



**COURT OF COMMON PLEAS  
SIXTIETH JUDICIAL DISTRICT  
PIKE COUNTY  
410 BROAD STREET  
MILFORD, PENNSYLVANIA 18337**

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JOSEPH F. KAMEEN  
PRESIDENT JUDGE

GREGORY H. CHELAK  
JUDGE

# MEMO

**DATE: JANUARY 16, 2012**

**RE: RE-ALIGNMENT OF MAGISTERIAL DISTRICT JUSTICE  
OFFICES FOR PIKE COUNTY**

**BY: JOSEPH F. KAMEEN, PRESIDENT JUDGE**

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## **PUBLIC NOTIFICATION AND INVITATION OF PUBLIC COMMENT**

Enclosed is a report on the Re-Alignment of the Magisterial District Courts of Pike County as prepared in accordance with the directions from the Pennsylvania Supreme Court. The report includes an analysis of each of the four Magisterial District Justice Offices of Pike County, a comparison between such offices as well as a comparison to the average 6<sup>th</sup> Class County Magisterial District Justice Office.

This report is being issued to notify residents of the County of the proposed elimination of one Magisterial District Court and re-alignment of the remaining Courts.

Anyone who wishes to submit a public comment regarding the proposed changes should submit such comment in writing addressed to the Court Administration Office, 410 Broad Street, Milford, PA 18337. Comments received shall be included in the final report submitted to the Pennsylvania Supreme Court regarding the proposed changes. Comments will be accepted through February 17, 2012.

**RE-ALIGNMENT OF**  
**MAGISTERIAL DISTRICT COURTS**  
**OF PIKE COUNTY**

**BY JOSEPH F. KAMEEN, PRESIDENT JUDGE**  
**COURT OF COMMON PLEAS**  
**PIKE COUNTY**

**A. INTRODUCTION:**

The Pennsylvania Supreme Court has directed all President Judges of the State's County Courts to evaluate and determine whether all of the Magisterial District Justice (MDJ) Offices of the county are necessary based upon statewide average workloads of Magisterial District Justice Offices of similarly classified counties. This request was triggered by significant budget shortfalls for the judiciary over the last several years resulting in tens of millions of dollars in budget cutbacks. The Supreme Court has set a goal of reducing the number of MDJ courts across the State by 10% over the next several years. A copy of the directions from the Supreme Court is attached to this report for review by interested parties.

## **B. EVALUATION PROCESS:**

The Supreme Court has provided each county with a detailed work history of the county MDJ system and specific data on each MDJ court in the county for the last five years. The data included in this history includes all case filings for each MDJ office, the estimated workload accompanying those filings, miscellaneous docket entries per office, as well as countywide and statewide averages for each category of data. Also included were the 2000 and 2010 census figures per each county. This detailed history is available for review at the Prothonotary's Office in the Courthouse in Milford, PA.

The "case filing" data is an unrefined statistic which simply identifies the total number of cases filed with that MDJ office without regard to the type of case involved, the effort needed to resolve the case or the seriousness of the case. Included in these case filing figures are all felony, misdemeanor and summary criminal cases, non-traffic cases, traffic cases, private criminal complaints together with all civil filings and landlord-tenant complaints. Also included are miscellaneous matters such as arraignments for other courts, contempts, out of district executions, marriages and search warrant reviews.

The "workload data" is a more sophisticated and accurate statistic because it evaluates each of the case filings or other matters according to the actual amount of work involved in resolving a typical case of that nature. This workload formula has been created by the State MDJ Court System based upon the experience of many MDJ's handling of those matters over years. As a result, this workload figure presents a more accurate basis for comparison of the amount of work each office performs.

### **C. PIKE COUNTY STATISTICS:**

Pike County is registered as a 6<sup>th</sup> Class County based upon population growth. Sixth Class Counties are the most common type of county in the state comprising 24 of the 65 counties in PA.

Exhibit A to this report contains a summary of the 2005-2010 caseload and workload statistics for each MDJ office in the county. Exhibit B contains a summary of the 2010 comparison of the Pike County MDJ offices to the 6<sup>th</sup> Class County averages for caseload and workload.

