

The Commission for Justice Initiatives in Pennsylvania

In May 2004, at the request and with the support of the Supreme Court of Pennsylvania, then Pennsylvania Bar Association President Michael H. Reed established the Commission for Justice Initiatives in Pennsylvania.

Guided by the basic tenet that the justice system needs to be responsive to the expectations and needs of the communities it serves, the Commission identifies, develops and recommends the implementation of programs and practices designed to improve the administration of justice in Pennsylvania, educate the public about justice and the judicial system and enhance the public's trust and confidence in Pennsylvania's justice system. To accomplish this task, the Commission's initial focus has been the study and evaluation of initiatives in courts of first resort – the family, juvenile and the lower criminal courts – where most citizens have their first contact with the judicial system.

The Commission is a multi-disciplined body presently comprised of 23 distinguished individuals:

Commissioners

Edward W. Madeira, Jr., Esq., Chair
Michael H. Reed, Esq., Vice-chair
Hon. Barbara Adams
Hon. Cynthia Baldwin
Mark H. Bergstrom
Hon. Robert E. Colville
Hon. Robert J. Colville
Hon. Thomas W. Corbett
Hon. Jay Costa, Jr.
Charles A. Cunningham, Esq.
Hon. William H. DeWeese
Hon. Michael F. Gerber

Hon. Thomas M. Golden
Hon. Stewart J. Greenleaf
Rev. Brenda J. Gregg
Clifford E. Haines
Michael Joseph Kane
Hon. James Kennedy
Hon. Thomas King Kistler
Hon. Norman A. Krumenacker III
Hon. William J. Manfredi
Hon. James B. Martin
Thomas L. McGill, Jr.

Diversity in all respects is a priority. The group includes a member of the Pennsylvania House, a member of the Pennsylvania Senate, the Attorney General, the Governor's General Counsel, a district attorney and a public defender, trial, appellate and federal court judges, private practice lawyers, a county government representative and two outstanding private citizens who by reason of their positions in their communities are knowledgeable about how the justice system impacts those communities. The Commission consults with its **newly created Advisory Council** comprised of former Commission members, committees and sections of the Pennsylvania Bar Association, and other experts in specific areas of interest.

Task-oriented committees and task forces carry out the work of the Commission. There are presently six committees/groups, two sub-committees and five task forces in addition to the previously mentioned Advisory Council:

- The **Organization/Planning Committee** fine tunes the Commission's infrastructure and determines its lines of inquiry.
- The **Public Education/Community Outreach Committee** not only recommends programs of educational outreach to communities and representatives of local and state government, but also seeks to receive information about the community's and local and state government's views as they relate to the judiciary and the justice system.
- The **Equal Access to Equal Justice Committee** is charged with identifying and examining the components of equal access to equal justice and determining what the courts can do directly to foster and ensure that each component is recognized, adequately funded and staffed and routinely evaluated to ensure that the equal access to equal justice mission is realized. The group will utilize subject experts, study nationally recognized best

practices and consult the relevant works of PBA committee and sections to inform its inquiry. The committee will also look beyond the resources of the judicial system to identify and address those components that need to rely upon the support of the other branches of government.

- **Task Force on Self-represented Litigation** is focused on identifying and recommending best practices to assist Pennsylvania's self-represented litigants. Launched in 2005, its members include nine judges and representatives from the legal services community, PBA Pro Bono Office, and the law librarian community. The task force delivered its preliminary report to the court in the summer of 2007, and awaits instruction from the court as to implementation strategies.

The task force's **Education Sub-committee** works on developing a continuing legal education program for the Pennsylvania Conference of State Trial Judge

- The **Specialized Courts Committee**, the group tasked with the Commission's first substantive investigation, saw its recommendations for the creation of specialized judicial dockets for non-violent adult drug offenders adopted by the court in the fall of 2005 and its recommendations for the creation of specialized judicial dockets for mentally-ill offenders in October 2007.

The committee's November 2007 presentation to the Senate Judiciary Committee on the Future of Treatment Courts was very well-received and has set the stage for the next step in the evolution of specialized dockets – Differentiated Case Management System - bringing the holistic concepts of treatment courts to scale and applying their approaches to a variety of matters.

The **Mental Health Initiatives Group** continues to examine ways to keep mentally ill offenders from entering and/or penetrating deeper into the criminal justice system. The Sequential Intercept Model remains as the groups' guiding beacon. The **three task forces** devoted to the first three intercept continue to explore best practices and to make recommendations for model programs to intercept mentally ill offenders at arrest, at the Magisterial Court level or at the trial court level and to divert those deemed eligible away from incarceration and into supervised treatment programs. The Group is also working closely with the Department of Public Welfare, the Administrative Office of the Pennsylvania Courts and the Council of State Governments in a statewide study of Pennsylvania's present practices towards mentally-ill offenders.

The **Juvenile Drug Court Sub-committee** is expected to continue its work on the juvenile drug court template as well as its investigation of other juvenile justice best practices in light of Pennsylvania's inclusion in the MacArthur Foundation Model for Change study.

Emerging areas of interest for the Specialized Courts Committee includes: immigration, loan foreclosure and veterans courts.

- The **Changing the Culture of Custody Committee** charged by CJI Consultant Justice Max Baer with developing a best practice model for replacing custody litigation when possible with a combination of mediation and support services geared to preserve due process, maintain open communication between the parents and keep children, when possible, out of the courtroom, released its preliminary report in the spring of 2006 and its final report in the spring of 2007. The report has recently been circulated to the Family Court judges across the state and the Academy of Matrimonial. Justice Baer has indicated that the report will move to center stage in 2009, once the court's Dependency Unit is fully operational.

Task Force on Jury Issues works in conjunction with the Pennsylvania Supreme Court's Interbranch Commission on Racial, Gender and Ethnic Fairness to recommend ways to enhance the diversity of Pennsylvania's juror pool and to create uniform procedures to address juror excusals and postponement of jury service. Its report was delivered to the

court in the 2007, and the group is in the process of fine-tuning some of its recommendations and developing an implementation plan.

The Commission typically conducts at least four, face-to-face meetings of the full Commission each year. Its task forces and sub-committees meet on their own schedules either in person or by telephone conference call. Most meetings are held in the Harrisburg area.