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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **441** Session of  
1961

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INTRODUCED BY MR. SEYLER, MARCH 21, 1961.

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REFERRED TO COMMITTEE ON JUDICIARY GENERAL,  
MARCH 21, 1961.

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**AN ACT**

Creating the Office of Court Administrator in counties of the first and second class authorizing the Chief Justice and Associate Justices of the Supreme Court to appoint Administrators for the State courts of record in counties of the first and second class and providing for a Judicial Council and a Judicial Conference

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows

- 1 Section 1 This act shall be known and may be cited as the "Court Administrator and Judicial Council Act"
- 2

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 2 In order to make more effective the protection given  
2 to litigants by article I section 11 of the Constitution of Pennsylvania  
3 which requires that law and justice be administered without delay and  
4 in order to relieve the serious court congestion and delay in counties  
5 of the first and second class there is hereby created in each of these  
6 counties an Office of Court Administrator

7 Section 3 The Chief Justice and the Associate Justices of the  
8 Supreme Court of Pennsylvania shall appoint an Administrator for  
9 each county of the first class and an Administrator for each county  
10 of the second class Each Administrator shall maintain an office and  
11 perform his duties in the county to which he is appointed The au-  
12 thority activities and responsibilities of each Administrator shall be  
13 confined to the county of his appointment and he shall have no power  
14 of supervision over the purely judicial functions vested in the State  
15 courts of record of his county Each Administrator shall have been  
16 admitted to practice before the Supreme Court of Pennsylvania

17 Section 4 The compensation of the Administrators and of such  
18 additional employes as the Chief Justice and the Associate Justices of  
19 the Supreme Court may authorize to be employed shall be fixed by the  
20 Chief Justice and Associate Justices

1 In order to obtain and retain qualified and expert personnel  
2 adequate salaries shall be paid

3 During the terms of their employment the Administrators shall  
4 not engage directly or indirectly in the practice of law or in any other  
5 profession or occupation and shall devote their full time to the per-  
6 formance of their duties

7 The Administrators shall hold office at the pleasure of the appoint-  
8 ing power

9 Each Administrator with the consent of the Chief Justice and  
10 Associate Justices shall appoint such assistants as are necessary to en-  
11 able him to perform the powers and duties vested in him

12 Section 5 It shall be the duty of the Administrators under the  
13 supervision and direction of the Chief Justice and the Associate Justices  
14 of the Supreme Court to

15 (1) Examine the administrative methods and systems employed by  
16 the State courts of record and their officers and make recommenda-  
17 tions for their improvement including the utilization of advanced  
18 business methods and appliances for improving operating procedures

19 (2) Examine the state of the dockets of the said courts determine  
20 the extent of the backlog and make recommendations for expediting

1 the trial and disposition of cases improving the conduct of the business  
2 operation of the said courts and coordinating trial lists and trial calendars  
3 of the said courts in order to avoid conflicts and to achieve greater  
4 efficiency in the administration of justice

5 (3) Collect and compile statistical and other data and make reports  
6 and recommendations concerning the business transacted by the courts  
7 to the end that proper action may be taken Copies of these reports  
8 shall be sent to the Governor and the Legislature so that they may be  
9 informed of the need for legislation and appropriations to provide addi-  
10 tional judges where needed and to achieve a more effective judicial  
11 system

12 (4) Collect statistical and other data and make reports relating  
13 to the expenditure of public moneys State and local for the main-  
14 tenance and operation of the judicial system

15 (5) Obtain reports from judges prothonotaries clerks and other  
16 employes of the State courts of record on cases and other judicial  
17 business in which action has been delayed beyond a reasonable period  
18 and file reports regularly showing the status of such litigation

19 (6) Where recognized techniques for disposing of litigation have  
20 been adopted and applied for a reasonable time and surveys indicate

