

**Summary of Final Recommended Reestablishment Plan for the  
Magisterial District Courts of the 32<sup>nd</sup> Judicial District  
of the Commonwealth of Pennsylvania for 2022**

*By The Honorable Kevin F. Kelly, President Judge*

**Background**

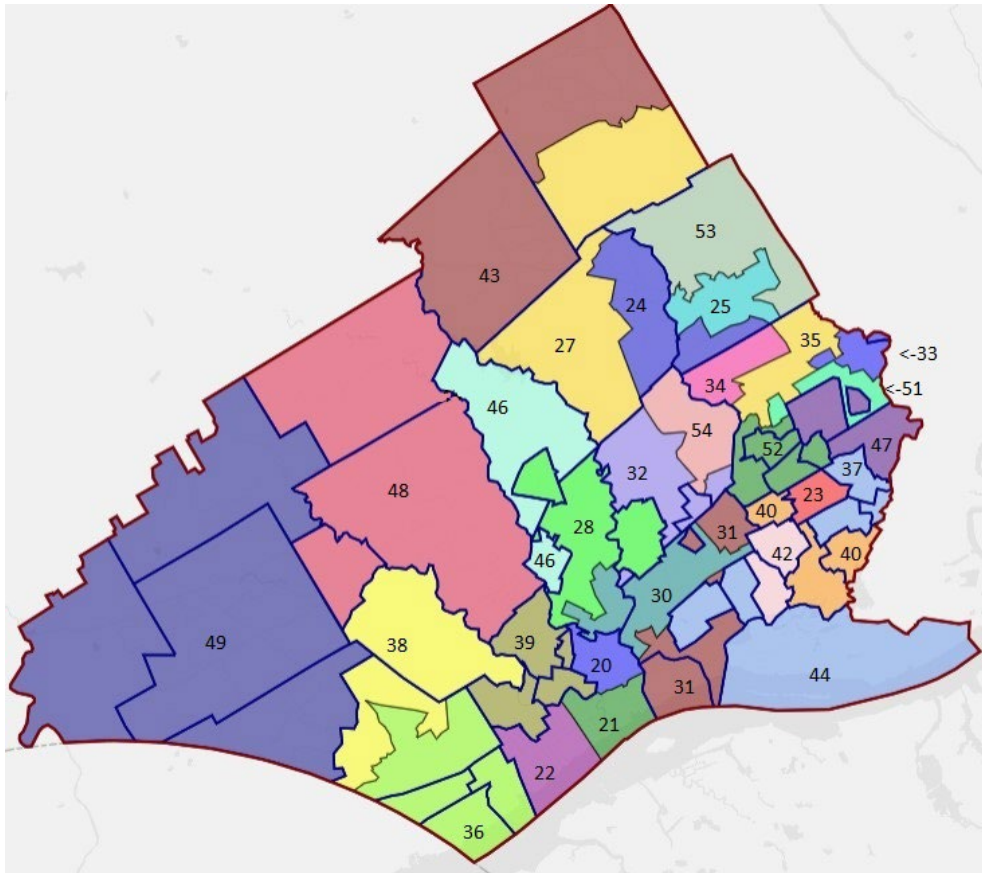
Pursuant to the directions of the Supreme Court of Pennsylvania (“Supreme Court”), a Preliminary Recommendation for the Reestablishment of the Magisterial District Court (“MDCs”) of Delaware County was crafted and posted for public comment on Friday, January 14, 2022. The public comment deadline was advertised as ending at the close of the business day on Tuesday, February 22, 2022, a period of thirty-eight (38) days. On receipt of the various public comments, all were fully reviewed and after a most thorough ensuing deliberative process, the Preliminary Recommendation has been modified and a resultant final version is being submitted for consideration as is more further described below.

The Supreme Court’s guidelines instructed that a final recommendation be forwarded by Monday February 28, 2022. However, a request for an extension was made and granted to allow this submission to be made on or before Friday March 11, 2022.

Contemporaneous with this summary, the following items are being submitted with the filing of the Final Recommendation:

