were filed in 2005. This process of removing inactive cases preserves scarce resources and increases Allegheny County's performance for federal incentive dollars.

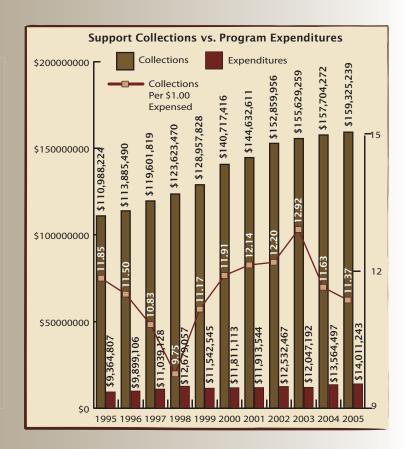
This was the first full year of implementation of the new provisions of the Cooperative Agreement, the contract between the court, the county, and the Department of Public Welfare, which establishes program standards, requirements and funding for the operation of the child support program in Allegheny County. The hallmark of this new agreement has been greater cooperation between the state and the county in initiatives such as the computer system, interstate support and training.

One such initiative was a much larger involvement of Family Division staff in the design, improvement, and operation of the statewide computer system, Pennsylvania Child Support Enforcement System (PACSES). Allegheny County has a representative employee on each of the PACSES sub-system work groups. The purpose of each group is to address the concerns of the county while making system designs and enhancements. To date, this process has proven quite beneficial in not only enhancing the improvements to

(Continued on Page 17)

#### Incentive Measure Dashboard Allegheny County Child Support Enforcement Federal Fiscal Year

	2005
—Open IV-D Cases	76,471
—IV-D Cases with Support Order Established	57,248
—Support Order Ratio	74.86%
—Children Born out of Wedlock	46,853
—Children with Paternity Established	40,936
—Paternity Ratio	87.37%
—Current Support Owed	\$153,106,711
—Current Support Disbursed	\$110,476,110
—Current Support Ratio	72.16%
—Cases with Arrears Owed	54,743
—Cases with Disbursements toward Arrears	35,903
—Arrears Ratio	65.58%



PACSES but also in providing the Family Division with ample time to respond to changes to PACSES being contemplated by state staff. Ultimately, this collaboration will result in improved automated enforcement remedies, which will enhance the division's successful collection rate.

In 2005, the Family Division continued the innovative programs of "Phone Power" and "Night Court." The Phone Power program permits court employees to phone delinquent obligors during evening hours in an attempt to obtain information and secure support payments. This program resulted in direct collections of \$92,414.00, 51 new wage attachments, and 1,355 referrals for contempt proceedings.

Family Division's "Night Court" program, an effort to make the court more "client friendly," allows support litigants to receive assistance with their cases during non-traditional hours. In 2005 alone, over 2,300 cases were handled during the four-hour/one evening per week schedule. This novel approach is being analyzed by and replicated in many other jurisdictions.

In yet another collaborative venture with the Bureau of Child Support Enforcement, a new innovative approach in assisting obligor's to obtain employment, and hence pay support, was initiated in August 2004 and continued throughout 2005. In a venture fully funded by the state, a contract was entered into with Educational Data Systems, Inc. (EDSI) to establish a referral system and protocol with the EDSI Reemployment Transition Center in downtown Pittsburgh. The contract provides for 250 placements with EDSI to provide limited job search, skill training, and referrals to specific employers. The contract provides financial incentives to EDSI for individuals who obtain jobs, who retain jobs for extended periods, and who are promoted by employers. This approach represents a new and innovative way of addressing in a proactive manner the

(Continued on Page 18)

## DISPOSITION OF SUPPORT CASES REQUIRING ACTION AT EACH LEVEL OF THE EXPEDITED HEARING PROCESS

The Pennsylvania Rules of Civil Procedure have introduced a "Diversionary Procedure" into actions for support. This procedure relieves the judiciary of the need to hear support cases in the first instance and passes this responsibility to hearing officers. This report lists the results of this procedure at each level of the process.

	2004	2005
Total Number of Cases Listed for Disposition	35,693	37,926
Cases Scheduled for Conference before Domestic Relations Officers	35,693	37,926
Cases Resulting in a Court Order after a Domestic Relations Officer's Conference	28,961	28,460
Cases Referred to a Hearing Officer at Conclusion of a Domestic Relations Officer's Conference	6,303	9,466
Cases Resulting in a Final Court Order after a Hearing Officer's Recommendation	5,874	9,021
Cases in which Exceptions are Filed before a Judge after a Hearing Officer's Recommendation	429	445

Case Activity Report				
Complaints Pending	17,583			
Modifications Pending	3,296			
Complaints Added	11,796			
Modifications Added	11,592			
Complaints Processed	11,691			
Modifications Processed	11,065			
Conferences Conducted	21,144			
Court Hearings Conducted	8,734			
Contempt Hearings Conducted - Plaintiff	2			
Contempt Hearings Conducted - Defendant	18,261			
Paternity Filings	1,731			
Paternity Acknowledged	1,376			
Paternity Excluded	403			

root cause of failure to pay child support, namely the lack of steady employment. For the first time, the court is actively referring support obligors to an agency whose sole responsibility is to assist the obligor in obtaining employment. In a recent performance evaluation conducted by the state, the following findings were made:

- 1) 76 percent of referrals (125 of 164) found meaningful employment;
- 2) 45 percent of those who obtained employment secured medical benefits for their dependants within six months of employment;
- 3) The average wage at placement was \$7.84/hour; and
- 4) 92 percent of placements maintained employment for a minimum of six months after placement.

Accordingly, early indications are that this type of proactive intervention program will produce substantial child support payments to needy children and families who, in some instances, have gone months and years without any financial support.

In 2005, the Adult Section of the Family Division continued to appropriately address and dispose of its traditionally large caseload. Support cases filed in 2005 totaled 23,077 and 22,756 were decided. There were 37,926 support matters listed for disposition in 2005, representing a 2,233 increase over 2004. In 2005, there were 3,159 divorce cases filed (30 more than in 2004) and 3,245 were disposed of with

entry of a decree. The number of equitable distribution cases listed for disposition in 2005 was 660, an increase of 118 over the previous year. Similarly, 2005 marked a slight increase in Protection from Abuse (PFA) filings from 3,751 in 2004 to 4,047 in 2005. It should be noted that the Family Division's PFA Unit was cited in the Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System as having a number of "Best Practices" in its approach to domestic violence and the Court's response.

In its continuing effort to improve staff performance, Allegheny County Family Division continues to work collaboratively with the Bureau of Child Support and Pennsylvania Child Support Enforcement Training Institute (PACSETI), an outreach service of Pennsylvania State University, to provide training to employees at no cost to the county. In 2005, 89 employees attended 379 classes, totaling 2,653 training hours conducted at PACSETI's South Side training facility. The Family Division's supervisors and managers collaborated with PACSETI instructors to create the curriculum for the classes. Family Division continues to be actively involved with many organizations that provide training and support for the federal and state child support program, including the National Child Support Enforcement Association, the Eastern Regional Interstate Child Support Association, and the Domestic Relations Association of Pennsylvania. By providing these educational opportunities to division staff members, Allegheny County is better able to

(Continued on Page 19)

FILING AND DISPOSITION REPORT					
	20	Pending			
	Filed	1/1/05			
Support*	23,077	22,756	20,879		
Custody/Partial Custody	1,484	1,483	28		
Divorce	3,159	3,245	4,171		
TOTAL	27,720	27,484	25,078		

\*Statistics from PACSES Computer System.

DIVORCE DECREES GRANTED				
	2004	2005		
Fault-Uncontested				
(3301-A)	7	8		
No Fault-Uncontested	2.026	2 227		
(3301-C, 3301-D)	3,036	3,237		
TOTAL	3,043	3,245		

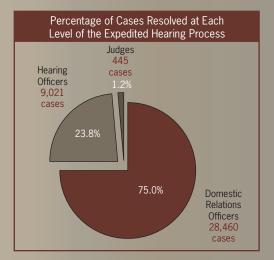
serve the varied litigants involved with the child support system and maintain its status as a successful and innovative leader in child support collections. Also in 2005, Allegheny County spearheaded regularly scheduled discussion meetings with the Domestic Relations Offices of surrounding counties to address improved procedures for handling support cases.

Finally, 2005 concluded with the expiration of the term of the Honorable Eugene F. Scanlon, Jr., as the Administrative Judge of the Family Division. For three and one-half years, Judge Scanlon provided tremendous leadership and wisdom to the division as it continued to address a large caseload affecting all aspects of family life in Allegheny County. It was through his leadership that Allegheny County Family Division continued innovatively toward creating a unified family court,

which is better positioned to address the needs of children and families in Allegheny County.

While the division looks back at Judge Scanlon's years of service as being very successful and wishes him well in his new service in the Civil Division, it looks forward to the leadership of its new Administrative Judge, the Honorable Kim Berkeley Clark, who was appointed by the Supreme Court to the position effective January 1, 2006. Judge Clark will undoubtedly bring new and visionary ideas to the division, after having served as the Supervising Judge of the Family Division's Juvenile Section for the past three years. Family Division also looks forward to continued success under the able leadership of the Honorable Kim D. Eaton, who was appointed as Supervising Judge of the Adult Section of the Family Division.

JUDICIAL ACTIVITY					
	2004	2005			
New Family Cases Assigned for Judicia	al Concili	ation			
Equitable Distribution/Alimony	542	660			
Custody	269	205			
Paternity	8	6			
Divorce (3301-D, Contested)	52	30			
Other	86	59			
Cases Listed for Judicial He	earing				
Equitable Distribution/Alimony (Judge)	289	277			
Equitable Distribution/Alimony (Permane Master)	ent 242	246			
Complex Support (Permanent Master)	90	90			
Full Custody	211	228			
Partial Custody	140	81			
Paternity	8	4			
Divorce	18	17			
Other	5,631	7,237			
Support (Contempt)	4,111	3,473			
Protection From Abuse (Final)	2,786	2,965			
Protection From Abuse (Contempt)	965	1,082			
PFA Direct Hearings Scheduled	154	119			
PFA Indirect Criminal Contempt	-	105			
Miscellaneous					
Support Exceptions	429	445			
Post Trial Motions	82	82			
Motions	13,790	12,886			
Support Orders Reviewed and Entered	25,975	23,077			
Preliminary PFA Hearings	3,659	3,698			



Open Cases As of December 31, 2005					
		Child Ipport	Non IV-D Alimony		
Disability/SSI		3	0	3	
Federal Foster Care	3	3,162	0	3,162	
General Assistance		114	192	306	
Medical Need Only		3	0	3	
Non-Federal Foster Care	1	,629	1	1,630	
Non-TANF*	55	5,913	3,924	59,837	
TANF	15	5,017	108	15,125	
TOTAL	75	,841	4,225	80,066	
*Temporary Aid to Needy Families					

## **FAMILY DIVISION** — COURT SERVICES FOR CHILDREN ADULT/JUVENILE SECTIONS



Cynthia K. Stoltz, Esq. Administrator

In 2005, Court Services for Children (CSC) continued to promote efficient justice for children and families involved in Family Division cases. Under the leadership of Administrative Judge Eugene F. Scanlon, Jr., the court further refined plans to operate as a Unified Family Court system.

The mission of CSC's Administrative Office, in accordance with the Unified Family Court Model, is to promote the most efficient use of Family Division (Adult and Juvenile Sections) resources and provide a more consolidated, less fragmented court experience for children and families. The primary function of this office is to develop, implement and oversee cross-systems programs and procedural operations in both sections of the Family Division, particularly child welfare and child custody proceedings, to maximize unified family court principles. Family Division departmental administrators collaborate to accomplish division goals.

Created in 2002, CSC is headed by Cynthia K. Stoltz, Esquire. In her administrative position, Ms. Stoltz works with the judges in the Adult and Juvenile Sections to help children and families involved in Family Division cases achieve outcomes that promote long-term stability.

The departments, programs and initiatives that CSC administers continued to expand to meet the needs of the Family Court system and its clients in 2005.



#### **Generations Custody Program**

Generations, the Family Division's custody program, provides education and mediation services to families involved in Family Division cases. In 2005, eight parent educators and children's program facilitators with more than 20 years experience in education and child development provided quality education seminars on effective co-parenting arrangements that meet children's needs. Mediation sessions were handled by an experienced, multidisciplinary group of mediators from the legal and mental health fields, specially trained to handle high conflict custody disputes.

In 2005. Generations served over 3.500 adults and children. More than 800 mediation sessions were conducted and 74 percent of those who mediated reached a settlement on some or all

issues. Families who could not reach agreement in mediation were scheduled promptly for conciliation before the court's professional custody conciliators.

#### Safe Visits Safe Families: Supervised Visitation and Safe Exchange Program at **Parental Street Center**

This court-initiated project was launched in late 2005. The Safe Visits Safe Families program is a national model that ensures a safe and secure visitation environment where children can interact in a nurturing atmosphere with parents/caregivers and other family members under the supervision of professional staff, along with providing a secure center for custody exchanges. The program is funded through a contract with Allegheny County Department of Human Services (DHS).

Dependency/ Custody **Permanency** 

### Family Division — Court Services for Children Adult/Juvenile Sections

#### **Dependency/Permanency for Children**

In 2005, the court made significant progress in its comprehensive dependency court reform effort to improve outcomes for children in the child welfare system in Allegheny County.

#### **Dependency Court Improvement Project**

The Allegheny County Dependency Court Improvement Project (CIP) was officially launched in June 2004. The goal of the county CIP is consistent with the national CIP established by Congress in 1993 and the state CIP established by the Supreme Court through the Administrative Office of Pennsylvania Courts: to achieve excellence in the court's handling of abuse and neglect cases. In July 2004, the Family Division established the CIP Task Force, a unique collaborative of executive directors and top officials from the court, county and child welfare stakeholder groups. The task force defined a detailed action plan and standing committees around six priority areas:

- 1. Automated Systems
- 2. Court Administration
- 3. Court Coordinated Case Management
- 4. Funding and Finances
- 5. Improved Access and Court Services for Children and Families
- 6. Cultural Competency

In 2005, each committee presented its final report and recommendation to the task force. In October 2005, The Pew Commission on Children in Foster Care sponsored a national forum held in Pittsburgh. The Allegheny County Court of Common Pleas officially released its Dependency Court Improvement Project Action Plan at this forum. Implementation of many of the recommendations continued in 2005, including the electronic filing system in the Juvenile Section, a custody supervised visitation/safe exchange center, comprehensive training program for new judges, personnel changes and steps to implement video conferencing.

#### **Electronic Filing System in the Juvenile Section**

Progress continued throughout 2005 toward full implementation of the e-filing system (known as eRIMS, Expansion of the Records and Information Management System). This state-of-the-art webbased system will allow the electronic filing and service of all juvenile pleadings, motions and court orders. Completion of the eRIMS system is expected to occur in 2006.

#### **Electronic Filing System Highlights – 2005**

January — System design of eRIMS commences.

February — Development of Oracle database commences.

May — Allegheny County's Office of Children, Youth and Families (CYF) begins development of dependency petition electronic filing interface (eQuest) to interact with eRIMS.

August — Conversion to XML format of dependency and delinquency court order forms is completed.

