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Court Administration in Pennsylvania

*Bernadine Meyer**

The revision of the Pennsylvania Constitution approved by the electorate in 1968 created for the first time in Pennsylvania a completely unified judicial system.¹ In addition, the Constitution provided that the Pennsylvania Supreme Court:

shall exercise general supervisory and administrative authority over all the courts and justices of the peace;²

shall appoint a court administrator and the necessary staff;³
and shall have power to prescribe rules of practice and conduct for all courts, justices of the peace, officers serving process or enforcing orders, judgments and decrees, and the administration of all courts and supervision of all officers in the judicial branch.⁴

This article examines developments in Pennsylvania court administration that have followed from the constitutional revision. The concern will be specifically with court administration rather than the broader topic of judicial administration. Reference will be made, however, to developments such as the creation of the Judicial Council of Pennsylvania, which directly affect court administration.

The constitutional provision for a state court administrator was adopted almost thirty years after the creation of the office of Director of the Administrative Office of the United States Courts,⁵ and at a time when more than thirty other states had already created state court

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1. PA. CONST. art. v, § 1.

2. *Id.* § 10(a).

3. *Id.* § 10(b).

4. *Id.* § 10(c).

5. 28 U.S.C. § 601-10 (1964).

executive positions⁶ and approximately twenty-five local court executive positions existed in the nation.⁷ Even in Pennsylvania, trial court administrators were functioning at the local level. These included the executive for the Delaware County Common Pleas Court in Media, appointed in 1950 and considered to be the first local court administrator to be appointed in the nation.⁸

Appointment of a court administrator for Allegheny County was the first and paramount recommendation made by the Institute of Judicial Administration as a result of a study of the activities and functions of the Allegheny County courts made by the Institute for the Allegheny County Bar Association in 1960.⁹ In the Institute's report, notice was taken of a 1959 recommendation of a Pennsylvania Bar Association subcommittee urging basic reorganization of the administrative machinery of the courts on a local as well as a state-wide basis.¹⁰

Creation of the office of Court Administrator of Pennsylvania also came six years after publication of a University of Pennsylvania study of the state judiciary which stated that "Pennsylvania lacks the rudimentary tools of administration."¹¹ The study recommended appointment of a court administrator for the state and commented on difficulties arising from judicial resistance to the creation of the position of court administrator.¹²

Hence, the constitutional provision for a court administrator¹³ for the state came after many urgent statements of concern regarding the need for such an office.¹⁴ With court administrators functioning in the

6. AMERICAN JUDICATURE SOCIETY, REP. #17: COURT ADMINISTRATION 33-35 (July, 1971); D. SAARI, MODERN COURT MANAGEMENT: TRENDS IN THE ROLE OF THE COURT EXECUTIVE 31 (1970) [hereinafter cited as SAARI].

7. SAARI, *supra* note 6, at 32-33.

8. Klein, *The Position of the Trial Court Administrator in the States*, 50 JUDICATURE 278 (1967) [hereinafter cited as Klein]. Other local court administrator appointments had been made for Montgomery County Common Pleas Court in Norristown in 1959, Philadelphia Common Pleas Court in 1960, Bucks County Common Pleas Court in 1962, Allegheny County courts in Pittsburgh in 1963, and Northampton County in 1965. SAARI, *supra* note 6.

9. INSTITUTE OF JUDICIAL ADMINISTRATION, A REPORT TO THE ALLEGHENY BAR ASSOCIATION 43 (1960).

10. *Id.* at 28, 44.

11. S. SCHULMAN, TOWARD JUDICIAL REFORM IN PENNSYLVANIA 184 (1962).

12. *Id.* at 191-92. See also Schulman, *Court Administration in Pennsylvania*, 32 PA. B. ASS'N. Q. 191-97 (1961).

