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**Counties Seek Supreme Court Action to Enforce Prior Ruling**  
*State failure to act on prior court directives at issue*

**(Harrisburg, PA)** –The County Commissioners Association of Pennsylvania (CCAP) has announced that it is today filing a motion with the Pennsylvania Supreme Court asking the court to enforce a 1996 order that had set the parameters for commonwealth assumption of funding and administration for the lower judiciary.

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.

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County Commissioners  
First and Last Add

CCAP President and Greene County Commissioner Dave Coder explained, “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. The motion we are filing today is intended to require further action by the state to address court funding and administration.”

“In spite of the *Allegheny* decision and the Montemuro report, county responsibility for court funding has actually increased,” according to Coder. “CCAP can note several examples of increased county responsibility, 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. Zero dollars were appropriated for this purpose in the 2008-2009 commonwealth budget.”

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.

“As the Court has already pointed out, the existing county-driven funding system is unfair not only to local taxpayers, but also to plaintiffs and defendants, because differences in local conditions can impact equality in the justice system from county to county,” Coder said.

“The Supreme Court has issued a ruling with which the state has failed to comply. This failure to act impacts every citizen in the commonwealth, and it is our hope that the Court will take further action to compel the state to achieve the constitutional equity it has required in the court system,” Coder concluded.

CCAP is a statewide, nonprofit, nonpartisan association representing the commissioners, chief clerks, administrators, their equivalents in home rule counties and solicitors of Pennsylvania’s 67 counties. The Association serves to strengthen the Pennsylvania counties’ ability to govern their own affairs and improve the well-being and quality of life of their constituents.

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