

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: ELIMINATION AND	:	No. _____
MODIFICATION OF MAGISTERIAL	:	
DISTRICTS WITHIN THE 9th JUDICIAL :	:	MAGISTERIAL RULES
DISTRICT OF THE COMMONWEALTH	:	DOCKET
OF PENNSYLVANIA	:	

**SPECIAL COURT JUDGES ASSOCIATION OF PENNSYLVANIA (SCJAP)
RESPONSE TO THE PETITION FOR THE REESTABLISHMENT OF
MAGISTERIAL DISTRICTS WITHIN THE 9th JUDICIAL DISTRICT
(CUMBERLAND COUNTY)**

October 1, 2026

A. Background

The Pennsylvania Constitution in Article V, section 7 provides that there shall be one magisterial district judge in each magisterial district. Subsection (b) requires that classes of magisterial districts be established based on population and population density. The number of magisterial district courts and the boundaries of those districts are determined by the Supreme Court. The overriding consideration in this determination is the “efficient administration of justice within each magisterial district.” Section 1503 of the Judicial Code requires that there be a review of the number and boundaries of magisterial district courts and reestablishment following each federal decennial census. A review may take place from time to time when required by the efficient administration of justice within each magisterial district.

In October 2001, a report was issued by the Supreme Court Intergovernmental Task Force to Study the District Justice System. The Magisterial District

Reestablishment Subcommittee issued a report that recommended that there be a thorough review of population statistics and trends; a systematic analysis of current caseload statistics and trends; the establishment of caseload equity; and to minimize unnecessary travel or impediments to public access.

After the 2020 federal census, the Administrative Office of Pennsylvania Courts (AOPC) provided guidelines for the Magisterial District Reestablishment in June 2021. The guidelines directed that available was six years of case filing statistics from 2014 to 2019. The average case filings were provided by AOPC and were to be used for comparison purposes within each county and each class of county statewide. Instead of comparing courts on a statewide basis, courts were compared based on the class of the county in relation to all other counties in that class. It was understood that caseload equity did not mean parity between all magisterial districts. The emphasis was that all of the magisterial districts in the judicial district would be within an acceptable range. The memorandum to all president judges and instructions for the reestablishment process are attached as Exhibit R-1. The president judge of Cumberland County submitted a plan to AOPC for review to reestablish all of its ten magisterial districts.

On October 13, 2022, the Supreme Court entered an Order based on consideration of the Petition filed by the 9th Judicial District. This Order reestablished all ten (10) Magisterial District Courts in the Judicial District. At that time, the Court determined that this was the correct and appropriate number of courts to fulfill the mission of the minor judiciary in Cumberland County. It also served the purpose of achieving caseload equity, workload equity and maintained the proper access to the courts as well as the efficient administration of justice in the magisterial district courts in the 9th Judicial District. Supreme Court Order No. 518 is attached as Exhibit R-2.¹

On September 3, 2026, Cumberland County published for public comment a “Notice of Proposed Changes to Magisterial Districts within the Ninth Judicial District (Cumberland County) of Pennsylvania”. This proposal calls for the elimination of Magisterial District 09-3-05 and the realignment of Magisterial Districts 09-1-01, 09-1-02, 09-1-03, 09-2-01, 09-3-02, 09-3-03, and 09-3-04. Cumberland County’s Public Notice is attached as Exhibit R-3.

¹There are currently no Rules of Judicial Administration that address the elimination/realignment/reestablishment of magisterial districts between the decennial census years. Seeing the need for such a Rule, the Special Court Judges Association of PA (SCJAP), AOPC and the President Judges Committee of PA Conference of State Trial Judges, working together, have proposed a new Rule of Judicial Administration, Rule 605.1. The Court has chosen not to adopt this proposed Rule, but the requirements, standards and factors in that proposal should be considered when determining whether a request or petition to eliminate magisterial district courts or realign those courts should be granted. The proposed Rule incorporated many of the guidelines provided by AOPC.

B. RESPONSE TO THE PETITION

The SCJAP acknowledges that in the office of President Judge, the Petitioner may petition the Supreme Court concerning the elimination, reestablishment or realignment Pa.R.J.A.605. The Note to this Rule states that the design of the Rule is to further the “efficient and effective administration of justice in the unified judicial system.”

Cumberland County makes up the 9th Judicial District of Pennsylvania and is a County of the Third Class. There are eleven (11) Counties of the Third Class in Pennsylvania – Berks, Chester, Cumberland, Dauphin, Erie, Lackawanna, Lehigh, Luzerne, Northampton, Westmoreland and York Counties.

