

# *Municipal Court*



Supreme Court Courtroom, City Hall (artist Noël G. Miles)

## Philadelphia Municipal Court

The Philadelphia Municipal Court was established in 1968 through an amendment to the Constitution of the Commonwealth of Pennsylvania. Municipal Court is a court of limited jurisdiction with twenty-five judges and six senior judges. The high volume of cases that Municipal Court processes yearly makes it the fourth largest court in the United States. Municipal Court has established such innovative courts as the Philadelphia Treatment Court (the first of its kind in Pennsylvania), Community Court, and Nuisance Night Court. Municipal Court comprises a criminal and a civil division.



Judge Louis J. Presenza  
President Judge

The Criminal Division has jurisdiction over preliminary arraignments, felony preliminary hearings, misdemeanor trials, and all non-traffic summary citations. The six Criminal Division sections of operation are Criminal Administration, Arraignment Court (which includes the Office of Bail Commissioner), Criminal Listings, Summary Coding, Private Criminal Complaints, and the Emergency Protection from Abuse Unit.

The Civil Division has jurisdiction over landlord-tenant cases; civil claims with amounts in controversy up to \$10,000; real estate tax cases up to \$15,000; public nuisance complaints; and code enforcement and tax matters filed by the City of Philadelphia. The seven Civil Division sections of operation are: 1) the first filing unit; 2) civil listings; 3) data processing; 4) dispute resolutions program; 5) courtroom operations; 6) court recorders; and 7) judgments and petitions. In 2000, the Civil Division implemented an electronic filing system – one of the first in the nation – by which attorneys file claims through the Internet. The completely automated system provides computer storage of all complaints, pleadings, and court decisions, eliminating the use of paper filings.

Since by statute Municipal Court has limited jurisdiction, there is no right to jury trials. However, there exists a right to a *de novo* appeal to the Court of Common Pleas. The appeal rate for both civil and criminal dispositions is less than 3%. The Municipal Court continues to work collaboratively with other courts in the First Judicial District, the Bar, and all civil and criminal justice partners to provide the highest standard of justice.

## The Municipal Court Bench



Judge Linda F. Anderson



Senior Judge Martin W. Bashoff



Judge Robert S. Blasi  
Admin. Judge through 10/2001  
Supv. Judge Civil, 2002



Judge Frank T. Brady



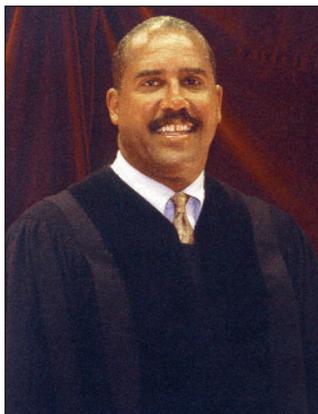
Judge Gwendolyn Conway



Senior Judge Francis Cosgrove



Judge Georganne V. Daher



Judge James M. DeLeon  
Supv. Judge Criminal, 2001 - 2002



Judge Teresa Carr Deni



Judge Thomas F. Gehret



Judge Barbara S. Gilbert  
Supervising Judge Civil, 2001



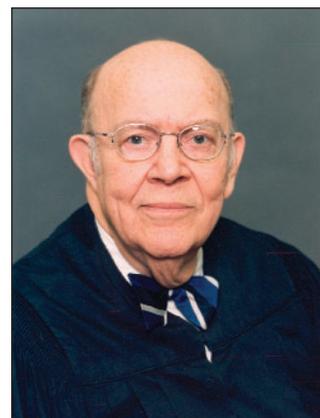
Judge Deborah Griffin



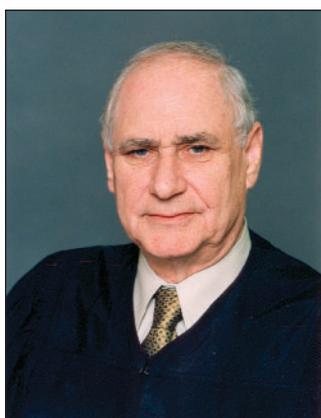
Senior Judge William A. King, Jr.