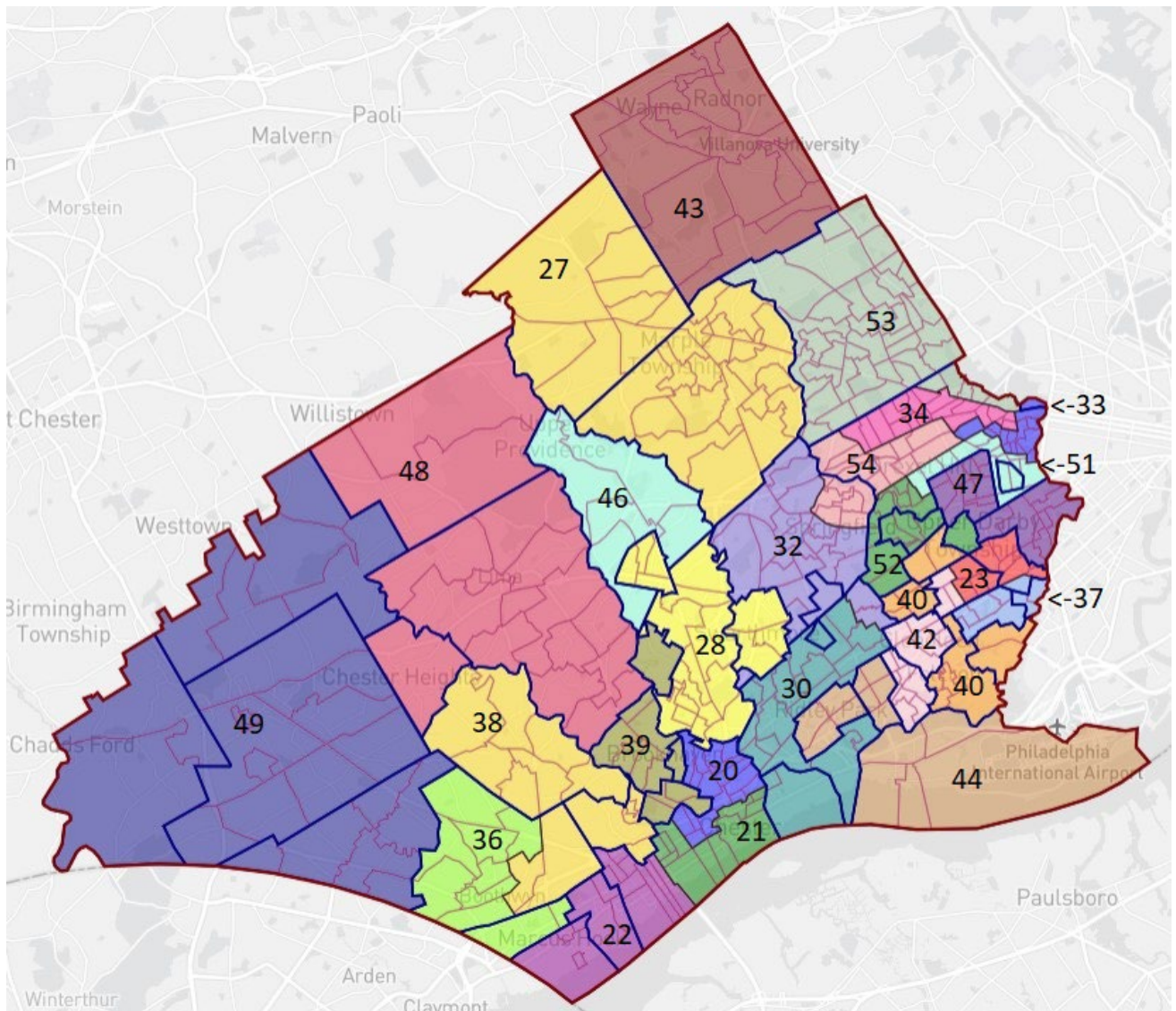
- Copies of the emails relating to the request and granting of the extension for submission.
- The 32<sup>nd</sup> Judicial District Summary Worksheet.
- A Magisterial District Worksheet for every district in Delaware County.
- A copy of the Notice of posting of the Preliminary Recommendation, and documents relating thereto (*i.e.* email notices and news articles).
- A copy of the Preliminary Recommendation and the related Worksheets as posted.
- A Summary of the Preliminary Recommendation as posted.
- A copy of the web site Notice seeking public comment prior to the crafting of the Preliminary Recommendation.
- A copy of the data provided as requested from the Delaware County Planning Commission relating to expected population, business development and employment projections for each of the forty-nine (49) municipalities in Delaware County over the next decade.
- Input received prior to drafting the Preliminary Recommendation, including recommendations from the local Magisterial District Judge’s Association.
- A copy of the PowerPoint that was utilized at two (2) presentations with various stakeholders prior to the crafting of the Preliminary Recommendation.
- Copies of all public comments received regarding the posted plan.

## Current Map of 30 Magisterial District Courts



Magisterial District Courts are labeled by last two digits of District Number; e.g. 32-2-49 is 49.

## Map of 26 Recommended Magisterial District Courts



Magisterial District Courts are labeled by last two digits of District Number; *e.g.* 32-2-49 is 49.

For specific descriptions of each District, please refer to the Magisterial District Worksheets.

