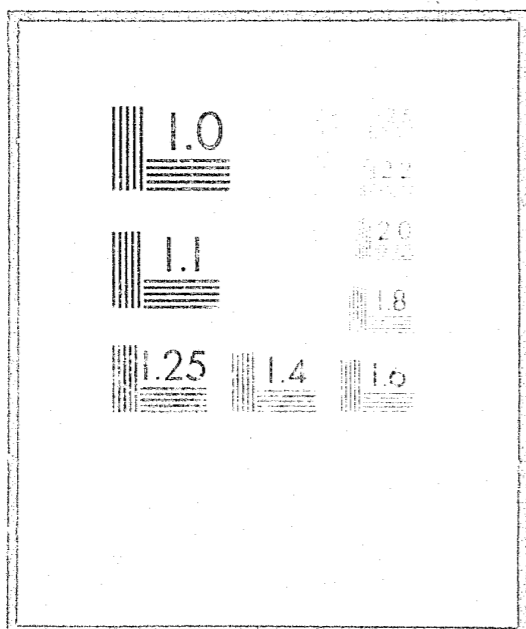


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SURVEY OF ADMINISTRATIVE PROCEDURES  
IN SELECTED DISTRICT JUSTICE OFFICES IN  
DELAWARE COUNTY, PENNSYLVANIA



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project  
Institute for Studies in Justice and Social Behavior  
The American University Law School  
Washington, D.C.



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August, 1973

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MAR 8 1977

ACQUISITIONS

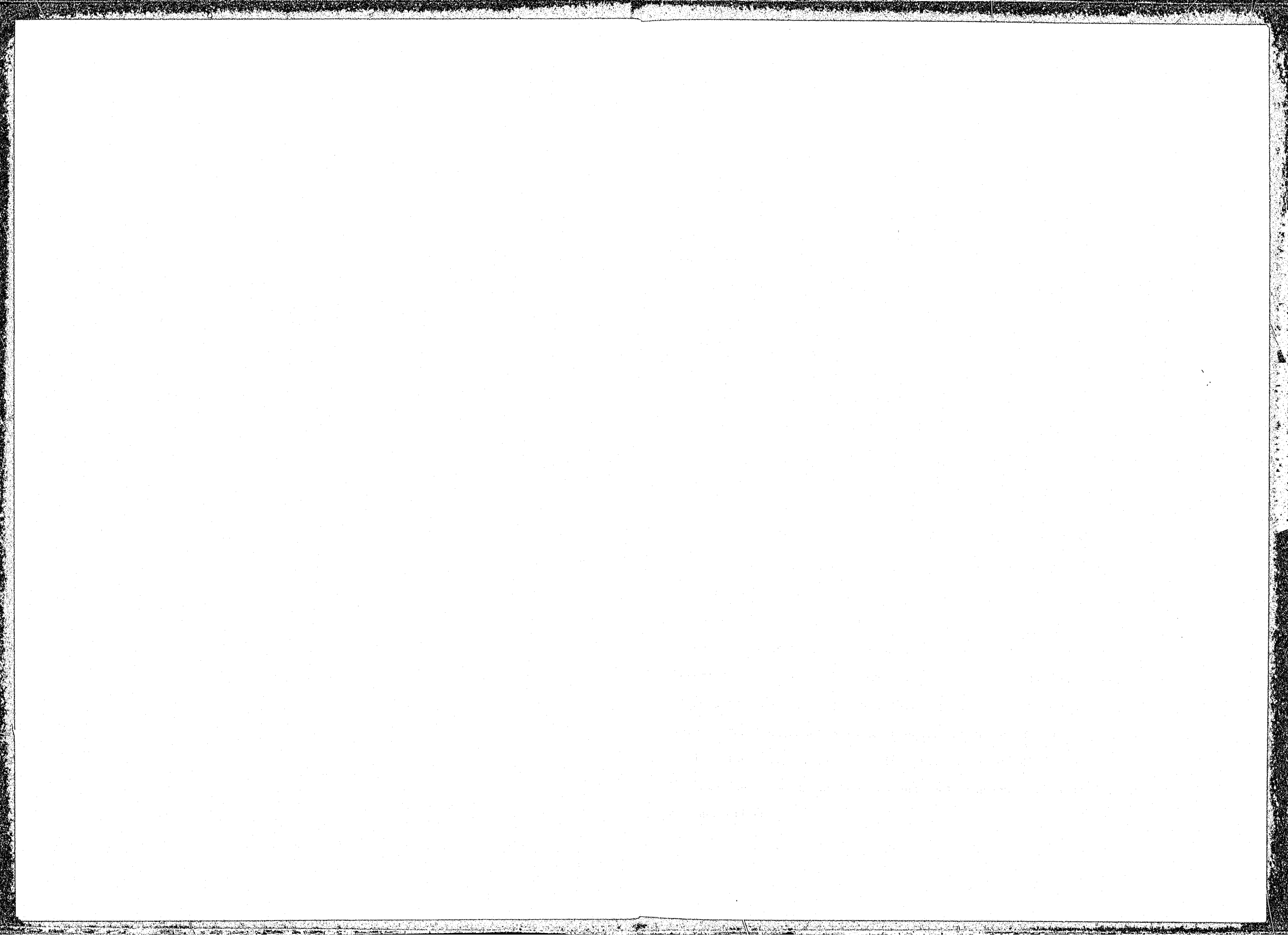
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## II. DESCRIPTION OF EXISTING SITUATION

