

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: REESTABLISHMENT OF THE) NO: _____
MAGISTERIAL DISTRICTS WITHIN) MAGISTERIAL RULES DOCKET
THE 10th JUDICIAL DISTRICT OF)
THE COMMONWEALTH OF)
PENNSYLVANIA)

PETITION TO REDISTRIBUTE MAGISTERIAL DISTRICT COURTS IN TENTH JUDICIAL DISTRICT (WESTMORELAND COUNTY)

AND NOW comes President Judge Rita Donovan Hathaway, of the Tenth Judicial District (Westmoreland County), and proposes to close Magisterial District Courts 10-3-11 and 10-2-03, and realign such that:

1. District Court 10-2-08 (Mahady) would assume Mt. Pleasant Township precincts (United, Westmoreland, Homestead, Mammoth, and Ridgeview) from 10-3-11;
2. District Court 10-3-10 (Moore) would assume Mt. Pleasant Borough and Mt. Pleasant Township precincts (Hecla, Spring Garden, Duncan, Bridgeport, Laurel, Pleasant Valley) from 10-3-11; and
3. District Court 10-3-02 (Conway) would assume the Penn Township precincts of 10-02-03; and
4. District Court 10-2-09 (Gongaware) would assume the Manor Borough and Trafford Borough precincts of 10-02-03.

Redistricting in Westmoreland County is overdue. Population decline, caseload and workload comparisons all support the closing of two Westmoreland County magisterial district courts. It is the ideal time to close the two courts subject of this petition because: (1) closure would not unseat any magisterial district judge; (2) the caseload of closed courts can be assimilated by other magisterial district courts in the county in such manner as to equalize the caseload; and (3) doing so saves both the state of Pennsylvania and Westmoreland County money. A review of the background and the factors that support closure of the two courts follows.

Westmoreland County most recently submitted a petition for redistricting in 2011-2012. That plan proposed to reduce seventeen magisterial district courts to sixteen. As directed by the Supreme Court, the plan considered retirement of magisterial district judges and reduction of staff by attrition. That plan considered case filings in Westmoreland County and the cost savings that would be realized as a result of such redistricting. The petition also suggested that case filings could be assumed by other magisterial district courts without affecting the efficiency of the judicial system. The petition was approved by the Pennsylvania Supreme Court. The reduction in courts never occurred, due to a constitutional amendment which raised the mandatory retirement age for judges from 70 to 75. The anticipated magisterial district judge retirement set forth in the 2011-2012 plan did not occur. Redistricting was not pursued, and Westmoreland County remained with seventeen magisterial district courts. It makes sense to reduce the number of district courts, since the timing prevents the unseating of a judge (and in fact occurs when district courts are vacant) and since Westmoreland's population has declined from approximately 2010 to the present.¹

In January of 2020, the Honorable Rita Donovan Hathaway, President Judge of the Westmoreland County Court of Common Pleas, directed the Westmoreland County District Court Administration Office to undertake an analysis of the caseloads of the seventeen Magisterial District Courts. The counties of Berks, Erie, Lackawanna and Luzerne, where the population density is similar to Westmoreland County were considered.² That

¹ U.S. Census Bureau QuickFacts, <https://www.census.gov/quickfacts/westmorelandcountypennsylvania>. Accessed May 19, 2020.

² Compare U.S. Census Bureau QuickFacts, U.S. Census Bureau QuickFacts, <https://www.census.gov/quickfacts/westmorelandcountypennsylvania>, with <https://www.census.gov/quickfacts/berkscountypennsylvania>; <https://www.census.gov/quickfacts/eriecountypennsylvania>; <https://www.census.gov/quickfacts/lackawannacountypennsylvania>; and, <https://www.census.gov/quickfacts/luzernecountypennsylvania>. Accessed May 26, 2020.

preliminary analysis revealed that the workloads and caseloads in Westmoreland County's Magisterial District Courts were not on par with similar third class counties.