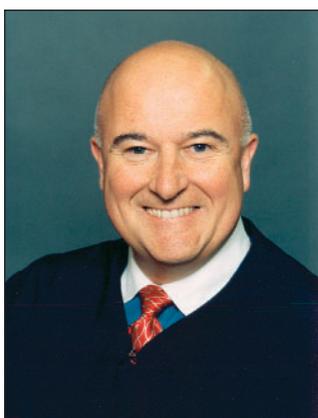
Judge Lydia Y. Kirkland



Judge Morton Krase



Senior Judge Eric L. Lilian



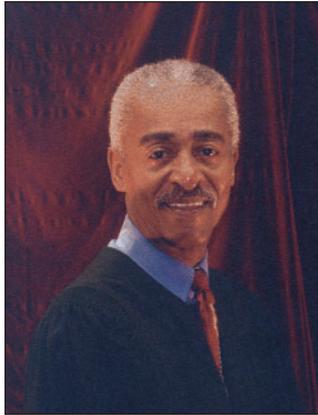
Judge Séamus P. McCaffrey  
Administrative Judge 10/2001, 2002



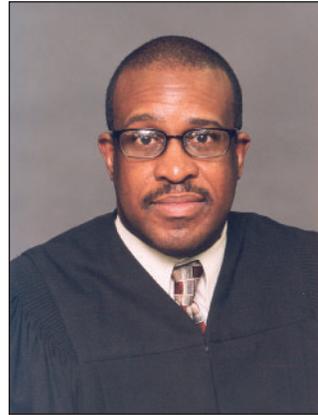
Judge William A. Meehan, Jr.



