

**IN THE SUPREME COURT OF PENNSYLVANIA**

**In Re: The 32<sup>nd</sup> Judicial District (Delaware County) – Request to Co-locate Magisterial District Courts 32-1-23 and 32-2-37 pursuant to Rule 101 of the Rules and Standards with Respect to Offices of Magisterial District Judges.**

AND NOW, the Honorable Linda A. Cartisano, President Judge of the 32<sup>nd</sup> Judicial District (Delaware County) petitions for authorization from the Supreme Court of Pennsylvania to co-locate Magisterial District Courts 32-1-23 and 32-2-37 in a single facility pursuant to Rule 101 of the Rules and Standards with Respect to Offices of Magisterial District Judges and in support thereof, avers as follows:

**I. Background.**

1. On February 3, 2023, this Court, upon consideration of the Petition to Reestablish the Magisterial Districts of the 32<sup>nd</sup> Judicial District (Delaware County), granted said petition which provided for the realignment of Magisterial District Courts 32-1-23 and 32-2-37. This realignment is effective January 2, 2024.

2. Prior to the 2023 realignment, Magisterial District Court 32-1-23 encompassed the Borough of Collingdale in its entirety and is currently located at 100 S. Clifton Avenue, Collingdale, PA 19023.

3. Prior to the 2023 realignment, Magisterial District Court 32-2-37 encompassed the Boroughs of Darby, Sharon Hill and Colwyn and is located at 150 S. MacDade Boulevard, Darby Borough, PA 19023.

4. Upon the realignment's effective date, Magisterial District Court 32-1-23 will now encompass the Borough of Collingdale, Wards 1, 2, 3, 7 and Darby Borough, Wards 1, 2 & 3-2. This realignment will necessitate the relocation of the district court facility to 150 S. MacDade Boulevard, Darby, PA, which will now be in Magisterial District Court 32-1-23's new geographical boundaries.

5. Upon the realignment's effective date, Magisterial District Court 32-2-37 will now encompass the Borough of Darby, Ward 3-1 and the Boroughs of Sharon Hill and Colwyn in their entireties. This realignment will result in the current district court facility located at 150 S. MacDade Boulevard being located outside the geographic boundaries of Magisterial District Court 32-2-37.

6. As part of the 2022 Delaware County Reestablishment Proposal, then President Judge Kevin F. Kelly proposed co-locating Magisterial District Courts 32-1-23 and 32-2-37 as part of Delaware County's reestablishment plan. (See Summary of Recommended Reestablishment Plan for the Magisterial District Courts of the 32nd Judicial District – March 1, 2022, Page 14 of 15).

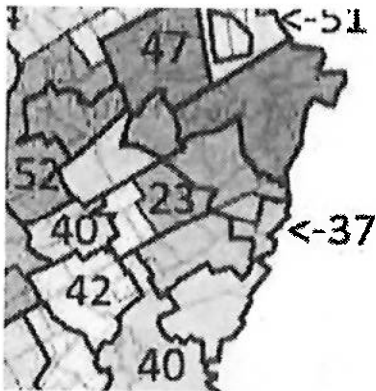
## **II. Rule 101 Standards**

7. Rule 101(B) of the Rules and Standards with Respect to Offices of Magisterial District Judges states in relevant part: the president judge of a judicial district may petition the Supreme Court to locate an office of a magisterial district

judge outside the boundaries of the district from which judge is elected provided:

(1) the magisterial district in which the office is located adjoins the district from which the judge is elected; (2) relocation of the office will not cause inconvenience or confusion to the public or law enforcement; (3) the president judge certifies the proposed location is more suitable or affordable than facilities available within the magisterial district from which the judge was elected.

8. Adjoining Magisterial Districts—Upon the realignment of Magisterial District Courts 32-1-23 and 32-2-37, both magisterial districts will share a common border and remain adjoined. (See below proposed geographic boundaries of Magisterial District Courts 32-1-23 and 32-2-37 upon realignment).



9. Permitting Magisterial District Court 32-2-37 to remain at 150 S. MacDade Boulevard will not cause inconvenience or confusion to either the public or law enforcement. Magisterial District Court 32-2-37 has been located at 150 S. MacDade Boulevard, Darby, PA since December of 2014. For nearly nine (9)

years the residents of the Boroughs of Darby, Sharon Hill and Colwyn have become familiar with Magisterial District Court 32-2-37's current location. The three law enforcement agencies covering the geographic boundaries of the magisterial district are each located less than one and half miles from the court's location. Permitting Magisterial District Court 32-2-37 to remain at its current location would lead to less confusion and inconvenience than if required to relocate the court to a new facility.

10. The Boroughs of Sharon Hill and Colwyn's commercial districts fail to provide a comparable location to Magisterial District Court 32-2-37's current facility that can match the court's access to public transportation, abundant off-street parking and the court's central location to police, fire and emergency services.<sup>1</sup>

### **III. AOPC Magisterial District Court Facility, Equipment & Security Guidelines, March 2021/Version 2.1 (hereinafter "AOPC Guidelines).**

#### **A. The Court's Location.**

11. Magisterial District Court 32-2-37's current location is a place of convenience to the public. The court is in a commercial center known as Darby Town Center which also contains a grocery store and other retail establishments. The court's current location is easily accessible by public transportation with

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<sup>1</sup> The Borough of Colwyn is primarily residential with scattered industrial areas on the borough's outskirts with most located near its border with the City of Philadelphia.

Septa's Darby Transportation Center (which provides access to the Routes 11 and 13 subway/surface trolley lines) located three tenths of a mile away. Septa's 113, 114 & 115 bus routes have stops located across from the parking lot of the Darby Town Center.