The preliminary review of caseload statistics based on filings revealed that Magisterial District Courts 10-3-11 (Magisterial District Judge Eckels) and 10-2-03 (Magisterial District Judge Kistler) had the fewest and second fewest case filings in 2019. Magisterial District Court 10-3-11 was a vacant district, due to the retirement of Magisterial District Judge Roger Eckels. Recognizing the efficiencies of reassigning cases normally heard in District Court 10-3-11, as well as the potential to save money,³ President Judge Hathaway issued an order that transferred new cases arising in Mount Pleasant Township (previously under jurisdiction of 10-3-11) to Magisterial District Court 10-2-01 (Magisterial District Judge Bompiani). Additionally, cases arising in Mt. Pleasant Borough (previously under jurisdiction of 10-3-11) would be temporarily transferred to Magisterial District Court 10-3-10 (Magisterial District Judge Moore).⁴ President Judge Hathaway also directed that a committee be formed to perform a more thorough analysis of potential redistricting.

On March 4, 2020, a committee comprised of representatives of the magisterial district judges, common pleas judges and court administration met. The Committee included Judge Scott Mears, Magisterial District Judge Joseph DeMarchis, Magisterial District Judge Charles Moore, Magisterial District Judge Jason Buczak, Magisterial District Judge Christiann Flanigan, Deputy Administrator of Special Courts Don Heagy and Court Administrator Amy DeMatt. Through a series of subsequent meetings, the committee concluded that it would make sense to close Magisterial District Court 10-3-11 (Magisterial District Judge Eckels) and

³ Money would be saved on a senior judge salary and lease of the court.

⁴ This order was subsequently amended to transfer the Township cases to Magisterial District Judge Michael Mahady. It also transferred cases arising in Salem Township to Magisterial District Judge Jason Buczak.

Magisterial District Court 10-2-03 (Magisterial District Judge Kistler), absorbing their caseloads in other district courts.

Realizing that public comment would better inform the Petition for Redistricting, the Committee solicited public comments by posting the Petition on June 26, 2020 and providing a two week period for comment, with written comments being due on July 10, 2020. No comments were received regarding the proposed elimination of 10-3-11 (Eckels). Comments regarding the proposed elimination of 10-2-3 (Kistler) are appended hereto as Exhibit "A."⁵ The Committee met on July 17, 2020 to discuss the comments. Based on the comments, the Committee elected to reapportion the distribution of cases from 10-02-03 (Kistler) among 10-03-02 (Conway) and 10-02-09 (Gongaware). The purpose of this was to address a concern that 10-03-02 (Conway) would be overburdened. With regard to other concerns raised, the Committee elected to acknowledge and address those by amending this Petition to add a section headed "Public Concerns and Responses Thereto," which follows the Committee's original petition and reasoning.

The original supporting reasoning follows.

1. General population decline in Westmoreland County supports eliminating magisterial districts.

The U.S. Census Bureau's most recent population census estimate indicates that Westmoreland County's population is 348,899.⁶ The Census Bureau's estimate of population change from April 1, 2010 to July 1, 2019 shows a 4.4% decline in population in the County.⁷ Although we cannot predict with certainty that the population will continue to

⁵ At the request of one commenter, identifying information has been redacted.

⁶ U.S. Census Bureau QuickFacts, <https://www.census.gov/quickfacts/westmorelandcountypennsylvania>. Accessed May 19, 2020.

⁷ *Id.*

decline, or that case filings will fall commensurate with the declining population, such measures inform the analysis of whether closure of two courts should occur, particularly when the trends are shown over a longer term. That is, one would expect that a general population that is reduced by approximately 16,000 would result in a reduced load of case filings. Likewise, a nine-year history of reduced population signifies a general downward trend in population, with an expected result that fewer cases would be filed in the County. A comparison of caseloads and workloads of third class counties supports this expectation.

2. Caseload statistics demand reducing the number of magisterial district courts in Westmoreland County.

Caseload statistics also demand the reduction of district courts. In 2014, the county caseload average over 17 district courts was approximately 4,376 for a single district court.⁸ Over the five intervening years, the average has gradually dropped. In 2019, that average caseload was approximately 3771. A decrease in average caseload means fewer cases for magisterial district judges to preside over, and a presumably decreased need in the number of magisterial districts to handle such cases.