The SCJAP disagrees that the Cumberland County Petition demonstrates that this proposal improves efficiency and better utilizes the resources of the judiciary, County and Commonwealth with the request to eliminate a magisterial district court and the realignment of seven other districts.

The SCJAP points out that the Petition only addresses one factor in making a determination on whether to modify magisterial districts. The Petition relies solely on statistics for new case filings over the last four years (2022-2025). It does not discuss the Adjusted Weighted Caseload Study statistics as developed by AOPC. It does not discuss caseload equity or workload equity for all the courts in the 9th Judicial District. It does not do any comparison in any of these categories to the other Class 3 counties. This data is insufficient when compared to the AOPC policy requirements for the decennial census and those in the proposed rule so the petition should be denied.

The Petition’s only stated purpose is to eliminate a district and realign seven others is a desire to “improve operational efficiency”. This was just analyzed in the reestablishment process of 2021-2022 and was determined to be unnecessary. If Cumberland County desires to address balancing caseloads across the county, it should have done so during the 2021-2022 Reestablishment process. It should not be done haphazardly due to a currently vacant magisterial district judge seat.

The SCJAP asserts that any possible cost savings do not justify the closing of a court where the closure will deny many citizens access to the courts and justice. In addition, the cost savings are not real as the cases still need to be processed and more staff would likely be required at the realigned courts. The office expenses like postage and supplies for the new cases would merely be shifted to the other courts. Also, staff overtime from covering night/weekend on-call duties would only be transferred to other courts with no cost savings.

The Petition was presented prior to the release of the 2030 census data and requests that this Court eliminate one district court and realign seven other courts. The Court will undertake a thorough and complete analytical study of all of the districts in Cumberland County in the near future and at that time there will be public notice required and all parties will have an opportunity to participate in this process.

The Petitioner relies solely on case filings. The court proposed for elimination is consistently in the middle of the number of dockets by year from 2016 through 2025 according to data broken down by court in Cumberland County which is attached as Exhibit R-4. The data presented in R-4 was compiled by data in the Magisterial District Judge System.

These numbers that petitioner used do not include the average of all courts in Cumberland County and there is no comparison to the other Class Three Counties. A look at these numbers will show that the cases/judge in Cumberland County are within range for similar counties. The Class Three Counties Magisterial District Court Caseload New Docket Filings are attached as Exhibit R-5.²

The petition is also based on a flawed premise that new case filings are decreasing. That is incorrect according to the online data available from AOPC which shows an overall increase in MDJ new docket filings in Cumberland County from 2020 to 2024 (broken down in detail within Exhibit R-5):

Year	Dockets
2020	39,044
2021	41,221
2022	38,319
2023	41,333
2024	43,473

Cumberland County is ranked 6th of 11 for 3rd Class Counties in cases per judge for the period of 2020-2024. Therefore, Cumberland County falls within range of similar counties and should not lose a district. Refer to Exhibit R-6.

The Petition is silent as to any discussion of workload equity within the county or in comparison with other Class 3 Counties.

The Common Pleas Judicial Needs Assessment Project in 2018 used the same types of workload data as used in magisterial district court reestablishment or realignment. Although that study stated that the common pleas complement was correct for counties in Pennsylvania, the legislature continues to increase the

² AOPC dashboard statistical data for magisterial district courts is only available through 2024 at this time.

complement of common pleas judges (per 42 Pa.C.S.A. § 911) while counties continue to propose eliminating the complement of magisterial district judges. From 2018 to 2028, the complement of common pleas judges increases from 457 to 473 while the complement of MDJs for the same period declines from 512 to 500.

The Magisterial District Judge Association of Cumberland County submitted a letter to the President Judge of Cumberland County and the Justices of the Supreme Court that they were unanimously opposed to this petition. Letter of opposition signed by all ten (10) Magisterial District Judges is attached as Exhibit R-7.

Magisterial District Judge Elizabeth Beckley of Court 09-1-02 also submitted a letter opposing the proposed plan to eliminate court 09-3-05 and realign various other courts including her district. Judge Beckley's letter also points out that Cumberland County prepared this plan without any input from the magisterial district judges in the county. Not only is such a practice insulting and demeaning to the minor judiciary, it also does not incorporate necessary concerns into any plan for the future. Some areas have nuances and individual characteristics, local temporary trends, transportation issues if rural or urban, and other things that need to be taken into consideration for a plan to be successful. Judge Beckley's letter is submitted as Exhibit R-8.