13. PA. CONST. art. V, § 10(b).

14. A. Evans Kephart, Esq., was appointed in December, 1968 to be the first Court Administrator of Pennsylvania. He presently holds that office and has two deputy court administrators working with him: Gerald W. Spivack, Esq., appointed in May 1969, who is concerned primarily with courts of initial jurisdiction; and Carlile E. King, Esq., ap-

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federal system and in the majority of states,¹⁵ court administration had already come to be a "recognized tool of the judiciary for managing the non-judicial administrative affairs of a court system."¹⁶

Prior to the promulgation of the Rules of Judicial Administration in March, 1972,¹⁷ the duties of the Court Administrator of Pennsylvania were not outlined in detail. Since article V of the Pennsylvania Constitution gives the supreme court supervisory powers over the Court Administrator, assignment of duties by the court followed. Activities of the Administrative Office under these conditions included work with the courts of initial jurisdiction, courts of common pleas, and statistical information collection and analysis.¹⁸

ACTIVITIES RELATING TO COURTS OF INITIAL JURISDICTION

The first responsibility assigned to the Court Administrator by the Pennsylvania Supreme Court was to coordinate the reorganization of the courts of initial jurisdiction of the state. This reorganization was the result of substantial reforms brought about through the constitutional revision.¹⁹ The work done in this area has been substantial.

A deputy court administrator has worked with and served as liaison

pointed in June, 1969, whose primary concern is with the courts of common pleas. At present, the Administrative Office of Pennsylvania Courts is located in Three Penn Center Plaza, near the supreme court facilities in City Hall in Philadelphia. The Administrative Office of the Pennsylvania Courts, which is the office of the Court Administrator of Pennsylvania, will be referred to in this article as the "Administrative Office."

15. A short history of court administration in this country is given in Kirsch, *A History of Court Administration—the American Experience*, 55 JUDICATURE 329-33 (1972) and also in Vanderbilt, *Improving the Administration of Justice—Two Decades of Development*, 26 U. CIN. L. REV. 155 (1957).

16. AMERICAN JUDICATURE SOCIETY, COURT ADMINISTRATORS: THEIR FUNCTIONS, QUALIFICATIONS AND SALARIES I (July, 1966) [hereinafter cited as AMERICAN JUDICATURE SOCIETY].

17. 446 Pa. lvii-xxii (1972).

18. Information concerning activities of the Administrative Office was obtained through personal interviews with the Court Administrator and the two deputy court administrators in Philadelphia on December 15, 1972; by reference to recent developments in the Pennsylvania Court System for 1970, 1971, 1972; the annual report of the Court Administrator for 1970, 1971, 1972; programs and proceedings of institutes and seminars sponsored by the Administrative Office.

19. These reforms included great reduction in the number of justices of the peace and subjecting those remaining to judicial supervision of the Pennsylvania Supreme Court. The reforms also called for compensation by salary rather than fees, required that district justices either be members of the bar or complete a course of study and pass an examination, gave the General Assembly power to establish magisterial districts based on population and population density, and gave the courts power to set boundaries of magisterial districts. PA. CONST. art. V. By the end of 1973, the system of "fee" justices will be eliminated.

with the Minor Court Civil Procedural Rules Committee and the Criminal Procedural Rules Committee. Substantial revision has been made of the criminal rules on venue and rules pertaining to conduct, office standards, and civil procedure in courts of initial jurisdiction. A new citation procedure under the Motor Vehicle Code was devised and tested before adoption. Over twelve civil and criminal forms have been developed in liaison with the rules committees, as part of a program to make the practice and procedures in the various district justice of the peace offices as nearly identical as possible. As a result of a recommendation of the Court Administrator, the Joint State Government Commission is studying problems encountered in the change from the fee system to salaried positions, including those of constables as well as other problems which existed prior to the present system. The Administrative Office is working with the Commission in this study.

A deputy court administrator serves as consultant to the Minor Judiciary Education Board, a seven-member board established under the Minor Judiciary Education Act,²⁰ which also prescribes a course of training and examination for qualification of non-lawyers as district justices.²¹

In the supervision of justices of the peace, a system of district justice court administrators has been inaugurated.²² The functions of these administrators include:

20. PA. STAT. ANN. tit. 42, § 1211 (Supp. 1972).

21. Additional activities of the Administrative Office include programs for the education of justices of the peace which have been designed and conducted by the Administrative Office. In 1971 and again in 1972, a one-week seminar was held at Pennsylvania State University. Attendance at each was approximately 135, so that almost half of the approximate 600 justices of the peace in the state have been reached. The 1971 seminar included courses in substantive criminal law and procedure, hearing techniques, legal ethics, civil procedure, and consumer protection laws. In 1972, courses covered the motor vehicle code, law of search and seizure, consumer protection, criminal procedure, and the Pennsylvania rules of conduct, office standards, and civil procedure for justices of the peace. A manual of approximately 107 pages, containing lecture notes prepared by the speakers, was distributed to all district justices in the state.