Senior Judge Edward G. Mekel



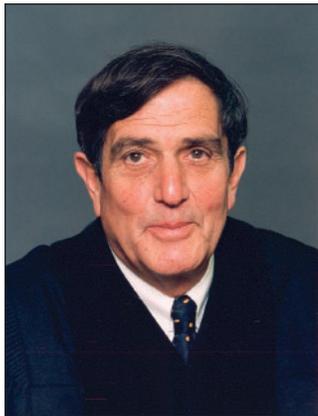
Judge Ronald B. Merriweather



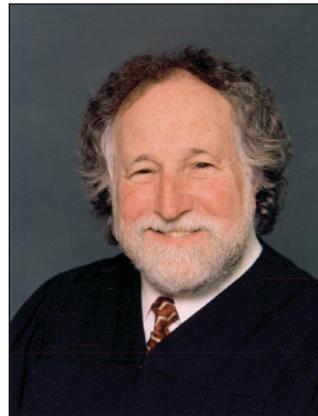
Judge Jimmie Moore



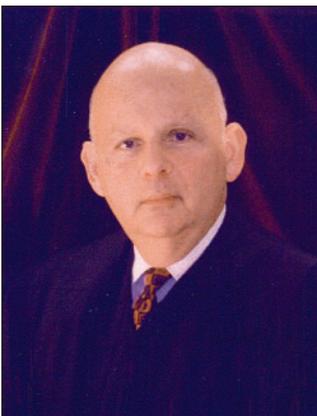
Judge Marsha Neifield



Judge Louis G. F. Retacco



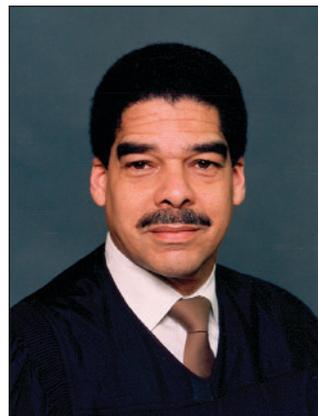
Judge Harvey W. Robbins



Judge Alan K. Silberstein



Judge Felice Rowley Stack



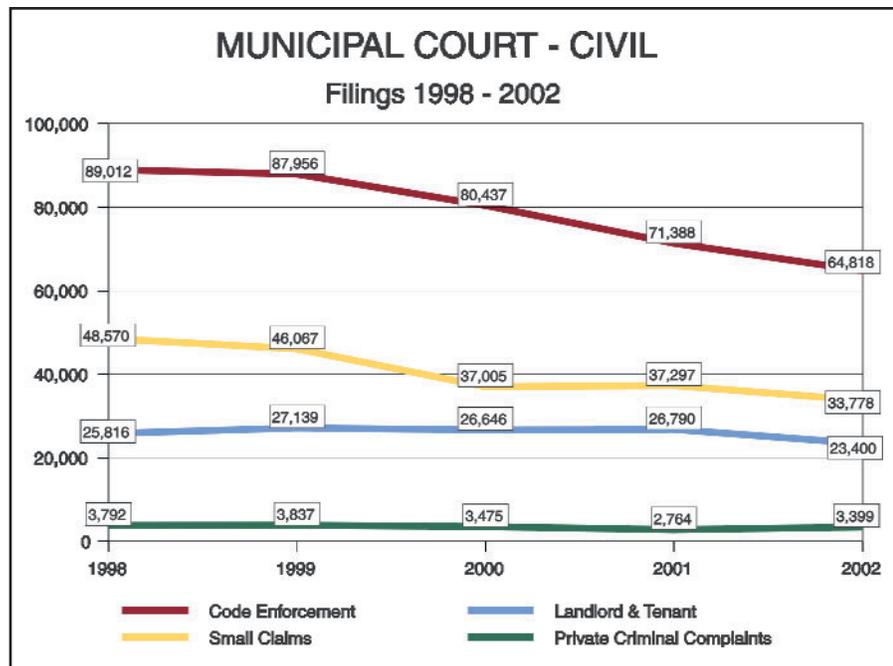
Judge Craig M. Washington

Not pictured: Judge Frank Palumbo and Judge Wendy L. Pew

## Municipal Court Civil Division

The Civil Division of the Philadelphia Municipal Court is often the first, and perhaps only experience many individuals have with the court system. While the Division is well suited to provide judicial services to unrepresented individuals, it is at the same time able to very professionally handle more complex filings from attorneys. The Civil Division processes approximately 200,000 cases a year. Those cases range from someone suing for a few dollars to others seeking jurisdictional limit of \$10,000. Cases filed in the Civil Division include Small Claims, Housing (Evictions, Security Deposit, etc.), Code Enforcement, Tax (Business Privilege, Net Profits, etc.), delinquent Water/Sewer and delinquent Gas.

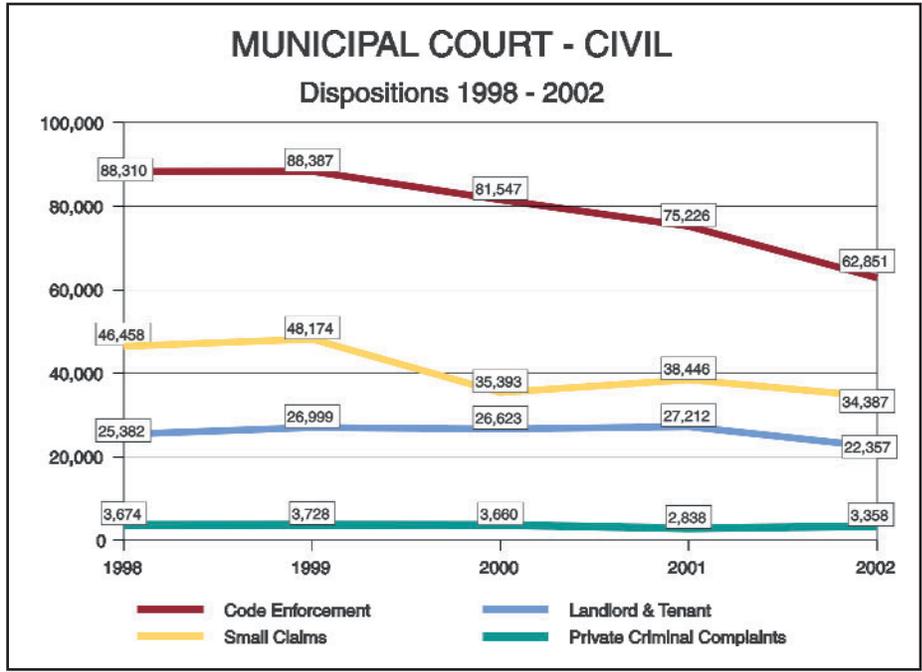
Seven major branches compose the Civil Division organizational structure: First Filing, Civil Listings, Data Processing, Dispute Resolutions Program, Courtroom Operations (including Civil Trial Commissioners), Court Recorders, and Judgments and Petitions.



The Division adopts the tenet that the public needs to have a court system that is easily accessible and user friendly, since this is the only way to ensure that the rights of all parties are considered and protected.

The Civil Division initiated electronic filings, courtroom on-line dispositions and other procedural advancements in 1999, and continued to develop and implement improvements through 2001 and 2002. The system will continue to support programs that allow unrepresented individuals to feel that they are utilizing the system to their fullest benefit.

At this time, citizens can walk into the First Filing Intake Unit, have their cases typed up for them, have them processed at a very low fee, have service provided and be given a very “short” court date (a date in the near future). For example, Housing Hearings are scheduled approximately 21 days from filing, and Small Claims approximately 45 days from the filing date.



Civil Division employees will continue to provide a “helping hand” system since the divisional operations have always been predicated on having a “user friendly”, efficient, and professional court that everyone can access to protect their rights under the law.

### **First Filing Unit**

The First Filing Unit is the starting point for litigants filing civil case actions in the Philadelphia Municipal Court. Municipal Court judges, administrators, and employees pride themselves on being accessible for everyone, regardless of legal representation. This ideal remains a constant within this unit, and throughout Municipal Court.

