



**COURT OF COMMON PLEAS
SECOND JUDICIAL DISTRICT
LANCASTER COUNTY, PENNSYLVANIA**

**DAVID L. ASHWORTH
PRESIDENT JUDGE**

**50 NORTH DUKE STREET
P.O. Box 83480
LANCASTER, PENNSYLVANIA 17608-3480
(717) 299-8055**

11/23/21

**Commissioner Joshua Parsons, Chairman
Lancaster County Government Center
150 N. Queen Street, Suite 715
Lancaster, PA 17603**

**Commissioner Craig Lehman
Lancaster County Government Center
150 N. Queen Street, Suite 715
Lancaster, PA 17603**

**Commissioner Ray D'Agostino, Vice Chairman
Lancaster County Government Center
150 N. Queen Street, Suite 715
Lancaster, PA 17603**

Re: Staffing Shortages/Impact on Judicial Operations

Dear Board of Commissioners:

From the outset of my tenure as President Judge, I have welcomed the Board of Commissioners' invitation for the Court to engage in open, candid communication with the County. In that spirit I write to you on behalf of the Board of Judges to reiterate some very serious concerns that are adversely impacting judicial operations in Lancaster County.

As you are aware, there is an endemic employee crisis in nearly every office of Lancaster County. For years employee vacancies have been slowly grinding judicial operations to a halt. More importantly, current employee vacancies are jeopardizing the safety of litigants, attorneys, court personnel, and judges. While some vacancies fall under the supervision of the Court, many of these vacancies are in county departments beyond the control of the Court.

Specifically, we do not have enough sheriff deputies to open court safely. Attached is a document prepared by the Sheriff's Office outlining the deficiencies experienced during the week of November 15, 2021. During this week twenty-seven (27) courtrooms were opened during some or all of the proceedings either without any deputies or without the required number of deputies. A number of proceedings simply had to be delayed or cancelled. I am told the Sheriff's Office is still down 12 full-time deputies and 4 part-time deputies and they anticipate losing an additional 2 by the end of the year. To put this in context, they are down 25% of their allotted 44 deputies and even with a full complement would not be able to cover court properly as additional courtrooms have been added on the 5th floor. The efforts utilized to date to attract new applicants have been less than effective to stem the tide of vacancies. Our inability to open courtrooms and delays in opening courtrooms are a disservice to those we have been elected to serve.

While you are well aware of the extreme difficulties created by the staffing shortages at the prison, it is important to note the impact these shortages have on judicial operations. Despite their best efforts, neither the prison nor the Sheriff's Office have sufficient personnel to transport inmates to and from the courthouse on a timely basis. During the pandemic, we have been fortunate to obtain permission from our Supreme Court to use A.C.T. (Advanced Communication Technology) on a month-to-month basis. By using A.C.T., we are able to hold many proceedings remotely without the need to transport as many inmates. The Warden and her staff have made a herculean effort to accommodate the use of A.C.T. but, unfortunately, because of prison staffing issues even these efforts have become extremely difficult. Furthermore, we anticipate the Supreme Court will not allow us to use A.C.T. indefinitely which will place additional strain on the already overburdened prison and Sheriff's Office by requiring the transport of inmates.

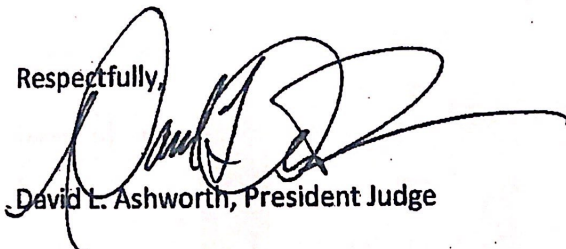
The staffing shortages in the Clerk of Courts Office also continue to adversely affect the operation of the court system. Oftentimes, no clerks are available to handle even routine court proceedings and it becomes necessary for the judges to proceed without a clerk. Filing of critical documents and transmission of records to the Appellate Courts have been delayed because of inadequate staffing. To be clear, the Acting Clerk of Courts and her staff are working tirelessly with the staff they have but they simply cannot meet the demands of their office without more help. In fact, we are loaning court personnel to the COC on a temporary basis to help address some of the problems.

We continue to experience difficulty attracting and retaining staff in our Magisterial District Courts. Presently, there are 13 positions that are vacant or expected to be vacant and many have been posted numerous times, one at least 10 times. Many MDCs find it necessary to lock their doors between sessions because they lack the personnel to staff their offices safely. Access to justice is hampered when MDCs lack the staff to function effectively.

The above are only a few examples of the staffing problems adversely impacting the court system. Our immediate concern is that a serious incident will occur in court facilities or in the prison and staff or others will be seriously injured. Additionally, if these issues continue, the court may be required to shut down courtrooms until security is available to open them safely, bringing judicial operations to a halt. Neither situation is in the best interest of the people we serve in Lancaster County.