- •Allows pre-population of the captions of the orders with demographic information on the case and reduces clerk typing time.
- •Increases accuracy of court orders pertaining to delinquent and dependent children.

October and November — Acceptance testing of the eRIMS system conducted.

December — Pilot courtroom begins entering electronically filed court orders through the eRIMS system in dependency cases.

#### **Evaluations for Children and Families**

In 2005, Allegheny Forensics Associates (AFA) continued to provide timely and comprehensive mental health evaluations for children and families in custody, dependency and delinquency cases, pursuant to a unique collaboration between the court, CYF and AFA. From its onset, the project has achieved positive results including timeliness of reports, cross-systems training on children's development and mental health issues and improved standards of practice.

#### **Dependency Hearing Officers**

The dependency hearing officers, under Chief Hearing Officer Cynthia Franklin, Esquire, consistently and timely monitor and review cases involving children in both out-of-home and in-home placements. The Juvenile Section hearing officers played a significant role in the transformation and improvement of the local dependency system.

Three dependency hearing officers, each assigned to a specific judge, conduct review hearings on cases previously adjudicated by the judge. Community-based court sites afford litigants more convenient access to the court. The hearing officers preside over cases until an appropriate permanency plan has been implemented for each child and the case is closed. Review hearings are conducted every three months and are scheduled in specific time slots, averaging 15 cases per day.

Hearing officer review of cases reduced overcrowding in Family Court waiting areas, increased judicial resources for complex matters, and reduced the overall length of time children remain in out-of-home placements and the cost of care for children in placement, making resources available for other necessary services. Dependency hearing officer review of cases in Allegheny County exceeds the expectations of the Adoption and Safe Families Act requirements for timely hearings for children.

Reviews Conducted	5,896
Cases Closed	772
From Case Closure:	
Resulted in Reunification	332
Resulted in SPLC*	81
Resulted in Adoption	194
Involved Children over	165
18 No Longer Eligible for	
Services	
Emergency Shelter Hearings	243
*Subsidized Permanent Legal Custo	odianship

#### **Ronald McDonald Charities Care Mobile**

In May 2003, the Family Division CSC, CYF, Children's Hospital and Ronald McDonald Charities collaborated to bring a state-of-the-art pediatric primary care center on wheels to the Family Law

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## **NATIONAL ADOPTION WEEK**

Adoption celebrations remain a monthly highlight, when the court is transformed into a festive environment in which families finalize adoptions of children in the child welfare system. For the fifth consecutive year, Allegheny County participated in National Adoption Week in 2005. Allegheny County's National Adoption Day celebration has been recognized by the Alliance for Children's Rights as one of the best adoption celebration events nationwide. Family Court collaborated with multiple agencies to organize a week of adoption-focused activities.

#### **Heart Gallery**

Sponsored by Three Rivers Adoption Council, in conjunction with DHS and Family Court, the Heart Gallery provides a portrait exhibit of children in our community in foster care who are waiting to be adopted. It is our hope that the portraits, as seen through the lenses of some of Pittsburgh's finest photographers, will touch prospective parents and encourage them to open their hearts to adoption. Following the opening, the Heart Gallery was displayed in the Family Court rotunda during Adoption Week. The portraits will travel throughout the state in 2006, ending in the Capitol Building in Harrisburg. A new website <a href="https://www.kidsforkeeps.org">www.kidsforkeeps.org</a> was launched in conjunction with the exhibit to feature the children and the venues.

#### **Foster Care and Adoption Forum**

"The Changing Face of Permanency in the ASFA Era." Shay Bilchik, President and CEO of the Childwelfare League of America, addressed the challenges faced by children waiting to be adopted and how child welfare processes in Allegheny County are evolving to meet them.

#### **National Adoption Day**

The court opened its doors to finalize over 60 adoptions. There were balloon artists, magicians, face painters, the Pirate Parrot and Pierogy, refreshments and gifts. The children were welcomed into their new families with great festivity, joy and enthusiasm.

#### **Poster Contest**

A countywide elementary school poster contest with the theme "What Family Means To Me" added to the celebration. Over 800 poster entries were displayed in the court rotunda.



(L-R): Judges Clark and Ward with adopted children.



Attending the forum "Protecting Children, Promoting Permanent Families" sponsored by the North American Council on Adoptable Children are (standing I-r) Judge Kim Berkeley Clark and council speakers Theodora Ward, Andrea Bryan, Jessica Delgado and Jaclyn Stewart (sitting I-r) Council Research Associate Mary Ford and CSC Administrator Cynthia Stoltz.

**Adoptions** 

Adoptions

Withdrawals

**Terminations** 

New Cases

305

287

202

(Left): Wrenna Watson, Mel Blount and Judge Clark at the Heart Gallery opening. (Above I-r) Judge Clark and Jackie Wilson.



### Family Division — Court Services for Children Adult/Juvenile Sections



Center. In 2005, 254 children were examined. The Ronald McDonald Care Mobile visits the Family Court every Friday from 8:30 a.m. until 2:30 p.m. to provide required health screenings for children involved with CYF in the dependency system. This joint venture has resulted in more timely access to improved healthcare and decreased anxiety for dependent children. The Care Mobile project has received national recognition as an example of how the courts and local government can partner with a charitable foundation to provide valuable services to dependent children.

#### **Allegheny County Music Festival**

For the fifth year, Juvenile Section staff assisted with the Allegheny County Music Festival to raise approximately \$30,000 for needy children. This project was created to provide money for the purchase of goods and services for DHS children and youth that would not otherwise be possible through government funding.

# Cross Systems Initiatives Pro Se Motions Program

The Pro Se Motions Program assists financially eligible unrepresented litigants. This function of the Family Division operates in conjunction with volunteer attorneys from the Allegheny County Bar Association's Family Law Section and law students from the University of Pittsburgh and Duquesne

University. The program serves over 2,500 pro se litigants throughout the course of a year.

#### **CYF/Juvenile Section Collaboration**

In 2005, the court continued to encourage collaboration to address important issues for children and families in the court system. Juvenile Section judges, hearing officers and administrators met twice during 2005 with DHS and CYF staff to improve communication and problem-solving between the court and the child welfare agency.

#### **Comprehensive Training for Family Division Judges**

The CSC staff developed and completed its plan for the first comprehensive training for Family Court judges in late 2005. This CIP-project initiative is slated to take place during one week in January 2006 and will cover all matters handled in the Family Division. Continuing education/training for all Family Division judges is planned for 2006.

## **FAMILY DIVISION - Juvenile Section**



James J. Rieland Administrator

In 2005, Allegheny County Juvenile Probation continued to be recognized nationally for its trendsetting initiatives in implementing the principles of Balanced and Restorative Justice: community protection, victim awareness and youth competency. Numerous juvenile justice professionals from as far away as Brazil visited Allegheny County Probation in 2005, seeking guidance and advice on how to implement some of our unique programs in their jurisdictions.

Locally, in an effort to gather first-hand knowledge of providers and their facilities, judges and administrators visited 22 providers over the course of the year affording them the opportunity to meet and discuss any concerns and/or issues with the provider's administration and staff. The trips also gave judges the opportunity to speak with youth as to how they are adjusting to the facility. Allegheny County judges are unique in their desire to make visits to facilities accommodating delinquent youth.

To enhance the educational transition of youth after they leave a residential placement, Juvenile Probation hired three Aftercare Specialists in 2005. All three Aftercare Specialists have teaching degrees and work closely with probation staff, school administration and residential providers to ensure a youth's transition back into his/her school is a smooth one. This is a pilot project funded by the Pennsylvania Commission on Crime and Delinquency.

Another collaboration begun in 2005, between Allegheny County Juvenile Probation and the MacArthur Foundation, targets development of a mental health assessment tool to be used by probation staff. This assessment tool will become an essential element for probation officers when evaluating what services a youth may need to successfully live in the community.

With the publication of the National Center for Juvenile Justice (NCJJ) White Paper on youth competencies, Allegheny County has begun efforts to concentrate on developing more intense programs to implement this principle of Balanced and Restorative Justice. The system has now agreed on five competency domains: pro-social skills, moral reasoning

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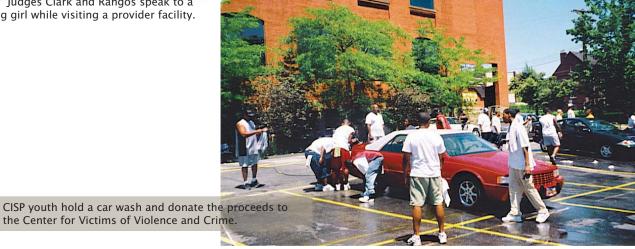


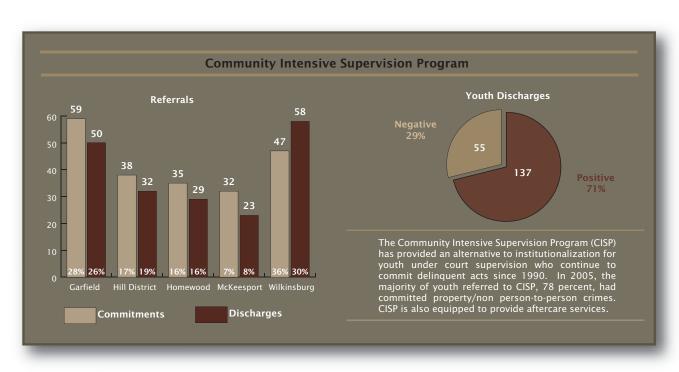
(L-R): Judges Clark and Rangos speak to a young girl while visiting a provider facility.

skills, academic skills, workforce skills and independent living skills. Probation will collaborate with various statewide partners to develop an approach to competency development.

Youth and nursing home residents bonded and developed unlikely friendships in 2005 during a community service project done by youth from the Community Intensive Supervision Program. The partnership was so well received that three youth were given jobs by the nursing home. This is an example of engaging youth in the community, making youth realize that their positive behavior will reap rewards, instead of using negative behavior to get what they want.

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School-Based Probation's Bully Prevention and Choices Program, presented to both middle and high schools throughout the county, received statewide recognition in 2005. Additionally, School-Based Probation Officer Bernie Storer received the FBI Director's Award for his work involving the Bully Prevention and Choices Program. School-Based Probation was also an integral

part of the Gangs Free Schools Project, which Pennsylvania Commission on Crime and Delinquency is looking to replicate in other counties.

The innovative Parental Survival Skills Program developed by the Drug & Alcohol Unit at the Eastern Community-Based Office

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School-Based Probation					
	Probation Officer(s)	Caseload as of 12/31/05		Probation Officer(s)	Caseload as of 12/31/05
Pittsburgh School	District High	Schools	Other Schools in All	egheny Coun	ty
Letsche	3	65	McKeesport High School	2	56
Carrick	2	55	Woodland Hills Jr./Sr. High	2	50
Oliver	2	49	Penn Hills High School	1	38
Brashear/South Hills			Shaler	1	34
Middle School	2	46	Chartiers Valley	1	33
Westinghouse	2	40	Hampton	1	29
Schenley	1	38	North Hills	1	29
Peabody	2	37	Highlands	1	27
Langley	1	35	North Allegheny	1	24
Allderdice	1	33	Sto-Rox High School	1	24
			Wilkinsburg	1	24
			Keystone Oaks	1	23
Pittsburgh School [	District Middle	Schools	Steel Valley	1	23
Milliones	1	25	Fox Chapel	1	21
Columbus	1	22	Moon/West Allegheny	1	21
Arsenal	1	21	Duquesne/West Mifflin High	1	10
Greenway/Knoxville	1	25	School	1	19
Reizenstein	1	10	Baldwin	1	18

School Based Probation Officers supervise students in their assigned schools who are serving courtordered probation sentences. These same probation officers staff the Truancy Task Force, which provides intervention for truant youth who are 13 years old and younger.





Director Rieland (center) and (l-r) Judges
McCullough, Rangos, Clark and Mulligan attend
the Juvenile Justice Forum.



continues to see positive results. In 2005, eighty-eight percent of the parents invited to attend a group meeting came back for additional meetings. This program was also nominated for the Juvenile Court Judges Commission (JCJC) Court-Operated Program of the Year during the fall conference.

Allegheny County Probation staff received award nominations for 2005 as follows: Mary Hatheway, Supervisor of the Year, Lloyd Woodward, Probation Officer of the Year and Jessica Smerkol, Support Person of the Year.

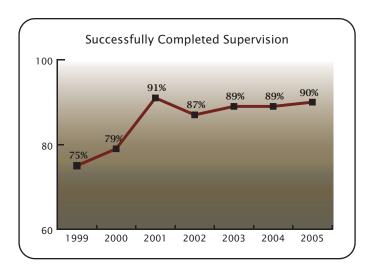
Juvenile Justice Week in October 2005 introduced the publication of our third Report Card, and various activities were held at Juvenile Court throughout the week. Juvenile Probation recognized one of our probation officers, Joseph Cacolice, for 40 years of service. Joe's celebration was not only a tribute to him but to all probation officers who have a true commitment and dedication to both the youth and the citizens of Allegheny County.

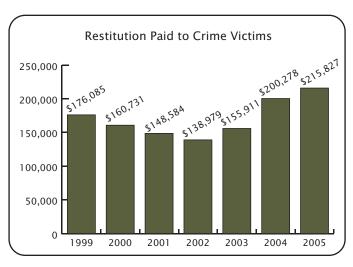
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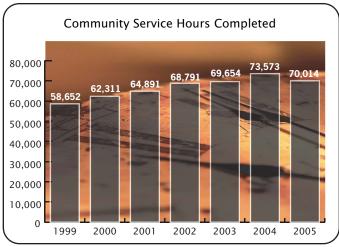
## — Juvenile Justice Week —



Outcomes, as reported on closed cases in 2005, confirm that the work Juvenile Probation does is making a difference. Youth successfully completing their court supervision in 2005 without recidivating was an outstanding 90 percent. Restitution collected was \$215,827, and youth under the supervision of Juvenile Probation completed 70,014 hours in community service. These outcomes demonstrate that Allegheny County Probation's efforts are holding youth accountable for their actions. We are committed to making youth self-sufficient, tax-paying, crime-free citizens and we are succeeding.









(L-R): Judge Scanlon, Jim Trozzi, Ron Domis, Rich Gardner, Administrative Judge Donna Jo McDaniel, Director Rieland, Kim Booth, Ted Kairys, Judge Clark, Eric Joy and Russ Carlino after the announcement of Jim Rieland's appointment as Director of Probation Services.





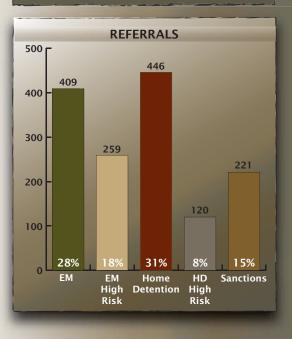
(L-R): Probation Officers Chris Lisko, Bob Konesky and Jason Bright on their way to court.



**Probation Officer Tom** O'Connor at the annual **Probation Officer** Workshop.

### **DISCHARGES** % Successful Total 425 76% Electronic Monitoring (EM) EM High Risk 242 79% Home Detention (HD) 465 77% Electronic Monitoring/Home Detention HD High Risk 94 69% Sanctions 240 90% **Total Discharges** .466 81% Electronic Monitoring/Home Detention is employed

by the Juvenile Section as an alternative to secure detention for alleged juvenile offenders pending adjudication of their cases. It is also used when more intense supervision is needed for youth in CISP and the Academy.