To alleviate problems arising from new rules of criminal procedure, the Administrative Office sponsored several institutes throughout the state to instruct justices of the peace and the police on the new rules and uniform practices and procedures.

The Administrative Office has secured grants of federal funds to send representatives of the courts of initial jurisdiction in the state to national seminars. These include the American Academy of Judicial Education at Tuscaloosa, the National College of the State Judiciary at Reno, and the Traffic Court Conference at Fordham University.

22. In Allegheny County, for example, the coordinator for the district justices is A. T. McLaughlin and the deputy coordinator is Regis C. Welsh.

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(1) serving as liaison between the district justices and the president judge, the county commissioners, the Administrative Office, as well as serving as a channel of communication;

(2) conducting educational seminars, updating justices of the peace in recent developments in the law;²³ and

(3) supervising conduct of the offices of justices of the peace: to oversee and audit case volume, serve as consultants with regard to financial management and general work habits, arrange schedules so that twenty-four hour service is provided, arrange for transfers of work so that everyone is fairly treated and the public is adequately served, make suggestions for realigning magisterial districts to the Administrative Office,²⁴ see that the offices of district justices meet the standards set forth by the supreme court.²⁵

As an aid to these coordinators, the Administrative Office held a seminar for them in 1972.

In connection with supervisory activities, the deputy court administrator working with courts of initial jurisdiction has traveled throughout of the state, meeting with local coordinators, president judges, justices of the peace, and county commissioners.²⁶

ACTIVITIES RELATING TO COURTS OF COMMON PLEAS

The supervision of district court administrators in the state has dramatically increased in scope and size. One reason is that the number of district court administrators has grown from the six who held office when the Administrative Office was created to a total of thirty as of December, 1972. In fact, of the twenty-one judicial districts in the state having four or more judges, only four—Fayette, Lancaster,

23. For this reason, persons with a legal education have been sought for this position.

24. PA. CONST. art. V, § 7(b). The Administrative Office maintains a continuing study of magisterial districts. During the two-year period, 1970-1972, fifteen districts were eliminated through a process of merger of districts. This action was based on a study which indicated more districts existed than were necessary.

25. PA. R.J.A. 504.

26. Other activities include the following: A directory of all justices of the peace in the state has been compiled by the Administrative Office. Records of birth dates are maintained so that the Governor is notified of pending vacancies prior to the automatic retirement of justices of the peace at age seventy. PA. CONST. art. V, § 16. In this way, vacancies in the office can be filled promptly.

Lehigh, and Westmoreland—had no district court administrator as of 1972.²⁷

A survey was made to determine the status of trial court administration in the state.²⁸ It revealed that the majority of district court administrators are in their first year of service; less than a third have seven or more years of experience. The majority are college graduates, about one-third are lawyers. The great majority are more than forty years of age. Salaries for full-time administrators range from \$9,000 to \$30,000. The duties vary from county to county, depending upon case volume and the view of the office by the judiciary.²⁹

Most have some responsibility for preparing the trial list for civil cases, but not for criminal cases. The majority are involved in pre-trial preparation, in preparing periodic reports to the court, in preparing the annual court calendar, in public relations efforts. However, only about half get involved in preparation of jury lists. Less than half have responsibility for preparing the court's annual budget, for employment and personnel functions related to judicial personnel, for purchasing equipment and supplies, for appointment of auditors, masters, viewers, and boards of arbitrators.

The survey results indicate an obvious lack of uniformity throughout the state. The survey also shows that less than half of the district court administrators in the state have responsibility for those duties and functions which are considered essential by the National Association of Trial Court Administrators to qualify for membership.³⁰

Steps toward improving this situation have been taken by a deputy court administrator. He presented to the December, 1972 conference

27. "Each court of five or more judges should have a specially qualified court executive officer to carry out the noncase-related management functions of a court." E. Friesen, Proposed Standards for Court Administrators, Aug. 30, 1972 (paper). E. Friesen is Director of the Institute for Court Management.

28. Survey by Committee on Court Administration of Pennsylvania of the Conference of State Trial Judges in cooperation with the Pennsylvania Bar Association; see Stranahan & Cutler, *County Court Administration in Pennsylvania*, 43 PA. B. ASS'N. Q. 56-60 (1971) [hereinafter cited as Stranahan].