## **Description of the Twenty-Six (26) Recommended Magisterial District Courts**

Effective as of January 1, 2024, unless otherwise noted

**32-1-20** - City of Chester Wards 1 and 2; Ward 6 (Precinct 2); and Ward 7 (Precincts 1, 3 and 4). The Court will also handle all matters for the Chester-Upland School District.

**32-1-21**- City of Chester Wards 3; 4; 5; Ward 6, (Precinct 1); Ward 7, (Precinct 2); and Wards 8 and 9.

**32-1-22** - City of Chester Wards 10 and 11; Marcus Hook and Trainer.

**32-1-23** - Collingdale Borough Wards 1, 2, 3, and 7; and Darby Borough Wards 1; 2; and Ward 3 (Precinct 2).

**32-1-24** - Eliminated

**32-1-25** -Eliminated

**32-1-27** - Marple and Newtown

**32-1-28** - Media, Nether Providence and Swarthmore

**32-1-30** - Ridley Township Wards 2, 3, 5 and 7; and Rutledge until 12/31/2027. Eddystone, Ridley Township Wards 1, 2, 3, 5, 6, 7, 8 and 9; and Rutledge after 12/31/2027 when District Court 32-1-31 is eliminated. The court will also handle all matters for the Ridley School District and all Pennsylvania State Police matters related to I-95 north of I-476.

**32-1-31** - Eddystone and Ridley Township Wards 1, 4, 6, 8 and 9 until 12/31/2027, after which this court will be eliminated.

**32-1-32** - Morton Borough; Springfield Ward 1 (Precincts 1 and 2); Wards 2, 3; 4; 5; and 7 as of January 1, 2024. Also, add Ridley Township Ward 4 after December 31, 2027 when District Court 32-1-31 is eliminated. This court will also handle all matters for the Springfield School District.

**32-1-33**- Millbourne Borough and Upper Darby Ward 5 (Precincts 1 and 7); Ward 6 (Precincts 1, 2, 3, 4, 5, 9, 10 and 12); and Ward 7 (Precincts 3, 5, and 11).

**32-1-34** - Upper Darby Ward 3 (Precincts 2, 4 and 6 thru 10); Ward 4 (Precincts 1 thru 4, 8, 9 and 10); Ward 5 (Precinct 3); and Ward 7 (Precincts 2, 4, 8 and 10). The Court currently handles all matters for the Upper Darby School District. It is recommended this assignment continue.

**32-1-35** - Eliminated

**32-1-36** - Lower Chichester, and Upper Chichester Wards 1, 3, 4 and 5. The Court will also handle all of the Chichester School District cases.

**32-2-37** - Colwyn; Darby Borough Ward 3 (Precinct 1); and Sharon Hill. The Court will handle all of the School District matters for its own jurisdiction as well as all the school district matters for all of Collingdale (Southeast Delco SD) and all of Darby Borough (William Penn School District).

**32-2-38** - Aston Township, Chester Township and Upper Chichester Ward 2. The court will also handle all matters for the Penn Delco School District, as well as all PA State Police cases related to I-95 south of I-476.

**32-2-39** - Brookhaven, Parkside, Rose Valley and Upland.

**32-2-40** - Aldan, Darby Township and Folcroft

**32-2-42** - Collingdale Wards 4, 5 and 6; Glenolden and Norwood.

**32-2-43** - Radnor Township.

**32-2-44** - Prospect Park, Ridley Park and Tinicum. The court will as well handle all of the cases filed by the Interboro School District.

**32-2-46** - Upper Providence Township. The court will also handle the cases for a new countywide "Special Victims" criminal court, as well as all PA State Police cases related to I-476, and all the matters for the Rose-Tree-Media School District.

**32-2-47** - Lansdowne and Yeadon. The court will also handle all of the cases filed by the Wm. Penn School District from its own jurisdiction as well for Aldan Borough.

**32-2-48** - Chester Heights, Edgmont and Middletown. The court will as well handle all cases filed by the county wide Drug Task Force.

**32-2-49** - Bethel, Chadds Ford, Concord and Thornbury.

**32-2-51** - East Lansdowne and Upper Darby Ward 5 (Precincts 2, 4, 5, 6 and 8); Ward 6 (Precincts 6, 7, 8, and 11); and Ward 7 (Precincts 1, 6, 7, and 9).

**32-2-52** - Clifton Heights and Upper Darby Ward 1 (Precincts 4 and 7); Ward 2; and Ward 5 (Precinct 9).

**32-2-53** - Haverford Township and Upper Darby Ward 4 (Precincts 5, 6, 7 and 11); and Ward 5 (Precinct 10).

**32-2-54** - Springfield Ward 1 (Precinct 3); and Ward 6; Upper Darby Ward 1 (Precincts 1, 2, 3, 5, 6, 8 and 9); and Ward 3 (Precincts 1, 3, 5 and 11).