Table one below provides the four-year average caseload and workload statistics from comparable third class counties. The table shows that other than Erie County, all comparable third class counties have higher per court caseloads.

Table One: Pennsylvania County comparison

<u>County</u>	<u># of Courts</u>	<u>Population Density</u>	<u>4 Year Avg Cases Per Court</u>
Berks	17	480	4926
Erie	13	351	3651
Lackawanna	10	467	4162

⁸ All caseload and workload information is based upon information supplied by the Administrative Office of Pennsylvania Courts.

Luzerne	16	360	4802
Westmoreland	17	355	3998

Table two below shows the caseloads of all magisterial district courts, including 10-3-11 (Magisterial District Judge Eckels) and 10-2-03 (Magisterial District Judge Kistler), which are proposed to be eliminated. The average caseload of Westmoreland County District Court 10-3-11 is 2,256, which is 1,824 cases lower than (or approximately 45% lower than) the average caseload of a Westmoreland County magisterial district court. That court's caseload is 1,439 cases lower than (or approximately 39% lower than) the lowest average of the third class counties. The average caseload of District Court 10-2-03 is 2,231, which is 1,849 cases lower than (or approximately 47% lower than the average caseload of) a Westmoreland County magisterial district court. It is 1,464 cases lower than (or 39.5% lower than the lowest average caseload of) the third class counties.

Thus, the statistics show that in the cases of both magisterial district courts proposed to be abolished, caseloads are close to half of the average magisterial district caseloads in Westmoreland County. They are approximately 45% lower than the lowest average caseload of third class counties. The comparatively low caseloads make these two magisterial district courts prime candidates to be absorbed by other courts within the district, since the number of cases to be absorbed is small.

In Table two, District Court 10-3-11 ranks 16 on caseload and 17 on workload averages. District Court 10-2-03 ranks 17 on caseload and 15 on workload averages. This is further evidence that these two district courts are prime candidates for redistricting.

Table two: Westmoreland County Averages

District Court #	4 Year Caseload Avg	4 Year Workload Avg
10-1-01	5,762	30,643
10-1-03	2,711	29,601
10-1-04	4,343	41,563

10-1-05	3,360	47,649
10-2-01	4,555	30,033
10-2-03 (Kistler)	2,231	21,551
10-2-06	4,579	31,411
10-2-08	3,512	34,018
10-2-09	3,352	35,135
10-2-10	6,473	51,836
10-3-01	7,073	37,933
10-3-02	3,473	25,012
10-3-05	4,490	26,088
10-3-08	3,527	26,465
10-3-09	4,207	20,154
10-3-10	3,576	27,827
10-3-11 (Eckels)	2,256	18,258
17 Court Avg	4,087	32,233

3. Magisterial District Court 10-3-11 (Magisterial District Judge Eckels) is easily assimilated into surrounding magisterial district courts.

Magisterial District Court 10-3-11 (Magisterial District Judge Eckels) is located in Norvelt and serves Mt. Pleasant Township and Mt. Pleasant Borough with a combined population of approximately 15,000. The current court facility is leased by the County of Westmoreland. If approved, the closure of Magisterial District Court 10-3-11 would not involve the dismissal of the current employees, as they would be reassigned to other Magisterial District Courts affected by the closure or assigned to courts with vacancies.

4. Travel to realigned courts would not burden litigants served by 10-3-11.

Cases that were previously assigned to Magisterial District Court 10-3-11 would be moved to two neighboring Magisterial District Courts. District Court 10-2-08 (Magisterial District Judge Mahady), located in Unity Township, would assume Mt. Pleasant Township precincts (United, Westmoreland Homestead, Mammoth, Ridgeview) and District Court 10-3-10 (Magisterial District Judge Moore), located in Tarrs, would assume Mt. Pleasant Borough and Mt. Pleasant Township (precincts of Hecla, Spring Garden, Duncan, Bridgeport, Laurel, Pleasant

Valley). The distance between District Court 10-3-11 and 10-2-08 is approximately 7.5 miles. Thus, the maximum additional miles any person served by 10-2-08 would have to drive to get to court would be approximately 7.5 miles. Mt. Pleasant residents would have easy access to District Court 10-2-08 via Routes 30, 130 and 981.