29. A description of the job of court administrator in Beaver County is given in Kirsch, *Court Administration in a Moderate-Size Judicial District*, 27 QUARTERLY 32-35, 41 (1970). Since that time, the Beaver County court administrator has assumed responsibility for the appointment of arbitrators, the scheduling of masters in divorce hearings, and the criminal trial calendar. Beaver County, with only five judges, has developed a computerized court information system which currently has been completed with respect to the jury selection system and the criminal division.

30. Klein, *supra* note 8, at 278.

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of president judges and district court administrators a list of uniform duties and responsibilities for district court administrators in the state. These duties include calendar and case flow management services, jury and witness administration services, research and advisory services for organization and procedure, liaison services with public and private bodies, and secretariat services. It should be noted that the duties listed, although adapted to Pennsylvania practices, closely parallel the job profile of the court administrator prepared by the American Judicature Society,³¹ the job description given in *Managing the Courts*,³² as well as the membership qualifications of the National Association of Trial Court Administrators.

The importance of having the court administrator perform the majority of these functions has often been emphasized by nationally recognized experts. According to the American Judicature Society, their performance is essential if the court administrator "is to serve effectively as the managerial arm of the court system."³³ David Saari comments that the court administrator's job should not be confused with that of statistician or chief clerk,³⁴ while Ernest Friesen states that "if he is seen as a glorified clerk performing routine functions, he is doomed to failure."³⁵ Hence, the importance of the action taken by the deputy court administrator working with courts of common pleas is clear.

The Administrative Office has also assisted the district court administrators in organizing into a state association,³⁶ the Pennsylvania Council of Trial Court Administrators.³⁷ At present, two members of this group³⁸ are working on a manual of uniform procedures for use by district court administrators in the state. One member of the Council is president of the National Association of Trial Court Administrators and is serving with the president of the National Association of State

31. American Judicature Society, *supra* note 16, at 1-2.

32. E. FRIESEN, E. GALLAS & N. GALLAS, *MANAGING THE COURTS* 122-23 (1971) [hereinafter cited as FRIESEN].

33. AMERICAN JUDICATURE SOCIETY, *supra* note 16, at 1.

34. Saari, *supra* note 6, at 1.

35. FRIESEN, *supra* note 32, at 125.

36. Stranahan, *supra* note 28, at 57 (indicates that forming such an organization was an express wish of the district court administrator).

37. The president of this group is Cornelius G. Sullivan, Esq., District Court Administrator of Montgomery County.

38. The two members are Clifford Kirsh, District Court Administrator of Beaver County, and Cornelius G. Sullivan.

Court Administrators on a joint committee concerning the education of court administrators.³⁹

The Administrative Office has sponsored seminars for district court administrators in 1971 and 1972. Sessions were devoted to personnel administration, jury selection, public information, pre-trial procedure, budgeting, court room design and engineering, data processing, scheduling of criminal trials, and cooperation with the president judge. Experienced administrators in the state led discussions along with such nationally recognized experts as David Saari and Ernest Friesen. For these conferences, president judges were invited to attend along with the administrators, an especially appropriate step because of the need for a very close working relationship between the two if there is to be effective court administration. This was reported as being so successful that the president judges attending requested the same action be repeated annually.⁴⁰

In addition to educational programs for district court administrators, the Administrative Office has also sponsored and coordinated three judicial orientation seminars for trial judges in conjunction with the Pennsylvania Conference of State Trial Judges, one in 1971 and two in 1972. Manuals providing copies of the lectures given at the seminars were prepared and distributed to participants. The 1972 manual is a document of 327 pages. Topics covered at the seminar included criminal court techniques, substantive criminal law, the law of search and seizure, juvenile court techniques, probation and sentencing, administration of courts of initial jurisdiction, techniques and methods of charging juries, standardization of jury instructions, opinion writing, post conviction problems and techniques, judicial payroll and expenses, and the state judicial retirement system.

Some seminars have been planned primarily for recently appointed or elected judges, while others have been planned as continuing legal education for the experienced judge.⁴¹

39. The president of the National Association of Trial Court Administrators is Rita E. Prescott, Esq., district court administrator in Delaware County. The president of the National Association of State Court Administrators is Harry Lawson of Colorado.