Employees triage and interview non-represented clientele and complete paperwork to initiate cases. Interviewers complete computer records and print out transcripts. Reportedly, this service is unique to Philadelphia out of all courts nationwide. Unit personnel assume an enormous responsibility to ensure that the information recorded is correct and consistent with state and local court rules and applicable statutes.

The unit also handles all *pro se* petitions and attorney Small Claim and Landlord/Tenant filings (including bulk filings) and again, ensures that filings are completed correctly. Other filings handled by the unit include mail-in filings, electronic filings through the IV-A pilot program, and requests for assistance under the Americans with Disabilities Act (ADA).

First Filing cashiers receive fees generated by the high volume of Municipal Court filings. The cashier system was upgraded with court cashiers coming on-line with the same system utilized in Common Pleas Court. Everyday, workers also separate transcripts received and distribute them to other civil units.

The office also receives filings related to nuisance complaints, and staff often volunteer to help to mediate disputes from small claims and housing courtrooms since numerous unit employees are trained in dispute resolution skills.

### **Judgment and Petitions Unit**

Employees of the Judgment and Petitions Unit process post-trial motions filed with the court except *pro se* petition filings in the First Filing Unit. Once cases are adjudicated, staff assist the public, law firms, title companies, and other city or private agencies in

the execution and research of judgments and other services rendered after the imposition of court orders and findings in the Municipal Court Civil Division.

Workers assist clients exercising their right to seek relief through due process and they also help to resolve post-trial actions in other ways. Employees have a thorough, working knowledge of the Pennsylvania Rules of Civil Procedure. The stakes are high for some. Litigants may be evicted or have property or goods sold or garnished.

Individuals are not required to have an attorney in the Civil Division unless they are a corporation or unincorporated association involved in a suit over \$2,500. However, many *pro se* (for self) litigants lack adequate knowledge regarding their legal rights. While court employees do not provide legal advice, they do provide assistance with facts, information, and solutions so that customers will better understand how the court system works for them. As representatives of the court, employees of this unit are professional and courteous. Many people believe that when judgments are won, the plaintiffs' responsibilities are concluded and the court will track down defendants who owe money. This is not the case. The court does not proceed with enforcement against defendants in civil court. That responsibility lies with the plaintiffs on whose behalf judgments have been entered. They must contact the Judgment and Petitions Unit to initiate enforcement actions.

With increasing caseloads over the years, unit managers and employees are constantly seeking and implementing new streamlined procedures so that the difficult tasks of enforcement are less complex and more efficient.

The main types of filings in this office are: writs of execution; writs of possession; attorney petition filings (a category covering a litany of filing types); garnishments; interrogatories to aid in execution; and appeals.

### **Civil Listings Unit**

Civil Listings Unit staff schedule all cases in the Civil Division. People in this office schedule up to 24 lists of cases for 7 different courtrooms and times. Case types include: Small Claims, Landlord/Tenant, License and Inspections, Water Revenue, Philadelphia Gas Works, Bureau of Adjudication, Public Health, Law Department, Real Estate Unit, Wage Withholding, Use and Occupancy, Business Non-Filers, Business Taxes, Earnings

Taxes, Special Business Non-Filers, Philadelphia Housing Authority, Parking Authority, and State cases.

The unit acts as an “Intake Unit” for all city-originated filings, except those filed in the First Filing Unit, such as small claims and landlord/tenant complaints. The Civil Listings Unit receives cases from different agencies and processes complaints. This unit ensures that cases are logged and that notice is distributed to the required Civil Division office(s).

The Civil Listings Unit determines how cases are set up in courtrooms. With almost 200,000 filings each year, the courtrooms must operate well in concert.

Staff schedule hearing dates and utilize organizational expertise to coordinate additional events that are often added to trial dates. For example, continuances from other courtrooms and administrative continuances. Proper scheduling makes for better operations.

The unit also handles affidavits of default filings, relistments, service returns and cases remanded from Common Pleas Court.

### **Civil Trial Commissioners**

Trial Commissioners assist the judiciary in processing the large volume of yearly filings in the Philadelphia Municipal Court Civil Division.

Some courtrooms may have from 70 to 100 cases at the “call of the list” at the beginning of the day. To help the five judges assigned to the Civil Division to determine the status of that many cases, Trial Commissioner positions were instituted to help alleviate voluminous caseloads.

In the Civil Division there are seven courtrooms. Five have judges assigned each day. In the other two, Trial Commissioners conduct “status” reviews of court lists each day for the presiding judges. If presiding judges in other courtrooms are ill or otherwise unavailable, Trial Commissioners will also review those judges’ lists.

While the lists of scheduled cases are lengthy, there are nonetheless multiple lists every day for the Civil courtrooms. Trial Commissioners ensure that each list is properly processed.

