

Supreme Court of Pennsylvania



ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

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June 2, 2009

The Honorable Peter J. Daley
Chairman, Commerce Committee
House of Representatives
214 Irvis Office Building
Harrisburg, PA 17120

Dear Chairman Daley:

At your request, please allow me to add the comments of the Administrative Office of Pennsylvania Courts to your committee's deliberations on House Bill 1042, which mandates mortgage foreclosure conciliation programs in the court of common pleas in each county in the Commonwealth.

As you know, with the support of the Pennsylvania Supreme Court, several counties, including Philadelphia and Allegheny, currently have similar programs in operation. They grew out of a need to address mortgage foreclosures in those locales. However, the need for such programs and the resources to address that need are not uniform across the state; neither, we suggest, should be the legislative prescription to address the problem, as it is proposed in House Bill 1042.

As written, the legislation would *require* the establishment of mortgage foreclosure conciliation programs in all 60 judicial districts covering courts of common pleas in our 67 counties. These programs, under the legislation, would operate under uniform guidelines developed by the Supreme Court without regard to the very real disparities between the various counties. We feel that this "one size fits all" approach fails to take into consideration this jurisdictional diversity and relative local need for such programs.

For instance, Philadelphia County has a population of 1,447,385 according to the latest U.S. Census estimates and a judicial complement of 93 common pleas judges. Wyoming and Sullivan counties, which comprise a single judicial district, have a combined population of 33,883 with a complement of one common pleas judge. Court support staff, which are integral to the operation of the conciliation programs, are similarly relatively disparate in these two judicial districts.

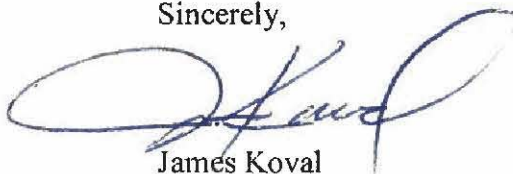
Overall, there are nine judicial districts covering 11 counties that have one judge each and 15 districts covering 19 counties that have two judges. Other judicial districts have jurist complements that range from three to 43 judges, generally reflecting differences in population and case load.

Additionally, since the existing programs often rely on the work of volunteer attorneys for their operation and success, the number of lawyers in a given area must be sufficient for the programs to be workable. Here again we find wide variances: Philadelphia has 14,164 active attorneys; Wyoming and Sullivan have 28.

Given the variations we find across Pennsylvania's counties, we suggest that rather than mandating mortgage foreclosure conciliation programs in all courts of common pleas, the bill be altered to allow the Supreme Court the flexibility to address the need for such programs on a county-by-county basis with the thoughtful discretion of local court systems. To achieve that end, we earlier submitted the attached proposed amendment to Senate Bill 222, the companion bill to House Bill 1042. It is our understanding that Senator Greenleaf, the sponsor of that bill, is favorably disposed to offering the amendment to his bill once it is considered in the Senate Urban Affairs and Housing Committee. We respectfully request that you consider amending House Bill 1042 in a similar fashion.

Thank you for affording the AOPC the opportunity to provide input to your discussions on this legislation. Please contact us if you have any questions or comments regarding this submission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Koval', with a large, stylized flourish at the end.

James Koval
Assistant for
Intergovernmental Relations

Attachment

cc: The Honorable Michael P. McGeehan