District Court 10-3-10 is actually closer to Mt. Pleasant Borough than District Court 10-3-11 by approximately two miles, so this change would decrease travel time to court from the Borough. The residents of Mt. Pleasant Township that would be served by this new alignment would have easy access to District Court 10-3-10 via Routes 31 and 119.

5. Magisterial District Court 10-2-03 (Magisterial District Judge Kistler) is easily assimilated into surrounding magisterial district courts.

Magisterial District Court 10-2-03 (Magisterial District Judge Kistler) is located in Harrison City and serves Penn Township, Trafford Borough and Manor Borough with a combined population of approximately 26,000. The current facility is leased by the County of Westmoreland. If approved, the closure of Magisterial District Court 10-2-03 would not involve the dismissal of the current employees, as they would be reassigned to other Magisterial District Courts affected by the closure or assigned to courts with vacancies due to attrition.

Cases that were previously assigned to Magisterial District Court 10-2-03 (Kistler) which came from Manor Borough and Trafford Borough would be assigned to Magisterial District Court 10-02-09 (Gongaware), approximately seven miles from District Court 10-02-03 (Kistler) and cases which came from Penn Township would be assigned to neighboring Magisterial District Court 10-3-02 (Conway), located in Export, approximately five miles from District Court 10-2-03.

District Court 10-3-02 (Conway), is located in Export. The distance between District Court 10-3-02 (Conway) and 10-2-03 (Kistler) is approximately five miles, so that is the maximum

additional distance anyone served by 10-2-03 would travel. However, the border line for Penn Township is approximately one mile from District Court 10-3-02 (Conway) in Export and is easily accessible for many Penn Township residents by using Harrison City/Export Road. Thus, many residents of Penn Township will travel fewer miles for district court access.

District Court 10-2-09 (Gongaware) is located on Robbins Station Road in North Huntingdon. Both Manor Borough and Trafford Borough border North Huntingdon to the north and east. It is 7.3 miles from District Court 10-2-03 (Kistler) to District Court 10-2-09 (Gongaware); however, the distance between Manor Borough and District Court 10-2-09 is 4.4 miles. The distance between Trafford Borough and District Court 10-2-09 (Gongaware) is 5.8 miles, closer than the 7.3 miles Trafford Borough residents presently drive to District Court 10-2-03. Both Manor Borough and Trafford Borough residents can travel portions of State Route 993 and Old Route 30 to access District Court 10-2-09 (Gongaware) in North Huntingdon.

6. Realignment of the courts saves the Commonwealth of Pennsylvania and Westmoreland County money.

Savings realized from the closure of Magisterial District Court 10-2-03 and 10-3-11 are projected to be approximately \$401,650 annually for each magisterial district court. This yields a total savings of \$803,300 for both courts. Table three below shows projected savings.

Table three: Projected Savings

(State savings) Magisterial District Judge salary plus benefits - Approximately	170,650
(Westmoreland County savings) Annual operating expenses, includes lease - Approximately	34,000
(Westmoreland County savings) Staff salary and benefit savings (four staff) - Approximately	197,000
Total annual savings	401,650

If closure of 10-2-03 does not occur, Westmoreland County will need to seek a new facility to address parking and security concerns at the existing court.

7. Caseload Projections and Realignment Proposal for Magisterial District Court Courts 10-3-10 (Magisterial District Judge Moore) and 10-2-08 (Magisterial District Judge Mahady) Resulting from the Closure of Magisterial District Court 10-3-11.

Table four below provides a detailed breakdown of case type files in Magisterial District Courts 10-3-10 (Magisterial District Judge Moore) and 10-2-08 (Magisterial District Judge Mahady) by showing the four-year average number of cases filed (2016 - 2019).

