

Chairmen Greenleaf and Leach and members of the Committee,

I would like to thank you for the opportunity to appear before the Committee today.

My remarks before the Committee are in connection with matters about which I have acquired some knowledge and expertise in the course of my judicial duties. I have been serving on the Court of Common Pleas of Bucks County for almost eight years. During that time I have spent the majority of my time in the Family Division but also serve in the Criminal and Civil Divisions. Since January of 2014, I have served as the Administrative Judge of the Family Division. The opinions and thoughts expressed in these remarks, and in response to any questions, are my own and do not reflect the views of the Pennsylvania Supreme Court, the Administrative Office of Pennsylvania Courts or the Court of Common Pleas of Bucks County.

Today I would like to talk about two issues that I feel are of growing concern in the civil justice system. One is the growing number of parties who appear without attorneys or *pro se*. The other is the issue of how the Courts process emergency Protection from Abuse matters.

Dealing with *pro se* parties, especially in Family Court matters, presents many challenges to the Courts. Most people who appear in Court without an attorney do so because they cannot afford to hire an attorney or at least think that they cannot afford to do so. While Judges do their best to enable parties without attorneys to have their day in court, most *pro se* parties are ill-equipped to properly prepare for or present their cases in court. This puts them at a distinct disadvantage, especially when the other side is represented by an attorney.

As Judges, we can, to some extent, help guide *pro se* litigants in presenting their cases. However, we cannot help them properly prepare their cases. Lack of proper preparation often means that they do not have the necessary witnesses or documents at the hearing or do not know how to properly present them.

In Bucks County we are lucky that we have an active Legal Aid Office that is assisted by *prop bono* attorneys from the Bucks County Bar Association. However, their resources are slight when compared to the demand. While the pilot program Justice Mundy recently announced to allow CLE credit for *prop bono* service hopefully will provide some additional help, I still think we will have a significant deficit. The only area where we have been able to make a significant dent on the demand is when it comes to Protection from Abuse cases. In that area, the system that the Bar Association developed in conjunction with Legal Aid and A Women's Place, an organization that provides legal and other services to abuse victims, is fairly comprehensive.

Through that system any Plaintiff filing for protection is directed to the legal aid office or A Women's Place. Legal Aid assigns cases to one of its staff attorneys or a volunteer attorney from the Bar Association. Those attorneys assist the Plaintiff in preparing for the hearing to obtain the final PFA and then represent them at that hearing.

Another group of volunteer attorneys from the Bar Association appear on Wednesday mornings, when we have hearings for final PFAs and are available to represent all defendants who appear and want such assistance. While those attorneys have not had the opportunity to help their assigned defendants for the hearing, they are able to assist them in understanding the process and in presenting their side of the case.

The system we have in place has greatly helped the Bucks County Court in processing PFA cases. However, it does nothing to help solve the pro se problem in other areas of the Civil and Family Courts.

I know there is a lot of talk at time about what some people refer to as "Civil Gideon" or giving people the right to a free attorney in civil cases similar to the rights that exist from criminal cases. I realize that the cost of doing so is the biggest hurdle to creating any such right and that hurdle may not be overcome in the near future.

That being said, I would encourage the Legislature to continue to fund legal aid to the greatest extent possible. I would also encourage you to consider providing some funding to legal aid and other organizations such as Bar Associations or the law schools to encourage them to create and operate programs to instruct pro se parties on how to prepare and present cases in court. If there was such a program presented periodically, it may be a relatively inexpensive way partially fill the gap that currently exists between what Legal Aid and current resources provide and what is needed.

The other issue that I would like to address today concerns the processing of emergency relief under the Protections from Abuse law. The current law divides responsibility for handling emergency relief under the law between the Common Pleas Court and the Minor Judiciary. Section 6110 of Title 23, a copy of which is attached, in subsection (b) provides that emergency orders entered by the minor judiciary or hearing officers expire at the end of the next business day that the common Pleas Court "deems itself available".

In Bucks County the Common Pleas Court is open for business every weekday except for legal holidays and emergencies. As a result, unless the Court were to artificially declare that it is not available on regular business days, emergency orders entered by the minor judiciary expire on at the end of the next business day.

In Bucks County we have hearings for final PFAs every Wednesday. We also have a Judge available to hear any emergency or ex-parte requests every day Court is in session. There are MDJs in several sections of the County on call 24 hours a day to handle emergencies when the Common Pleas Court is closed.

The problem that Section 6110 (b) creates for persons seeking protection from abuse is that they may have to appear three different times within a week to get protected. If they go to an MDJ after regular Common Pleas Court hours or on a weekend they can get immediate but temporary relief. They then have to appear before a Common Pleas Judge on the next regular court day to get that emergency relief extended until the next day when final PFAs are heard. That is the Wednesday of the following week.

In counties as large as Bucks County, where public transportation is very limited, this presents a severe hardship to a person seeking relief. Even if transportation is not a problem, having to attend court three times in a short period of time is a huge burden on any citizen, especially one who is the victim of abuse. It can cause people to lose income or even their job and many other problems.

As I said, my Court could try to solve this problem by “deeming itself unavailable” for a period of time. However, I do not believe that doing something like that is what the law you passed intended nor do I believe that any Court should interpret a law in such a strained fashion.

Because of that, I would respectfully suggest that you consider amending Section 6110 (b) to provide that emergency Orders entered by MDJs or hearing officers not expire for a longer period of time. Due to the fact that there are probably dozens of different procedures used throughout the Commonwealth for processing PFA requests, I hesitate to recommend a specific time period. A study could be done by someone like the Joint State Government Commission to determine how things are done throughout the Commonwealth and legislative language created to encompass all of the procedures used. In the alternative you could use language that leaves it to the Common Pleas Court in each county to establish the time period, possibly with some maximum specified.

If there are any questions I will be more than happy to try to answer them. Thank you again for the opportunity to appear today.