Referrals to Juvenile Court by Most Serious Charge				
				%
			Increase/	Increase/
	2004	2005	Decrease	Decrease
Aggravated Assault	281	297	+16	6%
Aggravated Assault on Teacher	104	124	+20	19%
Arson	12	20	+8	67%
Auto Theft Related	425	396	-29	-7%
Burglary	345	353	+8	2%
Carjacking (Robbery of Motor	15	10	-5	-33%
Vehicle)				
Criminal Mischief/Institutional	109	115	+6	6%
Vandalism				
Criminal/Defiant Trespass	98	108	+10	10%
Disorderly Conduct	104	113	+9	9%
Drugs (Including Crack)	343	614	+271	79%
Driving Under the Influence (DUI)	28	24	-4	-14%
Escape	12	16	+4	33%
Ethnic Intimidation	3	3	+0	N/A
Failure to Adjust (FTA)	308	381	+73	24%
Firearm Unlicensed or Possession	79	98	+19	24%
Harassment	47	31	-16	-34%
Nonpayment of Fines	880	1,454	+574	65%
Receiving Stolen Property	136	148	+12	9%
Retail Theft	15	46	+31	207%
Robbery and Related	203	188	-15	-7%
Sex Offenses	77	97	+20	26%
Simple Assault	598	555	-43	-7%
Terroristic Threats	165	148	-17	-10%
Theft and Related (Conspiracy/	131	153	+22	17%
Attempt)				
Transfers from Other County	124	115	-9	-7%
Violation of Probation	262	356	+94	36%
Weapons on School Property	119	144	+25	21%
Subtotal:	5,023	6,107	+1,084	22%
All Other	670	246	-424	-63%
TOTAL	5,693	6,353	+660	12%

COMMUNITY PROTECTION					
	Number of Youth	% of Cases Closed			
Violation of Probation	68	4%			
New Adjudication	164	10%			
Completed Three Hour Victim Awareness Curriculum	1,219	77%			

# EVENTS



### **Community Based Probation**

## Open House

Employees celebrate the June 10th open house of their new location on East Ohio Street. L-R (seated): Karen Adair and Amy Yurovich; (first row) Sara Bailey, Michelle Trebon, Ron Seyko, Joe Cacolice, Lisa Evans and Sandy Jackson; (second row) Trent Gallagher, Andrew Schneider, Greg Willig, Mary Lee Tracy, Mark Tortorella, Sam Murray and Norm Wesolowksi; (third row) Anthony McBride, Doug Braden, Dave Mink, Bill Knox and Bill Schultz.





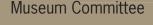
Probation Officer Joe Cacolice celebrates 40 years of employment.

## Museum Opening

The Museum Committee, a sub-committee of the Community Education/Public Relations Committee, completed work on the Allegheny County Juvenile Probation portion of the Old Allegheny County Jail Museum. A grand opening of the Old Allegheny County Jail Museum was held on July 12, 2005. The museum features

the history of Allegheny County Probation from 1933 to the present. The public is invited to

visit the museum.



90

(Front Row L-R): Val Ketter, Mark Yon, Cathy Leahy, Connie Przybyla, Ron Seyko and Liz Bailie. (Second Row L-R): Ed Urban, Ron Dziuban, George Kinder and Tom





Allegheny County Juvenile Court

### Connect with Kids



Director Rieland is interviewed by the Connect with Kids network, producers of the documentary "Out of Harm's Way."



# **CIVIL DIVISION**



Administrative Judge



## **JUDGES**

L-R: *Row 1:* 

Row 1:
Ronald W. Folino
Robert P. Horgos
Judith L.A. Friedman
R. Stanton Wettick, Jr.
Eugene B. Strassburger, III
Livingstone M. Johnson\*
Joseph M. James

Row 2: Michael A. Della Vecchia

Paul F. Lutty, Jr.
Robert J. Colville
Timothy Patrick O'Reilly
S. Louis Farino\*

City-County Building Grant Street Pittsburgh, Pennsylvania

\*Denotes Senior Judge

## **CIVIL DIVISION**



Clair R. Beckwith Manager

The judges in the Civil Division thank the Honorable S. Louis Farino for nearly thirty years of service in the Court of Common Pleas. Judge Farino was born in Pittsburgh and has a long history of public service to this community. Judge Farino was appointed to the Court of Common Pleas in 1975, elected in 1977, and retained his position through the next two elections. He remained on the bench until his mandated retirement at the end of 2005. Until the date of his mandated retirement, Judge Farino was present throughout the entire period of each trial term to preside over jury trials. He had a well-deserved reputation as a hardworking, efficient and fair jurist. He will be missed.

Judges and support personnel worked hard to ensure that disputes were resolved in a just and timely manner. The Honorable Eugene B. Strassburger, III, managed a Calendar Control practice that settled a majority of cases and brought quickly to trial those unable to be settled.

Civil Division judges also maintained an accessible motions practice that provided attorneys and *pro* se litigants with fair and expeditious decisions. Administrative Judge R. Stanton Wettick, Jr., presided over Friday arbitration and discovery motions, and the daily motions judge handled all dispositive motions and evidentiary hearings. This accessibility and prompt decision-making helped resolve pretrial matters and contributed to the court's ability to bring cases quickly to trial.

The Honorable Robert P. Horgos continues to assume responsibility for the class action litigation in this division. This is a time-consuming assignment that he performs between trial terms. The Honorable Robert J. Colville continues to assume responsibility for managing the asbestos litigation. This has become a more difficult assignment because this division is now listing more than fifty asbestos cases for trial during each trial term.

Arbitration enjoyed great success in managing cases under \$25,000. The continued effectiveness of Arbitration is due in large part to the efforts of the staff.

The Board of Viewers disposed of thousands of tax appeals while keeping the condemnation docket current.

Through the efforts of the judges and the support staff of the Civil Division, the public was well served and lawsuits were promptly brought to trial.

## **Civil Division**

CASES FILED AND DISPOSED					
	Filed	Disposed			
TRESPASS - GENERAL Asbestos Silicas Asbestos/FELA Medical/Hospital Liability Product Liability Toxic Substances Subtotal	99 8 324 50 13 494	1,474 16 414 39 1			
OTHER TRESPASS - GENERAL Against Property Owner Assault & Battery Defamation FELA Other Tort Other Traffic Accident Subtotal	329 18 23 7 626 16	243 15 11 7 521 12 809			
TOTAL Trespass	1,513	2,753			
OTHERS Amicable Ejectment Contract Declaration of Taking Declaratory Judgment Ejectment Equity Equity - Lis Pendens Equity - Partition Mandamus Mechanic's Lien Mortgage Foreclosure Motor Vehicle Accident Multiple Civil Action Pre-computer Case Quiet Tax Title & Real Estate Quiet Title Replevin Sci Fa sur Municipal Lien Sci Fa sur Tax Lien TOTAL Others	19 1,209 141 103 900 148 149 5 29 139 4,476 932 800 0 87 42 56 33 5,010 14,278	4 940 3 76 427 96 74 2 5 22 4,392 827 827 74 4 23 46 14 2,218 10,074			
GRAND TOTAL =	15,791	12,827			

ARBITRATION								
	2003	2004	2005					
Pending on January 1	3,083	2,372	3,125					
New Cases Filed	8,478	8,897	9,586					
Transferred from Civil Division	317	274	270					
Cases Disposed	8,661	8,228	8,908					
Awards by Boards	2,413	2,168	2,192					
Settlements, Non-Pros., etc.	5,383	5,363	6,173					
Trial List Cases Disposed by Judge	865	697	543					
Pending as of 12/31 (Awaiting Trial)	3,217	3,315	4,073					
Appeals Filed	897	795	773					
Rate of Appeals	37.17%	36.67%	35.26%					
Number of Arbitration Boards Served	884	803	721					
Number of Arbitrators	2,652	2,409	2,163					
Arbitrator's Fee Per Day	\$150	\$150	\$150					
Total Arbitrators' Fees	\$397,800	\$361,350	\$324,450					
Less Non-Recoverable Appeal Fees	\$85,245	\$80,985	\$79,020					
Total Costs	\$312,555	\$280,365	\$245,430					
Average Arbitrator's Cost Per Case	\$117.85	\$116.38	\$113.47					
As of December 31								
Cases with Current Hearing Date	2,266	3,059	3,418					
General Docket Cases with Current Hearing Date	106	66	91					
Total Cases Pending	2,372	3,125	3,509					

#### **BOARD OF VIEWERS**

# **Condemnations**New Petitions/Views/ 287 Hearings

**Tax Appeals**Conciliations/Hearings/ 5,128
Settlements/Masters
Reports

TOTAL 5,415

#### **CIVIL ACTIONS FILED**

Against Property Owner	329
Asbestos Silicas	99
Asbestos/FELA	8
Assault & Battery	18
Contract	1,209
Defamation	23
FELA	7
Medical/Hospital Liability	324
Motor Vehicle Accident	932
Multiple Civil Action	800
Other Tort	626
Other Traffic Accident	16
Product Liability	50
Sci Fa sur Municipal Lien	33
Sci Fa sur Tax Lien	5,010
Toxic Substances	13
Total of New Case Filings	9,497

#### Allegheny County Medical Malpractice Filings

	Filings	% Change from 2000-2002 Average
2005	324	-18.2
2004	297	-25.0
2003	272	-31.3
2002	426	
2001	372	Base Years
2000	390	

Three years ago, in a statewide effort to address medical malpractice (med mal) litigation issues, the Administrative Office of Pennsylvania Courts (AOPC) began data collection from all Pennsylvania counties. New statewide Rules of Civil Procedure effective in 2003 achieved improved identification of med mal cases, and a new rule of Judicial Administration stipulated the reporting requirements. Utilizing improved data, Pennsylvania Supreme Court Chief Justice Ralph J. Cappy foresees better guidelines for administering these cases. Statewide in 2005, med mal filings were 1,698 less than the base years. Comparing the years 2000 through 2005, the fewest number of jury verdicts and the fewest number of verdicts exceeding \$1 million were reported in 2005. Of the 23 jury verdicts (7 plaintiff, 16 defense) in Allegheny County's 2005 med mal jury trials, 1 plaintiff was awarded more than \$1 million. Additional statistical information may be found at http://www.aopc.org.

# **CRIMINAL DIVISION**



Donna Jo McDaniel Administrative Judge



# JUDGES

L-R: *Row 1:* 

Cheryl Lynn Allen Robert C. Gallo Jeffrey A. Manning Donna Jo McDaniel Kevin G. Sasinoski John A. Zottola Kathleen A. Durkin Row 2: Donald E. Machen Robert E. Colville Lawrence J. O'Toole David R. Cashman Lester G. Nauhaus Randal B. Todd

Courthouse Grant Street Pittsburgh, Pennsylvania

# **CRIMINAL DIVISION**



Helen Lynch Administrator

The year 2005 was a hectic and successful one for the Criminal Division. In addition to disposing of 16,420 criminal cases, the division was responsible for 4,062 summary appeals, 3,112 accelerated rehabilitation cases and 1,227 other miscellaneous criminal and civil matters. In addition to resolving this impressive number of cases, the court continued to be guided by the concept that the purpose of government is service to its citizens, and the mission of the Criminal Division is to provide an efficient and fair administration of justice to the citizens of Allegheny County.

In 2005, the Criminal Division continued to update, reorganize and improve its ability to provide criminal justice. Some of the challenges that the division faced were:

- —Communication within the court and with criminal justice partners
- —Reorganization of Allegheny County Adult Probation
- —Cross-training of court personnel
- -Continued updating of court facilities

To improve collegiality and communication in the Criminal Division, the court has initiated monthly meetings. On the second Wednesday of each month, the thirteen Criminal Court judges meet for their morning coffee in an open forum. New initiatives, changes in law, procedures and any issues important to the judges are discussed.

The court alone does not determine the effectiveness of Criminal Court. The District Attorney's Office, the Office of the Public Defender, the Allegheny County Jail and the Sheriff's Office must all interact on a daily basis. Criminal Division Administrative Judge Donna Jo McDaniel meets biweekly with these criminal justice partners. Many problems that involve the interaction of these departments and the court are solved here.

The third meeting is with the integral members of court operations itself where these same issues and others raised by the rank and file are addressed.

The Allegheny County Criminal Justice Oversight Board recommended that major changes be made in the Allegheny County Adult Probation Department. The court reorganized Adult Probation naming as interim, and then permanent director, Family Division-Juvenile Section Administrator and

Juvenile Chief Probation Officer James J. Rieland. As Director of Probation Services, Mr. Rieland now heads a combined Juvenile and Adult Probation Department and has accepted the court's mandate that a new evidence-based approach to supervision be initiated.

After examination of the latest and most effective trends in adult probation services, Mr. Rieland has taken on the task of reorganizing and training his staff in a new system of supervision for criminal probationers. The goal of the probation office is to return offenders to the community as productive citizens.

Our pretrial services have also been re-evaluated. The Bail Agency has successfully devised a system to standardize the setting of bail for accused individuals in Allegheny County. This change was made after studying the procedures in many other jurisdictions. An evaluation tool was approved for use in discerning the risk to the community of an accused and the amount of bail and type of other special conditions that would be appropriate in each case. In 2005, the grid has provided a means to standardize the bail set by the 52 magisterial district judges in Allegheny County.

Criminal Court personnel have participated in the development and utilization of a formal training program for minute clerks and tipstaves in the division. Many of these individuals have been cross-trained in the use of the Commonwealth of Pennsylvania Justice Network (JNET<sup>TM</sup>) and sentencing guidelines software to comply with state mandates and provide the statistical information that is necessary for the administration of justice.

Another priority of this administration has been to update facilities in the courthouse that have been sorely neglected in the past. The shining star in this improvement program was the renovation of the Honorable Lester G. Nauhaus' courtroom. It was completed in early 2005. In addition to new paint, a relocated judge's bench and a new jury box, the courtroom now has state-of-the-art communication, computer and video functions. The use of this courtroom will make it possible for the court to conduct hearings for off-site video-conferencing with inmates in the state correctional institutions as well as the county jail, thus saving time and money previously spent transporting inmates.

The much-needed updating of the Honorable John A. Zottola's chambers and courtroom was also completed. The Honorable



Judge Nauhaus' courtroom after renovations were completed in 2005. Technological improvements have been made to the jury box (pictured above) and the witness stand (below). A Power-Lite multi-media projector and twelve 15-inch flat panel screens provide each member of the jury and the witness a better view of evidence presented before court.



Cheryl Lynn Allen's chambers were refurbished on a very small budget by reusing and reconfiguring existing office furniture with the addition of only a few new pieces. The court continued to renovate the courthouse room-by-room and to prevent further deterioration of this historic landmark.

Criminal Division's jury room complex was renovated to better accommodate citizens reporting for jury duty, thanks to the jurors who generously donated their juror fees. In 2005, the Criminal Division summoned 27,390 jurors, 1,870 less than in 2004, realizing a savings of approximately \$21,500. Of the jurors summoned throughout the year, the number deemed necessary to report on a daily basis was reduced, easing the inconvenience of jury service to our citizens while maintaining a diverse and adequate jury pool. In addition to Jury Operations Manager Margaret Cangelier, staff members hired to replace four retiring personnel are Assistant Supervisor Brian Quigley and Voir Dire Clerk Dana Halloran.