### A. The Creation of the District Justices.

The State of Pennsylvania is divided into 67 counties. Delaware County, located in the southeast region of the state, has a population of approximately 600,000 comprising about 5% of the total state population. The total number of District Justices in the state is 591. Delaware claims approximately 6% of that total, or 33.

Prior to January 1970, the number of D.J. offices in the State ranged between 3,000 and 6,000, with 107 offices in Delaware County alone. Each D.J. had county-wide jurisdiction, and his judicial income was dependent upon costs, or fees, that were received from the losing party.

In an effort to upgrade the Minor Judiciary, an amendment was made to the state constitution in 1968 which provided for the elimination of the fee system and the establishment of an annual salary, in part based on population. This amendment led to the creation of 33 small, geographic districts in Delaware County, each comprising all or part of a township or borough. Each D.J. is elected for a six year term and has jurisdiction only in his territory except where a vacancy occurs, for example because of illness. The President Judge of the Court of Common Pleas of each district provides general supervision and administrative control over the D.J. offices in each district.

In Delaware County, two of the 33 D.J.'s are lawyers; the remainder are "laymen." As part of the new system, educational requirements for the incoming D.J.'s were established. Intensive training programs were developed. Each new D.J. was required to attend classes and pass an

examination. Refresher courses are held periodically to keep each D.J. abreast of developments in the law as they affect his jurisdiction.\*

B. Jurisdiction of the Court

Jurisdiction of the District Justice Court includes criminal, traffic, civil and juvenile. In criminal cases, the D.J. has the authority to hear and determine summary offenses punishable by up to 90 days in jail, \$300 fine, or both. In those cases involving a serious criminal offense, their jurisdiction is limited. The D.J. will conduct arraignments and preliminary hearings, set bail or establish ROR, and advise defendants of their rights. The case is then transferred to the Court of Common Pleas which sits in Media, Pennsylvania.

Traffic citations, which constitute the bulk of the cases in all of the offices visited, are handled by mail. All traffic cases, except those involving drunkenness or death, are settled at the D.J. office.

With reference to civil cases, the D.J. generally has the authority to hear and determine cases where the amount in controversy does not exceed \$1000. They have the authority to determine landlord-tenant cases, most of which are eviction for non-payment of rent. It appears, according to the D.J. offices visited, that the majority of civil cases involve collections for non-payment of bills. Non-traffic citations involving the violation of a city ordinance (e.g. underage drinking or disturbing the peace) are also punishable by fine and payable by mail, and within the jurisdiction of the D.J.

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\* A comprehensive study of the District Justice system has recently been completed by Dr. Vincent J. Walsh entitled: "The District Justice System - Southeast Region of the Governor's Justice System, 1972."

The D.J. offices have exclusive authority in truancy cases resulting in a fine. For the most part, cases involving a juvenile and a parent are settled informally, with the D.J. acting as mediator and counselor.