## Recommendation Statistical Comparison

	<b>Current</b>	<b>Proposed</b>
Number of Districts	30	26
Maximum Number of Districts within a 15% Workload Range	8 of 30	23 of 26
Number of Facilities	22	19
Split Municipalities	9	7
Non-Contiguous Districts	6	3*
*All three Non-Contiguities are due to Municipal Non-Contiguities		
Current Average Workload for 30 Delaware County Magisterial District Courts		33,873
Current Average Workload for the 113 Class 2A County Magisterial District Courts		38,685
Projected Average Workload for 26 Realigned Delaware County Magisterial District Courts		39,085
Number of Magisterial Districts Reestablished as is		3
Number of Magisterial Districts Realigned		23
Number of Magisterial Districts Eliminated		4

## **Development of Final Recommendation**

In anticipation of possibly recommending the elimination of one or more Magisterial District Court ("MDC"), each incumbent MDJ was asked to notify the President Judge, in writing, if they would not be seeking reelection at the end of their current term. Several MDJs indicated that they would not in the future be seeking reelection.

All Delaware County MDJs were invited to a presentation regarding Reestablishment, which was held on October 29, 2021. A majority of the local MDJs attended the meeting. After a PowerPoint presentation many MDJs participated in the subsequent discussion. The president of the local MDJ association was invited to submit an omnibus recommendation on behalf of all the MDJs, the same being timely received on November 22, 2021. Individual MDJs were also encouraged to submit their personal recommendations and comments in writing to the President Judge, which many did.

A similar meeting and presentation was held on November 17, 2021, for other stakeholders. Invitees included: all members of Delaware County Council, the county Solicitor, the District Attorney, the Public Defender and representatives from local law enforcement agencies. After the PowerPoint presentation a comprehensive discussion took place. These attendees were also encouraged to submit their individual recommendations and comments in writing to the President Judge, and some did so over the following weeks.

Notice of the Reestablishment process beginning and an invitation to submit public comment was as well posted on the county website in the fall of 2021.

Resulting from that of the above, a significant amount of input was offered regarding many aspects of the process and the related effect on various MDCs, municipalities, local agencies and/or school districts.

## **Number of Courts**

Pursuant to the guidelines, comparisons were made relative to the average case filings and workload for the Delaware County as relating to all five (5) Class 2A Counties. Bucks, Chester, Lancaster and Montgomery are the other Class 2A Counties per the 2020 US Census data. The data provided by the AOPC clearly shows that Delaware County has the lowest average workload among the five (5) Class 2A Counties. The current average workload for the one-hundred-thirteen (113) MDCs in those 2A counties is 38,685. The present average workload for the thirty (30) MDCs in Delaware County is 33,873. The average workload for the eighty-three (83) MDCs in the other four (4) Class 2A Counties is 40,424, 19.3% higher than the Delaware County MDCs.

The AOPC also provide data which was published by PennLive in a prominent news story during the fall of 2021 relating to the Magisterial District Courts statewide. In those articles, it was noted that Delaware County had five (5) of the ten (10) MDCs in the Commonwealth with the lowest number of hearing days, and twelve (12) of the lowest (20).

While mathematical averaging and comparison was applied to considering the number of MDCs to properly handle the workload of Delaware County, the fluid process revealed that other considerations also impacted this determination. For example, a reduction to twenty-four (24) or twenty-five (25) MDCs was considered. However, these further reductions resulted in much greater splitting of municipalities and school districts in order to meet the goal of distributing the Workload equitably. Likewise, omnibus plans for twenty-seven (27) or twenty-eight (28) MDCs also resulted in less fairly distributed Workload volumes. After consideration of many options, it is recommended that twenty-six (26) is the appropriate number of MDCs to address the needs to the 32<sup>nd</sup> Judicial District over the next ten (10) years.

The average workload volume for the thirty (30) present MDCs in Delaware County is 33,873 and as noted above, the average Workload volume for the one-hundred-and-thirteen (113) current MDCs in the five (5) Class 2A Counties is 38,685. The new adjusted average Workload volume for the twenty-six (26) proposed MDCs in Delaware County is projected to be 39,085. Thus, this Recommendation brings the average Workload for the MDCs in the 32<sup>nd</sup> Judicial District to a level slightly higher than the average Workload for all of the one-hundred-and-thirteen (113) current Class 2A County MDCs.

The November 22, 2021 recommendations from the local Magisterial District Judge's Association also suggested eliminating four (4) MDCs, and possible consideration to eliminating a fifth. However, as noted above, the elimination of four (4) MDCs is recommended as twenty-six (26) is the suggested, appropriate number of MDCs for the next decade.