# **Criminal Court Employees Learn Self-Defense**



Probation Officers (I-r) Lisa Elliott (seated), Janice Dean, Mike Poluszejko and Darryl Sammartino demonstrate self-defense to Criminal Court employees using pressure point controlled tactics.



Darryl Sammartino (left) looks on while Helen Lynch cuffs Criminal Court employee Richard Garzony.



Mike Poluszejko (right) watches while Mark Bonicontro restrains Criminal Court employee John Elash, Jr.

## **Office of Conflict Counsel**

The Office of Conflict Counsel (OCC) opened February 14, 2005, to provide legal services to low-income and indigent Allegheny County residents charged with a criminal offense for whom Public Defender representation is unavailable. Funding for this project in the amount of \$300,000 was awarded to the court through the U. S. Department of Housing and Urban Development (HUD) for the first year of operation.

J. Richard Narvin, Esquire was appointed by the court to supervise two staff attorneys and a secretary for the first year of operation. In consideration of a \$20,000 grant for the period of May 1, 2005 to April 30, 2006, the court sought the services of Duquesne University's School of Law Criminal Law Clinical Course Program to select, train, supervise and monitor the academic performance of interns assigned to assist OCC staff attorneys. During its initial ten months of operation, the OCC provided legal services to more than 560 indigent defendants.

It is anticipated two additional attorneys will be hired in 2006.



Office of Conflict Counsel staff (front row I-r) Administrator J. Richard Narvin, Esq., Christine Gallo, Veronica Brestensky, Esq., (back row I-r) Matthew Debbis, Esq., and Frank Walker, Esq.

	Disposition Report													
	nplaints Filed	and	rosse/ iss/ Granted	DIVERS	SIONARY	ACQUI	ITTALS		CONV	ICTIONS			SENTENCING	
	Complaints	Remand	Nolle Prosse/ Dismiss/ Judgment Granted	ARD	PWV	Judge/ Non- Jury	Jury	Judge/ Non- Jury	Jury	Plea	PDQ	Probation	ı Incarceration	ı NFS**
— CRIMES AG														
Criminal Homicide	87	0	9	0	0	4	2 7	1	6	10	0	2	17	0
Robbery Kidnapping/Unlawful Restraint	294 12	1 0	142 13	2 2	0	8 2	1	9	7 2	334 19	0	44 11	247 9	29 0
Rape	67	0	40	0	0	0	7	2	1	33	0	0	17	0
Involuntary Deviate Sexual Intercourse	25	0	23	0	0	1	1	2	0	21	0	0	17	0
Indecent Assault	69	0	18	0	0	5	1	4	0	37	0	27	14	5
Other Sexual Offenses	98	0	35	5	0	5	5	2	5	50	2	23	59	2
Aggravated Assault	673	0	263	17	0	22	12	11	8	266	0	41	98	7
Simple Assault	1,279	0	473	64	0	41	5	16	1	589	13	661	208	118
Corruption of Minors	71	0	49	2	0	2	0	2	0	67	0	72	32	12
Subtotal	2,675	1	1,065	92	0	90	41	49	30	1,426	15	881	718	173
— CRIMES AG												_		
Arson	11	0	8	0	0	2	0	1	0	21	0	4	15	1
Burglary Forgery/Counterfeit	726 666	0 2	226 122	17 122	0 1	11 5	1 0	6 5	1 3	594 503	1 30	215 408	270 176	77 124
Theft	1,541	0	277	121	1	18	2	9	0	937	50 57	681	243	139
Retail Theft	794	0	47	12	0	11	0	3	0	617	88	413	222	63
Subtotal	3,738	2	680	272	2	47	3	24	4	2,672	176	1,721	926	404
— DRUG/ALO	COHOL O	FFENSE	s—									,		
Driving Under the Influence	4,460	0	169	2,437	0	46	0	49	5	2,118	385	566	1,807	7
Narcotics/Drug Laws	4,074	0	704	24	585	51	10	47	6	2,592	659	1,851	976	264
Liquor Laws	6	0	1	0	0	0	0	0	0	3	0	0	0	0
Subtotal	8,540	0	874	2,461	585	97	10	96	11	4,713	1,044	2,417	2,783	271
— CRIMES AGA	INST PUB	LIC PE	ACE —											
Criminal Mischief	98	0	10	6	0	1	0	4	0	24	0	35	5	18
Disorderly Conduct	308	4	80	16	0	8	0	2	0	226	29	241	86	181
Prostitution	239	0	23	0	0	3	0	0	0	282	0	163	68	29
Subtotal	645	4	113	22	0	12	0	6	0	532	29	439	159	228
— INCHOATE/MISC Criminal Attempt/ Solicitation	ELLANEO 145	US OFF 0	<b>ENSES</b> — 53	8	3	7	5	2	9	83	7	47	38	4
Criminal Conspiracy	105	0	36	9	0	1	1	0	1	56	1	33	23	6
Escape/Default Appearance	118	0	12	0	0	3	0	0	0	123	1	42	57	20
Firearm Violation/ Offensive Weapons/ Instruments of Crime	361	0	174	3	0	37	4	26	2	331	0	246	206	22
Vehicular Offenses	803	143	98	107	0	6	0	7	1	316	22	274	101	88
*All Other Offenses	333	1	104	138	2	9	3	2	2	408	16	148	114	191
Subtotal	1,865	144	477	265	5	63	13	37	15	1,317	47	790	539	331
Grand Total	17,463	151	3,209	3,112	592	309	67	212	60	10,660	1,311	6,248	5,125	1,407
				*										

<sup>\*</sup>Includes offenses related to local ordinances specific to Allegheny County such as boating laws and animal regulations; also Workers' Compensation Fraud, Medical Assistance Fraud, etc.

<sup>\*\*</sup>No Further Sentence

# **CRIMINAL DIVISION — ADULT PROBATION**



James J. Rieland Administrator

In 1988, the Allegheny County Adult Probation Office received a grant from the Pennsylvania Commission on Crime and Delinquency (PCCD) to start electronic monitoring of sentenced and detained offenders from the Allegheny County Jail. The unit was comprised of one supervisor, six probation officers and one clerical support position. The goal of the unit was to electronically monitor 80 offenders in the community.

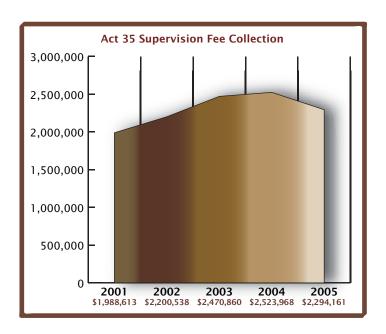
Now in its eighteenth year, Electronic Monitoring (EM) has supervised more than 15,500 offenders. The unit occupies a 6,500 square foot office in the suburb of Castle Shannon. Comprised of a manager, four supervisors, a Drug Court coordinator and a DUI Court coordinator, 31 probation officers, 12 full-time support staff and 7 part-time monitors, the office is manned 24/7, 365 days a year. This office also monitors the emergency number for Adult Probation Services.

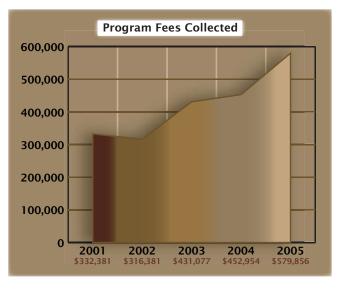
The EM program supervises five categories of offenders: standard electronic monitoring for sentenced and detained offenders, Restrictive Intermediate Punishment started in April of 1992, a Drug Court Unit, a Bail Agency Pretrial Unit and a DUI Court Unit, which started in mid year.

Responsible for screening offenders referred by the court for electronic monitoring, officers install the equipment and set the parameters of supervision for each offender. Officers are in the field on the average of four days per week and are periodically assigned to work evenings, weekends and holidays. Officers closely monitor each offender and enforce special conditions of supervision ordered by the court. They also process routine urine screening, making referrals for offenders who test positive for drug and alcohol usage. Offenders who violate the conditions of electronic monitoring supervision are sanctioned or returned to jail.

During 2005, the EM Unit managed 2,041 offenders with an average monthly population of 614 offenders. Throughout the year, 1,169 offenders successfully completed the program. Eighty-eight offenders either absconded or escaped from supervision, 19 of whom are still at large, with warrants issued by the court for their arrest. Forty-one EM participants were arrested on new charges, 30 of whom are either awaiting court action or have been convicted of new charges. Charges were dismissed or reduced to a summary level for 11 of those in the arrested group, establishing a recidivism rate of less than two percent for the year. One hundred and twenty-seven offenders were returned to jail for technical violations of the program. For the year, the EM unit saved 221,720 jail days and collected electronic monitoring fees of \$579,856,38.

	—Super	rvision—		Transferred out of	—То	tal—	
	Direct	Indirect	Absconder	County	2005	2004	Change
Probation	9,143	1,288	1,052	1,427	12,910	13,500	-4.4%
Parole	721	33	47	51	852	615	39%
Parole-DUI	1,400	27	133	158	1,718	1,896	-9.0%
Probation/Parole	181	29	40	42	292	703	-58%
Intermediate	1,132	27	0	102	1,261	958	32%
ARD	53	1,595	435	114	2,197	2,473	-12%
ARD-DUI	81	3,535	633	59	4,308	5,498	-22%
Probation w/o Verdict	535	76	0	6	617	574	7%
Bail/Bond	46	0	0	0	46	46	0%
TOTAL as of 12/31/05	13,292	6,610	2,340	1,959	24,201	26,263	-8%





Level of Supervision	No. of Defendants per PO
Direct Superv	ision
House Arrest	31
Intensive Drug	58
Domestic Violence	82
Sex Related	140
Mental Health	143
Field	187
Indirect Super	vision
Intermediate	522/PO
Minimum	1,373/PO

	2001	2002	2003	2004	2005
Offenders Served	1,453	1,613	1,811	1,959	2,041
Successful Completions	886	968	1,081	1,159	1,169
Currently on Program	374	462	489	560	619
Escapes	6	7	17	16	9
Absconders	37	44	65	68	76
New Arrests	14	22	11	27	41
Removed/Rules Violations	141	135	146	127	129
Jail Days Saved	109,105	149,881	180,914	192,605	221,720

# "Driving Under the Influence" DUI Court

The court began operating a DUI Treatment Court in June of 2005. The targeted population consists of individuals who have been convicted of three DUI offenses within ten years. Under the present sentencing structure, these defendants face a mandatory minimum sentence of up to one year of imprisonment. DUI Court allows an alternate sentence of Intermediate Punishment (IP) in excess of the mandatory prison sentence, followed by a period of probation.

Presided over by the Honorable Kevin G. Sasinoski, DUI Court requires the service of the mandatory minimum sentence on electronic monitoring. During this time, defendants are

required to engage in and successfully complete a formal alcohol abuse treatment plan. The "Drug Court" supervision model of coerced treatment, in conjunction with a program of graduated sanctions or rewards in response to a defendant's compliance with court supervision, is used to promote positive outcomes.

Regular review hearings before the judge allow for close monitoring of a defendant's status. As with Drug Court, the ultimate goal is to have the individual return as a sober, productive member of his/her family and community.

During 2005, 30 defendants entered DUI Court. This number is expected to grow to 150 defendants per year.





Judge Sasinoski in his chambers before court.

Drug Court team members (I-r) Probation Manager Thomas McCaffrey, District Attorney Paralegal Aleta Pfeifer, Assistant Public Defender William Bickerton, Probation Supervisor Frank Scherer, Judge Sasinoski, Assistant District Attorney Becky Zager, Probation Officers Lisa Colavecchia, John Miller, Eric Jeffries and Jon Rathfon.

#### **Drug Court**

Drug Court completed its eighth year of operation in 2005. It continues to be a collaborative effort of the District Attorney's Office (D.A.), Adult Probation and Allegheny County Human Services. Under the direction of the Honorable Lester G. Nauhaus, Drug Court provides the opportunity for addicted defendants to make a commitment to recovery with the assistance of a court-structured support system. Defendants sentenced to Intermediate Punishment are required to engage in formal treatment while being allowed to participate in positive endeavors such as employment and education. Through regularly scheduled progress hearings, defendants' lifestyles are closely monitored. The court uses a system of timely rewards and sanctions in response to an individual's behavior. Supervision in Drug Court can last up to two and one-half years. The ultimate goal is to have the individual return to his/her family and community as a clean and sober member.

During 2005, 53 defendants entered Drug Court and 24 defendants graduated from the program. There have been a total of 218 graduates since inception. As of the end of 2005, there were 105 defendants under supervision in Drug Court.

The D.A.'s Office reports that 64 percent of graduated defendants have not been re-arrested since their release from court supervision.

#### **CRN Unit**

Under contract to the court with Great Lakes Behavioral Research, Inc., the Court Reporting Network (CRN) staff was responsible for conducting all evaluations ordered by the court on DUI cases. In 2005, the staff completed 4,300 evaluations, and they are responsible for making the final referral to Adult Probation's Regional Alcohol Programs.

#### **SADD Conference**

Once again, Adult Probation sponsored attendance for 100 local high school students from 35 local SADD chapters to the statewide SADD conference held at Seven Springs in November 2005. At \$35 per scholarship, this sponsorship offers SADD students the opportunity to engage in workshops designed to provide information and awareness that they share with other students and use to strengthen their school district's program. This a proven, extremely cost-effective program.

(Continued on Page 44)

#### **Keys for Life**

An ongoing project, keys are given away at probation-sponsored events like Fatal Awareness, Safety Bug and Simulator. The keys are a simple way to deliver a message to our youth that drugs and alcohol kill. The



idea is for them to pledge to make good decisions, then to have the key cut to open a door at their home as a reminder of that choice.

#### **Fatal Awareness Program**

Student representatives from 20 high schools in Allegheny County attended Adult Probation's presentation of "The Second Annual Fatal Awareness Program" on April 11, 2005, at the Sewell Center of Robert Morris College in Moon Township. The Allegheny County Alcohol Highway Safety Program, The Pennsylvania DUI Association, State Farm Insurance, AAA-East Central and Pennsylvanians Against Underage Drinking sponsored this motivational program. Keynote speaker Matt Bellace's message, "How to Get High, Naturally," has been described as a combination of inspiration, interactive demonstrations and stand-up comedy. Pasqualena Mitchell, a wheelchair-bound survivor of an alcohol related accident, is a motivational speaker who spoke first-hand on life before and after her experience with drinking and driving. Other workshop topics were The Road Rageous Program and Survivor 101 presented by Trooper Robin Mungo of the Pennsylvania State Police.

#### **NEW PROGRAM**

#### **Road Rageous Program**

The Adult Probation Department has made it possible to introduce The Road Rageous High School Challenge to numerous area high schools in 2005. As a new exhilarating, preventative program, the Road Rageous Challenge is an interactive, educational live game show. Road Rageous educates teen drivers about the dangers of driving while under the influence, the importance of laws regarding seatbelt safety and provides in-depth information about the dangers and effects of drugs and alcohol. Presenter Aaron Bernard brings his high-energy format to schools looking for a fresh approach to the message of good decision-making. Included in his program are recognized or well-known members of the community. Criminal Division Administrative Judge Donna Jo McDaniel, Pittsburgh Steeler Antwaan Randle El and Pittsburgh Post-Gazette sportswriter Gerry Dulac are just a few who have graciously given their time to be a part of this successful effort. In its first year of production, Road Rageous has been well received. One thing that makes it so popular is its ability to reach a large portion of a school's population.

