

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

**THOMAS DOYLE, R.W. and
S.K.,**

Plaintiffs,

vs.

**ALLEGHENY COUNTY SALARY
BOARD, COUNTY
COMMISSIONERS LAWRENCE
DUNN, BOB CRANMER,
MICHAEL DAWIDA, and CHIEF
PUBLIC DEFENDER KEVIN
SASINOSKI**

Defendants.

Civil Division

Civil Action 96-13606

Code # 011

ANSWER AND NEW

MATTER

Filed On Behalf Of:
Defendants

Counsel of Record:

KERRY FRAAS
County Solicitor
Pa Id # 23395

GEORGE JANOCKO
Assistant County Solicitor
Pa Id # 26408

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DAWIDA, and CHIEF PUBLIC
DEFENDER KEVIN SASINOSKI,**

Defendants.

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NOTICE TO PLEAD

To: Counsel for Plaintiffs Named Above:

You are hereby notified to file a written response to the enclosed Answer and New Matter within twenty (20) days from the service hereof or a judgment may be entered against you.



KERRY A. FRAAS
County Solicitor
Attorney for Defendants

**IN THE COURT OF COMMON PLEAS
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**THOMAS DOYLE, R.W. and
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Plaintiffs,

vs.

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BOARD, COUNTY COMMISSIONERS)
LAWRENCE DUNN, BOB CRANMER,)
MICHAEL DAWIDA, and CHIEF)
PUBLIC DEFENDER KEVIN)
SASINOSKI,)**

Defendants.

Civil Action 96-13606

ANSWER AND NEW MATTER

AND NOW COMES, the Defendants, by and through, their undersigned counsel and file this **ANSWER AND NEW MATTER** to Plaintiffs' First Amended Class Action Complaint. In support of same, they state as follows:

1. This is an introductory statement to which no responsive pleading is required. To the extent that a responsive pleading is required, all of the averments contained in paragraph 1 of Plaintiffs' Amended Complaint are specifically denied in their entirety.
2. This is an introductory statement to which no responsive pleading is required. To the extent that a responsive pleading is required, all of the averments contained in paragraph 1 of Plaintiffs' Amended Complaint are specifically denied in their entirety.

3. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 3 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

4. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 4 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

5. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 5 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

6. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 6 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

7. Denied. The averments contained within paragraph 7 of Plaintiffs' Amended Complaint regarding the alleged systemic deficiencies preventing Mr. W's from receiving constitutionally or statutorily adequate legal representation are specifically denied in their entirety. To the extent that paragraph 7 requires a response with regard to Mr. W's status as a client of the Allegheny County's Public Defender, his mental health commitment problems, or any actions undertaken by any member of the Office of the Public Defender, after reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 7 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

8. Denied. After reasonable investigation, the Defendants are without information or knowledge

sufficient to form a belief as to the truth of the averments contained in paragraph 8 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

9. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 9 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety. To the extent that the Plaintiffs allege that Mr. W had received effective assistance of counsel because of systemic deficiencies, these allegations represent conclusions of law to which no response is necessary and, as such, all of these allegations are specifically denied in their entirety.

10. Denied. The averments contained within paragraph 10 of Plaintiffs' Amended Complaint regarding the alleged systemic deficiencies preventing Ms. S.K from receiving constitutionally or statutorily adequate legal representation are specifically denied in their entirety. To the extent that paragraph 10 requires a response with regard to Ms S.K.'s status as a client of the Allegheny County's Public Defender or any actions undertaken by any member of the Office of the Public Defender, after reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 10 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

11. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 11 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

12. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 12 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

13. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 13 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

14. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 14 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

15. Admitted In Part and Denied In Part. It is denied that the Allegheny County Salary Board is created by 16 Pa. Con. Stat. §§ 1620 or 1622-23 because those sections of the General County Code are not applicable to Allegheny County. It is admitted that the Second Class County Code, 16 P.S. §§ 3101, *et. seq.*, creates the Allegheny County Salary Board which is charged with the responsibility for determining the number and compensation of all Allegheny County employees. It is admitted that, in regards to hiring employees into the Office of the Public Defender, the Salary Board is composed of the three County Commissioners, the County Controller and the Chief Public Defender. It is admitted that these officials are, respectively, Commissioners Dunn, Cranmer and Dawida, Controller Lucchino, and Chief Public Defender Sasinoski.

