

with the Counties of Allegheny, Berks, Cumberland, Dauphin, Erie, Forest, Fulton, Monroe, Snyder and Tioga (hereinafter Petitioners) requesting the enforcement of this Court's Order following the grant of Petitioners Action in Mandamus states the following:

1. Petitioners filed a Mandamus Action seeking an order compelling the General Assembly to abide by this Court's previous Order rendered on December 7, 1987 in *County of Allegheny v. Commonwealth*, 517 Pa. 65, 75-76, 534 A.2d 760, 765 (1987).

2. This Honorable Court, on July 26, 1996, rendered an opinion favorable to the Petitioners in the above-captioned matter.

3. As a part of the Court's opinion, Justice Flaherty stated "For the reasons that follow, we grant the petition for mandamus and order that the General Assembly enact a funding scheme for the court system on or before January 1, 1998." 681 A.2d at 701.

4. This Court retained jurisdiction over the matter and ordered that a Master be appointed to recommend to the Court a method which would form the basis for the specific implementation of its Order.

5. The Court, by separate Order, appointed the Honorable Frank J. Montemuro, Jr. as a Master.

6. On July 30, 1997, Justice Montemuro submitted a 41 page document to this Court entitled "Interim Report of the Master." Certain exceptions were filed to the report, which remain pending.

7. The Master's Report divided the tasks to be accomplished pursuant to this Court's Order into various phases. It is believed and therefore averred that four phases were described in the Report.

8. The first phase dealt with the administrative substructure of personnel under the direction of the Administrative Office of Pennsylvania Courts in order to facilitate competent management. Essentially, this phase involved the integration of county trial court administrators into the AOPC system.

9. The General Assembly enacted legislation, Act of June 22, 1999, P.L. 75, No. 12, Section 1 (42 Pa.C.S.A. Section 1905), to integrate district court administrators, deputy court administrators, special court administrators, associate and assistant court administrators and similar positions as designated by the Administrative Office of the Pennsylvania Courts (AOPC) which addressed, in part, Phase 1 of the Master's Report and which has resulted in the integration of approximately 193 individuals into the AOPC system.

10. Despite the passage of time, no further action has been taken by the defendants to implement the Court's Order of July 26, 1996 requiring that the General Assembly enact a funding scheme for the court system on or before January 1, 1998.

11. As a result of the failure to implement the Court's Order of July 26, 1996 by the deadline date, January 1, 1998, the individual county petitioners have been required to fund the unified system (found by this Court to be unconstitutional in its original opinion) to the financial detriment of the counties' constituents.

12. In addition to funding the judicial system, the individual counties, by the failure of the General Assembly to appropriate funds, have been required to pay the salaries of District Attorneys even though Act 57 of 2005 clearly stated that responsibility for sixty five (65) percent of the salaries was with the Commonwealth of Pennsylvania.

13. More than twenty one (21) years have passed from the date of the Court's original decision in this matter on December 7, 1987 where, as a part of that opinion, the finding of unconstitutionality was stayed in order to give the General Assembly an opportunity to enact funding legislation which would cure the constitutional defect. The Court left in place the system of county funding until new legislation was implemented.

14. In this Court's 1996 opinion reference was made to the nine years that had passed without appropriate funding to provide the necessary financial support for state courts all because the General Assembly has failed to act within a reasonable period of time.

15. The additional passage of time has further exacerbated the situation, again due to the inaction of the defendants.

WHEREFORE, the County Commissioners Association of Pennsylvania and the county petitioners respectfully request this Court to take appropriate action to enforce its Order of July 26, 1996 to compel the General Assembly to provide funding for the

unified judicial system and to take those steps necessary to implement the Report of the Master and to take such other action as this Court deems appropriate under the circumstances.

Respectfully submitted,

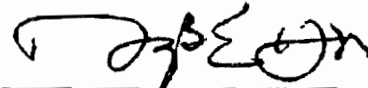
KNUPP LAW OFFICES, LLC



Robert L. Knupp, Esquire
PO Box 630
407 North Front Street
Harrisburg, PA 17108-0630
717/238-7151; Fax 717/238-7910
Attorney for County Commissioners
Association of Pennsylvania
Attorney Registration No. 07083

VERIFICATION

I, Douglas E. Hill, Executive Director of the County Commissioners Association of Pennsylvania, state that in that capacity, I am authorized to verify and state that the facts set forth in the within document are true and correct to the best of my knowledge, information and belief. I submit this Verification pursuant to 18 Pa.S.C.A. §4904 dealing with false statements and relating to unsworn verification to authorities.



Douglas E. Hill
Executive Director, County
Commissioners Association of
Pennsylvania

Date: 12-4-08

PROOF OF SERVICE

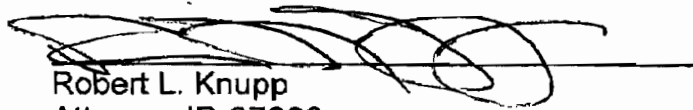
Pursuant to Pa.R.A.P. 122, I hereby certify that I am this day serving the foregoing document of the County Commissioners Association of Pennsylvania upon the persons and in the manner indicated below which service satisfies the requirements of Pa.R.A.P. 121:

Service by first class mail addressed as follows:

TOM CORBETT, ATTORNEY GENERAL (717) 787-3391
OFFICE OF THE ATTORNEY GENERAL
16TH FLOOR, STRAWBERRY SQUARE
4TH AND WALNUT STREETS
HARRISBURG, PA 17120

THE HONORABLE JOSEPH B. SCARNATI, III (717) 787-7084
MAIN CAPITOL BUILDING, SENATE POST OFFICE
HARRISBURG, PA 17120

THE HONORABLE DENNIS M. O'BRIEN (717) 787-4610
MAIN CAPITOL BUILDING, HOUSE POST OFFICE
HARRISBURG, PA 17120



Robert L. Knupp
Attorney ID 07083
PO Box 630
407 North Front Street
Harrisburg, PA 17108-0630
717/238-7151; Fax 717/238-7910
Attorney for County Commissioners
Association of Pennsylvania

Date: December 5, 2008