In summary, the vast majority of cases which pass through the D.J. offices are uncontested. Unfortunately, no hard figures could be found due to the lack of adequate statistics. Most civil cases are bill collections and uncontested. Summary criminal cases for the most part result in pleas of guilty. There are few actual hearings. Thus, the judicial duties personally performed by the Justices represent a small percentage of the work of the court. The bulk of the work is an endless flow of paper handled by the secretarial staff.

#### C. Clerical Personnel

The county employs forty-nine full time secretaries and additional part time secretaries which are distributed, but among the various district justice offices according to their caseload. One exceptionally busy district employs 14 full time and part time secretaries. Smaller offices employ only part time staff.

There is no systematic method for the recruitment of secretarial staff, and there are no defined qualifications for the position. The current policy is very casual; most secretaries are referred by acquaintance. The D.J. decides, based on caseload, how large a staff he will require, and begins to interview the applicants. After the individual has been selected, he or she is sent to the County office in Media for an examination. After taking this examination, the new secretary is placed on the County payroll. The examination is not geared specifically for D.J. staff, but it based on general clerical-secretarial skills.

There is no formal training or orientation period for the new secretaries. An inadequate two to three hour course, describing the new accounting system was given to familiarize the secretaries with the elaborate system of fines and costs. However, the establishment of procedures in the new D.J. offices was essentially left up to the secretaries. The Justices gave some assistance, but they were trained in their judicial duties, not office administration. Although the involvement in developing procedures by the D.J. is to be commended, it should be stressed that each individual office has developed its own procedures, without much thought toward a county-wide system.

For the most part, the D.J.'s who began to serve under the new system in 1970 did not inherit any records or procedures from their predecessors. The former D.J. simply phased out when the new system came into effect. Their records and procedures disappeared with them.

No systematic liason between D.J. offices, or with state and county administrators exists. A negligible amount of communication between the two or three D.J. offices who cover for one another during an absence does exist on a case by case basis. There is minimal communication between the D.J. office and the County Administrator in the form of monthly case status reports.

The D.J. has been provided with the Pennsylvania Rules of Conduct, Office Standards and Procedures for District Justice of the Peace, which outlines rules of conduct, office rules and standards, and rules of civil and criminal procedure. If a D.J. is presented with an unfamiliar situation, he may refer to this handbook for guidance. However, such a manual



does not outline office procedures. If a problem or question arises, the secretary must consult the D.J., the Court Administrator, or do the best he can with no assistance. In the case of an absence or vacation by a secretary, the replacement has no written guidelines to follow.

The responsibilities of the secretarial staff are extensive and difficult. As indicated earlier, there is an elaborate system of fines and costs pertaining to each case. Instead of setting a fine, for example of \$25, that amount is broken down into a fine of \$20 and a cost of \$5. Checks for fines collected are mailed each month to either the borough, township, county, or state - depending upon the specific jurisdiction whose laws were violated.

Monthly reports indicating the status of all criminal and civil cases are kept separately and integrated at the end of the month into a single report and submitted to the State Court Administrator. An additional report of cases held over from one month to another, for whatever reason, is also kept and filed with the State Administrator at the end of the following month.

The largest handicap faced in each office is the inadequate forms. Some of the forms are state prescribed, some county, and some are developed by the individual secretaries. The forms do not allow for simple, accurate record keeping. The result is duplication and unnecessary effort on the part of the secretaries. For example, the information required on the criminal docket sheet, e.g. date of arrest, date warrant issued, and continuance date, is again required on the criminal case status report on the combined criminal/civil case progress report.

Criminal and civil complaint forms, as well as traffic and non-traffic citations, are completed at the time of the violation and include all necessary case information. After filing the complaint forms, or citations the following documents are prepared, all containing duplicated information: index cards; docket sheets; docket books; and cross-reference books. Cases are then filed by category, by docket number, cross-referenced by name of defendant and name of complainant.

Affidavits are kept on those defendants who chose to make partial payments on a fine. However, these affidavits are filed alphabetically in a looseleaf, and the only way to keep track of delinquent accounts is by thumbing through the entire book. Citations are filed in the same fashion, with no quick method of tracking down those that are delinquent.

Other secretarial duties include scheduling hearings and keeping a calendar; handling telephone inquiries, assisting affiants in filing a complaint; greeting visitors; and typing correspondence for the D.J.

As the various duties and responsibilities of the secretaries are discussed, it appears that the title "secretary," or "girls" as they are sometimes unfortunately called, is a misnamer. The duties are those of a Clerk.