All of the allegations which assert that the Salary Board or its members have known of systemic deficiencies in the Public Defender's Office or its alleged failure to comply with constitutional or statutory mandates or any failure to provide the Public Defender's office with certain numbers or types of employees needed for the fulfillment of the duties of the Public Defenders' Office are all conclusions of law and are all specifically denied in their entirety. To the contrary, the Defendants affirmatively aver that two members of the Salary Board empaneled for Public Defender personnel actions have only been in office since January, 1996 and one has been in office since May,

1996. As such they do not possess knowledge of any alleged defects.

16. Admitted In Part and Denied In Part. It is admitted that Defendants Dunn, Cranmer, and Dawida are all members of the Salary Board which is charged with the statutory authority to determine the number and compensation of all of the employees of Allegheny County. It is admitted that they are responsible for the appointment of the Chief Public Defender.

The averment which states that the Commissioners are responsible for the implementation of the Public Defender's Act is a conclusion of law to which no responsive pleading is required and that averment is denied in its entirety. The averment that the Allegheny County Commissioners are responsible for the maintenance and support of the Office of Public Defender at the County Courthouse is a conclusion of law to which no responsive pleading is required and that averment is denied in its entirety. The averments of paragraph 16 which allege that the Commissioners and their predecessors in office have known of certain deficiencies in the Office of the Public Defender, that they have failed to remedy certain systemic deficiencies, or that they are responsible for any deficiencies are conclusions of law and they are all specifically denied in their entirety.

It is specifically denied that the Commissioners have cut the budget by 27.5%. The averment that the Commissioners are being sued in their official capacities is a conclusion of law to which no responsive pleading is required and, as such, it is denied in its entirety.

17. Admitted In Part and Denied In Part. It is admitted that Kevin Sasinoski is the Chief Public Defender. It is admitted that he is a member of the Salary Board for purposes of acting on affairs with regard to the Public Defender's office. Any averments relating to his statutory duties with regard to the number of employees and attorneys employed by the Office of the Public Defender are conclusions of law to which no responsive pleading is required and, as such, same are specifically

denied in their entirety.

Any averments relating to his statutory duties with regard to ensuring that persons eligible for the services of the Office of Public Defender receive such services are conclusions of law to which no responsive pleading is required and, as such, same are specifically denied in their entirety. It is specifically denied that Chief Public Defender Sasinoski knew of any alleged inability on the part of the Office to provide effective assistance of counsel to its clients. It is specifically denied that there exist systemic deficiencies in the Public Defender's Office or that Chief Public Defender Sasinoski has failed to remedy any alleged systemic defects. The averment that Chief Public Defender Sasinoski is being sued in his official capacity is a conclusion of law to which no responsive pleading is required and, as such, it is denied in its entirety.

18. Admitted

19. Admitted in Part and Denied In Part. It is admitted that the Plaintiffs have styled their action as a class action pursuant to Pa.R.Civ.P. 1701, et. seq. It is specifically denied that this lawsuit meets the requirements of a class action or that a class action is an appropriate method of adjudicating this lawsuit.

20. Admitted in Part and Denied In Part. It is admitted that the Plaintiffs have styled their action as a class action pursuant to Pa.R.Civ.P. 1701, et. seq. It is specifically denied that this lawsuit meets the requirements of a class action or that a class action is an appropriate method of adjudicating this lawsuit.

21. Admitted in Part and Denied In Part. It is admitted that the Plaintiffs have styled their action as a class action pursuant to Pa.R.Civ.P. 1701, et. seq. It is specifically denied that this lawsuit meets the requirements of a class action or that a class action is an appropriate method of adjudicating this

lawsuit. In particular, all of the averments of 21 (a)-(f) are specifically denied in their entirety.

22. Admitted.

23. Admitted. By way of further answer the Office of the Public Defender does not provide representation for preliminary arraignments. However, the Office of the Public Defender does enter an appearance for formal arraignments.

