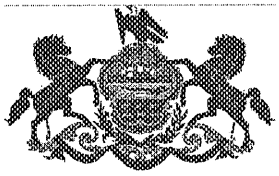

JUDICIAL CHAMBERS
COURT OF COMMON PLEAS
FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA
ELK COUNTY CAMERON COUNTY

SHAWN T. McMAHON
President Judge

RICHARD A. MASSON
Senior Judge

Elk County Courthouse
PO Box 416
Ridgway, PA 15853
TEL: (814) 776-6144
FAX: (814) 772-7780

REESTABLISHMENT PLAN
FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA
MAGISTERIAL DISTRICT COURTS 59-3-01, 59-3-02, 59-3-03
CAMERON COUNTY AND ELK COUNTY

Pursuant to 42 Pa.C.S.A. 1503, following the federal decennial census, the Court is required to evaluate and reestablish the number, boundaries and classes of magisterial districts within each judicial district.

The 59th Judicial District of Pennsylvania is composed of Cameron County and Elk County. Cameron County has one (1) magisterial district and Elk County has two (2) magisterial districts. After evaluation, the Court is proposing to reestablish those three (3) magisterial districts with no changes.

The reestablishment plan for the 59th Judicial District of Pennsylvania will be available for thirty (30) days to allow for public comment. The plan can be viewed on the 59th Judicial District's website at www.co.elk.pa.us/judicial. The plan will also be available in each Magisterial District Court office and the District Court Administrator's Office at 250 Main Street, Ridgway, Pennsylvania, 15853.

The thirty (30) days public comment period will expire at the close of business on February 21, 2022. Public comments regarding the reestablishment plan can be sent to the following address:

Court Administration
PO Box 416
Ridgway, PA 15853
ATTN: LeeAnn L. Covac, District Court Administrator

Public comments can also be e-mailed to lcovac@countyofelkpa.com. All public comments must be in writing and must include the full name and address of the sender.

The reestablishment plan will be submitted sometime after February 21, 2022, to the Administrative Office of Pennsylvania Courts for review.

REESTABLISHMENT PLAN
FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA
MAGISTERIAL DISTRICT COURTS 59-3-01, 59-3-02, 59-3-03
CAMERON COUNTY AND ELK COUNTY

After every federal decennial census, the Supreme Court of Pennsylvania mandates a review of the existence of and boundaries for magisterial district courts in the Commonwealth of Pennsylvania. President Judges are charged with the duty to review the caseload, workload, and overall scope of the magisterial districts in 59 of the 60 judicial districts statewide in order to reestablish, realign or eliminate magisterial districts.

The 59th Judicial District of Pennsylvania is composed of Elk County and Cameron County and is located in the northcentral mountainous region of the state in the Pennsylvania Wilds scenic area of Pennsylvania. Elk County is a 6th class county and has a population of 30,990. In November 2021, it was announced that Elk County was eligible to be classified as a 7th class county, however that has not happened at the time of this writing. Cameron County is an 8th class county and has a population of 4,547. Both counties have experienced a decline in population since the 2010 census of 11% and 3% respectively.

Magisterial District 59-3-01 comprises all of Cameron County, serving the municipalities of the Boroughs of Emporium and Driftwood, and the Townships of Gibson, Grove, Lumber, Portage and Shippen. The court is located in the Cameron County Courthouse, 20 East Fifth Street, Emporium, Pennsylvania.

Magisterial District 59-3-02 is located generally in the northern and western sections of Elk County, serving the Boroughs of Johnsonburg and Ridgway, and the Townships of Highland, Horton, Jones, Millstone, Ridgway, and Spring Creek. The court is located at 409-G Center Street, Johnsonburg, Pennsylvania.

Magisterial District 59-3-03 is located generally in the southern and eastern section of Elk County, serving the City of St. Marys, and the Townships of Benezette, Fox, and Jay. The court is located at 810 South Michael Road, St. Marys, Pennsylvania.

Magisterial district courts handle criminal, private criminal, non-traffic, traffic, civil, landlord/tenant, and miscellaneous cases. The average caseload in District 59-3-01 is 1,509; in District 59-3-02 is 2,821; and in District 59-3-03 is 3,031.

Comparing the average caseload for District 59-3-01 (Cameron County) with the average caseload (1,813) in other 8th class counties, District 59-3-01 had 17% fewer cases filed.

Comparing the average caseload for District 59-3-02 and District 59-3-03 with the average caseload (3,230) in other 6th class counties, District 59-3-02 had 12% fewer cases filed and District 59-3-03 had 7% fewer cases filed.