1 that additional judges are necessary recommendations for additional  
2 judges shall be made by the Administrator to the Chief Justice and the  
3 Associate Justices the Governor and the Legislature These recom-  
4 mendations shall be accompanied by complete statistical data showing  
5 the procedures utilized to clear the dockets the amount of pending  
6 litigation population growth the extent of increase in litigation and  
7 other pertinent data bearing on the need for the creation of additional  
8 judgeships

9 (7) Formulate and submit recommendations of policies for the  
10 improvement of the judicial system including studies of judicial salaries  
11 and retirement benefits

12 (8) Attend to such other matters as may be required by the Chief  
13 Justice and the Associate Justices

14 All reports and recommendations prepared pursuant to the provi-  
15 sions of this section shall be submitted to the Chief Justice the Asso-  
16 ciate Justices the judges of the courts of record and shall be available  
17 to the Judicial Council

18 Section 6 The judges clerks and all other officers and employees  
19 State and local of the State courts of record in counties of the first

1 and second class shall comply with all requests made by the Adminis-  
2 trators or their employes for information and statistical data bearing  
3 on the state of the dockets of such courts and such other information  
4 as may reflect the business transacted by them and the expenditure of  
5 public moneys for the maintenance and operation of the judicial system

6 Section 7 There is hereby established a Judicial Council which  
7 shall survey the problems of the courts and make recommendations  
8 to the Chief Justice and the Associate Justices of the Supreme Court  
9 the courts the Governor and Legislature for the adoption of procedures  
10 and legislation for simplifying and improving the administration of  
11 justice and for improving the substantive law

12 In the discharge of its duties the Council shall conduct a con-  
13 tinuous program of legal research and compile data showing the volume  
14 of business and the status of litigation in all the courts

15 It shall cooperate with the Administrators appointed pursuant to  
16 the provisions of this act

17 The Chief Justice shall appoint one Administrator to act as Secre-  
18 tary of the Judicial Council and of the Judicial Conference and per-  
19 form such other duties as may be assigned by the Judicial Council

1 Section 8 The Judicial Council shall be composed of the following

2 (1) The Chief Justice of the Supreme Court who shall be the  
3 chairman

4 (2) The President Judge of the Superior Court

5 (3) The Attorney General of the Commonwealth

6 (4) Ten judges of courts of record to be appointed by the Chief  
7 Justice and the Associate Justices five from the First Judicial District  
8 three from the Fifth Judicial District and two from other judicial  
9 districts of the Commonwealth

10 (5) The Chairman of the Judiciary General Committee of the  
11 Senate the Chairman of the Judiciary Committee of the House of  
12 Representatives the Chairman of the Civil Procedural Rules Commit-  
13 tee of the Supreme Court and the Chairman of the Criminal Procedural  
14 Rules Committee of the Supreme Court

15 (6) The President of the Pennsylvania Bar Association the Chan-  
16 cellor of the Philadelphia Bar Association and the President of the  
17 Allegheny County Bar Association

18 (7) Five members of the public residents of Pennsylvania not  
19 learned in the law appointed by the Governor

- 1 (8) Deans of the law schools of Pennsylvania
- 2 Section 9 All appointed members of the Judicial Council shall  
3 hold office during the pleasure of the appointing power No members  
4 of the Judicial Council shall receive any compensation for his services  
5 but shall be allowed his necessary expenses incurred in the performance  
6 of his duties
- 7 Section 10 The Judicial Council shall meet at the call of the Chief  
8 Justice at least three times a year
- 9 Section 11 The Chief Justice shall call annually a Judicial Con-  
10 ference composed of all the judges of courts of record within the Com-  
11 monwealth and shall invite thereto representatives of the Bar the  
12 General Assembly and other persons concerned with the administration  
13 of justice for the purpose of discussing and considering problems of the  
14 courts and the further improvement of the judicial system
- 15 Section 12 The salaries and other expenses incident to the opera-  
16 tion of the Offices of Court Administrator the Judicial Council and the  
17 Judicial Conference shall be paid out of the appropriations made to  
18 the Supreme Court
- 19 Section 13 This act shall take effect immediately

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

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Governor