In summary, Pike County MDJ Office 60-3-01 (Office 1) handled 27% of the case filings and 26% of the workload for Pike County in 2010. Pike County MDJ Office 60-3-02 (Office 2) handled 41% of the case filings and 31% of the workload. Pike County MDJ Office 60-3-03 (Office 3) handled 15% of the caseload and 19% of the workload. Pike County MDJ Office 60-3-04 (Office 4) handled 16% of the caseload and 24% of the workload. While these numbers initially would seem to indicate a relatively balanced county system, when compared to the statewide averages, Pike County is significantly behind state averages for 6th class counties. MDJ Office 1 has a workload currently 18% lower than the state average. Office 2 is 13% below state average. Office 3 is 29% below the state average and office 4 is 26% below state average.

## **D. RE-ESTABLISHMENT OF THE MAGISTERIAL DISTRICT JUSTICES:**

Following a review of all documents and information provided by the Administrative Office of the Pennsylvania Courts (AOPC) related to the caseload and workload of the Magisterial District Offices in Pike County and following the directions of the Supreme Court regarding evaluation of Magisterial District Justice workloads, it is the recommendation of this Court that Magisterial District Court 60-03-3 be eliminated and the remaining District Courts be re-aligned in order to absorb the additional workload and to balance the workload evenly between the remaining Districts.

Based upon this recommendation, Pike County would have three Magisterial District Courts. Those Courts would be comprised of the following:

1. Magisterial District Court 60-03-1 (Eastern Pike County) : comprised of the Boroughs of Matamoras and Milford, Westfall Township, Milford Township, Shohola Township and the Northeastern half of Dingman Township (comprised of Voting District #1 of Dingman Township).
2. Magisterial District Court 60-03-2 (Western Pike County): comprised of Lackawaxen Township, Palmyra Township, Greene Township, and Blooming Grove Township;
3. Magisterial District Court 60-03-3 (Southern Pike County) : comprised of Lehman Township, Delaware Township, Porter Township and Southwestern half of Dingman Township (comprised of Dingman Township Voting District #2).

The Magisterial District Offices would be located in the following existing MDJ Court Facilities:

Magisterial District Office 1 would have offices located at 502 Little Walker Road, Shohola Township.

Magisterial District Court 2 would retain its existing MDJ Office located in Palmyra Township.

Magisterial District Court 3 would retain the existing MDJ Office located on Silver Lake Road, Dingmans Ferry, in Delaware Township.

The effective date of this change would be January 6, 2014. The effective date will occur after the November 2013 elections in which the Magisterial District Justices in our current District 2 and 4 will each be retiring. The currently elected Magisterial District Justices in existing District 1 and 3 will continue in their presently elected position with modified MDJ District lines. Magisterial District Justice Deborah Fischer would continue in her position for District 1 (Eastern Pike County) with the modification being the addition of Shohola Township and one-half of Dingman Township to her jurisdictional area. Magisterial District Justice Alan Cooper would continue as Judge of newly designated District 2 (Western Pike County) realigned to include Lackawaxen Township. Both retained Magisterial District Justices will reside in their Districts. Magisterial District Court 3 (Southern Pike County) as realigned to include one-half of Dingman Township will be subject to an election in 2013 to fill that post effective as of January, 2014.

The above recommendation is made based upon the guidelines submitted by the Supreme Court to the Pike County Court. A revised map identifying the Realigned Magisterial District Courts proposed by this recommendation is attached hereto as Exhibit C. A map identifying the dividing line between District 1 and District 2 in Dingman Township is attached as Exhibit D.