The workload of the magisterial district judge varies depending upon the type of case. For example, a magisterial district judge spends more time on a criminal case than on a traffic case. Therefore, a review of the workload is necessary.

The average workload for Cameron County is 9,634 and Elk County is 22,982. The average workload in District 59-3-01, the only district court encompassing all of Cameron County, is 9,634. In District 59-3-02, the average workload is 19,581, which is 15% below the average workload for Elk County. The average workload in District 59-3-03 is 26,384, which is 15% above the average workload for Elk County. It should be noted that District Court 59-3-03 has three full-time support staff compared to District Court 59-3-02, which has two full-time support staff.

The Supreme Court of Pennsylvania has set a benchmark of +/- 15% to use as a workload analysis for each magisterial district court. Further review is needed regarding District Court 59-3-02 and District Court 59-3-03 in order to determine if re-establishment, realignment and/or elimination is warranted.

When considering a realignment of the City of St. Marys with District Court 59-3-02, access is not an issue as State Route 255 is a direct road from the City to the district court in Johnsonburg. Adding the average number of cases (249) and the average workload (2,538) would increase the filings and workload. However, removing the City of St. Marys, the largest municipality by far in the 59th Judicial District, from District Court 59-3-03 will only transfer the lower filing and corresponding lower workload problem that exists today in District Court 59-3-02 to District Court 59-3-03 and create a magisterial district that affects voting in the various St. Marys voting wards and increases travel for City citizens and law enforcement. The current Magisterial District Judge for District Court 59-3-03 would then be required to move from his residence in the City of St. Marys.

The other alignment consideration involves moving the contiguous municipalities of Benezette, Jay, and/or Fox Townships to District 59-3-02. The rural and sparsely populated areas of Benezette and Jay Townships would do little to add to the caseload and citizens again would be confronted with access to the district court in Johnsonburg, as the District Court 59-3-03 office is geographically closer for citizens in Benezette and Jay Townships that the 59-3-02 office. Adding Fox Township would in effect increase the average workload to District Court 59-3-02 and resolve the benchmark problem but would create a logistical dilemma as a significant number of case filings in Fox Township stem from Wal-Mart, which is much closer in distance to 59-3-03 in St. Marys than that of 59-3-02 in Johnsonburg, and in fact is often referred to as "the St. Marys" Wal-Mart.

For the above reasons, I recommend that District Court 59-3-01 be reestablished to serve all of Cameron County, encompassing the Boroughs of Emporium and Driftwood and the Townships of Gibson, Grove, Lumber, Portage, and Shippen.

I recommend that District Court 59-3-02 be reestablished to serve the northern and western parts of Elk County, encompassing the Boroughs of Johnsonburg and Ridgway and the Townships of Highland, Horton, Jones, Millstone, Ridgway, and Spring Creek.

I also recommend that District Court 59-3-03 be reestablished to serve the southern and eastern parts of Elk County, encompassing the City of St. Marys and the Townships of Benezette, Fox and Jay.

_____

Hon. Shawn T. McMahon, President Judge
59th Judicial District of Pennsylvania
Elk and Cameron Counties

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	59-3-01	County:	Cameron

1. Proposed plan for this magisterial district: Reestablish
2. Effective date:

Caseload Analysis

3. Average total caseloads:	Avg for Magisterial District	Avg for Judicial District	Avg for Class of County
	A. 1,509	B. 1,509	C. 1,813

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	Difference (3A - 3B)	Ranking	Total
	0	1st	out of 1

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	Difference (3A - 3C)	% Above/Below
	-304	-17 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

This is the only magisterial district serving Cameron County. Cameron County is comprised of 5,085 citizens and is the least populated county in the state. However, this district court is the only judicial presence in the county because the common pleas court is located 30 miles away in Elk County.

Workload Analysis

7. Average total workloads:	Avg for Magisterial District	Avg for Judicial District
	A. 9,634	B. 9,634

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	Difference (7A - 7B)	% Above/Below
	0	%

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

This is the only magisterial district encompassing all of Cameron County.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Hon. Barry D. Brown		12/31/23	12/31/46

11. Magisterial District Court Information - Physical Location:

Cameron County Courthouse, 20 E. 5th Street, Emporium, PA 15834

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	No/Not Sure

16. List any police departments located within this magisterial district.

Pennsylvania State Police - Emporium Barracks, Emporium Borough Police Department

17. List any major highways within this magisterial district.

Pennsylvania State Route 120

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Driftwood Borough, Emporium Borough, Gibson Township, Grove Township, Lumber Township, Portage Township, Shippen Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	59-3-02	County:	Elk

1. Proposed plan for this magisterial district: Reestablish
2. Effective date: 2/28/2022

Caseload Analysis

3. Average total caseloads:	Avg for Magisterial District	Avg for Judicial District	Avg for Class of County
	A. 2,821	B. 2,926	C. 3,230

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	Difference (3A - 3B)	Ranking	Total
	-105	2nd	out of 2

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	Difference (3A - 3C)	% Above/Below
	-409	-12 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

The caseload of Magisterial District Court 59-3-02 is -12% below similar class of county districts and is -4% below the average caseload for Elk County. It cannot be eliminated because there are only two magisterial districts in Elk County. Realigning will not fix an imbalance in caseload and cannot overcome the geographical considerations.