(Continued on Page 45)



Keynote speaker Matt Bellace demonstrates teamwork with students who attended the Second Annual Fatal Awareness Youth Conference held at Robert Morris University.







# A Hampton High School student tries his luck at operating the



Juvenile Probation Officer Jim Miller (back, right) oversees students participating in the DUI Simulator program at Hampton High School





The new "Ford Focus" Focus on Safety Program at Bethel Park High school.

#### **DUI Simulator**

The DUI Simulator continues to be a popular preventive tool for Allegheny County school districts. Sponsored by the PA DUI Association and organized in cooperation with Adult Probation, the simulator makes participants aware of the dangers associated with driving while intoxicated. The simulator program, paid for from DUI-collected fees, was hosted by ten area high schools in the fall reaching approximately 2,000 students. Traditionally, the only way for new drivers to gain experience was through the use of a car. The simulator is one way for those drivers to gain that additional experience and allows the operator to "drive" under adverse conditions like fog, snow and heavy traffic. It also allows the operator to experience first-hand how alcohol impairs a driver's ability to control a vehicle and how to navigate while other drivers are under the influence. With an authentic dashboard, seat and steering wheel, the simulator provides a realistic, hands-on experience to the young driver. The lessons learned from this program will hopefully translate into improved decision-making, thereby saving lives.

The simulator has been one of the most popular prevention projects because it does not occupy a lot of space, nor does it need a large parking lot.



#### The Safety Bug Program

The Safety Bug continues to be the most popular prevention program facilitated by Adult Probation. The program has been educating our local youth about the dangers of drinking while driving since 2000. While in a controlled environment, the Safety Bug, a modified VW Beetle, has been engineered to demonstrate the loss of control that an impaired driver experiences. This allday program continues to deliver the message that bad decisionmaking can lead to death more powerfully than any lecture or textbook ever could.

In 2005, we brought the Safety Bug to 15 high schools in Allegheny County.

In 2004, the National Institute for Drinking and Driving named the Safety Bug its national prevention program of the year.

#### **State Youth Rally**

On October 19th, 450 students from across the state joined legislators for the "Fifth Annual Youth Rally Day" at the Capitol in Harrisburg. The purpose of this yearly rally is to promote the improvement of state laws regarding underage drinking. Adult Probation Services sponsored 60 students to attend this program. As a part of the rally, students participated in a morning of training. The group then marched to the Capitol for a news conference with legislators. The strong messages delivered inside the rotunda were underage drinking costs our citizens over \$2 billion per year, and our communities need to deal with these dangers and costs.

We believe sponsorship of this event helps to promote involvement by the General Assembly, youth and adults across the Commonwealth.

#### **Ignition Interlock Program**

The Adult Probation Ignition Interlock Program in 2005 continued to deliver quality assurance to the citizens of Allegheny County that their roads are safer as a result of our efforts. Statewide, repeat DUI offenders drove 37 million safe miles as a direct result of Interlock. In Allegheny County, participants drove 3 million miles alcohol-free.

Designed to prevent an automobile from starting while the operator is under the influence of alcohol, interlock devices prevented 350 offenders from starting and driving their vehicles when the registered blood alcohol was greater than the .08 legal limit.



In 2005, Allegheny County had the highest number of participants in Pennsylvania's Interlock program, totaling 11 percent of the state's interlock clientele.

As a result of the great work being done by this program, the Quality Assurance Team from PennDOT has once again rated our program number one in the state.

#### **Designated Driver Booth**

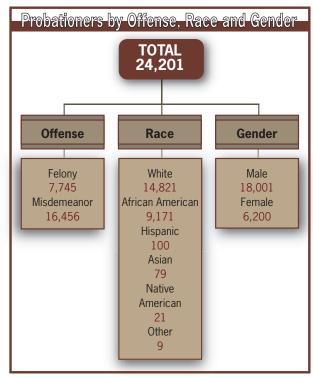
Entering our third year, Adult Probation once again sponsored a booth at the Chevrolet Amphitheater Station Square. As a yearly attraction for people of all ages from across our region, we maintain a strong presence at shows that are attended most frequently by young adults.

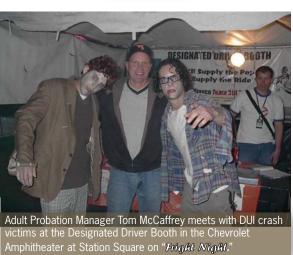
Designed to raise awareness about the dangers and ramifications of DUI, the designated driver booth provides literature about the DUI laws but, more importantly, allows anyone willing to pledge to be that night's designated driver free access to non-alcoholic beverages.

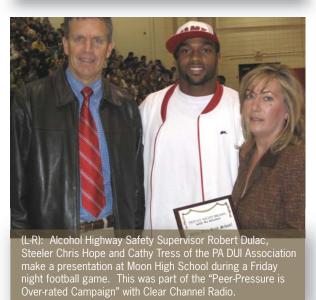
#### **Clear Channel Project**

In 2005, Adult Probation renewed its effort to raise awareness of the dangers of drinking and driving to all citizens. Usually, the first step in this type of campaign is to gain public opinion, and then to educate.

(Continued on Page 47)













The Clear Channel Radio Campaign was designed to achieve those goals. Our largest effort, the project took on many faces this year. Beginning with Steeler Radio broadcasts, the message to "pass" your keys to a sober driver was received by the largest audience. Delivered by WDVE and Fox 970, the demographics of this audience is huge. The Steelers going to the Super Bowl was a bonus to this endeavor, which no doubt increased the targeted audience.

In addition to play-by-play broadcasts, our sponsorship included 40 messages that were delivered at Friday night high school football games broadcast by Fox 970; 105 messages for *In the Locker Room* with Tunch and Wolf; and, finally, three appearances by Pittsburgh Steeler Chris Hope, who appeared at Moon High School, Penn Hills High School and The Academy.

#### **Mental Health Court**

As we look back on another year, it is time to acknowledge the dedication and success of the Mental Health Court. The stated goal of the program, which began June 1, 2001, is "to provide a countywide, community-based, integrated system of treatment and care for individuals with mental disabilities who are involved in the criminal justice system while ensuring public safety." The collaborative efforts of the offices of the District Attorney, Public Defender, Forensic Support, Adult Probation/Parole, along with district judges and mental health providers and, particularly, the Honorable Robert E. Colville and his staff, have resulted in its gaining national recognition. At this point, Mental Health Court is among the finalists under consideration by the U.S. Bureau Of Justice Assistance for Service as a nationwide model. A final decision is expected during spring 2006.

During its first four years of operation, 1,394 referrals and assessments occurred, resulting in the acceptance of 407 clients into Mental Health Court. Just over half of the clientele admitted into the program had committed a property crime. Only 12 percent of the participants were arrested on new charges following program involvement, while 8 percent were confined to jail for probation/parole violations. Those who have worked with this offender population recognize the special degree of success such numbers represent.

Our appreciation and congratulations are extended to all involved with Mental Health Court.

# **CRIMINAL DIVISION** — Bail Agency



John A. Young Manager

he mission of the Bail Agency is to provide the court, members of the bar and residents of Allegheny County with comprehensive pretrial and diversionary services in compliance with state and local rules of criminal procedure.

Some significant changes that affected the operation of the Court Bail Agency in 2005 included:

- —The merging of the agency Jail Investigative and Forfeiture Units for improved case management.
- —The creation and implementation of a point scale system to facilitate uniformity to the setting of bail.
- —The institution of the Allegheny Standardized Arrest Program (ASAP) at the Arraignment Court level.

The following is a description of the Bail Agency functional units and accomplishments in 2005.

#### **Arraignment Court Unit**

The primary responsibility of this unit within the Court Bail Agency is to compile information that magisterial district judges base their bail decisions upon at the time of arraignment. Operating out of an office in the Allegheny County Jail, Bail Agency investigators interview criminal defendants, verify the information provided, obtain copies of the defendant's criminal history and check for case dispositions, active warrants and probation/parole status, all in preparation for the preliminary arraignment. Based upon the information obtained, a recommendation is made to a magisterial district judge as to the amount and type of bail appropriate for each case. In 2005, Arraignment Court Investigators interviewed and made recommendations to arraigning officials in 22,516 cases, a 6.8 percent increase over the 2004 total of 21,081.

Two of the changes previously mentioned have had a major impact upon the Arraignment Unit's handling of criminal cases, those being the Allegheny Standardized Arrest Program (ASAP) and the creation and implementation of a risk assessment tool and point scale system.

ASAP, a computer program designed to standardize and streamline the filing of criminal cases and the procedures leading up to the preliminary arraignment, allows Bail Agency investigators to enter information, including bail recommendations, into the system and forward it electronically to a magisterial district judge for use at the time of arraignment.

The newly created risk assessment tool and point scale system were designed to provide methods to objectively develop bail recommendations by assigning values to state mandated

Art

Bail/Bond

release criteria that establish bail amounts based on point totals. While this system emphasizes the use of objective criteria when recommending bail, it is merely a guide, and allows for individual circumstances to be considered for each case.

#### Jail Investigative/Bond Forfeiture Unit

The result of a merger in 2005, the Jail Investigative/Bond Forfeiture Unit's purpose is twofold:

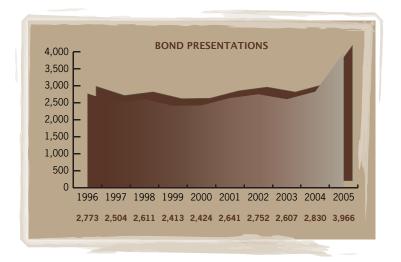
- 1. To review, evaluate and possibly present in court the cases of individuals lodged in the Allegheny County Jail in lieu of bail.
- 2. To attempt to reintegrate into the criminal justice system those individuals who have failed to appear in court when required.

Following the arraignment and lodging in the Allegheny County Jail of individuals unable to post bond, Bail Agency investigators from this unit begin the process of examining these cases to determine whether or not an appropriate bond has been set. Upon completion of these evaluations, a case may be presented for a review of bail in open court by a Common Pleas Court judge. Cases may also be presented at the request of attorneys, family members and friends and the defendants themselves.

In the case of bond forfeiture, staff of the Jail Investigative/Bond Forfeiture Unit work to bring back into the system criminal defendants who have failed to appear at various court proceedings. These investigators attempt to resolve cases of bond forfeiture by contacting the individual, having them report to the Bail Agency and presenting their cases in court for bail reinstatement. In the case of willful, non-compliant forfeitures, unit members will work closely with law enforcement officials to have those defendants apprehended.

	_						
BOND FORFEITURES							
	2002	2003	2004	2005	% Increase/ Decrease 2004 to 2005		
Sentencing	48	32	33	45	36.4%		
ARD	126	78	61	63	3.3%		
Pretrial Conference	475	447	519	513	-1.1%		
Preliminary Hearing	895	813	1,078	1,025	-4.9%		
Trial	1,210	1,239	1,284	1,180	-8.1%		
Formal Arraignment	1,217	1,332	1,513	1,545	1.8%		
TOTAL	3,971	3,941	4,488	4,371	-2.6%		
					,		

In 2005, Jail Investigative/Bond Forfeiture Unit investigators appeared at 3,966 court proceedings involving bail.



#### **Pretrial Electronic Monitoring Unit**

Established in December 2000 as a joint venture with the Allegheny County Adult Probation Office, Pretrial Electronic Monitoring was created as a means to alleviate jail overcrowding by allowing the restricted release of defendants awaiting disposition of their cases in Criminal Court.

Electronic Monitoring personnel review the cases of individuals held in the Allegheny County Jail who are not otherwise eligible for release on reduced bond. Suitable candidates have their cases presented to the court with a request that bond be modified on the condition they be restricted to their residences and abide by stipulated rules and regulations. Compliance is verified by the use of electronic monitoring equipment as well as case managers. In 2005, 145 Criminal Court defendants were released on Pretrial Electronic Monitoring, saving the taxpayers of Allegheny County an estimated \$1,169,604\* as well as eliminating a total of 24,223 days of incarceration in the Allegheny County Jail.

\*Based on an estimated \$60 per day to house an inmate in the Allegheny County Jail.

Pretrial Electronic Monitoring benefits the residents of Allegheny County in three ways:

- —Eliminates the cost of housing defendants in the county jail.
- —Allows individuals to become involved in productive activities while awaiting disposition of their cases.
- —Restricts the movements of criminal defendants awaiting further court action.

As evidenced by both internal and external changes, the Court Bail Agency has and will continue to evolve to meet the changing needs of the court as well as the general public.

# **CRIMINAL DIVISION** — Behavior Clinic



Gearldean Young Manager

he Behavior Clinic, a relatively small entity of the Criminal Division, consists of a manager, two psychiatric social workers and three clerical staff. Four permanent part-time psychiatrists combined to evaluate 2,685 defendants in 2005, each doctor averaging 670 evaluations.

The primary function of the Behavior Clinic is to determine a defendant's competency to stand trial. Defendants are referred to the Behavior Clinic by several means including judges, district judges,

attorneys, probation officers and, on occasion, by a member of the defendant's own family.

Evaluations by Offense	2004	2005
Aggravated Assault	253	266
Arson*	36	52
Burglary	133	144
Corrupting the Morals of a Minor*	31	254
Disorderly Conduct	121	136
Driving Under the Influence	23	17
Endangering the Welfare of a Child*	106	165
Harassment*	102	126
Homicide*	105	79
Indecent Assault*	119	123
Indirect Criminal Contempt*	9	7
Indecent Deviate Sexual Intercourse*	44	55
Indecent Exposure*	101	100
Kidnapping*	27	9
Loitering and Prowling	15	7
Miscellaneous	155	201
Rape*	90	118
Reckless Endangerment of Another Person	78	92
Simple Assault	388	402
Stalking*	106	116
Terroristic Threats	96	101
Violation of the Uniform Firearms Act	12	11
Violation of Probation	22	17
Violation of the Controlled Substance Act	69	72
TOTAL	2,241	2,670
*Mandatory Evaluation		

BEHAVIOR CLINIC ACTIVITY	
—Court Appearances	72
—Evaluations of Defendants Discharged	111
from Mayview State Hospital	
—Involuntary Mental Health Commitments	120
—Evaluations by Judicial Request	182
—Re-Evaluations (Second Opinions)	155
—Psychological Testing	1
—Social Histories	258

Crimes that require mandatory evaluations by the Behavior Clinic are noted in the statistical table. Additional charges also requiring Behavior Clinic evaluations are criminal attempt of any of these charges, animal-cruelty related charges and any case where the court orders an examination.

Of 24 charges tracked by the Behavior Clinic, there were increases in 16. However, the most significant increases were Corrupting

The Morals Of A Minor followed by Endangering The Welfare Of A Child. Defendants committed to the Allegheny County Jail with a Behavior Clinic detainer cannot be released, even if the bond is paid, (except under certain conditions) until evaluated by a Behavior Clinic doctor.