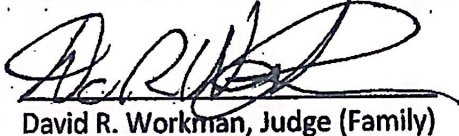
We know these are difficult times; however, we also know that you, like us, want only the best for our employees and institutions which serve the people of Lancaster County and therefore believe these issues can be resolved. We would be happy to meet with you at any time to share our thoughts and ideas on how best to address these issues.

Respectfully,



David L. Ashworth, President Judge

Signatures of Board of Judges/Division Chairs:



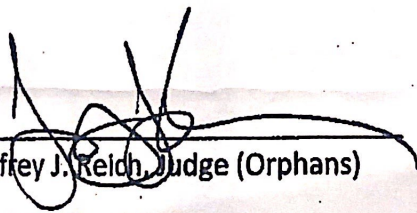
David R. Workman, Judge (Family)



Donald R. Totaro, Judge (Criminal)



Leonard G. Brown, III, Judge (Civil)



Jeffrey J. Reich, Judge (Orphans)

Copies to: Lancaster County Board of Judges
Christopher Leppler, Sheriff, Lancaster County Sheriff's Office
Cheryl Steberger, Warden, Lancaster County Prison
Rhonda Allen, Acting Clerk of Courts, Lancaster County Clerk of Courts
Russ Glass, Assistant District Court Administrator, MDC Offices

Below is the daily court security deficiency data for the Lancaster County Sheriff's Office for the week of 15 through 19 November 2021.

For the following days, we were short the indicated number of deputies. "Short" means that we needed the additional listed number of deputies to appropriately staff courtrooms to provide security:

Monday: 12
Tuesday: 14
Wednesday: 16

Thursday: 19
Friday: 13

After we reassigned every available deputy from other units and responsibilities to supplement the court deputy shortage, we were still far from able to provide the necessary and expected security for the court. The table below details the courtrooms that were without deputies, even when we assigned every available deputy to court security duties.

NOVEMBER 15-19 2021													
MONDAY 15	TIMES		TUESDAY 16	TIMES		WEDNESDAY 17	TIMES		THURSDAY 18	TIMES		FRIDAY 19	TIMES
COURTROOM 2	OPEN WITHOUT DEPUTY FROM 9:00 A.M. UNTIL 10:00 A.M.		COURTROOM 3	OPEN WITHOUT A DEPUTY FROM 9:00 A.M. UNTIL 10:00 A.M.		COURTROOM 2	OPEN WITHOUT DEPUTY 9:00 A.M. UNTIL 9:30 A.M.		COURTROOM 2	OPEN WITHOUT DEPUTY A.M.		COURTROOM 7	OPEN WITHOUT DEPUTY ALL DAY
COURTROOM 3	OPEN WITHOUT DEPUTY 9:00 A.M. UNTIL 9:30 A.M.		COURTROOM 5	OPEN WITHOUT A DEPUTY 1:30 P.M. UNTIL 2:20 P.M.		COURTROOM 5	OPEN WITHOUT DEPUTY A.M.		COURTROOM 6	OPEN WITHOUT DEPUTY P.M.		COURTROOM 9	OPEN WITHOUT DEPUTY 9:00 A.M. UNTIL 9:15 A.M.
COURTROOM 5	OPEN WITHOUT DEPUTY IN THE AFTERNOON		COURTROOM 7	OPEN WITHOUT DEPUTY ALL DAY		COURTROOM 6	OPEN WITHOUT DEPUTY A.M.		COURTROOM 7	OPEN WITHOUT DEPUTY A.M.		COURTROOM 11	OPEN WITHOUT DEPUTY A.M.
COURTROOM 9	OPEN WITHOUT DEPUTY FROM 1:00 P.M. UNTIL 2:00 P.M.		COURTROOM 10	OPEN WITHOUT DEPUTY 9:00 A.M. UNTIL 9:30 A.M.		COURTROOM 11	OPEN WITHOUT DEPUTY ALL DAY		COURTROOM 10	OPEN 10 MINUTES LATE WAITING FOR AVAILABLE DEPUTIES		COURTROOM 12	OPEN WITHOUT DEPUTY ALL DAY
COURTROOM 11	OPEN ALL DAY WITHOUT A DEPUTY		COURTROOM 11	OPEN WITHOUT A DEPUTY FROM 9:00 A.M. UNTIL 10:00 A.M. OPEN AT 1:50 P.M. WAITING FOR AVAILABLE DEPUTY		COURTROOM 12	OPEN WITHOUT DEPUTY P.M.		COURTROOM 11	OPEN WITHOUT DEPUTY ALL DAY			
			COURTROOM 13	OPEN WITHOUT DEPUTY ALL DAY		COURTROOM 13	OPEN WITHOUT DEPUTY ALL DAY		COURTROOM 12	OPEN WITHOUT DEPUTY P.M.			