Table four: Case types

	<u>CR</u>	<u>CI</u>	<u>L/T</u>	<u>NI</u>	<u>TR</u>	<u>MD</u>	<u>TOTAL</u>
10-3-10 (MDJ Moore)- 4 YR AVERAGE CASELOAD	336	252	95	390	2457	46	3576
10-2-08 (MDJ Mahady)- 4 YR AVERAGE CASELOAD	497	281	91	518	2096	29	3512

Prior to the proposed realignment, District Court 10-3-10 is 13% under the four-year county average of 4087 cases. District Court 10-2-08 is 14% under the four-year county average. The proposed realignment would place cases that were previously assigned to Magisterial District Court 10-3-11 to those two neighboring Magisterial District Courts.

By using municipality charge data for Criminal, Traffic and Non-Traffic cases and address location of the petitioner for Civil, Landlord/Tenant and Miscellaneous Dockets from Mt. Pleasant Township and Mt. Pleasant Borough, a fairly accurate projection of the impact resulting from the closure of Magisterial District Court 10-3-11 on caseload size in Magisterial District Courts 10-3-10 and 10-2-08 can be calculated. Table five displays such a projection.

Table five: caseload projection.

	<u>CR</u>	<u>CI</u>	<u>L/T</u>	<u>NI</u>	<u>TR</u>	<u>MD</u>	<u>TOTAL</u>
CASELOAD OF 10-3-10 (MDJ Moore) AFTER REALIGNMENT	427	362	123	528	3203	61	4704

CASELOAD OF 10-2-08 (MDJ Mahady) AFTER REALIGNMENT	588	391	119	656	2842	44	4640
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After Realignment, District Court 10-2-08 is projected to be 1% above the county caseload average,⁸ District Court 10-3-10 is projected to be 2% above the county caseload average.

8. Caseload Projections and Realignment Proposal for Magisterial District Court Courts 10-3-02 (Magisterial District Judge Conway) and Magisterial District Court 10-2-09 (Magisterial District Judge Gongaware) Resulting from the Closure of Magisterial District Court 10-2-03 (Magisterial District Judge Kistler).

Table six below provides a detailed breakdown of case type files in Magisterial District Court 10-2-09 and Magisterial District Court 10-3-02 by showing the four-year average number of cases filed (2016 - 2019).

Table six: Four-year averages: Gongaware and Conway

	<u>CR</u>	<u>CI</u>	<u>L/T</u>	<u>NI</u>	<u>TR</u>	<u>MD</u>	<u>TOTAL</u>
10-2-09 (MDJ Gongaware) 4 YR AVERAGE CASELOAD	559	357	104	324	1974	34	3352

	<u>CR</u>	<u>CI</u>	<u>L/T</u>	<u>NI</u>	<u>TR</u>	<u>MD</u>	<u>TOTAL</u>
10-3-02 (MDJ Conway) 4 YR AVERAGE CASELOAD	306	214	59	273	2568	53	3473

Prior to the proposed realignment, District Court 10-2-09 (Magisterial District Judge Gongaware) is 18% under the four-year county average of 4087 cases and District Court 10-3-02 (Magisterial District Judge Conway) is 15% under the four-year county average of 4087 cases. The proposed realignment would place cases from Trafford Borough and Manor Borough that were previously assigned to Magisterial District Court 10-2-03 to Magisterial District Court 10-2-09 in North Huntingdon (Gongaware) and cases from Penn Township that were previously assigned to Magisterial District Court 10-2-03 to Magisterial District Court 10-

3-02 in Export (Conway). The projection of the effect of closure of Magisterial District Court 10-2-03 on caseload size in Magisterial District Court 10-2-09 (Gongaware) and Magisterial District Court 10-3-02 (Kistler) is displayed in table seven below.