# **CRIMINAL DIVISION** — Miscellaneous Courts



Joseph DeMarco Manager

In its second year of operation, Miscellaneous Courts is a branch of the Criminal Division consolidating the caseloads of Summary Appeals, Accelerated Rehabilitative Disposition (ARD) and Plea Disposition Quickie (PDQ). The Honorable Robert C. Gallo presides over Miscellaneous Courts matters with the exception of civil summary appeals that are referred to Civil Division Administrative Judge R. Stanton Wettick, Jr., for judicial assignment. Miscellaneous Courts staff electronically monitors the disposition of civil summary appeals cases filed with the Allegheny County Prothonotary. Summary and statutory appeals of magisterial district judge rulings pertaining to criminal citations filed with the Clerk of Courts are tracked from filing to disposition by Miscellaneous Court staff.

Centralization of case data affords efficient management of increased filings in Miscellaneous Courts. There were a total of 900 nunc pro tunc appeals filed in 2005, an increase of 50 cases in comparison to 2004, 200 more than 2003. Total dispositions of over 5,000 summary cases in 2005, comparable to the previous three years, included summary trials, nunc pro tunc hearings and Clerk of Courts delinquent cost hearings (see table below).

	New					
	Cases	Filed	Cases Disposed			
	2004	2005	2004	2005		
Zoning Board	66	62	46	47		
Civil Service	5	2	2	1		
Motor Vehicle Code Suspensions	1,138	1,019	1,138	997		
Liquor Control Board	5	5	4	4		
Miscellaneous	62	193	58	178		
Criminal Summary Convictions	2,772	2,800	3,509	4,062		
TOTAL	4,048	4,081	4,757	5,289		

Diversionary programs, ARD and PDQ, are designed to fast-track cases of first-time offenders charged with less serious non-violent crimes. Eligibility is determined by the District Attorney's Office. The PDQ and ARD programs diverted 4,489 cases from the Criminal Court docket in 2005 with disposition totals similar to 2004. PDQ dispositions decreased slightly from 2004. A total of 3,504 ARD hearings were scheduled in 2005; dispositions of 3,112 were 81 more than 2004 (see criminal disposition statistics on Page 40).

Generally, mass colloquies for ARD and PDQ dispositions are scheduled on alternating Fridays each month. ARD clerk Sandra Marino and PDQ clerk Jerry Richard maintain the court records for all cases in the respective programs.

When Judge Gallo was attending to other judicial duties, the Honorable Kevin G. Sasinoski, the Honorable Lawrence J. O'Toole, the Honorable Gerard M. Bigley and the Honorable Michael A. Della Vecchia presided over Miscellaneous Courts in 2005. Supervised by Joseph DeMarco, PDQ and ARD clerical staff and Summary Appeals staff Joane Kampas and Andrea Surgent are committed to processing cases efficiently and in a timely manner to best serve the public interest. One measure of success of diversionary programs and timely disposition of Summary Appeals can be gauged by the cost-savings to Allegheny County taxpayers.



Judge Robert C. Gallo

With minimum staff, hundreds of cases are processed and disposed each month, many involving probationary sentences requiring defendants to pay costs of prosecution, fines and fees related to special circumstances such as drug/alcohol testing, house arrest, electronic monitoring and special services.

# **MAGISTERIAL DISTRICT COURTS**



Nancy L. Galvach Manager

It was an exciting and busy year in Allegheny County's minor judiciary, right from the first day. Following two years of study, Pittsburgh Magistrates Court was replaced with Pittsburgh Municipal Court (PMC) by Order of the Pennsylvania Supreme Court. No longer would the judiciary in this court be comprised of appointed magistrates. Sitting on the various benches of the court are the 12 magisterial district judges elected by the citizens of the City of Pittsburgh. The entire court is computerized on the Magisterial District Judge (MDJ) System used by all minor judiciary courts in the Commonwealth. The court has been reorganized into the Criminal, Traffic, Non-Traffic and Warrant areas. Personnel are Allegheny County employees. All payments are receipted in a central cashier's area, and warrants are issued and served by the Office of the Allegheny County Sheriff. There is a diversionary program to remove Accelerated Rehabilitative Dispositions (ARD's), Plea Disposition Quickies (PDQ's) and other pleas, withdrawals, prosecution and postponements from PMC's criminal docket.

One major change has occurred in the former Housing Court, which had adjudicated ordinance violations written as non-traffic citations by the city's various code enforcement officers. Non-traffic citations are also written by city police officers, and they were previously filed in the court's traffic area. Under the reformed court, all non-traffic citations are now filed and heard in their own distinct area of the court.

Ordinance violation hearings are scheduled on Thursdays and President Judge Joseph M. James has assigned Magisterial District Judge Kevin Cooper exclusively to hear them.



Pittsburgh Municipal Court supervisors (seated I-r) Theresa Bronowicz, Criminal; Patricia Reed, Cashier; Judy MacFarlane, Traffic; (standing I-r) Todd Lesesne, Non-Traffic and Warrants; and Jerry Cavalovitch, PMC.

Jerry Cavalovitch, PMC's supervisor, coordinates three courtrooms, 12 judiciary and 35 PMC employees.

Preliminary hearings on homicide and some homicide-related charges, previously scheduled by and heard in the Coroner's Office, were moved by Local Rule to PMC in 2005. The court has been successful in scheduling these difficult cases within the required three to ten days.

As a result of a Court Security Committee convened by Pennsylvania Supreme Court Justice Sandra Schultz Newman, plans were laid to install panic buttons and surveillance cameras in every magisterial district court.

Another change in 2005 was in the title of the court's judicial officers from District Justice to Magisterial District Judge. Allegheny County MDJ's, in addition to the mandatory continuing education presented by the Minor Judiciary Education Board, underwent training

(Continued on Page 57)



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05-2-31 Pittsburgh — Wards 10 and 11 Morningside Stanton Heights Garfield Highland Park Ward 8

412-621-2202 Phone: Fax: 412-681-5794 Bloomfield



Linda I. Zucco

10101 Saltsburg Road Pittsburgh, PA 15239

Phone: 412-793-2727 412-793-1355 Fax:



Regis C. Welsh, Jr.

Coventry Square Office Center

4655 Route 8-Suite 124F Allison Park, PA 15101

Phone: 412-486-0454 412-486-2576 Fax:

100 Penn Plaza Shopping



Nathan N. Firestone

05-2-35 5850 1/2 Forward Pittsburgh — Avenue Ward 14 Pittsburgh, PA 15217

Squirrel Hill

Swisshelm Park Point Breeze

05-2-32

Plum

412-521-9288 Ward 7 Phone: Shadyside 412-521-3400 Fax:



Scott H. Schricker

05-2-47 Chalfont North Braddock East Pittsburgh

05-2-46

Hampton

Pine Richland

Turtle Creek City of Duquesne

05-3-02

Leet

Leetsdale

Phone:

Center

Penn Avenue

412-824-6201 412-824-6364 Fax:

190 Ohio River Boulevard

Turtle Creek, PA 15145



James J. Hanley, Jr.

4371 Murray Avenue Pittsburgh — Pittsburgh, PA 15217

Wards 15 and 31 Hazelwood Hays Lincoln Place

05-2-36

412-521-7782 Greenfield Phone: Fax: 412-521-3500

Robert L. Ford

Aleppo Osborne Bell Acres Sewickley Edgeworth Glenfield Haysville

Sewickley Hts. Sewickley Hills

> 724-266-7179 Phone:

Box 153

Fax: 724-266-74220

Leetsdale, PA 15056

Charles A. McLaughlin

05-2-38 736 Brookline Boulevard Pittsburgh — Ward 19 Pittsburgh, PA 15226

Mt. Washington Beechview

Brookline Duquesne Heights

Phone: 412-343-1188 Station Square Shops 412-343-6667 Fax:



David J. Sosovicka

05-3-03 Cheswick Springdale Boro Springdale Township Harmar

425 Pittsburgh Street Springdale, PA 15144

724-274-4801 Phone: 724-274-2515 Fax:



**Cathleen Cawood Bubash** 

05-2-40 421 East Ohio Street Pittsburgh — Pittsburgh, PA 15212 Wards 21, 22, 23, 24, and

25 Lower North Side Troy Hill

Manchester Phone: 412-321-0788 412-321-4014 Allegheny Center Fax:

Robert P. Ravenstahl, Jr.



Suzanne Blaschak

05-3-04 East Deer Frazer West Deer 2060 Saxonburg Boulevard Gibsonia, PA 15044

Phone: 724-265-2380 724-265-2727 Fax.



05-2-42 Pittsburgh — Wards 26 and 27 Upper North Side Perrysville

3874 Perrysville Avenue Pittsburgh, PA 15214

412-321-0116 Phone: 412-321-0702 Fax:



Thomas G. Miller, Jr.

05-3-05 Versailles White Oak South Versailles Lincoln

Shopping Center 1985 Lincoln Way White Oak, PA 15131

Rainbow Village

412-672-3916 Phone: 412-672-3922 Fax:



Carla Swearingen

05-2-43 5624 Steubenville Pike Pittsburgh — McKess Rocks, PA 15136 Ward 28

Broadhead Manor Westgate

Crafton Heights

412-787-5000 Robinson Phone: 412-787-5510 Fax:



**Mary Ann Cercone** 

05-3-06 McKees Rocks Kennedy Stowe

104 Linden Avenue McKees Rocks, PA 15136

Phone: 412-331-3414 412-331-3422 Fax:

Photo Not 05-3-09 City of Clairton Glassport Liberty Port Vue One Allegheny Square Suite One

**Armand Martin** 

Glassport, PA 15045

Phone: 412-673-0864 Fax: 412-673-0467 Photo

Anna Marie Scharding

05-3-15
500 Brownsville Road
Pittsburgh — Pittsburgh, PA 15210

Pittsburgh —
Wards 18 and 30
Allentown
Knoxville
Beltzhoover

 Mt. Oliver
 Phone:
 412-481-0539

 Bon Air
 Fax:
 412-481-5061

Sally Ann Edkins

Anthony W. Saveikis

D5-3-10 4211 Bu
Pittsburgh — Suite 1
Wards 6 and 9 Pittsburg
Lawrenceville
Arsenal

4211 Butler Street Suite 1 Pittsburgh, PA 15201

Phone: 412-681-1558 Fax: 412-681-5300 Upp Upp

05-3-16 Upper St. Clair Sainte Clair Plaza Suite 300 1121 Boyce Road Pittsburgh, PA 15241

Phone: 724-941-6724 Fax: 724-941-3413

Kevin E. Cooper

Photo Not vailable 05-3-12 Pittsburgh — Ward 12 East Liberty Ward 13 Homewood 566 Brushton Avenue Pittsburgh, PA 15208

Phone: 412-241-1165 Fax: 412-241-3600

Available

05-3-17 McDonald Oakdale Findlay North Fayette

8052 Steubenville Pike Oakdale, PA 15071

Phone: 724-695-2070 Fax: 724-695-3761

Vacant

Richard G. King

05-3-13 635 Hillsboro Street
Pittsburgh — Pittsburgh, PA 15204
Ward 20
West End

Phone: 412-331-9828 Fax: 412-331-0475 Photo Not 05-4-01 Millvale Reserve Richard K. McCarthy

Richard H. Zoller

517 Lincoln Avenue Pittsburgh, PA 15209

Phone: 412-821-5580 Fax: 412-821-4271

05-3-14
Pittsburgh —
Wards 29 and 32
Carrick
Overbrook
East Brookline
Mon Wharf
Station Square
Parking Lots

Sheraden Elliott

> 2308 Brownsville Road Pittsburgh, PA 15210

Phone: 412-884-1511 Fax: 412-884-3135 Photo Not 05-4-02 Oakmont Verona

600 W. Railroad Avenue Verona, PA 15147

Phone: 412-828-4488 Fax: 412-828-4540

#### Senior Magisterial District Judges

Edward Burnett
Raymond L. Casper
Frank Comunale, III
Mark B. Devlin
Nancy L. Longo
Lee G. Peglow
Douglas W. Reed
Richard J. Terrick
Edward A. Tibbs



Judge James R. McGregor

The Honorable James R. McGregor, retired judge of the Court of Common Pleas, was retained by the court in an administrative capacity to provide on-site evaluations of existing practices at Pittsburgh Municipal Court (PMC) in 2005. Concentrating on criminal processes, Judge McGregor was also requested to examine housing and traffic court operational procedures. Taking into account the perspective of Magisterial District Judges (MDJ's), Judge McGregor devised proposals to improve the efficiency and the quality of court services. Further, his work provided an in-depth analysis of issues involving workloads, scheduling and facilities in need of remedial action. Judge

McGregor's considerable judicial experience was critical to prompt identification of the problematic issues and consequent resolution by court administrators.

presented by the Honorable Jeffrey Manning, who sits in the Criminal Division, prior to presiding over homicide preliminary hearings. Training was also offered on hearings in domestic violence cases presented by the Honorable Eugene F. Scanlon, Jr., Administrative Judge of the Family Division.

Preliminary hearings in Act 33 cases – juveniles charged as adults – that had been heard in the Juvenile Section of Family Division were also moved to PMC in 2005 and are presided over by magisterial district judges.

Magisterial District Court 05-3-14 was moved to a larger facility more centrally located within the newly created district. Court 05-3-03 was moved to a new, larger location adjacent to Route 28. Additionally, Court 05-3-13 was moved to more modern facilities. When a court's location is changed, it has been the policy of the Court Administrative Office to provide new furnishings for magisterial district judges and staff whenever possible.

There were 292,777 filings in magisterial district courts during 2005, an average of 5,630 per judge. Although the district's optimum filing-to-staffing ratio is 1,500/1, 30 courts exceeded that ratio during the year. The adequate staffing of our courts is challenging and requires constant monitoring of filings-to-staff ratios, so that they may be "tweaked" by assigning traveling secretaries to help in courts exceeding the staffing ratio goal. Unfortunately, due to semi-permanent assignments, only about five of the ten traveling secretaries were available to fill absences, leaving none available for understaffed courts.

Rule changes require more staff work, police departments increase the number of officers, truancy filings increase because of federal mandates and other increases to workload beyond the control of the court continue to add to Magisterial District Court caseloads. The court, however, makes every effort to continuously resolve staffing issues and to expeditiously comply with all legal mandates.