Workload Analysis

7. Average total workloads:	Avg for Magisterial District	Avg for Judicial District
	A. 19,581	B. 22,982

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	Difference (7A - 7B)	% Above/Below
	-3,401	-15 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

The workload of Magisterial District Court 59-3-02 is -15% below the average workload for Elk County. It cannot be eliminated because there are only two magisterial districts in Elk County, a geographically large, rural county. Realigning will not fix an imbalance in workload and cannot overcome the geographical considerations.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Hon. James L. Martin		12/31/27	12/31/33

11. Magisterial District Court Information - Physical Location:

409-G Center Street, Johnsonburg, PA 15845

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	No/Not Sure

16. List any police departments located within this magisterial district.

Pennsylvania State Police - Ridgway Barracks, Ridgway Borough Police Department, Johnsonburg Borough Police Department

17. List any major highways within this magisterial district.

Pennsylvania State Route 219

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Highland Township, Horton Township, Johnsonburg Borough, Jones Township, Millstone Township, Ridgway Borough, Ridgway Township, Spring Creek Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

AOPC

Magisterial District Summary Worksheet - Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheets in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint.

Magisterial District Court Number:	59-3-03	County:	Elk

1. Proposed plan for this magisterial district: Reestablish
2. Effective date: 2/28/2022

Caseload Analysis

3. Average total caseloads:	Avg for Magisterial District	Avg for Judicial District	Avg for Class of County
	A. 3,031	B. 2,926	C. 3,230

4. Compare the difference between the caseload average of this magisterial district to your judicial district caseload average.	Difference (3A - 3B)	Ranking	Total
	105	1st	out of 2

5. Compare the difference between the caseload average of this magisterial district to your class of county caseload average.	Difference (3A - 3C)	% Above/Below
	-199	-7 %

6. If this magisterial district is at the lower end of the caseload range **and** you are proposing to **reestablish** (no changes), please summarize your response from the plan that explains why you are departing from caseload equity.

The caseload of Magisterial District Court 59-3-03 is -7% below similar class of county districts and is 4% above the average caseload for Elk County. It cannot be eliminated because there are only two magisterial districts in Elk County. Realigning will not fix an imbalance in caseload and cannot overcome the geographical considerations.

Workload Analysis

7. Average total workloads:	Avg for Magisterial District	Avg for Judicial District
	A. 26,384	B. 22,982

8. Compare the difference between the average total workloads of this magisterial district to the judicial district.	Difference (7A - 7B)	% Above/Below
	3,402	15 %

9. If this magisterial district's average workload is fifteen (15%) percent *higher or lower than* your judicial district average workload **and** you are proposing to **reestablish** this magisterial district, please explain (*summarize your response from the plan*) why this does not result in an unwarranted inequity among the judges.

The workload of Magisterial District Court 59-3-03 is 15% above the average workload for Elk County. There are only two magisterial districts in Elk County, a geographically large, rural county. Realignment of municipalities will not fix an imbalance in workload and cannot overcome the geographical considerations.

AOPC

Magisterial District Information

10. Magisterial District Judge (MDJ) Information:

Magisterial District Judge Name	Birthdate	Term Expiration Date	Mandatory Retirement Date
Hon. Mark S. Jacob		12/31/23	12/31/32

11. Magisterial District Court Information - Physical Location:

810 South Michael Street, St. Marys, PA 15857

12. Is this court within the boundaries of the magisterial district?	Yes
13. Is the MDJ's residence within the boundaries of the magisterial district?	Yes
14. Are all portions of the magisterial district contiguous?	Yes
15. To the best of your knowledge, are there any planned developments such as a mall, highway expansion or gas drilling that will likely cause an increase in the case filings for this office? If **YES**, please summarize your response below.	No/Not Sure

16. List any police departments located within this magisterial district.

City of St. Marys Police Department

17. List any major highways within this magisterial district.

Pennsylvania State Route 219, Pennsylvania State Route 255, Pennsylvania State Route 120

18. List the **current** municipalities for this magisterial district (alphabetically). For a list, click HERE for Realignment Orders submitted in the past.