In making this recommendation, the Court has taken into consideration the following factors:

- 1) Pike County has been the fastest growing County in Pennsylvania for approximately two decades and continues with that growth though at a slower rate today due to economic conditions;
- 2) Increase in population has led to an increase in caseload for all of the Magisterial District Justice Offices;
- 3) There are significant fluctuations in caseload over the years in all MDJ Offices tied to various factors including commercial development, community association activity, creation or expansion of local police, etc., all of which are difficult to accurately anticipate and predict;

- 4) While a Magisterial District Judge may be eliminated, the actual office workload shall continue and existing staff shall be reassigned. Therefore, a reduction in office staff is not contemplated;
- 5) Continued improvements in modern technology will enable more efficient operation of the offices and applicable staff;
- 6) Magisterial District Justices are elected officials and therefore any change in a District is designed to coincide with the anticipated retirement of the elected official.

\* \* \* \* \*

**E. CONCLUSION:**

Following the elimination of current MDJ Office 3 and realignment of all Pike County Municipalities into 3 new MDJ Districts occurs according to this plan, the new figures would show an estimated workload as follows: MDJ Office 1 (East) at 22,973; MDJ Office 2 (West) at 24,701; MDJ Office 3 (Southern) at 23,540. This plan of realignment would comply with all requirements of the Supreme Court which provide:

- 1) All municipalities within the MDJ District must be contiguous.
- 2) Each physical MDJ Office must be located in the MDJ District.
- 3) The Magisterial District Justice must sit in the district in which the Justice resides.
- 4) While municipalities may be split along lines of Voting Districts, smaller divisions of the municipality are not allowed.
- 5) No County MDJ Districts should deviate more than 15% of the County average workload. Based upon the above estimates the Pike County average workload would be 23,736. All offices would deviate less than 4 %.

Equally important, the workload of Pike County MDJ Offices on an average would be very close to the average workload of statewide MDJ Offices in 6<sup>th</sup> Class Counties. All offices would be well within the 10% deviation set by the Supreme Court as the guideline for each MDJ Office. Also, the County average workload would be within 5% of the 6<sup>th</sup> Class County average.

The above plan is being submitted for public comment effective as of January 16, 2012. Public comment shall be accepted through February 17, 2012 and such comments shall be included in the final report to be submitted to the Pennsylvania Supreme Court. All public comments should be in written form and should contain the name and address of the party making such comment. Comments should be forwarded to the Court Administration Office, 410 Broad Street, Milford, Pennsylvania 18337.

# COUNTY COMPARISONS 2005 - 2010 AVERAGE

## CASELOAD | WORKLOAD

MDJ OFFICE	CASELOAD	COUNTY AVERAGE	DEVIATION	WORKLOAD	COUNTY AVERAGE	DEVIATION
60-3-01	3,058	2,866	+ 6 %	19,364	19,106	+ 0 %
60-3-02	4,732	2,866	+ 65 %	23,792	19,106	+ 19 %
60-3-03	1,829	2,866	- 36 %	14,794	19,106	- 22 %
60-3-04	1,865	2,866	- 34 %	18,476	19,106	- 3 %

**EXHIBIT A**

# COUNTY/STATE COMPARISON 2010

		CASELOAD			WORKLOAD		
MDJ OFFICE	CASELOAD	AVERAGE	DEVIATION COUNTY/STATE	WORKLOAD	AVERAGE	DEVIATION COUNTY/STATE	
60-3-01	3,354	2,773 County 3,263 State	+ 20 % / + 2 %	20,551	19,106 County 25,084 State	+ 4 % / - 18 %	
60-3-02	3,728	2,773 County 3,263 State	+ 34 % / + 14 %	21,744	19,106 County 25,084 State	+ 9 % / - 13 %	
60-3-03	2,078	2,773 County 3,263 State	- 25 % / - 36 %	17,681	19,106 County 25,084 State	- 10.8 % / - 29 %	
60-3-04	1,931	2,773 County 3,263 State	- 30 % / - 40 %	18,411	19,106 County 25,084 State	- 6.4% / - 26 %	