24. Admitted

25. Denied. All of the averments of paragraph 25 are specifically denied in their entirety. To the contrary, the Defendants affirmatively aver that the attorneys employed by the Office of the Public Defender are all designated and paid as full-time employees of Allegheny County and receive all of the benefits as full-time employees.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted in Part and Denied in Part. It is admitted that thousands of people a year are clients of the Office of the Public Defender. The remainder of the averments set forth in paragraph 29 are specifically denied in their entirety.

30. Denied. All of the averments of paragraph 30 are all specifically denied in their entirety. By way of further answer, the Plaintiffs cite to numerous "accepted national standards" all of which are guidelines which are not, as a matter of law, legally binding on the Office of the Public Defender.

31. Admitted In Part and Denied In Part. It is admitted that many of the employees of the Office of the Public Defender are conscientious and dedicated lawyers. The remainder of the averments of paragraph 31 are all specifically denied in their entirety.

32. Admitted In Part and Denied In Part. It is admitted that the Spangenberg Group authored a report concerning the Office of the Public Defender. The Defendants are without sufficient knowledge or information to form a belief as to origin of quotation in paragraph 32 and the rest of the allegations in paragraph 32.

33. Denied. The Defendants are without sufficient knowledge or information to form a belief as to the accuracy or origin of the quotations in paragraph 33 and, as such, all the averments in paragraph 33 are specifically denied in their entirety.

34. Denied. It is specifically denied that the Defendants have either failed to implement the Spangenberg Report's recommendation or have cut the budget of the Office of the Public Defender. To the contrary, the Defendants have acted to implement a number of positive changes in the operation of the Public Defender's Office which are consistent with the recommendations set forth in the Spangenberg Report. These changes include, but are not necessarily limited to, the following.

a. Relocation of the Public Defender's Office to the County Office Building, a distance of less than 100 feet from the Courthouse. In addition to close proximity to the Courthouse, the relocation to the County Office Building provides easy access to the Allegheny County Law Library which contains numerous materials previously unavailable to the Office.

b. Increased office space has been provided. By relocating to the County Office Building, attorneys in the Public Defender's Office either have their own office or share the office with another attorney. Additionally, each attorney has his own telephone, voice mail and pager. A separate conference area has been established and is available for meeting clients or interviewing witnesses.

c. Two attorneys have been added to the Office's Appellate Division. A third attorney

will be returned in the immediate future.

d. Facilities at Juvenile Court have been improved. In particular, a larger office has been obtained and a secretary has been transferred to the Juvenile Court's location.

e. In addition to better access to the County's Law Library, research improvements have been made to the Office. These improvements include the addition of Westlaw, Mitchie-PA and new jury instruction books. In addition, the Office is considering the purchase of a CDROM Library and a joint LEXIS-NEXIS program with the Allegheny County Law Department.

f. A Lunch-N'-Learn program has been initiated for the Office. Speakers have included several Criminal Court judges and representatives from the County Crime Lab and Probation Office. In addition, the Public Defender Newsletter which highlights recent case law developments and other matters of interest to the criminal justice system has been reinstated.

g. Secretarial service in the Office has been improved. Secretaries for the Public Defender's Office have been cross-trained to handle a vacancy of tasks as opposed to be confined to a particular duty in the Office. All secretarial staff is available to assist attorneys in the Office on an as needed basis.

h. Interview procedures in the Office has been improved. Public Defender's Office in-take workers go to the County Jail seven (7) days a week to interview clients who have been arrested in order to reduce the time it takes to open files. In addition, "jail arraignment" cases are conducted by an in-take worker every Wednesday, within one week of the formal arraignment in those cases where the Public Defender is appointed to represent a client at a formal arraignment and the client is incarcerated.

i. A pre-trial conference list is now prepared for the Office and is available to all trail

attorneys at least ten days prior to the scheduled Pre-trial Conference. This practice enables attorneys to visit clients and review files earlier than prior practice.

j. Summer interns from Duquesne University and the University of Pittsburgh Schools of Laws have been utilized to work in the Office's Appellate Division. In addition, a criminal defense practicum course is being developed by the Office in conjunction with Duquesne University Law School to provide additional research assistance for attorneys in the Office.