### **Elimination of Certain MDCs**

It is fair to say that every MDC, with the exception of those having the highest Workload volumes, was considered for possible elimination at some point in the process of creating this Recommendation. Aside from the effect on the incumbent MDJ and local community, the elimination of each MDC was weighed against the obvious rippling effect such would cause as Workload volume shifted to other MDCs. In some instances, the possible elimination of a certain MDC would impact the Workload volume of many other local courts, some of which were several districts away on the far side of the county.

Consideration was given to eliminating the MDCs of MDJs who were approaching mandatory retirement age, as articulated by the Supreme Court's guidelines. Thought was also given to eliminating or combining MDCs with low Workload volumes. The three (3) MDCs with current vacancies were the first districts considered for elimination.

The Preliminary Recommendation proposed eliminating the same four (4) MDCs as the November 22, 2021, suggested plan from the local Magisterial District Judge's Association. Those MDCs were:

MDC 32-1-28 (Media, Swarthmore and parts of Nether Providence) has a current vacancy. This MDC, with below average Workload, is entirely surrounded by other MDCs with below average Workload.



MDC 32-1-35 (parts of Upper Darby) has a current vacancy. This MDC, with slightly below average Workload, borders two (2) MDCs with below average Workloads and two (2) MDCs with very high Workloads.

MDC 32-1-24 (parts of Marple and parts of Haverford) has a very low Workload volume and is surrounded by other MDCs with low Workload volume. The current term of the incumbent MDJ ends on December 31, 2023, when the incumbent MDJ will be within two (2) years of mandatory retirement age.

MDC 32-1-25 (parts of Haverford) has a very low Workload volume and is surrounded by other MDCs with low Workload volume. The current term of the incumbent MDJ ends on December 31, 2023, when the incumbent MDJ will be within two (2) years of mandatory retirement age.

Upon reflective consideration of the public comments received, this Final Recommendation differs from that above by not eliminating MDC 32-1-28. However, given that twenty-six (26) is still viewed as the appropriate number of MDCs, it is now recommended that MDC 32-1-31 be eliminated at the end of the term of the incumbent MDJ on December 31, 2027. The incumbent MDJ in MDC 32-1-31 will be seventy-two (72) years of age at that time. Thus, the MDCs proposed for elimination include one (1) with a current vacancy and three (3) others each with an incumbent who would not be able to fulfill another full term due to the constitutionally mandated retirement age.

The consideration leading to changing the recommendation to keep MDC 32-1-28 included significant input from the communities served by that court. Also, it is noteworthy that the court is in Media, the county seat, easily accessible to most of the local attorneys. The facility is located two (2) blocks from the Delaware County Courthouse, and is designated for essential emergency use under the Continuity of Operation Plan (COOP). The facility was used by the Court of Common Pleas several times during the recent pandemic when the Delaware County Courthouse was shut down due to COVID-19 exposures. MDC 32-1-28 is also utilized for Emergency Protection From Abuse hearings when a conflicts arise with the Court of Common Pleas.

Significant public comment was also received opposing the elimination of MDC 32-1-35 in Upper Darby. Such oppositional commentary noted MDJs from “other municipalities” presiding over Upper Darby matters. Paradoxically, MDJs from Upper Darby have for decades been presiding over matters from other municipalities (Aldan, Clifton Heights and Milbourne). Currently, twenty-nine (29) of the forty-nine (49) municipalities in Delaware County are served by an MDJ who resides in another municipality. This is an obvious necessity, unless the patently frivolous and result of at least forty-nine (49) MDCs were created for the county.

Convenience and accessibility were considered when crafting the plan to have two (2) other MDCs serve parts of Upper Darby. The parts of Upper Darby which will be covered by MDC 32-2-54 are in many cases closer than the current location in Upper Darby. By way of example, the large Drexelbrook apartment complex is a short drive and much shorter trolley ride to the Springfield court than it is to the Upper Darby Court facility. The parts of Upper Darby which will be served by MDC 32-2-53 in Havertown are in most cases also closer than the current

location in Upper Darby. MDC 32-2-53 in Havertown is arguably the most accessible court in the county from the point of public transportation, the SEPTA Route 104 bus stops directly in front of the entrance.

While public accessibility to MDC 32-2-53 in Havertown and MDC 32-2-54 in Springfield should not be problematic, it could be for the Upper Darby Police to have to cover hearings at additional locations. In response to the concerns of the UDPD, the Final Recommendation contemplates that MDC 32-2-53 in Havertown and MDC 32-2-54 will hear all of their Upper Darby traffic, non-traffic and criminal matters in the existing Upper Darby court facilities. Also, consistent with the Preliminary Plan, all matters filed by the Upper Darby School District will continue to be heard by MDC 32-1-34, as they have been for decades.