_					Landlord/	Non-	Private	
		Traffic	Criminal	Civil	Tenant	Traffic	Summary	Total
05-2-01	Hon. Donald H. Presutti	5,962	436	312	237	840	596	8,383
05-2-02	Hon. Richard G. Opiela	3,207	865	463	158	799	743	6,235
05-2-03	Hon. Robert P. Dzvonick	2,773	646	267	114	1,010	375	5,185
05-2-04	Hon. Elissa M. Lang	4,119	432	364	108	899	40	5,962
05-2-05	Hon. Carolyn S. Bengel	1,082	383	310	200	776	525	3,276
05-2-06	Hon. Leonard J. HRomyak	1,453	708	1,007	470	1,084	719	5,441
05-2-07	Hon. Walter W. Luniewski	1,366	646	480	362	848	284	3,986
05-2-08	Hon. Susan Evashavik	3,419	427	179	118	982	354	5,479
05-2-09	Hon. Ross C. Cioppa	4,080	728	285	371	1,547	58	7,069
05-2-10	Hon. Alberta Thompson	998	780	331	695	683	13	3,500
05-2-11	Hon. Robert L. Barner	3,348	779	238	298	1,120	828	6,611
05-2-12	Hon. William K. Wagner	5,560	444	356	64	503	237	7,164
05-2-13	Hon. Thomas S. Brletic	2,516	807	615	764	2,711	77	7,490
05-2-14	Hon. Richard D. Olasz, Jr.	1,480	740	451	155	845	339	4,010
05-2-15	Hon. Thomas Torkowsky	2,034	687	228	217	1,781	102	5,049
05-2-16	Hon. Mary Grace Boyle	3,499	448	374	127	621	72	5,141
05-2-17	Hon. David J. Barton	2,894	463	455	202	696	43	4,753
05-2-18	Hon. John N. Bova	3,227	790	295	360	952	31	5,655
05-2-19	Hon. Blaise P. Larotonda	4,907	537	307	194	1,072	76	7,093

					Landlord/	Non-	Private	
		Traffic	Criminal	Civil	Tenant	Traffic	Summary	Total
05-2-20	Hon. Robert C. Wyda	2,623	345	256	105	582	83	3,994
05-2-21	Hon. Elaine M. McGraw	4,603	517	397	76	594	428	6,615
05-2-22	Hon. Gary M. Zyra	2,181	414	288	121	355	184	3,543
05-2-23	Hon. Dennis R. Joyce	3,473	453	313	185	684	211	5,319
05-2-25	Hon. Mary P. Murray	2,538	707	749	220	1,004	220	5,438
05-2-26	Hon. Ernest L. Marraccini	993	222	418	99	508	39	2,279
05-2-27	Hon. Eileen M. Conroy	1,815	2	402	505	619	56	3,399
05-2-28	Hon. Oscar J. Petite, Jr.	943	8	598	744	614	290	3,197
05-2-31	Hon. Ron Costa, Sr.	36	9	578	1,111	676	91	2,501
05-2-32	Hon. Linda I. Zucco	1,534	287	258	198	254	132	2,663
05-2-35	Hon. Nathan N. Firestone	732	4	364	289	380	50	1,819
05-2-36	Hon. James J. Hanley, Jr.	14	60	216	201	4	60	555
05-2-38	Hon. Charles A. McLaughlin	256	196	408	304	597	212	1,973
05-2-40	Hon. Cathleen Cawood Bubash	524	12	331	512	195	227	1,801
05-2-42	Hon. Robert P. Ravenstahl, Jr.	72	12	351	532	992	70	2,029
05-2-43	Hon. Carla Swearingen	3,924	573	348	221	551	134	5,751
05-2-46	Hon. Regis C. Welsh, Jr.	4,352	461	471	51	466	348	6,149
05-2-47	Hon. Scott H. Schricker	1,107	594	645	459	1,551	1,056	5,412
05-3-02	Hon. Robert L. Ford	5,370	153	126	43	206	34	5,932
05-3-03	Hon. David J. Sosovicka	3,255	333	248	57	542	251	4,686
05-3-04	Hon. Suzanne Blaschak	1,375	248	181	28	326	1,105	3,263
05-3-05	Hon. Thomas G. Miller, Jr.	714	288	353	82	289	43	1,769
05-3-06	Hon. Mary Ann Cercone	1,584	837	377	398	1,689	72	4,957
05-3-09	Hon. Armand Martin	1,041	655	695	150	2,300	78	4,919
05-3-10	Hon. Eugene Zielmanski	5	24	201	207	106	53	596
05-3-12	Hon. Kevin E. Cooper	42	4	340	721	706	520	2,333
05-3-13	Vacant	350	5	195	300	336	64	1,250
05-3-14	Hon. Richard G. King	934	80	344	276	805	468	2,907
05-3-15	Hon. Anna Marie Scharding	1,016	170	282	235	384	28	2,115
05-3-16	Hon. Sally Ann Edkins	992	77	109	1	133	56	1,368
05-3-17	Hon. Anthony W. Saveikis	5,546	495	798	323	687	170	8,019
05-4-01	Hon. Richard K. McCarthy	1,317	232	89	64	362	19	2,083
05-4-02	Hon. Richard H. Zoller	1,497	199	94	43	452	150	2,435
05-0-03	Pittsburgh Municipal Court	46,832	13,485	0	0	10,739	1,170	72,226

# **JUDICIAL TRANSITIONS** — Awards and Honors

On April 21, 2005, the Supreme Court of Pennsylvania reappointed the Honorable Eugene F. Scanlon, Jr., Family Division Administrative Judge, to the Domestic Relations Procedural Rules Committee for a second three-year term, beginning April 26, 2005. The committee, created by the Supreme Court in 1987, "is designed to simplify domestic relations practice by recommending amendments to the procedural rules relating to support, custody, divorce and protection from abuse." The goal of the committee is "to promote statewide uniformity of practice, to streamline procedure and to encourage the expeditious disposition of family law matters." By reviewing new legislation and court decisions, the committee evaluates practices and procedures with regard to current and proposed rules. Committee members, appointed to three-year terms, include family law judges, practitioners and a district court administrator.



The Allegheny County Bar Association honored the Honorable Cheryl Lynn Allen in 2005 with its Juvenile Justice Award. Judge Allen was recognized for her efforts to improve the juvenile justice system. Before being transferred to the Criminal Division in April 2004, Judge Allen served 12 years in the Juvenile Section of the Family Division, including four years as its supervising judge. Throughout her tenure as a Family Court judge, she was committed to protecting the rights of all individuals, youth and adults, who appeared in Juvenile Court. Family Division Administrative Judge Eugene F. Scanlon, Jr. commented that Judge Allen, committed to the youth of Allegheny County, had been dedicated and diligent in implementing the principles of Balanced and Restorative Justice.



In mid-December, Pennsylvania Governor Edward Rendell nominated the Honorable Cynthia A. Baldwin, Allegheny County Court of Common Pleas Civil Division Judge, to fill a vacancy on the Pennsylvania Supreme Court. A two-thirds vote of the state Senate, most likely to occur in early 2006, is needed to confirm the appointment. Judge Baldwin will be the second African-American female judge to serve on the commonwealth's highest appellate court. In 1989, she was the first African-American woman elected to the Allegheny County Court of Common Pleas bench. Governor Rendell praised Judge Baldwin for her integrity and work ethic,



noting that she "has intellect that is without peer." As Judge Baldwin prepares to be interviewed by each of the 50 state senators and a confirmation hearing before the Senate Judiciary Committee, this court has no doubt that she will soon be Justice Baldwin, advancing the cause of justice statewide just as she did in the Fifth Judicial District.

In mid-March 2005, the Pennsylvania Senate approved three gubernatorial nominees to fill vacant seats on the Allegheny County bench. Pittsburgh City Councilman Alan D. Hertzberg, First Assistant District Attorney Edward J. Borkowski and Chair of the Allegheny County Property Assessment Appeals and Review Board Patricia A. McCullough, who served by appointment through 2005 in the Family Division, were required to compete for seven available seats in the November election. Successful judicial candidates who began 10-year terms on the bench on

January 3, 2006, are former Pittsburgh Steeler and attorney Dwayne D. Woodruff, personal injury attorney Beth A. Lazzara, Judge Borkowski, former federal prosecutor and defense attorney Anthony M. Mariani, Family Court attorney Kathryn M. Hens-Greco, Judge Hertzberg, and former City of Pittsburgh Controller Thomas E. Flaherty. Judges Woodruff, Lazzara, Borkowski and Mariani won both parties' nominations in the May primary. With the exception of Judge Mariani who was assigned to the Criminal Division, the new judges will serve in the Family Division.

The Honorable Edward J. Borkowski, 53, former chief county homicide prosecutor, was nominated by Governor Rendell in April 2003 to fill a vacancy resulting from a resignation. Previously an assistant district attorney for approximately 18 years (1985-1987 and 1990-2005), Judge Borkowski prosecuted high-profile homicide cases for the last six. He functioned as the D.A.'s Chief Trial Deputy and First Assistant District Attorney. From 1987 to 1990, he presided over criminal, traffic and Housing Court matters in the City of Pittsburgh Magistrates Court by appointment. While attending law school, the judge worked in the D.A.'s Appellate Unit as a paralegal (1981-1985) and interned with Common Pleas Court Judge I. Martin Wekselman and Commonwealth Court Judge Francis A. Barry. Judge Borkowski graduated in 1985 with a Juris Doctorate degree from Duquesne University School of Law, a member and editor of Law Review. After earning a Bachelor of Arts degree, cum laude, from Duquesne University in 1974, he attended the University of Pittsburgh Graduate School of Social Work, receiving a Master of Social Work degree in 1976. Since 1999, the judge has been an adjunct professor of law at both Duquesne and Pitt. Currently assigned to Juvenile Court, Judge Borkowski has been an advocate for children throughout his career. For five years before entering the field of law, he provided social services to children, adolescents and families through local school districts, agencies and the Boys

and Girls Club of Pittsburgh. He worked at the club's Lawrenceville facility and summer camp for 15 years in various capacities and has served on its Board of Directors since 1996. For several years in the late 1990's, the judge was a volunteer at the Children's Hospital of Pittsburgh.



Judge Borkowski (r) is congratulated by Judge Ronald W. Folino following the oath of office ceremony in December 2005.



Judge Hertzberg (center) is joined by his family, (I-r) children Kara, Danny and Michael Angelo and wife Mari following the ceremony.

**The Honorable Alan D. Hertzberg**, 48, was appointed to fill a vacancy on the court created when the Honorable Max Baer was elected to the Pennsylvania Supreme Court. A sole practitioner since 1983, Judge Hertzberg served on Pittsburgh City Council beginning in 1994 until he resigned upon his judicial confirmation. As a councilman representing Council District Two. Judge Hertzberg was the Finance and Budget Committee Chair and former President Pro Tem. He worked to improve the rights of city property owners and to protect the civil rights of city residents, achieving renovations to council chambers and street curbs to make them accessible to the physically impaired. Practicing law in the Western Pennsylvania state courts, Federal District Court and Third Circuit Court of Appeals, he provided pro bono legal assistance to several charitable organizations. Hertzberg earned his J.D. cum laude at the University of Pittsburgh School of Law in 1983, where he was a staff member of the Law Review for two years. He completed his undergraduate education at Union College, receiving a B.A. in English Literature and Economics in 1979. Judge Hertzberg's volunteer activities have included serving on the Board of Directors of Friends of the Riverfront and West Pittsburgh Partnership, a founder of Pittsburgh Triathlon, the Western Pennsylvania Police Athletic League, and the ALS (Lou Gehrig's Disease) Foundation. His professional memberships include the Pennsylvania and Allegheny County Bar Associations and the Amen Corner.

(Continued on Page 61)

The Honorable Patricia A. McCullough, 48, an attorney from Upper St. Clair and former head of the county's Board of Assessment Appeals, was nominated to the bench in early 2005 to fill a seat vacated due to the early retirement of the Honorable Alan S. Penkower. Judge McCullough, who came in eighth in an election for seven judicial positions, sat in the Family Division by appointment from March 31st through the end of 2005. An attorney for over 20 years before her judicial assignment, Judge McCullough had been engaged in a private civil practice that included family and corporate matters. Other positions she held were Assistant General Counsel for the University of Pittsburgh and a member of Pitt's NCAA Career Counseling Panel and its adjunct faculty in undergraduate studies. Judge McCullough earned both her Juris Doctorate degree (1981) and bachelor's degree (1978) from the University of Pittsburgh. At France's University of Strasbourg, she studied international law and human rights. The judge serves on the Advisory Board of the International Domestic Violence Task Force and the School Council for St. Louise de Marillac. In addition to providing pro bono legal services, she makes public appearances on behalf of drug and alcohol rehabilitation for children and teens and the Allegheny County Bar Association's "This is a Joke, Making Fun of Others is Not" elementary school program. In her brief tenure on the bench, Judge McCullough demonstrated a determination to improve the Family Court experience for children and families.



Judge Woodruff (center) and his wife, Joy Maxberry-Woodruff, are congratulated by Judge Livingstone M. Johnson after he administers the oath of office.



Judge McCullough (center) is administered the oath by President Judge James (right) joined by Judge Scanlon (left).

The Honorable Dwayne D. Woodruff, 48, took a seat on the bench in December 2005 prior to his elected 10-year term, having won state Senate approval of his nomination by Governor Rendell to fill a vacancy created by the Honorable Gerard M. Bigley's early retirement. Pittsburgh Steeler defensive back by day, Duquesne University Law School student by night, Judge Woodruff earned his Juris Doctorate degree in 1988 and passed the Pennsylvania Bar Exam while the team's captain in his 10th NFL season. Also while a professional football player, he was a personnel specialist with Humana, Inc. Preceding a professional sports career, the judge earned a Bachelor of Science Degree in Finance in 1979 from the University of Louisville. Having won a Super Bowl ring, the 1982 Steelers MVP award and other Steeler honors, Judge Woodruff began his legal career as an associate with the Pittsburgh law firm Meyer Darragh Buckler Bebenek & Eck. In 1997, he partnered to form Woodruff, Flaherty & Fardo, LLC to engage in a wide-ranging legal practice. In addition to practicing law from 1997 to 2005, he was the Regional Vice President of Capital Asset Research Corp. Judge Woodruff's professional memberships have included election to the Pennsylvania Bar Association House of Delegates, the Allegheny County and American Bar Associations, and the Homer S. Brown Law Association. Other than professional sports awards, Judge Woodruff has received, among other honors, the Multiple Sclerosis Society Community Service Award, the American Cancer Volunteer of the Year Award, the Hand in Hand, Inc. Dr. Martin Luther King Outstanding Citizen Award, and the Pittsburgh YMCA and Champions Association Man of the Year Awards. The judge is a lifetime member of the NAACP and has served on the boards of numerous community and charitable organizations.

(Continued on Page 62)

The Honorable Beth A. Lazzara, 39, a plaintiff personal injury trial attorney for almost 15 years, has promoted improvement and education for the legal profession throughout her career. As a trial lawyer, most recently as the managing partner and a shareholder with Goodrich, Goodrich & Lazzara, P.C. (January 2000 -December 31, 2005), she tried over 40 medical malpractice, premise and product liability, and other personal injury cases. Prior to that partnership, the judge practiced personal injury law with Pittsburgh attorney John P. Gismondi, Esquire, starting as a law clerk in 1989. Committed to providing legal education to both practicing and new attorneys, Judge Lazzara is an adjunct professor of law at the University of Pittsburgh School of Law. She has assisted in the development of course material for law school courses and continuing legal education seminars. In eight years, Judge Lazzara has published over 175 articles as editor of The Advocate, a publication of the Western Pennsylvania Trial Lawyers Association. The new judge has been affiliated with numerous professional and community organizations, chairing committees and supporting projects. She has been a member of the Western Pennsylvania Trial Lawyers Association (WPTLA) Board of Governors and has served as WPTLA's president. Judge Lazzara was privileged to be the youngest attorney to ever be selected as an invited member of the Academy of Trial Lawyers of Allegheny County. An enthusiastic supporter of the community, the judge is founder of the President's Challenge, a race event that benefits local wheelchair athletes. Her law firm, along with Allegheny County crime victims' service facilities, sponsored the initial SAVE Walk to raise funds for crime victims. A fourth generation Pittsburgh North Sider, Judge Lazzara is actively involved in community projects and development. She graduated valedictorian from Oliver High School, summa cum laude from the University of Pittsburgh and cum laude, Order of the Coif, from the University of Pittsburgh Law School.