Such input by sitting MDJs is critical in any process to realign districts. For instance, geographical location should be considered. Cumberland County is about 550 square miles. Currently, District Court 09-3-02 covers a rural area of about 32% of the county. This proposed plan increases the geographical coverage of 09-3-02 to a little over 35% of the county creating an access to justice issue.

The petition does not consider a growing population in Cumberland County. Cumberland County remains one of fastest growing counties in Pennsylvania as cited in Annual Financial Report for Year Ended December 2025 presented by the Cumberland County Controller (attached as Exhibit R-9). The Cumberland County Master Plan states "The county's population is projected to increase from 275,516 to about 331,688 by 2043, which will increase demand for county services".³ A magisterial district court should not be eliminated for such a growing population.

Cumberland County officials are predicting such a growing need for county services, they are planning to build a new county courthouse. If an increased demand for judicial services is predicted, no district courts should be eliminated at this time. Recent articles on new courthouse are attached as Exhibit R-10. The

³ <https://www.cumberlandcountypa.gov/5307/Facilities-Master-Plan-FMP>

argument that an increasing demand for judicial services in Cumberland County thus dictates that a magisterial district court should not be eliminated.

In addition to eliminating magisterial district 09-3-05, the petition also realigns seven (7) other magisterial districts (09-1-01, 09-1-02, 09-1-03, 09-2-01, 09-3-02, 09-3-03 and 09-3-04) by moving several municipalities from one district to another. This widescale shifting of venues has magisterial district judges hearing cases from municipalities that did not elect them. Not only is this a violation of the constitutional basic principle of construction of the judicial system in which the voters elect their judges, this practice can disenfranchise voters and change political dynamics throughout the county.

C. CONCLUSION

The conclusion of the Petition that Magisterial District Court 09-3-05 should be eliminated is not supported by the information presented in the Petition of the Ninth Judicial District. The submitted petition does not even demonstrate a need for redistribution of work, much less elimination of a court.

The caseload and workload averages are not presented for all the magisterial district courts in Cumberland County and there is no comparison to the data from other Class 3 counties. Upon examination of the data of all the Class 3 Counties that is attached hereto, there is no justification for the elimination of a magisterial district in Cumberland County.

The Petition does not include a comparison of data from all Class Three counties. The 2021 AOPC Guidelines for Magisterial District Judges used all of the 3 class counties in the comparison and analysis. The Common Pleas Judicial Needs Assessment used a similar methodology for comparison purposes and analysis using all of the counties of the 3rd class. Therefore, this petition is insufficient.

There is no discussion of the population in the affected Magisterial Districts Courts and the possibility of trends suggesting that there would be increased case filings. Population data and Reestablishment plans are due in 2030 so this plan should not be haphazardly approved before a thorough county-wide review is completed in accordance with 42 Pa. C.S. § 1503.

The caseload and workload figures for the Magisterial District Courts in the Judicial District are not discussed. Eliminations of courts do not occur in a vacuum. The elimination of one court means there is one less judge to cover the night and

weekend duty, one less judge for emergency matters such as search warrants, arrest warrants, Protection from Abuse Orders, distribution of recusal cases, etc. The excess workload in the realigned courts will affect those judges with more duties and responsibilities.

The Petition does not fully address transportation and access issues for those in the district that would be eliminated. There is no meaningful assessment of public convenience and access to the courts. The Petition assumes that all of the constituents drive and are only concerned with mileage from one court location to the other and how long it takes. There is no discussion of public transportation from the eliminated district to the realigned districts.

Access to justice is only meaningful if people can get to their district court. This applies to parties, police, victims, witnesses, counselors, social workers. This is particularly important in criminal and summary cases where there may be multiple hearings scheduled regarding preliminary hearings and summary trials, as well as payment determination hearings and follow up proceedings that require a defendant's attendance. It can also be an issue for tenants in an eviction case where most of the tenants are low income and may have no way to get to the hearing and as a result suffer the consequences of an eviction.

The Supreme Court determined in 2022 that Cumberland County had the proper number of Magisterial Districts. The data from the 2030 decennial census will be compiled soon and the Supreme Court will again review the caseload and workload numbers for all of the district courts in Cumberland County and determine if there should be realignment at that time. There would be an opportunity at that time for a more in-depth analysis when ten years of cases could be used to provide a clearer picture. There is no mention of temporary local trends that may affect caseloads and workloads in the current petition.

It is important for the Magisterial District Court to be involved with the community and that there be ready access to each court for hearings and receiving services from local providers.