Civil Trial Commissioners do not hear contested cases, but will determine the next action that should be scheduled for the rest of the cases on the list. The process begins with court officers calling the names of the parties, and Trial Commissioners determining if the cases are contested. Otherwise, the cases may be in need of continuances, withdrawal, settlement, agreement, or Americans with Disabilities Act (ADA) assistance. When Trial Commissioners are finished, only contested cases are left for judicial action.

Civil Trial Commissioners also assure ADA compliance. Staff and litigants must complete the proper paperwork. Cases with ADA legal issues are referred to judges.

The Civil Trial Commissioners also approve numerous “Judgment by Agreement” forms each day. These are non-appealable voluntary agreements. Trial Commissioners must fully understand the agreements, ensure that the parties understand the agreements, and warrant that agreements are enforceable in the Municipal Court Civil Division.

### **Court Recorders Unit**

Because Pennsylvania Court Rules of Civil Procedure do not require stenographers in civil courtrooms, employees of the Court Recorders Unit record audio tapes of Municipal Court Civil Division proceedings. While stenographers take verbatim notes of testimony in criminal courtrooms, Civil Division testimony is tape-recorded and only transcribed into notes of testimony if ordered by one of the parties, or attorneys.

The unit retains cassette tapes for a period of three years from the date of testimony. At the beginning of each month, tapes from the same month three years prior are destroyed and the current month is added to the list.

Cassettes are filed using a numbering system with start numbers and end numbers that must be correctly logged so that the cases can be easily located. MC hearing sheets will also be marked with the names of the parties and their respective attorneys.

Appointments are arranged to listen to the testimony. If someone wishes to order notes of testimony, unit personnel complete the proper paperwork for transcription to take place.

The recorders work in courtrooms 4B, 4D, 4E, and 4F. Courtroom 4B is the Housing courtroom and Small Claims proceedings are conducted in the other rooms.

Unit workers also perform copying duties for Official Court (transcript) Reporters. Occasionally, employees also help other offices with copying chores.

### **Dispute Resolution Program**

The Dispute Resolution Program (DRP) was initiated in the early 1980's to allow volunteers to help Housing courtroom litigants reach voluntary agreements. Over the years, DRP has grown and evolved into a nationally-known entity providing numerous services for Philadelphia Municipal Court clientele.

As it did at its inception, the program still provides mediation services for Housing-related cases. Over 1,200 cases a year are processed. However, numerous other services are provided through the program. Mediation is provided for Small Claims cases, and Arbitration is available for those involved in Private Criminal Complaints. In addition, the program has just recently begun to "mediate" Private Criminal complaints referred by presiding judges at the time of the criminal trials. The program has steadily broadened the scope of its services to litigants, and the number of cases processed has continually increased as a result.

There is a clear and important distinction between Mediation and Arbitration services, even though the terms are sometimes inadvertently used interchangeably. Mediation allows parties to enter into voluntary agreements. Agreements reached by the parties are binding and non-appealable. Parties tailor their agreements to the needs of all. With mediation, parties control outcomes rather than having outcomes imposed upon them by judges or arbitrators. If contention remains, the parties may proceed to more formal court alternatives.

The Mediation facet of the program allows for every individual involved in Small Claim and/or Housing cases to have the opportunity to reach a binding and non-appealable agreement, voluntarily, with the aide of an extensively trained mediator. The agreement rate is approximately 75% for Small Claim matters and approximately 80% for housing-related cases.

While Arbitration also encourages settlements between parties – this will always be the best for the litigants and the court – arbitrators render orders if parties are *unable* to reach an agreement. The findings of arbitrators are binding upon all parties. Unlike Mediation, the parties cannot proceed to court if they cannot reach a mutually satisfying agreement.

Individuals involved in Criminal Mediation are sent to the program at the discretion of presiding judges. Parties are ordered to attempt resolution through mediation but have the absolute right to proceed to trial if agreement cannot be reached. Currently, the agreement rate is approximately 70%. The majority of these cases involve long-standing neighborhood and family problems.

The Dispute Resolution Program has grown from a small unit into an integral part of the civil justice system.

### **Data Processing Unit**

The Data Processing Unit has expanded in its role from what was once an office that merely entered court disposition data onto the computer into what is today a unit that performs myriad functions through automation. Unit personnel interact with employees throughout the Civil Division and into the Criminal Division as well.

Data Processing employees input information into the court computer system. The data is received from the First Filing Unit, each of the six Civil courtrooms, and the Private Criminal Complaints courtroom. Accuracy and professionalism are emphasized to ensure that the fund of information is a completely reliable source for the many agencies (title companies and credit agencies) and court personnel (Municipal Court staff, Prothonotary, etc.) who utilize the mainframe for data retrieval. The court information is helpful for verifying liens, judgments, appeals, satisfactions, Writs of Revival, and petitions.