The concept of assigning five (5) Upper Darby precincts to MDC 32-2-53 in Havertown is wholly consistent with the November 22, 2021 recommendations from the local Magisterial District Judge's Association. The Association's proposal also included assigning Milbourne to MDC 32-2-53, however, this Final Recommendation leaves Milbourne with MDC 32-1-33 in Upper Darby.

Consideration was given to having all matters from Upper Darby Township limited to MDCs based solely in that municipality. However, this was not reasonably feasible as the same causes a significant imbalance of workload equity among the MDCs in the eastern part of the county.

### **Splitting Municipalities**

Currently, several of the forty-nine (49) municipalities in Delaware County are split by more than one (1) of the present thirty (30) MDCs. For this Recommendation, splitting municipalities was required to balance the Workloads in a fair manner among the suggested twenty-six (26) MDCs. The preference was to minimize the number of such splits. Upper Darby Township, with over 86,000 residents and a significant case volume undoubtedly requires more than one (1) MDC. Similarly, the City of Chester with a high volume of cases also requires splitting.

Additional current splits remain in the following Municipalities: Ridley, Springfield, and Upper Chichester. Both MDCs covering Springfield are co-located in the same building, thus minimizing the impact of that split.

New splits were required in Darby Borough and Collingdale to balance the significant caseload in those adjoining and contiguous communities. Like Springfield, MDCs covering Darby Borough are proposed to be co-located in the same building, thus minimizing the impact of that split also.

Current splits will be eliminated in the following Municipalities: Marple, Nether Providence, Radnor and Haverford (currently split three (3) ways). The total number of Municipalities being split under this Recommendation is less than the current total.

Public comments in opposition to splitting Collingdale were received and considered. The reason for suggesting splitting the borough among two (2) MDCs was to balance the workload in the region. The excessively high workload in adjoining MDC 32-2-37 must be shifted to another

court. MDC 32-1-23, which presently serves only Collingdale in its entirety has a relatively low workload. Assigning most of Darby Borough to MDC 32-1-23 will increase its Workload from below average currently to slightly above the new adjusted County average. It will also alleviate the excessive burden in MDC 32-2-37, which covers Colwyn, Darby Borough and Sharon Hill currently, and has a Workload which is twice the County average presently. In order to balance the Workloads of both MDCs, 32-1-23 will need to lose some of its Workload from Collingdale. MDC 32-2-42, which currently has a below average Workload, borders Collingdale to the south, and thus can benefit from the added contiguous Workload. The proposed reassignment of these Workloads will bring all three (3) MDCs (32-1-23, 32-2-37 and 32-2-42) close to the adjusted twenty-six (26) Court County average.

The Collingdale Police concerns of having to cover hearings at two (2) locations have been considered. The Final Recommendation includes proposing that the two (2) MDCs serving Collingdale will have coordinated schedules for Traffic, Non-Traffic and Criminal matters eliminating the need for the Collingdale Police to attend hearings in two (2) different buildings at the same time. It is noteworthy that MDC 32-2-42 in Glenolden is only 1.3 mile away from the Collingdale Police station, and MDC 32-1-23 will only be 1.1 mile away when relocated to Darby Borough.

### **Other Public Comments**

Many other public comments were received regarding the posted Preliminary Plan. All of the received comments were given due consideration. While many objections and a significant lesser number of suggestions were proffered relating to specific municipalities, MDCs and regions of the county, none addressed the affect such proposed changes would have on the plan as a whole.

While it is understandable that commentors limited suggestions to their parochial concerns, a thorough contemplation of each reveals that the rippling affect would cause other notable concerns and/or problems in other MDCs. Changes in one aspect of the plan cannot be considered in a vacuum. By way of example, consider the decision to retain MDC 32-1-28 and alternatively eliminated MDC 32-1-31. This change impacted more than those two (2) MDCs; it affected eight (8) other MDCs (32-1-30, 32-1-32, 32-2-39, 32-2-44, 32-2-46, 32-2-48, 32-2-49 and 32-2-54) and three (3) school districts. Similarly, retaining MDC 32-1-35 instead of eliminating it as proposed would necessitate eliminating some other yet to be determined MDC and require further realignment of many other districts throughout the county.

### **Equitable Distribution of Workload**

The current Workload among the thirty (30) MDCs is grossly inequitable. The highest volume MDCs currently have Workload volumes which are three (3), four (4) and even five (5) times that of the lowest volume MDCs. When considering the 15% range goal articulated in the Supreme Court's guidelines, currently only eight (8) MDCs fall in such a range near the average Workload for the County. The table below shows this current extreme Workload disparity, with the highest

MDC having 520.4% of the Workload of the lowest MDC (67,051 divided 12,884 = 520.4%).