**EXHIBIT B**

WEST

Criminal: 1,820 Lackawaxen  
7,200 Palmyra  
3,800 Blooming Grove  
3,500 Greene

Civil: 6,631 Current  
1,750 Lackawaxen

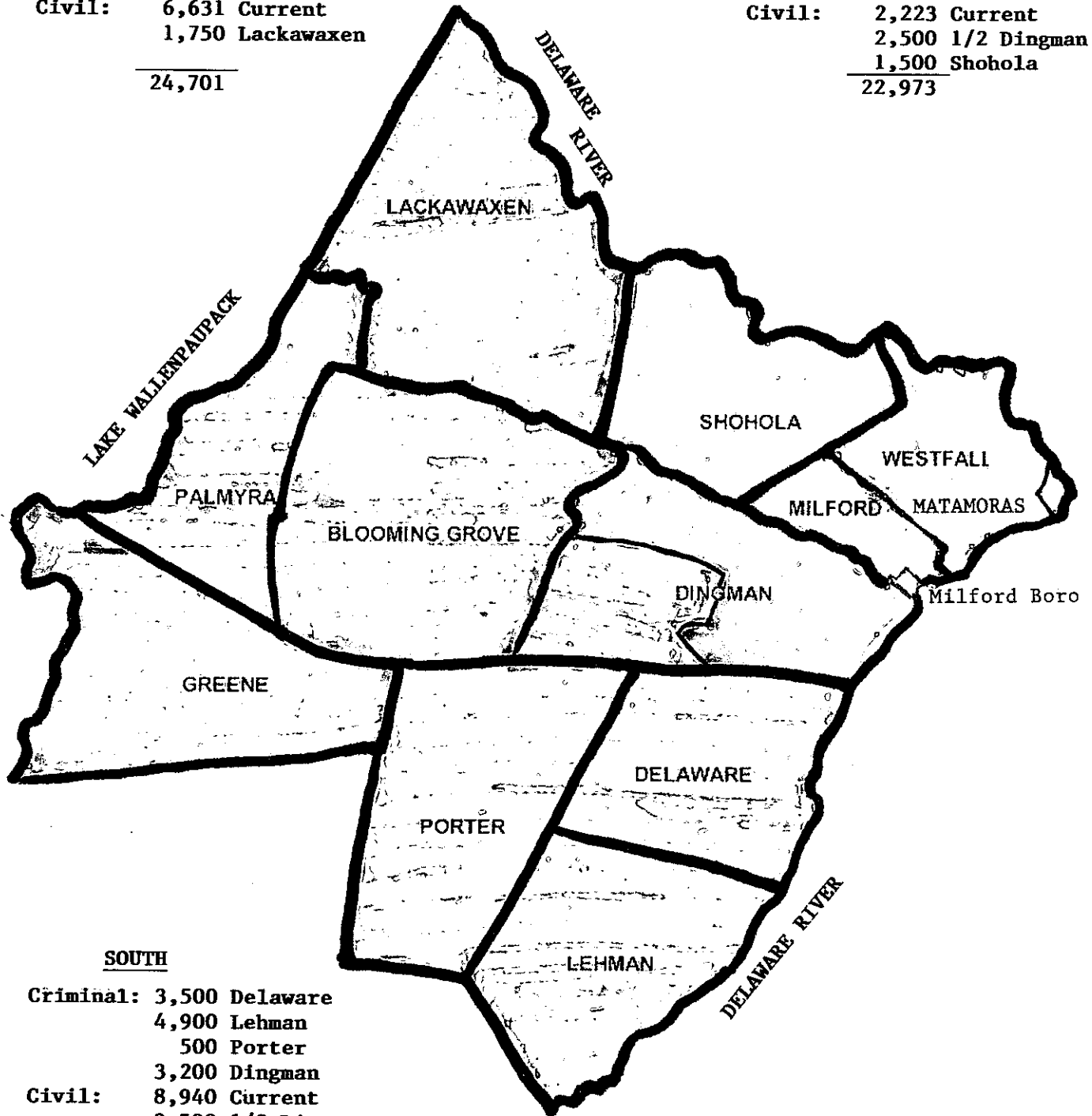
24,701

EAST

Criminal: 4,000 Matamoras  
9,500 Westfall  
1,350 Milford  
800 Milford Twp

Civil: 1,100 Shohola  
2,223 Current  
2,500 1/2 Dingman  
1,500 Shohola