40. Jones, *State of the Judiciary*, 43 PA. B. Ass'N. Q. 292 (1972).

41. In addition, the Administrative Office secured federal funding to send fifteen Pennsylvania judges to the National College of the State Judiciary in Reno in 1971, and twenty Pennsylvania judges to the College in 1972. Four judges from the various courts of common pleas in Pennsylvania have served either as faculty members or faculty advisers. A total of fifty-five judges have attended the College from Pennsylvania. Applications for federal funding will be filed in 1973 for an additional thirty judges to attend.

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A complex and difficult problem was assigned to the Court Administrator by the supreme court in May, 1970. Because of the increase in the backlog of cases (especially criminal cases) in the Common Pleas Court of Philadelphia, the Court Administrator was given supervision and direction of the Philadelphia court administrator, his staff, all officers of the judicial branch and all officers serving process or enforcing orders or judgments or decrees of that court. This was to accomplish prompt and more effective disposition of the business of that court. In addition, supreme court rule 78⁴² was amended to provide that reports of cases undecided for more than sixty days assigned to Philadelphia Common Pleas judges should be made to the Court Administrator.

As of September 1, 1970, there were 5,741 active defendant criminal records undisposed of in the Philadelphia Court of Common Pleas. As of October 30, 1972, the number was 5,535. Yet, during these two years the number of cases coming into the system did not increase noticeably and in December, 1971 twenty-five additional judgeships were created for Philadelphia.⁴³

A detailed analysis of the criminal court system of the Philadelphia courts was contained in a June, 1970 report prepared by the Administrative Office. Both in that report and subsequently a number of recommendations were made for procedures to decrease the backlog. These included methods for reducing continuances and a procedure for pre-trial screening of cases.

A study of the Philadelphia Common Pleas Court has also been made by a consortium of the American Judicature Society, the Institute for Court Management, the Institute of Judicial Administration, the National College of Trial Judges, and the National Council on Crime and Delinquency.⁴⁴

Causes having been determined and recommendations having been made for reducing the congestion in the Philadelphia system, it is now imperative that implementation of these recommendations be made. As the Court Administrator has been charged with responsibility for the prompt and efficient disposition of the business of the Philadelphia court system, he must have the full support of all concerned in effectuating change and implementing recommendations.

42. Pennsylvania Supreme Court rule 78 has been superseded by P.A. R.J.A. 703.

43. Annual Report of the Court Administrator of Pennsylvania for 1972.

44. A report of the findings of the study can be found in Parness, *Criminal Justice in Philadelphia: An Evaluation*, 56 JUDICATURE 208-11 (1972).

ACTIVITIES RELATING TO THE APPELLATE COURTS

In 1971 the Pennsylvania Supreme Court engaged the Institute of Judicial Administration to study selected areas of procedure and administration of the appellate courts of the state. The Institute's report, dated May, 1972, in its recommendation states that the Administrative Office "has not been involved with the appellate courts or their prothonotaries. This should change."⁴⁵ Obviously, such involvement was not possible prior to the promulgation of the Rules of Judicial Administration without specific authorization from the Supreme Court. However, those rules make possible implementation of these specific recommendations found in the report:

Many of the duties involving the administrative functions of the Supreme Court now performed by its Prothonotary should be transferred to the State Court Administrator. These include budget preparation and financial administration, including payroll and accounts payable, for the three appellate courts and all agencies now included in the Supreme Court's budget, reports by common pleas judges on pending cases, and justice of the peace records.

The appellate courts are badly in need of a uniform personnel system which will insure that persons receive equal pay for equal work. Responsibility for the creation and administration of this system should be given to the State Court Administrator.

The financial affairs of the appellate courts, including the salaries of their personnel and their fee funds, should be a matter of public record. The annual report of the State Court Administrator should include a section on these items.⁴⁶

ACTIVITIES RELATING TO STATISTICAL REPORTS AND
MISCELLANEOUS MATTERS

Beginning in 1970, the Administrative Office has issued annual statistical reports on judicial case volume. The reports are compiled from monthly reports of judicial case load filed with the Administrative Office by the courts of common pleas. 1970 was the first year in which Pennsylvania had available data on a state-wide basis relating to civil cases (including arbitration), criminal, divorce, domestic relations, juveniles, Orphans Court, and adoptions. The importance of having this information cannot be overstated. Only with such data is it possible

45. INSTITUTE OF JUDICIAL ADMINISTRATION, *THE APPELLATE COURTS OF PENNSYLVANIA: AN ANALYSIS OF SELECTED AREAS OF THEIR PROCEDURES AND ADMINISTRATION* 74 (1972).