Drawing on their experiences, Data Processing staff can utilize their knowledge of court rules and procedures to interpret court disposition information received from judicial staff and the Civil Trial Commissioners.

To expedite court operations, workers perform numerous other functions. Staff supply computer-generated “trial sheets” to the Civil Listings and Private Criminal

Complaints Units. They also provide monthly statistical data for the First Filing Unit about interviewer and attorney activity.

Employees have also translated what had previously been time-consuming manual tasks for other offices into new computer programs that improve operational efficiency. Further, unit personnel generate continuance notices, default letters, and statistical information about technology to help increase the efficiency and professional service provided to the public.

### **2001 Highlights**

In 2001, Philadelphia Municipal Court started implementation of its CLAIMS (Civil Litigation Automated Internet Municipal Court System) project. When complete, CLAIMS will permit the Civil Division to operate in a paperless environment through an integrated web-based case management, document management, and electronic filing system. Eventually, all cases will be initiated electronically, with dispositions entered in real time in the courtroom and viewable via the Internet. In September, 2001, case initiation for City Code Enforcement cases started through CLAIMS. The Philadelphia City administration files 90,000 Code Enforcement cases each year. In most instances, the complaints will be generated by an electronic data exchange from the Philadelphia City data base into CLAIMS.

On October 15, 2001, the CLAIMS project was awarded the John Neufeld Court Achievement Award, by the Mid-Atlantic Association for Court Management (MAACM). The award was presented for the development of an integrated case management, document management, and electronic filing system to be used for all Municipal Court civil cases.

### **2002 Highlights**

Procedural Changes have been implemented in the following areas:

**Improved Service Rules for Housing Court** - Re-established posting as a proper service method for Housing Complaints.

**Increases to Civil Filing Fees** - The court administered processing changes to accommodate new Civil Filing Fees. This included necessary alterations to the recently installed Civil Cashier computer system.

**Procured Coin Operated Copy Machines for Public Access** – This will eliminate the imposition caused by the use of official employee machines by non-court personnel, and alleviates wear and tear on the equipment while generating much needed income for the court.

**Broadened Jurisdiction in Housing Appeal System** – Revamped the appeal system for housing cases. The Municipal Court will assume the responsibility to hear appeal cases.

**Instituted Renovation Project** – Facility improvements complement centralized operations and enhance public access to the Civil Division. MC leaders organized and implemented a massive renovation project that encompassed the Fourth and Fifth floors of 34 S. 11th st. These renovations included offices, courtrooms and waiting areas.

**Upgraded Security** – Implemented security measures at 34 S. 11th Street as access to the building previously provided no security. New security procedures will serve to increase the protection given to the public and court staff. This endeavor was completed after obtaining landlord approval and the agreement of all other tenants in the facility. This also included working out coverage of the security area by the sheriff's department, Foulke Security and the purchase of the necessary equipment.

**Electronic Filing Advances** – The CLAIMS electronic filing project underwent continued enhancements in 2002. CLAIMS became the Court's official civil case management system on April 29, 2002. Since then, more than 70,000 cases have been initiated through the system and of these, more than 60,000 have had dispositions entered. In September of 2002, the Department of Licenses and Inspections, which files the most cases each year, joined several other city agencies and started the initiation of 25,000 cases per year electronically. These cases are presently being heard with electronic court files and have their dispositions entered "real time" in the courtroom electronically via the Internet. On December 19, 2002, Municipal Court initiated its first *pro se* walk-in case through CLAIMS.