22,973



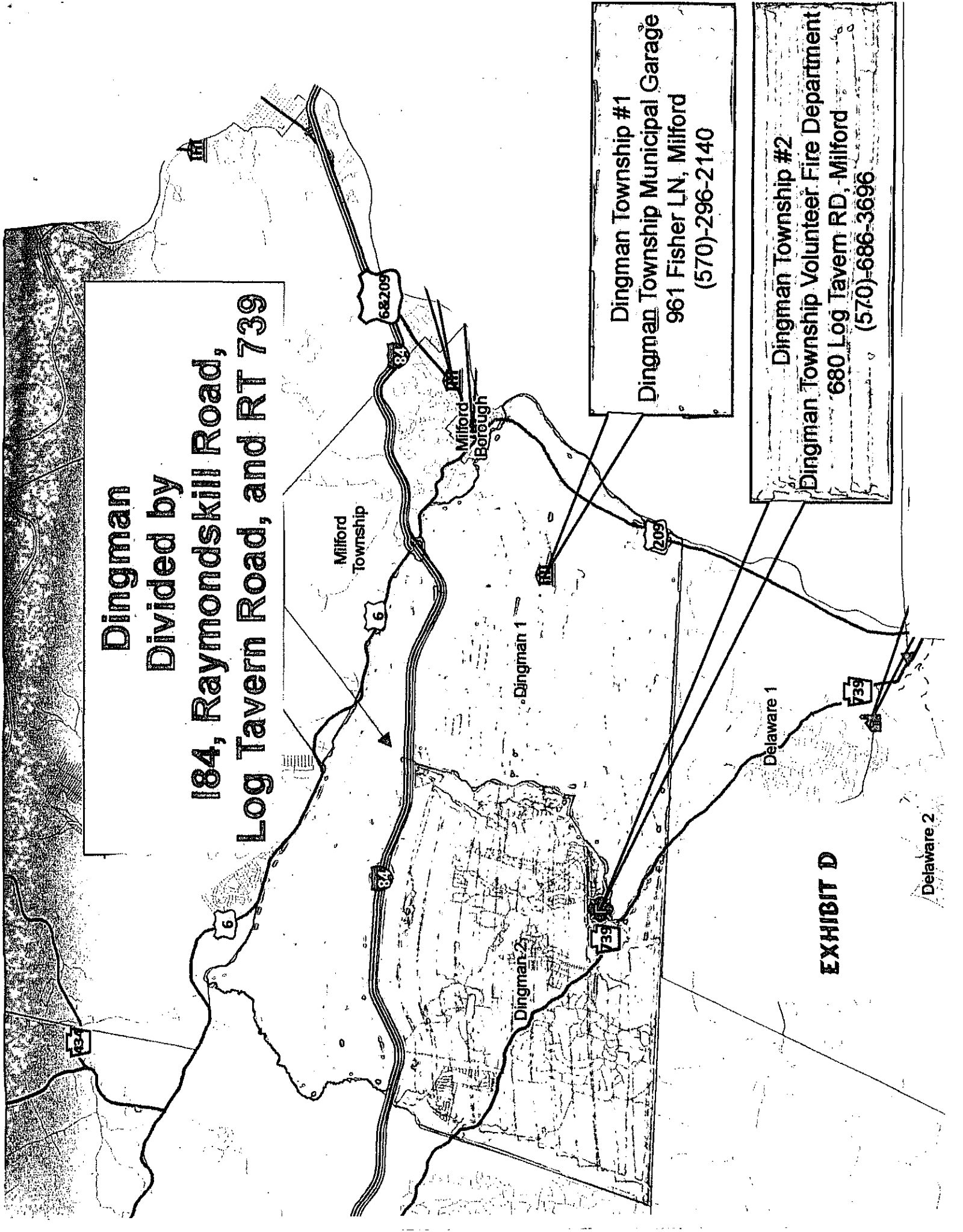
SOUTH

Criminal: 3,500 Delaware  
4,900 Lehman  
500 Porter

Civil: 3,200 Dingman  
8,940 Current

23,540

**Dingman  
Divided by  
184, Raymondskill Road,  
Log Tavern Road, and RT 739**



Dingman Township #1  
Dingman Township Municipal Garage  
961 Fisher LN, Milford  
(570)-296-2140