Table seven: projections

	<u>CR</u>	<u>CI</u>	<u>L/T</u>	<u>NI</u>	<u>TR</u>	<u>MD</u>	<u>TOTAL</u>
10-2-09 (MDJ Gongaware) 4 YR AVERAGE CASELOAD	649	431	119	455	2318	48	4020

	<u>CR</u>	<u>CI</u>	<u>L/T</u>	<u>NI</u>	<u>TR</u>	<u>MD</u>	<u>TOTAL</u>
10-3-02 (MDJ Conway) 4 YR AVG AFTER REALIGNMENT	505	355	88	440	3476	80	4944

After realignment, District Court 10-2-09 (Gongaware) is projected to be 13% below the county average caseload and District Court 10-3-02 (Conway) is projected to be 7% above the county caseload average.

Table eight: projections, all courts

<u>District Court #</u>	<u>Caseload after Realignment</u>	<u>Workload after Realignment</u>
10-1-01	5,762	30,643
10-1-03	2,711	29,601
10-1-04	4,343	41,563
10-1-05	3,360	47,649
10-2-01	4,555	30,033
10-2-06	4,579	31,411
10-2-08	4,640	43,147
10-2-09 (Gongaware)	4,020	42,389
10-2-10	6,473	51,836
10-3-01	7,073	37,933
10-3-02 (Conway)	4,944	39,309
10-3-05	4,490	26,088
10-3-08	3,527	26,465
10-3-09	4,207	20,154
10-3-10	4,703	36,956
15 Court Avg	4,626	35,678

9. Closure of courts does not unseat a current judge.

The proposed closure of courts would not unseat a current judge. Magisterial District Court 10-3-11 is vacant due to the retirement of the Magisterial District Judge Roger Eckels. Sitting Magisterial District Judge Helen Kistler in District Court 10-2-03 announced that she will be retiring at the end of her term in 2021. Elections for magisterial district judge in District Courts 10-2-03 and 10-3-11 occur in 2021 unless an expeditious review and granting of this petition occurs prior to the certification of those courts for election this year in 2020. Election of new magisterial district judges into these districts would place avoidable burdens on the currently stressed county and state court budgets unless this petition is timely granted.

Public Concerns and Responses Thereto

Westmoreland County's Redistricting Committee gathered comments from the public over a two week period. There were no comments relative to the proposed elimination of 10-03-11 (Eckels). Below is a summary of concerns from the public and the Committee's responses thereto:

(a) Redistricting is premature and should occur after the census.

Title 42, Pa. C.S. Section 1503 does not prohibit redistricting until the time period following the decennial census. Rather, it prescribes that it shall be done in each year following the Federal decennial census. The statute also explains that "[t]he number, boundaries and classes of magisterial districts within each judicial district may be revised from time to time as required for the efficient administration of justice within each magisterial district."

By addressing the proposed redistricting now rather than following the census, candidates for office would avoid the needless spending of money and efforts on election to office that may well be eliminated. Westmoreland County would engage in re-establishment again following the census to ensure that projections are in line with what the census shows.

The Administrative Office of Pennsylvania Courts was questioned regarding whether such an approach would be acceptable, and indicated that it was.

(b) Population is not declining. There is economic growth.

Information from the Pennsylvania State Data Center⁹ suggests that Penn Township population is estimated to have dropped from 20,035 in 2010 to 19,350 in 2019, that Trafford Borough population is estimated to have dropped from 3117 in 2010 to 2932 in 2019, and only Manor Borough has grown, from 3203 in 2010 to 3344 in 2019. Thus, figures actually show a net decline for the area.

Economic growth is speculative presently. Nonetheless, the primary consideration in redistricting and reestablishment is the caseload burden, which does not correlate directly with economic and population growth.

(c) Overburdening District Court 10-3-02.

The Redistricting Committee shares the public's concern that the caseload burden in the original proposal upon District Court 10-3-02 (Conway), might be heavy. Therefore, responsive to the public, the Committee has amended their original proposal to recommend that Manor Borough and Trafford Borough cases should become part of the jurisdiction of magisterial district court 10-2-09 (Gongaware), and that only Penn Township should become part of the jurisdiction of 10-3-02 (Conway).

(d) Savings are inflated.