Benezette Township, City of St. Marys, Fox Township, Jay Township, Spring Creek Township

19. Are the **proposed** municipalities the same as above? If **NO**, please list all proposed municipalities (alphabetically).	Yes

20. Additional Comments:

AOPC

Judicial District Summary Worksheet – Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheet in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint. Complete one worksheet or one for each county if you are a joint judicial district.

Judicial District Number:	59	County:	Elk	Class of County:	6

1. List the existing magisterial districts in your judicial district (##-#-##):

   59-3-02
   59-3-03

Caseload Analysis

	Avg for Judicial District	Avg for Class of County
2. Average total caseloads:	A. 2,926	B. 3,230

	Difference (2A - 2B)	Ranking	Total
3. Compare the difference between the caseload average of your judicial district to the class of county.	-304	13	out of 24

4. Is your judicial district caseload average at the lower end of the caseload range when compared to the other judicial districts in your class of county?	No

Proposed Actions

5. Are any magisterial districts proposed for reestablishment?	Yes

If **YES**, list the magisterial districts proposed for reestablishment (no changes).

59-3-02
59-3-03

6. Are any magisterial district proposed for realignment?	No

If **YES**, list the magisterial districts proposed for realignment (changes).

7. Are any magisterial districts proposed for elimination?	No

If **YES**, list the magisterial districts proposed for elimination.

AOPC

Additional Workload Factors	
8. Do you have a night court operating within the judicial district?	No
9. Do you have a central court within your judicial district?	No
10. Do you have any special programs that will entail effort by the MDJs such as truancy programs or drug, DUI, veteran, or mental health diversion programs? If **YES,** briefly explain the types of programs.	No

Final Checklist	
11. Was a request for public comment posted?	
12. Method of posting - electronic, physical copy, or both?	
13. Were media outlets notified?	
14. Were public comments received?	
15. Did you include a copy of the posting and public comments in your submission?	
16. Did you complete summary worksheets for all magisterial districts?	
17. Did you include your petition and all supporting documentation, if applicable?	
18. Did you confer with the MDJs in your county?	

19. Additional Remarks

Verification of Submission
20. Date submitted to AOPC:
21. President Judge Name:
Signature _____

AOPC

Judicial District Summary Worksheet – Reestablishment 2021-2022

Start by saving the fillable worksheet template locally on your system as a PDF form. Then, open and complete the worksheet in a PDF browser (not a web browser) to ensure all options and functionality are available. Answer the questions by typing or selecting responses. Press TAB or click on a field to advance. Hover the fields for tips and instructions. Save and upload the completed form to SharePoint. Complete one worksheet or one for each county if you are a joint judicial district.

Judicial District Number:	59	County:	Cameron	Class of County:	8

1. List the existing magisterial districts in your judicial district (##-#-##):

   59-3-01

Caseload Analysis

	Avg for Judicial District	Avg for Class of County
2. Average total caseloads:	A. 1,509	B. 1,813

	Difference (2A - 2B)	Ranking	Total
3. Compare the difference between the caseload average of your judicial district to the class of county.	-304	5	out of 6

4. Is your judicial district caseload average at the lower end of the caseload range when compared to the other judicial districts in your class of county?	Yes

Proposed Actions

5. Are any magisterial districts proposed for reestablishment?	Yes

If **YES**, list the magisterial districts proposed for reestablishment (no changes).

59-3-01

6. Are any magisterial district proposed for realignment?	No

If **YES**, list the magisterial districts proposed for realignment (changes).

7. Are any magisterial districts proposed for elimination?	No

If **YES**, list the magisterial districts proposed for elimination.

AOPC

Additional Workload Factors	
8. Do you have a night court operating within the judicial district?	No
9. Do you have a central court within your judicial district?	No
10. Do you have any special programs that will entail effort by the MDJs such as truancy programs or drug, DUI, veteran, or mental health diversion programs? If **YES,** briefly explain the types of programs.	No

Final Checklist	
11. Was a request for public comment posted?	
12. Method of posting - electronic, physical copy, or both?	
13. Were media outlets notified?	
14. Were public comments received?	
15. Did you include a copy of the posting and public comments in your submission?	
16. Did you complete summary worksheets for all magisterial districts?	
17. Did you include your petition and all supporting documentation, if applicable?	
18. Did you confer with the MDJs in your county?	

19. Additional Remarks

Verification of Submission
20. Date submitted to AOPC:
21. President Judge Name:
Signature _____