46. *Id.* at 6-7.

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to intelligently appraise the case loads of the courts, the state of delay and congestion, the trend in case inventory, and to note problems at an early stage so that action can be taken before the situation deteriorates. That the statistics are being used for these purposes is evident. An increase was noted in criminal cases pending in 1971 along with an increase in the number of continuances due to attorney conflicts in scheduling. By resolution of the president judges, the Court Administrator was requested to appoint a committee of seven judges to make recommendations for remedial action. The 1970 statistical report showed a pressing need for additional judgeships. The Court Administrator was consulted and made recommendations to the state legislature based on the statistics. For 1973 it is planned that these statistics will be computerized, permitting more rapid retrieval of data for comparison and trend analysis.

Other responsibilities assigned to the Court Administrator include: serving as secretariat for the Pennsylvania Conference of State Trial Judges beginning in 1973; supervision of collection of the annual fees for disciplinary enforcement imposed on attorneys in the state by the supreme court; serving as project director for development of pattern jury instructions being drafted by committees appointed by the supreme court and supervised by the Pennsylvania Bar Institute; and devising a system for reimbursement and disbursement of funds appropriated by the state legislature to compensate counties for costs incurred by each county in the administration and operation of its courts.⁴⁷

The Court Administrator has surveyed and studied the auditing of financial transactions connected with the courts of the Commonwealth, except for the Pennsylvania Supreme Court. Audits of all counties made by the Auditor General regarding state funds, and by county controllers and county auditors regarding county funds were secured and a determination made that a duplicate or additional audit was not necessary. Therefore, no further audit was made insofar as the financial affairs of the courts of common pleas, the Philadelphia Municipal and Traffic Courts were concerned. Because the commonwealth court already had an auditor, no additional audit of its financial transactions were deemed necessary. However, there being no auditor for the superior court's financial affairs, a firm of certified public accountants was engaged to do the audit.

47. The appropriation for fiscal 1971 was \$8 million and for 1972 was \$17 million.

The Court Administrator has also established liaison with legislative leaders and has appeared before various committees of the legislature. The Administrative Office regularly reviews all bills introduced in the legislature which may affect the judicial system and reports to the supreme court those of particular interest.

RULES OF JUDICIAL ADMINISTRATION

Perhaps the most significant development for court administration in Pennsylvania following the constitutional revision was the creation by the supreme court on March 15, 1972 of the Judicial Council of Pennsylvania and the promulgation of the Pennsylvania Rules of Judicial Administration. Supreme court rules 301 through 314 deal with the Judicial Council and rules 501 through 505 with the Administrative Office of the Pennsylvania courts.⁴⁸ The Court Administrator is a member, secretary, and chief administrative officer of the Judicial Council, which has broad powers. Rule 313 makes it possible for the Council to define administrative powers and duties of the state and district administrators, president judges, and other related personnel. The Council may also specify who has the power of appointment and removal of classes of personnel of the system. Rule 501(a) makes the Court Administrator responsible for the disposition of the business of *all* courts and justices of the peace. Hence, the Administrative Office now has authority in matters relating to the appellate courts and also has authority to take action to insure prompt disposition of cases in all trial courts in the state.

Rule 502 creates the Administrative Office of Pennsylvania Courts, which is the office of the Court Administrator.

Rule 503(a) gives the Pennsylvania Supreme Court authority to appoint and remove district court administrators and other personnel of the court system, and 503(b) gives the Court Administrator power to appoint and remove district court administrators and their staffs. A note to the rule specifically states the intention is that the district court administrators are to be part of coordinated management of a single system of courts and are not to be local county functionaries. This is a great step forward toward a unified judicial system. The Pennsylvania judicial system has struggled for years with the situation created because the judges of common pleas courts are state employees while the "row

48. 446 Pa. lvii-xxii (1972).