Many unnecessary but time consuming and burdensome chores are now being performed by the secretaries. For example: typing civil complaints for litigants capable of doing it themselves (e.g. doctors, department stores); in illegal parking cases, identifying car owners when only license numbers are available (a police function); following up on installment payments in civil cases (a function of judgment creditor); transcribing and summarizing proceedings as a matter of course when in fact no transcript is necessary.

Another example of unnecessary work appears to occur where a citation would normally be given (e.g. moving violation) but the violator cannot be served with the citation at the scene of the infraction. Instead of merely mailing the citation to the violator, a formal criminal complaint is issued and a full hearing scheduled.

The lack of uniformity in each office is apparent. The secretaries employed under the new D.J. system were given no direction in establishing procedures, and therefore were left to their own ingenuity. The resultant disparity does not provide for the effective administration and control of these offices on the part of the County Administrator. Data collection is difficult. The staff is not interchangeable, and county-wide training is virtually impossible.

For example, the system of numbering cases differs from one office to another. In one instance, the citations were filed by citation number. In another, the citations were filed alphabetically. In a third office, the citation was given a docket number, and filed accordingly.

Each office surveyed has a different, but equally cumbersome, method of cross-referencing cases. One office typed index cards and filed them under the complainant's name, the affiant's name and the docket number. If a warrant was issued, another card was made up and filed alphabetically in a warrant file. Thus, a total of four cards are typed for a single case. One office kept a looseleaf and listed the complainants alphabetically, with the docket number referenced.

The use of tickler files, which call attention to special cases, was employed in only one office - and there only for citations. This office

filed one copy of the citation alphabetically, the other copy filed by due date. The remaining offices, as mentioned earlier, had no effective method for keeping track of delinquent accounts.

The method of recording proceedings also varied from one office to another. In two instances, the transcript was typed by the secretary directly from her notes. In a third office, the D.J. dictated the information and the secretary transcribed it from the tape recorder.

Only one office had a system for storing dead files: upon completion of a case, the docket was filed by number in the rear of the office. Other offices filed the completed cases with those cases still pending, separating them only by year.

### III. RECOMMENDATIONS

#### A. Reclassify Secretaries

The current secretarial position in each District Justice's office should be reclassified as a Court Clerk. Special efforts should be made to recruit qualified personnel.

#### B. Develop Procedures

A system of appropriate and simplified procedures and work flow should be developed and implemented throughout Delaware County. The present forms used should be revised to reflect changes in the procedures and be as brief and concise as possible. A uniform method of keeping, storing and destroying records should also be devised.

#### C. Prepare Manual

Concurrent with the development of the new procedures, a handbook should be prepared, similar in format to the District Justice's Rules and Procedures. The handbook should describe the day-to-day operations of the District Justice offices, and clearly explain the duties of the staff. Work flow, methods of completing and filing complaints, record keeping, etc. should be described here. A looseleaf type book is suggested to allow for revisions and updating.

#### D. Institute Program

After completion of the revised system of procedures and the handbook, a formal training program should be established. This program would enable new clerks to become familiar with the District Justice System and their responsibilities, as well as educate the current clerical staff in the new policies. The District Justices themselves should attend sessions where



appropriate, since they are ultimately responsible for the work performed in their offices.

E. Appoint Supervisor/Coordinator

An assistant to the Deputy Court Administrator should be appointed to supervise and coordinate the clerical staff. This new officer of the court would act as liaison between the administrator's office and the offices of the District Justices. Responsibilities could include: training; preparation and revision of the handbook; recruiting and testing of new applicants; and otherwise implementing the program of necessary reform.

#### IV. SUMMARY

The majority of the citizens who become involved with the judicial system see only the District Justice System, making that court one of the most important in the county.

The Delaware County District Justice System is still in a state of transition. The basic laws governing the District Justices and their judicial work and training are already greatly improved.

The next major step, equally as important as those already taken, is to rationalize, simplify and make uniform the system of office procedures, as well as to upgrade the secretarial position and recruit qualified personnel for that position.

The District Justice System will be subjected to increased demands and stress due to the expansion of this lower court's jurisdiction. The procedures of the District Justice Offices must be improved now to enable the staff to effectively handle the increased caseload that will result from this expanded jurisdiction.