35. Denied. All of the averments contained in paragraph 35 are specifically denied in their entirety.

36. Admitted In Part and Denied In Part. The allegation that the effect of the February 1996 budget cut and the reorganization has been "devastating" is specifically denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the remaining averments contained in paragraph 36 of Plaintiffs' Amended Complaint with regard to the number of staff or cases existing in the Public Defender's Office either pre-or post-1996. As such, all of the averments relating to the number or staff existing in the Office of the Public Defender at any time relevant to this action are specifically denied in their entirety.

It is admitted that the Commissioners offered a voluntary separation program to all County employees. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 36 of Plaintiffs' Amended Complaint with regard whether or not personnel stationed in the Office of the Public Defender took advantage of the voluntary separation program. As such, these averments are specifically denied in their entirety.

37. Admitted in Part and Denied in Part. It is admitted that the Pennsylvania General Assembly

enacted 42 Pa.C.S.A. § 6322, also known as Act 33. The rest of the averments in paragraph 37 are all specifically denied in their entirety.

38. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 38 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

39. Denied. All of the averments contained in paragraph 39 are specifically denied in their entirety.

40. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 40 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

41. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 41 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

42. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 42 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

43. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 43 of Plaintiffs' Amended Complaint. As such, same are specifically denied in their entirety.

44. Denied. All of the averments contained in paragraph 44 are conclusions of law and they are specifically denied in their entirety.

45. Denied. All of the averments contained in paragraph 45 are specifically denied in their

entirety.

46. Denied. All of the averments contained in paragraph 46 are specifically denied in their entirety.

47. Denied. All of the averments contained in paragraph 47 are specifically denied in their entirety.

48. Denied. All of the averments contained in paragraph 48 are specifically denied in their entirety.

49. Denied. All of the averments contained in paragraph 49 are specifically denied in their entirety.

50. Denied. All of the averments contained in paragraph 50 are specifically denied in their entirety.

51. Denied. All of the averments contained in paragraph 51 are specifically denied in their entirety.

52. Denied. All of the averments contained in paragraph 52 are specifically denied in their entirety.

53. Denied. All of the averments contained in paragraph 53 are specifically denied in their entirety. By way of further answer, it is affirmatively averred that every licensed Pennsylvania lawyer is required to adhere to the Pennsylvania Rules of Professional Conduct which place upon the lawyer the responsibility to zealously defend his client's interests and to avoid conflicts of interest. Furthermore, no attorney in the Office of the Public Defender has been denied authorization to hire an expert witness after the attorney requested that one be hired on a case.

54. Denied. All of the averments contained in paragraph 54 are specifically denied in their entirety. To the contrary, Chief Public Defender Sasinoski has to initiated lunch and learns as well

as informal presentations. Furthermore, every lawyer licensed to practice in Pennsylvania is required to familiarize themselves with current criminal law and the Rules of Professional Responsibility. Finally, all lawyers are required to attend continuing legal education classes in order to retain their license to practice law in Pennsylvania.

55. Denied. All of the averments contained in paragraph 55 are specifically denied in their entirety. By way of further answer, in light of the recent enactment of Act 33, its actual implementation is still an evolving process in the Allegheny County Court of Common Pleas. Local practice and procedure with regard to Act 33 has still not yet been fully established. This newness has resulted in the absence of any seminars or CLEs that may be employed or proposed for training.

56. Denied. All of the averments contained in paragraph 56 are specifically denied in their entirety.

57. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 57 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

58. Denied. All of the averments contained in paragraph 58 are specifically denied in their entirety.

59. Denied. The averments of paragraph 59 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 59 are specifically denied in their entirety.

60. Denied. The averments of paragraph 60 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 60 are specifically denied in their entirety.

61. Denied. The averments of paragraph 61 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 61 are specifically denied in their entirety.

62. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 62 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

63. Denied. The averments of paragraph 63 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 63 are specifically denied in their entirety.