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officers" as well as supporting judicial personnel are county employees who are accountable to persons other than the judiciary. For years, strong suggestions have been made to change this state of affairs, but no action has resulted. As late as January, 1970, a *Pennsylvania Bar Association Quarterly* article stated:

It would be unthinkable for the head of a department of a private industry to be forced to operate his department with all his corporate records and management of record procedures in the hands of a party over whom he does not have complete control. Yet the civil and criminal records of our courts are now (with one or two exceptions) in the care of and in the charge of elected officials over whose conduct the courts have insufficient control.⁴⁹

The intent of rule 503 is to prevent the office of district court administrator from becoming one over which county officials have control. The importance of the office to the effective functioning of the courts makes it imperative that the judiciary have control. Payment of salaries by the state rather than the counties would help to make this a reality.

Rule 504 outlines specific powers and duties of the Administrative Office. These compare with those in the Model Act to Provide an Administrator for the State Courts⁵⁰ except that Pennsylvania has added the responsibility for education of personnel in the judicial system and has given the Court Administrator power to represent the judicial system before the General Assembly and other legislative bodies. That the Court Administrator has already made significant contributions in the area of education is evident from the previous discussion.⁵¹

For the first time since the creation of the office of Court Administrator, there is a public and official statement giving him power to perform those managerial and administrative duties essential to court administration. These duties include: to review the operation, efficiency, organization, procedures, and administration of the judicial system (including the work of the offices of prothonotaries and clerks of court) and to recommend improvements; to examine the state of the dockets and to make recommendations to expedite litigation; to prepare a budget for the system; to disburse funds; to purchase accommoda-

49. Coates, *County Officers: A Critical Survey*, 41 PA. B. ASS'N Q. 193, 197 (1970).

50. MODEL ACT TO PROVIDE AN ADMINISTRATOR FOR THE STATE COURTS (1960).

51. See note 21 *supra*.

tions, goods, and services; to collect and compile financial and statistical data and to make periodic reports; to devise a personnel system for all personnel in the entire judicial system; and to deal with public comments and complaints. What rule 504 does is to give details of the Court Administrator's responsibility for the management of the courts. Now that the responsibility appears on paper, implementation will be the next step.

Rule 505(a) requires system personnel to comply with requests and directives by the Administrative Office for information and statistical data. Rule 505(b) requires the Court Administrator to report to the Judicial Council cases of neglect or noncompliance with rule 505(a). The Council may, after providing opportunity for a hearing, make recommendations to the Chief Justice to enter an order appropriate to the case.

One result of these rules is that an organizational chart of a unified state judicial system became possible. A budget for the unified judicial system has been prepared. The Court Administrator prepared budgets for the courts of common pleas, Philadelphia Municipal and Traffic Courts, the district justices of the peace, and the Administrative Office; he collected budgets prepared by commonwealth, superior, and supreme courts. These were forwarded to the finance committee of the Judicial Council and approved.

Finally, rule 703 was promulgated on March 21, 1972 to supersede supreme court rule 78. The new rule enables the Court Administrator to deal with delay in making decisions in the courts of common pleas. Each common pleas judge is required to report all undisposed of cases of sixty days or more to the Administrative Office.⁵² Analysis is made as to causes for delay, and recommendations for improvement made.

THE FUTURE

The Rules of Judicial Administration, outlining powers and duties of the Court Administrator, were a necessity if the Court Administrator is to serve a unified system and if he is to be able to perform those management duties and assume those management responsibilities essential to the function of court administration.

There is no reason to believe that implementation of these rules

52. PA. R.J.A. 703.

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will be anything less than efficient. Tangible evidence of effective performance by the Administrative Office since its inception has been noted in prior sections of this article. In addition, prior sections have reported actions which indicate that the Court Administrator and his deputy administrators are well aware of principles of sound court administration as well as of current thinking in the field.

If one is to predict on the basis of the experience of court administrators in other areas of the country,⁵³ the task of implementation will not be easy. Resistance to change is inevitable. One can anticipate added resistance when working in a legal environment and with a profession reverent of tradition and precedent. To compound this, the changes necessary will involve transfer and loss of power long held by others—and all of this in an atmosphere which, at a minimum, can be described as being on the fringe of the political. Experience in other areas of the country would indicate that the Court Administrator must be given not only the necessary funds, staff, and support—but definitely the power—to effectuate necessary changes. This will require the complete backing of the Judicial Council, the entire judiciary, and the bar.

Given that, indications from past performance are that Pennsylvania can expect to see achievement of the goals of court administration in a unified judicial system.

53. Gable, *Modernizing Court Administration: The Case of the Los Angeles Superior Court*, 31 PUB. AD. REV. 133-43 (1971).