Dingman Township #2  
Dingman Township Volunteer Fire Department  
680 Log Tavern RD, Milford  
(570)-686-3696

**EXHIBIT D**

Delaware 2

# AOPC

## MAGISTERIAL DISTRICT REESTABLISHMENT GUIDELINES

OCTOBER 2011

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### WHAT YOUR PACKET OF INFORMATION CONTAINS

1. Case filings statistics by case type for the last six years (2005-2010) for each magisterial district within your judicial district. While we can provide a breakdown of filings by municipality for criminal, traffic, non-traffic and private complaints, we are not able to provide a breakdown by ward within a municipality. Civil, landlord-tenant and miscellaneous docket statistics are available by magisterial district.
2. For comparison purposes, average filings are provided by case type for each county and class of county statewide.
3. In addition to case filing statistics, a new measure was developed earlier this year to differentiate among case types and the resulting judicial workload that arises from those filings. This measure was developed by a committee of approximately twenty magisterial district judges (MDJs) from districts of varying size and demographics, representative of the Commonwealth; and is based upon empirical studies of the amount of judge time required to process each case type. Actual case filings are then adjusted by the relative case type weights derived from the study. We call this measurement workload since it measures not just the volume of filings within a magisterial district, but the relative amount of work required by the judge.
4. 2000 and 2010 United States Census Bureau population statistics and population density calculations for each county.
5. Magisterial district judge term expiration and birthdate data for each judge within your judicial district.

### ANALYSIS OF POSSIBLE ELIMINATION OF DISTRICTS

The Chief Justice established a goal of reducing the number of magisterial districts statewide by 10%. This does not mean that each judicial district must reduce the number of MDJs by 10%; or that any elimination must occur immediately. The goal of the Supreme Court is that by the end of the process there will be 10% fewer magisterial districts statewide. Each president judge, therefore, is being asked to assess whether it is feasible to eliminate any of the magisterial districts in your county. Elimination of magisterial districts should include both an analysis of the data and consideration of additional relevant circumstances; and should ensure any modifications do not compromise the effective and efficient administration of justice.

1. The strong preference is to eliminate magisterial districts through attrition. Whenever practicable, reductions should occur by eliminating a district which is vacant or in which the incumbent is retiring or not planning to seek reelection. As a result, elimination of districts may occur anywhere from two to six years in the future, depending upon retirement dates. There might be circumstances, however, where elimination of a district needs to occur but no vacancies are in the offing. In that instance, care should be taken to ensure that the elimination of the district occurs at the conclusion of the incumbent judge's term.
2. When it is not feasible to eliminate a magisterial district based on attrition, average caseload should be used to evaluate whether to eliminate one or more magisterial districts.

# AOPC

## MAGISTERIAL DISTRICT REESTABLISHMENT GUIDELINES

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Using the data provided, begin by reviewing the average caseloads of the offices within your judicial district; and further compare your judicial district's average caseload with the average caseload for your class of county and judicial districts within your class of county. When a magisterial district falls at the lower end of this range, and absent a projected significant increase in filings, or other factors not reflected in the caseload statistics that may justify the continued existence of the smaller offices, serious consideration should be given to their elimination.