64. Denied. After reasonable investigation, the Defendants are without information or knowledge sufficient to form a belief as to the truth of the averments contained in paragraph 64 of Plaintiffs' Amended Complaint. As such, these averments are specifically denied in their entirety.

65. Denied. The averments of paragraph 65 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 65 are specifically denied in their entirety.

66. Denied. The averments of paragraph 66 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 66 are specifically denied in their entirety.

67. Denied. The averments of paragraph 67 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 67 are specifically denied in their entirety.

68. Denied. The averments of paragraph 68 represent conclusions of law to which no responsive

pleading is required and, as such, all of the averments of paragraph 68 are specifically denied in their entirety

69. Denied. The averments of paragraph 69 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 69 are specifically denied in their entirety

70. Denied. The averments of paragraph 70 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 70 are specifically denied in their entirety.

71. Denied. The averments of paragraph 71 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 71 are specifically denied in their entirety.

72. Denied. The averments of paragraph 72 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 72 are specifically denied in their entirety.

73. Denied. The averments of paragraph 73 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 73 are specifically denied in their entirety.

74. Denied. The averments of paragraph 74 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 74 are specifically denied in their entirety.

75. Denied. The averments of paragraph 75 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 75 are specifically denied in their

entirety

76. Denied. The averments of paragraph 76 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 76 are specifically denied in their entirety.

77. Denied. The averments of paragraph 77 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 77 are specifically denied in their entirety.

78. Denied. The averments of paragraph 78 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 78 are specifically denied in their entirety.

79. Denied. The averments of paragraph 79 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 79 are specifically denied in their entirety.

80. Denied. The averments of paragraph 80 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 80 are specifically denied in their entirety.

81. Denied. The averments of paragraph 81 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 81 are specifically denied in their entirety.

82. Denied. The averments of paragraph 82 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 82 are specifically denied in their entirety.

83. Denied. The averments of paragraph 83 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 83 are specifically denied in their entirety.

84. Denied. The averments of paragraph 84 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 84 are specifically denied in their entirety.

85. Denied. The averments of paragraph 85 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 85 are specifically denied in their entirety.

86. The Defendants' Answers to paragraphs 1 through 85 are incorporated herein.

87. Denied. The averments of paragraph 87 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 87 are specifically denied in their entirety.

88. The Defendants' Answers to paragraphs 1 through 87 are incorporated herein.

89. Denied. The averments of paragraph 89 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 89 are specifically denied in their entirety.

90. The Defendants' Answers to paragraphs 1 through 89 are incorporated herein.

91. Denied. The averments of paragraph 91 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 91 are specifically denied in their entirety.

92. The Defendants' Answers to paragraphs 1 through 91 are incorporated herein.

93. Denied. The averments of paragraph 93 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 93 are specifically denied in their entirety.

94. The Defendants' Answers to paragraphs 1 through 93 are incorporated herein.

95. Denied. The averments of paragraph 95 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 95 are specifically denied in their entirety.

96. The Defendants' Answers to paragraphs 1 through 95 are incorporated herein.

97. Denied. The averments of paragraph 97 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 97 are specifically denied in their entirety.

98. The Defendants' Answers to paragraphs 1 through 97 are incorporated herein.

99. Denied. The averments of paragraph 99 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 99 are specifically denied in their entirety.

100. The Defendants' Answers to paragraphs 1 through 99 are incorporated herein.

101. Denied. The averments of paragraph 101 represent conclusions of law to which no responsive pleading is required and, as such, all of the averments of paragraph 101 are specifically denied in their entirety.

WHEREFORE, the Defendants respectfully request this Honorable Court to enter judgment in its favor and against the Plaintiffs.

NEW MATTER

102. Plaintiffs' Complaint should be dismissed since it fails to state a claim upon which relief may be granted.

103. Plaintiffs' Complaint is not appropriate as a class action lawsuit since there is no commonality between the putative class. The putative class involves numerous criminal defendants charged with different crimes involving different facts and representation by different lawyers. An assertion of commonality assumes that all these cases are similar cases and all these lawyers defend these cases identically. Defendants specifically deny that grounds for a class action exist.