It has been suggested, based on year-end projections for 2019, that staff savings were inflated in the petition and were inaccurate. Actual costs of staff at District Court 10-2-03 over the last five years, with benefits have been as follows:

MDJ Kistler 10-2-03

⁹ Information is appended hereto as Exhibit "B."

<u>Year</u>	<u>Cost</u>
2015	\$ 197,401.97
2016	\$ 208,908.26
2017	\$ 221,534.24
2018	\$ 221,604.73
2019	\$ 236,768.98

These amounts actually exceed the projected staff savings of \$197,000.00 set forth in the original petition.¹⁰

(e) The decision to eliminate courts has already been made.

The decision of whether or not to eliminate courts lies with the Pennsylvania Supreme Court and has not been made.¹¹

(f) The only caseload to decrease in court 10-2-03 is motor vehicles.

According to AOPC statistics, over the period from 2016 to 2019, both miscellaneous and criminal dockets have progressively decreased in district court 10-2-03 (Kistler). Notwithstanding case type, the Committee observed that the caseloads and workloads of both courts selected to be eliminated are the lowest among the seventeen magisterial district courts. See Table Two, *supra*.

(g) Anticipated Turnpike Interchange equates to greater need for court.

This comment suggests that because a turnpike slip ramp expected in Penn Township, there will be increased traffic, a rise in population, a greater number of children in the Penn-Trafford school district and a rise in the need for services of district court 10-2-03.

¹⁰ Westmoreland County's fiscal department supplied figures for savings at MDJ Kistler's office for years 2015 through 2019.

¹¹ It has been opined that the instant proposal would not be made if the retiring judge were male. The Committee respectfully points out that Magisterial District Judge Eckels' court is also subject to the instant petition. Magisterial District Judge Roger Eckels, is, of course, male. The Redistricting Committee has not, and would not, make a recommendation based on the sex of the retiring judge, but rather makes its recommendation on matters that have bearing on the courts, principally the number of case filings in a particular court, as the petition sets forth.

There is no certain correlation between the construction of a slip ramp and a rise in population, a greater number of children in a school district or an increased need for court services. Any such conclusion is based on speculation. The Committee's recommendations have relied upon case filing and work load statistics, which are a good measure of which courts have historically been the busiest. These statistics also show trends from which conclusions can be drawn. Lacking certain knowledge of what the future may hold, the Committee has based its recommendations on statistics supplied by the Administrative Office of Pennsylvania Courts.

(h) Travel requirements will reduce the police budget.

This argument suggests that the extra distance of a maximum of seven miles will negatively affect the local police budget. This impact is de minimis. The police would only need to travel an additional seven miles when needed to testify in court. Citations are filed electronically.

Assuming additional travel both ways (14 miles) at the federally reimbursed mileage rate of \$0.575 per mile, it would cost \$8.05 extra any time police needed to testify in person. If police traveled every day to and from court to testify, the financial impact would be about two thousand dollars (14 miles times \$0.575 times 249 working days = \$2004.45). This would almost certainly not occur. However, because this was a concern for a large number of responders, the Committee wished to provide the calculation.

(i) The community needs a local court.

This reasoning applies to all magisterial district courts. The Redistricting Committee has every confidence that the magisterial district judges who absorb cases from other geographical areas will fully grasp the issues that are placed before them, even when they do not know the parties personally or reside in the same neighborhood.

(j) The redistricting petition is evidence of a movement towards central court and will prevent accessible local justice.

The Redistricting Committee only wishes to pursue redistricting, as set forth in the petition. Accessibility is addressed in the body of the foregoing Petition.

Conclusion

This Petition to Redistrict should be granted. Magisterial District Courts 10-3-11 and 10-2-03 have the lowest caseload of all the Magisterial District Courts in Westmoreland County. In fact, they have less than half the average caseload within the county. When compared to similar to third class counties in Pennsylvania, they have less than forty percent of the average caseload. It strains reason and would be unfair to the taxpayers of Pennsylvania to permit these courts to remain open when doing so does not serve efficiency and wastes taxpayer money. The magisterial district court buildings that will close in this realignment are privately leased buildings. Two of the four magisterial district courts that will absorb the caseloads in the realignment are county-owned buildings. This result of these realignments would mean significant savings to the taxpayers, while still providing proper accessibility to the courts.