Supreme Court Justice Max Baer (r) administers the oath of office to Judge Mariani (center, left) joined by wife Sharon and father Orest P. Mariani.



Judge Lazzara (I) is administered the oath of office accompanied by parents Sandra and William Lazzara.

The Honorable Anthony M. Mariani, 52, a former federal prosecutor, brings 25 years of civil and criminal court experience to the bench. Most recently as a sole practitioner (1989-2005), the newly elected judge concentrated in white-collar criminal defense and legal actions concerning business, civil rights and personal injury. He was an attorney with Pittsburgh law firm Mansmann Cindrich & Titus before engaging in solo practice. After graduating from the University of Pittsburgh Law School in 1980 with a Juris Doctorate degree, Judge Mariani worked as an Allegheny County Assistant Public Defender (1980-1981) and then as an Assistant United States Attorney for the Western District of Pennsylvania (1981-1985). In 1999, he was appointed by a three-judge panel as Counsel for the Special Independent Prosecutor's Panel of Pennsylvania, the state's first independent counsel under a law enacted the previous year. In addition to his private law practice, the judge was a special hearing officer for the Allegheny County Coroner's Office and an adjunct professor of law at Duguesne University School of Law from 2001 to 2005. Judge Mariani's professional memberships have included local, state and national bar and trial lawyer associations. He has served as an active member of the Pennsylvania Supreme Court Capital Case Standards and Criminal Procedure Rules Committees. An undergraduate student of language communications at the University of Pittsburgh where he earned a Bachelor of Arts in 1977. Judge Mariani was employed as a legal analyst by local Pittsburgh television stations for several years (1994, 1998-2005).

(Continued on Page 63)

The Honorable Kathryn M. Hens-Greco, 47, with 20 years' experience as a family lawyer, aspired to become a judge to continue her commitment to improve the legal process for children and families. Working as a social caseworker while still in college, she decided it would be necessary to become an attorney if she wanted to influence changes in the family law process. After receiving her Bachelor of Arts degree from LeMoyne College, Judge Hens-Greco earned her Juris Doctorate degree from Antioch School of Law in 1985. When she came to Pittsburgh as a young lawyer in 1987, she enlisted to do pro bono work for Neighborhood Legal Services and the Pittsburgh AIDS Task Force. In that capacity, she was successful in helping to win the right to second-parent adoptions in which the non-biological parent can adopt a child. Between 1987 and 1996, the judge shared a law practice with her husband, Sam Hens-Greco, primarily representing individuals in family matters. Until her election to the bench, the new judge was a partner in the law firm of Stokes Lurie Cole & Hens-Greco. She was a trained mediator with the Pittsburgh Mediation Center since 1994 and became a court-appointed custody mediator for the court's Generations program in 1998. From 1997 to 2001, the judge was an instructor with the Mediation Resources Faculty for State Mandated Family Mediation Training in West Virginia. Active in community and professional associations as an attorney, Judge Hens-Greco volunteered as a pro bono attorney for YWCA Legal Resources for Women, the Allegheny County Bar Association Indigent Divorce and Family Law Section Pro-Se Motions Programs, Legal Aid for Children Advocacy Referral Project, and Pennsylvania Advocates for Lesbian and Gay Parents. Among others, she has sat on the boards of the Women's Law Project of Pennsylvania and PERSAD. Judge Hens-Greco was honored as the 2002 Post-Gazette Community Champion and was awarded the Thomas Merton Star of Justice in 2001.



Judge Hens-Greco is administered the oath of office joined by daughters (I-r) Kaitlin and Eliza and husband Sam R Hens-Greco.



Judge Flaherty is administered the oath of office accompanied by his sister, Virginia M. Cornyn.

The Honorable Thomas E. Flaherty, 54, has been an elected official since 1974 when he was chosen to represent the 21st District in the Pennsylvania House of Representatives. After two terms as a state legislator, he was elected to Pittsburgh City Council in 1979, where he served until 1983 when he was elected as the city's controller. Winning reelection in 1987, 1991 and 1995, the new judge led the Controller's Office until he resigned in 2005 to seek a seat on the bench. A lifelong resident of Pittsburgh's East End, Judge Flaherty received his Bachelor of Arts degree from Duquesne University in 1972. After studying at the University of Pittsburgh Graduate School of Public and International Affairs, he returned to Duguesne University to attend law school while the city's controller, earning his Juris Doctorate in 1996. The judge has been involved with many local civic and service organizations throughout his career. As a member of the Pennsylvania City Controllers Association, he was named its first "Controller of the Year" in 1987. He has also been a member of the Government Finance Officers Association, the American Society of Public Administrators and the Allegheny County Bar Association. Admitted to the Pennsylvania bar in 1998, Judge Flaherty administered a pro bono assessment appeal program to assist county homeowners.

#### **JUDICIAL TRANSITIONS** — Retirements

**The Honorable Robert E. Colville**, required to retire at age 70 in 2005, won election to the Court of Common Pleas in November 1997, after more than 35 years of criminal justice and law enforcement experience that included 20 years as Allegheny County's District Attorney and 5 years as the City of Pittsburgh's Chief of Police. Following a teaching/coaching career, he began his law enforcement career in 1964 with Pittsburgh's Department of Public Safety, first as a patrolman, then a homicide detective.

While a Pittsburgh police officer, Judge Colville attended Duquesne University School of Law, where he earned a law degree in 1969. He also received his Bachelor of Arts degree at Duquesne University (1963), after serving four years in the U. S. Marine Corps.

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Judge Colville was initially assigned to the Family Division's Juvenile Section, where he served until March 1999 upon transfer to the Criminal Division. In addition to his regular schedule of cases as a criminal trial jurist, Judge Colville became the administrative judge for Mental Health Court during its first full year of operation in 2002. He worked in the Criminal Division until his retirement and will be assigned there as a senior judge.

Throughout his legal career, Judge Colville was involved in many professional associations and received several special awards. Notably, he co-chaired the Western District of Pennsylvania Law Enforcement Coordinating Committee and was chairman of both the Allegheny County Victim/Witness Services Committee and Allegheny County Drug Initiative. He was honored with the Excellence Award in Criminal Law, named Man of the Year in Law by the Junior Chamber of Commerce, commended by the Pittsburgh Community Crime Prevention Coalition for his service to the community, named the Outstanding Law Alumnus by the Duquesne University Law Alumni Association, and presented with the Deputy Sheriffs Association of Pennsylvania Law Enforcement Award. During his last three years as a district attorney, Judge Colville shared his criminal expertise with prosecutors in France, Germany and the former Soviet Union.

Required by Pennsylvania law to retire from the bench at age 75, **the Honorable James H. McLean's** term as a senior judge ended in 2005. Judge McLean, born in Pittsburgh on November 10, 1930, is a life-long resident of the area, having served in various municipal positions in Allegheny County, Homestead and Bethel Park early in his legal career. His first general legal practice included an emphasis in municipal law that prepared him for his years on the Court of Common Pleas bench, where he concentrated on election challenges and zoning cases.

Judge McLean served as the Civil Division's administrative judge from January 1998 until his retirement at age 70 in 2000. First appointed to the court in 1984 by Governor Richard Thornburg, he won election to a full 10-year term in 1985 and retention in 1995. Judge McLean served in the Family Division's Juvenile Section from 1984 until 1988, when he was transferred to the Civil Division, completing his judicial career in that division.

A 1952 graduate of the University of Notre Dame, Judge McLean earned his J.D. from the University Pittsburgh Law School in 1955.



#### **JUDICIAL TRANSITIONS** — Retirements

After 25 years as a commissioned judge and 5 as a senior judge, **the Honorable S. Louis Farino**, who also celebrated his 75th birthday in 2005, was required to retire this year. Initially appointed by Governor Milton Shapp to a term beginning January 1, 1975, Judge Farino was elected to a 10-year term in 1977 and won two subsequent retention bids. He was assigned to the Civil Division.

Judge Farino's prior legal experience, begun in 1958, included both civil and criminal general trial litigation. He held the position of Delinquent Tax Solicitor for the City and School District of Pittsburgh from 1966 to 1974 and was the aide to Congressman Herman P. Eberhardter in the 83rd and 84th Congresses. At Duquesne University, the judge earned a B.S. degree in 1953, graduating as a Second Lieutenant ROTC, after which he earned the rank of 1st Lieutenant, U. S. Army Artillery. He received his LL.B. in 1958 from George Washington University.



#### **IN MEMORIAM**

Richard G. Zeleznik November 7, 1924 – November 28, 2005

Judge, gardener, musician, photographer, fisherman, hunter, sailor, deep-water diver, photographer, steel mill worker, railroader, U. S. Army sergeant, local businessman, lawyer...the Honorable Richard G. Zeleznik is survived by the most important people in his life: wife Nellie Czura Zeleznik, 12 children, their spouses and 17 grandchildren. Friends, family and colleagues respected and admired the judge's devotion to his family and the passion with which he enjoyed his work and hobbies.

On Allegheny County's bench for 26 years, Judge Zeleznik formally retired in 2002, after serving almost eight years as a senior judge in the Civil Division where he sat as a commissioned judge since 1977. His initial assignment in 1976 was to Family Division's Juvenile Section. As a judicial candidate in 1975, he was overwhelmingly elected, receiving more votes than any other Allegheny County candidate that year. In 1985, Judge Zeleznik won retention for a second 10-year term, taking senior status in November 1994 at the age of 70.



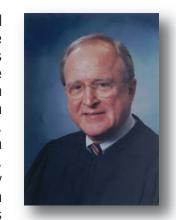
Hard working, even as a teenager, Judge Zeleznik worked the night shift in the Glassport Foundry while attending Glassport High School during the day. He held many physical labor jobs at local steel plants and developed small business ventures after high school. Judge Zeleznik earned three battle stars during WWII as a Technical Sergeant with the 7th Armored Division, 814th Tank Destroyer Battalion. While attending Duquesne University as an undergraduate (B.A., 1954) and as a law student (LL.B., 1958), he worked as a car inspector for the P&LE Railroad.

Judge Zeleznik was admitted to the bar in 1959, setting up his first law office in McKeesport and then Dravosburg. As a young lawyer, he was law clerk to Judges Loran L. Lewis and Ruggero J. Aldisert. He was a past-president of the Pennsylvania State Borough Solicitor's Association, having served as the borough solicitor for West Mifflin (1968-1975) and Dravosburg (1970-1976). The judge's professional memberships included the Association of Trial Lawyers of America, Pennsylvania Association of Trial Lawyers and the Allegheny County Bar Association.

## JUDICIAL TRANSITIONS — Visiting Judges

At the request of President Judge Joseph M. James, senior judges from other state judicial districts were assigned, by order of the Pennsylvania Supreme Court, to sit in the Fifth Judicial District throughout 2005 to assist in adjudicating increasing caseloads. Allegheny County Court of Common Pleas divisional assignments were determined by the appeal of administrative judges for extra help. Allegheny County is privileged to have these well-respected, veteran jurists.

The Honorable Thomas D. Gladden, a former president judge of the state's 27th Judicial District comprised of Washington County, which borders Allegheny County on the southwest, was temporarily assigned to this court's Civil Division. Judge Gladden began his judicial career in Washington County by appointment in 1971. He first won election to the bench in November 1973, was retained for two successive 10-year terms, and retired in December 2002. In 1973, Judge Gladden was the first judicial candidate in Washington County history to win a primary election on both the Democratic and Republican tickets. Since 2003, he has been a senior trial judge. While a jurist, Judge Gladden earned an L.L.D. at Washington & Jefferson College, Washington, PA, in 1994. He received his J.D. from Dickinson School of Law in 1957 and an undergraduate degree from Allegheny College in 1954. Prior to his judicial career, Judge Gladden was in private legal practice in Washington, PA, (1959 to 1971), and served with the U. S. Army for two years (1957-1959), which included 17 months in West Germany.





A life-long resident of the City of Greensburg in neighboring Westmoreland County, **the Honorable Charles H. Loughran**, also a former president judge, has been assisting in our Civil Division. In April 1997, he was elected president judge of the Court of Common Pleas of Westmoreland County, Pennsylvania's 10th Judicial District. Having been nominated by both the Democratic and Republican parties, he won election to his first 10-year judicial term in 1977 and won retention elections in 1987 and 1997. After retirement in 2002, Judge Loughran continued to work as a senior civil trial judge, accepting assignments in Allegheny, Somerset, and Washington Counties in addition to Westmoreland County. The judge received his L.L.D. from the University of Pittsburgh School of Law in 1960 and his B.A. at the University of Pennsylvania in 1957. Judge Loughran was a senior partner in the law firm of Loughran, Loughran & Mlakar in Greensburg, PA, engaged in the general practice of law, before his election to the bench.

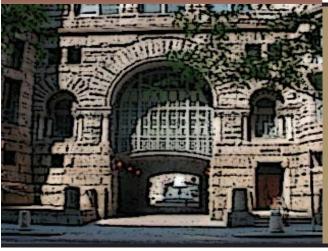




Former President Judge of Clearfield County, the state's centrally located 46th Judicial District, **the Honorable John K. Reilly, Jr.**, has been presiding in the Criminal Division. Since becoming a senior judge, recent other judicial assignments have been in Blair and Clearfield Counties, and in the past, the judge sat in Huntingdon, Mifflin and Center Counties. Judge Reilly retired in December 2004 after 30 years on the bench, serving as Clearfield County's president judge for that entire period. As Clearfield County's District Attorney for 10 years before election to the bench, Judge Reilly served as president of Pennsylvania's District Attorneys' Association in 1973. Prior to his election as district attorney, he maintained a private law practice from 1961 to 1974. Judge Reilly served in the U. S. Army (1960-1961) after he received his J. D. from Dickinson School of Law. He earned his undergraduate degree from Penn State in 1957.



# ARCHITECTURAL Students from Japan Visit the Allegheny County Courthouse



A group of architectural students from Japan's Toyko University of Science visited the United States to study several of the "famous masterpieces of architecture," according to Professor Tsunehiro Manabe. Stopovers included Pittsburgh, New York, Chicago, Dallas, Fort Worth and Los Angeles.

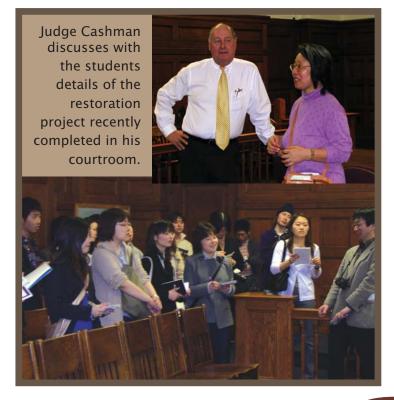
While in Pittsburgh, the group toured the Allegheny County Courthouse and Family Law Center (formerly the County Jail). Other local landmarks visited included U.S.X. Tower, PPG and Alcoa buildings as well as Mellon Arena.



Students and professors tour the Family Law Center's lobby where memorabilia of the old jail complex is displayed.



Architectural students assemble in the courtyard before touring the Courthouse.





A visit to Judge Donna Jo McDaniel's restored court-room (above) and Judge Robert C. Gallo's courtroom characterized the appearance of the courtrooms as they were in the late 1800's.