104. There is an adequate remedy at law since every one of the putative class may assert an appeal or an ineffective assistance of counsel claim if he or she feels that his or her rights have not been adequately represented.

105. Defendants have acted to implement a number of positive changes and improvements in the Office of the Public Defender. These changes, which are on-going, include, but are not necessarily limited to, the following:

a. Relocation of the Public Defender's Office to the County Office Building, a distance of less than 100 feet from the Courthouse. In addition to close proximity to the Courthouse, the relocation to the County Office Building provides easy access to the Allegheny County Law Library which contains numerous materials previously unavailable to the Office.

b. Increased office space has been provided. By relocating to the County Office Building, attorneys in the Public Defender's Office either have their own office or share the office with another attorney. Additionally, each attorney has his own telephone, voice mail and pager. A separate conference area has been established and is available for meeting clients or interviewing

witnesses.

c. Two attorneys have been added to the Office's Appellate Division. A third attorney will be returned in the immediate future.

d. Facilities at Juvenile Court have been improved. In particular, a larger office has been obtained and a secretary has been transferred to the Juvenile Court's location.

e. In addition to better access to the County's Law Library, research improvements have been made to the Office. These improvements include the addition of Westlaw, Mitchie-PA and new jury instruction books. In addition, the Office is considering the purchase of a CDROM Library and a joint LEXIS-NEXIS program with the Allegheny County Law Department.

f. A Lunch-N'-Learn program has been initiated for the Office. Speakers have included several Criminal Court judges and representatives from the County Crime Lab and Probation Office. In addition, the Public Defender Newsletter which highlights recent case law developments and other matters of interest to the criminal justice system has been reinstated.

g. Secretarial service in the Office has been improved. Secretaries for the Public Defender's Office have been cross-trained to handle a vacancy of tasks as opposed to be confined to a particular duty in the Office. All secretarial staff is available to assist attorneys in the Office on an as needed basis.

h. Interview procedures in the Office has been improved. Public Defender's Office in-take workers go to the County Jail seven (7) days a week to interview clients who have been arrested in order to reduce the time it takes to open files. In addition, "jail arraignment" cases are conducted by an in-take worker every Wednesday, within one week of the formal arraignment in those cases where the Public Defender is appointed to represent a client at a formal arraignment and the client

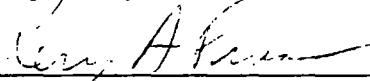
is incarcerated.

i. A pre-trial conference list is now prepared for the Office and is available to all trail attorneys at least ten days prior to the scheduled Pre-trial Conference. This practice enables attorneys to visit clients and review files earlier than prior practice.

j. Summer interns from Duquesne University and the University of Pittsburgh Schools of Laws have been utilized to work in the Office's Appellate Division. In addition, a criminal defense practicum course is being developed by the Office in conjunction with Duquesne University Law School to provide additional research assistance for attorneys in the Office.

WHEREFORE, Defendants respectfully request this Honorable Court to enter judgment in its favor and against the Plaintiffs.

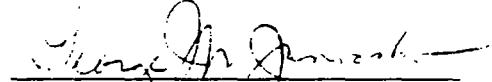
Respectfully submitted,



KERRY A. FRAAS

County Solicitor

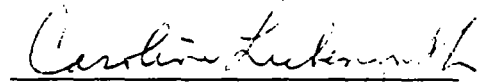
Pa ID # 23395



GEORGE M. JANOCKO

Assistant County Solicitor

Pa ID # 26408



CAROLINE LIEBENGUTH


Assistant County Solicitor

Pa ID # 37572

VERIFICATION

I do hereby verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I understand that any false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



KEVIN SASINOSKI
Chief Public Defender

Dated: December 2, 1996

CERTIFICATION OF SERVICE

I hereby certify that on the 3rd day of December, 1996 a true and correct copy of the within-captioned pleading was sent to the following parties via first class U.S. Mail:

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Healy, Davidson, & Hornack
5th Floor, Law and Finance Building
Pittsburgh, Pa 15219

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GEORGE M. JANOCKO
Assistant County Solicitor