**Current 32<sup>nd</sup> Judicial District (Delaware County) Magisterial Courts by Workload**

<i>Average Annual Workload per MDC/County = Total Workload/# of years (6, 3 for MD)/# of commissioned</i>									
<b>County/MDC</b>	<b>Criminal</b>	<b>Non-Traffic</b>	<b>Private Criminal</b>	<b>Private Summary</b>	<b>Traffic</b>	<b>Civil</b>	<b>Landlord/Tenant</b>	<b>Misc. Docket</b>	<b>Total Workload</b>
32-2-37	26286	22280	6	535	6557	2794	6130	2464	67051
32-1-33	21164	14280	9	177	10684	2248	6185	2064	56812
32-2-47	11928	9763	5	1377	11598	3422	13768	1868	53728
32-1-36	20019	10674	20	2066	8428	2788	6053	3182	53229
32-2-44	18783	8865	4	41	8986	2606	2438	2780	44501
32-2-39	17877	8397	14	1156	9575	2489	3905	782	44195
32-2-52	9125	7720	7	143	12972	3134	5659	2247	41008
32-1-21	20582	5599	65	1824	2047	959	2920	2649	36645
32-1-22	17112	3879	61	1751	2091	1786	8010	1955	36643
32-2-51	12699	3063	4	261	3540	2609	8111	3800	34087
32-2-43	10857	4697	0	201	13697	2486	722	879	33538
32-2-46	14713	2541	9	93	12176	887	533	1672	32625
32-1-35	10062	3295	0	133	9423	2692	3659	2529	31792
32-2-49	16653	2643	11	302	6101	2506	722	2824	31762
32-1-31	14285	6544	0	68	4289	1686	3103	1477	31452
32-2-40	8966	7126	7	104	7809	3113	2942	1205	31272
32-1-30	9902	8302	0	64	5974	2348	3403	706	30700
32-1-28	10783	4028	13	86	7181	3138	845	2617	28689
32-1-20	11812	2816	52	1192	1818	1433	8215	1293	28629
32-2-42	7859	7815	2	23	6624	1707	3350	478	27858
32-1-34	4327	11164	2	77	6907	1487	2160	1499	27622
32-1-23	8005	6124	5	70	7048	1433	2399	967	26049
32-1-27	9064	5406	0	9	8554	1517	350	631	25531
32-2-48	13733	3544	4	115	4045	1611	599	1455	25106
32-2-38	10392	4547	9	904	3091	2799	1303	1542	24587
32-1-32	11096	4128	4	344	3350	0	0	1358	20278
32-1-24	8391	1666	0	9	2740	1647	632	1064	16149
32-1-25	5410	2275	0	224	4690	1404	531	804	15338
32-2-54	3398	3573	199	33	1456	3343	1820	684	14504
32-2-53	4566	2368	9	45	2860	1566	862	609	12884

Under this Final Recommendation, the projected Workload volume for twenty-three (23) of the twenty-six (26) realigned MDCs fall within a 15% deviation from lowest to highest, and therefore also are within 15% from highest to lowest. Two (2) MDCs which do not currently fit within this range, MDC 32-2-48 and MDC 32-2-49, encompass areas which are expected to develop at a much higher rate in both population and job growth than the rest of County according to the Delaware County Planning Commission. Thus, consistent with the guidelines, the consideration of this expected growth suggests that the Workload volume of both MDC 32-2-48 and MDC 32-2-49 will move into the 15% range before the next reestablishment in ten (10) years.

MDC 32-2-47 is expected to have a Workload which is 18.4% higher than the lowest MDC not expecting significant growth, and 16.6% higher than the second lowest MDC not expecting significant growth. MDC 32-2-47 will still experience a 21.8% reduction in its excessive Workload under the proposal. The district covers Lansdowne and Yeadon in their entireties. It is recommended that this exception to the 15% range goal is preferable to splitting another municipality, particularly in this case as MDC 32-2-47 is surrounded by other MDCs with high expected Workload volumes.

### **Residence of Incumbent MDJs**

The residence of the incumbent MDJ is within the district for twenty-five (25) of the twenty-six (26) proposed MDCs in the Recommendation. The one (1) exception is MDC 32-2-43, where the term of the current MDJ ends on December 31, 2023, when the incumbent MDJ will be within two (2) years of mandatory retirement age. Significantly, the incumbent MDJ in 32-2-43 informed the President Judge in writing that he would not be seeking reelection to a new term. Thus, this only and slight deviation from the guidelines should have no negative impact. To the contrary, it furthers a goal of the guidelines by forestalling the need to split another municipality, Newtown Township.