3. If the average caseload of the magisterial districts is not more than 10% above the average caseload for your class of county and you are not recommending the elimination of any districts, you must provide an explanation why no districts are being proposed for elimination.
4. Average caseload comparisons will guide the process in one of the following directions: eliminate one or more magisterial districts and realign the affected magisterial districts; or reestablish the magisterial district(s) and provide a rationale, if required.
5. To ensure effective court operations when confronted with eliminating one or more district courts, evaluate the workload within your judicial district. The workload calculation differentiates between treating all case types the same and acknowledging that a different level of effort is required for different types of cases. It is an impartial method to determine if the existing mix of case types and filings and the resulting workload is effective, or if there are areas within your judicial district where workload is concentrated. Realignment is helpful in alleviating imbalances.
6. No magisterial district should have a total workload which is 15% higher or lower than the workload of any other district in the judicial district. If a departure of that degree exists, an explanation must be provided that describes why this does not result in an inequity among the judges in the judicial district. Such explanation could include factors such as projected caseload growth, reduction in the effected districts, or the use of a central court or other mechanism that would redirect caseload.
7. In addition to assessing caseload and workload, the following factors should also be considered:
  - a. Every magisterial district court must be located within the magisterial district boundaries.
  - b. All portions of the magisterial district must be contiguous.
  - c. No district can be eliminated during the term of an incumbent MDJ.
  - d. District boundaries cannot be redrawn in such a way that would move an incumbent district judge's residence into another magisterial district.
  - e. Voting districts cannot be split.
  - f. Any planned development in the county such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings of the effected district should be discussed.

# AOPC

## MAGISTERIAL DISTRICT REESTABLISHMENT GUIDELINES

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- g. Note any special programs in your county that will entail effort by MDJs, such as truancy programs or drug, veteran, or mental health diversion programs.
- h. Unlike the previous reestablishment guidelines, there is no hard and fast rule that no one within a district should have to travel more than one half hour to reach the MDJ office. Instead, public convenience and safety is a factor that should be considered and weighed along with all others.

### INSTRUCTIONS

1. In preparing your reestablishment plan, it is recommended that you begin by conferring with the MDJs in your county. While you obviously have the final say in making a recommendation to the Supreme Court, the input of the MDJs can provide invaluable information, such as retirement plans of judges and trends they have seen in their districts.
2. Proposed reestablishment plans must be posted for public comment before submission to AOPC. Interested parties should have at least thirty days from the publishing date to submit comments. Posting can be done by electronic posting of the proposal on the court or county website and/or by placing a physical copy at various public locations such as public libraries and court offices. Media outlets in your county should be alerted to the posting of the proposal. A copy of the posting and any public comments received should be submitted along with your final proposal.
3. Complete a worksheet detailing the specific proposal for your judicial district and each magisterial district (sample attached).
4. Certify that the office and residence of the MDJ are within the district boundaries.
5. All complete plans must be submitted to the AOPC by February 15, 2012.
  - a. An original copy of the plan should be mailed to:  
Joseph Mittleman  
Director, Judicial Programs  
Administrative Office of Pennsylvania Courts  
1515 Market Street  
Philadelphia, PA 19101
  - b. An electronic copy should be submitted via email to Amy Kehner at [amy.kehner@pacourts.us](mailto:amy.kehner@pacourts.us).

Plans will be reviewed for accuracy and completeness and forwarded to the Supreme Court for consideration.

6. If you have any questions about process or policy, please contact Joe Mittleman at 215-560-6300 or at [jmittleman@pacourts.us](mailto:jmittleman@pacourts.us). If you have technical questions or need assistance with statistics, please contact Amy Kehner at 717-231-3300 X4014 or at [amy.kehner@pacourts.us](mailto:amy.kehner@pacourts.us).

# AOPC

2011-12 Magisterial District Reestablishment  
CIVIL and LT

Sum of Filings	Landlord/Tenant											
	2005	2006	2007	2008	2009	2010	2005	2006	2007	2008	2009	2010
Civil												
MDJ-60-3-01	90	125	116	112	116	147	30	26	26	26	22	21
MDJ-60-3-02	302	210	211	279	259	312	41	28	34	30	26	31
MDJ-60-3-03	474	369	322	376	334	617	11	12	29	23	20	27
MDJ-60-3-04	609	585	587	554	641	653	45	39	49	43	45	48
<b>Grand Total</b>	<b>1,475</b>	<b>1,289</b>	<b>1,236</b>	<b>1,321</b>	<b>1,350</b>	<b>1,729</b>	<b>127</b>	<b>105</b>	<b>138</b>	<b>122</b>	<b>113</b>	<b>127</b>