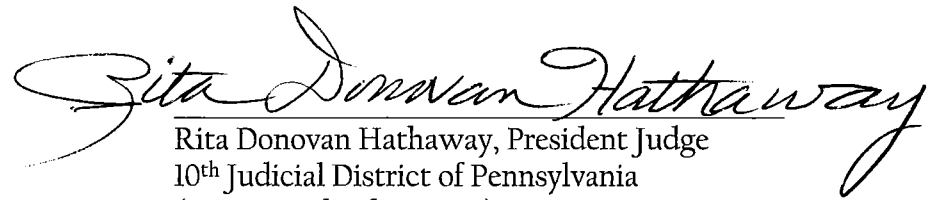
Additionally, District Court 10-3-11 presently lacks a District Judge due to retirement and District Court 10-2-03 has a District Judge who is retiring at the end of her term in 2021. Immediate review and granting of this Petition will avoid unnecessary expense to the Commonwealth and Westmoreland County.

Magisterial District Courts 10-2-08 and 10-3-10 are contiguous to District Court 10-3-11 and can assimilate the caseloads into their present caseloads. Magisterial District Courts 10-3-02 and 10-02-09 are contiguous to District Court 10-2-03 and can assimilate the caseloads into their current caseloads without burden.

Therefore, the Honorable Rita Donovan Hathaway, President Judge of the Westmoreland County Court of Common Pleas respectfully requests this Petition and Order to redistrict and

reestablish the Magisterial Districts of the 10th Judicial District of the Commonwealth of Pennsylvania be granted.

Respectfully submitted,


Rita Donovan Hathaway, President Judge
10th Judicial District of Pennsylvania
(Westmoreland County)

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: REESTABLISHMENT OF THE)	NO: _____
MAGISTERIAL DISTRICTS WITHIN)	MAGISTERIAL RULES DOCKET
THE 10 th JUDICIAL DISTRICT OF)	
THE COMMONWEALTH OF)	
PENNSYLVANIA)	

ORDER OF COURT

PER CURIAM:

AND NOW, to wit, this _____ day of _____, 20__, upon consideration of the Petition to Redistrict Magisterial District Courts in the Tenth Judicial District (Westmoreland County), the said Petition is hereby GRANTED and it is further ORDERED that

Magisterial District Courts 10-2-08, and 10-3-10 shall be established as follows, effective immediately:

<u>Magisterial District</u>	<u>Jurisdiction</u>	<u>Magisterial District Judge</u>
MDJ 10-2-08	Latrobe Borough Youngstown Borough Unity Township Mt. Pleasant Township (Voting Districts of Ridgeview, Mammoth, United, Westmoreland Homestead)	Michael R. Mahady
MDJ 10-3-10	Hunker Borough New Stanton Borough Scottdale Borough East Huntingdon Township Hempfield Township (Voting District New Stanton) South Huntingdon Township (Voting Districts Hixson, Jacobs Creek, Mineral, Port Royal, South Huntingdon, Wyano and Yukon) Mt. Pleasant Borough Mt. Pleasant Township (Voting Districts of Hecla, Spring Garden, Duncan, Bridgeport, Laurel, Pleasant Valley)	Charles D. Moore

IT IS FURTHER ORDERED THAT effective December 31, 2021, or at the time of Magisterial District Judge Helen Kistler's retirement, whichever shall occur earlier, Magisterial District Courts 10-3-02 and 10-2-09 shall be established as follows:

<u>Magisterial District</u>	<u>Jurisdiction</u>	<u>Magisterial District Judge</u>
MDJ 10-3-02	Delmont Borough Export Borough Municipality of Murrysville Salem Township (Voting District New Salem) Penn Township	Charles R. Conway
MDJ 10-2-09	North Huntingdon Township Irwin Borough North Irwin Borough Manor Borough Trafford Borough	Wayne Gongaware