### **Contiguity**

The guidelines require that all parts of each MDC be contiguous. That is, the MDC should be one (1) continuous stretch of geography with no gaps separating it into more than one (1) piece. Currently, six (6) of the thirty (30) MDCs in Delaware County have non-contiguous parts.

This recommended reestablishment plan reduces the number of non-contiguous districts to only three (3) MDCs. Notably, each proposed non-contiguities is related to a municipal non-contiguity.

The proposed realigned MDC 32-1-32 would have the same non-contiguity it presently has relating to Springfield Township, which is comprised of two (2) non-contiguous pieces. Likewise, the proposed realigned MDC 32-2-40 would have the same non-contiguity it currently has relating to Darby Township, which is also comprised of two (2) non-contiguous pieces. The proposed realigned MDC 32-2-52 includes Upper Darby Township, which as well has two (2) non-contiguous parts. In each of these circumstances, it is preferable to recommend that these municipal non-contiguities be incorporated into the recommended plan, as opposed to further splitting neighboring municipalities and school districts to strictly comply with the guideline.

## **Court Facilities**

Presently, several MDCs share facilities, and have for many years done so. This Recommendation anticipates that the following shared facilities continue to operate in the same manner:

- City of Chester MDCs 32-1-20, 32-1-21 and 32-1-22
- Newtown Square MDCs 32-1-27 and 32-2-43
- Springfield MDCs 32-1-32 and 32-2-54
- Upper Darby MDCs 32-1-33, 32-1-34 and 32-2-51

Currently, MDC 32-1-25 shares a facility with MDC 32-2-53. However, with the elimination of MDC 32-1-25, MDC 32-2-53 will remain at the location, which will be within its boundaries.

The precinct where the facility of MDC 32-2-37 is located is proposed to be reassigned to MDC 32-1-23. A separate petition will be filed asking that both District Courts share the facility at the current location in Darby Borough. This combination also will have the added advantage of combining staff resources, and relocating MDC 32-1-23 to a newer, larger, better all around facility, while keeping MDC 32-2-37 at its current location. Both MDCs serve Darby Borough under this Recommendation.

This proposed Recommendation would call for the closure of the facility where MDC 32-1-23 is presently located, as well as for the closing of the facility where MDC 32-1-24 is presently situated. Upon the elimination of MDC 32-1-31, its facility will be closed, unless MDC 32-1-30 is relocated there, which would necessitate the closing of MDC 32-1-30's current location.

## **Specialty Courts**

Presently, there is one (1) countywide specialty court, in which Drug Task Force cases are assigned to MDC 32-2-48. The Recommendation proposes to keep that arrangement. Additionally, per the request of the District Attorney of Delaware County, another specialty court will be created for "Special Victims", criminal cases with young victims. This proposal recommends that this new specialty court be assigned to MDC 32-2-46, which is centrally located in the county, and would benefit from the added Workload.

Pursuant to the request of the Pennsylvania State Police, this Final Recommendation includes Specialty Courts to efficiently address matters related to Interstates 476 and 95. This application is similar to the November 22, 2021, recommendations from the local Magisterial District Judge's Association. PSP cases attendant to I-95 north of I-476 will be adjudicated at MDC 32-1-30. PSP matters related to I-95 south of I-476 will be heard at MDC 32-2-38. All PSP matters related to I-476 will be adjudicated at MDC 32-2-46.

## **School Districts**

Many school districts are currently served by multiple MDCs. In some cases, all truancy and general school related matters are assigned to one (1) MDC, while in other school districts the cases are not so combined. The jurisdiction related to each school district in the County was reviewed for the Recommendation. An assessment for each school district and MDC was made based on convenience for the district, the residents and the need to distribute Workload volume equitably among MDCs. In all but two (2) school districts, such matters are now assigned to just one (1) MDC under this Recommendation.

The table below outlines the recommended assignment of School District cases:

<b><u>School District</u></b>	<b><u>SD Municipalities in Delaware County</u></b>	<b><u>District Court</u></b>
Chester Upland	All	32-1-20
Chichester	All	32-1-36
Garnet Valley	All	32-2-49
Haverford	All	32-2-53
Interboro	All	32-2-44
Marple Newtown	All	32-1-27
Penn Delco	All	32-2-38
Radnor	All	32-2-43
Ridley	All	32-1-30
Rose Tree/Media	All	32-2-46
Southeast Delco	Darby Twp. & Folcroft	32-2-40
Southeast Delco	Collingdale & Sharon Hill	32-2-37
Springfield	All	32-1-32
Unionville	All	32-2-49
Upper Darby	All	32-1-34
Wallingford Swarthmore	All	32-1-28
West Chester	All	32-2-49
Wm. Penn	Colwyn & Darby Borough	32-2-37
Wm. Penn	Aldan, East Lansdowne, Lansdowne & Yeadon	32-2-47