There is no discussion in the Petition about school districts which file citations against students for habitual truancy. The court has to be accessible to the representatives of the school district and the parents and alleged truant students. There may be several hearings to get the student and parent into a truancy elimination program and for the judge to monitor the student's attendance at school.

The scheduling of police officers for hearings is often done in a cooperative manner to reduce overtime costs and, more importantly, to keep the on-duty officers in the

magisterial district and therefore reducing response time. By stacking cases up at fewer court facilities, officers and all parties, have to wait longer for their matters to be heard, often causing police overtime and resulting in fewer patrol officers in their communities.

The docket numbers have actually **increased** every year in Cumberland County's magisterial district courts from 2020 through 2024 by a total of 11.34% as shown in Exhibit R-5. Since the number of case filings are increasing every year, a court should not be eliminated between the decennial reestablishment processes.

A court elimination plan should not be done as a knee-jerk reaction every time a magisterial district judge retires and there is a vacancy. According to statute, plans are only supposed to be reestablished every ten years after careful study and consideration based on complete analysis of all data. This issue keeps rearing its ugly head in county after county (Lancaster, Westmoreland, Chester, Bucks, etc.). The SCJAP finds it quite suspicious that currently there are three counties filing to eliminate magisterial districts (Berks, Cumberland and Chester) while it is also being discussed in some other counties (Luzerne, Cambria, etc.). This unprecedented simultaneous attempt to eliminate magisterial districts outside of the decennial reestablishment process appears to be more than coincidental.

Since this petition is arguing that there is a decline in case filings in Cumberland County from 2022 to 2025, then we also believe that there would be a drastic reduction of cases at the Common Pleas level. No criminal case goes to CP unless it goes through an MDJ first. MDJs handle more civil cases than CP as well. We appreciate that the president judge wants to save taxpayer money, so we would encourage an updated Common Pleas Judicial Needs Assessment Study in Cumberland County. We are confident that the legislature would be willing to amend 42 Pa.C.S.A. § 911 in order to eliminate a CP seat or two in Cumberland County. As a CP judge makes more than twice the salary of an MDJ, in addition to their staff or clerks, tipstiffs, sheriffs, security and other expenses; the savings experienced by eliminating a CP seat would be much greater than those that are argued which may be experienced from eliminating a magisterial district court. As outlined in the Cumberland County Controller's recently published report (Exhibit R-9), the cost per county resident was \$9.18 for MDJ courts and \$27.16 for Common Pleas courts. Yet, the county is planning on building a new county courthouse due to projected increased demand for judicial services. The SCJAP argues that the magisterial district courts' budget is being unwisely sacrificed to aid the proposed county courthouse construction.

The SCJAP believes that the magisterial district courts are very fundamental and essential to the Unified Judicial System and that the elimination of any magisterial

district court will significantly reduce the public's access to justice. This is in a time when the need for access to the courts is crucial and the consequences are dire if there is no access to the court system. The elimination of one court has an impact on the constituents of Cumberland County and the seven district courts listed, but it also has an effect on the other magisterial district courts in the county and their constituents.

Based on this information and the other information provided in this Response, the SCJAP would respectfully request that the Petition be denied and that this issue be reviewed in greater detail in the upcoming review of magisterial district courts in the Ninth Judicial District by the Supreme Court. In that review, census data from 2030 will be available and the review will be conducted in accordance with the standards and policy required by the AOPC.

Respectfully submitted,



A handwritten signature in blue ink, reading "Kelley Gillette-Walker".

Kelley Gillette-Walker
President Special Court Judges Association of Pennsylvania



A handwritten signature in blue ink, reading "Daniel Baranoski".

Daniel Baranoski
SCJAP Chair of Reestablishment and Strategic Planning

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IN RE: ELIMINATION AND	:	NO. _____
MODIFICATION OF MAGISTERIAL	:	
DISTRICTS WITHIN THE 9th JUDICIAL	:	MAGISTERIAL RULES DOCKET
DISTRICT OF THE COMMONWEALTH	:	
OF PENNSYLVANIA	:	

ORDER

PER CURIAM

AND NOW, this _____ day of _____, 2026, upon consideration of the Petition of the President Judge of the Nineth Judicial District (Cumberland County) to eliminate Magisterial District Court 09-3-05 and modify Magisterial Districts 09-1-01, 09-1-02, 09-1-03, 09-2-01, 09-3-02, 09-3-03, and 09-3-04 of the Nineth Judicial District (Cumberland County) of the Commonwealth of Pennsylvania, it is hereby ORDERED that the Petition is DENIED.