



The County Commissioners Association Of Pennsylvania
The Voice Of Pennsylvania's Counties

2009 County Government Priorities

Court Administration/District Attorney Funding

Historically, and in current practice, all personnel, capital and operating expenses of the lower judiciary, except judicial and court administrator salaries and part of the district attorney salaries, are shouldered by county government. In the 1987 decision *County of Allegheny v. Commonwealth of Pennsylvania*, the Pennsylvania Supreme Court ruled that a lower court system funded by 67 counties with disparate fiscal capacities created an inherently unequal system of justice. The Court allowed the existing system of funding to remain in place until the legislature had reasonable time to act. After five years of legislative inaction, CCAP filed a petition for mandamus with the Court in December 1992 to enforce the original decision. The Court found in favor of the Association and appointed retired justice Frank Montemuro as master to develop a set of recommendations on how the decision could be implemented. The Montemuro report was issued and adopted by the Court in 1996, and provided for four phases to transfer funding and administrative responsibility to the commonwealth.

Only the first phase of the Montemuro report, which involved the transfer of approximately 200 court employees to the state – chiefly court administrators and deputy administrators – was accomplished in 1999. Transfer and funding of other judicial functions such as support staff for common pleas judges and magisterial district justices, court-related row offices, domestic relations, and juvenile and adult probation and parole are among those issues yet to be addressed. For twenty-one years, the state has failed to

take steps to implement the rulings of the court, and this has been to the detriment of local taxpayers.

In spite of the *Allegheny* decision and the Montemuro report, county responsibility for court funding has actually increased, including Act 57 of 2005 which makes district attorneys full-time (prior to the law more than half were part time), and requires the commonwealth to fund 65 percent of the cost of those salaries. The 2008-2009 commonwealth budget contained no funding for cover the commonwealth obligation, leaving counties to shoulder the state's responsibility.

The state currently reimburses counties \$70,000 per judicial position for court costs. This amount has not been increased since 1981 and, if adjusted for inflation, the state would need to reimburse counties \$166,000 to have the same purchasing power as the reimbursement had when it was first enacted in 1981.

CCAP members have identified court administration and funding as a priority for 2009 due to their concern for equity in assuring justice statewide, as well as their concern for property taxpayers bearing an undue burden on the part of the commonwealth.

For more information on court administration and funding issues, contact Brinda Carroll Penyak at (717) 232-7554 x 3137 or bpenyak@pacounties.org.



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