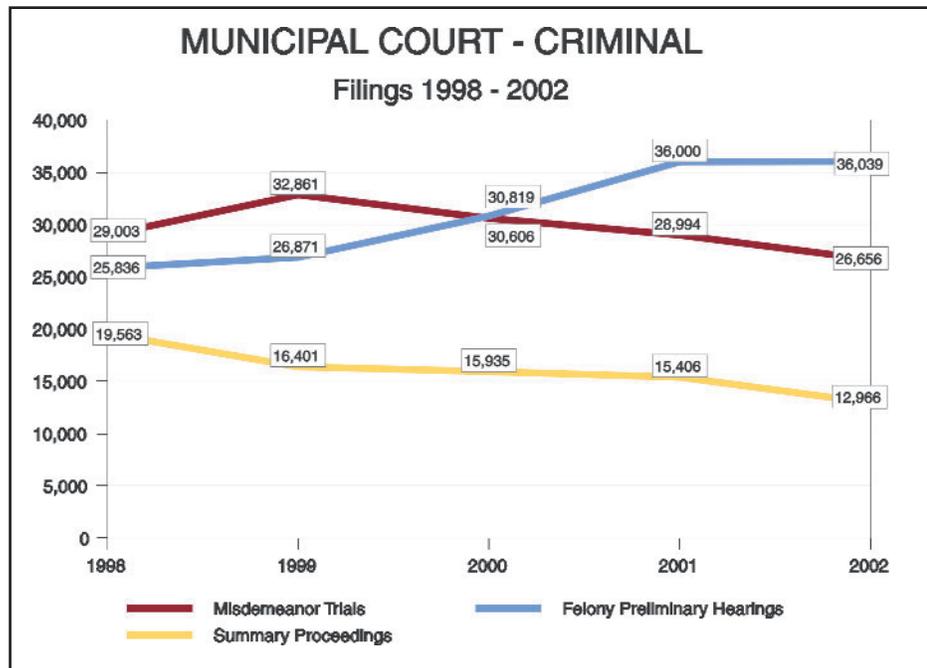
## Municipal Court Criminal Division

### Case Initiation

The Criminal Division processes adult arrests in the City of Philadelphia. Division employees serve the public, the bar, criminal justice agencies and the judiciary. Over the past several years, this division has experienced a staggering increase in felony and misdemeanor cases. For calendar year 2001, 64,994 felony and misdemeanor cases were initiated in Municipal Court. Compared to base year 1996, the overall increase of 49% comprised a 28% increase in misdemeanor cases and a 71% increase in felonies.

### Treatment Court

Philadelphia Treatment Court continues to serve as a Mentor Court for the United States Department of Justice Drug Courts Program and the National Association of Drug Court Professionals. Only 28 out of 800 Drug Courts nationally share this distinction. Since its April, 1997 inception, 405 individuals have successfully completed the Philadelphia Treatment Court Program, this as compared to only 82 terminations. Currently, there are 308 participants in the Philadelphia Treatment Court. The 2.53%



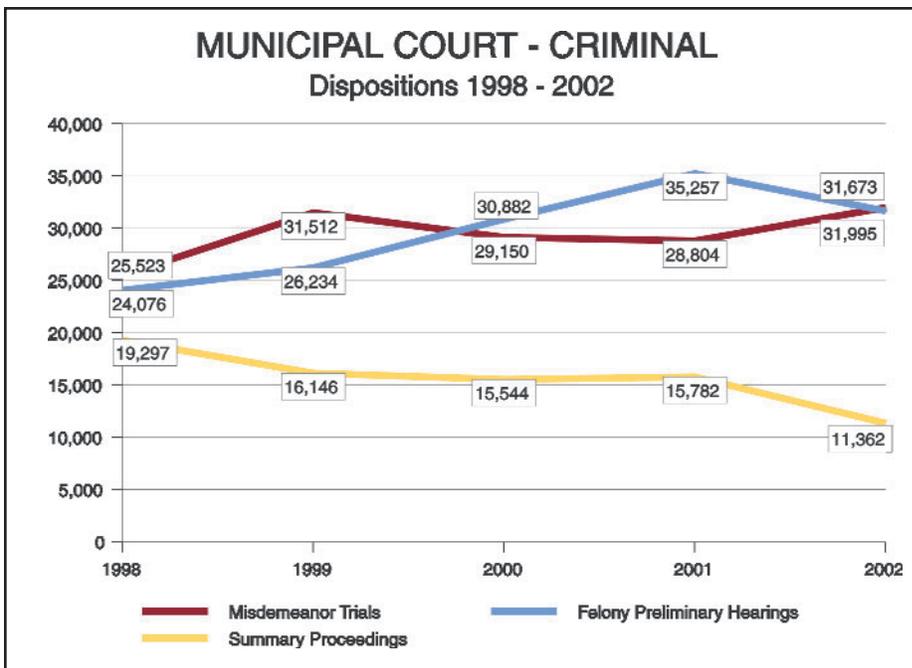
failure to appear rate is minimal. Municipal Court is exploring dedicated funding streams to expand Treatment Court operations.

### Video Arraignment System Upgrade and Expansion

President Judge Presenza joined with major criminal justice partners to upgrade existing video equipment used primarily for processing defendants from arrest through preliminary arraignment in Municipal Court. In addition, video courtrooms were expanded across the First Judicial District to reflect changing needs and increasing access to justice.

### New Criminal Courtroom Realignment Initiatives and Expansion of Hearsay Rule

Under the direction of Administrative Judge Seamus P. McCaffery, the end of 2001 brought about changes in the realignment of criminal courtrooms. By scheduling Preliminary Hearings in the Criminal Justice Center and accepting Police testimony for that of complainants (e.g. as to ownership and non-permission of stolen vehicles), the



number of victims and witnesses required to appear in court for these cases -- and associated continuances -- were reduced.

