

Unified Judicial System of Pennsylvania – 2026-27 Budget Remarks
Justice Kevin M. Dougherty and Justice P. Kevin Brobson
State Court Administrator Andrea B. Tuominen
Monday, March 2, 2026

Good afternoon, Chairmen Harris and Struzzi, Judiciary Chairmen Briggs and Kauffman, and members of the Appropriations Committee. Thank you for the opportunity to appear today. I am Justice Kevin Dougherty. Joining me are Justice Kevin Brobson and Court Administrator Andrea Tuominen. First, we want to recognize members for the expeditious, bipartisan passage of House Bill 331, which provides for a crucial modification to the Judicial Computer System (JCS) Account funding formula *for the current and next two fiscal years*. This change will deliver additional monies to offset the steady decline in account revenues since 2008. This aligns with recommendations by the legislatively created JCS Financial Audit Committee in 2022, specifically “to ensure predictable funding to support the system’s continued operation.” A special thank you to Chairman Briggs for offering the amendment and all members for their unanimous support of its subsequent passage.

The judicial budget has three revenue components, two for general operations and one that funds the entirety of the JCS. For the Judicial Branch’s general operations budget, line-item appropriations are augmented by what is collectively known as “Act 49” funds, which are statutory surcharges levied on court filings. A decade ago, Act 49 represented only 7% of the budget. The estimate for the current fiscal year is 12%.

While Act 49 was intended and has been used to supplement the general operation funding of the Judicial Branch, the account balance at the end of 2024-25 was only \$17 million. It is estimated the balance will be \$8.2 million as of June 30, 2026. The reason for the marked decrease is simple – if the Judicial Branch does not receive its requested state appropriations, the more it needs to rely on Act 49. As the Act 49 balance decreases, however, it limits the amount of funds that can be applied. This continued use of Act 49 has a tumbling effect on subsequent budgets, requiring higher state funding

requests to address significant cost drivers – statutory COLAs, increasing healthcare costs, budget deficits (approximately \$11 million) – and the decrease in available Act 49 funds.

While this is a problem for the entirety of the Judicial budget, it is especially acute at those levels most impactful on your constituents – our county-based common pleas and magisterial district courts. These court operations consume approximately 75% of the judicial branch budget.

The Judiciary takes its role seriously on elements it can control, such as setting the magisterial district judge (MDJ) complement. The decennial MDJ re-establishment facilitates a review of current and future judicial needs. This ensures a judicial district has the correct number of judges to effectively manage caseload and provide access to justice. This process allows the Court to match complement with need by reestablishing, realigning, and when appropriate, eliminating district seats.

The common pleas complement is strictly a legislative function, and the Judiciary respects that legislative prerogative. In two legislative enactments since 2017, the common pleas complement has increased by 19 judgeships. Conservatively, that represents a \$6.5 million annual fiscal impact. However, in the five fiscal years that followed the 2017 enactment that added eight common pleas seats, the line was flat funded. When judicial seats are created, they must be fully funded. Earlier this year, nine new common pleas judges took seats for full 10-year terms – the common pleas line was funded at \$6.7 million below the amount to fully fund the complement. This, again, has a detrimental effect that requires the use of Act 49 funds that are rapidly decreasing. It is incumbent upon our Article III sister branch of government to ensure the full and fair funding of Article V common pleas and magisterial district judge line items.

Like the legislature, the judicial budget is not program driven – 90% is personnel. Also like the legislature, state funding for the Judiciary is less than one percent of the entire state budget. The Judiciary has been a good steward of taxpayer dollars and remains committed to conserve those limited resources. However, to more accurately

align the draw on Act 49 with actual revenue in the account, *the Judiciary is seeking \$64 million in additional state funds, which includes full judicial complement and other necessary operational increases such as cybersecurity and JNET*. Please be advised should the Judiciary receive its full state funding request, an additional \$60 million in Act 49 funds will be required for augmenting purposes.

Separate from the general appropriations submission, *the Judiciary respectfully requests the repeal of the statutory provision¹ diverting \$15 million from the JCS account*. The current suspension² of the provision expires on June 30, 2026. If the diversion reemerges, it will revert the JCS to the situation it faced prior to the passage of House Bill 331, jeopardizing crucial services relied upon by law enforcement, attorneys, court users, the media, and the public.

We are present to answer your questions.

¹ 72 P.S. § 1795.2-E (Fiscal Code, § 1795.2-E).

² 72 P.S. § 1798.5-E (Fiscal Code, §1798.5-E).