12. As noted, *supra*, the court's location places it in proximity to the headquarters of all three municipal law enforcement departments serving the geographic area of the magisterial district. Mercy Fitzgerald Hospital, a full-service hospital with an emergency department, is located seventh-tenths of a mile away. Fire protection is provided by Darby Fire Co. No. 1, which is located three-tenths of a mile away.

**B. Exterior Requirements.**

13. District Court 32-2-37's current location is ADA compliant. The adjoining public parking has the required number of dedicated parking spots for physically-disabled persons.

14. The entrance and exits are well lit and clearly identified. Staff can utilize a separate entrance to access the staff area. The court's façade meets many of the AOPC Guidelines' requirements. (See AOPC Guidelines, p. 5).

**C. Interior Requirements and Security.<sup>2</sup>**

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<sup>2</sup> Magisterial District Court' 32-2-37's current location meets many of the AOPC Guidelines for Interior requirements such as those for lighting, public area, transaction counter, bench,

15. Magisterial District Court 32-2-37 utilizes a closed-circuit television (CCTV) system maintained by a third-party vendor. The CCTV is wired to a digital video recorder (DVR) that maintains the footage for the required thirty (30) day period. The CCTV system covers all relevant areas as required by the AOPC Guidelines.

16. The current facility maintains a duress activation system in locations required by the AOPC Guidelines. This system is monitored by a third-party vendor with access to law enforcement and the 911 center. Similar monitoring is maintained for the intrusion alarm system. The staff area is separately secured by magnetic buzzer-controlled locks.

17. The courtroom located at the current facility is centrally located in the building with no exterior windows which provide additional security risks. The court is well lit. Each courtroom participant has an individual entrance/exit, with the public entering from a separate door located at the back of the courtroom and the magisterial district judge entering from a point near the bench.

18. The current facility's secured holding area provides for separate holding cells for male and female in-custody defendants. The secured holding area

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witness stand and conference rooms. This petition will focus on the court's interior features which support co-locating the two district courts including the security features of the court as well as the court's secured holding area.

provides for a separate bathroom for in-custody defendants that prevents the passing of weapons or other contraband between the public and prisoners. The secured holding area has a separate entrance into the courtroom which avoids escorting in-custody defendants through public areas.

#### **IV. Conditions Supporting Co-locating Magisterial District Courts 32-1-23 and 32-2-37.**

19. The current court facility located at 150 S. MacDade Boulevard is approximately 5,352 square feet. This square footage provides ample area to accommodate the housing of staff currently serving the two courts separately. The current staff area of Magisterial District Court 32-2-37 has unused work stations that can accommodate new staff as well as space to install additional work stations. The court's transaction window, given its size and length, can be divided and with proper signage, can aid court users in identifying which window to approach for the court they are seeking.

20. The current court facility's configuration provides square footage for separate chambers for the magisterial district judges.

21. The current lease for 150 S. MacDade Boulevard is in a renewal period, with an additional renewal period of five (5) years approaching at the end of next year. The current lease is a full-service lease which requires the landlord to provide several enumerated services including but not limited to utilities, janitorial

services, rubbish removal, and other outside maintenance, reducing the county and courts responsibility for maintaining these services. The current square footage rental rate is on par with other rental rates for other magisterial courts within the 32<sup>nd</sup> Judicial District.

22. Upon the realignment of Magisterial District Court 32-2-37, the Reestablishment Plan calls for Court 32-2-37 to handle all school district matters for its own jurisdiction as well as Collingdale Borough (Southeast Delco SD) and Darby Borough (William Penn SD). Permitting Court 32-2-37 to remain at its current facility will ensure those children and parents subject to truancy matters can continue to attend these matters at the same court facility and appear before the same magisterial district judge who has presided over these matters.

23. The need to realign Magisterial District Courts 32-1-23 and 32-2-37 was precipitated by the need to bring these magisterial district court's workloads closer to the average for Delaware County and for Class 2A counties.<sup>3</sup> The realignment's economic impact can be reduced by permitting these magisterial districts to share a court facility that meets many of the AOPC Guidelines. The

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<sup>3</sup> The 2022 Proposed Reestablishment Plan noted Magisterial District Court 32-1-23's workload fell below the Delaware County caseload average while the workload for Magisterial District Court 32-2-37 was well above the county average. (See Summary of Final Recommendation Reestablishment Plan for the Magisterial District Courts of the 32<sup>nd</sup> Judicial District, pp. 10-11).



need to realign these two magisterial districts presents a circumstance justifying a request to co-locate these two courts in the same facility.<sup>4</sup>

**WHEREFORE**, it is respectfully requested the Supreme Court of Pennsylvania, pursuant to Rule 101 of the Rules and Standards with Respect to Offices of Magisterial District Judges, grant authorization to the 32<sup>nd</sup> Judicial District (Delaware County) to locate the office of Magisterial District Court 32-2-37 outside the magisterial district boundaries and to co-locate Magisterial District Courts 32-1-23 and 32-2-37 in a single facility.

Respectfully submitted.



Linda A. Cartisano  
President Judge  
32<sup>nd</sup> Judicial District

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<sup>4</sup> See *e.g.*, AOPC Guidelines, Section IV, ¶18 (p. 3) (There may be circumstances where a president judge should consider submitting a petition to the Supreme Court to co-locate magisterial districts courts in a single location to reduce costs and provide greater security so long as it does not cause inconvenience or confusion to the public or impede the accessibility of the courts).