### **Community Court**

Philadelphia Municipal Court has supported the Center City District initiative to implement a Community Court. The intent of the Community Court is to provide alternative sentencing options with the objective of reducing quality of life crimes and associated recidivism. The Community Court also aims to address the underlying behavioral problems associated with these types of crimes. Police estimate that approximately 80% of offenders arrested for quality of life crimes are involved with either drug or alcohol addiction, or both. Another overlapping 20% of the offenders require mental health treatment. The objectives of the Community Court are: 1) to reduce the number of quality of life crimes in the Center City District, 2) to develop a system of supervised community sentencing so those who are convicted can repay the communities they have harmed, and 3) to reduce recidivism by addressing underlying behavioral problems. Ancillary services, e.g., social service assessment, treatment, and case management, will be allocated within the scope of the Community Court.

### **Criminal Case Management Initiative**

The First Judicial District partnered with a consultant to develop an automated criminal system. All current functionality plus the integration of sub-systems, many of which had been manual operations, will be rewritten in a fourth generation relational database. User access to criminal court information will be facilitated and the criminal division's calendaring and scheduling operations will be fully automated.

### **Other Highlights**

**FJD Technology Day** - The Criminal Division highlighted automated applications for a Preliminary Arraignment System (PARS), the Criminal Case Management System (CCMS), and a Treatment Court Managed Information System as examples of the innovative work in FJD Criminal Justice Administration.

**Automatic External Defibrillators (AEDs) Installed in the Criminal Justice Center** - AED training and Cardio-Pulmonary Resuscitation (CPR) certification were provided for employees to more rapidly respond to emergency calls. Response times are now in line with Red Cross approved guidelines.

**International Visitor Center** - Staff in the criminal division hosted dignitaries from various countries and conducted state-of-the-art tours for visitors interested in learning about the Criminal Justice System in Philadelphia.

**Summary Diversion Program** – Previously, an outside agency conducted a summary diversion program for first-time summary offenders in Philadelphia. This program is conducted in conjunction with the Philadelphia District Attorney’s Office. Historically, the fees charged for attending the program (excluding the Victims Compensation Fund) went directly to that organization. Philadelphia processes an average of 16,000 summary citations each year with many offenders opting to participate in the summary diversion classes. The program and classes have been revamped and handled by staff employed within Municipal Court. Since June, the court has generated \$206,301 to the City of Philadelphia’s General Fund and another \$49,720 directly to the Victims Compensation Fund. The Summary Diversion Program was instituted as part of Nuisance Night Court. The program allows for all summary cases to be listed into Courtroom 408 at 5 PM. This scheduling arrangement allows children, parents, and adults to attend court hearings and avoiding absences from school or work.

**Statistical Overview - Data Compilation Project** – Many cases are discharged due to valid 1013 issues or for multiple failures to appear on the part of Commonwealth witnesses. The court had lacked valid data with which to assess performance. MIS department staff worked to develop a program which will identify, with specificity, exactly what occurs in criminal cases in Municipal Court. This program and the reports generated will allow administrators to identify problems and implement necessary changes. This program commenced in November, 2002.

**Extension of Rule 1013** – Commensurate with the speedy trial rules afforded misdemeanor trials throughout the Commonwealth, the Rules of Criminal Procedure were amended to incorporate an extension in the current rule from 120 days to 180 days for consistency with the volume of trials handled in Philadelphia Municipal Court each year (approximately 25,000 new trials per annum).

**Enhanced Discovery for Misdemeanor Criminal Proceedings** – As a result of court initiatives, meetings were conducted with the District Attorney, Defender

Association and Police Department to refine the preparation and expeditious distribution of Discovery for misdemeanor cases in Municipal Court. Quite frequently, cases were continued for lack of Discovery in criminal cases. The thought process behind this initiative is to reduce the number of continuances and increase the number of non-trial dispositions. A pilot program is under review to expand this program for felony cases of the third degree.

**Treatment Court Hosted National Planning Initiative** – As a Mentor Court site, the Philadelphia Treatment Court was a host site for the Adult Drug Court Planning Initiative sponsored by the Drug Courts Program Office, Office of Justice Programs, United States Department of Justice in collaboration with the National Drug Court Institute. The workshop was held July 30th - August 1st, 2002 and included jurisdictions from Illinois, Kentucky, Michigan, Missouri and Nevada. Additionally, the Philadelphia Prisons Social Workers, Pennsylvania Bureau of Drug and Alcohol programs, the District Attorney of Mississippi, Missouri and representatives from the Treatment Research Institute of the University of Pennsylvania have visited the Treatment Court team in Philadelphia.